

# Trust and Toleration

Richard H. Dees

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# Trust and Toleration

Deep conflicts about religion have haunted the West from the St. Bartholomew's Day Massacre in 1572 to the destruction of the World Trade Center. The need for toleration in these cases is self-evident, but cultivating it is deceptively difficult. This book outlines the conceptual, social, political, and psychological preconditions for toleration.

By looking closely at the religious wars of the sixteenth and seventeenth centuries in France and England and at contemporary controversies about gay marriage, Richard H. Dees argues that toleration is possible only when the opposing parties can trust each other, but that in just these cases, distrust is all-too-rational. Ultimately, that distrust can only be overcome if the parties undergo a fundamental shift of values—a conversion. Only then can they trust each other enough to create the institutions needed for toleration.

The case studies demonstrate that even well-established practices of autonomy, democracy, and economic freedom are not enough to secure toleration. Instead, toleration in the past and in the present depends on a delicate and contextually-sensitive balance between practices that build trust, like those which help citizens develop a common identity, and those that sustain toleration, like public reason.

*Trust and Toleration* will be of great interest to students and academics in philosophy, political science, history, and religion.

**Richard H. Dees** is associate professor of philosophy at the University of Rochester. He received his Ph.D. from the University of Michigan and taught for many years at Saint Louis University.

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**For Benjamin and Cordelia**





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This project began accidentally. About ten years ago, I was asked to participate in a multi-disciplinary group on values that was organized by Gerard Magill in the Department of Theological Studies at Saint Louis University. I was asked specifically if I could contribute something about religious values, but since my training lay elsewhere, I hit upon looking at Locke's arguments for religious toleration. The paper that emerged from that series of meetings formed the core of what is now the first chapter of this book, and it gave me the bare outlines for a broader project. A book project began to take shape, when I realized that this work converged with a different project—one about moral conversions—on which I had been working off and on for several years and that it drew on my interest in the history of liberal institutions that political philosophers often cite, but effectively ignore.

The project owes a special debt of gratitude to Ingrid Creppell and to Connie Rosati, both of whom read many different chapters at many different times and both of whom gave me immensely valuable comments on the manuscript as a whole. It has also benefited greatly from the comments, the advice, and the encouragement of Ted Vitali, Jennifer Kwon, James Bohman, William Charron, Rainer Forst, and Eleonore Stump. I am also grateful to Joseph Long, who helped me to sort through the pamphlet literature of the 1690s, and to Kevin Timpe, who helped my cull through the literature on the traditional arguments for toleration.

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# Prologue

## The problem of toleration

On August 18, 1572, most of the great nobility of France, both Protestant and Catholic, gathered in Paris to celebrate the wedding of Henri de Navarre, the Huguenot prince, to Marguerite de Valois, the sister of King Charles IX (Diefendorf 1991; Holt 1995; Knecht 1996, 2000; Le Roy Ladurie 1994: chs 5–10; Briggs 1977: ch. 1). In a typical sixteenth-century manner, the wedding had been arranged to cement a peace treaty, the Edict of Saint-Germain of 1570, which had ended the third of a series of religious civil wars that had raged for over ten years. For the time, the treaty was a model of toleration—especially since the French kings were bound by their coronation oath to stamp out heresy: it guaranteed open worship for Protestants in specified towns, it granted them equality before the law, it gave them places in the royal council, and it initiated efforts to integrate the nobility of the two faiths.

But the reconciliation the wedding promised was short-lived. On August 22, Admiral Gaspard de Coligny, an important Huguenot military leader, was seriously wounded in an assassination attempt. Although Charles and his mother, Catherine de Medici, probably did not order the attack on the admiral, they had good reason to believe that the incident would trigger yet another round in the civil war that had raged off and on for ten years already. By the evening of August 23, rumors were already circulating that the Huguenots would retaliate by staging a coup against Charles, and past experience with the Huguenots made these rumors plausible. The Protestants had broken the peace treaty that ended the Second War of Religion in 1567 when they attempted to kidnap Charles himself, and they had even tried to seize the previous king, Charles's brother François II, at Amboise in 1560 before any open warfare had begun (Diefendorf 1991: ch. 6). So Charles had reason to believe that the Protestants would not be overly eager to keep the peace. For that reason, Charles and his mother thought that the Huguenots would not suffer this latest attack lightly. Rather than wait for the Huguenots' next move, then, they decided to take the offensive.

Given their decision to act, the early hours of August 24—St. Bartholomew's Day—presented Charles and his mother with a unique



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opportunity. Since much of the Huguenot leadership was in Paris for the wedding, the French Crown had a chance to decapitate the entire movement in one stroke. As a saying at the time put it, 10,000 frogs were not worth a salmon's head (Le Roy Ladurie 1994: 179). The temptation proved too great. Charles and his mother ordered the king's own guard to finish off Coligny and to assassinate several dozen other Huguenot leaders in the city. Henri de Navarre himself was spared out of deference to Marguerite—but only after he agreed to convert to Catholicism.

The order to kill the Huguenot leadership set events spinning out of control. The very act of sending out the king's men against the Huguenot nobility ignited the passions of the overwhelmingly Catholic population of Paris. Over the previous decade, Parisians had amply demonstrated their devotion to Catholicism by acrimoniously opposing any peace treaties that had allowed Protestants to live in the city and by subjecting the Protestants that dared to remain to ever-increasing cycles of harassment and violence. Convinced that the mere presence of heretics in the city was displeasing to God—a message reinforced by Catholic priests like Simon Vigor (Diefendorf 1991: ch. 9)—the people were ready to see the killing of the Huguenot leadership as a general call to the massacre of all Protestants. The result was the thousands of deaths in the St. Bartholomew's Day Massacres both in Paris and in the provinces (Benedict 1978) and another quarter century of increasingly bitter warfare.

The tale of the St. Bartholomew's Day Massacre is disturbingly familiar. A group of people, dedicated to a certain vision of their God, killed thousands of innocent people as part of a war against a culture they thought was undermining their way of life. Theirs was an act born of a deep hatred, a desperate fear, and a profound intolerance. That description applies equally well to the massacres of Catholics in Ireland in the 1640s, to the Holocaust, and of course to the terrorist attacks of September 11, 2001. The problem of toleration is how to convince the Catholics and Calvinists and the liberals and the Islamic fundamentalists of the world, first, to live in peace with each other and, second, to live in harmony with each other. Before September 11, most people in the West would have thought such harmony was relatively easy to achieve. After all, the Calvinists and Catholics have not fought for hundreds of years. Of course, sectarian conflicts ravaged Beirut, Belfast, and Bosnia in the last half of the twentieth century, but the First Amendment of the U.S. Constitution and the vast experience of Western democracies, we thought, offered models for anyone willing to make an effort. Sure, we worried about "dangerous" cults like the Branch Davidians or racist "churches" like the Christian Identity movement, but our worry was that they abuse their own members or others, not that their theology threatened society itself. No one wrote worried reports that wondered how all of these groups could be accommodated—though such reports were written about the "invasion" of ethnic

groups, especially about those that spoke another language. But toleration about religion seemed easy to accept, a well-settled right that none questioned. There were, of course, some problematic cases, like the Native American Church, which the Supreme Court ruled could not use peyote, an hallucinogenic derived from a cactus, in their ceremonies. But compared to the difficulties surrounding cultural and ethnic diversity, these problems seemed relatively rare. For that reason, we in America reacted in amazed, if detached, horror to the “Troubles” in Northern Ireland in the 1970s, to the mass slaughter of Tutsis in Rwanda in 1994, and to the massacre of Muslims in Srebrenica in 1995. We wondered out loud why they “all can’t just get along.” Such conflicts, we believed, happened to less enlightened peoples, too crazy or misguided to see the obvious benefits of toleration. The problems of intolerance belonged to other people in other places or in other times.

When the World Trade Center crumpled, however, the problem of intolerance became real and immediate. Americans suddenly found themselves on the Green Line of Beirut in 1973 and on the streets of Paris in 1572. On the front lines, we began to ask how others could kill thousands of innocent people for the sake of a religious ideal. Only then did we really wonder why toleration was not more widely accepted. Even now, we are inclined simply to dismiss the hijackers and their supporters as evil without trying to comprehend them. But without an understanding of the powerful logic of their point of view, we cannot begin to grasp what is needed to confront that evil and to make the world a more tolerant place. Only when we begin to fathom the intolerant can we begin to understand our own commitment to toleration.

The problems of our present have an analogy in the problems of our past, and that analogy gives us reason for hope. What the Huguenots and Catholics were to each other in the sixteenth century, the West and Islamic fundamentalist are in the twenty-first. Since toleration emerged out of the former, we can hope that it will emerge out of the latter as well. The emergence of toleration as a social virtue out of the melee of the religious wars of the sixteenth and seventeenth centuries is often seen as crucial to the development of modern liberalism (Rawls 1993: xxiii–xxiv; Kymlicka 1995: 155; Mendus 1989: 6–8). But how exactly toleration came to be regarded as a virtue in the West—indeed, how it became possible at all—is rarely examined closely. From the perspective of the twenty-first century, toleration seems like the rational response to the intractable conflicts that the religious wars represent. In our most Whiggish moments, we even think that the widespread acceptance of toleration is one of the triumphs of rationality in the modern era. But before we blithely accept that story, we should pause to consider whether toleration really is rationally required in these deep conflicts, or—barring that—whether there are any compelling moral arguments for toleration that should be accepted by all the participants in the conflict. We should think hard about what it was like to

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be a Parisian Catholic in 1572. We should keep in our heads what it feels like to see the world as we know it threatened by a group we regard as a dangerous fringe cult, towards whom toleration seems to be lunacy. If toleration of differences is to be an answer to deep conflicts, we simply cannot judge people by the standards that already accept toleration as the correct moral response to such conflicts. We have to understand how people can *come* to accept toleration.

One of the principal arguments of this book is that once we understand the point of view of the intolerant, we will cease to be convinced by the moral arguments for toleration. For that reason, the problem that toleration poses is, I will suggest, much more difficult to solve than contemporary thinkers have imagined. Given the implacable differences between groups like the Calvinists and Catholics of 1572, the problem of toleration is to find an argument that could in principle convince the participants on each side to accept the other in at least a limited way. The central aim of the first two chapters of this book will be to show that we have no such argument, put either on moral or on rational grounds. In Chapter 1, I will show why the traditional arguments offered by Locke, Mill, Kant, and others fail to address the problem that the participants really faced. In Chapter 2, I will argue that thinking about the problem from the point of view of rationality, while more promising, fares no better. That argument will focus in particular on whether an argument can be made that the trust that is obviously needed for toleration is rationally required.

Instead, I will suggest, before toleration will be rational in the classic cases of conflict, a deep change in the participants—a moral conversion—is required. But once we see the problem of toleration in these terms, we will see that a very delicate balance of trust must be developed before any form of toleration is possible. That trust, I will argue, cannot be produced by magic nor by prescription, and it must be nourished carefully even in a society like ours. In Chapter 3, I will begin to offer a positive program for what I think is needed to make toleration possible. I will try first to understand what kind of conversion is necessary to sustain toleration, and I will show how such conversions can be justified—even if conventional forms of justification fail.

However, a conversion that will end a civil war will only allow people to live together in a *modus vivendi*. That conversion, I suggest, is not enough; the *modus vivendi* can too easily collapse. So before toleration can be self-sustaining, yet another conversion is necessary. As I argue in Chapter 4, this second conversion can be aided by institutions that surround democracy, individual autonomy, and capitalism, but none of these institutions by themselves or in combination with the others is enough to make that conversion rationally required. Instead, toleration depends on the convergence of a number of highly-contextual features, over which we have little control. What emerges from my account, then, is not an especially optimistic picture for the prospects for toleration. But it allows us to

understand, at least, the difficult work that is needed to create a regime of toleration.

Finally, I suggest in Chapters 5 and 6 how this contextual approach to toleration can be applied to two concrete examples from very different eras. First, using the Trinitarian controversies of the 1690s, I argue that this contextual approach does not preclude us from constructing standards with normative bite. In accepting this approach, we are not thereby wedded to the status quo. Second, using the contemporary debates over homosexual marriage as an example, I argue that the practices of trust needed to sustain toleration require fairly substantive—but completely voluntary—restrictions on the use of public reason.

The title of this book invokes two concepts, so before I begin in earnest, I should clarify how I intend to use each. Since my interest here is to discuss the relationship between trust and toleration and not to analyze each as such, I will borrow shamelessly from the work of others.

First, I use the term “toleration” to refer to a social virtue that one exhibits to others who hold beliefs and values that differ from one’s own. As Anna Elisabetta Galeotti nicely summarizes it,

Toleration is the social virtue and the political principle that allows for the peaceful coexistence of individuals and social groups who hold different views and practice different ways of life within the same society.  
(Galeotti 2002: 20)

For the most part, I will be interested in institutional structures and social practices that allow groups with different views about the good life to live with one another. These social structures embody an attitude towards “other” groups: they are allowed to be full members of society, even if many think that what they are doing is profoundly wrong. The exact parameters of the social practices and of the virtue itself are part of the subject of this essay.

However, many have thought that toleration is inherently paradoxical, a no man’s land between indifference and intolerance (for example, Williams 1996; Fletcher 1996; Horton 1996). On this view, toleration can never be a true virtue because if we disapprove of something for good reason, then we usually have reason to intervene in its practice; if, on the other hand, we do not have good reason to disapprove of it, then we should accept the practice, and toleration is not needed. Toleration would then be limited to those few cases in which we have good reason to disapprove of a practice, but we do not have good reason to interfere with it, and so it seems to have a very limited scope. Most of the supposed paradoxes of toleration rely on the assumption that toleration must entail the active disapproval of an activity, so these writers think that toleration would disappear in a truly pluralistic society in which everyone accepts

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everyone else's choices. On my view, however, such a society would be profoundly tolerant. The paradox disappears if we simply accept a broader view about what counts as toleration. On my view, when we accept a form of life that is different from my own, then we tolerate it, whether we approve of that lifestyle or not. We do not cease to tolerate a form of life once we see it as intrinsically valuable or as unobjectionable. Only "mere tolerance" implies disapproval. Nevertheless, "mere tolerance" is a paradoxical state, and so the problems to which these writers point are still present. Indeed, a stable form of toleration, one that can go beyond a *modus vivendi*, will already require something more than "mere tolerance," but it will not require that people actually cease to condemn the practices that they tolerate. Nevertheless, it may ask them to act in public life in respectful ways to people whose lives they condemn.

Second, I use the term "trust" to refer to what Russell Hardin (2002) has called an "encapsulated interest":

I trust you because I think it is in your interest to take my interests in the relevant matter seriously in the following sense: You value the continuation of our relationship, and you therefore have your own interests in taking my interests into account.

(Hardin 2002: 1)

Trust forms when I believe that my interests are part of your interests in the matter about which I trust you. I depart from Hardin's definition in one significant way: Hardin himself is reluctant to call trust a relationship based on following an explicit norm since the norm, rather than the encapsulated interest, is doing the work (Hardin 2002: 183–6). That account has the somewhat perverse result that close-knit communities governed by strictly-enforced norms have little trust, and I want to include such communities within my discussions. However, if we simply recognize that one reason another person would take my interests seriously is that they are following a social rule that requires them to do so, then we can modestly expand Hardin's view to include such communities within an encapsulated interest model. Hardin is correct to think that in these cases, we will need an explanation for why a community adopts a given norm, but that explanation, I think, is simply part of the story of how trust can develop in some places.

Any account of trust like this may seem overly rationalistic, and so we may think it fails to capture the emotional, gut-level responses that are essential in our trust relations. This complaint is, I think, just (Jones 1996). Nevertheless, this account of trust captures something important about the cases in which we are most interested: trust is not simply a reliance on another to act in a certain way; it involves a belief that for some reason—from self-interest, moral considerations, or affection—we can count on the other to pay attention to us and to our interests. For that reason, this

model will prove useful, even if it does not give full play to other aspects of trust.

We might think that toleration does not require trust in this sense at all. To trust, we might claim, already requires a lot more than toleration. On this view, toleration only requires that we rely on others to behave in a certain way so that they do not undermine the peace; it does not require the further step that our interests are encapsulated in theirs. What is correct about this view is that toleration does not require much trust, and mere tolerance will involve considerable *distrust*. Indeed, distrust may still be the dominant means of interaction between two groups, even when toleration is well-established. But even mere tolerance, I argue, requires more than mere reliance because we cannot in fact rely on others to keep the peace with us unless we think that they will consider how their actions might jeopardize that peace. But to think about that question requires them to take into account how our interests are affected by what they might do, and that consideration is enough to think of them as encapsulating, in this small way, our interest. Toleration, thus, involves a minimal level of trust.

Finally, I need to address briefly two preliminary worries about this project as a whole. First, I focus in this essay on religious conflicts because historically, religious toleration is the most significant and because even today, many of the deepest conflicts are cast in terms of religion. But, some might argue, the conflicts in our world seem much more complex: people are divided along racial, linguistic, and cultural lines. Even if I succeed in providing a model for thinking about religious conflict, they would argue, it will not serve us for the other kinds of conflict that are more pervasive in our world. Religion is alleged to be a special case because it is supposed to be a matter of choice, while ethnicity and race are givens (Galeotti 2002: 5–6). Yet the idea that religion is a choice is a *modern* invention, the product of societies in which toleration is already accepted. Locke, for example, thinks we cannot force religion on people because our faith and our beliefs about salvation are *not* voluntary (Locke 1689a: 26). Although, Locke thinks, we should be able to form a church voluntarily with whoever shares our beliefs, the beliefs themselves are not under our voluntary control. The most basic aspects of religion cannot, in his view, be freely chosen at all. Indeed, most people in the early modern age when religious toleration was at issue saw their faith as imposed upon them by God, not something that could be chosen or discarded like their clothes. Faith was seen as a deep and profound part of their identity, not a choice. Unlike race and gender, perhaps, but like ethnicity, culture, and sexual identity, it could be hidden or denied, but it could not simply be picked. The differences between the situations we face today and those of the historical period are not, then, as great as we might suppose.

Second, some people may worry about the methods I employ. In this essay, I use conceptual analyses, historical examples, sociological studies,

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and game theory to explore the many different issues surrounding the development of toleration. Of these, the game theoretic models often meet with considerable resistance because people think it commits me to the claim that all human relations can be modeled in this way or to the position that humans are fundamentally self-interested. I hold neither view, as the text of the essay will, I think, demonstrate. Nothing in game theory commits anyone to such a view, and my use of these models is, in any case, merely as one tool among many. Indeed, I sometimes use game-theoretic models in situations in which no choice is really possible, simply to illustrate the structural features of the situation at hand and to show the patterns of relationships that can be difficult to see in any other way. For that reason, but for no other, I regard them as valuable. No further commitments are implied or intended by their use. My method, then, is eclectic. I offer arguments and analyses that I hope are illuminating; my methods should be judged then by their success or their lack thereof in shedding light on the situations I consider.

# 1 Arguments for toleration

Faced with conflicts between groups like the Catholics and Huguenots of sixteenth-century France, we desperately want to find a compelling argument for why everyone should accept toleration, at least in principle. We could then claim that reason offers a clear solution to the problem and that anyone who rejects toleration does so on the pain of irrationality. Such an argument, we might hope, would show why toleration is rational for *anyone*, so it would not depend for its success on the vagaries of the situation or on any particular historical context. While we could then recognize that reason does not always carry the day, we would have a program, endorsed by rationality, that we merely need to find some means to implement.

Many such arguments have been offered over the past 400 years, and by now they have become so familiar that they form the core of the political psyche of the West. The arguments for freedom of conscience found in John Locke's *A Letter Concerning Toleration* (1689a) and in John Stuart Mill's "On Liberty" (1859) are at the heart of our collective sense of freedom. Less familiar, but no less powerful, arguments from the Kantian tradition from Immanuel Kant himself to John Rawls and T.M. Scanlon reinforce these claims. If one of these arguments succeeds on a completely general level, then we could have all we want in a political justification for toleration. The problems of sixteenth-century France, we could then say, were the result of an understandable ignorance of the arguments that are now available in the Western philosophical tradition. The arguments were always sound, we would contend, but in the sixteenth century people simply did not understand that they were true, any more than they understood that the Earth revolves around the sun.

In this chapter, I will argue that, considered as abstract philosophical exercises, none of these arguments succeeds against its opponent. Each in its own way is either based on premises which are conspicuously false or which beg important questions against the intolerant. Many of my arguments about particular figures will not be especially original in themselves, but I hope to put these arguments together into a framework in which we can see why all such abstract arguments fail. To find a



justification for toleration, I will then suggest, we need to find a new approach.

### Locke's arguments

Locke's *A Letter Concerning Toleration* (1689a) is often represented as the beginning of the modern liberal tradition—though its arguments are certainly not the first such arguments, even in the West; indeed, the arguments are not especially original (Murphy 2001; see also Nederman and Laursen 1996; Laursen and Nederman 1998; Zagorin 2003). Nevertheless, Locke's claims were highly influential: his arguments were used to justify the religious clauses of the First Amendment (Richards 1986: 103–62), and we still use variants of them today. But more importantly, they set the tone for the kinds of arguments that liberals after Locke have used to expand the scope of toleration and to support their conceptions of rights. Locke himself would not have thought of his arguments in the *Letter* as abstract, but as part of an ongoing debate within the Protestant community of the seventeenth century about the nature of true belief. However, he presents arguments that can be—and have been—seen as perfectly general. Naturally, treating Locke's arguments in this way does not do them justice, and they make more sense when understood in the context in which they were written. Indeed, one of my points in these chapters is to claim that only such contextually-minded justifications have any hope of succeeding. Nevertheless, my purpose here is to look at abstract arguments, and so I will treat Locke's arguments as such.<sup>1</sup>

Locke's basic contention is that the church and state must be separated because they occupy different spheres of life and, therefore, they have no business meddling in each other's affairs. The kind of state religion Locke has in mind is not, of course, the benign Church of England of the twenty-first century, which is state-supported but which no one is required to join, but the coercive Church of England of the seventeenth century, in which everyone was required to participate every Sunday. The case against this form of aggressive state intervention in religious matters, he argues, can be made on three grounds: first, saving souls is not the business of the state; second, its efforts to do so must fail because it cannot force people to embrace a religion sincerely; and third, the state cannot, in any case, guarantee the salvation of its subject (Locke 1689a: 26–8). Each of these arguments is enormously appealing. Unfortunately, each also fails.

### *Coercing belief*

Of the arguments Locke offers, the one that seem to offer the best hope of yielding the kind of justification we seek<sup>2</sup>—and the one modern audiences find the most compelling—is his claim that a state religion is pointless because the state cannot force people to profess a religion sincerely:

The Care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force; but true and saving Religion consists in the inward perswasion of the Mind, without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell'd to the belief of any thing by outward force.

(Locke 1689a: 27)

People can only be saved if they truly believe the true religion. As Locke puts it, “I cannot be saved by a Religion that I distrust, and by a Worship that I abhor” (Locke 1689a: 38). Therefore, the state could only save souls if it could force people into sincere professions of faith. But, while the state can force people into outward actions that simulate sincere belief, Locke argues, it cannot coerce genuine faith. It can only create hypocrites, not converts.

This argument is too good to be true. If it worked, as Jeremy Waldron (1988) points out, it would show that intolerance is not simply wrong, but *irrational*. If it worked, we would not have to worry about the “messy business” of showing people that intolerance is immoral; we only have to show them that coercion will never achieve their end. Coercing belief, we could point out, is simply never effective, so attempting it is futile. Unfortunately, Locke’s argument, attractive as it is, fails miserably. First, it is based on a premise that is clearly false: we can, in fact, compel people to believe things. Even if brainwashing someone to accept a view antithetical to one she currently holds is impossible, psychological manipulation is not.<sup>3</sup> Although such manipulations are often quite difficult, they sometimes succeed. And when they succeed, the beliefs the person comes to have are as sincere as anyone could want. The new convert feels that her beliefs are genuine, and she acts in ways that confirm that impression: she will spontaneously defend her beliefs, often with vigor, and she will hold onto her new beliefs long after she has left the environment in which they were produced. Her beliefs will, then, meet the criteria Bernard Williams (1973: 136–44) sets for genuine beliefs: she will think that the beliefs aim at the truth, she can willingly assert them as true, the beliefs will help to explain her behavior, and—most importantly for our purposes—she takes her beliefs to be based on evidence and responsive to reasons (see Misak 2000: 73–4). When questioned, she will be able to cite reasons for her beliefs, and even if she recognizes that those reasons have been given to her by others, she sees them as persuasive, not as manipulations. Indeed, if the manipulations really work, we must resort to other forms of manipulations—“deprogramming”—to rid her of her new convictions. There is, then, no phenomenological reason to think that she does not have an “inward perswasion of the Mind” (Locke 1689a: 27). Manipulating large segments of a population is, of course, extraordinarily difficult. But the obstacles here are technological, not conceptual. Even Goebbels’s crude

propaganda campaign, we should remember, was largely successful—if only for a short time. With better tools, more sophistication, and the right plan—all of which are readily available on a small scale to any successful ad executive (see Pratkanis and Aronson 2001)—someone else might succeed where he failed. Insofar as Americans find these suggestions unsettling, they show how much we accept the values of free choice and how much we are indeed Locke's children.

We might argue, however, that the beliefs created by coercion are not, in some important sense, genuine beliefs. As a first pass, we could argue, as Susan Mendus (1991, 1989: ch. 2) suggests, that beliefs created by coercion are not genuine because they do not have the right kind of causal origin. Or as Cheryl Misak argues, “any method for arriving at genuine beliefs (beliefs which aim at truth) must be a method which is driven by reasons and experience” (Misak 2000: 106). Beliefs created coercively would then fail to meet Williams's criteria, we could claim, because the person's beliefs are not in fact based on evidence and reasons that are relevant to the belief. In some cases, of course, this charge will be true, but in many cases it will not. A truly effective manipulation will enable the person to present reasons for beliefs that meet Williams's criteria. There need not, then, be any phenomenological difference between “genuine” beliefs and coerced ones. Nor should we expect to see any such difference. As Mendus herself concedes, many of our beliefs are formed through the process of socialization, in which various types of subtle and not-so-subtle coercion are brought to bear on children to help them form correct beliefs. Of course, we hope our children accept these beliefs on their own later, but on Mendus's scheme, they are suspect simply by their origin. If our socialized beliefs pass the test because we later embrace them for ourselves, then the beliefs of the successfully manipulated can pass the test as well. If, on the other hand, we systematically discount any beliefs formed under coercive conditions as inauthentic, we may be left with very few beliefs at all.

To salvage the view that manipulated beliefs are not genuine, we might adopt a suggestion from Alfred Mele (1995: 144–76) that we accept beliefs and values that are formed by bypassing our critical capacities as genuine only if we are capable of changing those beliefs at a later time if we so desire. On this view, then, the ordinary processes of socialization are not suspect because later in life we can decide to accept or reject the beliefs formed by our parents' efforts to instill their values in us. Most forms of psychological manipulation will not meet this test because they condition people in ways they cannot later reject. In addition, the view will even exclude extreme cases of socialization in which the parents intentionally destroy their children's capacity to reflect critically as a means of instilling what they regard as the correct values. However, this view does not rule out those cases of manipulation that look more like ordinary socialization. So manipulations that are not overly thorough will produce beliefs that count as genuine. As long as the person's ability to reject the beliefs

formed externally is not permanently annihilated, then the beliefs will pass Mele's test. If so, then coercive techniques may yet be an effective means of altering people's beliefs.

At this point, we might argue more straightforwardly that salvation is only possible if the beliefs are developed freely. Only in an environment of toleration in which many choices are available, we could claim, can people form the genuinely autonomous beliefs that are necessary for salvation.<sup>4</sup> Such a view differs from Mendus's only insofar as it focuses on political institutions rather than individual wills. If anything, the view is even stronger than Mendus's since it will deem inauthentic any belief formed outside of toleration. This political requirement of salvation, however, undercuts the argument: the kind of freedom that is clearly necessary for salvation is surely *metaphysical* free will, not political liberty. People must have a free will to accept a religion or not, but as long as they can genuinely assent and dissent in their hearts to the official religion, then they have sufficient free will for salvation. But that form of free will does not entail that they also have the *political* freedom to pursue other paths. If political freedom were required, then people who live in coercive societies could never be saved.<sup>5</sup> However, as long as people genuinely accept their faith, then the political environment is surely irrelevant.

The political claim, then, must be weaker. The claim must be that toleration is the *best* means for achieving salvation. In that case, however, the argument has a different character altogether. Now the question is how best to produce the genuine beliefs needed for salvation. If so, then we must examine the question about whether a state religion can be effective in producing genuine believers, even if it does not rely on grossly coercive means. Indeed, even if all psychological manipulations failed, the argument Locke presents still does not justify his conclusion that the state should not try to produce religious beliefs. Even if we cannot manipulate people directly, a certain degree of coercion, we might think, is warranted. A state religion might be quite useful, for one of at least three reasons. First, since many people simply do not consider religious issues with sufficient care, they may be persuaded to embrace the true religion if they thought about the issues carefully. Forcing them to attend weekly church services may give the true arguments for religion a chance to sink in. If so, then coercion may be an effective way to get people to consider the arguments for the true religion, as Locke's persistent interlocutor, Jonas Proast (1690: 4–8), argues.<sup>6</sup> Indeed, Locke's own arguments in the *Essay concerning Human Understanding* suggest that although *what* we see is involuntary, where we look and how much attention we pay to an object is not (Locke 1689c: 650–1; Marshall 1994: 361–2). So, the state could effectively use force to direct the vision of people to the correct arguments, hoping that they will then see the light and believe of their own accord. A state religion would then save souls, even if it could not directly coerce belief.

Second, others may be persuaded if we provide them with external

rewards for embracing the true religion initially. Just as we might offer a child fifty cents to play a game of chess and another fifty cents if she wins, in the hope that she will eventually learn to appreciate the intellectual activity of the game for its own sake (MacIntyre 1984: 188), the state may provide incentives to follow the true religion in order to lead people to accept it for themselves. Indeed, the process I have just described is one of the basic mechanisms of socialization. Once again, the state can still lead people to the true religion, even if it cannot directly coerce belief, by using the means it does have at its disposal.

Third, even if the use of force could never convert anyone, it might still keep dissenters from corrupting *others*. By suppressing other sects, the state can keep them from proselytizing, and so it can save the timid and the less-committed believers who might otherwise be tempted to stray (Gough 1968: 33). By providing an extra nudge to some, the state can keep them on the path to salvation. Even more importantly, by suppressing the false religions, we might argue, we might reach the children of the dissenters, even if we could not reach the dissenters themselves. We can then save the children from the errors of their elders.

If we are successful in any of these efforts, then the new converts will accept the true religion, and we have saved some souls. With a constant, steady pressure, the state may be able to convert a large number of people and thereby save many souls. A state religion, then, might be effective. So Locke's argument that a state religion—assuming it is the true religion—can never succeed in its purpose is unsound.

### *The religious function of the state*

Locke's other two arguments concern the right by which a government can act to promote religion. First, Locke asserts that God has not given the state any special religious function, “[b]ecause the Care of Souls is not committed to the Civil Magistrate, any more than to other men” (Locke 1689a: 26) and that no one would ever consent to give the government such a right, “because no man can so far abandon the care of his own Salvation, as blindly to leave it to the choice of any other” (Locke 1689a: 26).<sup>7</sup> Second, Locke claims that the state has no right to impose a religion on its people because it cannot guarantee the salvation of its subjects:

For there being but one Truth, one way to Heaven; what Hopes is there that more Men would be led into it, if they had no Rule but the Religion of the Court, and were put under a necessity to quit the Light of their own Reason . . . ?

(Locke 1689a: 27)

More people will be saved, Locke implies, if we allow each individual to follow his own conscience and choose his own path than if we force them

all into one religion.<sup>8</sup> If Locke is right, then we would be irrational to let others decide our religion for us.

The latter argument has an empirical ring to it that we would expect from Locke. He seems to be reporting the results of a scientific study that shows that more souls were saved in a study group in which people were allowed to choose their religion than in the control group in which they were not. But, of course, such an experiment is impossible. The real argument here is that since the state cannot guarantee that it has chosen the correct religion, it cannot guarantee salvation, even to those who sincerely profess the official religion. Everyone, he thinks, must follow the “light of their own Reason,” and they cannot rationally delegate that search to anyone else. So, essentially, the second argument is a special case of the first: the individual should not blindly follow the lead of the state because he cannot expect it to be in any better position to find salvation than he is himself.

Locke’s claims in both these arguments, then, rest on a view about the measures to which people can rationally consent. People should not, as a general policy, entrust the care of their souls to the government. In a matter as important as eternal salvation, Locke suggests, we cannot simply place our souls in the care of others in the *hope* that they are right; we must actively seek the true path to salvation. To do otherwise strikes Locke as irrational. While we post-Lockeans may think such an assumption is eminently reasonable, we are too quick to credit Locke’s arguments. After all, in matters crucial to the long-term consequences of the health of our planet or of our economy, we are more than happy to defer to scientifically-advised governmental panels. But, some might think, issues of religion are even more abstruse and the consequences are even more serious, so we should not in principle find the idea of entrusting these decisions to a religiously-advised authority objectionable. Indeed, Proast makes just this argument: since people know that by themselves they will “be so much swayed by Prejudice and Passion,” they should leave the choice of religion to others, and he thinks that the state seems like the best agent (Proast 1690: 22–3). Such a course of action is not, at any rate, conspicuously irrational.

Indeed, Locke’s opponents can produce at least four arguments for the rationality of a state-imposed religion. First, the best hope for salvation, they could argue, lies within a state religion that has been chosen by the best experts we have on religious matters, experts who are in a much better position than ordinary people to judge the relative merits of specific doctrines. The decision, they could say, is not unlike that of transporting a large number of people a great distance: it is safer to put them all on an airplane than to let them drive their own cars, even though everyone will die if the plane crashes and even though each individual might feel more comfortable driving herself. Likewise, the “safest” means for spiritual travel may be to keep everyone together, and the

authorities may be in a better position to decide how best to do so—even if their judgment is fallible. Indeed, to leave such an important decision to unqualified individuals, Locke’s critics would argue, would be morally irresponsible.

Locke responds to this argument in three ways. First, he claims that religious authority is more suspect than scientific authority—a claim that most contemporary Americans would readily accept. Religious beliefs are not strong enough epistemologically to sustain authority. Unless the state can *know* which religion is the true one, he claims, it has no right to impose a religion on its subjects. But, he argues, we can only have opinions, not genuine knowledge, about matters of religion, and so the state must stay out of religion (Locke 1690b: 111; 1692: 143–50, 421; Nicholson 1991: 176–80). But a mere lack of certainty is not enough to support Locke’s conclusion. If the state must be certain that a harm will occur before it can act, many government policies would have to be discarded. We cannot know for certain, for example, the effects of our monetary policies or of requiring the immunization of children. But we can give intelligent estimates of the likely effects, using the best minds we have available, and we can thereby make reasonable decisions. Only the most committed minimalist about government would object.

Selina Chen (1998) suggests that we can make better sense of Locke’s arguments here if we remember that Locke thinks that the general precepts of morality are capable of demonstration, even if the particular applications are not. In matters of faith, on the other hand, neither the principles nor the applications are demonstrable. Indeed, the probabilities are so low in religious beliefs that no one can even claim that they are more likely to have the correct religion. Such a view essentially commits Locke to skepticism about religious beliefs. On this interpretation, Locke thinks that if we base our judgments only on reason, then we only have the slightest inkling about the truth of any religious precepts. Such precepts do not then have enough probability to ground rationally any action. Such a position, however, commits Locke to the view that we can say little about what makes one kind of religious claim better than another. If true, we can exclude any role for experts, but it implies that no religious beliefs are justified at all. He would save religious beliefs, then, only by making them irrational (Proast 1691: 47).

Of course, Locke wanted to avoid committing himself to the irrationality of religious claims, both for personal reasons—he was a devout, if unorthodox, believer—and for political reasons—his views could have no broad appeal if they resulted in such an impious conclusion. Today we might be willing to support Locke’s claims by arguing that religious beliefs lie outside the scope of reason and, for that reason, lie outside the purview of the state. However, I think such arguments are unpromising. To pursue them, we have to raise important questions about the nature of rationality and the nature of what constitutes a sufficient explanation for a phenomenon

—arguments that, I think, are unlikely to be compelling. But even if they were, a religious toleration based on denigrating religious beliefs in this way would not be very deep, and it could not gain the support of most of the people to whom it would be directed. Politically, such a view is a non-starter.

The second way Locke can challenge the claim that a state religion is the best means to salvation is to claim that the religious authority is suspect because religious beliefs are involuntary in a way that other beliefs are not. As John Marshall summarizes this point:

Locke was explicit: men could be represented in civil affairs but not in religious affairs because religious belief was not within their power to change and civil actions were within the power of their will . . . Men could not trust anyone in religion; political authority was centrally a trust.

(Marshall 1994: 214)

Indeed, Locke's claims in the *Letter* that the state cannot coerce belief are based on just this assumption (Locke 1689a: 27). But for that reason, it suffers the same problems as that argument; even if Locke is right, the proper and judicious application of state power may do much to influence a person's, or his descendents', beliefs.

The third way Locke can reject his opponents' claim that a coercive state religion better ensures salvation is to argue that the principle on which the state could act undermines itself when considered as a general principle, as Alex Tuckness (2002b: ch. 2) has suggestively argued. To justify a state religion, the magistrate must argue that he has the power to enforce coercively the true religion. But, Locke claims, the power of the state is the same everywhere, so a power granted in one place to impose the true religion can be used in others to impose false religions (Locke 1689a: 42–3; Tuckness 2002a: 294–5). So the power that Proast and others want the English state to have to impose Anglicanism can be used to impose Catholicism in France and Islam in the Ottoman Empire. Proast (1690: 25–7), of course, claims that such magistrates are simply mistaken: it is wrong to impose a false religion. But Locke can argue, not that we do not know which religion is correct, but that God would not have us act on such a principle. The law of nature to which Proast must appeal is that “whereby every one is commissioned to do good” and that to do good, magistrates must use force to bring their subjects to the true religion (Locke 1692: 213; Tuckness 2002b: 42). But, Locke claims,

[I]t is not possible for them to execute such a commission, or obey that law, but by using force to bring men to that religion which they judge the true; by which use of force, much more harm than good would be done towards the propagating [of] the true religion in the



world . . . no such commission . . . can be a commission from God by the law of nature.

(Locke 1692: 213)

Since God would know that fallible humans would enforce a law of nature and that many of them would not in fact believe the true religion, the actual effect of such a principle would undermine the goal of promoting the true religion. But since God would never promulgate a bad law, it cannot be what God requires (Tuckness 2002b: 40–2).

Interesting though it is, Locke's position here is based on another quasi-empirical hypothesis. Locke must be able to claim that fewer souls will be saved with the general principle allowing state coercion than with a principle requiring toleration. Locke's evidence is simply that there are more countries in which the magistrate has a false religion than those that have the true one. But Proast could certainly claim that this fact does not show that more people would be saved with toleration; without the requirement that people consider the arguments for the true religion, very few people in those other nations will come to the true religion anyway. So, our best hope, he could still claim, is to entrust such decisions to the best experts we have. Those experts, we can hope, will consult the abundant evidence God has given us for what the true religion will be and come to the correct decision. A state religion, he can still claim, is the best we can do.

The second argument Locke's opponents can make for why a state-imposed religion is rational is to argue that toleration does not accord with true Christian charity: it guarantees that heretics will be left to damnation (Proast 1690: 19–20; 1691: 32). Each of us is morally obligated to save everyone we can, and using the coercive power of the state may be one of the best means to do so. More importantly, to abandon these activities, they think, would undermine the core of their own faith by forcing them to abandon the most important of the good works that are essential to their own salvation.<sup>9</sup> So asking them to abandon their charitable duties is asking them to abandon their faith and to put their own salvation at risk.

Third, many of Locke's opponents—like the Catholics of sixteenth-century Paris—view salvation as a *public* good, one that can be best achieved by a cooperative venture. We can better insure salvation for each in an atmosphere in which everyone can actively support the spiritual needs of everyone else. Members of different religions can supply limited support at best, and so toleration destroys the support system that is necessary to save souls. On this view, salvation is not an individual achievement, but a communal one. So relegating salvation to individual decisions actually undermines the possibility that *anyone* will be saved. On this view, then, Locke's contention that toleration is the best means to save souls is false.

Finally, Locke's opponents can reject these arguments for toleration on

Locke's own grounds. Even if Locke is correct to think that the goals of the state must be entirely secular, his opponents could still argue that toleration is not even the best means for achieving those goals. First, peace and security may be better achieved in the long run by enforcing a single religion than by expecting hostile religions to live in constant tension. Even a liberal like Montesquieu (1748: 487–8) argues that toleration is only the best solution to religious diversity once a new religion has become established within a state; otherwise, he says, dissenters should be suppressed for the sake of unity. Indeed, contemporary solutions to similarly deep divisions between religions have been simply to separate the sides into separate political entities: Ireland was divided between a Catholic free state and Protestant Ulster in 1920; Colonial India was divided into a Hindu India and a Muslim Pakistan in 1947; and Yugoslavia has been effectively divided between Roman Catholic Slovenia and Croatia, Orthodox Serbia, and an unstable mixed state in Bosnia-Herzegovina (which is itself divided into Catholic, Orthodox, and Muslim sections). Such “norms of exclusion,” Russell Hardin (1995: ch. 4) argues, are often important to the identity of the group and to bonding individuals to the group in a way that benefits all the members. For that very reason, Locke's opponents can argue that toleration undermines another important function of the state: developing a sense of community. A tolerant state can never be a true community, they argue, because its members will always be divided by their religious values and ideals. Those differences will always keep them from feeling the deep bond of solidarity that a good society should foster, as contemporary communitarians have argued (see Sandel 1982; MacIntyre 1984). Those who feel that America has lost its moral center because they think government no longer supports Christianity share a version of this claim, as do many of the groups I will discuss in later chapters. They, like Locke's opponents, conclude that toleration undermines even the *secular* functions of the state.

Indeed, we should put this point even more strongly. For many, the point of intolerance is not to convert their opponents, but simply to exclude them from the community.<sup>10</sup> During the Middle Ages, for example, Christians did not always try to convert Jews; often, the purpose in discriminating against them was to induce them to leave the country altogether or, barring that, to sequester them in ghettos in which they would be isolated from the larger community (Carroll 2001: ch. 28). By banishing them either partially or completely, the medieval states solidified their own identities as Christian countries. Since the point of the intolerance was not to change anyone's beliefs, the most prominent of Locke's arguments are simply irrelevant. The proponents of intolerance can even argue that since one of the ways in which the state can function best to fulfill both its religious and its secular functions is to promote a close community, intolerance can help to serve that function. To support toleration, then, liberals must redefine the sense of community that the state will

support. In effect, they have to argue that a weaker form of community is the price we pay for a tolerant and more diverse society and that this new form of society is on the whole better than the old. Locke's arguments by themselves, however, do nothing to establish such a claim.

### **Post-Lockean arguments**

None of Locke's famous arguments for toleration, then, gets off the ground. They all rely upon assumptions which are false or which beg important questions. Unfortunately, the modern versions of these arguments fare no better. We want to say that the state has no business dictating religious views, but that position already assumes the separation of church and state that is under consideration. We want to say that the government does not have a good grasp on religious truth, but such a position assumes that the government could not become the best repository of religious truth that we have. Mostly, we post-Lockeans want to scream that a government cannot coerce belief, but with the advent of modern propaganda, we are all-too-aware that the government can very effectively manipulate belief. So we cannot accept anything like the arguments Locke gives.

We must, then, find another basis for our commitment to religious toleration. As a first pass, we might argue that the demands of the freedom that we value so highly require religious toleration. Insofar as we value freedom, we must allow people to have the freedom to make mistakes about religion and the freedom to pursue their life as they see fit. But this argument does not help much: liberty of conscience is one of the freedoms that we think is essential to any meaningful sense of freedom. So this analysis only moves the question back one step: why should we value *these* particular freedoms, and why should we value them as much as we do? Even if we value freedom highly, religious toleration is not morally required unless we think freedom is more important than salvation, as the Parisian Catholics would quickly point out. The sixteenth-century opponents of toleration would assert that freedom in this world, however sweet, cannot possibly be more important than eternal salvation, so we must find a justification that goes deeper to justify the freedoms we find essential. Given the traditional divisions of moral theory, three lines of argument suggest themselves: a consequentialist argument, a deontological argument, and an argument based on virtue theory. I shall examine each in turn.

### ***Mill and the liberty of the individual***

The classic consequentialist argument for toleration is found in John Stuart Mill's *On Liberty* (1859), in which Mill argues that toleration is the best means for securing both truth and happiness. Implicitly, one of Mill's

primary concerns is the promotion of religious liberty, since the opinions most often suppressed in his time were those that called Christianity into question. Indeed, Mill himself suppressed his own atheism out of a fear that his ideas would not be taken seriously if his religious beliefs were widely known (Hamburger 1991).

Mill offers two broad grounds for toleration. First, he argues, we must tolerate different views because a diversity of views promotes truth, even when most of the views tolerated are in fact false. By forcing us to defend the truth cogently, false opinions help us to understand it better; indeed, we do not fully grasp our own position until we have been forced to confront someone who disagrees with it (Mill 1859: 45–7). Moreover, since humans are fallible creatures, we should also tolerate other opinions because some of them will turn out to be true (Mill 1859: 24–9). Correcting our mistakes, Mill argues, requires open discussions that allow people to challenge received opinions without penalty. Only by permitting currently unpopular arguments to be heard and considered can we come to recognize new truths and improve our body of knowledge.

Second, Mill contends, toleration will lead to greater happiness. The “cultivation of individuality,” he says, “brings human beings themselves nearer to the best thing they can be” (Mill 1859: 79). Because utility is “grounded in the permanent interest of man as a progressive being” (Mill 1859: 16), anything that helps fulfill human potential promotes happiness. Therefore, he claims, individuality promotes happiness. We must allow people to live their lives as they see fit and to articulate their opinions as an expression of their sense of self (Edwards 1988). To do so, however, we must tolerate their “experiments in living” as long as they do not harm others (Mill 1859: 70). By allowing people to develop their own lives in their own ways, he concludes, they become more valuable both to themselves and to others (Mill 1859: 78).

Mill’s arguments, like Locke’s, are enticing, but they too fail to provide a justification that would address the Parisian Catholics of the sixteenth century. Free discussions often lead to truth, but they do not always do so. Frequently, the rough-and-tumble of the “marketplace of ideas” favors the eloquent, the forceful, and the powerful over the truthful. As Herbert Marcuse (1965) points out, a completely free discussion leads—at best—to an official neutrality that encourages confusion and invites complacency. Since the powerful control the debate, the usual effect, Marcuse claims, is to preserve orthodoxy, not to discover truth. At worst, he notes, a completely free discussion gives an equal voice to groups who are more interested in aggression and violence than in freedom and truth and who can use their freedom effectively to silence others. Or, as Catharine MacKinnon (1989: 195–214; 1993) argues, such free speech simply reinforces the power of the status quo—for her, it is a male-dominated status quo—leaving little to those who lie outside the “system.” In other words, it is a plan that appeals only to those in power and to naive philosophers.

## 22 *Arguments for toleration*

Official neutrality, David Lewis (1989) more modestly suggests, is only fit for Caspar Milquetoast, who seeks to avoid conflict with others at all costs. Avoiding conflict may produce a kind of toleration, but one that does not impose any costs on the intolerant, since it keeps them from being challenged in any way that matters. For these reasons, the neutrality of free speech is often not the best way to promote truth or happiness. So, from Mill's own point of view, it cannot be the best policy. Of course, we need some openness or no one will be able to challenge accepted beliefs and improve our knowledge. But the interests of truth may be better served by carefully-constructed restrictions than by complete toleration. A wide toleration, then, is not justified by Mill's arguments.

Mill's second argument—the argument to toleration from individuality and happiness—faces two different kinds of problems. First, even Mill admits that individuality can be constrained when it harms others (Mill 1859: 92–3). On his own grounds, then, if individuality causes a great harm to others, then it can be restricted. Unfortunately, what constitutes a “harm” is not simply given. The Parisian Catholics of the sixteenth century certainly believed that the Huguenots harmed them. They thought that the existence of dissenters among them showed that the pious had not been sufficiently zealous in preaching the Word of God, so they thought the existence of the Huguenots harmed their chances of attaining salvation (Diefendorf 1991: ch. 2). Even if the harm was not actually eternal, the existence of religious dissenters threatened the psychological stability of adherents of the true religion and thereby harmed the pious in that way. So, depending on how we define what constitutes a “harm,” repressing certain lifestyles—or religions—may be justified.

Mill might reply that on his principles, coercion is justified only “for such actions that are prejudicial to the *interest* of others” (Mill 1859: 115, emphasis added) and that something can distress someone without harming her interests. Since the only harms that count are harms to our interests, Mill must claim against Parisian Catholics that the presence of the Huguenots did not constitute a harm to the interests of the Catholics, no matter how it affected their perceived chances of salvation (Rees 1960). Such a move, however, only shifts the problem to another level. Certainly, the Parisian Catholics did not think that their own salvation or that of the members of their community was trivial, nor did they think that it was not a matter of public interest. *We* may find these “harms” unreal and these “interests” merely private but, unfortunately, defining “harm” or “interests” in a way which would exclude these cases, yet which would include the many intentional and unintentional psychological harms that can severely damage a person's life is extraordinarily difficult, if not impossible. To hear someone ridicule full-immersion baptisms may cause someone as much stress as a racial epithet to a child in a schoolyard or as a sexually-suggestive remark to a woman in her workplace. To discount some, but not all, of these actions by claiming that they cause no “real”

harm relies, as John Horton (1985) points out, on a substantive conception of what is objectively good. Mill is caught in a dilemma: if he relies on an uncontroversial conception of “happiness” so that what counts is hedonistic pleasure, then he cannot easily exclude the Parisians’ worries, since they think both that it affects their eternal pleasure and that it affects their capacity for pleasure in the here and now. But if he defines “happiness,” “harm,” or “interest” in any other way, then his view depends on a conception of a good life that will simply beg the question against the Parisians. If we cannot discount the Catholics’ claim that they are harmed by the Huguenots, then we can give them no Millian argument for tolerating this “deviant” form of life.

Second, to accept Mill’s argument, we must accept the value of individuality as extraordinarily important, if not paramount. Mill himself admits that individuality must sometimes be subordinated to the need for social order (Mill 1859: 75), yet he clearly sees it as an extremely important goal. Isaiah Berlin (1969) even suggests that individual freedom is the central value in all of Mill’s work, so that even happiness is ultimately defined in terms of fulfilling one’s individual wishes. Yet however much we post-Romantics are seduced by the image of the “Individual,” it is hardly an uncontested good (Williams 1996: 25). As a personal ideal, individuality is rejected by many traditional religions as a manifestation of pride; to want such individual freedom, they argue, is a kind of arrogance that ought to be suppressed so that we can submit our will to God’s. The conceit of individuality, they would claim, is incompatible with salvation. After all, for traditional Christians—in both the Catholic and the Protestant traditions—pride is the worst of the seven deadly sins. So even if individuality did make people happier in some way in this life, they would argue, it is not as important as other goods—like eternal salvation. To argue for toleration on the grounds that it promotes individuality, then, assumes that salvation should take a back seat to individuality. But such a view obviously begs the question against anyone living in sixteenth-century Europe.

Mill can still argue that the value of individual freedom lies not in its adoption as a personal ideal, but in its value to society as a whole. Allowing each person to find her own personal ideal for herself—whether that ideal includes developing themselves or not—best promotes happiness for everyone, he can claim. Yet to create a society in which people have the opportunity to discover their own ideals requires us to constrain the activities of groups that dissuade or prevent their members from exploring alternative forms of life. The members of these groups and their philosophical defenders, the communitarian critics of liberal tolerance, see Mill’s conception of individuality as a threat to the strong communities they hope to build (Bellah 1985; MacIntyre 1984, 1988; Sandel 1982; Unger 1975; Taylor 1989). Such communities require a depth of common sentiments based on shared beliefs and shared values that do not allow the individuality that Mill encourages. To sustain his argument, then, Mill must

assume that individuality and the values it promotes are more important than the values that are central to a religion or a community. In doing so, however, he once again begs an important question against his opponents.

The problem that Mill's arguments face will almost certainly arise in any traditional consequentialist justification. If we try to justify toleration because it leads to some other good, two problems will always result. First, we must insure that toleration really is the best means for achieving that good. Unless there is a conceptual link between toleration and the other good, the link will always be contingent—and usually highly contingent. But in the circumstances in which we think toleration is most needed, part of the debate is inevitably over the best means for achieving the good—assuming the opponents agree about that good. So, establishing that toleration is the best means will, at best, be difficult and will, at worst, beg the central questions of the debate. The second problem with pursuing toleration as a means to another good lies in that other good. To avoid begging any questions, the independent good must not already preclude the goods that the opponents of toleration espouse. The only hope, then, is to show that some universally accepted goal—like happiness—requires toleration. Such an argument may be possible, but if we define happiness in a manner that does not itself beg any questions, then I suspect, it will no longer *require* toleration. People seem perfectly capable of being happy in societies that are not particularly tolerant; indeed, they are often made more unhappy by the confusion and bustle of societies that are completely open. For these reasons, the traditional consequentialist justifications look most unpromising. Salvation itself is the only other goal that the two sides would accept as a goal, but that claim is plausible only if toleration is a precondition for salvation. But that claim is one of the arguments Lock-eans make: only a freely chosen belief is sufficient for salvation. So that claim fails here for the same reasons it failed there.

The only hope, then, is to claim that toleration is itself a fundamental good. But then we will need an argument for that claim, which will not itself be a consequentialist argument, since we will not be justifying the value in terms of other values it serves. We will need to find some other grounds for the value, an argument that either the virtue approach or the deontological approach may, perhaps indirectly, supply.

### *Toleration as a condition for respect*

For deontological views, the central concern is the dignity of humans as rational beings, a dignity that implies that we simply cannot treat people in certain ways without violating our own humanity. We must, first and foremost, respect persons as creatures of infinite worth, as beings of dignity, as ends in themselves. In Immanuel Kant's famous dictum, "Act so that you treat humanity, whether in your own person or that of another, always an end and never as a means only" (Kant 1785: 47). To respect someone as

an end in herself, we must respect the ends that she chooses for herself. To do so, we should seek to promote her ends. As Kant puts it, “[T]he ends of any person, who is an end in himself, must as far as possible also be my end, if that conception of an end in itself is to have its full effect on me” (Kant 1785: 49). Rational choice has what Christine Korsgaard (1986: 122) calls “a value-conferring status.” We treat a person with dignity if we regard her as conferring value on her choices, through the fact that she rationally chooses those ends.

The argument for toleration on such a view is that the best way to respect the dignity of others is to allow them to pursue their own sense of the good—as long as they do not, of course, violate their duties towards themselves or others. At minimum, we should not interfere with those ends unless we would violate a moral duty by doing so (Raphael 1988). So, for example, Peter Nicholson argues that the failure to tolerate “is in a profound sense immorality, failure to respect human personality” (Nicholson 1985: 165). Kant himself argues that the establishment of a state religion is contrary to our basic rights as humans:

But it is absolutely impermissible to agree, even for a single lifetime, to a permanent religious constitution which no-one might publicly question. For this would virtually nullify a phase in man’s upward progress, thus making it fruitless and even detrimental to subsequent generations. . . . But to renounce such enlightenment completely, whether for his own person or even more so for later generations, means violating and trampling underfoot the sacred rights of mankind.

(Kant 1784: 58)<sup>11</sup>

Reason itself, he thinks, requires us to leave open the possibility for enlightenment; indeed, the use of reason presupposes that further enlightenment is always possible. But leaving open that possibility will prevent us from making any decisions that will permanently cut off the possibility for gaining further knowledge. Respecting people requires that we allow their reason to operate to discover whatever it may.

The chief problem with these arguments centers on what it means to “respect” someone as an end in herself and on the conception of a person that such views require. To respect someone, Kantians argue, is to respect her autonomy, and so interference is justified only if a person acts in a way that jeopardizes the autonomy of others—say, by killing them or by stealing from them (Nicholson 1985; Raz 1988). To interfere with her choices about religion fails to respect her ability and her right to find enlightenment for herself. But opponents of toleration argue that we do not truly show respect for someone if we allow her to damn herself by her actions. We show her the most profound respect, they argue, if we care for her soul rather than for her transient desires and decisions or even for her deepest



opinions about her good. To assume that we respect her only if we treat her as a rational and self-governing agent whose decisions, however wrong, must be valued assumes that the true core of her identity lies in her capacity to make decisions rather than in her eternal soul. To respect her true core, they think, we must save her soul, by whatever means are available; if we must ignore the decisions she makes for herself to do so, then so be it. To assume that respect entails tolerance, as Kantians do, assumes the liberal view of the person that is at issue.

A variation of the Kantian theme can be found in John Rawls's famous argument in *A Theory of Justice* that liberty of conscience is one of the fundamental bases of self-respect which must be guaranteed to everyone (Rawls 1971: 205–21, 251–7, 541–8; see Richards 1986: 67–102). Behind the veil of ignorance in which no person knows what her beliefs will be or whether she will be a member of a minority or a majority religion, Rawls argues, the parties will choose to let everyone follow their own consciences. Since, in Rawls's scheme, one of the fundamental moral powers that defines a person is her "capacity to form, to revise, and rationally to pursue a conception of the good" (Rawls 1980: 525), the ability to pursue the good that she chooses for herself is essential. Without toleration, people are unable to pursue any but the most traditional paths; they can never seriously question the conception of the good that the society dictates for them. Toleration, then, is the natural outcome of that conception of the person. The Parisian Catholics, of course, would see no reason to accept Rawls's conception of the person—as Rawls himself makes explicit in this later work. In *Political Liberalism*, for example, he recognizes that toleration is one of our "provisional fixed points" (Rawls 1993: 8) from which we develop our conception of a person. Toleration will be chosen, he thinks, "because, given the fact of reasonable pluralism, a public and shared basis of justification that applies to comprehensive doctrines is lacking in the public culture of a democratic society" (Rawls 1993: 60–1). Rawls's view thus "starts from within a certain political tradition" that is roughly democratic and liberal (Rawls 1993: 14), so toleration depends crucially on a "political ideal of democratic citizenship that includes the idea of public reason" (Rawls 1993: 62). For Rawls, then, toleration is part of an ideal of politics that is unabashedly liberal already. In his later work Rawls does not then pretend that the kind of justification he offers could appeal to anyone who does not already accept a broadly liberal point of view (see Rorty 1988).<sup>12</sup> He does not presume that his arguments should apply to the Parisian Catholics of 1572.<sup>13</sup> On reflection, we can see why: the Parisians would reject the ideal of autonomy built into Rawls's conception of the person and assert instead that the most fundamental "moral power" is a person's capacity for salvation. Everything else must serve that end or risk the eternal soul of the person, and anyone who fails to recognize this fundamental capacity can only be regarded as depraved or as indifferent to her welfare. Toleration, they felt, undermines the core of a person.

A related attempt to construct a Kantian argument for toleration can be found in the work of T.M. Scanlon. Scanlon proposes that “an act is wrong if and only if any principle that permitted it would be one that could reasonably be rejected” (Scanlon 1998: 4). We respect people, on this view, when we appropriately take their point of view into consideration when we formulate the principles of morality. The question of toleration, then, will be whether the principle of having a state religion can be reasonably rejected by its opponents. Certainly, those who favor a policy of toleration would reject the principle, but the key question is whether that rejection is in fact “reasonable.” To decide such question, Scanlon suggests,

we need to decide whether it would be reasonable to take any of these generic reasons against it to prevail, given the reasons on the other side and given the aim of finding principles that other also could not reasonably reject.

(Scanlon 1998: 213)

Scanlon himself certainly thinks the balance is in favor of toleration. The opponents of toleration, he argues, “claim a special place for their own values and way of life” (Scanlon 1996: 231), and so they manifest a fundamental unfairness in their attitudes towards others. Scanlon’s characterization of the debate is, however, fundamentally mistaken. The opponents of toleration do not favor their religion because it is *theirs*, but because it is *true* (see George 1993: ch. 5). Their position is not, then, based on favoritism. Instead, they think their own position is not reasonably rejectable because it is based on facts about the world and about the good, even if those facts are disputed. To fail to take into account those facts would be as mistaken and as unreasonable as making public policy on the presumption that the world is not round because some people believe the Earth is flat. Scanlon would reject this view because it imposes restrictions on others for reasons they cannot be expected to accept. But to support his claim without relying on a skepticism about religious values, he must claim that the facts to which the opponents of toleration appeal are not the kind on which public policy can be reasonably based because the public assertion of such facts places an unreasonable burden on those who do not in fact accept them. Such an assertion makes sense, however, only if we have a high standard of justification for what may be imposed on an individual. In effect, Scanlon’s view places a presumption in favor of autonomy by favoring individual claims against communally-recognized facts and values. Within a liberal society, such a presumption makes sense, but it would have no traction in an era in which toleration is not taken for granted.

Kantians and neo-Kantians could try to bolster their arguments by adding an epistemic spin to their claims. Because we do not know what

constitutes the good, they could argue, we can best show our respect for a person by allowing her to exercise her autonomy, rather than by imposing some particular notion of the good on her. However, this argument rests on precarious grounds. If we have *no* intersubjective ideas about what is good, then we have no reason to think that respecting a person's autonomy is good. But if we *can* make some reasonable judgments about what is good, then salvation has a strong claim to be a value of some importance. It is, after all, accepted as a paramount goal in some form by the vast majority of people in the world, and it has the weight of many long traditions behind it. But if salvation has a claim as an important good and we then deny that it should shape the political realm, then we must be assuming that some other moral consideration takes precedence over salvation. But for, say, the Parisian Catholics of 1572, such an assertion simply begs the question.

Kantians would argue that the argument has been framed poorly: autonomy is not properly thought of as a good, but as a value that derives from considerations of the right. For that reason, we can be sure of it in ways that we cannot be sure of other values which are based on conceptions of the good. The distinction between the right and the good is roughly, Christine Korsgaard argues, that

“rightness” refers to the way action relates us to the people with whom we interact, whereas goodness . . . refers to the way in which it relates us to our goals and the things we care about.

(Korsgaard 1996: 114 n26; see Rawls 1971: 31)

Thus, the distinction rests on the idea that humans are special, so we must treat them in a special way. So far, the opponents of toleration would not dissent, but as we have seen, they would argue that what makes humans special is not captured by their capacity for autonomy, but by their capacity for salvation. So, even if they grant the distinction, they would interpret it in a very different manner.

Other Kantian arguments are possible—and I will consider some in Chapter 2—but the problems with the approaches I have examined so far are perfectly general. They all start by assuming the value of freedom and autonomy as such. But these assumptions already presuppose a liberal perspective that precludes the values—like salvation and community—that the opponents of toleration think are more important than that kind of freedom. If the opponents are right, then they can argue that some freedom may be taken away for the sake of the higher value of salvation. Yet, *anyone* who believes that religious values are paramount—indeed, anyone who takes the claims of religion seriously—must maintain that in any conflict between them, salvation is more important than freedom. They may think freedom is highly valuable, but only if and when it does not conflict with salvation. Indeed, the religious who support toleration

think that no conflict either can occur or does occur in a liberal society. The opponents of toleration are simply not so optimistic.

### *Toleration as a virtue*

Finally, we need to consider arguments for toleration within the virtue tradition of ethical thought. In the contemporary literature, proponents of virtue theory are often suspicious of toleration as a virtue; indeed, they often invoke the ancients and their conceptions of the virtues as a way to combat what they see as the emptiness of a modern culture built on toleration (MacIntyre 1984: ch. 2). Most virtue theorists, then, either do not support toleration at all, or they support it quite grudgingly. For example, Alasdair MacIntyre argues for a form of toleration, but only because the modern state “cannot generally be trusted to promote any worthwhile set of values, including those of autonomy and liberty” (MacIntyre 2000: 143). For MacIntyre, then, toleration is the best we can expect in the world as it is—modern and corrupt—but he would prefer to be in an altogether different world. Of the virtue theorists who *do* embrace toleration, like William Galston (1991: especially ch. 10) and Stephen Macedo (1990: especially ch. 7), most do so within a general theory that already accepts liberalism and the toleration that goes with it. Their goal is to outline the virtues required in a liberal, tolerant state, so they do not offer an independent argument for the virtue.

Two important exceptions to the general hostility towards the liberal regime among virtue theorists are Judith Shklar and Martha Nussbaum. Shklar (1984), following the example of Michel de Montaigne, a contemporary of our Parisian Catholics of 1572, sees the key element of liberalism in a respect for diversity based on fear (see Creppell 2003: ch. 4). Like Montaigne, Shklar thinks we should construct a theory of virtues built on the idea of “putting cruelty first” (Shklar 1984: 8). “Putting cruelty first,” she argues, forces us to focus on what we do to people, and it thereby prevents us from harming them in the name of religion or any other cause. By avoiding the vice of cruelty, then, we accept a kind of toleration (Shklar 1984: chs 1, 6). Shklar herself, however, recognizes that putting cruelty first ignores the traditional idea of sin (Shklar 1984: 8, 240). For that reason alone, the religious warriors of France would find it unacceptable. More importantly, the idea of cruelty obviously depends on defining a notion of “harm,” so that doing certain things rather than others count as “cruel.” But, just as the Parisian Catholics would have rejected Mill’s conception of a “harm,” they would also reject Shklar’s. They would think that real cruelty lies in letting someone condemn themselves to eternal damnation, not in inflicting merely temporal suffering: “A benevolent, medicinal, kindly meant cruelty is,” Shklar admits, “a Christian duty” (1984: 240). Indeed, she concedes that the whole idea of “putting cruelty first” is built on a prior rejection of a view of the world

that was entrenched in the sixteenth century; it appeals to a notion of kindness and humanity that is foreign to the people to whom we want it to appeal. Such an approach seems, then, most unpromising—as Montaigne recognized in his own day: rather than try to change the world, he retired to his study in disgust at the wars around him that he could do little to assuage.

Nussbaum has, I think, a more promising approach. She sketches a view of the virtues based on the classic Aristotelian conception of the virtues as the proper responses to characteristic human activities (Nussbaum 1993). For example, the proper response to “fear of important dangers” is courage; the proper response to “bodily appetites and their pleasures” is moderation (Nussbaum 1993: 246). Although Nussbaum only implicitly discusses toleration as a virtue, she does think that one of the “central human functional capabilities” is the capacity “to form a conception of the good and to engage in critical reflection about the planning of one’s life” which, she says, “entails protection for the liberty of conscience” (Nussbaum 1999c: 41, see Nussbaum 1992: 222; 1999b). Putting these two insights together, we could think of toleration as the proper response to the sphere of activities concerning our attitudes towards those whose opinions differ from our own. Indeed, as Barry Barnes (2001) points out, since no rule or standard interprets itself, we need a kind of toleration of others and their views to engage in the dialogue that is necessary to apply a standard that everyone already accepts. Seen in this way, toleration is a necessary part of *every* life. On Nussbaum’s view, then, toleration is not simply a modern, Western value because, like other virtues, it is not culturally specific. Each of the virtues is an answer to a universal question about how to act—although different cultures may offer different answers to those questions, and more than one of those answers may be morally acceptable (Nussbaum 1993: 255–60). Thinking of toleration as a kind of traditional virtue has some distinct advantages. Like all virtues, toleration has its limits, so thinking of it as a virtue forces us to think about when the exercise of toleration is appropriate and when it is not. In addition, seeing toleration as a virtue encourages us to think of it as an attitude for which we must be educated and habituated over the course of our lives.

However, this minimal virtue of toleration is not enough to sustain the practices in which we are interested. Insofar as they work, they apply clearly only *within* communities. The toleration that is needed to engage in dialogue among those who disagree only applies to people who identify themselves as a community. That argument simply does not apply to people with whom we think we have no need of dialogue. To have an argument that toleration *between* communities is necessary, we need to claim that toleration is the proper response to those whose opinions about *fundamental* matters differ from our own. From this claim, we could try to argue that toleration of religious and other differences is essential for

allowing people to exercise this capacity as much as possible. In that way, toleration could be seen as a virtue conducive to human flourishing. But these benefits would have made no sense whatsoever to the Catholics and Protestants of sixteenth-century France, especially since it seems to undermine the essential goal of salvation. Certainly, they would acknowledge that there is a virtue associated with the part of human life that governs our attitudes about those who differ from us about fundamental issues. That virtue, they would say, is “caution,” “distrust,” or perhaps even “contempt.” Such a response is not irrational, nor does it undermine their lives as a whole. Most believed that they should keep their faith pure, so they could not help but regard with suspicion people who had profoundly different views of the world. People on the other side could not be trusted, they thought, so any approach that required them to let down their guard would be rejected summarily. Where toleration is equated with surrender, no one can see it as a virtue at all, even when they can see it as a possible (albeit extremely unattractive) response to a common human situation. Once again, the view that we should accept toleration simply begs the question against the people whom we most need to persuade.

### **The failure of the traditional arguments**

In the end, my argument in this chapter has been rather straightforward. While I do not claim to have considered all possible cases here—indeed, I will raise some significant and compelling Kantian arguments in the next chapter—I have tried to show that whenever we support toleration with abstract philosophical arguments, those arguments will almost always beg important questions against people involved in a deep conflict of values, like those between Catholics and Protestants in sixteenth-century France. My argument does not, however, depend on the claim that all these approaches to these fundamental moral questions are mistaken, or on a sweeping skepticism about moral arguments in general. On these broader questions, my approach is completely agnostic. But if toleration is to serve as a practical political value, it must be based on arguments that could, at least in principle, persuade the people to whom they are supposed to apply. My argument here, then, is that whether the true moral theory rests on evaluating consequences, motives, or virtues, or on something else entirely, the truth of the moral theory will make no difference if we do not have the means, at least in principle, to persuade the people who matter of its truth.

My point in this chapter has not been that we need to persuade the actual Protestants and Catholics of the sixteenth century before we could have an argument that did not beg the question against them. My arguments are meant to defend the more interesting claim that they had no reason to be persuaded by any of the arguments that have been offered. They have a different set of values and beliefs that constitute a view of the

good life that precludes the kinds of arguments which we would give to people today and which would persuade us most. Even their idealized selves, who knew all the facts that could be relevant to their decision, would not, I think, have been persuaded of our arguments (see Railton 1986a, 1986b, Rosati 1995). Even knowing all the facts about the future of toleration would not have convinced their more rational and idealized selves that ours was not a future in which the core of morality and civilization was lost completely. They could not help but to see it as a world of moral anarchy, a dark age (see MacIntyre 1984: ch. 1), rather than as the era of new hope that we see. To make the claim that their idealized selves would embrace toleration, we must assume that their religiously motivated point of view would not stand rational scrutiny. In effect, we have to argue that any rational person, whether religious or not, would reject the religious views of the sixteenth century and embrace toleration. To such arguments, I now turn.

## 2 Trust and the rationality of toleration

If the traditional moral arguments for toleration look so unpromising, perhaps we should try a new tack. Perhaps we can appeal to an ideal that will be shared by both the proponents and opponents of toleration to resolve the dispute. The most obvious candidate for such an ideal is rationality itself, especially since we flatter ourselves that our commitment to toleration is evidence for the superior rationality of the modern world. To think about whether toleration is rational, I argue, we have to consider whether it is rational for the two sides to live in peace with one another. But to live in peace, the two sides must be able to trust each other enough to believe that peace is possible. Toleration thus requires a minimal level of trust, and so whether toleration is rational will depend on whether it is rational for each side to trust the other. Unfortunately, as I will argue in this chapter, that trust is not rationally required. Getting people to tolerate one another will, then, require something more than reason.

### The case for distrust

To make the problems of trust concrete, let us think again about the attitudes of Parisian Catholics during the French Wars of Religion. From the perspective of the twenty-first century, we want to say that a more rational response—and for that reason alone, the more moral response—would result if they and their Huguenot opponents had been willing to enter into a cooperative relationship based on principles fair to both sides.<sup>1</sup> But the toleration that such a relationship requires is much more complicated than this platitude suggests. Toleration requires, at minimum, that each side should be willing to live in the same society with the other, which in turn requires that “we” trust “them” not to harm us in our own pursuits and not to wreck the structures that are needed to maintain society. Toleration makes “us” vulnerable to “them,” because it opens us up to attack from them, so “we” have to trust “them” not to take advantage of our willingness to cooperate. If the two sides cannot trust each other at all, then they cannot form even the distant relationship that mere tolerance demands. The trust involved is, as I suggested in the “Prologue,” so minimal that it is



tempting to think that it is not trust at all, but the relation here has all the elements of trust.

Trust, however, is rational only if we can reasonably expect something we value—not necessarily something that benefits ourselves—can be gained from it. Or if this formulation seems too strong, we can say that it is rational only if we do not have to sacrifice too much for it. To think about whether trust was rational for the people of sixteenth-century France, we might start by seeing what a classical rational choice model will tell us (Coleman 1990: 91–116). Although these models are artificially exact and they tend to discount the feelings and attitudes that are involved in almost all situations of trust, they do capture its basic logic. So although I have reservations about placing too much weight on these calculations, they are a useful heuristic (Jones 1996; Williams 1988).

On such a model, the rationality of trust depends on a perception of the risks involved (Hardin 2002: chs 1–2). The Catholics should have trusted the Huguenots enough to tolerate them only if the probability that the Huguenots were trustworthy, multiplied by the gain the Catholics would receive if the Huguenots proved to be trustworthy, was greater than the probability that the Huguenots would betray the Catholics, multiplied by the losses if they did:

$$p(\text{Huguenots are trustworthy}) \times (\text{gains of trust}) > (1 - p[\text{Huguenots are trustworthy}]) \times (\text{losses of misplaced trust})$$

The outcome of such a calculation would not have been to trust the Huguenots. In the view of the Parisian Catholics, the probability that the Huguenots would betray them was very high indeed, an assessment that was based on their experiences with the Huguenots since 1560. In fact, they thought, the Huguenots were untrustworthy *because* they were Protestants: anyone who could give up the true church and who could defy the laws so openly was obviously suspect. As some Catholics of the time put it, “in diversity of religion, brotherly love and certainty of loyal service are never found.”<sup>2</sup> For that reason, they also saw few benefits to be gained from tolerating the Protestants, even if they did prove trustworthy. They could not see how a society could be built when such a fundamental issue divided so many of the people. So the only benefit of trusting the Huguenots was that people would not die anymore if the Huguenots proved to be trustworthy, but nothing more. In addition, the Catholics thought they would give up a lot if they made themselves vulnerable to the Huguenots: they were convinced that, given the chance, the Protestants would not hesitate to kill them, so the costs of misplaced trust, seen purely in secular terms, were quite high. So a low probability of small gains was certainly not greater than a high probability of great losses.

These worries could have been allayed if the French government had been a relatively neutral power that could have enforced a settlement

between the two sides. Then, they would not have needed to trust *each other*; they could have trusted the government instead. But of course, the state in France was not neutral. As the “most Christian king,” the French monarchs pledged to fight heresy in their coronation oath, and so by tradition, the government was seen as Catholic. Both Catherine de Medici and her third son, Henri III,<sup>3</sup> tried to change the tenor of the government by embracing toleration and a more secular stance for the state, but their efforts were undermined by the Catholic hardliners led by the Guise family and their supporters in the Catholic League (Holt 1995: 121–33).<sup>4</sup> Thus, the French government did not even have enough power to enforce discipline among its Catholic supporters, much less on others, and without the support of the Catholic hardliners, it could not perform even its most mundane functions. The state thus faced a classic empowerment problem (Hampton 1986: 173–86): it had no power to enforce a peace unless the two sides ceded power to it, but neither side was willing to do so unless the government was already powerful enough to enforce its will. For that reason, neither the Catholics nor the Protestants believed that the government could be an effective neutral force in the conflict. As long as both sides could not trust each other at all, the government did not have the power to change the dynamics of the situation. Thus, trusting the government, rather than each other, was not a viable option. Trust, then, either in each other or in the government, was not rationally required or even desirable for the parties involved. If anything, rationality required *distrust*.

Of course, the case of the Catholics and the Huguenots in sixteenth-century France is hardly unique. In any deep conflict, the parties will have more than enough reason to be suspicious of each other, and so they will see little reason to trust each other. They will see little to gain from cooperation and much to lose from a misplaced trust. And usually, any attempt for a neutral power to intervene will face the problem of how to establish enough trust from both sides to act effectively. For evidence, just think of the problems that the British and Irish governments have had brokering a settlement in Northern Ireland—even working together and even with an agreement in place. To defend the rationality of trust, we must attack this argument in one of two ways: we must claim that the calculation involved is mistaken, a claim I will examine in the following section; or we must claim that, contrary to the model of rationality implicit in these calculations, the nature of rationality itself requires trust, a claim I will examine in the section “Alternative models of rationality” (pages 41–8).

### **The calculation of trust**

We might first try to dispute the Catholics’ claims by trying to show that the calculations they have made were grossly and tragically mistaken. The claim, then, is that the worst fears of the Catholics were based on false

beliefs, either about the reliability of the Huguenots, about the harms that intolerance might create, or about the gains that tolerance might bring.

### *The price of trust*

So, first, we might claim, the Huguenots were not as untrustworthy as the Catholics imagined. Given the opportunity to co-exist, we might argue, the Huguenots would not have harmed the Catholics. Showing trust in them would have demonstrated a confidence in them that would have produced the very results that were sought, we could argue. Indeed, in many everyday situations, we often foster trust in others simply by demonstrating our own trust. We reveal a secret about ourselves in the hopes that another person will see that we trust them with that information, to help foster an atmosphere in which she will trust us as well. In this way, as Philip Pettit (1995) has argued, we generate trust where none could otherwise be expected. Fundamentally, this view maintains, the reason the Huguenots could not be trusted was that they were not trusted by the Catholics. Persecution *made* them untrustworthy, and ceasing the persecution would have allowed them to become worthy partners in trust. Locke suggests such an argument when he claims that even gray-eyed people can be made into rebels if they are singled out for persecution:

[C]an it be doubted but these Persons, thus distinguished from others by the Colour of their Hair and Eyes, and united together by one common Persecution, would be as dangerous to the Magistrate, as any others that had associated themselves meerly upon the account of Religion? . . . [T]here is only one thing which gathers People into Seditious Commotions, and that is Oppression.

(Locke 1689a: 52)

Similarly, Voltaire ridicules the idea that religious opponents cannot be trusted:

[T]here seems to me a want of logic in the argument which proposes, *These men rose up in arms when we treated them badly; therefore they will rise up in arms when we treat them well.*

(Voltaire 1763: 18)

By failing to trust their opponents even minimally, they contend, the majority saw no option but to persecute the minorities to protect themselves. But in doing so, they created the very behavior that they feared. On this view, then, the failure to trust was the root cause of the conflicts.

While this view is correct about the causes of distrust in many situations, it deeply misunderstands the nature of the conflict in the cases in which we are most interested. It ignores the reality of the war that the two

sides were fighting, and it fails to take seriously their religious views. Think about what is involved in accepting and reciprocating an overture of trust. The person trusted would not accept the overture unless she has some reason, however minimal, to respond favorably to it. In most situations, it is enough that most of us want other people—virtually all other people—to think well of us. So the ease in which so many small trusts are formed depends on this basic fact of human psychology: most of us have the disposition to act in ways that make other people like us. So we are inclined to act as we are entrusted to act for just that reason. But that motivation was manifestly lacking between the Catholics and Huguenots. Even Pettit (1995: 221) contends that the process of generating trust that he outlines only works if there are no deep divisions in a community. Nor can we claim that the problem here is that the mechanism requires some intimacy that the Catholics and Huguenots lacked: the mechanism can generate trust between perfect strangers. The problem is that the Catholics and Huguenots were intimate enough to be bitter enemies. They knew enough about each other to develop a healthy sense of distrust. When an opponent has proven to be deceitful, has taken every opportunity to kill you, has broken peace treaties in the past, he has *proven* himself to be untrustworthy. Of course, the actions that were considered deceitful were the result of the world view which did not permit religious compromise. Salvation, they believed, was incompatible with coexistence. Given those stakes, even the option of merely taking precautions against the other without warring against them was unacceptable. Since each side thought that their own salvation and that of every person in the country were in jeopardy, they thought their most important duty was to win the war, and they each took whatever advantages they could find. Such an attitude, however, inspired a justifiable degree of wariness from their opponents, and so a vicious cycle of distrust was generated. But that cycle was actually based on an accurate perception of the motivations and plans of the other side. So, even if the Catholics and the Huguenots did exaggerate the ways in which the other side had mistreated them and even if they tried to demonize each other to justify their own duplicities, we cannot simply attribute the distrust Catholics and the Huguenots felt towards each other to false beliefs about each other.

### *The costs of intolerance*

Second, we could argue that the Catholics miscalculated in their failure to trust the Huguenots because they had false beliefs about the consequences of war and therefore about the consequences of distrust.<sup>5</sup> If they had understood the suffering that the war might entail, we might argue, then they would have been more willing to risk toleration. Part of this claim is, of course, 20/20 hindsight; we know that the war would linger for another 20 years after the St. Bartholomew's Day Massacre, that it would destroy

thousands of lives, devastate the countryside, destroy the economy, and cause hardships that would stretch beyond anything the participants could imagine. To deem them irrational, however, we must claim that they did not realistically assess their chances of complete victory, that they did not adequately weigh the risks involved, or that they did not fully appreciate the horrors that might occur. Such a charge, of course, is almost certainly true: people usually overestimate their chances of winning a war, and almost no one involved in a violent conflict can appreciate its effects ahead of time. Of course, by this standard, virtually all wars are irrational.

Yet even if they had understood the tragic consequences of the enterprise on which they were about to engage, they might not have been irrational to pursue it. For some things, they might argue, we should “pay any price, bear any burden, meet any hardship, support any friend, oppose any foe.” And if we should do so “to assure the survival and success of liberty,” as John Kennedy (1961: 313) urged, then the Catholics of the sixteenth century would think that we should be even more willing to do so for the sake of eternal salvation. So, if we take their religious beliefs and values seriously and if we recognize that they believed that salvation itself was at stake, their willingness to endure war does not seem irrational at all. Indeed, to reject this view, we must think that there are *no* values worth fighting for, dying for, and killing for. Peace at all costs, then, becomes our *de facto* goal. That sentiment is, of course, shared by Hobbes (1651: ch. 14), and that fact points us to the reason such a view will not help the cause of toleration. If nothing is worth fighting for, then religious minorities should not insist on their own beliefs if to do so threatens peace. But as Rousseau reminds us, “Life is also tranquil in dungeons; is that enough to feel well in them? The Greeks imprisoned in the Cyclops’s cave lived there tranquilly, while awaiting their turn to be devoured” (Rousseau 1762: 45). If values like religious freedom are worth fighting for, then so are values like eternal salvation. The Catholics were not, then, irrational for trying to protect what they viewed as the most important value of all.

Alternatively, we could argue that the Catholics miscalculated the costs of intolerance, because they had false beliefs about God’s support for intolerance. Indeed, we might argue, the fact that the war lasted so long should have forced them to realize that God was not really on their side. But reading God’s intentions from events in this world is notoriously difficult, so what some see as God’s condemnation can equally be seen as a test of faith. Indeed, many in the hardline Catholic League saw the setbacks of the war in just those terms: as the war turned against them, they believed, not that God did not favor their side, but that they needed to redouble their piety. As one woman put it,

Along with most of the Catholics then in Paris, I tried to do what I could to appease heaven’s wrath. . . . During this time, I abandoned all that was worldly; I sold some jewels that I had in order to give the

money to the poor; I dressed very modestly. I resolved to become a nun. . . . I did all the penitential acts that I could.

(Marie Sévin, quoted in Diefendorf 1997: 177)

From this woman's point of view, the problem was not that there was some mistake in her view about what God wanted; the problem was that she and the other Catholics were not zealous enough. Given the Catholics' view of the nature of salvation and of God's revelation, we cannot view their intransigence on this point as irrational. To challenge their view, we must claim that their faith as such was in fact false or irrational, or at least that there is no good reason to believe it. Even if I thought such an argument would be persuasive, I would not want my position to rest on such a claim. Once again, it betrays a kind of intolerance towards religion in general to base our political structures on the proposition that these fundamental beliefs are in fact false. So, if we take their religious beliefs seriously, we cannot claim that the Catholics' trust calculations were based on false beliefs.

### *The benefits of trust*

The third way we can criticize the Catholics' trust calculation is to argue that they did not understand what they had to gain from tolerating the Huguenots. We might claim that fundamentally, the Catholics failed to understand the enormous gains that could be had if they could just transcend their narrow view of the world. As the history of the past 400 years has shown, we might argue, toleration is a viable option that can be good for everyone, if only both sides can trust one another. Of course, those benefits were not easy to foresee, and in truth, looking at our world, the people of the sixteenth century might not even have seen them as benefits. More likely, they would have seen our world as something akin to anarchy.

More promisingly, we could argue that the real conflict in a place like sixteenth-century France was not about religion at all, but about the underlying economic dislocations that ravaged Europe at this time or about aristocratic rivalries.<sup>6</sup> Some historians have argued, for example, that the Wars of Religion were not the result of religious conflicts, but of the general price inflation of the sixteenth century that impoverished the nobility. On this view, Calvinism became a political force because nobles attached themselves to it in hopes that they would profit from the seizure of Church property. Others have placed the root cause of the civil wars in the aristocratic rivalries between the Guise family, the Montmorency family, and the Bourbon family,<sup>7</sup> all of whom battled for control of the government after the death of Henri II in 1559, when his 15-year-old son François II became king, and during the regency of Catherine de Medici on behalf of her son Charles IX after François's death in 1562. On all these accounts, religion was merely a "cloak" for other concerns.

Since any complicated historical event will have multiple causes, these political and economic explanations undoubtedly tell part of the story, and obviously only a lengthy historical work could deal adequately with all of these explanations. However, the crisis of the nobility was not as great as some historians imagine. More importantly, if these accounts were correct, then the problems of the conflict should not have been so intractable. If the differences were merely economic or political, then the problem should have been solved through one of the many attempts at negotiation and compromise, no matter how difficult such negotiations might have been (Knecht 1996: ch. 2). Indeed, warfare—especially long-term warfare—is a distinctively poor means to achieve those political and economic goals, so the parties should have been able to construct a compromise relatively easily—once the sides can recognize what the real issues were. Yet even if one of these explanations were correct, it would not, in fact, have helped to resolve the problem. Only looking back at the conflict could we decide that religion was an epiphenomenon for other concerns; all of these explanations start, then, by discounting the phenomenology of the participants. *They* thought the conflict was about religion, and we ignore their perception at our peril. Since the problem we are trying to address is how to get the participants in a deep conflict to accept toleration, we must first convince *them* that the issues are not what they thought they were. So we would have to convince them of a view of the world that they do not share, an outsider's view which they may rightly feel does not reflect their chief concerns.

Similarly, we might try to show them that the best view of their behavior can be explained by a general rational choice explanation of group differences. Indeed, many of the differences in values that characterize conflicts between groups like the Protestants and Catholics of sixteenth-century France can in fact be explained by rational choice mechanisms, as Russell Hardin (1995) shows. People get many different kinds of benefits by becoming associated with a particular group: besides comradeship and a sense of belonging, such groups usually offer their members both psychological and material help. Often, these groups can gain more for their members by excluding others and thereby by defining themselves as separate from others. If so, then we could support toleration by trying to show them that those interests can be served better by other means. But the French of the sixteenth century show what is wrong with these explanations. As Robert Goodin (1997) correctly argues, the rational choice mechanisms cannot fully explain the extremely deep attachments that people have to their values. Those attachments do help solve certain coordination and cooperation problems, and they do offer benefits to their members for the most part. These explanations thus get the causal nexus backwards: people do not come to have these attachments for the benefits they accrue, even for the benefits of cooperation as such; instead, they have these values because they believe them to be true, and the benefits are a

happy side effect of their commitment. So no rational choice explanation is going to help us, I think, to explain the problem these groups have in a way that will help us to fashion a solution.

### **Alternative models of rationality**

One response to the arguments of the previous section on the calculation of trust is to conclude that they show the poverty of the conception of rationality on which they are based. Instead of accepting the claim that the Catholics and Huguenots were rational not to trust each other, we might say, we should reject the conception of rationality that leads to that conclusion.

We might first argue that the model focuses too narrowly on self-interested rationality. If both sides would simply look at the broader interests, we might claim, then some accommodation could have been found. The problems occur, we would claim, because each side was unwilling to risk its own safety for the greater good. But this argument also fails to understand the devastating logic of the religious wars. The antagonists on both sides did not believe they were acting for their own self-interest; indeed, they believed that they were looking after the salvation of the *other* side as well as that of their co-religionists. So their calculations of the potential benefits and losses of toleration were not based on what was good for themselves alone, but on what they thought was good for everyone, friend and enemy alike. Narrow self-interest was not the problem; if anything, aggressive other-directed interest was the problem. Indeed, as Albert Hirschman (1977) shows, one of the chief arguments for capitalism in the eighteenth century was not that it made people more prosperous, but that the self-interest it fosters undermines the other-directed fanaticism that characterized the religious wars throughout Europe. For us, the point is perhaps seen best by thinking about fights for freedom: often, the freedom we seek to win is not our own—as both the American Civil War and World War II demonstrate. Freedom is a goal for which we think we should risk ourselves for others, and in the sixteenth century (if not the twenty-first), most people viewed salvation in exactly the same way. So whatever the problem of the religious wars was, it was not based on a pernicious form of egoism.

A potentially better argument is to claim that the model of rationality is too instrumental, since it measures the rationality of the parties only against their own beliefs and values. Such a view of rationality, we could then argue, concedes too much to people's prejudices, and it does not force them to examine and reflect on their own beliefs. This argument can be successful, however, only if we can propose a model of rationality which is plausible in its own right, which does not beg the question against the Catholics and Huguenots of the sixteenth century, and which will show why trust in these cases is rational. In this section, I shall examine two



models of rationality that try to meet these requirements: the first claims that certain rationally required goals preclude distrust (below), and the second that the structure of rationality itself precludes it (pages 45–8).

### *Rationally-required goals*

The first model of rationality is that certain rationally-required goods preclude distrust. The general idea is that rationality is not merely instrumental, but substantive, and so it requires us to act on certain substantive goals. Those goals, then, preclude intolerance, and so toleration is rationally required. But even in this abstract form, we can see the problem with this idea: whatever goals are proposed, this model will show that trust is rational only if the goals of rationality always imply that avoiding bloodshed is more important than achieving goals like freedom or salvation. This position is, once again, precisely the view that underlies Hobbes's famous arguments for absolute government. The only way to prevent the kind of civil wars that plagued both France and Britain, Hobbes (1651: first and second parts) claims, is to give complete power to a sovereign who can then use that power to keep everyone in line. But even if Hobbes's particular conclusions were not so distasteful, his approach is unpromising. Indeed Hobbes himself is aware of its limits; he understands that salvation is such a powerful motivating force that he devotes nearly half of *Leviathan* to a bizarre argument designed to sabotage the Puritan case for rebellion (1651: third part) and to a polemic ridiculing Catholicism as the "kingdom of darkness" (1651: fourth part). Indeed, Hobbes is even aware that some people—principally, aristocrats—view honor and glory as more important than peace; indeed, such people actively seek war since it provides more opportunity for glory (1651: 88).

Hobbes's problem, then, is to convince a whole array of people who do not view peace as the most important goal that they are mistaken (Herzog 1989: ch. 3). Stripped to its core, Hobbes's attempt is startlingly rapid: from the assertion that the "Right of Nature" is the "Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature," Hobbes immediately concludes that everyone must accept the "Fundamentall Law of Nature," "*to seek Peace, and follow it*" (Hobbes 1651: 91–2). In essence, he simply asserts that since survival is our most basic instinct, it takes priority over all other goals. In doing so, Hobbes merely insists that avoiding bloodshed is always the most important goal, and he thereby dismisses the importance of salvation, honor, glory, and freedom. Such an assertion is, to say the least, unpersuasive—especially to the parties in a conflict like the Wars of Religion. While people do have a right to preserve themselves, they would argue, they also have a duty to find salvation, both for themselves and for others, and these duties may require them to sacrifice themselves and others to achieve it.

Rationality, they would claim, does not show us that these goals are misguided.

While social contract theorists since Hobbes have rejected his particular solutions to the problem of civil war and his view that peace is the paramount goal of society, they have nonetheless retained his basic insight that we should be willing to live in peace with anyone willing to live in peace with us. Rationality, they claim, requires us to adopt the goal of cooperating with anyone who is willing to cooperate with us (see Gauthier 1986; Hampton 1986: ch. 9; Scanlon 1998). The goal of cooperation will, then, require us to tolerate anyone who will similarly tolerate us. The most influential variant of this argument can be found in the work of John Rawls (1993). Toleration, Rawls (1993: 58–61) argues, is the result of two elements. The first is the fact of reasonable disagreement: even after due consideration of the facts, reasonable people can still disagree with one another about the most fundamental questions in life. The second is the requirement of reasonability: reasonable people are willing to cooperate with each other on terms fair to all. Toleration, Rawls then claims, is the only principle to which all reasonable people would agree. Because we can reasonably disagree about important matters and a fair result would not ask reasonable people to accept what we would not accept, the only compromise that will allow everyone to be a part of the society is toleration.

However, Rawls himself does not think that this conclusion follows from rationality alone. His conclusion would be rationally required only if the requirements of “reasonability” are themselves rationally required. Rawls himself does not think they are; the reasonable, he claims, cannot be derived from the rational:

It seems likely that any plausible derivation must situate rational agents in circumstances in which they are subject to certain appropriate conditions and these conditions will express the reasonable.

(Rawls 1993: 52)

To reach any kind of derivation, like that proposed by, say, David Gauthier (1986) or by Rawls himself on some readings of *A Theory of Justice* (1971), the theory must place conditions on the rational choice of the agents, and those conditions will in fact constitute the requirement of reasonability. Instead, we should think of the reasonable and the rational as “complementary ideas” within the “idea of fair cooperation,” and “each connects with its distinctive moral power, respectively, with the capacity for a sense of justice and the capacity for a conception of the good” (Rawls 1993: 52). Reasonability, on Rawls’s view, is simply independent of rationality.

Understood in this way, neither the Catholics nor the Protestants of sixteenth-century France were “reasonable” in Rawls’s sense. Neither was willing to cooperate with anyone whom they saw as a threat to their

salvation. And both rejected the ideals of democracy and individual autonomy that underlie Rawls's conception. The interesting question for Rawls, then—a question I will pursue in later chapters—is exactly how these groups became “reasonable.” For now, the point is that the conception of rationality implicit in Rawls's account does not entail toleration.

Against Rawls himself, we might argue that the conception of rationality he uses is itself only slightly stronger than instrumental rationality, so, we should broaden it to include what is reasonable, and then we can claim that this more robust model of rationality entails toleration. Of course, such a move packs a lot of moral content into the conception of rationality.<sup>8</sup> As Rawls points out, “What [merely] rational agents lack is the particular form of moral sensibility that underlies the desire to engage in fair cooperation as such” (Rawls 1993: 51). So by making reasonability a part of rationality, this model embodies a particular moral vision. Moralizing rationality so explicitly only exposes the reasons why this view faces an objection similar to the one I raised against Hobbes's view: it makes paramount a value that the combatants of the sixteenth century would reject, and, given the fundamental values they accepted, reject with good reason. Even modern liberals think we must simply fight some people—fascists and tyrants, for example—when they threaten our most fundamental values. To insist that religious differences between Catholics and Huguenots of the sixteenth century are unreasonable or irrational grounds on which to fight a war or on which to reject toleration begs enormous questions against them.

For similar reasons, an interesting variant of this position proposed by Susan Babbitt (1996) fails to solve the problem. Babbitt argues that rationality is “a property of paths of development, not of particular ends” (Babbitt 1996: 77), so she thinks we should judge the rationality of those paths “in terms of possibilities for making choices and taking actions that do, in fact, bring about conditions for the pursuit of one's real human interests—interests, say, in dignity and self-worth” (Babbitt 1996: 116). She argues, then, that we can judge the rationality of people's lives and pursuits by whether they sufficiently promote a person's autonomy and her ability to live a life of self-reflection and self-evaluation. Rationality itself then requires us to advance certain interests and goals. But these goals the people of the sixteenth century would find completely incomprehensible, if not positively sinful. Pride they would deem it, and a very malicious form of it, since it presumes that the individual by herself is capable of determining what a good life is for her. Thus, Babbitt's claims about “objective interests” of humans (Babbitt 1996: chs 2–5), like the contractarian views, beg the question against them.

Indeed, the problem here is perfectly general. Either the goals required by rationality accord with the combatants' values or they don't. On the one hand, if they do not, then the theory of rationality will simply beg the question against them. On the other hand, if they do accord with the

values of the combatants, then trusting heretics cannot be one of the rationally-required goals since their goals explicitly require them not to do so. We might then try to show them that one of the goals that they hold that is rationally required implicitly implies that they should trust others. But even if such trust were somehow implicit in goals they did hold, we would also have to convince them that this trust would not undermine other goals they thought were more important—like salvation. However, the feeling that the Protestants could not be trusted and that they threatened the core of the Catholics' identity cannot be so easily assuaged. Only if the Catholics came to believe that salvation was not incompatible with toleration could they accept this argument. But such an argument, as I have already shown (Chapter 1, page 24), requires the people of the sixteenth century to adopt a view of the world that they have no reason to accept.

### *The structure of rationality*

A second model of rationality we might propose maintains not that rationality requires us to pursue certain substantive goals, but that the *structure* of rationality itself requires trust. We might argue, for instance, that a certain level of trust is required for any kind of communication to take place at all. Indeed, basic communication requires that we trust that others know how to use words correctly and, more importantly, that they are usually truthful. Trust, then, is so basic to the workings of rationality that rational discourse is literally impossible without it. The failure to trust is, then, a performative contradiction, since it undermines the basis for all rational discussions and rational actions.

Some neo-Kantians are willing to take this argument even further. Onora O'Neill (1989), for example, argues that the universal authority of reason itself depends on the freedom of inquiry; otherwise, the conclusion of any debate will be distorted by the external authorities that restrict the debate:

Lack of toleration for incipiently public uses of reason blocks the only route by which revised or more widely shared standards for debate and communication can be established, or maintained. Intolerance brings unreasoned authority to bear on communication.

(O'Neill 1989: 48)

On this view, toleration of other opinions is an essential part of the workings of rationality (see Lutz-Bachmann 1992). Communication itself requires us to accept the goal that we are all seeking shared standards and that those standards should be as good as possible. To find the best standards, however, we must be open to examining and questioning the standards that are in existence. Such openness entails a toleration for differing

opinions. The trust needed for toleration is simply a background requirement for a system open enough to allow progress.

Similarly, but in a more pragmatist vein, we might adopt Cheryl Misak's arguments that inquiries aimed at truth must take into account everyone's experiences because otherwise we do not make our beliefs subject to reason and experience (Misak 2000: 74–6). But, Misak claims,

if we are to take seriously the experiences of all, we must let ways of life flourish so that they can be articulated and we must let people articulate them for themselves. . . . It is hard to see how anything but a principle of tolerance could be the upshot of the methodological principle to take the views of others seriously.

(Misak 2000: 115)

Toleration is thus required because true inquiry requires complete openness, without which we cannot have any genuine beliefs that are aimed at obtaining the truth.

However, even if such arguments worked, they would only show that a very low level of trust and toleration—the level necessary to communicate or to engage in inquiry—is required. Admittedly, a kind of trust is required to communicate: we must think that the other has some interest in conveying her thoughts to me, and so the other encapsulates my interest to do so. Nevertheless, the only trust that would be required would be enough literally to maintain communication between groups. That level is, to put it mildly, minimal—so minimal that even the most bitter adversaries can share it. Even the Huguenots and the Catholics could communicate with each other, but that ability did not translate into any need to trust each other any further. So the neo-Kantians make too much of the necessary conditions for communication. A practice of inquiry, of course, require more than mere communication, and so such inquiries would require a greater level of trust. But O'Neill and Misak make too much of the requirement that genuine beliefs must be open to reasons and arguments. Most inquiries can take place within religious or ideological groups, where beliefs will be open to many kinds of questions. So we do not in fact need a full-blown practice of toleration to meet the requirement that our beliefs be open to question. Misak and O'Neill want to make the stronger point that *true* inquiries must be open to all objections. Yet even Misak admits that not everyone is competent to speak in every discourse (Misak 2000: 82), so the Parisian Catholics would argue that Protestants simply did not pass the requisite tests of competence; they were corrupted by their beliefs so that they could no longer contribute meaningfully to most dialogues. But even if they could accept the need to leave their beliefs open to question by those they oppose, the Parisians would not see that they would have to tolerate a way of life they find harmful just for that purpose. Indeed, Misak and O'Neill would agree that we should not allow a group

to harm others just so they can fully articulate their way of life, but of course the Catholics thought that the Protestants were causing eternal harm to them. Misak and O'Neill would clearly want the Catholics to be open to others in a more substantive way, but such a view requires robust moral principles that their epistemological assumptions do not warrant.

The truth is that, despite naive platitudes to the contrary, people can argue with each other, understand each other (more or less), and still kill each other. Often, conflicts between groups are the most bitter when the two sides understand each other all too well and when the differences between them seem small. They fall prey to what Michael Ignatieff, drawing on Freud, calls the "narcissism of minor difference" (see Ignatieff 1997: 34–71).<sup>9</sup> In these cases, the problem is not that the two sides cannot communicate with one another. Instead, the problem is more basic: the groups do not *want* to communicate with each other. The misconceptions they have about each other are almost studied; the two sides exaggerate what differences they have to bolster the smaller, but often important, differences they do have. As Ignatieff observes, "[I]ntolerant people are fundamentally uncurious, uninterested in the groups they despise except in so far as their behaviour confirms their prejudices" (Ignatieff 2000: 83). As an illustration, Ignatieff tells the following story about the occupants of the former Yugoslavia engaged in the war between Serbia and Croatia in 1993:

With a certain false naiveté, I venture the thought that I can't tell the Serbs and the Croats apart. "What makes you think you're so different?"

He looks scornful and takes a cigarette pack out of his khaki jacket. "See this? These are Serbian cigarettes. Over there," he says, gesturing out the window, "they smoke Croatian cigarettes."

"But they're both cigarettes, right?"

"Foreigners don't understand anything." He shrugs and resumes cleaning his Zastovo machine pistol.

(Ignatieff 1997: 36)

The problem between Serbs and Croats is not that they did not communicate with each other. The problem is not even that they do not, at some important level, understand each other; if anything, they understand too much about each other, in the ways that dysfunctional families and estranged lovers understand each other so well that they know exactly which buttons to push to get the reaction they seek. As Ignatieff's informer eventually admits, "We're all Balkan shit" (quoted in Ignatieff 1997: 36).

At this point, we are apt to declare both sides crazy, and leave them to destroy each other. To do so, I think, betrays a lack of understanding and communication on our part. We call them irrational simply because we cannot understand what is at stake. To dismiss their exaggerations of each

other as irrational misses the gut-level betrayal that the two sides feel, and it unfairly dismisses the often very real issues and the very real emotions that divide them—however trivial they may seem to us. More to the present point, however, the problem between them will not be solved by appealing to a transcendental argument about the nature of communication. The conclusion of such an argument, even if sound, does nothing to create the more robust level of trust that is needed to secure a political settlement—the mundane trust needed to engage in everyday living. My point is not that the Croats and Serbs could not understand such an argument—though they probably could not—but that the Croats and Serbs could even have the bare minimal level of trust needed to communicate and even to hear the dissident points of view without developing the trust that is needed to sustain the political institutions of toleration. The trust needed for toleration, though minimal in many ways, is more than is generated in these arguments. Still, the situation between groups may be improved if we can get them to engage in a reasonable discussion. But often they do not do so precisely because they do not trust each other enough and because they do not *want* to trust each other since their identity is partially formed by their mutual hostility. Be that as it may, communication by itself is not enough for genuine trust.

Even this modest achievement can be rejected in an extremely deep conflict: each side could claim that maintaining the “universal authority of reason” is less important than the substantive goals for which they are fighting. Even communication, they could claim, is subordinate to salvation or freedom. So they could argue that even the trust that is needed for communication is not actually required. My argument, however, does not rest on this more radical claim; I only need to argue that accepting this transcendental argument does not and cannot generate the level of trust needed for true tolerance.

### **Beyond distrust**

At this point, I think, we should acknowledge that the problems between Catholics and Protestants in sixteenth-century France are simply not amenable to any straightforward solutions that philosophy can help us illuminate. Trust is the problem, but trust alone is not the issue. If it were, then the Edict of January in 1562, which granted a limited toleration to the Huguenots even before any fighting had begun, should have been enough to give both sides the assurances they needed. Instead, most Catholics reacted to it with horror; they saw it as a betrayal of the very identity of the French nation. Rather than prevent civil strife, the edict actually provoked the First War of Religion.<sup>10</sup> The Catholics reacted as they did, because they saw the church less as a set of doctrines to be believed than as the source for the social bond itself (Holt 1995: ch. 1).<sup>11</sup> So the issue was not simply a preference for one set of abstract dogmas as

opposed to another; the correct religion was the heart of society itself. The church represented the shared values that they thought were the core of the moral community. That moral community was centered on achieving a religious goal, namely salvation. For the Catholics of sixteenth-century France, salvation was not an individual achievement—that was a Protestant doctrine—but a *collective* good, which could be achieved only within a community of fellow believers. The people were “one bread, one body,” joined in one communion and one community. The prayers of the members of the community could help a person achieve salvation, and the sins of others could bring down the wrath of God on all. Thus, even if the Catholics had believed that the Huguenots were not a direct threat to their *physical* well-being, the heretics were a threat to their *spiritual* well-being. For that reason, they thought that the Protestants were a cancer that had to be cut out for the good of the body politic (Diefendorf 1991: 28–38).

The Catholics thus saw little to gain even if the Huguenots could be trusted not to kill them. In their view, a true nation could not exist unless the people shared a religion. More importantly, even if such a state could exist, they thought it would be highly undesirable. So even if the Catholics had thought that toleration would stop the bloodshed, the price of that peace, they believed, was eternal damnation. For Catholics, then, the trust equation with which I began is beside the point. Whatever the probability that the Huguenots would keep the peace, the cost of doing so, was, in the views of most Catholics, literally infinite. The cares of this world, however horrible, were trivial compared to the cares of the next, so they thought that whatever goods tranquility and peace might bring were not worth the risk to their souls.

The view of Catholics thus goes beyond distrust. Nothing but the abjuration of the Huguenots would have been better than the war. Peace by itself was not enough. No matter how much the Huguenots were willing to cooperate with them, the Catholics could not see toleration as an option any more than we could tolerate the presence of Nazis who actively seek to destroy Jews and undermine democracy (as opposed to people who merely profess a Nazi ideology and march in the streets). Toleration, they thought, would desecrate the truth and damn everyone. Thus, the Catholics had nothing to gain from toleration. And of course, except for a few minor differences, the Huguenots had the same reasons not to tolerate the Catholics. In such circumstances, intolerance is a rational response (see Hardin 1993, 2002: ch. 5).

For this reason, the solution to this problem cannot be found by seeing it as a classic Prisoners' Dilemma.<sup>12</sup> In truth, the situation would actually be much *improved* if it were a Prisoners' Dilemma. In a Prisoners' Dilemma, each prisoner does better by confessing than by remaining silent, no matter what the other does, but each sees the outcome in which both confess as worse than the outcome in which both remain silent. The result



Table 2.1 A Prisoners' Dilemma

|                  |   | <i>Huguenots</i> |      |
|------------------|---|------------------|------|
|                  |   | T                | F    |
| <i>Catholics</i> | T | 2, 2             | 4, 1 |
|                  | F | 1, 4             | 3, 3 |

Key: T = Accept toleration. F = Fight. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

is, to use Derek Parfit's words, "collectively self-defeating" (1984: 88), as shown in Table 2.1.

So if the situation between Catholics and Protestants had been a Prisoners' Dilemma, the combatants would have seen toleration as better than fighting, if only they could trust each other enough to tolerate. The only problem then would be to find a mechanism which would allow both sides to overcome their distrust enough to secure an outcome they both preferred to civil war. But in fact, not only did both sides think that intolerance was better no matter what the other side chose, but they also preferred civil war to toleration; anything less, they thought, would betray their faith, as shown in Table 2.2. From the participants' points of view, their civil war was not even collectively self-defeating; each thought that only total victory represented a better outcome and that continuing to fight was better than any attempt at peace. Indeed, I doubt that the participants would even regard the case in which they tolerate the other and the other side fights as worse than the case in which both sides tolerate each other. Some bodily harms might be prevented in the case of mutual toleration, but those harms were trivial when compared to the loss of salvation that they thought toleration entailed. Since, from their point of view, salvation was lost in either case, they were equally bad.

At this point, we might try to argue that there are no established facts which *prevent* the two sides from cooperating, so we can blame them for

Table 2.2 France in the sixteenth century

|                  |   | <i>Huguenots</i> |      |
|------------------|---|------------------|------|
|                  |   | T                | F    |
| <i>Catholics</i> | T | 3, 3             | 4, 1 |
|                  | F | 1, 4             | 2, 2 |

Key: As per Table 2.1.

failing to do so.<sup>13</sup> But such a stance is possible only if we *reject* their beliefs about what is required for salvation. To condemn those beliefs as *irrational*, however, we must show that their beliefs about salvation are false or that they were irrational to believe them. But without begging any questions against them, I see no means by which to do so. Modern Catholic and Protestant beliefs about salvation are shaped by a prior acceptance of toleration as a virtue, and so invoking them will tell us nothing about whether the Catholics and Huguenots of the sixteenth century were irrational. So, while we may disagree with the sixteenth-century interpretations of particular Biblical texts or of God's will in general, we cannot condemn those views as irrational simply because we have a different understanding. So while no firmly-established facts preclude cooperation, no firmly-established facts require it either. More to the point, to change the way the participants view the problem, we would have to present evidence that would undermine their point of view.

We might then hope that the problem of the religious wars is unique and that the problems would not be so intractable if eternal damnation were not at stake. But the stakes need not be literally infinite to construct an argument that they are too high and the risks too great for one side to trust another. As long as more is at stake than mere physical well-being, the combatants can think warfare is needed to protect their values. So, for example, the key value could be a conception of freedom, and betraying it would be seen as a form of slavery. Or the key value could be the moral identity of a particular group, and betrayal would undermine its members' sense of themselves as moral beings. If we place a high, yet finite, value on freedom or moral integrity and if we reasonably believe that these values are threatened by others, then our unwillingness to tolerate them need not be based on any false beliefs about the world.

The basic problem here is that any view that requires that, on pain of irrationality, the Catholics and Huguenots trust each other asks too much of them. Indeed, it asks too much of anyone. To require the Catholics and Huguenots even to act *as if* they trust each other is to require them to make an enormous leap of faith. We could argue that misplaced trust is not itself a sin and that morality sometimes requires sacrifices from us. But even if trust sometimes requires a leap of faith, it should not require a *blind* leap. Not even contemporary Christians think their faith—much less their rationality—requires them to risk salvation itself in the hope of peace. Besides, no faith requires us always to trust. After all, not all trusting relationships are good ones; they can be—and often are—abusive (Baier 1986). When people are simply not trustworthy, it is usually foolhardy, not noble, to trust them. The view that we should always trust would require some people to allow themselves to be exploited for the sake of peace (Hardin 2002: ch. 3). While the risk of such futile sacrifices may be morally praiseworthy in some cases, in others it will jeopardize the welfare of the innocent and perpetuate institutions of injustice. So, for

example, we may want to praise women in traditional marriages who sacrifice themselves for their husbands and their children, but they also help to sustain an institution that may continue to require such sacrifices for all women in the future (Baier 1992: 121–36). Requiring trust may, then, undercut our respect for humanity.

For these reasons, any alternative theory of rationality must recognize that trust is not always rational and give us some criteria for rational trust. But if there are *any* rational reasons to distrust others, the Catholics and the Huguenots of sixteenth-century France surely had them about each other: each thought, with justification, that the people on the other side were butchers with little regard for human life or for the higher goals of salvation. So even if these accounts did not impose a form of rationality that they would not recognize, they would not successfully show them that trust was indeed rational.

Thus, the claims of rationality, however we understand them, do not seem to be conducive to trust. We simply cannot claim that trust is rationally required. To resolve the problems of toleration, then, we will need to pursue a different path altogether.

### 3 The conversion to toleration

Given the views that people in the sixteenth century held, expecting them to trust one another, I have argued, is expecting too much. No theory of rationality that does not beg significant questions against them can require them to give up what they view as their most fundamental value: salvation. Before the two sides in such intractable conflict can trust each other and before they can tolerate each other, then, something must change. As long as the people involved continue to hold the attitudes and values that they have, the two sides will be locked in conflict. Such a conflict simply is not “ripe” for any kind of solution (see Pruitt and Olczack 1995). Before any change is possible, something has to happen that profoundly alters their view of the world, so that they see the risks of trust very differently. They must somehow come to see toleration as a risk based on a perception of a precarious trust, rather than as an act of sheer lunacy. But such a change, I will argue, cannot be the result of simply rational reflection. Instead, the people must come to see the world in a new way; they must find themselves in a new moral landscape in which toleration becomes a live possibility. In a word, they must undergo a conversion.

#### Conversions and their justifications

The classic cases of conversion are religious in nature. To some extent, the changes that the Catholics and Huguenots of the sixteenth century would have to undergo to tolerate each other involve just such a conversion. Although they could remain Catholics and Protestants, they must see the implications of their religious beliefs quite differently before any toleration would be possible. But the changes in which we are interested need not be religious. Any change that happens to a person that affects her basic moral values or her priorities is in an important sense a conversion. A religious conversion is one obvious source of such a change, but *moral conversions*, as I will call them, can have other sources. Indeed, not all religious conversions are moral conversions in this sense because a religious conversion need not result in any real change in a person’s values. In discussing moral conversions, I want to emphasize the ways in which

values shift; for that reason, I will draw on examples from many different spheres of life.

To call a change a “conversion” is to emphasize the essential role played by non-rational and merely causal factors. By definition, a conversion is not a planned event. If I am waiting for a specific conversion to happen, then I am already converted. So when Augustine sat in that famous garden in Milan in torment, pleading with God to save him, he already knew what was needed to turn his life around (Augustine 400: Bk VIII, ch. 12). The important part of his conversion had already taken place: he had already accepted Christianity as the correct way of life. He was really pleading with God to give him the strength and will to live a truly Christian life; he needed a final push to get him to live as he knew he ought to live. A complete conversion thus requires the convert to enter a new way of life, but the aspect of this process in which I am interested is the first: the change that leads her to accept a new view of how she *should* live.

If a conversion cannot be reliably planned by the convert, it also cannot be controlled by her. Conversions do not begin with what the convert *does*, but with what happens *to her*. As Annette Baier (1985) points out, a conversion looks less like a change in mind than a change in situation. A conversion requires a jolt, an event that forces her to re-examine her life and motivates her to change it.

Thinking of the changes required for toleration as conversions may not seem to help matters. Insofar as conversions cannot be planned or controlled by the people involved, we cannot rationally require anyone to undergo one. Indeed, seeing the changes as conversions makes the process of embracing toleration seem positively *irrational*. Reason plays no role in the process, we might say, and so this account gives us little hope for making the world more tolerant. If the change were the result of a purely rational process, then the French of the sixteenth century would have been able to alter their beliefs and values as a result of the original trust calculations; no conversion would be required. But a conversion will not be rationally justified within the system of beliefs and values that the person already had before the conversion—even if the new view is connected in important ways to the old. Instead, we seem to be left to irrational forces that go beyond our control.

To some extent, this objection is correct. Reason is not the engine of any mechanism that leads from warfare to toleration. But, I will argue, we need not view this process as inherently irrational. The process of conversion is, at worst, *a-rational*. More importantly, the changes can, I think, be justified—though not by the ordinary standards by which we judge our actions. Usually, we justify actions to ourselves in terms of whether they promote our interests and values as they currently exist. But when what changes is those values themselves, such a method will obviously fail. To think about conversions, we have to think about the convert’s reasons for

change within the causal framework in which they take place. Her reasons for change only make sense to us once we understand the causal forces at work, so we can only judge those reasons once we understand the particular context of her conversion. While the justification of a conversion is conceptually separate from the causal mechanisms that prompt it, it cannot be neatly disentangled from them.

Against these claims, Susan Babbitt (1996: ch. 2) argues that these “transformative experiences”—those changes which alter our view of the world and not just the propositions we believe about the world—can be seen as rational. Even when they cannot be justified within the agent’s own structure of beliefs and values, she contends, they can be rationally evaluated on the basis of whether they set the agent on a path that will help her to realize her objective interests. Her account, however, depends crucially on her account of what our “objective interests” are. But, as we saw in Chapter 2, that account begs important questions against the people of the sixteenth century in whom we are most interested. Indeed, it will beg questions against anyone who fails to approve of exactly the conversions that she finds compelling. But even if her view did not beg the question against the people of the sixteenth century, I think we should not appeal to such external sources of value to evaluate the rationality of these radical conversions. To do so separates the process of justification too far from any considerations that might actually motivate the agent to act. Even the most idealized version of an agent may not be motivated by her “objective interests,” because they may not connect with her motivational system in any way (see Rosati 1995). But when even an idealized version of the agent cannot accept the values in question, then we are employing arguments that cannot, even in principle, motivate her. If we are interested in a process by which we can help people become tolerant, then such claims do nothing to help us. At that point, I think, the argument simply becomes irrelevant.

However, Babbitt is rightly worried that if we tie justification too closely to people’s actual beliefs and desires, then we will be unable to discern the effects that oppressive social environments have on people’s perceptions of themselves and their world. But her view would imply that the oppressed have been made *irrational* by their society. My view is that we understand them better if we see their actions as rational, *given* their environment. But a view like mine does not, as Babbitt suggests, imply that *we* should do nothing to change that environment. Within our own set of beliefs, we may have every reason to think that their lives will be better if they adopted a new view of life. The view I am defending *does* imply that our efforts will never be successful unless we can convince the oppressed that their lives could be different and that a different life would in fact be better for them. In doing so, we are not making them more rational on my view; instead, we are helping them to undergo a conversion, the success of which is (of course) never guaranteed.

*Types of conversions*

Like most things, conversions take place along a spectrum: some conversions are simply small steps away from a long-accepted view; others are so radical that they seem incomprehensible even to the convert's closest friends. Because they have somewhat different implications for how we should think about the ways in which they are justified, I divide conversions—somewhat artificially—into three categories. Individuals in the sixteenth century probably came to see toleration as a live option in all three of the ways I will describe below, though some paths seem more likely than others. The paths differ, I will argue, in the degree to which the change makes sense from the point of the person before her conversion. Yet, importantly, they all share one important characteristic: the change is not rationally compelled by those same standards.

The most gradual kind, I will call *conversions by evolution*. At the risk of narcissism, my example will be a piece of autobiography. When I read Tolstoy's essays on non-violence and civil disobedience (Tolstoy 1894–1904) at age 13, I was so impressed by their moral strength that I began to question many of my political convictions. Reading those essays awakened my political consciousness, and I was led to question my unreflectively religious, firmly patriotic, Texas-style conservatism. In the long process of change that followed, my values—indeed, my deepest thoughts about value—were transformed completely. My father, however, viewed these changes with dismay: he certainly did not think I had discovered any new truths about morality—if anything, he thought that I had lost my common sense—and our political arguments created a source of tension between us. I now see that a good explanation of my changes is that they were an intellectually-inclined teenager's form of rebellion. They gave me a relatively safe means by which to assert my independence. As it happens, my views did not change just *because* I had discovered a new truth about morality—though perhaps I had—but also because I needed to create a psychological distance from my father. And while the discovery that the change was causal rather than moral might have undermined my faith in those new values, it did not; I do not now regard those changes as any less justified because the best explanation for how I came to hold them is causal rather than moral.

My conversion was a gradual one, not punctuated by any sudden changes. Indeed, only by looking back at the process can I identify it as a conversion at all. The process began by accident, an unpredictable cause, when my brother gave me the Tolstoy collection. But even he could not have predicted their effect on me. Reading those essays forced me to confront the tensions and inconsistencies in the values that I already held. Those essays did not change me themselves—without my own need for means of rebellion, they would not have had the effect that they did—but they set into motion a self-examination that led me to reject many of my values. For example, it made me see an incongruity between a Christian

belief in nonviolence and a politics founded on mutually assured destruction. In time, accepting the politics of nonviolence led me to question the unthinking patriotism I had embraced, and questioning the patriotism led me over a long period of time to question many other truths I had once held without question. At no point in this gradual process did I reject my values wholesale, yet by the end of it, a significant shift had occurred. Each change made sense in the context of the values I held at that particular moment. To make all my beliefs and values cohere with each other, some of them had to be rejected, and so what I then considered the less important values were rejected in favor of what I took to be my core values—those values which were most important to me at the time and which were most closely connected to my sense of identity. The “coherence” here is what Henry Richardson (1997: ch. VII) calls a “practical coherence”: it involves consistency, but more importantly it also involves the way the values fit together and reinforce each other in a kind of narrative unity.<sup>1</sup> When I rejected a value to create that unity, I was forced to rearrange the structure of the rest, and that process often put different values at the center. That new structure, combined with other changes in my life, then became the basis of further shifts.

Not all conversions are so gentle, however. Sometimes, an experience in our lives changes the way we view the whole structure of our values. I will call these changes *conversions by discovery*. Consider the transformations that occurred to women who participated in the consciousness-raising sessions in the 1960s and 1970s (see Shulman 1980; MacKinnon 1989: 83–105; Steinem 1972; Eisenstein 1983: 35–47; Sarachild 1970; O’Reilley 1980). The changes these women underwent did not simply remove the inconsistencies in the ideals by which they had lived. Many, in fact, had lived up to those ideals—they were model housewives and mothers. Yet they felt that their lives were unfulfilling in ways that they could not express until they shared their experiences with other women. In consciousness-raising groups, women discussed their feelings about the ordinary encounters of their days, about their sexual experiences, and about the traumas of rape and incest that many (they discovered) had suffered. First and foremost, they learned that they were not alone and that their experiences were not unusual. And they learned their dissatisfaction was not a neurotic reaction that required treatment, but a normal response to the physical, economic, and sexual control that men had over their lives. As Alix Kates Shulman reports:

[T]hose early CR sessions were really fact-gathering sessions, research sessions on our feelings. We wanted to get at the truth about how women felt, how we viewed our lives, what was done to us, and how we functioned in the world. Not how we were *supposed* to feel but how we really did feel.

(Shulman 1980: 594)



Gathering facts from other women transformed their view of their lives because it revealed the ways in which society had betrayed them. Their old values centered on the importance of nurturing their families, and success was measured—they thought—by their ability to care for others and their ability to sustain their husbands and their families. Society was supposed to value their unique contributions, and it was supposed to cherish them as wives and mothers. Consciousness raising, however, revealed to them that their lives had been built on a lie. Any job, like teaching or nursing, that involved the “special skills” of women—the ability to care, to nurture, and to mediate relationships—earned less money and less respect than “male” jobs that required fewer skills. And their contributions within the home were rarely cherished: many women were abused—mentally, physically, and sexually—in their own homes if they did not clean the house to the satisfaction of their husbands, if they did not raise the children “properly,” or if they did not cater to their husband’s sexual whims. Reflections on their collective experience showed women that the very structure of traditional marriages made the women vulnerable to the humiliation that they often suffered (see Okin 1989: ch. 7). What they once saw as a cozy and loving home life, they now saw as an oppressive and demeaning environment. Thus, the process of consciousness raising did not simply reveal hidden tensions in their lives; it changed the lived *experience* of their lives.

Faced with these discoveries, many women concluded that they could not gain respect—and self-respect—until they could show men that “male skills” were not the exclusive province of men. These women challenged society’s official meritocracy by demonstrating that they could do the same jobs as men, as well as men could. By doing so, they destroyed the traditional reasons for confining women to the home, and they achieved the respect that society had denied them. Still, that respect was granted to them only on male terms. The next step for feminists, then, was to gain respect for traditionally feminine jobs and feminine skills, so that all women will be respected for their accomplishments. With their new perspective on their position, feminists have attempted to change the reality of their lives and those of other women. Many have sought to free themselves from their homes by finding work for which they will be respected. And most have tried to change the most intimate details of their relationships with their husbands and families—changes which their families and lovers have not always understood and which their families have often viewed as a betrayal of the love that women have represented.

Consciousness raising made women realize that tensions existed in their lives where they had thought there were none, and their conversions were premised on what they discovered about their lives.<sup>2</sup> Once that discovery was made, however, the conversion was much like conversions by evolution: given their values and the facts as they came to know them, the conversion simply made their beliefs and values more coherent. In these cases, of course, the incoherence was far from obvious at the beginning of the

process. For that reason, these changes were more dramatic, and that drama transforms these conversions into a somewhat different phenomenon. Because the tensions were not obvious and the changes were more dramatic, many husbands undoubtedly thought that the tensions were not discovered, but *created*, by the consciousness-raising groups. Such a view is correct in a sense: without consciousness raising, the women may never have had the chance to examine their lives in a way that revealed these new truths to them. Something had to spark their interest before they would have ever joined or continued to attend such a group, and once they did, changes occurred as a result of their shared experiences that none of them could ever have anticipated.

As dramatic as conversions of discovery can be, other changes may be more radical yet. In some cases, people are suddenly confronted by a new moral outlook that changes them completely. Here the potential convert becomes aware of the anomalies in her life, not because she gradually sees the inconsistencies in her practices and beliefs or because she realizes that a new way of life is needed to realize her values. Instead, she collides with a new moral perspective that completely overwhelms her. In truly radical conversions, a new way of life is thrust upon a convert, and it changes her values and her corresponding beliefs; even her old standards of justification are transformed. Indeed, her whole sense of reality is altered, and she feels that the world itself has changed (James 1902: 243).<sup>3</sup> In these cases, she does not adopt a new perspective as the result of a consideration of her needs and goals; instead, it strikes her in a blinding flash on her road to Damascus (Acts 9:1–22). Call these *conversions by revelation*.

Note, however, that conversion experience alone does not guarantee a change in her practices; she sees her life in a new way, but she may not immediately see a different set of practices as better. After all, even Paul required three days of blindness before he could understand the sins of his past and the promise of his future. As the convert completes her conversion, she will find anomalies between her old practices and her new outlook; only then will she actually change the practices that constitute her life. So once the change has taken place, the shifts look more like an evolutionary process.

The initial flash of insight need not be as spectacular as Paul's, but such conversions are always extraordinary. Consider, for example, the transformation of the drug-dealing, numbers-running, petty crook named Malcolm Little into the fiery Black Muslim preacher Malcolm X (Malcolm X 1964: 151–210). After being sent to prison for a botched burglary, Malcolm still tried to work the angles to beat the system and get out. His brother, Reginald, wrote that he would succeed if he would stop smoking cigarettes and eating pork. When he gave up the pork he was known to enjoy, he gained an instant notoriety within the prison, and so when Reginald visited him, he was receptive to the message Reginald offered him, that of the Nation of Islam. As Malcolm absorbed the teachings of Elijah

Muhammad through the letters that Reginald and other relatives sent him, he gained a dramatically new understanding of his life:

You let this caged-up black man start realizing, as I did, how from the first landing of the first slave ship, the millions of black men in America have been like sheep in a den of wolves. . . . “The white man is the devil” is the perfect echo of that black convict’s lifelong experience.

(Malcolm X 1964: 183)

The message that the plight of Blacks is caused by the “blued-eyed white devil” put his life into a new perspective. He rejected his old habits, and he began to educate himself by reading, among other things, the dictionary. The teachings of the Nation of Islam showed Malcolm X and other African-Americans why they had been confined to a life of frustration in the ghetto and why they could never succeed in a world that conspired against them.

So far, Malcolm X’s story is similar to those told by many feminists. But the Nation of Islam changed his life even more fundamentally than the feminist awakening changed most women. Seeing the world through the prism of racism would have undoubtedly changed Malcolm X’s life in the way that many people—both Black and white—were changed by the speeches of Martin Luther King, but it would not have turned him into the preacher that he became.<sup>4</sup> The Nation of Islam did not simply fight discrimination; it rejected the ideals of the Christian West altogether. It presented the African-Americans who encountered it with a new vision of the world, one which did not simply clean up their beliefs and values or show them a truth about the world that forced them to take a new tack to achieve their values. Instead, it *revealed* to them a thoroughly new moral perspective, one which destroyed their old values and which challenged them to lead completely new lives.

Such changes are so extraordinary that some people doubt whether a conversion ever involves truly radical discontinuities. Even Paul, they note, continued to identify himself as a Jew after his conversion to Christianity. While I think that some conversions do often involve a dramatic break from the past, little hangs on exactly how radical the discontinuities will be. The point of this section is to discuss the range of possible conversions, and a radical discontinuity represents the logical limits of conversions, and they represent the hardest cases for my account. If none in fact occur, then the case I want to make is easier, but for the sake of argument, I will assume that they are possible.

### *The justification of conversions*

Although these three kinds of conversions exist on a spectrum, they are different enough that treating them separately is, I think, the most illumin-

ating approach. Nevertheless, each of these changes crucially involves a non-rational process, a causal mechanism that is neither required nor foreseen within the views that the person holds at the start of the process. In none of these cases—not even the first—can we argue someone into the change. Yet even though no argument can bring about these changes, they are not thereby irrational, even if they are not rationally compelled. In this section, I want to show how and to what degree these three kinds of conversions can be understood rationally, while I also show that none of them can be rationally required.

In conversions by evolution, the justification of the conversion looks relatively straightforward. The new perspective is an outgrowth of the old, and so we can argue that it is justified because it accords better on the whole with the whole set of the convert's core beliefs and values. We may disagree with the new perspective in which she finds herself, but we can see why it is rational for her to adopt it. These evolutionary changes are, then, grounded in the person's own values—even if those values continue to change in the process—and they are directed towards a greater practical coherence among her values or between her values and her life. Yet even in these gradual changes, a person can still make mistakes, so reason can still have a significant role in their evaluation, both for herself and for anyone who wants to assess the change for her. We can thus evaluate the rationality of the changes by assessing the extent to which they do in fact make better sense of the person's overall values and beliefs. As Richardson (1997) argues, we can reason about our most cherished values and about our final ends because we can modify our ends to fit into a more coherent picture: we can specify the ends in ways that help them to reinforce one another, we can abstract from certain ends to bring our goals closer together, and we can mold our ends to fit into the narrative unity that makes better sense of each (Richardson 1997: ch. VII). Because we can use reason to alter, modify, and change our deepest values, Richardson's model demonstrates why the view advocated here does not imply that we must accept all of a person's values as given. Within this view, we can deliberate rationally about our ends.

Yet, even if we can reason rationally about our goals and ends, neither the deliberation itself nor the results of that deliberation are rationally required, even in the most gradual kinds of conversions. Everyone has certain incoherencies in their beliefs and values, and so the discovery of an anomaly<sup>5</sup> does not by itself require any kind of change. The mere existence of an inconsistency between my beliefs and values or between my practices and my values was not enough to compel a change—or to justify it. To precipitate a conversion, then, something about the context of the convert's life must bring a particular anomaly to her attention and give it significance. My own conversion was prompted both by a need to separate myself from my parents and by a new-found intellectualism that shaped the specific form of that rebellion. Together, they put me into an entirely

different personal context, one in which I felt compelled to re-examine my values, to seek the inconsistencies that I subsequently found, and to change my values once I found them. These factors did not *create* the anomalies I found, but without them I would never have looked. In other people, these changes may be induced by a discovery of a new fact that leads them to question something they thought they knew or by an attempt to imitate the life and behavior of a compelling role model (see Rosati 1989). Thus, even in these gradual changes, the conversion happens *to* the person, because she does not self-consciously choose the precipitating causes that are critical to the conversion. Even if the deliberation is itself rational, rationality cannot command such an examination.

Once an inconsistency is found, of course, the person can respond in a number of ways, not all of which will result in a significant change in her moral perspective, much less in her life. She can, after all, rationally ignore the inconsistency, since she can understand that such inconsistencies are commonplace and that they are nearly impossible to eliminate. She may also rationally decide that correcting the anomaly is not worth the effort. But even if she does not ignore it, she must decide which of her inconsistent values and beliefs she should reject by determining which of those values is more central to her, and so she may choose to reject any changes in her life. At this stage, she may be able to choose a course, but none of those options is rationally compelled. The conversion itself, while rationally understandable, is not a product of rationality.

At the other extreme, we may think that conversions by revelation cannot be justified in any sense. Since the convert experiences a discontinuity in her perspective, she can no longer refer to her old values for validation in any way. The values implicit in the hustling, gambling, and drugs of Malcolm X's previous life were antithetical to the asceticism of the Black Muslims. Malcolm Little would surely have laughed at the Black Muslim preacher he became; he would have seen such a man as a hopeless square. But after a transformation, the convert, using her new perspective, will think the change eminently reasonable. She may even chastise herself for persisting in her old ways for so long. If we ask her why she thinks the new perspective is better, however, she will cite reasons that are premised on the new perspective. After his conversion, Malcolm X talked about his transformation in terms Malcolm Little would not have recognized. Not surprisingly, the people who were similar to what he had been were not usually receptive to his new message:

Recruit as I would in the Detroit ghetto bars, in the poolrooms, and on the corners, I found my poor, ignorant, brainwashed black brothers mostly too deaf, dumb, and blind, mentally, morally, and spiritually, to respond.

(Malcolm X 1964: 199)

Malcolm's new language and his new arguments begged the question against the old, and they did not connect with the old values in any way. Yet for Malcolm X, the old values had not worked: they had only landed him in jail, and they offered no prospect except more of the same. None of it seemed attractive to him once he had left it. Following those values had not led to a life that exemplified them, so he was forced either to condemn himself for failing to be clever and savvy enough to succeed, or he had to condemn his values for failing to make a happy life possible for him. Malcolm eventually concluded that *he* had not failed to live up to the values, but that the *values* had failed *him*. The perspective of Black Muslims, he thought, embodied in new values, showed an intelligent man like Malcolm X why he had never been able to succeed in more conventional ways.

While this argument certainly shows that Malcolm's new life was better than his old one, it does not show that only a radical discontinuity could have addressed the problems. It does not, for example, show that the Western liberal values he came to reject had failed. The discrimination that kept men like Malcolm from succeeding can be separated from the other values of the liberal West; arguably, it is at odds with those values. Other civil rights leaders, like Martin Luther King, were able to use those values as the lever with which to begin to dislodge racism. So Malcolm could have accepted an analysis of racism of American society and then changed the parts of his old perspective that kept him from seeing and acting on the injustices he encountered. But the conversion to the teachings of Elijah Muhammad went much further.

Without begging any questions, we cannot, of course, judge which of these moral views is better using a moral standard. Instead, Charles Taylor (1993: especially 217–21) argues that we can judge two moral views by using a comparison of the success of their internal standards in explaining the moral world. One view can defeat another, first, if it can explain both the successes and failures of the old view, and second, if it can show that the old view cannot explain the successes of the new. If the conversion meets this test, it would show that the new view is superior because it has more explanatory power than the old, even if the convert's old self would still not accept the new view. But such an argument, I think, fails for Malcolm X, because the liberal view can explain Malcolm's success once he converted to a new perspective. On that view, Malcolm's conversion allowed him to become a leader of a particular religious community, a community whose existence is permitted within the liberal system of values as long as it does not interfere unduly with others. In that position of leadership, Malcolm gained the prestige and self-esteem that had been denied to him by the racism of his society. On the liberal view, he failed in that society because the society had failed to live up to its own values, not because its values were bankrupt. Thus, his success is explained by his ability to find an opportunity that the flaws of the surrounding society had

blocked. If this argument is plausible, then Malcolm's view does not defeat the liberal values that were implicit in his former life.

On the other hand, the liberal view does not defeat Malcolm X's either, because the Black Muslim view does explain both why Malcolm failed using his old values and why he succeeded once he had accepted Allah.<sup>6</sup> So, a comparative judgment between the two perspectives does not, in this case, favor either perspective. Both can adequately explain the data offered, and so neither can show why the other view fails to meet its own internal standards. The comparison is like trying to judge the general athletic ability of a football team and a baseball team, neither of which can defeat the other at the other's game: we simply have no meaningful criterion by which to judge which is better without begging the question. Since we have no basis on which to draw any conclusions about which is better, we cannot *choose* between them.

This conclusion does not, however, imply that both sets of values are "equally valid" in any interesting sense. To claim that they are "equally valid" is to pretend to occupy some vantage point in which they can be judged as equal. Since no one stands completely outside either view (except someone who is in yet another view), no one can make such a claim. If the two perspectives have no common ground and we cannot live in both at the same time, then we are faced with two perspectives which are incommensurable in practice, if not in theory. The choice between the new values and the old is made on the basis of values that are themselves a part of the transformation, so we have no impartial standpoint from which to assess the conversion and we have no way to assess it rationally. We are left with nothing more to say.

That conclusion may seem unsatisfactory. Yet however tempted we may be to say more, nothing more *needs* to be said. In radical conversions, the convert does not really have a choice of whether to evaluate her situation from her new perspective or her old. She does not *choose* her perspective in any meaningful sense; she simply uses the perspective in which she finds herself. In a conversion by evolution, the convert's situation changes, but it does not change in a way that disconnects her from her old perspective. She can still use her old values without undergoing a conversion back to those values. But in a conversion by revelation, her whole moral perspective suddenly shifts. *Once* it shifts, she can justify changes in her life based on her new perspective, but the shift itself is not so justified; it simply *happens*. It is an event that lies outside her control; it happens *to* her in the same way that accidents or recessions ordinarily happen to people. We may be able to *explain* the shift, and we may be able to explain why it happens to her when it happens, but these explanations need not have any bearing on whether the change is justified.<sup>7</sup>

Nevertheless, these shifts are not irrational; they do not go against what reason demands. Instead, they are *a-rational*: they simply lie outside the scope of rational judgment. If the convert can continue to accept the new

perspective once she understands its causal origin, then we have no clear grounds on which to criticize it. Usually, such knowledge is in fact compatible with continuing to hold the belief: knowing the physics of a rainbow does not undermine its beauty and knowing the evolutionary functions of sexuality does not undermine its appeal. But sometimes, of course, a recognition of the causal origins of a belief *should* undermine it: when a magician reveals his sleight of hand, we can no longer believe that we saw someone float in the air. When the recognition of the belief's origins is incompatible with the continuing to hold it, we must abandon the belief. But neither Malcolm X nor I was faced with such a problem.

In the case of the conversion to feminism, the discoveries women made about the world placed them in a new situation, one that required a decisive response: they either had to accept their status as second-class citizens or they had to change the world. The new feminists, unlike women before them, realized that the obstacles before them were artificial and not a manifestation of the natural order. So, empowered by each other, they vowed to change the social world. But to change the world, they had to change themselves first. The passivity and deference to male authority that they were taught would not serve their new purposes; with those attitudes, they would have been ignored as they had always been ignored. Many of the old values could not, then, survive the conversion, even if those values were not themselves suspect. To gain respect, they needed to accept the values of independence and self-sufficiency that were necessary for success in male America. Women adopted these values, then, to solve a practical problem: they had gained the attention of men in a world in which women's opinions were the object of ridicule ("Don't worry your pretty little head about such things.").

Yet they did not want to play the game on the terms set by men. They wanted to gain the respect of men, but they also wanted to prove to themselves that they had not traded a deference to male authority for a deference to male values. Instead of rejecting their old values altogether, then, many tried to combine the traditional feminine values of care and nurturance with their new-found autonomy. In doing so, they sought to break down the old dichotomies between the "ethics of care" associated with women and the "ethics of justice" associated with men (Gilligan 1982, see Held 1995). They thus created an alternative vision of the world from which they can look at their experiences afresh. That vision created a new set of core values that included both a respect for autonomy and a recognition of the fundamental connections between people. For these women, that vision made sense of their experience in ways their old values could not. It explained the treatment they had always received from men who did not truly understand the value of the "feminine" virtues and who would not understand them as long as they held familial and political power. It also helped women achieve success in their new lives in ways



that their old view could not fathom because it gave them the self-confidence they needed to stand up to men.

Indeed, their old perspective cannot explain how these women succeeded at all, since it does not recognize their ability to be independent and yet still have happy and meaningful domestic lives. On the old view, women were not suited for the public sphere because it interfered with their “true calling” to tend to the needs of their families, and so on that view, their attempts to enter the public realm were bound to fail unless they sacrificed their children, their husbands, and their own happiness to their careers. But despite the hurdles that were placed (and are still being placed) in front of them, women *have* succeeded in public life, both on the terms set by men and on the new terms that feminists have helped create. Although some stories in the media have suggested that the “new women” suffer from increased depression, the bulk of evidence actually suggest that men—and *not* women—have suffered from the changing roles of women (Faludi 1991: 35–41). So despite reports to the contrary, women have succeeded globally without sacrificing their families or their own happiness.

For these women, then, feminism explains both what was right about their old view, by emphasizing the values of relationships between people, and why that view persisted, by showing how social structures and socialization kept women in the home. But feminism can also explain why they have been able to succeed in the world they have now created. So, like a scientific theory which explains the data in a new and powerful way and sets out a promising research program, feminism gave their past a greater coherence and their future a clearer direction. The move is, then, rationally justified in exactly the way Taylor proposes: it can explain both the successes and failures of the old, while the old cannot explain the successes of the new. So, despite the profound differences between the new set of values and the old, we can still fashion a justification of the new view, because it is more comprehensive than the old. Because it can explain the world better, it provides a framework in which the converts can expect their world to make more sense, and it therefore gives that framework normative power. Its explanatory superiority is, then, part of what justifies it.

Nevertheless, even these changes are not rationally required. Even if the new view defeats the old in this kind of comparison, that fact does not make holding on to the old view irrational. More than likely, many of the facts here will be disputed by the traditionalists, and most traditionalists would come to modify their views about the general competency of women. But they can still reassert the value of the traditional values: they can still rationally assert that society—and ultimately, the women themselves—are better off in the long run if they accept their traditional role. Perhaps they have an argument about what families need that requires women to occupy this role, or perhaps they believe in a deeper source of truth, like their interpretation of the Bible, which they think dictates this

view. So, although we can explain why the change is rational for the women who undergo it, we still do not have an argument that every woman *should* undergo it.

Thus, when we examine the whole spectrum of conversions, we can easily understand the rationality of the most gradual conversions, but the greater the discontinuities, the greater the sense that rationality has little role to play. Nevertheless, even in the most gradual cases, something must happen to the person before she can begin to question the priorities that she has, so even the most benign conversions are not rationally required. And even in the most radical cases, we can see the sense in which the new set of values is rational with respect to the values the convert currently holds, even if those values make no sense to the person she was. Even in these cases, the conversion is not irrational.

## **The conversion of the French**

Of course, the case in which we are interested is not merely one individual conversion, but a process of conversion which could affect a large number of people and which could sway them all to the cause of toleration. In particular, we are interested in what led to the shift in the values of enough Catholics and Huguenots in sixteenth-century France to make toleration viable. To think about the French, we need to examine first the external factors that affected people and might have led them into a conversion, and then we can assess what kinds of conversions were probably involved in the change. With that understanding, we can see what the conversions made possible and what they did not.

### *The causal factors*

Too often, the crucial external factor in a conversion to toleration is battle fatigue, combined perhaps with a generational shift. Henri IV's 1598 Edict of Nantes, which finally granted a lasting toleration to the Huguenots, was only able to suppress the religious conflicts that had been fanned by the St. Bartholomew's Day Massacre because significant numbers of both Catholics and Protestants were desperate to end the warfare. Many had spent most of their lives in intermittent warfare, and their concerns differed from those of the generation who started the wars.<sup>8</sup> Even in England—often considered the paradigm for the peaceful development of toleration—the view that emerged in the seventeenth century that led to the Act of Toleration of 1689 was largely a product of battle fatigue and intergenerational shifts. The Act of Toleration—limited though it was (it granted toleration only to Trinitarian Protestants and allowed only Anglicans to hold political office<sup>9</sup>)—ended the conflict between Puritans and Anglicans which had been waged in Parliament since the beginning of the century and which had led to a tragic Civil War (1642–49), the beheading

of a king (1649), a disastrous Commonwealth (1651–59), and a tense and unstable Restoration (1660–88).

Nevertheless, the claims that people were tired of war and that a new generation had different concerns do not explain how such changes could alter the vicious dynamics of distrust we saw in the last chapter. The problem, recall, was that people saw no real alternative to the warfare, given the structure of their values, and a shift in values would not have solved the problem on its own. In France, the crucial developments came in 1584, with the unexpected death of François, duc d'Anjou, Henri III's younger brother and the heir to the French crown (see Holt 1995: chs 5–6; Le Roy Ladurie 1994: chs 10–11; Knecht 1996: chs 8–9; 2000: chs 11–13). By this point, Catholics were not too happy with Henri: although he was personally devout, many thought that he favored his mignons too much and that he was insufficiently enthusiastic about persecuting the Huguenots. Although François had not been their favorite either—he had allied himself with the Huguenots in 1576, had briefly become the official champion of the Protestant revolt in the Netherlands, and had seriously considered marrying the Protestant Elizabeth I of England—he was himself unquestionably Catholic, and so no one doubted his right to succeed his brother. At François's death, however, the successor to the French throne under traditional Salic Law was the Huguenot champion, Henri de Navarre. For hardline Catholics, the prospect that Navarre would succeed to the throne was unimaginable; for just that reason, the civil war became even more desperate after 1584. The Catholics formed themselves into a Holy League, led by Henri, duc de Guise and his brother the cardinal de Guise, who tried to force Henri III to renew the persecution of the Huguenots and to declare a Catholic successor. Their supporters in Paris, the Sixteen (named for the 16 quarters of the city), seized control of the city government from the king's more moderate officials in the Day of the Barricades on May 12, 1588, spurring League cells to do likewise in other cities (Salmon 1972). To regain his own authority, Henri III arranged for the assassination of the Guise brothers on December 23, 1588, but he succeeded only in delegitimizing himself even further in the eyes of most Catholics. Ostracized by his treachery, Henri was forced to ally himself with Navarre, which further undermined his rule and led directly to his assassination by a fanatic monk, Jacques Clément, on August 1, 1589.

Henri III's death precipitated a crisis. As Henri IV, Navarre's position divided the Catholics. Those interested in the traditional succession and peace—the "*politiques*," a group that had been growing since 1584—sided with the new king. The fact that such a group existed at all already shows what a significant change has occurred among Catholics since St. Bartholomew's Day in 1572. Those who thought the supremacy of Catholicism was crucial redoubled their efforts on behalf of the Catholic League led now by the Guises' brother Charles, duc de Mayenne. Since Henri now had the support of some Catholics as well as the Protestants,

his position was in some ways stronger than either he or Henri III had been before the assassination. The position of the League was further undercut by Henri's conversion to Catholicism in 1593, an act that could not even begin to look sincere before Henri's victories on the battlefield in 1590–92 (Wolfe 1993). Of course, the ultra-Catholics still saw it as a cynical and hypocritical act, designed only to save Henri's crown (Wolfe 1993: ch. 6), and the hardline Huguenots saw it as a betrayal of their cause and the end of their hopes to evangelize France (Wolfe 1997b). Yet the conversion generated enough support on both sides to make toleration possible, precisely because enough people had become so desperate for a resolution to the problem. With ample generosity towards his Catholic opponents and with the Edict of Nantes to appease his former supporters, Henri deftly constructed a fragile peace for his devastated nation.

In France—and later in England—the battle fatigue and the changes in the political landscape changed the dynamics for trust. Many people, as concerned as they might have been with their spiritual welfare, became overwhelmed by the hardships of everyday life in a war economy and, of course, by the deaths of their loved ones—not to mention the devastation that the marching armies had caused to the land and to the civilians in their paths. Many people came to value the modest and earthly benefits of peace above the more distant prospects of salvation. Perhaps they also came to believe that their salvation did not depend on prosecuting the war any longer or that the sins that were an inevitable part of warfare were worse than living with heresy. Perhaps they even came to believe that Christian charity required them to turn the other cheek and risk annihilation and that their salvation would be better secured in sacrifice than in battle. As early as 1577, Louis de Bourbon, one of the early persecutors of the Huguenots, declared at a meeting of the Estates-General in Blois:

I believe, gentlemen, that there is not one of you who doubts the zeal and devotion I have displayed for the advancement of God's honour for the support of the Roman Catholic church. . . . Nevertheless, when I consider the evils which the recent wars have brought on us, and how much this division is leading to the ruin and desolation of this poor kingdom . . . and the calamities such as those which I saw on my journey here, of poor people immersed in poverty without hope of ever being able to raise themselves from that state except by means of peace . . . I am constrained to advise their Majesties to make peace.

(quoted in Holt 1995: 108)

So, even among the Catholic elites, the war took its toll.

Among the peasants, however, the war caused even greater suffering. The poor were the victims of famines and plagues that followed the marauding troops, so that the peasants came to regard the soldiers on both sides as “vagabonds, thieves, and murderers—men who renounced God

along with the worldly debts they owed” and who “took to the roads and fields to pillage, assault, and ruin the people of the towns and villages” (Charles Haton, quoted in Salmon 1975: 207–8). In places like Vivarais and the Dauphiné in southern France in 1579, Huguenots joined with Catholic peasants to protest high taxes and the rape and pillage that the soldiers wreaked on both sides. War itself, they recognized, was their real enemy (Salmon 1979). In 1593, peasants of both faiths again joined together into peasant armies in Burgundy and in Perigord (where they were called *Croquants*) in southwest France to protest the abuses of the nobility and the armed forces of both sides. The peasants had been impoverished by the increasing exactions of money, livestock, and crops from them by every army that passed through in over 30 years of warfare (Salmon 1975: 276–91). As more and more people saw the war itself rather than their religious rivals as their enemy, the position of the *politiques*—though never anything as organized as a party—became stronger.<sup>10</sup> When a critical mass for toleration finally formed, toleration became possible.

Nevertheless, this change in attitude could not be rationally justified by their previous beliefs in any straightforward way; after all, their former selves would have seen it as a betrayal of the cause, as backsliding in the face of adversity, or as a sign of weakness in the face of earthly temptations. Indeed, as we saw in the last chapter, some in the League saw the most extreme hardships as a catalyst for spiritual renewal. One even called the horrific famines caused by Henri IV’s siege of Paris in 1590 “an Age of Gold, when people didn’t think about eating or drinking but only about turning to God” (Barbara Acarie, quoted in Diefendorf 1997: 169). In Paris, people who were “soft” on the Huguenots was regarded as heretics themselves and were persecuted for it (Diefendorf 1997: 179–84; Holt 1995: ch. 5; Salmon 1972). So a change was neither easy nor inevitable. Even those who came to believe that their Christianity required this new trust only came to that understanding once they had reinterpreted their beliefs and values. Viewed from the perspective of their previous beliefs, the trust they showed, even taking into account the hardships of war, was simply foolhardy. A genuine moral conversion was still required.

### *The many conversions*

Since the conversion of a critical mass of people required many individual changes, we should expect individual conversions to run across the entire spectrum that I sketched on pages 56–60. Few, however, probably occurred by revelation. The fiery enthusiasm that accompanies conversions by revelation is absent in the sixteenth-century cases. If the conversions to toleration had been by revelation, we would expect that the participants could have avoided a Prisoners’ Dilemma, because they would have seen toleration as the best option, as unquestionably the true path. If toleration

Table 3.1 Conversions by revelation

|                  |   | <i>Huguenots</i> |      |
|------------------|---|------------------|------|
|                  |   | T                | F    |
| <i>Catholics</i> | T | 1, 1             | 2, 3 |
|                  | F | 3, 2             | 4, 4 |

Key: T = Accept toleration. F = Fight. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

had been accepted as the best option, then everyone would have accepted the superiority of toleration on all fronts, so they could have seen tolerating others as more important than fighting—even if others continued fighting. So, if revelation were the principal cause, the situation would have been that described in Table 3.1. Had this been the structure of values on both sides, toleration would have been easy to achieve.

Unfortunately, few, if any, of the people of the sixteenth century thought of toleration in this way, and so the path to a truly tolerant state was much longer and much slower. Even among those who accepted toleration, it was not yet regarded as a good in its own right. Most people accepted toleration with an air of resignation, something they would accept if they had to do so, but not something they relished. Toleration was a second-best option. Still, even seeing toleration as a second-best option requires a significant shift. Before any conversions occurred, toleration was always regarded as worse than fighting. However, after the conversions, toleration was seen as better than fighting, if only some means can be found to end the fighting. Most actual conversions, then, changed the structure of values in the way illustrated in Table 3.2. The conversions

Table 3.2 The conversion to toleration

| BEFORE           |   |                  |      | AFTER            |   |                  |      |
|------------------|---|------------------|------|------------------|---|------------------|------|
|                  |   | <i>Huguenots</i> |      |                  |   | <i>Huguenots</i> |      |
|                  |   | T                | F    |                  |   | T                | F    |
| <i>Catholics</i> | T | 3, 3             | 4, 1 | <i>Catholics</i> | T | 2, 2             | 4, 1 |
|                  | F | 1, 4             | 2, 2 |                  | F | 1, 4             | 3, 3 |

Key: T = Accept toleration. F = Fight. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

that occurred, then, were more likely to be the result of evolution or of discovery. Some people probably came to recognize as part of a process of evolution that the violence of the civil wars was inconsistent with Christian humility, and they thereby began a gradual process in which they came to accept a begrudging toleration. Even then, rationality did not require them to think that “turning the other cheek” required self-annihilation. If they did choose to tolerate others outright or to tolerate others if others would tolerate them, then we can see how such a stance is justified within their new interpretation of Christianity. But, as we have seen, the fact that the new beliefs were justified does not imply in any way that they were rationally required. Undoubtedly, some of the conversions in the sixteenth century occurred in this fashion, but probably not many. The very fact of armed conflict, especially a long war, suggests that most people did not, on reflection, think that humility required them to renounce violence. The war itself made people psychologically invested in the view that the war was justified by their religion. Something more dramatic was needed for their conversion. So even if these conversions by evolution *were* rationally compelled, they would account for little, if any, of the movement in which we are interested.

The most likely route to conversion in sixteenth-century France, then, was something like a conversion by discovery. This kind of conversion could easily be the result of long suffering and years of unremitting war of both the cold and hot varieties. From these experiences, people could come to see the cruelty of the war as worse than the horrors of heresy. Surely, this kind of shift came to many of the people who came to be called the *politiques*. Many had pursued the war vigorously at first, but by the time Henri IV became king, they were willing to seek a less drastic means of ending the conflict. To do so, they would also have to come to think of their own Christianity in a new way. By seeing their faith differently, people could come to understand that they could save more souls by preaching than by killing. Once they had taken up this new perspective, they could see that their old view was based on a most un-Christian form of cruelty towards others and on an idea of community that was unduly coercive. But the new view of Christianity can also explain what was right about the old: communities of believers are crucial to salvation, and so developing and sustaining those communities was crucial to everyone’s salvation.<sup>11</sup> But as long as the war lasted, no community was possible, even within confessions. The war consumed all. Moreover, on the new view, those communities were seen as worthless if they were not voluntary. The old view could not, however, explain how any peace was possible at all with the heretics. The fact of toleration between groups belied their insistence that no real peace was possible and that the heretics could never be trusted to live in civil peace. For that reason, the converts could think that their new view of the world defeated the old: it could explain why the old view was caught in a war with no end, but it could also explain how the

new peace was possible. Of course, the new view was only vindicated once Henri's Edict of Nantes established a toleration, and so its evident superiority was built on that tenuous basis. Still, the converts had good reason at that point to think that they were on the right path—even if their conversion was based more on hope than on facts.

Nevertheless, this new view of Christian community was not one that everyone had to adopt on pain of irrationality. It requires a particular interpretation of canonical texts, which many in the sixteenth century would have considered perverse. In addition, the important fact that the old view could not readily explain—the existence of genuine toleration between groups—was not especially evident in the sixteenth century. There were only isolated and individual examples at the time; the real evidence would not be available for at least 250 years. So, even if this comparison were rationally compelling, the evidence that made it so was not available to anyone in the sixteenth century. But of course, even that comparison is not rationally compelling because the new view is superior to the old only once the new view is adopted. It can explain to the convert the ways in which it is superior to the old and the ways in which it can explain what was right about the old view, but none of these explanations make sense to the unconverted: they would still see the world built on toleration as an unmitigated disaster, a world of anarchy, betrayal, and irreligion.

Thus, although the kind of justification that can be offered in these cases is not straightforward, we can still recognize the rationality of these changes. They make sense in a way that does not clearly beg the question against their former views. Nevertheless, these changes cannot be rationally required because they require a shift in focus that cannot itself be rationally demanded. The conversion to toleration is, then, an action that we can understand rationally and that we can justify in a certain sense. But it is not for that reason something we can rationally require or even rationally expect to occur. Crucial to the process are causal forces that simply lie outside our control. Toleration is a result, then, less of rationality than of luck.

### *Accepting toleration*

However the changes took place, they created a new structure of beliefs and values. In that new structure, the rationality of trust changed, because each side judged that the costs of misplaced trust were much lower than they had previously thought and that the gains of successful trust were much higher. If the costs of continuing the war were high enough, then the prospects of betrayal were less dire by comparison and the hope for peace was all the more promising. Only incidentally did their view of their opponents' trustworthiness change. Yet that view changed as well, since they could observe the same battle fatigue in their opponents that they were experiencing themselves. In the new structure of values, then, the risk of trust became rational.



After the shift in values, toleration was seen as a real possibility, but we need not suppose that the conversion is so complete that each side was willing to embrace the other as brothers. We need only suppose that they came to see a world of toleration as better than a world of warfare. Both sides still preferred a world in which their side won, so the situation changed in the manner illustrated above in Table 3.2. Because toleration was still seen as second-best, the conversions led the Catholics and Huguenots into a Prisoners' Dilemma. Since Prisoners' Dilemmas are not amenable to any easy solutions, the problems did not immediately disappear. However, as a Prisoners' Dilemma, it was open to the kinds of solutions that are so dear to game theorists. In this case, what was needed was some means by which to assure both sides that the other would take the cooperative option (Parfit 1984: ch. 4). At this point, an assurance mechanism—like a governmental policy or an outside intervention—could help to end the warfare, if that mechanism is itself seen as neutral (see Walter 1999; Licklider 1993b; Creppell 2003: ch. 3). Indeed, both in France and later in England, toleration did not arise as a spontaneous response from the people. Instead, the government served as an enabling device, which helped both sides in the conflict to take the first step. In France, the Edict of Nantes was possible only after Henri IV had secured enough power to make his will effective. And that power was possible only after his conversion to Catholicism, a move which both sides accepted since it allowed the Catholics to have a Catholic king and allowed the Huguenots' protector to keep his crown. His ambiguous status as a newly-converted Catholic, then, helped everyone to see Henri as a king who would be fair to both sides. As such, Henri was able to gain enough trust from both sides that he could secure the support and the power he needed to impose a top-down form of toleration in the Edict of Nantes.

Strictly speaking, such governmental action may not have been necessary, but it gave the moderates on each side some further assurance that the hawks on the other side would not prevail. However, neither the British nor the French government would have been strong enough to overcome any significant resistance to toleration. At this point in the conflict, however, both sides were willing to accept toleration as a *modus vivendi*, and they were thus willing to concede power to the government to enforce the solution. Each side had to trust each other somewhat before they could trust the government to solve their dispute. Only then could the government overcome the empowerment dilemma and impose a solution on the recalcitrant.

The government could act in that capacity, however, only if it had undergone a conversion of sorts as well: it had to become less interested in taking sides in the religious dispute than in securing its own power by ending a destructive civil war. To that end, both governments had to become willing to accept the increasing secularization of their power to ensure the survival of the nation. In France, Catherine de Medici, Henri III, and Henri IV had

all been willing to accept the secularization of their power, but only Henri IV had the power to effect such a change. In England, William III and the Georges after him accepted that change to a large degree—but only as long as the state remained firmly Protestant.<sup>12</sup> Thus, toleration was possible only once both the participants and the government had found a new perspective in which that option was acceptable. Only a moral conversion could create the possibility of toleration.

Thus, the French conversion to toleration even as a *modus vivendi* required a substantial change in attitude that could not be justified within the system of values that either side embraced in 1572. Both the individuals within the nation and the government itself had to undergo massive changes before toleration and peace became live options. Such changes could not be the result of rational processes, but were the product of conversions which could only be justified after the fact. Whether such changes were enough to make a regime of toleration stable, however, is another question.

## 4 Establishing toleration

The conversions that made the Edict of Nantes possible did not in fact create a stable regime of toleration. The conversions themselves, we have seen, only created a Prisoners' Dilemma, the solution to which was provided by the Edict itself. In these new circumstances, toleration became possible. Both sides were willing to accept toleration as an option that was better than open warfare. Yet nothing about this change required them to subordinate the goal of salvation for all to the requirements of toleration. They now merely thought that this goal could not be achieved by violent means—at least for the moment. The toleration that they accepted, then, was the barest *modus vivendi*.

From this point, however, many have thought the route to robust toleration was relatively straightforward. So, for example, in *Political Liberalism*, John Rawls (1993: 153–68) sketches a path by which the liberal values of toleration and autonomy come to be embraced for their own sake. The “just so” story he tells is that people first subscribe to toleration and to broadly liberal principles of justice as a *modus vivendi* to end a deep conflict, much as the French took up toleration in 1598. Over time, they no longer focus on the areas of disagreement, and they cease to think about whether these principles are consistent with their comprehensive conceptions of a good life. They then find themselves with an allegiance to those principles for their own sake. At first, they only accept them as the basic manner in which political decisions are structured in a “constitutional consensus,” and then later they come to see the principles as good in themselves in the “overlapping consensus.” By necessity, the story Rawls tells is sketchy, but its unspoken optimism belies the deep problems that such transformations entail. While Rawls certainly does not pretend that the process will be orderly and rational nor that the process, once begun, is inexorable, his account fails to confront the significant individual, social, and conceptual obstacles to the changes he envisions.

The key element in Rawls's story is the acceptance of toleration as a value in its own right rather than a mere *modus vivendi* (see Rawls 1997: 783). But we have already seen how difficult it is to get warring factions to view toleration as any kind of good; to get them to see it as a good in its

own right will require yet another step, one which is much more uncertain than Rawls pretends. The two sides may be willing to suspend their conflict when the chances of victory no longer seem worth the fight, and so they may then be willing to accept toleration as a *modus vivendi*. But as long as it is seen *merely* as a *modus vivendi*, toleration will be vulnerable to shifts in power. Indeed, as long as each side even thinks that the other sees it *merely* as a *modus vivendi*, the trust that toleration generates will be extremely guarded. More importantly, this instability does not automatically resolve itself in favor of greater toleration; as we shall see, toleration can easily fall apart at just this point.

To think of toleration as a virtue in its own right, the two sides must regard the differences between the groups as good—or at least, they must cease to regard those differences as intrinsically bad. They need not think that the values held by other groups are right or valuable; they need only think that there is no disvalue in the existence of different kinds of people within a political state.<sup>1</sup> To understand how toleration can become a central virtue—at least in a society like ours—we must first understand how people can come to see it as a virtue, and so we must understand the contexts in which toleration can be seen as a positive good. The social and conceptual preconditions for toleration are as important for understanding the virtue of toleration as the dispositions and states of characters that characterize it. Once we realize what is involved in seeing toleration as a virtue, I will argue, we will realize that a *second* conversion is needed to secure it. Beyond the conversion needed to accept any form of toleration and end the civil war, yet another fundamental shift in values is required before toleration can be seen as something more than a concession to the enemy. Indeed, part of the battle is precisely to establish that those who disagree are no longer the enemy at all, but fellow Frenchmen or Englishmen, who happen not to share some important values with us. Constructing a common identity, often where one barely existed before, is then part of the task.

### The problem of establishing toleration

To think about the social and conceptual preconditions for accepting toleration as a virtue, let us return to France, but let us focus now on the aftermath of the Edict of Nantes (see Holt 1995: ch. 7; Le Roy Ladurie 1994: chs 1–2; Lublinskaya 1968; Briggs 1977: ch. 3(i)–(ii)). The Edict granted the Huguenots the freedom to worship in most places in which they were already established, and it gave them considerable autonomy within the regions in which they were dominant. Indeed, its not-so-secret articles even allowed the Huguenots to keep armed garrisons in key cities at the Crown's expense, so it effectively created a “state within a state” in the areas of southern and western France that the Calvinists controlled. This example gives us a window on the conceptual issues involved in toleration

precisely because it failed: toleration did not take hold in France as the result of the Edict; indeed, the Revocation of the Edict in 1685 by Louis XIV represents one of the greatest setbacks for toleration in the West. Examining why toleration failed in this case will help us see what is needed to make it succeed.

### *The fragility of a modus vivendi*

In an important sense, the Edict of Nantes never really “worked” (Sutherland 1988). As Michael Wolfe puts it, “the Edict of Nantes institutionalized rather than resolved the underlying conflict between Huguenot loyalism and religious dissent that plagued French Calvinism ever since their protector had become heir presumptive in 1584” (Wolfe 1997b: 384). In the years immediately following the Edict, Huguenots continued to be suspicious of Catholics and, as a result, Catholics were not willing to see Huguenots as loyal subjects. Real trust between them never developed. Instead, both sides trusted—more or less—the government of Henri IV: the Protestants, because Henri had been their leader until his conversion in 1593; the Catholics, because he had converted and because he had reaffirmed the supremacy of Catholicism in the kingdom. Of course, for the converse reasons, both sides did not fully trust him either (see Wolfe 1993). But both sides wanted peace, and they knew that Henri wanted it above all else, so they were willing to trust his government to enforce that peace. As long as they did, Henri could guarantee that whoever broke the peace first would suffer the consequences.

However, neither side thought that a nation divided by religion could survive very long, nor did they think that such a state was desirable. Many on both sides still thought their very salvation depended on the eventual triumph of their religious views, even if they were now willing to stop active warfare. At best, both sides sought what Mario Turchetti (1991) calls a “religious concord”—an attempt to reach a substantive agreement between the two groups about the correct religion—rather than a genuine form of toleration. More importantly, most people believed that a state divided by religion was fundamentally at odds with itself, since the people did not share the core values that were necessary to produce a good state. Henri himself tried to convince the Protestant nobility to follow in his steps and become Catholics, and he set up many institutions for the peaceful conversion of Huguenots. Many Huguenots, on the other hand, viewed the toleration given to them as an opportunity to recover until they could convert more of the French to their cause. So neither side saw toleration as anything more than a temporary measure to keep the peace. Both sides preferred the peace of toleration to war, and they thought they would be punished for breaking the peace. But neither side saw any reason to accept toleration as a good in its own right.

Structurally, the situation can be summarized in Table 4.1. Of course, it

Table 4.1 France in 1600

|           |     | Huguenots |      |      |
|-----------|-----|-----------|------|------|
|           |     | TG        | TMV  | F    |
| Catholics | TG  | 3, 3      | 4, 1 | 6, 9 |
|           | TMV | 1, 4      | 2, 2 | 5, 8 |
|           | F   | 9, 5      | 8, 6 | 7, 7 |

Key: TG = Accepting toleration as a good. TMV = Accepting toleration as a *modus vivendi*. F = Fight. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

is somewhat misleading to present these options as strategies which the participants could simply choose: while we can choose to fight or not, we do not directly choose to see toleration as a good in its own right. To see toleration as such a good is precisely to see it as something other than a mere strategy.<sup>2</sup> The point of the chart is to show the structure of the situation, to demonstrate its stabilities and instabilities. Nevertheless, people can come to see that having a certain attitude towards toleration could advance their interests as they are currently defined, so they can decide to cultivate dispositions which they do not currently possess (Gauthier 1988–89). They can then recognize that although they cannot simply choose to have a new attitude, they can choose to take actions which they expect will result in a new attitude and a shift in their values. Or, to put it another way, once we realize that certain values are better, we can set up a process that will reinforce those values through a conversion by evolution (Chapter 3, pages 56–7). Of course, if I am wrong and we cannot choose even indirectly to see toleration as a good, then that fact simply confirms my argument that another kind of conversion is needed to create a more permanent solution.

However, the situation in France was not one in which the current interests of either side would have been promoted by a change in their attitude towards toleration. Nevertheless, it does have a stable and peaceful equilibrium: where both sides accept toleration as a *modus vivendi* (TMV, TMV). Yet while the chart shows the basic structure of the situation, it does not reveal how fragile the situation truly was. Neither side wanted to be the first to start a fight, because they believed that the Crown would ensure that fighting would be sharply punished. The structures in the chart, then, depend crucially on the trust that both sides placed in Henri and his government, and the structure would shift if they no longer had that trust. When Henri was assassinated in 1610 by a Catholic fanatic, his very Catholic queen, Marie de Medici, became regent for Henri's son, and so the Protestants began to worry. When the most important Protestant at Court, the duc de Sully, left the government, they began to believe that they could no longer trust the government to enforce the peace equitably.

Their perception was that Marie and her advisors would not punish Catholics who acted against them and that the government would in fact condone their persecution. In game-theoretic terms, they thought they were in the situation depicted in Table 4.2. The Protestants thus thought that no matter what they did, the Catholics' interests were best served by renewing the war: fighting had become a dominant strategy for the Catholics. Whether that perception was accurate is hard to assess, since their actions helped create the distrust they feared. However, their beliefs were not unreasonable, and the Catholics did nothing to assuage their worries. Given the perception, they saw war as inevitable, and their best hope in such a war was to make a preemptive strike, to begin the fight with some kind of surprise to get an upper hand. In this situation, then, renewal of the civil war (F, F) was in fact inevitable. Not surprisingly, then, many Huguenots were quick to side with the aristocratic revolt of Henri II Bourbon, prince de Condé, in 1614–16, a move which only increased the suspicion of the Crown. And when the young Louis XIII marched an army into the independent principality of Béarn in 1620 to assert the rights of Catholics in a largely-Protestant area, the Protestants saw it as the opening salvo in a larger campaign against them—an attitude that became a self-fulfilling prophecy (Desplat 1991). They hurriedly met in a political assembly that openly defied the king's authority and launched a full-scale rebellion.

For the Huguenots, the rebellion was a disaster. It led to their complete military defeat and to the elimination of the Protestant armed garrisons in the Peace of Montpellier in 1622 and the Peace of the Grace of Alès of 1629.<sup>3</sup> The two peace treaties confirmed the basic tenets of the Edict of Nantes, but they effectively terminated the Huguenots' autonomy. After 1629, the Huguenots' position was always precarious, dependent on whether the government needed their support to galvanize its alliances with Protestant countries. Although some genuinely tolerant feelings developed in some places during the seventeenth century (Hanlon 1993), both sides still viewed each other with suspicion. The Huguenots, of course, were in no position to

Table 4.2 France in 1615

|                  |     | <i>Huguenots</i> |      |      |
|------------------|-----|------------------|------|------|
|                  |     | TG               | TMV  | F    |
| <i>Catholics</i> | TG  | 3, 4             | 6, 2 | 9, 7 |
|                  | TMV | 2, 3             | 5, 1 | 8, 6 |
|                  | F   | 1, 9             | 4, 8 | 7, 5 |

Key: TG=Accepting toleration as a good. TMV=Accepting toleration as a *modus vivendi*. F=Fight. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

cause problems, but even after the Huguenots refused to take advantage of the general turmoil of the Fronde years of 1648–52,<sup>4</sup> few Catholics believed that Huguenots had given up their designs against the French government. The supplications the Huguenots offered were seen merely as attempts to prostrate themselves before the power of the Catholics—an attitude reinforced by the militant rhetoric of some Huguenots (Labrousse 1985: ch. II). Indeed, throughout the seventeenth century, the stereotype of a Calvinist was that of a rebel, a republican, and a troublemaker—an image that was corroborated by the results of the English Civil War, which ended in the beheading of Charles I in 1649 and the establishment of a commonwealth (Labrousse 1988). Thus, many Catholics continued to think that they were in a situation like that of 1615. As a result, they saw no reason to adopt toleration as a virtue, since they still regarded it as a form of unilateral disarmament. Eventually, Louis XIV thought he could improve his own standing with Catholics both inside and outside France by suppressing the Huguenots altogether, so he began a systematic campaign to force their conversions in the 1670s before he outlawed Protestantism altogether in 1685.

### *The conversion to a robust toleration*

The Edict of Nantes was not, then, a success story for toleration. Even the twenty years immediately following its adoption did not produce anything like the rapprochement that Rawls's story would lead us to expect. Minimal toleration is not a self-reinforcing virtue: once in place, it does not generate further support for itself. The reason is not hard to see. Although both sides preferred peace to the endless civil wars of the sixteenth century, their followers held a goal that was incompatible with a deeper toleration: they still thought they had a religious duty, as the adherents to the one true means to salvation, to achieve a hegemony over the other side and to gain complete control over the government. Since both sides thought that *religious* unity was the only means by which to achieve *political* unity, unilaterally surrendering the goal of hegemony was politically and—more importantly—religiously unacceptable. If they simply acquiesced to the continued existence of the other faith, they thought, they were abandoning others to damnation, neglecting their duty to charity, and endangering their own salvation. As long as they could see themselves as continuing the fight for religious unity, they could see themselves as advancing the cause of the true faith, and so they could accept toleration, even as a *modus vivendi*, only if they thought it was the best means to achieve hegemony in the long run. For the Huguenots, of course, hegemony was an increasingly hopeless goal, yet even they still hoped to expand their ranks, and they did not completely forsake the use of whatever means might become available to them. Yet even if the Huguenots gave up the goal of hegemony, they could not count on the Catholics, who clearly held on to that goal, to respect their liberty, and so they always had



to remain on guard against intrusions. In the *modus vivendi*, politics was religious war by other means.

Thus, both sides entertained a delicate balance between the goal of hegemony and the requirements of peace. The religious identity of both sides required them to take an aggressive attitude towards those of a different faith, but their political commitments required them to avoid provoking the other side. So the acceptance of the *modus vivendi* implied that they should not use any means *whatsoever* to attain the true faith for everyone. One result was that both sides framed any conflict that arose as one in which the *other* side provoked a hostile response, and each side saw its own actions merely as a defense of rights already established by the Edict of Nantes. So, for example, Louis XIII saw his invasion of Béarn as an act to protect the Catholic minority in the province, and the Huguenots saw it as a prelude to a more general campaign against them and the rights guaranteed to them by the Edict. Obviously, the persistence of such perceptions only reinforced the underlying tensions between the Catholics and the Huguenots. As long as either side held onto the goal of hegemony, whatever peace they achieved would be tentative and ultimately unstable.

In this situation, both sides did not even think that a more stable peace based on seeing toleration as a good was better than the unstable peace that existed. The dynamics can be seen by focusing on the upper left quadrant of Table 4.1, as shown in Table 4.3. The situation could not improve as long as it fit this pattern. As long as both sides regarded hegemony as a crucial goal, they would always regard toleration as a dubious good. But to give up hegemony as a goal would require them to give up a significant part of their religious identity. Within this structure of beliefs, neither side had a rationally-compelling reason to give up that goal.

Importantly, the problem here, like the problem of trust we examined in Chapter 2, is not a Prisoners' Dilemma. If it were, then both sides would see that the stable peace in which both accepted toleration as a good in its own right is better than the *modus vivendi* in which they actually lived, as

Table 4.3 France in 1600 redux

|                  |     | <i>Huguenots</i> |      |
|------------------|-----|------------------|------|
|                  |     | TG               | TMV  |
| <i>Catholics</i> | TG  | 3, 3             | 4, 1 |
|                  | TMV | 1, 4             | 2, 2 |

Key: TG= Accepting toleration as good.  
 TMV= Accepting toleration as a *modus vivendi*. Numbers represent ordinal rankings (1 = best, 2 = second-best, etc.). In each box, the ranking for Catholics is first, followed by that of the Huguenots.

Table 4.4 A Prisoners' Dilemma redux

|                  |     | <i>Huguenots</i> |      |
|------------------|-----|------------------|------|
|                  |     | TG               | TMV  |
| <i>Catholics</i> | TG  | 2, 2             | 4, 1 |
|                  | TMV | 1, 4             | 3, 3 |

Key: As per Table 4.3.

shown again in Table 4.4. If the situation were a Prisoners' Dilemma, the problem would be how to guarantee that both sides will accept toleration as a good. Such a problem, we have already seen, can be solved without any basic change in the values of the participants by applying the difficult, but well-known, solutions to such problems (see, again, Parfit 1984: 62–6). Since both sides would then prefer to have a better peace than the one offered by a *modus vivendi*, we could, once again, look for some kind of institutional structure that could give both sides reason to believe that a more stable peace was in fact possible. But the problem in France was deeper. Only a basic change in the values that underlay that preference could change the dynamics of the situation.

The situation would not even be improved if only one side accepted toleration as a good. If the Huguenots gave up the goal of hegemony as unrealistic, their position would be shown in Table 4.5. Here the stable equilibrium is still at (TMV, TMV). Because the Huguenots would not have been able to trust the Catholics, they could not have acted on their preference for a broader form of toleration. A more permanent peace would have been possible only if *both* sides could abandon their belief that hegemony was required to fulfill their commitment to spread the word of Christ. In a word, only another conversion could lead to true toleration.

Table 4.5 France in 1600, if the Huguenots had accepted toleration

|                  |     | <i>Huguenots</i> |      |
|------------------|-----|------------------|------|
|                  |     | TG               | TMV  |
| <i>Catholics</i> | TG  | 3, 2             | 4, 1 |
|                  | TMV | 1, 4             | 2, 3 |

Key: As per Table 4.3.

## Preconditions for conversion

The moral conversion needed to achieve a more robust form of toleration requires both sides to place the value of peaceful cooperation—a value they already hold—above the goal of religious hegemony. They can in fact still hold onto the goal of hegemony in an attenuated fashion, as long as they recognize that the only acceptable means for achieving it is rational persuasion. The change does not, then, require them to reconceptualize everything in their world of values, unlike the conversion required to accept any form of toleration at all. We might then expect the change involved here to be more modest. Nevertheless, it does require a significant shift in their priorities. Giving up hegemony requires a fundamental change in the self-identity of everyone involved. For that reason, we should not underestimate how difficult such a change will be. Although the changes here are more likely to be the result of a conversion by evolution, we should not assume that it will be any easier.

Precisely because the parties already accept toleration in some form, we might be tempted to think that this shift at least can be rationally pursued. While we may not be able to change the “hearts and minds” of any given individuals, we might say, we can engage in a course of action that we can expect will result in a more tolerant society on the whole. If so, then something like the “just so” story Rawls tells will be correct. What is right about this objection is that certain circumstances, some of which we may be able to control, make particular conversions more likely. In one sense, this point is trivial: no one in the New World could convert to Christianity before 1492, because it simply did not exist as an option. Introducing Christianity to that world made conversions to it trivially more likely. In a similar manner, modern toleration becomes more likely after the success of a large-scale experiment, like that in the Netherlands or later in England, because people can understand that it is really possible in a way they might not have previously understood. But the objection is supposed to be making a deeper point; the point is that we can structure societies in a way that will make toleration become rationally compelling. I will argue that no institutions or practices can serve that purpose. The obvious candidates, I will suggest, often facilitate conversions only if a critical mass of people have *already* become truly tolerant, but they do little, if anything, to create that critical mass in the first place.

### *Trust-building activities*

We might think that the best way to induce a conversion is to get both sides to engage in trust-building activities that would create contexts in which they could see each other as more human and in which they could engage in common activities that would solidify a common identity. Once the two sides are engaged in such activities, they will cease to think of

toleration as a mere second-best option, and they will begin to see the other side as part of a joint enterprise that is beneficial to everyone. Of course, in the France of 1600, such a common identity was precisely what was at stake. The Catholics did not see the Huguenots as good Frenchmen at all, so whatever activities we propose will have to go a long way to *forging* such an identity. That common identity itself will be the result of the trust-building activities.

Trust-building activities can focus on three different aspects of the relationship between two groups. Every trust relationship has the following form: A trusts B to do C (see Baier 1986).<sup>5</sup> In this case, the good, C, in which we are interested is relatively amorphous: each group wants to live in a peaceful society and to pursue their own conception of the good with some hope of achieving that good. So they must trust the others not to make achieving that good impossible. In a *modus vivendi*, both sides consider that goal to be quite fragile, and, as the French example shows, it is quite fragile as long as each side thinks the other side only regards toleration as a *modus vivendi*. The problem for any trust-building activities, then, is the fact that both sides *preferred* the *modus vivendi* to a deeper form of toleration. The kind of trust that they had towards each other was extremely limited, and neither side had any desire or interest to develop a higher level of trust (Lewicki and Bunker 1995). For that reason, efforts to get the sides to engage in modest trust-building activities seem doomed from the start: neither side wanted a different kind of relationship. The situation was, like the situation before the Edict was established, not “ripe” for a more robust toleration, as Dean Pruitt and Paul Olczack (1995) argue.

Perhaps, however, we can move the parties so that they become more “ripe” for change. Given this three-place relation of trust, we can focus trust-building activities on the truster, on the trusted, or on the goods about which trust is needed (Weinstock 1999: 299–305). In many situations, the best way to defuse the conflict is to reduce the salience of the good in question (Weinstock 1999: 301). But since the goods of the trust relationship in which we are interested often affect the identity and the self-identity of the groups involved, any efforts to change those goals in themselves would do more to undermine trust in the institutions that attempt them than they would produce trust in other groups. Nevertheless, some small efforts here may help each group to see the ways in which other groups need not interfere with the achievement of their goals. Indeed, rational, philosophical analysis may help the groups on just this point.

More promising strategies, however, will focus on the relationship between the truster and the trusted. Here the most important practices are those that get the groups to work together, so that they develop a trust about one aspect of life, which can then spread to other areas (Baier 1986; Varshney 2002). Since we are interested in broad social changes, the most

promising strategy for developing other forms of trust, then, is to set up institutional practices that create opportunities for developing trust. To examine these institutional structures, we can, I think, usefully contrast the French example with the experience in England in the late seventeenth and eighteenth centuries.

### *The English experiment*

Perhaps the best historical case for a rational transition from the minimal toleration of a *modus vivendi* to a deeper form is that of England after the Act of Toleration of 1689. The story of toleration in England is a much happier one than that of seventeenth-century France. In the grand scheme of things, of course, England and France were two fairly similar Western countries, both scarred by religious wars which ended in a declaration of toleration that encompassed the warring parties. Indeed, the comparison between them is fruitful precisely because we have every reason to think they would have similar experiences. Yet a toleration that ends the religious wars in England is not achieved in France until after another trauma, the French Revolution.<sup>6</sup>

In England, the Act of Toleration of 1689 put an end to the religious tensions between Anglicans and Puritans which had begun as early as 1625, and which had seen its climax in the English Civil War of 1642–49, the execution of Charles I, and the Commonwealth of 1651–60 (Jones 1972, 1992). By 1660, the Puritan party had been defeated, but the experience of religious freedom during the Civil War and Commonwealth had a lasting influence on the way people thought about religion (Hill 2000). In addition, the Puritan party still wielded great influence in the Exclusion Crisis of 1679–81 that tried to keep Charles II's Catholic brother James off the English throne<sup>7</sup> and in the Glorious Revolution of 1688 which deposed James after he became King. The Act of Toleration, passed in the first year of the reign of James's Protestant nephew and daughter, William III and Mary II, encompassed the Puritans and Anglicans who had struggled against each other for most of the century, and it thereby provided a basis for civil peace.

However, the 1689 Act offered only a limited form of toleration: it granted freedom of worship only to Trinitarian Protestants, and only members of the official Anglican Church could hold office. So Catholics, Unitarians, and non-Christians still lay outside the official toleration.<sup>8</sup> However, prosecutions of these groups were not too severe—although popular protests against Catholics and Radical Dissenters could still turn to violence.<sup>9</sup> William and Mary had actually supported a broader form of toleration than the one that passed Parliament, and they and most of their successors were not inclined to enforce the less tolerant provisions of the law.<sup>10</sup> More importantly, the Anglican Church, deprived of its monopoly, could not effectively ensure that everyone attended religious services at

either an Anglican or an official Dissenter church. So in practice, Radical Dissenters and even Catholics were free to worship in their own way. In addition, Dissenters had the right to vote, and by the practice of “occasional conformity”—attending Anglican services just enough to meet the requirements of the Test and Corporations Acts—they could even hold office. Often, even that formality was overlooked (see Clark 1985: ch. 5; Israel 1991; Bossy 1991; Trevor-Roper 1991). More importantly, over the next 150 years, toleration gradually expanded until it led to the Catholic Relief Bill of 1791, the repeal of the Test and Corporations Acts in 1828, and finally to the full emancipation of Catholics in 1829 (Clark 1985: ch. 6).<sup>11</sup> Public sentiment was not always fully in sympathy with these reforms at the time they became law—indeed, it strongly opposed the Emancipation itself—but the toleration, such as it was, became stable over time.

In England, we could argue, we have an example of a rational transition to toleration, because the 1689 Act and the milieu of eighteenth-century England created an environment in which toleration could come to be seen as a good in its own right. In particular, we might point to three institutional factors that were crucial to this milieu: the political representation that the minority had in proto-democratic institutions, the economic freedom they experienced in proto-capitalism, and the individual autonomy they had to choose their form of worship. These arrangements, we could then argue, made the acceptance of toleration rationally compelling for people in England in a way that it was not for the French of the seventeenth century. In these circumstances, we would then conclude, toleration did not require people to convert, but merely to reflect on the requirements of their own values in their current context.

Indeed, part of this story is correct, I believe. Once enough people accept toleration, then the rationality of toleration for many of the remainder changes, because the community in which they seek to live had changed. In addition, once many people have accepted toleration, then the conversion is easier for many others, if only because they will have more support in their new form of life. In addition, once many people accept toleration, then the next generation will not require a conversion; they will simply accept it as a matter of course. Nevertheless, I will argue, a close comparison between the English example and the French actually shows that none of these institutions promote toleration unless a large number of people have *already* been converted.

### *Autonomy and toleration*

Probably the most important difference between England and France lies in the kind of autonomy that was granted to the minority groups. Both the Edict of Nantes and the Act of Toleration gave autonomy to the minorities, but it took rather different forms. The French Edict gave the Huguenots considerable power *as a group*: it granted them control of

certain fortresses, legal control over significant portions of the country, and special tribunals (the *chambres de l'Edit*) to settle their disputes with Catholics. The Dissenters in England, however, were never allowed any official political role as a group, so the autonomy that the Dissenters gained was strictly individual. In an important sense, then, the Huguenots actually had more effective control over their lives. The political structure of the villages and towns in which they were a majority gave them a considerable voice in the day-to-day rules by which they lived, and the *chambres de l'Edit* gave them a mechanism by which they could fight discrimination when it occurred.

Some might argue, however, that the Huguenots' state-within-a-state actually undermined toleration in the long run. Since the Huguenots thought the key to their security lay in self-defense, they maintained political networks, even beyond those allowed by the Edict. They remained isolated from Catholics for the most part and, as a result, the Catholics continued to demonize them. By having so much control of their lives, we might think, the Huguenots had no incentives to build a more robust form of community with the French who were Catholic. This claim is supported by the fact that in places where Catholics and Protestants were roughly equal, some genuine toleration did emerge. The two sides were often able to work out some formal or semi-formal power-sharing arrangement over public offices, their children often intermarried without serious consequence, and they even agreed to share sacred spaces like cemeteries (Luria 1993; Hanlon 1993; Labrousse 1985: ch. IV). In England, Anglicans and Presbyterians were mixed throughout most of the country, and such daily interactions, we might think, secured the bond between them. So, we might conclude, a form of toleration in France that encouraged such interactions would have been more successful.

While this account is partially correct, the reality is more complex. Close interactions by themselves do not, after all, always build bonds of trust. Blacks and whites have lived together in the South for generations without creating any real trust; they managed to live in separate worlds right next to each other. And, contrary to what most Americans seem to think, getting people to talk to one another can sometimes exacerbate differences and inflame passions, rather than promote understanding. For example, the negotiations at Camp David in 1978 between Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin nearly broke down when the two principals spoke directly to each other. Talking directly to each other only reminded them of all the grievances they had against each other. Only by shuttling between them could American President Jimmy Carter salvage an agreement (Carter 1982: 327–60). In sixteenth-century France, Catherine de Medici's attempts to get Catholics and Huguenots to talk to each other in 1561—at the Colloquy of Poissy—went nowhere: the two sides quickly became embroiled in an irreconcilable controversy about the nature of the Eucharist, which both sides regarded

as too central to their beliefs to warrant any kind of compromise. These discussions, then, actually made the situation worse (Knecht 1996: ch. 4 and doc. 3).

So, in fact, allowing the Huguenots to have significant control over large parts of their lives was not an unreasonable way to build trust between the two groups. Contemporary analysts of civil war favor arrangements that establish concrete power-sharing arrangements that give both sides some power over the outcome of any political decision, with a decided preference towards a form of local control that will give concrete power to each group in at least a part of the country (Walter 1999; Zartman 1993). Such arrangements force the two sides to work together to make any progress, and they also insure each side that the other cannot unduly interfere with the achievements of the goods that are most important to it. Trust is greatly enhanced if the members of each group are guaranteed a sphere in which they can be sure that others will not interfere with them and in which they can, for the most part, live in their own way. Meaningful political toleration thus requires some sort of system which assures minority groups that they will not be systematically destroyed. Autonomy in some form, then, is essential.<sup>12</sup> But that autonomy need not focus on individual rights. As Will Kymlicka (1992) points out, a system based on group rights—the *millets*—operated successfully in the Ottoman Empire for nearly 500 years by allowing each religion to govern its own affairs and punish its own members (see Braude and Lewis 1982b; Walzer 1997: 17–18). In France, such a solution may have seemed ideal: as long as Catholics had considerable control over the lives of the Huguenots, the Huguenots were likely to be suspicious of the Catholics so the Huguenots needed to have effective political control over their own affairs to feel safe among their often-hostile neighbors.

However, both the French example and the Ottoman example show that such autonomy is not enough. The *millet* system worked fairly peacefully only as long as the non-Muslim groups accepted their politically subordinate position within the Empire (Halbertal 1996; Bosworth 1982). Such groups were only tolerated because they were “peoples of the book,” whose religions contain some small element of the truth. When Christian and Jews questioned their subordinate position, the Qu’ran no longer supported their place in Muslim society and what toleration they had from the Muslim majority evaporated (Khalaf 1982; Ma’oz 1982). Traditional Muslims would never accept the Christians and Jews had equal rights; they do think that human rights can be placed about “God’s rights” (Nasr 1997). The autonomy of Christians and Jews was, then, strictly limited. In France, the Huguenots never felt secure even when they had their separate sphere before 1629, and that sphere only roused the resentment of the Catholics, who believed that their loyalties lay more with their fellow Protestants in other countries than with their fellow Frenchmen. So, when the Huguenots did not occupy an explicitly subordinate position, group



autonomy only made both groups *more* suspicious of each other. Yet even after 1629 when the Huguenots' position became precarious, the Catholics still did not trust them enough to grant them as much autonomy as the Christians and Jews enjoyed in the Ottoman Empire. Real toleration in France was not possible until the Huguenots had some politically effective means to protect themselves, but effective autonomy required effective political power.

Group autonomy proved too volatile in France to encourage toleration, but individual autonomy would not have given the Huguenots sufficient control to help: they feared the external pressures that the majority could bring to bear on individuals could destroy their communities. Indeed, the Catholics were even more wary of individual freedom: they did not want to allow the Huguenots to proselytize or even to influence others they might contact, so they wanted to keep the "threat" contained to as little territory as possible. In effect, in France, the sides were so polarized that giving the Huguenots enough autonomy in any form to make them feel secure *automatically* made the Catholics nervous. The Catholics simply did not trust the Huguenots not to use whatever power they were given to mount a rebellion; as a consequence they were unwilling to give them any kind of real power that would allow the Huguenots to demonstrate that they were in fact trustworthy. A different form of autonomy would not have made the Catholics more trusting, and so it would not have addressed the basic problem in France. While some form of autonomy is conceptually necessary for toleration, autonomy alone does not make the conversion to toleration more likely.

### *Democracy and toleration*

We might think that the reason autonomy was unsuccessful in promoting toleration in France was that France lacked the democratic institutions that support autonomy. So, we might argue, the most important difference in the English and French cases lies in the beginnings of democracy that were present in England, but which were suppressed by the absolutist policies of the Bourbon monarchs. England in the eighteenth century had reasonably strong representative structures and real political debates, a development that helped people recognize that disagreements need not lead to warfare. On the other hand, the France of Richelieu, Mazarin, and Louis XIV developed the structures of absolute government which bypassed national representative bodies like the Estates General, ignored the local bodies like the provincial *parlements*, and co-opted the independent power of the aristocracy.

Conceptually, democracy is not necessary for toleration. We can imagine a robust form of toleration existing in a country without any democratic institutions at all; a more robust form of the *millets*, for example, would have been a powerful form of toleration. Nevertheless, we

might argue, democratic institutions in England gave Dissenters some means by which to insure that their grievances would be heard and that they would be able to have some effect on the machinery of government. Such a voice can become more effective as toleration takes hold, since they can expect that other citizens will begin to take their concerns seriously (see Hirschman 1970). Thus, one of the reasons that toleration worked in England, we might think, was that its democratic institutions stabilized the country by providing a voice for those who disagreed with the policies of the government. But such democratic institutions are also strengthened by the recognition that people can co-exist even when they have profound disagreements and that even deep problems can be resolved through democratic means. Thus, toleration and democracy feed off one another in a “virtuous cycle” that promotes both.

Yet even if the Bourbon monarchs in France had embraced democracy, it would not have helped the Huguenots. The “virtuous cycle” has to be primed. As long as the French Catholics were unwilling to see their Protestants neighbors as equals, democracy would have caused *more* problems for the Huguenots rather than less. Given the antipathy many Catholics felt towards the Protestants, democratic institutions may have led to even more restrictions on them. The experience of English Catholics during the “Popish Plot” scares of the 1670s demonstrates that democratic pressures can lead to intolerance. Based on a few invented tales, the Protestant majority was worked into a frenzy over the possibility of a Catholic *coup d'état*. The resulting panic led to the execution of some Catholics and the persecution of many more (Kenyon 1972). If the institutions in England had been more democratic, the results for the Catholics would have been even worse. Democracy guarantees an effective voice to no one but the majority.

Moreover, even if democracy is, in our view, the best way to give minorities a voice, it is not the only way. In the Ottoman Empire, each *millet* governed most of its own affairs, and the Sultan had separate agreements with each of the religious groups, which gave its “leader” some standing at the Imperial Court (Braude and Lewis 1982b; Bosworth 1982). Grievances from each group were thus guaranteed to be heard by the government—even if the community’s voice was represented by one man and one perspective. Of course, that voice was also limited, since it could never challenge the authority of the Muslim majority. But in that respect, minorities in a democracy usually fare no better and often fare worse.

Democracy alone then is not the essential ingredient in converting people to toleration. Indeed, democracy only seems to help in an indirect manner by demonstrating the possibility of peaceful disagreement. In a democracy, people can have great differences, which they then debate and, ultimately, decide by some kind of vote. Disagreements do not lead to either surrender or warfare. Democracy thus helps solidify feelings of toleration that are already in place, and it thereby facilitates the transition to

full toleration. But democracy is neither necessary nor sufficient for toleration.

### *Capitalism and toleration*

The third important difference between the French and the English experiences is the emergence of proto-capitalistic markets in England, while France was still caught in mercantilism. Capitalism, we might think, aids toleration for two reasons.<sup>13</sup> First, unlike mercantile policies which focus on the state and enhance state power, capitalism decentralizes economic power, and it thereby facilitates other practices—like toleration—that rely on decentralized power. In effect, capitalism teaches the lesson that anarchy need not result when the state does not directly control an enterprise of national importance; indeed, the goals may actually be furthered better if the state is not a part of it.

Second and more importantly, capitalism gives the members of different religious groups a motivation to interact on a basis which ignores religion altogether. As Voltaire puts the point:

Go into the London Stock Exchange—a more respectable place than many a court—and you will see the representatives from all nations gathered together for the utility of men. Here Jew, Mohammedan and Christian deal with each other as though they were all of the same faith, and only apply the word infidel to people who go bankrupt. Here the Presbyterian trusts the Anabaptist and the Anglican accepts a promise from the Quaker.

(Voltaire 1734: 41)

Capitalism thus gives people plenty of incentives to ignore religion and focus just on how someone else can help them make money. Indeed, as Albert Hirschman argues in his classic work, *The Passions and the Interests* (1977), the early defenses of capitalism were based on the claim that if people would pay more attention to their economic self-interest, they would pay less attention to religious differences. The importance of commercial ties for ameliorating tensions between communities is seen quite dramatically in Lucknow in India where the economic ties between Hindu textile traders and their Muslim workers seems to have prevented riots where lesser provocations in other Indian cities led to widespread destruction (Varshney 2002: chs 7–8). Replacing “enthusiasm” for religion with the cool calculations of interest thus promotes social peace (see Holmes 1990). Toleration is simply a byproduct of this effort to redirect people’s social energies. Toleration is accepted because a person’s religious beliefs cease to be their sole source of identity and social worth.

As powerful as this argument is, it too fails to show that capitalism is the crucial ingredient for toleration. First, unless enough people already

accept toleration, the workings of free markets will actually encourage *intolerance*. In the segregated South, a white restaurant owner who seated African-Americans in his restaurant would lose his white customers. Likewise, the corporation that promoted a Black, no matter how well-qualified, to a prominent position could lose all of its white—and therefore most prosperous—customers. By itself, then, a free market does little to promote toleration. Once toleration is in place, market pressures will force corporations to cater to minority groups, so capitalism and toleration, like democracy and toleration, may reinforce each other in a virtuous cycle. But once again, the cycle has to be primed with toleration first.

Second, economic interests often exacerbate the differences between religious groups, and the economic success of minorities often increases the hostility towards them. We need only reflect on the long-standing resentment of the Jews in Europe for their ability to make money to see the problem. In fact, the Huguenots in France were resented by Catholics for many of the same reasons (Scoville 1960: 47–57; Labrousse 1985: ch. IV). With little hope for advancement in the traditional avenues of the army and the judiciary, many Huguenots had turned to commerce, which their religion—unlike Catholicism—encouraged. But that success hardly endeared them to their Catholic neighbors, who felt that they competed unfairly because they worked on feast days and were less skittish about lending and borrowing money with interest, activities which were frowned upon in the Catholic Church (Scoville 1960: ch. V). Free markets, then, fanned the flames of intolerance.

Finally, structural elements within capitalism may work against toleration. If some Marxist analyses are even remotely correct, the interests of capitalist classes are to keep the working class divided to maintain their control of the markets and of the power that emanates from them.<sup>14</sup> So, for example, Marx argues that the antagonism between English and Irish workers, a division flamed by their religious differences, was “kept alive and intensified . . . by all the means at the disposal of the ruling classes” to prevent the workers from understanding their common interests against the capitalists (Marx 1870: 591–2; see Elster 1985: 21–2). Thus, the interests of the moneyed classes may be to promote religious intolerance in order to divide the workers and to keep them from uniting against them.

In any case, the workings of capitalism certainly do not guarantee an increase in toleration. Only if some toleration is already in place is such an argument even plausible. So once again, we have identified a factor that may aid the cause of toleration in some cases, but not one that makes the initial conversion to toleration more likely.

## **Trust and conversions**

Individual autonomy, democracy, and capitalism all seem to aid the cause of toleration once toleration is established, but none seems capable of

facilitating the initial conversion to toleration. Other factors were probably more important for what actually happened in England and France, factors which are not broad social or institutional trends that may have universal significance, but contextual differences that were important in the particular situations of seventeenth-century France and eighteenth-century England.

### *Trivial differences*

First, the English had one hundred years of additional religious conflict to draw upon—not the least of which was the failed experiment in France. The Revocation of the Edict of Nantes in 1685 was very much in the minds of the English during the Glorious Revolution of 1688—though the lesson most took from it was that Catholics could not be trusted. Perhaps, more importantly, the successful toleration practiced in the Netherlands—with which William III was intimately acquainted—provided inspiration. *De facto* toleration had existed in the United Provinces since the beginning of the century, and William and his Orange predecessors—especially the first *stadtholder* of the independent Netherlands, William I the Silent—had pursued a policy of religious peace (Israel 1995: 140–1, 192). Even so, toleration was not well-established in the Dutch state: Catholics were prohibited from public worship during the seventeenth century, and they often had to pay “recognition money” to local officials to worship in private; like Christians and Jews in the Ottoman Empire, Catholics in the Netherlands were made to feel their subordinate status (Parker 2003). In addition, William III had to intervene personally to quash an anti-Catholic measure in Holland in 1687 (Israel 1995: 646–7). Nevertheless, William’s homeland provided an example of a place where a fairly broad toleration had not led to the state’s ruin, but had actually helped the United Provinces become a great trading nation.

Second, toleration in England had the continuing support of the powers that be. From William III on, the monarchs supported toleration, and they usually did not pursue even the prosecutions that were allowed under the law. In France, on the other hand, Louis XIII and Louis XIV considered toleration a nuisance, and they were quick to enforce the letter of the law over its spirit and even to violate the letter whenever they were not distracted by external concerns. A young Louis XIII had vowed to “work towards the ruin of the Huguenots, if given the opportunity” (quoted in Desplat 1991: 69), and an older Louis XIV became more religious and sought to unite his country under his control and under one faith (Scoville 1960: 30; Labrousse 1988). They allowed missionaries to the Huguenot areas who, by reinvigorating faith of Catholics, attempted to convert the Huguenots by isolating them as much as possible from the larger community. These tactics, although peaceful, only exacerbated—and sometimes created—religious tensions (Luria 1993). After 1681, the means of conversion became less subtle,

as Louis XIV quartered dragoons in the homes of Protestants with orders to create havoc unless the inhabitants converted (Scoville, 1960: ch. II). In France, then, state power was used to undermine any toleration that might develop. Creating a context for toleration, then, is greatly aided by the active and personal support of the powerful. Such support is, as the death of Henri IV shows, an accident of history. The importance of support from political leaders can also be seen in two contemporary cases. Serb leaders like Slobodan Milosevic and Radovan Karadjic exploited tensions between Serbs, Croats, and Muslims in Yugoslavia in the early 1990s to gain power for themselves, but thereby added fuel to the fire (Ignatieff 1993: ch. 1). In India, the most important difference between the high levels of Hindu-Muslim violence in the city of Aligarh and the low levels in Calicut in the last half of the twentieth century is that politicians in the former, but not in the latter, played up the religious differences and enflamed their followers (Varshney 2002: chs 5–6). Since both Yugoslavia and India had some degree of democracy, the politicians could succeed only with the support of people from their communities, but the politicians added to the problem. Institutional structures of toleration, then, are never enough; the leaders must have a personal stake in their success.

Third, toleration in England actually encompassed a large number of religious groups, not simply Presbyterians and Anglicans. The fervor of the early years of the Commonwealth of the 1650s had produced a host of religious sects—Congregationalists, Seekers, Ranters, Shakers, Quakers, Millenarians, and Fifth Monarchists, just to name a few (see Hill 1972). England thus had in living memory the experience of a vast religious pluralism, much of which continued to exist into the eighteenth century. That memory was a mixed blessing, since many thought it showed that toleration led to anarchy (Murphy 2001: ch. 4). Yet the survival of many of these groups created a more fluid situation in England. As Voltaire, once again, puts the point:

If there were only one religion in England there would be danger of despotism, if there were two they would cut each other's throats, but there are thirty, and they live in peace and happiness.

(Voltaire 1734: 41)

Because they had considerable experience interacting with people of different religious views, the English thought less was at stake in the mere existence of other sects. The visible presence of so many sects demonstrated that the country could exist—and indeed, prosper—with the ongoing presence of Dissent, even if most people continued to think that a strong established church was essential to the well-being of the country. Such a fact is, of course, an accident of the particular history of the English Civil Wars, but once again it helped create an environment in which toleration seemed more possible.

Fourth, although the 1689 Act of Toleration included more groups than the Edict of Nantes, it actually encompassed smaller doctrinal differences, a fact which made it easier to accept. The Dissenters were often seen as rebels, as heirs to the regicides of 1649, but they were still *Protestants*. In that sense, the toleration did not force the Anglican majority to accept too much at once, and it thus allowed the process of opening toleration to other groups to take place over time (even if it took 140 years). Of course, the sense that doctrinal differences are small depends greatly on the context, and small differences—like those between Serbs and Croats—can, as we have seen, actually exacerbate tensions in the “narcissism of minor differences” (Ignatieff 1997). After all, from a certain point of view, the Catholics and Protestants of France were all *Christians*, but that fact only made the tensions between them more pronounced.

The doctrinal differences in England seemed small and insignificant only in the face of a fifth factor: the presence of a common enemy in Catholicism. The threat posed by the expansionist policies of Louis XIV in France and by the Catholic supporters of James II and his descendents within England gave the various Protestant groups—even those not officially tolerated by the 1689 Act—a reason to unite behind the establishment. However unpalatable the Anglicans found an alliance with the Dissenters, the Dissenters would aid the establishment in the battle against Catholicism and the absolutism of Louis XIV. Only the unity created by that enmity gave them the impetus to tolerate each other. Thus, the important doctrinal differences between the various groups did not disappear; they just ceased to be important in the face of common threat. Ironically, then—and sadly—toleration in England has at its very core a worm of intolerance.

### *The conditions for trust*

The five factors I have just discussed are all doggedly contextual: they all depend crucially on historical accidents. None of them depends on broad institutional programs for promoting toleration. None affects the conceptual difficulties of toleration nor does anything to resolve the doctrinal differences between them. As Bernard Williams puts it:

The problem of cooperation cannot be solved merely at the level of decision theory, social psychology, or the general theory of social institutions. In fact, there is no one problem of cooperation: the problem is always how a given set of people are to cooperate.

(Williams 1988: 13)

Nevertheless, these contextual features are not merely random features of the social environment. In the circumstances of eighteenth-century England, each affects the *psychology* of conversion: they make a world of

toleration seem more possible and more attractive, and so they make the conversion more likely. The key to that conversion, of course, were the feelings of solidarity that began to emerge between Anglicans and Puritans. But there is no magic formula for creating such feelings; they depend crucially on context.<sup>15</sup>

In England, the key to this developing attitude was the sense that national unity was more important than the niceties of confessional unity. There were two elements in this new attitude: English nationalism and anti-Catholicism. William III emphasized the former element: his political goal in taking control of England was to advance the common *national* interests of both the Netherlands and England in opposing the imperialistic designs of Louis XIV. For him, national interests, not religious unity, were the key to the European future. In this respect, he was far ahead of his English subjects, for whom anti-Catholic sentiments were more salient. In opposing the threat by Louis XIV, the English saw themselves working together in the common enterprise against Catholic absolutism to secure their salvation and their freedom. In these ways, the groups could see each other as fellow Protestants and fellow Englishmen, rather than as threats. Only then could they see each other as trustworthy.

Each of the contextual factors I have discussed contributed to the environment that made such a trust possible. The experience of France showed how intolerance could wreck a country. The personal support of William and his successors lent stability to the regime of toleration. And the sheer diversity of groups helped to make the idea of interacting with those of a different faith seem less threatening. Yet their common cause against Catholicism made those many differences less important and less salient than what they shared. In the context provided by these factors, in fact, the more institutional factors discussed in the last section were able to play helpful roles. Individual autonomy helped to loosen group bonds and thus left a place to create solidarity between individuals based on a common national interest. Proto-democracy demonstrated the possibility of conflict resolution without warfare, and proto-capitalism showed that different religions could successfully interact with each other. Thus, in the context of eighteenth-century England, all of these elements promoted a trust that bridged the conceptual, psychological, and imaginative gaps that existed between a world in which true toleration holds few attractions and a world in which it is widely accepted and promoted.

As stated, we might think the lessons of the English example are rather depressing: toleration for Protestants was built substantially on intolerance for Catholics. The fear is that toleration will always be based on intolerance, that behind every expansion of rights lies a deeper form of bigotry. Such a bleak conclusion is not, however, warranted. What toleration requires is a common ideal which unites all the parties and which makes their differences seem less important than their common goals. Indeed, any group will define itself by the differences it has with other groups,



particularly by differences in values or in ways of life through “norms of exclusion” (Hardin 1995: ch. 4). So even if the shared goal on which England’s toleration was based was an anti-Catholic Protestantism, we can hope that the common ideal can be supported by a cultural heritage, by a shared history, and, ultimately, by liberty and toleration themselves. However, we should always be wary of the content of the common ideal, lest the ideal itself becomes a source of intolerance.

In addition, even when toleration is founded on intolerance, that toleration is not forever tainted. The long-term character of the alliance between Anglicans and Presbyterians in England meant that many Anglicans, for example, grew up thinking of Presbyterians as people with whom they had shared goals. In emphasizing the important shared goals, each group can come to see the other as part of a shared enterprise, rather than as a threat. A similar pattern has occurred in the United States, even among those Americans whom we often think are less-than-tolerant. Many who once insisted that the country was based on White Anglo-Saxon Protestant values came to see it as based on *Protestant* values and then on *Christian* values and even more recently on *Judeo-Christian* values. So, even a toleration that is founded on intolerance can become more expansive over time, and the toleration that does exist itself becomes deeper with time as well. The virtuous cycle, once primed, will lead to further toleration as the effects of autonomy, democracy, and capitalism come to reinforce those values.

### ***Building communities***

The lesson here is that building trust is fundamentally a way of building communities.<sup>16</sup> Communitarians have rightly emphasized that a sense of common purpose, a view of the common good, greatly facilitates the development of trust. These goals are aided in a context in which the “civic culture” is strong; that is, the goals are easier to realize in a society in which there are elaborate interconnections of voluntary organizations that facilitate the intermixing of people from various backgrounds—the kind of organizations that are the result of and help produce strong democracies.<sup>17</sup> Indeed, contrary to what many people believe, the correlation here may be fairly strong: in America, the places where people are most tolerant towards each other are also the places in which people are most likely to participate in political, civic, and social activities (Putnam 2000: ch. 22). Toleration, then, actually *increases* the social capital so longingly sought by communitarians. So, we have reason to expect that we can create a “virtuous cycle” of trust and toleration. But when the community we seek to build is made up of people who disagree about the fundamental goods that the society should pursue, getting the cycle started is the main problem. Organizations that cross the important boundaries and create trust are precisely what is missing. Where voluntary organizations flourish

in general, we can hope that such intergroup organizations will arise spontaneously, but there is no guarantee that they will. As Ashutosh Varshney (2002: ch. 12) shows in India, civic groups in general do not help promote toleration; only the existence of formal groups that bring together Hindus and Muslims forestalls violence. Sometimes, we can create the intergroup organizations with the efforts of a visionary leader, as Mahatma Gandhi was able to do in large swaths of India for long periods of time, and as one police chief more recently did on a smaller scale in the violence-torn city of Bhiwandi (Varshney 2002: ch. 9 and 293–7). Even in the best of circumstances, building trust between two disparate groups is difficult, and the circumstances in which a robust toleration is most needed are hardly ideal. Certainly, years of peaceful co-existence make more of such alliances possible and make their success more likely, but we can never presume that these efforts will succeed.

Even when people accept toleration as a good, the situation does not magically resolve itself. Indeed, only then do the two sides find themselves in a Prisoners' Dilemma: they both prefer a result in which each side can act on their belief that toleration is a good, but they fear that the other will take advantage of them if they act on it unilaterally. However, in such cases, the well-known strategies for building cooperation are quite likely to succeed. So, as Robert Axelrod (1984) has elegantly argued, in such reiterated Prisoners' Dilemmas, cooperation can easily emerge if both sides are willing to cooperate and to reciprocate—especially if the stakes of the interaction are relatively low at first and then gradually build. Trust is more likely when less is at stake in the initial steps. In a sense, the English followed such a course with their gradual expansion of toleration over time.

Yet even within Axelrod's model, toleration faces a special difficulty, since cooperation is harder to achieve if participants can easily label some people as "outsiders" and limit their cooperation to members of their own group (Axelrod 1984: 146–50). So even if both sides are committed to toleration, they must each overcome the tendency to isolate themselves; they must stand willing to interact with and cooperate with the other side. This problem, we have seen, is one of the key elements of the failure of toleration in France in the seventeenth century. And even in England, the Quakers, who were tolerated under the Act of Toleration, were vilified—as "the snake in the grass" by many (see, for example, Leslie 1697)—though, fortunately, such attacks never turned to widespread violence. But if cooperation between groups is not seen as inherently evil and if the cooperation is needed to achieve a common goal, then these obstacles can be—and were in fact—overcome. But even long-term peace can be fragile. We only need to think of the rapid breakdown of trust that occurred between Serbs, Croats, and Muslims in Yugoslavia to see how quickly it can dissolve (Ignatieff 1997). So something more than peace is needed to generate trust. Although different groups interacted everyday in Yugoslavia, there were

few intermarriages and few groups that crossed ethnic lines that were not foisted on people by an illegitimate state (Varshney 2002: 297–8). Perhaps the best we can do is to look for and to pursue vigorously whatever opportunities arise (see Kelly 1998: ch. IV).

Ultimately, then, the problem in seventeenth-century France was less that the Edict of Nantes set up institutions that kept Catholics and Huguenots apart than that it created few that forced them to work together to create a common identity (Creppell 2003) or at least a set of common goals. Trust is always hard to nurture in any postwar context, and the obstacles were many, especially since neither side thought toleration was even possible. Since no broad trust developed, a deeper toleration was impossible.

### **The road to toleration**

None of the factors I have discussed in this chapter makes toleration rationally required. Each affects only the conceptual or the psychological possibilities for conversion. They thus make toleration into a “real option,” to use Williams’s phrase (1985: 160–7), and perhaps an attractive one—but they do not make it rationally compelling to the people involved. Of course, once a critical mass of people have been converted to seeing toleration as a virtue, the possibilities for further conversions become even greater because the existence of successful conversions proves that they are possible, because their presence can make vivid the attractions of the world of toleration, and because the cadre of tolerant can support the new converts, both in their new beliefs and in their new lives. At this point, the virtuous cycles of capitalism, democracy, and autonomy can give the process even further momentum. Then, even self-interest will support toleration.

Nevertheless, that band of converts is not guaranteed to grow, even if the social conditions are favorable. And in most cases, their very existence will provoke a reaction. Only after a long struggle is toleration likely to become widely accepted, and only after another is it likely to gain the force of law. In this respect, the proponents of toleration are no different from any other political group seeking to advance their cause. Of course, this group thinks it can offer something that no other group can: a chance for people of different views to exist together. It is a unique group only in the sense that it tries to encompass as many other groups as possible. But even among the tolerant, admission has a price. Everyone must accept at least one common value: the value of toleration itself. In a favorable context, conversion to toleration is not too difficult—it may not require too many changes in beliefs and values—yet the changes it does require may be quite significant.

In addition, once toleration becomes accepted in one country, it creates a new context for the conversion to toleration in other countries. So in our

world, no matter how bleak the problems, no country must overcome quite the obstacles that faced the French and the English, for whom no model of a tolerant society existed. In our world, we can hope that the attractions of a tolerant society are evident enough that people in other societies will be drawn to it. But the evidence of Lebanon and Northern Ireland in the 1970s and of Bosnia and Kosovo in the 1990s shows how difficult the transition can still be.

The acceptance of toleration is not promoted, however, if we insist that toleration is rationally required. Such a view fails to take into account the beliefs of those unconverted people who do not see toleration as a good, and so it fails to treat these individuals as “self-authenticating sources of valid claims” (Rawls 1993: 32)—as toleration itself requires. Preaching toleration sometimes helps, but a more effective means is to demonstrate to people the possibilities available in such a life or to show them how it can make goals that they already have more possible, in much the same way other virtues are taught (MacIntyre 1984: ch. 14). Of course, adopting toleration as a virtue will itself change some of those goals, but such is the nature of all conversions.

The emergence of toleration is, then, a matter of context, not of rationality. As such, questions about whether conversions to toleration should occur or not are less about justifications than about hopes, hopes that come from those who have already “crossed over.” What made the English story a relative success and the French story a failure, then, lay in factors that were largely outside the control of any given actor. In France, I think, even the support of the king would not have made toleration a reality. The climate was not yet ripe for it. The tragedy in France, while not exactly in the stars, was not a failure of rationality—in the king or anyone else. The contexts in which toleration can emerge and flourish are a delicate balance of factors that add up to a climate in which trust can emerge where it could not before. If so, then even the stability of toleration in our society must be carefully nourished. The achievement of toleration is, then, both fortuitous and fragile.

## 5 Of Socinians

### Toleration and the limits of trust

Developing a robust form of toleration is, as the last chapter showed, a complex process, one that is never easy and never guaranteed. It requires, most importantly, the development of a community built on shared goals in which toleration is not seen as a threat. The practices that must develop, then, are not just the practices of toleration, but also the practices that surround that common goal. The latter practices create the trust that is necessary for a deeper form of toleration; with luck, they may even promote genuine understanding between people. In any case, once someone can trust members of a different group, then she will no longer begrudge her toleration of them and, at minimum, she will no longer resent the diversity that others represent. That sentiment, I take it, is the minimum requirement for a more robust form of toleration in which toleration is seen as a good in its own right. Thus, a minimal form of trust is needed before toleration is possible, that toleration makes a deeper form of trust easier, and that deeper trust can lead to a more robust form of toleration. To become established, trust and toleration must feed on each other in a virtuous cycle.

A society built on a robust form of toleration thus requires two distinct kinds of practices: (1) those that deal with the institutions of toleration itself, that is, those that guard the boundaries that toleration is supposed to support, and (2) those that generate the trust between groups and create the common goals on which toleration can flourish. In many ways, the point here is obvious. On the one hand, people have to trust one another enough to make toleration possible; people have to feel that their fundamental moral interests are not threatened if they accept toleration. When that trust breaks down, then civil war—in either the hot or the cold variety—will resume. Trust thus generates toleration. On the other hand, the toleration must be robust enough that members of particular groups feel that what is important in their way of life is never threatened by the society at large. Toleration thus generates trust.

Many liberals have implicitly assumed—or hoped—that trust and solidarity could be built on the basis of toleration itself. Behind the claim that we do not need a shared sense of the good life to have a society is the

assumption that toleration itself can provide a common bond strong enough to sustain itself. My argument over the next two chapters is that although we do not need a shared vision of the substance of a good life, toleration itself is not sufficient to ground a stable society. The groups that comprise a society must also share at least a weak form of identity, created out of practices that build trust between them. Nevertheless, the relationship between these two projects—building trust and sustaining toleration—is quite complex. On the one hand, efforts to build trust, I will argue, are crucial to setting the limits of toleration. But, on the other hand, the requirements of toleration will also set limits for what kinds of trust-building activities are permissible.

### Building trust

In England after the Act of Toleration of 1689, I have argued, the success of the limited form of toleration that existed depended not on broadly institutional features, but on contextual features, the most important of which was the fact that the Anglicans, Presbyterians, and Quakers who were parties to the toleration shared a common identity as Protestants and, importantly, as anti-Catholics. That common identity as anti-Catholics gave them an important shared goal: the defeat of Catholic forces both outside and inside of England. The activities in pursuit of that goal thus secured a bond of solidarity between them. In the English case, we have seen, that bond was sealed by the strongest possible means: war. Over the next quarter of a century, England fought in a series of continental wars against the aggrandizing policies of Louis XIV, first in the Nine Years War (1688–97) and then in the War of Spanish Succession (1701–14). The work for a common purpose of extreme importance then gave everyone some reasons to believe that others could be trusted. Of course, putting the point in this way glosses over the many bitter political fights between the supporters of the Established Church, particularly in the Tory Party, and the supporters of a broader toleration among the Whigs, yet the sense of solidarity in the war effort was real (Jones 1978: 256–301).

War is certainly a powerful trust-building activity, as Robert Putnam has shown in the case of the World War II generation in America (Putnam 2000: ch. 14). In America, the social capital that was built during the war sustained civic life for the rest of the twentieth century. But—we hope—war is not the only means to build civic trust. Some such bonding activities are, however, essential. The need for them is clear when we understand the basic dynamics of the situation. As I argued in the last chapter, when toleration is regarded merely as a *modus vivendi*, the structure of the situation and the reasons that both sides hold such a position give neither side incentives to accept toleration as a good in itself.

***The role of toleration in trust***

The practices of toleration focus on the goods of trust. The practices that support toleration are designed to prevent one group from interfering with the achievement of a good sought by another group (Weinstock 1999: 300–1). Of course, no trust is possible at all if a group believes that its goods are incompatible with the presence of others. As long as Catholics thought their salvation was threatened by the mere presence of Huguenots, no trust and no toleration—even as a *modus vivendi*—was possible. In the circumstances with which we are now concerned, however, those goals are not threatened by the mere presence of another group. Insofar as the other group has the power to interfere with the first group's practices, it can interfere with the pursuit of those goals. The practices of toleration engender trust because the systems of rights and laws and sanctions that guarantee freedom of conscience attempt to make it difficult for one group to sabotage—even unintentionally—the efforts of another. Without these institutions of toleration, efforts to build trust with common activities may be seen as a means to co-opt rather than to cooperate.

To be effective, however, the guarantees behind these institutions must be credible. In France, the problem with the institutions of toleration that were established after the Edict of Nantes is that everyone believed that they could be easily overridden by the French Crown—as indeed they were. Even though the edict gave the Huguenots institutional guarantees of security, those guarantees were never regarded as sacrosanct. The traditions of limited government which made those guarantees credible in England did not exist in France. More than anything else, then, the institutions that lie behind autonomy, democracy, and even capitalism are linked to toleration, because they reinforce the idea of limited government. So although the guarantees offered to minority groups in the Act of Toleration were much more limited than those in the Edict of Nantes, they were given force by a tradition of limited government. Since the Glorious Revolution itself was premised on the need for such limits, minorities trusted the government to abide by the limitations it had put on itself. The credible guarantees that lay behind the Act of Toleration were essential to the peace that followed. The fact that the British Crown was usually less than enthusiastic about enforcing the religious restrictions that remained also helped that perception.

On this view, then, the rule of law itself was a necessary precondition to toleration. The particular arrangements that lie behind the toleration are obviously crucial, but those arrangements are worthless unless people on all sides can reasonably believe that the guarantees embodied in those arrangements will be enforced. After the death of Henri IV in France, we saw, Marie de Medici did nothing to make the Huguenots believe that the Edict would be rigorously enforced, and so the situation began to deteriorate. What will make such guarantees credible, of course, will once again

be highly contextual—and in some situations, the levels of trust are so low that no guarantees are credible.

### *Limits on trust and toleration*

The hope is that these guarantees will “prime the pump” that will allow other activities to have a positive effect on how members of the contending groups feel about each other, thereby creating a virtuous circle that leads to increased toleration. Since toleration depends on a background of minimal trust, it cannot be self-sustaining, and what trust it generates will be inherently fragile. So we must also rely on other mechanisms for building trust. At this point, the workings of democracy, the interactions in the market, and the development of secondary institutions to create other forms of trust become crucial. Informal everyday interactions between groups are important, but formal groups that institutionalize interactions are even more effective in sustaining trust, particularly when the impetus for those groups comes from the different communities themselves, as Ashutosh Varshney (2002) has shown for Hindu–Muslim relations in India. Having a public forum in which grievances can be aired and considered is crucial for maintaining the bonds between the community, especially in times of crisis, when informal links are strained the most.

As important as these trust-building activities are, they become self-defeating if they undermine toleration. Attempts to build trust between groups that force any group to sacrifice its identity sabotage the toleration that the trust is supposed to foster. So, for example, an attempt to build trust in England on Anglicanism was bound to fail, and the actual efforts to build the community on a shared vision of Trinitarian Protestantism conspicuously left many groups outside the community of the nation. So the limits of trust-building activities will be their effect on toleration. But including more groups in the toleration also tests the limits of trust, since many will consider some of the included groups beyond the pale. So the balance of toleration and trust will always be a delicate one.

From a practical point of view, the limits of toleration exist at the limits of trust. Who can be trusted determines who can be tolerated. In a context of toleration, the groups must be able to trust each other both to keep the peace and to pursue their good in a way that does not threaten others. The majority group, of course, will always be tolerated just from its relative power—though it can sabotage toleration if it threatens others. Whether a minority group will be tolerated depends on the degree to which it is perceived to be a threat to the society. Indeed, that *perceived* threat is independent of the actual circumstances in which a society finds itself, so whether the society is truly under pressure appears not to affect people’s attitudes much, as James Gibson and Amanda Gouws (2003: chs 4–5) show among South Africans. Obviously, groups that pose a physical threat to others cannot be tolerated. But other groups can pose a “moral



threat” because they are thought to undermine the community or its common goals. Even if they do not threaten violence, they undermine the moral fabric of the society. Their view of life is considered so “perverse” that no society can be sustained with them. If the threat is perceived to be too great, then cooperation between majority and majority groups is harder to initiate and harder to sustain (Axelrod 1984: ch. 7). So, the psychological explanation for why Radical Dissenters and Catholics were not included in the toleration of the 1689 Act is that including them raised the stakes of toleration too high for too many people. Including them would have led to too many defections from others. From our point of view, however, the interesting question is why exactly each of these groups was considered to be a moral threat and whether that assessment was reasonable in the circumstances.

Of course, what counts as such a grave moral threat will be the issue at contention at every step in the process of toleration. The proper balance between trust and toleration, then, is partially an empirical question about which groups can tolerate others and how much diversity they can psychologically accept at a given point in time; it is a question of who in fact can be trusted. But it is also a deeply *moral* question about whether they *should* be able to trust others more than they do. The idea that a group constitutes a moral threat is not, after all, simply a given, and so that assessment can be more or less reasonable. Indeed, even if we base that assessment only on the values of the majority, it can still be more or less reasonable. The latter point is important. Since, as I have argued, we can rarely, if ever, rationally persuade a group to abandon its perspective, the assessment from their point of view is crucial for understanding which groups can be tolerated in a given society. Sometimes, the problem that one group has with another lies not in the out-group, but merely in the way in which they are perceived by the in-group. Sometimes, the fear of the “others” is generated, in whole or in part, by the efforts of some within the in-group to create distrust of the out-group by focusing on incidents that are designed to make us think “they” can’t be trusted. So the fact that “we” think a group lies outside the pale is not evidence by itself that they constitute a genuine threat. To undercut the efforts of those who seek to create distrust where none need exist, the demands of toleration may require groups to adhere to certain policies that promote comity. Obviously, such policies will limit the activities of the in-groups, and so it will infringe on their ability to pursue their good as they see fit. For that reason, we must approach such restrictions with caution, and we must think carefully about what toleration really requires. The questions of where the limits of toleration are and what toleration requires must be answered with a sensitivity to both the descriptive and normative issues that are intertwined in them. To set the proper limits of toleration in a society, we must understand not only the society and what is possible in it given the actual views of people in the society, but we must also under-

stand the moral possibilities, given their moral vocabulary and the moral resources available within their perspective.

To tease out an approach to finding the proper limits of toleration, I want to examine two cases. First, I want to look at an historical case in which our perspective is disconnected from that of the people in question, so that we can look at what is possible, given the understandings of people whose views on toleration are quite unlike our own. For this purpose, I will return to England in the 1690s in the remainder of this chapter to look at the controversies surrounding who was included and who was left out of the 1689 Act of Toleration. Second, in the next chapter, I will apply a similar approach to a contemporary question, where the perspective in question is simply ours, that of people in liberal Western democracies. By looking at the issues of how to balance trust and toleration, I hope to make concrete the issues surrounding what is needed to build trust and what sorts of practices should have been tolerated, both in the 1690s and in our society.

### **The limits of trust: Trinitarian controversies**

In the 1690s, I have suggested, the English community of toleration was built on the common endeavor of the war against what was regarded as Catholic absolutism. However, not even everyone who was committed to that project was included in the toleration. Certainly, the Catholics who supported the war against Louis and James were not granted any relief. And even though the Radical Dissenters shared the anti-Catholic sentiments of other Protestants and supported the war effort, they did not earn a toleration either during or after the war. Whatever they shared with other Protestants, their views were considered too far outside the mainstream to be included in the toleration. To be included, even the officially-tolerated Dissenter groups, like Presbyterians and Quakers, had to subscribe to almost all of the Thirty-Nine Articles—the basic dogmas of Anglicanism set out by Elizabeth I in 1571—including a commitment to original sin, an adherence to justification by faith alone, and a belief in the Trinity. The radicals, then, fell outside the pale; they were still considered to be libertines whose beliefs would destroy all government and all morality (Clark 1985: ch. 5). As such, they could not be trusted—no matter how much they contributed to an important common cause.

But why were these groups considered untrustworthy? To assess the aftermath of the Act of Toleration, we need to look at the arguments for why each of these groups could not be tolerated. However, I will suggest, even if we think about who could be trusted and who could not be in the circumstances of seventeenth-century England, we need not accept the conclusions of the participants of the debate in the 1690s. We can judge the measures taken to build trust to see if they could sustain further a more expansive toleration. So the argument for whether minority groups could

be trusted is central to our assessment of the kinds of practices the English used to build trust and toleration. Importantly, however, the circumstances of the 1690s in England are quite unlike those of the French of the 1570s: within the culture, people accepted the need for a toleration of some kind, so the toleration of, for example, Presbyterians, with whom Anglicans had been in conflict since the beginning of the century, was not in question in these debates. I will focus on four groups that were not encompassed by the Act of Toleration: (1) Catholics; (2) atheists; (3) Socinians, who denied the divinity of Christ and asserted that Jesus was merely a moral exemplar given a special mission on earth by God and who were often associated with the Arians, who accepted the divinity of Christ, but argued that he was not an eternal being because he had been created by God the Father; and (4) Deists, who argued that everything we need to know about religion can be derived from reason, and revelation had no place in validating our beliefs (Clark 1985: 279–81).

### *The case against Catholics*

In the England of the 1690s, the easiest case can be made against tolerating Catholics. The English certainly believed that Catholics did, as Locke puts it in his *Letter Concerning Toleration*, “*ipso facto*, deliver themselves up to the Protection and Service of another Prince” (Locke 1689a: 50). They thought that Catholics were bound to obey another government in the form of the Pope, who was not simply a spiritual leader in the seventeenth century, but ruled directly over substantial territories in Italy. Moreover, in 1689, the English were at the beginning of a generation of warfare against Louis XIV, the self-styled “most Catholic king.” Louis’s Revocation of the Edict of Nantes in 1685, many thought, demonstrated that Catholics were simply incapable of living with Protestants on any terms, and his absolutist style of government was deemed incompatible with English freedoms. Indeed, the protection of those freedoms against the perceived encroachments of James II, who modeled himself after his co-religionist, was the principal motivation behind the Glorious Revolution of 1688, which brought William III to power in place of James and led to the Act of Toleration in the first place.<sup>1</sup> Since Louis was quick to support James against the new government and the Vatican officially supported James’s restoration, English Catholics were thought to be in league with England’s enemies. Locke himself equates Catholicism with support for James and for France:

This [William’s accession to the throne] is the fence set up against popery and France, for King James’s name, however made use of, can be but a stale to these two. If ever he return, under what pretences soever, Jesuits must govern and France be our master.

(Locke 1690a: 308)

The support that Irish Catholics showed James in 1690 and the fact that large numbers of Catholics rose to support James's son ("The Old Pretender") in 1715 only gave this fear more credence—even if the Catholic support, particularly in Ireland, was the result of their oppression (Haydon 1993: ch. 2). Importantly, however, Locke's objection to Catholics was not doctrinal:

If the papists are punished for anything but for being subjects to a prince that hath a declared enmity and war to us I think they have hard usage.

(Locke 1681, 372–3)

Treason, not religion, is the charge against Catholics, Locke claims. The differences between Catholic and Protestant dogmas was not at the heart of his objection to including them in the toleration. Only the political danger of the Catholics condemns them, not any threat they posed to Protestantism *per se*.<sup>2</sup>

Nevertheless, the worry that Locke expresses on behalf of the English is surely overwrought in much the same way that the ban on the Communist Party in America in the mid-twentieth century was overzealous. While Catholics and Communists in the form of foreign agents did represent a real threat to the war efforts of the time, their local adherents were largely (but not wholly) innocent of such treason. Indeed, William III himself supported toleration for Catholics, and even the Pope at the time, Innocent XI, supported William in his opposition to Louis, even if he officially recognized James (Grell *et al.* 1991b; Israel 1991). So, in fact, Louis's absolutism and not his Catholicism was the real threat to English freedoms in 1689. Indeed, for just this reason, William never seriously enforced the laws against Catholics, and that fact, combined with the destruction of the Anglican monopoly by the Act of Toleration, gave Catholics a considerable amount of freedom—especially for a group that was officially proscribed (Bossy 1991). Still, their position as a feared minority left them subject both to petty harassments and to occasional violence (Haydon 1993: chs 2, 6).

Even so, the reluctance of the majority to tolerate Catholics is understandable, given the circumstances. Louis's brand of Catholicism was a real threat to Britain and insofar as James—and Charles II before him—tied himself to Louis by accepting subsidies to promote Catholicism and dragged his co-religionists into his schemes, Catholics in general became associated with that threat. A fairly subtle distinction, then, is needed between the Catholics who did represent a threat and those that did not—a distinction that only the experience of toleration can create in most people. So even if the widespread hostility to Catholics had not made the inclusion of Catholics in the Act politically untenable, teasing out the necessary qualifications would have proved difficult. As it was, providing

toleration for any dissenters proved to be controversial enough. Given the historic secrecy which Catholics had towards others—a secrecy founded in the persecution they endured, of course—most of the English felt they could not be sure where the loyalties of the Catholics lay. Expecting the Protestants to develop a greater trust during the middle of a war with an enemy who justified his position by an appeal to Catholicism is asking a lot, and for most English, it was surely asking too much.

In an abstract sense, of course, we might think that Catholics should have been tolerated, even in 1689. But here the political context dictates a more modest approach. Catholics *did* represent a threat to the English nation in the 1690s, however much we may now judge that the perception of that threat was exaggerated. However much we would have liked the British to have adopted a more expansive view of Catholics, the approach they took was not unreasonable, given their knowledge, their values, and the potential threat. The best argument that can be made is that once the more narrow form of toleration became widely accepted, then toleration for Catholics might become possible in the not-too-distant future. And in fact, after the last real threat from supporters of James’s descendants failed in 1745, the position against Catholics softened. Indeed, among the elite at least, hostility to Catholics waned considerably after the “Forty-five”—especially since few Catholics took up the standard of James’s heir, Bonnie Prince Charlie, the “Young Pretender.” However, the masses were still quite hostile to Catholics until well after they were granted full rights in the Emancipation of 1828 (Haydon 1993: ch. 5).

### *The case against atheists*

Surprisingly, the argument against tolerating atheists is more difficult. Since atheists were obviously not supported by a foreign government, they cannot be branded as traitors. Nevertheless, most people at the time thought they represented a much greater threat to English society than the Catholics—despite Pierre Bayle’s famous argument that a society of atheists would be not less moral than one of Christians (Bayle 1682). Although Locke is aware of Bayle’s arguments and some of his own arguments seem to support it, he always maintains that atheists cannot be moral (Wootton 1989):

Those are not at all to be tolerated who deny the Being of a God. Promises, Covenants, and Oaths, which are the Bonds of Humane Society, can have no hold upon an Atheist. The taking away of God, tho but even in thought, dissolves all.

(Locke 1689a: 51)

Locke thinks that an atheist has no reason to keep his promises because he does not fear eternal damnation. Indeed, in *The Reasonableness of Chris-*

*tianity* (1695), Locke argues that the very foundation of morality depends on a belief in the afterlife:

The view of heaven and hell will cast a slight upon the short pleasures and pains of this present state, and give attractions and encouragements to virtue, which reason and interest, and the care of ourselves, cannot but allow and prefer. Upon this foundation, and upon this only, morality stands firm, and may defy all competition.

(Locke 1695: 150–1)

In Locke's view, one of the chief benefits of Jesus' incarnation was to give support to the belief in the afterlife. Without such a belief, Locke thinks, people will inevitably stray from morality.

Others similarly thought that without a foundation in God's law, morality could not exist, and people would sink into crass selfishness. As Richard Bentley puts it in the first Boyle Lecture:

No man, that adheres to that narrow and selfish Principle, can ever be Just or Generous or Gratefull. . . . No Atheist, as such, can be a true Friend, an affectionate Relation, or a loyal Subject.

(Bentley 1692: 38–9)

Without a belief in God, an atheist will never act without an eye to his own narrow self-interest. In such a world, Bentley argues, no promise and no oath has any real value:

No Community ever was or can be begun or maintain'd, but upon the Basis of Religion. What Government can be imagin'd without Judicial Proceedings? and what methods of Judicature without a Religious Oath; which implies and supposes an Omniscient Being, as conscious to its falshood or truth, and a revenger of Perjury?

(Bentley 1692: 35)

Thus, Bentley argues, in an atheist's world, all society and all government would disintegrate. To be an atheist, on this view, is to abandon everything of value.

Like the arguments against Catholics, the claims that Locke and Bentley make against atheists are simply false: atheists can understand the fragile nature of human society and so they often realize—perhaps more than others—that human society depends on upholding a moral order. But in 1689 such an argument was simply not plausible. In a world in which everyone believed that morality required a foundation in a powerful God, questioning God destroyed morality itself (Redwood 1976: ch. 1). As John Redwood notes, “To contemporaries it was a vital question to know whether or not a man were an atheist, because if he were he had no morals

and therefore his views could never be trusted” (1976: 74). Indeed, seemingly-rational people feared a conspiracy of atheists to destroy all government, religion, morality, and social order (Redwood 1976: 75)—a fear that is echoed today in the demands of some to return to an America that placed God at the center of our legislation.<sup>3</sup>

To break the apparent logical connection between atheism and anarchy, the premise that morality requires a divine foundation would have to be undermined. But that belief was considered self-evident in 1689; indeed, Americans still overwhelmingly accept it today. In fact, *if* the premise that any morality requires a belief in God *were* true, then atheism would be equivalent to immorality and people would be right not to tolerate it. A group of people who professed not to be bound by any rules of civility and who claimed only to look after themselves *would* represent a threat to the coherence of society. Certainly, if such a view became too prevalent, social chaos might result—as, perhaps, the case of the Ik in our century shows (Turnbull 1972).<sup>4</sup> Even then, the threat is probably less than most people imagine: most ethical egoists think that a view of their long-term self-interest involves a genuine commitment to others. Be that as it may, the connection between atheism and anarchy could not be broken in the context of the seventeenth century. Unlike today’s world, the seventeenth century could provide no clear examples of a truly moral atheist. Of course, the reason none could be found was that admitting to atheism would cast one out of even the lowliest society. But for that reason, most people at the time could not be expected to believe atheism was not tantamount to immorality any more than they could be expected to believe in the existence of subatomic particles. Both require a different set of conceptual tools than were available at the time. The toleration of atheists requires a moral landscape in which people can understand why atheists need not be self-interested and why they do not undermine the moral order, a landscape that would require the sharp wit and the serious moral purpose of the classical Enlightenment writers (Gay 1966: bk II, chs 6–7). In 1689, the conceptual and social framework in which atheists could be tolerated simply did not exist.

### *The case against Socinians*

In the 1690s, the status of the anti-Trinitarian Socinians<sup>5</sup> was extraordinarily controversial, and it generated a heated pamphlet war in the decade following the Act of Toleration. The case against them is bluntly summarized by Robert South, in words that were remembered well into the next century:

The Socinians are impious blasphemers, whose infamous pedigree runs back (from wretch to wretch) in a direct line to the devil himself; and who are fitter to be crushed by the civil magistrate, as destructive to

government and society, than to be confuted as merely heretics in religion.

(quoted in Jortin 1790: 369)<sup>6</sup>

Socinians were, on this view, manifestly evil.

The basic argument against the Socinians is that they are on a slippery slope to atheism. As one pamphleteer argues:

For as from a *Socinian* 'tis easie to commence a *Deist*; so he that is once a *Deist* is in a hopeful way to be an *Atheist* whenever he please.

(Norris 1697: 7)

Tolerating Socinians and Deists, on this view, is equivalent to tolerating atheists. Although the Socinians accepted the role that Jesus had a special emissary from God, they denied his divinity because they could make no sense of the idea that God could be three persons in one. This doubt about the mystery of the Trinity, their critics charge, leads to further doubts. As John Edwards<sup>7</sup> puts it:

For he may as well quit the belief of a *God* because of these Difficulties and Abstrusities in the Nature of God, as renounce the Doctrine of the *Trinity*, because there are some inexplicable and unintelligible things that accompany it.

(Edwards 1695: 75; see Edwards 1696: chs iv–v)

Similarly, South contends:

[W]e see here, how Satan, under the plausible Plea of Reason, introduced a Doctrine into the World, which has shook every Article of our Faith. . . . And whosoever shall, by a true and impartial Logick, spin it out into its utmost Consequences, shall find, that it naturally tends to, and inevitably ends in, the Destruction of all Religion. And that where *Socinianism* has laid the *Premisses*, *Atheism* cannot be kept out of the *Conclusion*.

(South 1722, 138–9)

The link to atheism is used to discredit toleration itself. Because Edwards believes Socinianism is tantamount to atheism, he thinks that if he can show that Locke's views are Socinian (see Edwards 1696; Edwards 1695: 104–23), then he has completely discredited them—and the toleration for which Locke argues.<sup>8</sup>

These arguments, however, are so sweeping that they take in too much. These views imply that anyone who deviates from orthodoxy is on a path on which standards no longer apply. For Edwards, South, and their ilk, any dissent raises doubts about everything else, and so any disagreement



with the accepted doctrines is suspect. Such an argument would deny toleration to anyone who departs in the seemingly smallest ways from the Thirty-Nine Articles. Indeed, Locke charges that “whoever does not just say after Mr. Edwards, cannot, it is evident, escape being an atheist, or a promoter of atheism” (Locke 1696: 161). In this respect, then, Edwards does not seem to accept the basic tenet of any toleration—even in the limited form in which it existed in the 1690s.

The more interesting question, then, is whether there is something to the charge that anti-Trinitarians posed some real threat to society. But this kind of case against Socinians is difficult to make, even in the late seventeenth century. Unlike Catholics, they could not be seen as supporting a foreign power. Its opponents often pointed out that Socinianism was founded by Fausto Socinus (1539–1604), an Italian Catholic living in Poland, but even there it was a minor sect that was suppressed in 1660, and so it could never be seen as an instrument of another state (McLachlan 1951: ch. 1). So the attack could not be that English Socinians were under the control of a foreign government, but only that they were un-English (see Edwards 1696: 60). It was, then, simply an appeal to the significant xenophobic impulse in English thought.

Unlike atheists, Socinians accepted the claim that the foundations of morality lay in God. Whatever they thought about the exact quality of Christ’s nature, Socinians accepted the moral lessons of the Gospels, and so they accepted the same basic moral code as Anglicans and Dissenters who were tolerated. Typically, writers like Edwards attack them on just this point. So Edwards claims that Socinians condone lying and lust and that the arguments of some—including Socinus himself—against the death penalty show that they undermined the power of the magistrate to enforce the laws (Edwards 1697: 187–201). Others, like Jonathan (not John) Edwards,<sup>9</sup> charge that Socinians deny the inherent justice of God and thereby undermine all law and morality:

[F]or where there is no *Justice*, there can be no *fear of punishment*, where there is no fear of punishment, there is no obligation, nor consequently Law; and where there is no Law, there can be no transgression.

(Edwards 1693: I:39)

Without a belief that God is by His very nature just, no morality at all is possible.

All of these charges either distort the Socinians’ position, or they focus unduly on an issue that is not central to the group. The charge that Socinians condone lying and lust is based on what may generously be called a tendentious interpretation of the Socinian writers surveyed. The charge that they are against the death penalty is certainly true of Socinus, but it is hardly a view that is central to doctrine. The arguments Socinus gives

might be considered unduly idealistic, but hardly immoral. And the charge that Socinians deny the inherent justice of God turns on interpreting Socinus's claim that justice is chosen by God's free will—again, a claim not central to the Socinian system—into a claim that Socinians think morality is arbitrary. As an argument, it is at best a stretch: the fact that God can choose what constitutes justice does not make it arbitrary from *our* point of view. Indeed, given the willingness of Socinians to accept the most important parts of conventional morality, the charge is conspicuously unfair. So the basis of the claim that Socinianism itself was a moral threat to the Anglican majority is very thin indeed.

Many writers against the Socinians and other sects were undoubtedly concerned about further divisions within Protestantism, because it reminded them of the breakdown in Church discipline in the 1650s when such groups proliferated. Francis Fullwood, for example, invokes the dislike for even tolerated Protestant groups like Baptists and Congregationalists to rouse suspicion of the seemingly more radical Socinians:

And if you like not, as I know you do not, *Anabaptism* and *Independency* in others, you will be sure to meet these in most of the renowned *Socinian* Authors, who with subtilty and spite enough endeavour to ruine our *Ecclesiastical* as well as *Spiritual* state, the *external form* of our Church in *Baptism* and *Episcopacy*, as well as our internal state.

(Fullwood 1693: 23)

An appeal to the chaos of the 1650s was a standard trope in the anti-toleration literature of this period (Murphy 2001: ch. 4). Invoking the chaos of the 1650s appeals to a more general intolerance that is incompatible with the 1689 Act. Indeed, it rejects the ideal of a common cause against Catholicism that was central to the Act. Nevertheless, the appeal is misguided anyway. The problems of the 1650s were hardly *caused* primarily by the proliferation of religious sects (see Hill 1972); the general chaos of the period both allowed the groups to exist and created a social atmosphere in which such experiments seemed attractive. Even in the 1650s, suppressing the religious sects would not have solved the underlying problem. In any case, the modest departures of the Socinians from orthodoxy were in themselves hardly a cause for alarm.

The only plausible case against the Socinians, then, is the one that Edwards and most other pamphleteers most frequently offer: that the denial of the full divinity of Christ will lead people on a slippery slope to atheism (Edwards 1695: 67–79, Edwards 1696: ch. v, Edwards 1697: esp. 229–31). But slippery-slope arguments are almost always fallacious, and in this case it seems particularly weak: this “slope” seems to have many stable resting places, including Arianism (the view that Christ was divine, but not equal to the divinity of God the Father), Socinianism, and Deism.

There is no *logical* reason why acceptance of one leads inexorably to atheism. The claim must be that the slippery slope is *psychological*: once someone questions the Trinity, they are inexorably led to question everything. Since many people in England at the time (including perhaps Locke and Isaac Newton) were in fact Socinians without ever becoming atheists (McLachlan 1951: ch. XVI), this claim just seems false. To the extent that such a slide even seems plausible, it is likely that it would be a product of the very ostracism that the orthodox preach. By making pariahs of anyone who takes one step away from the accepted views, the orthodox push people to rebel even further against established beliefs. As Locke (1689a: 52) points out, we can even make people with gray eyes into rebels if we oppress them. So if there were any threat posed by the Socinians, it would have been a product of their oppression and not of any moral implications inherent in their position. In effect, the Socinians are seen as a threat merely because they are different; the harm they are alleged to cause lies only in the perception of their opponents.

### *The case against Deists*

If traditionalists thought the Socinians were on the slippery slope to atheism, they thought the Deists were almost at the bottom, if they were not already there. For that reason, the case against Deism might seem stronger, but it suffers a similar problem. Even more than the Socinians, Deists emphasize the role of reason in religious affairs and downplay the role of Jesus. However, many, like John Toland, continue to call themselves Christians, and they see themselves as returning to a pure and simple form of it (Toland 1696: 174–6). In contrast to established religions, they de-emphasize the active role of God in the world and the need for revelation. More importantly, they see no place for God in people's everyday lives; God is merely the great clockmaker who designed the world and propelled it into motion. Deists, thus, deny “particular providence,” the doctrine that God intervenes into individual lives at particular times, as a response to, say, a person's prayers. For that reason, Bentley and others think that Deists are not simply on the road to atheism, but that they have already arrived there. Atheists, on this view, are not simply those who explicitly deny God's existence, but also those who “of them that believing his Existence, do yet seclude him from directing the Affairs of the World, from observing and judging the Actions of Men” (Bentley 1692: 4). Indeed, the equivalence of Deism with atheism is almost universally assumed by its critics. If correct, once again, the criticism would make Deism intolerable—at least in the context of 1690s England.

By Bentley's definition, of course, most Deists would qualify as atheists. But the denial of particular providence does not have the same implications as the denial of God's existence. Deists can still believe in an afterlife and so in the ultimate punishment for their sins in this life. In fact, Toland

insists on the basic underlying truth of the Gospels; he simply insists that nothing in the Gospels contradicts our reason. The role of revelation is to help us *discover* the truth, not to help us *verify* it; only reason can do the latter. So Deists, like the Socinians, accept the basic moral teachings of Christianity, all of which, they think, are supported by reason. Once again, the argument cannot be that deists *must* be immoral, but that it leads inexorably to atheism and immorality. We are once again supposed to be on the slippery slope to atheism but, once again, Deism is in fact a stable resting point on that slope. Toland steadfastly proclaims his belief in God; indeed, he argues that there is more danger of immorality from those who do not test purported “revelations” with their reason. Without reason, he claims, revelation is indistinguishable from whimsy (Toland 1696: 60–1). Thus, superstition, he claims, not heterodoxy, is the true threat to morality because reason cannot be used to check it (Toland 1696: 176). His religion, he argues, is based on truth:

I acknowledge no ORTHODOXY but the TRUTH; and I'm sure, wherever the TRUTH is there must be also the CHURCH, of God.  
(Toland 1696: 175)

So only the most uncharitable reading of his work could lead anyone to argue that Deists like Toland posed a real threat. Once again, even by the standards of the 1690s, there is no reason not to tolerate Deists. Like the threat posed by the Socinians, the potential harm here lies only in the perception of their opponents.

### **Lessons from the 1690s**

If the limits of toleration are at the limits of trust, and trust depends on factors that can be peculiar to the context—as this case shows—then the proper boundaries of toleration will be set by the context as well. So the balance between trust and toleration must be set in a way that reflects what is possible in a given society at a given time. The standard here is that a group need not be tolerated if they represent a real moral threat to the society, and what constitutes a “moral threat” is itself set partially by the context. Yet such a view does not condemn us to accepting the status quo; we need not simply acquiesce to the prejudices or the paranoias of the majority. We can make the judgment that the threats posed by Catholics and atheists had a legitimate basis, while those posed by Socinians and Deists did not. Thus, the standard to which I am appealing is still normative, even if it does not appeal to a completely external standard.

Defining what constitutes a “moral threat” is, of course, the most difficult task. After all, the groups encompassed by toleration are often those that in fact have the most to fear from one another, while those that are left out are often those that are so politically weak that they do not pose

any real threat to the majority.<sup>10</sup> But unless the only criterion for deciding whom to include in a toleration is force, then the relative power of the group cannot be the issue. Even those included in the toleration do not believe that those who are excluded merely lack political power; the insiders think the outsiders are excluded because they pose a real threat to society at large. We should not limit the threat merely to the physical, however; to do so accepts the view that the only harms that count politically are physical harms, a view which begs many of the questions in the debates about toleration.

The standard for exclusion must, then, be a moral standard. If the standard is a moral one, then those inside the toleration must be able to offer arguments for why others cannot be included. When they do, we can assess those arguments, even if we are using their own standards, and we can conclude that those arguments are invalid or based on premises that the people at the time had good reason to believe were false. So we can claim, as I have in this chapter, that the English should have included the Socinians and Deists in the Act of Toleration because they accepted the moral precepts on which even the most devout Anglicans thought society was based. The claims that Socinianism and Deism were tantamount to atheism were simply unfounded. Catholics and atheists, on the other hand, did pose a threat, even if we now think the people at the time made too much of it. Given the immediate past history and the threat of Louis XIV, Catholics could plausibly be seen as confederates of a wartime enemy, and before the Enlightenment, most people did not have the conceptual tools available to them to understand how any atheist could be moral. The standard being applied here is one that could, in fact, be endorsed in principle by those outside the toleration. In the England of the 1690s, Catholics would probably agree that *if* they were really traitors, then they should not be tolerated, and atheists would agree that *if* their views destroyed all morality, then they should not be tolerated either. The two groups disagreed with the application of the standard to their particular cases, but they could have accepted the standard itself. A common standard can thus be applied to all these cases.

For us, the lessons of the 1690s are also a cautionary tale. Even people of the best intentions can, even by the light of their own standards, find themselves blinded by their own fears so that they fail to see that a group does not constitute a legitimate threat. In a world made uneasy by terrorist threats, we must take that lesson to heart. Nothing whatsoever would have been lost in Britain if the Act of Toleration had included groups like Arians, Socinians, and Deists. Indeed, the cautions should extend even further. Even where there are legitimate reasons to fear a group—like the Catholics and atheists of the seventeenth century—we may do better by tempering those fears. Britain would have been a stronger country with the Catholics firmly behind the government of William III and the Georges in the eighteenth century, and commitment to Catholic toleration might have

solved the “Irish problem” hundreds of years before the precarious Good Friday Agreement of 1998. We need to test the boundaries of our trust, then, to see whether they can be expanded without significant cost. We may find, on analysis, that the object of our fears poses little real risk, even if our initial assessments are not unreasonable. Of course, insofar as we already accept toleration, we find it easier to see the possibilities of tolerating otherwise distasteful groups, so even our ability to test the boundaries of trust are context-dependent.

To fix the balance between trust and toleration at any given moment requires us to be attentive both to the context in which trust can develop and to the norms that underlie the assertions that people at the time are willing to make. We must be attentive both to the institutions that lie behind toleration itself, particularly those that guarantee autonomy for different groups, and to the institutions that sustain the trust between groups and attempt to build more trust. Everyday interactions are still the best means of doing so, but not any everyday interaction will do; remember that blacks and whites in the segregated South interacted more than they did in the North at the time. The virtues of democracies and free markets in a society in which toleration is well established are that they provide arenas for such interactions, but formal cross-community groups are important too, especially when the impetus for these groups comes from the communities themselves. To be successful, interactions between groups must engage people in the common tasks of building communities, however small, and thereby demonstrate a common commitment to a purpose that all can see as valuable. Only then can differing groups begin to think of each other as valued members of the same community and as people who should be accepted within that community either despite, or because of, those differences. Only then is a lasting toleration possible.

## 6 Of homosexuals

### Trust and the practices of public reason

In the last chapter, I argued for a view of the balance between trust and toleration that was tuned closely—but not too closely—to particular contexts. To determine what the implications of such a view are for us, however, we need to apply a similar kind of analysis to a contemporary controversy. When we do so, we will not be allowed to use one of the tools that was available in examining the historical cases: we can no longer separate what we take to be true from what people at the time thought and what they had reason to believe to be true. For us, the best reason to which we have access will be the same as the best reason that can be accepted at the time. So we will be forced to consider more concretely what the effects of our views about trust and toleration will be.

In focusing on a contemporary example, we can understand the kinds of practices *we* need to build the trust that is needed to sustain toleration in a society in which toleration is largely accepted. Most importantly, I will argue, we need practices of public reason that enjoin people to make use of only certain kinds of reasons when they are making arguments in the public sphere for the purposes of proposing public laws.

#### **The limits of toleration: Homosexual marriages**

Today, various religious groups are widely tolerated. Even if an avowed atheist cannot in fact become President of the United States, religious opinions of every persuasion can exist unmolested by law. Only Satanists and racist churches elicit the kind of revulsion experienced by the Socinians in the 1690s, but even they are tolerated as long as their opinions do not lead to action against others. So the context of contemporary America is quite different from that of France in 1572 or that of England in 1690: toleration for religion is widely accepted, and differences in views of the good life are not usually viewed as a threat to society.

One of the groups that many do see as a threat is homosexuals (Wolfe 2000). Even in the wake of the September 11 bombings, Muslims as a group still do not suffer the kind of public execrations that homosexuals endure. Until the 2003 Supreme Court decision *Lawrence v. Texas*, their

most intimate behavior was criminalized, and it was used as the basis for depriving them of their rights as parents and even as employees. Yet even the majority in *Lawrence v. Texas* explicitly did not conclude that homosexuals should have the right to be married or to have any form of recognition for their status. Even as middle-class Americans are willing to embrace differences enough to tolerate non-Western religions, most still condemn homosexuality and see it as a basis for a difference in their legal status (Wolfe 2000). A large majority, for example, still think they should not be allowed to marry (Seelye and Elder 2003). Of course, by the standards of the 1690s, even homosexuals are widely tolerated. None face public execution for their behavior, as anti-Trinitarians did,<sup>1</sup> although many face real physical threats—as the horrendous death of Matthew Shepard in 1998 made all too clear.<sup>2</sup> The arguments against extending full civil-rights protection to homosexuals, then, are arguments about to what *degree* homosexuals should be tolerated. If my analysis is correct, that question must be answered by determining the degree to which gays and lesbians can be trusted, and that question is one about the extent to which open homosexuality represents a genuine threat to the moral fabric of our society. Not surprisingly, the arguments against gay rights focus on just this point. And if my analysis is correct, assessing this argument is essential for evaluating the normative question for our society in its context.

To focus the discussion, I will examine the arguments against same-sex marriage. Some might wonder whether this issue concerns toleration at all, since it concerns an issue of a public privilege that many homosexuals themselves want to reject (Ettelbrick 1989; Browning 1996). Yet marriage is a civil rights issue. Arguably, it is one of the most important civil rights, as Hannah Arendt argues with respect to civil rights for Blacks:

The right to marry whoever one wishes is an elementary human right compared to which the “right to attend an integrated school, the right to sit where one pleases on a bus, the right to go into any hotel or recreation area or place of amusement, regardless of one’s skin or color or race” are minor indeed. Even political rights, like the right to vote, and nearly all other rights enumerated in the Constitution, are secondary to the inalienable human rights to “life, liberty, and the pursuit of happiness” proclaimed in the Declaration of Independence; and to this category the right to home and marriage unquestionably belongs.

(Arendt 1959: 236)

Being able to marry whom one wants, Arendt suggests, is no trivial matter; it goes to the heart of the ability to live a life of one’s own choosing and the ability to have any kind of happiness worth pursuing. Indeed, even those homosexuals who reject marriage as an institution think that they ought to have the right to do so; they just think that fighting for such a



right would be a distraction from more important issues (Ettelbrick 1989; Browning 1996).

For reasons like these, many people see the arguments against homosexual marriage simply as a manifestation of intolerance. Yet proponents show a lack of respect for their opponents if they do not explain why their opponents' arguments fail, if in fact they do. Those arguments cannot simply be dismissed. Typically, the arguments of the opponents of homosexual marriage fall into two broad categories: (1) such marriages undermine the institution of marriage and thereby harm society at large, and (2) such marriages violate the very meaning of a marriage as set out by the Judeo-Christian tradition. These two lines of argument are in practice interrelated—as one writer puts it, the traditional view of marriage “is valid not just because it is in the Bible, but in the Bible because it is valid” (Hart 1996: 31). Nevertheless, the two arguments have different implications for toleration, so I will treat them separately.

### *Undermining the basis of the family?*

The first kind of argument is that allowing gay marriages harms society by undermining the basis of the family. The basic claim is that the foundation of society lies in the heterosexual family with children, and marriage is the means by which society solemnizes that relationship and through which it confers upon it special benefits. Allowing gays to marry would harm the institutional support for families. Put in this way, the argument rests on an empirical claim about the effects of allowing gay marriages, and so it can only be evaluated on the basis of those empirical claims. Typically, the empirical claim is that allowing same-sex marriages will cause people to take marriage less seriously, and it will thereby destabilize families in general and undermine the stability that such relationships bring to the community.

The evidence for this claim is in fact pretty thin. If marriage is a stabilizing force, one might argue, then homosexual marriages would equally stabilize the gay and lesbian community (Sullivan 1996: ch. 3). At this point, the claim is sometimes made that homosexuals are too unstable psychologically to maintain long-term committed relationships (Knight 1994: 115–17). But we rarely impose psychological tests on those seeking marriages, and the thought of doing so for heterosexual marriages would hardly meet with much support. But even if we did so and even if the traditionalists were correct that many homosexuals were unstable, there would be no reason not to extend the privilege to those homosexuals who did pass that test.

Sometimes, the complaint is that changes in divorce laws in the past 30 years have weakened family structures, so that now is hardly a time to experiment with the institution (*Commonweal* editors 1996: 123–4; Wilson 1996). But the problems in the family are part of a broader cul-

tural trend, and an experimentation with same-sex marriage would do little to affect that trend. Indeed, one might argue once again that encouraging every sexual relationship to be solemnized by marriage might *help* to solidify the place of the family in our society; families based in marriage could then be seen as the only legitimate place for such relationships. To make a case against this reply, we must accept the argument made by John Finnis (1995: 31–3) that sanctioning gay marriages supports a view of sexuality that emphasizes individual gratification rather than more transcendent values. It would then undermine the whole idea of the family, he argues, which depends crucially on the sacrifices that individuals make for the transcendent good of the whole family.<sup>3</sup> But, as Paul Weithman (1997: 241–4) points out, to the extent that sexuality is regarded as mere gratification, that problem is neither caused by, nor promoted by, the idea of gay marriage; other cultural forces are far more important. By placing same-sex sexuality within the long-term relationships that marriage might promote, granting homosexuals the right to marry may even have a positive effect on the general attitudes about sexuality—though we have no real evidence for this effect, one way or the other (Rauch 1996).

The real worry underlying the claims about stability, I think, is the view that society itself is threatened unless we actively and exclusively privilege heterosexual unions. Part of what lies behind this view is what is regarded as the sacred nature of such unions, which I discuss in the next section, but part of it is a claim about how best to nurture children. The worry is that recognizing gay marriages will lead to the recognition of gay families, which will harm the children who are a part of them. Often, this issue is the one that produces the strongest gut-level response. People who are unwilling to condemn a homosexual “lifestyle” (if such a thing existed) and who think homosexuals should enjoy job protections and other civil rights balk when children become involved.

Once again, however, the evidence that children are harmed in homosexual families is quite thin. The alleged harm to children of homosexual parents takes a number of forms.<sup>4</sup> First, the charge is that children will not develop properly, that they will have confusions about their sexual identity, or that they will become homosexuals themselves. What evidence there is on these questions—limited though it is—suggests that children in homosexual families do not develop in any significant way differently than the children of heterosexual families (Patterson 1995; Flaks *et al.* 1995; but see Belcastro 1993). Even if there were such evidence, however, we should not rush to any conclusions. Poverty is certainly a *more* significant factor in the poor cognitive and moral development of children, but it would be morally repugnant to suggest that we should prevent the poor from raising children. What evidence there is does not even suggest that the children of homosexuals are more likely to become homosexuals themselves. But even if it did, that result cannot count as a harm unless it is a harm to be a homosexual in the first place (Stacey 1996: ch. 5). Of course,

the claim that it is a harm begs one of the important questions here, but it is an issue to which we will return.

Second, critics claim that children will be harmed by the instability of homosexual parents and their relationships. But however desirable it might be to ensure the stability of both the parents and their marriages, being heterosexual is hardly a guarantee of either, and being homosexual hardly makes them impossible. Making homosexual marriages legal would actually insure that some children would have two parents, rather than one, and so it might create more stability in the long run, since two adults will be directly concerned with the child's welfare. At best, then, the argument is that gay marriages are likely to be less stable than heterosexual ones and that we are depriving a group of a right on the basis of a statistical average—a genre of argument we would not permit against any other group. Besides, current statistics can't measure what positive effects the option of marriage might have on the stability of homosexual couples.

Third, the harm is said to come because children will not have the properly divergent roles that heterosexual couples offer. The idea is that men and women as such offer different perspectives on life and that a child who is deprived of one or the other lives a deficient life. In the end, this view is a distinctively odd argument because it is based on models of gender identity and of child development that are tendentious at best. First, it assumes that children need to be exposed to the stereotypical images of aggressive men and nurturing women in order to develop properly. Even if we grant that assumption for a moment, the argument fails. In the world of stereotypes in which this view exists, the stereotypes of gays and lesbians are that of effeminate men and “butch” women, so we cannot assume that children would not be exposed to these two different types of human behavior. Of course, such stereotypes of homosexuals are ridiculous, but the corresponding stereotypes of heterosexuals is equally ludicrous. Even among heterosexuals, the psychological differences between the sexes are merely statistical phenomena and not a category phenomena: the strong evidence that boys are, on average, a bit better at math than girls is poorly predictive of whether any given boy is better than any given girl. So, many homosexual couples would exhibit the required personality diversity and many heterosexual couples will not. So even if children did need to be exposed to these stereotypical differences, we would again be denying a right to people on the basis of a merely statistical phenomenon.

More importantly, however, why exactly having two stereotypically different parents is better for children is hard to fathom. Having stereotypical parents helps to reinforce gender stereotypes, but little else, so the assumption must be that perpetuating those stereotypes is essential to society as we know it. Undoubtedly, many people accept just this claim, and they usually do so because they see those roles as rooted in nature or in God's plan for humans—claims I examine in the next section. But without such a basis, such a view seems quite implausible. If we view parents as indi-

viduals, who bring different skills, sympathies, and understandings to their children and who can then care for and teach them in their own ways, then we have all that we can hope for and expect from parents. But of course, these differences we can expect whenever two people with separate identities are parents, whether they are heterosexual or homosexual.

The three alleged harms we have examined all focus on behaviors for which we could have clear empirical evidence—even if we do not yet have it in hand. In fact, insofar as traditionalists are correct that two parents are better than one for raising children, a strong case can be made that homosexual families actually benefit many of the children that grow up in them (Sullivan 1996: ch. 3; Stacey 1996: ch. 5). So far at least, there is no evidence that homosexual marriages would harm society, much less that homosexual marriages constitute a threat to the moral order of society. At most, the evidence shows that we cannot be sure that such marriages will not have adverse effects.

Nevertheless, many opponents of homosexual marriages would argue that this evidence is mostly beside the point. The real harm to children of homosexual marriages is a *moral* harm. Living in the environment of such a marriage exposes children to an immoral way of life; it makes them think that an objectively wrong way of life is normal and acceptable. Of course, the proponents of homosexual marriage do not see their lives as inherently immoral; indeed, they think it is a perfectly natural way for a couple to live and reproduce both themselves and their values. Thus, they do not even recognize the effect that the opponents see as a harm. In this case, then, the proponents and opponents of homosexual marriage do not even share a frame of reference from which to judge the effects of such marriages. This kind of impasse will return, I will argue, in the second kind of argument against homosexual marriages, and so I will explore it below (pages 129–31) when I discuss how we should mediate such conflicts.

### *Undermining the meaning of marriage?*

The second kind of argument against homosexual marriages—that gay marriages violate the very meaning of what constitutes a marriage—raises, I think, more serious questions. This view is exemplified in the joke that paradise was inhabited by “Adam and Eve, not Adam and Steve.” But the serious version of the argument is that the foundation of marriage exists in natural law that cannot be broken without causing irreparable damage to society. Traditionally, this argument has been that the purpose of marriage is the creation and nurturing of children, which is best carried out in a long-term committed relationship. Of course, by itself, this argument is not sufficient, since homosexual couples can now produce children with the help of technology, even if those children cannot be biologically related to both partners. But I doubt the defenders of traditional marriage want to hang too much on the latter point, since it would raise deep questions not

only about surrogate parenthood, but also about remarriage and even adoption.

So either the point is that “naturally” homosexual couples cannot have children and thus their relationships are suspect or that there is something suspect about the homosexual relationship in its own right. Both of these arguments rely on an assumption about the natural purposes of sexuality. So, for example, Hadley Arkes argues:

Marriage has something to do preeminently with the establishment of a framework of lawfulness and commitment for the begetting and nurturance of children. This is the plainest connection between the idea of marriage and what has been called the natural teleology of the body. . . . We are men and women, there are only two people, not three, only a man and woman can beget a child.

(Arkes 1996: 276)

The purpose of marriage is children, and homosexuals cannot have children—not naturally, at any rate. Arkes gives this fact enormous moral weight. On this view, any sexual act that is not within the institution of marriage and open to reproduction<sup>5</sup> is not true sexuality at all:

“Sexuality” refers to that part of our nature that has as its end the purpose of begetting. In comparison, the other forms of “sexuality” may be taken as minor burlesque or even mockeries of the true thing.

(Arkes 1995: 323)

Proper sexuality is tied inextricably to heterosexual intercourse, because, as Finnis puts it, “it is the behavior that unites biologically because it is the behavior which, as behavior, is suitable for generation” (Finnis 1995: 29 n46). Indeed, Arkes claims that without such a basis in the “natural teleology of the body,” there are no principles on which to claim that some forms of sexuality are good and some are bad:

If the notion of marriage were separated from the teleology of the body—if it were separated from the fact that only two people, a man and a woman, could beget a child—then *on what ground of principle could the law confine marriage to “couples”?*

(Arkes 1995: 326)

If we permit gay marriage, he argues, we have no reason to condemn incest, bestiality, polygamy, or pedophilia. Divorced from heterosexuality, he claims, we are left in a hopeless morass in which no standards apply whatsoever (Arkes 1995: 326).

However, there are three kinds of problems with these arguments. First, they often assume that the *only* purpose for marriage is procreation. Since

there is no requirement that married couples have children and even the expectation that they will do so is not especially strong, the claim that raising children is the essential purpose of marriage is itself suspect. A more plausible claim is that marriage is a precondition for raising children, not that the essence of marriage is the raising of children. Marriage creates a set of mutual legal dependencies and recognized social meanings that cannot in fact be achieved in any other way, and those facts justify the existence of the institution (Wedgwood 1999: 233–7). Even the Catholic Church thinks that marriage serves a “unitive” as well as a “procreative” purpose (though the Church itself thinks these two functions are inextricably linked); marriage serves an important moral function by bringing together two people in a deep bond that provides emotional and financial stability (Charron and Skylstad 1996). That bond and that stability is, I think, sufficient to justify the special status that marriage enjoys. But once we accept that begetting children is not the only reason for protecting marriage, then the exclusion of gays becomes more difficult to justify. Indeed, given the importance of emotional stability in our lives, we might think that we should give everyone a chance to enter into such a relationship. If so, then we should welcome homosexual marriages (see Rauch 1996).

Second, the arguments, as the quotation from Arkes demonstrates, are often based on a kind of slippery slope. Once we stray from thinking about the purposes of sexuality, such arguments claim, we can no longer prohibit any kind of sexuality, including incest, pedophilia, and polygamy. But, like most slippery slope arguments, this one is fallacious. What is wrong with incest is the exploitation of the weak by those who have power over them and the high potential for unhealthy relationships between intimates; what is wrong with pedophilia, similarly, is that it asks consent from a person who is not emotionally and psychologically mature enough to give it (Macedo 1995c: 335–7). Polygamy is more complicated, but the arguments against it often focus on the unjust patriarchy that is associated with all existing forms of it (see Rosenblum 1987). So, as we could expect, there are many stable points on this slope, long before we get far enough down the hill that we would be forced to condone acts that everyone agrees are morally repugnant.

The third problem with most natural law arguments against gay marriage is that they rely on a tendentious interpretation of nature. These arguments, as Weithman (1997: 236–7) points out, have always suffered from a certain arbitrariness: they have treated the purposes of the sexual organs much differently than anything else in our bodies, and the moral weight given to those natural purposes is never explained (Macedo 1995b). We do not worry, for example, about using our legs to fly planes and drive cars when neither is their biological function. So, at minimum, the moral weight that Arkes and others place on the biological facts of reproduction needs a lot more explanation, even if we reject what G.E. Moore called the “naturalistic fallacy” (Moore 1903: ch. 1). What little

explanation there is relies on a view about God's purposes for sexuality, but of course such arguments rely upon controversial metaphysical claims, not on clear biological facts.

However, the strongest argument against homosexuality—provided once again by John Finnis—relies on none of these assumptions. As Weithman (1997: 235–7) points out, Finnis's argument is quite powerful, precisely because it tries to show what is special about heterosexual marriage without denying that it has purposes besides procreation and without relying on a tendentious view of “nature” (see Macedo 1995b). On Finnis's view (1995), the problem with homosexual relationships is not that they misuse the sexual organs, but that they fail to realize the common good that can only be realized in a potentially reproductive activity. The reproductive aspects is one crucial end to the union of man and woman, even if it is not the only end. So, Finnis argues, a couple's

sexual union therefore can *actualize* and allow them to *experience* their *real common good*—*their marriage* with the two goods, parenthood and friendship, which (leaving aside the order of grace) are parts of its wholeness as an intelligible common good even if, independently of what the spouses will, their capacity for biological parenthood will not be fulfilled by that act of genital union.

(Finnis 1995: 28)

Or, as Robert George and Gerard Bradley put it,

*The intrinsic intelligible point of the sexual intercourse of spouses, however, is, in our view, marriage itself, not procreation considered as an end to which their sexual union is a means.*

(George and Bradley 1995: 304)

Sexual activity outside the marital union is then mere gratification. It “treats human bodily life, in one of its most intense activities, as appropriately lived, as merely animal,” Finnis argues (1995: 32). Treating oneself in that manner, George and Bradley contend, damages “the integrity of the acting person as a dynamic union of body, mind, and spirit” because it alienates one part of ourselves from another (George and Bradley 1995: 314). Only in heterosexual sex (and for these writers, only in uncontracepted heterosexual intercourse) can the common good of marriage be realized.

However, as Weithman argues, sexual activity can serve to establish a bond between two people that is emotionally rich and intense. Sex can be used for mere gratification, as eating can, but both can also serve as part of a more complex relationship between people. As such, it can create something beyond the mere gratification of both partners. Only a rather constricted view of sexuality would see it as limited to mere bodily pleasures.

If we embrace the broader role that sex can play, then we realize that a genuine sexual union can be created by sexual activities which are not reproductive, even in principle. Homosexual sex can, then, create a genuine sexual union and produce a genuine common good (Weithman 1997: 239). Thus, non-reproductive sexuality can be part of the larger project of someone's life that fully respects their bodily, intellectual, and even their spiritual aspects, as Stephen Macedo points out (1995c: 330–4). To assume that *ipso facto* it cannot simply begs the question. Thus, Finnis's arguments do not establish the conclusion that all homosexual relationships are inherently immoral.

What lies behind Finnis's argument and those of the natural law theorists in general is, of course, a view about the God-given purposes of sexuality and marriage. The clearest explanation for why we should follow the "natural teleology of the body" and for why homosexuality itself constitutes a moral harm is that it violates the clear dicta laid down by God. Indeed, the argument about the moral harms that are caused to children from homosexual marriages is based similarly on a certain religious view about sexuality. The only way to condemn homosexual marriages categorically is to claim that the purposes of marriage are tied inextricably to natural reproduction, and the only clear way to support this claim is to base it on the Biblical injunctions about marriage and against homosexuality. Indeed, most defenders of traditional marriage make precisely this point: "God is the author of marriage, not a university sociologist, or think tank and certainly not the courts" (Thomas 1996, 43)—though, of course, others have interpreted the Biblical strictures more favorably to homosexuals (see Gomes 1996: ch. 8). The role of God and a particular interpretation of God's purposes is, then, essential to the argument. The moral threat homosexuality poses is, then, to that conception of marriage.

### *Trust and tradition*

To put it in the terms of trust, the argument is that homosexual marriages pose a moral threat to the traditional understanding of marriage. The problem is that the threat here is only a threat within the theory that traditionalists hold: it is a threat that can be perceived only within their view of God's purposes for marriage. Outsiders do not see this as a threat at all. By insisting that the state recognize only those marriages that they endorse, the traditionalists are in effect asking the state to endorse *their* view of marriage to exclusion of others'. This case is, then, unlike the arguments in the 1690s against the Catholics and atheists, who could recognize *as a harm* the effect they were supposed to be causing, even if they denied that tolerating them would produce that effect. In other words, they denied the empirical claims against them. Instead, the argument here is like the claim against the Socinians that they were a threat simply because they refused



to accept the orthodox view of Christ. The claim is, in effect, that the mere existence of homosexual marriages as such threatens society.

Some traditionalists are obliquely aware of the difficulty here. George and Bradley, for example, argue:

In the end, we think, one either understands that spousal genital intercourse has a special significance as instantiating a basic, noninstrumental value, or something blocks that understanding and one does not perceive it correctly.

(George and Bradley 1995: 309)

In other words, they claim, every right thinking person just has to *see* the world the way they do; if she does not, there is some flaw in her perception. If anyone disagrees, then obviously they have a distorted perception. Such a claim is, of course, impossible to falsify and begs the question under discussion. Nonetheless, this position is not for that reason false. But it does indicate why disputes of this kind can easily end in mutual recriminations, as each side accuses the other of lacking the imagination to understand its opponents (see George and Bradley 1995: 305; Macedo 1995c: 333–4).

At this juncture, the important point to see is that even if the threat makes sense only to the traditionalists, it is a real threat *to them*. Asking them to extend the trust needed for toleration places a significant burden on them. Proponents of toleration are, I think, too quick to dismiss the traditionalists' arguments at just this point. In fact, this kind of argument poses a real challenge for a theory of toleration. Forcing traditionalists to recognize such unions even in public life may violate their deepest understandings of their own religious tradition. Imposing a scheme on them politically could undermine their commitment to toleration in general, and that loss of confidence by traditionalists would, I think, be a loss for everyone—especially if traditionalists constitute a broad majority on an issue, as seems true in this case. On the other hand, allowing the traditionalists to dictate public law by codifying a harm that only they can see as a harm undermines toleration in another way: it substitutes the force of the majority for the goal of principled compromises.

One way out of this impasse, suggested by Jeff Jordan (1995), is to contend that the state should not take sides in a moral dispute, if an accommodation is available. The accommodation he suggests in this case is to allow homosexuals to contract with one another in private in any way they choose, but not to violate the traditionalists' belief by allowing state-sanctioned marriages (Jordan 1995: 75–8). On the surface, this approach seems to fit with the pragmatic appeal that considerations of trust foster. In controversial cases, it would seem, favoring the settled patterns of the status quo makes the situation politically stable, we might argue, at least until the public consensus changes.

However, Jordan's approach goes too far in accepting the status quo. Applied to the controversies of the 1690s, it would have excluded the Socinians (and even the less radical Arians), because the doctrine of the Trinity was a controversial matter and so the settled law favored excluding anti-Trinitarians. Such a view would have excluded even the Quakers, who had very unorthodox views about nature of belief. Indeed, we could even argue that an accommodation was possible, since anti-Trinitarians were largely immune from prosecution as long as they did not make too public a display of their beliefs. In private, then, they could say what they wished; only in public was their behavior prohibited. So on Jordan's view, even the modest measures of the Act of Toleration of 1689 would have constituted an undue interference by the state.

More importantly, the problem with Jordan's view is that it allows the majority to live with whatever prejudices they might have without having to defend them publicly. Since their view is entrenched in the status quo, they do not have to justify their views to anyone. Such a position betrays the cultivation of trust from the other side. In effect, it would make traditionalists immune from public criticism. They never have to offer reasons that satisfy anyone but themselves. But if the majority can simply use their position of power to dictate legislation without having to defend them to those who disagree, then their claim to moral legitimacy is lost. At this point, we have surely fallen into a tyranny of the majority. Such an attitude hardly engenders trust from the minority. By forsaking the goal of a principled accommodation, it betrays the ideal of toleration altogether.

### **The practices of public reason**

Seen in this way, considerations of trust do not seem to help us resolve the complex problems that are raised in issues like homosexual marriage. At first glance, both sides appear to be equally guilty of undermining trust: the demands of homosexuals for marriage are simply too far beyond the pale for traditionalists, but the traditionalists' demand that their view of proper sexuality have the force of law is too intransigent for the promoters of gay rights. This case looks like one in which no resolution is possible and in which the approach I have offered fails. We must, it seems, simply hope for the conversion of one side or the other and consider ourselves fortunate that the battlefield is one of political rhetoric and the ballot box rather than the muskets and pikes of the sixteenth century.

### *Trust and the demands of civility*

However, consideration of trust can, I think, offer something more—at least in a society like ours which is committed to the ideals of democracy, human rights, and toleration. Trust is a *reciprocal* relationship. Insofar as both sides accept toleration as an ideal, it must apply to everyone. To

sustain trust, both sides must act with good will and assume that others act with good will as well. Both sides must view society as a *joint* enterprise, which is shared by all sides in the dispute and to which everyone must contribute. A group that insists that its view of reality—including what counts as a harm—must be sanctioned by law without regard to anyone else’s views ceases to respect the inclusive character of the society. In effect, the group no longer claims that the society is a joint enterprise; instead, they claim that society is an enterprise only of the right-thinking peoples in which the presence of others is, at best, respectfully forborne. To insist on such a view fundamentally violates public trust by destroying the reciprocity that lies at the heart of any relationship of trust.

To see society as a joint enterprise, however, we need not think that we must accept the demands of others or that every principle we hold dear must be compromised if others disagree. However, it does mean that we should treat everyone with respect, whatever we feel about them personally. The obligation to treat everyone with respect, of course, requires a context in which every person—no matter what their birth, gender, or race—is seen as a full member of society; such a requirement is only possible in a society that is already committed to liberal principles. For that reason, the kinds of practices I advocate here would make no sense to, say, the French of the sixteenth century or the English of the seventeenth. They do, however, have an appeal to people who are already committed to living in a liberal society. At this point, the kind of arguments offered by T.M. Scanlon (1998) and John Rawls (1993) can have some traction.

In such a society, opponents in a debate are asked to show respect towards one another. Respect requires, above all, civility. The duties of civility require us to show that we understand and consider the views of others (Calhoun 2000). As such, civility incurs two kinds of obligations on individuals and groups. First and most importantly, it requires us to *justify our actions to others* (Rawls 1993: 217; Scanlon 1998: ch. 5). To treat others with the respect they deserve as partners in society, we must try to address others when we take actions that may affect them. Such a requirement is not simply that we offer reasons to others that we think are sufficient to warrant the public action that we take. Those reasons may justify the action, but not necessarily *to them*. To meet the latter requirement, we must offer them reasons that they could, in principle, accept. So traditionalists cannot condemn homosexuality through public law based on their interpretation of the Bible, but equally, homosexuals cannot defend it based on the superior value of individual autonomy. Instead, both sides must appeal to values that are acceptable to all. We should, then, adopt something like the concept of public reason that Rawls develops:

[T]he content of public reason is given by the principles and values of the family of liberal political conceptions of justice. . . . To engage in public reason is to appeal to one of these political conceptions—to

their ideals and principles, standards and values—when debating fundamental political questions.

(Rawls 1997: 776)<sup>6</sup>

Rawls argues that matters of public law—and fundamental public laws in particular—should be decided by an appeal to reasons that are part of the *public* conception of justice. In other words, laws should not be based on reasons that are compelling only within a set of values defined by only one group in society; in Rawls's terms, they cannot be dictated by one "reasonable comprehensive doctrine" (Rawls 1993: 59). Christians, Jews, atheists, Marxists, Kantians, and Millians all represent comprehensive doctrines whose content should not be allowed to dictate public policy. Each must appeal to the common view that forms the core values of a liberal society. Indeed, even a commitment to a set of procedures is not possible without an agreement about the fundamental values and principles that shape the procedures (Rawls 1993: lec. V). The core idea of such a society is that a just society should be comprised of free and equal citizens engaged in cooperation over time. Such a society will be committed to a set of basic rights and liberties that ensures that these freedoms are meaningful to everyone in that society (Rawls 1997: 773–80). Each individual embraces, more or less, the political conception of justice for her own reasons. Insofar as she does, she can appeal to the values within the public conception that she herself wholeheartedly embraces. And when she does so, she is also appealing to reasons that she knows everyone has reason to accept. By affirming a common ground, she can recognize clearly the areas in which we can trust one another (Macedo 1995a: 492–3).

This position is both stronger and weaker than that offered by Robert Audi (2000). First, the position is stronger than the two principles of civic virtue for which Audi argues: the principle of "*public comprehensibility*," which requires that the reasons we offer can be understood by others (Audi 2000: 156–7), and the "*principle of civilly adequate reasons*," which requires us to present civic reasons that adequately support the proposed law (Audi 2000: 158). The principle of public reason permits us to appeal only to values within the public conception, which is a much narrower set than those that people can be expected to understand, and it requires the reasons to be adequate within that set of values, and not adequate within just any set of values. In addition, the principle of public reason is also stronger than Audi's "*principle of secular rationale*," which requires us to appeal only to non-religious reasons (Audi 2000: 86–96), because the principle of public reason requires us to appeal only to the set of values within the public conception of justice, and so it does not allow us to appeal to values that are otherwise secular, like personal autonomy, if they are not among the values in the political conception. However, public reason does not require us to accept Audi's "*principle of secular motivation*," which requires that the person herself be motivated by adequate *secular* reasons

(Audi 2000: 96–100). The demands of civility only require us to offer reasons that are in fact sufficient to justify the public action, whether they constitute a central part of our own motivations or not. Of course, Audi is right that if we offer reasons that we think are false, then we undermine our own credibility, and we may thereby undermine trust indirectly as well. But since we offer reasons that are adequate within the public conception of justice, we do not violate public reason when we do so.

The second duty that civility imposes on us is that it requires us not only to respect others by offering reasons that we can expect them to accept, but also to respect them by *listening* to the reasons they give with great care and sympathy. We should endeavor to see the other's position in the best possible light. Indeed, we should interpret their points as an argument about public reason if we can do so—even if they are explicitly not presented to us as such. To do so may require us to understand the arguments of others on their own terms.<sup>7</sup> We have an obligation to try to understand our adversaries as they understand themselves and then interpret their views so that they are compatible with the requirement of public reason. We cannot simply dismiss their arguments because they are not formulated as we would wish. Only when we listen with such empathy and understanding can we then try to formulate a policy that can address the legitimate concerns expressed by all sides.

In the debate over homosexual marriages, the duty of civility requires both sides to defend their views in terms of the public conception of justice. The claims of the empirical arguments against homosexual marriages (pages 122–5) fit this form: they are claims about what harms could come to society if homosexual marriages are allowed, about how such marriages would damage other forms of marriage, or about why children would be hurt if they were exposed to such families. These harms, if they existed, would be recognizable as harms by those who seek to expand the definition of marriage. The claims of the moral argument, on the other hand, fail to meet this test: the harms there defined make sense only within a traditionalists' view of marriage as the God-given basis for society. To reconstruct this argument within public reason, I think, turns it into a version of the claims that homosexual marriages will undermine the stability of families. If so, the debate about homosexual marriage turns completely on the strength of the first kinds of arguments against it. On this point, traditionalists and rights activists will disagree about whether in fact a recognizable harm will occur. Nevertheless, when we separate the claims about the harms caused by such marriages into those that are recognizable to others and those that are not, then the case against homosexual marriage is, I think, quite weak.

On the other hand, the claims of homosexuals do not bear as heavy a burden in this case. They ask merely to participate in a privilege offered to others already. To exclude them from the privilege of marriage implies a discrimination against them that must then be justified. In other cases,

such justifications are often at hand: we do not, for example, extend the privilege of free religion to, say, Satanists who actually wish to sacrifice infants because of the harm they would cause to those infants. But the burden is on the opponents to show that some recognizable harm would occur if the privileges of marriage were extended to gays and lesbians. Homosexuals are not, then, asking for “special rights,” only the rights offered to other people who are similarly situated (Marcosson 1995). So the traditionalists must show—as I believe they cannot—that some harm recognized within the public conception of reason is likely to occur if homosexuals marry, so that the status of homosexuals is significantly different from that of others.

For these reasons, the practices of public reason have even more significance than Rawls realizes. Rawls understands that these practices are crucial for creating a playing field on which different sides of many different disputes can meet and try to find a common answer to the problems they see. But having a common set of rules for that public space is also crucial to the goal of building trust between groups with different comprehensive doctrines. The rules of public reason, however, are substantive and not just procedural: basic rights cannot be challenged without undermining the basic security that members of the society feel and without undermining their trust in the society as a whole. The use of state power must be grounded in powers that everyone could in principle accept as legitimate—even if they disagree about its particular use in some cases.

### *The burdens of public reason*

The key, then, to the practice of trust-building in contemporary society is the practice of public reason. Nevertheless, such a practice is highly controversial. Criticisms fall, I think, into two broad categories: first, the worry is that the practice unfairly burdens practitioners of some comprehensive doctrines, particularly religious doctrines; and second, the claim is that the actual substance of the requirements cannot support a robust practice of politics. I discuss the first, and more common objection here, reserving the second for the following section (pages 140–4).

The first criticism is that requiring traditionalists to use arguments that could in principle convince their opponents places an unfair burden on them, and it alienates them from political participation by preventing them from presenting the considerations they feel are most important. Instead of creating trust, the public conception of justice, in effect, expels many members of society from the political arena (Neuhaus 1984; Carter 1993; Wolterstorff 1997). As Nicholas Wolterstorff puts the point,

A significant part of how some citizens exercise their religion is that their decisions and debates on political issues are in good measure based on their religious convictions. Using their religious convictions

in making their decisions and conducting their debate on political issues is part of what constitutes conducting their lives as they see fit.  
(Wolterstorff 1997: 77)

Forcing people whose religious views are deeply integrated into their lives to suppress those reasons in public debates asks them to be something that they are not, and it asks them to betray their deepest convictions about how to conduct their lives. As Michael McConnell argues, “To tell religious citizens that their conception of justice or the common good must be ‘bracketed’ is to treat them as second-class citizens” (McConnell 2000: 104). Moreover, they argue, by excluding those deep conviction, this view basically stacks the deck in favor of those who believe in individual autonomy over those who have a more traditional understanding of the good life (George and Wolfe 2000b). It seems to predetermine the outcome of an important cultural conflict and takes it out of the hands of democratic self-government (Smolin 1991; McConnell 2000). Instead, McConnell claims, we should allow everyone to express their view as they see fit:

The resulting system is “neutral” toward religion not because the laws are based on nonsectarian “reason,” but because all citizens are equally free to adopt or reject arguments without any limitations arising from their metaphysical, philosophical, epistemological, or theological foundations.

(McConnell 2000: 104)

By allowing everyone to enter the public square fully clothed, the critics argue, we get a result that is more democratic, so it is better on both substantive and procedural grounds.

We certainly should not dismiss this complaint too quickly. Here, I think the question of religious identity and other forms of strong identity becomes crucial. We cannot require people to take actions that abandon that identity without causing considerable strain on them and without causing them to question their loyalty to the regime. If trust and stability are the issue, then these arguments could show us that the liberal state is precarious indeed. And in truth, I think that these worries can only be partially answered. At some point, we must simply insist that the existence of a liberal democratic regime depends on enforcing and perpetuating standards in enough of the population to make it stable (Macedo 1995a, 1998). Nevertheless, these arguments can, I think, be answered for the most part, and they deserve as much of an answer as it is possible to give.

The traditionalists’ objections here fall into three basic categories. First, the traditionalists’ complaint lies in an implicit appeal to the right to free speech. The claim is that the restrictions of public reason unduly impose on their right to express themselves freely by forcing them to

conform to a preordained set of reasons. Put in this way, however, the objection misunderstands the requirements of public reason. The duty of civility does not imply that the restrictions of public reason should be enforced by law. The truth is quite the contrary: the use of public reason is a *virtue*, not a legal requirement. The restrictions of public reason do not infringe upon free speech because they do not affect the rights anyone has to use a public forum to voice their opinions about anything in any manner they see fit. Religions are thus free to influence what Rawls calls the “background culture” and to put forward their views, even on matters of public policy, in those venues (Rawls 1993: 220). The restrictions are, then, only part of the virtue of civility which should not be enforced by law. Besides, they are only intended to apply to situations in which legislators, administrators, and citizens acting as legislators are actively constructing laws (Rawls 1997: 767–9). Indeed, as Erin Kelly and Lionel McPherson (2001) argue, even in those forums we should be willing to extend toleration to anyone who is willing to express their views in a politically reasonable way, even if those views are themselves quite unreasonable.

Moreover, if we embrace Rawls’s approach, the restrictions are even less worrying. Rawls suggests that even in matters of legislation, we should allow the use of nonpublic reasons, if “in due course,” public reasons can be provided (Rawls 1995: li–lii). So political debate can be carried forward as openly as the most vigorous defender of free debate can hope, with only one proviso: at some point, reasons must be offered that appeal to parts of a public conception of justice. So we need not exclude religious arguments as long as a sincere attempt is made to formulate the claims in public terms, and we certainly do not need to exclude positions that merely have their origins in religious doctrines. In other words, eventually everyone must be able to redeem the trust that others place in them by using a vocabulary and pointing to values that everyone accepts as part of our public, political culture.

Nevertheless, we must be careful. Audi rightly worries that the “due course” proviso may be too weak, since any sincere believer can always think that whatever she believes will be established in time. If true, then Rawls’s view would exclude nothing at all from the debate (Audi 2000: 158–60). Yet we need not accept Audi’s own principle of secular motivation to address this worry, especially if our focus is on creating an atmosphere of trust. The parties need to have some reason to believe that the public justification is conceivable in the future, or they will become suspicious of the reasons offered. To sustain the trust needed for toleration, then, the reasons must be seen as plausibly supportable by the public conception. Because what is plausible will depend greatly on the particular context and the particular relationship between the groups within a society, we need to approach these cases individually. A strong position like Audi’s, which always forbids appeals to religious reasons altogether,



would certainly cover all the religious claims we would want to exclude, but it would also exclude some cases in which we do have reason to expect that a public justification is probable and where we would prefer to give as much latitude as possible for people to express their views.

The second kind of objections to public reason that traditionalists make is that the restrictions single out religious points of view unfairly (Wolterstorff 1997: 76–8; Smolin 1991, 1069–74; Schwarzschild 1993). The restrictions of public reason, however, are not so narrowly focused: no appeals can be made to *any* comprehensive doctrines. Appeals to Marxism, to Scientology, to Aristotelianism, and to the ethics of individual autonomy advocated by John Stuart Mill are equally excluded. Even appeals to the moral constructivism of Immanuel Kant, on which so much of Rawls's own theory is modeled, are forbidden (Rawls 1993: 97–101, 199–200). So if the defense of homosexual marriage rests solely on an argument for individual autonomy, it too must be set aside. In fact, I think, the right to marriage need not be defended on such grounds. We might argue, for example, that “[t]he essence of dissent and self-government is the right to raise the next generation in accordance with personal values, free of the dictates of majoritarian sentiment” (Smolin 1991: 1102). This quotation, not accidentally, comes from a fundamentalist Christian seeking to ensure that the religious always have the right to control the destiny of their children. But the same argument can be made that homosexuals should be given the freedom to marry and raise children. In both cases, the argument appeals to a public good, a freedom, that everyone should be able to exercise for the good of the communities in which they live—unless, of course, doing so would cause a great harm to society. But the burden is on those who wish to prohibit such practices to show that a harm—defined in a way that everyone can recognize—would be caused by it.

Third, traditionalists and others claim that the restrictions on public reason are simply unnecessary (Wolterstorff 1997: 105–16; Smolin 1991: 1088–94; Waldron 1993: 834–7; Levinson 1992; see also Habermas 1995). In a society as robust and stable as American society, they contend, we need not worry that the mere discussions will degenerate into civil wars, even of the cold variety. Moreover, by having a vigorous debate about matters of public policy, we allow everyone to have their say and voice their concerns in whatever manner they see fit. This debate, they claim, is required by genuine freedom, and it expresses a true toleration for all points of view. In effect, democracy itself, they claim, requires a broad openness.

Having such debates is, I think, often quite valuable, precisely because they also help all parties understand other members of the society, and airing the full array of reasons behind our positions can promote understanding. But sometimes such debates can exacerbate tensions between groups, and they will only promote understanding if there is already a

reservoir of good will between the various groups. A marriage is strengthened, we might argue, when both partners feel they can air their grievances fully, but marriage obviously presupposes a love that can withstand such severe tests. Even then, many apparently strong marriages have fallen apart with too much openness because the couple feels free to say hurtful things that undermine the trust that allows them to live together.<sup>8</sup> In a pluralistic society, of course, the bonds are never so strong, even if they are stable, so we must treat such discussions with caution. The bond that does exist, I have suggested, is built partially on the demands of toleration itself, so whatever debates we have cannot be seen to threaten that toleration. As long as it is purely theoretical, the debate may be innocent enough, and insofar as it develops some understanding between groups, it is actually healthy. However, when the debate concerns matters of public policy and the result of the debate is a public law, then more is at stake, and we may reasonably think that different standards would apply. In these contexts, people's freedoms can be threatened, and a debate outside public reason could easily destroy the toleration and the trust on which a liberal society is based.

For this reason, what the critics offer instead, on the other hand, can easily undermine trust. To say, as McConnell does, that the result of such a wide debate is acceptable simply because "all citizens are equally free to adopt or reject arguments without any limitation" (McConnell 2000: 104) ignores the central role that toleration plays in our society in creating trust by keeping the views of the majority from running roughshod over minorities. The critics' insistence here is not simply a desire to be heard because they can express themselves widely within the background culture. Their desire, then, must be to use their views to form the basis of public laws. On the one hand, their hope for doing so cannot rest on the belief that others will find their view persuasive: by hypothesis, the views in question are those which they can expect that others will have no reason to accept. So their only hope is that others will be converted by their words, and they are willing to jeopardize the trust that toleration produces on that hope. On the other hand, if they do not expect that others will be persuaded, then they show that they are willing to impose their view on others—albeit by majority vote. But at that point, they have really ceased to engage in public discourse at all; they are simply invoking the brute power of the majority. Worse yet, such an attitude demonstrates that the critics regard social cooperation with others as a goal that has only instrumental value. As long as that social cooperation imposes nothing on them, they accept it, but as soon as it conflicts with their own program, they jettison it. In effect, they demonstrate that they do not see toleration as a good in its own right, but as a mere *modus vivendi*. But, as I argued in Chapter 4, seeing toleration as a *modus vivendi* creates a highly unstable situation, which is all-too-likely to disintegrate. So whether the critics believe their efforts will be successful or not, they seem to place little value on the trust that toleration helps to foster.

Oddly, those who want fewer restrictions in public debates frequently assume that religious views will not prevail, that Western democracies are too fragmented and pluralistic for a position based merely on religion to succeed politically (Schwarzschild 1993: 910–15; Levinson 1992: 2077; Habermas 1995). These writers basically think that permitting all such reasons into the public debate is desirable because it allows the religious to express what they think, but that it is otherwise harmless. Such views, they assume, won't actually significantly affect the results of the discourse. On some issues, however—like homosexual marriages—that assumption is conspicuously false. The debate simply looks very different if the religious element is eliminated. But more importantly, these writers condescend to the religious: the views of the devout can be accepted only because they are impotent. In reality, then, these critics believe that religion should not play a significant role in politics.

### *The substance of public reason*

The second objection to the practices of public reason focuses on the substance of the requirements. Critics complain both that the considerations of public reason are too thin to decide anything important and that they are too substantive to include all the groups that should be included within the public discourse.

The first complaint is that appeals to values that can be endorsed from within many comprehensive doctrines will be too meager to sustain any reasonable dialogue (Haldane 1996). In fact, the public conception of justice includes a rich set of values, including freedom, equality, and economic prosperity that are sufficient to sustain most debates in public life. However, the public conception of justice is not—as some critics seem to think (Wolterstorff 1997: 102–4; Quinn 1995: 40–4)—designed to *solve* every (or even most) controversial political issues, but merely to *frame* the debate about them. When reasons are offered that can be accepted by everyone, then we can leave the question to the processes of democracy (Rawls 1995: lv). Even when “we” lose the debate, we can still understand that the reasons offered point to values we consider legitimate for our political lives, and we also understand that we may be able to change the result in the future if we can present better reasons later.

The second complaint is that, on the contrary, the public conception of justice excludes too much. This complaint comes in at least two variants: first, some think that the requirements of public reason exclude too many people; second, some think that the restrictions unfairly exclude the truth from politics. The first of these two objections is essentially that the restrictions on public reason stack the deck in favor of liberal individualism (Smolin 1991; Walker 2000). The restrictions of public reason, some argue, exclude too many groups to make any result from it legitimate. So, for example, Leif Wenar argues that few members of the major religions

could accept the “burdens of judgment,” the idea that the free use of human reason will inevitably lead to disagreements. Most religions, he thinks, are committed to the idea that the truth of God’s word will impose itself on human reason, and so they cannot accept the view that reason inevitably leads to conflict (Wenar 1995: 41–8). As this example illustrates, many of the groups that lodge this complaint are religious; yet the point is not one about religion, but about democracy. A policy that excludes the majority of the population undercuts the basic theme of democracy to exclude no one.

However, Wenar’s objections misunderstand one of the fundamental distinctions in the account. The concept of burdens of judgment is not a general epistemological principle; it is a *political* principle. Religious groups—and others—need not concede that human reason as such will lead to disagreements or that the truth is not wholly contained within the holy book (whatever that is); they only need to accept the burdens *for the purposes of politics*. In other words, they only need to admit that the use of human reason by most people in the world will result in some deep disagreements, at least for the foreseeable future. To insist otherwise is to assert that no politically reasonable person can possibly disagree with one’s own conclusions. Such a view is incompatible with any form of toleration whatsoever.

More significantly, critics argue that the restrictions of public reason distort the debate. Since social restrictions must be justified by appeals to harms that may make sense only within certain communities, they argue, it cuts off those communities from the public debate, but it allows individual harms, which everyone can understand, to dominate the political landscape. In effect, then, it allows individual whims to outweigh communal interests. Indeed, even for those who accept the values of public justice, the demands of public reason seem to require them to subordinate their substantive identities to those interests (Wenar 1995: 57–60). Admittedly, the public conception of justice is hardly neutral—nor should it claim to be, since the support of any set of values is bound to disadvantage some. For that reason, some communities will find it easier than others to live within these burdens. Not surprisingly, for example, intolerant groups will find it hard to live within such a state, and some may find it impossible. Thus, these restrictions do not suppose that the liberal state is neutral between all views of the good. But that concession does not imply, as David Smolin (1991: 1069–74, 1091) argues, that some reference to religion is essential to politics (see Neuhaus 1984: chs 2, 8). Smolin’s position implies that no moral claims can lie outside religion, a view which is simply false and which, moreover, begs the question against the view posited here (see Raz 1986: chs 5–6; Preston 1998: ch. 2). Nor does the concession that the demands of public reason burden some more than others imply that it is just a disguised form of liberal individualism. This point is more clear if we shift the debate away from homosexual marriages to, say, the question of

the equality of women within marriage. Liberal individualists argue that we should always promote equality between the partners in a marriage and that we should regard traditional patriarchal relationships with deep suspicion (Okin 1989: ch. 7). The point of view of public reason, on the other hand, suggests that inequalities within marriage are politically acceptable in most circumstances. The public conception of justice can condone, and perhaps even celebrate, such relationships, and it supports them even when they are not freely chosen in the sense that the parties are aware of and understand alternative possibilities before they enter into them. Political justice only requires that the parties to any relationship be able to end that relationship if they find that it violates their sense of a good life—even if that sense is one that develops after they have undertaken the relationship. Of course, insuring that everyone has an adequate exit option is not that easy (see Hirschman 1970; Okin 1989: ch. 7).<sup>9</sup> The public conception of justice is individualistic only in the sense that from a political point of view, we must always regard individuals as being capable of choosing their own view of the good life, but only because we think they must be capable of changing their minds about the kind of life they are currently living. To do otherwise would be to give control over a person's life to the group she currently embraces, even when she no longer consents to that control. Ceding more control to other people would allow them to become tyrannical, a situation which is politically unacceptable and which refuses to tolerate change.

If a group does in fact accept the values within the public conception of justice, then Rawls rightly thinks that their own views will not be unduly subordinated to that of society. Because those values govern basic interactions between citizens, they make possible all cooperation between different groups. For that reason, they are too important for any group to override them easily (Rawls 1993: 139); their commitment to live in peace with others is undermined if they insist otherwise. So, we need not demand that political values always be paramount, only that no group will override them except in the most extreme circumstances.

The second version of the argument that the restrictions of public reason are too thick is that they unnecessarily suppress the truth. So, for example, Finnis complains that Rawls's principle of public reason

is illegitimate because it censors truthful and reasonable public discourse and—worse—prohibits individual recourse to correct principles and criteria of practical judgment, in relation to fundamental political questions, without any coherent, principled reason for the prohibition.

(Finnis 2000: 81)

Finnis thinks that public reason offers no principled reasons for its prohibitions simply because he rejects its underlying theory, so the real argument is that public reason undermines politics by preventing citizens from

attending to some important truths. Thus, public reason, he argues, will not allow someone

to propose to one's fellow citizens theses (on matters of fundamental justice) that one regards as true and established by evidence *available* to any reasonable person *willing to consider them* in an open-minded way.

(Finnis 2000: 81)

The restrictions of public reason, then, actively subvert the search for truth in politics, Finnis thinks, often when we need it most.

To evaluate Finnis's charge, we must first sort out what it could mean. Public reason does not exclude any arguments that can be cast in terms that appeal to values within the public conception. So Finnis's complaint can apply only to theses that can be "established by evidence" that lie outside the public conception, and so they are "established by evidence" that is clearly acceptable to people only within a particular comprehensive doctrine. Likewise, public reason excludes "recourse to correct principles and criteria of practical judgment" only insofar as the "correct principles" are those that can be seen as correct only within a given comprehensive doctrine. The only sense, then, in which such reasons and principles are "available to any reasonable person willing to consider them in an open-minded way" is that an open-minded person might be able to understand them, but not that such a person would accept them, much less that they would regard the truth as established by that evidence. On Finnis's view, those who reject such truths are willfully rejecting evidence in front of them; they are (by definition?) not open minded. Finnis is, of course, entitled to his opinion that people who reject these truths are mistaken and misguided. The problem comes when he asserts that public laws should be based on those truths, even when others can reasonably reject them because they are based on perspectives that lie outside the public conception of justice. Finnis's view must be that if the truths he offers can gain sufficient public support, then they should be adequate grounds for laws, even when such a law would violate values within the public conception. So, in the case at hand, Finnis must think that since a majority of people support the truth he perceives about the perversity of homosexuals, then he can deprive this group of the right to be married—indeed, of all civil rights—even though that truth (if it is one) can only be recognized within a certain Christian tradition. Put in this way, Finnis's view is simply that whatever the majority takes for the truth is adequate for law. Such a view, however, does not make truth the basis for political judgment; it simply makes the rule of the majority absolute. Putting forward reasons in this way, however, destroys the basis of trust between differing groups. Setting aside what people take to be the truth, in the interests of public peace and social cooperation is, after all, the essence of toleration. In effect, then,

Finnis simply rejects the idea that toleration is a good in its own right. Toleration for him will be respected only when it is convenient.

### *Consequences of public reason*

The arguments I have given in these last two sections do not, I think, completely answer those who insist that their religious identities or other substantive identities are compromised by the use of public reason or that the truth their religion or their worldview shows them is unduly excluded. Undoubtedly, in the limited circumstances in which public reason is required, they will have to tailor their opinions in ways that violate their self-identity. Insofar as they find the restrictions burdensome, however, they show exactly where the problem lies: those who cannot reconcile themselves to the use of public reason either do not accept the values within the public conception of reason, or they do not think that they are particularly important so that they can be overridden easily by other values the group holds. Both positions really view toleration itself as the problem. The latter implies that peace with others is a goal to be discarded at leisure; the former suggests that they have access to a truth that everyone who is not misguided will understand and that public reason keeps them from expressing those truths. On either one of these views, toleration is accepted as a mere *modus vivendi* which can be abandoned whenever it is convenient to do so. If too many people share either one of these views, then toleration may not have enough public support to sustain itself, and we truly are in a most delicate cultural situation: we have then returned to France in 1610. But if there is a critical mass of people who embrace toleration and the public conception of reason and if we can continue to build the community of toleration, then we have some hope that the twenty-first century will be more peaceful than the seventeenth—not to mention the twentieth.

# Epilogue

## Balancing trust and toleration

As the results of the last two chapters demonstrate, the balance of trust and toleration will always depend crucially on particular contexts. On the one hand, only a commitment to toleration can give the guarantees to opposing groups that will allow them to trust each other. On the other hand, only with trust can opposing groups put aside differences that will allow them to tolerate each other. The balance between them will, then, always be delicate.

For that reason, the right balance in 1690 will be quite different from the right balance for those of us living in the twenty-first century. For us, the key to that balance lies in the use of public reason as a tool to try to govern ourselves with a view to the values that we hold in common as a society. The restrictions of public reason are not meant to substitute for the freewheeling dialogues between groups that can help create a deeper understanding among all involved. But we should not be naive about such dialogues: they often open as many wounds as they close, and even efforts done in good will can inadvertently exacerbate hostilities. So as important as such ecumenical and cross-cultural meetings are, no one's political life should be at stake in them. Indeed, a true dialogue can occur only against a background in which all the parties feel that their most fundamental rights are secure. Like toleration itself, the practices of public reason are a compromise with our ideals. We—at least, we philosophers—would like to think that all problems can be solved if we just talk about them long enough, that solutions will emerge if everyone simply and honestly airs their grievances. Alas, the world does not always (or even usually) work that way. So we need to set up institutions that can guarantee a kind of respect for everyone. The practices of public reason, like toleration itself, provide a means for securing those guarantees.

To say that the practices of public reason are the key, however, does not dictate what exactly the balance between trust and toleration should be. It sets a broad arena in which the balance can be found, but its precise nature must be negotiated between the parties involved. As long



as that negotiation itself takes place within a broad context of toleration, it can be decided by more or less democratic means. But, again, no one should have to depend on the good will of others to ensure that those rights are met, and so no individuals should be forced to enter into such a dialogue having to prove that they are worthy of recognition.

Many liberals often find it hard to remember that this maxim holds for their political opponents as well as for the oppressed groups they champion. Members of the Christian Coalition have as much a place in this broader dialogue as the homosexuals that they demonize. The difficulty for liberals has always been to ensure that everyone has a place in the broad cultural dialogue that is our society. To do so, we must be sensitive to the concerns everyone brings, even if we will not let some encode those concerns into legislation. The point of toleration is not to crown a victor in these cultural battles, but to ensure that the battles will remain rhetorical, both now and in the future.

That lesson, we have seen, is a hard one to learn. If this essay has shown anything, it is how difficult toleration is to establish and how fragile it can be even after it is established. After all, in the final analysis, there is nothing to say to the Catholics and Huguenots of sixteenth-century Paris with whom we started. As long as they saw the situation as a struggle literally for their very souls, they were condemned to a cycle of recriminations and warfare. Only long years of brutal conflict changed their outlook, and even then, they changed them only a little. For that reason, the conclusions of this book are pessimistic. People in situations of deep conflict will always have plenty of reasons to hate each other and to distrust each other if they so choose. They even have good reason to think that their choice is rational and that any other choice is sheer lunacy. In that sense, the results of this book simply reflect our common-sense view that we can't really force people to get along with each other and that no peace is ever possible until all the sides sincerely desire peace. To live together, they must have a view of the world and a set of values about the world that enable them to see toleration as a good and that enable them not to see every other view as a threat. Only then is a peace based on principle rather than force possible. Learning to live together in tolerance is, then, a deeply moral task, both because it requires a view of morality that endorses it and because it requires us to engage with others when nothing seems to require us to do so and when we may in fact find the others morally repulsive.

Nevertheless, the approach I have offered does have political implications in a society like ours that are worth making more explicit. The only reason for excluding any group from a broad toleration is that they pose a real and substantial threat to others. Race, gender, and ethnicity alone will never, then, justify any exclusions. Cultural differences could conceivably justify a different treatment, but the burden of proof must be on

those in favor of such restrictions to show how the practices in question constitute a genuine harm. Of course, there are and should be limits to how much we should tolerate. One of the tricky tasks, to which I have only suggested a broad outline of an answer, is to determine what values are so important that their transgression justifies intolerance. I have argued that to some extent we must answer that question by understanding the social and political context in which we are asking the question. So we can understand the sense in which the exclusion of atheists and Catholics was justified in seventeenth-century England. But even this contextual standard has some normative punch, since we can also argue that even they had no reason to exclude Socinians and Deists. For the contemporary context, the question is made trickier still, since there is no separation between what is best for us in our context and what is best for us *simpliciter*. For that reason, I have not tried to answer the question about what I think the ultimate standard for toleration should be. In the discussion of homosexual marriage, I have simply used the best understanding of reason and moral values that I know. If there is ultimately a better standard, then my current reasons are my best approximation of it. If there is not, then such understandings are simply all there is. Either way, I have the resources to make the substantive arguments that I offered in Chapter 6. I do not, then, have to answer the deeper philosophical questions about the ontological status of toleration to sustain my purposes. I simply do not have to answer the question of whether the ideal regime of the future will need the practices of toleration or not. In the long run, of course, we would like to answer those deeper philosophical questions. But by focusing too much on those questions, we can also lose sight of the real political questions that confront us in the here and now. In this essay, I have tried to be conscious of both the philosophical and the political, of high principle and of practical politics. In doing so, I hope I have offered something of interest to both and a different perspective to each.

Insofar as the results of this essay are pessimistic, they tell a cautionary tale. Those of us who believe that toleration is valuable must constantly guard it. Toleration can only be sustained if people work assiduously to maintain it and if they constantly consider whether it is possible to expand it. It requires active dialogues with others and efforts to maintain contacts, discussions, and projects across doctrinal, ethnic, and cultural boundaries. It requires the construction of robust social institutions and not just books and talk. It requires, then, real work, and not just philosophy. Toleration is, for that reason, difficult to achieve and easy to destroy. It is a practice that must, then, be handled with great care. Toleration is a fragile achievement.

Yet for all the pessimism in these results, there is also hope. Religious toleration is accepted in significant parts of the world, despite all the difficulties that face it. Toleration based on gender, race, sexual orientation,

and culture are becoming more widely accepted. We debate not the existence of toleration, but where exactly the limits of it should be, even when discussing controversial subjects like homosexuality. For all its fragility, toleration is a real achievement. That achievement itself is reason for hope.

# Notes

## 1 Arguments for toleration

- 1 Later, I will in fact suggest that, understood not as abstract arguments but as an attempt to re-conceptualize the conflict, Locke's case is significantly more appealing. See Chapter 4, below.
- 2 This argument is not necessarily the one that Locke would have found most important. He opens the letter with an appeal to Scripture that is obviously meant to appeal to the Protestant readers of his work in England. Such arguments were enormously important in seventeenth-century England, but they will obviously not serve the purpose of offering a general justification of toleration for which we are searching in this chapter.
- 3 For an understanding of the current state of the debate about brainwashing, see the essays in part two of Zablocki and Robbins 2001, especially Anthony 2001. While the two sides of the debate here have different views about whether true brainwashing is possible, both sides agree that "coercive persuasion" both occurs and can be effective.
- 4 As suggested to me first by Gerry Magill.
- 5 Indeed, as Sayyed Hossein Nasr (1997) points out, Muslims often do not understand the Western obsession with political freedom, since it has nothing to do with the "Absolute."
- 6 Proast was Locke's most important contemporary critic, and he and Locke engaged in a pamphlet war that extended over ten years, three replies by Proast (1690, 1691, 1704), three additional letters by Locke (1690b, 1692, 1704), and literally hundreds of pages (most of which are in Locke's ponderous *Third Letter for Toleration* [1692]).
- 7 Oddly, Locke offers no Biblical evidence for his assertion that God did not anoint anyone to rule over others in religion, especially in a context in which most theorists accepted some version of the divine right of kings, a point emphasized in Marshall 1994: 360. However, in the first of his *Two Treatises of Government* (1689b: 141–263), Locke provides just such an argument in excruciating detail, directed against the divine right theory of Robert Filmer. Although Locke's argument here is directed against the theory that political, not religious, authority rests on a divine right, the arguments against toleration rest on giving religious authorities political power.
- 8 In the seventeenth century, it could only be *his* path; women had virtually no legal rights at all. However, Locke himself is surprisingly progressive in this regard. See 1689b: 300–1 and Butler 1978.
- 9 Whether those good works helped to produce salvation or whether they were merely a sign of their salvation is, of course, one of the central disputes between Catholics and Protestants. Fortunately, nothing in this argument hinges on which of these views is correct.

- 10 This point was emphasized to me by Eleonore Stump.
- 11 Kant even more explicitly states his support for toleration in *The Metaphysics of Morals*, but his argument there is that “[f]or the supreme authority to say that a church should have a certain belief . . . and may not reform itself, are interferences by it which are *beneath its dignity*” (1797: 102). He thus assumes a separation of church and state that is at issue here.
- 12 Indeed, Rawls rejects the more robustly Kantian version of these claims because even within his new framework, it assumes more than he thinks is warranted (1993: 99–101).
- 13 Rawls does address the broader world context in *The Law of Peoples* (1999b), but in doing so, he suggests the limits of the kinds of arguments that he makes elsewhere.

## 2 Trust and the rationality of toleration

- 1 The ideal of cooperation that I have in mind is based on Rawls’s notion of the “reasonable” in Rawls 1993: 48–50. For a discussion of Rawls’s view on the relation of the reasonable to the rational, see pages 43–4.
- 2 Advice to Catherine de Medici from the conservative members of the *Parlement* of Paris in 1563 (quoted in Taber 1990: 695). The *parlements* were regional judicial bodies that had some limited legislative functions, chiefly in registering (or, more importantly, failing to register) royal edicts.
- 3 Henri III, Charles IX’s younger brother, became king after Charles’s death in 1574. Their elder brother, François II (first husband of Mary, Queen of Scots) died in 1560.
- 4 For more on the precarious position of Henri III, see page 68.
- 5 This argument was put to me most forcefully by Scott Berman and by Mark Perlman.
- 6 These and other views are surveyed in Salmon 1967. See in particular Romier 1917 and Thompson 1920.
- 7 The Guise faction was fervently Catholic and it was led by François, duc de Guise until he died in battle in 1563. Then it was led by his sons, Henri, duc de Guise, and Louis, cardinal de Guise, until they were assassinated by Henri III in 1588. Thereafter, it was led by their brother, Charles, duc de Mayenne. The Bourbons were largely Huguenot, led by Louis, prince de Condé. Condé was the real leader of the Bourbon faction, even though his brother, the King of Navarre and the father of Henri de Navarre, had a better claim as the oldest. After Condé’s death, the leadership of the Protestant faction rested completely with Navarre. The Montmorency faction was led initially by Anne de Montmorency, constable de France, until his death in 1567 and later by Henri Damville-Montmorency. Anne de Montmorency joined the Guises in supporting Catholicism, but the family was also related, through the constable’s sister, to Gaspard de Coligny, the important Protestant leader killed on St. Bartholomew’s Day. Perhaps because of the dual loyalties of the family, Damville-Montmorency became an important figure among the moderate *politiques*.
- 8 Indeed, the requirements of reasonability may already be too strong even for Rawls’s project. As Leif Wenar (1995) points out, requiring people to accept many elements within it may exclude members of most major religious groups in the United States. For a discussion, see Chapter 6, pages 140–2.
- 9 For some interesting contemporary examples, see Ignatieff 1993: particularly Chapter 1 on Serbs and Croats and Chapter 6 on Northern Ireland.
- 10 The edict was promulgated by Catherine de Medici, acting as regent for

Charles IX, in an attempt to ease the tensions that were already building (see Holt 1995: 46–9).

- 11 In the Anglo-American context, this point is nicely illustrated in Andrew Murphy's discussion of seventeenth-century England and America (Murphy 2001: chs 2–6).
- 12 As Tracy Strong suggested to me.
- 13 The suggestion was made to me by Richmond Campbell.

### 3 The conversion to toleration

- 1 A set of values may in fact be more coherent because the values reinforce one another, even when they may be formally inconsistent, and they may be incoherent because they do not fit well together, even if they are formally consistent.
- 2 For this reason, conversions by discovery are the type sought by proponents of a critical social science, who hope to change society through a social science that will reveal to people the illusions which dominate their lives. See Fay 1987: especially 66–87.
- 3 See, in general, James 1902: lectures IX and X. James draws a distinction similar to the one I make between the types of conversion discussed in this section. He calls conversions by evolution and conversions by discovery conversions of the “*volitional type*” and he calls conversions by revelation, conversions of the “*type by self-surrender*” (1902: 202).
- 4 For this reason, my examples are not meant to imply that racism is somehow deeper than sexism, and that the proper response to it is more radical. On the one hand, racism can be criticized within a discovery model of conversion, as the example of Martin Luther King shows. Indeed, *because* King connected with the values of most Americans, his message was perhaps more effective. On the other hand, sexism can be challenged at a more fundamental level than that suggested in this section, as many radical feminists have argued. See, for example, MacKinnon 1989: 215–49.
- 5 I use the word “anomaly” intentionally to draw attention to the parallels between this discussion and those in the history and philosophy of science between Thomas Kuhn and his critics. See Kuhn 1970 and Lakatos and Musgrave 1970.
- 6 In addition, Malcolm's conversion cannot be seen as what Taylor (1993: 223–4) calls an “error-reducing move,” since it did not follow a path that we know ahead of time will result in a better perception. For that reason, this change does not fit tidily into the categories of change that Taylor offers.
- 7 James (1902: 236), in fact, argues that because we can separate the causal elements from the justificatory elements, we can see conversions in a perfectly naturalistic framework without thinking that the conversion is tainted because we do not need a supernatural explanation of it. We can praise the change as the work of God, however it came about, he says.
- 8 The importance of intergenerational shifts in broad social changes is nicely documented for twentieth-century America by Putnam 2000.
- 9 For a further discussion of the Act of Toleration and its effects, see Chapter 4, pages 86–96, Chapter 5, pages 107–19.
- 10 One of the more prominent of the *politiques* was none other than Michel de Montaigne, who, though a devout Catholic, argued in his essays for a toleration that would bring peace. In particular, see Montaigne 1588b, c and d. See also Creppell 2003: ch. 4.
- 11 For a contemporary version of this vision of Christianity, see (of course) Montaigne 1588b, c, and d.

12 After William, only Queen Anne tried to reassert the complete dominance of the Anglican Church.

#### 4 Establishing toleration

- 1 We begin to see toleration as a virtue somewhere around the third of the five points on Michael Walzer's spectrum of attitudes of toleration: it is somewhere near the "principled recognition that the 'others' have rights even if they exercise those rights in unattractive ways" (Walzer 1997: 11 and ch. 1). I do not think we must see the issues in terms of rights, but the point is that we must think there is some positive value in living together with those who are different. We could do so because we think they have rights to moral autonomy in a Kantian manner, because we think such differences help us find the truth in a more Millian manner, or because we have yet other reasons to find their presence valuable.
- 2 This point was made clear to me by J. Donald Moon. However, people can in fact bargain over what to believe, though not in a way that interests us here (Goodin and Brennan 2001).
- 3 After 1622, only the heavily-fortified port city of La Rochelle held out for the Huguenots on the hope of English intervention. But that intervention, when it eventually came, was woefully inadequate, and the fortress finally fell in 1628.
- 4 The Fronde was a series of rebellions against Mazarin and the young Louis XIV that at various times involved the office-holders in the *parlements* and the Prince de Condé. It represented the last resistance to the absolutist pretensions of the French Crown (La Roy Ladurie 1994: ch. 3).
- 5 Daniel Weinstock (1999: 297–8) suggests that the actual relation is a bit more complicated: A trusts B n-ly as an X to  $\emptyset$ , where X represents a role B might take and n represents the degree to which A trusts B.
- 6 One could argue that the Edict of Nantes was an important part of a success story that led to toleration for Protestants during the French Revolution. In that way, one could argue, it was part of a process that led to greater toleration than in England, where Catholics did not achieve full rights until 1829. In one sense, of course, this point is correct: in that sense, every past event shapes the future in some way. But the toleration needed to end the religious conflicts in France required the massive upheavals of the French Revolution, while a structurally similar toleration was achieved in Britain by the Act of Toleration. In Britain, that toleration, once achieved, was never revoked—though a broader form of toleration in Britain was achieved only with painful slowness. This objection was made clear to me by Ingrid Creppell.
- 7 The effort to exclude James was the issue around which the Whig Party was formed. Led by Locke's patron, Anthony Ashley Cooper, the First Lord of Shaftesbury, the Whigs tried several times to pass a bill that would have excluded Charles II's Catholic brother, James, from the throne after Charles's death. All these efforts ultimately failed (Jones 1961), and some Whigs took the next step and tried to assassinate Charles himself in the Rye House Plot of 1683. The discovery of that plot sent Shaftesbury to the Tower, some radicals to the gallows, and Locke into exile in Holland (Ashcraft 1986). Despite these efforts, James still became king in 1685.
- 8 For a discussion of the reasons for these exclusions, see Chapter 5, pages 107–19. In addition, the Act of Toleration only applied to England and Wales. In Scotland, the Revolution led to the re-establishment of the Presbyterian Church, which allowed no toleration for dissenters, even for members of the previous Episcopalian establishment (Jones 1992: 43–5).

- 9 The most significant acts of public violence were those in 1710 in support of Henry Sacheverell, a high-church cleric who was impeached for preaching against the Glorious Revolution of 1688 and against toleration; the anti-Catholic riots in 1780 inspired by the efforts of Lord George Gordon to oppose freedom of worship for Catholics; and the riots against radical dissenter (and chemist) Joseph Priestley in 1791. For an account of religious dissent in the eighteenth century, see Clark 1985.
- 10 The only exception was Queen Anne, who was much attached to the Anglican hierarchy. Towards the end of her reign (1702–14), the newly-elected Tory majority closed loopholes in the laws and supported the Anglican complaints against Dissenters. But even they did not repeal the Act of Toleration.
- 11 These measures then precipitated the great democratic reform in English history, the Reform Bill of 1832, which itself became a religious issue when the bishops in the House of Lords opposed it in 1831.
- 12 This issue is precisely the one debated by Charles Taylor (1994) and his critics in Gutmann 1994. Using Québec as his model, Taylor argues that a government should go to great lengths to insure the survival of a cultural group. His critics (Walzer 1994; Habermas 1994) are, however, suspicious of these claims.
- 13 The importance of economic arguments was emphasized to me by William Charron.
- 14 This point was emphasized to me by Eric Margolis.
- 15 This point is unintentionally confirmed in the treatment of civil wars in the social science literature. See, for example, Licklider 1993b and Varshney 2002.
- 16 Conversely, destroying trust is a quick means to destroying a community, as the case of the Kingdom of Naples in the eighteenth century demonstrates. To assert hierarchical control over it, the Spanish rulers of the kingdom systematically destroyed the bonds of trust between people (Pagden 1988).
- 17 This conclusion is my take on the results of the civic society literature, revitalized by Robert Putnam (1993).

## 5 Of Socinians: toleration and the limits of trust

- 1 Even after he was deposed, James was unrepentant. While in exile, James sketched a plan for a restoration based on religious liberty, but with a government modeled on that of Louis, which did not depend on the support of his subjects and which gave positions of power only to Catholics (Jones 1992: 34–5).
- 2 Thus, David A.J. Richards's complaint that Locke is unfair to Catholics misses the mark. Richards bases his criticism on the assumption that Locke only excludes Catholics because they are themselves intolerant (1986: 95–7). But Locke's argument is more explicitly political.
- 3 The political hysteria over a 2002 circuit court decision that the phrase “under God” in the Pledge of Allegiance was unconstitutional, and the popularity enjoyed by Roy Moore, the former Alabama Supreme Court Chief Justice who insists that we must publicly acknowledge God as the source of all laws, shows how much of a hold this view still has in American culture.
- 4 As documented by Colin Turnbull (1972), the Ik were a tribe of indigenous people whose traditional nomadic life spanned the borders of Kenya, Uganda, and the Sudan. When officials kept the tribe from crossing the borders freely, the ensuing disruption led to a society in which everyone acted in their own self-interest: parents even abandoned their children. As a result, their society completely fell apart.
- 5 In the next century, the Socinians would come to be known as Unitarians as a result of their views about the Trinity.



- 6 The remark was, J.C.D. Clark (1985: 283 n17) notes, also remembered by Charles Fox during the debates in Parliament in 1792 on granting toleration for Unitarians. It is remembered here by the cleric John Jortin (1698–1770), who calls South (1634–1716) “masterly and impartial” (Jortin 1790: 369), as G.R. Cragg (1950: 76 n1) reports. Cragg, however, seems to miss Jortin’s ironic tone: South is being compared unfavorably to John Tillotson (1630–94), the Archbishop of Canterbury during the Socinian controversy, who committed the sin for which writers like South could never forgive him: admitting that the Socinians were reasonable people (Jortin 1790: 367–8). So Jortin’s take on South’s remark is this:

Such is the true *agonistic* style and *intolerant* Spirit; such the courage of a champion, who challenges his adversary, and then calls upon the *constable* to come and help him.

(Jortin 1790: 369)

Although South’s remark is quoted by Clark (1985: 283), Cragg (1950: 76 n1), and Jortin (1790: 369), I have been unable to find the original. However, it is perfectly consistent with other comments South makes; for example, he claims that “Satan thought him [Fausto Socinus, the founder of Socinianism] a fit Instrument” to subvert the true religion (South 1722: 135). For a general account of South’s role in the Trinitarian controversies, see Reedy 1992: ch. 6.

- 7 John Edwards (1637–1716) is not the American Puritan Jonathan Edwards (1703–58), but a fellow at St. John’s College, Cambridge, and a spirited pamphleteer at the turn of the eighteenth century.
- 8 Edwards argues—rightly—that one of the central reasons that Locke claims that a belief in Jesus as the Messiah is the only doctrine essential to Christianity is that Locke is seeking to expand the protection of toleration to Unitarians (1696: 65). However, Locke’s firm and undoubted support of toleration for non-Trinitarian Christians undermines Edwards’s claim that Locke himself must be a Socinian. Since the commitment to toleration was so strong, Locke could have been (as he always maintained) a good Anglican and yet maintain that Socinians should be tolerated. However, there is independent evidence that Locke was probably a Socinian himself (Marshall 1994: ch. 10; Wootton 1989; Montuori 1983: 119–46).
- 9 This Jonathan Edwards (1629–1712) is again not the American Puritan, but the Principal of Jesus College, Oxford.
- 10 This point was made vivid to me by Kate Abramson.

## 6 Of homosexuals: trust and the practices of public reason

- 1 Thomas Aikenhead, a student in Edinburgh, was executed in 1697 for denying the Trinity (Clark 1985: 284–5).
- 2 Shepard was a 21-year-old college student in Wyoming who was beaten with a pistol, robbed, tortured, and then left to die tied to a fence in a remote prairie—all because he was gay.
- 3 I discuss Finnis’s broader natural-law argument against homosexual relationships on pages 126–30.
- 4 Some of these concerns are just silly. For example, some claim that the child of a homosexual union is likely to be taunted by other children (Wilson 1996: 144). But, of course, children of the poor, of mixed-race couples, and even of the devoutly Christian often face such taunting, and we do not regard this as any reason whatsoever to prevent their parents from marrying.

- 5 Arkes and Finnis think that only uncontracepted marital sex qualifies, but other theorists in this camp are willing to concede that there can be a reasonable disagreement about whether contraception vitiates the marital quality of the action. See George and Bradley 1995: 310 n30.
- 6 The view Rawls presents here is a wider, more inclusive version of the view he presents in his earlier work. Nevertheless, I think, it maintains its basic character. For the earlier views, see Rawls 1993: lec. VI and Rawls 1995: l–lxii.  
I will follow Rawls’s use of the term “public reason” even though I think that term has a much broader implication than Rawls intends. “Political reason,” I think, would be more accurate.
- 7 As suggested to me by James Bohman.
- 8 Russell Hardin interestingly argues that love is not always based on trust. Often people love without trust—often to their dismay (Hardin 2002: 142–5).
- 9 For Rawls’s own reflections on the family, see Rawls 1997: 787–94.

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