

Part I

# Lead essay



# Toleration, progress and power

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## I The promise and dialectics of toleration

We are not the first generation to live in societies marked by profound differences in forms of life and morals. For a long time, Christians in particular struggled with how to live together without seeing the actions of others as primarily the devil's handiwork. Today, we can still gain an inkling of how extreme such conflicts could be when questions of abortion are discussed. But also controversies over same-sex marriage or the right to adopt for same-sex couples, circumcision on religious grounds, Islamic dress codes, the vilification of religious leaders or whether fascist parties should be outlawed point to conflicts that catapult us back as if on a time journey into the historical epochs in which the concept of toleration was coined.<sup>1</sup> This concept remains so attractive because it promises to make it possible to live with such differences *without* being able to or having to resolve them.

Even this brief review of the ongoing history of conflicts over toleration shows how much sense it makes to examine the two concepts of toleration and progress together. For we think, or at least hope, that our societies have become more tolerant since the times of the Wars of Religion and the bloody persecution of minorities. By adding the third term 'power' to 'toleration' and 'progress' in my title, however, I want to suggest that we are dealing with a complex history in which one should not be too quick to invoke the concept of progress, because conflicts over toleration are always situated in the context of relations

of social power in which forms of domination are reproduced and undergo change. Here 'domination' refers not only to forms of intolerance, because sometimes domination also operates by granting toleration.<sup>2</sup> This is why the correct theory of toleration must be critical: it must subject the various forms and justifications of toleration to critical examination and bring a genealogical perspective to bear on the constant amalgamation of norms and relationships of domination. A history of toleration therefore has to be a dialectical one. It tells a story of the rationalisation of arguments for toleration (each of which has its limits and can become inverted into intolerance), but also of the advancing rationality of power, which is sometimes opposed to toleration, but is often also bound up with it.<sup>3</sup> We are still part of this dialectic.

## II The concept of toleration

I will first discuss the concept of toleration. It is important to recognise that this concept is itself the subject of social conflicts and is not a neutral party that stands above the fray.<sup>4</sup> Some cases in point: while some people think that right-wing political activities should be banned because they violate the limits of democratic toleration, others regard this as intolerant; while some people tolerate circumcision, others consider it to be intolerable, even when boys are involved; some people are in favour of tolerance<sup>5</sup> towards same-sex partnerships, but not of equal rights, whereas others regard this as intolerant and repressive.

So not only is it a matter of controversy how far toleration should extend, but some of the examples cited also raise the question of whether toleration is even a good thing, on the grounds that, at the one extreme, it can go too far or, at the other, legitimise the denial of equal rights. Isn't toleration even the hallmark of an asymmetrical policy or a cunning form of rule through the disciplining of minorities, following Kant's dictum that the name of toleration is 'arrogant',<sup>6</sup> or Goethe's saying: 'Toleration should be a temporary attitude only; it must lead

to recognition. To tolerate means to insult?<sup>7</sup> What we need here is a historically informed, critical philosophy whose task it is to examine our store of concepts and which asks: What exactly does the concept of toleration mean in the first place?

Tolerance denotes an attitude that, analytically speaking, involves three components – with which we can already clear up a series of misconceptions, for example, the mistaken notion that toleration has something to do with judgement-free arbitrariness or indifference, as in Nietzsche, for whom toleration was the ‘inability of saying yes or no.’<sup>8</sup> When we say that we ‘tolerate’ something – for example, a friend’s opinion, the smell of a particular food, or the action of a group – we do so only when something bothers us about the opinion, the smell or the action in question. And indeed, the first component of toleration is that of *objection*.<sup>9</sup> We object to the beliefs or practices that we tolerate because we believe that they are wrong or bad. Otherwise, our attitude would be one of indifference or affirmation, not one of tolerance.

However, toleration also necessarily involves a second component, that of *acceptance*. It specifies reasons why what is wrong or bad should nevertheless be tolerated. Tolerance involves striking a balance between negative and positive considerations, because the reasons for acceptance do not cancel the reasons for objecting but are *prima facie* on the same level and, in the case of toleration, tip the balance. The objection, however, remains valid. The (apparent) paradox of how one can accept something to which one actually objects should not be overemphasised, because there is nothing out of the ordinary in looking at things from two sides and seeing reasons for accepting something that one finds problematic. This is not to deny, of course, that there is an important problem here, since with this constellation the social conflict is imported, as it were, into the attitude of tolerance itself. It requires one in a certain sense to transcend or bracket one’s own negative opinion.

Finally, a third component must be kept in mind, that of *rejection* – thus once again one involving negative reasons. These negative reasons mark the limits of toleration, so that they must, of course, be more

serious and stronger than the first-mentioned reasons for objecting, since they cannot be trumped by acceptance considerations. In an ambitious, democratic conception of toleration (which I will discuss in greater detail below), these reasons must be ones that can also be offered to those affected by the rejection (i.e. those whose beliefs or practices are not tolerated). They justify why limits have to be drawn from an impartial vantage point, for if the limits of toleration were completely arbitrary, tolerance would not be a virtue and would succumb to the (much-discussed) paradox of toleration that it always also represents the vice of intolerance. Therefore, it can be a virtue only if its components are based on good reasons. Limitless tolerance, on the other hand, would be absurd because it would also have to tolerate all forms of intolerance, including its own negation, and thus place itself in question.<sup>10</sup>

The task of toleration is to bring these three components into the correct normative order. The reasons for objecting to, accepting or rejecting a belief or practice can have different origins. All three can have religious sources, such as when one objects to a different religion as false but tolerates it in the spirit of religious peace and harmony until it leads to blasphemy. The reasons can also be of different kinds, however, such as when a religious objection is confronted with reasons of acceptance and rejection that appeal to human rights – for example, reasons to accept based on the right to freedom of religion and reasons to reject grounded in the right to bodily integrity. It is important to notice that these reasons themselves are not part of the concept of toleration, which is *dependent* on other normative resources.<sup>11</sup>

This analysis already makes it clear that toleration is not always the correct recipe against intolerance. Racism, for example, is a widespread cause of intolerance. But when we call for ‘tolerance’ as a response to racist attacks, what are we doing? Do we want ‘tolerant racists’, that is, people who remain racists, only do not act according to their beliefs? No, we should instead work towards overcoming racism; and that means that in this case the reasons for objecting are already the problem. There was a time when the model of overcoming reasons for objecting led

Enlightenment thinkers to argue that the appropriate response to religious strife was to work towards a religion of reason; but this proved to be unfeasible, because they expected something from reason that it is not able to deliver – namely, to provide ultimate answers to speculative questions. Religiously based reasons for objecting cannot be overcome in this way.

Nonetheless, the problem of the tolerant racist alerts us to an important insight into social progress: an increase in toleration is often a sign of progress, since those who are foreign or different are accepted with less narrow-mindedness; but sometimes less toleration is a mark of progress. Thus, racism itself should not be an object of social toleration, since it has a tendency to become entrenched in everyday life and to give rise to violence. This does not mean that every expression of racism should be prosecuted, but that such expressions should be socially ostracised. It is an important matter whether the limits of toleration are drawn socially or legally.

But ultimately progress can also mean that the reasons to be tolerant at all should cease to apply: there should not be any racist reasons for objecting, or any considerations that degrade people. This also applies to attitudes towards homosexuality. To tolerate homosexuality is one thing; but no longer to regard it as grounds for toleration is quite another. Both would constitute progress compared to social intolerance; however, the latter would constitute the greater progress: no more toleration, but no more rejection either, but instead indifference – just togetherness in diversity, without tolerance or intolerance.

### III Conceptions of toleration

To continue the analysis, we must distinguish different *conceptions* of toleration that have evolved over the course of history. Here I will confine myself to two.<sup>12</sup> The first I call the *permission conception*. We encounter it in the classical toleration laws, such as in the Edict of

Nantes (1598), which states: '[N]ot to leave any occasion of trouble and difference among our subjects, we have permitted and do permit to those of the Reformed Religion, to live and dwell in all the Cities and places of this our kingdom and country under our obedience, without being inquired after, vexed, molested, or compelled to do any thing in religion, contrary to their conscience.'<sup>13</sup> Toleration on this conception is an authoritarian attitude and practice which grants minorities the permission to live according to their faith, albeit within a framework determined unilaterally by the permission-giving side. All three components – objection, acceptance and rejection – are in the hands of the authorities, and those who are tolerated are marked and indulged as second-class citizens, and depend on the protection of the monarch. This is the notion of toleration that Goethe and Kant have in mind in their criticism, because here being tolerated also means being stigmatised and dominated. This form of toleration represents a complex combination of freedom and discipline, of recognition and disrespect, which calls for a Foucauldian analysis of the 'governmentality' at work in this context of power.<sup>14</sup>

Here we touch on another important point about toleration and progress, namely the ambivalent character of progress. On the one hand, an edict like the Edict of Nantes (the same applies to other toleration laws such as the English 'Toleration Act' of 1689 or Joseph II's 'Patents of Toleration' of 1781) represents an important step towards ensuring the security and social betterment of a minority (even if this was also precarious and often of short duration); on the other hand, it manifests the inequality of this group and its extreme dependence on the good will of the monarch (and on existing constellations of power). Thus, such an edict represented clear progress – and just as clearly a policy of domination and unequal treatment (and sometimes also of blackmail, if we think, for example, of the conditions under which Jews were 'tolerated' in Christian countries).

However, to the truth of a dialectical history of toleration there also belongs the fact that in the course of the modern democratic revolutions a different notion of toleration has developed that is

horizontal by comparison with the vertical permission conception – namely, the *respect conception*. The key idea informing this conception is that toleration is an attitude of citizens towards each other who know that they do not agree when it comes to central questions of the good and proper life, but who nevertheless accept that their shared institutions must be based on norms which can be shared by all as free and equal persons and do not simply stipulate the values of one group and make them into the law. The objection component remains subject to the scope for definition of individuals or their communities; but the components of acceptance and rejection are determined in a process of legitimation that aims at norms that can be justified in general way – namely, *independently* (in a relevant sense) of the particular, non-generalisable beliefs of individuals. Tolerance is the virtue of tolerating beliefs and practices with which one disagrees, but which do not violate any principles that reflect the equality and freedom of all. The person of the other is *respected* as someone who enjoys equal political and legal rights; what is *tolerated* are his or her beliefs and actions.

#### IV Justifications of toleration

In the reconstruction of the justifications offered for toleration since antiquity that I develop in *Toleration in Conflict*, I distinguish a total of twenty-five justifications, which often appear in different variations over the course of history.<sup>15</sup> The dominant lines of thought are, firstly, humanist justifications (from Nicholas of Cusa to Lessing), which seek to reconcile the differences between religions by tracing them back to core religious, or at least ethical, agreements, and, secondly, arguments (from Augustine to Locke) that accord central importance to freedom of conscience, that is, the idea that authentic convictions must not be coerced or cannot be coerced, but must come about freely. The third line comprises justifications (from Castellio through Bodin and Bayle to Kant) based on a secular morality of reciprocal normative

justification coupled with a notion of ‘reasonable disagreement’ in religious questions. Here I can only mention briefly the most relevant points regarding these conceptions.

When it comes to showing due regard for the contributions of major thinkers of toleration, it is important to recognise the force as well as the limits of their arguments. John Locke is a good example. In his famous ‘Letter on Toleration’ (1689), he argues for a conception of the separation of Church and state according to which the state has the task of ensuring earthly justice, while it is left up to individuals to seek their salvation in their religious communities and to entrust themselves to God. This radicalisation of the two-kingdoms doctrine as it was developed from Augustine through Luther is made possible by a radicalisation of the idea of freedom of conscience. According to this doctrine, the individual must not and cannot cede authority over questions of faith to others, because God alone may decide these questions and because true faith can only come from inner conviction and cannot be brought about through pressure or even coercion: ‘Faith is not faith without believing.’<sup>16</sup> Accordingly, everyone must also pursue his or her own path to salvation and not trust others who may be pursuing other interests.

Locke did not invent these arguments but only connected them in a pointed and systematic way. They can already be found among early Christian thinkers. Augustine, in particular, argues for freedom of conscience and for the separation of the kingdoms, although not without according the Church a special role on earth. But the proposition ‘*credere non potest homo nisi volens*’ [man cannot believe against his will]<sup>17</sup> stems from Augustine, as well as the admonition that nobody should think that one can be coerced into following God, because He does not want false believers. However, it was the same Augustine who in his later years withdrew this doctrine when faced with the conflicts with the Donatists<sup>18</sup> – and formulated the very arguments with which the Anglican clergyman Jonas Proast would later create difficulties for Locke. Augustine in his later writings justifies the ‘good coercion’ by invoking the biblical parable of the guests who are forced to enter the

banquet, and asks whether, when one sees that someone is jeopardising his salvation, it is not one's solemn Christian duty to lead him away from the wrong path. Although coercion – even to the extent of *terror* – is not suitable for implanting the truth, it is, Augustine now argues, suitable for tearing people away from false doctrines. Augustine relates how many Donatists who had been forbidden to exercise their religion by the Church, and as a result had returned to the truth, had confirmed this to him. True freedom of conscience is therefore not the freedom to follow whomever or go wherever one wants, but the freedom to embrace the truth, and only the one truth. Incidentally, it was not until the Second Vatican Council that the Catholic Church recognised a conception of freedom of conscience that no longer involved such restrictions.

Thus Locke's argument that conscience must not be subjected to coercion and also that it is not coercible is problematic, as he later recognised himself<sup>19</sup> – all the more so when one considers the methods that human beings have developed to manipulate conscience and beliefs and to produce convictions in those subjected that the latter regard as true and authentic. The free conscience is not an epistemic fact of nature and, as Augustine's later theory shows, it is not a self-evident theological requirement. For to put it in Hegelian terms, not only the 'consciousness of freedom' undergoes progress but also the many means and possibilities of exercising power and domination over people's minds and of perfecting unfreedom that is no longer perceived as such.<sup>20</sup>

There is another respect in which Locke's justification of toleration is incomplete. By placing such strong emphasis on freedom of conscience, he draws the boundaries of toleration where he thinks that this freedom is not granted – that is, among Catholics who are prepared to bind their conscience to a temporal (ecclesiastical or political) authority, and among atheists, since they lack any conscience at all. To remove God 'even in thought',<sup>21</sup> according to Locke, would be to dissolve the bonds of human society. This is a notion of the limits to toleration that runs right through the history of Christian societies up to the present

day: someone who does not accept divine justice will not be a reliable moral person on earth.

In mentioning these problems with Locke's approach, my intention is not to diminish this great philosopher from a contemporary perspective, but instead to point out that we can learn something here about the ambivalent character of progress. An advance in the justification of toleration often draws upon older sources and frequently inherits their problems or gives rise to new ones – and may draw the boundaries of toleration in ways that cannot be justified. In my book I tried to write such a dialectical history of justifications of toleration and pointed out how such justifications can become inverted into their opposite.<sup>22</sup>

It was a contemporary of Locke, the Huguenot Pierre Bayle, who recognised and avoided the problems of Locke's approach – in a critique of the late Augustine, not of Locke's theory – and formulated the logic of the respect conception of toleration.<sup>23</sup> If both parties to the conflicts in France of his time, Catholics and Protestants, insisted that their ideas should apply to everyone and accordingly be dominant, then according to Bayle any crime could in principle be portrayed in the name of religion as a pious deed. Whoever accepts this moral truth makes a correct use of reason – as *raison universelle*. Hence, human reason, Bayle argued, must be able to find a language in which an injustice, such as that of forced conversion or of expulsion or torture, can really be called an injustice. This language of morality and justice must be the same for everyone and, based on the power of practical reason, it must be able to correct the distortions and disguises resulting from religious partisanship.

At this point, we must combat the misunderstanding that such a conception of toleration founded on reason is 'intellectualist'.<sup>24</sup> On the contrary, it is a matter of a historically situated form of genuinely *practical* reason shaped by the experience of concrete conflicts and human violence. Anticipating Kant, Bayle took the view that, apart from all of the religious teachings that unite, but also divide, people, there must exist a practical reason that requires them to seek social cooperation based on norms that can be justified between them as free and equal

individuals. Thus Bayle not only argued, like Bodin and others before him, for a secular state, but also consistently argued for a secular morality that was not anti-religious, but was generally valid because it was not based on religious principles. When we speak of progress in toleration, we must take the development of this morality as our yardstick. This progress occurs in small historical steps wherever existing relations of toleration and their justifications are subjected to critical examination and a new, more inclusive, reciprocal and general level of justification of toleration is formulated and realised.

## V Toleration and justice

We might now be tempted to assume that Bayle's respect conception is the one that guides us today and imagine ourselves to be at the forefront of historical progress. However, we would be mistaken if we believed that in our democratic age we had overcome the first, hierarchical permission conception in favour of the second, respect conception. For in many contemporary disputes we find proponents of both conceptions in conflict, and the permission conception reappears in majoritarian garb. While some people think that minarets and mosques (or, as in some places, mosques without minarets) should be tolerated provided that they adhere to the guidelines laid down by Christian majorities, others insist that it is a basic right among equals to have suitable places of worship. While some people think that, although toleration forbids proselytising, it does not require the removal of crosses or crucifixes from public classrooms or courtrooms, others insist on their removal in the name of equal respect. The same applies to Muslim headscarves, same-sex marriages and the like. Should same-sex partnerships be 'tolerated' only within a framework laid down by a heterosexual majority, or can they demand equal respect and fully equal rights?

The normatively dependent concept of toleration itself *does not* tell us what we should cling to here for orientation. And many values or

principles suggest themselves – freedom and autonomy, on the one hand, social stability and peace, on the other. Depending on where the emphasis is placed, we arrive at different conclusions. I think that we should adhere to the principle of *justice*. For what else is the question of what position and rights minorities have in a society except a question of justice? What is at stake here is a form of justice that calls on us to rethink and, if necessary, to abandon traditional conceptions in the sense of materially equal respect. The central connection between justice and toleration consists in the following question: Does my *objection* to a practice rest on reasons that do not merely reflect my ethical or religious position that others, after all, do *not* share and do not have to share, but on reasons that are sufficient to proceed to *rejection* – hence, for example, to justify putting a stop to this practice by legal means? Is the objection to circumcision, same-sex marriage, wearing a religious symbol, building a place of worship, etc. sufficient to make an argument that can be upheld among equal citizens and that can be fairly asserted vis-à-vis those affected – also and especially if one belongs to a majority? In these questions, being in the majority is not decisive, because questions of toleration are traditionally ones about the position of minorities.

What do I have to accept in order to answer these questions in accordance with the respect conception? This touches on a difficult epistemological point, because toleration is often accused of requiring one to question one's own position in a sceptical way. But this is not the case. Bayle's conception of toleration does not require you to doubt the truth of your own religion, but only that you know that religious-ethical beliefs are *neither* verifiable *nor* falsifiable by rational means alone. They are located within the domain of what John Rawls called 'reasonable disagreement'<sup>25</sup> and are therefore, as Bayle put it, *dessus de la raison*,<sup>26</sup> beyond the scope of reason, as it were, but are not necessarily irrational (unless they involve superstition). Reason is compatible with many ethical and religious positions among which it cannot and must not decide itself.<sup>27</sup> This does not mean, as some fear, that reasons for objecting are 'privatised', because they continue to be articulated

in social space. It only means that, when it comes to general political norms, a certain intersubjective justification threshold of reciprocity and generality is accepted.

In the attitude of tolerance in accordance with the respect conception I must accept that I owe others who live with me under a shared system of norms reasons for such norms that can be shared between us *morally* and politically, and in particular do not stem from the fund of *ethically* and religiously contested convictions. We call this ability to recognise corresponding reasons in theoretical and practical-political use and to seek them together in discourse, as I said, *reason*. And so, tolerance, correctly understood, is a virtue of the public use of reason. If there is any moral progress in the history of toleration, and that is a real 'if', it consists of the insight into the deontological difference between moral norms and ethical values.

Thus, the justification of toleration that I consider to be superior to the others is *reflexive in nature*: it regards that justification of toleration as correct which is based on the principle of justification among free and equal individuals itself. It does not employ any controversial comprehensive doctrines or ethical values, but only the rational principle of mutual, critical justification, in which every person affected always has a veto regarding the reciprocal and general character of the justification used. In this way, arguments are filtered out that transport privileges and one-sidedness: someone who argues for equal rights to marry for same-sex couples does not defend a privilege, but attacks one without creating a new one. Those who criticise the crucifix on the classroom wall do not want to replace it with their own symbol, but want to overcome a symbolic privileging of a particular religion. And anyone who advocates tolerating the wearing of a burka does not have to see it as an expression of an autonomous religious decision. However, he or she knows that one cannot impose a one-sided meaning on this symbol and that in this case the right to personal freedom carries greater weight than a certain idea of the *ordre public*, to which some people in France, for example, appeal as the basis of a legal duty to show one's face openly.<sup>28</sup> And if circumcision practices are

to be seen as intolerable, we need good reasons for regarding them as bodily injuries, which distinguishes female from male circumcision. People can be bothered by minarets if they feel to be, but they must not ban them, not even by referendum.

If we want to talk about genuine progress in toleration, the central question is how to develop a secular moral language in which those affected can present and discuss their claims – and in which there is a willingness also to treat minorities as equals. A secular state cannot do this without a corresponding conception of justice shared by its citizens. The form of reason that is called for here has learned to make some central distinctions, in particular those between ethical-religious life plans which are not generalisable and moral norms which are generally binding, and thus at the same time between what reason can and cannot accomplish in the religious domain. It is able to distinguish between faith and superstition – and prevents mixtures of faith and reason, for example of the doctrine of creation with the theory of evolution – but it cannot set the true faith apart. Reason knows that it is not sufficient to provide ‘ultimate’ answers to metaphysical questions of the good and sanctifying life; but it also knows that it does not have to be sufficient in that way to provide us with orientation in the world of action and thought. The secular morality associated with the respect conception is not a ‘secularistic’ one that colonises or marginalises religion; but neither is it one that religion can fully appropriate as trump.<sup>29</sup>

## VI A critical theory of toleration

When people call for ‘progressive’ religions today – for example, with reference to Islam – we should remind ourselves of European history. It is not the case that ‘Christianity’ arrived at such an attitude of respect of its own accord. The truth is rather that unconventional and ostracised thinkers such as Bayle, and many others could be mentioned, pointed to the blind spots in Christian teaching and called for them to be

changed. It was the power of criticism, more than the power of faith, which led to advances. And these advances were always accompanied by ambivalences, new power constellations, restrictions on freedom and hierarchies. But as long as reason is a factor that musters this power of critique, the question of progress remains alive. It is ultimately the question raised by those who do not want to accept a boarded-up, normatively sealed world, even if they are only a few.

As we have seen, the question of toleration is situated within a complex social network of power, simply in virtue of the obvious fact that every argument for toleration, if justified, is directed against intolerance, which occupies the space of social reasons and justifications in such a way that the faith of one group is regarded as true and rightly dominant, while those of other faiths seem to have succumbed to a greater or lesser extent to error and to be socially dangerous, unreliable, etc. Struggles for toleration take these noumenal power relations as their starting point – in quite different ways, but necessarily in the space of justifications. For whether they offer an immanent critique of the dominant religion (on the grounds that, for example, it rests on a narrow interpretation of Christianity) or reject it as grossly immoral, as Castelli did when he argued against Calvin that ‘To kill a man does not mean to defend a doctrine, but to kill a man’,<sup>30</sup> the actual struggle always takes place in the space of social reasons. Of course, this is not a purely ‘noumenal,’ spiritual conflict, but instead a real social struggle. But without a change in the space of reasons, no form of toleration will come to exist where intolerance previously prevailed.

Not only the justification and the policy of intolerance manifest themselves as a relationship of domination, but also, as mentioned above, some policies of permission toleration. Insofar as certain ‘dissenting’ groups are tolerated, they are stigmatised as deviant and are disciplined even when they are granted freedoms (subject to clear limitations). These freedoms are not genuine rights, but only conditionally granted spaces of freedom that can be restricted again at any time. This is not how equal rights are realised. The slogan ‘Toleration

yes, marriage no, which was used in Germany to prevent same-sex marriage, speaks a clear language in this respect.

As we saw in relation to Locke, in a dialectical, critical theory of toleration a third factor must be borne in mind. For limits are also built into the justifications for toleration that can lead to conditions of domination: Who has the 'free conscience' whose protection is being claimed, which religion belongs to the core of the humanist essence, where does the blasphemy that can no longer be tolerated begin, etc.? Therefore, the normative core of a critical theory of toleration must rest on the principle of justification itself, because in this way every particular justification of toleration can be questioned concerning its blind spots and exclusive implications. This reflexive justification must also be able to ask itself whether it contains assumptions about reason, for example, that cannot be justified among free and equal persons. So the question of justification never comes to an end, and where it is posed in a radical way, social progress is being demanded and, if all goes well, it will be realised. But the horizon of such progress always remains open – and its achievements fragile.<sup>31</sup>

## Notes

- 1 I analysed these and other toleration conflicts in my *TiC*, ch. 12. Further analyses of such conflicts can be found in J. Dobbernack and T. Modood (eds), *Tolerance, Intolerance and Respect: Hard to Accept?* (Basingstoke: Palgrave Macmillan, 2013).
- 2 Such relations between toleration and power are discussed by Wendy Brown and me in our book *The Power of Toleration: A Debate* (New York: Columbia University Press, 2014).
- 3 The model for such a dialectical history is provided by Jürgen Habermas, *Theory of Communicative Action*, 2 vols, trans. T. McCarthy (Boston: Beacon Press, 1984, 1987); see my reflections on this in the introduction to *TiC*.
- 4 G. Newey, *Toleration in Political Conflict* (Cambridge: Cambridge University Press, 2013), in particular, underscores this political dimension of the concept.

- 5 *Translator's note*: Note that here and in what follows 'Toleranz' is translated as 'tolerance' when it refers to a subjective attitude, stance or virtue, whether of an individual or of a collective (such as a government or a social group), otherwise as 'toleration' (e.g. when discussing 'Toleranz' as a theoretical concept or a government policy).
- 6 I. Kant, 'An Answer to the Question: What is Enlightenment?', in Kant, *Practical Philosophy*, ed. and trans. M. Gregor (Cambridge: Cambridge University Press, 1996), p. 21, Ac. 8:41.
- 7 J.W. Goethe, *Maxims and Reflections*, trans. E. Stopp, ed. P. Hutchinson (London: Penguin, 1998), p. 116 (translation amended).
- 8 F. Nietzsche, *Nachgelassene Fragmente 1885–1887*, in *Kritische Studienausgabe* 12, ed. G. Colli and M. Montinari (Munich and Berlin: dtv/de Gruyter, 1988), p. 432.
- 9 My analysis of the components of toleration follows – in essence, if not in every detail – Preston King, *Toleration* (New York: Allen & Unwin, 1976), ch. 1.
- 10 I discuss these paradoxes of toleration in *TiC*, p. 23f. On this, see also J. Horton, 'Three (Apparent) Paradoxes of Toleration', *Synthesis Philosophica*, 9:1 (1994), 7–20.
- 11 I discuss the idea of normative dependence in *TiC*, § 3.
- 12 I discuss four conceptions of toleration in *TiC*, § 2.
- 13 Edict of Nantes, cited in Carter Lindberg (ed.), *The European Reformations Sourcebook*, 2nd edn (Oxford: Wiley, 2014), p. 193.
- 14 See *TiC*, § 10 *et passim*. See Wendy Brown's critique in her book *Regulating Aversion: Toleration in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006).
- 15 *TiC*, § 29.
- 16 J. Locke, *A Letter Concerning Toleration*, ed. J. Tully (Indianapolis: Hackett, 1983), p. 26.
- 17 Augustinus, *Johannis Evangelium*, in *Patrologiae cursus completus, series latina*, ed. P.G. Migne, vol. 35 (Paris, 1845), pp. 2 and 26.
- 18 Cf. *TiC*, § 5.
- 19 *TiC*, § 17.
- 20 Cf. R. Forst, 'Noumenal Power', *The Journal of Political Philosophy*, 23:2 (2015), 111–127.
- 21 Locke, *Letter Concerning Toleration*, p. 51.

- 22 *TiC*, especially § 29.
- 23 See *TiC*, § 18.
- 24 L. Tønder, *Toleration: A Sensorial Orientation to Politics* (Oxford: Oxford University Press, 2013), pp. 11 and 28.
- 25 J. Rawls, *Political Liberalism*, expanded edn (New York: Columbia University Press, 2005), p. 55. See my interpretation of Rawls in 'Political Liberalism: A Kantian View', *Ethics*, 128 (2017), 123–144.
- 26 P. Bayle, 'Second Clarification', in Bayle, *Historical and Critical Dictionary: Selections*, ed. and trans. Richard H. Popkin (Indianapolis: Hackett, 1991), p. 409. French: P. Bayle, 'Choix d'articles tires du Dictionnaire historique et critique', in Bayle, *Oeuvres diverses*, vol. suppl. ed. by E. Labrousse, 2 vols (Hildesheim, 1982), p. 1223.
- 27 See *TiC*, ch. 10.
- 28 See the case before the European Court of Justice, *S.A.S. v. France* (July 1, 2014; Appl. No. 43835/11).
- 29 R. Forst, 'Religion and Toleration from the Enlightenment to the Post-Secular Era: Bayle, Kant and Habermas', in *N&P*, pp. 77–104.
- 30 Castellio, *Contra libellum Calvini*, quoted in E.M. Wilbur's translation, *A History of Unitarianism: Socinianism and its Antecedents* (Boston: Beacon Press, 1972), p. 203.
- 31 Many thanks to Paul Kindermann and Felix Kämper for their helpful remarks on an earlier version of this text.