

Egregiously Conflated Concepts: An Examination of “Toleration as Recognition”

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The vast literature on toleration has done little to clarify this “philosophically elusive concept.”¹ In an effort to make it more effective in resolving “hard cases of contemporary pluralism,” some moral and political philosophers have tried to expand the conceptual domain of toleration.² In effect, they not only associate, but conflate toleration with a host of other virtues and approaches to diversity. Such tendencies are symptomatic of either an ignorance of or an intentional effort to dispense with the definitive negative aspect of toleration. This essay is intended to serve as a reminder of this negative aspect and the conceptual limitations that it places on toleration.

The word “toleration” comes from the Latin verb *tolerare*, which means “to bear” or “to endure.”³ Toleration involves “putting up with” someone or something — such as a belief or practice — that the agent finds disagreeable or even detestable. There are a number of commonly cited, positive reasons for practicing toleration — coexistence, stability, peace, it’s the “right thing to do,” and so on — but invariably, the agent endures the object of toleration only grudgingly, that is, *in spite of* its distasteful features. Bernard Williams makes the point more dramatically when he notes, “In matters of religion...the need for toleration arises because one of the groups, at least, thinks that the other is blasphemously, disastrously, obscenely wrong.”⁴

Before proceeding, I need to distinguish between tolerance as a virtue and political toleration. Tolerance as a virtue refers to a particular disposition that a person exhibits toward other persons or things that she finds disagreeable in some way. Political toleration refers to a particular approach that the state takes toward persons or things that it finds threatening or abhorrent in some way. These two components of toleration are as similar on a conceptual level as they are different on a practical level. In spite of their practical differences, both components raise important questions in the field of education. How the virtue of tolerance is to be inculcated in students and whether it is enough are questions at the forefront of moral education. What kinds of beliefs and practices are to be tolerated in public schools and what kinds are impermissible, are questions at the center of longstanding educational policy debates.

The two components of toleration just noted are both subject to confusion in the literature and both are in desperate need of clarification. However, this essay focuses exclusively on a conceptual analysis of political toleration. It critiques two works by the political theorist Anna Elisabetta Galeotti, *Toleration as Recognition* and “Citizenship and Equality: The Place for Toleration,” in which the author radically redefines political toleration as recognition.⁵ Thus, though I have so far focused exclusively on the concept of toleration, this is really an essay about distinguishing

two concepts — toleration and recognition — that have been conflated in Galeotti's political theory. Before going into the details of Galeotti's work, I need to chart the conceptual boundaries of toleration and recognition, respectively.

TOLERATION

In the Western world, the intellectual development of the concept of toleration is linked to the fierce sectarian conflict that gripped Europe in the wake of the Protestant Reformation. John Locke's *A Letter Concerning Toleration* marks the culmination of a burgeoning literature on toleration during this violent period. The *Letter* was the first attempt to treat the subject of toleration in a philosophically thorough and systematic way. That said, Locke's defense of toleration is largely inseparable from his Protestantism. The *Letter* opens with Locke's declaration that "I esteem toleration to be the chief characteristic mark of the true church."⁶ Throughout, Locke makes allusions to "one truth, one way to heaven," and one path to communion with God.⁷ Contemporary readers who seek a neutral defense of toleration are likely to be surprised by the exclusivity of Locke's faith: he is not willing to accept that other churches or sects have a claim to the truth as well. Moreover, his unwavering belief in the privileged status of his own religious tradition underlies many, if not all of his arguments on behalf of toleration. In other words, Locke is in favor of tolerating non-Protestant or non-Anglican values, beliefs and ways of life in spite of their deluded nature, not because he sees any intrinsic value to them.

At the center of Locke's defense of toleration in the *Letter* is what Jeremy Waldron calls Locke's "challenge to the rationality of persecution."⁸ This argument (which I shall refer to as the "irrationality argument") roughly goes as follows: People's beliefs, including their religious convictions, are not in any way subject to the will. The coercion that the state exercises over its subjects is effective only insofar as it can operate on the will. Thus it is irrational to think that state coercion can invoke genuine beliefs. Under pressure, subjects may profess any number beliefs, but such beliefs will be disingenuous at best and manifestly offensive to God.

Though the *Letter* also contains arguments based on the authority of God and Scripture, the golden rule, and the positive duties of charity, love, and beneficence, these mostly take a back seat to the irrationality argument and the parallel argument for church/state separation. Thus, by Waldron's account, Locke's overall defense of toleration fails to show "that there is anything *morally* wrong with intolerance" and pays too little attention to the victims and consequences of coercion and persecution.⁹ Ultimately, the *Letter* offers little more than "a principle of restraint on reasons" and misses the opportunity to "generate more strenuous and consequentially more sensitive requirements for political morality."¹⁰ Other contemporary liberals, like Galeotti, bemoan the kind of toleration that Locke advocates for similar reasons. When a person's commitment to tolerance is based on skepticism, political expediency, or the irrationality of intolerance, he has no real incentive to empathize with members of other religious traditions, value their contributions to society, or engage with their beliefs in a meaningful way. By this logic, a tolerant society may be compatible with a society in which divisiveness, resentment, and hostility bubble

beneath the surface. As long as each church or sect is disallowed from using coercion to subvert the others, the demands of forbearance have been met.

These points deserve careful consideration. Surely a more robust political morality is one that comports with “more sensitive requirements.” Yet such requirements far exceed what toleration is equipped to meet. As the *Letter* demonstrates, the concept of toleration — as originally conceived by Locke and his intellectual forebears in the early modern period — involves enduring someone or something in spite of a conviction that he, she or it is wrong. To be sure, the concept has undergone changes over the centuries. Perhaps most notably, it has been stripped of its explicit association with Protestantism and is now associated, in theory at least, with a more neutral and secular outlook. However, when contemporary theorists neglect the negative aspect of toleration, which I have argued is fundamental, the concept loses its meaning. Simply stated, an individual, a group, or an institution that “tolerates” something puts up with it, and often does so grudgingly. Undoubtedly, in many cases, contemporary political theorists would deem such an approach to diversity arrogant, insensitive and morally defunct, and they would be right to do so. Yet in order to ensure a more robust political morality — in order to require that the state and its citizens assign value to differences rather than merely put up with them — other concepts are needed. In the next section, I will discuss one of these other concepts, recognition, and show how its requirements go well beyond what toleration can ask of the state and its citizens.

RECOGNITION

Compared to toleration, the concept of recognition is somewhat new to political theory, though it has already generated an expansive literature. One of the concept’s major proponents is the social critic and theorist Charles Taylor. In “The Politics of Recognition,” Taylor asserts that recognition contributes mightily to the health and strength of an individual’s or a group’s identity in both the private and public spheres. Conversely, the withholding of recognition, or “*misrecognition*,” can profoundly damage the self-esteem, integrity and identity of an individual or a group.¹¹ Taylor contends that too many groups and the citizens that comprise them are denied equal recognition and respect in the public sphere, even among societies that purport to value equality. He directs his most pointed criticism at the “politics of universalism” that has been championed by modern liberal states.¹² In focusing so intently on universal human rights and equal treatment of individuals, these states fail to acknowledge the unique identities and different goals of particular groups. Furthermore, under the guise of neutrality, of a politics of universalism that is blind to difference, they actually impose the particular culture of the dominant group on minority groups. Thus, modern liberal states are guilty of a misrecognition that marginalizes minority groups and demoralizes individual members of those groups.

Taylor argues that liberal states should be conscious of differences, not blind to differences. They should respect and recognize the unique identities, collective goals and the need for cultural survival of different groups. As a matter of public policy, recognition can take a number of different forms in a number of different domains. For instance, Taylor believes that education is an important area of public

life in which marginalized groups can seek the recognition that has eluded them for so long. Historically, in a number of Western liberal states, the dominant culture has been reinforced by a curriculum that almost exclusively favors “dead white males.” Not only does this impose a narrow perspective on students, it also — and more importantly in Taylor’s view — gives those students the impression that the thought and expression of women and minority groups is not worthy of consideration. This leaves a considerable cross-section of society with a poor self-image and a bleak outlook on life. A broader curriculum that better reflects the pluralism of many Western democracies is essential in order to legitimize and authenticate the identities of marginalized groups.

Whatever form it takes in terms of public policy, recognition always involves attributing positive things to hitherto oppressed, excluded or marginalized groups. It is an official acknowledgment of the inherent worth and valuable contributions of these groups. Thus, recognition and toleration are quite distinct in terms of what they each require of the state and its citizens. Toleration means putting up with people or things that are found to be disagreeable; it decidedly does not mean attributing positive qualities to those people or things. Yet, in spite of their stark differences, toleration and recognition have increasingly been conflated in the contemporary literature. In the next section, I examine the work of one political theorist, Galeotti, who has combined these disparate concepts and I explore her motives for doing so.

TOLERATION AS RECOGNITION

At the beginning of the school year in 1989, three young women attending public secondary school in Creil, France wore Muslim headscarves during classes and were suspended. This created a firestorm in the community and in the nation as a whole. In connection with the case, the *Conseil d’État* or “Council of State” ultimately ruled that religious symbols could be worn in public schools as long as they did not “‘constitute an act of intimidation, provocation, proselytizing or propaganda,’ threaten health, security or the freedom of others or ‘disturb order.’”¹³ When Galeotti formulated her theory of “toleration as recognition,” it was largely in response to what she perceived as the shortcomings of this policy. Of course, there have been many noteworthy developments in the headscarf case since then. Most recently, on December 11, 2003, a commission report on church/state relations in France recommended that “conspicuous” religious symbols, including Muslim headscarves, Jewish yarmulkes, and large Christian crosses, be banned in the public schools. On February 10, 2004, the French National Assembly took up the recommendation, voting 494 to 36 to enforce the ban. The ban took effect on September 2, 2004, the first day of the new school year in France, in spite of worldwide opposition and well-publicized threats from global terrorist networks.

The recent ban is largely in keeping with the French concept of *laïcité* — which roughly translates as “secularism” and is also closely related to “tolerance” — and with the vision of a secular Republican education adopted during the Third Republic (1870–1940), sometimes referred to as the “Republic of the Schoolteacher.” When Prime Minister Jules Ferry founded the public school system in the 1880s, it was with the aim of taking control of education away from the Catholic Church and

cultivating a common set of core republican values among all students in France. Since that time, the public school has remained a powerful symbol of secularism, republicanism, and social unity. As a French intellectual, in a recent attempt to justify the ban in the American press, has written:

More than ever, in this time of political-religious tensions, school secularism is for us the foundation for civil peace, and for the integration of people of all beliefs into the Republic. If the French hold *laïcité* so dearly, it is because that principle, as much as the republic and democracy, is essential for a cohesive society.¹⁴

Insofar as the encroachment of conspicuous religious symbols in the public schools represents a threat to the tradition of republicanism, secularism, and neutrality in France, any presumed right to wear the Muslim headscarf in class is in deep conflict with the sentiments of the majority of France's sixty million citizens. Add to this the fact that the headscarf is viewed by many Westerners as a symbol of female submission and the growth of Islamic radicalism, and it is easy to understand why so much controversy has erupted over *l' affaire du foulard* or "the headscarf affair." It is also easy to understand why Galeotti chose to focus on this conflict in her work. The headscarf affair is a prototype of the kind of difficult contemporary case that her theory of "toleration as recognition" is intended to resolve.

In her book *Toleration as Recognition*, Galeotti begins with the premise that the existing concept of toleration is inadequate to deal with contemporary controversies like the headscarf affair. The problem with the existing concept is that it views even the most intractable disagreements as a product of individual differences rather than group differences. This is the central point in Galeotti's overall critique of toleration. Group differences, she contends, have an "ascriptive" quality: that is, they are not simple matters of personal preference. Not only is the headscarf endowed with religious significance, it is a signifier of one's loyalty to a group, and not just any group, but a group that has been oppressed and marginalized in the larger society. Thus, when the right to wear the headscarf is taken away, it presents a grave threat to the integrity and dignity of the Muslim community in France.

It is the failure of toleration to acknowledge the significance of group differences, and to instead reduce them to simple matters of individual choice that suggests to Galeotti that "a fundamental revision" of the concept is needed (*TR*, 4). Toleration will be equipped to handle the difficult cases of contemporary pluralism, like the headscarf affair, only when it becomes more sensitive to the public relevance of group differences. What does this mean exactly? In the case of the three young women from Creil, it means acknowledging that wearing the headscarf to class is an expression of a legitimate need on the part of the entire Muslim community to have their values, beliefs, and way of life affirmed by the state. Now, as argued above, the concept of recognition emerged as a way to fulfill this very kind of need. Therefore, Galeotti reasons that if toleration is to be effective in resolving difficult cases, it will have to be reconceptualized as recognition.

To her credit, Galeotti acknowledges that, in light of the prevailing understanding of toleration, reconceptualizing it in this way is a controversial move. Scholars who are familiar with the negative aspect of toleration are bound to be uncomfortable

with her “semantic extension [of the concept of toleration] from the negative meaning of non-interference to the positive sense of acceptance and recognition” (*TR*, 10). Furthermore, liberal theorists, who may believe that countenancing the encroachment of particularistic values and beliefs into the public sphere is at odds with the ideal of a neutral and impartial state, are likely to find fault with her “spatial extension [of the concept of toleration] from the private to the public domain” (*TR*, 10). Yet Galeotti believes that she can adequately address the above criticisms and concerns so long as toleration as recognition is understood to be “content-independent” (*TR*, 104). This latter point warrants explanation.

Galeotti distinguishes between what she calls recognition in the strong sense and content-independent recognition. Recognition in the strong sense is an approach that the state takes to the different values, beliefs, or ways of life of particular groups in the larger society that involves “acknowledging, or even endorsing, the intrinsic value of the [differences] in question” (*TR*, 14–15). Content-independent recognition is an approach to differences that involves acknowledging those differences “not for their intrinsic value...but instrumentally, for the value they have for their bearers” (*TR*, 15). Galeotti, who does not want to throw the liberal ideal of a neutral public sphere completely out the window, does not believe that it is the business of the state to attribute positive things to the traits of any particular group. She notes that it is impossible for the state to grant strong recognition, a-priori, to all values, beliefs, and ways of life because many of these will be incompatible with others (*TR*, 103). In such a scenario, the state would have to come up with some criteria for distinguishing between those differences that are deserving of strong recognition and those that are not — an almost certain invitation to controversy and deep conflict. However, if the recognition that the state grants to groups is content-independent, it can avoid the messy business of deciding who deserves positive affirmation and who doesn't. At the same time, content-independent recognition enables the state to correct some of the injustices connected with the oppression of marginalized groups. By accepting and imputing instrumental value to a wider range of values, beliefs, and ways of life, the state helps all citizens become “positively at ease with their full-blown identities in public as well as in private” (*TR*, 105).

Understanding recognition to be content-independent may dampen some of the criticisms and concerns that are generated by Galeotti's theory of toleration as recognition, but not all of them. First, those who are aware of the negative aspect of toleration are bound to remain wary. Even if recognition is understood to mean acknowledging group particulars for their instrumental value and not their intrinsic value, it hardly follows that this revised form of recognition is similar to or compatible with non-interference in something that inspires disapproval. The former still involves making a kind of indirect positive attribution, and the latter involves viewing something negatively. Second, those who are strongly committed to the idea of a neutral state are likely to continue to object to the recognition of group particulars, even if it is understood to be content-independent. For the die hard defenders of secularism and republicanism in France, the controversy over the headscarf does not boil down to a question of whether this particular item of clothing

should be endowed with intrinsic or instrumental value, but rather whether or not conspicuous religious symbols should appear in the public school classroom at all. Whether we think that their fears over the encroachment of group particulars in the public sphere is justified or not, these fears need to be addressed head on. Galeotti's theory of toleration as recognition fails to do this.

Furthermore, when recognition is understood to be content-independent, the original concept loses some of its normative force. As discussed above, recognition — and here I mean recognition in the strong sense — was originally conceived as a way to overcome inadequacies of the politics of universalism, to put marginalized groups on a more equal footing with the majority in the public sphere. Proponents of this kind of recognition believe that the only way to do this is to value their contributions to society and grant positive, public affirmation to their distinctive values, beliefs and ways of life. That is why they push for such policies as the expansion of school curricula to better reflect the pluralism of society at large. It is not clear that supporters of content-independent recognition would be apt to push for such policies.

Even if the two types of recognition generate the same policies, the symbolic meaning of the policies will be quite different. This becomes clear when we apply the two types to the headscarf affair. Recognition in the strong sense would mean permitting headscarves in the classroom as a way to both acknowledge and celebrate a distinctive culture, both for its intrinsic value and for its contribution to society at large. Content-independent recognition would also mean permitting headscarves in the classroom. However, the justification for this policy would be that these headscarves are emblematic of a way of life that has instrumental value for the three young women in question and for their community, but that doesn't necessarily have value for society at large. Clearly, content-independent recognition does not place the same kind of robust demands, either actual or symbolic, on the state that recognition in the strong sense does.

CONCLUSION

In her theory of toleration as recognition, Galeotti conflates two distinct concepts. In the process, she neutralizes the negative aspect of toleration and the positive aspect of recognition. This not only makes the two concepts interchangeable, it also makes them more compatible with the ideal of a neutral and impartial state. With toleration as recognition as its guiding premise, the state is spared from making any normative judgments about the values, beliefs, and ways of life that are being tolerated. This may be an enticing approach in theory, but is it a realistic guide to policy? I contend that it is not, and that difficult cases, like the headscarf affair, are not apt to be resolved by reconceptualizing toleration in this way.

In an ideal world, the liberal state and its citizens would be able to celebrate diversity and the gamut of reasonable differences in society while avoiding intractable conflict. However, in societies marked by deep pluralism, this kind of ideal world scenario is sometimes unrealizable. The conventional liberal understanding is that the state is left with two alternatives when recognition in the strong sense

proves untenable: either tolerate the difference in question — that is, in spite of its distasteful features — or don't tolerate it. In this case, toleration — the kind with the negative aspect — is the most positive approach to differences available to the state.

But what if toleration is equated with a milder form of content-independent recognition? Isn't this a better alternative than toleration as traditionally conceived? In theory, yes. However, in the presence of intractable conflict, this new kind of toleration as recognition is perhaps no more likely to be embraced than recognition in the strong sense is. In the case of the headscarf affair, the majority of French citizens view the wearing of headscarves in the public schools as a major threat to their cherished values and political traditions. In this light, should we expect that any potential "instrumental value" the headscarf has for its wearers and their community will be justification enough for the majority in France to overlook a supposed threat to the Republic? Probably not.

That said, as a matter of policy, I believe that it is neither politically expedient, morally justifiable, nor particularly wise for the government in France to ban the headscarf. By doing so, it does not promote civil order and peace. Instead, it invites divisiveness, civil unrest, and chaos. As John Locke wrote in *A Letter Concerning Toleration*,

Nobody...neither single persons, nor churches, nay, nor even commonwealths, have any just title to invade the civil rights and worldly goods of each other, upon pretense of religion. Those that are of another opinion, would do well to consider with themselves how pernicious a seed of discord and war, how powerful a provocation to endless hatreds, rapines, and slaughters, they thereby furnish unto mankind.¹⁵

This advice rings as true today as it did three hundred twenty years ago, even where the dominant religion is a "civil religion" rooted in the republican state.¹⁶

In light of the preceding discussion, the best alternative available to the government in France is to tolerate the headscarf, and by this, I mean put up with headscarf in spite of the sense of disapproval and deep mistrust that it inspires. Surely, it would be much better — and much more in line with what Waldron has in mind when he speaks of the "more sensitive requirements of political morality" — if we could celebrate diversity in the modern liberal state and find cause to attribute positive things to one another's values, beliefs, and ways of life. Yet in the case of deep, intractable conflicts, such a celebratory approach to pluralism isn't possible. That, in the end, is why it is so important to keep the concepts of toleration and recognition separate. When recognition isn't possible in the public sphere, we will want to rely on toleration — that is, the toleration with a negative aspect — as a less desirable, but necessary alternative.

1. David Heyd, "Introduction," in *Toleration: An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996), 3.

2. Anna Elisabetta Galeotti, *Toleration as Recognition* (Cambridge: Cambridge University Press, 2002), 44. This work will be cited as *TR* in the text for all subsequent references.

3. Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003), 5.

4. Bernard Williams, "Toleration: An Impossible Virtue?" in *Toleration: An Elusive Virtue*, ed. Heyd, 18.
5. Anna Elisabetta Galeotti, "Citizenship and Equality: The Place for Toleration," *Political Theory* 21, no. 4 (1993): 585–605.
6. John Locke, "A Letter Concerning Toleration," in *John Locke: A Letter Concerning Toleration in Focus*, ed. John Horton and Susan Mendus (London: Routledge, 1991), 14.
7. *Ibid.*, 17.
8. Jeremy Waldron, "Locke: Toleration and the Rationality of Persecution," in *John Locke: A Letter Concerning Toleration in Focus*, ed. Horton and Mendus, 103.
9. *Ibid.*, 120.
10. *Ibid.*
11. Charles Taylor, "The Politics of Recognition," in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 25.
12. *Ibid.*, 37.
13. Elaine Sciolino, "French Panel Recommends Banning Head Scarves in Schools," *New York Times*, International Section, Dec. 11, 2003.
14. Guy Coq, "Scarves and Symbols," *New York Times*, Editorial Section, Jan. 30, 2004.
15. Locke, "A Letter," 26.
16. For a contemporary definition of this term, vis-à-vis Rousseau's original definition, see Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997), 76–80.