Series editor's foreword

Rainer Forst's emergence, over the last twenty years, as one of the leading voices of his generation of critical theorists, is due primarily to his work concerning two related concepts: justice and toleration. This volume focuses on his work on toleration. (Another volume, *Justice, Democracy and the Right to Justification*, in the Critical Powers series, takes up his work on justice.) Although the idea that toleration is a generally praiseworthy attitude is no longer a contested one, as it was in the seventeenth century, this does not mean that debates over toleration are of merely historical interest. As ongoing debates about abortion, headscarves, veils and burqas, same-sex marriage, extremist political parties, and the right of religious people to withhold services demonstrate, questions about the appropriate grounds and scope of toleration are still live political issues.

As Forst reminds us in his lead essay, any particular conception of toleration involves providing an account of the source and scope of three component features of the basic concept: objection, acceptance and rejection. That is, in tolerating, say, a behaviour or attitude, I must simultaneously object to it while nevertheless accepting it (not trying to ban or eradicate or outlaw it). At the same time, I have to work out where the limits of my toleration lie: that is, what attitudes or behaviours I regard as beyond the pale, and thus not only object to, but also reject. The history of toleration, and the question of whether that history is a history of progress, then, depends on how we understand the struggles over the scope and source of these features. Forst's monumental *Toleration in Conflict* traces out the dialectical path of these struggles as debates over conceptions of toleration and their justification. Here, he rehearses some of these steps on the way to what he describes as a reflexive and critical conception of toleration. He then indicates how we can use such a conception both as a yardstick of progress regarding forms of toleration and also as a basis for answering

the pressing problems of toleration we still face as citizens of diverse democratic societies.

Forst's first move is to distinguish between what he calls a permission and a respect conception of toleration. According to the permission conception of toleration, toleration is the attitude that a dominant authority takes towards a minority group that it permits to live according to their faith or other beliefs, all within limits set out by that authority. On this conception, toleration thus crucially involves treating those tolerated as second-class subjects or citizens. In contrast, the respect conception of toleration starts from an idea of the equal respect that free and equal democratic citizens owe one another. Here, citizens agree to tolerate one another as a mark of respect while nevertheless not thereby expressing esteem for each other's views. Toleration on this conception involves the mutual recognition that our shared institutions must be based on norms we can share as free and equal persons, and that this requires that we allow our fellow citizens to live out their own conceptions of the good life. The respect conception of toleration places the determination of the source and scope of objection, acceptance and rejection in the hands of democratic citizens. Nevertheless, the shift from a permission to a respect conception of toleration does not resolve struggles over the particular demarcation of the concept and its implications for contested policies. Rather, it ushers in a different set of struggles over the proper grounds for working out the lines between what is and is not tolerable.

It is in interpreting those struggles and offering a normative account of their basis and grounding that Forst ties his work on toleration to his work on justice. In both cases, he argues that the morally defensible conception must rest on what he calls the right to justification. That is, whatever lines a democratic society draws between what it tolerates and what it finds intolerable, those lines themselves must satisfy demands citizens make that they be justified in ways that are general and reciprocal. In particular, this means that the decision to draw the lines in a certain manner cannot rest solely on any particular religious or other comprehensive ethical worldview.

Since many of the commentators challenge this attempt to ground a normative account of toleration for its rationalist basis, it is worth here briefly outlining what sort of foundation the right to justification provides for Forst's theory. Forst describes his theory as Kantian, and by this he tends to mean two things. First, the right to demand and the duty to provide justifications involves a requirement to offer *reasons* to one another for our actions and institutions. Not everything I say to defend what I do will count as a justification. In particular, reasons must be general – applicable to all – and reciprocal – acceptable by all. To offer a justification for my action or attitude, then, is to offer an explanation and defence that cannot be reasonably rejected. This is the sense in which the theory is rationalist: the normative force of justifications lies in their appeal to reason, and the right we have to demand justifications rests on our status as beings of practical reason. However, and this is the second feature of his account, Forst also understands the idea of an 'appeal to reason' in a distinctly Kantian way: reason is not a fixed property or set of principles, but rather a faculty of critique. That means that the approval of reason does not come from establishing a claim's connection to a prior, fixed, grounding, but through opening up that claim to criticism and seeing if the claim can withstand it. This makes the very practice of demanding and giving reasons one that can change and develop over time, and whose particular rules can always be challenged. Note, however, that these two features of the account of reason push in different directions. The first, on its own, suggests a more or less fixed foundation, a solid ground from which to evaluate and judge any particular scheme of toleration. At the same time, the second feature pushes towards a more open-ended account, so that the determination of what is reasonable and thus justified is always open to contestation and struggle, thus preventing, for instance, those resting on a privileged position within oppressive power relations from arrogantly insisting that their position rests unassailably on the foundation of reason.

Forst's favoured, critical theory of toleration involves one way of working out a proper balance between these opposing propensities. It

also adds a further wrinkle that is worth mentioning, as it involves the third term of the volume's title, and is the specific subject of a number of the commentaries here. This is Forst's account of what he calls 'noumenal power'. For many theorists, power is essentially causal: it involves the capacity to change how people act. On such a view, the space of reasons is independent of power relations, and a concern with rational justification can seem to be blind to the effects of power. Forst views power as noumenal, however: he places it within the space of reasons. For Forst, power is precisely the ability to influence the actions of others by shaping the space of reasons they inhabit (he contrasts power with violence, which he takes to be the purely causal attempt to influence others without shaping the space of reasons they inhabit). Making power noumenal does not so much sanitise power as it makes reason itself a social, and socially embedded, realm. And it means that, for Forst, merely arguing that claims to toleration must appeal to reason is never the end of the story. For, what counts as a reason within a particular social setting is itself in part the result of particular power relations, and since these themselves can be challenged, struggles over toleration are not merely debates about how to derive a theory from set premises, but struggles over the very space of reasons in which claims to toleration are made.

A great deal of the critical focus of the commentaries and Forst's responses turn on just how Forst balances the two pulls of his Kantian picture, and whether his account of noumenal power can do the work he needs it to do. While this takes many of the discussions here into rather deep philosophical waters, the chapters remain focused on the very practical and live questions toleration continues to raise for us as members of democratic societies.

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