THE POWER OF TOLERANCE

A DEBATE

WENDY BROWN and RAINER FORST

Edited by LUCA DI BLASI and CHRISTOPH F. E. HOLZHEY

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Luca Di Blasi and Christoph F. E. Holzhey

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EDITORIAL NOTE

This volume documents the public discussion between Wendy Brown and Rainer Forst that took place on 8 December 2008 at the ICI Berlin Institute for Cultural Inquiry within the framework of the ICI series *Spannungsübungen*. The debate was planned and moderated by Antke Engel, and the epilogue for this publication was written by Christoph Holzhey and Luca Di Blasi in 2013.

THE POWER OF TOLERANCE

A Debate between Wendy Brown and Rainer Forst

ANTKE ENGEL: Good evening and a warm welcome to everyone. It is wonderful to have Wendy Brown and Rainer Forst as our guests of tonight's *Spannungsübung*, and I'm very enthused to see that so many of you are here, looking forward to an inspiring evening. We invited Wendy Brown, who is Emanuel Heller professor of political science at the University of California, Berkeley, and Rainer Forst, who is professor of political theory and philosophy at the Johann Wolfgang Goethe University in Frankfurt as well as co-director of the Research Cluster 'Formation of Normative Orders', because both have written major and very decisive books on tolerance as a political category.

Wendy Brown's *Regulating Aversion: Tolerance in the Age of Identity and Empire* makes an argument that tolerance is – among other things – an instrument of liberal governance and a discourse of power that legitimizes white Western supremacy and state violence.[1] Brown is particularly interested in the question as to how tolerance as a discourse of power has decidedly depoliticizing effects. Rainer Forst's *Toleration in Conflict* provides a genealogy of tolerance as a phenomenon that indicates socio-historical conflicts and suggests specific forms of conflict resolution that may reinforce as well as decrease social hierarchies and inequalities.[2] Forst is interested in figuring out how and

when tolerance turns out to be a repressive attitude or practice, and under which conditions it expresses respect and contributes to social justice.

While there are similarities between Brown's and Forst's critique of tolerance as an attitude of superiority and a social practice of domination, tensions can be found in their assessment of liberal discourse and civic practices of deliberation. For both of them toleration is a discursive phenomenon that materializes in social practices and political technologies, a phenomenon that is geopolitically and culturally specific, that undergoes historical change, and as such also leads into conflicts about the concept of tolerance itself. Yet, concerning the question of how tolerance is used as a token in multicultural discourses, how it is activated in politics of justice, and whether it is a promising stepping stone towards recognition, Wendy Brown and Rainer Forst disagree. Forst argues for the norm of reciprocity in tolerance conflicts and he interprets the interactive dimension of these conflicts as resulting from contradictory convictions that call for the virtues of toleration and respect despite irresolvable differences. Brown, by contrast, stresses the continuous reproduction of the position of 'the other' structurally inherent to the discourse of tolerance, which stabilizes unequal positions between those tolerating and those tolerated. So there is plenty of material to feed a *Spannungsübung*. My hope is that at the end of this evening we will have various and differing views as to whether tolerance may nevertheless function as an instrument in political fights for emancipation and justice.

Before I hand over to our speakers let me say a few words about the structure of tonight's event. We will now start with short inputs by both Wendy Brown and Rainer Forst. After that they will have approximately twenty minutes' time to react to their respective talks, and then I would like to open the discussion for the audience. My moderation will be guided by the overarching question as to whether you see tolerance discourses as suited for modifying existing social and societal power relations. There are three major topics that I hope will be covered in the discussion. The first one is the topic of subject constitution: How does tolerance actually constitute specific subjectivities of those tolerating and those tolerated? The second one relates to conflicts: To what extent and how can conflicts be understood as productive tensions? Thirdly, I would like us to focus on the role of the state, on tolerance as a discourse of governmentality, and the question as to what extent tolerance depoliticizes the social field. And, of course, I am curious as to which modes and topics of tension will arise during the next two hours. And with these remarks I will end my little introduction and give the floor to Wendy Brown.

WENDY BROWN: It is a pleasure to be in Berlin, and it is a profound pleasure to be in the gorgeous Institute for Cultural Inquiry, which I have never seen before but plan on returning to. Before I begin, I have to thank Rainer, and this isn't a trick, it goes like this: Rainer is actually responsible, as he knows, for my work on tolerance. He invited me, some ten years ago, to contribute to an edited volume he was putting together on

tolerance and he had a very specific assignment for me.[3] He asked if I would revisit Marcuse's little essay on 'repressive tolerance' and consider it in light of Foucault – to think about disciplinary dimensions of repressive tolerance.[4] That would have been a wonderful essay, and somebody probably still should write it [*audience laughs*]. I thought it sounded interesting enough that I decided to say yes to Rainer. But when I read Marcuse's essay I was saddened to find that it didn't actually withstand the test of time very well, for a variety of reasons that I don't have to go into since I didn't write the essay and no one has yet. But, I didn't write that essay – instead I started thinking about tolerance, and I wrote a different essay and then I wrote a book. And, in some ways, Rainer probably thinks that he created a Frankenstein because the book I wrote, as you will see this evening, will quarrel with Rainer's own views on tolerance. It does not quarrel with his expertise – he is without question the expert in the intellectual history of tolerance and I won't even begin to compete with him there; that is not the kind of work I did. But we do have some arguments.

Now, in thinking about this conversation, I was looking for a way to avoid two things. One was a debate in which I was positioned as being against tolerance and Rainer was positioned as being for it. That would be possible; we could get positioned there and I felt Antke almost pressing us in that direction as she concluded her introduction – you see, in the end what is going to happen is the tension is going to be with Antke. I felt her almost pushing us in that direction as she concluded by suggesting that where we might re-

ally differ is in our views about the possibilities for what tolerance could do in modifying existing power relations towards more justice-oriented directions. But the work I've done on tolerance is not against tolerance; rather, it is intended to be a critique of existing tolerance discourse. Here, critique does not mean being against and does not mean rejecting, but rather, it means examining the ground and the presuppositions, the internal tensions, the internal constituents as well as the external constitution of particular formations or problematics. So critique does not amount to a rejection, but is an effort at examining especially the powers that are often latent and often concealed in a particular political formation.

One thing I wanted to avoid, then, was a discussion in which Rainer is for tolerance and I'm against it. But the other thing that I want to avoid is the tired Habermas–Foucault debate, and I want to avoid it because it is tired. I worry that we're at a very severe risk of ending up in that debate so in the remarks that follow (I know I've already taken my ten minutes, but here I'm now starting my ten minutes) I'm going to try to avoid that. I don't think we actually disagree that much about tolerance, but we do approach it differently, we do have very different angles of vision on it and we do think about its place in politics differently. I'm going to try to focus on those differences in order to avoid the Habermas–Foucault framing, which is, admittedly, lurking.

First, briefly, I think the things that Rainer and I appreciate in common about tolerance include the following: We appreciate the richness, complexity, and

variation in the term as both a concept and a practice. We both regard its history as a potted one, and we both regard its operations as reversible – sometimes emancipatory, sometimes subordinating, sometimes both at once. We also share a concern with the capacity of tolerance to wound – what Rainer tends to locate more often at the level of insult or stigma and what I tend to talk about more in terms of subordination or abjection. But both of us recognize that tolerance does not simply reduce conflict, or promote collective thriving. We're both aware that tolerance is not only or always what it says it is. We also share an appreciation of tolerance as a nested notion or practice, one that never stands by itself, but whose specific contextualization always matters for its operation and for its effects. And we share an appreciation, above all, of the inseparability of power from both the occasion of tolerance and the operation of tolerance. Tolerance *tends* to operate discursively as if it has nothing to do with power, but both of us have our eye on the extent to which it is always imbricated with power.

So in all of these ways, we're much closer together as students of tolerance than either of us are to, for example, analytic philosophers who tend to treat tolerance purely conceptually, or boosters of tolerance who simply cheer it as a benign individual virtue or a benign politics in multi-religious, multicultural or conflict-driven societies. This much we share. There are many ways, though, as I said, that we are not only operating in different analytic registers about tolerance, but often, I think, are not even referring to the same phenomenon in our critical engagement with tolerance.

Rainer speaks of different stories or conceptions of tolerance. He opposes, most strenuously, what he calls the 'permission conception' to the 'respect conception'. He wants to promote the respect conception, where mutuality and equality inhere; and he objects to the permission conception where you're tolerated on a set of conditions, where you're given permission to exist but all the power is in the hands of the one who grants this permission: this is where domination and stigma take shape for him. He speaks of tolerance most often in contemporary terms as a virtue or an ethic made necessary by collisions in ethical or religious beliefs; thus, the case for toleration arises when one has an ethical, but not a justified moral objection to something. This is the distinction Rainer draws forth from Bayle and successfully renders as a contemporary formulation of tolerance that makes tolerance look pretty good.[5] Here, tolerance properly employed helps you achieve an understanding in which people different from you in their beliefs or practices still have the right to these beliefs or practices, even if you find them wrong or objectionable. Following Bayle, Rainer argues that non-repressive toleration occurs when one knows that one's own ethical or religious judgment is a matter of faith rather than reason. Tolerance is necessitated, Rainer says, because one has a negative judgment in the first place: you don't like or believe what the other person does or believes, but you tolerate it because faith rather than reason is at stake in your judgment and your differences. That is it in a nutshell, yes?

Okay, all well and good, I actually don't disagree with any of this. I do wonder about the ease with which the reason–faith distinction can be drawn, especially outside the realm of religion – and much tolerance discourse today takes place with regard to beliefs or practices that have nothing to do with religion, that is to say, the object of our tolerance is less and less at the level of beliefs – religious or otherwise. When we're speaking of tolerating certain people, things, practices, cultures, sexualities, we're not talking about those objects of tolerance as beliefs, at least I hope we are not. I do wonder as well about the normative background implicit even within these moments of tolerance. That is, even if you decide that your belief in the naturalness of heterosexuality or white supremacy is but a matter of faith, it remains the Arab or the homosexual who is the candidate for tolerance, not the heterosexual or the white Englishman or Frenchman. So I wonder what happens to the normative regime of power in this particular organization of tolerance as respect. And I also wonder why and how Rainer's case for tolerance, in the end, is more than an argument for expanding individual rights on the one side and a commitment to a more robust secularism and multiculturalism on the other. Why do we even need tolerance for the work that Rainer describes? Why not just rights?

But, that said, I'm not in profound disagreement with the formulation that Rainer's offering here. I think tolerance can and does work as an ethos of respect for others' right to exist, and to believe or to practise as they do, even if you object to elements of their existence, belief, practice. I think tolerance can

and does work that way personally, ethically, and individually. Early in my own book I actually make clear that tolerance of this kind, which primarily operates at the level of individual virtue, is a regular and crucial part of life. This is tolerance or toleration of another's practices or beliefs that I might object to strenuously as distasteful, wrong, even heinous, but cannot rationally justify challenging at a moral–political level. This kind of tolerance is of course how, for example, my teenager and I survive each other's tastes in music; it is how devout Hindus, Muslims, Christians and Jews can be peaceful neighbours. It is, I think, the basis of the constitutional principle – that we have in the United States and that some other constitutions have as well – that guarantees freedom of speech, freedom of worship, freedom of conscience. The whole idea of that principle is that there are individual differences – beliefs, habits, tastes, ways of life, desires – that cannot be brokered at a rational, reasonable, political, moral level and that do not need to be.

That said, I don't think this exhausts the problem of tolerance today and my concern with tolerance is with the remainder: the part that isn't dealt with by Rainer's formulation of the respect version of tolerance. My focus is contemporary discourses of tolerance in politics and cultural life today and with the political operation of tolerance. In other words, I'm not so concerned, in my own research, with tolerance as an individual ethic or virtue and I'm not so concerned with tolerance that is mainly aimed at the religious or ethical principles of others. My focus is on contemporary normative discourses of tolerance that

circulate from state to society, to individual to neighbourhood association; and it is on discourses that have as their objects ethnicities, sexualities, and cultures. Today we speak of tolerating particular groups, particular cultural practices, people of particular sexualities. In turn, these discourses do not just refer to, but constitute political identities ranging from the very identity of the West as a tolerant civilization to that of the homophobe who is against gay marriage but for tolerance.

So I'm interested in, for example, why the *New York Times* declared the election of Barack Obama [in 2008] a triumph of tolerance, an utterance that discursively re-marginalizes the object, Black personhood, that it pretends to absorb, equalize, or emancipate. I'm interested in the ultra-Zionist Museums of Tolerance in Los Angeles, New York and soon, Jerusalem, and how they use the mantle of tolerance for their explicit project of sanctifying Israel and demonizing Palestine. I'm interested in why most Europeans today would metonymically associate tolerance with the problem of immigrants, and how tolerance discourse fuses culture and religion and also renders culture and religion ontological, requiring tolerance at the very level of being. I'm interested in how the Netherlands managed to make the tolerance of nudity and gay sex into a threshold of citizenship for its Arab immigrants. I'm interested in how and why individualism, secularism, enlightenment, civility, and tolerance are all linked in civilizational discourse, such that Western liberal democracy becomes identical with tolerance and thereby cleansed of its historical episodes of slavery, colonial-

ism, imperialism, and fascism; meanwhile, Islam, in that same discourse, gets relentlessly identified with intolerance. I'm interested in how tolerance was deployed in the years 2001 through 2004 to justify the invasions by the US and Britain of Afghanistan and Iraq.

So in my concern with contemporary discourses of tolerance, I'm not so much trying to figure out what *conceptual* formulations free tolerance from certain perils, or give it certain positive possibilities; rather, I'm trying to track how contemporary discourses of tolerance operate as normative powers, what those operations reveal about contemporary predicaments of power and especially contemporary predicaments of liberalism. Why tolerance today? Why has tolerance had such an extraordinary renaissance in the past fifteen to twenty years? How does it ontologize the differences and conflicts that it purports only to negotiate? To what extent does contemporary tolerance discourse figure contemporary societies to be laced with these naturalized conflicts, conflicts that are actually the effect of power and history? What happens when tolerance shifts from belief as its object to identity as its object, from religion to race? What happens when children, students, police, and social workers are taught tolerance as a way to negotiate their encounters with one another as black, transgendered, immigrant, homosexual, or Muslim or Jewish persons? How, also, does tolerance substitute for equality while purporting to be the same as equality or purporting to support equality? How does tolerance subtly stratify and abject certain peoples who have formal rights and equality?

How does tolerance discourse today recentre certain hegemonic norms? What hegemonic norm, for example, lurks in the formulation 'I'm against gay marriage but I'm for tolerance'? What hegemonic norm is recentred when Europeans or Americans speak of being tolerant towards Arabs, Muslims, or immigrants? What norm of the ethnic nation is circulated by this ostensibly liberal and inclusive utterance? How does tolerance hide and sometimes even legitimate existing violence in the societies that it governs? In short, I'm concerned with the ways that contemporary discourses of tolerance comprise a set of normative operations that often hide themselves as such. I'm concerned as well with the way that contemporary discourses of tolerance manage challenges to cultural hegemony by construing those challenges as naturalized differences or deviations, the way that tolerance establishes those challenges as antagonistic differences or deviations. And I'm also concerned with tolerance as a dimension of multicultural governmentality and Western civilizational discourse.

Now, I think Rainer, by contrast, is concerned with supplying the concept of tolerance with the right normative scaffolding. And again, I'm not objecting to that, but it is a different project from studying the way that contemporary discourses of tolerance operate. So, we may simply be talking about different dimensions of this wily and promiscuous term. Or, it may be that Rainer is talking more about ethics while I'm talking more about politics. I don't think he would like that formulation, and of course most of his contemporary examples are political: headscarves, gay marriage, et

cetera. One possibility though, still within the ethics–politics distinction, is that on some level, what Rainer might be saying is that he does not think these kinds of things should be political. Then tolerance, rightly understood and rightly practised, would depoliticize, in the best sense, these kinds of events or phenomena by expanding the sphere of private and individual choice that is to be respected as non-negotiable in the public sphere. Another possibility is that Rainer believes that politics can be repaired or improved with an improved ethics, an ethics that is rooted in a formulation and practice of tolerance that grasps which norms can and must be justified, which norms can and cannot be wielded publicly, which norms are subject to rational debate and which are not. Now the problem, of course, is that this last possibility, as I've described it, brings us to precisely the debate I wanted to avoid: the Habermas-Foucault debate; so I'm going to stop there [*audience applauds*].

RAINER FORST: Well, first of all many thanks for the invitation to the ICI and to Antke for her kind introduction – and a special word of thanks to Wendy for going first and for asking so many important questions and thus making it a bit more difficult for me. Thanks a lot. It is a true pleasure to have the occasion here to have a discussion with Wendy because it is true that ten years ago we talked about toleration, even though, as she just reminded me, it was a few days after my kids were born and she remembers that I looked pretty wrecked at that time [*audience laughs*]. So it took us, or at least me, ten years to recover and to have a proper

discussion. And, of course, the essay that Wendy wrote for the collection that I had invited her to contribute to was a wonderful essay, and in no way would I think it is anything like a Frankenstein. But, let us see what we think of that at the end of this evening.

And just to make one more remark about that: indeed, it had been my idea to ask her to take a new look at Marcuse's 'repressive tolerance' because I thought there would of course be obvious differences in the way she approaches the topic and how Marcuse did quite some time ago, but also that many of his criticisms about the neutralizing and depoliticizing effects of toleration would reappear. And I think, in a sense, even though you were not too kind to Uncle Herbert, they do reappear in your work on toleration, but in a different guise within a different theoretical setting. So Wendy was quite right to reject the idea of presenting her analysis of toleration in anything like Marcusian terms.

Now, I am a Frankfurter and Frankfurters tell dialectical stories: some grand, some less grand. Mine in this very long book is pretty grand because it goes basically from Jesus to Wendy Brown. And in the two hours that I have been given to present some thoughts here I can't possibly do justice to that. So what can I do? I will try to explain the dialectics of toleration that I see at work, and I'll also try to address some of the challenges that Wendy – not just tonight, but in her work generally – puts to me, as I perceive them, because I think that I would not quite want to separate the issues as she has divided them: between me doing a normative and conceptual analysis of toleration on

the one hand and her analysis of the discourse of toleration on the other. I agree these are different projects, but I see them as related, and they have to be related precisely where we talk about politics and power, republicans as I think we both are in some ways. So, what I would want to do is to show why I think there are more resources in that term 'toleration' for political objectives that we both share than I believe Wendy in her work is willing to extract from it.

The dialectical story is basically, for me, an attempt to try to explain why some people believe today and believed in the past that 'toleration' is a wonderful and magical word of living together peacefully and happily, while others think it is a terrible word signifying hierarchical structures, power and domination. Why is that? It is not that we have invented this; rather, it has been like that for a long time. Think of Goethe's saying that tolerance is an 'insult' and should lead to 'recognition', whereas Voltaire and Lessing praised toleration as a true sign of enlightened humanity.

Before I try to explain this ambivalence, let me say some general words about what I think the concept of toleration is about. It has three components (following Preston King).[6] If you tolerate something you must think it is wrong, otherwise you're either indifferent, you don't have an opinion about it, or you think it is interesting but strange. If you think it is interesting but strange you wouldn't tolerate it, you would just be interested in learning more about it. So tolerance presupposes an *objection* component. Yet for tolerance to come up there has to be a second component – namely, that of *acceptance*: you have to find reasons why the

things you believe are wrong or bad ought to be tolerated. And then there is a third component – namely, that of *rejection*, where you say: these beliefs or practices are bad to an extent that they cannot be tolerated. So that is where the famous limits of toleration lie.

If you look at these three components closely you see that they harbour a number of problems, and I think I agree with Wendy in her analysis of some of them. Take the objection component. People with good reasons see racism as a form of intolerance (and I agree with Wendy that it is problematic to look at this as a purely cultural phenomenon and disregard other social mechanisms at work). And then, you see people criticizing others for having prejudices against other 'races' while at the same time reproducing the notion of race in their critiques. That is one of the dangerous dialectics of using this language and I think we agree here too. Then people often conclude that we should be tolerant of other 'races'. Yet that seems wrong because it would mean that you accept in a certain way the objections that a racist has against other people and just ask him to have additional reasons to be tolerant, that is, not to act on his racist impulses. But the right reaction does not seem to be to ask a racist to be tolerant – rather, it is to fight his racism; and so, in the history of toleration, it has often been argued that tolerance isn't the best reaction to intolerance. Sometimes you have to attack the objection components directly and not ask people to accept what they object to. That is an important issue and I think in the discussion we might come back to that.

Why do I say the story of toleration is a dialectical one? Because based on the very general understanding of the concept of toleration with these three components, you can distinguish two conceptions, and Wendy was so kind as to mention the two already: one I call the permission conception and one the respect conception. The permission conception is the classic one that in a certain sense still holds us captive, to use a Wittgensteinian phrase. It is what we most often mean by the term, and my suspicion is a bit that this is also true for Wendy's way of approaching it. It is a hierarchical conception and it appeared in many historical periods – just jump into sixteenth-century France with me for a second, where the *Politiques*, a group of intellectuals, Bodin among them, argued that the principle '*une foi, une loi, un roi*' could not be sustained because the price of fighting the Huguenots was too high.[7] It took a while, until the end of the sixteenth century (1598), before Henry IV issued the famous *Édit de Nantes*. And if you look at the language of the edict, it starts out with 'we give permission to […]' and goes on like that. That is, the 'we' is the monarch who speaks as the sovereign as well as for the Catholic majority. They give permission to the Huguenot minority to hold a certain space in the French society: a recognized and protected space, but a space that is always second class, because the edict – and there are many other examples of legislation on toleration that bear that structure – clearly specifies what Huguenots are allowed to do and what they're not allowed to do: for example, where they can have churches and whether the churches can have entrances from the front street,

and so on. So this is the kind of toleration that Goethe has in mind when he speaks of an insult; what Kant has in mind when he speaks about the 'hochmütigen Namen der Toleranz' ('the presumptuous title of tolerant');[8] and what Mirabeau means when he says that toleration is a sign of tyranny because the permission conception is a hierarchical one that rests on arbitrary rule.[9] All three components – what you object to, whether you accept it by way of toleration, up to a certain limit of rejection – are in the hands of the sovereign or the majority. They determine what those who are tolerated are allowed to do, or not. This form of toleration surely has liberating effects because obviously the Huguenots – who had been persecuted before the edict and actually also a few years after it again – enjoyed a certain security in that phase; so it was a liberating move, but at the same time a repressive one – repressive because to be tolerated meant to accept one's underprivileged, weak status, and disciplining because these policies of toleration do indeed produce stigmatized, 'non-normal' identities that are, at the same time, included and excluded. So I think you could (and should) give a Foucauldian analysis, and indeed a Brownian analysis, of how this kind of toleration produces stigmatized identities.

Many believe that if you tell the story in that way, then this is a conception of the past; but it isn't, because it does reappear in modern societies and often it reappears in a democratic form. Wendy has already mentioned it, but just to cite this example again about same-sex marriage: when the *eingetragene Lebenspartnerschaft* (civil union) was discussed in the German

public, the conservative party had a slogan going that said 'tolerance yes, marriage no'. It is not that those who use it don't understand what tolerance is – it is just that they understand that the permission conception has exactly that structure. It means you don't persecute these people but you never give them equal rights. So that is the classic conception, which in a way still holds our use of the term captive, as I said, and you can give many other examples of that.

But there is a second story of toleration – and again, follow me into the sixteenth century, this time not to France but to the Netherlands, where the Protestant provinces went to war against Spanish rule and the enforcement of Catholicism because the Calvinist Monarchomachs believed that there was a natural right to religious liberty, which they proclaimed was a basic *political* right. They were convinced that a king who did not respect this right had to be resisted for political *and* religious reasons because such a tyrant had broken, as they said, the *foedus* with God and the *pactum* with the people. They claimed a natural right as a demand of political justice not to be ruled like that in that area. So you see that the strength to resist that political rule and to ask for a legitimation of it, or to question its legitimation, follows from the belief that they had a right given by God to resist that kind of tyranny. This argument reappears in the context of the English revolution, especially in the work of the Levellers.[10]

For me, there is a dynamic to be found here about resistance and about asking for justifications for the kind of rule to which you're subjected, which I do not

see as wedded to the idea that such rights of resistance are given to us by God, such that only those who believe in God can properly claim these rights. There is of course the classic argument for toleration that relies heavily on the idea that the conscience should be free because it is the work of God (as Luther had said) – an argument that we also find in Milton, Locke, and many others. This justification for toleration is again ambivalent – and we will speak about lots of ambivalences tonight – because on the one hand there is a radical claim for political justice, which appears here, and on the other hand there is an argument for toleration which excludes those who don't have the right kind of conscience, as Locke famously argued: atheists could not claim any of these privileges for having freedom of conscience because they didn't have a conscience in the first place, and Catholics couldn't claim it because they were willing to bind their conscience to an inner-worldly sovereign. And, interestingly, when you read the famous *Letter Concerning Toleration* where Locke writes about that, he does not mention the pope. Of course, he means the pope, but he mentions the 'Mufti of Constantinople'.[11] So looking at our present through that historical lens, you see how this discourse about excluding some who allegedly cannot be trustworthy co-citizens because they have other allegiances appears again and again. Combine this with the structure of the 'permission conception': when you look at the discussion about when and where mosques or minarets can be built in European societies, you should compare this with the edicts or the *Judenordnungen* in European cities from early mo-

dernity, where it was tightly regulated whether a synagogue could be built or when it could be used and what Jews were allowed or forbidden to do. Sadly, these were the better moments of European Jewish life compared to the usual intolerance, so you see how this pattern appears time and again – toleration as a form of disciplining and downgrading others.

But the dynamic I mentioned earlier of asking for justifications of political rule because of religious dissent unfolded a development of its own, and it is thinkers like Bayle rather than Locke who represent this dynamic. Bayle was one of the first courageous people to venture the idea that a society of atheists would probably be more peaceful than a society of religious people because they wouldn't have one big issue to fight about. More importantly, he made the argument that in a society that is divided by religious beliefs, it is only the acceptance of a certain duty to present adequate, mutually acceptable justifications for the institutions you think should be binding for all that enables something like a peaceful and just way of living together, because in a religious conflict in which each side fabricates its own arguments about what it can do to others based on its own faith, he says, there is no kind of crime that couldn't be called an act of faith by this maxim. So even though Bayle wasn't a democrat – in the era that he lived in (after the revocation of the Edict of Nantes), he thought that only strong sovereigns like Henry IV could guarantee peace – the structure of his toleration argument leads to democratic justice.

So my question to Wendy would be: if we agree that we should criticize the discourse of toleration wherever it violates democratic justice, how do we fit in the conflicts between different ethical views – which need not be religious but can also be cultural views? Because in discourses about what is the best justification for the institutions under which we all have to live, these conflicts will reappear. So we have to say something about what a proper reason is, and not in private but in the political realm. What is the appropriate reason that Bavarian citizens can give each other for whether crucifixes can be on the wall of public classrooms by law? What is a proper argument that we as citizens should give to each other when we talk about for whom an institution like marriage should be reserved or not? So this is where I think your project of a critical view of the discourse of toleration and a discourse-theoretical view of toleration according to the respect conception like mine have to merge. We have to have a notion of democratic justice by which we provide certain criteria of what a good reason is in order to establish or reform an institution and to determine how to interpret basic rights. And so my suggestion would be that the criteria of reciprocity and generality as discursive criteria are not just criteria for how we deal with each other and how we tolerate each other privately. Rather, these are criteria for the reasons we think are justifiable in the public and political realm, and thus I hold that we have to give a normative account of why we believe that an argument for same-sex marriage on the basis of equal respect is a stronger argument than an argument against this institution that is based on a religious un-

derstanding of what nature is about or on a traditional understanding of marriage. We have to give an account of good justifications. That is why *I* think our debate has to be in the political realm and address how we understand democratic justice.

So what would, to finish my ten minutes [*audience laughs*], what would tolerance mean here? It is a virtue of democratic citizens that presupposes a specific skill, and one that does not come naturally. Imagine on this blackboard here the three words: objection, acceptance, rejection. Tolerance is a way of reflecting on whether your reasons for objecting to a practice that you think is wrong are sufficient to reject that practice if you were a law-making citizen. If you think your objection, upon further reflection, was a bad one already, then you should stop at this first stage. But if you think that you can go on, that the practice is indeed wrong and that your objection to it is not just due to your religious or ethical view or some traditional belief that cannot be generally justified in a pluralist society, then you need to give an additional reason why the rejection component can be filled out by what you believe. The art of toleration is an art of finding proper reasons that can be presented to others when you think that they should conform to a norm that they don't agree with in their practices and beliefs. It consists in distinguishing your reasons for objection from mutually justifiable reasons for rejection. The latter have a higher threshold of justification.

So we agree that toleration is, and has always been, wedded to power; that it was and is a practice of power and domination; that it reifies identities and produces

disciplined subjects. The woman with the headscarf is often a stereotype not just in discourses of intolerance, but also in discourses of tolerance, and so a critical view on discourses of toleration is necessary to deconstruct these identity productions. But where we might disagree is where I would like to locate a polemical and a liberating power in the concept, or in a certain conception of toleration, which is still part of that dynamic of asking for reasons for that to which you are subjected. So in a Foucauldian sense, my positive understanding of toleration is not, as Wendy was asking, one of happily coexisting with each other and respecting each other as private individuals. It is also not one that is focused on rights. It is focused on the proper justifications that can be given for subjecting people to political and legal norms. In Foucauldian language, that kind of toleration asks 'not to be governed like that'; and 'not to be governed like that' is then a polemical challenge to a regime of intolerance *or* of partial tolerance, which calls for better justifications. In a pluralist society in which beliefs are in conflict not just over what is good and acceptable in private life, but also over how a society should develop, such a polemical challenge to justify what you think is legitimate in a common social setting is a challenge to see the point of justice *and* toleration. Those who hold an objection but from there do not transfer it to a rejection because they see it would be unfair – those are the ones who do the work of justice and toleration at the same time [*audience applauds*].

ANTKE ENGEL: Thank you very much both of you for these two rich, short ten-minute inputs. In view of the time, I would like to jump right into the first of the three topics I suggested: the topic of subject constitution. As we heard about the ambiguity of the concept of tolerance, it was quite understandable that a permission conception very easily creates two different positions of the tolerating and the tolerated. What I would like to ask the two of you, first of all, is: is this only a matter of power relations or power difference or is this actually a structural difference? And what does that mean if we now don't focus too much on the permission conception but really take up Rainer's suggestion that there is something like a respect conception of tolerance: do we actually get out of this problem of structural differences in the subject constitution that is taking place in these concepts? Rainer is somehow suggesting that there is at least in those respect conceptions some kind of a mutuality or reciprocity of the positions. I mean, you might hear that I am sceptical about that, but I would like to know how you would answer or think about that.

RAINER FORST: [*to Wendy Brown*] Would you like to add to the scepticism?

WENDY BROWN: Well, it is difficult for me to answer because I have to go into the frame in which I accept the idea that there are these two conceptions and that we could simply adopt this thing called the respect conception, and that would displace the permission conception; but also – forgetting about the concep-

tions for a moment – that would displace the way that discourses of tolerance operate today and the way that they're situated in orders of power. So to begin to answer that question I have to bracket what I think I know about tolerance – which is that it does not operate as a conception, it operates as a discourse; and if it operates as a discourse that means it is already organized by certain arrangements of power that it masks, and it means that it is also situated in arrangements of power that aren't avowed in the discourse itself.

Now, I'm going to be gracious [*audience laughs*] and go ahead and bracket all of that and then try to answer your question, which I take to be a question about subject constitution within the hypothesis of a respect conception of tolerance. You can see that I'm really straining, that this is like speaking another language for me, but I'm going to do it because there might be a lesson here about tolerance. So if we have the respect conception of tolerance, is there still a problem with subject constitution or is it possible that this is a practice of tolerance that does not actually make or produce subjects, that instead is simply what relatively neutral subjects offer one another?

I would say yes at the most benign level of examples that we could offer, the kinds that I offered early on myself, where my teenager and I are tolerating each other's music or my neighbour and I are tolerating each other's disparate approaches to our gardens. Or, just to amp it up a little bit, where there are levels of tolerance with regard to religious beliefs privately practiced but nevertheless strongly, even fervently, held (and let us include in religious belief secularism and atheism –

let us not pretend it is just the official world religions that contain religious belief).

So yes, I can imagine that in these unpolitical moments, tolerance is not politically or socially subject-constituting in a significant way, but that seems to me not what Rainer is wanting to argue. He rejected the idea that these moments do not have significant political bearing. He wanted tolerance to be a practice of political culture, and perhaps even political negotiation, about differences like gay marriage and so forth. That is where his formulation breaks down for me, because I can't see how even the permission conception – look, I'm getting good at saying it without putting it in quotes [*audience laughs*] – I mean how even the respect conception isn't operating within dramatic power differentials that are already subject-constituting and in which the language of tolerance adds a new colour to that. Let us stay with the gay marriage example: if what we're trying to do is persuade somebody who objects to homosexuality and in particular to homosexuals taking the mantle of marriage for their own – if we try to persuade them that they should have tolerance towards a set of practices or aspiration that they object to, I wonder where the mutuality is in that. I wonder what one is asking of the homosexual subject in terms of tolerance and I wonder what one is asking the – I'm not going to call them homophobes just because it is boring – let us say the subject who objects to homosexuality and objects to gay marriage, what it could possibly mean to say that there is no subject constitution if I succeed in getting such people to be tolerant of gay marriage? If I succeed in getting them

to tolerate homosexuality and even tolerate marriage for homosexuals, there is a fierce abjection of the homosexual in that practice. It is just fierce insofar as the homosexual is constituted as an object of tolerance, needing tolerance, maybe or maybe not getting tolerance. I cannot see how it is a practice that does not have that subject-constituting dimension. So that is my experiment in thinking inside that problem and I suspect you have a strong objection.

RAINER FORST: No, I fear not, because I basically agree. There is no discourse of toleration on whatever conception – so leave the conceptions out, if you like – that does not work with identity constructions. My argument was that, when we think about discourses in which these identity constructions become a topic as not just discourses between theorists but political discourses in the public realm, when such a discourse opens up and brings to the fore conflicting claims, then to engage in that discourse is a practice of democratic justification – if it works well. If it does not work well, it is just a practice of shouting at each other. But for it to be a practice of democratic justification, a certain form of toleration is already implied in order to engage with those with whom you have major differences. But then, I agree, it is most often a case of majority–minority, or better a majority that constructs a minority, though it isn't always like that. We do have social settings in which you have roughly equal groups. But especially when, as is typically the case, it is a minority–majority issue, then many kinds of constructions go on. And as I tried to say and you also show in your

genealogical analysis, they have a long history in the way that, for example, Muslim minorities are constructed today. There appear all kinds of long-standing stereotypes about non-trustworthy minorities in liberal societies. But when we take issue with this in public discourse, we ourselves have to have a certain willingness to engage with those to whom we object, and we must expect that of others. That is a kind of democratic toleration as a presupposition for engaging in a democratic justice discourse. And then we need to come to terms with each other as citizens who ask themselves: what is the right way of arranging our common life? Thus, we need to distinguish between better and worse reasons for that arrangement. I think the art of toleration is the art of distinguishing between better and worse justifications, because people may come to the point where they sincerely believe that a society that changes its religious character and has evermore atheists or evermore people of a different religion is doomed to fail. Yet I would still want such people to see that this is not a sufficient reason to stop such changes by using public power or law (i.e. by religiously motivated ruling of what the curriculum in schools should be and whether mosques or minarets can be built). The reciprocity in question is what I call 'reciprocity of reasons', which, if all goes well, leads to norms of legal equality, though social differences remain.

But remember that when I spoke about the objection component, I said that toleration as a virtue presupposes that you have a critical view of your objec-

tion to something in the first place. So the critique of the racist also holds for the homophobe, for the homophobes shouldn't be tolerant; rather, they should stop being homophobes – that is our real struggle. We might then say realistically that a society in which same-sex marriage is tolerated is better than one in which it is constantly being voted against. So toleration here could be a first step, but the real objective is to question the objection component in the first place, so that is a case for which I would say tolerance is only a second-best option. It is not an ideal, for the ideal is a society that frees itself of such stereotypes and objections. But realistically speaking, the political struggle is first and foremost situated where an institution like same-sex marriage is constantly being denied by reference to all kinds of unjustifiable beliefs; to fight these arguments is a worthy fight and in a sense it is a struggle toward a more reflective notion of toleration.

When we say, then, that we want to look critically at how toleration discourse veils arrangements of power, I agree with you. Then to open this up and aim at political discourse in which hidden structures of power and constructions of identity are exposed will be a wildly controversial political battle. Yet I still believe that for us to engage in such a polemical discourse about better and worse reasons, toleration is a virtue that we require because we will encounter many people with whom we have strong disagreements and still need to find an answer to the question as to the norms under which we have to live in common.

WENDY BROWN: [*to Antke Engel*] Can I ask Rainer a question? [*Antke Engel nods*] Two questions because I'm genuinely confused about something. Sometimes it sounds to me like you are making an argument for tolerance as something that is better than rejection but not yet equality. While I don't think you're doing that, sometimes in what you just said, it sounds like you're saying: well, okay, it would be better to have tolerance of same-sex marriage or more tolerance of Muslims than hostility and radical rejection without good reasons; it would be better to have tolerance, even if this doesn't address all the racism and homophobia that we'd like to get rid of. But sometimes it seems to me that you're wanting to make a much stronger argument for the respect conception of tolerance, which is that it is simply a good and permanently necessary feature of public deliberation in which we will have private views, strongly held views, that we cannot rationally justify as appropriately holding for everybody. But these are two different arguments – am I right?

RAINER FORST: Yes.

WENDY BROWN: Okay.

RAINER FORST: But do they exclude each other?

WENDY BROWN: Well, I worry that the first one is an indictment of the possibility of the second.

RAINER FORST: Good, because that leads me to a question for you [*audience laughs*]. I would say if you look

at the issues that come up for toleration, there are some issues where we should stop at the objection component already. Racists shouldn't learn to be tolerant. They should learn, well, whatever they have to learn to overcome racism. Racism is something we fight against – we don't fight for tolerant racists, we fight against racism. The same holds for homophobes, so there is indeed a danger in tolerance discourse: if you believe tolerance is generally the means against intolerance you often implicitly accept an objection and just ask for acceptance reasons, whereas the objection should be our main aim of critique. Where the objections should be the aim of critique I would argue for equality of respect in that strong sense you suggested. But there will remain many issues, be they religiously deeply felt issues about what saves a person's soul (quite a few folks still believe that that is an important issue) or deeply held beliefs about what is a proper way to bring up children, and so on. I don't envision a society in which these differences will go away.

WENDY BROWN: I agree.

RAINER FORST: And so, I wonder, in your scheme of living together with such differences, whether you believe toleration can have a place in the political sphere, because you tend to say it has a place when I deal with my neighbour. But then, you know, this neighbour has children and there may come a point when you think this neighbour isn't just mistreating his garden or treating his garden too well and criticizing me for not doing enough (that is usually my problem and possibly yours

too). Maybe you see that neighbour doing things to the children that suggest this is not just an issue between him and his children and me being a kind neighbour letting him do this. You ask yourself, is there something that I should do? That is still not yet a political issue, but you may also ask yourself, in your role as a lawmaker, should there be rules and institutions that prevent such things? And then the question of toleration comes up: is my objection to his practice good enough to argue that these things should not be allowed? My question is, in a scheme of Brownian justice in a pluralist society, would there be a proper space for toleration in the political realm?

WENDY BROWN: I will answer that question, but then I'm going to go back to some of the things you said along the road to that question. Yes, I continue to think that toleration is most useful and most benign for the purposes for which it was conceived in the Reformation. I continue to think that it is a language that helps us understand and practise – I'll put it just in quick terms – a certain kind of public secularism with regard to religious belief, and even attenuates religiously motivated public policy. I don't think it stops religious zeal in the public realm for particular issues. Whether it's racism or gay marriage, or in the country I come from issues of abortion and reproductive rights, and capital punishment and so forth, it does officially frame a political and legal order as a secular one. And I think the other thing that it does is promulgate a certain degree of freedom of speech. And I agree with you

that those are important values, really important values, so the question I have about the road that you took to get to your question is what work tolerance is doing that couldn't be done by a certain formal commitment to secularism and to a fairly substantial latitude for freedom of speech and opinion, and for equal rights?

Let me add something here. I think the really tricky thing about tolerance discourse is that it upsets our persistent Manichaeism in moral and political life. What I mean is, for most of us, we assume that if inequality is bad then equality is good, if slavery is bad then freedom is good. So if intolerance is bad, tolerance is good. Tolerance is tricky this way, as both of us know, because intolerance is bad – we would always, all of us in this room, prefer tolerance to intolerance. I think there is no question about that if what is at stake is persecution, violence, disenfranchisement, witch-burnings, radical exclusions. If those are the effects that intolerance is having, we would prefer tolerance. But this does not make it good, this does not make it power-free, and this does not make it an appropriate ethic or element of a democratic politics. Rather, tolerance is holding back some kind of dark, and I'm not against holding back the dark. Nor, as I said, am I against the idea of tolerance as a basic ethos for freedom of speech and freedom of worship. I think what we're talking about here is the recognition that there will be differences in belief and in views that must be accepted in any kind of order – we can say in any democratic order, but really in any relatively stable, non-violent order that seeks to minimize cruelty and

repression. So in this place for tolerance we agree. But you're going at this differently: you're trying to bring tolerance into a fuller notion of justice than is offered by an emphasis on holding back the dark or securing what political theorists since Isaiah Berlin call negative freedom alone. You've discovered tolerance, I think, as a crucial element of a formulation of justice and being together that you want to build, and that is what I'm not convinced of.

RAINER FORST: I'll try to be brief, though this is a very important point – or various points. We both agree that toleration is not a value in itself and it cannot be. Tolerance is only a good thing if it is justified properly. Sometimes you have to be intolerant. Tolerance is not a virtue of its own. Remember the objection/acceptance/rejection structure – if that is right, there is no value in itself in this structure. It needs to be given substance, and I give it substance, you're right, by linking it to justice. I think that secularism and equality, which are principles we agree on, don't do all the work, because a secularist (like me), say in the state of Hessen where I happen to live, might have problems with a secularist government that says that not even in remote *Verwaltungsstuben* (rooms of public administration) can women wear religious headscarves.

WENDY BROWN: What does that have to do with being a secularist?

RAINER FORST: It is because it is assumed that such persons wouldn't be able to properly fulfil their *Amt*

(the office of a public servant) in a democratic state if they publically showed a religious allegiance to their faith in that way. So it is not just teachers, it is public servants generally who are not allowed religious symbols of that kind, while you know, the cross, that is a different matter from the – contradictory – perspective of such proponents of a democratic state. That is taken as a symbol of a faith in line with the political culture of the state.

WENDY BROWN: But that is bad secularism …

RAINER FORST: Exactly. For someone who has a problem with, say, a teacher wearing a Muslim headscarf, to be secular in a proper way, he or she would have to be tolerant to a certain extent because he or she believes this is not a good practice and that it does not give a good example for young girls to be educated by a teacher with such a headscarf. Many people – including many feminists – sincerely believe that, and that is an issue for serious debate. Yet when we argue on the basis of equality and secularism, equal rights and a secular state, I think that is an *objection* that does not qualify for a *rejection* of that practice. I would say to someone who has problems with that practice, that he or she needs to reconsider this in the name of tolerance out of a sense of fairness and of proper justifications for what you can force people to do or not do. Even though you have problems with a practice, you can see that these problems don't translate into a legal or political rejection justification. That is where I would say tolerance does play an important role – even if rights

to religious liberty are in place. For the question is how these rights are interpreted publicly and legally.

ANTKE ENGEL: Can I just add a question to that? Because, I wonder if one could apply the argument that the discourse of tolerance is often depoliticizing to exactly this case. One could frame this example differently and say that it is not a question of tolerance, but that there is a power struggle going on. White, Western, occidental society knows or hopes that by interpreting the headscarf in the framework of religious belief it secures its own hegemonic status of superiority. So doesn't it mean that once we translate the scene into a question of political power struggle, we do not need the concepts of tolerance or intolerance any longer?

RAINER FORST: Fine. You might describe it like that, yes, and you can also give a genealogy of it. *My* question is: what goes on in the head of someone who thinks a practice is wrong – say, for gender equality reasons – and who sees that for reasons of fairness it nevertheless shouldn't be disallowed? There is a cognitive movement here and that is what I'm interested in. There is something you have to see about yourself and the other; there is some work on yourself you have to do. I am interested in that first-person perspective.

WENDY BROWN: Rainer, I completely agree with you but I mean, that is what all of us do from the moment we hit the streets in the morning [*audience laughs*]. There is so much we object to, I mean, there is so much

we object to on the metro, on the street corners, the shops – I mean, there is just so much to object to. And a tolerant demeanour does a lot of things: it helps you navigate that space between your subjective conviction that you've got it all right and a recognition that there is a bigger world that also has that conviction, and it keeps your heart rate down. These things are important. But I don't understand its political face in your account because when you describe it this way I hear it as an ethical practice that we absolutely agree on: tolerance is a constant project of being human – and probably of the non-human animal world as well, when I think about it – in navigating all the things one objects to, is annoyed by, even offended by

But you're also wanting a whole other component, I think, which is to have a discursive recognition of tolerance as that zone of political thought on the part of citizens, in which we recognize that we do not have rationally justifiable reasons for our objections that can be made general, and that instead they are matters of faith. At that point there is so much that I can't go with in your argument. I can't understand, first of all, how we could develop a consensus on where the line is between the rational and the faith-based. I cannot imagine arriving at a consensus on that. I also can't imagine that we could then have a discourse of tolerance that didn't get re-engaged with stratifications of power, in which what become objects of tolerance are not just minorities but truly non-normative objects, deviants, toward whom, indeed on whom, tolerance will always therefore be a hegemonic operation. I think your example of the headscarf – may it someday be

free – is a perfect example: we have all kinds of objects of clothing and religious beliefs that are all perfectly acceptable in secular societies, but Christian secularism just panics when it gets to this one object. That is the discussion that we need to have – we need to have a discussion about that panic. I agree with you that if we're really trying to talk about politics, we can't have that discussion in highfalutin academic language, but it remains the discussion we need to have. So how do we get from the everyday experience of tolerance that is part of being human and which we all require to your ambition for it as a full-fledged component of political life that distinguishes between the rational and the faith-based? How are you going to pull that off?

RAINER FORST: Okay, okay fine.

WENDY BROWN: I'm so glad we're working on his theory instead of mine … [*audience laughs*].

RAINER FORST: No, no, no – we're working on yours too …

WENDY BROWN: Nah!

RAINER FORST: … because the way you divide this up is very interesting. You want to reserve tolerance for where it is a useful yet limited social phenomenon. You want to locate it more in the non-political realm, which, you know, if I were not so familiar with your

thought, I would say is a very liberal argument to make.

WENDY BROWN: It is. It is the liberal component of my thinking that shocks people [*audience laughs*].

RAINER FORST: But when we – as Wolinian republicans[12] – ask ourselves as citizens, 'should there be schools in which teachers with headscarves teach, should there be a teaching of evolution as well as creation?', we have to take a stance as citizens – and lawmakers – on these issues. Then, take those who object to the headscarf as an oppressive symbol, especially for young girls. To ask them to accept that this is a very partial view of what that symbol means, one that cannot ground a general rejection, implies for them that they have to tolerate something that they would rather not have in schools or society. And if you say that the theory of evolution is of a different epistemological and cognitive character than the teaching of creation, you have to make a distinction between what is rational to teach and what is not rational to teach in the curriculum of a school. So I agree the line between reason and faith is a difficult line, but you have to take a stance with respect to examples like these.

WENDY BROWN: Well, *you* have to take a stance, rather! I'm trying to imagine the public taking a stance on it: we hereby commit ourselves to this zone counting as rational, and these other zones as being faith-based. I don't know how that would come to be. I mean I'm literally trying to imagine having the gay-

marriage debate that way or the abortion debate that way or almost any debate, a debate about whether we should go to war that way. I'm trying to imagine how one would designate that space where tolerance was appropriate because one could not justify – if I understand you correctly – one's normative position at a public rational level. So I'm thinking, for example, in the US – I mean we're a terrible example because we just argue everything on the basis of religion, but maybe that extreme is useful – sorting out our abortion debate according to what is a rational and what is a faith-based argument: we would not be able to use reasons based on faith for political argument – is that how it would go?

ANTKE ENGEL: Since the debate is going back and forth for a while around similar questions, I would like to open it up to the public, for they have been already very patient for a long time and I guess there are quite a few questions. I would suggest that we collect a few positions from the audience and then fall back to the panel.

FIRST QUESTIONER: Thank you. The debate has been more or less located in the Western context, in the Western philosophical discourse, and I thought that perhaps it is not complicated enough. So let me bring a non-Western perspective to it, which is that the notion of *ahimsa* – which can be translated into English as 'non-violence'– is a very integral part of Indian philosophical discourse, and it is claimed that one of the most important points of Indian society has been its

practice of tolerance. And this ethos, this Indian ethos, has made it particularly, spectacularly vulnerable because other civilizations do not share its level of tolerance, its understanding of tolerance. So that is how colonialism is explained, that is how other historical events of imperialism are explained. Now, anti-colonial nationalists argued that one way of getting out of this vulnerability was not to tolerate the intolerance of others. And in the present political context, right-wing Hindu fundamentalists democratically won the elections on the basis of this argument, so we are back to the question of public spheres and democracy. You, for example, said we had to critique tolerance when it violates democratic principles, and here we have a counterexample of where intolerance is used as a weapon to be democratically elected in a denigrated democracy. How would you locate *that* in the question of the better argument being always the one that can be used to somehow argue for tolerance? Because here it is obviously a violent argument that is being used in a democratic context to promote intolerance.

RAINER FORST: And intolerance against whom?

FIRST QUESTIONER: Intolerance against those who do not share our virtues of tolerance. So, to give you a very concrete example, in the recent bombing attacks,[13] the Hindu fundamentalists are now saying that we should counter-bomb Pakistan because it does not share our values of tolerance – so we are justified in practising intolerance because they do not share our values of tolerance.

RAINER FORST: Well, that is a danger that I don't think is present only in particular cultural contexts like the one you refer to. I think we need a critical analysis of mechanisms of constructing the 'intolerant' as the 'barbarians' with whom you don't share many values and therefore believe yourself to have all kinds of justifications for interference and possibly for violence. But this dialectic marks a danger that is not unique to toleration; rather, it is a danger for any value system – the 'just', the 'democratic', the 'free', the 'civilized', whatever. You can turn each of these into a fetish to justify actions that are the opposite of what you pretend to defend. But apart from that, I didn't mean to say – that seems to be the implication of the question – that an argument for toleration is always the better argument. Rather, being intolerant towards racism, towards certain unjust forms of arranging a common life in economic or cultural terms, is the right thing to do. So in no way would I link toleration and justice such that the better argument or justification is always the one for toleration.

One issue we have here is whether the discourse-theoretical analysis, such as Wendy's, in which there is a general framework of discourse that frames and characterizes a whole way of seeing people, and manages – regulates, as the book title says – people and their aversions; or rather, whether the critique based on that is a completely different enterprise from what one does when one tries to locate toleration as a critical tool within a theory of democratic justice as I do. It might be that at the end of the day we come to the conclusion that it can be such a critical tool.

But my question was: if I agree with Wendy's analysis, is there any use of toleration left in politics – apart from getting along with people in the social realm – when we speak and argue about equality and democratic political justice, as Wendy passionately does? Is there something in the concept of toleration that we need for political justice in a pluralist society? There we still stand apart, but that is where I nevertheless would see the link between our two projects, and I happen to think that in the dialectical story that *I* tell, I can take in – even though I would never be able to do it as well as she does – most of the critical part of Wendy's analysis of toleration, but then come to the point where I construct a conception of democratic justice for the finite beings that we are, divided by strong beliefs. And so one of *my* questions is: what kind of theory of justice do you need in a pluralist society with respect to this term, or be it another one you might use – some term for coping with ethical differences in the political realm?

ANTKE ENGEL: I would like to take up Rainer's suggestion that we move to the question of tolerance as a political discourse, or tolerance as a form of governance, which would be Wendy's term. Thus the question would be: why is it that tolerance is so important as a part of the political discussion that is going on right now? I think this also refers to the question we just heard before. Analysed on this level it would mean that it is a political discourse, which is relevant also in a process of globalization where tolerance and intolerance are put into play as political tools. And I'd like to

offer this as framing, but now give the floor back to the audience.

SECOND QUESTIONER: I have a question that is not directly linked to politics, but I will try to bridge the gap with my question. It is a question on the philosophical conditions of what both of you are saying and I think what it is going to do is move the debate from right versus wrong towards the debate of justifiable versus unjustifiable, and that of course poses a lot of further questions. I think that your position is that everything that is not unjustifiable on moral or political grounds must be tolerated in some way, and that of course then forces us to ask ourselves the question of what is a good argument or what is a bad argument. Now there is a circle here, insofar as we cannot say it is just a matter of tolerance – you know, what is a good and what is a bad argument; there needs to be a stronger reason behind that. So I'd like to hear you on these reasons that help us, or may lead us to distinguish a good from a bad argument. And I would like to specify: I would like to hear from you, Wendy, on this question. And just to finish with two sub-questions to this more general question: the first one is whether that does not put us in an over-rationalistic framework, so to say, to move the debate from right and wrong to justifiable and unjustifiable, and the second question is: isn't determining a good argument versus a bad argument also a form of power, or doesn't it necessitate an existence of power at some point?

ANTKE ENGEL: [*to third questioner*] Does your question connect to that, somehow?

THIRD QUESTIONER: Somehow it will, to his last point. My question is for Rainer Forst and addresses the question of subject formation and what kind of subjects we are talking about, because I'm wondering if the kind of cognitional act that you're describing is something that happens in the dominants' mind that only concerns the dominants so that they hold back their power and soften their dominance. This kind of deciding not to use one's power and reject or abject something that – or somebody who – we see is wrong only applies to the dominant. For the subaltern, there is no question as to whether or not he or she can deny or abject. So could it be that the kind of tolerance that you have in mind is something that can only happen among equals and cannot apply to a society where we have to deal with dominants and subalterns?

RAINER FORST: Briefly, even though these are difficult questions, there is a long debate in the toleration literature as to whether only those who are in power can be tolerant, whereas those who don't have power just have to endure. I think that is wrong. It is right for the permission conception, but that conception should not hold us captive. If you believe that tolerance is the art of testing your reasons and asking whether they're good enough to reject certain practices if you *could*, then it is not a power issue, at least not in that sense. But maybe we haven't spoken enough about power. Power is a phenomenon of the noumenal realm, I

think: power is generated in the realm of reasons, in what people think, in what people believe they should think, in what they feel to be right, and so on. That is where power is generated. So arguments can be more or less powerful, just as theories can be. The argumentative sphere is never a sphere apart from power, regardless of whether good or bad arguments are being exchanged. The criterion of reciprocity, I think, is a good criterion in the realm of justifications and it does give priority to those who argue for equalizing social status rather than to those who argue against equality and defend social asymmetries with reasons of, say, a religious kind. I fear that is just a very general response to the question about good justifications.

ANTKE ENGEL: Are there any more questions from the audience right now?

FOURTH QUESTIONER: It is a very different kind of question and I wonder if I should allow myself to ask the question or if you tolerate the question. The question has to do with why – I've been wondering in terms of *Spannung* (tension) here – why I'm not surprised about you [*indicates Wendy*] being a sceptic and you [*indicates Rainer*] being a believer and why we put the believer here on the hotspot, having to explain why tolerance is something good, while I think a lot of my sympathy has flown towards the sceptic. And I am just wondering how the sceptic American woman and the man, a German man, in Germany with this very deep way in which hegemonic ideas are naturalized, in a way that I think is much more palpable than it is in the

States, I'm just not surprised about the positions you've taken, and I wonder if you would help me think about that lack of surprise or why it is so predictable. I mean, I'm fascinated, I don't mean to be disrespectful, I'm just not surprised and I'm wondering if the two of you would care to think about that.

WENDY BROWN: Let me just be clear about your question: I'm just wondering where the accent marks were: on the American or on the gender or on the …

FOURTH QUESTIONER: All of that, really. It is male–female as well as German and American; it is on the American, not just American but the West Coast situation …

WENDY BROWN: Okay, okay. Jewish, lesbian … [*audience laughs*].

FOURTH QUESTIONER: I'm not as well informed as all that, but …

WENDY BROWN: I thought I'd just help you.

FOURTH QUESTIONER: I hope you don't misunderstand my question completely.

WENDY BROWN: I think I understand. But neither of us, neither my comrade, Rainer, nor I want to be reduced to our subject positions and I know you don't want to do that, so we're going to think with you about it, which is what you asked for. I continue to

think that our differences are not coming out of subject positions or experience or even geographic locale or gender construction or some of those other things I mentioned. Though Rainer is resisting this, I actually think they're coming partly out of our intellectual formations. Rainer has not once formally gone near the Habermasian appellation I tossed over there – he even came over here with something that may not have been familiar to all of you about Wolinian republicanism being a common wellspring for both of us. I'll assume Sheldon Wolin is familiar only to some, and I accept that neither of us are exactly what our teachers formed us as – Wolin was my teacher, as Habermas was his, but neither my Foucauldianism nor his conceptual genealogy comport with these formations. I said at the beginning that what I thought what was at stake here in some ways was a Habermas–Foucault debate, but it is not absolute, it is not religious. Seriously, we're both working, I think, more creatively than that, and we're both trying to mess with those frames. But I do think we end up, crudely, in the following place: I think that I am relentlessly occupied with the fields of power on which tolerance always operates and I think that as attentive as Rainer is to those fields, he is also impelled, by virtue of his intellectual formation to some degree, to look for a conceptual way out of those fields, and I am balking at that.

So, as much as I appreciate the geopolitical and other subject-positioning locations you have identified, I would put the accent marks more on the intellectual formations. As I see it, they're not absolute but I do think that there is a certain desire from Rainer to

be able to have some political grammar for separating acceptable from non-acceptable arguments, good arguments from bad arguments, or politically legitimate arguments from less legitimate arguments. Tolerance is an interesting gambit here. It is interesting material for that political grammar. I don't accept it, but I also am less inclined towards the project itself. I don't think we're ever going to get to do that in politics. There will be different kinds of norms in every discourse and every governing rationality for what counts as a good argument and a bad argument but I don't think we're ever going to get it cleaned up and properly stipulated outside those discourses and governing rationalities. In politics, as opposed to philosophy, we're never going to get good political arguments that we agree qualify as good political arguments and get the rest cleaned out. I just don't think that this is going to happen, and I know that Rainer does not either, but I think he has a certain yearning for that.

RAINER FORST: Right.

WENDY BROWN: [*to Rainer Forst*] You can't just say that when I've accused you of all kinds of things!

RAINER FORST: No, no, I don't take these as accusations. I think they are accurate. Just to avoid one possible misunderstanding, let me emphasize that I wasn't arguing that toleration is a great thing and I wasn't arguing that there are good arguments in the political sphere on which all will agree. Most of the arguments that I think are good, most people don't agree on. I just

want to be able to *explain* what a good argument is. And, given the many examples we have had here tonight, I happen to think that there is some valuable work in trying to take your position as one that ought to be supported by better reasons than the positions that you think are wrong. That does not strike me as a very rationalist exercise; that is just what we do when we are convinced of something. When we do it as philosophers there is a bit more of a theoretical apparatus, but I think it needs to be done as citizens, too. Let me ask you about that field of power …

WENDY BROWN: But can I just say that to make such a move, and I agree we do it all the time, is always a rhetorical act. It is not a rational move, it is a rhetorical move to stipulate in a political context that such and such is a good (and hence legitimate) argument, that something else is a bad (and hence illegitimate) argument. This is always a way of ruling something in and ruling something else out, especially since you can make an important point in an impoverished way and a trivial or stupid point in an elegantly reasoned fashion.

RAINER FORST: I don't see these as exclusive descriptions: rational and rhetorical. A powerful argument can be an argument that is successful in different ways and, yes, arguments supervene on rhetoric. But when we engage with people, we hope that our rhetorical skills are in tune with our cognitive skills so that when we make an argument for what is right in a given case, especially if it is about norms to which all will be sub-

ject, we of course ought to argue on the basis of the reasons we think we can rationally present to others.

Can I ask about power and toleration? You say in an important passage in the first chapter of your book that the discourse you analyse as a discourse of power links up with further powerful discourses such as liberalism, the market-based society, and then colonialism. If that is a discursive complex where these things are connected, is there a genuine and special aspect that toleration reveals and that liberalism, market society, colonialism, et cetera wouldn't? Even if you say they are combined, by the end of the book I ask myself: is this an analysis of the discursive formation of a current form of liberalism or an analysis of the discursive form of toleration? What is the genuine aspect of toleration that adds to a larger governmentality analysis of liberalism?

WENDY BROWN: What I think tolerance does today for liberalism is different from what it has done in the past. Liberalism has two specific problems today: on the one hand, it's handling complexly multicultural orders, as opposed to … let us not say they were ever culturally homogenous, but perhaps fantasmatically and hegemonically homogenous orders, and it's representing the supremacy of Western civilization, by which I don't mean actual supremacy but articulating the supremacy of Western civilization vis-à-vis an imagined other, some other antagonistic enemy, or simply a different other. Tolerance is playing a really crucial role in both. In the first, I think that tolerance is operating as a supplement to equality, not as an equivalent but as a sup-

plement in the Derridean sense. It is finessing the differences that equality itself can't manage, can't realize in liberal democracies. More specifically, if equality in liberalism pertains to sameness, tolerance always pertains to difference. So tolerance is a crucial supplement to equality in liberal societies that understand themselves as suffused with difference and not only sameness. Liberal democracy has always promised equality on the basis of sameness; if what we now have is articulated and even antagonistically articulated differences, tolerance is the supplement that is managing those differences apart from equality. This is central to understanding how tolerance operates discursively today in multicultural societies, not mostly to navigate belief, not mostly to navigate differences of ethical or religious views, but to navigate historically produced differences discursively cast as entrenched, natural, ontological. These are not seen as effects of power or inequality but, again, simply as differences.

And then, on a civilizational level, tolerance functions in exactly the way your question pointed to [*indicates the first questioner*]. It is identified as a site of Western supremacy, or a site of supremacy vis-à-vis the imagined intolerant, and it is used to justify violence against the imagined intolerant. It is used at the level of civilizational discourse to wrap the West in a shroud of pure tolerance and endless tolerance, when in fact there are all these histories of intolerance as well as internal struggles over bigotry in the West. In civilizational discourse today, we are the tolerant, they are the intolerant, hence we can bomb them into tolerance, to put it dramatically. And so you're absolutely right that

in many ways this book, my book, is less a study of the concept of the possibilities of tolerance – which Rainer is happily reminding me of tonight – than it is a study that uses tolerance as a vantage point through which to study the problems or predicaments that liberal democracies find themselves in today. That is why I said at the beginning of my remarks that in some ways, we are actually theorizing very different objects. Rainer is looking at the possibilities of building tolerance into part of a better set of liberal democratic or social democratic arrangements, and I'm looking at the operations of tolerance in discourses that reveal something about the predicaments that liberal democracies face. That took so long and I said I'd be so brief.

ANTKE ENGEL: There is one last question from the audience, but actually, before that I would like to add one question myself to what Wendy just said, and I can put it very briefly and you can answer very, very fast. This is: if the discourse of tolerance is the discourse of managing difference, what other kinds of possibilities are there for those who do not want to enter the tolerance discourse?

WENDY BROWN: I can be really brief: if what tolerance does is mask the powers that have actually produced these differences as conflictual in the first place, then what we can do is study those powers and seek an old-fashioned address of them, namely seeking equality rather than tolerance.

ANTKE ENGEL: Okay, that was a quick answer and a precise answer, so … [*indicates the fifth questioner*]

FIFTH QUESTIONER: I would like to return to Wendy's remark that tolerance is not a concept but a powerful kind of Manichaeism. I think this is a very interesting difference between the discourses of you two. Wendy, I want to ask you if you would go so far as to say that if one tries, as Rainer Forst does, to take tolerance as a concept and not as part of the political discourse, then what happens is that tolerance becomes without noticing it, instead of a concept, part of another kind of belief system. Would you go so far as to say that if one tries to argue with tolerance as a different form of a concept in order to make political interventions, then one is not really arguing but is building and stabilizing a kind of belief system. Do you know what I mean? So I would be very happy if you could go a bit more into that relation of Manichaeism and tolerance.

WENDY BROWN: You've asked a huge, huge question. I guess I would just say this: I'm going to backtrack a little bit. Of course tolerance can be a concept; I mean, it is a concept. The question is what status concepts have in political life. The difference between what Rainer is doing and what I'm doing has to do with the different possibilities we ascribe to that, to the question of what status concepts can have in political life. I think Rainer seems to be more invested in the possibility that the concept can be loosened from existing discourses and introduced into a different set of possibilities in a democratic discourse. I don't think that

is hopeless, but it also happens not to be my focus; this is why I keep saying there is less of an argument here – I mean there is some argument here, obviously, but there is less of an argument here than there are, to some degree, different projects. Although I think what is also happening over the course of the evening is that both of us have become more interested in each other's projects. I mean I've always been interested in Rainer's project, but I get a little more what he is trying to do now than I think I ever did before.

Now, just to give two sentences on the question of Manichaeism, here is what worries me even conceptually about tolerance: its opposites. What worries me is that tolerance gets away with a lot because of what we imagine it is overcoming or pushing aside. And, again historically, it has done a lot, it has saved a lot of lives, it has done a lot of great work and I'm not going to deny that at all, but that is how, I think, it gets, as it were, the good reputation that it has today even while it is managing, even while it is securing a great deal of existing inequality and abjection; and even in somewhat colonial fashion, it is securing that inequality and abjection with the same *noblesse oblige* and that same magnanimity of power that colonialism almost always carries. Colonialism has the greatest discourses of tolerance, actually, that we have not even talked about. So what worries me is that precisely because of its other – that is to say, intolerance – tolerance appears more benign, more free of power and more capacious than it is. Nor does it appear to be engaged in a lot of the ruses that both Rainer and I agree it is engaged in:

producing subjects, abjection, subordination, and so forth.

ANTKE ENGEL: Right, I take this as Wendy's final statement, if that is okay, and I hand over to Rainer.

WENDY BROWN: Yeah, I'm done. Okay.

RAINER FORST: No, I don't want to have the last word. I'll only speak if Wendy can respond to it …

ANTKE ENGEL: All right, really briefly.

RAINER FORST: … because I want to address the question and I'll be really brief – I thank you for this question. Remember when I started my two times ten minutes (or three times ten minutes) I said that I proposed a dialectical perspective on toleration, and that means that whereas Wendy thinks I tried to abstract toleration from existing discourses, I believe existing discourses are not streamlined in the way that we sometimes think they are. Sure, tolerance discourse is always about power and it has always been about power, but it has always had a dominating and disciplining effect *as well as* the effect of resisting domination or discipline. That's why I mentioned the Levellers and the Monarchomachs and that's why I think that struggles of social groups today for the acceptance of their difference with equal rights inherit this dynamic of an emancipatory potential, of questioning power – the powers that be – with the help of a concept such as toleration, linked with others like democracy and jus-

tice. For, in a nutshell, to be tolerant in the right way means not to impose norms that cannot be justified reciprocally.

So we have different views of what the existing discourse of toleration is. You might think that's what happened, but I don't want to construct it such that on the one side there is what really goes on and on the other side there is what a philosopher thinks should go on. That indeed would bring us back to a conventional Habermas–Foucault story. But a complex Habermas story, as much as he differs from the old dialectic of enlightenment narrative, always has two aspects when we talk about modernity. In my book that means that toleration is a practice of perfecting rule over others *and* a practice of opposing such rule. I think toleration is both, or the discourse of toleration has both potentials. That is my way of looking at it.

In your view, the counter-power has to do with other powers, with powerful terms like 'equality', but my question would be: in the framework of equality that guides your view normatively, where is difference coming in as something that has to be respected and preserved? One reading is that whenever a demand for toleration (whether it is phrased with the help of that very term or not) is based on an argument for accepting certain differences, there is always a problematic construction about identity going on. So on a very radical reading, one would say equality has to come in so as to critically work this through – and then a positive notion of difference will be much harder to see; in fact, it might disappear.

WENDY BROWN: If tolerance is about objection, aversion, error, deviation, falsehood, I don't see how it gives you a positive notion of difference.

[*Audience applauds*]

NOTES

1 Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006). All endnotes are added by the editors.

2 Rainer Forst, *Toleranz im Konflikt* (Frankfurt am Main: Suhrkamp, 2003), in English as *Toleration in Conflict: Past and Present*, trans. by Ciaran Cronin (Cambridge: Cambridge University Press, 2013).

3 See *Toleranz: Philosophische Grundlagen und gesellschaftliche Praxis einer umstrittenen Tugend*, ed. by Rainer Forst (Frankfurt am Main and New York: Campus, 2000), and in that volume: Wendy Brown, 'Reflexionen über Toleranz im Zeitalter der Identität', pp. 257–81.

4 Herbert Marcuse, 'Repressive Tolerance', in *A Critique of Pure Tolerance*, ed. by Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse (Boston: Beacon Press, 1969), pp. 95–137.

5 See Rainer Forst, 'Pierre Bayle's Reflexive Theory of Toleration', in *Toleration and its Limits*, ed. by Melissa S. Williams and Jeremy Waldron (New York: New York University Press, 2008), pp. 78–113.

6 Preston King, *Toleration* (New York: St. Martin's Press, 1976).

7 Inspired by Jean Bodin's *Les Six Livres de la République*, written in 1576, the politiques, largely jurists and intellectuals, believed in the necessity of a strong monarchy for national security. They had an interdenominational and pragmatic approach and contributed to the end of the French Wars of Religion (1562–98) and to the *Edict of Nantes* (1598).

8 Immanuel Kant, 'An Answer to the Question: "What is Enlightenment?"', in *Political Writings*, ed. by H. Reiss, trans. by H. B. Nisbet (Cambridge: Cambridge University Press, 1991), p. 58.

9 Honoré G. de Mirabeau, Speech in the National Assembly of 22 August 1789, discussing the *Déclaration des Droits de l'Homme et du Citoyen*, quoted in Louis Barthou, *Mirabeau* (Freeport, NY: Books for Libraries Press, 1972), pp. 195–96.

10 The Levellers were a political movement during the English Civil War in the mid-seventeenth century, which emphasized, among other things, equality before the law and religious tolerance.

11 John Locke, *A Letter Concerning Toleration*, ed. by James Tully (Indianapolis: Hackett, 1983), p. 50.

12 Sheldon S. Wolin is an American political philosopher and writer on contemporary politics. He taught at the University of California, Berkeley, and at Princeton University. A large number of his students, including Wendy Brown, have subsequently become leading figures in contemporary political theory. His most important publications include *Politics and Vision: Continuity and Innovation in Western Political Thought* (Princeton, NJ: Princeton University Press, 1960).

13 The questioner most likely refers to the shooting and bombing attacks across Mumbai between 26 and 29 November 2008, which were soon blamed on the Islamist organization *Lashkar-e-Taiba* operating mainly from Pakistan.

EPILOGUE

Tensions in Tolerance

Luca Di Blasi and Christoph F. E. Holzhey

The debate between Wendy Brown and Rainer Forst, which took place in December 2008, was conceived and moderated by Antke Engel as a '*Spannungsübung*', that is, an exercise *of* or *in* tension. This format was developed by Luca Di Blasi at the ICI Berlin in the context of its inaugural core project *Tension/Spannung*, which aims at reflecting upon one of the Institute's guiding ideas: to explore ways of placing different cultures, discourses, and systems into productive confrontations, rather than insulating them from each other or arriving at a violent, pernicious conflict. *Spannungsübungen* are discussions that seek to identify subtle differences and elicit tensions between and inside differing positions without dramatizing them or forcing them into a rigid antagonism.[1] The debate *The Power of Tolerance* goes in many ways right to the core of the project *Tension/Spannung*. Not only does it exhibit and work through some tensions between the discussants' approaches towards tolerance, but the very term 'tolerance' – as Brown and Forst conceive of it – also contains tension in several senses of the word.

In this epilogue, we would like to give a background for the discussion between Brown and Forst, individuate differences between them, and reflect upon some controversial aspects of the debate. In particular,

we will refer to some ideas they developed in their main books on tolerance – Forst's *Toleranz im Konflikt* (*Toleration in Conflict*) and Brown's *Regulating Aversion: Tolerance in the Age of Identity and Empire*.[2] At the same time, we would like to indicate how the debate is fruitful for a critical reflection on the productive potential not only of tension, but also of the figures of multistability and complementarity, on which the ICI Berlin has focused in the past few years. Conversely, we would like to suggest how these figures may be made productive for thinking about tolerance.

1. TOLERANCES

Anyone who deals with the notion of tolerance in some detail will very likely notice sooner or later that this apparently harmless notion is quite 'elusive'.[3] It responds to conflicts and at the same time produces them; it stands for a struggle against power and can be understood as a practice of power; it is mobilized as a demand for recognition, but can also be taken as a manifestation of contempt.[4] Tolerance is a concept full of inner contradictions, and it is no wonder that different paradoxes can be connected with it.

The *tolerance paradox* is probably the most famous one: in order to preserve tolerance, one has to be intolerant towards those who are intolerant. Pushed to the extreme, this leads to an authoritarian 'zero tolerance' for the sake of securing tolerance. At the same time, there is the politically opposed, but similarly radical position that in an unjust society, tolerance favours

the persistence of social inequalities so that it is necessary – for the sake of furthering freedom, justice, and equality – to be intolerant even towards *tolerance*. This is the basic idea of Herbert Marcuse's famous essay 'Repressive Tolerance' from 1965, which became highly influential for student activism in the late 1960s.[5]

To some extent such paradoxes are already present in notions of tolerance used in other fields than those of morality and politics. The biological notion of 'self-tolerance', for instance, refers to the capacity of an organism to recognize endogenous substances and distinguish them from foreign substances that have to be repelled. In other words, the immune system is conceived as maintaining the organism's identity and integrity through intolerance. However, when it becomes too intolerant and lacks in self-tolerance, one arrives at a condition called 'autoimmunity': unable to exclude anything from exclusion, the organism becomes completely intolerant and ends up destroying itself.

Despite such paradoxes, the notion of tolerance in biology – as well as in other scientific fields, such as medicine and technology – seems less elusive. It indicates here a degree of indifference of systems to variation, or their capacity to remain unaffected by changing environmental influences. One thus speaks of thermal, physiological, and drug (in)tolerance. In engineering, fault-tolerant design seeks to ensure that a system continues to operate even when some of its components fail or information is lost during transmission. Pain tolerance has to do with the capacity of sensitive living beings to resist pain, while 'frustration tol-

erance' refers to a person's capacity to tolerate the frustration of its desires, or, in other words, to endure tension.[6] In all these cases, excessive tolerance may compromise the system's identity and integrity – if, for example, pain no longer functions as a warning signal or frustration ceases to be a motivational force – but the notion of tolerance is less paradoxical insofar as it primarily indicates the capacity of something (be it a biological or a psychic system) to maintain its identity and functionality in changing and often adverse conditions. What moral and political notions of tolerance add here is a specific way of symbolizing and internalizing the tension between a system and that which affects it.

The early Stoic understanding of tolerance as a virtue might be understood as the beginning of such an internalization. The Latin term *tolerantia* was first brought up by Cicero in 46 BCE, and was originally used in order to denominate the capacity to endure pain, be it physical (such as torture) or psychic (such as defeats or strokes of fortune).[7] While this understanding is close to that we previously sketched, it also indicates a specific kind of internalization, since tolerance is here understood as a dignified way of relating to oneself under difficult conditions, that is, as a sort of moral autonomy linked to an ethics of self-control. Through a further step, which is arguably connected with Christianity and has a similar structure as Jesus' command to 'love thy enemy', we arrive at a radically paradoxical form of tolerance: the voluntary *acceptance* of something that one *opposes* at the same time. Here, tolerance is not simply a matter of self-preserva-

tion, adaptation, or indifference to conditions beyond one's control: it is rather bound to a double, conflicting judgment. Both the 'objection component' and the 'acceptance component' – to use the terminology that Rainer Forst takes from Preston King[8] – seem to imply axiological, emotional, and rational dimensions rather than simply the preservation of a system's identity and functions in the face of variations. Acceptance, in particular, implies free will – that is, a degree of autonomy – suggesting that one could also decide to change the conditions to which one objects, or at least to attempt such a change.

One could even speak here of *contradiction*, especially when acceptance and objection are both based on reasons and thereby located in the same field. In this case, it may seem necessary to resolve the contradiction by introducing hierarchies, distinguishing, for example, between reasons and second-order reasons, or between ethical reasons and moral reasons, so that acceptance trumps objection without eliminating it.[9] A different and to a certain extent contrary strategy consists in situating acceptance and objection in different registers, understanding the latter, for instance, in a pre-theoretical sense as aversion to suggest an emotional or affective rather than intellectual reaction.

We will come back to these different presuppositions and how they may help to individuate differences between Forst and Brown. Here, we would like to suggest that the notion of *tension* might be productive in highlighting a peculiar characteristic of tolerance that is more general than paradox or contradiction, less limited to the intellectual realm, and therefore capable

of capturing both strategies just indicated. In this view, acceptance foremost involves the internalization of an external tension between a subject and that which disturbs it. This leads to an inner tension even if there may also be a sense of gaining control over the situation. If one understands tolerance as tolerating beings, convictions, or practices that one considers morally or aesthetically wrong or repugnant, one can thus see that the often-proclaimed virtue of tolerance is a call for sustaining tension. On an individual level, the virtue of tolerance calls for enduring tensions, that is, for enduring what one finds painful, distasteful, and even repugnant, rather than eliminating it from one's field of consciousness or experience. Also, on a political and social level, tolerance is meant to enable a form of integration that does not involve assimilation, but rather sustains differences that may well remain contested and hierarchical. Forst's book *Toleration in Conflict* can be understood in this sense as a plea for the possibility of living together *in conflict*.

However, the notions of tension and of its containment may offer an additional and critical perspective. If tolerance discourse contains tension by calling for an endurance of tension, it also contains tensions in the sense of limiting and stabilizing them. This stabilization may be welcomed insofar as tolerance prevents tensions from turning into violent conflicts, but tolerance may also prevent tensions from becoming productive or being addressed on a more fundamental level. Tolerance discourse can indeed participate in stabilizing, hypostasizing, and even creating the identities that are in a conflict, for which it then offers contain-

ment. The productive potential of tension here lies in the possibility of focusing on dynamic configurations *in* a situation *before* the establishment of fixed identities and clear conflicts *between* them; that is, in the possibility of considering the constitution of fixed identities as already a partial resolution of tensions.[10]

At the same time, the issues of implicit hierarchical power relations and of depoliticization on which the debate focused, apply just as much to tension as they do to tolerance. By offering a means for coping with conflicts at hand, prevailing tolerance discourse can stand in the way of getting to the core of these conflicts, or depoliticize them by making them appear natural, universal, and/or inescapable rather than the result of historically contingent power relations. Even if tension is situated at a different, more dynamic level, similar objections could be made against the focus on the productive potential of tension – at least if one remains on the (essentially aesthetic) level of praising the capacity to endure tension.

2. POWER/LESSNESS: TOLERANCE AS A MULTISTABLE FIGURE

As its title, *The Power of Tolerance*, indicates, the central issue of the present *Spannungsübung* is the connection between power and tolerance, or, to use Brown's formulation, the 'complex involvement of tolerance with power'.[11] In many ways, there is no disagreement on this point. Forst is just as aware and critical as Brown of the different possibilities inscribed in the no-

tion and discourse of tolerance to veil, reproduce, and stabilize inequality and domination. He notes that already in 1789, H. G. de Mirabeau criticized tolerance because of the presumed hierarchy between the tolerated and the one who tolerates. Hierarchical power relations indeed seem inevitable when someone (a superior power, a majority, etc.) is granting someone (an inferior power, a minority, etc.) certain rights. Even when this form of toleration is understood as a self-limitation of power, it remains problematic: toleration is a 'presumptuous word' (Kant) or even an 'insult' (Goethe).[12]

However, for Forst, such hierarchical power relations are not a general characteristic of tolerance as such, but only of one of its conceptions – one that he calls the 'permission conception' and contrasts with the 'respect conception'. As he explains further in his book (*Toleration in Conflict*), the respect conception 'proceeds from a morally grounded form of mutual respect on the part of the individuals or groups who exercise toleration'. It does not require that the tolerating parties view the others' conceptions of the good as equally true or ethically good, but rather that they accept them – in a symmetrical relationship of mutuality rather than hierarchy – 'as the results of autonomous choices or as not immoral'. In short, according to the respect conception, the 'person of the other is *respected*; her convictions and actions are *tolerated*'.[13]

While Forst suggests in the debate that such a respect conception of toleration remains politically productive insofar as it enables marginalized groups to resist domination by demanding mutually acceptable

reasons of justification, Brown remains sceptical about any positive potential of tolerance for emancipatory projects. Instead, she extends and radicalizes the critique of the political discourse of toleration in the 'Age of Identity and Empire' – hence the subtitle of her book *Regulating Aversion* – by highlighting on the one hand that tolerance not only maintains hierarchies between the majority and minorities, but is also part of 'a domestic governmentality' that actually produces the identities that it regulates; and on the other hand, that in the aftermath of 9/11, liberal tolerance discourse now functions as a legitimation of 'Western cultural and political imperialism' and promotes 'Western supremacy and aggression even as it veils them in the modest dress of tolerance':

> Tolerance […] emerges as part of a civilizational discourse that identifies both tolerance and the tolerable with the West, marking nonliberal societies and practices as candidates for an intolerable barbarism that is itself signaled by the putative intolerance ruling these societies. In the mid-nineteenth through mid-twentieth centuries, the West imagined itself as standing for civilization against primitivism, and in the cold war years for freedom against tyranny; now these two recent histories are merged in the warring figures of the free, the tolerant, and the civilized on one side, and the fundamentalist, the intolerant, and the barbaric on the other.[14]

To a large extent, Forst's and Brown's projects are complementary in the straightforward sense that they are simply different, do not contradict one another, and can therefore work in an additive manner to provide a fuller and more complex picture of tolerance

and its discourses. While Brown's opening statement suggests this much, Forst's resists a clear separation of their projects and insists that they must be 'related precisely where we talk about politics and power'. When projects are so different but nonetheless overlap in some domain, one might expect that they necessarily come into tension and conflict, and that at most one can prevail or, more likely, that both projects need to be modified in order to achieve some kind of synthesis. However, there may be other possibilities, as the phenomenon of multistable figures helps to suggest: one and the same image can be seen under quite different aspects, as in the duck-rabbit figure made famous by Ludwig Wittgenstein's *Philosophical Investigations*. Going further in a similar direction, the complex notion of complementarity developed by Niels Bohr for quantum mechanics asserts that two incompatible and mutually exclusive descriptions – such as wave and particle descriptions for elementary entities – may be equally valid and necessary for a full account, even if they cannot be combined into a single picture.[15]

In retrospect, it seems to us that the models of multistable figures and quantum complementarity may be productive for thinking both about the power and politics of tolerance and the relationship between Brown's and Forst's position on it. Indeed, the aspect of power inscribed in tolerance seems to be just as ambivalent as the general notion of tolerance itself. The title for the *Spannungsübung* was deliberately chosen to evoke different associations. Depending on how one understands power and tolerance, it can be read both in an affirmative and a critical way. The more sceptical one

is towards tolerance, the more a 'power of tolerance' connotes a threat. Conversely, an affirmative understanding of tolerance transforms the understanding of its power into something positive.

This instability or ambivalence of the title points to a deeper instability inscribed in the notion of tolerance, which becomes visible, for instance, when one compares the modern, political practice of toleration with earlier understandings of tolerance as a stoic virtue. The power relations seem to be exactly opposed insofar as the former issues from a hegemonic power making concessions to dissident minorities, while the latter indicates the capacity to bear pain and endure a higher power (be it a hostile environment, destiny, or a superior force). In other words, while asymmetries are normally present when talking about tolerance, it is not so clear if tolerance is an expression of superiority and domination or if it indicates, on the contrary, a strategy for dealing with a superior power from a position of subjugation or at least limited power.

Since the *Spannungsübung* is mostly based on a more political and modern understanding of the term 'toleration', the multistable character of power relations in toleration is less evident during the discussion. However, the introduction of distinctions in tolerance, which can be understood as attempts to resolve such ambivalences, are very much at issue. Although Brown is sceptical about Forst's argument for a politically productive conception of tolerance that avoids the pitfalls of the permission conception, she also makes space for a positive understanding of tolerance by distinguishing between a political discourse of tolerance

and a practice of toleration at the level of individual virtue. Indeed, she clarifies from the outset of the discussion that her work on tolerance is 'not against tolerance; rather, it is intended to be a critique of existing tolerance discourse. And here, critique does not mean being against and does not mean rejecting'.[16] Furthermore, she refers to her book's argument for the utility of 'cautiously distinguishing an individual bearing from a political discourse of tolerance' in order to 'stem the tendency […] to mistake an insistence on the involvement of tolerance with power for a rejection or condemnation of tolerance'.[17] In fact, the book also addresses the possibility of a reversed power relationship in tolerance. In a footnote at the beginning of the chapter 'Tolerance as a Discourse of Power', she asks:

> But what of the tolerance exercised by those enduring sustained oppression or violence, e.g., those who stoically 'tolerate' slavery, colonial rule, male dominance, or apartheid? How is this kind of tolerance accounted for by the argument that tolerance is always extended from the hegemonic to the liminal, from the powerful to the weak, from the insiders to the outsiders?

Her answer is to refer back to the distinction between an individual and a political understanding of tolerance:

> [T]olerance as an orientation or capacity, which is what the dominated or suffering subject exhibits, is different from a *regime* of tolerance and especially from the positive political valuation of tolerance as a feature of pluralist or secular societies.[18]

While Brown's analysis of the political discourse of tolerance seems compatible with Forst's permission

conception, the other sides of their distinctions – Forst's respect conception and Brown's notion of tolerance as an individual ethic or virtue – make it clear that these are quite different ways of resolving tolerance's inner tensions. Before exploring these differences and their implications, we would like to highlight how these distinctions, rather than distinguishing separable regimes of tolerance, can turn tolerance into a multistable figure. Brown notes that her distinction implies neither that the two sides are unrelated nor that one is always benign and the other always oppressive, and Forst emphasizes that there can only be one concept of toleration and that the conceptions of which he speaks are different interpretations of its elements.[19] In the language of multistable figures, we could say that the conceptions form different aspects under which tolerance can be seen, especially since Forst also indicates that rather than being characteristic of different regimes of toleration, these conceptions exist simultaneously, come into conflict, and contribute significantly to debates about toleration.[20]

For instance, although tolerance was initially used more in an ethical and individual than in a political sense, there was already in early Christianity a tension between tolerance in the sense of patiently bearing what cannot be changed and tolerance as forbearance towards others (which can be further developed in the direction of a permission conception). Soon thereafter, 'the Christian Church changed from being a persecuted church into being a tolerated church' and ultimately became a 'persecuting church'.[21] Interestingly, it turns out, as Forst's chapter 'The Janus Face of

Christian Toleration' highlights, that the same arguments for toleration can quite easily mutate into their opposite in this process, even in the hands of the same author (Augustine).[22] It seems to us that such a 'Janus-faced' or 'multistable' structure is quite a general characteristic of tolerance: different conceptions coexist not only during the same historical period, but also in the same context and for the same actors, with the result that the situation can be seen under quite contrary aspects and lead to opposite conclusions.

The conceptions themselves thereby become unstable. Even the permission conception, which would seem to be a clear demonstration of power, could be seen more ambivalently as an indication of power facing its limits. When a superior power limits itself in an ostensibly deliberate and moral way, can one not always suspect this tolerance to be an expression of a power that recognizes its limitations and decides that it might be better to limit itself for reasons of self-preservation? Here, one might be tempted to generalize again what Forst relates especially to ancient times: 'in the Roman Empire, toleration was chiefly a function of insight into the limits of imperial power, and at the same time into the strategic possibility of maintaining it'.[23] The power asymmetry no doubt persists, as does the critique of tolerance discourse for its implication in governmentality. However, another aspect emerges here within the permission conception, namely the seemingly opposite view of tolerance as the individual, ethical virtue of enduring what one does not have the power to change. Not only did this earlier understanding never disappear – even if a political no-

tion predominated since early modernity – but it also supplements the permission conception by decorating the tolerant with virtue and moral superiority. And one can always suspect such claims to virtue and morality of being reactive or retroactive strategies to endure better – and draw benefits from – what one cannot change, at least not without the risk of worsening the situation.[24] One can see in them a variation of Aesop's famous fable about the fox and the grapes: while the fox declares undesirable what it cannot achieve, the tolerant accept what they find undesirable. Reasons are found to be content with a situation that cannot be changed, and in the case of tolerance, a necessity is indeed turned into a virtue, as the German version of the phrase 'sour grapes' goes: 'Aus der Not eine Tugend machen'.

Pushing in this way the multistability of tolerance with respect to power and morality could seem to suggest that invocations of morality and virtue in the practice and discourse of tolerance can always be seen under the aspect of veiling powerlessness in order to prevail in a game of power. What risks getting lost here is the possibility of criticizing hierarchical power relations, inequality, and injustice on moral grounds. It is indeed difficult to see how one can unmask all actions supposedly based on moral reasons as strategies of power without ending up with a view of society as a mere field of power relations where the most powerful groups enforce their own rules and values. And even if this were the case, we are not, as Hume already knew, forced to accept or even affirm it. Tolerance is an interesting notion here because it seems to be situated

not only between the individual and the political sphere, and between morality and law – the term *Toleranz* or tolerance, for example, exists neither in the German nor in the US constitution and its amendments[25] – but also between the 'is' and the 'ought' of the famous 'Is–Ought' problem. It provides the possibility of living on in conditions that one does not necessarily affirm: that is, of accepting the existence of something without legitimizing or affirming it.

Such an understanding of tolerance resonates with the 'respect conception' favoured by Forst and exhibits the kind of depoliticization criticized by Brown. We arrived at it by conjuring up a debate in which the discussants resisted engaging in (though it was at times broached) the debate between Foucauldian discourse analysis and Habermasian discourse ethics. This debate may by now seem 'tired'[26] precisely because it tends to end up in a multistable figure endlessly oscillating between the mutually exclusive alternatives of seeing society as fully governed by power and envisioning it as regulated by moral norms. The model of multistable figures or complementarity (in the quantum sense) may be useful here to suggest the possibility that one neither needs to decide between the alternatives nor find a synthesis, but can affirm both alternatives despite their incompatibility. This is a possibility to bear in mind while exploring ways of resolving an alleged incompatibility or of better understanding its source in concrete cases. We would therefore like to return to the question of how Brown and Forst partially resolve what looks like an inherent inner tension in tolerance through distinctions and specifications of

different kinds. Here, multistability may enter at another level that goes deeper than the possibility of seeing the concept and practice of toleration under different aspects.

According to the 'perceptual conception' of tolerance proposed by David Heyd's introduction to the volume *Toleration: An Elusive Virtue*, multistable figures are helpful for thinking about the relationship between objection and acceptance:

> [T]o be tolerant one must be able to suspend one's judgment of the object, to turn one's view away from it, to treat it as irrelevant, for the sake of a generically different perspective. It is a kind of a Gestalt switch, which, like the rabbit-duck case, involves on the one hand a choice, sometimes an intentional effort, and on the other hand an 'image' that is always exclusive of its competing image at any given time.[27]

Although Forst uses the figure of a 'Janus face' in reference to Christian toleration, he criticizes Heyd's theory of a gestalt switch – which treats the sets of reasons for objection and acceptance as 'qualitatively distinct and irreducible to any common ground' – because it 'incorrectly assumes that the negative reasons are disabled in the process'.[28] However, this question and that of where a common ground may be situated, if at all, seem to be precisely at issue in debates on tolerance.

3. DE/POLITICIZATIONS, OR: WHAT IS AT ISSUE?

In following the debate, it is not easy to identify precisely the point of difference between Brown and Forst. On the level of concrete political and ethical positions, for example, there seems to be no relevant difference between the two. Furthermore, as we already indicated, both understand tolerance as an ambivalent term. Finally, and also as already indicated, both are equally critical of a form of tolerance that follows from what Forst calls the permission conception, which implies not only that they are similarly attuned to the importance of (veiled) power relations, but also that they are invested in a form of moral normativity.

At the same time, there is also a sense of a deeper tension or even incompatibility, which comes from more than the difference between their projects. In fact, it arises from the common terrain of overlap between their projects, namely their critique of tolerance when it functions as a practice of power in the political realm. This tension is perhaps best approached through a detour by focusing first on the other side of the distinction used to resolve tolerance's ambivalence, that is, on how they conceive of good forms of tolerance. Here, the manner of drawing the distinction is quite different: while Forst proposes another conception of tolerance – the 'respect conception' – Brown limits the field where tolerance can be beneficial, restricting it to the individual and the non-political. This difference turns out to also have significant implications in the domain where their critiques seem to overlap.

Let us begin with Brown and, more concretely, with the term 'aversion' that appears in the title of her book. Remarkably enough, the term hardly appears in the book itself, but upon closer inspection the *notion* of aversion plays, in fact, an interesting role. The notion of aversion suggests an unconscious (negative) emotion, and such an emotional and aesthetic dimension is central precisely when Brown concedes that a less problematic or even positive understanding of tolerance is possible. The few times that Brown accepts a positive understanding of tolerance, this use is not only limited to the non-political, but also to a non-rational, aesthetic, or emotional sphere of aversions: 'a friend's irritating laugh, a student's distressing attire, […] the repellent smell of a stranger, a neighbor's horrid taste in garden plants'.[29] In certain cases, we cannot prevent having specific sentiments of provocation and irritation, but we can and should control the expression and articulation of these impulses. If we are able to do so, we are, according to Brown, tolerant in a positive sense: 'the world is surely a more gracious and graceful place if I can be tolerant in the face of them'.[30]

What is striking here is not only that this limitation is at the same time an extension – since according to Brown this (positive) tolerance can probably be attributed to 'every sentient animal'[31] – but also the fact that good tolerance is attributed to a domain that is quite insignificant in the common usage of the term 'tolerance', which, to say the least, is not limited to morally completely irrelevant practices or habits. And with this shift, Brown's positive notion of tolerance seems in fact exactly opposed to Forst's, which requires a rational

dimension: that is, a dimension that distinguishes – at least according to a traditional view – human beings from animals. This requirement is already suggested by Forst's specification that there must be a 'normatively substantive objection' in order to be able to speak of tolerance (in contradistinction to indifference),[32] and it becomes particularly clear in one of the many paradoxes that Forst addresses in his book, namely the paradox of the 'tolerant racist'. If, as Forst maintains, tolerance requires both objection and acceptance, one might argue that the more that people object to convictions, practices, or other groups of people without acting against them, the more they are tolerant. A 'tolerant racist' would thus excel in the virtue of tolerance. In order to deal with this paradox, which is structurally similar to the famous debate between Schiller and Kant on whether or not morality requires a battle against inclinations, Forst argues that one must formulate 'minimal conditions for objection judgements'.[33] Only once these conditions are met can we speak of tolerance as a virtue. In other words, acceptance and objection are necessary but not sufficient, and what it also needed, according to Forst, is that the objections are based on some rational reasons that are 'sufficiently "defensible"'.[34] Otherwise, so the argument goes, the persistence of what one rejects for moral or political reasons would be accepted and even encouraged. So although some people might act in a 'tolerant' way, if their objections do not seem to be acceptable as somehow rationally or intersubjectively justifiable, they do not deserve to be called tolerant in the sense of a virtue.

While this conception might be comprehensible and convincing in some cases, an important question arises: who decides whether or not 'minimal conditions for objection judgements'[35] are present, and who is in a position to distinguish when arguments are irrational and when they are rational? If we follow this conception, are we not dividing people into two groups, those whose objections we consider sufficiently rational, so that we call them tolerant when they accept others to whom they object, and those whose objections we consider 'grossly irrational'[36] so that we cannot understand them to be tolerant and consequently we may even feel justified in not being tolerant towards them? Ultimately, these questions are related to the notion of reason, however it is understood. They recall the questions we raised at the end of the previous section. We are again confronted here with the possibility of suspecting specific (power) interests and implicit exclusions behind supposedly rational and intersubjective procedures, and of interpreting what presents itself as symmetrical and neutral – and in this sense depoliticized – as a way of masking political interests.

Brown criticizes the discourse of tolerance precisely for its depoliticizing effects. 'Depoliticization', she writes, 'involves construing inequality, subordination, marginalization, and social conflict, which all require political analysis and political solutions, as personal and individual, on the one hand, or as natural, religious, or cultural on the other.'[37] Given such a critique of depoliticization, it may seem paradoxical that Brown's only positive notion of tolerance is almost

completely separated from any political or moral dimension. However, the question of good tolerance turns out to be also a question of the limits of (de)politicization. Is depoliticization necessarily negative and politicization necessarily desirable? While any form of depoliticization can always be suspected of supporting inequality and injustice, unlimited politicization tends to transform our understanding of society and the human world into a mere political battlefield.[38] Brown is not only highly sensitive and critical about hidden forms of depoliticization: in her opening statement, she also seems to allow for the possibility that there is a 'best sense' in which 'tolerance, rightly understood and rightly practiced, would de-politicize' issues such as the headscarf and gay marriage 'by expanding the sphere of private and individual choice that is to be respected as non-negotiable in the public sphere'.[39] The terms she uses when noting that a 'tolerant individual bearing' in many circumstances makes the world 'a more gracious and graceful place' might be read in this direction. 'Graciousness' and 'gracefulness' are terms that go back to the Latin term '*gratia*'. This is interesting insofar as it relates to a (hierarchical) understanding of tolerance by indicating a sphere beyond justice and a positive attitude towards someone found guilty; at the same time, all objections have completely disappeared with grace, and in this sense it is no longer a case of tolerance. This is the reason that the terms 'graceful' and 'gracious' can evoke the possibility of a realm outside the sphere of endless power struggles and legal disputes, and part of the *power of tolerance* – the reason that the notion of tolerance does not com-

pletely disappear despite all legitimate suspicions and critiques – lies perhaps precisely in the 'power' to evoke a 'gracious and graceful place' beside or outside power and beyond tolerance.

However, to evoke a place is not the same as helping to realize it, and Brown's 'depoliticization' of good tolerance is in fact fully consistent with the critique of tolerance for its inherently depoliticizing function. For in this case, the only positive form of tolerance possible is one in which there is nothing to depoliticize, that is, when it operates in circumstances without 'inequality, subordination, marginalization, and social conflict, which all require political analysis and political solutions'. This is where Brown's distinctions conflict most clearly with those of Forst, even if they seem to overlap in their critique of the permission conception. For within the political field, the difference between permission and respect does not even register in Brown's way of resolving the ambivalence of tolerance.

What this retroactively indicates is that Brown's and Forst's critiques of the permission conception also differ. Forst mostly seems to worry that permission is not properly justified by moral reasons, but is rather given opportunistically, say, in the interest of conserving power. As a result, the permission is not reliable and can be withdrawn just as quickly as it is given, maintaining thereby a clear hierarchy of power. The aim of the respect conception is to find a proper, moral justification for acceptance, one on which the parties involved can reciprocally agree in a process of mutual deliberation – a process to which minorities with lesser power are also entitled and which can be considered a

political process in the best sense of the word. The claim is that one can arrive at a 'foundation of toleration which is *immanent* in the social and theoretical conflicts over toleration' – a foundation that is independent of any 'external norms or values' and based solely on the 'fundamental right to justification to which all human beings as human beings […] have a claim'.[40]

Establishing such a procedure for acceptance is not Brown's concern, and while she may be sceptical about its feasibility, she does not seem to have issues with this project. Her focus does not lie on questioning the justification of rejection so that it can be turned into acceptance, but rather on the negative judgment of objection that remains even after the tolerant have recognized the moral justification of acceptance. For Forst, what is productive about tolerance in the respect conception is precisely that it can lead to an agreement of mutual tolerance without requiring the parties involved to give up their ethical values and convictions. For Brown, this may be fine in the private field, but in the field of politics characterized by power imbalances, the effects of toleration in which she is interested are much the same as in the permission conception. These effects are indeed primarily linked to the 'objection component' and to the way it produces and regulates identities. It is *this* order of politics – rather than the deliberation over what is or is not rejected – that is 'disavowed' and 'buried' by tolerance according to Brown.[41] For even if one extends the right of justification to the objection component (and abstracts from the problem, which we already highlighted, of how

and by whom the minimal moral threshold is determined), it is hard to see what kind of political process could occur once the conditions for the respect conception of tolerance are realized.

Once it has been determined through mutual justification that there is no morally justifiable reason for rejection, does not the paradox of the tolerant racist persist precisely by soliciting (ethically or scientifically rationalized) justifications for objections so that one can excel in the virtue of tolerance? Once the immorality of rejection is established, why *only* tolerate? Would not morality demand that one aims at the disappearance of objection, and if tolerance is to be understood to require an objection component, should not tolerance as a virtue strive for its own abolishment? To put it in Goethe's words, as quoted by Forst: 'Tolerance should be a temporary attitude only; it must lead to recognition. To tolerate means to insult.'[42] This view is consistent with Brown's distinction between two moments of tolerance:

> [T]hough tolerance of homosexuals today is often advocated as an alternative to full legal equality, this stance is significantly different from promulgating tolerance of homosexuals as an alternative to harassing, incarcerating, or institutionalizing them; the former opposes tolerance to equality and bids to maintain the abject civic status of the homosexual while the latter opposes tolerance to cruelty, violence, or civic expulsion.[43]

Brown's project aims at the former, but she acknowledges the relevance of the latter, which relates to Forst's project. Struggling against violent rejection in the spirit

of the respect conception could be considered as a historical condition for worrying about abjection persisting through tolerance. What is more, the political process of reciprocal justification remains necessary if one wants to ensure that the rejection of rejection is morally grounded (rather than based on a particular ethics that seeks to prevail through power or is caught up in the paradox of embracing everything by rejecting all rejections).

While this debate focuses on examples where the interlocutors can assume consensus over the absence of sufficient moral reasons for rejection (of homosexuality, gay marriage, and the headscarf), public debates about tolerance often concern issues where it is not so clear whether they should lead to rejection or acceptance. Different basic rights intersect and collide here in a way that makes it appear unlikely or even impossible that conflicts or processes of justification will ever come to an end. It is especially here that we are confronted with the deeply multistable character of tolerance and its critiques. The practice of female circumcision or genital mutilation might be such a case. Tolerance can appear intolerable here because of its *acceptance component*, that is, because it would result in accepting violence against young women. Merely objecting to this practice, in other words, seems insufficient, and only a juridical prohibition seems acceptable. At the same time, tolerance can also appear intolerable because of the *objection component*, which tolerance would sustain and perpetuate. Even taking female genital mutilation as an example may appear as a problematic continuation of an occidental, colonial dis-

course; in other words, arguably more than in the debates of the headscarf, different 'progressive' feminist and postcolonial perspectives collide and attest to the possibility of adopting contrary standpoints against tolerance.[44] Seeing such a *gestalt switch* in critiques of tolerance may help to appreciate the importance of mutual respect that Forst underlines in the respect conception of tolerance. It may contribute to opening a space that allows for the articulation and negotiation of mutually incompatible ethical convictions – a space that seems necessary for the political process of reciprocal justification, but that at the same time is depoliticized insofar as it is imagined to be governed by reason rather than power relations or social hierarchies.

While the paradox of a non-political condition for politics may lie at the core of the Habermas–Foucault debate, the Brown–Forst debate highlights other questions. One way of specifying the way in which their positions may be complementary is by asking about the necessity of tolerance for political processes of reciprocal justification. From a pragmatic perspective, it may seem more realistic that the parties involved can come to an (at least temporary) agreement when the alternatives include the possibility that the practice in question is tolerated – which both parties may see as a sort of bad compromise, but one that allows them to maintain their ethical positions – rather than being limited to rejecting a practice versus dismissing the validity of objections against it. Once this political battle is decided – and for those cases where the outcome is tolerance – one can then engage in the next political

project of politicizing tolerance and working towards its self-dissolution by addressing the objection component.

While Brown does not appear unsympathetic to such a repartition of projects, she also questions the necessity of tolerance and seems to suggest that freedom of speech and opinion would suffice in order to negotiate rights.[45] Following her critique of tolerance, one might be led to viewing toleration in politics not only as a phase that should be overcome, but one that could be avoided altogether. Such a short-circuiting of toleration may be less pragmatic, but one could indeed imagine engaging in the process of mutual justification without having toleration as one of its possible outcomes. However, justification takes time and seems to require that the (ethical) objections to be negotiated should be maintained during the process. In other words, the right to justification may be incompatible with a *simultaneous* readiness or demand to let go of ethical objections. To the extent that the process of mutual justification is circular or 'recursive',[46] and only ever comes to provisional conclusions, the temporal sequence and rhythm of justification and deconstructing objections is crucial. In this case, the two projects would be mutually exclusive and so remain equally necessary in the foreseeable future.

NOTES

1 Together with Marc Jongen, Luca Di Blasi initiated the first *Spannungsübung* in May 2007 between Vittorio Hösle and Boris Groys on the power of reason (Boris Groys, Vittorio Hösle, *Die Vernunft an die Macht: Ein Streitgespräch*, ed. by Luca Di Blasi and Marc Jongen (Vienna: Turia + Kant, 2011)). He also conceived of the *Spannungsübungen* with Hans Ulrich Gumbrecht and Gianni Vattimo on hermeneutics in 2007 and with Vittorio M. Lampugnani and Hans Kollhoff on architecture and urban planning in 2010.

2 Rainer Forst, *Toleranz im Konflikt* (Frankfurt am Main: Suhrkamp, 2003), in English as *Toleration in Conflict: Past and Present*, trans. by Ciaran Cronin (Cambridge: Cambridge University Press, 2013); Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton: Princeton University Press, 2006). There are a number of other publications by Brown and Forst related to their debate, including Forst's *The Right to Justification* (New York: Columbia University Press, 2012) and Brown's 'Civilizational Delusions: Secularism, Tolerance, Equality', *Theory & Event* 15.2 (2012). For further references, see the 'Notes on the Contributors' at the end of this volume.

3 *Toleration: An Elusive Virtue*, ed. by David Heyd (Princeton: Princeton University Press, 1996).

4 Cf. Forst, *Toleration in Conflict*, pp. 14–15.

5 Herbert Marcuse, 'Repressive Tolerance', in *A Critique of Pure Tolerance*, ed. by Robert Paul Wolff, Barrington Moore, Jr., and Herbert Marcuse (Boston: Beacon Press, 1969), pp. 95–137.

6 The notion of 'frustration tolerance' was initially developed by Saul Rosenzweig in the late 1930s to designate the capacity 'to withstand a given frustrating situation without distorting the so-called "objective" facts of the life situation'. Rosenzweig conjectures that the hypothesis of areas of low or high frustration tolerance might 'provide a working definition of the difference between the psychotic […]; the neurotic […]; and the normal individual – in whom a relatively high frustration tolerance would usually be found throughout the personal-

ity'. See Saul Rosenzweig, 'A General Outline of Frustration', *Journal of Personality* 7.2 (1938), pp. 151–60 (p. 153).

7 Cf. Forst, *Toleration in Conflict*, p. 37.

8 Cf. ibid., pp. 18–23.

9 Ibid., pp. 20–22.

10 On the distinction between 'tension in' and 'tension between', see Christoph F. E. Holzhey, 'Tension In/Between Aesthetics, Politics, and Physics' in *Tension/Spannung*, ed. by Christoph F. E. Holzhey (Vienna: Turia + Kant, 2010), pp. 13–45.

11 Brown, *Regulating Aversion*, p. 9.

12 See also Rainer Forst, '"To Tolerate Means to Insult": Toleration, Recognition, and Emancipation', in *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory*, ed. by Bert van den Brink and David Owen (New York: Cambridge University Press, 2007), pp. 215–37.

13 Forst, *Toleration in Conflict*, pp. 29–30. In this book, Forst distinguishes altogether four conceptions, adding also a 'coexistence conception', which is already horizontal insofar as 'those who exercise tolerance are at the same time also tolerated' (p. 28), and an 'esteem conception', which involves 'esteeming convictions and practices of other communities as ethically valuable', albeit – if one is still to speak of toleration – 'with reservations' (pp. 31–32).

14 Brown, *Regulating Aversion*, pp. 6–7.

15 The concepts or models of multistable figures and complementarity were two central topics of the ICI Berlin during the past years. Regarding multistable figures as models, see *Multistable Figures: On the Critical Potentials of Ir/Reversible Aspect-Seeing*, ed. by Christoph F. E. Holzhey (Vienna: Turia + Kant, 2014).

16 See p. 13 in this volume.

17 Brown, *Regulating Aversion*, pp. 13–14.

18 Ibid., p. 215.

19 Forst, *Toleration in Conflict*, p. 17.

20 Ibid., p. 27.

21 Ibid., p. 47.

22 Ibid., §5 'The Janus face of Christian toleration', pp. 47–70 (p. 48).

23 Ibid., p. 36.

24 Cf. Brown, *Regulating Aversion*, p. 27: 'If tolerance poses as a middle road between rejection on the one side and assimilation on the other, this road, as already suggested, is paved by necessity rather than virtue; tolerance, as Nietzsche would say, becomes a virtue only retroactively and retrospectively.'
25 Cf. Brown, *Regulating Aversion*, p. 11.
26 Cf. Brown in this volume, p. 13.
27 See David Heyd, 'Introduction', in *Toleration*, ed. by Heyd, pp. 3–17 (p. 11).
28 Ibid., p. 11 and Forst, *Toleration in Conflict*, p. 20 n. 11.
29 Brown, *Regulating Aversion*, p. 13.
30 Ibid.
31 Ibid.
32 Forst, *Toleration in Conflict*, p. 18.
33 Ibid., p. 20.
34 Ibid.
35 Ibid.
36 Ibid.
37 Brown, *Regulating Aversion*, p. 15.
38 Eve Kosofsky Sedgwick addresses a similar tension through the notions of 'Paranoid Reading and Reparative Reading'. Cf. *Touching Feeling: Affect, Pedagogy, Performativity* (Durham: Duke University Press, 2003), pp. 123–51.
39 Cf. p. 21 in this volume.
40 Forst, *Toleration in Conflict*, p. 451.
41 Cf. Brown, *Regulating Aversion*, p. 14.
42 Quoted from Forst, *Toleration in Conflict*, p. 3.
43 Brown, *Regulating Aversion*, pp. 10–11.
44 Alternatively, one could say that the notion of 'progressive' becomes unstable in debates on tolerance. Cf. Brown's observation that critics of tolerance cross party lines and that it is not only the Christian Right that objects to 'excesses of tolerance': 'there are also progressives who assail a tolerant multiculturalism for its hesitation to condemn cultural practices such as female genital circumcision or, as in France the wearing of a *hijab* by Muslim girls' (*Regulating Aversion*, p. 207 n1).
45 See pp. 17 and 42 in this volume.
46 Cf. Forst, *Toleration in Conflict*, pp. 451–53.

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