**Toleration and Self-Skepticism**


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I. Introduction

One of the most influential defenses of toleration relies on the invocation of self-skepticism in individual judgment. If we are motivated by the selection of the most morally defensible policy – either in relation to norms governing the society as a whole or a group of individuals within it – accommodating the judgments of those who disagree with us has more to recommend it when there is a significant possibility that they may be right than when such a possibility is minimal or not present at all. Not only would such an accommodation, as Mill famously argued, make it more possible for us to “exchange error for truth,” but it may also prevent the disappearance of true opinions or ways of living that may, in fact, be morally defensible against the present judgment of the majority. Even if we choose to be accommodating of disagreement for other, non-epistemic, reasons, such as the regard for individual autonomy, the presence of self-skepticism has the effect of strengthening those motives, or at least of suppressing others that may be in conflict with them, such as the duty to help others return to “the true church.” When and how much self-skepticism is warranted has, therefore, become a central concern of the epistemic accounts of toleration.

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1 I am grateful for the valuable comments from and conversations with Ingrid Creppell, Eric Dickson, Catherine Hafer, Russell Hardin, Pasquale Pasquino, and Bernard Manin.

2 *Epistemic* theories of toleration, several examples of which are discussed in this paper, share some, but not all, of their features with the *skepticist* philosophical tradition running from the Stoics to Montaigne and Lipsius to their present-day followers. These shared features include the recognition of the existence of conflicting moral beliefs, of their local justifiability, and hence, of residual uncertainty over the correctness of one’s own beliefs (*self-skepticism*). However, unlike the skeptics, defenders of the epistemic theories disavow neither the interest in nor the possibility of discovering the correct/true moral propositions. To be sure, this criterion does not allow us to distinguish as unambiguously skepticist or epistemic historically influential defenses of toleration by Spinoza and by Locke, but it does go to the heart of the arguments against toleration that were convincing to the skeptics of Montaigne’s circle and that would not be convincing to those who uphold the value of ascertaining moral validity. (See Tuck (1996) for an instructive historical reconstruction of these arguments and of the evolution of skepticist attitudes to toleration prior to Locke’s *Letter Concerning Toleration*.) To underscore the analytical distinctiveness of the epistemic arguments, while acknowledging both their shared historical pedigree with skepticism and their reliance on self-skepticism, I refer to them as species of *epistemic skepticism*. 
The theoretical prominence of such accounts, especially in the last two decades, has also been sustained by the fact that they do not, at least explicitly, rely on values that can be clearly identified as idiosyncratically “comprehensive” – prima facie favoring one comprehensive moral doctrine over others. In extending their reach beyond such values, this quality of epistemic arguments has made them critical supporting elements of various articulations of political liberalism.³

The existing epistemic accounts of toleration are, nonetheless, bound to leave one with a sense of dissatisfaction. One reason for that is their apparent empirical (im-) plausibility: a thoroughgoing self-skepticism in response to moral disagreement flies in the face of very stable patterns of individual beliefs. Despite widely available evidence of disagreement, people rarely are, or consider themselves to have reasons to be, self-skeptical.⁴

Another difficulty is theoretical. The justifications of toleration from self-skepticism appear to require abandoning the possibility of the robustness of most of our deeply held moral values – not only in the sense of our believing them to be true, but also in the sense of our being under an obligation to act on their behalf. Even if this apparent trade-off between toleration and political action may, in a given instance, prove justified, the fact that it has received considerably less attention than the trade-off between toleration and certainty should raise questions about the proposals that rely on it. In this sense, the value of toleration cannot be assumed – it has to be generated by a theoretical account that calls for it. At the end of the day, toleration as a broad social practice has to be seen as furthering the key value or values we endorse (e.g., justice, security, welfare) to explain why we should be trying to get it.

It is true that in some of the historically paradigmatic cases for liberal toleration – involving freedom of thought or of religious belief – the cost of political inaction is not particularly high (even when such freedoms may inconvenience those with political power).⁵ But the cases that dominate the political agenda of toleration today are

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³ See Barry (1995a).
⁴ As Gaus (1996, p. 155) notes, “our standard epistemological situation is an overabundance, not a paucity, of reasons.”
⁵ Indeed, as J. S. Mill (1859/1989) noted, the toleration of disagreement may sometimes be beneficial to furthering the cause entailed in the majority view. In what follows I will have little to say about such cases directly, even though the explanation for disagreement I will offer is consistent with them as well.
considerably harder, evoking moral opposition to all relevant ways of proceeding.\textsuperscript{6} In these cases, toleration appears to come at the cost of much more global inaction by the majority, with consequences ranging from foregoing a society friendly to one’s undemanding personal comprehensive views\textsuperscript{7} to a loss of democratic sovereignty in failing to take a collective welfare-enhancing action that would otherwise be favored by a decisive coalition, to the acceptance of a moral loss from failing to stop what may be an act of moral injustice.

My goal in this paper is to examine some of the key structural features of the epistemic accounts of toleration in relation to these harder cases and to sketch the broad contours of an alternative account that may be more able to deal with both the empirical and the theoretical difficulties just raised. When one considers alternatives to toleration on the terms defined by these cases, the right tradeoff between political activism and the accommodation of disagreement becomes an open and complex moral problem. The key issue is how seriously to take the disagreement. Should the majority feel constrained by it? If yes, in what way? Because, at bottom, “toleration is something we extend to those we are capable of suppressing,”\textsuperscript{8} an expectation of majority restraint must be accompanied by a convincing set of arguments for why the majority should be willing to recognize that restraint as binding.\textsuperscript{9}

I take as my starting point the acceptance of two negative premises about the effective implications of this view. The first premise is that one, and arguably the most prominent, epistemic argument in favor of majority restraint – the argument from the absence of moral certainty – should be regarded with considerable suspicion. The moral significance of the costs of toleration is compelling evidence that something is amiss in theories that base their justifications of toleration on the presence or absence of \textit{certainty} with respect to the moral judgments in question. “Probability 1” moral judgments are

\textsuperscript{6} In practice, such cases often fall into one of two categories: (a) majority decision vs. minority opposition on an issue of state action within a single moral community; and (b) disagreements between communities about the morality of internal practices (typically exemplified by the liberal majority’s opposition to the internal practices of illiberal minorities). The arguments below address both of these categories, explicitly identifying them when the relevant implications vary.
\textsuperscript{7} This is why someone who does not, as a personal matter, care about religion may have concerns about the consequences of extending the freedom of religious exercise to others. See Scanlon (2003, pp. 191-2).
\textsuperscript{8} Kukathas (2003, p. 126).
\textsuperscript{9} See Macedo (2002) for a nice formulation of this point.
rarely possible, and accounts of toleration that consider their absence to be *sufficient justification*\(^\text{10}\) risk missing the complexity of the considerations involved in many of the hard cases. However – and this is my second negative premise – relaxing their standard of certainty does not imply being less tolerant. In part, this is because the unresponsiveness of those accounts to the variation in the degree of (un-)certainty and in the extent of foregone moral action already undermines their effective practical relevance. But, no less importantly, the understanding of toleration that underlies their conception of the trade-off between toleration and moral action is also partial in ways that are likely to distort the nature of the normative argument.

A tolerant attitude to disagreement, as Michael Walzer eloquently reminds us, may find expression in a continuum of distinct postures: from a passive and formal “resigned acceptance of difference for the sake of peace” to “more substantive acceptances” expressing “openness to the others; curiosity; perhaps even respect, a willingness to listen and learn” and even “the enthusiastic endorsement of difference… as a necessary condition of human flourishing” (Walzer 1997, 10-11). From an epistemic standpoint, a substantively tolerant attitude communicates something that formal toleration alone does not: a respect for the other as an epistemically competent counterpart, somebody whose judgment we care about not merely instrumentally, but in the way that she herself does – as (hopefully) the best judgment on the evidence.\(^\text{11}\) Changing one’s position because of being convinced by the epistemic weight of the opposing view is, in this sense, qualitatively distinct from a universal accommodation of disagreement, even if it comes in the guise of “neutrality.” Substantive toleration presupposes that people take the positions of others seriously enough to let them prevail on the merits – but also, by extension, to let them lose if they believe the evidence.

\(^{10}\) To be sure, some skepticist accounts of toleration that rely on the non-existence of certainty (e.g., Barry (1995a and b), Rawls (1993), and others) also add to the set of jointly sufficient conditions for toleration principles like “agreement motive,” or “equal respect,” or “the sense of justice,” etc., but these principles are not meant to be positively responsive to the costs of toleration I have emphasized above – in essence, they override these costs as elements of a normatively lower order. Even apart from the difficulties of accepting the priority of such principles by assumption, the purchase of imposing them is uncertain because their implications are often not substantively independent of these costs.

\(^{11}\) There is, thus, something about the epistemic avoidance in the liberal neutrality accounts of toleration that borders on disrespect – a refusal to take seriously enough the view of the opponent. This distinction parallels, though does not coincide in application, the one between “the permission conception” and “the respect conception” of toleration drawn by Rainer Forst (“The Limits of Toleration,” this volume).
warrants it. It requires not, in the first place, neutral inaction, which would be the counterpart of the argument from the absence of certainty, but openness to the possibility of being wrong and a willingness to condition legal and political decision-making on the evidence of that possibility.\textsuperscript{12}

The approach to constructing a normative theory of toleration that I defend below takes as given both this epistemically substantive view and its corresponding discomfort with the argument from the absence of certainty. Rather than asking whether certainty can be sustained, I begin by evaluating the conditions that establish reasons for symmetric uncertainty and then consider what social and political arrangements are likely to strengthen or weaken them. Proceeding in this fashion leads to the central methodological intuition of the account of self-skepticism developed below: instead of comparing individual moral positions directly and treating the causal mechanisms that give rise to them as symmetric black boxes,\textsuperscript{13} it may be possible to evaluate the relative epistemic qualities of individual positions by analyzing the potentially diverging elements of such mechanisms. A comparison of these epistemic qualities would, then, allow one to arrive at \textit{prima facie} arguments about the epistemic justifiability of toleration that are relatively immune to the empirical and theoretical difficulties that undermine previous justifications.

The main argument of the paper can, then, be summarized as follows. Although disagreement exists, it should not be considered a blunt fact that necessitates policy neutrality. Rather, we should see that while we may all disagree, some of us may have objectively better reasons than others for their preferred judgments and the public policies corresponding to them because they have done more to lessen the uncertainty over these judgments through transforming their initial beliefs into “considered judgments.” Given the \textit{prima facie} epistemic symmetry of initial beliefs, this asymmetry of effort should be expected to produce asymmetry in the epistemic quality of posterior views and so yield

\textsuperscript{12} Like Jack Knight’s argument (“Institutionalizing Toleration,” this volume), this argument is, in effect, an endorsement of an activist attitude to toleration, but with a somewhat different view of what that may entail in practice. I return to this point below.

\textsuperscript{13} This approach has been the \textit{modus operandi} of most of the existing epistemic accounts, including those I discuss below.
an epistemic rationale for preferring one view rather than another. To make sure that we have the right “judge” on a given issue, we need to pay close attention to the processes that can determine the grounds of individual epistemic commitments. Positive accounts of such processes must become the basis of the normative prescriptions of the epistemic theory of (substantive) toleration.

The approach to the comparisons of epistemic validity that I advocate is, thus, indirect – it relies on the consideration of the mechanisms of individual decisions on epistemic commitment rather than on the direct comparisons of the content of individual moral judgments, which are pursued by the arguments from the absence of certainty. The rationale for this approach will become clear in Sections II and III, in which I show it to be free of the difficulties that vitiate the existing epistemic accounts and to be the natural counterpart of what is, arguably, the best available theory of moral disagreement (and, consequently, an integral element of the corresponding account of self-skepticism). I argue in Section III that, properly construed, this theory explains when and how it may be epistemically justifiable for a rational agent to assert that she is more (or, correspondingly, less) right in the face of opposition from other rational agents and, in so doing, gives rise to a substantive account of toleration whose desirability I urged above.

In the following two sections I put this account to work by sketching features of a normative theory of social and political institutions. In Section IV the focus of that discussion is the politics of internal disagreement within a single ethical community, and, in Section V, the relationship between the liberal majority and the nested illiberal minorities. Finally, Section VI concludes with a brief review of the argument.

II. Re-examining Epistemic Skepticism

The two most influential recent epistemic accounts of toleration have been developed in the last two decades in the work of Thomas Nagel and Brian Barry, respectively. I argue in this section that both of these accounts fail to establish the kind

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14 Importantly, this does not mean that the scope of self-skepticism is reduced and likewise toleration. That would be the case only if it always reinforced our faith in our own judgments against those of our opponents.
15 John Rawls’ argument for neutrality in Political Liberalism and the related papers shares elements with both of these accounts. Barry (1995a and 1995b, Ch. 7) aims to isolate these elements and to analyze their relative weights in Rawls’ theory.
of self-skepticism that their justifications of neutrality-cum-toleration would require. However, both their attempts to justify toleration and, perhaps even more so, their ultimate failure to do so, are instructive – not only in their illustrating the problems of the epistemic accounts mentioned in the introduction, but also in that they point to critical features of moral disagreements that play a central role in developing the approach to justifying toleration in the subsequent sections.

Nagel’s theory of toleration\(^{16}\) is a contractualist account of the implications of the so-called “transference problems” – problems in transferring the grounds of our beliefs to others. Some of the key influences on our moral beliefs (formative experiences, personal impressions, revelations, etc.) are of an intrinsically private nature. Hard as we try, we may be unable to communicate to others the entirety of the underlying experience, and so fail to provide them with a set of reasons that would be sufficient for sharing our judgments.

For contractualists, the existence of such difficulties implies the possibility of reasonable disagreement. Faced with a disagreement that can be traced to transference problems, we must adopt what Nagel calls “epistemological restraint”\(^{17}\) – a posture that enjoins us to treat our individual moral beliefs as, in effect, disconnected from their claims to truth:

I believe that the demand for agreement, and its priority in these cases over direct appeal to the truth, must be grounded in something more basic. Though it has to do with epistemology, it is not skepticism, but a kind of epistemological restraint; the distinction between what is needed to justify belief and what is needed to justify the employment of political power depends on a higher standard of objectivity, which is ethically based. The distinction results, I believe, if we apply the general form of moral thought that underlies liberalism to the familiar fact that while I cannot maintain a belief without implying that what I believe is true, I still have to acknowledge that there is a big difference, looking at it from the outside, between my believing something and its being true…

\(^{16}\) Nagel (1987).
\(^{17}\) Ibid.
From the perspective of political argument we may have to regard certain of our beliefs, whether moral or religious or even historical or scientific, simply as someone’s beliefs, rather than as truths – unless they can be given the kind of impersonal justification appropriate to that perspective, in which case they may have to be appealed to as truths without qualification (229-30).

The behavioral injunction that corresponds to this argument may be summarized as follows. Recognizing the presence of transference problems, we ought not to use intrinsically unsharable experiences in justifying our positions in the political sphere. Moreover, provided that we are unable to justify these positions on (other) grounds that are fully transferable, it is incumbent on us to keep the corresponding issues out of the political sphere and oppose implementing them as public policies.18

The posture of toleration-cum-neutrality that results from these injunctions relies on two underlying individual-level epistemic conclusions. First, we adopt a neutral political stance because we recognize that it may be reasonable of others to disagree, given the information available to them. Second, we maintain our judgments because we recognize that our access to the relevant information is superior, and so the fact that others disagree is not sufficient to undermine their validity.

Brian Barry has argued that such a posture is individually incoherent.19 His argument is directed against the possibility that “certainty from the inside about some view can coherently be combined with the line that it is reasonable for others to reject the same view.” Barry rejects this possibility because he believes that one cannot make sense of Nagel’s insistence on the difficulties of transferring the justification of our positions. In particular, Barry argues that we need not share in the experience in order to share in the features of it that are relevant for forming a judgment:

Suppose I hear a voice in my head which claims to be that of God, or some other religious personage. If I report its content faithfully to you, then you have what I have in the relevant sense. We can both form views about the probable validity of this experience as a genuine religious revelation. In principle, there is no reason

18 For a comprehensive recent statement of contractualism, see Scanlon (1998).
why I should be more impressed by the experience than you by my report of it, so long as you do not believe that I am deliberately deceiving you.20

If Barry is right, then transference problems are, for all intents and purposes, moot: individual moral judgments are, in epistemic terms, no more reliant on having first-hand access to individual experiences than a doctor’s diagnoses of her patients on her sharing in their physical discomfort.21

But despite rejecting the central premise of Nagel’s argument for neutrality (the existence of transference problems), Barry embraces the same conclusion. Indeed, his – alternative – argument for it, is, in effect, an extension of that rejection. He argues that since there are no problems with transference, non-convergence must be seen as a disagreement between “judgment calls” – decisions made in the circumstances in which one could plausibly “go either way.”22 His argument for political neutrality is, then, from self-skepticism: a persistent disagreement implies that the relative moral force that the parties to it can plausibly claim is well short of that which they insist on.23 If so, the disagreeing parties should adopt a politically neutral, and so a tolerant, stance with respect to their disagreement. Whereas Nagel’s argument gives up the behavioral commitment while maintaining the epistemic one, Barry’s justifies toleration by essentially giving up both.

Barry’s key reason for it is, alas, unpersuasive. It is rarely the case that individual reports establish that “you have what I have in the relevant sense.” If that were true, then those who read about the experiences of inmates of Auschwitz must systematically have the same emotional responses as the survivors.24 The life, work, and, arguably, death, of Primo Levi, and of other Holocaust survivors illustrate, however, what is a well-known trend to the contrary. Similarly, activists on behalf of victims of domestic violence are,
despite the public prominence of personal accounts and statistics, disproportionately people who have, in various ways, experienced such abuse first-hand. Other such examples include many cases of public advocacy: in favor of increasing public funding for particular kinds of medical research, family planning, etc.

It seems more likely, then, that the context of individual reasoning with respect to a choice of moral judgment comports with the following description offered by David Wiggins:

[We] have to make our choice in the light of our overall practical conception of how to be or how to live a life… It will be no wonder if choice (as now described) is the exercise of an irreducibly practical knowledge, a knowledge that can never be exhaustively transposed into any finite set of objectives that admit of finite expression.  

Conceptually, the problem for Barry’s argument is that it expects us to perceive the world in finite, fully self-contained, and so necessarily partial, descriptions of events rather than in the impressions that can be given infinitely many descriptive forms in response to particular issues at hand. For some events and some practical problems connected to them, very partial descriptions are all that is necessary: it is often sufficient for us to be willing to convict on the basis of several mutually corroborating claims of the order of “x took the action a,” and to venture a diagnosis of an appendicitis when someone complains of a sudden persistent shooting pain off-center just below the abdomen. In other cases, what descriptions of the events are relevant may be merely implied by how the person herself perceives her current practical situation. To be certain to get these descriptions “in advance,” one would, literally, have to have “been there.”

A related, though logically distinct, problem for Barry’s argument is that our judgments on a given issue rely not on individual isolated beliefs, but on entire networks of background beliefs. These networks may very well be infinite, and even defensibly

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26 The distinction between singular events and infinitely many descriptions of them is central to the account of rational explanation of action advanced in Donald Davidson’s work (see, for example, Davidson (1980)).
27 This is the sense in which the existence of transference problems plays a role in the positive account of self-skepticism and disagreement developed in Sections III-V.
28 See Price (2000), who presents a criticism of Barry’s claim along these lines.
circular, with individual beliefs mutually reinforcing one another. Since such networks affect not merely the content of individual beliefs but, more generally, how we perceive the world in the first place, the notion of transferring them to others cannot, as a general matter, be well-defined. Its success will depend on the proximity of individual backgrounds, spatial and temporal limits of the events being communicated, etc. – all substantially complicating the picture of the unproblematic belief-transfer.

If Barry’s argument against the possibility of transference problems is, therefore, unconvincing, adoption of the “epistemological restraint” is, nonetheless, individually incoherent. Any minimally plausible account of the meaning of individual belief must require that an appeal to the truth of our beliefs “rather than merely to their existence, from the inside... be recognized as such from the outside as well.” Whatever else it is, one’s own “outside view” of moral beliefs must be epistemic, and therefore, always potentially behaviorally binding. In particular, although I may be fully able to see – looking from the outside – that others are justified in not assenting to my judgment that \( p \), I must, to the extent that I continue to believe \( p \) to be true, be behaviorally motivated by that judgment’s propositional content. It is the contradiction with this implication that makes the posture of epistemological restraint incoherent, even as Nagel’s account of neutrality has the merit of attempting to hang on, “from the inside,” to the possibility of an epistemically robust moral belief.

What can, then, be the epistemic grounds for the possibility of toleration between the incoherence of “epistemological restraint” and the existence of transference problems? I argue in what follows that the answer is more positive than the preceding may suggest, but it relies on reconstructing the basic setting of the analysis: rather than proceeding in the single-issue world that was the background for the arguments analyzed thus far, we must consider individual judgments in relation to multiple issues at once. This consideration will, then, lay bare a mechanism (defined away in the single-issue setting) that will enable us to shed positive light on the epistemic nature of toleration.

III. Whither Epistemic Skepticism?

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30 Nagel’s current position, which eschews the “epistemological restraint” is, arguably, committed to something like this view. See Nagel (1991, p. 163; and 1997).
In this section, I sketch an account of moral disagreement that allows us to retain a robust notion of moral value (i.e., the possibility that commitment to a value may survive opposition from other rational agents), and then show how this account opens space for toleration, albeit not in the neutrality sense implied in the accounts discussed in the previous section. This sketch is, of course, exceedingly brief. The full elaboration of the moral theory it evokes would require much more than the space that can be devoted to it here. Still, although it leads to a conclusion that undermines one of the key skepticist arguments, it relies on premises that demand of moral reasoning little that is (completely) unfamiliar, and so enjoys the advantage of intuitive plausibility.\footnote{There is, however, an important caveat concerning the extent to which the moral-theoretic construction I endorse in what follows could be pursued in the moral language of political neutrality of Rawls’ \textit{Political Liberalism}. I argue elsewhere (Landa 2002) that the acceptance of the fact of moral pluralism is endogenous to the underlying individual metaethical beliefs. Rawls’ strategy of citing neutrality as a reason for avoiding metaethics, while requiring a universal assumption of the fact of pluralism, is, therefore, question-begging: if there are metaethics that Rawls’ assumption implicitly rejects, then what purchase does his strategy of avoidance have? The appropriate methodological posture in response to this issue is, I believe, to anchor moral pluralism in as general as possible a metaethical background, and then to use the inferences that can be made from it in constructing one’s normative theory. This intuition is one of the motivations of the account in this section.}

The theory of moral value that underlies the account of toleration I would like to propose is an extension of “Humean projectivism” developed in the work of Simon Blackburn, Alan Gibbard, and others.\footnote{Hume’s account that gives rise to the term is in the moral theory part of the \textit{Treatise}, but it is, perhaps, most explicit in his discussion of the human understanding of causal conjunctions.} Humean (moral) projectivism is a way of constructing normative propositions as projections of expressivist attitudes: e.g., from “I like $x$” to “$x$ is right.” The projectivist view has the following two-stage structure:

It starts with a theory of the mental state expressed by commitments in the area in question: the habits, dispositions, attitudes they serve to express. It is these that are voiced when we express such commitments in the ordinary mode: when we say that there exists this possibility, that necessity, this obligation. The second stage… explains on this basis the propositional behavior of the commitments – the reason why they become objects of doubt or knowledge, probability, truth, or falsity. The aim is to see these propositions as constructions that stand at a needed point in our cognitive lives – they are the objects to be discussed, rejected, or improved upon when the habits, dispositions, or attitudes need discussion,
rejection, or improvement. Their truth corresponds to correctness in these mental states, by whichever standards they have to meet.33

To derive the proposition “it is better that we incur the costs of assistance to the Afghani population than that we let them starve this winter” and make it politically relevant, persons must accept a particular evaluative claim as a (final) considered judgment. For Humean projectivists, these claims are expressivist in origin (I do feel this way about x, that way about y, a third way about z), but – and this is key – feeling that x is right cannot be distinguished from believing that x is right, objectively speaking.34

Once persons receive their basic moral values as projections of feelings, attitudes, tastes, etc., those projections commit them to particular epistemic positions, to which they respond in a broadly Bayesian fashion. That is to say, given their initial positions, they accept or reject new positions based on their perceptions of these positions’ epistemic validity in light of their initial positions.35 By construction, these initial positions vary with all the factors that contribute to the production of individual values: individual histories, evolutionary pressures, personal revelations, etc. – factors that may, no doubt, fall into the category of sources of beliefs that resist inter-personal “transference.”

The account of moral values along these lines has many virtues. It is a theory of the origin of moral beliefs, which has, at present, no credible rival. It is also conceptually parsimonious: rather than assuming moral truth, it conjures it endogenously.36 Projectivism also seems particularly friendly to the possibility of moral disagreement, since it devolves the constraints for making moral judgments to individuals and places no a priori inter-personal burdens on them.37

These advantages notwithstanding, a moral theory of this sort does, nonetheless, appear to be ill-equipped to deal with the following questions: If the moral or ethical

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33 Blackburn (1993b, p. 55).
34 Blackburn (1993b) emphasizes this point throughout.
35 In the Bayesian account, exposure to identical signals (reasons) may result in different posterior beliefs. A good reason for one set of priors is no reason at all for another. See Gaus (1996, Part 1) for the development of the account of moral epistemology along these lines. Significantly, Gaus emphasizes (pp. 6-7) that this theory is robust to the realist/anti-realist debate and is compatible with an expressivist/projectivist theory of origin that is at the core of the argument developed in this section.
36 See McDowell (1987) for the sympathetic critique of expressivism that emphasizes this feature.
37 See fn. 29.
disagreement is, in the final count, to be attributed to the differences in backgrounds, experience, etc., why should one think that one’s background gives her a claim to truth any more reasonable than anyone else’s? Indeed, if I accept a projectivist theory of the nature of moral belief, is it really plausible for me to go on with my moral beliefs as before? Doesn’t such an acceptance diminish, if not eliminate, the propositional force I could ascribe to them? Most bluntly, why doesn’t the acceptance of a projectivist account lead to moral paralysis in the face of disagreement?

The projectivists’ response to these questions has tended to come down to the claim that the perspective of projectivism “is not the one adapted for finding ethical truth”38; to determine the moral value of a given property, we must think as first-person thinkers, “but once that is done, there is nothing relativistic left to say.”39 Fair enough, but to be convincing, this response must rule out the possibility of our second-order judgments about the nature of moral beliefs affecting our first-person attitudes directly. If they do – and I believe it would be a tall order to argue otherwise – once we are done thinking as first-person thinkers, there would, indeed, be nothing additional relativistic left to say; but our second-order judgments would have already taken their toll on our initial judgments. As Bernard Williams notes, “If we become conscious of ethical variation and of the kinds of explanation it may receive, it is incredible that this consciousness should just leave everything where it was and not affect our ethical thought itself.”41 Just as a projectivist theory of moral origin must temper her prior moral excitement, a Bayesian belief updater’s recognition that her moral positions are artifacts of her “inherited” priors must, in the absence of additional rationale, make difficult the insistence on the relative superiority of these positions over those of another Bayesian updater.42 What reason could she offer for preferring her positions other than that they are hers?

The sentiment of this critique is, certainly, congenial to the responses to moral pluralism in contemporary liberal thought (including in the skepticist posture adopted by

38 Blackburn (1993a, p. 177).
40 Or, what might be called “metaethically uneducated.”
41 Williams (1985, p. 159).
42 This echoes the position adopted by Thomas Nagel (1987, p. 230), who, however, does not infer from it skepticism regarding the validity of one’s own beliefs. See Barry (1995b, pp. 177-83) for an extended critique of Nagel’s position.
Barry). It does, moreover, suggest at first glance an inference not unlike Barry’s. There is a symmetry between the disagreeing parties with respect to their transference problems: when veracity is not in doubt, the disagreement may, looking “from the outside,” be equally attributable to the transference problems behind each side of the argument. If so, then the parties, “from the inside,” may have good reasons to be equally self-skeptical of their own positions and of those of their opponents.

This conclusion would, however, be premature. There may, in fact, exist an objectively recognizable (i.e., when looking “from the outside”) asymmetry with respect to the moral weight of individual positions, between our own well-considered judgments and the plausibly inadequate judgments of others. In light of that asymmetry, we may be justified in regarding their positions as morally inferior to our own and, in so doing, overcome the projectivist predicament discussed above.

To see how such an asymmetry may arise, consider the following account. Each of us holds a theory of what values could and, not always identically, what values should be projected – as a function of our understandings of practical information, individual and collective human histories, backgrounds, and experiences and of what being human, more generally, must entail. Such a theory, then, identifies and tests which of our and others’ initial values may qualify as plausible candidates for universally binding constructions such as “p is right.” This process of re-assessment and transformation of initial beliefs into considered judgments may, much like in Adam Smith’s celebrated account of self-evaluation from the standpoint of an impartial spectator, 43 be facilitated by the exercise of sympathy, 44 which enables us to place ourselves in and out of our predicaments, gauging the appropriateness of our own and others’ responses. For Smith, the exercise of sympathy has the intermediate goal of “endeavoring to view [“our sentiments and motives”] with the eyes of other people, or as other people are likely to view them,”45 and, in the end, with the eyes of an impartial spectator; when accepting the position of the impartial spectator leads one to disapprove of his own sentiments, he is thought to adjust

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43 Smith (1759/1976, Part I, Section I, Chapter 4, esp. pp. 21-2).
44 Sympathy is meant in a technical sense that is capable of yielding judgments of both approval and disapproval. For a detailed comparison of Smith’s notion of sympathy with the more traditional notion due to Hume, see Haakonsen (1981, pp. 49-52).
45 Smith (1759/1976, Part III, Chapter 1, p. 110).
them to the point of “harmony and concord of those who are about him”, “lowering his passion to that pitch, in which the spectators are capable of going along with him.”

While our process of normative re-assessment may be aimed less immediately at gaining the approval of others than at filling out the content of propositions “p is right,” it may rely on just the kind of mechanism of mutual adjustment that Smith envisions in his account. The key is that the perception of the universally binding nature of moral judgments exerts a pull on our initial projected judgments, urging us to engage in moral self-re-evaluation that, ideally, brings us closer to the considered judgments of others.

Here, then, is the central element of my augmented projectivist account. Differences in potentially “non-transferable” antecedents of our moral or ethical judgments give rise to differences in the priority rankings of individual issues. Given their finite deliberative resources, persons are likely to invest different amounts of effort (time, energy, intellectual and emotional involvement) in gaining and processing information that they perceive to be relevant to issues of different priority. Issues they care about more will receive greater attention than issues they care about less. The less attention (or smaller “epistemic investment”) an issue receives, the more likely it is that the posterior judgment associated with it relies on a lower quality of information and/or on its less careful evaluation. In short, it is more likely to be wrong relative to the logically and informationally omniscient benchmark associated with the corresponding prior beliefs (including all the information that may not be transferable to others).

Recognizing this relationship between the underlying rankings of issue priority and the quality of the posterior judgments on these issues, we may be justified in considering our judgments to be better – with respect to an issue of great importance to us – than the judgments of others, for whom it may well be an issue of lesser importance. Thus, even if, under the standard Bayesian account, we may have to acknowledge that, in the end, our reason for preferring our positions to those of other rational Bayesian updators is that our judgments are ours’ (and so, from the third party standpoint are equally valid relative to those of others), we have, on the augmented projectivist account,

46 Smith (1759/1976, Part I, Section I, Chapter 4, p. 22).
47 Examples of this phenomenon abound; some of them, such as the instances of systematically different responses of individuals with the first- and with the second-hand experience, were mentioned in the last section in connection with the critique of Barry’s skepticist argument.
48 I develop an account of deliberation that reflects the moral relevance of its costs in Landa (2003).
good (certainly, weightier) reasons for preferring our judgments on issues of importance to us to those of undifferentiated others (or, in a Bayesinan language, belonging to the “expected draw” of other persons). The key to our ability to insist on our moral positions in the face of disagreement is, then, the possibility of our plausibly maintaining that we have (sufficiently) reached the reflective moral equilibrium and of having reasonable doubts that others have.

Because rational selective epistemic engagement has the effect of subverting the information contained in the disagreement, it argues against the normative force of the fact of disagreement taken on its own. Although, as I will argue momentarily, this still leaves room for the skepticist insight, it must not require that a disagreement imply that we are equally likely to be wrong. The epistemic value of a given position is likely to be a function of factors other than those directly affecting the propositional content of that position, viz., of the decisions on epistemic engagement and of the particular circumstances that bring those decisions about. Consequently, a disagreement over an issue of policy does not necessarily indicate the complete mutual irreducibility of the underlying moral doctrines. When \( i \) disagrees with \( j \)’s belief that \( p \), it is neither clear why it is that \( i \) does not share it nor that \( i \) will not ultimately be unwilling to change her mind. How seriously \( j \) should take this disagreement will, surely, depend on \( j \)’s ability to ascertain the existence of irreducible differences between \( i \) and \( j \), as opposed to, say, between \( j \) and someone third who is justly known to be a considered committed believer that \( \sim p \).

It will not do, it seems to me, to say that the fact that \( i \) has disagreed with that person implies that the judgment with respect to \( p \) could go either way, and so \( i \) should pursue neutrality even with respect to someone whose judgments on \( p \) may be less

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49 The results of James Fishkin’s “deliberative opinion polls” provide what is, perhaps, a somewhat unexpected support for the skeptical stance on the deliberative quality of our interlocutors’ judgments. Fishkin and his colleagues record pre- and post- deliberation opinions of a group of persons who are (artificially) induced to deliberate on a variety of public policy issues. Their findings show dramatic, sometimes as much as 35%, swings in aggregate opinions as a result of deliberation (see Fishkin et al. 2002). Given that that deliberation was artificially induced, and there is no reason to believe that participants would have deliberated otherwise, these swings are, in effect, a rough measure of the extent to which we may discount the opinions of others as reflections of non-deliberation. Given the certain amount of self-selection on the part of the participants, we should expect the results to be even more dramatic in the population.
First, there is the issue of how to regulate i’s (political) relations with the latter alone. If one considers herself to be under a moral obligation to act on \( p \), the extent to which the disagreement of others is fully warranted seems of fundamental importance. Second, if the sacrifice is inevitable, the sheer size of the faction of those whose considered judgment is \( \sim p \) may matter quite apart from the content of their belief.

If the preceding argument is correct, then self-skepticism, though no doubt epistemically healthful, must be reasonably tempered. Indeed, the universal self-skepticism of the sort urged in Barry’s argument seems untenable. But the positive account in this section does, nonetheless, suggest a place for skepticism. Although we may have no direct reason to consider ourselves to be wrong even on issues at the bottom of our priority ranking (if we did, we would change our minds, accordingly), we would still have a plausible (epistemic) reason to defer to those who have invested more in developing their considered judgments on those issues than we have. In relation to the epistemically symmetric prior (i.e. – before the selective epistemic investment) judgments, their posterior judgments would be “more educated” than ours’. In the next section I show how this epistemic intuition can lead to toleration in political practice.

IV. From Issues to Institutions

The argument in the previous section suggests that, in a multiple-issue context, there is room for self-skepticism without giving up the possibility of robust moral judgment. Still, this skepticism is of a flavor distinct from that which played the key role in Barry’s argument.

In particular, the self-skepticism inherent in the account developed here has two fundamental distinguishing features. First, it is not universal in its substantive reach. Only some of our beliefs may be subject to it, and the fact that rational persons may disagree is insufficient for it to be sustained at the level that would be necessary to forego the corresponding action. The second, and related, feature that sets this account apart from Barry’s is that the issues that ought to give rise to the requisite level of self-skepticism do not “self-select.” Whose judgment with respect to a particular issue we ought to be willing to take seriously, let alone defer to, is unclear. Even if we do consider a particular

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50 Some such inference seems to be an element of Rawls’ argument in *Political Liberalism*. 
issue to be of secondary importance to us, suppressing our judgments may be unwise, since it is unclear that those whose judgments are equally or even less well-founded would do so as well – either for strategic reasons or simply because we do not wear our issue-by-issue epistemic commitments on our sleeves. If so, then, the self-skepticism that may be warranted in not of a prima facie variety. Rather, the possibility of self-skeptical concession (and, indeed, of the entire set of individual decisions that is “in equilibrium” with respect to the strength of attachment to policy positions and the true epistemic grounds for them) may rely on the success of the process that reveals individual epistemic commitments.

I would like to suggest that these differences with respect to the features of skepticism ought to be seen as giving rise to differences in what may be called “the location of the action” for a liberal theory of toleration. In Barry’s account that action is on the level of individual judgments in issue-specific cases: the purchase of the theory is to convince individuals that for reasons having to do with the status of the particular issue that gives rise to the disagreement (namely, its yielding the disagreement), it ought to be resolved in a fashion favored by the theory. The normative purchase of that theory is, thus, on the level of specific issues and individual judgments with respect to them.

By contrast, the account defended here relies explicitly on the connection between the possibility of self-skepticism and the multi-issue setting, without which it loses its analytical coherence. Its central intuition for translating self-skepticism into toleration is the possibility of finding mechanisms for revealing epistemic commitments across issues and organizing the political decision-making in a way that assigns greater weight with respect to a given issue to those whose judgments are a product of greater epistemic commitment on that issue. The normative argument for toleration would, then, be at once intrinsically multi-issue based and, to the extent that it is consistent with the rationale for self-skepticism suggested in Section III, respectful of the sovereignty of individual epistemic decisions. These features suggest that, from the standpoint of social theory, toleration is best seen as a property of institutions conditioning and aggregating
individual judgments, rather than of the substantive content of those judgments themselves or of the collective policy manifestations.\footnote{The methodological concept at the heart of the normative institutionalist approach is that of the “two-level political theory” (see Hardin (1999) for the explicit articulation of the approach and Rawls (1955) for one of its seminal applications). In effect, it enjoins us to take persons as they are, and direct our theoretical efforts at institutional design, creating incentives that provoke behavior yielding optimal social outcomes. This is the intuition that underlies the normative institutionalist discussion in the present paper. Although not prima facie contradictory to it, it is distinct from the institutional intuition of Jack Knight’s argument in “Institutionalizing Toleration” (this volume), which treats toleration as, in the first place, a property of policy decisions, which, he argues, would be best arrived at under particular institutions.}

With this intuition as a guide, I would like to suggest several “institutionalist observations” that shed some light on the features of institutions that may be expected to be epistemically relevant for toleration. The first such observation concerns traditional voting as a mechanism of preference aggregation. One of the central virtues of universal and equal suffrage is its implied universal equality of standing. Our democratic intuition is that the political system is unjust so long as there are issues of common concern with respect to which some people have more say than others. Against the background of the argument in Section III, its effect, however, is to endow persons with issue-by-issue political weights that may be disproportional to the degree of their epistemic commitment. To be sure, the dominant liberal tradition, running from John Stuart Mill to the present, has tried to augment the democratic intuition by articulating “demarcation lines” separating persons who are considered to be “relevantly affected” by a given issue from those that are not. The suitably reformulated democratic intuition would, then, suggest that so long as the differences in the decision-making authority are predicated on differences in being “relevantly affected,” the political asymmetries are not, properly speaking, unfair. This approach is, no doubt, successful in justifying some paradigmatic cases of individual rights, and so of the toleration of disagreements that they protect. As Mill’s critics have, however, famously pointed out, it often gives one a sense of begging the point, since the content of disagreement and what constitutes being “relevantly affected” are rarely independent. The upshot is that, even augmented, the traditional democratic institution of one issue/one person/one vote fails to capitalize on the self-skeptical intuition developed in the previous section. Its outcomes are bound to reproduce
the biases of the majority coalitions without regard for epistemic variation and so to come short of substantive toleration.

The alternatives to one issue/one person/one vote are not, however, as unattractive as what I called “the democratic intuition” would imply. In particular, the characterization of unequal political weights with respect to a given issue as “unfair” seems premature if it can be shown that that inequality is a consequence of a fair procedural choice. Provided that individuals are able to choose their own political weights in a way that is at once equitable (i.e., starting with equal initial conditions) and free, the resulting distributions of political influence across issues are not prima facie unfair.

With this intuition in mind, consider the “storable votes” rule recently proposed by Alessandra Casella. According to this mechanism, voters are allowed to “store” their votes to be used in the future rather than requiring, as with a one issue/one person/one vote rule, that a vote on an issue be either cast or lost. The outcome with respect to a given issue is, then, determined by the majority of votes that are cast on that issue. This allows parties to concentrate their influence on the issues that they consider to be of greater importance to them and effectively to defer on issues of lesser importance. Critically, because the mechanism is universally binding, the receivers or immediate beneficiaries of deference are voters who do, indeed, make an informative-to-others choice to concentrate their votes on the corresponding issue. The storable votes rule, then, has the effect of revealing the true extent to which the parties “care” about this or that issue.

The relationship between the storable votes rule and the self-skeptical motivation developed above relies on the existence of a positive relationship between preference intensity and the degree of epistemic commitment on the corresponding issue. The stronger we feel about an issue, the more likely we are to obtain and process information about that issue, and so the more likely we are to consider ourselves to be better judges

52 See Casella (2002). Both the rule itself and the fairness argument in the previous paragraph have some parallels to Ronald Dworkin’s auction mechanism.
53 In their experimental study of the storable votes rule, Casella, Gelman, and Palfrey (2003) find that subjects’ strategy choices follow the equilibrium prediction of subjects’ allocation of votes across issues being monotonic in their preference intensity with respect to those issues. Thus, although strategic manipulation is possible, its consequences are limited.
on that issue relative to others. The issues of greater importance to us (i.e., the issues with respect to which our preferences are most intense) are, then, likely to be the issues with respect to which we have reasons to be least self-skeptical.\textsuperscript{54} If so, then the storable votes rule would allow individuals to pursue their policy preferences where their judgments are most epistemically credible (relative to the shared symmetric criterion) and, in effect, to withhold their preferences where these judgments are not – in favor of those supplied by the agents who may be objectively recognized as more epistemically invested, and so whose positions properly give us reasons for self-skepticism. If so, then the minority opinions may, \textit{when supported by a truly greater epistemic investment},\textsuperscript{55} be more likely to carry the day.

From the standpoint of the epistemic theory of toleration, then, attractiveness of the institution of storable votes is in the fact that it identifies those who have disproportional epistemic investment and lets those who have such an investment be the decision makers. This means that the associated outcomes would, indeed, be made positively responsive to the degree of epistemic investment – precisely comporting with the view of toleration endorsed in the introduction.

It may be objected that in the test cases for liberal toleration, in which small groups are pitted against \textit{much} larger ones, an institutional mechanism along the lines of “storable votes” offers too little consolation to the minority: the interests of large groups are likely to dominate those of the small groups no matter how great the difference in the degree of their epistemic commitment. In fact, this conclusion is unwarranted. The institution of “storable votes” is not a replacement for individual values, and there is no reason to expect that voters would be motivated in their decisions on vote allocation only by selfish considerations. Indeed, insofar as the use of “storable votes” reveals information that makes it possible to “fine-tune” the implications of pre-existing values

\textsuperscript{54} To appreciate the weight of this condition, it may be useful in this context to distinguish two kinds of self-skepticism: in an absolute validity of a particular choice and in our judgment that the choice we are making is the best choice relative to those of others. Increasing knowledge of the subject often leads to the former, but also to the decrease in the latter: we are not unlikely to realize that the choices are more complex, entail substantial trade-offs, etc., but are no less, and often more, certain for that that our judgments on those choices are the most educated ones.

\textsuperscript{55} Given the correlation with preference intensity, this means, of course, that the majority would need to feel less strongly about the issue in question. When that is not the case, the minority should not be expected to carry the day, but it would also have no epistemic reason to insist on it.
for specific cases of disagreement, the outcome may well be more rather than less tolerant. In any case, the fear of inherent bias against small dissenters does not seem any more justified than it would be for the more familiar mechanisms of allocating rights.

V. Identity Groups and the Politics of Epistemic “Openness”

In this section I explore the institutional elements of toleration with respect to another important class of issues in pluralist societies – involving so-called “illiberal minorities.” The dominant liberal position opposes rights that would protect the possibility of groups imposing restrictions on their members that run contrary to the traditional individual liberal rights. The arguments offered for this position turn either on its derivation as properly politically liberal in the Rawlsian sense or on the assertion of the overriding importance of individual autonomy. Even in the former case, though, the argument, as the critics have pointed out, ultimately falls on the privileging of one set of substantive commitments over another. Thus, Chandran Kukathas notes that

the problem with this ‘political liberalism’ … is that it does not quite relinquish its dependence on the comprehensive moral ideals which may be at odds with the values of some, or even many, groups in society. And when Rawls’s political liberalism comes into conflict with these, his comprehensive moral position has simply to be asserted and enforced.

When such assertions are made – as, for example, in the case of requiring particular elements in the education of children of religious minorities that prefer to withdraw from interactions with the majority culture – they are justified as the effects of a commitment to the shared conception of justice, rather than of one comprehensive doctrine’s dictating

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56 In some settings, “storable votes” may be used as advisory rather than as final decision-making mechanisms.
57 When the objection is correct, it seems to me to be properly aimed less at the mechanism itself than at the choice of its parameters: the total number of votes, the general scope of issues covered, etc. Though they are set aside in the present discussion, the issues concerning the objectivity of such a choice would, of no doubt, be of great importance in the society that adopts the mechanism of “storable votes.”
58 Issues surrounding toleration of “illiberal minorities” are the central focus of the recent debates on group rights - see, inter alia, Barry (2001), Galston (2002), Kymlicka (1995), and Kukathas (2003).
59 See the otherwise very different accounts in Barry (2001) and Kymlicka (1995).
60 See Rawls (1999).
62 Kukathas (2003, pp. 122-3).
its preferred judgments to others. But such justifications merely beg the point: why should it be assumed that the commitment to a particular conception of justice is shared?  

If this argument is true, the project of Rawlsian political liberalism (though, perhaps, not of every kind of political liberalism) fails. More immediately, a blind reliance of policy justification on overriding one set of comprehensive values with another seems epistemically arbitrary. Barry’s skepticist argument delivers, arguably, a less arbitrarily asymmetric conclusion against tolerating illiberal minorities, but if the existence of transference problems undermines its force, groups may appear, from the epistemic standpoint, to be undeterred in pursuing radically illiberal internal practices. Indeed, that is the conclusion favored by Kukathas: residual uncertainty implies self-skepticism, which, in turn, justifies the hands-off policy to illiberal minorities.

While Kukathas’ criticism of the Rawlsian account strikes me as fair, the conclusion that liberal toleration proper requires a hands-off policy is contestable. As I noted in the introduction, the requirement of “probability 1 beliefs” to support political action is unreasonably high. If that requirement is set aside, we may, following the consideration of the relative degrees of epistemic investment by the parties, arrive at the institutional conditions under which the grounds for defending conclusions such as Rawls’ and Barry’s need not rely on the kind of comprehensive beliefs that Kukathas’ critique rightly calls into question.  

In particular, I would like to suggest that, at least in relation to some elements of illiberal practices, liberal groups may have greater epistemic standing and so good reasons to believe themselves to be in possession of higher quality judgments than the illiberal minorities. The elements of illiberal practices that I have in mind are those that raise barriers to receiving and processing information that may be relevant to the

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63 Kymlicka (1996) is, in fact, sympathetic to this critique. Unlike Kukathas, though, he embraces the implied reliance of political liberalism on the value of autonomy and urges that it be made more explicit even if the political strategy of liberals need not be the direct and immediate enforcement of conditions for autonomy within minority groups.

64 To the extent that the arguments about the relative epistemic quality of individual judgments may be seen as impartial with respect to the substantive comprehensive doctrines they cover, the convergence between the judgments driven by the considerations of autonomy and those motivated by self-skepticism is, from that standpoint, incidental, though not, perhaps, unexpected from the perspective of the provenance of comprehensive liberal beliefs.
maintenance and updating of moral judgments. If the updating of judgments by members of a minority group is “artificially” restricted by severing the connection between that group and the outside world, members of that group may be reasonably expected to end up with beliefs that are less epistemically sound than the beliefs of those with unimpeded access to information – however equally members of the liberal and illiberal groups may initially care about the issue in contention. By implication, toleration of the illiberal internal practices within that group is less epistemically justifiable. Conversely, toleration of such practices would be more justified when groups are either (1) permeable to outside information, or, and to a somewhat lesser extent, (2) could be argued to have formed as a consequence of members’ exiting from the liberal society.

There is, to be sure, a complication. It may, for some groups, be the case that the closedness to the outside is an intrinsic element of their ethical doctrines. Requiring such groups to open themselves to the possibility of updating would be tantamount to requiring them to abandon the very prospect of keeping their doctrines (even when that prospect could, in principle, prove to be epistemically justifiable). From an (objectively) epistemic standpoint, then, the expected value of this requirement may be ambiguous. Moreover, even apart from this ambiguity, the choice of the proper response to the claims of such “intrinsically closed” practices is complicated by the fact that groups (or, most likely, group leaders) often have incentives to make them strategically – i.e., even when such claims are, in fact, false.

The problems raised by the possibility of such groups are, no doubt, epistemically complex, and resolving them theoretically, let alone practically, is a tall order for philosophical accounts of toleration in the immediately foreseeable future. Still, I would like to suggest that, at least in connection with the possibility of a strategic use of the claims of “intrinsic closedness,” there exist good reasons for thinking that the profile of the issue may be lower than it first appears. When the claim of “intrinsic closedness” is accepted, there may be no obvious epistemic asymmetry between the judgments of the members of the open and the “intrinsically closed” communities on the issue of what

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65 A prominent example of such a group would be Hutterites, and, arguably less so, given their practice of *rumspringa* (“running around”), the Amish.

66 See Kukathas (2003, Ch. 4). This need not be because such groups object to learning per se, but because any feasible process of learning and openness comes with costs to the integrity of such communities, which they may consider to be prohibitive.
practice may be morally justifiable for a community within a larger society. But matters are different when the question is what is good for the society as a whole. The corresponding considered judgments of the members of closed groups cannot, *ipso facto*, be based on the knowledge of the nature of moral considerations faced by other individuals and groups in the society. If such a knowledge is relevant to the determination of what is good for the society as a whole, the greater the social and moral diversity in the society, the less plausible is the characterization of such judgments as merely “different.” After a while such “difference” becomes indistinguishable from ignorance.

The extent of social and moral diversity is, indeed, relevant. If the society were to consist of only two internally homogenous groups, one closed and one open, it would be reasonable to maintain that the mutual ignorance is symmetric and to defer matters of co-existence to some appropriately circumscribed *modus vivendi*. But when the society is diverse, with the overwhelming majority of morally distinct groups actively involved in the general moral discourse, the asymmetry between the morally relevant knowledge of one’s fellow citizens on the part of the participants and on the part of the (non-participating) members of the closed groups must become ever more palpable. The “open” majority may still be uninformed about the “closed” minority, but to the extent that that minority is merely one of many moral claimants, each of whom has *prima facie* no less important moral positions, the judgments of the members of “closed” minority lose their relative epistemic parity. If these judgments are to be binding on other citizens, those citizens may have good reasons to consider the giving of equal weight to such judgments in the political process to be epistemically unjustified. From this standpoint, the practices of truly closed groups like the Hutterites may be less epistemically problematic than those of groups that claim “closedness” for the purposes of minimizing the impact of the outside society through public school curriculum, etc., but who nonetheless actively participate in the political process that determines the parameters of the “the common good.”

Social and political institutions that limit the possibility of the latter combination are, therefore, defensible on epistemic grounds that are consistent with the institutional design for substantive toleration.

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67 I have in mind here various fundamentalist groups that insist on home schooling their children but also expect them to become active participants in the future political process.
The argument in the previous paragraph is not only about the existence of a particular kind of epistemic asymmetry between empirically identifiable groups. It also suggests how an epistemic intuition may be effectively joined with a political incentive. Strategic invocations of “intrinsic closedness” are bound to be less attractive if the price of granting them is an epistemically sanctioned reduction in political influence on society-wide moral issues. An institutional commitment of the liberal majority to such a response is, then, *prima facie* justifiable both on the grounds of immediate epistemic efficiency and in its inducing behavioral incentives that may be expected to increase the epistemic quality of judgments of members of minority groups without depriving them of the ability to act on them. To insure that that ability is present, the majority’s decisions would need, of course, to reflect the self-skepticism on the issue of whether the minority group’s practice could be morally acceptable for a given subset of the society – the self-skepticism that is responsible for the epistemic complexity of “intrinsic closedness” in the first place.

In short, although epistemic considerations may council toleration of illiberal minorities, they do so in a way that is sensitive to the costs of toleration and to its institutional-political setting. As in the institutional argument in Section IV, the outcome of toleration relies crucially on the recognition that individual behavior, including individual moral judgments, are importantly conditioned by their institutional environment. The parameters of the policy of toleration are, therefore, determined directly in response to its features.

**VI. Conclusion**

The considerable costs of toleration and the variation in the morally relevant circumstances in relation to which we must make our decisions about toleration call into question the appeal of accounts that prescribe toleration whenever there is uncertainty over the validity of policy-relevant moral judgments. The theory of toleration developed in this paper takes this uneasiness as a starting point. Without giving up the key skepticist insight that uncertainty speaks in favor of toleration, it asks what social and political conditions strengthen or weaken this uncertainty when our moral judgments run into disagreements from other rational agents.
The account of toleration that emerges is, at once, of a more contingent nature than the standard (binary uncertainty) skepticist accounts, and, perhaps, thinner than some of our practical intuitions may dictate. These features are, of course, unsurprising. Because it assumes that our decisions about toleration may be responsive to its morally relevant costs, the theory in this paper is designed to yield judgments that are, above all, *prima facie*. They indicate how the weight of the epistemic considerations may be distributed in a given case, leaving open the possibility that other considerations, including those of autonomy, equality, history, etc. may also play a role in arriving at the final decision. From this standpoint, it would be completely reasonable for some to find the judgments implied by the present account to be, in the end, too permissive, and for others to find them too restrictive. If it is true that the existing skepticist accounts are insufficiently attentive to the costs of toleration, this tentativeness is an asset, rather than a liability. A finer-grained knowledge of the status of one (epistemic) consideration among many is bound to increase the certainty we can place in our all-things-considered judgments.

Still, to the extent that a skepticist account is to be the primary source of all-things-considered judgments, the theory sketched in this paper is a plausible candidate for their source. Perhaps its principle attractions are its closely linked claim to impartiality with respect to different moral doctrines and its institutionalist status. In most extant liberal accounts, impartiality is synonymous with political neutrality understood in relation to a given substantive policy demand. In a single-issue context, this naturally dictates a strategy of excluding from the political sphere considerations that are morally idiosyncratic (along the lines recommended by the accounts discussed in Section II). In this sense, the theory of toleration presented here is decidedly non-neutral. It not only leaves room for persons to pursue their idiosyncratic moral agendas in the political sphere, but, indeed, fully expects them to do so.

This theory is, however, neutral when viewed from the standpoint of institutional choice in a multiple-issue context in that the reasons it generates for preferring some institutions to others are, arguably, universally appreciable when looked at “from the outside.” In taking seriously individual moral commitments on a given issue, this approach generates toleration without the demanding epistemic and behavioral
injunctions prescribed by other skepticist theories. That this effect follows from underlying assumptions that are, as I argued, more causally satisfying favors assigning no less weight to its normative implications than we do to the intuitions educated by prior accounts.


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