

On Shareable Reasons: A Comment on Forst

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I

Why should we tolerate those who disagree with us? Are there different ways in which one might tolerate some person or group? If so, are some ways more desirable than others? In his article *Toleration and Democracy*, Rainer Forst offers us a fascinating set of answers to these questions. His first step is to distinguish between the *concept* of toleration (i.e., its definitional core) and various *conceptions* thereof. This allows him to draw a distinction between two different kinds of toleration that, Forst believes, are too often run together in current debates: the *permission* conception of toleration, on the one hand, and the *respect* conception, on the other.

Permission-style toleration is inherently hierarchical. It is the sort of toleration that a powerful authority (be it an absolute monarchy or a democratic majority) grants to a weaker subject when, for instance, it permits the subject to engage in some perceivedly objectionable practice. As a historical reference point, Forst would have us think here of the toleration granted to Reformist Protestants by the French Catholic monarchy under the Edict of Nantes (1598). That edict established a certain framework for co-existence between Catholics and Protestants in France, but by no means did it render Protestants equal to Catholics under the eyes of French law. For instance, it unilaterally forbade Protestants from public worship in the nation's capital, Paris.

Respect-based toleration, by contrast, is *horizontal*. It is not "bestowed" by a powerful authority upon some underprivileged class. Rather, it is best understood as a requirement of mutual respect that applies among equals. Its animating idea is that citizens ought to tolerate one another—in all their diversity—because they are seen as, or at least ought to be seen as, equal arbiters of political power. Moreover, the state, for its part, ought to register this by ensuring that its actions and policies are, so far as possible, acceptable in the eyes of all citizens. The nature of such toleration is not as easy to pin down in the form of a historical example. However, Forst believes that respect toleration also has important sources in the European wars of religion of the sixteenth and seventeenth centuries, and in Enlightenment thought more generally.

Now, according to Forst, drawing this distinction between the respect and permission conceptions of toleration has some important theoretical payoffs. For one, it can help us make sense of the fact that so many prominent figures of the

Enlightenment (e.g., Kant, Mirabeau, Goethe, Paine), who were otherwise great champions of liberal-democratic ideals, famously disparaged the ideal of toleration. When we consider that toleration is, on one understanding, merely a form of permission granted to a denigrated subclass within a despotic political order, we can begin to see why this might be so.

Second, Forst believes that his distinction can help us resolve a number of conceptual paradoxes that surround the idea of toleration. Among these is what he calls *the paradox of drawing the limits*: a worry that arises from the fact that, whenever one draws a limit to what one will tolerate—for example, in the way that Locke deemed atheism intolerable—that limit will always appear arbitrary, and thus intolerant, from the point of view of those who are thereby excluded from the circle of toleration. The question then is whether such limits can be drawn in a justified or non-arbitrary way.

Forst argues that respect-based toleration is especially well suited to answer this general paradox because its limits are not determined by the subjective preferences of a *de facto* authority but rather by “reasons” that are, if not universally shared or endorsed, broadly *shareable* from the point of view of the diverse citizenry of a democratic polity.¹ These reasons centrally include, on Forst’s view, the very principle of democratic respect that motivates this form of toleration: what he calls the *right to justification*. Such a right requires, in his words, “that there be no political or social relations of governance that cannot be adequately justified to those affected by them.”² How, Forst argues, can such a boundary-setting principle be thought of as arbitrary when it is built into the very demand for non-arbitrary limits itself?³

A further, third advantage of distinguishing between the respect and permission conceptions of toleration is that this allows Forst to insightfully address several contemporary controversies about the limits and requirements of toleration. For instance, one debated question is that of whether blatantly xenophobic parties (such as the British National Party in the United Kingdom, or the National Democratic Party of Germany) should be prohibited or allowed to participate in liberal democratic political processes.

What Forst discovers, very interestingly, is that these debates are not only rife with different understandings of the requirements of toleration but also different understandings of the very idea of toleration itself. That is, on close examination, some participants appear to believe that toleration is simply a matter of permission—that is, the privileged demonstrating forbearance in their treatment of the underprivileged—whereas others see toleration as a requirement of mutual respect among moral-political equals. Forst suggests that the lack of explicit attention paid to these conceptual distinctions only makes these hard cases harder to solve. For once we avoid any confusion and fix on the requirements of the respect conception alone, he suggests, we can make decisive and much-needed progress on these issues. For instance, we can discern that extremist parties may be entitled to political participation on *pragmatic* grounds (e.g., for the sake of political stability, social harmony, security, and so on), but that by virtue of their

rejection of the principle of democratic respect itself, such parties are not entitled to political participation on *moral* grounds. This makes the strength of their case for political participation heavily dependent on social and political circumstance.

Forst's work, both in this special issue and elsewhere, presents us with a powerful defense of the relevance of the respect conception of toleration to contemporary moral and political theory. His understanding of the respect conception is "constructivist" in nature. That is, Forst understands it to advance a constructivist philosophical agenda that originates in Kant and endures in the work of a great number of contemporary moral and political philosophers: Thomas M. Scanlon, Christine Korsgaard, Seyla Benhabib, Onora O'Neill, John Rawls, Jürgen Habermas, and Forst himself. Within this rich Kantian tradition, Forst's own brand of constructivism draws most heavily on the work of Rawls and Habermas.⁴

What I would like to do in the short space remaining is return to the so-called paradox of drawing the limits and to examine Forst's solution in greater detail (Section II). This will allow me to raise some general concerns about Forst's constructivist theory of toleration (Section III), as well as some particular concerns about whether it can solve the paradox as effectively as he suggests (Section IV). My suspicion is that it cannot.

II

Forst's solution to the mentioned paradox is to draw the limits of toleration on the basis of reasons that all citizens *can* share or endorse, even if they do not, at present, share or endorse them. To be sure, this way of delineating the limits of toleration seems less arbitrary than doing so merely on the basis of interests and convictions (e.g., about the conditions of religious salvation) that are shared only by a political overclass, as might occur in the case of permission-style toleration. Nevertheless, until we know just what Forst means by a reason's being *shareable* (after all, can't any reason be shared?), the basic substance of his proposal remains elusive. To fill things in, Forst tells us that, in order to be shareable, a reason must satisfy the criteria of *reciprocity* and *generality*. Quoting directly:

Reciprocity means that one cannot refuse to grant another person certain demands that one makes for oneself (reciprocity of contents) and that one must not assume that others share one's evaluative conceptions and interests—especially not by appeal to "higher truths," which are precisely *not* shared (reciprocity of reasons). Generality ultimately means that all of those affected must be able in principle to share reasons for regulations governing the realm of toleration and freedom that can be legitimized in general terms.⁵

According to Forst, fulfilling these criteria is what is involved in a reason's being "shareable." And yet, while this does tell us something, it does not tell us a whole lot. Reciprocity requires, first, that any shareable reason to tolerate (or not to tolerate) some agent be one that holds regardless of the identity of the agent in

question (e.g., whether it's me, you, or anyone else). For instance, if the state were to consider outlawing a radical Islamic political party on account of its violent and oppressive political agenda, reciprocity of contents would require that the state also consider outlawing any other political party with a similarly violent and oppressive agenda (whether it be Christian, Jewish, Hindu, and so on). Second, reciprocity defines a shareable reason as one that avoids invoking interests, conceptions of the good, and "higher truths" that are not (or are not likely to be?) shared by all citizens.⁶ And finally, the criterion of generality tells us something about the community to which justification on the basis of shareable reasons is owed: that is, that it includes "all those affected" by a given policy or action.

All of this leaves a range of crucial questions unanswered. In particular, we're not given a clear sense of the relevant mode of possibility at issue. For instance, is a reason shareable because, although not currently shared by all citizens, it follows from *other* reasons that all citizens now share despite their broader disagreements? Or is the crucial factor whether citizens are all *likely* to endorse a reason? Does past endorsement count? These are tricky questions, but any talk of shareable reasons will remain murky until they are adequately answered.

In the interest of clearing this up, let me put three possible but (in the present context) false interpretations of the shareability of a reason to one side. First, and Forst is explicit about this, the test of a norm's shareability is not its actually being shared or endorsed by all citizens, or all those affected by it. Thus, one does not need universal acceptance of a reason in order for it to be considered shareable, on Forst's view.⁷ And, of course, this makes good sense. It would be excessively constraining if the only reasons that the state could appeal to in justifying its use of coercive power were those endorsed by all citizens. Imagine a state composed of deranged and violent citizens. Such citizens may not accept any sensible rationale for using the power of the state to curb their harmful behavior, but that would not make it unjustifiable or illegitimate for the state to do so. Instead, we standardly think that there are some reasons (e.g., avoiding imminent harm) for taking coercive action against an agent that hold even if the agent in question strongly rejects them. By expanding the set of coercion-justifying reasons beyond the set of universally *shared* reasons, Forst makes room for this.

Second, the test of a reason's shareability also cannot be that it is widely (if not universally) shared, or even likely to be widely shared, in a modern democratic society. The reason why this recognizably Rawlsian interpretation seems unavailable here is that it's terribly unclear how it is supposed to avoid the specter of arbitrariness. Remember that one of Forst's complaints against the permission conception of toleration was that it draws the limits of toleration in accordance with the subjective views and/or preferences of a *de facto* authority (e.g., a monarch or a democratic majority) and that—in the absence of any deeper argument in favor of those views and/or preferences—this seems arbitrary and unjustified. How could Forst then go ahead and claim that the respect conception of toleration avoids arbitrariness but defines its own limits in much the same way,

that is, by appealing to reasons that, as a matter of brute fact, happen (or tend) to be shared by a majority of democratic citizens?

According to a third interpretation, the test of a reason's shareability is whether or not it constitutes an objectively valid (or "binding") normative consideration that is active in the circumstances at hand. That is, on this view, the threat of arbitrariness is countered by the reason's expressing normative facts (e.g., about the undesirability of pain) that apply independently of whether we *take* them to apply in the case at hand—indeed, independently of our subjective normative attitudes and beliefs in general. One preliminary worry about this objectivist view is that it may be too permissive, allowing potentially controversial religious or moral claims (if objectively valid) to determine the aims and limits of state power. But this need not be so; a view of this sort can allow that there may be any number of further reasons (whether moral, epistemological, or pragmatic) to restrict the set of objective considerations that may be appealed to justify the use of coercive power.

This third interpretation is an impossibility for Forst, which brings us to his constructivism. For Forst, as for all constructivist theorists of normativity, the correctness of a normative judgment (or some class thereof) is not to be measured by its conformity to an objective normative order, but rather by its ability to withstand scrutiny from the standpoint of some further set of normative judgments.⁸ Thus, the test of a reason's shareability cannot be its objective status, on Forst's view; he is simply not interested in measuring the aptitude (e.g., truth, correctness, authority, justification, and so on) of normative judgments in this way. What matters is that the reason finds approval from the vantage point of some other set of specified normative commitments. What, then, is this deeper normative vantage point, for Forst? And what accounts for its elevated justificatory status?

According to Forst, the shareability of any moral–political judgment is ultimately determined by its passing muster from the standpoint of a commitment to the right to justification itself. And the specific test of whether any given normative claim can survive scrutiny from that standpoint is, according to Forst, whether or not it satisfies the criteria of reciprocity and generality. Our analysis has therefore come full circle, rather unsatisfyingly. But this is intentional, on Forst's part. On his view, our reasons for tolerating (or not tolerating) others should not be justified by appealing to "external sources" (such as objective normative facts) but only from "within" the standpoint of morality, or what he calls "practical reason," which has the right to justification at its center.⁹ Moreover, to try to look for some further (possibly objective) reason to commit to this central principle is, echoing the late Bernard Williams, to ask "one question too many," according to Forst.¹⁰ In a revealing passage, he writes:

The *rational* insight into the validity of this principle [the right to justification] is itself a *normative* insight, namely, that, as a human being, as a justifying rational being who can offer reasons and is reliant on justifications, one "owes" it to other human beings to act in accordance with this principle. . . . This basic moral insight is a feature of persons who

regard themselves and others as always already situated within a shared context of responsibility, a context which they feel themselves, as autonomous moral persons capable of acting responsibly, obliged to uphold—obliged, essentially, by *others* and not, for example, by abstract “reason.”¹¹

Where does this leave us *vis-à-vis* the paradox of drawing the limits? Well, for one, it allows Forst to address the paradox by appealing to reasons that are so fundamental to morality that our case for endorsing them will be as good (or as bad) as the case for being moral in general. Since we do standardly think we have good reason to be moral, even if it is not always easy to articulate why, this does do something to dispel worries about arbitrariness. Amoral sociopaths presumably will not agree, but any morally decent person will. Moreover, this includes anyone preoccupied by the paradox at hand. After all, worrying about the justifiability of drawing the limits of toleration in one place rather than another is itself evidence of one’s commitment to the right to justification. Forst’s solution to the paradox is, in this way, dialectically powerful. It attacks the paradox by appealing to reasons that all those engaged by it appear to share, even if they are not quite aware of doing so.

Understanding all this helps to clarify Forst’s place within the constructivist tradition. In particular, it brings to light one important difference between Rawls’s “political constructivism” and Forst’s alternative “critical theory of justice.” Rawls places what he calls “political values” (e.g., freedom, equality, and society envisaged as a fair system of cooperation) at the justificatory heart of political liberalism.¹² But he deliberately refuses to say anything at all about what deeper reason we might have for endorsing those values, aside from the fact that their acceptance is a natural or likely outcome of being raised under liberal political institutions.¹³ Forst, by contrast, says far more about the meta-ethical status of the core justificatory principle of his own theory. According to him, affirming the right to justification is an inextricable part of adopting a recognizably moral stance toward others, that is, it is a basic principle of “practical reason.”¹⁴ This makes his version of constructivism at least structurally similar to Christine Korsgaard’s, who grounds her theory in core normative judgments (i.e., judgments affirming the value of “humanity”) to which, she argues, we are necessarily committed as soon as we value anything at all.¹⁵

III

This then, is what I take Forst to mean by a reason’s being *shareable*: first, it consists in a reason’s being one that any recognizably moral agent accepts, and second, it consists in a reason’s fulfilling the further criteria of reciprocity and generality, specified above. Now that all this is clearer, I want to point out what I think are two key difficulties for Forst’s theory, and then move on to a third difficulty that complicates his solution to the paradox of drawing the limits in particular (Section IV).

First, there is some puzzlement surrounding the rigidity with which Forst (like Rawls) bars all conceptions of the good life, as well as any other “higher truths,” from informing the set of shareable reasons that should organize our moral–political relations (recall “reciprocity of reasons”).¹⁶ This is a dramatic exclusion, since it means, in effect, that the conditions of human well-being are irrelevant to determining what we owe to others, as well as what the state owes to its citizens. In defense of this eviscerating exception, Forst argues that the right to justification requires that an agent (whether an individual or a state) act towards others on the basis of reasons that the latter could not “reasonably reject.” Moreover, since one test of the reasonable rejectability of a reason is the inconclusiveness of the evidence in its favor, reasons that are premised on a given theory of the good or the nature of the cosmos will be especially liable to rejection. This is because, Forst explains, such theories address “ultimate” questions to which there are no conclusive answers.¹⁷ The suggested upshot then is that the limits of toleration should not be drawn via appeal to *any* understanding of the universe or the good life, since all such understandings can be reasonably rejected in favor of some alternative view.

The puzzle to be explained here is that of why Forst thinks that *no* theory of the good life can pass the relevant epistemic threshold: that is, whereby the available evidence is such that it would be *unreasonable* to reject such a view. For instance, I can think of no good reason to deny many of the claims that capability theorists make about the nature of the good life. It seems obvious that any human life will go better the more effective opportunities one has to imagine, think, feel, play, affiliate with others, and live in health. Of course, there may be reasonable disagreement about how these capabilities and others should be interpreted, balanced, and limited in the course of daily life. And not all individuals will want to pursue (all of) these capabilities. But this is no reason to doubt the exceedingly plausible idea that the *opportunity* to engage in such activities constitutes an essential component of any recognizably good life. The question then becomes why theories of this sort cannot inform the set of shareable reasons that govern our moral–political relations. Why, for instance, shouldn’t we think of state authorities as having a reason to promote human well-being (e.g., opportunities for healthy living, leisure, learning, association, and so on) when its basic components can be outlined in ways that it would seem unreasonable to deny or reject?¹⁸ At the very least, what’s worth noting here is that Forst’s rejection of such perfectionist aims in politics is not straightforwardly justified by the epistemic considerations that motivate it.

Second, Forst at times seems to overestimate the prescriptive power of his respect-based theory of toleration. He approaches practical controversies, including the German case studies he mentions in the present article, with the conviction that an appeal to shareable reasons will point us toward the correct solution. But since these reasons are defined in a highly abstract manner (i.e., as reciprocal, general, and so on), it is often unclear what substantive normative considerations will actually qualify as shareable and thus active in any given case. Indeed, Forst’s

deliberations on the practical controversies he is interested in often seem more like exercises in plausible moral reasoning than they do attempts to spell out the implications of the respect conception of toleration *per se*.¹⁹ It is accordingly difficult to tell what real work his constructivist apparatus is doing or can do to decide these matters.

For instance, in the case of the headscarf controversy, Forst persuasively argues that while the attempt to curb culturally or religiously motivated oppression within the family is a noble one, it should not be pursued at the expense of stigmatizing an entire religion, which is in effect what a special ban on Muslim female headscarves would do. This is a very plausible thing to say, but it's unclear why the suggested balance between the goals of curbing religious oppression (on the one hand) and that of avoiding the social stigmatization of a religious community (on the other) should be thought of as emanating from the respect conception of toleration in particular, rather than from, say, powerful moral intuitions.

A similar doubt arises with respect to Forst's analysis of controversies regarding the prohibition of antidemocratic parties. As noted above, Forst argues that such parties have no *moral* claim to political participation, and that the only reasons for tolerating them are *pragmatic* ones.²⁰ Here again, however, I don't see why this conclusion is an obvious outcome of the respect conception of toleration. Couldn't that conception just as well affirm that *some* moral claim to political participation persists in the case of intolerant or antidemocratic parties, but that it is weakened and, in grave enough cases, outweighed by the deplorable content of their party platforms? To my mind, that would be a more plausible conclusion. After all, why should the morally deficient (or reciprocity-violating) character of a party platform *wholly* disable its party's moral claim to political participation? Regardless, the relevant point is that the abstract criteria of reciprocity and generality seem incapable of deciding the issue on their own. More guidance is necessary. And if that is so, why construe things as if the right to justification itself is deciding the issue?

IV

This brings me to a final, third note of caution. Forst encourages us to see the right to justification, and the respect-based conception of toleration that is premised upon it, as the most basic moral right of all. Indeed, recognizing it is meant to be an elemental component of moral agency; in Forst's language, respecting the right is a basic principle of "practical reason." And this is not an implausible thought. If I am going to see others as persons whose interests *matter*, and who are owed some degree of moral respect and consideration, then it does seem as if I owe them *some* kind of justification when I make decisions that will impact their lives in a significant way. For instance, if I take money from someone's wallet without their knowledge, I presumably owe them a justification for my action. The justification does not have to be delivered verbally, but there must be *something* plausible that I can say in defense of my behavior if it is to count as moral: for

example, that I am desperately in need of the money, that there is no other reasonable way to obtain it, and that it will be quickly repaid. It may be that, all things considered, I have no good reason to take the money without asking, in which case my action would be immoral. Either way, the notion that our actions, or some subset thereof, must be adequately *justified* to others does seem formally built into morality in this way.

When a commitment to the right to justification is understood as such, Forst seems well positioned to argue, as he does, that we have arrived so close to the core of morality that a request for some deeper reason to respect the right may be dismissed as obtuse, or as asking “one question too many.”²¹ Indeed, Forst’s strategy here is to suggest that we see a commitment to the right as grounded in a fundamental “*insight*” into the moral status of others as agents deserving of concern: an insight that reveals this status to be self-evident or in no further need of justification.²² I am not here in a position to rule out this possible line of response to anyone who would question why we should be moral at all. Nor am I disposed to. But the role of the right to justification in Forst’s theory goes beyond that of outlining (what we might call) a *formal condition* of moral agency, that is, holding oneself accountable to others in the sense of being ready and willing to justify one’s actions to those who are affected by them. The right is also meant to tell us something about the *content* of morality, or about *which* justificatory reasons are adequate and which are not.²³ And this complicates Forst’s portrayal of the right to justification as both morally basic and self-evident, which is (as discussed in Section II) crucial to his response to the paradox of drawing the limits. This is because the burdens involved in justifying morality as such—or the very idea that we should be respectful of others—are intuitively different from those involved in justifying a substantive claim about what *kind* of respect we owe them.

In the former case, it may be that the burden can be discharged by appeal to the fundamental self-evidence of the moral status of others, that is, their deserving nature as “ends in themselves,” as Forst suggests. By contrast, in the latter case, what one needs (I would think) are substantive *reasons* or *arguments* that demonstrate why one’s preferred understanding of the content of morality should in fact be preferred over others. For while it may be overdemanding to ask for reasons to be moral as such, it is by no means overdemanding to ask that any substantive theory of the *content* of morality (whether egalitarian, hierarchical, individualist, collectivist, deontological, consequentialist, and so on) defend itself against alternative views. And once we notice that Forst’s constructivist understanding of the right to justification has *both* formal and substantive elements in this very sense,²⁴ his axiomatic acceptance of the right suddenly stands in need of further defense.

Forst resists the sharp contrast that I am trying to draw here between formal and substantive claims about morality.²⁵ His suggestion seems to be that the substantive aspect of the right to justification is inseparable from, or somehow already contained in, its formal aspect. But it is difficult to see how this could be

so. Consider again Forst's substantive notion of *reciprocity of contents*, which is essentially an egalitarian criterion that forbids us from refusing to grant others any moral-political demand that we make for ourselves. A hierarchical political morality that gives some members of a community rights that are denied to others could not pass muster from this point of view. But is this egalitarian commitment to reciprocity a preordained outcome of a commitment to the right to justification itself, formally understood? It's hard to see why it would be.

For instance, imagine a slave owner who is fully aware of the need to adequately justify his actions toward his slaves, but who happens to believe that adequate justifications are in fact available—whether by appeal to the “natural order” of things, or to innate (morally relevant) differences between groups, or whatever. The slave owner demonstrates a basic feature of moral agency here, that is, an abstract concern for others in the form of a readiness to justify one's actions toward them. And in this sense, the slave owner can be seen as committed to the right to justification, formally understood. Where the slave owner goes wrong, however, is in his understanding of the *content* of morality, that is, of *how* to care for others or *which* justifications are adequate and which are not. Indeed, one of his mistakes, plausibly, is his lack of commitment to the egalitarian criterion of reciprocity itself. But now that we see that a commitment to the formal and substantive aspects of the right to justification can come apart in this way, why should we follow Forst in thinking that all aspects of the right are self-evident? If respecting the right is not just a matter of acknowledging others as objects of moral concern, deserving of justification, but also a matter of subscribing to a particular policy of *equal* concern for others, why shouldn't we see the right as (at least in this latter respect) an object of legitimate scrutiny that is itself in need of justification? I submit that we should. The idea of moral equality is, *prima facie*, as much in need of reasoned argument as any other substantive moral commitment.

This is not to say that a morality (and/or politics) founded on the egalitarian principle of reciprocity is unattractive or worthy of dissent. On the contrary, the notion that we should treat others as we expect and want to be treated (reciprocity of contents) seems patently true and is famously ancient. But recognizing this falls well short of understanding a commitment to reciprocity to be a conceptually necessary condition of moral agency as such; we can adopt an identifiably moral (even if flawed) attitude toward others, or see them as deserving of well-reasoned treatment, without adopting a special policy of *equal* concern for all. Nor does this recognition rid us of the need to justify, or at least to *try to* justify, a substantive commitment to reciprocity. After all, the idea of moral equality is by no means universally shared, or uncontroversial, and it is constantly under assault even by those who are expressly committed to it. If we are going to invoke the ideal of equality as a central organizing principle of our moral and political relations with others, then surely we can be expected to justify its privileged position through reasoned argument, and not merely by appeal to an “insight” into its fundamental self-evidence.

That said, it may be that in the end, a commitment to moral equality and reciprocity *is* self-evident and in no further need of justification. All that I wish to point out here is that, *contra* what Forst appears to suggest, its self-evidence is not a logical or necessary outcome of the (more plausible) self-evidence of our duty to be moral as such. Moreover, even if it were true that the idea of moral equality is justificatorily self-evident, this is a truth so convenient that we should be deeply wary of accepting it, and for reasons that Forst himself will be quick to recognize. Because of the justificatory work that an affirmation of the self-evidence of one's central normative commitments can save us, there is always a real chance that it is motivated by complacency rather than genuine philosophical insight. This alone should raise an eyebrow to any such affirmation, but so should the seriousness of what is at stake if such an affirmation turns out to be wrong.

For one, a false belief in the self-evidence of our normative judgments can prevent us from discovering normative truths by insulating those (potentially false) judgments from the critical scrutiny that comes with an effort to justify them. Moreover, it can unhelpfully impede one's ability to justify one's normative commitments *to others*, including (of course) to those who do not share those commitments. This can become a problem, to take a pertinent example, when liberals deal with others who are not as persuaded by the ideals of secularism, freedom, and equality as they are. For unless liberals have thought searchingly about *why* their chosen ideals deserve allegiance over alternatives, they won't be able to offer illiberals a supremely basic dignity: that is, a cogent explanation of why they are believed to be wrong.²⁶ Indeed, if a probing attitude toward the justificatory foundations of liberalism is abandoned under the false pretenses of liberalism's self-evidence, this can promote a baseless form of arrogance toward illiberals: one in which illiberals are regarded as "crazy" people who "just don't get it." Even if it were the case that basic liberal commitments were somehow self-evident, this would hardly be a respectful or informed attitude to adopt toward those who oppose a political ideology that is relatively young and by no means universally shared.

Forst is alive to these concerns. He is, after all, strongly committed to the notion that one's normative commitments should be justified, both to oneself and to others. The best way to understand my final comment here, then, is as pointing out what I take to be a certain tension in his view. The tension is between Forst's profound and explicit commitment to base the limits of toleration (and our moral-political relations more generally) on well-justified or non-arbitrary grounds, on the one hand, and the apparent underzealousness of that commitment when it comes to justifying the core egalitarian component of his theory (reciprocity of contents), on the other. Forst's argument for that component, so far as I can see, rests on its being understood as a conceptually implicit aspect of adopting a moral (i.e., justification-giving) stance toward others, and its therefore being imbued with all the self-evidence of the moral stance itself, however much that turns out to be. Once we question this understanding, however, and see reciprocity not as basic to the *concept* of morality but as one eligible understanding of the

content of morality among others, it no longer seems defensible along these lines. This leaves the justificatory status of the criterion of reciprocity unclear, along with its ability to serve as a non-arbitrary basis for tolerating (or not tolerating) others.

Perhaps there are substantive arguments in favor of reciprocity explicit or at least latent in Forst's work that I have missed and that could correct for this. That is for the reader to decide.²⁷ In the meantime, for those who are interested in exploring the justificatory foundations of moral equality and other liberal commitments, it is difficult to say exactly where they ought to look. Perhaps the most profitable route would be to seek out the foundations of so-called "human dignity."²⁸ Or perhaps the best available justification in the vicinity is a negative one, that is, one that involves demonstrating the paucity of good arguments *against* regarding others as moral and political equals. Either way, as a general strategy, I believe we are better off trying to establish the *truth* of our normative commitments, including our commitments to liberty and equality, and not merely their entailment from some other normative standpoint, however basic it may be. And while this would take us away from constructivism altogether, and bring us closer to the objectivist strategy outlined above (in Section II), this is nothing to regret. After all, if we can demonstrate that the ideal of equality is not just one that we *do* share (simply in virtue of being moral agents) but one that we *ought* to share, as a matter of objective fact, this will go a very long way toward defeating worries about arbitrariness.

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Notes

¹ See Forst, in this issue; also Rainer Forst, *Toleration in Conflict: Past and Present* (Cambridge: Cambridge University Press, 2013), tr. Ciaran Cronin, 454.

² Rainer Forst, *The Right to Justification* (New York: Columbia University Press, 2012), 2.

³ *Ibid.*, 146.

⁴ In fact, Forst's own interpretation of constructivism is one that he sees as combining the best elements of both Rawls's and Habermas's interpretation thereof. See *ibid.*, chap. 4.

⁵ See Forst, in this issue.

⁶ One is immediately reminded, here, of Rawls's exclusion of "comprehensive doctrines" from the set of ideas and values that can be appealed to justify political conceptions of justice. See John Rawls, *Political Liberalism: Expanded Edition* (New York: Columbia University Press, 1993), 58–66.

⁷ See Forst, *Right to Justification*, 21; *Toleration in Conflict*, 453–54.

⁸ See Forst, *Right to Justification*, 80–82; Sharon Street, "Constructivism about Reasons," in *Oxford Studies in Metaethics, Vol. 3*, ed. Russ Shafer-Landau (Oxford: Oxford University Press, 2008), 207–46.

⁹ See Forst, *Right to Justification*, chap. 1.

¹⁰ Forst, *Toleration in Conflict*, 456.

¹¹ *Idem.*

¹² See Rawls, *Political Liberalism*, lecture I.

¹³ *Ibid.*, lecture III.

¹⁴ See Forst, *Right to Justification*, 18–23.

¹⁵ Christine Korsgaard, *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996), 121–22; Street, “Constructivism,” 244. For Forst’s account of how his position differs from that of Korsgaard, see Forst, *Right to Justification*, 55.

¹⁶ For a detailed account of this exclusion, see Forst, *Right to Justification*, chap. 3.

¹⁷ This is what he means by the “finitude of reason.” See Forst, *Toleration in Conflict*, chap. 10, 482.

¹⁸ It is worth noting that the state’s promotion of human well-being, in this sense, need not require its coercive interference in any way of life that falls short of basic axiological standards. All it need imply is that the state has a *pro tanto* reason to promote human well-being when it can. There may be countervailing considerations that militate against coercive intervention in any given case, making it the all-things-considered wrong thing to do, for example, reasons of respect for communal autonomy, stability, religious liberty, or cultural recognition, and so on. Thanks to Rainer Forst for raising this concern.

¹⁹ Forst discusses concrete cases in great detail in Forst, *Toleration in Conflict*, chap. 12, §38.

²⁰ See Forst, *Toleration in Conflict*, 568–71.

²¹ See Forst, *Right to Justification*, 31–42.

²² *Ibid.*, 35–37.

²³ Forst acknowledges something very much like this distinction in Forst, *Right to Justification*, 22.

²⁴ Forst himself admits that his theory of toleration is both “procedural” and “substantive” at the same time. See Forst, *Right to Justification*, 5–7.

²⁵ *Idem.*

²⁶ See Farid Abdel-Nour. “Liberalism and Ethnocentrism,” *Journal of Political Philosophy* 8, no. 2 (2000): 207–26.

²⁷ Chaps. 1 and 2 of Forst, *Right to Justification*, are the most promising source material in this respect.

²⁸ There are ways in which Forst might be seen as pursuing such an avenue. See Forst, *Toleration in Conflict*, 457–58.