

## Comments on Andrew Jason Cohen's *Toleration*

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### 1. Introduction

Andrew Cohen's *Toleration*<sup>1</sup> is interesting on a number of counts. He offers what amounts to a philosophical case for classical liberalism or libertarianism based on a principle of tolerance akin to John Stuart Mill's 1859 *On Liberty*.<sup>2</sup> Individuals or the state, he argues, may interfere with the actions of people only if those people are engaged in harms to others. Interference is not permissible for actions that affect only the person in question or that affect others on a consensual basis. Cohen defends a strong form of this harm principle, according to which it is the *only* basis for prohibiting behavior. He rejects intervention based on other considerations, such as legal moralism or the offensiveness of the behavior. On the latter score, he certainly has the courage of his convictions. In order to test the limits of toleration, Cohen deals with consensual actions—sexual and otherwise—that are astoundingly repulsive and indecent. In my comments on Cohen's book, I will cover three issues: (1) his rejection of the link between toleration and relativism, (2) the concepts of toleration and endurance, and (3) a question about moral toleration.

### 2. Tolerance and Relativism

Cohen makes it clear from the outset that tolerating actions, including repulsive and indecent ones, does not mean withholding judgment. On the contrary:

[A]dvocating tolerance does not mean advocating some wishy-washy namby-pamby way of being that requires

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<sup>1</sup> Andrew Jason Cohen, *Toleration* (Cambridge, UK: Polity Press, 2014).

<sup>2</sup> John Stuart Mill, *On Liberty* (New York: Penguin Press, 1986).

you to refrain from judging others . . . . [I]f you oppose nothing, you cannot tolerate anything. Those of us who oppose things—those of us who are judgmental, i.e., *willing to judge*—can tolerate things. Toleration, as we shall soon see, is *the intentional and principled refraining from interfering with another whom one opposes*. (p. 2)

This point may be widely accepted among philosophers, but I think it has a huge cultural importance in light of common conceptions of tolerance today, especially on university campuses. Tolerance is widely advocated as an antidote to prejudice and bigotry. We are urged to tolerate those who differ from us in race, sex, ethnicity, sexual orientation, and other characteristics rather than allowing those differences to breed contempt and hostility among groups. There is no denying that such hostility occurs. Throughout the world, ethnic animosity has produced hatred of immigrants, discriminatory legislation, and bloodshed. The concept of tolerance, however, is not the right response to this problem. The right response is rationality.

Do we tolerate blondes? The question seems bizarre. For whatever reason, hair color has not been a basis of tribal identity or group politics in our culture; the concept of tolerance is never invoked in this context because there is too obviously nothing to tolerate. In a rational culture, the same would be true for race, ethnicity, and the like. There is nothing for a white person to tolerate in one whose skin is black, because skin color has no value significance whatever.<sup>3</sup> Describing the proper attitude toward people of a different race or ethnicity as one of tolerance assumes that human beings naturally fear and resent such differences. It perpetuates the expectation that tribal bigotry is natural, the to-be-expected, a kind of original sin that can be suppressed but never overcome.

This problem is compounded by identity politics, which assumes that people identify with their racial, sexual, and ethnic characteristics. It's compounded further by the view that tolerance is grounded on the premise of relativism, which is the doctrine that there is no objective basis for judging people as good or bad, ideas as true or false, or cultures as primitive or advanced. The result is the syndrome we see especially on college campuses. People search out words and actions that create some tiny offense to their group identity ("micro-

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<sup>3</sup> For most purposes, anyway. Among other exceptions, race can be significant in diagnosing and treating certain medical conditions.

aggressions”), which they denounce as intolerance even though the “offensive” remark or behavior in no way interferes with their freedom, and even though their relativist concept of toleration would undermine any judgment that bigotry is wrong.

### 3. Endurance and Tolerance

Cohen’s defense of toleration rests on his analysis of the concept. He defines tolerance in terms of three conditions:

For P to tolerate X,

- (a) P must intentionally refrain from interfering with X,
- (b) P must dislike or disapprove of X, and
- (c) P must have a principled reason for noninterference. (p. 16)

The reason for (c) is to distinguish tolerating from merely putting up with. It is not tolerance, for example, if P opposes some X and refrains from interfering because of other motives such as fear or laziness. Cohen’s definition applies only to agents who are capable of intentional action, normative judgment, and principled reasons. In other words, it applies only to humans and (with a few adjustments) to human institutions such as the state.

There is, though, a concept akin to tolerance that applies in other realms. Its core meaning in all applications is “to endure, allow, or put up with something.” Thus we speak of plants that flourish in sun but can tolerate shade. People can differ in their tolerance for pain, anxiety, change, and other conditions. Cohen is of course aware of such usage. In his article “What Toleration Is,”<sup>4</sup> he recommends using the term “endurance” for these cases and reserving “toleration” for human cases of deliberate non-interference with something a person opposes. I have no objection to that distinction, but I think there is more to be said about the relationship between these two concepts.

There is at least one parallel between them. Consider, to begin with, the following analysis of endurance. For P to endure X (where neither P nor X need be human),

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<sup>4</sup> Andrew Jason Cohen, “What Toleration Is,” *Ethics* 115, no. 1 (2004), pp. 73 and 76.

- (d) P does not eliminate, escape, or succumb to X;
- (e) X must have negative value significance for P;  
and
- (f) there is a reason or cause why P does not eliminate, escape, or succumb to X.

In the case of the shade-tolerant plant, the plant does not eliminate the shade; obviously, it can't. Nor can it escape the shade, as a sun-loving reptile might. Neither does it succumb. Unlike "sun-loving" plants, it can put up with shade; it will not wilt and die as they would. Nevertheless, shade has a negative value significance for the plant. It "prefers" sunny locations, which foster its growth and flourishing. There is a causal explanation; it was presumably a reproductive advantage for plants of this species to survive and propagate in shade as well as sun.

I would argue that each of the key terms in this analysis subsumes the corresponding term in Cohen's analysis as a special case. Consider an example that meets Cohen's criteria for toleration. I am speaking to someone on campus who holds the relativist egalitarian views I described above.

- (g) I refrain from interfering with this person, for example, by trying to silence him. Interfering would be an attempt to eliminate his speech.
- (h) I oppose his view. I think it is false and, to the extent that he influences others, will undermine the civility of campus life. Since truth and civility are valuable, his mindset has a negative value significance.
- (i) I have a principled reason for not interfering: Freedom of speech has a higher value significance in this context. It supports human life and flourishing by allowing the possibility of rational persuasion.

In regard to (i), my analysis is partly based on the Objectivist theory of value. In the Objectivist ethics and metaethics, values and disvalues are rooted in the phenomenon of life, specifically the fact that the life of any organism requires action in the face of the alternative of life or death, existence or non-existence.<sup>5</sup> Human beings

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<sup>5</sup> See Ayn Rand, "The Objectivist Ethics," in Ayn Rand, *The Virtue of*

face the same alternative, but have higher capacities to deal with this alternative, including normative judgment, deliberate choice, and reasoned action. Deliberately choosing not to interfere with the other person because of a consciously held value is of course a long way from the plant's continuing to live in the absence of direct sunlight. The latter has a purely causal explanation, whereas a person's tolerance is based on reasons. However, that human capacity has a causal basis in our cognitive systems, and I choose to tolerate in order to bring about—to cause—a social condition that supports our lives. In short, from an Objectivist perspective, there is more than a parallel between endurance and toleration in the full human sense. There is a deep link reflecting the biological basis of value.<sup>6</sup>

#### 4. Moral Toleration

Some years ago I wrote a short book addressing what I saw as intolerance in the Objectivist movement. That attitude manifested itself in condemning and shunning those who disagreed with “orthodox” leaders and spokesmen for the philosophy. The practice was to judge morally those who disagreed as irrational or worse, and to refuse to “sanction” the perceived error by engaging in discussion or argument.

In response, I argued that tolerance is a virtue, not just in the political sense of not suppressing speech, but in a moral sense:

In this sense, the action we forbear from taking is that of condemning and ostracizing the person. It's important to note that the object of toleration is the person, not the ideas per se. Tolerance does not mean refusing to express

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*Selfishness* (New York: Signet, 1964), pp. 13-39. In Cohen's terminology, Objectivism is a *comprehensive* theory of value. Comprehensive views have metaphysical commitments about the nature of persons and apply to the whole social realm, not just politics (Cohen, *Toleration*, p. 24). For a view of this type, which Cohen himself has, what we should tolerate (and that we should tolerate) is determined by objective principles.

<sup>6</sup> We do speak of machine parts engineered to a tolerance of, for example, plus or minus .01 centimeter. Cohen would treat this as a case of endurance; see his “What Toleration Is,” p. 86, n. 62. Machines are inanimate, and nothing has value significance to them as such. This may seem a counterexample to my analysis of endurance, but what we mean is that the machine won't work if the part is not within the tolerance. Whether it works or not does have value-significance—to us, to the humans who design and use it.

one's belief that the ideas are false or that their consequences are destructive. These issues are part of the normal content of discussion and debate among people concerned with ideas. Tolerance is a matter of one's policy toward such people as individuals, including one's willingness to engage in discussion with them at all . . . . Tolerance is at root a negative concept; it means not condemning a person solely on the basis of his ideas . . . . Except in rare cases, we cannot tell that a person is irrational merely from the content of an idea he holds. It would therefore be unjust to condemn him on that basis.<sup>7</sup>

I went on to argue that there is a positive benefit in this mode of toleration, for the reasons Mill sets out: confronting views at odds with your own will at least strengthen your case for your views, and may provide new insights.

The phenomenon I opposed is hardly unique to Objectivism. It happens frequently in movements based on intellectual viewpoints and ideologies, especially those based around a charismatic originator. Karl Marx and Friedrich Engels engaged in chronic infighting with other socialists at the time, denouncing and breaking with many of them.<sup>8</sup> Sigmund Freud broke with his best student, Carl Jung; the early psychoanalytic movement was notorious for demanding acceptance of Freud's views.<sup>9</sup> More recently, libertarian thinkers have provided other examples.<sup>10</sup> The tendency to denounce one's near relations seems to be part of the natural history of intellectual movements. It calls out for analysis. Cohen himself treats Spinoza's excommunication by the Jewish community of Amsterdam as a case of intolerance (p. 11).

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<sup>7</sup> David Kelley, *The Contested Legacy of Ayn Rand: Truth and Toleration in the Objectivist Movement* (New Brunswick, NJ, Transaction Publishers, 2000), p. 61.

<sup>8</sup> See, e.g., Jonathan Sperber, *Karl Marx: A Nineteenth-Century Life* (New York: W. W. Norton, 2014).

<sup>9</sup> Frederick Crews, et al., *The Memory Wars: Freud's Legacy in Dispute* (New York: New York Review of Books, 1995).

<sup>10</sup> See Brian Doherty, *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement* (New York: Public Affairs, 2008), for numerous examples.

In his Introduction, Cohen seems sympathetic to the conception of moral tolerance I put forward:

Respecting someone does not require respecting his or her views . . . . We should assume the people we meet are intelligent and worthy of our respect, but we should not be surprised to find that sometimes they hold *views* we cannot respect (we should still respect the person) . . . . We can respect others, not respect their views, and tolerate their holding of false views. (p. 3)

Cohen is drawing the same distinction here that I draw between the person and his views. If respect for the person excludes the kind of moral condemnation I described, then it seems he considers such a moral judgment as incompatible with toleration. However, toleration, on his view, means not interfering with something that you oppose—in this case, a person holding views you consider false. Does moral condemnation count as interference, so that refraining from that judgment counts as toleration? In many of Cohen's examples, interfering involves coercion. By that standard, suppressing a person's views by force or punishing him for them is clearly a case of interference with the person, while rational persuasion is clearly not interference.

Cohen makes it clear, though, that coercion is not a necessary condition for interference, and he gives many examples in addition to Spinoza's excommunication. I can tolerate someone's playing music I don't like (p. 15). It isn't clear what action I refrain from taking (leaving the room? cutting off a friendship?), but Cohen does not seem to have coercion in mind here. Again, we may think that Sara's plan to go to law school is not in her best interests. Trying to persuade her is not interference, but it would be interference if we "sabotage" her application (p. 50). Again, it isn't clear what Cohen has in mind by sabotage, but, again, it does not seem to involve coercion. A final example, closest to the issue at hand, is where an Amish community shuns and banishes a member who violates one of their religious rules. Cohen's concern in this case is whether *we* should tolerate that Amish practice, but he says that if we do we are tolerating non-toleration (pp. 111-12).

To clarify the questions I have about whether and how Cohen's analysis applies to what I am calling moral toleration, let us apply the analysis to a different example. I have a colleague, Sam. Perhaps we

work together; perhaps we are scholars in the same field or movement. I disagree with Sam about an issue that I have strongly held views about.

- (j) I intentionally refrain from morally condemning Sam as a person. Does moral condemnation amount to interference? What about the other typical elements in schisms: denouncing, ostracizing, pressuring others to do so, etc.?
- (k) I dislike or disapprove of Sam. On my analysis, I dislike and disapprove of Sam's *views*. I think he is mistaken, and possibly that his views would lead to bad consequences. But do I dislike or disapprove of Sam as a person? My point is precisely that I cannot justify that judgment solely on the basis of what he believes.
- (l) I have a principled reason for noninterference: It would be unjust and would cut off the possibility for learning (on my part as well as Sam's).

Now suppose that I do condemn Sam. I denounce him and seek to ostracize him from our community of scholars. Should *you* tolerate *my* behavior? Or would you be justified in interfering (whether you choose to or not) by denouncing and ostracizing me, working to undermine me professionally, etc.? You would be justified, on Cohen's analysis, if my action harmed Sam, where harm consists in a wrongful setback to interests. Sam does have an interest in maintaining professional connections and status with certain others who disagree with his views, an interest that my action has set back; my action is unjust, and hence wrongful.

Cohen says elsewhere that "toleration is a behavioral matter," and recognizes that moral condemnation raises a question about that condition: "some might claim that . . . condemning a behavior even without interfering with it would be to fail to tolerate it."<sup>11</sup> The example he considers is quite different from the kind of case I am concerned with and it involves issues not relevant here. Nevertheless, his discussion suggests that Cohen would draw a distinction between

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<sup>11</sup> Cohen, "What Toleration Is," pp. 79 and 85.

the moral judgment itself (including perhaps the expression of the judgment) and actions such as ostracizing the person; the latter is interference, the former is not. I can agree that the latter is a more significant case of interference, and refraining from it is a clearer case of tolerating. However, such actions are grounded in the moral judgment. Conversely, the purpose of moral judgment is to guide our actions toward other people, so it is not clear why we would refrain from the kind of action I have described. Part of my analysis, moreover, rests on the cognitive error of impugning someone's character solely on the basis of believing that his views are wrong. In that regard, I would question Cohen's premise that tolerance is necessarily "a behavioral matter," but that is too large a question to consider here.

## **5. Conclusion**

Despite reservations I have about Cohen's analysis, I think his book is a valuable contribution to understanding toleration. I commented briefly above on its value as an antidote to "namby-pamby" relativism. It raises new questions (for me, at least) about the relationship between tolerating and enduring. His analysis also helps to clarify issues surrounding moral judgment and behavior in the realm of ideas.

