

After Charlottesville, how we define tolerance becomes a key question

Written by Peter Godfrey-Smith, Professor of History and Philosophy of Science, University of Sydney



Protests in Charlottesville in the US turned violent recently, leading to the death of one person. Reuters/Joshua Roberts

It's been a little over a month since a group of white nationalists [marched in Charlottesville, Virginia](#), some chanting Nazi slogans. Clashes with counter-protesters turned violent, leading to the [tragic death](#) of counter-demonstrator Heather Heyer.

Since then, the value of tolerance has been under the spotlight. Tolerance seems to be a good thing, but do we have to tolerate *this*? Do we have to tolerate people and ideas that are intolerant? And if we don't, are we abandoning the goal of tolerance?

The ladder of tolerance

In 1945 the Austrian philosopher Karl Popper, having escaped the Nazis just before the second world war, published a book, [The Open Society and Its Enemies](#).

It included, in a footnote, what Popper called "the paradox of tolerance". Complete tolerance is an impossible goal for Popper, because if we tolerate even the intolerant:

... then the tolerant will be destroyed, and tolerance with them.

Since Charlottesville, Popper has been [rediscovered on social media](#). He captured an important question, writing in a different time but one with echoes of our own.

The most famous of all books written in political philosophy over the century, John Rawls' [A Theory of Justice](#)

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, drew related conclusions. A society that values freedom should try to tolerate the intolerant, Rawls said. But if the intolerant start to endanger the free society itself, then we do not have to tolerate them.

For both philosophers, the message seems to be that tolerance is good, but perhaps in moderation.

We think the whole idea of tolerance needs to be thought about differently, in a way that distinguishes *levels* of tolerance.

First, there is tolerance versus intolerance of ordinary or “base-level” behaviours. We call this first-order tolerance. If a person is first-order tolerant or intolerant, this will show in how they behave. If they are intolerant, they might threaten or abuse others.

That creates a new choice about tolerance – do you tolerate *those* behaviours? If so, this would be second-order tolerance. There can also be third-order and fourth-order tolerance, but most of the time it is the first and second orders that matter.

There is a sort of ladder here, with tolerance (and intolerance) at higher and lower levels. But what is the difference between the “base-level” behaviours and the others? We’ll look at two examples.

First, think about behaviours that are *private*, such as who you have sex with. You might choose to have heterosexual sex, homosexual sex, sex involving a non-binary individual, or some other kind. (Assume all these behaviours are between consenting adults.)

Liberal democracies have become much more tolerant about sex and other private behaviours over recent decades. Gay male sex was illegal in New South Wales [until 1984](#), for example. Decriminalising gay sex is an example of first-order tolerance.

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Many countries and states also now have anti-discrimination laws, aimed at preventing intolerance of homosexuality, among other things. That is second-order intolerance.

Our society is now intolerant of those who are intolerant of homosexuality; they can be legally penalised. Is that a failure of tolerance? Would complete tolerance involve being tolerant of their intolerance? Not really.

There is a sensible goal here – the goal of first-order tolerance – and that is not a compromise. Societies like ours have decided that tolerance of private sexual choices is valuable and important. To *protect* tolerance of those private behaviours, we have to be second-order intolerant. A combination of first-order tolerance and second-order intolerance makes sense in a case like this.

What tolerance requires to thrive

But that example seems far from the situation we face with neo-Nazis and the like. Their behaviours are not “private”. They are marching around in public, chanting. How is our framework applicable to a case like that?

We think the same principles can be applied. Above we used a “private” behaviour to introduce the distinction between first-order and second-order tolerance, but that was not essential.

What is essential to the behaviours that get the story rolling is that they are not attempts to interfere with others’ choices. That is what defines the “base” level. First-order tolerance in the case of speech is tolerance of what people say when they are not interfering with the choices of others.

There is a slogan associated with the 18th-century French philosopher Voltaire (though it [seems to have been invented](#) by the English author Beatrice Evelyn Hall, writing years later):

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I disapprove of what you say, but will defend to the death your right to say it.

This is another example of first-order tolerance and second-order intolerance. The Voltaire-figure allows people to say things he does not approve of (first-order tolerance), and will also interfere with those who try to prevent the person speaking (second-order intolerance).

The Voltaire slogan illustrates the way first-order tolerance and second-order intolerance can be applied to speech, and also illustrates how tricky the situation can be.

If someone tries to interfere with another person stating their opinions, this interference will often take the form of speech – threats, abuse, and so on.

So Voltaire, to protect free speech, will have to oppose some kinds of speech. How can he decide which speech to defend and which to oppose? He can defend speech which is not an attempt to prevent others making their own choices, even if the speech is controversial. He won't defend speech which is first-order intolerant, or speech which does even greater harm, such as speech that incites violence.

When people who believe extreme political views want to express their opinions, we can tolerate their speech and argue back. We can be first-order tolerant.

Tolerance need not imply approval, and when we argue back to them we can express our disagreement under the same umbrella of protection afforded by a first-order tolerant society.

But when people refuse to be tolerant, we can refuse to tolerate those behaviours. That refusal should not be violent or unreasoning, and should not target behaviours that would otherwise receive protection; the aim is not “tit-for-tat”, a reply to intolerance in its own coin. The aim is instead to protect, using reasonable means, the field of first-order tolerance.

This is not a compromise, or a failure to fully live up to the ideal of tolerance. It's a policy based

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on a better understanding of what tolerance requires to thrive.

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