

## Phil 2, November 26, 2007

### The paradox of tolerance:

- On the one hand, toleration involves *rejection*. We don't tolerate things that we wholeheartedly embrace.
- On the other hand, toleration involves *acceptance*. In tolerating something, we restrain our rejection of it.
- There are some things that we *fully accept*, that we don't need to tolerate, like our friends' love and respect for us.
- There are some things that we *fully reject*, that we cannot tolerate, such as racist violence.
- The things we tolerate lie somewhere in between. But how can there be something in between: something we *both reject and accept*?

### The distinction between truth and reasonableness:

What makes toleration possible, Rawls suggests, is the difference between *truth* and *reasonableness*.

- On the one hand, we *fully accept* our own convictions; we believe them to be true.
- On the other hand, we *fully reject* some convictions that are *unreasonable*.
- In between are other convictions that are *reasonable*. We reject these convictions, insofar as we believe that they are *false*. (They contradict our own.) But we accept them, in another sense, insofar as we believe that they are *reasonable*.

When is a conviction reasonable? Part of the answer is that it is:

- Arrived at by one's conscientiously and competently assessing one's own reasons for belief and action.

### How is reasonable disagreement possible? The "burdens of judgement"

If contradictory convictions cannot all be *true*, how can they all be *reasonable*? How can reasonable people disagree?

Because of the "burdens of judgment":

- a. The evidence bearing on the case may be conflicting and complex, and thus hard to assess and evaluate.
- b. Even where we agree fully about the kinds of considerations that are relevant, we may disagree about their weight.
- c. Many concepts are vague and indeterminate.
- d. How we assess evidence and weigh moral and political values is shaped by our total experience, our whole course of life up to now. In a diverse culture, people have had different experiences.

Notice what does *not* explain disagreement: "that people are often irrational and not very bright," "prejudice and bias, self- and group-interest, blindness and willfulness," "ignorance and perversity," "rivalries for power, status, and economic gain" (55, 58).

### Reasonable disagreement and toleration:

Recall our question: When is a conviction reasonable? Part of the answer, which we saw earlier, is that it is:

- Arrived at by one's conscientiously and competently assessing one's *own* reasons for belief and action.

The other part of the answer is that a conviction is reasonable when it is:

- Arrived at by respecting the reasons of *others*.
  - In part, this means treating them *fairly*: recognizing that they have their own reasons, and so meeting them halfway.
  - In part, it means *tolerating* them: recognizing that, because of the burdens of judgment, they may, when they conscientiously and competently assess their reasons, arrive at different conclusions.

Thus, *intolerant* convictions are *unreasonable*. We do not have the same reason to tolerate them.

### **Thomson on abortion:**

Thomson's paper, "Abortion," is, in effect, an application of Rawls's account of tolerance.

Here is an argument that *Thomson* believes is sound (=true premises and the conclusion follows from the premises):

1. We can wrong only something that has interests.
2. A fertilized egg lacks interests.
3. Therefore, we cannot wrong a fertilized egg.
4. Something has a protected moral status (=we are not permitted to destroy it in order to make the world better=a "right to life") only if we can wrong it.
5. Therefore, a fertilized egg does not have a protected moral status.

However, while Thomson believes, and believes that it is reasonable to believe, 4 (and so 5), she also believes that it is *also* reasonable to *reject* 4 (and so 5).

Doesn't this mean that the debate over whether abortion should be legal ends up at an impasse, or stand-off? No, says Thomson.

1. A law may constrain someone's liberty only if the person *cannot* reasonably *reject* the justification of the law.
  - "When a deeply valued liberty is constrained on a ground that the constrained are not in the least unreasonable in rejecting outright, then what is done to them cannot be justified *to* them, and imposing the constraint on them is therefore nothing but an exercise of force."
  - Such a law is unreasonable, because it does not respect the burdens of judgment.
2. A law outlawing abortion constrains the liberty of women who seek abortions.
3. The justification of a law outlawing abortion is that a fertilized egg has a right to life.
4. Women can reasonably reject that a fertilized egg has a right to life (although women can *also* reasonably *accept* it).
5. Therefore, a law may not outlaw abortion.

Objection: "A law that *allows* abortion constrains the liberty of the fertilized egg! And a fertilized egg can reasonably reject the justification that it has no right to life." Is the situation really parallel?