Article

The Goal of Sexual Activism: Toleration, Recognition, or Both?

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Abstract: Sexual activism (for, e.g., participants in the LGBT+ or BDSM communities) is prima facie commendable, at least for the liberal. However, it is unclear whether the *end goal* of such activism is *toleration* or *recognition*. The argument of this paper is that, on the level of authoritative political and social-moral rules, toleration is the only justifiable goal, while recognition may be pursued as an ideal outside the sphere of political and social-moral rules, that is, in civil society. The argument builds on a Gausian public reason understanding of justifiability, emphasizing reasonable disagreement and a diversity of viewpoints.

Keywords: sexual activism; Gaus; public reason; toleration; recognition

1. Introduction

Activism for the protection, toleration, or recognition of "alternative" sexual practices is, for any liberal-minded person, prima facie laudable. Sexual minorities, such as members of the LGBT+ community or those engaged in BDSM activities, both broadly construed, have been the objects of violence, vilification, marginalization, and discrimination, without any hint of justification. Sexual activism is, or can be, an important tool to lessen and, ideally, ultimately eliminate unjust discrimination in this regard. However, while any liberal-minded person can probably agree that violence and institutionalized discrimination must be fought, it is not clear what the *end goal* of sexual activism is or ought to be. To outline two well-known positions from the debate over multiculturalism: should the end goal be that participants in "alternative" sexual practices[1] be *left alone* (i.e., toleration), or should it be that such participants, qua participants in such practices, are positively *accepted* or *acknowledged* (i.e., recognition)?

I argue that, *on one level*, taking into consideration deep yet reasonable pluralism *and* respecting this diversity in a recognizably liberal way implies that the end goal should be—indeed, can only be—toleration. Demanding recognition places excessive epistemic, moral, and psychological burdens on fellow citizens who are greatly divided in their commitments, values, and ideals. This is not the case with toleration. This is the level of "core" morality—what we owe to each other—and the level of justifiable state policies.

However, *on another level*, "outside" the state, in *civil society* and in the marketplace of ideas, recognition is a plausible end goal. Here, sexual activists could pursue the more demanding goal of recognition but without resorting to social or state coercion.

Sexual activism, as the term is used here, is a catch-all phrase for various activities that seek toleration, acknowledgment, acceptance, or recognition of "alternative" sexual practices. It is used in a broad sense to include, e.g., legal activism for same-sex marriage—after all, historically and socially, same-sex marriage is "alternative". But more easily recognizable forms of activism are, of course, available, most prominently those that are associated with LGBT+ communities (e.g., Pride parades) but also activism under the banner of BDSM and associated "kinky" sexual practices[2]. Note also—this will become important later on—that activism can have different arenas, as it were. Often, we think of activism as being aimed at legal change such as activism for same-sex marriage. But it may

also be aimed at increasing general acceptance or understanding in a population of some activity or identity.

It is impossible here to meaningfully outline the history of sexual activism, as it follows, but is also partly independent of, different trajectories of other struggles for toleration and equality such as the civil rights and women's liberation movements. Furthermore, the vast differences between, say, activism on behalf of the BDSM community in liberal London in the 1980s, indigenous women's activism against sexual violence in the US, and gay men fighting for their lives in parts of Africa do not lend themselves easily to describing the "history of sexual activism" in a research paper[3]. On top of that, there seems to be little or no consensus on the meaning of the term "activism".

That being said, I focus here on activism in liberal democratic societies and intend to be as broad as meaningfully possible as regards the term "activism". It can then be said, in an extremely rough outline, that sexual activism seems to follow a trajectory of *decriminalization* (e.g., the debate following the Wolfenden report (1957) leading to the decriminalization of homosexuality in the UK in 1967, followed by a broader thrust for *toleration* (e.g., the first "Pride parade" in New York 1970). Of course, these two are intertwined and overlapping. It can then be postulated that a third "wave" follows, where the focus changes from decriminalization, which is broadly achieved apart from marginal cases, and toleration (toleration of homosexuality seems to be on a steady upward curve)[4] to a broader one of changing societal attitudes toward a more fully fledged *recognition* or even *celebration* of sexual differences.

What, then, is intended by "sexual activism" here? It includes *legal* activism to remove legal obstacles for eliminating formal and substantial discrimination, whether it regards same-sex marriage, workplace discrimination, etc.; *protests* to show "we are here" (e.g., Pride parades); *boycotts* (e.g., of products associated with anti-gay sentiments); *support* activism (e.g., in the creation of safe spaces to discuss and/or participate in "alternative" sexual practices); and many more[5].

For the following argument, two examples of forms or arenas of activism that I believe can highlight some interesting differences will occur a couple of times. The first is *informational* activism, which aims to "de-demonize" sexual practices or simply inform about the practice and/or highlight that it is legal. This includes a range of activities, from writing letters to the editor to participating in panel discussions and similar events. The second is what can be called *educational* activism such as activism for the inclusion of LGBT+ or, more controversially, BDSM agendas in the curricula of sexual health education[6].

2. The End Goal of Sexual Activism

The question I want to address concerns the basic *end goal*—or criterion of success—of sexual activism within a moral-political framework of thought, emphasizing deep yet reasonable disagreement about, and diversity of, viewpoints. Hence, I adopt a basically liberal framework in the public reason tradition, following Rawls' *Political Liberalism* and the ensuing developments in that debate.

Given such a framework, activism for the protection, toleration, or recognition of "alternative" sexual practices[7] is indeed prima facie laudable. However, it is not clear what the end goal of sexual activism is or ought to be. Taking a cue from a well-known debate concerning multiculturalism[8], is it achieved when individuals participating in "alternative" sexual practices are basically "left alone" or tolerated as on a par with, say, philatelists or trainspotters? Or is the goal only achieved when such individuals and their activities are *recognized* or *esteemed*? In other words, should the end goal of sexual activism be *toleration* or *recognition*?

So, a distinction that needs explanation is the difference between toleration and recognition. To that end, it is necessary to delve into the well-rehearsed discussion of the toleration–recognition divide. I aim not to be too entangled in definitional matters so sufficient space is left to develop the main argument.

Alas, some of the dispute between recognition and toleration primarily boils down to definitional issues. Take, for instance, the issue of same-sex marriage. Accepting that marriage as a legal concept can be between any competent consenting adults, and not just between those legally defined as "woman" and "man", can be pitched as recognition: a positive *endorsement* of same-sex marriage as fully on a par with traditional marriage. But it can also be characterized as an act of *toleration*—an act that treats everyone as equal without taking a positive stance vis-a-vis the *particular* value of same-sex marriage. Moreover, there are many competing understandings of both toleration and recognition on offer. Hence, a bit of conceptual carving is called for.

3. Toleration and Recognition

The canonical formulation of toleration involves several necessary components: *difference*—there is something socially salient that sets the tolerating and tolerated parties apart; *objection*—the tolerating party has an objection about some feature of the tolerated party; *power*—the tolerating party has the power to interfere in the affairs of the tolerated party; *acceptance*—the tolerating party has reasons not to interfere; and *non-interference*—the tolerating party does not interfere (see [7], p. 3).

A classic example is religious tolerance. This means that, e.g., Protestants do not interfere in the practices of Catholics, and vice versa. In essence, toleration is a *passive* attitude that does not, under normal circumstances, imply any action on behalf of the tolerating party. For instance, religious tolerance does not imply that Protestants should *aid* Catholics qua Catholics, and vice versa. It is normally noted in the philosophical literature that the concept of "toleration" is essentially tied to a *negative* appraisal of the practice tolerated [7,8]. The reasoning is prima facie sound: if you like a particular *X*, you do not "tolerate" it—you have a positive attitude toward *X*. However, note that the attitudinal space is not restricted to "negative" and "positive": one may suspend judgment or simply be neutral or indifferent toward *X*.

Indeed, both the historical literature (e.g., Locke, Bayle, J.S. Mill, see [9], pp. 10, 27) and our colloquial use of the term "tolerant" indicates that the "objection component" is not necessarily present in order to meaningfully apply the term. For instance, when we say of a particular person that this person is very tolerant, we do not mean that this person has a lot of objections against other persons, practices, and groups. When we say of a particular society that it is relatively tolerant, we do not mean that the state or the majority has many misgivings about various practices but nevertheless chooses not to interfere. Objections may be present, but they are not a necessary component. Much religious toleration on a state level seems to have this form: even in democracies with a state church, many other religions are tolerated. However, this does not necessarily mean that the state has any particular misgivings about non-state religions. But of course, the state *may* have a negative appraisal of them, yet refrain from acting on that appraisal.

These observations prompted Balint ([9], p. 28ff) to propose two co-existing uses of toleration. One, "forbearance toleration", reflects the canonical definition mentioned above. The other is "general toleration", which eliminates the objection component and defines the accompanying attitude as one of indifference or neutrality. Specific acts of tolerance can be considered forbearance toleration, but on a general level, states, societies, and groups are more likely to display general tolerance.

Following on from this, one can say that toleration is achieved when agent *X* (a person, an institution, the state) displays *indifference* vis-à-vis practice ϕ and its participants, at least as regards ϕ. Indifference is displayed, as it were, simply by not interfering in the practice. This *may* reflect an underlying negative appraisal (i.e., be forbearance toleration) but it may also be that there is no negative appraisal, just indifference.

It can be protested that this waters down the concept of toleration too much and that the negative appraisal of the tolerated activity or person is an essential component of toleration. It must be readily admitted that the mainstream discussion of toleration tells this story. In any event, I will proceed with the weak definition as regards the standard

negative appraisal component that toleration is not compatible with a *positive* appraisal of the tolerated activity or person but is compatible with both a negative appraisal and an attitude of indifference or neutrality.

Recognition is a much more substantial commitment. Recognition of practice ϕ and/or its practitioners consists, essentially, of at least *some* form of *positive affirmation* of ϕ or its practitioners qua ϕ. Recognition need not, but may, imply that the recognizing party directly aids the recognized party, say, in terms of redistribution of resources. Recognition can also be formal, say, when the recognizing party grants equal formal rights under the law to the recognized party. However, bear in mind that this may also be an act of toleration and not based on any positive evaluation of the recognized party.

What really separates toleration from recognition is that full-bodied recognition implies some sort of *pro-attitude* vis-à-vis ϕ, i.e., the full recognition of ϕ has a psychological and active component (positive affirmation). In essence, recognition is an *active* endeavor, as opposed to the passive one of toleration.

Characteristically, the Stanford Encyclopedia entry for "recognition" opens with the following: "Recognition has both a normative and a psychological dimension. Arguably, if you recognize another person with regard to a certain feature, as an autonomous agent, for example, you do not only admit that she has this feature but you embrace a positive attitude towards her for having this feature." [10]. According to this this understanding, recognition in the interesting sense that sets it apart from general toleration, involves some sort of *pro-attitude*, and I will adhere to this understanding[9].

Moreover, from the same entry, (theories of recognition) " . . . promise to illuminate a variety of new social movements—be it the struggles of ethnic or religious minorities, of gays and lesbians or of people with disabilities. None of these groups primarily fight for a more favorable distribution of goods. Rather, they struggle for an *affirmation of their particular identity* and are thus thought to be engaged in a new form of politics, sometimes labeled 'politics of difference' or 'identity politics.'" ([10], Italics added)[10]. Parekh refers to the "cry for recognition" voiced by " . . . such diverse groups as the indigenous people, national minorities, ethno-cultural nations, old and new immigrants, feminists, gay men and lesbians, and the greens . . . " ([12] p. 1) and continues that such a group's " . . . demand for recognition goes far beyond the familiar plea for toleration . . . [r]ather they ask for the acceptance, respect and even public affirmation of their differences." ([12], p. 1).

So, recognition, at least in its fullest version, seems to involve not only a pro-attitude but also a more specific one, namely an "affirmation" of a "particular identity". These points will prove to be crucial below. But for now, consider how, or on what level, recognition may take place. As a foil for this, I will use what is arguably the most influential account of recognition, namely Honneth's[11]. However, first, we should consider an observation made by Jones [11], that is, we should distinguish between *subject and identity* recognition. The first amounts to the recognition of persons " . . . by including them within a category that already enjoys recognition" ([11], p. 132), e.g., we recognize someone as a person and thereby include him or her in the already established group of persons.

Identity recognition, in contrast, concerns "the status of an identity itself" ([11], p. 132). The key point is that when we recognize someone as an X, e.g., a Muslim or gay, "we are insisting that that identity should itself be a marker of status, standing, or legitimacy" ([11], p. 132). However, it is not clear that *subject* recognition involves a positive attitude about a person *p* qua anything that "sets *p* apart" from the persons already included in some category. To illustrate: extending the legal concept of marriage to same-sex marriage *need not* focus on homosexuality and a positive endorsement of that practice. It may simply be a "recognition" of homosexuals as full citizens, i.e., an act of "treating equal cases equally", which, according to the lax definition of toleration mentioned above, may amount to an act of toleration. Consider also informational and educational activism: one may confer facts about LGBT+ or BDSM practices, for example, stating that they are not illegal and that their participants are no more criminally inclined or mentally unhinged compared to the background population, without explicitly demanding a positive affirma-

tion of these identities. That is, one *can* engage in activism based on subject recognition, which is compatible with toleration, rather than identity recognition.

Honneth is arguably the most influential contemporary theorist of recognition. He is especially relevant in this context because he directly links recognition to social activism, i.e., "the struggle for recognition"[12].

Honneth links recognition to successful identity formation and psychological well-being. Indeed, it can be argued that Honneths' theory hinges on this relationship, namely: we must recognize in order to give persons the opportunity to thrive. A "full person" needs the development of three forms of relation to the self: self-confidence, self-respect, and self-esteem. Self-confidence concerns the personal and intimate and covers our most basic needs and emotions. Self-respect pertains to formal and institutionalized relations of universal respect. If achieved, one can view oneself and others as persons with moral responsibility and as legitimate bearers of rights.

Self-esteem is the most controversial and interesting concept in the present context. Self-esteem concerns solidarity and the sharing of values within specific communities. Here, one's traits and abilities are esteemed, and one esteems others in light of shared values. All these relations are reciprocal. Honneth holds that only through mutual recognition can stable forms of recognition be established[13]. Misrecognition refers to failures in creating stable and positive self-relationships. For example, physical abuse is a paradigmatic example of misrecognition that undermines self-confidence; exclusion and denial of rights undermine self-respect; and denigration and insult undermine self-esteem (see [13], p. 92ff, especially p. 129f; cf. translator's introduction in [13], p. xxiff).

On Honneth's account, the second sphere of recognition, that of "legality" and self-respect, refers to the *universal* and *general* aspects of identity. We are recognized as bearers of rights and duties because of our status as equal *citizens* (or, perhaps, simply as human beings). The third sphere of "solidarity" and self-esteem refers to concrete and particular communities of value. You are esteemed for your particular contribution to a certain project that is recognized as valuable by others.

This raises the question: is it a necessary condition for self-esteem that you are *generally* recognized, qua some identity, as a valuable contributor? Honneth can definitely be read in that way. Esteem, according to him, pertains to "the recognition of individual achievements, whose value is measured by the degree to which *society* deems them significant." ([13], p. 112, italics added).

But this seems dubious to me. If one's self-esteem hinges on general recognition "by society"—by the public at large—then very few of us could ever dream of achieving self-esteem. As a philosopher, my contributions are definitely not esteemed by the general public; the esteem I may receive is, primarily, at least, from fellow philosophers, and slightly broader, from other academics and others so inclined. But I do not feel that my self-esteem is threatened by the general lack of esteem for philosophers in broader society. The upshot is that what seems necessary for self-esteem is not general recognition but relevant *opportunities* for esteem, primarily from in-group members or those closely related.

This is a relevant insight for sexual activism: *particularistic* esteem recognition of one's identity is possible by peers (and, of course, also from others), whereas *general* esteem recognition is, at least empirically speaking, probably very, very hard to achieve. However, the latter seems unnecessary for building sufficient self-esteem! Interestingly, a Dutch study points out that BDSM practitioners report better mental health compared to the general public[14]. Perhaps Dutch society is exceedingly accepting of "alternative" sexuality, but there is no reason to believe that the Dutch public *generally* esteems BDSM practitioners qua BDSM practitioners.

Problems with Honneth's theory of recognition aside, it is clear that recognition on the third, "concrete" level of self-esteem-building solidarity, in particular, goes well beyond toleration: it basically concerns actual esteem in light of shared values. It involves being seen as *valuable*, not in general and abstract terms, but as a "valuable contributor". This, of

course, is not implied by toleration; indeed, it is incompatible with the narrow reading of toleration that involves an objection.

Honneth's is not the only theory of recognition on offer, even if it remains very influential. From the problems with Honneth's theory on the level of self-esteem, one cannot conclude that recognition is not a worthy goal for sexual activism. But problems remain, at least if one takes reasonable pluralism seriously. We will explore this further in the following discussion, but first, a final point on the difference between toleration and recognition: if the foregoing is on the right track, one essential and defining distinction between the two is that toleration does not include a pro-attitude, while recognition (in the interesting sense) necessarily does. Another difference is that toleration is *predominantly* a passive attitude: in order to be tolerant *vis-à-vis* some practice ϕ, one only has to not interfere with the practice of ϕ. In contrast, it seems to me that recognition is *predominantly* an active endeavor: to recognize practice ϕ one has to *do* something, e.g., actively endorse it, engage in debate on its behalf, or even engage in activism advocating for quotas for the members of ϕ, and so on[15]. This, of course, does not mean that aiming for toleration implies passivity: when law or practices are intolerant, action is prima facie called for! Still, while allowing for fringe exceptions, the *scope* and *forms of* action required by recognition are much more expansive than those required by toleration.

4. Public Reason: Individual Values and Public Morality

Now for the main argument. It is rooted in what has become known as "public reason-liberalism" (from now on PR). As anyone familiar with PR may know, any such theorizing involves many moving parts. In order not to become embroiled in internecine points of interpretation with little or no relevance to the present discussion, I outline a broad picture rooted mainly, though not exclusively, in the work of Gerald Gaus [16–20].

The point of departure for PR is the fact of reasonable pluralism. In the first instance, acknowledging the fact of pluralism is simply acknowledging the de facto plurality of often conflicting and incompatible moral, religious, and philosophical doctrines held by different parts of the citizenry while also insisting that this plurality is the natural upshot of enduring freedom of conscience, association, speech, and so on. This, of course, also leads to diversity in sexual practices. Pluralism is a fact to be celebrated, among other reasons because only totalitarian institutions could ever overcome this plurality.

The next crucial step is to recognize that at least *some* of this pluralism is *reasonable*. It is not only the result of egotism, flawed reasoning, wayward morality, or manipulation[16]. Acknowledging the fact of reasonable pluralism means recognizing that we will never fully agree on all matters of value in lieu of an authoritarian oppressor that can inculcate whatever "true" morality it wants in us. Hence, foisting my particular values upon a reasonable but disagreeing fellow citizen is, potentially at least, authoritarian. We are all—or at least those of us who are reasonable—*equal interpreters* of morality. The astute reader can probably see the beginnings of an argument for toleration here: since we are to view ourselves and each other as at least prima facie equal interpreters of morality, we should be extremely wary of using state or social coercion against those with whom we disagree, at least insofar as they show equal restraint in using state or social coercion against us. Toleration, either as forbearance or general toleration, is built into the PR project from the outset.

Still, we need genuinely *moral* rules. Setting aside anarchism as anthropologically and sociologically naïve[17], we want to avoid an enormously counterproductive, Hobbesian nightmare, making it exceedingly hard for us to reap the benefits of social cooperation and peaceful co-existence, we need *mutually* binding moral rules that are *authoritative*. Such rules are genuinely action-guiding, and failing to internalize them makes us proper targets of negative reactive attitudes such as blame, resentment, and so on ([17], p. 183ff). Moreover, and essentially, in order to be mutually binding *and* respect our diversity, rules must be *justifiable to all* reasonable agents; otherwise, some otherwise reasonable citizens could be treated in an authoritarian way.

But given our reasonable disagreement, how could such rules ever be authoritative yet not authoritarian? In a nutshell, PR wants to offer an escape from the following trilemma:

(1)   We disagree profoundly (and, in the absence of an authoritarian oppressor, will keep disagreeing) on matters of value and morality (the fact of pluralism).

(2)   We are equal interpreters of morality (the fact of *reasonable* pluralism plus a basic concern for liberty and equality).

(3)   We need authoritative moral rules to reap the benefits of social cooperation and peaceful coexistence[18].

How to proceed? A key feature here is *idealization*[19]. PR is not a consent-based theory. We are, de facto, profoundly disagreeing; no rules could ever be acceptable to all and hence non-authoritarian if we take into account the outset of de facto citizens and communities [20]. On the other hand, the central aspiration of PR is *not* to "speak the truth about morality" to the people—it cannot be just another partisan theory about "true morality". We are beset by epistemic and moral flaws, biases, and prejudices. We are, in short, morally and epistemically fallible. Accordingly, the *justification* of authoritative social-moral rules is not (in the first instance) aimed at *actual* citizens, but rather at our (not-too)-*idealized* counterparts—our epistemically and morally "better selves".

Idealization is a major issue of contention among PR theorists. Some will recognize idealization from Rawls' theory: The, the "Original Position", where hypothetical agents choose the basic principles for social cooperation under a "veil of ignorance", making those agents unaware of their particular conception of the good, as well as their talents, sex, social position, etc. This is clearly an idealization of the relevant agent. But another form of idealization is more apropos to our current concern, or so I shall maintain. Gaus' idealized agents—the so-called "Members of the Public"—are, in essence, *less* idealized than those of Rawls. In a central passage, Gaus says that they " . . . are not so idealized that their reasoning is inaccessible to their real-world counterparts[20]. For the following, see [17] p. 261ff; 2015 passim; [23]. In this and the next sections, I draw on [22], p. 105f, and [24], p. 20f" But still, Members " . . . hold the beliefs that their real-world counterparts would be justified in holding after engaging in a respectable amount of good reasoning . . . " ([17], p. 250[21]).

Sceptics will ask how only moderately idealized agents, assumed to disagree profoundly on matters of value, may come to agree on *any* rule at all. Solving this problem is part of the *raison d'être* of idealization: certain forms of epistemic restraints and normative commitments are assumed when we are looking for the kinds of rules that persons, motivated to find such rules *in light* of the values of PR itself, would adhere to; norms that govern our political or social life as free and equal citizens. Moreover, it is assumed that all reasonable agents want some system of rules governing our lives in order to make it possible to harvest the fruits of peaceful social interaction and coordination ([25], p. 132). Note that idealization is *not* an attempt to describe an ideal agent that, if we mimic the reasoning of that agent, we "track" the moral and political *truth*[22]. The idealized agent is a device that will allow citizens with deeply conflicting views about morality to find a way of peaceful co-existence, not a shortcut to the one true morality[23].

Idealization needs to balance two concerns. On the one hand, if the agent to whom justification is owed is *strongly* idealized (i.e., a lot of normative and epistemic material is assumed of the agents before actual justification), then justification to such idealized agents is easy. However, the price is that many *actual* citizens will remain unmotivated, even alienated, *vis-à-vis* the idealized agent and the normative and epistemic assumptions made. To provide a toy example, one could assume of idealized agents that they are full-blooded act consequentialists, and then "justify" social and political rules on an act-consequential basis, but that would leave the vast majority of the citizenry unmotivated and alienated; act-consequential rules are not justified *to them* but only to a fictitious, idealized agent. Conversely, weak idealization may get a lot of citizens "on board" because the normative and epistemic assumptions make only weak demands on them, but it then becomes ever

less likely that all reasonable citizens could ever agree on any rules, given pluralism[24]. In short, idealization needs to strike a balance between (a) enough idealization to generate critical power (not all normative ideas are compatible with treating persons as free and equal, as mentioned in point (2) above) and establish definitive authoritative social rules (as mentioned in point (3) above), and (b) not idealize to the extent that many actual citizens would find themselves alienated by the social rules and unable to access the reasoning of their idealized counterparts.

Catriona McKinnon instructively teases out four dimensions of *demandingness* where idealization can "go too far"[25]. (A) We can make excessively heavy assumptions about *beliefs*. The more non-trivial beliefs we assume, the heavier the burden becomes. "For example, a theory of justificatory value according to which justificatory reasons become motivating only when all members of the constituency . . . share a set of religious beliefs is very demanding." ([21], p. 22). (B) Similarly, we can make too many or too heavy demands about the *desires* citizens should have, e.g., not all citizens desire a fully secular state ([21], p. 22). (C) Conversely, in other motivational theories (other than the belief-desire theory implicit in (A) and (B)), idealization may be too demanding if it assumes that people are motivated to act out of a commitment to, e.g., " . . . progress and the pursuit of higher pleasures", i.e., because the truth of a given, not shareable comprehensive doctrine is assumed ([21], p. 22f). Finally, (D), idealization may be too demanding if it requires a narrowly construed ideal of our characters, e.g., " . . . that all people have a sense of themselves as primarily public and political beings is very demanding." ([21], p. 23). Exactly why this is relevant will become clear below.

Much more could be said about idealization, but I believe enough has been outlined here to stimulate the argument. Now, this may seem like a detour, but I think it is highly important. According to PR, *justified* social and moral rules are those that are accepted by all, or cannot reasonably be rejected by any, idealized agent(s). Naturally, the set of rules that could be justified in this way is limited because the set of common reasons we can draw upon, or that can form the basis of convergent judgments, is limited by pluralism[26]. But this may seem to ignore and marginalize *many* citizens—those that are primarily motivated by reasons (e.g., religious reasons) that cannot be a part of an "overlapping consensus", as it were. However, one should not draw from the fact that reasonable citizens do not agree on all values, ideals, and reasons the conclusion that those values, etc., are, or should be, morally *inert* for those that *do* have those values. All it means is that those values and the rules that may be constructed based on them are not genuinely *social* rules—at least not authoritative social rules. They are *personal* values, even if they are rooted in a group identity. Insofar as following those values that are not in conflict with genuinely social rules—those rules that *are* authoritative for all—nothing in PR excludes citizens from doing so[27]. In short, PR implies that not all normativity is genuinely *public*. There are values, reasons, and ideals that are only acceptable to some, and then there is the domain of PR: the truly moral. The latter is what I have called "social morality", and this also forms the basis for justifiable *political* rules.

Here lies the core of toleration in any recognizable PR project: it is *not* the case that only mutually acceptable or non-rejectable rules are genuinely normative. People should be as free as possible to pursue their *ethical* projects, as long as they do not conflict with authoritative moral rules. This means that a high degree of tolerance is called for. As fallible agents committed, at least on some level, to the values of freedom and equality (again, as mentioned in points (1) and (2) above), we cannot say of some ethical project that it is *wrong*, *perverse*, *immoral*, *degrading*, and so on to the point where it should not be tolerated, as long as it does not violate some authoritative rule. It also, conversely, means that no ethical project can claim moral superiority over others and that its rules and values should form the basis for our common normative co-existence. "We recognize that our own doctrine has, and can have, for people generally, no special claims on them beyond their own view of its merits. Others who affirm doctrines different from ours are, we grant, reasonable also . . . " ([2], p. 60). Toleration is built into the core of the PR project (see [21], p. 51ff, [2],

p. 58ff). This, of course, implies that groups such as the LGBT+ or BDSM communities should be free to pursue their lifestyles as ethical projects.

Let us take stock and draw out an important implication: PR distinguishes between (authoritative) *social-moral* rules—the rules acceptable (or non-rejectable) by *all* (idealized) citizens—and *ethical* rules (values, commitments, ideals) that are relative to a person's own acceptance but cannot be rules for all. Now, how is this relevant to the issue of sexual activism and the debate over toleration vs. recognition? In essence, sexual activism for the recognition of "non-traditional" sexual practices (as long as no authoritative social-moral rules are infringed upon) is a laudable *ethical* project. Nothing bars sexual activists from, e.g., conducting informational campaigns to promote knowledge and acceptance of their practices. However, *demanding* recognition from *all* reasonable/idealized citizens, i.e., demanding a positive attitude from all, is not easily squared with the ideals of PR. Insofar as differences between various parties in society, e.g., between those who are inclined toward a traditional, religious life form and those inclined toward a liberal, experimental one, are *real*, then demanding that one party should respect the other qua their affiliations with a form of life alien to them is too demanding. What they *could* respect is what they have in common, e.g., their reasonability, their right to make a choice on their own, and so on. But that does not amount to recognition (of difference) or esteem in the ways presented above[28].

This does not mean that activism in order to promote the rights of individuals with "alternative sexualities" on a political-legal level is never justified. As previously indicated, activism for the promotion of equal rights to marriage, regardless of sexual orientation, is perfectly justifiable, and it is simply a (proper) extension of toleration. It may be queried why, e.g., traditionalist conservatives, are then not justified in blocking such legislation. They may not, for it is impossible (or so I shall maintain) to think of a line of reasoning they could present to justify blocking such legislation that appeals to *public* reason. I fail to see how one could argue for the denial of equal rights on this issue in ways that are independent of particular ethical projects or ideals, and hence they are not reasons offered to those that do not share those particular ideals.

To illustrate the above point, let us consider three points about educational activism.

First, according to the American Bar Association, "As of October 2018, Alabama, Arizona, Oklahoma, South Carolina, and Texas followed statewide policy requiring schools to teach information related to homosexuality in a negative light, including harmful stereotypes regarding HIV/AIDS risk and arguments that being gay is unnatural and immoral[29]." Such a policy is definitely a legitimate target for educational (and legal) activism; it cannot be squared with PR because some reasonable citizens can reject it. They would prefer "no rule" to the rule/reasoning that underlies it. Basically, these states have *intolerant* policies on the subject matter.

Second, imagine that a particular state has no policy on sexual health education or no policy that mentions "alternative sexualities" in its curricula. Under such circumstances, it seems perfectly legitimate for sexual activists to lobby for the inclusion of information about the special challenges (health-related or otherwise) faced by practitioners of "alternative sexualities" on a par with statistically speaking "non-alternative" persons. As mentioned earlier regarding informational activism, messages about equal legality and the absence of reasons to think that "alternative practitioners" are much different from the background population in other regards, are valid aims for sexual activists. It is hard to see a *reasonable* complaint about this, as long as "alternative sexualities" are not elevated to having some *especially* admirable status.

Note that for both of these examples, sexual activism, vis-à-vis changing the laws, is possible without resorting to *recognition* as an aim. One does not need to have the goal of instilling a pro-attitude toward "alternative sexualities" in order to engage in activism. And note that, furthermore, activism *outside* the legal sphere for the promotion of the understanding and acceptance of "alternative sexualities" (i.e., recognition) that may "turn the tide" of the sentiments of fellow citizens is also perfectly acceptable, as long as this

activism does not aim to turn recognition into a *legally backed coercive* goal (for more on this double move, see below).

Third, let us consider the opposite of the first case. Again, according to the American Bar Association, "California passed legislation requiring that the curriculum include information about the contributions and roles of LGBTQ Americans ' . . . to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.'" While this may be innocuous, it seems to me to be at least potentially troubling in light of PR and the toleration/recognition distinction. In the same way as legally enforcing a negative view of, e.g., LGBT+ persons and practices is rejectable, it can be argued that enforcing a *positive* view—in essence, fostering a pro-attitude—with the law in hand is rejectable by some reasonable citizens. At the very least, if it is the public purse that pays for this via coercively raised means, i.e., tax, it becomes a matter of concern (see, e.g., [19], p. 125).

Getting back to PR, it does not yield the conclusion that we can aim, as a *common* project embedded in social morality and justifiable political rules, for the recognition of sexual practices. However, *toleration* is easily compatible with—indeed, it follows from—PR. Let me turn to this central point now.

I have claimed that toleration is built into the normative core of PR. I have also claimed that sexual activism for recognition is a laudable *ethical* project—one that does not insist that it is morally wrong not to recognize sexual differences of practice but nevertheless works toward increasing acceptance and accommodation. But why not go the extra mile and aim for recognition on the levels of social morality and political institutions?

My main claim here is, perhaps surprisingly, simple and basic. My claim is that recognition, insofar as it implies something stronger than toleration, cannot pass the test of intersubjective justification implied by PR:

(1) Even if justification, according to PR, is aimed at idealized agents, PR must proceed from justifications or reasons that are "recognizable" by actual agents (viz. the quote from Gaus above; the reasoning of idealized agents is not so idealized that their reasoning is inaccessible to their real-world counterparts).

(2) Some actual citizens do not have pro-attitudes toward certain "non-traditional" sexual practices.

(3) "Idealizing" that fact away—simply assuming of all reasonable agents that they have pro-attitudes toward LGBT+ or BDSM activities—in several ways implies excessive heavy moral and epistemic burdens on agents: (viz. the above section on McKinnon and demandingness).

    a. Assuming similar positive *beliefs* about the value of non-traditional sexual practices across all relevant agents is epistemically burdensome for some citizens.

    b. Assuming that all relevant agents have a similar *desire* to recognize non-traditional sexual practices puts too high a demand on some citizens.

    c. Assuming the same commitment to, say, liberal personal values of experimentation and open-mindedness assumes too much of those agents who are not especially liberal-minded personally.

    d. Assuming that all relevant agents have a specific *character* (along the lines of (c)), from which it can be concluded that "everybody celebrates sexual differences", is assuming too narrow an ideal about the relevant agents' characters.

(4) Hence, we cannot assume of reasonable agents that they have sufficient reasons to *recognize* LGBT+ or BDSM activities or their practitioners qua practitioners.

To phrase the issue in Gausian terms, some reasonable citizens have sufficient defeaters of the proposal "all agents must embrace or endorse or have similar positive attitudes towards non-traditional sexual activities"; hence, it cannot be a social-moral authoritative rule. It follows that sexual activists ought not to aim for *recognition*, at least not in the form of aiming for the institutionalization of substantial recognition that includes a pro-attitude on a state level or as a *demand* of social morality. But toleration is called for, for defeaters

of non-traditional sexual practices belong to the sphere of the ethical/individual ideals, not the sphere of the public. And, as such, they cannot legitimately be used as grounds for non-tolerant acts vis-à-vis "alternative" sexual practices. The idealized agents have no defeaters for toleration in the present context.

5. Toleration and Recognition?

Basically, I have been arguing for the following: what sets full-blooded recognition apart from toleration is that it involves an active component of *affirming* or *esteeming* some practice, person, or group. On the level of authoritative, intersubjectively justifiable moral and political rules, the recognition of "alternative" sexual practices is too demanding. Here, toleration is called for. But, on the ethical level, in civil society and in the marketplace of ideas, sexual activism could very well have as its aim recognition, acceptance, esteem, and so on.

The line between recognition and toleration may be further blurred. In [30], Darwall argued that we need to distinguish between two forms of respect, appraisal respect and recognition respect. According to one interpretation of these concepts, appraisal respect consists of a positive affirmation of the kind identified above, whereas recognition respect amounts to giving " . . . appropriate weight or consideration in one's practical deliberation to some fact about the object—here, of a group identity—and to regulate one's conduct by constraints derived from the fact." ([7], p. 7). However, if the latter is a genuine form of recognition, then it is ever harder to find substantial differences between toleration and recognition.

On the same note, in [31] Seglow argued that we should distinguish between what he calls "narrow" and "wide" recognition. Narrow recognition consists of groups being recognized by measures instituted by the state, primarily in terms that look a lot like standard, egalitarian terms, for instance, the recognition of same-sex marriage as being on a par with "traditional" heterosexual marriage[30]. Wide recognition consists of the affirmative attitudes and sensibilities of a population. This maps nicely, though not perfectly, with the distinction in Honneth's theory between formal recognition and recognition as esteem, as described above. But it is unclear whether or not this narrow form of recognition is, for all intents and purposes, compatible with the idea of *general* toleration. Still, one point remains: we cannot expect of reasonable citizens that they all share a *positive* attitude toward "alternative" sexual practices, i.e., we cannot demand of fellow citizens that they should recognize, in the fullest way, those practices.

Thus, we again arrive at the following picture: "Alternative" sexual practices and their practitioners should be tolerated, which may involve either forbearance toleration or general toleration, at least insofar as they do not violate any authoritative social rule. A more full-blooded pursuit of recognition is allowable in civil society as an ethical project for the wider recognition, understanding, and acceptance of these practices, on a par with, e.g., religious communities that seek the same.

For sexual activists, this implies a two-pronged strategy. As *political* activists, they should aim for toleration. This often implies being treated on a par with any other citizen. Again, the example of same-sex marriage comes to mind. As *social* activists, they may aim for the broader goal of active acceptance, understanding, and equal esteem. There is no definitive reason to think that these projects will necessarily clash, even if bigots may construe the latter form of activism as an attempt to lobby for political power. The optics, as the current lingo goes, may be hard to handle. I cannot claim any expertise on how best to practice social or political activism in instrumental terms, and I certainly would not encourage sexual activists to "tone it down". However, clear messages about what is being *demanded* (toleration, not recognition) and what is, as it were, being *encouraged* (recognition in the form of acceptance, understanding, esteem) may be strategically wise.

The preceding argument rests on an assumption that may not be as firm as supposed, namely that we, in practice, can clearly distinguish between the truly public domain (the sphere of the political and of social morality) and civil society or the ethical domain. Re-

turning to educational activism, if a teacher (at the teacher's own initiative, not as a legal demand) portrays some famous person in a very positive light and then mentions that the person in question is a homosexual, is the boundary being overstepped? Is it being overstepped if another teacher does the same and then underlines that the person is straight?

I cannot here undertake to come up with a robust definition or line of reasoning that settles this. However, elsewhere I have argued that PR must rely on certain assumptions about reasonable citizens that include elements such as a willingness to compromise and a general acceptance of not having rules that are seen as *optimal* in one's own opinion, but rather that rules that "one can live with" are the best that we can hope for, given profound diversity and disagreement (see [22]). I cannot, for reasons of space, unpack that here, but I believe that there are resources to be found in the contemporary PR literature that can settle most, if not all, such disputes, and that, given reasonable opportunities to opt out of rules and institutions that are believed to be "not to be lived with", we should almost always embrace diversity in hard cases and hence, in the example given above, allow for such teaching.

For some that are very sympathetic to the endeavors of sexual activists, the picture outlined here may seem too unambitious. Toleration is "old hat", as it were. This may be true, but toleration is not nothing, and it is not realized in many quarters of society (and law) in many countries that view themselves as, broadly speaking, liberal democracies. There is still a lot to be fought for, even in the "modest" terms of toleration. Furthermore, if the line of reasoning from PR is right, then fully fledged recognition is not *justifiable* as an aim for sexual activism on the level of social and political rules—at least, as long as some citizens reasonably do not have pro-attitudes toward "alternative" sexual practices. And we should aim to be able to justify our activist goals, including to those that dissent. Appreciating diversity means being confronted with deep yet reasonable disagreement, and the difficulties—and sometimes the impossibility—of justifying our actions, insofar as we try to justify them with reference to our ethical projects and convictions when we cannot offer reasons that resonate with those with whom we disagree.

6. Conclusions

It has been shown that it is unreasonable to expect all citizens to *recognize*, that is, positively affirm, non-traditional sexual practices. Hence, sexual activism should not aim for the substantial recognition of such practices and, a fortiori, *politically* embedded recognition, e.g., using the coercive powers of the state to enforce recognition. This is perfectly compatible with *other* ways of aiming for recognition: social activism that promotes the understanding and acceptance of non-traditional sexual practices in the proverbial marketplace of ideas is, of course, fully defensible, as long as the underlying message is not that those who do not have a pro-attitude are somehow morally wrong, and as long as no coercive measures are used.

Moreover, it is perfectly defensible for sexual activists to aim for what is dubbed "respect-recognition" above: if a particular sexual minority for some reason is legally barred from participating in certain social practices, say, enlisting in the armed forces, then activism for eradicating such discrimination is called for. But that should not be confused with "recognition" in the full-bodied sense, for what is recognized here is not the value of a sexual practice, but the equal—"same"—personhood of the relevant agents, i.e., it is not the particular *identity* as someone participating in a non-traditional sexual practice that is recognized. However, sexual activists can and should aim for general *tolerance* and the right to be "left alone", without being harassed or discriminated against[31].

In essence, I have been arguing for a basic *asymmetry* between recognition and toleration. In the political or legal sphere, toleration should be pursued, whereas recognition, in the fully fledged sense, should not. In the social/civic sphere, recognition may be pursued, but there is no obligation to pursue it. This picture should be easily recognizable for any liberal, at least for any PR liberal: one may engage in activism on behalf of spreading a message of brotherly love in civil society but not as a legal demand. One may advocate, in

the marketplace of ideas, for academic excellence, but not as a general ideal that everyone must pursue under threat of legal coercion.

In light of the above, the way forward for sexual activists seems to be to adopt a two-pronged strategy, namely that outside the scope of authoritative social morality, recognition can be sought as an ethical project—one that does not *demand* recognition or esteem but encourages freely given understanding and acceptance. Within the scope of authoritative social morality, the more basic project is fully fledged toleration: to be treated as an equal citizen qua citizen, that is, *not* having one's identity as a participant in non-traditional sexual practices stand in the way of equal treatment across the board. In a way, this is a *compromise* between those who would focus on recognition and those who would focus on toleration. Both, it seems, are feasible and defensible projects, but they refer to different social spheres and forms of normative demands. I surmise that such a strategy would prove both morally and philosophically robust and also, quite likely, most efficient in the longer run. To demand to be loved is rarely, if ever, a winner's move.

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Notes

1. I use this phrase throughout this paper in a colloquial sense to denote sexual practices that do not conform to the traditional, cis-gendered sexual practice between two persons of opposite sexes. There is, of course, also an enormous variety within that practice, which renders the exact extension of "alternative" unclear, but I do not think that there is anything important in this paper that hinges on the exact definition.

2. For the latter, see, e.g., https://ncsfreedom.org/ (accessed on 21 March 2023) and [1]. I foresee here protests about linking "sex" and, e.g., certain aspects of the trans movement. But as already noted, I intend the term "sexual activism" to be as broad as possible. It must be stated that subsuming such diverse phenomena as the LGBT+ and BDSM communities may blur important details (I thank an anonymous reviewer for this and several other constructive comments). For instance, LGBT+ activism may be aimed at positive legal equality in various ways, e.g., equal marriage rights that seem less applicable to the BDSM community. However, I am concerned with the general distinction between toleration and recognition as it applies to sexual activism rather than very specific instances of sexual activism so nothing important hinges on this. It should also be added that I focus solely on sexual activism in what may be called a "public political culture of a democratic society" ([2], p. 13f) There are vast differences between the conditions for sexual activism in, say, liberal western metropolises and traditionalist theocratic societies (see, e.g., [3,4]). I believe that the problems and concerns of sexual activism in polities that do not align with this picture are very different from the ones addressed here.

3. For the following, see [1,3,4]. See also the resources at https://www.gale.com/intl/primary-sources/archives-of-sexuality-and-gender, accessed on 6 June 2023.

4. See, e.g., https://www.pewresearch.org/global/2020/06/25/global-divide-on-homosexuality-persists/, accessed on 31 May 2023. Three examples: from 2002 to 2019, the percentages of citizens who believed that "homosexuality should be accepted by the society" in the UK, Canada, and the US rose from 74 to 86%, 69 to 85%, and 51 to 72%, respectively.

5. Prominent here as a further arena is *health* activism, see, e.g., [5,6].

6. See, e.g., https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/intersection-of-lgbtq-rights-and-religious-freedom/lgbtq-inclusive-curriculum-as-a-path-to-better-public-health/ accessed on 1 June 2023. The term educational activism could also include activism for the inclusion of LGBT+ (or BDSM) persons in curricula or staff roles beyond sexual education.

7. Hopefully, it is needless to say but I am only concerned with sexual practices that are compatible with liberal values of liberty, equality, consent, etc.

8. See [7]. I do not claim that all possible goals of sexual activism can be exhaustively described by the terms "toleration" and "recognition". For instance, sexual activism may aim to give practitioners of a particular activity ϕ a sense of community or a "safe space", without the goal of either tolerance or recognition.

9. An anonymous reviewer raised the point that recognition may not involve a pro-attitude. I concur that certain forms of recognition (as the term is used in the literature) do not necessarily involve a pro-attitude, but these forms of recognition are

hard to distinguish from forms of toleration. For example, Honneth's second sphere of recognition (formal or legal recognition, see below) need not involve a pro-attitude, but can, I aver, be based on the broad understanding of toleration mentioned above. Likewise, Taylor's "politics of universalism" (for Taylor, one form of recognition) is, at least in a rough outline, similar to Honneth's second sphere of recognition and is compatible with the absence of pro-attitudes. However, as concerns his other forms of recognition ("politics of difference" and the more intimate level of interpersonal recognition, which is similar to Honneth's first sphere of recognition, see again below), it is hard to see how recognition can "take place" without a pro-attitude.

10 See [11] p. 123: "The demand that is most commonly associated with differences in identity is a demand for recognition rather than for toleration. 'Being recognised' seems to imply a form of positive endorsement that goes beyond being merely tolerated and that is altogether more consonant with cherishing and celebrating diversity." I should add that a more precise but cumbersome definition should allow for acts of recognition that *reflect* a pro-attitude while allowing a particular party, e.g., a state official in court, to not individually have a pro-attitude.

11 See [13]. For the following, see also [14].

12 I follow here [14].

13 See [15], p. 101f.

14 See https://pubmed.ncbi.nlm.nih.gov/23679066/ accessed on 22 March 2023.

15 This distinction is not set in stone. At least, it is conceivable that toleration sometimes calls for the active protection of some harassed group, and it is equally conceivable that sometimes, recognition does not call for action because some practice is already sufficiently recognized by sufficient members of the citizenry.

16 Rather, reasonable disagreement and pluralism is the expected outcome of the "burdens of judgment"—the various sources that will naturally drive us toward holding a variety of views about values, ideals, and so on, and, even if we can find an abstract consensus on such matters, will drive us toward assigning different weights to different concerns. See [2], chp. II, [21], p. 42ff.

17 Instrumentalist theories are also excluded. Such theories seek to bootstrap a form of morality entirely from our self-interest in the vein of Gauthier (see [17], p. 53ff).

18 I follow here [22], p. 106f. A very instructive rendering of the dilemma can be heard in the podcast https://newbooksnetwork. com/gerald-gaus-the-order-of-public-reason-a-theory-of-freedom-and-morality-in-a-diverse-and-bound-world-cambridge-up-2010 accessed on 25 March 2023.

19 Sometimes Gaus is reluctant to describe the following as "idealization", see, e.g., [19], p. 54f. However, for all intents and purposes, the "choosers" in Gaus' mature PR theory [17] are modestly idealized, as shown below.

20 Ref. [17], p. 276. For the following, see [17] p. 261ff; 2015 passim; [23]. In this and the next sections, I draw on [22], p. 105f, and [24], p. 20f.

21 A lot more could be said about the differences between Rawlsian and Gausian idealization, but two key points should be emphasized: Gaus allows for a (much) broader range of differences between his "Members of the Public", as differences over ideas of justice are included; one does not need to endorse a broadly egalitarian-liberal account of justice to count as reasonable. For instance, one may believe that desert bears directly on distributive justice, something that seems hard to square with Rawls' project. Moreover, Gausian PR is a *convergence* project: citizens may support a particular policy (or moral rule) not because they share the same reasons, but because their reasons can be interpreted as reaching similar conclusions. In contrast, Rawlsian PR is a *consensus* project, where similar effective reasons are assumed of the parties, at least in the Original Position.

22 For this., see, e.g., [26].

23 "Public reason liberalism sets aside the illiberal dream of founding social and political order on a shared truth about the nature of justice, replacing it with the aspiration of finding terms of association on which good-willed and reasonable citizens, disagreeing about basic aspects of the good life and the ideally just society, can converge. This conception of liberalism is literally revolutionary—it seeks to return liberalism to its founding insight that we must live together without sharing our deepest visions: that liberalism is an alternative to sectarianism, not simply a form of it.", [27] (no pagination).

24 See [19] for an elaboration of this.

25 Or, conversely, be too lax, but that does not seem to be her concern. For the following, see [21], p. 22f.

26 Importantly, for (Gausian) PR, we do not need consensus on reasons—all we need is a convergence of judgments about (social) rules, and these judgments may stem from various reasons not shared by all. See [23].

27 This picture is, in many regards, similar to the thoughts about a form of "division of labor" between private citizens and the state as concerns the enforcement of morals that Finnis defends in [28]. Sometimes, these broader values, ideals, and commitments that are not shared by all or could be rejected by some reasonable agents are dubbed the domain of the ethical, whereas the authoritative rules constitute the domain of morality, or "what we owe to each other", see, e.g., [29], p. 459f.

28 I should add here that if "recognition" does *not* concern the substantial form of esteem and being seen as a valuable contributor (i.e., Honneth's third sphere) but "merely" the universal, formal form (Honneth's second sphere of self-respect), then nothing prohibits sexual activists from working toward, e.g., same-sex marriage rights. It is hard to see what could mandate state discrimination here, for obviously, some reasonable members of the public would veto such a moral-political rule (based on intolerance), and hence it is not a part of the eligible set. This raises a further point: could a member of the public reasonably

reject *any* rule concerning marriage because the member prefers "no rule concerning marriage" over "a rule allowing for same-sex marriage"? This is a difficult question. It may seem that rejections that are based on spite ("If I can't have it my way, no one should have it their way") could be excluded from deliberation; however, the lines may be blurry here. There is a trend in PR that opens the door for polycentric solutions to such problems; secession (at least, in part) may be a way of answering such questions, e.g., a very conservative subset of the population may secede so that, for their community, only same-sex marriage is legally recognized. This brings with it a host of further questions that I cannot address here, but see [30].

29 See https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/intersection-of-lgbtq-rights-and-religious-freedom/lgbtq-inclusive-curriculum-as-a-path-to-better-public-health/ accessed on 1 June 2023.

30 Ref. [31], p. 79f. Not all of the examples in Seglow's list of five types of narrow recognition are equally easy to see as forms of toleration, but that is an issue for another paper.

31 A final word on toleration: for some activists (and scholars), the term "toleration" may have connotations of the "don't ask, don't tell" policy and similar attitudes of "don't ram it down my throat", i.e., toleration is compatible with a highly repressive attitude toward the tolerated, where the tolerated practice must be "closeted away" otherwise. However, I would label such an attitude (and its accompanying actions) as an illegitimate use of coercion, and hence incompatible with the PR project.

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