

TOLERATION AS RECOGNITION

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Contents

<i>Acknowledgments</i>	<i>page viii</i>
Introduction	i
1 Liberal theories of toleration	20
2 The limits of liberal toleration	53
3 Toleration reconsidered	85
4 The Islamic veil in French schools	115
5 Should we tolerate racism?	137
6 Same-sex marriages	169
7 Toleration and identity politics	192
Conclusion	225
<i>Bibliography</i>	229
<i>Index</i>	241

Liberal theories of toleration

THE CONCEPT OF TOLERATION

Toleration is the social virtue and the political principle that allows for the peaceful coexistence of individuals and groups who hold different views and practice different ways of life within the same society.¹ This very general definition indicates that the conditions under which toleration is required are situations in which social differences exist which do not naturally coexist harmoniously; if they were to do so, there would be no need for any such principle.² Potential or actual causes of conflict are required for toleration to be necessary in order to bring about social order and peace. As long as peace is a political value, toleration will be valued as well. However, toleration also exhibits a particularly problematic aspect: if its precondition is the presence of conflicting social differences, this implies that the bearers of such differences do not welcome what they see as being incompatible with their views and forms of life. In order to become tolerant they first need to dislike or disapprove of the different

¹ In recent studies in moral philosophy, the concept of toleration has been explored extensively. In particular, the Morell Toleration Project hosted by York University has made available a wide-ranging analysis which has been published in various volumes: S. Mendus and J. Horton, eds., *Aspects of Toleration* (London: Methuen, 1985); S. Mendus and D. Edwards, eds., *On Toleration* (Oxford: Clarendon Press, 1987); S. Mendus, ed., *Justifying Toleration* (Cambridge: Cambridge University Press, 1988); S. Mendus, *Toleration and the Limits of Liberalism* (London: Macmillan, 1989); J. Horton and P. Nicholson, *Toleration: Theory and Practice* (Aldershot: Avebury, 1992); J. Horton, ed., *Liberalism, Multiculturalism and Religious Pluralism* (London: Macmillan, 1993); J. Horton and S. Mendus, eds., *Toleration, Identity and Difference* (London: Macmillan, 1999); S. Mendus, *Politics of Toleration: Tolerance and Intolerance in Modern Life* (Edinburgh: Edinburgh University Press, 1999). Other important recent works exploring the topic are: Heyd, ed., *Toleration: An Elusive Virtue*, and the issue of *Ratio Juris*, 10, 1997; Rainer Forst, ed., *Toleranz* (Frankfurt: Campus Verlag, 2000); the issue of *Res Publica Beyond Toleration?*, 2001.

² A detailed discussion of the conditions and circumstances under which toleration comes to be an issue can be found in P. King, *Toleration* (London: Allen and Unwin, 1976); A. Weale, "Toleration, Individual Differences and Respect for Persons," in *Aspects of Toleration*, pp. 16–35; P. Nicholson, "Toleration as a Moral Ideal," in *Aspects of Toleration*, pp. 158–73; M. Warnock "The Limits to Toleration," in *On Toleration*, pp. 123–39; D. Heyd, "Introduction," in *Toleration: An Elusive Virtue*, pp. 3–17; J. Horton, "Toleration as a Virtue," in *Toleration: An Elusive Virtue*, pp. 28–43.

practices which are at odds with their own, and then to overcome such feelings, giving way to toleration. Yet this is puzzling: how can toleration be good if it involves putting up with what is disliked or disapproved of? In this light, toleration seems to be more a disposition that results from a compromise than one which could count as having positive ethical and political value in its own right.³

In its turn, this question raises another problem: what does toleration properly consist in – letting go, putting up with, non-interference or, maybe, even acceptance? Whether toleration is given a negative or a positive meaning has consequences for its value. The merely negative meaning would imply that being tolerated is better than being coerced into or prevented from doing something, but that it is far from being an ideal condition of social and political life, and this looks more like a *modus vivendi* than a principled solution to the conflicts of pluralism. By contrast, a positive interpretation of toleration as acceptance makes it seem more attractive and more wholeheartedly valued; yet, if its premises are disapproval and dislike, the positive meaning does not seem easily available. Much of the current analysis of toleration deals with these two correlated points: on the one hand, it focuses on the reasons for exercising toleration despite the initial disapproval or dislike which it presupposes and apart from mere prudential motives. The intention of this approach is to overcome the so-called ethical paradox of toleration. In this respect, a number of answers have been put forward, amongst which the most prominent are theories emphasizing the value of pluralism, or of autonomy, or of respect for other people, or all of these.⁴ On the other hand, contemporary reflections on toleration ask whether the concept can also be intended in a positive sense as active acceptance, so that its social and political value can be strengthened beyond that of a mere *modus vivendi*.⁵ Here, students of toleration are divided: those who admit only a negative meaning come to the conclusion that toleration is an insufficient principle for dealing with the problems of contemporary pluralism; a positive conception of toleration, on the other hand, can be seen as a useful tool, though not the only one, for dealing with the social differences of contemporary pluralism. The point is that the adoption of

³ This puzzle is also known as a paradox: see B. Cohen, "An Ethical Paradox," *Mind*, 76, 1967, pp. 250–9; G. Harrison, "Relativism and Tolerance," in P. Laslett and J. Fishkin, eds. *Philosophy, Politics, Society* (Oxford: Blackwell, 1979), pp. 273–90; Williams, "Toleration: An Impossible Virtue," and Williams, "Toleration: A Political or Moral Question?"

⁴ A useful survey of the main arguments for toleration can be found in Mendus, "Introduction," to *Justifying Toleration*, pp. 1–20.

⁵ On this point, see Apel, "Plurality of the Good?"

a negative or a positive view of toleration depends on the understanding of the circumstances under which issues of toleration arise, as we shall see later on. In any case, toleration, be it a negative or a positive attitude, seems to imply some power of interference with or hindrance of what is disliked in the first place; otherwise we would more properly talk of acquiescence. In turn, this suggests that the relationship between the tolerator and the tolerated is generally asymmetrical, and that even if each party dislikes that which is “different” about the other, only one, the tolerator, enjoys significant power over the members of the other party; it is the restraint of this power which results in toleration. The weaker party, on the other hand, the person or persons who are tolerated, cannot but acquiesce.⁶ To sum up, toleration is the principle of peaceful coexistence where there are conflicting, incompatible, and irreducible differences in ways of life, practices, habits, and characters. Incompatibility emerges from a mutual disapproval or dislike or, at least, a suspicion of differences, which can give rise to social conflict and to the suppression or prohibition of certain practices by the stronger party, or by the state if it becomes involved in the stand-off. Toleration occurs when dislike or disapproval is overcome in the name of some other, stronger reason (e.g. the values of pluralism, autonomy, or respect for others), and when the stronger party consequently refrains from interference with the form of behavior which is disliked. An account of the circumstances in which toleration comes to be an issue – that is, which differences count, how they are construed, and when they give rise to a stand-off – is crucial for determining whether the concept of toleration should have negative or positive connotations, or both. However conceived of, it is clear in any case that toleration must have limits, because there are some deviant forms of behavior and practices that cannot be tolerated; for example, homicide, rape, and robbery are obviously not candidates for toleration. In general, it is widely agreed that the Millian harm principle and the Lockean self-defense principle constitute limits for toleration, though in

⁶ The distinction between tolerance and acquiescence has been drawn by King, *Toleration*, p. 62, and revisited by Weale in “Toleration, Individual Differences and Respect for Persons,” in *Aspects of Toleration*, pp. 16–35. In particular, King stresses power asymmetry as one of the conditions for the existence of toleration: “When individuals or groups exercise a roughly equal power within some larger context, the grounds exist for anarchy or accommodation, but not for tolerance or intolerance,” p. 67. A further distinction that is held to be important for defining the concept of toleration is that between tolerance and indifference. This distinction concerns the significance of the difference which is the potential object of toleration: if the difference is not really important for either party, then one has a case of indifference. See Bernard Crick, “Toleration and Tolerance in Theory and Practice,” *Government and Opposition*, 6, 1971, pp. 144–71; King, *Toleration*, and Nicholson, “Toleration as A Moral Ideal.”

practice it is difficult to define what counts as harm to a third party and what puts the political order and peace at risk. This is a very sketchy presentation of a very complex concept, which contemporary philosophy has analyzed in depth, highlighting its problematic features and suggesting ways of dealing with its paradoxical features. But, for the purpose of this work, which is focused on toleration in the context of political theory, this brief account must suffice as an introduction to the liberal versions of toleration, although some further points will be discussed in the outline of the argument for toleration as recognition. The fact is that the philosophical discussion on toleration as a moral disposition is of little consequence for dealing with the political issue of toleration: one thing it is to understand how permitting wrongdoings can be a virtue, and another to understand how difficult and conflicting ways of life can peacefully coexist and express themselves freely.⁷ The question I am going to raise is, rather, how toleration works as a political principle within the wide tradition of liberalism. To put it more precisely, how does it provide a proper solution to the problem of conflicts of religious, moral, and cultural pluralism, while allowing for liberty and diversity?

RELIGIOUS CONFLICT, TOLERATION, AND LIBERALISM

As a political principle, toleration is strictly intertwined with liberalism, both from a historical and from a theoretical point of view. Historically, the theory of toleration emerged as the solution to the challenge posed by the religious wars which devastated early modern Europe after the Reformation, and it constituted the first step towards a liberal politics. Theoretically, toleration provides a strategy for making the liberty of each individual in matters of beliefs, values, and ways of life compatible with the liberty of everybody else, and for minimizing state coercion. Given that the main goals of liberalism, under any possible description, are the protection and the fostering of individual freedom and the limitation of justifiable coercion on the part of the state, toleration constitutes an essential element of the liberal project. However, liberal theory comprises

⁷ On the discontinuity between the virtue of tolerance and the political principle of toleration, see my "Do We Need Toleration as a Moral Virtue?" *Res Publica*, 2001. On the harm principle, with reference to toleration, see S. Mendus, "Harm, Offence, Censorship," pp. 99–112, J. Horton, "Toleration, Morality and Harm," pp. 113–35, and P. Jones, "Toleration, Harm and Moral Effect," pp. 136–57, all of which are in *Aspects of Toleration*; and J. Raz, "Autonomy, Toleration and the Harm Principle," in *Justifying Toleration*, pp. 155–75. The principle of self-defense has not been directly analyzed to the same extent, though implicitly the great question of the compatibility of liberal democracy and fundamentalism rests on the correct analysis of this principle.

many varieties and the conception of toleration varies accordingly. I shall start with a conjectural reconstruction of the theoretical itinerary from the religious wars to toleration and the emergence of the liberal secular state.

After the religious Reformation and its devastating effects, the idea of toleration emerged slowly from the convergence of a number of lines of thought.⁸ Even though the arguments in favor of toleration varied, ranging from humanist skepticism to the impossibility of forcing the true faith,⁹ its way of working for peace and civil coexistence exhibited a common pattern.¹⁰ It basically consisted in making a strict demarcation between matters pertaining to the political order and public affairs, on the one hand, and, on the other, matters unrelated to the political order; primary among the latter were religious convictions.¹¹ This demarcation divided society into two areas: the first, built around matters that were relevant to order and peace, constituted the political sphere, a domain subject to the political authorities and public regulation; the second,

⁸ In the extensive historical literature on toleration, see, for example, R. H. Bainton, *Studies in the Reformation* (Boston: Beacon Press, 1963); E. M. Beaume, "The Limits of Toleration in Sixteenth Century France," *Studies in the Renaissance*, 16, 1966; I. Mereu, *Storia dell'intolleranza in Europa* (Milan: Mondadori, 1979); C. Vivanti, "Assolutismo e tolleranza nel pensiero politico francese del Cinque-Seicento," in L. Firpo, ed., *Storia delle idee economiche, politiche e sociali*, vol. iv (Turin: UTET, 1986), pp. 13–93; J. G. A. Pocock, "Religious Freedom and the Desacralization of Politics: From the English Civil Wars to the Virginia Statute," in M. D. Peterson and R. Vaughan, eds., *The Virginia Statute for Religious Freedom* (Cambridge: Cambridge University Press, 1988), pp. 43–73; S. Mendus, ed., *The Politics of Toleration in Modern Life* (Durham, N.C.: Duke University Press, 2000).

⁹ One of the first arguments for toleration focuses on the folly of persecution: see Sebastian Castellion, *Concerning Heretics: Whether They Are To Be Persecuted and How They Are To Be Treated* [1553] (New York: Columbia University Press, 1935). Humanist skepticism is represented by Erasmus, *In Praise of Folly* [1511] (Princeton: Princeton University Press, 1970). The impossibility of forcing people to embrace the true faith is defended in John Milton, *Areopagitica* [1644], ed. R. M. Lea (Oxford: Clarendon Press, 1973), and John Locke, *A Letter Concerning Toleration*, ed. J. Horton and S. Mendus (London: Routledge, 1991). Among the secondary literature, see Reinhard Koselleck, *Kritik und Krise: Eine Studie zur Pathogenese der bürgerlichen Welt* (Frankfurt: Suhrkamp Verlag, 1973); Alan Ryan, "Hobbes, Toleration and the Inner Life," in David Miller and Larry Siedentop, eds., *The Nature of Political Theory* (Oxford: Clarendon Press, 1983), pp. 197–218; Gary Remer, "Rhetoric and the Erasmian Defence of Religious Toleration," *History of Political Thought*, 10, 1989, pp. 377–403; Richard Tuck, "Scepticism and Toleration in the Seventeenth Century," in *Justifying Toleration*, pp. 21–35; Jeremy Waldron, "Toleration and the Rationality of Persecution," in *Justifying Toleration*, pp. 61–86.

¹⁰ Indeed, toleration finally won, though in a limited way, because the war could not be stopped and toleration appeared to be the only political solution that would lead to a stable peace. It was the doctrines of the French "politiques" during the sixteenth century that affirmed that religion should be politically neutralized as the only way to maintain peaceful coexistence in a religiously divided society. See Bainton, *Studies in the Reformation*, and Vivanti, "Assolutismo e tolleranza." The champion of toleration for the sake of peace is Thomas Hobbes: see Alan Ryan, "A More Tolerant Hobbes?," in *Justifying Toleration*, pp. 37–59.

¹¹ Koselleck, *Kritik und Krise*.

concerned with issues that were irrelevant to order and peace, defined the private realm as one in which the state had no business and hence no reason to intervene with coercive action. This protected area, where political interference was to be suspended, constituted the proper object-domain of toleration.¹² The principle of toleration thus relied on and worked through the public/private distinction and, as a result, had a double effect: it created protection against state intervention in matters of faith, and it circumscribed religion within a politically neutralized area, the private realm of conscience, hence preventing churches and religious movements from interfering with political decisions.¹³ Thus, toleration engendered a lengthy and highly contested process by which church and state became increasingly autonomous in their respective spheres. The political neutralization of religion, i.e. its privatization, did not in fact originally entail the religious neutralization of politics.¹⁴ In other words, originally toleration meant both the absence of political coercion in matters of faith and conscience and the delegitimation of religious interference in politics. But the political authorities felt no compunction in favoring a particular church or endorsing a state religion, as long as other churches and creeds were not persecuted. For example, it depended upon political convenience whether the privileges enjoyed by the majority church and by religious orders were suspended or not. In the seventeenth and eighteenth centuries the absolute state did not need to be secular in order to be tolerant.¹⁵

It was only when toleration was transformed by the liberal state into a universal right to free conscience and free association that the idea of a religiously neutral state – the secular state – could be advanced. From a theoretical viewpoint, it is easy to see that, if everyone is granted an equal right to a free conscience, then the state has no right to favor or to give public support to any one view or church, because that would be an illegitimate interference in matters outside the sphere of politics. Moreover, it would mean giving more weight to the choice of some citizens than to

¹² Locke's *Letter* is paradigmatic in this respect.

¹³ Koselleck, *Kritik und Krise*.

¹⁴ This reading is close to the interpretation given by Koselleck, whose notion of neutralization is indebted to Carl Schmitt's concept of the political. (See C. Schmitt, "Der Begriff des Politischen," *Archiv für Sozialwissenschaft und Sozialpolitik*, 53, 1927.) A similar view, though embedded in a different historical approach, is given by Pocock in "Religious Freedom and the Desacralization of Politics."

¹⁵ Joseph Charles Heim, "The Demise of the Confessional State and the Rise of the Idea of a Legitimate Minority," in *Majorities and Minorities* (New York: New York University Press, 1980), pp. 11–23.

that of others, thus opening the way to religious discrimination. Finally, it could lead to a hidden influence of the favored church in state affairs. In this way, the generalization of the ideal of toleration in the liberal state, by means of universal rights of liberty, made possible the notion of the religiously neutral secular state, conceptualized in the liberal doctrine of the separation of church and state.¹⁶ In that context, the principle of neutrality could be developed, though the actual term is in fact a recent one.¹⁷

While toleration is the suspension of the political power of interference in individuals' religious and moral views, neutrality means not favoring any one set of such views, or their holders, over others in the public sphere. The principle of neutrality introduces a further requirement for the definition of legitimate political action.¹⁸ Whereas toleration simply removes some areas, declared as private, from the domain of legitimate political intervention, neutrality provides a positive guideline for public action, which is henceforth to be consistent with the independence of the political sphere from religion. With reference to citizens, then, while toleration grants them freedom of conscience, neutrality grants them the right not to be discriminated against because of their conscience. At the same time, while originally the differences to be tolerated had to be declared irrelevant from the point of view of order and peace, with the rise of the concept of neutrality, the political irrelevance of differences is transformed into political indifference and blindness towards them. So while social differences, well protected by individual rights, are to be tolerated in the private sphere, in the public sphere they should simply be ignored. In addition to this indifference, the principle of neutrality also engendered a conceptualization of the public sphere as a neutralized area from which social differences were irrelevant, a purified space of equals where only merit should count as a differentiating principle. Thus, even though neutrality does not require citizens to hide their differences

¹⁶ See Robert Audi, "The Separation of Church and State and the Obligation of Citizenship," *Philosophy and Public Affairs*, 18, 1989, pp. 258–96; J. P. Day, *Liberty and Justice* (London: Croom Helm, 1987).

¹⁷ The expression, though not the concept of "liberal neutrality" is, indeed, fairly recent, introduced by Gerald Dworkin in "Non-Neutral Principles," *Journal of Philosophy*, 71, 1974, pp. 491–506, and Alan Montefiore, ed., *Neutrality and Impartiality. The University and Political Commitment* (Cambridge: Cambridge University Press, 1975).

¹⁸ That such a further stage in the doctrine and in the practice of liberal toleration is needed is acknowledged by Joseph Raz in "Multiculturalism," when he draws distinctions between various liberal attitudes towards social differences. The first stage is toleration, meaning non-interference with the beliefs and practices of the minorities; the second is non-discrimination, based on universal individual rights requiring public blindness toward social differences; the third, which is more an ideal to be realized, is multiculturalism corresponding to non-discrimination, but without the individualistic bias which has so far characterized public blindness.

in the public sphere, but only that public officials be blind to them, an influential interpretation – embodied in the continental ideal of *laïcité* – has equated neutrality with a public sphere to which everyone belongs qua citizen, and where no particular loyalty, identity, or group that might threaten the general will is allowed.

Insofar as neutrality means a general tendency in the direction of a lack of discrimination in the public sphere, whatever one's beliefs, practices, culture, or affiliations, it is part of the liberal tradition in general, being, on the one hand, the generalization of the principle of toleration and, on the other, embodied in the individual basic rights to freedom of expression, association, and privacy. Within contemporary liberalism there is, however, disagreement (a) on the best way to satisfy the principle of non-discrimination, that is, whether it is best to disregard differences or to take them into account so as to counter the different weight and value that is socially attached to them, and (b) on the principle of neutrality, which is usually taken to imply something more than a lack of discrimination, namely the independence of liberal politics from any substantive moral outlook. In fact, it is the independence of liberal politics from any substantive conception of the good life that grounds a lack of discrimination in the public sphere, or so the supporters of liberal neutrality contend. Yet, as its opponents ask, can there be a political arrangement, which actually does away with any substantive moral, religious, and philosophical view?

The issue surrounding neutrality, which is widely debated in contemporary political philosophy, sorts liberal theories into two major groups: neutralist (or political, or deontological) versions and perfectionist (or ethical) versions. The disagreement about the best way to promote non-discrimination in general does not coincide with the neutralist/perfectionist divide, but is, rather, internal to neutralist liberalism, depending on different interpretations of neutrality. The two distinct views here are sometimes labeled as, respectively, intentional and causal neutrality.¹⁹ But let us start by examining the neutralist/perfectionist debate with reference to the problem of toleration.

NEUTRALISM VERSUS PERFECTIONISM

As we have seen, neutrality originally arises as the generalization of toleration within the liberal state when freedom of conscience becomes a

¹⁹ On this point, see Weale, "Toleration, Individual Differences, and Respect for People."

universal right. In its more general formulation neutrality means that public action should discount all personal differences that are politically irrelevant (from ethnic origin to affiliations, religious beliefs, moral values, skin color, and sexual preferences) so as to treat all citizens as equals. Thus, the ideal of neutrality is meant to fulfill the liberal principles of equal liberty, non-discrimination, and impartiality by means of an anti-perfectionist attitude. Anti-perfectionism entails that the state and political agencies have no business in trying to improve citizens according to any conception of what is valuable in life or how they should live.²⁰ Conceptions of the good and religious, moral or metaphysical views should be extracted from control by the political authorities and left to individual freedom and choice. Anti-perfectionism prescribes a public blindness to personal differences, and does so for two reasons: on the one hand, it inhibits the interference of religious and moral disagreement in political matters and, on the other, it prevents any particular set of convictions or way of life from being favored and thus giving rise to advantages in social position or standing. Peaceful coexistence and equal liberty are the two political goals pursued by liberal neutrality, while anti-perfectionism is the means by which such goals can be attained.

The ideal of neutrality, originally established as a guideline for public action when toleration became embodied in the doctrine of universal rights, has recently been generalized into a principle governing the political legitimacy of liberal institutions. An implication of the anti-perfectionist attitude has made this move possible. If liberal politics is indeed independent of any substantive religious, philosophical, and moral views, it means that all reasonable people, despite their different and conflicting conceptions of the good life, can endorse it because it is no more than the precondition for the maintenance of law, order, and justice. In this way neutrality is presented as the principle by means of which liberal institutions are legitimated, consistent with the actual fact of pluralism that characterizes contemporary society. Thus, not only should

²⁰ The term "perfectionism" was introduced by John Rawls, *The Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971) (hereinafter abbreviated *TJ*), II, 5, § 50, to designate the kind of teleological theory which asserts that morally good politics is politics aimed at attaining ethical ideals (while utilitarianism, for example, is a teleological theory which defines those actions as good which are aimed at fulfilling interests and needs). Classical liberalism, which emerged from the religious wars, is typically anti-perfectionist, since in general it conceives of politics as being instrumental to individual ends and purposes, and as a guarantee of rights and order. Yet, as some contemporary liberal thinkers have remarked, liberalism as a political ideal is not morally empty, but includes a set of distinctive virtues and purposes. The discussion between neutralist and perfectionist interpretations of liberalism has to do with the ethical content of liberal theory.

the liberal state be neutral with reference to 'private' social differences, but also, more importantly, toleration and neutrality are proposed as the normative devices in a constitutional argument for bringing about a consensus on the liberal principles which underwrite political legitimacy. And this further step is precisely what characterizes the position of neutralist liberalism.²¹ Let us reconstruct this move, which represents the main point of discussion in the present debate.

The premise of neutralist liberalism is that pluralism is problematic, because the commitment to liberal democracy rules out a forced homogenization of the citizen body or a simple repression of irreducible differences. The distinctive feature of this liberal tradition, is that pluralism is conceived of as the plurality of the conceptions of the good, i.e. what each individual thinks worthwhile and valuable in life. The problem is that in contemporary societies there are many conceptions of the good and, often, they are not compatible. Indeed, since they have to do with ultimate values, final meanings, and basic principles, their diversity is a potential source of conflict.²² Moreover, in many cases, they are incommensurable, since they embody alternative and irreducible interpretations of what is valuable and why. Finally, they cannot be adjudicated, insofar as there is no common, publicly accepted way of making a reasonable judgment about them, or of defining priorities. In a word, pluralism basically implies moral and metaphysical disagreement; such disagreement appears even more intractable than conflict of interests, since in this case some form of compensation can be arranged and compromise is more easily reached by means of negotiation. In the case of moral conflict, incommensurability and lack of a common procedure for adjudication make losses unredeemable.²³

²¹ See, for example, Peter de Marneffe, "Liberalism, Liberty and Neutrality," *Philosophy and Public Affairs*, 19, 1990, pp. 253–74, and Deborah Fitzmaurice, "Liberal Neutrality, Traditional Minorities and Education," in J. Horton, ed., *Liberalism, Multiculturalism and Toleration*, pp. 50–69.

²² This picture of the problematic differences between the conceptions of the good is presented by John Rawls in "The Domain of the Political and Overlapping Consensus," *New York University Law Review*, 64, 1989, pp. 233–55, and analyzed by Henry S. Richardson in "The Problem of Liberalism and the Good," in R. B. Douglass, G. R. Mara and H. S. Richardson, eds., *Liberalism and the Good* (London: Routledge, 1990), pp. 1–28.

²³ This viewpoint is strongly underlined by Thomas Nagel as one which gives rise to issues about toleration:

Members of a society all motivated by an impartial regard for one another will be led into conflict by that very motive if they disagree about what the good life consists in, hence what they should want impartially for everyone . . . Such disagreements can be much more bitter and intractable than mere conflicts of interest, and the question is whether there is any method of handling them at a higher level which all reasonable people ought to accept, so that they cannot object to the particular result even if it goes against them (*Equality and Partiality* [Oxford: Oxford University Press, 1991], p. 154).

Given this description of pluralism, the issue is how to obtain the consensus of opinion, which is necessary for political legitimacy, given the fact of moral disagreement and irreducible differences about how life should be lived. The solution is provided by the ideal of toleration, as applied in what I will call “the constitutional argument.” The constitutional argument proposes the hypothetical reconstruction of a way in which the members of a society could reach political consensus on basic principles and institutions; this consensus must be shown to result from collective choice by equal, free, and rational individuals, each having potentially conflicting interests and holding divergent conceptions of the good.²⁴ The constitutional setting may be interpreted in different ways; in any case, it is designed so as to consist of a fair procedure for collective choice, in which each party has equal liberty and power. Given a fair procedure, the constitutional choice is also fair, and the principles and rules, which are the outcome of the resulting agreement, are thus justified by the full consent of all parties. Toleration has ruled out force concerning moral and metaphysical beliefs and, at the same time, has circumscribed the effects these beliefs can have outside the realm of politics, neutralizing thereby the possible damage the clash of beliefs could have. Applying this ideal to hypothetical constitutional reasoning, the first result is that the political realm is reduced to a limited proportion of social life,²⁵ with the result that only a limited consensus, either on procedures and rules or on basic principles of justice, is required for political legitimacy. Yet this consensus should be found to emerge from different and divisive starting points, none of which, according to the principle of toleration, can be repressed. It is reasonable, therefore, to think that the content of the agreement – be it substantive principles or procedural values – has to be neutral, perhaps not absolutely, but with respect to the various conceptions of the good held by the parties,²⁶ since no one wants to see his or her own convictions disadvantaged. Neutrality

²⁴ I choose to refer to the constitutional argument instead of the contractarian argument, which is specific to John Rawls’s *A Theory of Justice*. Since neutrality is what sustains liberal legitimacy, the analysis is developed at the constitutional level, but not all neutralists make reference to the social contract framework.

²⁵ Cf. Rawls, “The Domain of the Political and Overlapping Consensus.” The resulting limits to the political domain lead to what Joseph Raz has called “epistemic abstinence” in political theory with the effect of excluding from the political agenda issues such as people’s well-being. See J. Raz, “Facing Diversity: The Case for Epistemic Abstinence,” *Philosophy and Public Affairs*, 19, 1990, pp. 3–46.

²⁶ Many authors have denied that neutrality can be absolutely neutral, as we will see when we consider the criticisms to liberal neutrality; however, Deborah Fitzmaurice has proposed an interpretation of neutrality which is absolutely neutral and which she has called procedural

is then a necessary result of this kind of constitutional argument, if it is constrained by toleration; in order to come to an agreement in a pluralist situation, what can be shared must be neutral; moreover, the outcome of the agreement also ought to be neutral, since neutrality results in a fair constitutional setting from the application of a fair procedure for dealing with irreducible moral and metaphysical differences. A problem arises about such a consensus in the context of trying to give a hypothetical construction of liberal legitimacy: how can (a neutral) consensus be reached, assuming it could be reached? The answers may vary but, in general, they can be grouped around two alternatives.

The first and more traditional solution is that of excluding all conflicting moral issues from the area of political legitimacy, so that what is left in common can serve as the neutral basis for political legitimacy.²⁷ In this case, the neutral consensus is produced on grounds which sustain liberal institutions as legitimate.²⁸

The second solution is more ingenious, focusing on the notion of overlapping consensus, as spelled out by John Rawls.²⁹ The basic idea is that, in a pluralist society, agreement need not be based on a theory of political legitimacy, but, rather, on the political principles of justice embodied in liberal institutions (roughly corresponding to rights, opportunities, fairness and reciprocity in public life). There is more than one path that leads to the endorsement of liberal institutions, since the principles of

neutrality. It depends on a derivation of political principles from reason alone, independent of any conceptions of the good. This version of neutrality, corresponding to a Kantian formulation, and proposing principles which are universally rationally justifiable, may not be substantively neutral with reference to the actual conceptions of the good held by people, in the sense that some can be ruled out as irrational. However, Fitzmaurice acknowledges that current liberal theories usually refer to the substantive principle of neutrality, in the sense that political principles, whether they are procedural or substantive, are derived only from what is shared in common by all parties. And, in this sense, neutrality is always relative to the range of conceptions of the good which are considered. See Fitzmaurice, "Liberal Neutrality, Traditional Minorities and Education," pp. 52ff.

²⁷ See Bruce Ackerman, *Social Justice in the Liberal State* (New Haven: Yale University Press, 1980); Bruce Ackerman, "What is Neutral about Neutrality?," *Ethics*, 93, 1983, pp. 372–90; Thomas Nagel, "Moral Conflict and Political Legitimacy," *Philosophy and Public Affairs*, 16, 1987, pp. 215–40; Nagel, *Equality and Partiality*; Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987).

²⁸ It is not clear, though, whether "what is left in common" are mere values and principles contingently held by individuals in the constitutional setting, or principles of reason alone, and thus universally justifiable. Ackerman probably regards the dialogical procedure as a universal feature of human rationality, yet it presupposes a preference for peaceful accommodation which can be derived only by instrumental rationality.

²⁹ See: John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy and Public Affairs*, 14, 1985, pp. 219–51; "The Idea of an Overlapping Consensus," *Oxford Journal of Legal Studies*, 16, 1987, pp. 1–25; "The Domain of the Political and Overlapping Consensus"; and *PL*.

liberal justice comprise only one of the components of a comprehensive conception of the good. It is, in fact, a component, which turns out to be compatible with many reasonable comprehensive views.³⁰ The prospective solution, therefore, is not to put aside one's conception of the good in order to find a common premise for grounding liberal legitimacy but, on the contrary, to find out the common liberal principles of justice which are included in different comprehensive views. Liberal principles of justice emerge first within Rawls's conception of the political, which he presents as freestanding, i.e. independent of metaphysical and ethical foundations. The content of political justice is primarily arrived at by applying the well-known original position argument and starting from the premise that the individuals who are the participants in discussion are free and equal. The plausibility of this premise is no longer rooted in human rationality alone, as it was in *A Theory of Justice*, but in the public culture of liberalism, hence in a well-defined historical tradition. But, in this way, the justification for principles of justice is internal only to the political conception, and this only *pro tanto*, as Rawls qualifies it.³¹ In other words, it is justification for a citizen (i.e. for a person considered merely as a political agent with a view of the political world of which he or she is a part), but not for individuals (who will have their own broader views of a wide variety of topics in addition to politics). At this point, political principles, built up from premises rooted in the liberal democratic tradition, are shown to be common to, or at least compatible with, many of the comprehensive views that coexist within liberal democratic societies. Thus these principles come to represent the area of overlap between many conceptions, a neutral area shared by those who hold a variety of different beliefs, although the principles are held by different individuals for different reasons.³² In this way, any individual citizen who finds an overlap between his or her comprehensive view and the political conception can work out

³⁰ In *PL*, Rawls introduces the notion of "reasonable pluralism," including that set of comprehensive views which are the outcome of the free use of reason. Human reason, being limited both in cognitive and in motivational terms, if left free, can take a number of different paths, all of them perfectly reasonable, since all of them are rationally undetermined. The outcome is reasonable pluralism, that is, a variety of world-views which, despite their potential conflict, are all compatible with the constraints imposed by reason. This notion strongly limits the extension of Rawls's pluralism.

³¹ See: John Rawls, "Reply to Habermas," *Journal of Philosophy*, 92, 1995, p. 142.

³² In Rawls's case it is more appropriate to speak of a "political" rather than a "neutralist" interpretation of liberalism: what is publicly shared is better characterized as "impartial" than "neutral" with reference to the comprehensive views which overlap in the common area. In fact, the common political principles are not independent of the whole set of comprehensive views, though they are not dependent on any one in particular.

another justification for principles of justice. This second kind of justification will be sustained by non-public reasons – that is, by reasons internal to any comprehensive view, thus bridging the gap between private convictions and public reasons. But, if private and public morality are thus made contiguous, the only principles that can legitimately be used in public discourse and actions are those included in the area of the overlapping consensus, which constitutes the basis of public reasoning in liberal society. This interpretation has the advantage of doing away with the exclusion of substantive moral views from participation in the process of discussion that leads towards consensus.³³ In the overlapping consensus picture, no one has to put aside his or her deep beliefs and values in order to find a reason in favor of the liberal order. Everyone can support liberal institutions for their own special reasons, according to their particular conception of the good.³⁴ The disadvantage is that not all comprehensive views turn out to be compatible with the liberal core of basic principles.³⁵ Only comprehensive views that are “reasonable,” in Rawls’s own formulation, can plausibly come to share the liberal conception of justice.³⁶

In any case, both interpretations of the political consensus hold the view that the outcome lies in the restriction of the political realm vis-à-vis the domain of the social and in its neutrality vis-à-vis the many conceptions of the good of the pluralist society. In this way, toleration is not only a crucial liberal principle, built in to the liberal constitution, but is also the ideal that grounds liberal legitimacy; neutrality is not only a

³³ The exclusion of substantive ethical principles from the political domain, which corresponds to the demands of the “neutrality” view, is criticized not just by communitarians but also by perfectionists. See Dworkin, “Non-Neutral Principles”; Michael Perry, “Neutral Politics?,” *Review of Politics*, 51, 4, 1989. However, this exclusion is also troublesome for liberals who are not perfectionists. See Amy Gutmann and Dennis Thompson, “Moral Conflict and Political Consensus,” *Ethics*, 101, 1990, pp. 64–88 and Dennis Thompson, *Democracy and Disagreement* (Cambridge, Mass.: Harvard University Press, 1996).

³⁴ Rawls’s position thus answers the questions asked, for example, by Kent Greenawalt in *Religious Convictions and Political Choice* (Oxford: Oxford University Press, 1988). How can a true believer find a ground which is neutral and does not depend on his deep convictions without compromising those very convictions? In the overlapping consensus picture, the true believer need not find public reasons that are different and distinct from his or her own religious view.

³⁵ See Patrick Neal, “A Liberal Theory of the Good?,” *Canadian Journal of Philosophy*, 17, 1987, pp. 567–81.

³⁶ The only suggestion Rawls can make about unreasonable comprehensive views is that they should be objects of accommodation and compromise. He hopes that treating them in this way will increase the political stability of society and that the benefits of such stability will eventually induce those who hold unreasonable comprehensive views to become more reasonable and, eventually, even loyal to the democratic order. Yet this hope is only empirically based, and there is no particular theoretical reason to believe it will be vindicated.

guideline for public action, but also the distinguishing mark of the liberal political domain.

This position, as mentioned, can be elaborated out in different ways. Yet, despite this, a unifying premise underlies all defenses of neutrality: it is the rejection of the view that it is permissible to appeal to the alleged fact that certain ideas, values, or opinions are unreasonable, inappropriate, or immoral in order to justify using force to suppress them.³⁷ Given the rejection of coercion, the values of toleration and neutrality can be further justified by at least three different arguments. The first endorses a skeptical position: neutrality and toleration are required because there is no rational and shared way of adjudicating between different conceptions of the good.³⁸ Yet this justification shows three major weaknesses: (a) in order for toleration and neutrality to derive from skepticism, the latter must be supplemented by a preference for peace over war, which here is rather taken for granted.³⁹ Otherwise, from the lack of rational truths, one can as well derive a reason for conformity, rather than for toleration of diversity. (b) If skeptical arguments are taken to be the foundation for toleration and neutrality, it becomes impossible to give a coherent account of the compatibility of two attitudes both of which are deeply rooted in liberal thought. On the one hand, liberalism is committed to the farreaching protection of human differences (differences in values, convictions, and identities) from coercion, which seem to imply that they are inherently valuable; on the other hand, liberalism construes such differences as purely private, subjective matters⁴⁰ and thus reduces them to mere individual preferences, i.e. tastes and idiosyncracies, about which, by definition, “*non est disputandum*.”⁴¹ (c) Finally, this form of liberal

³⁷ The argument against coercion in matters of faith belongs to the traditional doctrine of toleration, starting with Sebastian Castellion. In Locke’s *Letter* we find a clear and complete formulation of it. Coercion is first of all unreasonable because beliefs, by their very nature, cannot be forced. Second, it is inappropriate because the value of faith is not independent of the way in which it is formed. Third, it is immoral because, just as it is generally acknowledged that no one has the right to impose on others their views about what food to buy and where to buy it, no one can claim the right to decide for another about salvation.

³⁸ The skeptical argument for liberal neutrality is endorsed by Bruce Ackerman in *Social Justice*. Many criticisms have been made of his conception: see issue 93 of *Ethics*, 1982–3 devoted to Ackerman’s position. See, especially, B. J. Barber, “Unconstrained Conversation: Neutral or Otherwise,” pp. 330–47; J. S. Fishkin, “Can There Be a Neutral Theory of Justice?,” pp. 348–56; R. E. Flathman, “Egalitarian Blood in Skeptical Turnips?,” pp. 357–66; B. Williams, “Space Talk: The Conversation Continued,” pp. 367–71.

³⁹ See, for example, Brian Barry, “How Not to Defend Liberal Institutions,” in Douglass, Mara, and Richardson, *Liberalism and the Good* (pp. 44–58) p. 47.

⁴⁰ M. Stocker, “The Schizophrenia of Modern Ethical Theories,” *Journal of Philosophy*, 73, 1976, pp. 453–65.

⁴¹ Albert Hirschman, “Against Parsimony,” *Economics and Philosophy*, 1, 1985, pp. 7–20.

argumentation seems to be inconsistent when it begins with an appeal to moral skepticism and then moves on to assume that there will be easy, unproblematic public agreement on the procedures for conducting political dialogue.⁴² Furthermore, the skeptical argument is not itself neutral, insofar as it is very controversial.⁴³

The second argument in favor of liberal toleration and neutrality refers back to the value of pluralism: state neutrality and toleration are required in order to protect social variety. In its turn, pluralism is valued for a number of reasons, among which I mention only two for their traditional relevance to the issue of toleration. First, pluralism is a value in epistemological terms, insofar as it allows for experimentation and novelty out of which, eventually, truth will emerge.⁴⁴ Following this reasoning, however, toleration and neutrality are only instrumental, pragmatic values and, more importantly, they are limited to those issues that can be related to knowledge and truth. Second, the value of pluralism is made to rest on the value of personal autonomy: in order to have a free choice, individual members of a society should enjoy genuine options, which will be available only in a society characterized by pluralism of values, opinions, and lifestyles.⁴⁵ In this case, toleration is ultimately supported by the crucial value of autonomy,⁴⁶ but, then, all the many theoretical difficulties related to the latter concept will apply equally to toleration.

Finally, the third argument for liberal neutrality, which is the one which has been most influential in structuring the current debate, is based on fairness.⁴⁷ It runs approximately as follows: in a pluralistic society political support for one or some small number of the many conceptions of the good that coexist cannot fail to introduce moral

⁴² Benhabib, "Liberal Dialogue versus Discourse Ethics."

⁴³ This position is held by Charles Larmore, who maintains that neutrality can be justified by arguments that are not absolutely neutral but merely neutral with reference to the moral and religious conflicts that it is supposed to solve. Skepticism is part of a world-view which is rejected, for example, by those who endorse objective ethics; hence it is inappropriate as a justification for neutrality. See Larmore, *Patterns of Moral Complexity*, pp. 53–4.

⁴⁴ This argument, coming from Mill, is shared by Karl Popper; see "Toleration and Intellectual Responsibility," in S. Mendus and D. Edwards, eds., *On Toleration*, pp. 17–34.

⁴⁵ Williams, "Toleration: An Impossible Virtue."

⁴⁶ This justification is advanced, for instance, by Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989).

⁴⁷ See Ronald Dworkin, "Liberalism," in Stuart Hampshire, ed., *Private and Public Morality* (Cambridge: Cambridge University Press, 1978), pp. 113–43; Ronald Dworkin, "Fondamenti filosofici per la neutralità liberale," in Sebastiano Maffettone, ed., *L'idea di giustizia* (Naples: Guida, 1993), pp. 57–71; Nagel, "Moral Conflict and Political Legitimacy"; Nagel, *Equality and Partiality*; Rawls, *TJ*, II, 4, § 33, § 34, § 35; "The Priority of the Right and Ideas of the Good," *Journal of Philosophy*, 1988, pp. 251–76. According to Larmore the argument for fairness is the only neutral justification of the ideal of neutrality, being independent of any conception of the good and referring only to the treatment of persons. See *Patterns of Moral Complexity*.

distinctions between persons and, consequently, to treat them with unequal respect. From any impersonal or impartial viewpoint toleration and neutrality are the obvious policies to be adopted with reference to conceptions of the good, because no one wants to live in a society in which his or her deepest convictions are given less than equal weight in the public arena. Hence, on the one hand, the common principles of justice should be neutral in order to be fair in relation to the many conceptions of the good that exist among the individuals and groups in the society. On the other, neutrality also should be the principal guiding public action in order to ensure fair treatment to all citizens irrespective of their conception of the good.⁴⁸ This line of argument seems to me to be the most original and promising of those that have been put forward in the recent discussion. It avoids the shortcomings of a skeptical or purely pragmatic foundation for toleration, characterizing instead the neutralist interpretation in ethical terms, but also avoids the difficulties of a perfectionist argument for toleration and the problematic distinction among differences, as we shall see below.

Perfectionist liberalism refers to various positions which, within the liberal tradition, take issue with neutrality.⁴⁹ Neutrality, perfectionists maintain, is an inconsistent, unattainable and, in the end, undesirable ideal.⁵⁰ Generally speaking, perfectionist positions criticize the view that

⁴⁸ This double role of neutrality, which is at the same time constitutive of liberal legitimacy and a constraint on public action, is acknowledged also by Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), p. 112, and by de Marneffe, "Liberalism, Liberty and Neutrality." Raz derives the fundamental ambiguity of the concept from this fact, while de Marneffe maintains that only the second role is central for the neutralist model. In fact the two roles are interdependent since the latter is the generalization of the former.

⁴⁹ Though arguments in favor of perfectionist liberalism can be found throughout the liberal tradition, for example in Kant's conception of liberty and autonomy and to some extent also in Mill's view of liberalism, this position has been most fully elaborated in contemporary liberal theory as a response to the prevalent interpretation of liberalism in terms of neutrality. An interpretation in terms of neutrality can also count on classical precedents such as Locke.

⁵⁰ Among the first liberal defenders of perfectionism are Brian Barry, *The Liberal Theory of Justice* (Oxford: Clarendon Press, 1973), and Vinit Haskar, *Equality, Liberty and Perfectionism* (Oxford: Oxford University Press, 1979). In the 1980s and 1990s, perfectionist positions were held by William Galston, *Justice and the Human Good* (Chicago: University of Chicago Press, 1980); Raz, *The Morality of Freedom*; Raz, "Facing Diversity: The Case for Epistemic Abstinence"; Larry Alexander and Maimon Schwarzschild, "Liberalism, Neutrality of Welfare vs. Equality of Resources," *Philosophy and Public Affairs*, 16, 1987, pp. 85–110; Richard Flathman, *Toward a Liberalism* (Ithaca: Cornell University Press, 1989); Jonathan Riley, "Rights to Liberty in Purely Private Matters," part 1: *Economics and Philosophy*, 5, 1989, pp. 1–121; part 2: *Economics and Philosophy*, 6, 1990, pp. 27–64; Jeremy Waldron, "Autonomy and Perfectionism in Raz, *Morality of Freedom*," *California Law Review*, 62, 3–4, 1989, pp. 1097–152; Barry, "How Not to Defend Liberal

the distinguishing feature of liberalism, as opposed to other political ideals, is its commitment to a set of rules and principles of justice with no moral content, that is, a set of principles which is neutral with reference to any ethical conception. By contrast, according to perfectionists, liberalism, like its rival political ideals, necessarily presupposes a conception of the human good, which is not simply procedural, but also ethically substantive. The liberal conception of the good is indeed rather specific, being focused on the values of human rationality, autonomy, self-reliance, and self-development.⁵¹ In other words, the appeal of liberalism cannot and should not be like that of a hospitable empty box, in which any culture, tradition, form of life, or world-view is welcome and can pursue its dream.⁵² For perfectionists, such a portrayal of liberalism is not only inaccurate, because liberalism exhibits a distinctive moral outlook, but it will also not help liberal institutions to gain the loyal support of members of alien cultural traditions. Those who have radically different cultural traditions would rather live in societies that endorse their own conception of the good, and are not easily persuaded of the superiority of liberalism as an impartial and neutral political order. Moreover, in pursuing an unattainable dream of universality, the neutralist picture of liberalism impoverishes the meaning of the liberal life. The liberal life cannot simply mean living so as to avoid conflicts and conceal disagreements, as some supporters of liberal neutrality seem to presume. Instead of defending liberalism

Institutions"; Stephen Macedo, *Liberal Virtues: Citizenship, Virtues and Community* (Oxford: Clarendon Press, 1990); Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993); Simon Caney, "Antiperfectionism and Rawlsian Liberalism," *Political Studies*, 63, 1995, pp. 248–64; Simon Caney, "Liberal Legitimacy, Reasonable Disagreement, and Justice," in R. Bellamy and M. Hollis, eds., *Pluralism and Liberal Neutrality* (London: Frank Cass, 1999), pp. 19–36; Richard Kraut, "Politics, Neutrality and the Good," *Social Philosophy and Policy*, 16, 1999, pp. 315–32; Steven Wall, *Liberalism, Perfectionism and Restraint* (Cambridge: Cambridge University Press, 1988).

Neal, "A Liberal Theory of the Good?" and William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1991), define their own position as ethical liberalism, but reject perfectionism, since liberalism should not include a substantive ideal of human excellence, but only a formal ideal, i.e. autonomy. Yet it is arguable whether autonomy can be merely a formal principle.

For a survey of the discussion of perfectionism versus neutrality, see R. Goodin and A. Reeve, *Liberal Neutrality* (London: Routledge, 1987); Douglass, Mara, and Richardson, *Liberalism and the Good*; Richard Bellamy, "Defining Liberalism: Neutralist, Ethical and Political," *ARSP*, Beiheft 36, pp. 23–43; *Social Philosophy and Politics*, issue on human happiness and the human good, 1, 16, 1999; Bellamy and Hollis, eds., *Pluralism and Neutrality*.

⁵¹ It is controversial whether such a conception implies the political project of trying to make people morally better. William Galston explicitly denies this. Given that the liberal conception of the good is open to the individual's definition of his or her own good, Galston rejects perfectionism. See, *Liberal Purposes*.

⁵² See Barry, "How Not to Defend Liberal Institutions," pp. 48–53.

in negative terms for what it is not, perfectionists choose a more aggressive strategy, arguing for liberal values, purposes, institutions, and outlook in directly positive terms. In this way, the neutralist illusion of liberalism as a political ideal *sui generis*, based on moral parsimony and epistemological abstinence,⁵³ thoroughly universalist and potentially all-inclusive, is dispelled. In its place, perfectionist liberalism intends to provide a more robust and sanguine defense, which allegedly makes liberalism a more realistic competitor of communitarianism and, in a way, also of fundamentalism. As a consequence, a major concern for perfectionist liberalism is the proper definition of the liberal good, which must be shown to be consistent with pluralism, with the minimum use of coercion and with the right of each individual to define his or her own good⁵⁴ – in a word, with those features of the liberal order that are much emphasized also by neutralist liberalism, though in different ways. The liberal conception of the human good that focuses on the worth of human existence and human purposiveness and on the value of rationality, i.e. rational humanism, indeed meets these requirements.⁵⁵

How do these two different interpretations of liberalism bear on the issue of toleration? The crucial difference lies in the role played by toleration in these two distinct perspectives. For perfectionist liberalism, toleration is basically considered as one of the liberal values and as a specific social virtue required for the flourishing of liberal society and its members, while political toleration is just a background condition for an open society. For neutralist liberalism, by contrast, toleration is construed as the political principle that grounds legitimate political order in a pluralist society: the emphasis is on its fundamental role in the constitutional design of liberal institutions. We have already outlined above the neutralist argument, starting from pluralism as a problematic fact, generalizing the model of political toleration which provided the solution to the religious conflicts of the sixteenth and seventeenth centuries, and progressing step by step to the ideal of neutrality not only as a guideline for public treatment of individuals, but also as the central feature of legitimate liberal institutions. Now let us see the place and the meaning of toleration within perfectionist liberalism, in order properly to compare the two emerging conceptions.

⁵³ See Raz, "Facing Diversity: The Case for Epistemic Abstinence."

⁵⁴ See Galston, *Liberal Purposes*, p. 10.

⁵⁵ Raz, in *Morality of Freedom*, refers to rational humanism as the ethical core of liberalism.

TOLERATION AND PERFECTIONISM

According to perfectionists, liberal politics presupposes a certain kind of human character (autonomous, independent, self-reliant)⁵⁶ and it is sustained by a corresponding set of substantive virtues and values, among which are tolerance, pluralism, and diversity. In fact, the values of autonomy and independence require that the individual be actually presented with real choices concerning his or her life plan and style of living.⁵⁷ Thus, pluralism is a precondition for developing an autonomous personality and, hence, the toleration of diversity is a necessary constituent of a liberal society.

At this point, perfectionist liberalism has taken two diverging routes. The first, and earlier, circumscribes pluralism and toleration within the broad boundaries of the liberal good. The second, and more recent, starting from the crucial value of autonomy, leads to a pluralist perspective endorsing multiculturalism.⁵⁸ As we will see, these two routes need not be exclusive, though they look *prima facie* incompatible.

According to the former position, toleration and pluralism are secondary values, the absolute values being freedom, autonomy, and self-development. Pluralism and toleration of social differences are thus balanced against the protection of liberty and autonomy, which can be undermined by unconstrained toleration. Given that the principle of political toleration is already granted by the liberal constitution, the primary issue for this kind of perfectionism concerns where to trace the limits of the intolerable and how to justify them, despite the general value of toleration.⁵⁹ This concern is meant not only as a pragmatic defense of the liberal order against illiberal invasion, but also as an ethical defense of liberal integrity. Consider the example of a practice totally at odds with liberal values, such as clitoridectomy. Can liberalism tolerate clitoridectomy, which does not in fact undermine the stability of the liberal

⁵⁶ These traits of liberal personality are already presented by John Stuart Mill in *On Liberty*, ed. H. B. Acton (London: Dent Dutton, 1972), pp. 115–16.

⁵⁷ See Raz, "Autonomy, Toleration and the Harm Principle."

⁵⁸ In his *Morality of Freedom* Joseph Raz, who is probably one of the most outstanding spokespeople of the perfectionist position, seems to have endorsed a position on pluralism and autonomy as the key elements of liberal society, which leaves little room for accommodating alien cultures and puts severe constraints on their acceptability. He has been read this way by Jonathan Chaplin, "How Much Cultural and Religious Pluralism can Liberalism Tolerate," in J. Horton, ed., *Liberalism, Multiculturalism and Toleration*, pp. 32–49. In later writings Raz has given his position a twist so as to open it up to different cultures, a twist made possible by further reflections on the concept of well-being and on its link with cultural affiliation; see his *Ethics and the Public Domain* (Oxford: Clarendon Press, 1994).

⁵⁹ See D. D. Raphael, "The Intolerable," in *Justifying Toleration*, pp. 137–53.