Introduction: toleration in conflict

The title *Toleration in Conflict* has a range of meanings. First, toleration is
an attitude or practice which is only called for within social conflicts of a
certain kind. The distinctive feature is that tolerance does *not* resolve, but
merely contains and defuses, the dispute in which it is invoked; the clash
of convictions, interests or practices remains, though certain considerations
mean that it loses its destructiveness. 'Toleration in conflict' means that the
parties to the conflict adopt an attitude of tolerance[1] because they recognise
that the reasons for mutual objection are counterbalanced by reasons for
mutual acceptance which do not annul the former but nevertheless speak for
toleration, or even require it. The promise of toleration is that coexistence
in disagreement is possible.

This raises a series of questions to be answered in the present study:
What kind of conflicts call for or permit toleration? Who are the subjects
and who or what are the objects of tolerance? What kinds of reasons are
there for objecting to what is tolerated and how should the opposed reasons
for acceptance be understood? What are the limits of toleration in different
cases?

Any philosophy which seeks to understand social reality must come to
terms with this concept. For conflicts which prove to be irresoluble are
clearly as much a part of human existence as is the desire that they should
not exist. The problem of toleration was familiar even before the concept
acquired its enduring, post-Reformation form, if one thinks, for example, of
Herodotus' description of differences among cultures; to put it somewhat

1. In the following, I do not want to make a strong conceptual distinction between 'toleration' and
   'tolerance'. The former term will be used in a more general sense, whereas the latter will be used
   in a narrower sense primarily to refer to the personal attitude (or virtue) of tolerating the beliefs
   or practices of others.

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grandly, toleration is a general human concern and is not confined to any par-
ticular epoch or culture. For as long as there has been religion, the problem
of people of different beliefs and the problems of heretics and of nonbe-
lievers have existed. Even more generally, wherever convictions concerning
values have taken shape among human beings, the confrontation with others
who have opposing convictions presents a challenge which may not admit of
a straightforward response in terms of the values in question. If this challenge
is to lead to the development of a tolerant attitude, therefore, people first
have to perform a complex form of labour on their own convictions. Hence,
the struggle against what at a certain point came to be called 'intolerance'
has a long history; it seems to be the more original phenomenon and it calls
for a pacifying, conciliatory or moral response.

Consequently, 'toleration in conflict' also means, second, that the
demand for toleration is not situated above or beyond social disputes but
emerges within them, so that its concrete shape is always tied to a particular
social and historical context. Toleration is itself involved in the conflict, it is
an *interested party*, even if, structurally speaking, its normative foundations
should be as impartial as possible in order to render mutual toleration pos-
sible. Although it seeks to strike a balance, the demand for toleration is not
'neutral' in the sense that it is not also a practical demand of the parties to
a conflict – and this in very different ways, for example, as partisanship for
impartiality, but also as the attempt to maintain existing relations of power
by granting freedom. Thus, as will transpire, the history and the present
of toleration are always at the same time a history and a present of social
struggles. This history is inscribed in the concept of toleration and we must
reconstruct it if we want to understand the latter in its full complexity. It is
a mistake to believe that systematic conceptual analysis and reflection on the
history of a concept are two different theoretical enterprises, as I hope this
book will show.

The third meaning is connected with the second. For tolerance is not
only called for in conflicts of a particular kind and it not only represents a
specific requirement of parties engaged in social controversies, but it is also
itself the *object* of conflicts. The meaning of toleration is not only unclear
but also profoundly controversial, both in the history of the concept and in
the present day. It can happen, for example, that one and the same policy
or isolated action is regarded as an expression of toleration by one person
and as an act of intolerance by another. But, still worse, it is even contested
whether toleration is *something good at all*. Whereas for some tolerance is a
virtue demanded by God, morality, reason or at least by prudence, for others

it is a condescending and paternalistic, potentially repressive gesture; for one person it is an expression of self-confidence and strength of character, for another an attitude of insecurity, permissiveness and weakness; for some it is a sign of respect for others, or even of esteem for what is alien or foreign, for others it is an attitude of indifference, ignorance and isolation. Examples of these conflicting views are legion; one need only think of Voltaire's or Lessing's praise of toleration as a sign of true humanity and supreme culture, whereas Kant speaks of the 'arrogant name of tolerance';[2] finally, arguably the most famous quotation for a critique of toleration is to be found in Goethe: 'Tolerance should be a temporary attitude only; it must lead to recognition. To tolerate means to insult.'[3]

The fourth meaning of 'toleration in conflict', finally, is that disagreements over the use and evaluation of the concept such as these are due to the fact that, although there is only one *concept* of toleration, different *conceptions* of toleration have developed over history which are in conflict with one another in past and present social controversies. Thus, there is a conflict *within* the concept of toleration itself which I will subsume under the broad headings of 'power' and 'morality'. But, in addition, not only do different conflicting conceptions of toleration exist; there is also a wide variety of extremely different *justifications of toleration*, ranging from religious, through pragmatic political, from primarily epistemological, through specifically ethical justifications, to deontological moral ones. These, too, as is only to be expected, are in conflict with one another. In what follows, I will undertake a systematic reconstruction of these conceptions and justifications and examine which of them is the most viable given the social conflicts we face.

The four meanings of the title 'toleration in conflict' mentioned above provide the point of departure for a philosophical analysis of this concept. Our current situation is marked to a high degree by conflicts to which toleration alone seems to provide an answer. The problem of toleration is a live issue in a variety of ways, not only within societies which are increasingly marked by a plurality of religions, cultural forms of life and particular communities.[4] Civil wars in which the conflicting parties define themselves in ethnic or religious terms confirm this in a drastic way; but profound controversies over where the limits of toleration should be drawn also arise within democratic societies. Especially at the international, global level the

2. Kant, 'What Is Enlightenment?', 21.
3. Goethe, *Maxims and Reflections*, 116 (translation amended).
4. The ubiquitousness of this problem is shown by the depiction of the situation in sixty countries on all continents in Boyle and Sheen (eds.), *Freedom of Religion and Belief*.

demand for toleration is a consequence of a multiplicity of conflicts and practical constraints to act cooperatively – contrary to the scenario of a 'clash of civilisations'.[5] Given this situation, the call for toleration is, of course, as unanimous as it is multi-voiced, so that there is an urgent need for clarification. What is the precise meaning of the concept and what value should we attach to it?

These brief reflections suggest that a wide-ranging examination of the concept must take three essential aspects into consideration. First, it must acquire a firm grasp of the history of the concept in order to gain a contextual understanding of the conflict constellations and social meanings encountered there; only an awareness of the complexity of the history of toleration as an 'idea in context' can lead to a more acute awareness of its present complexity. In this way it not only becomes possible (and necessary) to revise one-sided interpretations of this history and certain (pre-)judgements concerning toleration – for instance concerning Christian, humanist and sceptical toleration and that of the sovereign state, of liberalism and of the Enlightenment; it also becomes apparent how rich the spectrum of justifications for toleration is, in what contexts they arose and what context-transcending systematic force they possess. In my view, to understand the history of a concept also means to understand to what extent we are still part of it. Finally, the view of history will also have to be a genealogical one which reveals how, in this 'history of the present', toleration had (and has) an ambivalent relation to power.

Second, the study should examine the key dimensions of the concept, in particular the normative and the epistemological dimensions. Its goal is to develop a unified systematic theory of toleration from an analysis of the plurality of existing justifications of toleration, one capable of avoiding the dead ends of alternative approaches. And, third, it should situate the concept thus explained in current political conflicts and examine its content in a concrete way, that is, not only ask what constitutes a tolerant person but also what constitutes a tolerant society. The present book accepts this challenge, though this calls for qualification, because a truly 'comprehensive' study which would reconstruct the potential for toleration of *all* existing religions, also taking historical perspectives into account for example, cannot be undertaken here. Since reflection on the finitude of human reason plays an important role in my argument, it is advisable to keep it in mind at this point as well. Thus, in what follows my primary concern is to understand

5. See the debate triggered by Samuel Huntington's book of the same name.

and discuss in a systematic way in their respective contexts the arguments for toleration developed in the European discourse on toleration since the Stoics, with the aim of drawing on this background to formulate my own systematic proposal which must be able to demonstrate its claim to validity in other contexts.

The extensive literature on these problems reflects the analytic and normative vagueness and contextuality of the concept of toleration alluded to above, so that there are good reasons for dubbing it a 'philosophically elusive concept'.[6] I myself speak of a 'controversial' concept but take the view that the reasons for the controversy over the concept are open to historical explanation and systematic clarification. Beyond the alternative between a one-dimensional justification of a specific understanding of toleration to the exclusion of all others and merely providing an inventory of all of these meanings, the path to a complex, normative conception of toleration remains open. A study of this kind fills a gap in the literature not merely in this respect, however, but also in a methodological sense. For treatments of toleration can be categorised, in general, as historical, normative (for the most part excluding epistemology and the psychological dimension) or as 'applied' or 'practical' (in concrete political or legal theory). My aim has been to combine these perspectives.

It may be useful at this point to mention briefly the central ideas of the two parts of the book. First, I would like to counter the suspicion, inspired by the abundance of historical and contemporary understandings and appraisals of toleration, that we are dealing not with a single but with multiple concepts of toleration. In my view, as I have already indicated, we should start from the assumption that there is a single concept of toleration and a plurality of conceptions (or notions) of it. I distinguish four such conceptions. These are associated in turn with different justifications of toleration, though each conception does not necessarily have just one corresponding justification. The goal of the first part of the study is to develop a systematic account of justifications of toleration. The history I construct is thus principally a history of justifications.

The in many respects paradoxical structure of the concept of toleration set forth in the first chapter already indicates the aim of the investigation, namely, to resolve these paradoxes. The central thesis also follows from this, namely, that my proposed conception and justification of toleration is superior to the others in this respect.

6. Heyd, 'Introduction', 3.

It will also emerge in the first part that the discourse of toleration, viewed in historical terms, is characterised by two general overriding perspectives: one grounded mainly in the theory of the state, which can also be called 'vertical', and a 'horizontal', intersubjective perspective. In the former, toleration is understood chiefly as a political practice, a form of state policy, whose purpose is to maintain freedom, public order, stability, the law or the constitution – and thus always also power. From the second perspective, tolerance is understood as an attitude or virtue of persons in their behaviour towards one another. Toleration appears to them to be the right and appropriate response to the conflicts rooted in their incompatible ethical convictions. These perspectives cannot always be clearly separated and in certain authors they are present simultaneously; but distinguishing them goes a long way towards illuminating the complex discourse of toleration.

This distinction helps to establish an at once parallel and conflictual development within this discourse, namely, on the one hand, a *rationalisation of political power* and, on the other, a *rationalisation of morality*.[7] The first means that, over the course of history, state power became increasingly independent and autonomous vis-à-vis the authority of the Church and (gradually) freed itself from religious legitimation, with the result that the perspective of the theory of the state leads, on the one hand, to a primarily political justification of toleration as a measure taken by the sovereign state, though one which, on the other, is prompted by critical demands for legitimation and liberation on the part of the citizens. Hence, to say, in the context of the rationalisation of power, that toleration policy is always also power policy means not only that demanding toleration is a form of criticism of intolerant rule (and hence also a form of power), but that the ruling political power itself seeks to make use of toleration and regards toleration policy as a more rational continuation of government by other means. In the process it changes its character from a 'repressive' to a 'caring' and 'productive power', as one might say following Michel Foucault, a power which stipulates what is 'normal' and 'deviant', where the latter is differentiated in turn into what is tolerable and what is intolerable. This form of power rules not by restricting freedom directly but by granting

7. Here I take my orientation from the thesis of the contradictory process of social rationalisation developed by Jürgen Habermas in *The Theory of Communicative Action*. However, I confine myself to the relation between power and morality insofar as it is important for the development of toleration and do not adopt the concepts of system and lifeworld which are central for Habermas's comprehensive social analysis. There are also important differences in our respective understandings of the 'rationalisation' or 'autonomisation' of power and morality; I have commented on these in my book *The Right to Justification*, chs. 3 and 4.

freedom for specific, restricted purposes, not through exclusions but through forms of inclusion which simultaneously discipline and liberate.[8]

Closely associated with this rationalisation of power, and yet from a normative perspective in conflict with it, is the rationalisation of normative arguments for toleration. Here an increasingly independent moral justification of the demand for toleration in the name of justice emerges – in a polemical stance chiefly against religious, state and civil intolerance, of course, but also against one-sided, hierarchical practices of toleration. Furthermore, from the perspective of moral philosophy, moral arguments for toleration have a tendency to become autonomous not only vis-à-vis religious justifications, but also vis-à-vis justifications which rest on particular conceptions of what constitutes the 'good life'. The development of the idea of toleration goes hand-in-hand not only with an awareness of the diversity of such conceptions of the good but also with an awareness of the legitimacy of this plurality. In this way, talk of the 'discourse of toleration' becomes reflexive and refers, following Jürgen Habermas's concept of discourse, to a discourse of the justification of tolerance. In that discourse, normative arguments, which have both a *superordinate* and a *binding* normative character in relation to the convictions and evaluative attitudes involved in the conflict, must speak for toleration. Hence, the history of toleration is also the history of the development of a new understanding of morality and of a new outlook on the ethical, legal, political and moral identity of persons, a conflictual history of normative demands, struggles and continual redefinitions of human beings' understanding of themselves.[9]

The presentation of the historical discourse of toleration in the first part is guided by a twofold dialectical intention, if I may venture to use this term. First, it is a question of situating the discourse of toleration in the field of tension *between power and morality* in order to highlight the social and normative dynamics of the development of toleration and to show that, in the opposition between power and morality, the demand for toleration is

8. In 'What Is Critique?' Foucault situates his understanding of power and government, and of critique itself, in the context of the history of the countervailing rationalisation of subjectivisation and 'de-subjection' (32). Yet, however much he criticised the model of juridical or repressive power, Foucault remained fixated on forms of disciplining and controlling (bio-)power, so that he largely failed to take into consideration this way of exercising power through toleration and granting freedom. It also represents a special practice of power in virtue of the fact that it divides the space of what deviates from the norm once again into two parts.

9. In this sense, the history of toleration is also a history of the struggles for (and the emergence of different forms of) recognition – parallel to Axel Honneth, *The Struggle for Recognition*. However, I attempt to reconstruct its basic 'normative logic' between power and morality with the help of the principle of justification.

driven by a persistent questioning of the legitimacy of the existing relations of toleration. The history of the twofold rationalisation reveals a logic of the appeal to a *right to justification* that, in its historically situated form as concrete criticism of intolerance or false toleration, provided the foundation of emancipatory demands and, in normative terms, at the same time represents the ground of justification of what I consider to be the most consistent, reflexive-critical conception of toleration. As a consequence, this foundation is as much a 'historical truth' as it is a 'truth of reason'.

Second, the systematic presentation of historical conceptions and justifications of toleration developed in the first part (and summarised in chapter 8) provides the basis for an examination of their respective strengths and weaknesses with the aim of constructing a theory which points beyond them. Elaborating this theory will be the task of the second part. Here it becomes apparent that – not only in view of the diversity of incompatible ethical conceptions of the good, but also because of the diversity of toleration justifications which, contrary to what they claim, are particular or, in a dialectical inversion, are in danger of drawing too narrow limits – a higher-level and normatively autonomous conception of toleration is necessary which builds upon the very basic right which is the motor of the dynamics of the historical discourse of toleration. In this way, a reflexive moral theory of toleration becomes possible in which *the higher-level principle of justification itself is the sole normative ground invoked in justifying toleration*. This is the systematic point of the proposed theory: in both respects, historical and systematic, the principle of or right to justification proves to be at the core of the concept of toleration, because toleration turns essentially on the justifying reasons for specific freedoms or restrictions on freedom. Achieving reflexive and recursive clarity about this means taking a decisive step towards answering the question concerning the basis of toleration.

With the idea of a theory of toleration which is independent of controversial ethical doctrines and yet is compatible with them, and hence is in a certain sense 'tolerant', I draw upon a central idea of John Rawls[10] which he developed in the context of his theory of justice. Herein also resides the greatest difference from Rawls, however; for this leads me not to a 'political' conception of toleration which would represent the intersection of an *overlapping consensus* of ethical doctrines, but to a Kantian conception of toleration which has an *autonomous moral* foundation, and is ultimately founded

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10. Rawls, *Political Liberalism*, 10: 'political liberalism applies the principle of toleration to philosophy itself'.

on a particular conception of *practical (justifying) reason* and *moral autonomy* –
yet which is not a 'comprehensive doctrine' in Rawls's sense of the term.

The kernel of the proposed conception of toleration will be presented
in the second part, initially in the form of a theory of practical justification
according to which norms must be reciprocally and generally justifiable in a
context in which they claim reciprocal and general validity – more precisely,
it must not be possible to reject them in a reciprocal and general manner.
This principle of practical reason and the criteria of reciprocity and gener-
ality make it possible to distinguish between *morally* binding norms which
are non-rejectable in this sense and *ethical* values which one can reasonably
affirm or reject (or towards which one is indifferent) independently of moral
considerations. This in turn provides the basis for the differentiation, which
is constitutive for the issue of toleration, between (1) one's own ethical con-
ceptions of the good which one affirms without reservation, (2) universally
valid moral norms, (3) other conceptions of the good which one criticises
or rejects but can (and must) tolerate because they are not immoral and
(4) those conceptions which one condemns not primarily on ethical but on
moral grounds because they violate the criteria of reciprocity and generality.
It will become apparent, however, that the distinction between moral norms
and ethical values *itself* becomes a focus of conflict and must be redefined in
the light of particular conflicts over toleration; nevertheless, if reciprocally
justified toleration is to be possible, the basic distinction cannot be placed in
question.

In this way, it becomes clear to what extent the fundamental respect
for others as morally autonomous persons represents the basis of toleration
and to what extent tolerance is a moral virtue of *justice* – and a discursive
virtue of practical reason. Finally, this conception must prove itself in the
controversy with the alternative classical and contemporary notions and
justifications of toleration and show to what extent it goes beyond the latter
without undercutting them, that is, to what extent it justifiably claims to be
an autonomous and higher-level theory.

In a further step, the epistemological implications of my preferred
'respect conception' of toleration will be thematised. Here the conception of
practical reason invoked above must exhibit its theoretical side. What con-
ception of ethical 'truth' – with respect to one's own convictions and those
of others – corresponds to the normative theory? A sceptical, a relativistic,
a fallibilistic, a pluralistic or a monistic one, to name just a few? As in the
normative discussion, here too an attempt will be made to defend a higher-
level, epistemological conception of the self-relativisation of ethical claims to

truth which does not lead to relativism and does not rest on any of the other particular theories of truth. As long as reason recognises its own finitude in questions of ethical truth, a space of 'reasonable' yet profound differences opens up which makes it possible to communicate about the boundaries of mutual understanding. The moral constructivism presupposed is a *practical*, not a *metaphysical* one.

Finally, we must ask what kind of relation to self and which emotional and volitional qualities and abilities are characteristic of the tolerant person. The result will reveal that the virtue of tolerance does not imply any specific ethical ideal of the person, though it does involve specific 'firm' convictions and a certain capacity for distancing oneself from oneself – and hence for tolerating oneself.

In the final chapter of the study, the proposed conception will be given a practical-political interpretation and it will be shown, not only that it involves a conception of democracy which lends the principle of justification political substance, but that the proposed approach makes possible a *critical theory of toleration* which is capable of critically analysing not only forms of intolerance but also forms of *repressive* and *disciplining* toleration. The question of a 'tolerant society' will be posed and discussed against this backdrop, drawing on a series of examples. The latter will comprise conflicts from different countries over the status of religious and ethno-cultural minorities, toleration of same-sex relationships, though also the relation to extremist political groups. These analyses will show how contested the concept of tolerance remains in the present day. For not only are the limits of toleration up for discussion but also the general understanding and justification of toleration.

This is a study of toleration; but, because of the complexity of the concept, it is also more than that. It deals simultaneously with the complex dynamic between power and morality, with the relation between religion, ethics and politics, with the capability and limits of practical reason in the face of profound ethical conflicts and, finally, with the need for a conception of morality which is situated at a higher level than this controversy and is independent of the contended evaluations (without being completely detached from them). This is perhaps the central lesson to be drawn from an examination of the issue: seeing oneself and the world with tolerant eyes means being able to distinguish between what human beings can require of one another morally and what is perhaps much more important for them, namely, their conceptions of what makes a life worth living and good. And it means seeing that the latter is a topic of endless dispute, but one which