

Romulus BRÂNCOVEANU*

Invisible Lines: Toleration as Political and Moral Value

Abstract: Many liberal thinkers interpret toleration as a political practice that can be found in different political regimes and historical epochs. Also, liberal toleration would have its origin in the political model of *modus vivendi* proper to Protestant reformism. In this article I show that toleration is not only a political practice, but also a political and moral value characteristic of liberalism. Interpreting toleration as a relationship of permission, I conclude that beyond the ambiguity of the concept of toleration, any act of toleration on the part of a tolerator is liberal in nature if it aims to increase the moral autonomy of the individual.

Keywords: toleration, political and moral values, The Enlightenment Project, The Protestant Project, political stability, political arbitrariness.

1. Introduction

Along with the lines in the sand, however concrete and visible, corresponding to the assignation of a place for each of us in this world, there are also unseen lines which bound our beliefs and values. Freedom and toleration regulate these invisible lines, but their geometry may at any time be distorted by the arbitrariness which it may show towards them by states or different majorities or groups which may equally arbitrarily act as the states do. But there is a way to leave these invisible lines as each of us thinks is appropriate for her or him if the state or any other assimilated to it will understand, respect and practice toleration not only as a political value, but also as moral one.

Toleration can be practiced by individuals, groups and organizations, including the state. The interest of this paper is only in *political* toleration, that kind of toleration practiced by a tolerator able to politically legitimated enforce his criteria of judging and interfere with the beliefs, life and behaviour of others, to reduce or cancel the differences between individuals, groups and to flatten the diversity of cultures. This tolerator is represented usually by the state, its representatives or, in different contexts, by different groups of people able to limit the freedom

* Professor, PhD, Department of Philosophy, University of Bucharest, Romania; e-mail: romulus.brancoveanu@filosofie.unibuc.ro

for individuals and other groups, in a way similar to the way the state does it.

Some part of contemporary political theory approaches often uses historical examples in order to construct ideal types of political toleration or to illustrate conceptual analyses of it. Multinational empires and states are such ideal types, originally related to the Roman, Ottoman Empires or Swiss and even United States of America as concrete examples. Based on such ideal types, these approaches, at the same time, provide theories for the assessment of concrete aspects regarding toleration raised by our day societies, from immigration and multiculturalism to wearing the Islamic veil, same-sex marriage, abortion, and others. Predominantly these sorts of approaches are focused on issues related to religious toleration. Even Rawls believes that his principles of justice as fairness should come to be accepted at a certain time in approximately the same way the principle of toleration as *modus vivendi* has been accepted following the Reformation. (See Rawls 2003, 92) The characteristic of *modus vivendi* as toleration is that the toleration is a mutual relation between two agents of toleration or tolerators, not between a tolerator and a tolerant. Starting at this point, they attempt to explain the phenomena of contemporary democratic, pluralist and multicultural societies on the basis of these ideal types constructed in historical manner, and in relation with religion also. In such approaches, toleration is mainly interpreted as almost universal political practice which can be identified in different sorts of political arrangements of a society, not necessarily liberal as the contemporary societies are. Consequently, liberalism is conceived rather as a very particular case of a historically and geographically widespread practice of toleration, of course in different and very particular ways, but not as basis and origin of political practice of toleration. In these visions, toleration is neither an invention of modernity, nor a liberal monopoly. Toleration could be a liberal institution and political and moral value also, but it is not exclusively a liberal one.

Despite these points of view, in this paper I maintain that, as a political and moral value, toleration cannot be but liberal. It is a liberal value or a moral ideal as Peter P. Nicholson (1987) argues, and only liberalism could deliver the necessary frame for a non-arbitrary practice of toleration as part of the necessary tools both for the political stability of a liberal society and the enhancement of moral autonomy of citizens. Nevertheless, the concept of liberalism I use in this paper necessary linked liberalism non only with liberty, but also with moral autonomy of citizens.

I will begin by offering two examples of conceptions on toleration which uphold the lack of inevitability of the relation between toleration and liberalism. The two examples are Michael Walzer's and William Galston's conceptions on toleration. The first author is relevant for those approaches

that lead to the creation of ideal types of toleration in historical manner, and the second for those that refine certain historical types of toleration in political concepts for contemporary societies. They both understand toleration only as a practice, perhaps devoted to the achievement of political stability or social peace, maybe a universal one, and not as a specific liberal value. Then, I will show that their approaches, although entitled from the historical point of view, neglect the value aspect that the toleration must acquire from a liberal perspective. This aspect is not only an ideological, moral one, but also practical, with liberal toleration securing both the political stability of a society and the enhancement of moral autonomy. Moreover, without value dimension, political toleration depends only on the benevolence of the tolerator, representing only a case of an arbitrary and unpredictable use of power and not a political value contributing to political stability. To the end, I will try to show that even in a society based on rule of law, toleration has to be permanently restated as moral value in order to enhance the moral autonomy of citizens.

2. Two ideal types of toleration

In his essay "On Toleration", Michael Walzer (1997) interprets toleration as a practice and institution, or rule of game, that characterizes different political arrangements. Ideal types of toleration are the multinational empires, the international society, the consociations, the national states and the immigrant societies. Within these kinds of ideal types of political arrangements, we can encounter different sorts of group integration and different practices of toleration. Thus, in Walzer's view, toleration primarily appears as a form of coexistence of groups and a practical exercise of power. Obviously, he is not interested in toleration at the inter-individual level. According to Walzer, inter-individual toleration should be more easily put in plain words, because the individual behaviours as different and eccentric they would be, are easier to be socially accepted, overlooked and perhaps be managed. From this perspective we can say that Walzer links true toleration only with large groups with a high capacity to constraint others and the state as tolerators. Political toleration, that which implies the processes of acceptance of a common game and of intrinsic differences by individual or group competitors by a tolerator, is not a theoretical challenge, for Walzer. For him, it seems evident that once defining the game rules and competition, the reason why people accept moral diversity and cultural differences is easy to be explained. Religious toleration of the XVIth and the XVIIth centuries is an example of this kind of acceptance. In this case the secret of toleration behaviour seems obvious: people accepted the difference between their deep commitments for the sake of social peace. The same can be stated regarding the groups. The

groups, for example religious groups, also reconciled and accepted the social diversity and the differences between them. The causes for this acceptance can vary from indifference and curiosity to esthetical and functional reasons. However, for Walzer, only those political arrangements that cannot be explained by economic and social mechanisms, but are spontaneous forms of life and traditions, are of interest when we discuss toleration. For example, an analysis of the ways in which Walzer (1997, 14-35) uses the term "regime" can show that he understands this term as an unintended equilibrium resulting from rational choices of the actors involved. Therefore, that type of explanation of the historical and contextual existent models of toleration is somehow quite close to the idea of invisible hand or cunning of reason. Toleration can appear within a society due to unintended elements and conditions which make it possible. By giving these explanation, Michael Walzer wants to show that liberalism does not precede toleration and that the former is a tradition older than liberalism and multiculturalism. We do not need a doctrine in order to have toleration, politically speaking. Therefore, toleration can exist without freedom, that is individual freedom and autonomy. Moreover, Walzer, at the very beginning of his essay, states that "even a liberal society doesn't require a multiplicity of ethnic groups or religious communities. Its existence, even its flourishing, is entirely compatible with cultural homogeneity." (Walzer 1997, 9). Therefore, liberalism is not the sole response to diversity and differences in society, there are many others, and freedom and moral autonomy are not the singular basis for divergent behaviours of individuals from more or less general accepted norms. In Walzer's view, toleration can mainly be understood as a form of life, of tradition, and not necessary as a form of political arrangements or political regime reflecting the liberal doctrine.

This conclusion seems to conflict with William Galston's conception on the origins of liberalism. For Galston (1995), liberalism as a doctrine and cultural background of society just appears and develops as response and basis for diversity and differences. One might say that it is wrong to contend that there is a contradiction between Walzer's and Galston's views. Claiming that toleration is not a particular result of the application of the liberal doctrine to the life of a society does not mean that liberalism cannot correspond to heterogeneous societies - but liberalism is thought by Walzer not as a specific response to heterogeneity as it is generally interpreted. Acceptance of his view, however, weakens the connection between liberalism and toleration, liberalism being only one answer among others to questions raised by the need for toleration in a society characterized by diversity and differences in morals and cultures.

In his essay "Two Concepts of Liberalism," William Galston (1995) distinguishes two concepts of liberalism. The first concept is what he calls

The Enlightenment Project, a project centred on autonomy as the supreme value of the human being (consider saying “human being” instead of “person” - this is the unhistorical and universal liberalism doctrine Walzer critiques. For The Enlightenment Project, individual autonomy is a political and moral supreme value and all political arrangements must respect it. The Enlightenment Project historically roots in “the experience of liberation through reason from externally imposed Authority” (Galston, 1995, 525). This project considers that reason is a source of authority, the life based on extracted lessons from past experiences is superior to the one based on faith or traditions, and self-determination should be preferred to that comes from outside. Also, everything related to the group and the community must have its origin and exists through acts of autonomous individuals. Paradoxically, The Enlightenment Project promotes neither difference nor toleration. It just flattens the diversity and differences constraining all societies to adopt a unique model for political institutions and moral life. But there is another variety of liberal conception that privileges diversity and toleration. Galston identifies this variety as The Reformation Project, a project that has been set by analogy with the recognition of religious difference in a certain Christian area. This project is more practical and proposes dissimilar strategies than those of levelling of diversity and differences: solving differences by separation in smaller units, restoring uniformity by coercion (as in national states), restoring homogeneity by rationalizing tradition that embed different religions in one particular tradition of reason. The last strategy, which is in fact the liberal tradition, is that of the acceptance and managing of diversity and differences through mutual toleration between groups and cultures.

We can share many of the historical remarks of the Walzer’s and Galston’s conceptions on toleration. For example, we can agree that toleration is primarily an institution or a *regime* in Walzer’s terms. Moreover, we can also share Walzer’s historicist vision and opinion that “the best political arrangement is relative to the history and culture of the people whose lives it will arrange.” (Walzer 1997, 5). However, accepting this, someone can ask: could toleration be something with no crucial link to a liberal state, as Hobbes (1991, 149) still supposed defining freedom as non-interference: “There is written on the turrets of the city of Lucca in characters at this day, the word LIBERTAS; yet no man can thence interfere, that a particular man has more Libertie, or Immunitie from the service of the Commonwealth there, than in Constantinople. Whether a Commonwealth be Monarchical, or Popular, the Freedom is still the same.” If so, can we suppose that liberal state only appropriated and formalized older institution of toleration and perhaps conclude that the reasons for which toleration exists in a liberal state are the same as in the long-gone empires?

Obviously, history shows that there are tolerant societies without liberal support. Therefore, Walzer examines in detail the forms of toleration in multinational empires, imperial domination achieving stability by use of toleration, (Walzer, 1995, 15). For example, he insists on the *millet* system (a sort of religious community) specific to the Ottoman Empire just to show how well toleration works without liberalism. Yet, we can doubt that both, Walzer and Galston, truly believe that without some political freedom toleration is sufficient for political stability and the reproduction of it as practice, as institution or regime. What they put in brackets when they contest the merits of liberal doctrine regarding toleration is only the relation of inevitability between the practice of toleration and the respect of the individual autonomy. Conversely, Walzer and Galston attach a great value to the autonomy of individuals and groups with regard to the religion, moral and culture. In their visions, primarily, toleration means freedom and autonomy for groups to preserve their own way of life. In a sense, Walzer's conception can be normatively reduced to Galston's Reformation Project and both their theories can be seen as directed against The Enlightenment Project and its claim to universality.

For Galston, the inadequacy of The Enlightenment Project in thinking toleration is clear: "Autonomy - based arguments are bound to marginalize those individuals and groups who cannot conscientiously embrace the Enlightenment Project" (Galston, 1995, 526). Likewise, Walzer (1997, 1) critiques the universal model of liberalism promoted by The Enlightenment Project, deploring that "philosophical argument in recent years has often taken a proceduralist form: the philosopher imagines an original position, an ideal speech situation, or a conversation in a spaceship. Each of these is constituted by a set of constraints, rules of engagement, as it were, for the participating parties. The parties represent the rest of us. They reason, bargain, or talk within the constraints, which are designed to impose the formal criteria of any morality: absolute impartiality or some functional equivalent thereof. Assuming that the imposition is successful, the conclusions the parties reach can plausibly be regarded as morally authoritative. We are thus provided with governing principles for all our actual reasoning, bargaining, and talking indeed, for all our political, social, and economic activity in real world conditions." (Walzer, 2002, 3).

In summary of the presentation of the two above conceptions, we can say that both Walzer and Galston are critics of The Enlightenment Project and its high idea of individual autonomy as a political and moral value. As anti-universalist critics of this project, they are axiological neutral philosophers, adopting a minimal methodology which requests to consider the institutions of a society from a neutral axiological point of view. In these terms, Walzer and Galston does not use doctrinal liberal criteria for

the evaluation of the historical political arrangement with regard to toleration; they only take account for the particular conditions in the frames those practices of toleration worked. In that way, numerous variants of the practice of toleration could be located in different societies as toleration of no matter if a tolerator is benevolent to address to a group, a culture or a whole society. Nevertheless, as adepts to historicity of political institutions and categories, we should not claim exclusivity for liberalism, for example, with regard the protection of the religious or cultural diversity. We also could admit that those who did not share the values of the majority in different historical forms of state finally find a place for themselves within these societies. We might also add that in a pluralist society such as today's one, the states favour the pluralist way of life taking account of the same reason as the empires also did in the past time. For instance, homogenization and converting as policies take time, consume resources and the results could be unsatisfactory etc. However, are these “axiological neutral” and perhaps relativistic arguments able to justify toleration as institution of our days?

3. Arbitrariness and toleration

We would find it historically plausible to say that the Reformation project adequately explains not only how the modern political arrangements for toleration have been established, at least in some European areas, but also perhaps it provides many elements to argue in favour of the protestant roots of the liberal doctrine of toleration as such. The advocates of the Reformation project might also suggest that both concrete diversity and differences, moral and cultural, and respect for citizens upholding them, achieved in protestant areas at the beginning of modernity, make possible not only toleration for groups, as practice, but also create intellectual conditions for the recognition of the autonomy of individuals as political value - a sort a liberalism before or without liberalism. We need no universal dedicated liberal doctrine of toleration for diversity and differences based on the respect on individual autonomy as the Enlightenment Project supposed. Ultimately, the advocates to this view could add that toleration should not be defined by its content (for example, the request for individual to choose according to the principles of autonomous reason), but according to its shape (we chose with no interference from outside). In this context, toleration refers to the absence of the state coercion and interference in religious, moral or cultural aspects of individual life, considered by those individuals or groups to be their own choosing matter.

I agree that such vision is quite robust and that, from this point of view, the existence of diversity and differences in the historical past or in present societies can be seen as a frame which is consistent with the idea of

toleration without any appeal to liberalism. Hobbes could be right: toleration, that is the liberty is the same in Constantinople and in Lucca.

Yet the difficulty with this answer appears not with regard the way it links toleration with the existence of moral diversity and cultural differences within a society, but with regard their persistence in time, that is the reproducing in time of the differences between and diversity of groups, cultures, ways of life, etc., in the absence of a liberal political arrangement of the state. We can fully agree that the diversity and differences within a society might have some foundations in interests, needs and welfare of the state and groups or could be the results of the institutions which are traditional into a society. But for these diversity and differences to subsist in time and be transmitted from generation to generation, toleration must be intended as a way, maybe the sole way, to preserve them. For that, the agents of toleration, perhaps the state or majoritarian groups or any other kind of agents in the role of tolerator, and those tolerated, groups or individuals, should intend toleration as an essential moral and political value, wanting to preserve and find an institutional way of secure their reproduction.

The necessary condition for toleration as a practice to subsist in non-liberal societies requires that toleration be practiced by a benevolent tolerator, usually the state, or an agent circumstantially playing this role (different kinds of majority or groups, religious, economical, ethnical etc). In such societies, individuals and groups, others then state, have no inherent responsibility for toleration of the others. Conversely, tolerated individuals and groups are afraid and take the practice of toleration as a postponing of an inevitable repression which could happen any time.

For societies in which the tolerator is the same with the guarantor of toleration, the adepts of The Reformation project must accept that toleration is, more or less, a part or a form of arbitrary exercise of power. A tolerator dominates, and the tolerated subjects, using toleration as one of the instruments of exercising the arbitrary power. As a matter of facts, we could say that political arrangements for toleration in a non-liberal society, the existence of the diversity and differences finally depend on the benevolence of the tolerator. It is an institution or a practice which exists only as long as tolerator is benevolent.

Therefore, the most plausible answer for the question raised above is that, in other political models of a society than a liberal one, the toleration of others is every day at stake and only the acceptance of it by the state as a moral and political value could assure a predictable reproduction of it. The original adepts of liberalism supposed that when the arbitrariness of the state is eliminated there will be no need for toleration. It is actually knowing the bad reputation toleration enjoyed in the eyes of some enlightenment

thinkers rested on the fact that they identified the arbitrariness with toleration and whim, with an arbitrary act of the sovereign will of an absolute monarch or majority, and not with a rational justified conduct of a tolerator. For example, in his study "Two Stories about toleration", Rainer Forst (2012) shows that Goethe talked about toleration as "the insult of toleration", Kant as the "presumptuous title of tolerant (hochmütig)" and Mirabeau as a "sign of tyranny." "Toleration was the appanage of the absolute power of monarch." Kant¹ points out that the enlightened king has acknowledged that is his duty to refrain from any interference in the religious choices of his subjects and to grant them full liberty in this matter" (Caleotti 2003, 3), while "Thomas Paine² remarked about 1791 French constitution that, when universal rights are recognized, there is no longer any reason to practice toleration." (Galeotti 2003, 2)

We could agree somehow with Paine and those cited above that the instauration of the rule of law, the recognizing of the freedom of thought, freedom of expression and of freedom of association by constitutions seemed to cancel the problem of toleration, because constitutionalism stops the arbitrary exercise of political power and also makes a non-sense from the concept of toleration. However, the rule of law only limits the absolute arbitrariness of the exercise of the state power, but does not eliminate its possibility to occur. Like any power relationship between A and B, even under the constraint of the rule of law, state as holder of political power will always be able to interfere, perhaps many times and in essential domain, with the life and activity of its citizens. The real limitation of the arbitrariness of the state power can be achieved only by addition of a necessary condition, that of tolerance to those groups and individuals who deviate in one way or another from what is guaranteed by liberal laws or practices. In a liberal society, state can act as a tolerator, self-restraining of interference in the life and activities for the sake of enhancement of individuals moral autonomy and not driven by the need for political stability.

4. Instead of conclusion: toleration as moral and political value

By moral and political value, I here understand a dual valence of a value, that of being concomitantly political and moral. Liberty, equality, or justice serve two masters: politics and morality. These kinds of values are both part of moral life and ends of political actions and arrangements. This does not mean that the particular political values as power, legitimation, stability, etc., and, saying, particular or comprehensive cultural, religious, philosophical interpretations of good and evil would not matter morally. I only notice that some values could be equally moral and political. It does not matter what use of theirs is prevalent, moral or political, but only the

plain fact that such values have a dual use, moral and political. In non-liberal societies, state as arbitrary power, could promote liberty, equality or justice by toleration for circumstantial scopes or for the sake of political stability. This use of them is a political one, because the increasing or enhancing of individual autonomy is not an end of the political actions or arrangements made by a tolerator. It is commonplace in the political game for a tolerator to tighten or weaken the constraints in which he keeps the tolerated, often arbitrarily or for well-defined political purposes. For example, the last political game of this kind was *perestroika* in which the Soviet Communist Party tried to preserve itself and save the communist regime by granting certain rights and freedoms to social citizens. This is the prevalent political way to use toleration. Only the embedment of liberty, equality, justice as necessary ends of the exercise of power and political arrangements generates political stability and makes from toleration not only a way of the exercise of power by a tolerator, and so a political value, but also a moral one. For liberalism the appropriation of the practice of toleration must be concomitantly a moral and political value. Toleration acquires a true liberal value only when it contributes to the increasing of moral autonomy of individuals. In here understand individual moral autonomy in terms in which Mills defines it: "The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part that merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign." (Mill 2015, 13)

The above points of views about toleration rest on the interpretation of toleration as a relation of power between a political tolerator, for example a state, its representatives, or a majority, or a predominant group of peoples or culture, on the one hand, and a minority, group or culture, or individuals as entity that is tolerated, on the other hand: "power is a necessary condition of the exercise of tolerance." (Nicholson 1986, 61). Letting apart the discussions about the aspects of toleration as attitude, that toleration spreading from disapproval to indifference of a possible tolerator, or the kind of toleration consisting in the refraining of a tolerator from imposing his norms, principles and values because of his or her personal visions, to be tolerant only means to make moral or political concessions to minority groups and individuals or, as Bruce Ackerman (1980, 305) says, to allow "others to go their own way" even you have the power, in our case the political power, no matter how it is exercised, to hinder them to go on their own way. Therefore, a general and very schematic definition of toleration as allowance relation could be: A allows B to do action X, although A has the power to prevent B to do action X. We can add that A neither use influence nor coercion to prevent B to do action

X, although A has the power to prohibit B from doing action A. A merit for the definition of toleration as permission could be the fact that it seems fully covering concomitantly the non-liberal and liberal cases of toleration. But as I intended to show that toleration is a moral value, one could ask if this understanding of toleration meet the constraints coming from the ambiguity of the concept of toleration itself? It also may object that this ambiguity rises questions over the possibility of understanding toleration as a desirable value (see, in these terms, scepticism of Kant and others to toleration mention above). For a tolerator can tolerate not only individual or group conducts which could be politically or morally justified by the differences and diversity of cultures, political stability or in no matter other way (toleration), but also conducts totally unappropriated, saying in the frame of the same culture or morals (indulgence). A consequence of this ambiguity could be that toleration paradoxically seems to morally improve the authoritative exercise of power and pervert, for example, the exercise of power based on the liberal recognition of human rights which could be understood as being indulgent. According with the vision on liberal political toleration I sketched above, the answer to such an objection could be that a permission is morally and political valid if it strengthens individual autonomy.

Notes

¹ “A prince who does not regard it as beneath him to say that he considers it his duty in religious matter, not to prescribe anything to his people, but to allow complete freedom, a prince who thus even declines to accept the presumptuous title of tolerant is himself enlightened.” (Kant 1991, 58)

² “The French constitution hath abolished or renounced toleration, and intolerance also, and hath established universal right to conscience. Toleration is not the opposite of intolerance, but it is the counterfeit of it. Bothe are despotism. The one assume itself the right of withholding liberty of conscience, and the other of granting it. The one is the pope, armed with fire and faggot, and the other is the pope selling or granting indulgences. The former is Church and Stat, and the latter is Church and traffic.” (Paine 1989, 94)

References

- Ackerman, Bruce. 1980. *Social Justice in a Liberal State*. New Haven CT: Yale University Press.
- Forst, Reiner. 2012. “Two stories about toleration”. In Ungureanu, Camil and Lorenzo Zucca (ed.), *Law, State and Religion in the New Europe: Debates and Dilemmas*, Cambridge: Cambridge University Press: 49-64.
- Galeotti, Anna Elisabeta. 2003. *Toleration as Recognition*. Cambridge: Cambridge University Press.
- Galston, William A. 1995. “Two Concepts of Liberalism”. *Ethics* Vol. 105, No. 3 (Apr.), 516-534.
- Hobbes, Thomas. 1991. *Leviathan*. Cambridge: Cambridge University Press.

- Kant, Immanuel. 1991. "An Answer to the Question: What is Enlightenment?" In *Political Writings*, ed. Hans Reiss, Cambridge: Cambridge University Press.
- Mill, John Stuart. 2015. *On Liberty, Utilitarianism and Other Essays* (eds. Mark Philip and Frederick Rosen). Oxford: Oxford University Press.
- Nicholson, Peter P. 1986. "Toleration as Moral Ideal". In John Horton and Susan Mendus (eds.), *Aspects of Toleration: Philosophical Studies*. London: Methuen, 158-173.
- Paine, Thomas, "The Right of Man, Part I (1791), in *Political Writings*, ed. Bruce Kuklik, Cambridge: Cambridge University Press.
- Rawls, John. 2003. *Justice as Fairness. A Restatement*, ed. Erin Kelly. Cambridge MA: Belknap Press of Harvard University Press.
- Walzer, Michael. 1997. *On Toleration*. New Haven and London: Yale University Press.