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TOLERATION AND RESPECT

Monique Deveaux

I. INTRODUCTION

Modern liberalism, as is well known, grew out of arguments for religious toleration in the wake of the sixteenth and seventeenth century wars of religion. Liberal thinkers argued that state toleration was both a rational and prudential response to religious diversity, the most volatile and politically significant (though of course not the only) form of social difference in Europe in those centuries. The Reformation and wars of religion ensured that religious conflict and its implications for state sovereignty and stability was uppermost in the minds of early modern and modern liberal thinkers. Toleration was widely credited as a key aspect of enlightened strategies for dealing with religious strife. Few would contest the idea today that toleration, along with liberty and political equality, remains a key principle of liberalism.¹ Indeed, Judith Shklar went so far as to rank toleration as the highest liberal virtue.² Not only is toleration central to liberal theory and practice, but it is typically thought to define the very essence of the liberal disposition.

The single biggest difference between early liberal accounts of toleration and contemporary liberal discussions is that toleration is no longer held to apply solely or even mainly to instances of religious diversity. In the past half century, new axes of social difference have come to the fore in liberal democratic states, and these are now commonly the subject of appeals to tolerance. Dramatic immigration shifts, geopolitical changes, economic globalization, the increased permeability of state borders, the gradual decline in importance of organized religion (especially in Western Europe), the advent of mass media, and the proliferation of social movements, have all contributed to the development of democratic societies in which religious diversity is now just one of many salient social differences among citizens. Once seen as a strategy for

mediating religious conflicts alone, toleration has gradually been extended as a possible solution for other kinds of social conflicts. Consequently, it is well worth asking what role, if any, the principle and practice of toleration should play in democratic responses to the justice claims of national and ethnic minorities in liberal states.

This article asks whether toleration can, and should, be stretched to address contemporary dilemmas of cultural difference that are prevalent in socially plural, democratic states. In addressing this problem, I employ the following criteria: What forms of diversity can these different notions of toleration accommodate? Can either weak or strong toleration—and the practices they foster—help to secure substantial respect for cultural (ethnic, religious, and linguistic) minority groups? And can the principle of toleration ground *positive* measures to support the flourishing of distinct cultural communities, such as laws for the protection of minority languages and special mechanisms for the political representation of cultural minorities?

Whether toleration is deemed a useful response or an aspect of an adequate response to contemporary claims for cultural recognition will depend in part on the conception or conceptions of toleration under consideration. I examine examples both of weak and strong variants of toleration. As the terms suggest, weak toleration implies merely negative tolerance, such as freedom from religious persecution and racial discrimination. Strong toleration refers to positive measures that assist or support specific practices or ways of life in question. Locke's defense of toleration, which I address in **section II**, provides a good illustration of weak toleration. A more recent analogue to Locke's discussion which does appeal to principles is John Rawls' conception of toleration, which I take up in **section III**. In **section IV**, I turn my attention to Mill's argument for tolerance, which appeals primarily to the importance of individual diversity and liberty to human flourishing. Mill's "comprehensive" liberalism in some ways lays the groundwork for contemporary liberal perfectionist defenses of toleration, such as that of Joseph Raz, the subject of **section V**. Raz's view presents an example of an argument for strong tolerance, with perfectionist overtones: not only does he appeal to the value of the autonomous life, but he claims that valuing the liberal good of autonomy obliges the state to ensure the availability of diverse, worthwhile options from which agents may choose. In **section VI**, I develop my critique of both weak and strong toleration by juxtaposing the principles of toleration and respect, and offer arguments for why respect is the more important principle for responding to dilemmas of cultural difference in plural, democratic states. However, respecting persons solely as individual, rational agents is different

from respecting persons partly in virtue of their social identities, attachments, and membership in a cultural group. It is this latter form of respect which figures in claims for cultural recognition, and toleration can neither supply nor stand in for it. In **section VII**, I summarize my criticisms of toleration and suggest what an appropriate role for this principle might be in culturally plural, democratic states.

II. GROUNDWORK: LOCKEAN TOLERATION

Toleration, both historically and today, refers to the principle and practice of non-interference. A person or institution exercises tolerance by refraining from interfering with, and/or by extending a kind of permission to, practices or beliefs with which they disagree.³ Tolerance is not to be confused with indifference to a particular custom or belief. Nor is toleration mere powerlessness in the face of moral disagreement or indeed moral indignation: since toleration follows from a conscious choice to tolerate as opposed to suppressing *x*, it must be within the power of those who tolerate to quash or at least to hinder *x*. We do not necessarily have to be in a position to exercise *coercive* power in order to be capable of tolerance, however; even publicly denouncing or lobbying against a custom or belief with which we disagree in such a way as to damage the dignity or standing of the offending group or to precipitate restrictions on a practice could count as intolerance. Nonetheless, the most typical instance of tolerance is one in which *the state* possesses the coercive power to prevent or suppress objectionable views and acts, but refrains from imposing legal restrictions, sanctions, or other obstructions.

These three background conditions for the exercise of toleration—the presence of clashing moral, religious, or social beliefs and practices; strong disapproval; and the power to hinder practices—were well understood by Enlightenment thinkers. These factors are also reflected in the two main kinds of justifications they offered for toleration, namely, rational and prudential reasons. Rational and epistemological arguments for tolerance typically suggest that since we cannot know for sure whether or not certain ideas will turn out to be true or false, it is rational and prudent to tolerate a range of different beliefs and views. The epistemological benefits of tolerance (in both a falsifying and verificationist sense) are also often stressed in accounts by early liberals, who thought that the free circulation of clashing beliefs and worldviews was more likely to produce accurate explanations of phenomena—and truth—than the systematic suppression of opinions.

This skeptical line of reasoning is central to Locke's argument for tolerance. Locke considered our judgment to be fallible, and argued that

it is rational to tolerate opposing views as these might better help us to uncover truth; only "Light and Evidence . . . can work a change in mens Opinions."⁴ The skeptical-rational argument in favor of tolerance is later developed by Mill in his argument for tolerance in *On Liberty*, in which he asserts that when opinions are suppressed, we forfeit the clarifying benefits that false hypotheses and the process of falsification can bring us.⁵ Locke appeals to another aspect of rationality in justifying toleration: that it is irrational to try to persecute people for holding particular religious views, since it is virtually impossible to change the minds of people in matters of conscience. This is so not only because we consider our religious beliefs to be true, but because we view them as the basis for our own personal salvation after death. It is in the nature of religious belief that it cannot be compelled by force.⁶ The tenacity of private faith—in particular among the Dissenters, who so impressed Locke—thus reflects the fact that these views represent the "inward persuasion of the Mind." Locke's suggestion that beliefs which emanate from a sense of inner judgment simply cannot be compelled by law or force⁷ is an opinion echoed by Voltaire in the next century.⁸

Locke's argument also invokes aspects of a prudential and pragmatic justification of tolerance. Prudence, on his view, suggests that states have an interest in maintaining civil peace, not least because of the high costs of suppressing rather than tolerating social differences. Intolerance, not false beliefs, is the main cause of war and dissolution and the greatest threat to civil and political progress.⁹ Locke is doubtless the most prominent early modern defender of toleration who combined arguments from rationality with prudential justifications of tolerance, but he was by no means the only one. Less than a century later, Voltaire condemned intolerance as irrational, part and parcel of superstition and bigotry, and a major cause of war: "Yet of all superstitions is not the most dangerous that which demands we hate our neighbour on account of his opinion?"¹⁰

Appeals to general liberal principles are associated much more with nineteenth and twentieth century arguments for toleration than with the polemics of earlier advocates of tolerance. To the extent that "principled" justifications were provided by earlier thinkers, it was in connection with a specific ideal of liberty—that is, religious liberty and liberty of conscience—and the emerging doctrine of the rights of man. This historical context suggests that early modern and Enlightenment arguments, insofar as they invoke mainly rational and prudential—rather than principled—reasons for tolerance, cannot take us very far in meeting contemporary claims for cultural recognition and respect. Locke's thesis might persuade us to tolerate certain expressions of religious diversity and to adopt a skeptical stance towards different ethical views (though Locke's own position is not one of moral, but rather epistemological,

skepticism). However, the rational and prudential justifications he offers for toleration cannot—nor should they be expected to—provide arguments for protecting the goods of cultural identity and cultural membership, nor for introducing positive measures to ensure the survival of distinct but vulnerable cultural communities.

There are other features of early liberal accounts of toleration that render them unsuitable for addressing contemporary struggles for cultural recognition. Most obviously, these conceptions of toleration were highly limited in their scope of application. Locke and Voltaire reassure their readers that they do not expect states or citizens to extend tolerance to all groups: Catholics and atheists, in Locke's view, were not to be tolerated, and Voltaire hastens to assure us that he does not suggest that non-Catholics "should share in the places and honours available to those who are of the prevailing religion."¹¹ Nor do early conceptions of toleration assign any particular value to social differences: religious differences are viewed merely as regrettable, a source of conflict that states must attempt to contain. Religious minorities deserved to be protected by state policies of toleration, so early modern thinkers argued, but very possibly on terms that reflected their powerlessness and marginalization. Understandably, then, early liberals do not suggest how we might integrate and fully include different social and cultural groups in public life in equitable and just ways.

The sources of diversity and the kinds of claims made by cultural minority groups today are clearly not reducible to the paradigm of religious tolerance presupposed by early modern accounts of toleration. Both conceptually and practically, the negative rights that weak toleration seeks to secure do not capture the substance of many claims by cultural minorities, who demand full inclusion in democratic institutions and processes, and the right to shape the political culture of their societies. Weak toleration is perhaps best suited to the contexts of non-democratic states, where discrimination and persecution on religious and ethnic grounds is still much in evidence. While calls for civil peace and religious toleration still persist in democratic states—we have only to look at Northern Ireland for an example of this—demands for social inclusion and political recognition are much more characteristic of contemporary, culturally plural liberal polities. Although we might consider demands for anti-discrimination laws as a contemporary analogue to earlier pleas for tolerance, today's demands by citizens of cultural minorities for respect and inclusion are best understood as transcending demands for religious liberty and freedom of conscience.

Locke's argument for toleration, based as it is on appeals to prudence and rationality, seems if not to preclude, at least to bracket normative evaluations and specifically affirmations of social diversity. As Bikhu

Parekh notes in connection with Locke's and Mill's thought, the objects of toleration as construed by these thinkers have moral claims to the "protection of their *rights and interests*, but not to the inviolability of let alone a basic respect for their *ways of life*."¹² This goes some distance in explaining why prudential and rational justifications of toleration have gradually receded and given way to more principled arguments.¹³

Lockean weak toleration thus does not fare well on any of the criteria for an adequate response to demands for cultural recognition: it does not foster democratic inclusion of a wide range of cultural minority groups; it cannot inculcate practices of mutual respect between different cultural communities (though it does not necessarily preclude these); and it cannot supply arguments for the introduction of positive protections and assistance for cultural communities in democratic states. Where negative or weak toleration is justified by appeals to rationality or to prudence, the aim is to prevent persecution and to secure civil peace and some form of basic political rights. Locke's conception of toleration neither attempts nor purports to accommodate a wide range of socially and culturally diverse groups; nor does it welcome diversity, even in Mill's later utilitarian sense.

The evident and unsurprising unsuitability of Locke's and other early accounts of toleration to contemporary dilemmas of diversity has led some contemporary political philosophers to rethink their views of tolerance. As we shall see, today's liberals more typically combine notions of tolerance and *neutrality* in proposing principles of justice for culturally plural societies. Others appeal to the role of state toleration in securing the conditions for personal autonomy. On the whole, recent liberal thinkers do not want to dispense with toleration so much as reform it: Susan Mendus, for example, suggests that since weak, or legal, toleration alone may not be enough to guarantee social integration and accommodation, we should conceive of toleration not merely as negative in character, but also require "a positive welcoming of difference."¹⁴ In response to this quandary of tolerance, some thinkers today tend either to argue for the rehabilitation of weak tolerance—married to a conception of neutrality—or, following Mill, to argue for a stronger conception of tolerance on the basis of comprehensive or liberal perfectionist premises. I now turn my attention to examining the merits of the former strategy.

III: POLITICAL LIBERALISM AND WEAK TOLERATION

Locke's view of toleration as a set of negative restrictions, or "forbearance" on the part of the state or "Magistrate," is echoed to a certain degree in the work of contemporary political or neutral liberals.¹⁵ Political

liberals conceive of toleration in terms of freedom from state perfectionism—i.e., freedom from the state's imposition of a particular ideal of the good and state interference in the private lives of citizens. However, where Locke appealed to the rationality and prudence of toleration, political liberals are more apt to link tolerance to liberal principles of justice, equal concern, and respect. In a broad sense, neutral or political liberals' endorsement of the principle of toleration reflects their recognition of the diversity of citizens' values and beliefs in liberal polities, and of the need to accord basic respect to different conceptions of the good. Political liberals, notably John Rawls, believe that a conception of justice for socially plural societies should reflect only widely acceptable political norms, rather than comprehensive moral ideals.¹⁶ To this end, Rawls in his recent work elaborates a constructivist conception of political justice which he claims is based on practical reason and observations about the actual political intuitions of citizens in liberal states. This political conception of justice is the "focus of an overlapping consensus" among reasonable citizens of democratic polities, which refers to their tacit agreement to a particular conception of "justice as fairness," and to the norm of neutrality.¹⁷

Rawlsian toleration follows from the terms of political liberalism, which prevent the state from favoring any particular conception of the good or comprehensive moral doctrine. Toleration of a variety of comprehensive views is required by public reason and justice as fairness generally, in part because the basic structure of social and political life must not reflect a particular (and necessarily partial) conception of the good. Consequently, toleration plays a pivotal role in Rawls' account of justice: political liberalism "expresses [citizens'] shared and public political reason. But to attain such a shared reason, the conception of justice should be, as far as possible, independent of the opposing and conflicting philosophical doctrines that citizens affirm. *In formulating such a conception, political liberalism applies the principle of toleration to philosophy itself.*"¹⁸ State intolerance towards a particular (reasonable) doctrine would indicate that the state illegitimately favors a comprehensive ideal of the good in its institutions and procedures. Nor is the adoption of a particular moral ideal by the state justifiable from the standpoint of public reason. Rawls thus views toleration and the closely related principle of political neutrality as essential features of justice as fairness.

The notion of a merely political liberalism is meant to ensure that the state accords maximum tolerance to citizens' moral or comprehensive views in the private and social realms, consistent with adherence to principles of justice. So long as citizens' beliefs and ways of life do not jeopardize other basic liberties required by justice as fairness, they should

be tolerated. Rawls' view affirms Mill's belief that people must be free to form and pursue their own conception of the good and to hold whatever private beliefs they so desire. In this way, Rawls' neutral or political liberal argument for tolerance claims to be able to tolerate a *greater range of social and cultural differences* than comprehensive versions of liberalism, which endorse a particular conception of human flourishing. Since Rawls' theory does not appeal to a particular comprehensive moral view, he is confident that it affords the maximum toleration of diverse conceptions of the good permissible within a stable and just liberal state.¹⁹ In addition to claiming that political liberalism accommodates a greater range of social diversity than comprehensive liberalism can allow, Rawls suggests that it helps to foster mutual respect amongst citizens. More generally, Rawls understands toleration to be deeply bound up with equality and social justice.²⁰ These features place Rawls' account of toleration somewhere ahead of those of Locke and Voltaire, neither of whom suggests that toleration should inculcate respect, much less reflects upon the social conditions that make tolerance necessary.

Despite his good intentions, there are reasons to doubt that Rawls' account of toleration provides a sufficient basis for justifying positive recognition and respect for cultural minorities. Because he cannot invoke morally comprehensive beliefs to justify toleration, Rawls must instead appeal to some combination of principles of justice and public reason. He cannot, say, point to the importance of toleration in supporting individual autonomy, since to do so is to invoke a non-political norm.²¹ This introduces tangible restrictions on the scope and kind of differences that Rawls' view can accommodate: in particular, our public, political beliefs and proposals are constrained by the "burdens of judgment" and the terms and procedures of neutral liberal political deliberation.²² Rawls expects his notions of reasonableness, fair terms of social cooperation, the "burdens of judgment," and the requirement of neutral public reason to help set the limits of tolerance.²³ These restrictive features of a "well-ordered society" both make possible practices of toleration in a general sense (by aiding in the construction of a political culture bound by principles of public reason), and help to determine what will qualify as reasonable, and tolerable, comprehensive doctrines.

Besides failing to secure the robust form of respect required by a commitment to cultural pluralism, Rawls' conception of justice as fairness and his account of toleration may also pose tangible obstacles to the positive recognition of cultural minorities. In particular, Rawls' notion of public reason requires and assumes that "reasonable" citizens accept a basic division between their private, particular moral views and arrangements, and public or political norms, principles, and procedures.

Only non-controversial, truly public norms may inform the basic institutions of the liberal state (or “constitutional essentials”). Morally comprehensive views, while not officially excluded from political debate, do not meet the test of neutral, public reason, and so are unlikely to be politically persuasive.²⁴ Citizens and their representatives are thus discouraged from arguing from their own partial perspectives in public life, and political institutions are to be structured according to “the guidelines and procedures of public reason.”²⁵ In debating and voting on matters of constitutional essentials, we are to refrain from making political claims that appeal to the beliefs, identities, or ways of life of our social and cultural communities. For political liberals like Rawls, then, the limits of toleration coincide with the limits of public reason; as Parekh suggests, “[Rawls’] reasonable pluralism is pluralism within the limits of liberalism, and excludes a wide variety of ways of life while claiming to be neutral.”²⁶ Ethnic and religious minority groups whose political views are intertwined with their moral and religious beliefs may consequently be excluded from this model of neutral liberal politics, for they may not agree to follow the norms of neutral public reason required by Rawls. Even Rawlsian toleration could not counter the effect of highly constrained political deliberation on the political participation of cultural minority groups.

Rawls’ notion of tolerance is limited in a further way: since justice as fairness cannot invoke comprehensive norms or goods, Rawls cannot appeal to the value of cultural identity and cultural membership in order to justify instances of “strong toleration,” such as the introduction of collective cultural rights and other arrangements.²⁷ Without an account of why cultural identity and membership may be valuable to citizens, and so worth protecting, it is difficult to see how Rawls’ political conception of justice could permit (let alone require) positive protections for the survival and flourishing of cultural minorities. Just as Locke appeals to rationality and prudence to show why we should tolerate certain religious dissidents, Rawls invokes both practical and rational-theoretical reasons to justify toleration: he argues both that citizens of contemporary liberal democracies show actual regard for justice as fairness (in which toleration figures prominently), and that the “burdens of judgment” and terms of a well-ordered society make state toleration a reasonable and rational strategy for dealing with citizens’ diverse interests and beliefs. Like Locke, Rawls relies upon a negative or weak conception of toleration; his notion of “reasonable pluralism” simply confirms the *fact* of diverse conceptions of the good, but makes no comment as to its desirability, quite possibly because he thinks affirming the value of social and cultural differences would take his theory too far in the direction of comprehensive liberalism.

Rawls' failure to concede the value of social diversity is reinforced by his tendency to view citizens' salient differences as individual in character rather than social, or group-based.²⁸ Although in *Political Liberalism* Rawls speaks more directly to the issue of our social differences than in his earlier work, even here he emphasizes the importance of citizens' individual, and in some sense voluntary, differences—namely, their diverse and at least partially personal conceptions of the good. This may make it easier for Rawls to assume that rational and reasonable citizens will agree to bracket their moral comprehensive views from debates on constitutional essentials: it is easier to stand back from one's individual preferences, beliefs, and/or account of the good than it is to stand back from an entire cultural context of social mores and norms.

Weak toleration, as propounded by both Locke and Rawls, thus cannot ground strategies for the democratic inclusion of cultural minorities as required by a robust commitment to cultural pluralism. Nor does weak toleration succeed in securing adequate respect for cultural minorities: Rawls' theory is concerned to inculcate mutual respect amongst citizens strictly *as citizens*, in abstraction from their specific identities and memberships. While this basic respect amongst citizens is essential, it cannot replace the more substantive respect and recognition that some social groups demand for their distinct group identities and memberships. To meet demands for group-based forms of respect and recognition, Rawls would need to amend his theory so as to concede the importance of citizens' cultural identities and memberships both to human flourishing and to political life.

IV: MILL'S ARGUMENT FOR TOLERANCE

Contemporary "comprehensive" and perfectionist liberalisms, unlike merely political conceptions of justice—such as that of Rawls—appeal to moral worldviews and beliefs to defend liberal political principles and arrangements. Some of the accounts of morality and conceptions of the good embraced by contemporary comprehensive liberals and liberal perfectionists derive from the thought of John Stuart Mill.²⁹ Mill's argument for toleration is decidedly "comprehensive" (in the sense employed by Rawls) in that it entails an appeal to a comprehensive moral theory, within which the specific good of a self-directed life plays a prominent part. Nonetheless, Mill does not rule out rational and epistemological reasons for toleration. Indeed, he begins his defense of toleration by reaffirming reasons offered by earlier proponents: like Locke and Voltaire, he praises the falsifying and clarifying benefits of "false opinions" and hypotheses, and the ways in which these lead us to revise our opinions and rectify our mistakes.³⁰ Mill's concern that we not reject

ideas that might well be correct led him to assert that “Heretical opinions . . . are generally some of these suppressed and neglected truths.”³¹ Here his position is underscored by the view that truth often lies somewhere in between two conflicting, extreme doctrines.

Above all, of course, Mill was concerned to defend toleration because of his fear that the state might “dwarf” men’s individuality and diversity, and so their liberty. Mill’s view that individual freedom (which he defines as “pursuing our own good in our own way”) is secured by toleration is the aspect of his thought most readily incorporated by contemporary comprehensive liberals and liberal perfectionists. Also echoed today is Mill’s notion of the revisability of beliefs, or the idea that we are able to reflect upon and alter our options and rectify our mistakes so long as knowledge and diverse opinions circulate freely.³² It is precisely this thesis connecting diversity of thought, opinion and character to personal liberty and the revisability of ends that undergirds some recent arguments for toleration of diversity and freedom of speech.

Unlike either Locke or Rawls, Mill offers reasons—instrumental, utilitarian reasons—for *valuing* social diversity, as opposed to merely tolerating and accommodating differences. Not only is the presence of diverse opinions and beliefs linked to discovery of truth, but it crucially contributes to the “development of . . . individuality,” which Mill in turn links to intellectual and social progress.³³ Mill follows Humboldt in citing “freedom and variety of situations” as key requirements of human development and flourishing; he laments that “the second of these two conditions is in this country every day diminishing.”³⁴ Mill’s understanding and appreciation of diversity is however highly individualistic, as befits some of his philosophical leanings; his interest is in developing and preserving the uniqueness of individual character and thought, not group differences or collective identities. Despite his inattention to these latter differences and his inability to supply all or even many of what we might now consider the most important reasons for valuing group differences, Mill’s argument signaled an important turning point in discussions of toleration. In particular, Mill was one of the first modern thinkers to suggest that toleration is essential not simply to civil order and liberty, but equally, to individuality and human flourishing. His arguments for toleration and individual diversity also show that appeals to comprehensive views of the good need not be synonymous with a political commitment to social homogeneity or ethical monism (as on some communitarian views). Contemporary comprehensive liberals follow Mill in viewing diversity and value pluralism as important not in spite of but rather precisely because of their perfectionist commitments, especially to the value of personal autonomy.

V: RAZ'S COMPREHENSIVE LIBERAL DEFENSE OF TOLERATION

Joseph Raz's comprehensive liberalism centers on the liberal perfectionist ideal of the flourishing, self-directed moral agent who makes valuable life choices. This norm, which invokes aspects of both Mill's and Kant's moral theories, depends in large part upon agents' capacities for independence and the availability of conditions that help sustain autonomy.³⁵ Among these conditions is the availability of a range of worthwhile options from which agents may choose, thereby facilitating the exercise of judgment and personal autonomy. Raz's ideal of the self-directed agent thus provides the basis for his defense of "strong toleration," or toleration that entails positive state duties rather than the merely negative duty to refrain from hindering a belief or practice. His view is developed in several parts. First, Raz suggests that personal autonomy is an important feature of a flourishing life. While personal autonomy need not be directed towards worthwhile choices to count as autonomy, valuable expressions of autonomy must be so directed. Yet in order to make valuable choices, we must have available diverse, worthwhile options from which to choose (i.e., it is not enough to have a single valuable option available). Our options/choices are bound up with public goods, which in turn necessitates the state's involvement in supplying and managing these goods. Together, these thoughts inform Raz's suggestion that "autonomy . . . requires pluralism but not neutrality."³⁶ To help secure the conditions necessary both for autonomy and for moral pluralism, the state is obliged not only to tolerate a range of different views, beliefs and preferences in plural societies, but to ensure the availability of valuable options.³⁷

Where neutral and anti-perfectionist liberals normally appeal to ostensibly neutral principles of justice and fairness to justify "weak" toleration, and combine this with an argument for state neutrality, liberal perfectionists like Raz interpret the liberal endorsement of (valuable forms of) autonomy and moral pluralism as implying a commitment to strong toleration.³⁸ Recently, Raz has extended his perfectionist defense of autonomy and moral pluralism to argue for limited cultural group rights, and it is here that some of the difficulties in his conception and justification of toleration come to light. Raz's account of a flourishing life is far from uncontroversial; his view that "people prosper through a life of self-definition consisting of free choices among a plurality of incompatible but valuable activities, pursuits, and relationships . . . (and) forms of life" is decidedly liberal in tone, and could possibly lead to disadvantageous policies towards cultural *groups*.³⁹ His further claim, that cultural membership is good because it enhances citizens' personal

autonomy, is equally problematic. Moreover, Raz states that his defense of multiculturalism “emphasizes the role of cultures as a precondition for, and a factor which gives shape and content to, individual freedom”;⁴⁰ this is a big assumption, and one that may not be compatible with the idea of being embedded in a particular cultural community—especially a traditional religious one.

Raz understands toleration as an important component of “liberal multiculturalism,” which he takes to express a positive commitment to the preservation of cultural communities. On his view, a state should seek to secure the conditions for cultural group membership through special rights and protections because such membership bears directly on individuals’ capacities for independence and potential to flourish. For Raz, it is in virtue of our cultural membership that we have access to opportunities, feel a sense of belonging, and enjoy dignity and self-worth—all necessary components of a valuable life.⁴¹ However, while many cultural groups will indeed provide these benefits for their members, some, we must assume, will not. But because Raz links the value of cultural identity and membership so closely to the liberal good of autonomy, he gives us no reason to value or protect cultures that do not actively support their members’ independence. Indeed, Raz tries to set limits to his endorsement of pluralism so as to preclude state sponsorship for ways of life that may actually undermine personal autonomy: he cautions that the state need only support “worthwhile,” autonomy-enhancing options, and suggests that we should accord respect to persons in view of their “reasonable choices.”⁴²

While few would dispute Raz’s claim that the state is not obliged to tolerate, much less support, all ways of life, his assertion that the state is only bound to tolerate and make available (through various forms of assistance) *valuable*, worthwhile options begs numerous questions, particularly in the context of culturally plural societies. Who is to decide what is valuable? Why should options that enhance agents’ autonomy receive preferential support from the state? And do illiberal cultures ever merit more than mere toleration? Raz’s view also introduces important restrictions on the toleration and recognition of citizens’ social and cultural differences. One possible implication of his theory is that cultural groups whose beliefs and practices do not foster or reinforce personal autonomy may not be deemed worthy of state support.⁴³ Given that Raz attributes intrinsic value to (and seeks to preserve) cultural membership, his implicit requirement that groups foster a liberal ideal of a self-directed life makes little sense: as one commentator notes, if communities “become liberal, they may thereby have lost much of their distinctiveness.”⁴⁴

These difficulties aside, Raz's account of toleration and his defense of liberal multiculturalism surpasses the arguments of Locke, Rawls, and Mill in several respects. For Raz, toleration is only one aspect of the broader goal of affirming the importance of moral pluralism in general, and cultural identity and membership in particular. Raz understands that politically significant differences are socially constituted, and collective in form, and not strictly a matter of our individual moral, ethical, and normative views, preferences and beliefs. Like Mill, he offers some (instrumental) reasons for valuing and not merely accepting or tolerating diversity—instrumental reasons which derive from the supposed relationship between individual autonomy, diversity, and cultural membership. Raz's accounts of tolerance and multiculturalism transcends the minimal rights and protections that weak tolerance of the Lockean variety affords. His argument also avoids the extreme reductionism of the Millian thesis on individual liberty and diversity (as well as Mill's phobia of collective forms of socialization, such as public education).

Despite the evident advantages of Raz's argument, it is not as tolerant or accommodating of social differences as it purports to be. His view is tainted by the same instrumental view of the value of diversity attributed to Mill's defense of toleration: the idea that diversity is primarily useful insofar as it helps to secure worthwhile choices for agents, which they need in order to flourish. So while Raz's view is far beyond Mill's understanding of diversity as *individuality* (as expressed, for Mill, in the cultivation of individual thought and character), he fails to see that cultural identity and cultural membership might be important even in cases where they do not explicitly support members' autonomy.⁴⁵ In sum, the narrowness of Raz's justification of toleration may indicate that "autonomy-based liberalism is far less open, plural and tolerant than its advocates would have us believe."⁴⁶

Raz's expanded Millian, autonomy-based argument for tolerance and cultural diversity may represent the best that a conception of *strong tolerance* can offer us, namely, proposals for a wide range of state protections and forms of assistance for cultural minority groups. Why should this not be enough? If it is not, does this suggest that there are intrinsic limitations to the concept of toleration, or merely with its practical application? I believe that Mill's and Raz's arguments for toleration cannot fully meet cultural claims for recognition, and that even strong, or positive forms of tolerance cannot deliver the respect necessary to intercultural dialogue and cooperation. To understand why, it is useful to juxtapose toleration with a more substantive principle invoked frequently by cultural minority groups themselves, that of respect.

VI. BEYOND TOLERATION: INTERCULTURAL RESPECT

If we contrast the principle of toleration with that of respect—taking respect to refer not just to individuals, but also to groups—several differences come into relief. Before looking at these, I should say that the account of respect I have in mind is essentially Kant's: that is, the "recognition of a dignity in other men, . . . of a worth that has no price." The duty to respect others, in Kant's view, prohibits one from acting "contrary to the equally necessary self-esteem of others" and obliges us "to acknowledge, in a practical way, the dignity of humanity in every other man."⁴⁷ Because Kant's conception of respect highlights the importance of moral regard for agents' dignity and self-esteem, I suggest it has an affinity with contemporary claims for cultural respect and recognition. In contrast to toleration—which may, but does not necessarily, require concern for persons' dignity and self-esteem—the duties of respect demand that we treat others in ways that show regard for their dignity and humanity. Applied to the issue of cultural diversity, we might say that social and institutional regard for cultural groups' identities and ways of life is central to the self-respect of their members, as well as to the dignity and standing of groups themselves.

This account of respect for persons is different from toleration in numerous ways. Practices of toleration *may* secure a kind of grudging respect, if any at all; but they cannot deliver substantive, "intercultural" respect, which requires concrete knowledge of, and very likely dialogue with, cultural communities. Lawrence Blum's account of the kind of respect crucial in a culturally plural society comes closest to capturing this notion: "the active sense of informed respect for cultures other than one's own."⁴⁸ The Millian account of toleration, as we've seen, does not inquire into the *content* of the particular beliefs and practices being tolerated. Likewise, Raz's account is less interested in the content of culture than in the way that certain features of cultural membership and identity furnish members with the capacities for autonomy, and with "worthwhile" options and choices. By contrast, respect for members of cultural communities—and for the standing of these groups—is best understood as the recognition that their identities, attachments, and ways of life are valuable and may give rise to legitimate social or political needs.

On the view sketched here, the cultivation of inter-cultural respect requires concrete dialogue between cultural communities, the terms of which minority groups themselves must help to shape. This is because it is only through practical discussions that citizens can come to understand others' cultural differences as anything more than opposing or perhaps simply opaque viewpoints. Inter-cultural dialogue may occur

both through such formal structures as representative and consultative government bodies and informally, in civil society, through cultural associations, media, commercial life, and more informal interaction. Such respect may not always be possible in public life, in which case legal and institutional forms of respect and tolerance will have to suffice; but it is premature and politically cynical to assume that opportunities for intercultural dialogue do not exist, or cannot be created or expanded.

Another important difference between respect and tolerance is that whereas the former typically requires the faculty and practice of judgment, the latter need not. Indeed, tolerance may involve very little reflexivity. As Barbara Herman has recently argued, we need to distinguish between mere toleration—which she suggests does not require much reflection and interaction with others—and practices of judgment, which do (or should) demand such engagement. Whereas toleration is a “laissez-faire virtue,” judgment requires much more of agents in terms of dialogue and understanding. Herman’s Kantian approach emphasizes the idea of a “community of moral judgment” and a “deliberative field” into which local values enter and are assessed. This deliberative model has important advantages: it demonstrates ways to develop practices of respect at the same time as providing a basis for public, critical assessments of cultural practices.⁴⁹ Moreover, deliberative practices of judgment preclude simply invoking liberal values to settle conflicts of belief, as some comprehensive liberals propose. Deliberative judgment imposes minimal standards of openness and reflexivity;⁵⁰ as such, it is potentially both more inclusive of social differences and offers a better model of fostering respect than either weak or strong toleration.

We may want to press further and ask whether, and why, justice in liberal democratic states should require that we understand and engage with, much less respect, different cultural beliefs and practices and their proponents. The simplest answer to this is that liberal states today face a range of demands by cultural, ethnic and religious minorities that cannot be understood, much less settled, without attending to the content of those demands and the cultures they reflect. Practices of toleration do not normally require that we engage critically and respectfully with the normative substance of different cultures, much less reflect on or revise our views about the rightness or wrongness of those beliefs and practices. This gives rise to two sorts of problems. First, in practice, the objects of toleration—whether beliefs, practices, or groups of persons—are too readily treated as a undifferentiated mass, so that religious sects are tolerated in the same breath as longstanding religious and ethnic minorities. And second, without attending to the content of cultures, we

cannot come to appreciate others' views and ways of life, nor accord them or their communities adequate respect and recognition.

The importance of respecting persons as opposed to merely tolerating them is nicely illustrated by Michael Sandel in his discussion of homosexual rights. Sandel suggests that a 1969 U.S. legal decision (*Stanley v. Georgia*) which granted "privacy" rights to homosexuals merely extended tolerance to homosexual practices, but made no attempt to understand or convey respect for the "minority goods" at issue.

The problem with the neutral case for toleration is the opposite side of its appeal; it leaves wholly unchallenged the adverse views of homosexuality itself. But unless those views can be plausibly addressed, even a Court ruling in their favor is unlikely to win for homosexuals more than a thin and fragile toleration. A fuller respect would require, if not admiration at least some appreciation of the lives homosexuals live.⁵¹

From this account, we can see that the underlying views by which a practice comes to be labeled "wrong" or aberrant may be left wholly unchallenged by practices of toleration. As Sandel notes, "*Stanley* tolerates homosexuality at the price of demeaning it; it puts homosexual intimacy on par with obscenity—a base thing that should nonetheless be tolerated so long as it takes place in private."⁵² Surely a democratic theory of cultural pluralism should not replicate this dilemma.

VII. CONCLUSION

I have argued that the different accounts of toleration discussed here cannot supply strategies for meeting cultural minority groups' demands for recognition and respect in plural, liberal states. To meet many of these claims, democratic polities (and citizens generally) need to appreciate the content—and contexts—of different values, beliefs and practices, in part through reflective engagement and concrete dialogue with minority cultural communities. Toleration does not direct us to inquire into the *content* of different beliefs or practices, though toleration may be a necessary requirement of, and pre-condition for, such inquiries. Nor does toleration require that we accord substantial respect to the persons or views that are its objects. Practices of toleration may further reflect and reinforce assumptions and social relations that are incompatible with the aspirations and claims of cultural minority groups, in particular their quest for mutual respect and greater social and political inclusion.

Proponents of weak or negative toleration do not purport to secure a robust form of respect for persons, much less for persons partly in view of their cultural identities, attachments, and memberships. Defenders of strong toleration propose to deliver more in the way of positive protections for citizens' differences; but Mill, as we've seen, offers an argument for tolerance that is fundamentally about protecting individual diversity and liberty. His is *not* a plea for respect for groups or collectives, nor for individuals whose sense of identity derives from membership in those groups. While Raz's expanded Millian argument includes some good proposals for cultural rights and the protection of group cultural membership, the reasons he offers for these measures construe culture and autonomy in problematic ways, and can promise to include only those groups whose beliefs roughly conform to a restrictive, liberal moral view.

To the extent that toleration can play a role in shaping policies for meeting cultural claims and mediating cultural conflicts, I suggest it will be a minimal one. Toleration is not a redundant principle (or virtue), but it offers too little. Perhaps tolerance is best viewed as a strategy individuals or government bodies may take up when there is no hope for more extensive exchanges and dialogue, or when avenues for more reciprocal engagement are closed. At any rate, the conceptions of liberal tolerance I have addressed here are limited in ways that recommend against the adoption of toleration as overall strategy for meeting the challenges posed by cultural diversity in democratic states.

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NOTES

I am indebted to Onora O'Neill for her numerous helpful comments on earlier versions of this article, and to James Tully for inspiring me to write about the problem of cultural diversity and respect.

1. In this article, I am concerned primarily with state toleration, or institutional expressions of toleration, rather than toleration as a personal virtue or disposition.

2. Judith Shklar, *Ordinary Vices* (Cambridge, MA: Harvard University Press, 1984).

3. Whether or not toleration pertains strictly to situations of *moral* disagreement and disapproval, or can characterize situations of mere dislike, is a matter of much dispute; however, certainly one or the other must be present. As Susan Mendus notes, this question is part of a "general philosophical debate about the very status of moral judgements, and the nature of the distinction between such judgements and judgements of taste or preference." See her *Toleration and the Limits of Liberalism* (London: Macmillan, 1989), p. 10.

4. John Locke (ed. James Tully), *A Letter Concerning Toleration* (Indianapolis: Hackett Publishing Co., 1983 [1689]), p. 27.

5. J. S. Mill, *On Liberty* (Indianapolis: Hackett Publishing Co., 1985 [1859]), pp. 16–19.

6. Locke, *Letter on Toleration*, p. 27. See his discussion of the tension between our salvation and the dictates of the “Civil Magistrate,” pp. 26–27. Locke argues here that religion pertains to the “inward persuasion of the Mind,” whereas the Magistrate’s power is merely “outward force.”

7. *Ibid.*, pp. 27–28.

8. Voltaire, *A Treatise on Tolerance*, trans. B. Masters (London: Folio Society, 1994 [1763]), p. 121.

9. Locke, *Letter on Toleration*, p. 55.

10. Voltaire, *Treatise on Tolerance*, p. 120.

11. Voltaire, *Treatise on Tolerance*, pp. 25–26.

12. Bhikhu Parekh, “Moral Philosophy and its Anti-pluralist Bias,” in *Philosophy and Pluralism, Royal Institute of Philosophy suppl. 40*, ed. David Archard (Cambridge: Cambridge University Press, 1996), p. 125.

13. The older arguments have not entirely disappeared, but epistemological skepticism no longer plays a prominent role in justifications of toleration, or of rights. Friederich Hayek’s thought is a notable exception, as he invokes epistemological skepticism to argue for liberal ends.

14. Susan Mendus, *Toleration and the Limits of Liberalism*, p. 5.

15. I use the terms “political liberal” and “neutral liberal” interchangeably here.

16. Rawls intends his distinction between a merely “political liberalism” and “comprehensive liberalism” to capture the difference between plural and nonplural liberal models of justice. See John Rawls, *Political Liberalism*, pp. xxvii–xxviii and pp. 196–200.

17. *Ibid.*, pp. 90 and 97.

18. *Ibid.*, pp. 9–10. Emphasis added.

19. *Ibid.*, pp. 198–99.

20. *Ibid.*, p. 122.

21. In Rawls’ view, the good of individual autonomy is an element of a comprehensive, moral view and thereby cannot be appealed to in a (merely) political conception of liberalism.

22. *Political Liberalism*, pp. 54–58.

23. *Ibid.*, esp. pp. 10, 44, 49–62, 81–82, 100, and 118–119.

24. *Ibid.*, p. 137, and *passim*.

25. *Ibid.*, p. 62.

26. Parekh, “Moral Philosophy,” p. 124.

27. Some liberals argue that Rawls' project can be reformulated so as support collective rights for cultural minorities. Will Kymlicka and Daniel Weinstock have both argued, for example, that Rawls' idea of the social bases of self-respect could be interpreted as requiring the introduction of group rights so as to protect cultural communities' identities and forms of membership. See Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon, 1989) and Weinstock, "The Political Theory of Strong Evaluation," in *Philosophy in an Age of Pluralism*, ed. James Tully (Cambridge: Cambridge University Press, 1994).

28. For a parallel discussion of this problem, see Anna Galeotti, "Citizenship and Equality: The Place for Toleration," *Political Theory*, vol. 21, no. 4 (1993): 585–605, at p. 594.

29. I do not include in this category the majority of perfectionists, who are not specifically liberal.

30. Mill, *On Liberty*, esp. pp. 16–19.

31. *Ibid.*, p. 113 and pp. 43–44.

32. *Ibid.*, p. 12 and p. 19.

33. *Ibid.*, pp. 60–70.

34. *Ibid.*, p. 70.

35. This is an abbreviated version of Raz's "autonomy-based doctrine of freedom," which he outlines in *The Morality of Freedom* (Oxford: Clarendon Press, 1986). Raz notes that there are two limits to this doctrine: "options" from which to choose must be available; and "worthless" and/or options should not be protected by the state (pp. 410–412).

36. Joseph Raz, "Liberalism, Autonomy, and the Politics of Neutral Concern," in *Midwest Studies in Philosophy*, vol. 7, ed. Peter French et al. (Minnesota: University of Minnesota Press, 1982), p. 324.

37. Raz does not use the "strong" versus "weak" toleration distinction, but his views support a strong, or positive conception of toleration. See especially Raz, "Autonomy, toleration, and the harm principle," in *Justifying Toleration: Conceptual and Historical Perspectives*, ed. Susan Mendus (Cambridge: Cambridge University Press, 1988), p. 161. Similar arguments are made in his *The Morality of Freedom* and "Liberalism, Scepticism, and Democracy," in *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (Oxford: Clarendon, 1994).

38. Here "weak toleration" denotes a situation in which a person or state institution merely refrains from interfering with a practice or belief found disagreeable and/or morally repugnant. "Strong toleration" refers to instances where a person or, more typically, an institution, not only refrains from hampering a belief or practice, but also contributes to the viability of that practice by introducing positive or protective measures.

39. Joseph Raz, "Liberalism, Scepticism, and Democracy," p. 105.

40. Raz, "Multiculturalism: A Liberal Perspective," in *Ethics in the Public Domain*, p. 162. Also see Raz's "National Self-Determination" (esp. pp. 115, 121) in the same volume. Will Kymlicka supplies another example of an expanded argument

from toleration in favor of positive state duties of tolerance; see his "Liberal Individualism and Liberal Neutrality," *Ethics*, vol. 99 (1989): 883–905, esp. p. 903; *Liberalism, Community and Culture*, p. 169 and *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), pp. 105–106.

41. Raz, "National Self-Determination," p. 115.

42. Raz, "Liberalism, Scepticism, and Democracy," p. 108, and *Morality of Freedom*, pp. 411–412.

43. Kymlicka confirms this restriction when he writes (somewhat ominously) of the need to liberalize certain minority cultures within democratic states, yet without considering the possible injustice it might occasion. See his *Liberalism, Community and Culture*, pp. 170–71.

44. Jonathan Chaplin, "How Much Cultural and Religious Pluralism Can Liberalism Tolerate?," in *Liberalism, Multiculturalism, and Toleration*, ed. J. Horton (London: Macmillan, 1993), p. 43.

45. Mill, *On Liberty*, pp. 42–44 and chapter 3, "Of Individuality."

46. Mendus, *Toleration and the Limits of Liberalism*, p. 110.

47. Kant, "The Doctrine of Virtue," *The Metaphysics of Morals*, trans. Mary Gregor (Cambridge: Cambridge University Press, 1991), Book II, Part II, § 37, 38, pp. 254–55.

48. Blum, "Multiculturalism, Racial Justice, and Community," p. 186.

49. Herman, "Pluralism and the Community of Moral Judgment," in *Toleration: An Elusive Virtue*, ed. David Heyd (Princeton: Princeton University Press, 1996), pp. 63–74.

50. *Ibid.*, p. 77.

51. Michael Sandel, "Moral Argument and Liberal Toleration: Abortion and Homosexuality," *California Law Review*, vol. 77 (1989), p. 537.

52. *Ibid.*