Toleration in the 21st Century: A Revised Liberal Defense

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Introduction: Toleration in Question

We live in a globalized world where cultures continuously cross paths, bump into one another and occasionally clash. As a result, the claims for toleration seem more pressing and omnipresent today than ever before. Everywhere is toleration needed, everywhere is it called for, yet rarely is it really achieved. Just like human rights and democracy we are all for it; we only wish we knew how to get more of it. Yet, to the historian, the political philosopher or anyone familiar with the history of Europe, there is little new about these claims. They have for the last five centuries and with varying degrees of success played a prominent role in the formation of modern societies throughout the West. The modern idea of toleration as we have come to know it first appeared in the 16th and 17th centuries through well-known thinkers such as Erasmus of Rotterdam, Michel de Montaigne, John Locke and Pierre Bayle, as a more or less direct response to the religious and political turmoil that swept over Europe during the reformation and counter-reformation. From then on, toleration has been invoked by liberals as a necessary requisite for achieving peaceful co-existence and equal freedom for all citizens, not just the ones who happen to belong to the 'right' creed. In this sense, today's claims for toleration of cultural diversity form part of a very familiar project, namely that of creating liberal states and societies (cf. Barry 2001).

However, there is also something less familiar about today's claims for toleration. This unfamiliar element first reveals itself in the talk of toleration, which has a new and different ring to it. Toleration used to be a question of granting every citizen a certain amount of freedom through the equal provision of rights. Through these provisions all citizens were to be attached to and detached from society in the same way; attached as citizens of the state with rights and duties, and detached as private individuals with personal beliefs and convictions. Today toleration is framed in a different way. It is less a question of equal provisions, private freedom and universality, and more a question of differential provisions, public recognition and particularity. In fact, what used to be conceived as the solution to cultural diversity in general and religious diversity in particular, is now depicted as part of the problem. The new claims for toleration are in large part a plea for protection against a homogenizing liberal culture masquerading as neutral and universal. And, it is a defense of the right to be different and detached, not just individually and in private, but collectively and in public (cf. Taylor 1994).

Arguably, there is something very contemporary about this way of re-framing

toleration. Along with globalization follows a sense of cultural deprivation and a fear of loss of identity, as well as new means and possibilities of expressing one's authenticity. The new claims for toleration are in large degree, I think, an expression of such sentiments. On the following pages I will explore this relative shift from what we might call 'old' to 'new' toleration as it is expressed and motivated in academic discourse. My aim is not to explain why and when this shift came about, but rather to flesh out its main elements and discuss some of its moral implications. Hence, my approach is that of the political theorist, not the historian or the sociologist.

The argument advances in three steps. In the first section I give a brief and general definition of toleration and discuss some of the difficulties associated with the concept. In the second section, the relative shift from the 'old' liberal toleration to the 'new' multiculturalist toleration is portrayed through a comparison of what I take to be the main points of controversy. The first is a shift from the focus on beliefs to the focus on identities; the second is a shift from the norm of neutrality to the norm of recognition; and the third is a shift from toleration through universal rights and provisions to particular rights and provisions. The third and last section is a critical reassessment of the multiculturalist critique and its implications to a liberal theory of toleration. The conclusion of this reassessment is that although there are important lessons for liberals to learn from the multiculturalist critique, there are reasons to be skeptical of the proposed alternatives. Thus, without abandoning the liberal approach, the chapter ends with a brief suggestion of how liberal toleration may evolve in order to better respond to the conditions and needs of contemporary multicultural societies.

The Concept of Toleration

Toleration is a peculiar value. (I know, it is an un-original way to open an argument, but bear with me.) Most of the 'big' values in political philosophy are important because they correspond to ideals or ends that we intuitively find valuable in their own right. Take freedom, equality or justice for example. We pursue freedom because we believe people are happiest when they are free. We demand equality because we believe all people have the same moral worth. And we want justice because we believe people should get what they deserve and what is fair. And so forth. Toleration, however, is different. Let me try to explain why.

Reasons to Object

In common parlance the word tolerant is frequently used as a synonym for open-minded or liberal. Very often the word is defined negatively by reference to its opposites—narrow-minded, prejudiced, bigoted—which are easier to pin down than the meaning of the concept itself. In philosophy, the concept of toleration is associated with the acceptance of the right of others to hold beliefs and convictions that depart from one's own, especially when there is no certain, objective way of telling right from wrong or good from bad. In liberal political philosophy, toleration is the fundamental principle which guarantees freedom of opinion and action to every individual member of society. However, anyone who takes the concept of toleration seriously will object to so simple and unambiguous a picture. Toleration often requires sacrifices and self-imposed duties, not just a generally sympathetic attitude to pluralism. It is not an attitude or outlook that we naturally possess and it does not give us any personal gratification. On the contrary, it is more appropriate to think of it as a form of self-restraint, for it requires us to refrain from doing or saying things which we intuitively think are right and true, and which we consequently feel we are entitled to impose on others. Bernard Williams puts it nicely:

> If we are asking people to be tolerant… [t]hey will indeed have to lose something, their desire to suppress or drive out the rival belief; but they will also keep something, their commitment to their own beliefs, which is what gave them that desire in the first place. There is a tension here between one's own commitments and the acceptance that other people may have other and perhaps quite distasteful commitments. This is the tension that is typical of toleration, and the tension which makes it so difficult (Williams 1999: 66f).

The element of self-imposed restraint can be traced to the very word toleration, stemming from the Latin *tolerantia* for endurance and *tolero* for endure or put up with. It is perhaps more clearly exposed than elsewhere in the stoic conception of toleration. To philosophers such as Marcus Aurelius and Cicero toleration was a highly esteemed virtue characterized by self-restraint, moderation and individual autonomy. It was thought of as an ability to control one's emotions and to resist negative and un-reflected judgment, and as an attitude which required a considerable amount of character and self-discipline, since it was bound to be in frequent conflict with the more private interests of the individual (Fiala 2003: 151ff). Although less pronounced—or rather differently pronounced—today than two millennia ago, self-restraint remains a crucial element to the concept of toleration. It urges us to accept beliefs and actions in spite of us having reasons to object. This *reason to object* is thus a necessary condition of toleration (see Cohen 2004: 68f, McKinnon 2006: 18, Short 2005:

280). Without it we would not speak of toleration, but of affirmation or indifference (Cohen 2004: 71ff; Forst 2004: 315). For instance, it would not make any sense for me to say that I tolerate the homeless as long as they do not sleep on my lawn, or that I tolerate South American immigrants because I like their food and music. The first statement is based on indifference and the second on affirmation, and as long as this is the case I can have no reasons to object and cannot act either tolerantly or intolerantly. If, however, the homeless were to camp on my lawn, I would have a reason to object and suddenly I am presented with the choice of tolerating or rejecting my new guests. However, it is not enough for me to have reasons to object in order to act tolerantly; I must also have the ability to do so. It would make no sense to say that I tolerate bad weather or economic recessions, because it is not within my power to do anything about them. Only when it is within my power to object can there be a really free choice not to object, and only when there is such a free choice can my self-restraint be defined as an act of toleration. Consequently, toleration requires three things: reason to object, the power to object and a free choice not to object (cf. Shorten 2005: 280, McKinnon 2006: ch.2).

Reasons to Tolerate

The reason to object immediately raises a second question: *Why* not object? Why should we tolerate beliefs or behaviors if we feel we would be better off without them? Directly related to these questions is another characteristic of toleration, namely *overriding reasons*. If toleration means that I accept beliefs and behaviors although I find them objectionable and although I have the ability to object, there must be some overriding reason that motivates my tolerance. Otherwise I am just acting irrationally (cf. McKinnon 2006: ch.2). Toleration for toleration's sake has no value; it is a means to other ends and without such ends it makes no sense.

> Toleration is what I call a normatively dependent concept, which, in order to have a certain content (and specifiable limits) is in need of further normative resources that are not dependent in the same sense. Tolerance is thus, contrary to a common view, not a value itself but rather an attitude called for by other values or principles (Forst 2004: 314).

Although I think Rainer Forst may be overstating the point in arguing that tolerance is not a value, this normative dependence tells us something which is crucially important: Toleration is valued not so much for what it *is* as for what it *does* for other, overriding reasons. For what

reasons, then, is toleration so precious? The simplest way to answer this question is to say that toleration is a necessary attitude or virtue of the citizenry and the state, because societies consist of people with mutually incompatible beliefs, commitments and lifestyles. If we want peace, stability and freedom to prevail, we must have a way of accommodating this diversity—hence the need for toleration. It is sometimes thought that this is a lesson learned quite late in history, in early modernity during the European reformation and counterreformation, and liberals often claim a special ownership and authorship of the idea. However, such conceptions require a very narrow understanding of the concept (cf. Nederman 1994, Bejczy 1997). Some ancient and medieval empires—the Roman, the Byzantine, the Arabic in Spain, the Ottoman, etcetera— periodically excelled in the practice of toleration vis-à-vis ethnic and religious minorities, not because they did not have the power to repress or convert them, but simply because it was thought of as a more effective and righteous way to achieve peace and stability (Nederman 1994, Briggs 2004, Walzer 1997: 14ff). For example, the well known system of Ottoman rule through millets endowed conquered colonies with a considerable amount of freedom in exchange for obedience and non-interference with neighboring colonies. Thus, despite the differences between modern and pre-modern regimes and theories of toleration, both are distinguished by a desire to accommodate rather than eradicate diversity. All theories of toleration take the respect for such diversity or pluralism as their common point of departure.

However, if the defense of pluralism is a point of convergence for advocates of toleration, the more specific reasons for this defence are not. There are many points of divergence and disagreement, one of them being on what grounds pluralism should be justified—pragmatism (Locke), scepticism (Montaigne, Bayle and Descartes), value pluralism (Mill and Raz) or reasonableness (Rawls). For our purposes, however, another point of divergence is more important, namely the roots of pluralism and its implications for the defense of toleration. In relation to this, one question is whether the causes of pluralism should be sought on the level of the *individual* or the *collective*. In the first case pluralism is conceived as the result of differences in beliefs and behaviors of individuals, each with her own conception of how a good, virtuous and meaningful life should be lived. This is the typically modern and liberal defense of pluralism, which is historically associated with the quest for religious freedom and individual rights (cf. Grell and Scribner 1996, Zagorin 2003). Accordingly, this defense of pluralism is a defense of individual freedom, for only in a society which respects and offers diversity can people make the choices they really wish to make. In the second case, on the other hand, pluralism is conceived as stemming from cultural

differences of identity and belonging between collectives of people. This is typically how pluralism was conceived and defended in the old empires. But it is also how it has been conceived and defended in the modern international system of states and to some extent—as we shall see in the next section—in contemporary multicultural societies (cf. Nederman 1994, Walzer 1997). Accordingly, this defense builds on the notion of groups and communities being—in relative terms—internally homogeneous and coherent, and externally different. These cultural differences between groups and communities are of sufficient moral significance to preclude evaluation and judgment on any supposedly inter-collective moral grounds, and must therefore be respected. In its most principled version, this defense of pluralism is a defense of cultural autonomy, for only in a society that accepts and protects a multitude of cultures can people freely maintain a sense of belonging and independence (see Raz 1998).

Another, related question regarding the causes of pluralism is whether societal diversity should be conceived as the result of beliefs and behaviors which are more or less voluntarily *chosen* or as the result of beliefs and behaviors which are un-reflected and *inherited*. In the first case, pluralism refers to the variety of lifestyles and commitments that people more or less rationally choose to have, in which case it is relatively easy to hold them responsible for the choices they have made. In the second case, pluralism is the result of a variety of customs and traditions that people view as defining traits of who they are, in which case it is much harder to hold them responsible for actions or behaviors motivated by such traditions (see Galeotti 2002: 78ff, Parekh 2000: ch. 3–5). Any theory of toleration must take these differences into account. According to a common saying, the question of toleration and intolerance does not concern people as such, only the actions and behaviors of people. But many of our actions and behaviors are not consciously and deliberately chosen. They are inherited and socially internalized patterns of behavior that tell us something about who we are as persons. In such cases, toleration or rejection of a person's behavior implies in a sense toleration or rejection of the person herself.

In reality, the distinctions made above are not mutually exclusive. The causes of pluralism are both individual and collective, both chosen and inherited. Very few advocates of toleration, if any at all, would deny this. In theory, however, we cannot have it both ways; we have to choose. How we choose to conceptualize and defend pluralism is therefore crucial to how we formulate a theory of toleration.

Toleration and power

The question of power cannot but be raised in a discussion on toleration. If toleration is defined as withheld rejection by someone who has the power to reject, it can easily be seen that toleration often has to do with the asymmetric relation between a powerful tolerator and a weak tolerated. For this reason, many a philosopher has been skeptical of toleration. Even though the act of toleration is well intended, it is bound to reflect the overall distribution of power between the parties involved. Thus, Goethe once wrote (cited in Forst 2004: 316): "Tolerance should be a temporary attitude only: it must lead to recognition. To tolerate means to insult." According to this view, toleration is always conditional; it is accompanied by explicit or implicit expectations that are supposed to be met in exchange for acceptance, which means that toleration always implies some degree of dependence and subordination.

I think there is a large portion of truth in sceptical objections like the above. Toleration is no different than other political principles in that it always contains aspects of power. But what does this actually imply? Perhaps toleration is not the ideal solution to social diversity and conflict, but sometimes it is the only solution. Admittedly, power is always part of the picture, but it can be so in many different ways and we need to separate the ways that are reasonably acceptable from the ones that are not. One way of doing this is by the fairly common distinction between toleration as *permission* and toleration as *respect*. Toleration as permission corresponds well with the sceptical remarks above. According to this conception toleration is typically the relation between a superior majority and an inferior, dissenting or "different" minority. The majority gives a qualified permission to the minority to live according to its beliefs and convictions as long as the members of the minority respect the superiority of the majority, and as long as they keep their "deviance" within private limits and do not expose it publicly or claim equal political and social status on behalf of it (Forst 2004: 315f, Habermas 2003). The old Jewish saying "Jewish at home, German in the street" captures this conception well. Toleration as permission, then, is comparable to a favor which can be withdrawn at any moment and therefore has to be earned continuously by the party who depends on it. Clearly, this is what toleration has been like throughout most of history. This is not to say, however, that toleration as permission is solely motivated on pragmatic grounds as a means of upholding peaceful coexistence; it is also motivated on moral grounds by the belief that it is wrong to force others to give up their beliefs and convictions (Forst 2004: 315f, Braude and Lewis 1982, Briggs 2004, Menocal 2002).

The second conception, on the other hand, is toleration as respect. As opposed to the

former conception, this one seeks to overcome the asymmetries in power between the majority and the minority by mutual respect and equality in status (Forst 2004: 316, Habermas 2003). Typically, toleration as respect is not just a temporary attitude or favor, but an unconditioned principle granted through individual and/or collective rights. It builds on norms that all parties supposedly can accept and does not favor any of them over the other. Obviously, this is what most modern advocates have in mind when they defend toleration. Still, it must be asked whether this is a possible, realistic conception at all. Can toleration be sufficiently unconditional to produce equal and mutual respect? No matter how tolerant the society, will not the culture of the majority be dominant and conceived as normal due to its numerical superiority, and will not the culture of the minority be conceived as different and deviant due to its numerical inferiority? Even in a modern and duly constitutional and democratic society, some asymmetries of power and status appear to be inevitable, as Walzer suggests:

> [M]inority groups are unequal by virtue of their numbers and will be democratically overruled on most matters of public culture. The majority tolerates cultural difference in the same way that the government tolerates opposition—by establishing a regime of civil rights and civil liberties and an independent judiciary to guarantee its effectiveness. (Walzer 1997: 55)

This asymmetry of power is, generally speaking, what motivates the claims for new means of toleration. In order to better understand it we need to leave the purely conceptual discussion aside and turn to theory.

Theories of Toleration

How should a state or any other kind of polity promote toleration as respect? This is where contemporary mainstream liberals and multiculturalists part company. The standard liberal answer to the above question builds on the well-known distinction between the public and the private spheres. This distinction is crucial for it tells liberals what one needs to be tolerant about and what not. The public sphere is the sphere of political authority, of laws and of obligations. From the liberal point of view it represents the minimal and necessary interests that we as citizens all have in common—e.g. peace, order and justice—regardless of how numerous and pervasive our differences may be in other respects. As members of such a public we are all (formally) equal. The private sphere, on the other hand, is the sphere of

freedom. In it, we are free to live life as we see fit, to join the associations and communities of our choice, and to worship the God(s) of our faith. Here we are all different and authentic individuals, autonomous and free from public restraints. A tolerant liberal society, is a society which draws the boundaries of the private sphere of freedom generously and subsequently tolerates all the 'deviant' behaviors that take place in that sphere. Such behaviors may include polygamy, prostitution, same-sex marriages and legalization of narcotics, provided that they are freely chosen and do not harm others.

The public sphere, however, has little need for toleration since it is not a sphere of diversity but of uniformity. An intolerant society draws the boundaries of the public widely so that church, religion, sexuality and so forth become matters of the state. A tolerant liberal society draws them narrowly so as to make these things matters of the private individual. Regardless of how the boundaries are drawn, however, the liberal public is always a sphere of uniformity, defined as it were by the goods and provisions of which we as citizens have an equal need. To the mainstream liberal, then, toleration as respect basically requires three things: i) a *generous* interpretation of what issues belong to the private sphere, ii) a strong sense of *respect* for the public/private divide, and iii) *equal treatment* of all citizens in public matters.

This liberal theory of toleration is not enough to promote toleration as respect, multiculturalists argue. Although there are considerable variations in the formulation of a multiculturalist standpoint, I believe that the major thrust of the argument can be summarized along the lines of three relative and interdependent shifts: i) from beliefs to identities, ii) from neutrality to recognition, and iii) from universality to particularity. Let us deal with each of them in turn.

From Beliefs to Identities

The first step in the transformation of toleration is a critique of liberal individualism. Essentially, this is a critique of the liberal inclination to view human diversity as constituted by differences between individuals, and not as constituted by differences between groups and sub-communities living within the same society. I am calling this step a shift in focus from the protection of private and individually chosen *beliefs* to the protection of collective and socially contingent *identities*. In the first case toleration is needed for the sake of individual privacy. In the second case toleration is needed for the sake of cultural pluralism. In order to understand this shift we need to address the ontological assumptions that underpin it. Let me elaborate.

The liberal understanding of the division between private freedom and public authority implies two predispositions or tendencies in the liberal conception of the self. Firstly, it implies an element of *atomism* in the sense that the individual is (implicitly) conceived as an autonomous agent with a set of pre-political interests and beliefs. The origins and formation of those individual beliefs are of little or at least of secondary interest to liberalism. Rather, it is with the ability and opportunity of every person to without restraints hold such beliefs and to live accordingly that liberalism is concerned (Held 1989: ch.7). As a result, the liberal individual is understood in terms of the beliefs and interests she seeks to realize, and not in terms of where and why she adopted those beliefs and interests in the first place. It is therefore normatively assumed that community is a secondary and instrumental structure— not a moral entity in its own right—the purpose of which is to protect and promote individual liberty as much as possible (see Gauthier 1986: 330ff). The freedom of conscience, which was more central than any other freedom to the early defenders of liberal toleration, is a case in point. To John Locke and many of the liberal philosophers who would come after him, religion was a question of personal conviction and faith; a belief coming from 'within' that could not and should not be controlled or influenced from the 'outside'. In *A Letter Concerning Toleration* it is striking how much emphasis Locke puts on the affirmation of this argument, which leads him to the (liberal) conclusion that religion and church are affiliations of voluntary choice and not of birth and descent:

> All the life and power of true religion consists in the inward and full persuasion of the mind; and faith is not faith without believing […] A church then I take to be a voluntary society of men, joining themselves together of their own accord, in order to the public worshipping of God, in such a manner as they judge acceptable to him, and effectual to the salvation of their souls. I say it is a free and voluntary society. Nobody is born a member of any church; otherwise the religion of parents would descend unto children, by the same right of inheritance as their temporal estates (Locke 2003: 219, 220; cf. Creppell 2003: 115f).

Secondly, the public/private division also implies a *dualism* in the liberal conception of the self. In a language which once again can be traced as far back as Locke, the liberal individual is on the one hand a bundle of beliefs, sentiments, emotions and convictions which together define how and to what ends she will use her freedom. On the other hand she is a rational agent, capable of leaving her private beliefs and desires aside whenever she enters the secular public sphere (Creppell 2003: 93f). The logic of our behavior and actions in one sphere does not, and must not, spill over to the other since this would compromise both individual

freedom and public unity. And so the boundary between these two aspects of the self was crucial to Locke and still is to liberals today. It places toleration not only on a ground of mere abstract principles, but on the psychological ground of an essentially modern and divided self (Creppell 2003: 117).

The atomistic and dualistic conception of the self is primarily a normative ideal in liberal theory, not an empirical stipulation, at least not in modern liberalism (cf. Rawls 1985). Nevertheless, multiculturalists argue, it presupposes certain ontological assumptions which tend to obscure the collective and social embeddedness of the self. These assumptions constitute the main object of criticism to multiculturalists just like it did to communitarians in the late 1970s and early 1980s (see among others McIntyre 1981, Sandel 1982 and 1984, Walzer 1983 and Taylor 1985). On the first hand, multiculturalists argue, our beliefs and convictions—among them religion—are not private and personal matters, as liberals tend to assume. Notwithstanding the freedoms of religion, association and expression, and the separation of state and church, people do not choose their affiliations and communities. They are born into them and socialized by their cultures and common values. Even if we assume a secluded sphere of private freedom, it is wrong to assume a sphere devoid of socio-cultural structures and sub-communities that group people together and configure the choices they make and the beliefs they hold. The private sphere is not a sphere of complete individual diversity, as liberals tend to assume, but a sphere constituted by a diversity of groups and sub-communities, minorities and majorities, who collectively seek expression and approval for the beliefs they have in common and define who they are. The ability of people to move between and switch communities is obviously greater in modern globalized societies than it was/is in traditional ones (cf. Walzer 1990), but the need for communal belonging is not. The basic problem with liberal atomism, then, is an overly optimistic conception of individual autonomy and a failure to recognize the extent to which individual freedom hinges on cultural inclusion and identification (See Parekh 2000: ch.3 and Kymlicka 1995: ch.5). As Will Kymlicka argues in his own culture oriented version of liberalism, the 'availability of meaningful options' which are central to the liberal conception of freedom 'depends on access to a societal culture, and on understanding the history and language of that culture' (Kymlicka 1995: 83). Without access to such a culture, the opportunity to free and meaningful choice is severely restrained (Kymlicka 1995: 84ff).

Somewhat related to the above is the *dualism* in the liberal conception of the self. The division of the self into compartmentalized units may be warranted by Locke's boundary drawing between what is private and what is public, but it gives a false conception of human

nature and identity, multiculturalists claim. The neat distinction between a private self of subjective beliefs and passions, and a public self of objective rationality is a grave misconception which obscures the interconnections and linkages between the two. Who I am in private affects how I behave and act in public, and vice versa. It is this clear cut division between private culture and public rationality in liberal theory that Kymlicka tries to overcome through the introduction of the concept of 'societal culture', which essentially constitutes the connection or, better yet, the structure which encompasses both of them (Kymlicka 1995: 76ff). Accordingly, multiculturalists prefer to talk about identity over beliefs and interests. Identities are deeply rooted and pervasive; they define who we are and they transgress the fine line between private and public. They are not entirely private, subjective and personal, as liberals take beliefs to be, nor are they entirely public, objective and rational, as liberals take common interests to be. Most importantly, they can hardly be conceived of as chosen, but rather as socially constituted and internalized.

What, then, does the liberal (mis)conception of the self imply to the liberal theory of toleration? According to multiculturalism it implies a blindness and inability to address discrimination and inequalities that are collective, implicit and socially structured. In focusing on the level of the individual, liberals see society as made up of a diversity of individual beliefs and convictions, each of which is equal—that is to say equally different. What liberals fail to see, then, is that these differences are not equally and symmetrically distributed. Some differences are shared by a powerful majority which is perceived as normal and culturally neutral—maleness, whiteness, straightness, Christian—whereas other differences are shared by a marginalized minority which subsequently is perceived as deviant and culturally biased—femaleness, blackness, gayness, Muslim (Galeotti 2002: 57, 60). Confining these differences to the private sphere does nothing to alter the asymmetries in toleration and the uneven distribution of respect between such groups. Hence, the kind of toleration that is called for needs to do more than the liberal protection of private freedom.

From Neutrality to Recognition

The second step in the transformation of toleration builds on the first. It amounts to a shift in the way toleration is promoted and in the view of how it should be practiced by the state. If protecting the sanctity of the private sphere and individual freedom is not enough, as multiculturalists maintain, then the state must be more active in the promotion of certain

groups who still suffer from a lack of toleration due to the color of their skin, their religious beliefs, their sex, and so forth. I am calling this step a shift from passive *neutrality* to active *recognition*. Instead of using toleration as an argument for 'cultural abstinence' on behalf of the state, multiculturalism uses it as an argument for cultural involvement and support. However, in order to fully understand this objection, we need to understand why and how neutrality is important to liberalism.

So far I have argued that the place of toleration in liberal theory is to assure the sanctity of the private sphere so that people can choose freely how to live their lives. To early liberals, such as Locke, this was quite enough for a defense of individual freedom and peaceful co-existence. It does not do away with the inequalities in social status and political influence between different groups of society, but it puts a stop to the religious persecution of religious minorities. Modern liberals, however, aim for more. They have to, if toleration as respect is what we aim for. Hence, apart from having the same right to be left alone, citizens should also have a right to equal treatment in the public sphere. In dealing with public institutions no citizen should be discriminated or favored over the other, regardless of her being part of some minority culture. In order for this to be the case, the liberal state needs to be *neutral*. Exactly what state neutrality means is a widely debated question among liberals, but generally speaking it means that the liberal state is a state that does not favor any particular conception of what a good and meaningful life is. The liberal state is just and righteous, but it does not and cannot take any responsibility for the moral development of its citizens. The separation of state and church—which means that the state has no influence over the 'spiritual well-being' of the people—is one important expression of this principle of neutrality.

More specifically, the principle of state neutrality implies two similar things. Firstly, it implies a principle of action which is commonly referred to as *'benign neglect'*. Benign neglect denotes a deliberately *assumed* indifference toward all the private differences that are tolerated in the private sphere. It means that public officials shall look beyond, even be blind to, behaviors and beliefs that clash with their own and those of the majority culture, as long as these behaviors and beliefs have no bearing on public matters. Hence, benign neglect is not tantamount to special consideration or preferential treatment of minorities; it is the presumed abstinence of differential consideration and treatment of any kind, positive as well as negative. Traditionally, the principle of benign neglect was advocated with respect to the separation of state and church, in which case it meant looking beyond the differing practices and symbols of, say, Catholics, Lutherans and Calvinists. Today it is obviously advocated in

matters of ethnicity, sexual orientation and skin color, too. According to this principle, then, state neutrality means that the public sphere should be a space equally accessible and available to everyone; a place where no particular group of citizens is able to *feel* less included than any other. Obviously, no liberal would argue that this is actually the case in any absolute sense of the word, but as an ideal and strategy, this is what the public sphere needs to be like. The culture of the public sphere must therefore be 'sterile', not only with respect to the influence of religion and church, but with respect to other implicit norms such as patriarchy, heterosexuality and whiteness (cf. Walzer 1994 and 1997: epilogue'). A liberal public culture, then, must consist of norms which are acceptable and equally favorable to everyone. This argument under-girds the well-known distinction among contemporary liberals between *ethnic* nations, where public culture builds on a homogeneous package of shared language, religion, traditions and heritage, and *civic* nations, where public culture is secular and devoid of ethnic markers of identity (cf. Kohn 1944; see also Smith 1986). A liberal public culture is thus grounded in a civic conception of the nation, and it builds on a widespread acceptance of and loyalty to a set of political norms which are integral to any just and democratic society and which consequently relate equally to all ethnic and religious groups (see Habermas 1992 and 2001, Tamir 1993, Miller 1995 and Ignatieff 1993).

The multicultural critique of liberalism can be boiled down, I think, to two objections regarding the alleged neutrality of the state. One of them is *direct*, in the sense of being explicitly aimed at liberal theory, and the other is *indirect*, in the sense of being more concerned with the liberal conception of what a nation-state is than with liberalism as such. According to the first, the so called neutrality of liberalism is false. Just like other ideologies it originates from a particular historical and cultural context, within which it has been molded and shaped. It does not speak to humanity in its entirety, as liberals want to believe, and it is not equally applicable across all cultural borders (Parekh 2000: 109). Liberalism does not offer a 'possible meeting ground for all cultures, but is the political expression of one range of cultures, and quite incompatible with other ranges', as Charles Taylor argues (1994: 62). Of what, then, does this cultural contingency consist? One familiar element is of course that it represents an essentially *Western* (European) experience of the state and society. It bears the imprint of ideals and values that are constitutive of Western civilization, such as individualism, human rationality, autonomy, self-reliance and self-development, whereas it ignores other ideals and values that are central to other civilizations, such as family, honor,

solidarity, contentment and humility (cf. Parekh 2000: 338f). Liberalism is also essentially Western in the sense that it is marked by the religious conflicts that took place during its inception. The consequences of this interrelation can hardly be overestimated, for it has given liberalism the propensity to interpret all cultural conflicts as conflicts of world views (i.e. religions) and all claims for toleration as claims for the right to choose and practice those world views freely and privately. Today, however, the claims for toleration have less to do with freedom of conscience and peaceful co-existence, and more to do with inequalities and discrimination stemming from differences in sex, skin color or ethnicity; differences which cannot be stuffed away and contained in the private sphere as if they were invisible in public (Galeotti 2002: 57, 64 and 65ff).

The second, indirect, objection is not aimed at liberalism per se, as mentioned above, but at the 'nation-building element' of the modern state and liberalism's inability to develop a proper way of dealing with this fact. According to this objection it does not matter whether or not liberal theory in itself is neutral, as argued by liberals. The liberal state cannot be neutral as long as it has to be realized within the setting of a nation-state, since the nation-state—as idea as much as phenomenon—is from the very beginning *one nation's* state with an inbuilt predisposition to pursue and preserve ethnic homogeneity. It is therefore incompatible with any liberal notion of neutrality toward ethnic or other cultural differences (see Kymlicka 1989, 1995 and Raz 1986, 1998). The more ethnic diversity increases, the more hollow and futile will the principles of benign neglect and civic nationhood prove to be (Kymlicka 1995: 49). Admittedly, the ethno-cultural component is more pervasive in some countries than others, as the liberal distinction between ethnic and civic nations suggests, but it is always present as a standard of normality with respect to official language, religious festivities, core curriculum in education, requirements for acquiring citizenship and so forth (Parekh 2000: 184ff, Raz 1998). Even in traditional immigrant countries which are assumed to be multiethnic and multireligious in their very essence, state neutrality is de facto a distant ideal which remains far from being realized. Consequently, even in the United States with its supposedly post-ethnic, secular, civic conception of the nation, the dominant position of white Anglo-Saxon Protestants, 'WASPs', as the nation-bearing group above others remains unchallenged (Castles and Davidson 2000: 161; Bader 1997: 774ff).

To sum up, the problem with the liberal notion of state neutrality, from the perspective of multiculturalism, is that it does not do enough to promote equal and mutual respect between all citizens. The presumed neutrality of the liberal state works as a cover up for a public culture which represents the interests, norms and lifestyles of a dominant majority. The

passivity of the state that goes hand in hand with this neutrality amounts to nothing more than a tacit, factual acceptance of the uneven distribution of social status and power between members of the majority and members of the minorities. In such a system equal and mutual respect can only come after the assimilation of minorities into the majority culture is completed. Without such assimilation, multiculturalists argue, toleration is only granted as long as the minorities keep their cultural deviance private and unexposed—i.e. toleration as permission. Instead, what multiculturalists propose in the place of neutrality is *recognition*. If the liberal state tends to block out differences from the public realm by force of a majoritarian culture portrayed as neutral, what is needed is overt public recognition of those differences as equally valid and legitimate. Hence, recognition is more than anything else a *symbolic* measure aimed at the public exposure and endorsement of cultures and identities that previously had to be hidden. And it is a measure which necessarily involves the state, for only by such symbolic acknowledgement on behalf of the authorities can the subordinate cultures and identities gain the dignity and self-esteem they need in order to be equally included, without being assimilated, in society. Anna Galeotti illustrates this point nicely:

> If the government declares that homosexuals can be admitted into the army, or that Islamic symbols can be admitted in public schools, what is gained by the direct beneficiaries of such decisions is more than the literal freedom involved. The public visibility of differences that has resulted symbolically represents the legitimization of their presence in public. In its turn, the legitimization of their presence in public signifies their inclusion in the public sphere on the same footing as those whose practices and behavior are 'normal'. This inclusion then implies the acceptance of the corresponding identity and, hence, the acceptance of those who are marked by such identities. (Galeotti 2002: 100f)

This turn in the practice of toleration from a 'politics of neutrality' to a 'politics of recognition' is based on the conviction, discussed in the previous section, that what matters most for toleration as respect is the ability to express one's identity, not the ability to pursue one's private beliefs. It seeks to dig out and give recognition to the authentic collective identity of each group. Equal inclusion means equal respect and recognition of the differences of identity that make me into me and you into you (Taylor 1994: 31ff, 64f).

From Universality to Particularity

The third and last step in the transformation of toleration follows from the previous two and has to do with the practice and organization of toleration. In practice, if not in theory, toleration is always a question of keeping people both apart and together in the best possible

equilibrium. People must be kept apart because they have beliefs, convictions and identities that are incompatible and conflict with one another. But they are also inescapably drawn together, for they are members of a society which makes them mutually dependent and vulnerable to one another. The question of toleration is to determine how these two facts of life should be balanced against one another. The liberal answer builds on the dichotomy between the private and the public sphere which respond to the need for separation and integration respectively. The public sphere corresponds with the needs or qualities that we as citizens all have in common which makes it a sphere of uniformity; that is, a sphere of norms and ideals, and more concretely laws, provisions and obligations which are *universal*. This universalism presupposes firstly that citizens are attached or potentially attached to the public sphere in much the same way—regardless of how different they may be as private individuals—as discussed in the first step of the transformation. Secondly, it presupposes that the state is neutral with respect to all cultural differences that are politically irrelevant, as discussed in the second step of the transformation. However, if the first and second preconditions of liberal toleration should be discarded because they are false or misguided, as multiculturalists maintain, the principle of universality must be discarded as well. This in turn means that the basic equation of toleration, 'together and apart', has to be solved in a new way.

The multiculturalist solution is grounded in the opposing principle of *particularity*. If the problem with liberal universalism is a false conception of the similarity in human needs, the correction of that misconception must be greater sensitivity to difference and particularity. Different groups have different needs and value different things. Consequently, equal respect should not be understood as synonymous with equal rights, provisions and goods. Rather, equal respect should mean endorsement and protection of different rights for different groups, for only then can toleration become something more than conditional permission. More specifically, the emphasis on particularity implies two norms which go against the mainstream liberal legacy of toleration. The first is *differentiation* and the second is *state activism*.

Differentiation implies a rupture with the liberal idea of a uniform citizenship. It means that public policy should not (primarily) be based on the needs and interests of the citizenry as a cohesive entity—since the notion of such common needs and interests is a chimera—but on subdivisions or groups of society. It means that public officials must conceive and relate to the citizenry not equally and with an assumed blindness to cultural differences, but differentially and with great sensitivity and flexibility. Quite often, advocates of multiculturalism justify such differentiation with the analogy of distributive justice as in the

re-allocation of money through progressive taxation (see Turner 1997). Just like the state practices differential treatment with respect to socioeconomic class, it should do so with respect to religious affiliation and ethnic origin. Some groups are under-privileged in terms of income, others in terms of public recognition, and it must be the responsibility of the state to rectify both types of injustice—at least if one believes in distributive justice (cf. Fraser 1997 and Philips 1999). Typically and more concretely, this argument leads the way for a general justification of affirmative actions vis-à-vis groups which over long periods of time have been discriminated and therefore deserve compensation, such as African and Native Americans in the U.S. and Canada.

Thus far, however, there is no fundamental conflict over differential treatment. Most egalitarian liberals support affirmative action in cases such as the above—although as a retroactive and individual compensation for unevenly distributed opportunities—and they see it as a temporary means to the more permanent ends of inclusion and integration. The multicultural claims for differential treatment do not stop here, however. A public policy based on differentiality does not only imply compensating the weak, marginalized and stigmatized; it also implies protecting and seeking recognition of the differences that matter the most to such groups. Indeed, if the subtle subordination and gradual assimilation of minorities is the problem, then the protection of differences must be the prime objective of toleration. Typically, such differential policy is implemented through the establishment of group rights which serve to protect 'endangered minority cultures' that are threatened by assimilation into majority culture. In some cases such groups are exempted from legislation that is binding to the rest of society—for example the exemption from the obligation to wear a motorcycle helmet (Sikhs) or to respect the Christian tradition to refrain from commerce on Sundays. In other cases minority groups are granted special rights and provisions that serve to protect important elements of their culture—such as linguistic and educational rights. In cases such as these, especially the latter, differential treatment becomes controversial because it is incompatible with the liberal norm of universality.

The second norm is a logical consequence of the first. The urge to differentiate between ethnic and religious groups in society is a direct plea for *state activism*. It is not enough for the state, as the liberal would argue, to evenhandedly stimulate the formation of voluntary ethnic associations and a vibrant civil society. The state must also take an active part in singling out, empowering and protecting cultural minorities. In many countries

throughout the West such activism has increased over the last decades. In the U.S., for example, the now dominant 'ethno-racial pentagon', as Hollinger calls it, consists of the following five groups defined on the basis of skin color and descent: Euro-Americans, Asian-Americans, African-Americans, Hispanics and Indigenous people (Hollinger 2000: 23). In a growing number of policy areas the pentagon is used to categorize citizens, thus enabling a host of differential treatment policies initiated and monitored by public authorities (Hollinger 2000: ch.2). Hence, classifications such as the pentagon offer a necessary instrument for states that actively seek to empower minority and powerless groups, multiculturalists argue, by using the very traits for which those groups were discriminated as points of resistance and public recognition.

To sum up, the move from universality to particularity in the practice and organization of toleration marks a simultaneous move away from the public-private distinction, which is so central to liberalism. If the personal characteristics that liberalism defines as private—skin color, ethnicity and religion—form the basis for public policy, the boundary between the private and the public sphere begins to erode. And, if citizenship is divided into cultural subgroups with special exemptions, rights and freedoms, the very characteristic which distinguishes the public from the private sphere—uniformity— disappears. For these reasons, the 'politics of difference' advocated by multiculturalists (cf. Young 1990) is highly controversial from a liberal point of view. Nevertheless, it is a logical result of the shift from beliefs to identities and from neutrality to recognition. The resulting multicultural solution to 'together and apart' is a different model of toleration. It substitutes the division between private individuals and public citizens for an alternative division between different groups of citizens constituted on the basis of cultural identities which perforate the 'old' boundary between public and private—African-Americans, female-Americans, homosexual-Americans, and so forth.

Re-Assessing Liberal Toleration

By mode of conclusion I want to return to the distinction between toleration as permission and toleration as equal respect. As stated in the first section, the dichotomy provides an instrument of evaluation that helps us distinguish between 'good' and 'bad' forms of toleration. Equal respect means not only acceptance, but *equal* acceptance of all tolerable forms of behavior, ideas, lifestyles and beliefs regardless of how many or how few, how common or how unusual the members and the practices of the group may be. This is what both liberals and multiculturalists have in mind when they speak of multicultural toleration. The question is,

does the liberal theory of toleration do enough to promote this ideal? The multiculturalist answer to this question is negative, as we have seen, and I think there are important lessons for liberals to learn from that critique. What multiculturalists like Taylor, Kymlicka, Parekh and others have managed to do is to point out blind spots in liberal theory that affect how we think about and practice toleration. However, what they have not managed to do is to present coherent and consistent alternatives to the theories they criticize. In these last pages I will therefore address some of the assumptions behind the multiculturalist critique and make some suggestions regarding what liberals should make of it.

Which identities matter?

The individualism for which liberalism has received so much criticism by marxists, communitarians, feminists and now multiculturalists can be divided into two different elements that one needs to discuss separately. The first is the *ontological aspect* of this individualism. Clearly, the multicultural claim that individual beliefs, interests and commitments develop through (involuntary) socialization in cultural environments replete with norms and values, is true. In as much as this is the case it may seem more accurate to talk about toleration of collectively shared identities than of individually chosen beliefs. However, it is quite unclear what this should imply for a theory of toleration. People have many identities that matter in defining their beliefs, passions and interests as individuals. Moreover, these identities are not stable and constant over time; some of them are strengthened due to external circumstances and events, others fade away and new ones appear. Depending on the context and situation some identity becomes more relevant than others, and depending on the identity some communal attachment becomes stronger than the others. For this reason, framing the identity of a black Jewish single mother born in Ethiopia living in London, for example, is no simple thing. There is no objective and singular way of classifying who this person really is and which group of citizens she really belongs to. Still, it seems undeniable that this is what a toleration based on identity must do. In order to tolerate people for what they *really* are, we must group them together under different labels that explain how they are similar to one another and how they are different to other groups. Thus, in order to defend toleration based on a politics of identity we must assume that the element which defines who a person really is, her self, is a collectively shared identity which needs to be dug out and recognized in public. The problem with the conception of the self, which multiculturalists are forced to accept because of their strive for group recognition, is a strikingly naïve, unsubtle

and essentialist notion of identity (cf. Appiah 1994: 155f; Hollinger 1999: 122, Benhabib 2002: 61ff). The consequences of this conception and the politics of recognition that go with it is a model of toleration which tends to lock individuals into groups which are defined on the basis of superficial characteristics such as skin color and descent; group identities which the members in question may not have had chosen themselves if given the opportunity. The danger with this emphasis on identity, then, is that it runs the risk of limiting the freedom of minorities to choose their own commitments by blocking out alternative identities that may matter as much or more to them. Admittedly, Kymlicka argues that such 'internal restrictions' must not be permitted, but when the very existence of group autonomy granted by the state hinges on the persuasiveness of cultural authenticity and difference, it is quite easy to see just how strong the incitements to forge and reproduce such authenticity and difference must be. Viewed from this perspective, it is uncertain what liberal toleration stands to gain from a more identity oriented conception of toleration. In fact, it can be argued that the liberal individualist conception of the self—which represents a guiding ideal of individual freedom and diversity rather than a theory of the constitution of personal identity—is defensible simply because it makes no over-simplifying and essentializing assumptions about identity. As such it provides better conditions for toleration of difference, not just between but within groups.

The second aspect of liberal individualism is individualism as a *level of analysis*. In this respect, it seems to me that the charge of multiculturalism is more relevant and convincing. The (classical) liberal tendency to see societal diversity as a result of differences in personal beliefs, aspirations and lifestyles, is a result of such individualism which has little to do with the conception of the self and much more to do with where and how one looks at society. In focusing on the level of the individual, it is difficult to see injustices and inequalities that are structural and collective in origin. Egalitarian liberalism has over the years to some extent accommodated the critique of marxists and feminists with respect to structural injustices associated with class and gender. However, culture as in ethnicity and religion is more difficult to liberals since it is conceived as more subjective and (partly) chosen than social class and sex, in which case it falls into the category 'personal and private' as opposed to 'collective and public'. As indicated in the previous section, however, I do not think that this has to be the case for a liberal theory of toleration. Just like egalitarian liberals support progressive taxation to rectify some of the unjust rewards of the free market, they have come to support affirmative action with respect to not only women but ethnic minorities as well. It must be kept in mind, though, that the liberal justification of such measures is quite different from the multiculturalist. To the egalitarian liberal, affirmative action is justified as a

temporary means to compensate for historical and structural injustices, and as a means of levelling the playing field with the aim of granting equal opportunities and respect—or at least something close to it—to everybody. Hence, the aim is individual empowerment and integration and not, as in the case of multiculturalism, differentiation and protection of group autonomy.

Neutrality of what?

My second remark has to do with the liberal conception of state neutrality. There is something alarmingly important about the multicultural critique of liberal neutrality, because if true it is very serious. The production and reproduction of an allegedly neutral, egalitarian public culture which in fact serves only the interests of a dominant class of the majority is not compatible with any theory of liberal toleration. However, part of this problem has to do with the concept of state neutrality, the meaning of which is far from evident. It seems to me that mainstream liberalism is clinging on to a concept or ideal which is vague, contested and to some extent also futile, because it causes a degree of confusion that exceeds the merits it brings. In order to make this point, I need to distinguish between two kinds of neutrality, just like I did with respect to individualism above. The first of these is neutrality with respect to the kind of moral or value diversity with which liberals traditionally have been occupied, for example Rawls (1993). In this respect, I think critics such as Parekh and Taylor are right on target. Liberalism is not neutral. Just like other theories of political philosophy it builds on a particular conception of the human good with ensuing interpretations—freedom, autonomy, equality, human dignity, self-development, etcetera—which have priority over other, nonetheless esteemed, ideals and goods—e.g. solidarity, loyalty, contentment, selflessness (Galston 1991, Parekh 2000: 338f). Liberal individualism is also a culture, and just like other cultures it is moulded and reproduced by the institutions of the liberal state, as Charles Taylor correctly points out: 'the free individual who affirms himself as such already has an obligation to complete, restore, or sustain the society within which this identity is possible' (Taylor 1985: 209). And so, just like some liberal critics of neutralism have argued before (see among others Barry 1973, Galston 1991 and Macedo 1990), I believe that recognizing this ethical basis or inclination of liberalism, which is not only procedural but also substantive, would give a more accurate, clear and convincing picture of what liberalism is and what it is not. It would also (hopefully) do away with the delusion that liberalism is transcendental and equally natural in all environments. Finally, I think it might help to rectify one of the great

weaknesses of liberal toleration: the inability to draw a clear boundary between toleration and indifference. The neutral state that can only intervene when direct physical or emotional harm can be proven, often works as a *carte blanche* for politicians and bureaucrats who evade responsibility and commitment by claiming to be tolerant. A non-neutral state that openly recognizes a set of values and a conception of the human good is less likely, *ceteris paribus*, to conflate toleration with indifference. Such guidance, with respect not only to the means of greater toleration but also to the necessary *limits* of toleration, is crucial in a multicultural society.

Does this mean that the liberal state cannot be neutral? Obviously, in terms of moral diversity this is what the above conception of liberalism means. However, I do not think that this implies that we also have to abandon the idea of neutrality with respect to the secular and civic state, as Kymlicka and others suggest. To strive for a public culture devoid of ethnic and religious traits is not tantamount to ignorance or insensitivity to the historical discrimination of minorities, nor is it tantamount to denying that most, if not all, nation-states have one majoritarian identity which has been more influential than others in defining the content and scope of public culture. It is probably true that most modern liberals have been naïve and perhaps deliberately ignorant of the ethno-cultural component of the modern nation-state. But this ethno-cultural component is a fact of historical development, not an inherent condition of liberal theory. The answer may very well be more and not less liberalism. The argument that Kymlicka and other multiculturalists are trying make is mainly circumstantial, as a lawyer would call it. And the proposed solution with ethnically segmented citizenships through differential rights strikes me as both exaggerated and counterproductive, at least if applied as a permanent model and not as temporary means. What it all comes down to, I think, is whether or not the numerical superiority of the majority should be conceived as a source of power asymmetries so great that toleration as equal respect becomes impossible. The way the multiculturalist argument is framed this seems to be the general conception. Admittedly, it would be foolish to deny that members of the majority tend to dominate political and economical resources in multicultural societies, if for no other reason then for the simple fact that there are more of them than of the minorities. Does this mean that toleration through the universalistic and uniform liberal citizenship can never lead to complete equal respect? Possibly. But, if so, what will? Trying to compensate minorities for their numerical inferiority through particularistic, protectionist and "tailor-made" citizenships will not do the job. The potential groups that may come in question for such differential and protective rights are not natural and objective in any meaningful sense of the word, as I argued in the previous section.

They have to be deliberately constituted and evoked—'invented'— in order to be real and politically relevant. The role of the state in the constitution of such groups is crucial and must therefore be handled with great care and moderation. In most cases, I would rather have a liberal state which actively promotes integration of all through a vibrant civil society and a social welfare system dedicated to creating equal opportunities, than a multicultural state which tries to meet the changing needs of changing groups through differential rights and ethno-cultural enclavization.

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