

# How Far Can Tolerance Go ?

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How define tolerance?<sup>1</sup> Tolerance consists in abstaining from intervening in the actions and opinions of other persons when these opinions or actions appear disagreeable, frankly unpleasant or morally reprehensible to us. But each will feel that there exists a real difference between that which is disagreeable or unpleasant and that which is morally repugnant. To respect this intuition, I would propose to distinguish between *a narrow sense* of tolerance – I tolerate that which appears displeasing or disagreeable to me, but I do not tolerate that which I judge to be morally wrong – and *a broad sense* in which I tolerate even that which I disapprove of morally. If we adopt the narrow sense, we have at our disposal a first answer to the question of knowing how far to tolerate: I tolerate that which relates to displeasure or to annoyance, but not that which I believe to be wrong.

Let us consider at present the broad acceptance of the term tolerance, for it is often in radical formulations that we discover that which is conceptually interesting. In this broad sense, tolerance presents itself as an ideal that goes contrary to what each does spontaneously (when one finds something immoral, he refuses do to it, or looks to prevent such a thing from happening). But what sense would there be to speak of a virtue of tolerance if all we did was tolerate what we like or what we can at the very outset endure? It is precisely because it recommends to tolerate what we don't like, that is what we really don't like, that tolerance is a virtue.

In pursuing the analysis of this broad sense of tolerance, we will arrive then at a difficulty. If tolerance is a virtue or a moral ideal, it is in this that it would be morally right to accept a thing that we judge to be morally reprehensible. This is not simply about saying: "I don't know if it is right or wrong, I rather have a tendency to think that it is wrong but because I cannot have any

certitude in the matter, I tolerate it." That which makes the difficulty is that the decision to tolerate does not depend on a skeptical position, but on a form of certitude: I know that it is wrong, but if tolerance is such an absolute virtue, it implies that it is morally right to accept also that which is wrong.

Let us admit that this is here a defensible thesis. Let us admit that there is an intrinsic moral value to accepting opinions, or even acts, that we judge to be wrong. The consequence of such an admission is that to the question "how far tolerate?", one has to answer "all the way." If we tolerate in this sense, we tolerate everything, and the more that we tolerate that which is morally wrong, the more virtue there will be to tolerating it.

This is obviously an absurdity. But why is this broad sense of tolerance hardly acceptable? I will try to answer this question by studying tolerance from a philosophical point of view. It goes without say that the critique of the concept of tolerance that I shall outline does not in any way call into question the practical certitude that tolerance remains the first value to be respected in the public sphere.

A tolerance without limits is hardly admissible, and this for several reasons. Firstly, because there exists a narrow link between moral evaluations and the determination to act. When I have strong reasons for thinking that an action is morally wrong, I have a tendency to try to prevent it from happening. There is something psychologically unbelievable in imagining that despite sure moral evaluations, we could systematically force ourselves into abstention.

Secondly, when we consider from up close the formulation that seemed to us so difficult to admit, namely that it would always be right to accept that which we believe to be morally wrong, it quickly appears that such a formulation becomes absurd as soon as the wrong in question exceeds a certain degree. Up to a certain point, it is a good thing to tolerate a bad one. But once this threshold has been crossed, it is not a good thing to tolerate a bad one, it is a bad one, one almost as serious as the fact of committing it. If that which we judge to be morally wrong is not too serious, we can admit that it is morally right to tolerate it, because there are intrinsic advantages, or a value (at least, in liberal cultures) in the fact of not intervening in the actions or opinions of others. But to

persist in maintaining that that which is morally wrong, as dreadful as it may be, does not lead to the consequences that it can *only be a bad thing* to accept such a wrong, is to make of passivity the ultimate moral good. Moreover, what is negative about the fact of intervening in what others say or do, and thereby restraining their liberty, seems often to be a minor wrong compared with most of the wrongs that we judge to be intolerable. The difficulty attached to the possibility of a very broad tolerance is therefore fertile when it is about tolerating the wrongs of a relative seriousness (even if these provoke a reaction that goes beyond displeasure or annoyance), on the other hand, the formulation loses all its meaning as soon as it is about more important wrongs. In this case, it is not a good thing to tolerate them, it is a bad one. And this prompts a searching for the wrongs that are never right to tolerate, because such a search would permit a better understanding of the limits of tolerance.

The common explanation advanced to justify that tolerance is a good thing, but to a certain point only, consists in remarking that we cannot tolerate a certain number of things that call into question tolerance itself. Tolerance is a reflexive virtue. As Voltaire said: "that they begin by not being fanatics to merit tolerance." It is precisely because tolerance is a good thing that it is necessary, in order to preserve it, to oppose the plotting of those who want to destroy it. The actions, declarations or behaviors that risk in the short or long term to menace the existence of tolerance are intolerable. This is a first criterion for defining the limits of tolerance.

Another criterion often invoked to determine that which is intolerable has to do with the threat to the liberty, interests, rights of other persons. But as soon as we introduce this criterion into the discussion, we cannot help but have other elements also interfere. How define indeed that which brings harm to others? Furthermore, thoughts, discourses, publications, actions will not have the same type of harm on others. Finally, discourses, depending on whether pronounced in private or in public, can do more or less harm to others.

But the most characteristic question remains the one of knowing the subject or the entity that can, in the most characteristic way, evince tolerance. For depending on the case the definition of

the limits of tolerance is made very differently. Let us consider first the tolerance that is practiced by an individual. The resolution to tolerate or not to tolerate has a considerable moral importance for a private person. This type of decision or attitude is the result of long personal formation, of what the lived experiences have taught, and without a doubt of the capacity to identify with the situations of others. The will to be tolerant, taken in this sense, contributes to defining the moral orientation of the person with respect to the world. Beyond personal life, such an attitude of tolerance has real value in a private sphere such as the family where a more or less large tolerance towards the peculiarities of character or behavior of others, especially in parent-child relations, can greatly contribute to the quality, and even the maintenance, of the life led within the family. We can say the same thing of work relations, of associations, etc.

But the exigency of tolerance has obviously a completely different impact when we situate ourselves in the public sphere, when the fact of not tolerating has as effect a prohibition emanating from public power (*puissance*), in short when the exercise of tolerance no longer comes from private persons but from the State. The stakes are different when the capacity of prohibiting is at stake, of employing public force to maintain this prohibition and legal order to sanction those that would violate it. Henceforth, one must attempt to answer to the question of the limits of tolerance of the State.

In the public sphere, three reasons seem to justify the necessity of limiting tolerance. These have to do with, the first, the existence of actions and behaviors that call into question the exercise of tolerance, the second, the actions and writings that bring harm to the interests of others, the third finally, the acts that compromise common social existence. Conversely, we can remark that there exists in the public sphere a number of domains for which the question of the limits of tolerance should not be asked, because these domains are not those where the State can intervene. As Spinoza says in the twentieth and last chapter of the *Theologico-Political Treatise* ("Where it is shown that in a free State each has a right to think what he wants and to say what he thinks"), "the goal is to act by a common decree, but not to judge and to reason in com-

mon.”<sup>2</sup> The aim of the State is then the acting in common or the cooperation, but, under no circumstances, the fact of establishing the truth, even less of imposing it by forcing consciences to abandon their wrong beliefs and to adopt the right ones.

All of the great writings in favor of tolerance were composed, from the end of the seventeenth century to the end of the eighteenth century, in favor of religious tolerance, or, more precisely, against religious persecution.<sup>3</sup> All advance the following argument. As wrong as we deem the private opinions of persons, and in particular their religious opinions, to the extent that these opinions belong only to consciousness, no repression can be efficient or justified and tolerance is the only attitude possible. It is Locke who, in *A Letter Concerning Toleration*, presents the most convincing argument for establishing the inefficiency of any persecution. It proceeds as such:

- Public power (*puissance*) can only constrain voluntary behaviors.
- Yet beliefs are not voluntary (in particular religious belief).
- So, public power (*puissance*) does not have the means to attaining consciences; it is neither will, nor menace nor constraint that permit to change religious belief (or at the price of an incessant persecution or surveillance than no one can wish for, even those who condemn most harshly the opinions in question). Religious consciousness is precisely what resists, as Voltaire very well underlines when he mocks the *compelle intrare* (“you will force them to enter”). Generally-speaking, what the battle in favor of tolerance sets out to prove is neither the virtues of pluralism neither the force of tolerance as moral virtue, but the irrationality of religious persecutions.

The certitude that there can be no limit to tolerance in matters of private opinion and that the liberty of consciousness has to be total is inherited from this battle. It also applies to the world today, especially with respect to all of the opinions of which we have the certitude that they are morally reprehensible. But we cannot let the matter rest at this. As the classical authors have

equally remarked, the liberty of opinion is worth nothing if it is not associated with the liberty to speak, to seek to persuade and to publicize. Spinoza perfectly analyzed this. Every human has a natural right, he says, "to make free usage of his reason and to judge of all things," "no one can prescribe what has to be admitted as true or rejected as false"; yet "humans cannot help but confide their objectives in others, even when silence is required." To the entire liberty of expressing opinion and judging, one has to necessarily associate "that of speaking, as long as we don't go beyond simple speech or teaching, and that we defend our opinion with reason alone, not by ruse, anger or hatred."

John Stuart Mill will say the same thing, in the Introduction of his work *On Liberty* (1859).<sup>4</sup> He defines three fundamental forms of liberty: the liberty of thought, that of expressing one's thought, and that of living as one sees fit. The first liberty is practiced in "the intimate domain of consciousness that necessitates the liberty of consciousness in the broader sense: liberty to think and to feel, absolute liberty of opinions and of feelings on all subjects, practical or speculative, scientific, moral or theological." As for the liberty to express and to publicize one's opinions, it is almost as important, and practically indissociable from the first. Finally, the third form of liberty has to do with everything that favors the autonomy of individuals and the development of their potentialities, it is the liberty to "lead one's life as one sees fit, to act as one pleases and to risk all of the consequences that would result from it, even if our kind find our behavior to be insane, perverse or wrong." But it goes without say, and this is as important a thesis for Mill as the affirmation of the intrinsic value of liberty, that the exercise of each of these three liberties must not in any case harm others. This restriction weighs very heavily on the last form of liberty (we can certainly lead the life we want to lead and all types of life are tolerated, but at the express condition that it doesn't harm others, which considerably limits the types of life in question). It does not weigh in this way on the first form of liberty (the liberty of opinion, which belongs only to the individual). On the other hand, it is very difficult to know to what extent the liberty to express one's thought and publicize it can be exercised without harming others. It is here however, with respect to what we gener-

ally call the liberty of expression, that it would be most useful to dispose of a criterion which would tell us how far to tolerate. Indeed, the decisive role of this form of liberty holds to the fact that it is closely associated to the liberty of consciousness (it is even the possibility of rendering effective the liberty of opinion), but that it belongs also to "this part of individual conduct that concerns others" and in this respect must in a certain way be limited.

There is here a true difficulty. First because it is not easy to decide, in matters of expression and publication, if a harm is done to another, especially concerning a moral harm. Let us take the case of slander, of this particular case of slander which consists in telling lies about an individual or a community. In principle, these lies should not be tolerated. If the harmed persons are not in a state to defend themselves, their representatives can do it in their place. But this principle cannot be applied in an absolute fashion, for then we would be forced to prohibit a considerable number of publications. Yet if tolerance is a good thing, there is always a price to prohibiting, prohibiting even that which in a certain way would merit it. This price is attached to every attack, even when justified, on individual liberty. If, in principle, nothing of which harms others should be accepted, it remains that it is better to tolerate certain harms if so doing should prevent a multiplication of attacks on individual liberty. A principle of level-headedness (*pondération*) seems therefore to be necessary. Yet, among the publications that lie, there are some that declare false things and others that threaten the moral person. To say of an individual that he is obsessive or that he has an impossible character is a very disagreeable thing for the individual in question and certainly wounds his sensibility, but to say that this individual has lied, stolen or deceived represents a much more serious attack. It seems to me that the harms are not of the same nature and that the first can be endured, while the second should not be tolerated. An additional distinction can therefore be advanced: tolerance can be exercised towards that which harms the morality of others. But the definition of this "practical" limit of tolerance has not been defined from the examination of the concept of tolerance, but from the analysis of that which can truly harm others. This is a first reason to think that the concept of tolerance does not permit, by itself, to define the limits of its application.



Another element can also render particularly difficult the assessment of the harm done to others. We can subjectively feel as the cause of an extreme harm an act or a discourse that other persons consider as insignificant. The feeling of being harmed and the profound conviction that one shouldn't tolerate that which is its cause cannot suffice to justify that we not tolerate it. Let us take the case of blasphemy. A person brought up in such or such a religion can feel abominably harmed by a blasphemy and in himself feel the strong obligation of prohibiting that which is its cause. But other persons, without religion, would find such an obligation absurd and refuse to admit that there is objective harm. In this case either does it seem that the analysis of the concept of tolerance can serve to define a criterion permitting to know where tolerance must stop.

To the extent that the conceptual elucidation of tolerance is of poor help in defining the limits of the application of the virtue of tolerance, a solution can be to closely relate the understanding of this concept to a group of substantial moral truths. No reasonable doubt is possible about the truth of certain moral values, on the fact that genocide, slavery, rape, racism are wrongs. The practice of tolerance has to stop in front of such wrongs and nothing proceeding from them must be tolerated. But does the certitude that these are moral truths suffice to found or to justify the limits of tolerance? I don't think so. For the reason that Spinoza had already highlighted: the State must not legislate on that which is good or bad, the State cannot have a vocation of prescribing the good moral values nor of prohibiting that which opposes them. It is not entitled to preventing persons from thinking what they want and to a certain extent from seeking to publicize it. That what they think be untruths in morality is not pertinent here. There is not, it seems to me, a reason to limit tolerance in their respect.

For it seems impossible to define a limit to tolerance from the exigency of respecting truth. As certain as we are to being in truth regarding the moral certitudes I have been evoking, one has merely to look at the history of the four last centuries to notice the dangers there are to founding a right to intolerance on truth. Bossuet said in a sentence that has remained well-known: "I have the right to persecute you because I am right and you are wrong." Three centuries later, Herbert Marcuse, in a work published in



1966, *Critique of Pure Tolerance*,<sup>5</sup> maintained that the content of the notion of tolerance had to be changed. The so-called democratic societies rest on a form of domination so subtle that the majority accepts it and even demands, under this old value of liberal tolerance, its own alienation. True tolerance, politically necessary today, according to Marcuse, must therefore be exercised by the revolutionary Left, and manifest itself by a form of preventive intolerance vis-à-vis the Right, governments in place and institutions. Given that the values defended by the reactionary Right are false and wrong, just as well take a step ahead and say that they are intolerable even before they have been expressed.

But to say that true tolerance is an intolerance that is a product of truth is conceptually absurd. The intolerance that is founded on truth can be as intolerant as the intolerance founded on error, and I do not see what conceptual or ideological conjuring trick could transform it into tolerance. Intolerance can sometimes be absolutely necessary (especially if we deem it the only way to legitimizing truth), but one has to then assume calling it intolerance, instead of calling it new tolerance. Generally-speaking, there is no systematic link between tolerance and truth. A common justification of tolerance, of voltairian type (explicit in the article "Tolerance" and in the *Treatise on Tolerance*), is to underline that, given that we don't know where the truth is, there is no reason to persecute. Tolerance is therefore associated to skepticism, and dogmatism is to intolerance. Yet nothing permits to establish this link. Locke was in no way skeptical in the matter of religion, he nonetheless recommends religious tolerance. In addition, there are very numerous examples of skeptics who advocated, for reasons of civil peace and order, intolerance.

The only criterion of limitation of tolerance retained up to this point has to do with the wrong done to another, in particular with moral wrong. If publications applaud racism or rape, we certainly have an excellent reason not to tolerate them, but what reason? Not a reason that relates to their moral falsity, but to the fact that, being always expressed in such and such circumstance, with respect to such and such a person or group, these publications cannot fail to bring harm to these persons or groups. This probably makes little difference in practice, but a considerable difference in the modes of justification of prevention. Tolerance does

not seem itself to be able to furnish the principle that provides this delicate work of limits. It does not permit, for example, to assess the range of wrongs done to others, to put them in balance with the necessity of preserving the liberty of expression of the individual, and to proceed to this form of level-headedness so necessary between the safeguard of individual liberty and the prevention of certain wrongs.

If we take tolerance in the narrow sense, in the sense in which we tolerate that which we find displeasing or that which we don't so much like whereas we do not tolerate the rest, tolerance becomes a pretty poor exigency. But if we take it in the broad sense, as a moral ideal, we have seen that it was untenable and especially undetermined. Tolerance therefore gives us only very few indications of what could be its intrinsic limits. There are certainly limits, but they come from elsewhere.

Hence the suspicion that tolerance can no longer remain in the position of principle. It is rather an attitude of spirit in the application of a principle, but it can't itself define what must be its object (what must necessarily be the object of tolerance or what must not be on any account its object). Tolerance must remain an ideal, an exigency, but without being able to truly permit determining the conditions of its application.

To attempt to answer to the question "How far tolerate?", I will propose then to have two principles intervene, that are, it seems to me, more amenable to helping us define the limits of tolerance, in a world in which the diversity of opinions is very great, in which the capacity of diffusion of false as of true is considerable, in which the means put in service of certain ideas, and especially of certain extremist ideas, are very accessible means (firearms, extremely rapid communications) and ones that can cause appalling ravages, but in a world also in which the force of conformities is very large.

Against this power (*puissance*) of conformity, it is necessary to preserve individual liberty, even if a liberty of error, even when concerning morality. Rosa Luxembourg refused that the defense of truth be rolled up in the defense of liberty, for the right to error is an essential aspect of this liberty. To define the limits of tolerance, we need a principle that respects individual liberty and founds it on the intrinsic value accorded to the diversity of opinions, but

also of ways of living and of experiences of life, namely *a principle of pluralism*. But we also need a principle that prevents certain of these ways of living from becoming hegemonic and from jeopardizing the expression of others, namely *a principle of neutrality*.

I will begin with this last principle, which is today the object of numerous debates within political philosophy. We designate by "neutrality" the neutrality of the State with respect to the different opinions and conceptions of good chosen by individuals. The State must itself abstain from subscribing to a certain conception of good and from imposing it. Such a conception of neutrality has a political reach and it serves to justify the action of the State. This neutrality is exercised with respect to individuals, with respect to the concrete manner in which they interact, and not with respect to certain ideas that these individuals can defend. Finally, this neutrality does not necessary lead to the retreat of the State. Society is conceived rather as a neutral arena, it being understood that, if one aspect of this neutrality is to make sure that no group be favored, the other aspect is to prevent any particular group from persecuting another and from harming it.

This principle of neutrality can help us, it seems to me, to define the limits of tolerance. First, because the defense of neutrality has as a condition that this neutrality have a value – it is the only claimed value –, which already rules out any form of totalitarian State, where the State is not neutral, which rules out as well any form of religious State. Then, this neutrality as principle is necessarily attached to the defense of certain exigencies of impartiality, equality of treatment, universality that form a background of consensus which the State can refer to in order to demonstrate neutrality and eventually then prevent certain things to the extent that they compromise the maintenance of these exigencies. This form of minimal consensus is the condition of the exercise of neutrality, more than it is its object. Finally, this attitude of neutrality has a necessary link to truth, not to moral or religious truth, but to the truth of ordinary belief, that of empirical experience, historical facts, analytic statements.

Let us take the case of the education of children. Parents exercise a considerable power over their children. We justify such a power by emphasizing that they seek their good and meet their

needs. If this power went as far as to transmitting false beliefs, the State would worry about it. Why tolerate that parents transmit a religion, moral values, a whole system of evaluations that is their own, but not tolerate that they teach them false mathematics or false historical truths? The notion of neutrality permits to sketch out an answer to this question. It expresses itself as non-intervention in matters of religion and morality, precisely because we have the idea that, on the condition of staying within certain limits, religious and moral convictions are all the same and that the child, once adult, will in all cases know of other values and convictions which he will then have the liberty of adopting (the State can then take positive dispositions so that it is the case). But it would express itself as intervention in the case in which false epistemic and historical beliefs would be transmitted precisely because of this common background of impartial learnings and knowledges without which neutrality is stripped of meaning, or in the case in which the transmission of moral beliefs would contribute to making a complete delinquent of the future citizen the child would become.

To briefly present the principle of pluralism, one must distinguish between the fact of pluralism, that John Rawls, for example, speaks of in *Political Liberalism* (1993),<sup>6</sup> and a much stronger thesis by which there are, for reasons that are essential and linked to the nature of morality itself, several ways, heterogeneous and incompatible, to pursue good. Pluralism tends to recognize that the numerous and varied ways of life pursued by individuals are perhaps all doted of real value, but cannot be pursued all together in a same society.

There are two possible interpretations to this pluralist principle. An optimistic interpretation is that defended by John Stuart Mill. Mill considers that, pluralism being true as principle, one has to apply it with the greatest tolerance possible. For to let be expressed opinions we believe to be false is to provide the means to ameliorating the reasons we have of believing this or the other thing as true (for this one needs a *market-place of ideas*, a *forum*). We have the hope that rational discussion will permit to enlarge the consensus, but always with the idea that this intrinsic diversity is a means of constant amelioration and perfecting. Most impor-

tantly, we consider this diversity as a good thing, even if the elements which compose it are not all good. The philosopher Joseph Raz goes as far as to consider that these displeasing moral opinions are not wrongs, but restrictions without which the relating virtues could not be realized.<sup>7</sup> We would thus have a possibility of infinite justification of the negative traits of existence, which would lead to say that in the absence of such negative traits, good would not be there either. The common trait of the optimistic interpretations of pluralism is to thus consider that if we take pluralism seriously, we cannot put any limit on tolerance except procedural and cautionary limits that are related to the conciliation of rights, liberties and interests.

The other interpretation of pluralism is more pessimistic, and it is the one to which I would subscribe. It brings to the forefront the "tragic" aspect of the thesis according to which ways of life and values cannot be pursued all together, and therefore there needs to be, more essentially, a limit to tolerance with which we apply the principle of pluralism. A radical incompatibility can exist between certain modes of life or certain moral values – incompatibility which we cannot remedy by saying that these are true moral values while those are not (as Isaiah Berlin shows in *Four Essays on Liberty*).<sup>8</sup> There is therefore conflict and competition. The limits of tolerance hold to this competitive and conflictual diversity of different conceptions of good, and they must equally be founded on the idea of neutrality and of harm done to others. The "search for a common ethical space" not done with the keen consciousness of this unreconcilable morality would reveal itself vain. The greater the repugnance we feel in front of opinions deemed morally aberrant and pernicious, the fiercer the desire to make them disappear, one must not forget that it is not the only wrong of our contemporary societies. There is also, among many other wrongs, the power (*puissance*) of conformities and stereotypes, namely that of moralization.

## Notes

1. An earlier version of this article was published under the title "Les Limites de la tolérance," in: R.-P. Droit (ed.), *Jusqu'où tolérer?*, Paris, 1996, pp. 131-45.
2. See Spinoza, *Oeuvres II*, Paris, 1965.
3. See, for example, P. Bayle, *Pensées diverses sur la comète*, Paris, 1984.
4. New edition: Harmondsworth, 1964.
5. New York, 1966.
6. New York, 1993. See also C. Larmore, *Modernité et morale*, Paris, 1993, to indicate the tendency of individuals in present-day societies to diverge on moral questions.
7. J. Raz, *The Morality of Freedom*, Oxford, 1986. See also S. Mendus, *Toleration and the Limits of Liberalism*, London, 1989.
8. Oxford, 1969.