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## **Toleration: Conflict Resolution Method in Pluralist Societies or a Tool of Discrimination?**

**Abstract:** The article is an extended argument for a positive conception of toleration. First, it examines and ultimately rejects reductive interpretations of toleration proposed by David Heyd and Wendy Brown that stem from deflationary and deconstructive readings respectively. It is argued that deconstructive reading is not satisfactory because it perpetuates and amplifies rather than solves paradoxes of toleration, whereas Heyd's reading does not recognise the importance of toleration for political processes. The author advocates a normative conception of toleration proposed by Rainer Forst, instead. Such a regime of toleration is based on the right to justification in which everyone affected should participate in delineating its limits as free and equal citizens. This conception not only solves the paradoxes of toleration but also does justice to its political importance.

**Keywords:** political philosophy, toleration, deliberative democracy theory, critical theory

Toleration has become the symbol of a liberal society in which groups with diverse ethical and/or moral views co-exist in a peaceful way. However, this ideal picture can get more complicated if one begins to wonder how it is possible that tolerated groups often struggle against a liberally understood toleration, and the tolerant majority equally often refuses to grant equal rights to minorities because of toleration. For example, the politics of sexual minorities rejects liberal toleration that relegates all differences to the private sphere, whereas the heterosexual major-

ity quotes toleration when refusing the sexual minorities the “privilege” of a legal recognition of same-sex relationships. Furthermore, approaching this issue with common sense, it seems only natural that we may not like or even reject certain behaviours or opinions of other people; however, this does not mean that we have a right to impose our views and judgements on others.

In this article, I would like to show that the conception of toleration is ambivalent because emancipatory movements can fight in the name of toleration or against it. Moreover, it is not clear whether toleration should be considered a goal of emancipation at all. Where does this ambivalence regarding the phenomenon of toleration come from? Is it because, as David Heyd claims, it is no longer relevant in the public sphere for historical reasons?<sup>1</sup> Or, as Wendy Brown would have it, it is so because toleration is merely a way of disciplining minorities in the liberal regime.<sup>2</sup> Both Heyd and Brown appreciate the value of toleration in the private sphere only, and argue that it should make room for real recognition in the public sphere. Acknowledging that toleration has an important role to play in the public discourse, Rainer Forst distinguishes between permission and reflexive toleration.<sup>3</sup> The relationship of permission is characteristic, for example, of the regime of religious toleration in the 17th century based on subjection and exclusion, whereas reflexive toleration is based on equality, which guarantees that everyone concerned is involved in setting its limits. By analysing those theories of toleration, I would like to show not only that the concept of toleration is ambiguous but above all I will argue that a positive conception of toleration in the public sphere is necessary.

In the first section of this paper, I would like to focus on the critique of toleration offered by Brown.<sup>4</sup> I will argue that although Brown successfully shows how toleration is used by liberalism to discipline minorities and depoliticise their problems, her analysis is incomplete. Brown does not present any positive conception of toleration and thus cannot show that it is unnecessary in the political processes in the public sphere. In the second section, I would like to focus on the conception of toleration suggested by Heyd,<sup>5</sup> in which he relegates it to the private sphere only. I will argue that this conception of toleration is insufficient because it disregards its significance in the public sphere. In other words, without toleration the functioning of the public sphere is extremely difficult, if not impossible. Finally, I will consider a reflexive conception of toleration in the public sphere offered by Forst, based on everyone’s right to justification of a given regime of toleration.<sup>6</sup> The reflexivity of this conception lies in the fact that all those affected who participate in the public deliberation on the limits of toleration must reflect on their own reasons

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<sup>1</sup> D. Heyd, “Is Toleration a Political Virtue?” [in:] *Nomos Yearbook of the American Society for Political and Legal Philosophy*, J. Waldron, M.S. Williams (eds.), Cambridge 2008, pp. 171–194.

<sup>2</sup> W. Brown, *Regulating Aversion: Toleration in the Age of Identity and Empire*, Princeton 2006.

<sup>3</sup> R. Forst, “To Tolerate Means to Insult: Toleration, Recognition, and Emancipation,” [in:] *Recognition and Power: Axel Honneth and the Tradition of Critical Social Theory*, B. van den Brink, D. Owen (eds.), Cambridge 2007, pp. 215–237.

<sup>4</sup> W. Brown, op. cit.

<sup>5</sup> D. Heyd, op. cit.

<sup>6</sup> R. Forst, “The Limits of Toleration,” *Constellations*, 11 [3] (2004), pp. 312–325.

for its limits and present them in a way that is acceptable to all those taking part in the discourse. Toleration understood in this way becomes a condition of justice.

Brown's *Regulating Aversion* presents the limitations of the permission conception of liberal toleration. As the author writes: "The central question of this study is not 'What is tolerance?' or even 'What has become of the idea of tolerance?' but, What kind of political discourse, with what social and political effects, is contemporary tolerance talk in the United States?"<sup>7</sup> Brown's main thesis is that the discourse of toleration is used by liberal regimes to depoliticise problems that are experienced by minorities. As a result, instead of being solved by political means, those problems that result from the lack of equal rights and injustices are relegated to the private sphere. This is justified by the fact that allegedly the deficits of freedom result not from discrimination of a given minority but from their unique culture, which is perceived as an essentialised monolith.<sup>8</sup> The cynicism of such politics is all too visible.

According to Brown, such politics relies on various justifications. For example, unlike minorities, the liberal regime is shown as the one deprived of culture or rather as the one that can easily rise above its own culture to present itself as neutral at any given time. For minorities, their culture is their fate. This way the liberal regime becomes an arbiter speaking from the point of view of universalism. Consequently, it grants itself the right to decide what can and cannot be brought to the public sphere. Conversely, minorities reduced to their own culture are automatically deprived of the access to the public sphere since they are taken to represent local value systems incapable of adopting a universal point of view.

Brown's deconstructive work is very illuminating in that she identifies other ways in which the discourse of toleration is used in the public sphere. It functions as *governmentality*<sup>9</sup> (a term coined by Michel Foucault) because the regime of toleration enables the production and management of individuals by marking them with negatively valued features that should be tolerated.<sup>10</sup> Such a production of individuals with a fixed set of traits gives rise to a constant reproduction of permission toleration. Toleration also functions as a Derridean supplement,<sup>11</sup> which becomes an addition to the formal liberal principle of equality. However, in the absence of substantive equality it completely replaces it. In other words, we are formally equal in the eyes of the law but if our unmet needs are relegated to the private sphere as local phenomena, we are only left with toleration for an unjust state of affairs that is supposed to reflect the cultural specificity of a given minority.

Toleration is also a civilisational discourse<sup>12</sup> because it serves to construct mainly ethnic minorities as intolerant as opposed to the tolerant West.<sup>13</sup> This criticism of

<sup>7</sup> W. Brown, op. cit., p. 4.

<sup>8</sup> Ibid., p. 15.

<sup>9</sup> Ibid., Chapter 4, pp. 78–106.

<sup>10</sup> Ibid., p. 81.

<sup>11</sup> Ibid., p. 10.

<sup>12</sup> Ibid., Chapter 7, pp. 176–205.

<sup>13</sup> Ibid., p. 154.

toleration is more related to the issue of the liberal ability to distance oneself from one's own culture. Brown accuses the West as a whole, and without any reservations, of being incapable of self-criticism, which according to her, verges on imperialism. Here imperialism consists in the fact that the West requires minorities to distance themselves from their own culture and adopt a universal point of view, while the West itself is not able to do so.<sup>14</sup> It should be noted that universalism can be a discriminatory tool; however, it should also be acknowledged that the minimum of self-reflection and distancing to one's own beliefs on both sides is necessary for peaceful co-existence in the public sphere of various values and opinions. Unfortunately, Brown does not write what toleration on the part of ethnic minorities should look like, which is understandable if she does not present a positive conception of toleration. Finally, toleration appears as a tool of power. This is obvious if we consider her earlier examples of the use of this discourse, because each of them concerns power. Brown wants to point out here that every type of toleration is immanently connected with power. However, this does not solve the problem of toleration, because it can be said that every social practice is inseparably connected with power.

The issue of autonomy is extremely important in Brown's book because her arguments against the West are built on it. It is true that the autonomy which the liberal system is based on is not a universal value. This is because not only does it emphasise individualism characteristic of the Western culture but also autonomy promotes other values such as progress, personal development, independence—and those are not neutral at all. However, in his critique of Brown's book, Slavoj Žižek states that it is thanks to the Western idea of autonomy that self-reflection and the distancing to one's own practices and beliefs are possible.<sup>15</sup> It can be said that Brown forgets where she writes from and is oblivious insofar as she idealises the Other. Žižek's remarks point to a wider problem present in Brown's book, which consists in the fact that she romanticises the Other, while condemning the West for the lack of self-reflection. I think that this results from the fact that for Brown toleration is primarily connected with negative processes. Furthermore, Brown opposes toleration to acceptance and equality, forgetting that toleration and acceptance belong to the same spectrum of possibilities between full acceptance and full rejection. Reasons that we may have to condemn someone, accept them without reservations or conditionally should be tested by everyone whom they concern in the public sphere on the basis of reciprocity and publicity. It concerns both the West and the minorities, which does not rule out accommodation of existing differences.

The author's reluctance to approach the subject of toleration positively is primarily due to the fact that she concentrates on the critique of the liberal regime of toleration only. She oscillates between writing about toleration as a virtue and toleration as a regime. Ultimately, she blends the two into one. When writing about virtue, she argues that toleration implies antagonism towards the Other as it carries with it a feeling of revulsion and a kind of overcoming. She also argues

<sup>14</sup> Ibid., pp. 23–24.

<sup>15</sup> S. Žižek, "Toleration as an Ideological Category," *Critical Inquiry* 43 [4] (2008), p. 663.

that this idea of toleration is built into the regime of toleration that aims at normalisation.<sup>16</sup> She takes this definition from the Oxford English Dictionary. Two comments are in order here. Firstly, the argument concerning the linguistic use of the word toleration does suggest its negative meaning; however, given the long tradition of permission toleration the negative denotations and connotations of the word do not come as a surprise. Moreover, it does not invalidate the need for a more positive approach. The author is a philosopher in the poststructuralist tradition and must be aware that existing meanings of words can and sometimes should be changed, although it is very difficult, of course.<sup>17</sup> Secondly, even if we agree that this exhausts the definition of toleration, it still does not mean that we cannot or we should not theorise an ideal model for it. As Catriona McKinnon states, the thesis of antagonism towards the Other does not logically result from the existence of ethical and moral pluralism.<sup>18</sup> It is necessary to distinguish the nature of pluralism (the incommensurability of different conceptions of good and justice) from its character, which may be antagonism or rational cooperation. This is an important reservation because it is very often falsely assumed that the antagonism between different views can be logically deduced from the fact of incommensurability.

The author does admit that we should not be outright against toleration especially that toleration can be a virtue practised in individual settings.<sup>19</sup> However, she does not set out to offer a competing positive idea of toleration on a political level to aid emancipation. This is because her work is meant to enable and make more effective “strengthening articulations of inequality, abjection, subordination, and colonial and postcolonial violence that are suppressed by tolerance discourse.”<sup>20</sup> It is nevertheless doubtful that mere “articulations of inequality” will be strong enough to overcome the effects of the permission type of toleration. This is because the re-politicisation of inequality would mean that minorities must start participating in the public discourse, which also entails giving an account of their own beliefs and needs, and Brown does not give us any specifics about reinvented ideas of justice and equality outside of liberal discourse. The accusation of the lack of the self-reflexive attitude that Brown so willingly uses in relation to liberalism could also be levelled at minorities themselves in this case. However, self-reflection assumes a degree of autonomy. Brown claims that the liberal value of autonomy can only be imposed on minorities by force, which she calls cultural imperialism. Brown’s criticism goes just too far.

It seems that by attempting to reveal the hegemony of the West, Brown refuses minorities the right to criticise their own culture: “The very language of rights implies an ability to isolate various parties—the culture and the individual, re-

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<sup>16</sup> W. Brown, op. cit., p. 26.

<sup>17</sup> For an example of subversion of existing meanings through the change of contexts see: J. Butler, *Excitable Speech: A Politics of the Performative*, New York-London 1997.

<sup>18</sup> C. McKinnon, “Toleration and the Character of Pluralism,” [in:] *The Culture of Toleration in Diverse Societies: Reasonable Toleration*, C. McKinnon, D. Castiglione (eds.), Manchester 2003, pp. 60–61.

<sup>19</sup> W. Brown, op. cit., p. 205.

<sup>20</sup> *Ibid.*, pp. 168–169.

spective forms of cultural knowledge—that rests on an autonomous, precultural, Kantian subject to whom such judgment and assertion is available.”<sup>21</sup> In other words, the subject that is already produced by the regime of toleration may indeed want to take advantage of it to claim new rights. Even if the author had good intentions (drawing attention to autonomy and individualism as specifically Western values), her criticism should be far more nuanced. Drawing on Žižek, we may say that even if the value of autonomy and its uses are specifically Western, it also enables distancing oneself from one’s own culture, which is a condition of toleration and justice. I do not believe that minorities must inevitably lose their identity by participating in the public discourse. However, they should be prepared that their arguments in the public sphere will be assessed both on their terms and externally. This is important because in that case the crux of discussion changes from deconstruction of the Western ideology to normative assessment of what kind of arguments should be admitted in the discourse as well as whether and to what extent the principle of impartiality is a value in the public sphere. Even if justice, as understood by Brown, is the opposite of toleration, its implementation must be supported by appropriate reasons.

Now, I would like to go on to critically analyse Heyd’s argument against toleration as a political phenomenon. However, before doing that, I want to offer some comments on the methodology he employs. Heyd’s methodological problem in his article<sup>22</sup> consists in the fact that he is interested only in ideal theory that concentrates only on how things should be. In this case, minorities should be given recognition of their equal rights. Conversely, non-ideal theory looks at how things are and this in turn should influence our ideal theorising. In this case, we would be interested in what political processes that lead to greater equality should be like? Perhaps they entail a measure of self-restraint on the part of minority and majority? Perhaps, implementing the law entails some degree of toleration as well? And if so, recognition does not invalidate the need for some form of toleration.

His thesis on toleration is that it should not be a principle of a liberal state.<sup>23</sup> The author concludes that in a modern liberal state toleration has been replaced with recognition on the basis of which specific laws are enacted and a neutral state observes their implementation. The state’s task in the age of recognition is not to tolerate individual groups but to uphold the constitution and interpret it properly. As a result, the case of Muslim women wearing traditional French headgear is not an example of toleration but “the correct interpretation of constitutional principles.”<sup>24</sup> Unfortunately, the author does not pose the question of why the law is interpreted in such a way and not in a more restrictive way. It seems that toleration does not affect the official political process, which means that Heyd cannot explain how certain rights are finally granted to a given minority.

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<sup>21</sup> Ibid.

<sup>22</sup> D. Heyd, *op. cit.*, pp. 172–173.

<sup>23</sup> Ibid., pp. 176–178.

<sup>24</sup> Ibid., p. 178.

It seems that according to the author, at some point the constitution is interpreted in an appropriate way, and it turns out that the given rights had belonged to a given minority from the very beginning. However, the reality of minorities' struggles is different. The process which culminates with granting equal rights begins with grassroots movements that initially demand not only being granted specific rights (the type and dimensions of these rights are arrived at in tedious negotiations) but most of all that their voices be heard in the public sphere. According to the two-way model of the public sphere introduced by Jürgen Habermas,<sup>25</sup> minorities signal their problems in the public sphere, then those signals are strengthened by the media, thanks to which they enter both the wide and empowered public sphere. In the empowered public sphere with the help of social consultations, solutions are found to given social problems and then implemented by the administration.

Even if Heyd admitted that toleration does feature in such political processes, he still contrasts it with recognition. Why is this so? Firstly, for Heyd, recognition equals state's acceptance of the demands of minorities, granting them rights, and protecting that the laws in question are respected. Second, both in the genealogical outline at the beginning of the article and in places where the author presents a more positive vision of toleration, the author usually perceives it as the permission toleration. Heyd rightly shows that both toleration in the times of Erasmus of Rotterdam, John Lock and John Stuart Mill, as well as liberal toleration, are purely permission conceptions. When creating a positive picture of toleration, to which I will return in more detail below, the author shows that in the context of personal or intercultural contacts toleration for the Other is, first, optional, because refraining from any action depends on our good will only, and second, is not demanded by law. The reason for our refraining from our actions is the respect for the autonomy of the other person or a group of people, and not the authentic dialogue between the Other and me, which could in principle establish limits of toleration.

This brings Heyd to such a controversial statement as that we can treat the practice of female circumcision as a moral evil, but we cannot oppose it, if we take into account its context, cultural value or social peace.<sup>26</sup> It should also be noted that the author neither calls for condemnation of a given practice nor for tolerating it, he rather wants to show that a given act can be tolerated in the name of social peace maintenance. I would like to point out that allowing a practice in the name of cultural differences or social peace is a typical procedure of liberally oriented multiculturalism, which overlooks the discriminatory practices within ethnic minorities in the name of social stability or cultural specificity. Such a solution makes Heyd face the paradox of toleration according to which we should tolerate practices that we think cannot be tolerated from the point of view of morality.

One of the arguments of Heyd's paper is the neutrality of the state and the conviction that its task is to guarantee equal rights to everyone, and not "to en-

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<sup>25</sup> See J. Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, transl. W. Rehg, Cambridge 1998.

<sup>26</sup> D. Heyd, op. cit., p. 187.

dure something” in the name of toleration.<sup>27</sup> However, he disregards the fact that sometimes some of the practices of minorities may be distasteful to the majority or even morally dubious. Toleration at those times appears to be not opposed to recognition as Heyd would have it. Heyd openly claims that the main problem with toleration lies in the fact that “for analytical and normative reasons we do not want to base the democratic system on toleration but recognition.”<sup>28</sup> However, as Anna Elisabetta Galeotti claims in the introduction to her book *Toleration as Recognition*:

Toleration will appear to be founded on considerations of justice, though not distributive justice, representing the first step in a strategy for the full inclusion of members belonging to oppressed and marginal minorities. In order to play that role, toleration will be conceived of as a form of recognition of different identities in the public sphere.<sup>29</sup>

In other words, in order to tolerate a given practice, the majority must extend some version of equal rights far enough to recognise a given minorities’ claims to justice. Furthermore, this is only the beginning of deliberation on toleration since a practice in question can be in the future accepted fully, accommodated within some limits or rejected as the society changes.

According to Heyd, toleration is a supererogative value.<sup>30</sup> In other words, it is an optional behaviour and goes beyond what morality demands. Heyd compares toleration to forgiveness, which no one can demand from anyone. The main characteristic of toleration in this approach is a change in the way we make judgements: we forget about the impartial judgement of someone else’s action in favour of a more personal form of judgement in which we abstract from the action itself and look at the whole of a given subject including her or his limitations and the context in which she or he operates as well as motives that she or he follows. This allows us to weaken the edge of our criticism or condemnation. As I have already written, using such a change in perspective, we can either give more weight to a given person’s autonomy or to the improper nature of her or his action.

Even if we agreed with Heyd that toleration is optional and useful for personal contexts, the problem seems to be that personal contexts can easily spill over into political contexts. After all, it is not only that the personal is political, but also that it is the personal that is often politicised if a given issues cannot be dealt with on a personal level. When it does happen, the problem seems to be that abstracting from practice and focusing on the subject is fundamentally unconvincing and difficult to maintain. It is not only about how to differentiate a practice from a person, if that is possible at all (unless the practice is considered only a mistake, as the analogy with forgiveness would suggest), but above all minorities identify with their practices very strongly. Their fight for equality also includes respect for their practices and not toleration for their “pitiful” practices that their culture demands as the liberal toleration would suggest.

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<sup>27</sup> Ibid., p. 178.

<sup>28</sup> Ibid., p. 177.

<sup>29</sup> A.E. Galeotti, *Toleration as Recognition*, Cambridge 2002, p. 10.

<sup>30</sup> D. Heyd, op. cit., p. 183.



So far, I have tried to show that neither the purely negative conception of toleration in Brown's contribution nor Heyd's conception which relegates toleration to the private sphere exhausts the value and significance of toleration in the public sphere. If we are to propose a positive conception of this phenomenon, it should be clearly defined and its limits should be justified. Forst, who is the main theoretician of the positive conception of toleration or what he calls respect toleration,<sup>31</sup> believes that toleration can avoid being an empty phenomenon only when we manage to define its normative limits. Discussing the limits of toleration, Forst states that when deciding whether or not we should tolerate a given behaviour, we should consider whether it deserves full acceptance or raises our reservations.<sup>32</sup> However, subjective reservations are not a sufficient reason to reject a given behaviour because they may represent ethical differences that cannot be universalised. Different conceptions of good cannot be the basis for exclusion without good enough reasons. Whether our reservations are of an ethical or a moral nature, and whether they constitute a sufficient basis for exclusion must be tested in the public sphere. If our reasons for rejecting a given practice are sufficiently general (understandable to everyone) and convincing for all participants of the discourse, including those whose toleration is to be affected, then the practice should be rejected. The dialogue between affected parties should be based on mutual respect and reciprocity, which is all the more difficult as disagreements may concern both the content of our reasons and the types of reasons that can be recognised by all parties.

This much more sophisticated conception of toleration allows for its normative criticism, which, unlike Brown's account, does not undermine its significance and value. The public process of testing the reasons for our rejection of a given practice requires self-reflection, i.e. examining whether our reasons are public enough (understandable to everyone) and reciprocal or, on the contrary, if our reasons are so local and specific that they will not withstand the universality test. Thus, this process also requires self-restraint, i.e. we too must give an account of our own disgust, dislike or moral or ethical objection. Second, the process of outlining the limits of toleration takes place in a discourse the purpose of which is to assess reasons presented for or against a given toleration regime. This way, we deal with morally-engaged toleration, which is absent in the liberal regime, where either liberalism is indifferent to Otherness, if it can be privatised, or it explicitly discriminates against it trying to enter the public sphere.

Brown accuses the toleration regime of cynicism, which tolerates identities only to uphold their problems and thus uphold discrimination. Answering this criticism, Forst states that the demand for toleration is not a cry, at least not mainly, for the toleration of a given substantially understood identity.<sup>33</sup> As Seyla Benhabib points out when describing the paradoxes of multiculturalism, no identity is a monolith, and as artificially constructed whole should be open to criticism.<sup>34</sup> According

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<sup>31</sup> R. Forst, "To Tolerate...", p. 232.

<sup>32</sup> R. Forst, "The Limits...", pp. 314-316.

<sup>33</sup> R. Forst, "To Tolerate...", p. 223.

<sup>34</sup> See S. Benhabib, *The Claims to Culture: Equality and Diversity in a Global Era*, Princeton 2002.

to Forst, drawing on self-esteem that minorities generate from among their own ranks, they demand being recognised as rightful citizens in order to have equal access to the public sphere. Such interpretation of the political process is in line with what Habermas describes in the *Structural Transformations of the Public Sphere*. According to him, lower classes demanded access to the public sphere by intercepting the language of universalism, which also underwent transformation in the process. For this reason, toleration does not oppose recognition, it is a kind of recognition.

As Forst states, from this point of view, toleration is not a special case of sorts nor an exception made for minorities by majorities. Rather, toleration is a general rule according to which all the citizens should be treated. It is a principle of justice that is based on two components: an epistemological element and a normative element.<sup>35</sup> The epistemological element is defined as the *burdens of judgement*, which foregrounds the fact that while making rational choices under the conditions of freedom, people may disagree on important issues such as matters of religion, morality or ethics. While analysing this epistemological element of the justification of toleration, Matt Matraves and Susan Mendus,<sup>36</sup> quoting John Rawls, distinguish such elements of burdens of judgements as our unique experiences, indeterminacy and complexity of concepts that people use, and often contradictory nature of data that we gather, not to mention the fact people attach different weights to different normative issues.<sup>37</sup> As a result, reasonable people must accept that agreement among people is not something inevitable; on the contrary, differences will be more widespread than it seems. In other words, within the public space there is a reasonable plurality of opinions that cannot be brought to a single value in the form of autonomy or to an utilitarian principle of maximum utility.

The normative component of toleration recognises that we should respect each other in the public space as persons who possess moral autonomy and the ability to come up with rational reasons in favour of their own claims. In this context, we do not understand autonomy as a liberal value that should contribute to progress or personal development. In this case, autonomy is based on the

*moral* notion of the person as a reasonable being with (what I call) a *right to justification*." This basic right to justification is based on the *recursive* general principle that every norm that is to legitimise the use of force (or, more broadly speaking, a morally relevant interference with others' actions) should be reciprocally and generally valid and therefore needs to be justifiable by reciprocally and generally non-rejectable reasons.<sup>38</sup>

Generality refers to the fact that reasons should be understood by those participants for whom a given context is unknown. Reciprocity means that if I demand a right for myself, I cannot deny the same right to other participants of the discourse. Forst comes up with the following definition of toleration:

<sup>35</sup> Ibid., pp. 231–232.

<sup>36</sup> M. Matraves, S. Mendus, "The Reasonableness of Toleration," [in:] *The Culture of Toleration in Diverse Societies: Reasonable Toleration*, C. McKinnon, D. Castiglione (eds.), Manchester 2003, pp. 38–39.

<sup>37</sup> C. McKinnon, op. cit., pp. 60–61.

<sup>38</sup> Ibid., pp. 229–230.

Tolerant citizens are “reasonable” in accepting that the “contexts of justification” for ethical beliefs and general norms are different: they see that an ethical objection does not amount to a legitimate moral rejection; and they also see that they have a moral duty to tolerate all those ethical beliefs and practices that they disagree with but that do not violate the threshold of reciprocity and generality.<sup>39</sup>

Toleration based on reasonability that differentiates the ethical and moral contexts as well as recognises that repulsiveness and distaste must be accounted for and not blindly followed. It could be argued, though, that such toleration is very demanding and requires a very mature political culture that cannot be taken for granted but forged.

Forst’s normative conception of toleration avoids its paradoxes. For the deconstructive critique, the paradox of toleration consists in the fact that every attempt at drawing its limits is always already discriminatory. While theorists of deliberative democracy appreciate the contribution of deconstruction in this regard (this type of criticism makes us extra cautious when trying to justify those limits), if we take this reading of toleration to its logical limits, the conception of toleration becomes empty. Such account of toleration equates two different forms of intolerance. First, there is intolerance for those who want to be included in its regime. An example of such intolerance is apartheid that oppresses black persons. The second type of intolerance is one where those who negate its value want to be tolerated. However, people who do not recognise such a norm cannot be tolerated. Furthermore, the paradox according to which we cannot tolerate something that we consider morally reprehensible ceases to exist here, as well. This paradox results from a misunderstanding of the nature of toleration as opposed to acceptance. Toleration exists somewhere on the continuum between total rejection and total acceptance. We can tolerate a certain behaviour due to the fact that we have more reasons to accept it than to reject it, which does not mean that we have no objections to such a behaviour. The limit of toleration lies between conditional acceptance and rejection of a given practice because of reasons of a moral nature, i.e. those that cannot be rejected because they are sufficiently general and reciprocal.

Strategic solutions are preferred when it is impossible to solve a conflict concerning different ways of justification. For example, there is a conflict in Poland concerning acceptability of religious arguments in secular disputes in the public sphere. This issue also relates to distinguishing which arguments are ethical and which relate to morality. To illustrate it, according to the Catholic Church, the issue of homosexuality belongs to the sphere of morality, whereas for the liberal discourse sexual orientation is only connected with the way of life which cannot be validly ruled out by referring to religious arguments only. Such problems with justification of toleration are discussed in an article by Jeremy Waldron, in which he rejects the existence of the so-called liberal algebra which, supposedly, almost like a mathematical equation can justify who can be tolerated.<sup>40</sup>

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<sup>39</sup> R. Forst, “Toleration, Justice, and Reason,” [in:] *The Culture of Toleration in Diverse Societies: Reasonable Toleration*, C. McKinnon, D. Castiglione (eds.), Manchester 2003, p. 78.

<sup>40</sup> J. Waldron, “Toleration and Reasonableness,” [in:] *The Culture of Toleration in Diverse Societies: Reasonable Toleration*, C. McKinnon, D. Castiglione (eds.), Manchester 2003, pp. 13–37.

According to Waldron, liberalism is guided by two criteria which impose limitations on citizens' behaviours: the criterion of *composibility*, which states that neither of the two types of behaviour can be in conflict, and the criterion of *adequacy*, which states that the spectrum of acceptable behaviours should be consistent with the goals of a community.<sup>41</sup> These principles limit our conceptions of good which we can follow without coming into conflict with others. However, Waldron presents a counter-example that undermines the efficacy of this liberal ideal. In this example, there is a disagreement between Muslims and Salman Rushdie over freedom of speech. A follower of Muhammad rejects the principle of freedom of speech, if it allows blasphemy against the Prophet and his own religion. Salman Rushdie appeals precisely to freedom of speech when writing and publishing his books. As can be seen from this example, the principle of composibility is violated: Rushdie cannot be a writer freely, whereas a Muslim can argue that freedom of religion stands higher than the freedom to preach "blasphemies." Unfortunately, the principle of composibility will not tell us whose freedom should be limited in this conflict. Will the principle of adequacy answer the question of who should yield in this conflict? Waldron argues that whether the principle of adequacy is met can only be tested by taking into account the principles of the Muslim religion internally because only then it can be found out whether this religion considers it necessary to limit the principle of freedom of speech in order to implement its principles. Total transparency and impartiality are therefore impossible to implemented when adjudicating issues of toleration. One can only choose arbitrarily which value—freedom of speech or religion—deserves more protection.

It turns out that society has no mathematical principle that automatically determines which group is right. In other words, from an internal perspective Muslims seem to be completely reasonable people. Moreover, the means used to defend their religion meets their goals. According to Waldron, Rawls suggests that a solution to this situation should be to limit one's own conception of good in the name of the principle of composibility; however, it is difficult to determine who and to what extent should do so. Waldron concludes that the principles of liberalism are invented for liberal people only.<sup>42</sup> Agreeing with Waldron's argument to some extent, Forst states that it is always possible to indicate which reasons are better and which are worse in a given discussion.<sup>43</sup> In the case of Muslims versus Rushdie, we deal with the opposition between blasphemy and death for the blasphemy, and therefore the writer's reasons enjoy a greater degree of legitimacy. In other words, they appeal to a higher value. However, it should be pointed out that far more often we are dealing with conflicts that are more difficult to judge in which churches without threatening anyone with death demand partial preventive censorship. Such conflicts are much more difficult to resolve. Waldron's example points to problems that relate to determining what kind of toleration regime we want. Firstly, the reasons in favour of toleration must be general; however, also

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<sup>41</sup> Ibid., pp. 14–17.

<sup>42</sup> Ibid., p. 33.

<sup>43</sup> R. Forst, "To Tolerate...", p. 231.

specific enough to reflect local issues. As it turns out, their legitimacy can often be resolved from within a given culture; however, a given culture also has the duty to coexist with others, which limits the expansion of its ethical beliefs. It seems that there are no easy solutions for some conflicts; we can either manage a crisis or agree to a compromise.

In my article I tried to show that contemporary pluralist societies cannot function without a positive conception of toleration. Toleration is based on epistemological arguments (reasonable pluralism) and moral arguments (respect for a human being and its moral autonomy). As such, it is a way of co-existence of different viewpoints within one society. Toleration is quite often very difficult because deciding arbitrarily what is consistent with our idea of toleration is not enough anymore. We need to undertake a moral dialogue with the Other to define its limits in a mutual conversation, which is demanding.

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