



IDEAS IN CONTEXT



Toleration in Conflict

Past and Present

RAINER FORST

CAMBRIDGE

Toleration in Conflict

Past and Present

RAINER FORST

Translated by CIARAN CRONIN



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS

Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press

The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org

Information on this title: www.cambridge.org/9780521885775

© Cambridge University Press 2013

This publication is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without the written
permission of Cambridge University Press.

First published 2013

Printed and bound in the United Kingdom by the MPG Books Group

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Forst, Rainer, 1964– author.

Toleration in conflict : past and present / Rainer Forst.

pages cm. – (Ideas in context)

Includes bibliographical references and index.

ISBN 978-0-521-88577-5 (hardback)

1. Toleration – History. 2. Religious tolerance. 3. Toleration – Political aspects. I. Title.

HM1271.F6962 2012

201'.723 – dc23 2012019060

ISBN 978-0-521-88577-5 Hardback

Cambridge University Press has no responsibility for the persistence or
accuracy of URLs for external or third-party internet websites referred to
in this publication, and does not guarantee that any content on such
websites is, or will remain, accurate or appropriate.

Preface

‘The problem of tolerance, my dear Engineer, is rather too large for you to tackle.’ During work on the present book these words, which Thomas Mann’s Settembrini hurled at Hans Castorp, occasionally rang in my ears. This was not only because the matter in dispute between the two characters is important for the problem of toleration, for Castorp had taken the liberty of criticising as intolerant Settembrini’s plans for an enlightened world government of freethinkers who would ‘strike out’ metaphysics and God in order finally to overcome intolerance. Nor was it because engineers actually have an easier time with tolerance than do philosophers, for engineers use the concept in the sense of the permissible deviation from predefined norms compatible with the function of a technical system. In engineering, in contrast with philosophy, not only are these reference norms fixed but even the inaccuracies of measuring instruments, which necessitate a ‘dimensional tolerance’, are regarded as measurable. No, the main reason was because, as I increasingly immersed myself in the topic, the goal I had set myself – namely, to write a systematic treatise on toleration against the background of a history of the arguments offered for it and of practices of toleration which would help us to orient ourselves in our present-day conflicts – at times seemed to recede ever further into the distance. At a certain point, however, after having explored the (virtually boundless) expanse of the historical and contemporary discourse concerning toleration, I got the impression that I could present a reconstruction of this discourse and a freestanding theoretical proposal – which I do here in the hope that the result may to some extent measure up to the problem.

Without the assistance of a whole series of persons, it would not have been possible for me either to begin or to complete this project, for which reason I would like to express my sincere gratitude to them here without wanting

to make them responsible for the result as well. In the first place, I would like to thank Axel Honneth for a more than ten-year rewarding and productive collaboration in Berlin, New York and Frankfurt. The countless discussions that we conducted during this time, also in the relevant research seminars, enriched and shaped my thinking in decisive ways. To Jürgen Habermas, who showed unfailing support and interest in this project and offered me valuable advice, I am grateful for remaining a conversation partner for me from the time of my studies and my doctorate. Over the years, Charles Larmore has helped me with numerous comments and, importantly, critical queries on a whole series of my writings.

During the years of work on this book, I was able to present and discuss my ideas on many occasions. I received valuable suggestions from so many colleagues and friends on these occasions that it is impossible to do justice to them in detail here. I would like to thank expressly those who took the time to send me written comments or who in constructive conversations helped me to clarify my ideas – although some of them will think that I may not have done so sufficiently: Joel Anderson, Richard J. Bernstein, Bert van den Brink, Dario Castiglione, Ingrid Creppell, Richard Dees, Günter Frankenberg, Elisabetta Galeotti, Stefan Gosepath, Klaus Günther, Rahel Jaeggi, Otto Kallscheuer, the late Andreas Kuhlmann, Matthias Lutz-Bachmann, Catriona McKinnon, Stephen Macedo, Donald Moon, Glen Newey, Peter Niesen, Werner Plumpe, Henry Richardson, Thomas M. Schmidt, Marcus Willaschek and Melissa Williams. Martin Saar undertook to subject the entire work to a critical reading and to provide comments on it, for which I am deeply grateful to him.

My most profound debt of gratitude is to Mechthild Gross-Forst, not only for the first critical reading but also for her never-flagging support and encouragement, without which I would not have been able to manage this project. My work on it coincided with the first five years in the lives of our children, Sophie and Jonathan, who time and again had to allow their father to go to his office so that he could work on ‘his book’ – even though there were so many other books, even ones with pictures, from which he could have read to them during that time. I dedicate this book to them in the hope that one day they will say that it was worth it.

Addendum to the English edition

It is a source of great joy for me to be able to present my book to English-speaking readers in translation, something the author of an (originally)

eight-hundred-page work can scarcely dare to hope for. It makes me all the more happy because not only the history of English and American political theory and practice but also contemporary Anglo-American political philosophy plays a major role in this book. My English-speaking colleagues, with whom I have been discussing these issues over many years, can now assess the work as a whole (and examine more closely whether the errors lie where they suspected). Since the present publication is an abridged version, I'm tempted to say that anything they could still find wanting is covered in the longer version; but I will resist this temptation. The book contains everything essential. I have also refrained from addressing important recent contributions on the past and present of toleration which have appeared since the German publication (2003) in order not to extend the treatise once again.

The credit for making the improbability, and also in a certain sense the impossibility, of a translation of this book overflowing with historical references possible is due to a series of people. In the first place I would like to extend my sincere gratitude to my outstanding translator Ciaran Cronin. Himself a proven political philosopher, he has worked over several years to produce an English version which leaves nothing to be desired. I cannot thank him enough for this. In addition, Erin Cooper provided indispensable assistance in the search for innumerable English references and also offered many helpful comments.

I would like to extend my sincere thanks to Cambridge University Press for taking the risk of publishing this hefty tome in English. That this risk was taken is due in the first instance to Jim Tully who supported this undertaking unstintingly from the beginning and who, together with Quentin Skinner, Jennifer Pitts and David Armitage, to whom I am also extremely grateful, adopted the book into the prestigious series 'Ideas in Context' – even though its particular methodological approach, in connecting the history of ideas, the analysis of political practice and past and present political philosophy, is a quite uncommon one, not least in its attempt to encompass two thousand years of a history of ourselves. As I conceive it, arguments which arose in specific contexts migrate into others and become transformed, but in the process acquire and preserve a distinctive systematic force that reaches into our contemporary world. This idea of a 'critical history of argumentation' also involves a risk if it is viewed purely from the perspective of the history of ideas or from a systematic perspective alone. However, we will not get very far in political theory if we fail to explore productive connections between these perspectives, an approach which I am confident is true to the spirit of

the series. In this connection, thanks are also due to two anonymous readers for the Press who made a number of helpful suggestions for producing an English version.

On the part of Cambridge University Press, special thanks are due to Richard Fisher for persisting with and promoting this demanding undertaking. Elizabeth Friend-Smith, Lucy Rhymer, Joanna Breeze and Frances Brown have made outstanding contributions to its realisation, for which I am very grateful. That this publisher appreciates its authors above all else is something I have experienced throughout the entire process – up to the realisation of the cover whose image, Paul Klee's painting *Carpet of memory*, reflects the artist's impressions of his travels through Tunisia in 1914. This book also weaves such a carpet extending across cultures and eras and I hope that it is useful in opening up new paths of reflection. Were it also to be judged beautiful, that would be high praise indeed.

Contents

Preface xi

Introduction: toleration in conflict 1

Part I Between power and morality: the historical discourse of toleration

- 1 Toleration: concept and conceptions 17
 - §1 The concept of toleration and its paradoxes 17
 - §2 Four conceptions of toleration 26
 - §3 Toleration as a normatively dependent concept 32
- 2 More than a prehistory: antiquity and the Middle Ages 36
 - §4 *Tolerantia* in antiquity: the Stoics and early Christianity 36
 - §5 The Janus face of Christian toleration 47
 - §6 Truth in discourse: unity in plurality 70
 - §7 The defender of peace 89
- 3 Reconciliation, schism, peace: humanism and the Reformation 96
 - §8 Human dignity and religious harmony: humanist justifications of toleration 96
 - §9 The conscience of the believer and the separation between the spiritual and secular domains: the Reformation 116
 - §10 *Cuius regio, eius religio*: toleration as *modus vivendi* and as an instrument of social discipline 130
- 4 Toleration and sovereignty: political and individual 138
 - §11 The primacy of politics over religious truth 138
 - §12 Truth in discourse: plurality and harmony without unity 146

- §13 Plurality and particularity of values and of the self or:
scepticism and toleration 152
- §14 Resistance and toleration 162
- 5 Natural law, toleration and revolution: the rise of liberalism and
the aporias of freedom of conscience 170
 - §15 Political and religious freedom as a birthright 170
 - §16 The mortal god and freedom of thought 187
 - §17 Letters on toleration 208
 - §18 The society of atheists, the struggle between faith and reason
and the aporias of freedom of conscience 237
- 6 The Enlightenment – for and against toleration 266
 - §19 The gulf between social toleration and toleration by the state 266
 - §20 The religion of reason and overcoming intolerance 286
 - §21 Toleration, respect and happiness 314
 - §22 From toleration to human rights – and back 329
 - §23 Cultural pluralism and individual uniqueness 346
- 7 Toleration in the modern period 359
 - §24 Different experiments of living, the utility of diversity and the
harm principle 359
 - §25 Political toleration 372
 - §26 Half measures of toleration 378
 - §27 Without end 388
- 8 Routes to toleration 399
 - §28 History and concept of toleration 399
 - §29 Justifications of toleration – and their dialectics 404

Part II A theory of toleration

- 9 The justification of toleration 449
 - §30 A reflexive justification of toleration 449
 - §31 Ethical pluralisms 459
 - §32 Justice and toleration 468
- 10 The finitude of reason 480
 - §33 Relativisation without relativism and scepticism 480
 - §34 The tolerance of the theory 496
- 11 The virtue of tolerance 502
 - §35 Autonomy in conflict 502
 - §36 The tolerant person 511

- 12 The tolerant society 518
 - §37 Political integration and ethical-cultural difference: towards a critical theory of toleration 518
 - §38 Toleration conflicts 543
 - §39 Limits 571

Bibliography 574

Index 619

Introduction: toleration in conflict

The title *Toleration in Conflict* has a range of meanings. First, toleration is an attitude or practice which is only called for within social conflicts of a certain kind. The distinctive feature is that tolerance does *not* resolve, but merely contains and defuses, the dispute in which it is invoked; the clash of convictions, interests or practices remains, though certain considerations mean that it loses its destructiveness. 'Toleration in conflict' means that the parties to the conflict adopt an attitude of tolerance¹ because they recognise that the reasons for mutual objection are counterbalanced by reasons for mutual acceptance which do not annul the former but nevertheless speak for toleration, or even require it. The promise of toleration is that coexistence in disagreement is possible.

This raises a series of questions to be answered in the present study: What kind of conflicts call for or permit toleration? Who are the subjects and who or what are the objects of tolerance? What kinds of reasons are there for objecting to what is tolerated and how should the opposed reasons for acceptance be understood? What are the limits of toleration in different cases?

Any philosophy which seeks to understand social reality must come to terms with this concept. For conflicts which prove to be irresolvable are clearly as much a part of human existence as is the desire that they should not exist. The problem of toleration was familiar even before the concept acquired its enduring, post-Reformation form, if one thinks, for example, of Herodotus' description of differences among cultures; to put it somewhat

1. In the following, I do not want to make a strong conceptual distinction between 'toleration' and 'tolerance'. The former term will be used in a more general sense, whereas the latter will be used in a narrower sense primarily to refer to the personal attitude (or virtue) of tolerating the beliefs or practices of others.

grandly, toleration is a general human concern and is not confined to any particular epoch or culture. For as long as there has been religion, the problem of people of different beliefs and the problems of heretics and of nonbelievers have existed. Even more generally, wherever convictions concerning values have taken shape among human beings, the confrontation with others who have opposing convictions presents a challenge which may not admit of a straightforward response in terms of the values in question. If this challenge is to lead to the development of a tolerant attitude, therefore, people first have to perform a complex form of labour on their own convictions. Hence, the struggle against what at a certain point came to be called ‘intolerance’ has a long history; it seems to be the more original phenomenon and it calls for a pacifying, conciliatory or moral response.

Consequently, ‘toleration in conflict’ also means, second, that the demand for toleration is not situated above or beyond social disputes but emerges within them, so that its concrete shape is always tied to a particular social and historical context. Toleration is itself involved in the conflict, it is an *interested party*, even if, structurally speaking, its normative foundations should be as impartial as possible in order to render mutual toleration possible. Although it seeks to strike a balance, the demand for toleration is not ‘neutral’ in the sense that it is not also a practical demand of the parties to a conflict – and this in very different ways, for example, as partisanship for impartiality, but also as the attempt to maintain existing relations of power by granting freedom. Thus, as will transpire, the history and the present of toleration are always at the same time a history and a present of social struggles. This history is inscribed in the concept of toleration and we must reconstruct it if we want to understand the latter in its full complexity. It is a mistake to believe that systematic conceptual analysis and reflection on the history of a concept are two different theoretical enterprises, as I hope this book will show.

The third meaning is connected with the second. For tolerance is not only called for in conflicts of a particular kind and it not only represents a specific requirement of parties engaged in social controversies, but it is also itself the *object* of conflicts. The meaning of toleration is not only unclear but also profoundly controversial, both in the history of the concept and in the present day. It can happen, for example, that one and the same policy or isolated action is regarded as an expression of toleration by one person and as an act of intolerance by another. But, still worse, it is even contested whether toleration is *something good at all*. Whereas for some tolerance is a virtue demanded by God, morality, reason or at least by prudence, for others

it is a condescending and paternalistic, potentially repressive gesture; for one person it is an expression of self-confidence and strength of character, for another an attitude of insecurity, permissiveness and weakness; for some it is a sign of respect for others, or even of esteem for what is alien or foreign, for others it is an attitude of indifference, ignorance and isolation. Examples of these conflicting views are legion; one need only think of Voltaire's or Lessing's praise of toleration as a sign of true humanity and supreme culture, whereas Kant speaks of the 'arrogant name of tolerance';² finally, arguably the most famous quotation for a critique of toleration is to be found in Goethe: 'Tolerance should be a temporary attitude only; it must lead to recognition. To tolerate means to insult.'³

The fourth meaning of 'toleration in conflict', finally, is that disagreements over the use and evaluation of the concept such as these are due to the fact that, although there is only one *concept* of toleration, different *conceptions* of toleration have developed over history which are in conflict with one another in past and present social controversies. Thus, there is a conflict *within* the concept of toleration itself which I will subsume under the broad headings of 'power' and 'morality'. But, in addition, not only do different conflicting conceptions of toleration exist; there is also a wide variety of extremely different *justifications of toleration*, ranging from religious, through pragmatic political, from primarily epistemological, through specifically ethical justifications, to deontological moral ones. These, too, as is only to be expected, are in conflict with one another. In what follows, I will undertake a systematic reconstruction of these conceptions and justifications and examine which of them is the most viable given the social conflicts we face.

The four meanings of the title 'toleration in conflict' mentioned above provide the point of departure for a philosophical analysis of this concept. Our current situation is marked to a high degree by conflicts to which toleration alone seems to provide an answer. The problem of toleration is a live issue in a variety of ways, not only within societies which are increasingly marked by a plurality of religions, cultural forms of life and particular communities.⁴ Civil wars in which the conflicting parties define themselves in ethnic or religious terms confirm this in a drastic way; but profound controversies over where the limits of toleration should be drawn also arise within democratic societies. Especially at the international, global level the

2. Kant, 'What Is Enlightenment?', 21.

3. Goethe, *Maxims and Reflections*, 116 (translation amended).

4. The ubiquitousness of this problem is shown by the depiction of the situation in sixty countries on all continents in Boyle and Sheen (eds.), *Freedom of Religion and Belief*.

demand for toleration is a consequence of a multiplicity of conflicts and practical constraints to act cooperatively – contrary to the scenario of a ‘clash of civilisations’.⁵ Given this situation, the call for toleration is, of course, as unanimous as it is multi-voiced, so that there is an urgent need for clarification. What is the precise meaning of the concept and what value should we attach to it?

These brief reflections suggest that a wide-ranging examination of the concept must take three essential aspects into consideration. First, it must acquire a firm grasp of the history of the concept in order to gain a contextual understanding of the conflict constellations and social meanings encountered there; only an awareness of the complexity of the history of toleration as an ‘idea in context’ can lead to a more acute awareness of its present complexity. In this way it not only becomes possible (and necessary) to revise one-sided interpretations of this history and certain (pre-)judgements concerning toleration – for instance concerning Christian, humanist and sceptical toleration and that of the sovereign state, of liberalism and of the Enlightenment; it also becomes apparent how rich the spectrum of justifications for toleration is, in what contexts they arose and what context-transcending systematic force they possess. In my view, to understand the history of a concept also means to understand to what extent we are still part of it. Finally, the view of history will also have to be a genealogical one which reveals how, in this ‘history of the present’, toleration had (and has) an ambivalent relation to power.

Second, the study should examine the key dimensions of the concept, in particular the normative and the epistemological dimensions. Its goal is to develop a unified systematic theory of toleration from an analysis of the plurality of existing justifications of toleration, one capable of avoiding the dead ends of alternative approaches. And, third, it should situate the concept thus explained in current political conflicts and examine its content in a concrete way, that is, not only ask what constitutes a tolerant person but also what constitutes a tolerant society. The present book accepts this challenge, though this calls for qualification, because a truly ‘comprehensive’ study which would reconstruct the potential for toleration of *all* existing religions, also taking historical perspectives into account for example, cannot be undertaken here. Since reflection on the finitude of human reason plays an important role in my argument, it is advisable to keep it in mind at this point as well. Thus, in what follows my primary concern is to understand

5. See the debate triggered by Samuel Huntington’s book of the same name.

and discuss in a systematic way in their respective contexts the arguments for toleration developed in the European discourse on toleration since the Stoics, with the aim of drawing on this background to formulate my own systematic proposal which must be able to demonstrate its claim to validity in other contexts.

The extensive literature on these problems reflects the analytic and normative vagueness and contextuality of the concept of toleration alluded to above, so that there are good reasons for dubbing it a 'philosophically elusive concept'.⁶ I myself speak of a 'controversial' concept but take the view that the reasons for the controversy over the concept are open to historical explanation and systematic clarification. Beyond the alternative between a one-dimensional justification of a specific understanding of toleration to the exclusion of all others and merely providing an inventory of all of these meanings, the path to a complex, normative conception of toleration remains open. A study of this kind fills a gap in the literature not merely in this respect, however, but also in a methodological sense. For treatments of toleration can be categorised, in general, as historical, normative (for the most part excluding epistemology and the psychological dimension) or as 'applied' or 'practical' (in concrete political or legal theory). My aim has been to combine these perspectives.

It may be useful at this point to mention briefly the central ideas of the two parts of the book. First, I would like to counter the suspicion, inspired by the abundance of historical and contemporary understandings and appraisals of toleration, that we are dealing not with a single but with multiple concepts of toleration. In my view, as I have already indicated, we should start from the assumption that there is a single concept of toleration and a plurality of conceptions (or notions) of it. I distinguish four such conceptions. These are associated in turn with different justifications of toleration, though each conception does not necessarily have just one corresponding justification. The goal of the first part of the study is to develop a systematic account of justifications of toleration. The history I construct is thus principally a history of justifications.

The in many respects paradoxical structure of the concept of toleration set forth in the first chapter already indicates the aim of the investigation, namely, to resolve these paradoxes. The central thesis also follows from this, namely, that my proposed conception and justification of toleration is superior to the others in this respect.

6. Heyd, 'Introduction', 3.

It will also emerge in the first part that the discourse of toleration, viewed in historical terms, is characterised by two general overriding perspectives: one grounded mainly in the theory of the state, which can also be called 'vertical', and a 'horizontal', intersubjective perspective. In the former, toleration is understood chiefly as a political practice, a form of state policy, whose purpose is to maintain freedom, public order, stability, the law or the constitution – and thus always also power. From the second perspective, tolerance is understood as an attitude or virtue of persons in their behaviour towards one another. Toleration appears to them to be the right and appropriate response to the conflicts rooted in their incompatible ethical convictions. These perspectives cannot always be clearly separated and in certain authors they are present simultaneously; but distinguishing them goes a long way towards illuminating the complex discourse of toleration.

This distinction helps to establish an at once parallel and conflictual development within this discourse, namely, on the one hand, a *rationalisation of political power* and, on the other, a *rationalisation of morality*.⁷ The first means that, over the course of history, state power became increasingly independent and autonomous vis-à-vis the authority of the Church and (gradually) freed itself from religious legitimation, with the result that the perspective of the theory of the state leads, on the one hand, to a primarily political justification of toleration as a measure taken by the sovereign state, though one which, on the other, is prompted by critical demands for legitimation and liberation on the part of the citizens. Hence, to say, in the context of the rationalisation of power, that toleration policy is always also power policy means not only that demanding toleration is a form of criticism of intolerant rule (and hence also a form of power), but that the ruling political power itself seeks to make use of toleration and regards toleration policy as a more rational continuation of government by other means. In the process it changes its character from a 'repressive' to a 'caring' and 'productive power', as one might say following Michel Foucault, a power which stipulates what is 'normal' and 'deviant', where the latter is differentiated in turn into what is tolerable and what is intolerable. This form of power rules not by restricting freedom directly but by granting

7. Here I take my orientation from the thesis of the contradictory process of social rationalisation developed by Jürgen Habermas in *The Theory of Communicative Action*. However, I confine myself to the relation between power and morality insofar as it is important for the development of toleration and do not adopt the concepts of system and lifeworld which are central for Habermas's comprehensive social analysis. There are also important differences in our respective understandings of the 'rationalisation' or 'autonomisation' of power and morality; I have commented on these in my book *The Right to Justification*, chs. 3 and 4.

freedom for specific, restricted purposes, not through exclusions but through forms of inclusion which simultaneously discipline and liberate.⁸

Closely associated with this rationalisation of power, and yet from a normative perspective in conflict with it, is the rationalisation of normative arguments for toleration. Here an increasingly independent moral justification of the demand for toleration in the name of justice emerges – in a polemical stance chiefly against religious, state and civil intolerance, of course, but also against one-sided, hierarchical practices of toleration. Furthermore, from the perspective of moral philosophy, moral arguments for toleration have a tendency to become autonomous not only vis-à-vis religious justifications, but also vis-à-vis justifications which rest on particular conceptions of what constitutes the ‘good life’. The development of the idea of toleration goes hand-in-hand not only with an awareness of the diversity of such conceptions of the good but also with an awareness of the legitimacy of this plurality. In this way, talk of the ‘discourse of toleration’ becomes reflexive and refers, following Jürgen Habermas’s concept of discourse, to a discourse of the justification of tolerance. In that discourse, normative arguments, which have both a *superordinate* and a *binding* normative character in relation to the convictions and evaluative attitudes involved in the conflict, must speak for toleration. Hence, the history of toleration is also the history of the development of a new understanding of morality and of a new outlook on the ethical, legal, political and moral identity of persons, a conflictual history of normative demands, struggles and continual redefinitions of human beings’ understanding of themselves.⁹

The presentation of the historical discourse of toleration in the first part is guided by a twofold dialectical intention, if I may venture to use this term. First, it is a question of situating the discourse of toleration in the field of tension *between power and morality* in order to highlight the social and normative dynamics of the development of toleration and to show that, in the opposition between power and morality, the demand for toleration is

8. In ‘What Is Critique?’ Foucault situates his understanding of power and government, and of critique itself, in the context of the history of the countervailing rationalisation of subjectivisation and ‘de-subjection’ (32). Yet, however much he criticised the model of juridical or repressive power, Foucault remained fixated on forms of disciplining and controlling (bio-)power, so that he largely failed to take into consideration this way of exercising power through toleration and granting freedom. It also represents a special practice of power in virtue of the fact that it divides the space of what deviates from the norm once again into two parts.

9. In this sense, the history of toleration is also a history of the struggles for (and the emergence of different forms of) recognition – parallel to Axel Honneth, *The Struggle for Recognition*. However, I attempt to reconstruct its basic ‘normative logic’ between power and morality with the help of the principle of justification.