

Toleration, a Political or Moral Question?

Bernard Williams

There is something obscure about the nature of toleration, at least when it is regarded as an attitude or a personal principle. Indeed, the problem about the nature of toleration is severe enough for us to raise the question whether, in a strict sense, it is possible at all. Perhaps, rather, it contains some contradiction or paradox which means that practices of toleration, when they exist, must rest on something other than the attitude of toleration as that has been classically described by liberal theory.¹

There are undoubtedly *practices* of toleration. Holland in the seventeenth century pursued different, more tolerant, policies towards religious minorities than Spain in the seventeenth century, and there are many other examples. However, the mere existence of such examples does not tell one all that much about the underlying attitudes. Practices of toleration may, for instance, merely reflect skepticism or indifference. Such attitudes were certainly important for the growth of toleration as a practice at the end of the wars on religion. Some people became skeptical about the distinctive claims of any church, and began to think that there was no truth, or at least no truth discoverable by human beings, about the validity of one church's creed as opposed to another's. Other people began to think that the struggle had helped them to understand God's purposes better: that he did not mind how people worshiped so long as they did so in good faith within certain broad Christian limits. These two lines of thought, though in a certain sense they run in opposite directions, do end up in the same position, with the idea that precise questions of Christian belief did not matter as much as people had supposed. This leads to toleration as a matter of political practice, but, as an attitude it

is less than toleration as that has been strictly understood. Toleration “requires us to accept people and permit their practices even when we strongly disapprove of them;”² but skepticism and indifference mean that people no longer strongly disapprove of the beliefs in question, and their attitude is not, in a strict sense, that of toleration.

It is true that for even a practice to be called “tolerant” there has to be some history or background of intolerance, or at least a comparison to be drawn with practices elsewhere. If there never has been anything except indifference on a certain matter, then there is no room for the concept of toleration. Indeed, when the norm begins to be indifference or absence of disapproval, references to toleration may seem inappropriate and even offensive: the homosexual couple living in an apartment block would probably be insulted to be told that the other inhabitants of the block “tolerated” their ménage. It is a feature of “toleration,” as that term is standardly used, that it represents an asymmetrical relation: the notion is typically invoked when a more powerful group tolerates a less powerful group. This point in itself relates to toleration as a practice rather than to toleration as an attitude. Indeed, it related to a particularly important instance of toleration as a practice, namely the refusal to use the law as an instrument for discouraging a group and its beliefs. The very fact that the question to be considered is the use of the law implies that the decision is being made by a more powerful group, that is to say the group which has the opportunity of so using the law. As we have already seen, this practice in itself can express more than one attitude, only one or a few of which earn the title of “toleration” in a strict sense. All those attitudes, however, whether those of indifference or of genuine toleration, can hold just as well between groups who have roughly equal power, where neither of them would be in a position to enforce a law against the other, even if it wanted to. It is the practice of toleration or intolerance as a *political undertaking* that introduces the asymmetry associated with the concept, and not the underlying attitudes, whatever they may be. A tolerant attitude, and equally a tolerant disposition born of indifference, can obtain just as much between groups who are equal in power.

So what is an attitude of genuine tolerance, as opposed, for instance, to mere indifference? As Scanlon has pointed out,³ it has to find a place between two opposed possibilities. On the one hand, there are behaviors and attitudes that ought not to be tolerated, to which toleration is inappropriate. Towards murder and child abuse, one is not supposed to hold back one's disapproval, or one's disposition to deploy the law, in the name of toleration. For the liberal these intolerable attitudes will of course include attitudes of tolerance: no liberal feels called upon to tolerate racism or bigotry, and overt expressions of racism and bigotry are things that he may well think are properly restrained by the law (even though, above all in the United States, liberals have a problem in determining the point at which the proper restraint of racist or bigoted expressions becomes a restraint on free speech, and itself offensive to toleration). The first area, then, in which toleration does not apply is that in which the agent's negative attitude towards other views is not appropriately restrained by an accompanying attitude of toleration. The second kind of case in which toleration is not appropriate is that in which the agent feels that his negative attitude towards other views should not itself exist, and that what he has to learn is not to sustain that attitude, nor to restrain it through toleration, but to cease to have that attitude altogether. This will be so, for instance, in the case of an attitude towards homosexual relations, of the kind that has already been mentioned.

So the sphere of toleration has to be one in which the agent has some very strong view on a certain matter; thinks that people with conflicting views are wrong; and thinks at the same time, that in some sense, those others should be allowed to have and express those views. This formulation certainly captures an outlook which is enough to sustain a practice of toleration; however, it is still not enough to capture the attitude of toleration in a strict sense. An agent might, for instance, feel that others should be allowed to express their views, because he regards the balance of power between his own group and that other group as too sensitive and unstable to be challenged by an attempt to impose what he regards as the correct view. This is not toleration. Toleration implies, rather, that one believes that the other has a right not to be constrained in the matter of the views that he holds and expresses.

What is the nature of this right? At this point, I believe, there are two ways that we may go, and they lead to two different conceptions of toleration. Under one of these conceptions, the right in question can (very roughly) be labeled as moral right, while on the other it may be labeled (equally roughly) a political right. The distinction can be seen if we consider a formulation that Thomas Nagel has written of the relations between toleration and liberalism. Nagel writes "liberalism purports to be a view that justifies religious toleration not only to religious skeptics but to the devout, and sexual toleration not only to libertines but to those who believe extra-marital sex is sinful. It distinguishes between the values a person can appeal to in conducting his own life and those he can appeal to in justifying the exercise of political power."⁴ It is this outlook that is supposed to save liberalism from being, in Rawls's memorable formulation, "just a sectarian doctrine." The idea is that the principles of toleration associated with liberalism will occupy a higher ground relative to particular moral outlooks enabling them to co-exist in a framework of mutual toleration and respect forming a stable pluralistic society of the kind that Rawls has described.⁵

In Nagel's formulation, the tension characteristic of the attitude of toleration is expressed by saying that the tolerant agent will, on the one hand, think that a certain conduct or a certain way of life is sinful, but at the same time think that the power of the state should not be used to suppress that conduct. But there are at least two ways of understanding this contrast. On one reading, the agent's thought is this: "This other agent has a sinful and disgusting way of life and engages in sinful and disgusting practices. However, it is nobody's business to make him, force him, induce him, or (perhaps) even persuade him to take another course. It is up to him – his morality is in his own hands." It is as a particular consequence of all this that political power should not be used to constrain him. The contrast in this form expresses what I take to be a moral doctrine, one that has, incidentally, a political conclusion. This moral doctrine expresses an ideal of moral autonomy.

On the second reading of the contrast expressed in Nagel's formulation, the agent's thought is, rather, this: "This person's way of life is sinful and disgusting. Indeed we should do everything

we decently can to persuade him to change his ways and to discourage other people from living like him. We may appropriately warn our children not to consort with his children, not to share his social life, and discourage as many people as we can from think well of him so long as he lives in this way. However, it is not appropriate that the power of the state be used in this way." This I take to express a political doctrine, a doctrine expressive of the liberal concept of the state. It may be that the tolerant agent's contrast in this second, political, form itself rests on some moral ideas in particular about the nature of the state; but, in this form, the political conclusion does not follow as a special case from a moral doctrine which is more generally and also intrinsically related to toleration even outside politics – a doctrine such as what might emerge from the first reading of Nagel's formulation as expressing the value of autonomy.

If toleration as a moral attitude is grounded in the value of autonomy, as just suggested, then there are strong arguments for thinking that liberalism's defense of toleration as a practice should not essentially rest on its belief in the value of that attitude. There are several reasons for this. First, it is very difficult both to claim that the value of autonomy is the foundation of the liberal belief in toleration, and at the same time to hold, as Nagel and Rawls and other liberals hold, that liberalism is not just another sectarian doctrine. A belief in autonomy is quite certainly a distinctive moral belief, and one that carries elaborate philosophical considerations along with it.

A second difficulty is that the moral attitude that focuses on autonomy presents, in a peculiarly severe form, the difficulties which, as has already been suggested, are associated with the attitude of toleration. On this account, the agent who disapproves of the other's values should refrain from any untoward pressure on the other to change his outlook. There is, of course, the question of what "untoward" will mean, but it is essential that the account of the liberal outlook, that the idea of such untoward pressure, goes wider than merely the matter of direct political interference. No doubt, on the usual account of autonomy, rational argument will be regarded as appropriate as a means of influencing the other's opinion. But if one takes the ideals of autonomy seriously, there

will be a real question about, for instance, the kind of expressions of disapproval that apply social or psychological pressure upon the other. The concept of autonomy is supposed to leave the other free from external, causal, "heteronomous" influences which may cause him to change his opinion for non-moral reasons, such as those of desire for social conformity. But if the agent who disapproves of the other's values and is committed to the attitude of toleration is cut off from all such expressions, it becomes increasingly unclear what room is left for the agent genuinely and strongly to disapprove the other's values. The idea of a strong, moral disapproval which can be expressed only in (something like) a rational argument, and is otherwise required by the demands of toleration to remain private, seems too thin and feeble to satisfy what has been agreed to be the requirement of a tolerant attitude, namely that the agent does in fact strongly disapprove of the practices about which he is being tolerant.

Of course, it is in fact impossible to draw any clear, or perhaps reasonable, line between kinds of influence and persuasion that are supposedly compatible with the ideal of autonomy, and those that are not. This is an inherent weakness in the concept of autonomy, grounded as the ideal is in a Kantian conception of what is and what is not within the province of the rational will. However, the aim of the present argument is not to dismiss the ideal of autonomy altogether, but to ask how far, if it is accepted in some form, it can provide the grounding of a tolerant attitude which in turn can be taken to underlie liberal tolerant practice. The immediate point can be put like this: there is one question of what kinds of influence or social pressure would count as trespassing on the other's autonomy, and there is another question about the forms of expression that will have to be available to agents if they are to count as seriously disapproving of the other's conduct and values to the degree that calls upon the supposed attitude of toleration; and there is simply no reason to believe that the answer to those two questions will necessarily coincide. We could guarantee that they would coincide only if we drew the boundaries round the other's autonomy in the light of what the disapproving agents need to do in order effectively to express their disapproval; but this manifestly is not available under the present construction of

the tolerant attitude, since it is precisely the value of the other's autonomy which is supposed to be drawing the limits to what the tolerant but disapproving agent is permitted to do. It is for this reason that the construction of the tolerant attitude in terms of autonomy presents a particular extreme version of the conflict always inherent in toleration, between disapproval and restraint.

A version of this problem can arise with defenses of liberal toleration, even if they are not based on such demanding notions of autonomy. Critics who deny that the liberal state can avoid being just another sectarian doctrine often claim that liberal states indeed enforce on set of attitudes rather than another – attitudes roughly in favor of individual choice (or at least consumer choice), social cooperation, secularism, and business efficiency. The methods by which these values are forced on a liberal society are more subtle than those condemned by liberalism, but the outcome is much the same. Thomas Nagel gives a liberal answer to this criticism by distinguishing sharply between *enforcing* something like individualism, on the one hand, and the practice of liberal toleration, on the other, though he does not in the least deny that liberal educational practices and other social forces in liberal society are not “equal in their effects.” It may well be in fact that liberal society tends to erode religious and other traditional values, even though liberal practice is tolerant of them.

I have elsewhere criticized this distinction of Nagel's⁶ on the ground that the use that he makes of it is not neutral in its inspiration, but rather begs the question in a liberal direction. I put this by saying “[the use of this distinction] makes a lot out of a difference of procedure, whereas what matters to a non-liberal believer is the difference of outcome.” What I meant by this was that the non-liberal believer is not going to be persuaded that this distinction makes all the difference. However, it is perfectly compatible with this that the liberal state could decently use Nagel's distinction to defend, at a political level, what it is doing. What the liberal state cannot do – and this is the immediate point – is to rely on the distinction *and also to ground its tolerant practice in the value of autonomy*, in the way that is presently being considered. For there is surely no substantive sense of autonomy – except one that has been designed precisely to coincide with liberal practice – in which

a group of believers could be said to enjoy autonomy in deciding on preserving their religious beliefs when they are overwhelmingly affected by social influences which tend to erode that belief.

It may be that the project of grounding liberal toleration in a moral value of autonomy has been particularly encouraged by the historical and ideological importance of religious toleration. One very important argument in favor of religious toleration has traditionally been found in the idea that the attempt to coerce religious belief is essentially fruitless, because the forces of the state cannot reach a person's center of conviction. The most that the states could secure would be conforming behavior, but for many, at least, the aim of religious persecution was to secure more than this. This argument can be seen as appealing to a certain conception of autonomy, a free exercise of individual's capacities to arrive at religious conviction. However, the appeal to autonomy in this connection is really quite special. The argument between those who supported religious toleration and those who were against it is revolved around ideas of salvation, and correspondingly the ideas of autonomy that may be invoked here appeal to the relations between individuals and God, together with some conception of what God might expect of his creatures with regard to their dispositions to worship him – a conception which, in the hands of those favoring religious toleration, is likely to suggest that God is not particularly interested in conforming behavior delivered by the power of the state. When the question of toleration is generalized beyond the issue of religious toleration, the structure of ideas is not available. In the religious case, the tolerant party could, at the limit, claim that, so far as we can understand God's purposes, the idea of coerced religious belief makes no sense, and that coerced religious practice without belief can make no sense in the eyes of God. But there is no comparable set of considerations that can be used if we are trying to resolve the question, for instance, of tolerating the sale or display of pornographic materials, and an appeal to the value of autonomy is not going to do much to resolve that question.

For all these reasons, it seems to me that the attempt to ground the practice of toleration in a moral attitude directed to the value of autonomy is bound to fail. At this point it will be helpful to

turn our attention to the second interpretation of Nagel's formulation that was distinguished above, the one that leads to a distinctively political conception. Here the idea that the political power is withheld from enforcing certain outcomes, not because the people affected have a right under the good of autonomy to choose their way of life without undue external influence, but because state power should not be used in that kind of purpose. As I have already said the political idea itself may well have one or another kind of moral root, but under the interpretation we are now considering it does not have its root in furthering or expressing an ideal of autonomy. Prohibition, rather, is simply and solely on the use of state power to affect the behavior in question. If such a view is taken about the restriction of state power, then toleration as a practice will indeed follow. This leaves open the question whether any distinctive *attitude* of toleration at all will underlie the tolerant practice. All that has been argued so far is that tolerant practice is not plausibly grounded in a moral attitude affirming the value of autonomy. Autonomy has in fact played a particularly prominent role in moral conceptualizations of toleration, and this may encourage the idea that the search for a directly moral defense of the attitude of toleration may be a mistake. However that may be, instead of trying to reach the politics of liberalism from a moral assumption that concerns toleration, we should rather consider first the politics of liberalism, including its practices of toleration, and then ask what, if any, kinds of moral assumption are related to that.

There is an essential difference between legitimate government and unmediated power: one of the few necessary truths about political right is that it is not merely might. Those who claim political authority over a group must have *something to say* about the basis of that authority, and about the question of why the authority is being used to constrain in some ways and not others. Moreover, there is a sense in which, at least ideally, they must have something to say *to each person* whom they constrain. If not, there will be people whom they are treating merely as enemies in the midst of their citizens, as the ancient Spartiates, consistently, treated the helots who they had subjugated. This requirement on a political authority we may well call the *Basic Legitimation Demand*.

There are many substantial questions about the Basic Legitimation Demand and its consequences, which cannot be considered here.⁷ There are two very general principles which seem reasonable, and which are relevant to the present discussion. First, the idea that the basic legitimation demand has been met by a certain state is not the same as the idea that it has been met in a way that would satisfy us. The distinction between the use of power which can reasonably claim authority, and the arbitrary use of power, tyranny or mere terror, applies for instance to historical formations, such as medieval kingdoms, whose claims and practices could not be acceptable to us. When those other states exist now, in our world, of course other questions arise, of our moral and political relations to illiberal regimes. It may possibly be true that, in the modern world, only a liberal order can adequately meet the Basic Legitimation Demand, but, if so, this is because of distinctive features of the modern world, not because legitimate government, necessarily and everywhere, means liberal government.

The second general point is this: when it is said that government must have “something to say” to each person or group over whom it claims authority – and this means, of course, that it has something to say which purports to legitimate its use of power in relation to them – it cannot be implied that this is something that this person or group will necessarily accept.⁸ This cannot be so: they may be anarchists, or utterly unreasonable, or bandits, or merely enemies. *Who* has to be satisfied that the Basic Legitimation Demand has been met by a given formation at one given time is a good question, and it depends on the circumstances. Moreover, it is a political question, which depends on the political circumstances. Obviously, the people to be satisfied should include a substantial number of the people; beyond that, they may include other powers, groups, elsewhere sympathetic to the minority, young people who need to understand what is happening, influential critics who need to be persuaded, and so forth. (If this position seems alarmingly relativist, it is important, indeed essential to these questions, to reflect that in the end no theorist has any way of advancing beyond it. He or she may invoke absolute or universal conditions of legitimacy, which any “reasonable” person should accept; but in doing this, he or she speaks to an audience

in a given situation, who share these conceptions of reasonable-ness, or whom the theorist hopes to persuade – by this very text, among other things – to accept them).

In these terms, the problem of liberal toleration can be understood as follows. With regard to a contested issue of religious or moral belief, the liberal state addresses a number of different groups. They include (1) minorities who would like, if they had the power, to impose their own belief. If they take the liberal state to be legitimate, and to have some claim of authority over them, then they must recognize that there are some legitimate demands of government other than those inspired by their own creed. They will also recognize, if they have any sense, that in their actual situation these demands will be shaped by other citizens. If they do see all this, then, if their beliefs and practices do not offend too grossly against the core beliefs of liberalism (a point we shall return to), it will be sensible for the liberal state to meet their acceptance by tolerating them, and so sustaining a situation, so far as possible, in which this group can accept that the liberal state makes a claim on them.

Alternatively, such a group may think (or, if the liberal state acts ineptly, come to think) that there is no legitimate government outside their own creed, and that the liberal state makes no legitimate demand on them. If they do think this then they are potential secessionists or rebels, who must make their own political decisions about the extent to which they are prepared to carry their secession. The liberal state must meet this as any prudent state which wants to avoid violence meets the possibilities of secession, or, on the way to that, of disruption. Their methods may sensibly include, as long as things go moderately well, the continuation of toleration. But if the point comes at which toleration has to cease, the liberal state has an entirely reasonable account of why it has ceased, and the minority group, whatever they say for political reasons, cannot be surprised at what is happening.

Among the groups that the liberal state addresses, there may be (2) a majority with the belief which they could impose. If this majority is powerful and convinced enough, and if this belief is not itself part of the core liberal outlook, it is perhaps unlikely that there will be a liberal state: if there is, this will be because the

majority, or enough of it, has reason to think that it should not be imposed. One kind of reason may be that they think that it is not the kind of belief that is worthwhile trying to impose: this is the kind of outlook that has already been recognized in the case of religious toleration. This outlook will be the product of a certain kind of reflection on certain kinds of beliefs. Another, different, reason may be that the people in the majority recognize that the minorities who disagree with them – who may or may not be of the type (1) – will feel coerced if this belief is imposed, and they do not think that in this matter the price is worth paying in terms of the loyalty, cooperation and amicable relations of those peoples.

It is in this areas, of course, that the outlooks of minority groups (or of their co-believers elsewhere) are very often misrepresented. In particular, such groups may be depicted as consisting entirely of intransigent fanatics or disloyal secessionists. (This is a standard move, at the present time, in the demonization of Islam). The attitudes needed here by liberals are, above all, realistic social understanding, a desire for cooperation if possible, and political intelligence.

Last among these examples (but not last among all the political possibilities), the liberal state may be addressing (3) a group, the members of whom may have no desire to impose their beliefs, but whose practices and outlook offend against core liberal beliefs. This may be so, for instance, if the group structurally offends against what the liberal majority sees as a gender equality. But at this point liberal toleration falls away in any case, and we are at a level of substantive disagreement (about gender roles and the nature of sexuality, for instance) where liberalism simply cannot avoid presenting "another sectarian doctrine." At this point, there is no hope of liberalism's gaining indisputably higher ground. The only higher-order considerations it can deploy in thinking about what to do are the resources of political good sense: to consider how things look to the minority (not something, in fact, that liberals have excelled in doing); weighing the cost, already mentioned, of coercion; and reflecting on the precedent effects of coercion in disputed matters of morality, as part liberalism's generally healthy respect for the unintended effects of coercive power. There is no reason why these considerations in a given case should prevail.

They do prevail, however, so that the minority's practices are tolerated rather than seen as intolerable, the attitudes that will have brought this about will be the kind of political attitude and understanding that have been mentioned.

These rough and superficial sketches of various possibilities that may comfort the liberal state support, I believe, the conclusion that if we approach toleration as a political rather than in the first place a moral issue, we shall find hard to discover *any* one attitude that underlies liberal practice. What the sketches suggest is that, given a liberal state and its typical patterns of legitimation, in the cases where toleration is thought appropriate (and we have seen that there are many cases in which it is not), toleration will be supported by a variety of attitudes, and none of them is very specifically directed to a value of toleration as such – still less to the moral belief in toleration based on the value of autonomy which was identified earlier in the discussion. The attitudes which are needed include such social virtues such as the desire to co-operate and to get on peaceably with one's fellow citizens and a capacity for seeing how things look to them. They also include understandings that belong to a more specifically political good sense, of the costs and limitations of using coercive power. Behind these, again, will certainly be needed some of the skepticism, the lack of fanatical conviction on religious issues, in particular, which earlier we saw made an important contribution to the practice of toleration, even though they are inconsistent with toleration strictly understood as a moral attitude.

The case of toleration is, unsurprisingly, a central one for distinguishing between a strongly moralized conception of liberalism as based on ideals of individual autonomy, and a more skeptical, historically alert, politically direct conception of it as the best hope for humanly acceptable legitimate government under modern conditions. The first of these conceptions has been dominant in American political philosophy in the last twenty-five years. The present arguments, such as they are, favor the second conception, one nearer to what the late Judith Shklar called "the liberalism of fear."⁹ But, as Judith Shklar herself would have been the first to point out, it must itself always be a political and historical question, how far conditions will allow that form of liberalism, or indeed any other, to exist or to achieve anything.

Notes

1. For an analysis of these problems see D. Heyd (ed.), *Toleration: An Elusive Virtue*, Princeton, 1996, and the particular contribution by B. Williams ("Toleration: An Impossible Virtue?"); G. P. Fletcher ("The Instability of Tolerance"); T. M. Scanlon ("The Difficulty of Tolerance").
2. T. M. Scanlon, "The Difficulty of Tolerance," in: *ibid.*, p. 226.
3. *Ibid.*
4. T. Nagel, *Equality and Partiality*, Oxford, 1991, p. 156.
5. J. Rawls, *Political Liberalism*, New York, 1993.
6. T. Nagel, *Equality*, p. 24.
7. I hope to delve into some of them in a study appearing on political liberty.
8. This is one of the reasons for which the idea of satisfying the Basic Legitimation Demand does not coincide with this insatiable ideal of many a political theoretician: universal consentment.
9. J. Shklar, "The Liberalism of Fear," in: N. Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge, Mass., 1989. See also the collection of essays on Judith Shklar's work in: B. Yack (ed.), *Liberalism without Illusions*, Chicago, 1996.