
Democracy & Education

The Possibility of Horizontal Tolerance

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Abstract

In response to van Waarden's paper, which denied the possibility of horizontal tolerance between citizens, I argue that tolerance is both possible and often desirable between citizens. I also argue that a more substantive set of constraints are required for justice to be served than mere deference to whatever existing constitutions and laws happen to demand. Furthermore, where van Waarden suggested that politics consists of "a process of negotiating, bargaining, and compromising among groups with conflicting interests," it is hard to see how this vision could motivate any educational intervention to promote people's abilities to speak up for themselves. Put starkly: it is not at all clear why anyone has reason to educate others to potentially outlaw their own way of life on their understanding. I urge instead that the attitude of tolerance be promoted on both Rawlsian and Millian grounds.

This article is in response to

Van Waarden, B. (2017). Pluralist Liberal Democracies. *Democracy & Education*, 25(1), Article 1. Available at: <http://democracyeducationjournal.org/home/vol25/iss1/1>

VAN WAARDEN (2017) argued that education for tolerance (or toleration) would be well served by cultivating mutual respect among citizens, promoting knowledge of and respect for citizens' constitutional rights, developing students' democratic participatory skills, providing a basic understanding of others' worldviews, and advancing critical media skills. These educational aims, he argued, will enable different adherents of a wide variety of deeply contrasting life modes to coexist peacefully. However, the title of his paper seems something of a misnomer. Van Waarden did not think that one strictly can educate for tolerance since on his understanding, tolerance is not possible for citizens. In effect, he said, teach for mutual respect between citizens, and tolerance will take care of itself. In response, I argue that tolerance is possible and often desirable among citizens. I also argue that a more substantive set of constraints are required for justice to be served than mere

deference to whatever existing constitutions and laws happen to prescribe. Furthermore, where van Waarden suggested that politics consists of "a process of negotiating, bargaining, and compromising among groups with conflicting interests" (van Waarden, 2017, p. 7), I raise a worry about how this vision could possibly motivate any educational intervention to promote people's abilities to speak up for themselves. Put starkly: it is not at all clear why anyone has reason to educate others to potentially outlaw their own way of life.

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Defining Tolerance

For van Waarden (2017), governments and laws can be more or less tolerant of life modes and practices, and schools can teach children to engage with public policy and law making in order to exercise some (indirect) control over what is and what is not tolerated by policy and legislation. Citizens themselves, however, have no scope for direct tolerance of one another's life modes and practices. Van Waarden understood tolerance as "consciously refraining from the action of rejecting a belief or practice despite disapproving of it and having the power to prevent or stop it" (p. 3). "Rejection," van Waarden continued, "means to prevent or eliminate the practice. Normally, we accept what we agree with and reject what we disagree with" (p. 3). *Rejection* is an odd choice of word to signify the prevention or elimination of a belief or practice. After all, in ordinary parlance, it is quite usual to speak of rejecting all sorts of beliefs and practices without aiming to eliminate or prevent them. Indeed, according to van Waarden, Galston "rejected" the idea "that toleration demands autonomy to reflect on other life modes" (p. 2), but surely Galston was in no position to prevent or eliminate this belief. These examples from the author's own hand go to show how hard it is to adopt this artificial use of "rejection." More significantly, however, contending that only those who have the power to *prevent or eliminate* a practice are capable of tolerating it is too stringent a condition for any recognizable form of the concept.

According to van Waarden (2017), tolerance is not a horizontal feature of societies but only a vertical one: Only laws can be tolerant, not citizens. On this view, racists, anti-Semites, and others are neither tolerant nor intolerant. That is a peculiar conclusion. That would suggest that members of the LGBT community, religious, ethnic, and racial minorities, and others in the United States and elsewhere are never the objects of intolerance just so long as no law proscribes their life modes. However, there are cases where the law is ignored by the people, or often ineffectual, so that social ostracism is the arbiter. In India, laws against honor killings have sadly counted within the set of laws ignored, and those things that honor killings punish are often effectively prevented by standards outside of the law. Furthermore, governments, laws, and police forces can prevent very little indeed: Drug trafficking, murder, and robbery would continue despite governments doing everything that they could to prevent them. Since no practice is eliminable *de facto*, it would follow that tolerance is impossible in practice. Consider the case of radical Islamists who cannot really make any change to the way secular Westerners go about their daily lives. It seems natural to say that they are intolerant of secular Westerners' life modes, since they are willing to blow themselves and secular Westerners up rather than do nothing or ignore them. All the same, such violent actions will predictably fail to change secular Westerners' life modes. More nobly perhaps, consider whether Thích Quảng Đức's act of self-immolation to protest the persecution of Buddhists by the South Vietnamese government could be said to have been neither tolerant of the practice nor intolerant of it. Indeed, it seems reasonable to say that if they were to move away from places where those things are practiced, that too would be a failure of tolerance.

A More Adequate Definition

A more adequate definition of intolerance might require strong disapproval of some candidate toward which we can demonstrate tolerance, some practice, say, together with the power to exercise some sanctions and leverage against that candidate; if not to prevent it, then to reduce it, or to make it more difficult to pursue. This might well be a property had more by groups than by individuals. There are other reasons to think that van Waarden's (2017) definition is too stringent. On this weaker and more realistic understanding we should acknowledge that even citizens can do something to prevent what they disapprove of: They can make it very unattractive for others to continue their practices by enacting penalties. If a Black man dates a White woman, his racist neighbors might beat him up, throw paint on his house, or make up a reason to get him fired from work. These things are certainly not legal, but if the law is ineffective to prevent them, which it may sometimes be, then we can see that tolerance can be possible and morally required at the horizontal level. It was not legal to kill Black people, to hang them from trees and other such horrendous acts, yet people did it in the Southern states. It is not legal to beat up children in the school playground if they present as another gender than that assigned at birth, but it happens and can go unpunished. Teaching for tolerance might mitigate these evils. But horizontal intolerance need not take such vicious, violent and terrible forms, it may not conflict with any laws at all, and indeed ought not to conflict with any laws.

Perceptively, van Waarden (2017) acknowledged that

"public opinion" could influence what is tolerated or rejected between citizens (Jones, 2010, pp. 44–45). Groups of citizens may ostracize individuals whose life mode they reject (a Hindu student in India might invite all her Hindu classmates to her birthday party but not the only two Muslim classmates). (p. 4)

Indeed, later in the paper, van Waarden (2017) began to concede these sorts of points on a horizontal level:

Citizens must make complex evaluations of toleration in their daily interactions. For example, when a Catholic student encounters a Muslim fellow student wearing a niqab on the school bus or sees a gay couple holding hands at her high school, she has to judge whether to tolerate the practices of wearing a veil or displaying homosexuality (p. 3)

But van Waarden (2017) failed to give public opinion and social ostracism and other phenomena their due weight:

"Even when a citizen evaluates others' practices, she still has little power to reject them. In a liberal democracy, the state has a monopoly on the means to punish intolerable practices." (p. 4)

To van Waarden, these are "minor means" offering "little power" (p. 4) to citizens by way of preventing or eliminating particular life modes. This appears to be a strategic and massive underappreciation, since they can certainly make particular life modes much

more unpleasant to pursue. More adequate is Mill's (2011) account of these phenomena:

Society is itself the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannising are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. (p. 14)

Van Waarden (2017) wrote that “Normally, we accept what we agree with and reject what we disagree with,” where reject means “prevent or eliminate the practice.” (p. 3). If “what disagree with” is read to mean something much stronger than mere disagreement would imply, it is perhaps true that this is indeed what normally happens, but that said, there are powerful Millian and Rawlsian arguments which should motivate the powerful to show tolerance. Furthermore, on the more permissive understanding of tolerance that we have elaborated above, we can see that some organizations might tolerate each other for pragmatic reasons, such as the avoidance of a yet more intolerable fate of mutually assured destruction or diminishment. That is, incidentally, a highly horizontal plane on which tolerance exists.

Van Waarden (2017) contended that “we cannot tolerate everything that we do not accept: certain beliefs, or the practices that result from them, are simply wrong. As we have no moral or pragmatic reason to tolerate them nevertheless, we reject them” (p. 3). Here the contention seems to be that anything that we do not think is morally acceptable should be done on pain of legal sanctions. But this seems overly harsh: one can easily regard something as morally wrong without thinking that it ought to be penalized with legal sanctions: adultery, apostasy, and heresy might be reasonable examples of this. On Millian and Rawlsian views, for instance, we all have reason to allow that these things should be legally permissible, even if we have moral grounds to object to them. Mill further argued that we also have reason to resist exercising some forms of social ostracization against these practices.

Finally, it is worth reflecting on van Waarden's (2017) worries about asymmetrical tolerance:

This asymmetrical toleration is arguably making Muslims decreasingly tolerant of non-Muslim symbols, and so a downward spiral of intolerance emerges, in which citizens no longer tolerate other life modes and merely try to promote their own. (p. 5)

However, on van Waarden's (2017) understanding of tolerance, if there are more Muslims than Christians, the Christians simply would not be in a position to prevent Muslim practices and therefore could not be in a position to reciprocate tolerance. That is to say, there could never be any question of symmetry or

asymmetry in tolerance since on van Waarden's account, tolerance requires a monopoly of power.¹

Recognition Respect and Tolerance

Instead of tolerance, van Waarden (2017) wanted legally enforced recognition respect to do all the work that need be done for relations between citizens: “liberalism attempts to accommodate diversity by encouraging citizens to separate their private and public identities” and “once we separate public and private identities, we assign a basic respect to the public side of citizens” (p. 4). However, while liberal democracies might distinguish between private and public identities, this is no reason to think that citizens in general do, especially not those unenamoured with liberal democracy.

Rooted in the notion of recognition respect, there seems to be the idea of hating the sin and not the sinner. But if one despises another's very way of life, it is hard not to let that effect one's judgement and treatment of them. All the same, in some instances (to a first approximation, those in which no harm is done to others), it is worth counseling tolerance of what one despises: for the familiar Rawlsian reason that, from behind a veil of ignorance, we would want to have the freedom to live in accord with our conscience even if that makes us unpopular with others. It is also worth counseling tolerance for the familiar Millian reason that nobody has a monopoly on truth, and that, for all one knows, those whom one despises might have understood matters aright after all. Van Waarden (2017) at one point acknowledged the harm principle as normatively important, but only fleetingly: Van Waarden seemed to not have very much to say prescriptively, but offered more description of processes. What is tolerable or intolerable is to be decided by individuals by whatever standards they happen to think in terms of, and then in a liberal democracy there happens to be a procedure by which they can jostle to have what they consider intolerable restricted by law. Van Waarden has not contributed much if anything to the question of what should be tolerated and if so, why, which would seem to be the more pressing normative question.

To return to the relation between tolerance and respect, the switch from the former to the latter might seem rather shallow. It seems rather odd to expect that people who are despised in their private lives will be respected in their public lives by those who despise them. Van Waarden (2017) would prefer that “schools . . . teach students the merits of minimal civil respect for others” (p. TK). But this might simply amount to tolerance by another name. Furthermore, if education is required to encourage such respect rather than mere legal penalties to enforce them, it seems that we have again acknowledged that we are covertly acknowledging horizontal planes of tolerance. “The main point here is that, because respect is the primary means to enabling peaceful

1 I would like to express thanks to an anonymous reviewer who pointed out that I here equate numerical majority with power, and reminded me of many obvious counter examples. I ask only that in the hypothetical case under consideration here, numerical majority is enough to grant power.

coexistence among citizens and these citizens have little power to reject practices, toleration plays only a minor role in the horizontal relation among them.” (p. 5). In sum, it seems doubtful that people have enough power to flout recognition but not to exercise intolerance.

It seems rather difficult to counsel people that they should be black, gay, and religious in their private lives, but not to bring those identities into the public arena. How is a person to avoid embodying their gay or straight identity, or any other identity, in their most uncontroversially public roles, such as being a public school teacher or government official? Just as strange is the following prescription amounting to the demand that people not be religious really, not letting their deepest commitments integrate fully across their lives: “Religious people must try to limit the influence of their beliefs on their interactions with other citizens and respect others based on their shared citizenship” (van Waarden, 2017, p. 4). It is especially peculiar when you want to ensure that a range of reasonable ways of life are available to pursue. Furthermore, when van Waarden (2017) said that “public interaction is guided by a shared political identity” (p. 3), this would seem to imply the need to educate for a shared political identity, an identity that some may reject and inculcation into which some would regard as an indoctrinatory process. It is hard to see how this is any kind of an improvement on educating others to tolerate one another’s lifestyles or how this avoids the strong and apparently illiberal move of narrowing the range of life modes and comprehensive ideals that are compatible with liberal democracy.

According to van Waarden (2017), Darwall’s concept of “appraisal respect” and Gutmann and Thompson’s concept of “mutual respect” are unrealistic and “based on the unwarranted assumption that common civic life is about groups coming together morally rather than negotiating politically” (p. 4). But this seems unduly pessimistic. Surely different groups often agree on things (e.g., that they should stop Nazis killing Jews, or should stop Nazis rampaging over Europe). Indeed, from outside the African American community, support for the civil rights movement came more from people who sympathized with African Americans than from those who thought that the civil rights movement somehow enhanced their own prospects. On van Waarden’s account different factions are able respect each other as rights holders without being minded to tolerate each other’s most fundamental commitments, even respecting their exercise of those legal rights that they regard one another as not really having by absolute moral standards (e.g., the right to engage in gay sex). Different factions must jostle though, to have their own moral visions constrict one another’s legal rights, rather than be persuaded by any arguments that they can have a shared goal or should, in Millian fashion, err on the side of permissiveness when restricting liberties. Indeed, such a deeply divided society begins to sound like a Hobbesian state of nature in need of government to keep all sides from destroying each other—except that it would have the interesting twist that the state of nature was not so bad anyway since nobody was able to interfere with each other’s practices anyway. Perhaps establishing a government is the sacrifice they would make in order to practice intolerance. Perhaps

this is a genuine worst-case scenario, but it is hardly always or even usually true of most people. Perhaps however, there are some among whom it is usually the case that this is the best we can expect of them, and it is then desirable as a fall-back position in their cases. All the same, promoting a shared political identity and dispositions to respect all as citizens may require a substantive education contrary to the wishes of those citizens.

It is an interesting question as to how far governments can enforce recognition respect through legislation. Van Waarden (2017) gave the example of the Dutch liberal democratic state taking the step to mandate that a political party allow female citizens to be eligible for election, an action “guaranteeing that citizens in their public interactions would continue to respect each other unconditionally as political equals” (p. 4). Whether such a guarantee has been made is dubious.

Such mandates can be made, but party members might refuse to vote for women or nominate women for leadership roles even still. In such a case, the recognition respect would exist only on paper. It requires shifts of attitudes to effect genuine recognition respect.

The Law and Tolerance

Van Waarden (2017) contended that “laws only indicate the outer boundary of toleration between the zones of tolerable and rejectable practices, not the inner boundary between tolerable and unobjectionable practices” (p. 6). This is too binary a picture, however: There are different levels of penalty for different crimes, reflecting different degrees of toleration (or intolerance). Furthermore, governments can incentivize some practices and give legal protections such as spousal testimonial privilege, which shows some special regard for the institution of marriage.

According to van Waarden (2017), politics is “a process of negotiating, bargaining, and compromising among groups with conflicting interests” (p. 7), which apparently entails that “participatory skills are no luxury, but essential to the survival of a citizen’s life mode and, indirectly, liberal democracy itself” (p. 7). However, it is hard to see how this motivates any educational intervention to promote people’s abilities to speak up for themselves. If all that motivates people is a concern to see those things that they object to ruled out by law, it is hard to see why they would then want to equip others with the wherewithal to prevent such legislation being enacted, or enact such legislation against them. What reason could anyone have to educate others to potentially outlaw their own way of life? Van Waarden claimed that “citizens require “preventive” participatory skills when they form the majority but need to prevent intolerance of minority practices.” But on van Waarden’s own account, it is hard to see why they require these, or what should motivate principled tolerance (something like Mill’s harm principle could come into play here); after all, so far, we have just been treated to the idea that politics consists of seeing what one objects to legislated against (and preserving the legality of one’s own mode of living). If there is such a thing as due process or ideal bargaining conditions or some kind of procedure by which those who are ruled out are justly ruled out, then that could very much more be brought to the fore.

Van Waarden also insisted that “schools should teach students [about] liberal democracy’s constitutional rights, which limit the scope of decisions of toleration” (p. 9). One important response to make to this is that not all liberal democracies have constitutions; for instance, the United Kingdom of Great Britain and Northern Ireland, Israel, and New Zealand do not. The second is that simply because some rules have been codified in a constitution does not seem to render them just, and unjust constitutions ought to be revised. What might be needed again is some sense of what constraints there ought to be on constitutions either in the procedure of being drawn up or in their potential content.

A Reasonable Diversity of Ways of Life

The key normative constraint proposed by the essay is just this: Whatever system we have, it should be one that enables a reasonable diversity of life modes. But it is not clear to me that the author has succeeded in describing a form of education that will enable the perpetuation of a reasonable diversity of ways of life, or even the preservation of constitutions. This is because, by following the political process of using democratic procedures to implement rules that prohibit those life modes that one takes to be intolerable, a society may become highly homogenous. What are perhaps needed are rules of the Millian or Rawlsian sort, which limit those things which can be legally restricted.

Conclusion

I hope to have shown that tolerance is a possible attitude among citizens, and that it is often, although by no means always, a desirable attitude. I have also argued that a more substantive set of constraints are required for justice to be served than mere deference to whatever constitutions and laws happen to demand. Furthermore, where van Waarden (2017) suggested that politics consists in “a process of negotiating, bargaining, and compromising among groups with conflicting interests” (p. 7), it is hard to see how this vision could motivate any general educational intervention to promote people’s abilities to ensure the legality their own, potentially intolerable, ways of life and, potentially, the illegality of one’s own tolerable way of life. Put starkly: it is not at all clear on this view why anyone has reason to empower others to potentially outlaw their own way of life. I would urge that the attitude of tolerance be promoted on both Rawlsian and Millian grounds and, admittedly very vaguely, gesture back to Mill’s harm principle for a rough guide to what ought to be tolerated within *both* horizontal and vertical power relations.

References

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