Together and Apart Cultural Diversity and the Statecraft of Toleration

CHRISTIAN FERNÁNDEZ[1]

1. Research Objective

The objective of this research project is to improve understanding of how the tolerant state should manage cultural diversity. Unlike most research in contemporary political theory, however, the project does not depart from the assumption that there is *one* ideal model of the tolerant state. Toleration is always the solution to specific problems that vary from one context to another. Understanding how and when toleration works requires sensitivity to the contextual particularities of each case as well as recognition of the variety of shapes that the tolerant state may take. Therefore, rather than trying to find the ideal model of toleration, my aim can be formulated in the following way:

The aim of the project is to improve understanding of the merits and weaknesses of different models of toleration, and to gain better knowledge of the circumstances in which each of them becomes viable or even successful.

1   Fil dr Christian Fernández är forskare vid Malmö Institute for Studies of Migration, Diversity and Welfare, Malmö högskola. E-post: christian.fernandez@mah.se

2. State of the Art

2.1 Models of the Tolerant State

In contemporary political theory the most salient fault line regarding the statecraft of toleration concerns two opposing principles of state policy, *neutrality* and *recognition* (cf. Fraser 1997, Phillips 1999, Benhabib 2002, Galeotti 2002, Kelly 2000, Fraser & Honneth 2003, Fernández 2008). Both principles have to do with how the tolerant state should promote mutual respect and equality between different groups of society. And both principles envisage very different solutions to the problem of keeping people both together and apart. According to the first principle the state is, or should be, the expression of the needs and interests that all the citizens have in common. It is in this respect neutral and secular, for it favors no one over the other, and tolerantly disregards all differences—religion, ethnicity, race and so forth—that lack relevance in public matters (cf. Dworkin 1978, Ackerman 1980, Rawls 1993, Barry 2001 and McKinnon 2006).

According to the second principle, on the other hand, the tolerant state should not aim for neutrality. It can only be (falsely) neutral in the sense of promoting a public culture which in reality only reflects the values and interests of majoritarian society. Instead the tolerant state should give active and equal recognition to all the groups that make up society. Such recognition may involve both endorsement of each group's particular beliefs and ways of life as well as protection of some degree of group autonomy and cultural survival. In practice this means that different sets of rights and freedoms are endowed to different groups through a differentiated citizenship (cf. Young 1990, Taylor 1994,

Tully 1995, Kymlicka 1995, Parekh 2000, Raz 1986 and 1998, and Galeotti 2002).

The dichotomy of neutrality and recognition points out several important things about the statecraft of toleration. Firstly, the promotion of toleration can imply radically different roles to the state. Secondly, toleration is not just a one-dimensional question of more or less cohesion, but also of different forms and combinations of separation and cohesion. However, the dichotomization of toleration through the accentuation of the two principles is also misleading because it is grounded in the notion that one of the sides is right and just, and the other is not. It is also misleading in the sense that it conceals a number of under-girding issues which configure how we think of, justify and organize toleration. In order to understand the constitution and variations of toleration it is therefore necessary to go beyond the debate between neutrality and recognition, and to focus more carefully on some of the key issues behind it. To our purposes the following four stand out as particularly prevalent issues or dimensions of analysis: the concept of *difference*, the *reason* for toleration, the concept of *harm* and the *ends* of toleration. In the comparative study these four dimensions constitute the foci of analysis. Let us therefore look at them more closely.

2.2 Dimensions of Analysis
The Concept of Difference. The first dimension of toleration is for natural reasons *difference*. Without it there would be no motive for toleration in the first place. But what does it really mean to say that people are different? And how should difference be conceived? The claims for toleration may concern most differences between people in a society, such as sexual orientation, social class, functional (dis)-abilities, skin color, sex and so on. Some of these differences are biological, others are sociological, and so forth. This project only deals with a quite narrow conception of cultural differences, most notably religion and ethnicity[1], and still a variety of conceptions are possible. One crucial question is whether cultural differences should be conceived as pervasive or contained. In the Ottoman Empire religious conviction was thought of as the most essential element of a person's identity. It permeated all the aspects of people's public and private lives and motivated the division of the empire into semi-autonomous religious communities—the so called *millet system*. In the early modern era, on the other hand, religious affiliation was conceived by numerous advocates of toleration as a personal matter, which could and should be contained from the influence and affairs of the state. This was for example the argument of John Locke's famous *Letter Concerning Toleration*, which paved the way for a very different organization of toleration than the Ottoman. A second, related question regarding the conception of difference is whether or not we should think of cultural diversity as the result of beliefs and behaviors that are more or less voluntarily chosen, for example the conscious decision of an adult to join a phalange of militant Islamism. If we do, toleration becomes a question of evaluating personal choice. But even in a modern, liberal and duly democratic society, cultural diversity is to a large extent the result of inherited and socially internalized patterns of behavior. Toleration, then, becomes a question of evaluating people and their heartfelt identities, which makes

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1   In using the term ethnicity I follow the definition of Anthony Smith (1991: 21).

it a different and much more complicated matter.

Reason for Toleration. The second dimension of analysis is *reason for toleration*. Toleration requires restraints, limitations and self-imposed duties, not just a generally sympathetic attitude to pluralism. It is not an attitude that we effortlessly show others. On the contrary, it is more appropriate to think of it as a form of self-restraint, for it requires us to refrain from doing and saying things which we intuitively think are right and true, and which we consequently feel we are entitled to impose on others (cf. McKinnon 2006: ch.2; Shorten 2005: 280; Cohen 2004; Forst 2004). This raises the question of why we should tolerate others at all. A number of answers are possible. The modern idea of toleration is often traced back to the early skepticism of Descartes, Spinoza and Pierre Bayle (cf. Levine 1999). These thinkers radically changed the epistemology of philosophy and science by questioning all the metaphysical and religious speculations upon which it rested. The modern way of justifying toleration owes a lot to such skeptics, for it makes toleration the accompanying virtue of epistemological uncertainty. Another common reason for toleration is pragmatism. This was the standpoint of Locke according to whom it was futile to force Anabaptists and Huguenots to convert, because 'full persuasion of the mind' could only come from 'within' and not from the 'outside' (Locke 2003: 219). Pragmatism was also a leading reason for toleration in the administration of the Roman, the Ottoman and probably most other empires in history. However, toleration in these older empires was also justified from a different epistemological standpoint, moral relativism. As opposed to the modern idea of a uniform and morally equal humanity, most classical and medieval philosophy was founded on the idea that people of different cultures were essentially different and that those differences had moral implications. The virtues of a Roman was different from those of a Phoenician, a good Christian should act differently than a good Muslim, and so forth. According to such a relativist standpoint moral judgment cannot take place across cultures. Thus the reason for toleration.

The Concept of Harm. The third dimension of analysis is the concept of *harm*. Harm is a very important issue because it is often invoked to justify limits on the scope of toleration. Toleration ends where harm begins. Take for example the freedom of speech, which is a nearly absolute freedom in any democracy. Even such a fundamental democratic freedom has limits defined by the harm that it may inflict on others. Therefore many democracies have legislation against harmful practices such as hate speech and racist propaganda. These limits on the freedom of public speakers are well known. But exactly how do we define (intolerable) harm? The easier cases are the ones where direct physical harm is at stake. But harm may also be social or symbolical, as in the slander and misrepresentation of certain groups of people. It can even be the absence of visibility and recognition altogether, and the lack of respect that follows from it. Hence, the definition of harm varies across time and space. It is always contingent on particular historical circumstances, such as the Nazi past of Germany, which define why and how certain forms of harm must be avoided. How we define harm, shapes the way in which we impose and justify certain limits on toleration.

Ends of Toleration. The forth and final dimension of analysis is *ends* of tolera-

tion. Toleration is not the means to one end. It is the means to many different possible ends, and often a means to mediate between and partially realize many of them at the same time. One such end is of course peaceful coexistence. In the international system of states this is essentially what toleration is about. Despite contemporary cosmopolitan ideals, sovereign states tend to leave each other alone and passively tolerate one another—even when democratic institutions crumble and human rights are violated—because it is generally believed to be the best way to achieve international peace and stability. Even in the European Union, where supra-nationalism is more present than anywhere else in the world, peaceful coexistence through non-interference between member states remains a central principle of cooperation. Another end is individual freedom. If the members of a society are to be free, they must tolerate each others differences of beliefs, convictions and lifestyles, preferably with the authoritative support of the state. The freedom of one depends on the non-interference of the others. A third end of toleration is equality. The ability to tolerate difference is a fundamental—but not sufficient—prerequisite of equality in plural societies. When toleration fails, discrimination and domination prevail. These ends, peace, freedom and equality, are all answers to why culturally diverse societies need toleration. But the ends are not always compatible with one another. Peaceful coexistence often warrants constraints on individual freedom. And egalitarianism often conflicts with strong interpretations of individual freedom. Therefore, organizing and justifying toleration always involves some kind of prioritization of these and other partially incompatible ends.

Any state that successfully manages to maintain a balance between keeping people together and apart, as it were, does so by 'inventing' and 'reinventing' its own particular constellation of the four dimensions above. Understanding toleration and how it varies from one context to another requires analysis and comparison along those dimensions. Furthermore, understanding what it is that makes toleration sometimes more and sometimes less successful requires in depth analysis of the interplay between each constellation and its historical circumstances. This is how the dimensions of analysis serve the aim of the project.

3. Research Design

The project combines two fields of research which are seldom combined, political theory and history. It is focused on the typical questions and answers of toleration in political theory, although it uses history to answer them in a comparative and empirically more well-informed fashion. The aim is not to reveal the secret formula of how to make toleration work, because I do not think that such a formula exists. Rather, the aim is to show that the statecraft of toleration can be carried out in many ways and to improve understanding of what it is that distinguishes each of them in terms of organization and justification. In so doing the project focuses primarily on the differences between the chosen cases and not so much on the similarities. This approach is comparable to what John Stuart Mill once called the 'method of difference' in causal explanation (Mill 1843), although the aim is not to reveal critical explanatory variables. The cases are similar in as much as they all represent culturally diverse societies and they are often described as role models of how

toleration can be achieved in deeply divided societies. However, the ambition in the selection of cases has been to get as much variation as possible in order to enable a rich variety of perspectives on the organization of toleration. To this end, the diachronic comparisons are designed in accordance with what Skocpol and Somers (1980) call the method of 'parallel demonstrations'. This method is more exploratory than Mill's method of difference and it does not seek to explain particular phenomena, such as revolution or war, through causal chains of events. Instead the aim is to take 'snap shots' of different historical settings and political systems in order to analyze and compare their defining features. The method of parallel demonstrations is well-suited for the purpose of the project since it emphasizes perspective, contextuality, contrast and understanding (cf. Briggs 2004: 318).

3.1 Selection of Cases

The project analyzes six cases which can be roughly divided into three categories. The first category is the *Medieval imperial state*. This category is distinguished by the parallel existence of several semi-autonomous communities superseded by the imperial culture and law of the center. In the project this category contains two cases, Al-Andalus (Spain) in the 10th century and the Ottoman empire in the late 16th and early 17th century, both of which often are described as shining examples of pre-modern multicultural toleration (Braude & Lewis 1982, Menocal 2002).

The second category is the *modern nation-state*. Two cases will be analyzed, the United States and France (the late 18th and early 19th centuries), both of which have been highly influential as models of tolerant immigrant societies. Notwithstan-

ding existing similarities, however, the two cases differ in as much as one of them, the U.S., has traditionally been a stronger proponent of pluralism than the other, i.e. France (cf. Walzer 1996, Hollinger 2000, Cates 1989).

The third and last category is what we may call the *post-modern* and *post-national* state. Two contemporary cases will be analyzed, Canada and the European Union. Notwithstanding the obvious differences between the two, they are both distinguished by a deeply differentiated structure. In the case of Canada this differentiation has to do with the territorial concentration of national minorities (Inuits and Québécois) and with the growth of ethnic minorities over the last decades, which in combination with the Constitutional reform initiated in 1982 have pushed the country toward a more and more pluralist structure. In the case of the EU differentiation depends first and foremost on the fact that the union is made up of 27 sovereign states, but also on the strong tendency among EU institutions, such as the Court of Justice and the Council of Europe, to actively promote the rights of minorities (cf. Kymlicka 1995, Tully 1995, Walzer 1997: 44ff).

3.2 Material

In terms of material the project relies mostly on secondary sources. In political theory there is a vast literature on toleration and cultural diversity (Gutman 1994, Galeotti 2002, Kelly 2002, Benhabib 2002, Fraser & Honneth 2003 provide good overviews of the filed) and a growing literature on the concept of toleration as such (e.g. Heyd 1996, Mendus 1999, Forst 2004, Cohen 2004, McKinnon 2006). The same goes for history, especially on the era of reformation and coun-

ter-reformation that played a crucial role in the evolution of the modern, liberal idea of toleration (e.g. Skinner 1978, Grell & Scribner 1996, Zagorin 2003). However, there is also a vast literature on the Medieval organization and practice of toleration (cf. Nederman 1994, Bejczy 1997), normally focused on one particular case such as Al-Andalus or the Ottoman empire (e.g. Castro 2001, Menocal 2002 and Inalcik 1973, Braude & Lewis 1982). In addition to this body of secondary sources, a small selection of primary sources will be consulted as well. These primary sources are constituted by the work of key—but not always well known—political and religious thinkers of the analyzed periods. With respect to the case studies of political systems in the past (Al-Andalus, the Ottoman Empire, France and the United States) the authors of these primary sources serve the project not so much as philosophers, but as spokesmen of a milieu and zeitgeist (cf. Skinner 1988). As such they bring a deeper and more vivid understanding of the particular conceptualization and justification of toleration of their time and place.

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