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On Toleration by Peter Berkowitz

A review of *Pernicious Tolerance: How Teaching to "Accept Differences" Undermines Civil Society* by Robert Weissberg (Transaction Publishers, 2007, 170 pp., \$29.95), and *Regulating Aversion: Tolerance in the Age of Identity and Empire* by Wendy Brown (Princeton University Press, 2006, 288 pp., \$29.95).

Americans enjoy unprecedented freedom and equality. In the United States today more individuals --- men and women, white and black, straight and gay --- have more control over the religion they practice, the person they marry, the friends they make and the lovers they take, the associations they join, the jobs they perform, the places they live, the clothes they wear, the books, magazines and newspapers they read, the entertainments they enjoy, and the food and drink they consume than in any country at any time in human history. Equal liberty under law has united citizens who run the gamut from deeply religious to militantly atheist, from extremely conservative to extremely progressive, from lovers of opera and squash to lovers of country music and NASCAR. This spectacular diversity of convictions, sensibilities and tastes in a single nation would have astounded even Locke and Voltaire, the liberal tradition's greatest spokesmen for the virtues of toleration. Yet they would hardly have been surprised to learn of the shared moral and political premise that makes it all possible: the conviction that all human beings are by nature free and equal.

Of course, our tolerant pluralism generates problems and puzzles. The question classically addressed by Locke in his *Letter Concerning Toleration* (1689) of toleration's limits persists. This is in part because the range of beliefs, practices and associations thought to be consistent with the requirements of a free society is constantly changing, and change generates choices. In the 19th century, Tocqueville, Mill and Nietzsche explored the leveling and homogenizing effects of free, democratic and tolerant political societies. Then, in the second half of the 20th century, the civil rights movement, beginning with blacks but soon encompassing women, ethnic minorities, and recently gays and lesbians, made good on the American promise of equality under law to members of groups long denied it. However, this happy progress has raised a new and sharpened concern among many progressive thinkers over the extent to which toleration need transcend lifting improper legal liabilities to also include changes of heart. Most such thinkers take it as a matter of course that those once excluded or subordinated by law must not only be recognized as equals in public life, but be warmly embraced by fellow citizens and made welcome in the private sphere, as well.

Toleration today must confront two additional challenges, one a perverse outgrowth of the civil rights movement and the cultural revolution of the sixties, the other intertwined with grave national security concerns. Political correctness --- the attempt, usually by Left-liberal authorities of various sorts, to suppress critical expression and thinking, the better to inculcate their own moral and political judgments --- has spread from the universities where it was incubated to our primary schools, mainstream media and popular culture. Recent revelations about the University of Delaware's residence hall program, which administered "treatment" to reshape students' attitudes about race, sex, morals and the environment through mandatory training sessions and the regulation of dorm life, is only the latest outrage to make headlines ("University of Delaware Accused of Indoctrinating Students", Associated Press, October 31, 2007). The quest for a perfect equality, one that rights historic wrongs and settles old scores, has something of a liberal root. But the policing of hearts and minds in the name of greater sensitivity and inclusiveness is illiberal in intent and effect. Political correctness licenses --- and seeks to enforce through stigma, ostracism and, where possible, rules, regulations and law --- intolerance for dissenting opinion.

Our post-9/11 strategic challenges have also shone a spotlight on toleration. If ever there were religious beliefs at odds with liberal democracy, they are the various forms of Islamic extremism openly pledged to the West's destruction. In waging war against liberal democratic societies, these extremists flout internationally recognized legal principles and norms that require combatants to fight openly in uniform and that prohibit attacks on civilian non-combatants. They respect no authority save their own minoritarian interpretation of Islamic law. At the same time, Western societies, particularly in Europe, are home to increasingly large Muslim populations, many members of which find assimilation to be a challenge, and some small proportion of whom embrace jihadism. In these difficult circumstances, how far should Western liberal democracies extend toleration? Jihadi incitement and recruitment of disaffected fellow Muslims, the ability of violent extremists to conceal themselves among their co-religionists, their resolute rejection of the Western commitment to individual freedom and equality under law, and their death-dealing capacities --- thanks to their cult of martyrdom and access to increasingly inexpensive and powerful weapons --- require a rethinking of toleration's outermost boundaries. In sum, the continuing culture war and the "long war" on terror have thrust toleration, a matter of permanent interest in a liberal democracy, into a new, more variegated context.

Both Robert Weissberg and Wendy Brown recognize the importance of the debate in which toleration and its boundaries have become embroiled, but take very different positions within it. Whereas Weissberg argues that we need a return to the classical teachings about toleration, Brown finds in those classical teachings the source of contemporary error and injustice. Read together, these works provide a qualified vindication of the classical teachings, but a vindication all the same.

A professor emeritus of political science at the University of Illinois, Champaign-Urbana, Weissberg explores the well-organized and well-funded campaign to use education in America, under the guise of promoting toleration, to teach students an intensely ideological interpretation of multiculturalism. Crucial to the campaign is the promulgation of a substantially transformed understanding of toleration that seethes with intolerance.

According to the traditional understanding, toleration in politics, consistent with its etymology and dictionary definition, means enduring the painful or even odious. Developed in response to the Wars of Religion between Protestants and Catholics that wracked Europe in the 16th and 17th centuries, Locke's classical doctrine distinguished matters that fall under the jurisdiction of civil government from those that belong to religion. Whether one starts from the true premises of civil government or a reasonable understanding of Christianity, one arrives, according to Locke, at the same conclusion: Government properly regulates matters concerning property and the body, and religion deals with the heart and mind. Provided that they can be counted on to respect the laws that prohibit theft and violence, believers of diverse and conflicting religious persuasions should be free to worship as they see fit.

The new toleration, however, demands not merely enduring but embracing the diverse. In this view, it is not enough to reconcile oneself to living with those whose views and conduct rub the wrong way. Instead, citizens must learn to see a wide range of views and lifestyles that differ from their own as intrinsically worthy, deserving of admiration and even enthusiasm. In particular, according to Weissberg, citizens must affirm the perspective of those whom professional educators believe have been "unfairly marginalized, stigmatized, under-appreciated, or otherwise disdained." Under the new doctrine, it is government's responsibility, particularly through public education, to ensure that all citizens adhere to state-approved values and judgments.

The shift from the old toleration to the new, contends Weissberg, lays the foundation for civic disaster. In contrast to the classical doctrine, which focused on shared minimums (a common commitment to the equal freedom of all), the new toleration focuses on maximums (a common commitment to the view that all cultures and peoples are good, but especially peoples and cultures that are minority and non-Western). The new toleration puts the state in the invasive business of regulating and re-educating hearts and minds. It transforms disagreements about social policy concerning blacks, women and gays into issues of personal integrity and even mental health, diagnosing non-conforming utterances and thoughts as moral and intellectual pathology. By means of hate-crimes legislation, it criminalizes purportedly evil thoughts. It has inspired the development of grade school and high school curricula which teach that the United States is awash in racism, sexism and homophobia. And, as Weissberg points out, it has nurtured in colleges and universities Queer Studies, Whiteness Studies, Critical Race Studies and other variations on postmodern themes that have in common a determination to chronicle the experience of white, male and Christian America's victims, and to depict liberal democracy in the United States as uniquely vulgar and repressive.

Today's school curriculum, a principal vehicle for promulgating the new tolerance, is fraught with contradiction. Weissberg's summary depiction of a common grade school experience applies to our high schools and universities as well:

| In one classroom students might learn that asserting that girls and boys were different was a "harmful" gender stereotype; down the hallway the teacher admonished pupils to prize girls for their superior empathy and kindness. Elsewhere some students struggle to learn that there is no such thing as "race" while in the next grade they spend months immersed in African-American history. Next year the political winds may have shifted so last year's lessons are now obsolete. Such conflicting, often nonsensical messages are the functional equivalent of learning random numbers and all this well-intentioned effort might, sadly, bring education itself into disrepute.

Alas, there is no "might" about it. The use of the classroom, from kindergarten to graduate and professional schools, to promulgate multicultural pieties breeds in students disrespect for facts and, at higher levels, cynicism about scholarship and reasoned discourse. Students can't help but internalize the lesson that the laws of logic must be suspended --- girls and boys are no different, but girls are superior; race is not real, but African-American history is -- in order to protect and promote victims, and to denounce and delegitimize their persecutors. The burden of Weissberg's argument is that, whereas the old toleration asked citizens to respect each other as equally subject to the law, the new toleration in effect insists that they classify each other as inferior oppressors or victims made superior by their oppression. Whereas the old toleration proved itself to be a formula for civic peace, the new toleration could hardly be better designed to foster resentment and foment discord.

Those who wish to understand the case against the old toleration and the argument for the new from the perspective of a scholar steeped in Foucault, Marcuse and Freud should read Berkeley professor Wendy Brown's recent book, *Regulating Aversion: Tolerance in the Age of Identity and Empire*. It's not convincing, but it is instructive. Brown's style reflects the book's overall irony. In contrast to Weissberg, who was trained as an empirical political scientist and who writes crisp, clear prose that can be easily understood by any intelligent reader, Brown writes for the most part in a highly abstract postmodernist style that will be inaccessible to all but political science graduate students and Ph.D.s in one or two sub-fields of academic political theory. Though Brown criticizes tolerance for denigrating and excluding those it officially seeks to protect and calls for greater understanding of cultural and ethnic diversity, the prose alienates almost everybody but those who already share her sensibility and training. Worse, the "political intelligence" that she advocates, if adopted, would undermine the foundations that unite a diverse citizenry and that most effectively enable cross-cultural and transnational understanding.

Brown's aim is to show that tolerance functions today as a sinister exercise of power: In exchange for full political membership it requires minorities to shed crucial aspects of their identity, and in the process of conferring acceptance inscribes inferiority on their views and

ways of life. In other words, the very act of bestowing tolerance presupposes an act of condescension that, if accepted, establishes a hierarchical relationship between the bestower and the tolerated.

Brown is careful to say at the end of the book that she is opposed to “rejecting tolerance outright, declaring it a necessarily insidious value, or replacing tolerance with some other term or practice.” But by the time she has worked through her eclectic examples --- Jews in 19th-century France, women in 18th- and 19th-century Europe and England, Muslims in post-9/11 America, and the pedagogy of the Los Angeles Museum of Tolerance founded by the Simon Wiesenthal Center --- and elaborated her Foucauldian, Freudian and Marcusean themes, Brown has made clear that what is most salient about tolerance today is how it serves, at home and abroad, as a deep source of hypocrisy, cruelty and violence.

To understand how tolerance operates in liberal society, according to Brown, one must see it as “exemplary of Foucault’s account of governmentality as that which organizes ‘the conduct of conduct’ at a variety of sites and through rationalities not limited to those formally countenanced as political.” This is a fancy and infelicitous way of saying that tolerance always involves background assumptions and shared values that people bring to political life, and that in part determine their political judgments and actions. Or even more simply: Politics is shaped by social life, morals, culture and religious beliefs. And so it is.

But this discovery --- or rather this ornate repackaging of a truth well known to the larger liberal tradition --- does little to vitiate the claims of liberal tolerance. Indeed, Brown’s critique rests on a serious misunderstanding of the doctrine whose defects she claims to illuminate. According to Brown, liberal tolerance “abets a developing moral relativism in the domain of moral truth.” It does this, she asserts, by encouraging thin, weak public beliefs and thick, strong private ones. Restricting beliefs about ultimate questions to the private sphere, she contends, debilitates them. “Paradoxically”, tolerance as Locke conceived it

| simultaneously presents such truth as the deepest and most important feature of human existence yet as that which must be lived and practiced in a contained, private fashion. . . . Tolerance also requires a public acceptance of beliefs and values at odds with our own beliefs and values that we may consider wrongheaded and even immoral. Thus, in its peculiarly modern formulation, tolerance necessitates that a constitutive element of our humanness, belief, be cultivated and practice privately, individually, and without public effect on public life. A thoroughgoing civic tolerance permits moral absolutes only among private individuals and in private places; publicly, religious and moral truths must be affirmed as individual and nonauthoritative. In this context, a morally passionate citizen becomes strangely intolerable.

Notwithstanding her exhortations to embrace “the Other”, Brown exhibits disdain for those American Christians whom, throughout her book, she promiscuously and disparagingly labels fundamentalists. Ironically, her condemnation of the consequences of privatizing

beliefs converges with a critique of liberal tolerance common to the very fundamentalists she disdains. Be that as it may, the disdain she indulges is not, as she self-exculpatingly implies, a necessary consequence of tolerance.

Contrary to Brown, the doctrine of tolerance does not “permit moral absolutes only among private individuals and in private places.” In fact, tolerance, and the liberal tradition in which it is rooted, supposes that one essential moral belief, which the tradition contends derives support from both reason and faith, ought to be affirmed as public and authoritative. That essential belief, the liberal tradition’s founding moral premise, is that all human beings are by nature free and equal. Again contrary to Brown, the liberal tradition presents this belief as both a deep and decisive feature of human existence and as a moral principle that ought to be constitutive of the public sphere.

To be sure, toleration has its disadvantages. Citizens are bound to differ, often angrily, over how to translate this grand principle into practice. A focus on individual freedom tends to weaken claims of authority over and against the individual, even the authority of those interpretations, philosophical or theological, that proclaim human dignity to be rooted in human freedom. Those who confer tolerance are liable to patronize those upon whom they confer it, true enough. And liberal tolerance, which allows people to make foolish choices and seek the satisfaction of dubious desires, is certainly implicated in the flourishing of a popular culture that is in many ways vulgar and degrading. But this means only that toleration, like all virtues, is shadowed by vices --- not exactly a new thought.

To the extent that Brown’s polemic impels us to confront these shadow vices squarely, it is salutary. However, exaggerating those vices while minimizing the threat posed by the self-proclaimed enemies of liberal democracy is counterproductive. It is fine for Brown to notice that 19th-century France demanded that Jews shed much of their traditional practice to qualify for French citizenship. But it is wrong to overlook how many Jews happily embraced the bargain. Brown wisely observes that coercion is present not only in the case of Muslim women who must cover their bodies and veil their faces under the requirements of Islamic law, but also in the case of many young American women who routinely bare much of their bodies in public under pressure from cultural norms. It is nonetheless a serious mistake for Brown to treat as morally equivalent norms of immodesty in America, the violation of which may bring curious glances and a certain social ostracism, and Islamic dress codes, the violation of which can bring lashes, imprisonment or worse. It is crucial to appreciate, as Brown emphasizes, that in overthrowing the Taliban and Saddam Hussein the United States failed to take into account the profound cultural and social differences with which successful reconstruction of those brutalized societies would have to deal. But it is incendiary for her to reduce the destruction of al-Qaeda’s sanctuary in Afghanistan, the overthrow of the Taliban and the toppling of Saddam’s outlaw regime in Iraq to imperialist ambition.

In the final lines of *Regulating Aversion*, Brown argues that

| without foolishly positioning ourselves ‘against tolerance’ or advocating ‘intolerance’, we can contest the depoliticizing, regulatory, and imperial aims of contemporary deployments of tolerance with alternative political speech and practices. Such work constitutes a modest contribution to the larger project of alleviating human suffering, reducing violence, and fostering the political justice for which the twenty-first century howls.

But Brown, like many of the multiculturalist educators whom Weissberg criticizes, does foolishly position herself against the larger liberal tradition that has elaborated and nurtured the doctrine of tolerance. A good part of the folly stems from her inability or unwillingness to recognize her own dependence on that tradition. For what is Brown’s concern for the global alleviation of human suffering, the reduction of violence and the fostering of political justice if not a radicalization of the liberal hope that politics can provide the foundation to secure the freedom and equality of all?

Although not the only resource, the larger liberal tradition is indispensable for understanding the benefits liberal democracies hold forth and the excesses and errors to which they are prone. One mistake liberal democracies seem to breed is the demand for too much from political life, and one version of this mistake is exemplified by the various progressive critics of the classical doctrine who proclaim that tolerance aims too low --- that it leaves too many disagreeable passions undisturbed and too many prejudices untransformed. Those who would redirect our politics toward regulating moral and political judgments would profit much from a return to the serious study of the larger liberal tradition. Those who have grown impatient with or hostile to liberal tolerance and its modest expectations from politics would find in that tradition compelling reasons to reconsider their ambition to use state power to police sentiment and thought.

Among other things, that tradition at its best teaches that politics cannot solve our deepest problems or satisfy our profoundest longings. This conclusion is based not on an evasion of claims to justice, but on a frank recognition of the complexities of human nature and the crisscrossing imperatives of human dignity. The challenges we confront today at home and abroad make appreciation of those complexities and respect for those crisscrossing imperatives more urgent than ever.

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