

State tolerance is an offence, not a virtue*

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Resumen En este artículo se fundamenta una idea sencilla: en la actualidad muchos líderes políticos usan el término tolerancia para calificar sus propias actitudes hacia cierto tipo de personas, prácticas y culturas. La pregunta es simple: ¿al estado tolerante se le permite hablar (moral y conceptualmente) acerca de la tolerancia? La tesis defendida por el autor es que el Estado liberal moderno no puede (por razones conceptuales) y no debe (por razones morales) hablar acerca de la tolerancia.

Palabras clave

Tolerancia, Estado liberal, Neutralidad, Razones morales.

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Abstract In this article the author makes a simple claim: in present days, several political leaders use the term tolerance to qualify their attitudes towards certain kind of people, practices and cultures. The question is simple: Is the tolerant state allowed (morally and conceptually) to speak about tolerance? The thesis defended by the author is that the modern liberal State cannot (because of conceptual reasons) and should not (because of moral reasons) talk about tolerance.

Key words

Tolerance, Liberal State, Neutrality, Moral Reasons.

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In the past few years, leaders of Liberal States have been using, in recurrent circumstances, the term “(in)tolerance” to qualify the attitudes they hold towards certain acts, conducts, type of people or beliefs. In this vein, the declaration of President Sarkozy towards Rumanian gypsies or the attitudes of President Bush towards Arab-American citizens are examples of intolerant attitudes. Parliament leader Geert Wilders refers to himself as an intolerant person towards anything of Arab or Muslim origin and Mexican President, Felipe Calderon, called the international gay day “the day for tolerance”. Many further examples of this reality can be given. As a matter of fact, this is also a common idea within specialized literature: as far as the relationship between liberalism and tolerance is concerned, one of the claims is that the attitude adopted (or that should be adopted) by a liberal State is that of a tolerant State.

Against all this current thought, in this paper I will defend the following thesis:

A liberal State cannot (for conceptual reasons) and should not (for moral reasons) be a tolerant State

It is important to not lose sight of the fact that when I speak of a «liberal State» and of a «tolerant State» it is because I am moving within a public sphere of the discussion, and that by definition the public is distinct from the private. If we take this into account, then the thesis does not exclude the possibility of there being people, individuals, who feel committed to liberal thought or to the philosophy of liberalism and are also tolerant.¹ Then, the thesis does not rule out the fact that liberalism may be understood in different ways: as a policy of the State, as a type of education, as a form of ethics or a school of thought.²

We must also bear in mind that I have mentioned two types of reasons to justify why I sustain this thesis. The first reason mentio-

¹ Although, as we will see in the following section, I will defend the notion that this is only possible if we do not adopt a version of monistic liberalism and a universalist conception of morality.

² See, “Introduction”, in (Rawls, 1996). Besides John’s Rawls mentioning this possibility, a philosopher that has argued this possibility with great forcefulness and at great length is Bruce Ackerman (1980: 154 and ss.).

ned is of a moral nature, while the second is conceptual. That is to say, according to the second type of reasons, a liberal State *cannot* be tolerant. According to the first type of reasons, a liberal State *should not* be tolerant.

It is also necessary not to lose sight of the fact that the thesis I am defending excludes the perfectionist liberal State, such as the one proposed and defended by Joseph Raz (1986). The arguments that I will present in the following pages only refer to the kind of liberal State that refutes moral perfectionism. For this reason it is necessary, once again, to delve into the realm of definitions. In what follows, it will be presumed that the “liberal State” is one that displays the following characteristics:

- 1) The respect for an ample catalogue of freedoms that are not subject to a realm of political negotiation;
- 2) The autonomy of the State regarding doctrines and religious norms, as well as particular philosophies;
- 3) Respect for the true equality of all human beings and for non-discrimination, be it direct or indirect, and;
- 4) Its scope for decision-making is confined to a cluster of rules that do not favor any particular conception of the good and its construction is governed by formal and procedural criteria of justice.³

These principals are geared towards affirming that, generally speaking, the liberal State emerges from a need to guarantee the most extensive catalogue of freedoms, from respect by the State within the limits of a democratic public order, and from respect for fundamental rights, the autonomy of individuals and their particular philosophical, religious, ideological and moral convictions. It should be pointed out that public order must have the freedom to elaborate collective norms within the limits imposed by a previously established framework of rights, without it being biased by some particular conception of the good that dominates over the power and the public institutions.

³ We can find these characteristics reflected in the proposals of State liberalism that have been offered by liberals such as (Rawls, 1999; 1996), (Nozick, 1974), (Ackerman, 1980). For the Anglo-Saxon front, and for Latin-Americans (Garzón Valdés, 1989a, 1989b, 1989c), (Nino, 2005; 1996).

As far as tolerance is concerned, I will understand it as a «dispositional property» that is «tested in diverse and reiterated circumstances» which will be called the «circumstances of tolerance».⁴ These three specific circumstances refer to: i) the injury of a relevant conviction, ii) the capacity or adequate competence to restrain the tolerated individual and, iii) the balancing of reasons in favor of non-intervention against the tolerated individual.⁵

For the case at hand, it is important not to lose sight of the first and second circumstance of tolerance, that is to say: the injury of a relevant conviction and the capacity or competence to stop, detain or hinder the tolerated individual.

The importance of taking into account the first circumstance of tolerance is due to the fact that it is because of it that the mechanism of tolerance is activated; if the tolerating subject does not consider that one of his convictions has been injured by a third party, then the question as to whether he should or should not tolerate a certain act will never be raised.

While the importance of taking into account the second circumstance of tolerance is due to the fact that, even though it might actually injure one of our relevant convictions, not every act committed by a third party encroaches on the realm of the tolerable. And in this case it does not have access, because we cannot do anything against that act. For example, it is not possible to tolerate a storm or a heat wave, as it is also impossible to tolerate an earthquake. One cannot in principle say that an employee tolerates his boss. We say that these things are suffered or endured, but not tolerated. This is due to the impossibility of doing anything against them. There are the cases in which we cease to be subjects of tolerance and instead become victims of patience.

⁴ Garzón Valdés, «No pongas tus sucias manos sobre Mozart». Algunas consideraciones sobre el concepto de tolerancia», this text has been published in various places, and the one I will be referring to here - the same that I have quoted in other parts of the thesis - can be found in his book, *Instituciones Suicidas* (2000: 181-98. Specially, p. 182).

⁵ Other philosophers, such as Annette Schmitt, Mary Warnock, Peter Nicholson and, Susan Mendus sustain the thesis that tolerance is conceptually constructed under the basis of these three circumstances. See, (Schmitt, 1992: 71-85), (Warnock, 1987: 123-145), (Nicholson, 1985: 158-176), (Mendus, 1989).

Why a Liberal State *should not* be a Tolerant State

The first argument is directed against the idea that a liberal State must be neutral. To sustain the said thesis I will turn to the first circumstance of tolerance, namely *the injury of a relevant conviction*.

Luis Villoro states that: «a conviction corresponds to the beliefs we deem to be vitally important, those that satisfy our ends and give sense to our existence, those that orient our life's necessary actions, although not necessarily the most probable or proved». (Villoro, 1982: 119). This means that a conviction plays an *important* role within the system of values or rules that harbor it. Other philosophers such as Bernard Williams for example would say that a conviction is one of the elements that constitute the *ground project* of a moral agent (Williams, 2005: 13).

This means that a conviction is a part of my conception of a good life, of that life which I consider to be worth living. Personal convictions are derived from the key questions that address the notion of a moral life: how is it that I must live? How should I treat others? What are my commitments to society, to my fellow mates, to my family, to my friends? etc.

According to this view, in the first instance the tolerating subject will always depart from his initial moral considerations when judging an action as being bad or repugnant. That is to say, he departs from the principles and rules that make up his conception of the good life. In this case, the tolerant subject considers that a given act or thought is wrong from the point of view of his initial moral convictions. However, and in spite of this, for particular reasons decides to refrain from intervening against it, but rather chooses to restrain the normative strength of his conviction for a given period of time: that is, he decides to tolerate the act in question.

From this perspective, a liberal State is related, first and foremost, to a practical condition: *neutrality*. What this means to say is that the State cannot interfere with the development of different and reasonable conceptions of the good adopted by the individuals. Furthermore, if the State actually adopts a liberal stance in all se-

riousness and sincerity, then it must not favor or privilege any conception of the good.

But this is not the only demand. Another requirement of neutrality is that the State cannot act in accordance with a conception of the good. That is to say, a Liberal State should not adopt any religious, ideological or philosophical stance (Ackerman, 1980: 11-12). From this perspective, we may see that one of the requisites that must be met by the «liberal State» entails the regulation of its acts in accordance with a previously accepted framework of rules and principles established by certain criteria that ensure its rightness, in other words its commitment to justice. For most liberal authors these are the types of requirements that limit the performance of the State, while at the same time allow the peaceful coexistence of a plurality of reasonable conceptions of the good that may be incompatible and incommensurable with each other (Rawls, 1996: 133).

Bearing these considerations in mind, we could then say that being tolerant implies the absence of the State's neutral attitude in the face of a determined state of things. That is to say, tolerance does not entail neutrality.⁶ Neutrality is comparable to the attitude of a referee. What I meant to say with this is that he cannot be biased in favor of the parties between which he is attempting to arbitrate, precisely because he runs the risk of losing the neutral stance that is required of him. The tolerant person has no place in this game. The fact that he, for specific reasons, decides to refrain from intervening in favor of or against someone or some state of affairs does not mean that he has not taken sides or sided with a specific moral stance, in the face of that something or some state of affairs.

Let us recall for the case in point, that according to Ernesto Garzón, the formal structure of the concept of tolerance is comprised of a triadic relationship represented by a person 'a' that tolerates ('T') an act 'X' of another person 'b' who is the recipient of 'T' in a specific circumstance 'c'. A relationship that Garzón simplifies with the formula:

$$aTbXc \ t1 \dots \ tn$$

⁶ This thesis is also defended by Andrew Jason Cohen in (2004: 75-76). Cohen states: "One can remain neutral between two parties by failing to tolerate either".

In that sense, when an act of tolerance occurs the conflict takes place between two actors (or groups of actors) *a* and *b*, while in the structure of neutrality, there are two actors in conflict - let us once again call them '*a*' and '*b*'. but there is also a third mediator, '*c*'. So there is also a structural difference between tolerance and neutrality. Aside from this, Let us take into account another relevant fact. According to the above, the tolerant subject has the capacity to cease being tolerant at any given moment. Following this train of thought, if we are saying that the State is an entity that carries out acts of tolerance, we are granting it the possibility, at any given time, to cease being tolerant. We derive from this a fact which in my opinion it is important to underscore: if an act of tolerance is, by definition, an omission (namely, to refrain from acting, for specific reasons, against the act that injured a relevant conviction) and if we accept that, for someone to "omit" the commission of action '*x*' is because, among other things, he was capable of realizing '*x*', then, we must also accept that one who tolerates '*x*' at some point or another also had the capacity to *not-tolerate* '*x*'. (Rivera López, 1997: 153-154). That is to say, one can only be tolerant if one has the capacity not to be tolerant (González de la Vega, 2010: 109–126, specially, p. 118).

When a liberal State starts considering to (in)tolerate certain conducts or plans of life, it is the moment when such a State is abandoning the liberal framework to start moving into a sort of authoritarian regime. In Latinamerica we know well enough the consequences that happened when a State regime leaves aside the neutrality that is imposed over them by the human rights framework. From the military assembly in Argentina (which was intolerant towards any kind of dissidence) to the Pinochet Regime in Chile. Conceptually speaking, if a State wants to be recognized as a liberal State, then, it most take seriously the normative force that human rights have.

It is said that a liberal State practices neutrality precisely in order that numerous and varied plans of life may flourish. However, let us suppose that the State could, under certain objective criteria, determine which life plans are better or fairer and, therefore, begin

to act politically in accordance with the framework of those better or fairer life plans (exactly, as the kind of State defended by Joseph Raz). We could hardly say that such a State is a neutral State; as in fact Raz admits by completely refuting the idea of State neutrality. Let us recall that Raz not only affirms that the State *should not* be neutral but that the State *cannot* be neutral (Raz, 1986), (Wojciech, 1990: 122-133).

However, what would happen if the State I have been imagining, in spite of its knowledge of which plans of life are good and fair, allowed the existence of other less valuable forms of life, according to the moral standards it has adopted. Now then, in that case, we could qualify that State as a tolerant State (Farrell, 2007: 10), as were in fact the actions undertaken by King Henry IV of France, who in 1598 signed the “Edict of Nantes” allowing Calvinist Protestants freedom of religion, or the Patent of Toleration issued by the Emperor Joseph II in 1781 establishing the civil equality of Catholics and non-Catholics. In fact, this was John Locke’s claim when in his *Letter Concerning Toleration* he asked the English Crown to tolerate the French Huguenots (Locke, 1796). However it must be borne in mind that the reasons held by these models of State to tolerate certain ways of life are of an economic or instrumental nature. It should be recalled for the case in point that Cranston argues that Locke proposes economic reasons in support of tolerating xenophobia (Cranston, 1987: 101-122, specially, p. 102).

Yet, nowadays what a liberal expects from State neutrality is precisely the opposite. What he is advocating is a means of peaceful coexistence governed by universal principles that can easily be afforded by any rational agent despite his beliefs as to what constitutes a good life. What a liberal is expecting from State action is that it be governed by those criteria of Law, because those rules and principles have been elaborated by following certain criteria of impartiality and universality. And it is because of these “bridging” reasons that any person can accept them, no matter what their comprehensive conception of the good might be. That is to say, when a liberal advocates the impartiality and universality of the norms that govern a society (well organized, Rawls would say), what is being

offered are reasons that allow us transit from the fact that “one” or more members of a society consider that these are the fair principles and rules, all the way through to the notion that “all” members can consider it to be so. This is, broadly speaking, what Rawls’ original position deals with, where impartiality is guaranteed by the «veil of ignorance» (Rawls, 1999: 136 and ss.). For the moment, I will leave this point until here. In the last part of this article I will address some other issues related to State neutrality that will complement the argument considered until now.

Why the Liberal State *cannot be* a Tolerant State

The second argument I have in mind is closely related to the previous one, although in this case, we are addressing a conceptual impossibility. For this reason, I will base it on the second circumstance of tolerance, which states that one cannot tolerate that which is beyond his power to change, detain, dissuade or hinder.

To begin with my argumentative line of thought, let us consider the following examples:

On February 20, 2005, Filip Dewinter, leader of the Flemish extreme right-wing political party, “Vlaams Belang”, when passing by a mosque that was being built in downtown Antwerp commented to a Times magazine reporter, raising his arms and displaying gestures of disgust: «It is just a few doors from the church».⁷ The same reporter says that the extreme right-wing politician was well known throughout the city for his anti-immigration politics. When he walks through Antwerp he is greeted with both racists cries from the Africans and Muslim as well as standing ovations from men and women of Belgium origin: “Dewinter, you are doing a magnificent job, keep going!” The politics of the extreme right-wing party, Vlaams Belang, have gained great popularity amongst the Dutch and Belgian population. Their politics are based on the independence of Flanders; it is a politics of «zero tolerance», and a rejection of non-Christians, non-Europeans and multiculturalism.

In September of 2005, the Danish newspaper Jyllands-Posten published a series of caricatures that depicted the Islamic prophet Muhammad. Initially

⁷ Times Europe, February 21, 2005.

the matter did not have mayor consequences, but when some Norwegian newspapers republished them, conflict broke out. The printing of these caricatures unleashed a series of violent protests lead by the Muslim community. The caricatures were accused of being cultural insults, islamophobic and blasphemous and of having the intention of humiliating the Muslim minority that lives in Europe. On the other hand, some sympathizers of the Danish cartoonists argued that they had the right to express themselves freely. [The Guardian, February 12, 2008]. However, the reasons they argued were not convincing enough for the Muslim community. In February of 2008 three men of Muslim origin were arrested in Denmark for conspiring to assassinate the Danish cartoonist. [The Guardian, February 12, 2008].

If the model of the State that the liberals have in mind is a type of State that is committed to constructing a public discourse based on full respect for human rights and democracy, then when we speak of religious convictions in particular and moral convictions in general, the circumstance of tolerance that talks about the “power” or the “competence” that we should have in order to tolerate something takes on greater relevance. Conceptually speaking, tolerance establishes an impassable boundary. This boundary deals with the fact that we cannot tolerate something that is beyond our reach. There are factual limits; as argued before, we certainly do not say that we tolerate an earthquake or a heat wave, simply because we cannot do anything against that state of things. However, the liberal State also has normative limits, such as for example when a conduct, act or belief is explicitly prohibited or permitted by a normative system that is considered superior; this is the case for the system of human rights.

Both examples previously presented are cases where religious convictions are at play. It should be noted that in cases such as this, we are facing convictions considered as *morally relevant*, and that when conflicts between this realm of convictions arise, public opinion often tends to quote the word «tolerance». But, nevertheless, behind the perspective of the liberal State when addressing those types of cases, it will be difficult for someone to try to offer reasons why the State should *tolerate* the adoption of a religious creed that is different from that practiced by the majority of people, fundamentally because of the existence of human rights. How can a liberal

State speak of tolerance towards heretics, atheists, Muslims, Jews or Catholics when it recognizes the –universal– *right* to adopt any and all religious beliefs?

However, these types of conflicts, within the boundaries of a liberal State, do not involve *acts of tolerance*. Rather, it seems to me that these types of conflicts are resolved (and should be perceived) as conflicts of rights and their effective application. This is to say that it is precisely because they recognize these types of rights (human rights) that facts such as the declarations of Dewinter or the publication of religious cartoons can be subject to criticism. (Nino, 2005: 15). It is clear that the argument is based in this case in particular on the universal recognition of the freedom of religious belief founded upon human rights.

This argument is directed at the notion that if we accept that these types of normative boundaries have already been established within the liberal State, then it will be easier to understand why this type of State that respects human rights should not be a tolerant State. In cases such as that of *Filip Dewinter* and the *Vlaams Belang* followers, it would be pertinent to take into consideration the words of Rodolfo Vázquez when he affirms that:

While the primary sphere of religious beliefs is the private one, freedom of religious belief also entails the right to express and attempt to expand ones beliefs in the public sphere: “from the construction of places of worship and religious education, to processions and door to door proselytism”. What is important to understand is that the correct outer limit to the exercise of those rights must strictly be placed within the civil society and it must not be done with the use of the State (Vázquez, 2010: 98-99).

It is true that the types of boundaries I have been discussing are clearer when we speak of tolerance within the “public sphere”, but that their clarity fades or is lost when we place them within the “private sphere”. It is correct to think that one who holds a dogmatic religious belief has the certainty of knowing our divine destiny. And there is no doubt that for this individual, these types of beliefs have an ethical-normative (practical) relevance in his life. Nonetheless,

the State must inform him that he is also subject to these types of boundaries.

Finally, it should be noted that it is more convenient for the liberal State to refrain from speaking to its citizens about tolerance, because when the public discourse revolves around the subject of rights and subjects such as the morality of abortion, euthanasia or gay marriage are addressed, what is asked by those who claim these rights is not that the State tolerate the conduct they are practicing; rather what they want is to be recognized something that they have not yet been recognized, this is their rights.

Is there a way in which the Liberal State can defend the value of tolerance?

According to the above arguments, we can now pose the question: how can the liberal State defend the value of tolerance? In my opinion, according to the formulation I have provided, the liberal State is trapped within its own framework of action. If the liberal State actually claims to be true to the principles that govern it, it will find it conceptually and morally treacherous to speak of tolerance. What I mean with this is that if the liberal State meddles in a public discourse about tolerance, the probable losses will be greater than the possible gains, considered from a conceptual and moral perspective. It could be said in opposition to this argument, as John Rawls has done in his *Political Liberalism*, that one of the tasks of the State or of public institutions that comprise it is to promote, among other civic virtues, the virtue of tolerance.

Rawls, specifically states the following:

Even though political liberalism seeks common ground and is neutral in its aim, it is important to emphasize that it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues. Thus, justice as fairness includes an account of certain political virtues –the virtues of fair social cooperation such as the virtues of civility and tolerance, of reasonableness and the sense of fairness. The crucial point is that admitting these virtues into a political conception does not lead to the perfectionist state of a comprehensive doctrine (Rawls, 1999: 194).

Nonetheless, to affirm that State should promote among its citizens the practice of tolerant attitudes in the face of beliefs that are considered morally disagreeable places the project of the liberal State in a risky position. This specifically happens in two ways. The first is one of the points I have been arguing thus far: the loss or jeopardizing of State neutrality. Certainly, many moral and political philosophers, as well as liberal thinkers or liberal critics, doubt that the State can remain neutral in the face of a plurality of conceptions of the good.⁸ The critiques of State neutrality have ranged from the most radical to some that might seem moderate. Among the most radical we could place the arguments of philosophers like Joseph Raz, who also comes from the liberal trenches. Let us recall that Raz has severely criticized the possibility of State neutrality. Founding his critique upon the principle of personal autonomy, which if we remember, represents a perfectionist principle this allows and even forces the State to eliminate life options that are morally repugnant (Raz, 1988: 155-198). Other critics found outside the trenches of liberalism, such as the communitarian trenches, have criticized State neutrality based upon the notion that when the State remains neutral in the face of a social controversy that entails deep moral disagreements (such as abortion), it is actually favoring one of the perspectives being presented.

This implies that State neutrality is not as neutral as liberal's claim it is when confronted with situations of deep moral disagreements (Sandel, 1989: 521-38, specifically p. 531). To escape these types of critiques, liberal thinkers, such as John Rawls, have established an entire conceptual defense of neutrality. In the specific case of J. Rawls, he distinguishes between two ways of viewing State neutrality: i) a neutrality that he calls «procedural» neutrality and ii) another that he calls neutrality of «aim» (Rawls, 1996: 191-194). The first type of neutrality is understood as the justification of a procedure without appealing to any sort of moral values. This is the case for the authors who justify the decision-making procedures

⁸ What I am thinking of when I say this is argued, for example, by Joseph Raz and Ronald Dworkin for the liberal front, and Michael J. Sandel and Alasdair MacIntyre, for the communitarian front. (Raz, 1986), (Dworkin, 1989: 479-504), (Sandel, 1992), (MacIntyre, 1983).

through neutral values such as impartiality and consistency. The second type can be understood, according to Rawls, in three different ways: 1) the State must guarantee its citizens equal opportunities to promote any conception of the good that has been freely affirmed by them; 2) the State must refrain from any activity that favors or promotes any particular comprehensive doctrine over another; and 3) the State must refrain from any activity that increases the likelihood of individuals accepting one particular doctrine over others (Rawls, 1996: 224-235). Nonetheless, in the case of Rawls' *Justice as Fairness*, the state it is only neutral in the first two senses, according to Rawls himself. The form of the State proposed by his theory of justice cannot be neutral in the third sense. This is because it is inevitable for the basic structure he proposes to have «considerable influential effects on the selection of the lasting comprehensive doctrines that are capable of winning supporters over a period of time» (Rawls, 1996: 235)⁹.

If we accept the Rawlsian terminology, then the argument that has been developed has moved towards procedural neutrality. And it is because of this that the argument proposes that the State cannot be a tolerating subject, and refers to the framework of rights and procedural rules of a neutral character that govern it. However, it seems that the battle is not lost when we seek to affirm that a liberal State is, or can be, a tolerant State because some liberals still endorse the alternative proposed by Rawls: this entails accepting that the basic structure adopted by public institutions may assist in promoting certain values and civic virtues such as tolerance. Nevertheless, the promotion of the value of tolerance (and any other of liberalism's substantive values) on behalf of the State would seriously jeopardize the neutral stance adopted by the first and second senses mentioned above. If we accept that the State must remain at a distance from the substantive decisions made by each of the members of the social community and that the State must guarantee all people the equal opportunity to develop their own comprehensive conceptions of the good, then the promotion of some values would

⁹ See, (Rivera, 2005: 135-65, specifically p. 144, footnote 14).

countermand those other two claims of neutrality. Every citizen's immediate question would be: why does the State promote such values (tolerance) and not other values such as solidarity or communal union or traditional families? The response that a liberal might offer to this question is that the value of tolerance is precisely the one that affords each and every person the opportunity to adopt the life plan that best suits their interests and personal desires. In this way, it is seen as a value that protects and promotes the development of personal autonomy.

However, if this is the answer, then the liberal State is once again in a bind. If the liberal State believes that it must promote tolerance among its citizens, it would then seem that it is willing to promote liberalism's values –although maybe not through the same sanctioning measures as those proposed by Joseph Raz (1988: 415). In that case, liberalism would leave behind its claim to be a non-metaphysical but rather a political doctrine and would start to move into the realm of liberal republicanism. As is known, republicanism sustains that the State has the obligation to promote certain civic virtues such as tolerance and solidarity (but without falling into perfectionist measures), so that it may be possible to construct liberal public institutions, such as democracy and the respect of rights.¹⁰ The displacement that might be suffered if the liberal State chooses to promote the value of tolerance coincides with the criticism brought by Bernard Williams according to which, if tolerance is based upon the value of personal autonomy, then promoting tolerance means likewise, promoting a substantive principle that belongs to a particular conception of the good (Williams, 2005: 128, specially, p. 31). This is to say, the State has ceased to be neutral and has begun to promote a given morality, in this case the liberal morality. If so, then the State could begin to tolerate certain ways of life that do not match the moral ideals of liberalism but which respect the principle of harm. In my opinion this movement makes sense when it amalgamates with the idea that several liberals, as heirs to Rawls,

¹⁰ This is one of the central arguments used by Félix Ovejero in his book *Incluso un pueblo de demonios: democracia, liberalismo, republicanism* (2008), in order to defend the deliberative democracy that republicanism claims.

advocate: the thesis of «reasonable pluralism». Let us recall that the pluralism of “justice as fairness” carries with it the predicate «reasonable» in the sense that it is limited to certain life plans, and therefore not all of them are tolerable.

To sum up, within the realm of a liberal State, tolerance does not seem to be a virtue, but rather a vice. It seems that both elements are incompatible with the framework that regulates the performance of public institutions **■**

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