

The Trouble with Tolerance

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Some years ago, just after Salman Rushdie was made the object of a *fatwa*, I found myself at an academic conference listening to a panel address the issues raised by his situation. A member of the audience rose and, without a trace of irony, gave voice to this question/accusation: “What’s the matter with those Iranians? Haven’t they ever heard of the First Amendment?” The empirical answer to the question was maybe yes, maybe no. Some individual Iranians and many members of the Iranian legal community would have heard of (and studied) the First Amendment, but even those who had read it could not have been counted on to affirm the assumptions informing it—the assumption that expression as an abstract category is to be valued over the content of what is expressed; the assumption that no content is to be either stigmatized or embraced in advance of its having been subjected to the test of rational scrutiny; the assumption that contents (ideas, ideologies, opinions, hypotheses) are equal before the law, and none is to be prohibited unless it is put into (dangerous) action; the assumption that religious pronouncements, even those that issue from revered authorities, are in no way privileged, exempt from criticism, or entitled to a place in the policy deliberations of the state; the assumption that the holding of views, however unpopular or even sacrilegious, cannot be a reason for the denial of rights, the withholding of privileges, or the distribution of rewards.

Each and every one of those assumptions was seen by the person who asked the question to have been flouted by the government of Iran, and that government, accordingly, was regarded as backward, retrograde, myopic, and hopeless. (How little has changed.) Ignored was the possibility that what appeared to be an entirely negative and unprincipled act might be the product of an alternative set of principles—preferring community to individual rights, positive morality to respect for all points of view, truth to tolerance, the sanctity of God to the sanctity of choice.

Earlier this year, pretty much the same scenario was played out around the publication in Denmark of cartoons poking fun at the person and beliefs of the prophet Muhammad. Many Western commentators were simply unable to see why mere words or pictorial representations could be received as grievously wounding—after all, “sticks and stones may break my bones, but...”—especially given that those who reacted most vehemently (and, on occasion, violently) were not directly the target of the cartoons (they were not being libeled, so what’s the big deal?). The idea that you could be so identified with a

religious creed that criticisms of it would lead you to actions that might be appropriate if you were being physically assaulted (there is, after all, the speech-action distinction, isn’t there?) is simply inconceivable to those who have been taught (by everyone from Locke and Kant to John Rawls) that tolerance of views you oppose is the highest morality.

This has been going on for a long time, at least since Locke declared (in *A Letter Concerning Toleration*, 1689) that “every Church is orthodox to itself” and concluded that, in the absence of an independent mechanism for determining which among competing orthodoxies is the true one, toleration is the only rational policy. Locke then asked, What about the churches and orthodoxies that value tolerance less than they do the truth and political supremacy of the faiths they espouse? Do we tolerate them? The answer he gave is still being given today by the guardians of Enlightenment liberalism: “No opinions contrary to human society, or to those moral rules which are necessary to the preservation of civil society, are to be tolerated.”

But the question of which opinions are “contrary to human society” does not answer itself, for if it did, if there were universal agreement on what views were simply beyond the pale, tolerance would be unnecessary. The category of interdicted opinions must be established by an act of authority and power, an act Locke performed later in the tract when he made his own list. He thus made it clear that in the liberal tradition he initiated, tolerance, rather than being a wholly benevolent and inclusive practice, is an engine of exclusion and a technology of regulation.

The triumph of toleration as the central liberal value, and the attendant inability of liberals to see the dark side of their favorite virtue, is the subject of Wendy Brown’s insightful and illuminating new book, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton University Press). Brown sets out to understand “how tolerance has come to be such an important justice discourse in our time.” The “conventional story,” she reports, goes this way: “[T]he combined effects of globalization, the aftermath of the cold war, and the aftermath of colonialism have led to the world’s erupting in a hundred scenes of local and internecine conflict, roughly rooted in identity clashes, and tolerance is an appropriate balm for soothing those conflicts.” In a world where difference seems intractable and irreconcilable, parties are always poised for

conflict (Brown notes the Hobbesian antecedents of this picture), tolerance appears to be a “natural and benign remedy”; natural because, given what men and women are (irremediably) like, it seems the only way to go, and benign because while it reins in differences, it accords those difference a space in the private sector. You know the commonplace aphorisms and slogans: Live and let live, different strokes for different folks, can’t we all just get along?

Sounds good, but Brown isn’t having any. Her critique of tolerance challenges the common assumption that the differences the sharp edges of which tolerance is supposed to blunt “took their shape prior to the discourse called on to broker them.” No, she insists, those differences are *produced* by a regime of tolerance that at the same time produces a status quo politics built on the assumption that difference cannot be negotiated but can only be managed. When difference is naturalized, she explains, it becomes the mark not of an ideological or political divide (in relation to which one might have an argument), but of a cultural divide (in relation to which each party says of the other, “See, that’s just the way they are”). If people do the things they do not because of what they believe, but because they are Jews, Muslims, blacks, or gays, it is no use asking them to see the error of their ways, because it is through those same ways—*naturally* theirs—that they see at all. When President Bush reminds us of “the *nature* of our enemy,” he is, in effect, saying there’s no dealing with these people; they are immune to rational appeals; the only language they understand is the language of force.

“This reduction of political motivations and causes to essentialized culture,” Brown says, “is mobilized to explain everything from suicide bombers to Osama bin Laden’s world designs, mass death in Rwanda and Sudan, and the failure of democracy to take hold in the immediate aftermath of Saddam Hussein’s Iraq.”

And, she adds, it does more than that: It legitimizes, and even demands, the exercise of *intolerance*, when the objects of intolerance are persons who, because of their overattachment to culture, are deemed incapable of being tolerant. Live and let live won’t work, we are often told, if the other guy is determined to kill you because he believes that his religion or his ethnic history commands him to. Liberal citizens, Brown explains, will be tolerant of any group so long as its members subordinate their cultural commitments to the universal dictates of reason, as defined by liberalism. But once a group has rejected tolerance as a guiding principle and opted instead for the cultural imperatives of the church or the tribe, it becomes a candidate for intolerance that will be performed in the name of tolerance; and at that moment any action against it—however violent—is justified. Tolerance, then, is a virtue that liberal citizens or those who are willing to act as liberal citizens are capable of exercising; and those who refuse to exercise it cannot, by this logic, be its beneficiary.

Nor, according to Brown, are the regulating and stigmatizing effects of tolerance limited to a nation’s relations with foreign states and actors; the liberal state does the same thing to its own citizens, at least to those citizens who, by being identified as the appropriate beneficiaries of tolerance, are at the same

time marked as deviant and potentially dangerous. If it is “a basic premise of liberal secularism that neither culture nor religion is permitted to govern publicly,” Brown says, then those Americans who refuse to leave their sectarian beliefs and convictions of core identity at home when they venture into the public sphere—fundamentalist Christians, Orthodox Jews, strongly observant Muslims, gays and lesbians, etc.—must be made to understand that only by relaxing the hold of those personal commitments and promising to act as liberal citizens (rather than as Southern Baptists, Hasidic Jews, or citizens of the Queer Nation) in public spaces will they be welcomed into the fold. Should they resist the requirement to live a double life—apostles of individualism, progress, profit, and secularism in the courthouse and the ballot box, devout upholders of religious and cultural imperatives at home—they will either be tolerated and marked as “other” (the Amish) or made the objects of surveillance and profiling (anyone wearing a turban or a *burkha*) or detained and perhaps deported.

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The state preaches tolerance, but because it has identified tolerance with those who have a certain set of (liberal, secular) beliefs, those who do not display such beliefs and the practices they subtend will be regarded with suspicion and become the “natural” subjects of intolerant actions: From roundups, detention, and deportation of illegal aliens to racial profiling in airport security searches, the state “engages in extralegal and prosecutorial actions toward the very group it calls upon the citizenry to be tolerant toward,” Brown says. Moreover, as she sees it, that is not a contradiction of the tolerance the state proclaims, but an inevitable result of a tolerance that cannot itself tolerate persons or practices that do not respect the boundaries and distinctions—between secular/religious, public/private, mind/body—it presupposes.

To this point, I have been summarizing Brown’s analysis of tolerance (not all of it; there are more turns to her argument than can be dealt with in a brief review) and her denial to that resonant word of the good press that it typically receives in the Western world. As my readers will no doubt have surmised, I find the analysis trenchant and the critique persuasive.

What follows from Brown’s deconstruction (a term she uses) of tolerance? The question has an obvious answer if it is put to Herbert Marcuse’s “Repressive Tolerance” (1965), an essay Brown cites as one of her two main inspirations (the other is Michel Foucault’s *The History of Sexuality*). Marcuse anticipates Brown when he declares that “the conditions of

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tolerance are ‘loaded’: They are determined and defined by the institutionalized inequality (which is certainly compatible with constitutional equality), i.e., by the class structure of society.” Marcuse emphasizes the difference between a legal or procedural equality that treats persons alike (“constitutional equality”) and the inequalities that result from long-in-place structures of privilege, discrimination, and inherited wealth. Those inequalities, he says, are left in place by a legal system that turns a blind eye to them. Brown sharpens and extends Marcuse’s point by observing that when difference is essentialized in the liberal state and made unavailable to negotiation, it is also depoliticized, relegated to the private sphere, where it is at once above and below judicial scrutiny. Hence its effects multiply in a political “underworld” where the damage done escapes official notice although millions experience it.

But Brown and Marcuse part ways when it comes time to draw a conclusion. Marcuse puts his up front at the beginning of his essay: “The conclusion reached is that the realization of the objective of tolerance would call for intolerance toward prevailing policies, attitudes, opinions, and the extension of tolerance to policies, attitudes, and opinions which are outlawed or suppressed.” That is to say, and Marcuse says it, anything the right does is bad and should not be tolerated; anything the left does is good and should be welcomed. Marcuse’s reasoning follows from his wedding of tolerance and truth. (“The *telos* of tolerance is truth.”) The argument has the form of a syllogism. Only the truth should be tolerated. Truth resides on the left. Therefore tolerance cannot be extended to the right. In a world where the forces of good and bad vie for supremacy, “suppression of the regressive ones is a prerequisite for the strengthening of the progressive ones.”

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Again Brown agrees with Marcuse that liberal tolerance, emphasizing as it does formal equality and the inclusion of all points of view, is unresponsive to the question of truth as it is posed by liberalism’s opponents. She thinks it a mistake, as does Marcuse, to “retreat from substantive visions of justice,” which makes room for fundamentalist social movements to rush in to fill the void created by liberal proceduralism. But Brown cannot embrace the logic of Marcuse’s syllogism because she does not want to smite her enemy hip and thigh. She wants a more general, more theoretical yield. She wants a vision that is at once substantive and alert to the truth of things and inclusive and alert to the injustices done to marginalized peoples. It would hardly be an advance to replace the “othering” of minorities and foreigners with the “othering” of liberals, conservatives, and libertarians.

But unless she follows her critique of liberal tolerance and her embrace of substance with some statement of who and what should and should not be tolerated, Brown will be left with noble-sounding phrases like “the fashioning of a democratic culture,” phrases that are vague to the point of being empty. Once she takes the notion of truth seriously—which means taking the notion of falsity seriously—Brown is in a difficult position. If she localizes truth—finds it here but not there, alive and well in Palestine but abandoned and dead in Israel and Washington—she abandons a capacious theoretical discourse for a narrowly partisan one. Either she is for truth in general and nothing particular follows, or she is arguing that the truth lies here not there. Either she’s making a theoretical argument about tolerance, in which case her opponents are those who would describe tolerance differently, or she is making a policy argument, in which case her opponents are those who would advocate different policies.

What she wants is to be doing both; she wants to derive a specific policy from a general, theoretical account. But you can’t get from a general account of a matter to a particular program of action because the general account, if it is really general and not already partisan, is descriptive not normative. It tells you what is, not what to do. A general account can be more or less accurate—when reading it, you can say to yourself, for example, “This is the way liberal tolerance works”—but it cannot generate a moral on the order of, “Now do this and not that.” Brown’s account of liberal tolerance tells us how it works not only in this instance, but whenever and wherever it is deployed; but it doesn’t tell us whether liberal tolerance is a good thing, or whether there is something better.

Assume, for example, that you are persuaded (as I am for the most part) by Brown’s analysis of tolerance and now believe that, far from being a simple, benign virtue, tolerance is the technology or governmentality (a word Brown borrows from Foucault) of an ideology that privileges some values—individual will, autonomy, choice, procedural (not substantive) justice, rationality, freedom of expression, freedom of markets—and stigmatizes or marginalizes others—group loyalty, religious obedience, the law of God, tribal traditions, the national ethos, blood, culture. It is perfectly possible that you could say, “Yes, now I see, thanks to Brown, exactly what substantive values inform liberalism despite its denial (at least in some versions) that it harbors any; but those values are fine by me, and I will continue to affirm them even if it means being intolerant toward those who reject them.” Or, let’s say you have read Brown’s scintillating chapter on the Los Angeles Museum of Tolerance and find yourself agreeing with her conclusion: The museum celebrates respect for different beliefs, but at the same time its exhibits identify Israel as the only Middle East actor that embodies that respect, and thereby authorize and justify Israel’s disrespect (and worse) toward those it deems insufficiently respectful. You could think that Brown is right on target and still believe that the museum’s message is the right one and that Israel should not change its policies until the Arabs mend their ways and get a better set of ideas. Or you could accept my argument, made at the beginning, that Western commentators are

incapable of understanding (except as misguided, crazy, or evil) the motivations of those who passionately protested the Danish cartoons, and you could nevertheless conclude that their incapacity is all to their credit. My point is that the demonstration that an ideology—liberalism, organicism, whatever—will have effects favorable to some interests and injurious to, or dismissive of, others will not be a reason to repudiate it if the favored interests are yours.

But, someone might object, what about values that are universal rather than local or parochial? Shouldn't we be trying to identify them and work for their realization in the political structures of the world? One of Brown's criticisms of liberalism is that it pretends to just such a universality even though its recourse to toleration is an implicit acknowledgment of the many who dissent from it: Cultural "conflict itself exposes the nonuniversal character of liberal legalism." (Not as powerful a point as she thinks: The claim that liberal values are universal is not undercut by the millions, perhaps billions, who reject them. You can say that it's just a matter of time, or that they are blinded by a particularistic ideology, or a hundred other things. Whether or not a value is universal is a matter not of votes, but of arguments.) But it's not always clear whether Brown is rejecting universalism in favor of a particular policy—as seems to be the case when she suggests that we replace tolerance's "therapeutic" project (let's be nice even to those who have funny ideas and wear funny clothes) with a justice project—or whether she is rejecting liberalism's false universalism for a truer one—as seems to be the case when she talks of "developing deep knowledge of others in their 'difference'."

On balance, I think it is the latter; she wants a better universalism than liberalism's, but her articulations of it are without content, as they will necessarily be if she thinks to derive it from her critique of liberalism and liberal tolerance. That critique, to repeat the point made earlier, tells you what liberal tolerance is made of; it doesn't tell you whether it is bad or good, and it certainly doesn't tell you what should be put in its place. A phrase like "deep knowledge of others" is a teaser: Deeper than what? Deep, how? How deep do we go? If the knowledge is deeper than the surface differences—of religion, ideology, culture, tradition—that now divide us, then what it brings us to is the "thin" personhood of liberalism and a politics in which substantive beliefs are subordinated to some form of Kantian proceduralism, precisely what Brown has been arguing against. And if the knowledge is deeper than the caricatures that fill our political rhetoric, and what we're supposed to do is really understand, say, the Islamic temperament from the inside, then we would either have to become Muslim (in which case we would inherit the exclusionary as well as the generous aspects of that faith), or we would have to view Islam from a perspective above all faiths, and that would again bring us to classical liberalism and its claim (denied by Brown) to occupy a position that is not one.

The same difficulties attend Brown's call for a "project of connections across differences." On what bridge? Built by whom? It's a little late to be saying (with E.M. Forster), "Only

connect." Or consider this question, which Brown seems to believe is a call to action: "[W]hat if autonomy were recognized as relative, ambiguous, ambivalent, partial and also advanced by means other than law?" OK, I stipulate all those (theoretical) points, but now what? Do they direct us to do anything? Is the relativity or ambiguity of autonomy the answer to any question posed by circumstances in the world? If there is a particular problem to resolve or decision to make, is saying, "Autonomy is relative and ambiguous" going to help or point you in a particular direction? I think not. And what are we to make of Brown's hope that "liberal regimes" might become open "to reflection on the false conceits of their cultural and religious secularism, and to the possibility to being transformed by their encounter with what liberalism has conventionally taken to be its constitutive outside and its hostile Other"? If a liberal regime were to decide first that the procedural virtues it promotes—fairness, tolerance, formal equality—were in fact substantive, and second (this would be crucial) that the substance is one it wants to disavow, then it would no longer be a liberal regime. If the "conceits" (not a word Brown earns) it lives by were rejected as false, it would in that very gesture of rejection reconstitute itself as a regime informed by other conceits. In short, a softer liberalism, a liberalism alert to difference in a way that does not privatize or naturalize it, wouldn't be liberalism. It would be something, but what that something is Brown does not tell us.

Nevertheless, what she does tell us is valuable and illuminating. Her account of how liberal tolerance (and therefore liberalism) works is nuanced and bracing. The fact that her analysis does not (and in my view could not) deliver a program for improving the world (or even a set of reasons for rejecting liberal tolerance) makes it no different from any other effort (always doomed) to derive a politics from the discourses of postmodernism, anti-essentialism, and anti-foundationalism.

Brown is still trying in the final paragraph, when she declares that "we can contest the depoliticizing, regulatory, and imperial aims of contemporary deployments of tolerance with alternative political speech and practices." Yes, we can. Alternative political practices are always a possibility, but they will not be generated by the realization that the practices you oppose are regulatory and imperial. Rather, they will be generated by the realization that the regulations and the imperialism now in place take forms you dislike; and the alternative practices you urge will bring new regulations that are similarly imperial; the difference is that they will be yours.

Here and elsewhere in the book, Brown makes what I have called the "awareness" mistake (otherwise known as the mistake of theory, or the mistake that *is* theory), the mistake of thinking that awareness is a general condition of consciousness that, once achieved, enables you to see past and through what members of the Frankfurt School called the "prevailing realm of purposes." But it is within the prevailing world of purposes—the present one and the one you want to substitute for it—that awareness is possible. Awareness is a local not a global cast of mind, dependent always on constraints and limitations even as it attempts to overcome them. Awareness, in short, is particular and produces particular insights that are not universally generalizable.

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Wendy Brown's book makes us aware of some important things; it alerts us, for example, to the fact that by privatizing and essentializing difference, the discourse of tolerance tends to prevent us from searching for the political and social solutions to the problems difference presents both locally and globally. It is a genuine service to have made that clear, and it is enough for

one book, even if the book doesn't tell us, or even give us a hint of, what those solutions are.

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