

On Tolerance

ENGLISH only

B. M. Zupančič¹

OSCE CONFERENCE ON TOLERANCE AND THE FIGHT AGAINST RACISM, XENOPHOBIA AND DISCRIMINATION

(Brussels, 13 and 14 September 2004)

“Promoting Tolerance, Respect for Diversity and Non-Discrimination through Education and Media, Particularly among the Younger Generation”²

En quoi consiste cette liberté qui est sagesse ?

Jacques Maritain³

¹ Judge of the European Court of Human Rights in Strasbourg. The opinions expressed herein are strictly author's own. Copyright © 2004 by B.M. Zupančič.

² Speech delivered to OSCE, Brussels, September 14, 2004.

³ DU REGIME TEMPOREL ET DE LA LIBERTE, OEUVRES COMPLETES, Vol. V., Allion, Hany, A. et R. Mougél, Nurdin, Schmitz, Eds., Editions Universitaires Fribourg Suisse, Edition Saint-Paul, Paris, 1982, p. 349.

I

Introduction

The best way to promote tolerance is to promote new and more adequate social values: values that people can positively identify with, values that appear on the horizon of the progressive social change, values that give people hope that the society of tomorrow will be better than the society in which they live today. When there is hope that the society of tomorrow will be better than the society of today, people do accept social change and are ready sacrifices to adapt to it.

Of course, new values are not easily created. Moreover, their social integration takes place during the passage from older to younger generations.

Intolerance is largely a consequence of erstwhile, passé and obsolete – but often institutionalised values. Sociologically speaking, there are three prevalent reactions (the three “R”s) to these inadequate and dysfunctional residual values. Ritualisation through all kinds of social rites re-confirms attachment to old values; resignation is an inner emigration and denial of unacceptable social, political etc. reality. However, it is the rebellion and the revolt of the young, think of May 1968, which instigates the creative social conflict. It paves the way for the assimilation of more or less radical new and possibly more adequate values.

As I said, the important changes in the hierarchies, in the structure of priorities concerning integrated and institutionalised values happen only during the transition from older to younger generations. In psychoanalytical language, the explanation is that values are adopted through oedipal identification of the child with the parent of the same sex. This process is intense up to the age five. Thereafter, the educational system and the social setting, too, have their say.

As the American experience testifies, integration of a foreign social group, because of the inter-generational influence, will take about three biblical generations or about one hundred years. Clearly, social attitudes adopted and actively promoted by the media and the educational system – often as a form of ‘political correctness’ – are of enormous help.

Since the true attachment to values, i.e. their inner assimilation and integration is not only a cognitive process – it calls for positive identification that is all the more deep-seated the less it is conscious –, it can happen only in the passage to younger generations. Therefore, values instilled in the educational process and especially so of the very young will hold fast if only they are socially more

feasible and more adequate than the values of the children's parents and grandparents. Likewise, the impact of the media on the impressionable young and the deliberate promotion of a certain hierarchy of values are more compelling when compared to their impact with regard to the older generations.

General and diffused attitude of tolerance promoted by media on the one hand and the focused promotion of informed tolerance through educational system on the other, speed up the process.

Yet, when with the passage of time the younger people will become older, they will of necessity compare the values they have nominally adopted – with the social, inter-personal daily reality in which they must live. Even values convincingly instilled, for example, if they are too ahead of their time, will be downsized by the reality principle according to the popular motto 'if everything else fails lower your standards'.

Tolerance, in other words, is a fundamental social value. Human being is a zoon politikon, a social animal. If he were genetically pre-programmed to be misanthropic and intolerant of others, human being could not live with others. Most probably some level of intra-species tolerance, as the late Konrad Lorenz would have called it, is an integral part of our genetic make-up.

The issue, therefore, is not whether we are tolerant or not; the issue is how much of diversity and dissimilarity can we tolerate. It is easy to love those who are similar to us. Yet, as Jesus also says, demonstrate your capacity for love in showing love for those who are different!

Let me share with you a story describing an aspect of social integration, of assimilation and of tolerance. It really happened about twenty years ago about twelve miles north of New York City in a town called New Rochelle. Every so often I used to stop there at a small liquor store and buy a bottle of California red wine. The shop was a mama-and-papa arrangement run by two elderly Greeks from Crete. Their college age son, born and raised in the States, occasionally helped in the store. One Friday evening I walked into the store and found both father and mother on the verge of crying. I asked for an explanation. The mother then told me that their son fancied a Porto Rican girl.

I did not dare to betray my inner smile; I knew all too well how hard were the historical conditions, having lasted for centuries, under which Cretans had under Turkish invasion succeeded in preserving their genetic and cultural identity. Kazantsakis, in his novel *Captain Mihalis*, describes it consummately. As for certain Jewish groups, for them too, intermarriage be it Diaspora or at home, was – and this is a historical fact not to be perceived lightly – a form of suicide.

So, the first-generation Cretan boy fancied a Porto Rican girl. I tried to offer some comfort to the immigrant parents. In a rather professorial manner I said: *“See, you must understand. This is America. They have it in their Constitution. It says: ‘We believe all people are born equal...’ ”* Alas, no sooner had I uttered these few words, when the old man belligerently rose from behind the counter. With both hands he leaned onto it and forward towards me. He gave me a defiant stare, even today I can still remember that exasperated look, and he cried out like a wounded animal: *“Yes, but the young idiot believes it...!”*

Of course, this is a story about the generational gap between the immigrant parents and their child born and raised in a more tolerant environment. It is a story about the child in the process of abandoning the residual and dysfunctional values of his parents. It is a story about the impact of the educational system and of the media. It is also a story about tolerance in a society made of successive waves of immigrants coming in from all corners of the globe. After all, what could be more tolerant than to love somebody from a different racial and cultural group?

As I said, this ‘tolerance’ had been accomplished in the transition between the two generations. It was clearly due to the influence of educational system that had actively promoted it as well as to the general social climate, which advertises the idea that racial differences are only skin-deep. This new-found tolerance was brought about in the face of the boy’s parents and their historically inherited hierarchy of values. Still, both parents were surprised to find out that their son was now lost to a different mentality; subjectively at least, their desperation felt as supremely justified.

Yet, is this a sad story? I do not think so. The old Cretans’ intolerance was due to past conditions that were no longer applied – such is the significance of ‘residual values’ –, and their son’s attitude was well adapted to a completely different social reality, i.e. the one in which he will have spent his life. Were the son’s falling in love with a foreign girl to happen in Crete, the parents would have at their disposal all kinds of social pressure in order to coerce him into abandoning what his heart had commanded him.

There is, however, an absent protagonist in the above story. She is essential but we tend to overlook her presence. This is the Porto Rican girl. How did she feel when confronted with the prejudices of the boy’s parents? Did she feel alone and guilty because she had seduced a boy who is not Porto Rican? How would she feel had this happened in Crete? Did she feel vindicated by the prevailing American social climate declaring the parents’ prejudices regressive?

This is an inter-racial story concerning tolerance. Yet, do we believe that intolerance here and now concerns only inter-racial relations, in Europe say vis-à-vis Arabs, Turks, Roma people and all those who are the unwilling projection screen for the negative identification, who have no choice but to play the role of the Lacanian ‘Other’? In the European Court of Human Rights we deal with all kind of specific issues arising out of other forms of radical social change.

Take the example of a trans-sexual woman who feels like a man or a man who feels like a woman and has decided to declare himself as such? Twenty years ago such and other forms of ‘coming out’ would be unthinkable. Previously, social pressures have driven many thousands of desperate individuals into a complete internal exile or even suicide. The same applies to alternative sexual orientation, alternative religious orientation etc. Yet, today, how do the parents react if their grown-up child declares himself a Buddhist? Many of the regressive social pressures of yesteryear are no longer available and their intolerance is thus less compelling.

Behind the positive story of tolerance there is what I would consider the most basic human right, i.e. the right to become and then be what one truly is. Karl Jung spoke of this as the ‘realization of the Self’. Self-realization and self-actualization implies a freedom to experiment with one’s identity and the search for the identity that will release mental health and creativity. To be mentally healthy is simply to be in the process of becoming what one is capable of becoming. The rest is neurosis, madness, destruction. Moreover, to have the right to become and to actively live what one truly is –, is merely a social component of an individual’s critical search for his true potential Self.

This search is not an abstraction. It implies the removal of a host of internalized irrational prejudices which induce the feeling of guilt as a reflection of prevalent social prejudices. In Crete the boy would feel guilty. In such conditions it takes intelligence and great courage to dare to become what one potentially and truly is.

This is a process called ‘individuation.’

The attitude vis-à-vis authority in any specific social context determines how much courage an individual must have in order to succeed in affirming his or her individual identity in open collision with the collective consciousness. The greater the courage required the more young people will succumb and be forced to surrender their as yet vague hope for actualising their true identity. They will perhaps never find their true Self let alone actualise it. As socially disconfirmed individuals they will continue to ‘live’ their over-determined, pre-programmed, that is, borrowed identities. They will feel as having been stolen from

themselves. If they are not permitted now to first discover themselves, and then to actualise themselves, they will in turn later traumatise their own ‘significant others’.

For not to have the opportunity to become what one is, leads to some form of mental malady or at least malaise. The clear absence of true wisdom in most modern societies – Erich Fromm used to call it “folie à million” – is simply consequence of the collective interaction of the individual carriers of Freud’s civilisational neurosis.⁴

How very different would in fact be our freedoms and our democracies and our rules of law if they were lived by people who were truly themselves!

II

Tolerance and the Social Ideal of Sympathy

Tolerance is nothing unless it is a form of sympathy. Sympathy is a weaker form of socialized love. Jacques Maritain gives the following description of what he calls *l’amour d’affection directe*:

[U]n amour qui va à un objet voulu en lui-même et pour lui-même ; tel est l’amour de l’intelligence pour le vrai ; ou l’amour de l’homme droit pour le ‘bien honnête’ ; ou l’amour d’amitié que nous avons pour nous-mêmes et pour autrui.⁵ Et quand je connais autre chose que moi, quand j’ai en moi la connaissance la forme d’autre chose, ou bien il y a en moi une inclination ou sureffluence affective vers cette chose que je me veux parce qu’elle m’est bonne, et je fais procéder en moi comme un poids spirituel qui m’entraîne vers cette chose afin de me l’incorporer, afin qu’elle soit à *moi* : amour d’affection réfractée, ou de concupiscence ; ou bien il y a en moi une inclination ou une sureffluence affective vers cette chose à qui je veux du bien parce qu’elle est bonne, et parce qu’elle est à

⁴ They say that the last words of Lacan were: “*Ils sont tous pour l’asile...!*”

⁵ Maritain, SEPT LEÇONS SUR L’ÊTRE (1998), IV, Explications sur l’être en tant que l’être, 5 (in fine), n. 2, at p. 598

In English translation :

“[A] love which wills an object in and for itself. Such is the intellect’s love of truth, or the upright man’s love of ‘moral good’ the *bonum honestum*, or the ‘love of friendship,’ we entertain for ourselves or others.” Maritain, PREFACE TO METAPHYSICS, SEVEN LECTURES ON BEING, (names of translators not available), A Mentor Omega Book, The New American Library of World Literature, New York, 1962, p. 71, n. 2.

moi comme moi-même, et je fais procéder en moi un poids ou une impulsion spirituelle par où j'entraîne toutes choses et moi-même vers cette autre, qui me devient *un moi*, une subjectivité, et à laquelle je veux être en quelque façon uni réellement comme à moi-même : amour d'affection directe, ou d'amitié.⁶

If the question be whether this intense commitment and belonging may be dispensed to all around us, the answer is of course no. But this “no” is not what one might imagine, i.e. it is not an absolute dismissal of its possibility. Years ago Harvard's Roberto Mangabeira Unger has put forward what he had called the political “ideal of sympathy.” This political ideal is the social form of Maritain's metaphysical love, *amour d'affection directe*, i.e. an integral part of what here we aspire to as “tolerance”.

[T]he political analogue to personal love is the idea of community. The elements of the idea of community are the same as those of personal, but [not romantic!] love; [1] the complementarity of [interests and] wills, and [2] the capacity to give to others and receive from them the acknowledgment of [their] concrete individuality. [...] The sentiment of sympathy differs from love in its conditions as well as in its context. Love is so strong that it may allow the lover to acknowledge the concrete individuality of the loved one and to perceive him as a complementary will despite an opposition of values between the lover and the loved.

Sympathy is weaker. As the association becomes less intimate and total, it depends increasingly on shared ends to achieve the recognition of concrete individuality and the complementarity of wills. [Thus] community is held together by an allegiance to common purposes. The more these shared ends

⁶ Maritain, op.cit., IV, Explications sur l'être en tant que l'être, 7 (in fine), p. 601.

In English translation :

“And when I know something other than myself, when by knowledge I possess in myself the form of something else, either I have a tendency or affective overflow toward that object which I will because it is good for me, and I produce in myself, as it were, as spiritual weight which draws me toward it that I may incorporate it into myself, that it might be *mine* – this is the love of refracted affection or desire; or I have a tendency or affective overflow toward this object to which I will good because it is good, and I produce in myself a spiritual weight, or impulse, by which I draw all things and myself to this other being which for me becomes an *ego*, a subject, and to which I wish to be in some way or other really united, as to myself. This is the love of affection or of friendship.” See, Maritain, PREFACE TO METAPHYSICS, SEVEN LECTURES ON BEING, A Mentor Omega Book, The New American Library of World Literature, New York, 1962, IV, 7 (in fine) at p. 74.

express the [universal] nature of humanity rather than simply the preferences of particular individuals and groups, the more would one's acceptance of them become an affirmation of one's own nature; the less it would have to represent the abandonment of individuality in favor of assent and recognition. Thus, it would be possible to view others as complementary rather than opposing wills; furtherance of their ends would mean the advancement of one's own. The conflict between the demands of individuality and of sociability would disappear. Each person, secure in his individuality, would be able to recognize his own [universal] humanity in other persons. Moreover, in this community individuals would have to live together in a situation sufficiently varied, intimate, and stable to allow them to know and treat each other as concrete persons rather than [mere] role occupants. To the extent that a community acquired these features, it would become a political realization of the ideal of sympathy.⁷

However, sympathy toward others depends – because the recognition of universal humanity in others presupposes the recognition of one's own concrete individuality, as Unger calls it – primarily on a positive existential attitude.

If that attitude be a commonplace alienation from one's own true Self, we shall of necessity have the problem of intolerance. If that attitude, in contrast, be a side product of one's dwelling in Being, i.e. in consequence of a breakthrough to one's true Self, Jacques Maritain speaks of *un être [qui] se connaît lui-même, et peut dire ego* –, it is then possible that “sympathy” become a form of love dispensed to all that surround us.⁸

⁷ Unger, Roberto Mangabeira, KNOWLEDGE AND POLITICS, The Free Press, N.Y., 1975, p. 221 But see ibidem, p. 220: “The social order cannot be governed by a principle of love as long as it continues to rest upon the antagonism of private interests and the system of private property [over the means of production] as the device for working out this antagonism.”

⁸ »Eh bien, quand un être se connaît lui-même, et peut dire ego, quand il a en lui, par la connaissance et la réflexion sur ses actes, la forme de son propre être, ce qu'il a ainsi en lui selon l'être intentionnel de connaissance, c'est la forme de cette inclination radicale elle-même, de cet amour « naturel » de lui-même qui lui est consubstantiel, et qui se double dès lors d'une inclination psychique (ou « émanée ») c'est-à-dire procédant de la connaissance, amour naturel encore mais comme mouvement de la volonté ; en d'autres termes me connaître moi-même c'est connaître un bien que j'aime (déjà) radicalement (d'un amour consubstantiel) et vers lequel j'efflue dès lors selon l'être spirituel d'amour en le constituant ainsi formellement subjectivité, moi à moi-même, et en entraînant toutes choses vers lui. Ainsi je m'aime moi-même naturellement d'un amour émané qui est un amour d'affection directe ou d'amitié. » Maritain, op. cit., pp. 600-601 (emphasis added).

English translation: “Now, when a being knows itself, and can say ego when it possesses in itself by knowledge of its acts and reflection upon them the form of its own being, what it thus possesses in itself according to the

This is how Maritain describes it in 1934:

Et à un degré plus élevé, incommensurable, nous constatons une inclination à surabonder en connaissance ou à surabonder en amour, et dans ce deux cas il y a en même temps auto-perfectionnement du sujet, cette acquisition d'une perfection nouvelle accompagne dans tout se qui est créé la surabondance dont je parle, mais elle n'est pas *de soi* (*ex vi notionis*) impliquée par elle. Formellement c'est la surabondance comme tel qui importe ; la surabondance de connaissance exprime la perfection d'un être qui *est* d'une certaine manière, qui est soi-même ou les autres en vertu d'une existence supra-subjective (d'ordre intentionnel chez toutes les créatures); la surabondance d'amour dit la générosité d'un être qui *tend* d'une certaine manière, qui surefflue vers quelque chose – soi-même ou les autres – en vertu d'une existence supra-subjective (d'ordre intentionnel chez toutes les créatures) qui est un exister par mode de don.⁹

intentional being of knowledge is the form of this radical appetite itself , this natural love of itself which is consubstantial with it, and which is now reduplicated by a psychical appetite, an elicited appetite, that is to say and appetite proceeding from knowledge. In other words, to know myself is to know a good which I already love radically with consubstantial love, and toward which I henceforth overflow according to the spiritual being of love, thus formally constituting it a subject, I to myself, and drawing all things toward it. I thus love naturally with an elicit love which is a love of direct affection, that is of friendship.” Op. cit supra n. 5, pp. 73-74.

⁸ Maritain, op. cit., pp. 599 and 600 (emphasis in the original).

English translation: “At an incommensurably higher degree in the hierarchy of being there is a tendency to overflow in knowledge and in love. And in both cases the subject at the same time perfects itself. This acquisition of a new perfection accompanies in every creature the superabundance of which I am speaking. But it is not of itself (*ex vi notionis*) implied by it. Formally is it the superabundance as such which is essential. The superabundance of knowledge expresses the perfection of a being which, in a particular fashion, is: which is itself or other things in virtue of a supra-subjective existence (which, in all creatures capable of knowing, is an existence of the intentional order). The superabundance of love utters the generosity of a being which tends in a particular fashion, which overflows toward something, itself or others, in virtue of a supra-subjective existence (which, in all creatures, is an existence of the intentional order) – existence as a gift.” *Op. cit. supra*, n. 5.

III

The Right to Tolerance as a Universal Human Right

Young people today are more than ever before aware that they live in danger of being, like the generations before them, stolen from themselves. More and more they perceive the activation of their own identity, their personal and effective becoming, as their truest *human* right. Needless to say, this also is the most universal human right.¹⁰

The social elite of the twenty-first century is being forged in this process –, in which the rejection of pre-programmed and regressive prejudices, the principal form of modern but quiet and subversive revolt, not unlike the one Camus described in his '*L'homme révolte*'–, is a question of individual courage.

Those among our children who will not succumb and surrender their hope to become what they can be – will grow to be moral leaders of the next generation.

Moreover, only societies actively promoting tolerance will have the prospect of releasing the creativity residing in the deepest nuclei of their innovative individuals. Bertrand Russell said that if we knew where ideas are coming from, science would be moonshine. But it is now finally patent, that creativity, inventiveness etc., are derived only from the genuine personal liberation and inner freedom giving rise to the liberated Nietzschean dance of ideas. This is the quintessential capital and fuel of every community and national economy.

But I must say it clearly. All social, legal and psychological formulations of the right to become and be and live one's true Self are in the last analysis a *moral* issue. We speak here of the transcendental right to be what one is. To be human, is to transcend what one is and to continue becoming what one may be.

What could be more basic?

Therefore, from the ethical point of view promotion of tolerance is not an issue of benevolent social policy. It is a categorical moral imperative.

This imperative entails a higher level of internalized freedom. The process of acceding to that level is a complex psychological process of what

¹⁰ See, for example, Shashi Tharoor, Are Human Rights Universal? *16 World Policy Journal* Volume XVI, No.4, Winter 1999/2000 and Thomas M. Franck, *Are Human Rights Universal?*, 80 *Foreign Affairs* I, pp. 191-204 (Jan./Feb. 2001); Shashi Tharoor, Are Human Rights Universal? *16 World Policy Journal* Volume XVI, No.4, Winter 1999/2000.

psychoanalysis may also call *individuation*, i.e. liberation from the pressures of the collective consciousness. Recently, this process has been described in minute detail by Marie-Louise von Franz in her work entitled “*The Golden Ass of Apuleius*.”¹¹ Yet we cannot comprehend the individual process of the courageous leaving behind of regressive social values as independent of what is going on in the society at large. To put it tersely, the social correlative of individual inner liberation is tolerance.

Should the necessary changes in social attitude procrastinate, should they delay this progress –, the national and evermore the international, legal systems will intervene. Here we speak of more aggressive as well as regressive, archaic violations of human rights. Since these interventions inexorably do go in the right historical direction, they inevitably do speed up and do intensify the process of normative integration, i.e. creation of new and truly shared values.

These new values, when assimilated, also provide for a much higher level of social cohesion. The abandonment of *passé* residual values with their detrimental inhibitory influence, just as in the story concerning the two elderly Cretans, is perhaps a small price to pay in order to open the horizon of a new and better community of internally free and more originally and creative individuals.

¹¹ Marie Louise von Franz, *THE GOLDEN ASS OF APULEIUS, THE LIBERATION OF THE FEMININE IN MAN*, Random House, London 1992.