

Singapore Management University

Institutional Knowledge at Singapore Management University

Research Collection School of Social Sciences

School of Social Sciences

5-1999

Tolerating the intolerable

Chandran KUKATHAS

Singapore Management University, kukathas@smu.edu.sg

Follow this and additional works at: https://ink.library.smu.edu.sg/soass_research



Part of the [Comparative Politics Commons](#), and the [Ethics and Political Philosophy Commons](#)

Citation

KUKATHAS, Chandran, "Tolerating the intolerable" (1999). *Research Collection School of Social Sciences*. Paper 2943.

https://ink.library.smu.edu.sg/soass_research/2943

Available at: https://ink.library.smu.edu.sg/soass_research/2943

This Monograph is brought to you for free and open access by the School of Social Sciences at Institutional Knowledge at Singapore Management University. It has been accepted for inclusion in Research Collection School of Social Sciences by an authorized administrator of Institutional Knowledge at Singapore Management University. For more information, please email cherylids@smu.edu.sg.

Tolerating the intolerable

Dissension is the great evil of mankind, and toleration is its only remedy—*Voltaire*

Presenting a lecture^[1] on the virtue of toleration anywhere, let alone in the chambers of the Australian Senate department, should strike most people as a peculiarly pointless kind of exercise. Would anyone not in favour of toleration bother to turn up? (And what is the point of preaching to the converted? Would anyone against it bother to listen? And could such a person be converted?) In truth, it might not be easy to find anyone who openly professed intolerance. Almost everyone is in favour of tolerance; though of course, each will hasten to add, this does not mean that ‘anything goes’.

It is the signal sent by this last phrase, ‘anything goes’, or not anything goes, however, that tells us that the question of toleration remains a live issue rather than merely a popular platitude. Most of us are prepared, perhaps instinctively, to tolerate others as long as they don’t overstep the mark. But *only* as long as they don’t overstep that mark. As one protestor explained after a violent demonstration against a meeting of the One Nation Party, we don’t have to tolerate the intolerable.

Toleration on these terms is easy. Yet the problem with this attitude is that it simply misses the point. Toleration was never meant to be easy. Toleration is a virtue precisely because it is not easy. And it is not easy because it requires us to admit, or accept, or put up with, or endure, or condone, or suffer, or permit, or indulge, or stomach, or swallow things we cannot abide, or bear, or stand, or countenance, or take. To tolerate is to put up with things (or people) we dislike or disapprove of—particularly when we are in a position to suppress them. This is why it is a difficult virtue; and also why it has fewer friends than many think. And this is why there is a case for making a case for toleration.

So my purpose here is to try to put that case. Though before I do, it would be well to say a little about why this topic should be thought in any way apposite in a lecture series in which most of the speakers will be concerned with more practical political questions. It is appropriate because of our political circumstances: because of the times we live in. The fifty years since the 1948 Nationality and Citizenship Act, which recognised Australian citizenship for the first time, have seen Australia undergo a profound social transformation. A country of predominantly British subjects in the immediate postwar years is now a nation of multicultural citizens. The dramatic nature of this change would be difficult to overstate. In one-and-a-half generations Australia has brought about a change in the ethnic and cultural composition of the nation which is equivalent in magnitude to that wrought in Canada over three generations, and in the United States over more than six. Australia was always multicultural in character; but it is now more diverse. And if diversity is the yardstick by which we measure multiculturalism, Australia is more multicultural than ever—and more than was anticipated, or even imagined, by its first citizens. In these circumstances, the obvious—indeed, inescapable—question is: can people who are so diverse co-exist in a single political society? And if so, how?

There is no doubt that this question is being asked—and answered in various ways. It is implicit in public debates over multiculturalism and immigration; in discussions of

Aboriginal affairs; and in the all-too-common debates about Australian identity. Many other questions are connected to this fundamental one: should we expect migrants to assimilate rather than hang on to their original cultures or traditions; should we reduce the level of immigration to Australia; should we try to control the cultural composition of our migrant intake? For some the question is, quite simply, how can we be one nation (to borrow one of Paul Keating's many memorable phrases)?

It is because all these questions matter, and are so pressing today, that the idea of toleration is a significant one. Can the notion of toleration provide us with any guidance in our efforts to address these various issues? I want to suggest that it can, and that we should embrace the moral ideal of toleration; though I also want to suggest that this is more difficult to do even than many of the proponents of toleration have been willing to admit—since embracing toleration means accepting a good deal else.

So, what is the case for toleration, and what would embracing it mean? The case for toleration rests on the fact that we are different and we disagree. We not only differ in appearance, in age, in ability, in wealth, and in our origins, but we also differ in outlooks. We live by different religions, abide by (or abhor) different practices, and value different ways of life. None of us thinks he is on the road to hell, though we are all often amazed at how many others are rushing by along it. Indeed, many of us are possessed by a desperate desire to stop these people, to turn them around, and to point them (or lead them) in the right direction. We have different ideas of what constitutes the good life; and we all too often want others to adopt our own. The Scottish philosopher, David Hume, put it very well when he remarked: 'such is the nature of the human mind, that it always lays hold on every mind that approaches it; and as it is wonderfully fortified by an unanimity of sentiments, so is it shocked and disturbed by any contrariety. Hence the eagerness, which most people discover in a dispute; and hence their impatience of opposition, even in the most speculative and indifferent opinions.'^[2] In fact, he goes on to remark, this feature of our nature, 'however frivolous it may appear, seems to have been the origin of all religious wars and divisions.'^[3] We are, to varying degrees, like the Mr Woodhouse of Jane Austen's novel *Emma*: 'His own stomach could bear nothing rich, and he could never believe other people to be different from himself. What was unwholesome to him, he regarded as unfit for anybody; and he had, therefore, earnestly tried to dissuade them from having any wedding cake at all; and when that proved vain, as earnestly tried to prevent anybody's eating it.'^[4] How can we possibly live with one another if such is our nature, and this is our condition?

The answer lies in the idea of toleration. And this is, by and large, the answer we have come to adopt in many societies today. Voltaire answered his own question, 'what is toleration', with the reply: 'It is the prerogative of humanity. We are all steeped in weakness and errors: let us forgive one another's follies, it is the first law of nature.'^[5] Quite simply, when our differences are substantial, and irreconcilable, it makes sense to put them aside—particularly if we concede that we are all prone to make mistakes.

Yet obvious as this may seem, this solution was ignored for centuries in the Europe wracked by religious wars. The persecution of Huguenots in France, (and of Catholics in England) demonstrated vividly that toleration was for a long time entirely neglected as a solution to the problem of dissension. Four hundred years ago the Edict of Nantes

(1598) held out the promise of religious toleration for all Protestants in France when it granted the Reformed Churches the privilege of legal existence, and offered various guarantees to make this possible—including the guarantee that the Edict would never be revoked. ‘Never’, it turned out, meant until 1685, when the Edict was revoked in an act which has been described as marking the apogee of religious intolerance.^[6] The Revocation consolidated the various decrees of the Royal Council which had, over the previous several years, ‘reinterpreted’ and undermined the basic principles of the Edict. By then, the Huguenots—Protestants in Catholic France—had already begun to endure the ‘dragonades’: the policy of billeting of soldiers on Protestant households until their members converted to Catholicism. Denied the freedom of worship which was once theirs by right, the Huguenots were now also forbidden to leave France. Their fate was to be one of forcible assimilation—though the Crown saw things somewhat differently, since the ground for the revocation of the Edict had been that it had lost its purpose now that there were no longer any Protestants in France!^[7]

Nonetheless, out of these centuries of intolerance, and of the devastating religious wars which marked them, emerged the first philosophical defences of toleration, and the social and political institutions which protected religious freedom and recognised the importance of liberty of conscience. A part of the lesson learnt from the wars of religion was that intolerance was costly. The results of suppression were not peace or social cohesion but protracted warfare. Far better results were achieved by the institutionalising of toleration: in the form of greater freedoms of worship, and also in the necessary freedoms of speech and assembly.

What the idea of toleration recognises is that the fundamental feature of our nature—our propensity to differ and to disagree—is ineradicable. This is a condition which can be palliated, but not cured. And toleration is the right palliative, since it is a remedy which does not try to suppress our nature but seeks to work with it. If we must differ, let us at least agree to differ—no matter how different we may be; indeed, let us agree to disagree—no matter how disagreeable we may find one another. How difficult can this be?

In 16th century France, and elsewhere in Europe, it proved very difficult. And it is worth noting some of the reasons why. Inclined though we generally are to think of ourselves as more educated, more enlightened, and generally altogether nicer, than our distant ancestors, I don’t think the explanation is that we are simply better people—or even much more tolerant people. Toleration was a solution that proved difficult to reach for more interesting, and instructive, reasons than these.

One reason why it was difficult has to do with the aims and aspirations of the ruling powers. Despite the fact that the great controversies of the sixteenth century were religious controversies, and many of the debates over religious toleration were fought over matters of theology, the concerns which underpinned these disputes, particularly in England and France, were *political* ones. Ruling authorities were interested not so much in the niceties of Christian theology as in the problem of establishing and securing the borders of the emerging state, and settling the issue of the position of the church within it. To put it in another way, they were interested in the problem of national unity. The problem with religious toleration was that it would mean religious diversity. But in the Europe that was still a disparate collection of provinces, each with its own dialect, customs and legal system, the idea that national unity might survive without

religious conformity was thought simply implausible. In France the Sun King (Louis XIV) at first tried to bring about religious uniformity by luring people into Catholicism—for example by rewarding those who recently converted from Protestantism by giving them a moratorium on their debts. But eventually the limited success this approach won brought about harsher measures of repression against those who refused to abjure. Yet the ultimate motivation, even if not justification, was political rather than religious: the search for political unity.

Another reason, however, for the difficult birth of toleration was that it was not so evident that a policy of toleration would be costless. On the contrary, it was feared that it might be quite dangerous. As the historian, J.W. Allen, observed, there was at this time:

a widespread belief that there must needs be some sense in which it is possible for governments to maintain true religion and suppress dangerous error; there was a belief that unity in religion was necessary to national unity and security; there was a sense that toleration of religious differences might lead to a disintegration of moral standards; there was also, of course, a tendency to see dissenters as morally perverse.^[8]

While Thomas More might have considered it feasible in Utopia for it to be lawful for every man to pursue his own religion, in the real world he feared that heretics would not simply preach religion but would pursue violence.^[9] This was not merely a religious or a moral question: it was a question of public order. And indeed, the toleration of sects could be a dangerous business, since many of the sects were not themselves tolerant. Anabaptists were persecuted, arguably, less because they were religious dissenters than because they were social revolutionaries. The Huguenots were a problem not simply because they were nonconformists in religion but because they were a powerful political party which was only partially a religious party. And one part of that party held strongly to the theory of political Calvinism—according to which the ruler was obliged to establish and maintain the true Calvinist faith, suppressing by force all heretics and idolaters.^[10]

The obstacles to religious toleration emerging included, then, the aspirations of an aggrandising state, bent upon national unity; and (possibly) the intolerance of those groups which sought the toleration they were themselves reluctant to give. In short, there were too many persons, or interests, for whom the costs of toleration were simply intolerable.

Now, all of this might seem very remote from Australia in the late 1990s; but in many ways it is not. Although we are in no important sense burdened by the religious controversies of 16th century Europe, we are confronted by an ethnic and cultural diversity which is no less significant—and, for many, troubling. And the options available to be considered in responding to this condition are also not so far away from those grappled with by the Europeans four hundred years ago: to suppress, to assimilate, to tolerate. As Lenin asked, stealing a line from Chernyshevsky, What is to be done?

What has to be done, I suggest, is to reaffirm the importance of the institution, the practice, and the norm of toleration. But what needs to be explained now is why this

is so, and what this in fact means in contemporary terms. We need in our public discussions to reaffirm the importance of toleration because there is a danger that, if we do not, we will forget or under-appreciate the fact that what is most important about our society is that it is a free society. What toleration protects is freedom. In the sixteenth century its proponents were concerned, above all, with religious freedoms. Today, toleration protects or upholds our freedom to live by our own lights—according to different religious, ethnic or cultural traditions, or indeed according to no particular tradition at all (if this is truly possible). Because we are so inclined to tell others how to live—is there anyone out there who hasn't been told by someone to avoid smoking or to lose a little weight?—we are all too likely to forget how much our institutions uphold the freedom to be different, whether in concert with others or alone.

But what has to be done to make this less likely? Here I think we may have something to learn from the European experience. If toleration then was obstructed at once by the state's preoccupation with national unity, and by the extravagant ambitions of religious sects, might it not be possible that these are precisely the obstacles that lie in our way now? I think it is—though these obstacles today take different forms. We are not living in times when the creation or establishing of a state is a serious concern; yet the modern variant of this obstacle to toleration is our preoccupation with social unity and national identity. We see this not only in the rhetoric of government but also in the continual raising of the 'problem' of Australian identity, and the incessant demands coming from all sides of politics for 'Australianness' to be protected. Above all, comes the exhortation, we must have unity. In the launching in February 1992 of the government's policy statement, *One Nation*, the then Prime Minister, Paul Keating, argued that 'all our efforts must go towards uniting the country'; that the 'most successful societies are notable for their unity'; that the best policies were those which would 'give us back our sense of purpose'; and that kind of Australia we seek is, above all, 'An Australia which is more truly one nation'.^[11]

I want to argue that all these sentiments, which are in no way peculiar to the rhetoric of the Labor Party, need to be regarded with far more scepticism than they have been accorded to date. More than this, for a number of reasons, we should look warily at those who peddle unity. For one thing, we should recognise how dangerous is the pursuit of unity when people disagree. Indeed, nothing is more divisive than the pursuit of unity—as the experience of the politics of the last eighteen months should have made unchallengeably clear. All too often, people calling for unity are interested in conformity—and to an ideal of their own devising.

The most successful societies, to my mind, are free societies; and they are notable not for their unity but for their diversity. They do not put all their efforts into anything in particular but into many things. They do not have a sense of purpose because their people have many different purposes. And these people are not worried about being one nation because they recognise such notions for what they are: pieces of shameless rhetoric used by political elites to tell the population that they are at one with the people.

The danger of this rhetoric lies not in its content—for it has none—but in the direction in which it leads. In the first instance it leads to the aspiration to shape and define national identity, for the idea of identity will quickly find its way to the heart of the ideal of social unity. But identity politics is surely something to be avoided—as the history

of the Balkans, with its endless quarrels about ethnic origin and territorial inheritances, clearly suggests. What is fairly obviously the case is that identity is neither natural, nor original, nor permanent; or even particularly enduring. The features which describe a Briton, or a Malaysian, or an Indian, or an Australian, cannot sensibly account for the variations across time and region. But too much talk of one nation tempts us to think, or believe others who say, that we can.

This is a bad thing not simply because it is silly but also because it in turn tempts us to try to shape and control that identity. In our own context it inclines some people to tell us how to be Australians: what language we should speak, what neighbours we should seek out; and even what international cricket team we should barrack for. And it inclines others to try to make it harder for us to watch New Zealand soaps, or more expensive to buy non-Australian CDs: to protect a particular version of 'Australianness'. It thoroughly disinclines people to simply mind their own business—which is surely a good part of what toleration is all about.

In short, one major obstacle to toleration is nationalism. One reason why toleration was harder to achieve in the sixteenth century may be that a great deal of energy was being put into the establishing of modern states. In the lead-up to the Peace of Westphalia in 1648 the political interests of the major powers lay in settling boundaries to carve out regions of territorial sovereignty. This made for a politics of exclusion: the issue was, who was in and who was out. Toleration, however, is a virtue of open societies, which are more comfortable with the movement of people—and goods—across boundaries. (A boundary, for those of you who need an explanation, was defined by Ambrose Bierce, as an imaginary line separating the imaginary rights of one people from the imaginary rights of another.^[12]) Toleration, in the end, is a quality more readily found in societies which are resistant to planning and control.

Yet if the pursuit of national unity is an obstacle to toleration, it is only one. The other, no less important impediment is the conduct of sects or minorities in a society, and the attitudes they might evince. In the sixteenth century the fear prompted by religious minorities or dissidents was that they would foment public disorder: that their professed wish for toleration disguised less palatable aspirations. What we need to ask now is how much this might also be true of our modern minorities, or at least of the system which gives them succour.

To some extent at least, I think this *is* a problem we face today. Some of the voices raised most loudly in the call for toleration have displayed the most pitiable lack of it themselves, shouting down those who disagree with them, and dealing violently with their supporters or listeners. The problem here is not simply that this is itself intolerant; it is also that it makes it more difficult to entrench the norm of toleration in public life. For toleration to work, people have to accept that what is tolerated is not simply those things they find bearable but those things they find insufferable. If this principle is not accepted, toleration loses any point: we do not need a principle of toleration to tell us to accept things we like; we only need one to tell us to put up with things we don't. Just as the intolerance of sects in the sixteenth century made it difficult to introduce norms of toleration because they too often made their existence an issue of public order, so do groups today betray the cause of toleration by calling attention to themselves for disorder caused by their intolerant conduct.

Yet the intolerant conduct of some groups is only one way—though a dramatic one—in which the working of groups in contemporary politics operates to hinder the cause of toleration. A more general problem may be simply the fact that groups—and here I mean ethnic groups in particular—operate as highly visible actors in the political process. This has quickly generated a perception in the community that public funds or resources more generally are being distributed on the basis of ethnicity. Apart from the fact that the use of public funding to court the so-called ‘ethnic vote’ runs the risk of spawning what Professor Jerzy Zubrzycki has called ‘entrenched low-level corruption in the political system’^[13], the problem is that such a practice does nothing to incline other Australians to regard members of ethnic communities with tolerance, leave aside affection. It is hard to look tolerantly, let alone fondly, on people you think are on the take. This is *not* intended as an indictment of ethnic elites, who have simply responded rationally to the incentives for rent-seeking offered to them. It is rather a criticism of the mainstream politicians who, for their own benefit, have designed these incentives. What makes this all the more frustrating is not only that there is no ethnic vote (since political loyalties in ethnic communities are divided just as they are in the rest of the community), but that the great majority of ethnics have no part in this process. They are pictured as members of political groups—sects—when they are really nothing other than private citizens who hail from different backgrounds and (sometimes) live by different traditions.

If this is so, then one of the obstacles to toleration is that aspect of contemporary multicultural policy which tends to entrench ethnic groups in political life. While some of what happens under that policy, such as helping children learn foreign languages, is commendable, other things, such as the funding of ethnic dance troupes and ethnic poetry are simply nonsensical; and indeed, some aspects of policy, such as the funding of ethnic councils are probably pernicious inasmuch as it operates simultaneously to inflate the status of ethnic leaders and lower the estimation of ethnic people in the wider community.

Finally, we face a serious obstacle to toleration insofar as many of the advocates of toleration are quick to denounce all criticism of multiculturalism as anti-ethnic or racist, or at least motivated by bigotry or prejudice. This is most evident in the way in which assimilation has become a dirty word—something to be advocated at one’s peril. To be sure, in a free society no one should be forced to live according to traditions he finds alien—and there is surely plenty of space for us to go our own ways. Yet it is perhaps also worth noting that public policy which is hostile or indifferent to assimilation is no less problematic morally speaking. Ramesh Thakur made this point very well in arguing against the Canadian ideal of the ‘mosaic’ as compared with the American idea of society as a melting pot. Ultimately, he argued, the former demeans those immigrants who want to become members of society and not live out their days as ‘expatriates’. ‘By being officially hostile to assimilation, Canada forces newcomers to be expatriates rather than immigrants. The mosaic becomes a subtle policy instrument in the hands of ‘true blood’ Canadians for maintaining their distance from the new pretenders.’^[14] I do not think assimilation is the best policy. But we should be slower to denounce those who think it is.

Moving toward a more tolerant society, if all this is true, would be accomplished sooner if we could find a way of getting rid of the categories of race and ethnicity from our legal and political practices. They are irrelevant, misleading, and dangerous. To date,

none of the political parties have shown any inclination to do this. (One Nation has said that it wants to do this; but in my view it is being entirely disingenuous, because it keeps talking in the language of exclusion, and Australian national identity.) The challenge lies there for the taking.

Yet if toleration is so hard, it might be objected, maybe this should give us pause. Maybe toleration is either not all it's been cracked up to be; or is simply not feasible. Perhaps the conclusion to be drawn from all this should be another lesson altogether: that different people simply cannot coexist and we should not try to make them do so; or that it is impossible unless we commit ourselves to sharing some more substantial common values. Perhaps toleration simply isn't enough because it suggests a lethargic acceptance of bad conditions? Let me conclude with some brief reflections on these objections.

To the suggestion that different people cannot coexist I would say simply that history tells a different story. There are plenty of cases of peaceful coexistence of peoples of different traditions, just as there are distressingly many cases of people persecuting their own kind. Some, like Voltaire and Lord Acton, have argued that the prospects for freedom and peace are better when there is diversity. Voltaire put the matter with his customary bluntness when he observed: 'if you have two religions in your midst they will cut each other's throats; if you have thirty, they will live in peace.'^[15]

Another thing that needs to be emphasised is that it is in no way true that tolerance demands no more than a willingness to suffer, and to put up with wickedness, or injustice, or incompetence. It is perfectly consistent with a critical spirit. Tolerance demands that we put up with difference and diversity, not criminality or irresponsibility.

To the suggestion that what is needed is a commitment to some substantial values, however, I would say that this is asking too much. To ask people to share a core of significant beliefs and commitments you need either a small group of people, or very weak and undemanding commitments. The larger the society, the greater the tendency for beliefs to fragment. We simply tend to see the world differently. For this reason no religion has succeeded in expanding without diversifying its tenets. One of the easiest commitments to make, difficult though it is, as I have been insisting, is the commitment to toleration. And this, surely, is as plausible a basis for a workable social unity as any one might imagine or invent?

For those who would still doubt this, I leave with you the words of Confucius. When Zizhang asked Confucius about humanity, the Master said:

Whoever would spread the five practices everywhere in the world would implement humanity. And what are these? Courtesy, good faith, diligence, generosity, and tolerance. Courtesy wards off insults; good faith inspires the trust of others; diligence ensures success; generosity confers authority upon others; tolerance wins all hearts.^[16]

Question ¾ The thing that bothers me is that One Nation has aroused much protest in the community. But then we have the situation where at their meetings, we have

this violence and animosity and I think in our ideal tolerant society, it is fine to go along and protest, to stand out the front with a sign or whatever, but when you see these people being extremely violent against One Nation's beliefs or meetings, it makes me wonder whether we will ever achieve a tolerant society.

Professor Kukathas $\frac{3}{4}$ I agree with you entirely and I think in the end it is in itself an obstacle to toleration. I also agree with you that in a free society, people should be free to protest about these things. They should be able to stand there with placards and voice their disapproval, in fact I think it is necessary because toleration should not mean that you simply let things you disagree with or think wrong, simply pass by. On the other hand I do not think it means you are entitled to prevent people from themselves doing precisely that. They might find you equally insufferable.

Question $\frac{3}{4}$ For instance, I might go to a One Nation meeting and come out entirely disagreeing with everything that I have heard, but it seems to be the popular assumption that if you are walking through that door, you are going to agree entirely with what you are going to hear inside.

Professor Kukathas $\frac{3}{4}$ Yes, I think that is the case. I think there have been some unfortunate incidents in which people who went along to listen out of curiosity, and in fact out of disagreement, were themselves beaten up. So I agree with you. I think that is a bad thing and I think it should be criticised.

Question $\frac{3}{4}$ May I make one point and ask one question. I was interested in what you said about assimilation. Because these words are so flexible and can be used in so many different ways, you have got to look at it in the context of our history. Assimilation to me means the forcible taking of Aboriginal people, to force them into a society which we thought was best for them. In fact, I was reading a speech by Kim Beazley Senior in 1961 when he said that to him, even though he abhorred apartheid, apartheid was a more moral philosophy than assimilation, because at least apartheid gave people the right to their own culture, whereas assimilation did not. And I think I react against the word assimilation because of the history we are coming from and that is what we have to overcome.

I wanted to ask you about another topic. How do we move towards a more tolerant society? You have mentioned the intolerance of religion, or religion being a force for dividing people and forcing people into other aspects. I read a book recently called *Religion, the Missing Aspect of States Craft*, in which a number of historians argued about the different religious groups which have helped to overcome hostility, for instance between France and Germany after the Second World War, and in the Philippines and so on. Do you see religion as a force for helping us towards a more tolerant society, or against it?

Professor Kukathas $\frac{3}{4}$ Can I first comment on your comment and then try to answer the question? I agree, assimilation is a word that really carries a lot of baggage with it because it is not only a word that describes a particular practice and an idea, but also describes a policy which has a very long history. But I think there is another aspect of the history that we also need to bear in mind in the Aboriginal case, and that is not just the story of the forcible assimilation of the stolen generations, but also the history, to some extent, of say, Aborigines in the 1930s, many of whom argued that what they

were prevented from doing was assimilating. What they thought was unjust about much of government policy, was the fact that it denied them the right to become a part of the Australian mainstream. So, I think in a way, what we need to do is to strike that balance which allows those who want to assimilate, to do so, so that there are no obstacles in their way. But also recognise that there are others who simply want to live in different ways, who want to hang on to valued traditions. I think the history of policy in this regard shows how difficult this is to do because what has tended to happen is that policy fluctuates from one extreme to the other. It is difficult to strike that balance, and this is one of the points I tried to make in the lecture, about assimilation.

But on the question of whether religion can help, I think the answer here is going to be more ambivalent and the reason for it is this. On the one hand there is much in religion which in fact is conducive to toleration because much of religion preaches a type of toleration. Certainly Christianity does. This is not to say that the church always has, but Christianity certainly does, and Islam certainly does; it has very strong traditions of toleration which are described in great detail. But the problem with religion is that because religion has the capacity to gather such large numbers of people together as a group, as a community, as a force, the temptation is always for political people, the political elite, to try to latch on to this and use it for their own purposes. That is the first problem with it.

The second problem is that when religious leaders find themselves in charge of a large mass of people, the temptation is for them to use that power to move into politics. This is where I think the problem comes, that toleration and powerful states and powerful nations do not always mix. So, the role of religion is always going to be a mixed one and those within particular religious traditions should work towards toleration, but on the other hand, I think we should not get our hopes up.

Question $\frac{3}{4}$ This is probably the most objective lecture I have ever heard on the subject, but there was one aspect about which I would like to ask a question, and that concerns the nation state. It is perfectly true that there is a certain amount of coercion in the history of the creation of the nation state, and what, in fact, you were talking in favour of, and it is a beautiful ideal, is perfect individualism. However, as far as I can see from history, the only groupings of human beings where you have evolution of toleration, though not perfect toleration, is in a nation state, otherwise what you seem to get is groups, tribes, fighting one another. Now, if you want to define this nation state, you have common laws and perhaps certain over-arching values, and of course it is very hard to say which of these values should be accepted by everybody. Perhaps you would like to try to define them. Would you agree to a common legal system, or do you think that certain groups, for instance Aborigines, should have their own? Do you think that, for certain groups, un-elected individuals can stand up and speak for them, because they have never had experience of elections? I just think that the nation state is the only unit, however bad its history may be, that has even allowed us to talk about the concept of toleration.

Professor Kukathas $\frac{3}{4}$ As I understand it, your point is that I have been too critical of a nation state because without the nation state, in effect, we will not be able to have toleration because there are certain pre-requisites to toleration that we need, such as a common legal system, and a system in which people can be represented, and without these things we cannot really look for something like toleration. I am going to

disagree with you on quite a few things here. First, it seems to me that the nation state is not only a relatively recent invention, but it is also the case that before the existence of the nation state, people were, in fact, able to and capable of co-existing in peaceful ways, in all kinds of social formations. The nation state is something that we would trace back to something like the sixteenth century, but prior to that there were certainly organisations of people, various kinds of political units in a whole range of different societies; whether we look at medieval Spain with its system of co-existing Jews and Muslims and Christians, or ancient Greece, there are certainly all kinds of political units in which co-existence is possible.

Your point that the nation state is needed for things like a common legal system is also not quite true. In fact, the legal system that we operate under now is one which transcends the nation state, which predates any existing nation state. It is a legal system which crosses state boundaries in as much as we are talking about the common law. But even if we are talking about legislation, what we find, in fact, is that in every nation state we can think of, what we have is many different jurisdictions. We have states, we have local governments, we have provinces. There are all kinds of jurisdictions, so it is not as if you need a single, common system that is peculiar to a nation state in order for a legal system to exist.

All of that said, I do not want to suggest that we should get rid of the nation state or that it serves no useful function, or that it is at all possible for us not to have a nation state. My purpose in this lecture is not to suggest that we get rid of the nation state, but rather that we need to be wary of the kinds of powers it can naturally acquire. Because it is, as a modern institution, one which has amassed so much power over the years, what our traditions have consistently tried to do over the last several hundred years in what we call liberal political societies, is to find ways of constraining the nation state, find ways of putting obstacles to the operation of government, and I am very pleased to make this point, particularly because I am here as the guest of the Senate, which is one of the most important institutions, I think, for making sure that the nation state is properly checked, because power is not going to reside in any one place. It is going to be deflected, divided, not only institutionally within parliamentary systems, but by the fact that it is divided amongst different states, different regions, different entities of all sorts. So I take some of your points but I also am going to disagree with a number of them.

Question ¾ Listening to your remarks today, I was reminded of another piece of political rhetoric, namely that which, not that long ago, suggested that we should move towards a republican form of political system on the basis that the head of state should be one of us. I was wondering whether you would like to offer some comments on that, in the light of the broad themes you have addressed today?

Professor Kukathas ¾ This is something of a Dorothy Dixier because Bill knows very well that I am a monarchist. Essentially, being a very open and tolerant kind of guy, I think of so many people as one of us, so I am more that happy for Queen Elizabeth to be counted as one of us. More seriously, I think the point is that one should be wary of those people who want to say we should look up to people or we should admire people or we should call on people because they are in some way, one of us. Why is the fact that someone is one of us something that is going to count for a great deal? I can see how it might count for something in personal relations. I give my son pocket

money³/₄very seldom, but I do³/₄because he is a part of me, a part of my family, but why should we consider this a significant qualification if we are looking for someone to fill a public office? It has never seemed to me to be anything very compelling.

Question ³/₄ In your talk you have said that tolerance, basically, is a word that needs to be defined, to have some meaning, and you have defined it as acceptance of diversity; and in the same way words like identity and unity must be defined before they can have a meaning. So I think it is wrong to simply assume they are dirty words. I think where unity is defined in terms of homogeneity it is possibly a dirty word. But where our national identity is defined in terms of our tolerance of diversity, it is not a bad thing to have a national identity; in fact, I think the problem is that we do not have an identity at the national level defining ourselves in this way, in terms of our existence at the two levels of national unity and sub group diversity. At the moment, definitions of our national identity are in terms of homogeneity. But where we have a definition of ourselves in terms of diversity, that might provide some solution. I think that it is a mistake to think that we exist at one level or the other, we exist at both, at a shared level and at a level of diversity, the issue is they need to be compatible.

Professor Kukathas ³/₄ I agree very much with what you are saying, and I did not mean to suggest that unity is a dirty word, or at least not a very dirty word, because in the end, what I wanted to suggest, and I think this is what I was coming to at the end of the lecture, is that if we do have to have a kind of unity then toleration is really a pretty good basis for describing our unity. The kind that we should be more troubled by is that kind that wants to describe our unity by suggesting how we are in fact homogeneous in some ways. I do not want to overstate this because I think to be fair to those who talk about unity, most of those people would in fact recognise the very obvious points that we are different in various ways. So again, my concern was, in a sense, to bend the stick back a bit to make it straighter. To try to say, well, we should not get carried away with this because it is so easy then, when you talk about unity, to fall into the language of exclusion, because once you start talking about us, and what we are, the natural corollary of this is to identify others who are not, and this is where the danger comes. So, to talk about unity in terms of toleration, toleration as being the tradition that we share and unites us, is entirely acceptable.

Question ³/₄ I feel that today we have heard a lecture that has made an important contribution to this debate that troubles Australians. But it has been inward looking. It has looked at the polity of the people of Australia, and suggested that tolerance is one of the values, the virtues that we should be adopting. But, I would like to hear your views on how we should react, when others, to wit, One Nation, are reflecting something to peoples outside Australia which we find repugnant, repulsive all those sorts of words. To me, that is one of the most important aspects of what is going on, in that as a nation we thought that we had put all this, or much of what One Nation is saying, behind us, instead of which we find it is alive and well and in fact is being projected outward in a way that is actually dangerous to Australia as an entity, seen in the eyes of others, particularly Asia and so on.

Professor Kukathas ³/₄ I suppose in general I am much less bothered by that, I think for a couple of reasons. One is that I think we should not be preoccupied with how others see us but we should spend our attention trying to work out how we should be ourselves, that is to say, concentrate on doing the right thing, not on whether others

think you are doing the right thing. Now, that is not to say that the rest can take care of itself, but I think in the end, you do the wrong thing by trying to manipulate others' perceptions rather than to concentrate on doing the right thing.

The other thing is that I think, to some extent, other societies have to accept that this is not what we are, and if they think that just because one group expresses a particular opinion, if they happen to think that this means that that group speaks for everyone, they are simply mistaken. I think we should tell them, but I do not think we should change anything because one of things that is important about our society is that it allows those people to say what they think. If they do end up giving the wrong impression, that this is what everyone thinks, well we should tell other people overseas that this is not what everyone thinks. This is what some people think, and our tradition allows people to do precisely that, and we are not ashamed of this tradition, and people overseas have to accept it. Now, if you say this is going to have an effect on things like the number of students coming to Australia, and on trade, I think that is probably all true. I think that is probably one of the costs you accept when you are a free society. It may mean that there are these consequences. But the response, I think, should still be simply to state straightforwardly what it is that you believe, why you accept the freedom of these other people to say things you do not like, and why you think others should accept this tradition for what it is, and not rush to judgement. I do not think there is anything else we really can do sensibly.

Question $\frac{3}{4}$ Pity that was not done somewhat earlier by our leadership.

Professor Kukathas $\frac{3}{4}$ Well, I will not be a bad guest and comment on that.

Question $\frac{3}{4}$ Could I first congratulate you on what I think was an excellent talk, raising some very important issues. But I just want to press a point, that actually my wife raised, and it really concerns the limit of the nation state. Now it struck me that the points you were making referred essentially to a peaceful society. A society that was not subjected to stress, either in the economic or military sense. The problem arises though, that that sort of society, which I think we all want, is likely to fissure, or at least come under stress when it is liable to attack from outside. In other words in a state of war. Given that these unfortunate occasions have happened in the past and may well happen again, where does one put the coercive limits of the nation state, the coercive limits of the legal system for instance, as opposed to toleration?

Professor Kukathas $\frac{3}{4}$ I can see the point that you are making, and that is, that in a way, an excess of tolerance may leave us more vulnerable. I have often debated this question with friends and colleagues and my answer to this problem has always been much the same, which is to say, I think that is one of the risks you take in being a free society. One of the costs of being a free society, if you can call it a cost, is that it makes it easier for those who want to undermine it. The alternative, or one possible solution to this, is to have much tougher laws, regulation, police powers, state powers, to try to suppress this, to make sure that we are never endangered by dissidents, by terrorists and so on. But of course, this runs the risk of turning the society into precisely the kind of thing that you want to protect it from, from these underminers. So what do you do? Do you let it be undermined by those who take this course, or do you, in effect, undermine it yourself? My attitude is always that free societies have to take the risk. That is why free societies are always much more at risk when it comes to acts of

terrorism, for example, because they are open societies. People can move about freely. People can come in and out. Should we accept this? I think in the end, yes. Is this a danger? I think the answer is also yes. Living freely, to some extent, means living dangerously.

Question ¾ In Germany, fifty years ago, a political party emerged which identified a group within that community and blamed them for the economic and other ills that were perceived, and we know how that finished. In Australia, fifty years later, we have a political party which has emerged and has identified at least two groups which they feel are responsible for the social ills here. Do you believe that tolerance can prevent that sickness from spreading?

Professor Kukathas ¾ I think very much so. And I think if you look at Nazi Germany, one of the things that is striking, is how much Hitler's stocks rose when he was imprisoned. First it gave him the opportunity to write *Mein Kampf*, and then he emerged out of it as a martyr. This is not to say nothing should have been done to stop him, and I think clearly, along the way, things ought to have been done both nationally and internationally. But, this is not to say that suppressing him would necessarily have done very much good either. In effect, what you need to do is combine norms of toleration with institutions which are able to stop genuine criminality, and that is what we should focus on and not take more lightly our institutions of toleration.

* This paper was presented as a lecture in the Department of the Senate Occasional Lecture Series at Parliament House on 24 July 1998.

[1] I would like to thank Philippa Kelly and William Maley for their many helpful criticisms and suggestions in the preparation of this paper.

[2] David Hume, 'Of Parties in General', in David Hume, *Political Writings*, edited, with Introduction and Notes, by Stuart D. Warner and Donald W. Livingston, Indianapolis, Hackett, 1994, pp. 156–64, at pp. 161–62.

[3] *ibid.*, p. 162.

[4] Jane Austen, *Emma*, St. Ives, NSW, Softback Preview, 1996, pp. 13–15.

[5] Voltaire, 'Toleration', *Philosophical Dictionary*, edited and translated by Theodore Besterman, Ringwood, Vic., Penguin, 1986, p. 387.

[6] Elisabeth Labrousse, *Bayle*, trans. Denys Potts, Oxford, Oxford University Press, 1983, p. 1.

[7] It was in these circumstances that a large number of French Protestants (more than a quarter of a million), chose reluctantly to leave France and to settle in the various Protestant countries of northern Europe. The term 'The Refuge' came to be used to describe these people, and out of this usage came the word 'refugee', meaning 'one who, owing to religious persecution or political troubles, seeks refuge in a foreign country.'

[8] J.W. Allen, *A History of Political Thought in the Sixteenth Century*, London, Methuen, 1961, p. 77.

[9] See in particular More's 'The Dialogue concerning Heresies' in Thomas More, *Utopia and Other Writings*, selected and edited by James J. Greene and John P. Dolan, New York: Meridian Classic, 1967, pp. 196–216.

[10] See Allen, *op. cit.*, p. 303.

[11] *One Nation*, Speech by the Prime Minister, The Honourable P.J. Keating MP, 26 February 1992, Canberra, Australian Government Publishing Service, 1992, pp. 15–16.

[12] See *The Devil's Dictionary*, New York, Peter Pauper Press, 1958.

[13] Quoted in the *Canberra Times*, 30 June 1998, p. 2: 'Time to end 'ethnic group grants'.'

[14] 'From the mosaic to the melting pot: cross-national reflections on multiculturalism', in C. Kukathas (ed.), *Multicultural Citizens: the Philosophy and Politics of Identity*, Sydney: Centre for Independent Studies, 1993, pp. 105–41, at p. 131.

[15] 'Toleration', *op. cit.*, p. 390.

[16] *The Analects of Confucius*, Translation and Notes by Simon Leys, New York, Norton, 1997, ch. 17.6, p. 86 (with apologies for a small amendment).