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**The Boundaries  
of Liberty  
and Tolerance**

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*The Struggle Against  
Kahanism in Israel*

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With a Foreword by Geoffrey Marshall

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To Zaaviv, Sara, and Izhar

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from holding rallies in Arab places and withholding his freedom of demonstration *as such*. While the act of prohibiting those rallies was necessary, the act of denying his freedom of demonstration abridges a fundamental right without a sufficient reason.

Finally, in chapter 13, I discuss the *Neiman II* decision and some implications of the Kahanist phenomenon for Israeli society. I argue that although Kahane was killed twice, first politically and two years later physically, Kahanism is still very much alive in Israel. It would take a long educational process as well as a political solution regarding the Palestinians to uproot the deep feelings of hostility toward Arabs that prevail in Israel today.

Before starting the analysis, a note on terminology is in order. The terms *toleration* and *tolerance* are employed interchangeably throughout the study,<sup>3</sup> and so are the terms *liberty* and *freedom*.

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## Chapter 1

### *Liberty and Tolerance: General Insight*

#### The Duty to Be Tolerant, the Right to Be Tolerated

The root of the terms *tolerance* and *toleration* is found in the Latin word *tolerabilis*, meaning “that which can be endured.” In its earlier history, the expression implied the general notion of enduring beliefs (say religious beliefs) as well as forms of behavior. Tolerance arose, to a great extent, because it was viewed as the suitable alternative to endless religious rivalry. The notion was not enunciated as an ideal one but more as a necessary evil. It became a necessity in Europe once Europeans saw that neither side in a religious controversy was going to gain the upper hand decisively. The notion was that law ought to be obeyed because it was right; hence, a common moral authority that would determine what was right had to be established. In general, it was assumed that tolerance had to prevail to make living together possible.

Many in the liberal tradition have argued that no right to be intolerant exists but that a right to be tolerated does exist. According to this view we have to be tolerant not because we cannot really avoid it, but because we think it is right and desirable. Rather than being driven to toleration, it is a claim of our conscience, a part of our conception of justice, a virtue acknowledged to be the distinction of the best people and the best societies. Tolerance has been conceived as a good in itself and not as a mere pragmatic device or prudential expedient.<sup>1</sup> This view has made every discussion on the confines of tolerance problematic.

At first glance, toleration involves self-restraint. Tolerators, by definition, are free to put into effect their disapproval of some group, idea, or conduct; and when they decide not to exercise their power against the unfavorable object, they relinquish a freedom they once enjoyed. However, by suppressing their intended behavior, tolerators may have increased their autonomy. The notion of autonomy (to be discussed in the following section and explored further in chapter 3) involves the ability to reflect upon beliefs and actions and the ability to form an idea regarding them in order to decide which way to lead one's life. For by deciding between their own conflicting tendencies, agents consolidate their opinions more fully and review the ranking of values for themselves with a clear frame of mind. The importance of the moral ideal of toleration is that it is rational for an individual to freely consent to being tolerant; that tolerance should be something the person actively wishes to exercise even though it curtails his or her freedom.

Thus, imposing restrictions on ourselves is a necessary part of being tolerant and, therefore, a constituent part of our freedom. By restricting our own liberty, we agents grant liberty to another. By tolerating we introduce some overriding principles that bring us to interfere with our liberty. Those who are tolerated gain freedom from interference by an agent or agents. Exercising liberty in order to restrict another's liberty means that we agents do not find overriding considerations to justify the restriction of our own liberty. In this connection liberty can exist without any corresponding toleration, but toleration cannot exist without a corresponding liberty.<sup>2</sup> We can exercise our liberty without being said to be tolerated or without acting as tolerators.

People want to be free to decide their priorities and to achieve what they conceive to be desirable; hence, objects of freedom are to be defined in terms of the wishes of the agent involved. However, the essence of the value of freedom is that to be free of something is to be that much less impeded in the attempt to achieve a good life. Thus, Isaiah Berlin writes, "I am normally said to be free to the degree to which no human being interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others."<sup>3</sup> Berlin further argues that to be free is to be able to make an unforced choice, and that degrees of freedom are constituted by the absence of obstacles to the exercise of choice. The more avenues people can enter, the broader those avenues, the more avenues that each opens into, the freer they are. The

better persons know what avenues lie before them and how open they are, the freer they will know themselves to be.<sup>4</sup> Berlin's assertions could be interpreted to mean that the given alternatives should be significantly distinct from one another and entail different consequences. At least some of them should be regarded by the agent as valuable. If we are to choose an option from a set of similar options (say a copy of this book from a shelf containing a dozen copies of this same book), or, worse, we are confronted by a your-money-or-your-life dilemma, then such choices hardly can be said to make us freer. The alternatives open to an individual must not be coercive ones, and the situation of choice itself must facilitate our volition and ability to choose.

Furthermore, in order to choose, a person must be capable of understanding how and to what extent various choices may affect his or her life. Consideration is given not only to our rationality but also to our awareness regarding the options open to us. Essentially we must be able to recognize an alternative for it to be considered as an option. A person, for example, may have physical strength, height, and coordination similar to Michael Jordan's, but he never saw his future in sports. When a scout from the New York Knicks comes to his college, he is indifferent to the scout's visit; therefore, that visit cannot be said to constitute an option for him. Choice has any positive bearing on the doer's freedom if at least one of the alternatives is valuable, or desirable, to the doer.

The underlying presupposition of the concept of freedom is that those who enjoy freedom may assert themselves, make critical reflections, and lead their lives independently. A person who does not enjoy autonomy is said to be unfree. Thus, it has been argued that whatever we think ought to be included in what passes for a liberal view, the affirmation of a picture of individual political autonomy, and institutionalized tolerance for that autonomy cannot be left out.<sup>5</sup> This brings me to the relationships between liberty and autonomy.

### Liberty and Autonomy

Liberty is a necessary condition for individuals to exercise their capabilities independently. It is required to enable people to discover, through the open confrontation of the ideas that are cherished by their society, their own stances, their beliefs, and their future life plans. The central idea of autonomy is self-rule, or self-direction. Accordingly, individuals

should be left to govern their business without being overwhelmingly subject to external forces. We are said to be free when our acts are not dominated by external impediments, thus enabling us to form judgments, to decide between alternatives, and to act in accordance with the action-commitments implied by our beliefs.

In this context three notes are relevant. First, we may decide not to do a thing; and as long as we reach that decision without any constraints, then autonomy is exercised. To determine not to act also constitutes a decision; indeed, it is also an action. In other words, autonomy implies the making of decisions. It does not necessarily imply the taking of an active action. Second, not all external forces are regarded by the individual as impediments. Some are taken to be facts of reality, as part of our existence. Otherwise the entire notion of impediments would become absurd. Walls, for example, would be viewed as hostile barriers not only in the case of a jail, but also when free citizens recognize the necessity for their need for shelter and privacy. The third note is concerned with the notions of self-realization and autonomy. Joseph Raz asserts that these are different though related notions. He makes two hypotheses: the first holds that self-realization consists in the development to *their full extent* of *all* the valuable capabilities a person possesses. He contemplates that autonomy may be exercised in the decision to abstain from developing one's capabilities. Raz's second hypothesis maintains that we can stumble into a life of self-realization or be manipulated into it or reach it in some other way that is inconsistent with autonomy.<sup>5</sup>

Reservations are required in the consideration of both accounts. Why Raz insists that self-realization necessarily consists in *full* development of *all* valuable capabilities is unclear. True, we may have capabilities we may not wish to develop (the capability, say, for self-sacrifice). Yet we may decide not to cultivate that faculty precisely because we wish to cultivate another inherent faculty of ours (such as showing love and affection to our dear ones) through which we attain self-realization. We may choose one path that is regarded as valuable to the extent that it outweighs other capabilities with which we are blessed. We may think we could achieve self-realization by preferring one option to the others and pursuing that path alone. Can it be said that because we decided to concentrate our efforts on developing one faculty rather than another, precisely in order to realize ourselves, we really did not realize ourselves because we neglected one (or more) of our other valuable capabilities? In

this example, we deliberately made this decision, thinking that if we would try to develop both capabilities simultaneously, we may not be able to realize ourselves through any of them, because each necessitates considerable effort. Thus we acknowledge that we could best realize ourselves through the cultivation of one ability that we appreciate most. Alternatively, we may decide to cultivate various valuable capabilities but not to the fullest extent. Either way, if we satisfy our aims in life, we may feel we have realized ourselves.

As for the second hypothesis, Raz explains that the ability of people to choose the course of their lives can be developed by stimulation and deceit, by misleading them to believe that they control their destiny. This may be true. Yet unclear is how people can "stumble" into a life of self-realization. Do they recognize that they have stumbled? For if they do not, then in what sense can we speak of *self-realization*? And if they do, can we assume that they did nothing to realize themselves and just stumbled? In any case, we can postulate that the notion of self-realization is intelligible only if we make a decision independently; that is, if we exercise our autonomy. Prior recognition of how they want to live their lives must occur by the doers for the notion of *self-realization* to be meaningful.

Raz maintains that autonomy is exercised only if an adequate range of choice is available. To be autonomous we need a variety of options to choose from, some of which may be of significance to the agent, and some the agent may find useful to dismiss. Having options enables the doer to sustain activities he or she regards as worth pursuing, and the reaching of such a conclusion—what is worthwhile and what is not—is often arrived at by reflecting on diverse, often conflicting, alternatives. Persons are autonomous if they have a variety of acceptable options available to them and lead their lives through their choices of some of these options. As Raz notes, a person who has never had any significant choice or was not aware of it or never exercised choice in significant matters but simply drifted through life is not an autonomous person.<sup>7</sup>

An autonomous choice does not have to be the best one available. It presupposes that the agent exercises some extent of rationality but not perfect rationality. A person may not choose the best decision and still be considered autonomous. Moreover, objective limitations stand in the way of making the best decision. We hardly ever make a fully informed choice or have all the existing data about a given case. Limits constrain

our efforts, and instead of looking for all the existing information, we speak of the *required* data. Then it is our decision to determine what is *relevant* and what is not and when to stop searching for more information. In addition, we have the questions of availability of data and of access to information.

The distinguishing feature of autonomy is, therefore, the forming of our discretion in a way that is supported by our reason, though our rationality may be impaired. We may disregard some relevant data required for making a decision either because we do not acknowledge its relevance or because its meaning is incomprehensible. Sometimes we may find it preferable to ignore some facts because they conflict with beliefs we are not willing to yield. Nevertheless, the agent is still said to be autonomous.<sup>8</sup> The agent is not coerced to choose one alternative over another. Our ability (or lack of it) as agents may restrain us from taking the best alternative available. Yet from our point of view, we are taking the best one that we can possibly conceive of, given our inherent deficiencies. Choosing the best option or thinking correctly is not a requirement for autonomy so long as the doer exercises deliberation in assessing the alternatives. The emphasis is not on deciding the “best” options nor on holding the “true” opinions, but on the way in which we come to make the decisions and to hold our opinions.

Some words of explanation are in order regarding the term *deliberation*. Deliberation presupposes a process of examining alternatives in an effort to determine which course of conduct to pursue. This process may include habitual actions. In such instances the reasons for action enter automatically into the process of deliberation. The agents have made their calculations, considered the alternatives, and have decided which option is preferable to others. We intentionally reduce the number of options in order to avoid spending time again and again deciding which data are relevant for assessing different courses of conduct in familiar circumstances. In a similar vein, persons often categorize actions, people, facts, objects, etc., to save time when encountering familiar data. We put labels on things, for instance: *library, bedroom, theater, summer, liberalism, ethnicity*. These categories contain information that facilitates discussion and spares the need for tedious explanations.

When agents think new factors have emerged that deserve consideration, which—on balance—seem important enough, they may decide to reevaluate the previous decision and reshape their behavior. Thus, as

Martin Hollis asserts, habit is quite consistent with deliberation, provided the agents are also in the habit of monitoring their habits to check for internal as well as external changes, which may convince them to modify or to break their habit.<sup>9</sup>

I have stated that deliberation assumes some degree of rationality on the part of the doer. To deliberate may involve considerations that speculators may conceive to be irrational but that, from the doer's point of view, may be perfectly rational. Agents may act in a way that would make others perceive them as irrational persons, while irrationality may be precisely the notion the agents wish to convey to further their position. Sometimes a course of action others see as irrational can award agents more gain than they could possibly have achieved had they acted in an expected, “rational” way. In international relations, brinkmanship often has proved to be a sensible policy, bringing more gains than would have been the case had a conventional, “rational” policy been pursued instead. Some leaders have decided to cultivate an irrational image precisely in order to improve their positions. Furthermore, deliberation does not necessarily involve only rational considerations. A person who deliberates autonomously will not necessarily choose in a rational manner. Emotions may have a bearing on the course of conduct the doer decides to take. Autonomous persons may act impulsively or emotionally, and, therefore, we may distinguish between autonomous *persons* and autonomous *actions*. Not every self-propelled act of an autonomous person may be regarded as autonomous. As Thomas Scanlon postulates, persons are autonomous when they see themselves as sovereign in deciding what to believe in and in weighing competing reasons for action, which may not necessarily be rational reasons.<sup>10</sup>

The requirements of autonomy are weak in Scanlon's view because, for him, we are autonomous if we independently apply canons of rationality when considering the judgment of others as to what we should believe or do. It does not matter to Scanlon that these canons of rationality may be substantially lacking. Consequently, it does not matter that a person may make decisions in an uncreative or weak-minded manner, revealing ignorance, emotions, lack of self-reflection, or any combination of these. For instance, John may decide that his love and affection for Jane outweigh the fact, which he recognizes to be relevant, that they share nothing in common but their love. We may say that John is not rational, and John himself may agree, but it is still more important for

him to live (in spite of quarrels) with the woman he loves than act rationally and give up his relationship with her. Although we may say that John's emotions prevented him from having maximum control over the situation when making his decision, we cannot say that John did not act autonomously, for no external limitations were involved. As a rational person, John will be able to reconsider his decision in the future, to criticize and evaluate it in the light of his and Jane's experience as a couple. We may add that this example assumes a degree of independence and rationality on John's part. However, if a person is completely emotionally dependent on another, to the extent that he or she entirely lacks self-respect, independence, and self-confidence, then we may say that that person is not autonomous and, therefore, is unfree.

Hence, when speaking of autonomous conduct we should emphasize the way in which a decision is made rather than its result. We choose autonomously when we identify and evaluate the relevant factors pertaining to the choice, not all of which may be reconciled in a rational manner. This is not to say that autonomy does not require taking advice from others; on the contrary, it benefits the agent to hear different opinions and to consult others who may have more experience or information about the matter at hand, as long as these advisers do not resort to manipulation, that is, to elucidating their views by any possible means, while blocking the agent's exposure to opposing views. Agents may rely on another's judgment, but they must be able to hear contrary opinions and exercise their discretion. Exploring another's opinion is a step to help us to form *our* reasoning through critical thinking. Autonomy requires that the final judgment be the doer's after having gathered what he or she regarded as relevant and then assessing it.

This argument suggests that inherent restrictions do not make a person less autonomous. An autonomous person is one who has the ability to deliberate and to make decisions on the basis of reasons (rational and emotional) and without external limitations. Internal limitations inhibit rationality, make a person less comprehending, less capable of choosing the best alternative available; but it does not follow that such a person is less autonomous. Only external limitations make a person less autonomous and, therefore, less free. Now we face the task of explaining the meaning of external limitations. Do they include all societal limitations or only a part of them? Do they include, for example, norms, cultural beliefs, rules, traditional codes, and the like?

From our earlier discussion of habit the reader may infer that norms and tradition are not to be included among these limitations. We cannot divorce individual judgments from the social and cultural context in which they are made and, more specifically, from an individual's social background. For internalization of socially received concepts, beliefs, and norms is a necessary precondition for critical reflection on any specific project or practice. We accept some points according to which we are able to make judgments, review opinions, and form our views. As William Connolly explains, we always must accept some concepts and beliefs in order to isolate others for critical examination. We therefore must follow some practices unreflectively so that the source and rationale of others can be considered reflectively.<sup>11</sup> Thus, external constraints, when they are conceived by persons not as alien or in some way threatening to them but as necessary and even as conducive to their individuality, become self-imposed and cannot be seen to be contradictory to their autonomy. Individuals internalize norms that help them to define their convictions and to understand themselves and others as well as their surroundings. We accept norms because they help us to perceive the world in which we live and define our place in society. Accordingly, we adopt, say, the norm of commitment as part of our concept of friendship and of family, which places some restrictions on our autonomy. But these restrictions are not commonly viewed by us as impediments to our freedom or our autonomy. We willingly accept such norms as ways of expressing ourselves, and our sense of giving, of sharing, of love and any other affective notion that is valuable for defining our world as autonomous creatures living among others. We may have an interest in giving to others because the act of giving and the recognition that we make others happy contribute to our satisfaction, making us feel more humane and with a personality that has been bettered. Restricting ourselves in such cases does not go against our interests; instead, it is conducive to promoting our position through the effort of contributing to others. We all have an interest in promoting egoistic motives, but for similar reasons we also have an interest in furthering altruistic notions. Thus we are willing to take on sacrifices and restraints.

Although norms prescribe ways of conduct and consequently limit our autonomy to an extent, they do not ultimately coerce us. There is still room for nonconformism, still the possibility of rebellion, of changing the norm. A notable example in the context of democracy is the well-

accepted norm of one person, one vote. This idea, which was considered ridiculous or even dangerous only a century ago, is fully established today. Societies and circumstances change and bring people to adjust to the new developments. People recognize the need for molding or replacing old norms with more acceptable ones. They accept a norm when it provides sufficient reasons for them to adhere to it and to act accordingly. The prevailing view is that citizens can, upon reflection, criticize norms and try to change them when they believe, for example, that new circumstances and new times require some form of accommodation. Norms may be changed because—assuming that people are autonomous and capable of forming judgments upon evidence—a continuous interchange occurs between the people and those who maintain norms and ascribe to them their institutional backing. As Connolly contends, it is not that autonomous persons take nothing for granted, but that they are able and willing to question any project or practice and to adjust their conduct on the basis of such reconsideration. Such persons may well accept upon examination most of the prevailing practices within their culture, but to the extent that they do so autonomously, reflective judgment and self-understanding enter significantly into their acceptance of these patterns.<sup>12</sup>

The internalization of socially received concepts, beliefs, and norms is a necessary precondition for critical reflection on any project or practice. The initial system of concepts and beliefs that helps us to define ourselves provides the materials out of which we define and comprehend our setting.<sup>13</sup> An autonomous personality develops against a background of social limitations, some of which exist as a part of life and that citizens do not regard as constraints at all. Others are regarded as limitations on liberty that citizens nevertheless accept willingly, recognizing their value in making living together possible. Therefore, it may be more suitable to treat impediments as limits on freedom only if they restrict options that may otherwise, under the given conditions and norms, be available and eligible. The major problem is to determine the restrictions that reconcile individual liberties and societal common interests. This is my prime concern here: What should these restrictions be and what are the grounds for introducing them? This is another way of asking What are the scope and confines of tolerance?

In the next chapter I begin to explore the scope of tolerance by examining the reasons for tolerance. I analyze two of the distinctions that were

made regarding this issue. The first is Herbert Marcuse's distinction between passive and active tolerance. The second is Mary Warnock's distinction between the weak and the strong sense of tolerance. Then I will make two distinctions of my own: one between latent and manifest forms of tolerance, and one between principled and tactical compromise.