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TOLERATION AND PLURALISM

AN ANALYSIS OF THE CONTEMPORARY DEBATE ON TOLERATION AND ITS PRACTICAL IMPLICATIONS ON LGBT SOCIAL MOVEMENTS AND ADVOCACY GROUPS

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This thesis is dedicated to my father,
who would have wanted me to study medicine,
but would have been proud none the less.

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An Analysis Of The Contemporary Debate On Toleration And Its Practical Implications On Lgbt Social Movements And Advocacy Groups

A thesis by Vuk Gavrilovic

SUMMARY

INTRODUCTION

The true meaning and scope of toleration is a long standing debate among liberal philosophers. Whether it's about the semantic meaning, the scope of application, or finding shared examples to which apply the discourse, when discussing about toleration there is a number of different topics that need be covered.

In fact, it is interesting to notice how the debate is all but settled, as the ever growing pluralism our societies are experiencing. In the age of globalization, of rapid cultural changes and paradigm shifts in the way of life, encounters among different cultures and world views often become clashes. The importance of tolerance for a peaceful pluralist society is a pillar of the liberal doctrine, however much of its deeper meaning is still left to debate and interpretation.

In this thesis I try to analyze the main philosophical debates on toleration of the last decades. While brief historical background is always necessary to give a timeframe to the debate, I focus on the last decades of discourse on toleration as the vast majority of contemporary liberal authors have dealt with toleration only relatively recently.

Aside from defining the meaning of our topic, I shall analyze toleration with a practical approach. The core of this thesis is the application of toleration when it comes to the conflict that arises from LGBT liberation movements and advocacy groups promoting awareness of homosexuality and asking for equality and equal rights. More specifically, I shall focus on the issue of same-sex marriage, as it is a very contemporary issue at hand and is articulated enough to provide numerous examples of how toleration works in practice.

While homosexuality of individuals itself is not a subject of debate and is beyond any discourse on toleration, it is the practical implication that the LGBT emancipation movements have on society and how they act to achieve their goals that is of interest to this thesis.

I shall argue, throughout this entire work, that toleration is a key value for a liberal and pluralist society, and is a feature most vividly seen in many western countries. Toleration has always to do with a conflict of values, and thus frequently involves traditional values that either derive from or are otherwise enshrined in religion. This proves to be a rather complex subject and I shall avoid going into matters pertaining to religious doctrine, and focus primarily on the practical implication the conflict between "traditional" values and newly arising values related to homosexuality, specifically on the subject of same-sex marriage and how it is all related to toleration.

CHAPTER 1

The Oxford Dictionary of Philosophy defines Toleration as *"Refraining of acting against that which is disproved of, or politically opposed, or alien"* (Blackburn, 2005). This definition, despite being brief, condensates well the underlying substrate on which all discourse on toleration is build: conflict.

Conflict is essentially a condition without which no meaningful conversation about toleration can be held. However, we must not interpret conflict in the strict sense of the word, it is not a discourse about armed conflict or use of force. Conflict can be interpreted in a much "higher" and broader meaning, as the existence of different views and moral values, that are not shared nor similar, but that coexist in the same space and time in a society.

1.1 | The historical starting point

But let's take one step back, in order to gain some historical perspective on toleration. The discourse of toleration is brought up by John Locke, in his *A Letter Concerning Toleration* (Locke, 1698). This is the starting point of all debate, and it is useful to mention it, as it sets up quite nicely an important aspect of the scope of toleration. Namely, the primary concern is religious toleration. In a time where religion was still quite important, but the epoch of Enlightenment and reason, the conflict not only between different religious denominations was arising, but also that of the separation between Church and State.

Locke's main intuition was, simply put, that tolerance of different religions in a society would be an efficient way to prevent conflict. Conflict, in Locke's view, arises when the society strives for uniformity, as opposed to pluralism, and represses minorities or whoever is "different". This is indeed true, and it is the basis on which the discourse on toleration rests. However, Locke was not totally tolerant, and his primary concern, one might argue, was that of a peaceful society and not of a deep philosophical analysis of the

scope of toleration. In fact, Locke excluded the possibility to tolerate Roman Catholics, because their allegiance would lie towards the Church and Pope, and not to the State. And also excluded the possibility of tolerating atheists, as they were people without morals.

The contemporary debate on toleration is much more sophisticated than this. Philosophers nowadays are more concerned with the scope of toleration. Namely, there is an inherent problem with toleration itself - it is that it's scope is limited, and some even argue it is transitory, despite its importance.

Locke's intuitions nevertheless are still relevant today, as they underline two of the main issues on the discourse on toleration:

Firstly Locke talks about religion. Religion is arguably one of the richest sources of "values" that people uphold strongly, and that came - and still come - in conflict throughout history. There has always been a trade-off between the will to coexist peacefully with one's neighbors, and the amount of "immorality" one was willing to bare. This has led to various conflicts - from the European Wars of Religion, to sophisticated philosophical and theological debates, to cultural and clashes and political exploitations of the cleavages. The variables are numerous, the interpretations even more so, the only constant in discussing toleration is religion (however the approach has changed since Locke's times).

Secondly, Locke brings up the matter of State. Namely if toleration is considered such an important value for preserving peace, should it be enforced by the State? If so, to what degree and by what means? Should a liberal state, in which freedom of religion is assured, tolerate the intolerance towards liberal values themselves in the name of "freedom of religion"? There is an inherent risk between being too strict, and thus not being liberal, and being too tolerant, and ending on a slippery slope towards toleration of all kinds of intolerable behavior.

There are no easy answers to these questions, and each section would deserve a work of its own. Here we have touched several topics, which we will further analyze in the following chapters of this work, but we shall concentrate more on the contemporary

discourse on toleration, and the practical implications of tolerance in different segments of modern society. For now, let us see what are some other questions raised by other authors.

1.2 | The main questions of contemporary debate

Heyd, in the introduction of his comprehensive collection of articles published in 1996 starts with defining toleration as "*one of the fundamental ethical and political values*" (Heyd, 1996) when it comes to liberal philosophy. So its importance as a value is settled and beyond discussion, when it comes to liberal philosophers. However, Heyd himself claims it is somewhat of an "elusive virtue" (which gives the title to the very book he edited). It is hard to argue against this, as there are several questions that can be raised up to debate when discussing toleration.

The first issue is the indeterminacy of toleration. In fact, it is sometimes not well define when exactly we should invoke toleration as a value, when and what to apply it to. Toleration is always constrained between two opposite ways of dealing with any conflict of values that arises. It is to say, caught between what is not tolerable in any way, and what there is no need to tolerate because it no longer generates conflict. This creates not only a problem of defining tolerance, but also in finding suitable examples on which to apply the discourse.

Secondly, some authors analyze this relation between toleration, pluralism and moral relativism (or lack thereof). Some try to redefine toleration or analyze it *per se*, while others make distinction on whether we are talking about the private life of citizens or public life of the State, apply toleration as a second-order principle under which other moral values are discussed, and examine it under a collective perspective rather than individualistic perspective related to autonomy.

And lastly, different authors consider toleration from the point of view of tolerating groups (as opposed to tolerating individuals), and the paradox of tolerance when certain

groups claim tolerance[1] of their intolerant values. This set of arguments is of particular interest for this paper, as they deal with religion and its intolerance towards certain groups of people, such as homosexuals or different religious minorities. It is of interest especially as it bridges very well across different topics of conflict when it comes to toleration, namely religion, sexuality and freedom of expression. And it is interesting to see whether the State should intervene in these matters or not.

All of the topics we briefly mentioned in this chapter as an introduction will be covered more in depth in the next chapter. There are many authors who cover a vast number of subjects that deal with toleration and that are not always that directly correlated one with the other. We shall treat them individually and analyze the main issues at hand first, in order to provide a firsts a philosophical backbone to toleration, and later, in the chapter after that, we shall apply the theory to a very specific set of issues.

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[1] In this work, the terms "tolerance" and "toleration" are used interchangeably. There will be no semantic or other type of distinction between the two terms.

CHAPTER 2

The purpose of this chapter is to briefly analyze the main philosophical features of toleration. Toleration and pluralism present a number of issues, both in matter of definition and of scope, and there are a number of peculiarities of toleration as a value that are worthy of monition and discussion. Of course, not all of the features can be accommodated in this brief thesis, and we shall focus on the main characteristics in view of the main subject of this thesis, which we will analyze in depth in the next chapter.

2.1 | On the elusiveness of toleration.

As previously stated, toleration seems to be an elusive concept, which is compressed between "*phenomena that should by no means be tolerated*", and those that "*should not be objected to in the first place*" (Heyd, 1996). This raises a question on when exactly should toleration be applied, what is it used for. Heyd proposes a so called "perceptual approach", which requires the shift in perception of the value or practice. Namely, one should try to understand what are the underlying reasons one has a different set of moral values, and focus on that individual only. Hence, you tolerate only the individual and his behavior, in a shift of what is perceived. The abstract values can (and indeed should) be criticized if we disagree with them or find them morally wrong. However, this form of criticism should not be enacted against individuals. Heyd derives this view from the ideas of autonomy proposed by Kant and Mill. And indeed autonomy is a pillar for the liberal philosophy. Perceiving others as autonomous and free human beings necessarily includes their right to have their own set of values. And even if we don't share those values, we should be tolerant, and restrain from any attempt of interference in their lives or ostracizing their beliefs.

Williams claims that toleration is both "*necessary and impossible*" (Williams, 1996). He claims, similarly to others, that toleration is always linked to what is intolerable and to what is indifferent. Unlike others, however, there is no middle ground: tolerance seems

only necessary in that which is deeply felt as wrong and immoral, and that is paradoxical - because what is wrong and immoral is also intolerable. According to Williams, what enacts toleration is in fact the ideal model of liberal pluralism - where groups of people with diverging and often conflicting moral values coexist under the "roof" of a State which is impartial and assures the rights of free expression and autonomy to all citizens. Like many others, Williams derives his views from the Kantian autonomy, which is fundamental and thus toleration as a value is essential in order to preserve it and guarantee the autonomy of citizens and groups.

In his essay, Horton underlines the same problem with toleration: the paradox that arises when we claim necessary to tolerate what we disapprove of in the first place (Horton, 1996). Or, in the words of Susan Mendus: "*Normally we count toleration as a virtue in individuals and a duty in societies. However, here toleration is based on moral disapproval, it implies that the thing tolerated is wrong and ought not to exist. The question which then arises is why… it should be thought good to tolerate.*" (Mendus, 1991). Mendus also claims that toleration is a "*temporary expedient*" (Mendus, 1991), until the day comes that it is no longer required. Horton, on the other hand, shows how toleration is based very much on autonomy-based liberalism, and that in fact it is deemed by many authors not necessary to tolerate those values that are not equally based on autonomy. Paradoxically, "*liberalism inclines towards either intolerance or indifference*" (Horton, 1996).

Kymlicka, in some of his works criticizes Rawls for not resorting to autonomy as a fundamental value and justification for toleration (Kymlicka, 1996). Autonomy he claims is one of the greater values we should uphold, and toleration derives from this very principle.

Toleration in itself might be an elusive concept, but it is only a matter of definition and perspective. While these arguments are indeed quite interesting from a philosophical point of view, I will focus on different aspects concerning toleration for the

purpose of this paper. Both space constraint as well as the need to stay on topic will drive and limit my discourse on toleration to a few aspects only.

Regardless of its elusiveness, the multiplicity of different factors of uncertainty, and debatable points in the discourse on defining the scope of tolerance, there are a few key points that we can safely derive, that are relevant to the topic of this paper:

I) Individuals interact with individuals. Individuals do not interact with abstract ideas or concepts. A value *per se* is of no threat and does not generate conflict (nor the need of toleration) unless it is enacted by individuals. Individuals interact with other agents, and it is the result of their agency that has an effect on society. Therefore, toleration of values is required towards individuals only.

II) Autonomy is the starting point of any debate on toleration. Of course this is a simplification, but nevertheless many authors resort to the same conclusions when talking about toleration: it is because we treasure autonomy of the individual as one of the highest values, we need to be tolerant towards individuals even when they uphold different values from our own, for the sake of their autonomy. Applying toleration, and being tolerant, is the fulfillment of autonomy - you ought to be tolerant both because of autonomy and for the sake of autonomy.

III)   When discussing about toleration different authors have different approaches and interpretations but, regardless of the elusiveness of its exact definition or scope, in one way or another most of them reach the conclusion that toleration is somehow temporary, or an "ad interim value". This is true, for what needs toleration changes through time as value changes (and the conflict they generate). What is a matter of strongly held convictions today, might be of no importance for the next generation.

2.2 | The paradox of tolerance: tolerating the intolerant

Toleration, as we have seen is a value, or attitude, or behavior which commands to refrain from interfering with others' values despite the fact we consider them immoral. The real problem arises not with trivial things, which are arguably fairly easy to tolerate

even if we disprove of them. The true problem arises with things that have a real impact on our lives and on the society as a whole - namely: values. An even greater issue, which we will discuss in this part of the chapter, is whether we should tolerate those who are themselves intolerant. Not only does this paradox of tolerance[2] raise philosophical question, but it has practical implications as well.

First defined by Karl Popper the paradox of tolerance, "*Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them.*" (Popper, 1945). However, Popper does not advocate an eradication of intolerance by force and *in toto*, but merely to prevent its proliferation when necessary or when it poses a serious threat, and the tools to be used are reason and logical arguments.

John Rawls, in *A Theory of Justice* claims that freedom (of the intolerant) should be restricted only when security and liberty are in danger (Rawls, 1971). The key word in that phrase is "only *when*" - only when a danger to the liberal values occurs should the toleration of the intolerant stop. In his later work *The Law of Peoples,* Rawls dedicates an entire paragraph the second part of the book to the analysis of toleration and whether liberal peoples should tolerate non-liberal peoples and to what extent. Rawls states that liberal societies should tolerate other societies, in terms of their moral and religious values, as long as those societies are composed of "*decent peoples*" (Rawls, 1999), it is to say that they meet certain requirements of justice and rule of law. Decent people do not violate human rights, have a method of political consultation and representation, and do not disallow dissent. In many cases, being non-liberal but still *decent* is just a temporary condition, and such societies - Rawls asserts - should be encouraged towards the path of liberalism, and not sanctioned or ostracized for their current shortcomings.

Michael Walzer in his work *On Toleration* also recognizes the issue of tolerating the intolerant as "*often described as the central and most difficult issue in the theory of toleration*" (Walzer, 1997). He however argues somewhat against this inherent "paradox"

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[2] In this work, the terms "tolerance" and "toleration" are used interchangeably. There will be no semantic or other type of distinction between the two terms.

as, he observes, it seems rather frequent that intolerant minorities are in fact tolerated in liberal states (and other types of regimes). Walzer does not enunciate any sort of "danger" in tolerating intolerant minorities, for they have no real political power or chance to transform the liberal society to an intolerant one. In fact, he they might learn toleration themselves and thus "improve" in time. However, he does warn against religion, and advocates - rightly so - for a separation between Church and State in order "*to deny political power to all religious authorities, on the realistic assumption that all of them are at least potentially intolerant*" (Walzer, 1997).

Will Kymlicka, in some of his criticism of Rawls , relies on the concept of autonomy as a determining factor for liberalism and defining toleration (Kymlicka, Two models of pluralism and tolerance, 1992). He proposes two models for religious tolerance: based on individual liberty, and based on group rights. In either way, Kymlicka is much more inclined to enforce the liberal principles of autonomy, as opposed to Rawls who deems them too "*sectarian*" (Kymlicka, 1996).

These are some of the major contemporary liberal philosophers, and it seem that there is little room for argument. Intolerance can and should in fact be tolerated. This might seem counterintuitive from a certain point of view, for if we tolerate the intolerance, then we have implicitly renounced to the enforcement of what is - beyond much argument - a very important principle for liberals. It is as if we, by allowing intolerance to exist, somehow state that this value is not so fundamental as to be enforced vigorously on all members of society. This is of course not the case, and we should be careful of not falling into a slippery slope trap.

If we are truly to be considered tolerant, we must tolerate even the intolerant. There are however limitations to this, as we have seen. There is not a consensus on what these limitations should be, however we can still draw some conclusions with a reasonable degree of confidence. There is a certain minimum threshold of what is intolerable. For example, violations of human rights should in no case be tolerated as they are so fundamental that no other value should be allowed to overrule them. Another limitation to toleration should be autonomy. Although there is no absolute consensus on

whether autonomy constitutes a liberal value, it is safe to assume it is as most authors agree it is in fact so. Hence, as Kymlicka argues, autonomy should be a factor to consider when intolerant groups are to be tolerated. Namely, a religious group that does not value autonomy of the individual and in fact indoctrinates its adepts against autonomy and personal liberty, is inherently intolerant and illiberal and thus should not be tolerated. This issue is especially relevant in the case of education (Heyd, 2003) (Horton, 1996) and political inclusiveness (McKinnon, 2003), as in many countries most educational institutions are religious, and often these do not consider autonomy and freedom of choice as a value. Such practices ought to be discouraged. And lastly, there is an important factor to consider: the practice. In reality, most intolerant minority groups are small and do not hold much political power. It is safe to assume that they do not pose a real threat to a liberal society, at least not from a political point of view. These minorities (or other illiberal societies) should not be treated in a way that antagonizes them and we should not try to enforce our own values. We should merely continue to adhere to our values of autonomy, tolerance and liberalism in general, and with time those illiberal minorities will eventually convert and become tolerant and perhaps liberal themselves. (A theory that endorses quite well that of the toleration as a transitional value.) Also, some argue that intolerance should only be fought "politically", via education and peaceful political and institutional processes (McKinnon, Toleration and the Character of Pluralism, 2003), never by force or excluding others from the political life of the State (Scanlon, 2003).

There are, however, exceptions to this. In some cases it is the majority that is intolerant, and there is a minority that does not share the same set of values, and asks for equality, freedom and tolerance. This is the case of feminist movements fighting for equal rights of men and woman in traditionally patriarchal societies. Or, more recently, of LGBT rights movements fighting against the "traditional" values imposed by the Catholic Church. We shall see this relationship between religion and emancipation movements further along this paper.

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2.3 | Private Life or a Matter of State

But whether we talk about abstract ideals or only practices of individual still doesn't answer the question what ought to be done with minorities. Given that there are minorities who uphold different values, we should tolerate them as long as they are not outright intolerable (an assumption we are always taking into account when talking about whom to tolerate). Moreover, an interesting question is what should the State do when it comes to toleration, to applying the liberal value of toleration, enforcing it, and - most importantly - how to protect it from intolerant drives. And while doing so, still remaining a liberal state, without imposing values on others, which would lead it to a dangerous Ethical State.

As it is obvious to the reader, this topic is strongly linked to the one discussed in the previous paragraph, on the paradox of tolerance, and it is merely its practical application (so to say) on a "state level", a political approach to the issue as opposed to a merely philosophical one. T. M. Scanlon bridges brilliantly the theoretical discourse to its practical implications in his essay on the Difficulty of Tolerance:

"Tolerance requires that people who fall on the wrong side […] should not, for that reason, be denied legal and political rights: the right to vote, to hold office, to benefit from the central public goods that are otherwise open to all, such as education, public safety, the protections of the legal system, health care, and access to public accommodations. In addition, it requires that the state not give preference to one group over another in the distribution of privileges and benefits." (Scanlon, 2003).

As we see, toleration has a direct implication to the policies (and politics) of a State, and is not just a matter of tolerance between two neighbors who dislike each other and disapprove of one another's way of life. This might seem, *prima facie*, in contradiction with what we stated in the previous chapter: that toleration is required towards individuals only. In order to avoid any confusion, we must elaborate on this matter. It is true that individuals should tolerate each others in case of divergence of values, however this does not imply that the State should not interfere in the implementation of toleration

itself. In fact, the State should make sure that toleration is enacted and upheld, from a legal and practical point of view, by the individuals. This does not mean that there should be a State-level value judgment of the ideals of minorities, but simply that the State should safeguard pluralism and the peaceful coexistence of citizens. And the State is, of course, not some abstract or external entity that decides upon our lives, but it is an expression of the will of the peoples within the State. It is, so to say, the highest expression of the collective will of the individuals that comprise the State. And of course, the State has not to deal with the values proper, on an abstract level, but has to enact policies that have effect on the actions of individuals (e.g. sanction the intolerant, or promote tolerance through education). So when we speak about the duties of the State and toleration among groups, we do not speak of an enforcement of certain sets of values over others, but merely of a way different sub-groups work together in order for them to coexist and function as a pluralist collective. A State is instrumental to the collective will of its citizens, an expression of their autonomy, and is in no way in contrast with the "individual level" of toleration we have spoken thus far.

Having settled that toleration is, in fact, a matter of the State and of policy-making, what ought the State actually do? This is both an easy and hard question, for its answer is straightforward in theory but difficult in practice.

In theory, ideally, the State should guarantee the freedom and liberty of all its citizens, human rights, rule of law, participation, fairness and justice, and so on. When it comes to toleration, the State should guarantee what is essentially described as "equality of opportunity", meaning that there should be no discrimination (legal, or *de facto*) against any group of people (or minority) based on the values they uphold. In theory, this is fairly easy - concepts such as equality of opportunity, freedom of expression, religious freedom, human and minority rights, etc. are well established concepts and - dare I say - well established on the political level, at least in so-called Western countries.

The hard part of the above question is what exactly should the State (or its citizens) do to make sure all those principles are applied to their full extent, and are actually implemented successfully. This is not an easy topic, and it is well beyond the scope of

this thesis to discuss it in depth. I shall limit to an analysis of what other philosophers said specifically when it comes to toleration, and extrapolate a few considerations from there.

First of all, let's see what the State should **not** do. In the words of Scanlon*: "What is objectionable about the "legal enforcement of morals" is the attempt to restrict individuals' personal lives as a way of controlling the evolution of mores. Legal moralism is an example of intolerance, for example, when it uses the criminal law to deny that homosexuals are legitimate participants in the informal politics of society"* (Scanlon, 2003). This simple phrase identifies the whole issue of toleration when it comes to State-level. Trying to impose any sort of morality is in fact intolerant, and easily transforms the State from being liberal to being an "ethical state"[3]. That is in fact the paradox not only of toleration, but perhaps of liberalism itself: when the effort to enact liberalism (and toleration) gets dangerously close to being in fact illiberal (and intolerant) when it tries to, by the means of policymaking and rule of law, subjugate a minority to the will of a majority. Either way, the liberal and tolerant State should not impose moral values on its citizens, but rather be an expression of them.

Catriona McKinnon analyses this issue in depth, and proposes a sort of continuum of state action when it comes to toleration (or lack thereof). Ranging from "*repression*", to "*official discouragement*", "*toleration*" proper, "*political inclusion*", and ending with "*official promotion*" (McKinnon, 2003, pp. 56-57). These are all, essentially, ways of dealing with what is "*disliked or disapproved of*" when it comes to the State. Namely, McKinnon states, the State should refrain from repression and discouragement as they are inherently or explicitly intolerant. But, the State should not only refrain from oppression and intolerance, it should also promote participation and inclusiveness, by ways of equal opportunity policies. Moreover, an emphasis is placed on the importance of education, in order to grow children as "*good citizens*" (McKinnon, 2003). An even further step towards a peaceful coexistence in a pluralist society would be official promotion of the

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[3] Here with the term "ethical State" I refer to a State which is not a neutral enforcer of the social contract, but is instead a State which imposes its own moral values on all citizens, namely the values of a majority over the minorities.

differences by the State, by means of promoting and protecting minorities, and enacting legislation that serves the purpose of establishing equal opportunities.

As we have seen, toleration is indeed a matter of State. However it is wise to distinguish it from the individual, or personal-level tolerance. We are concerned with the latter dimension, as Heyd pragmatically puts it "*tolerance [...] is a primarily political virtue*" (Heyd, 2003). Heyd also points to education of the young members of our society in order to teach toleration, but nevertheless admits the difficulty of achieving this in a perfect way, because the process of education in itself is complex and imperfect.

What we can logically infer from all this is that the acceptance of different values is a process that requires time and political effort. It is a matter of the State as it involves the whole community (or relationships between different groups within the community). Thus, in order to maintain social cohesion and peace, toleration must be upheld until the time comes that those values are no longer a matter of conflict. During this period of toleration, the State should direct its efforts primarily in two directions:

I) The State should promote equal opportunities, minority rights and generally speaking inclusiveness and participation. This is important because it stimulates social interaction and reduces conflict - or rather, focuses it in a healthy direction, of deliberative democracy.

II) The State should have a strong focus on education. Toleration takes time and effort, and education as well. It requires consistency through time and logical coherence in order to be effective. But it is a sort of investment in the future, for it will yield greatest results in time, when the well-educated children are grownups.

These conclusions are particularly significant when it comes to emancipation movements, or social movements that advocate minority rights. They typically challenge what is the established set of social norms and values, and propose a change. This inevitably leads to social conflict, and thus the relation to toleration. The matter of toleration and emancipation movements will be discussed further in this paper.

CHAPTER 3

So far we have reasoned with a postulate of having a tolerant majority which has to deal with (and tolerate) an intolerant minority, or having two or more groups which has conflicting values but are more or less of equal standing within the State. But what happens when a tolerant minority has to deal with an intolerant majority? Is it the case that a minority is always a "hostage" of the will of a majority - even in some modern democracies - and what should these minorities do in such cases? This is a typical occurrence when we consider emancipation movements or equal-rights movements, such as feminism, LGBT advocacy groups, or ethnic minority groups.

The purpose of this chapter is to see and underline the practical implications of the theory we have illustrated so far in the previous chapters. It is the core intention of this thesis to analyze the matter of toleration as it is applied to LGBT advocacy groups. This topic, or case study, is chosen as it has many of the features that occur when there is a conflict of values:

- it challenges some "traditional" values,

- it is both a private matter and a matter which must be dealt with on a State-level,

- the features are well suited to underline the "transitionality" of toleration as a value,

- and there are numerous examples of actions and counter-actions which we can use as examples to analyze the issue.

The intention is to provide a concrete, and arguably shared, example to the discourse on toleration (a lack of which is often lamented by the philosophers), and try to analyze the main features of toleration by applying it to said example.

3.1 | Religion and tolerance

Before talking about contemporary challenges, we should start where all discourse on toleration begins: with religion. We have already seen that we ought not

criticize individuals for their values, based on the principle of autonomy, instead we should act on a collective State-level and educate via inclusiveness and participation (as we have seen in the previous chapter).

Everyone should be free to pursue the values of their own choice, including non-tolerant values, without the fear of repression because of autonomy. But, what happens when a group does not value autonomy? There is no consensus on this matter. Some philosophers consider those groups intolerable altogether, others consider them as not really posing a threat to the tolerant majority and should be tolerated, as we have seen.

But what happens when it comes to religion? Specifically, some denominations of some major western religions do not consider autonomy of the individual as a value. Catholicism, being a revealed religion, (in most of its interpretations) is dogmatic and hierarchical, and it is also not a minority in many countries and has a heavy influence on the public opinion and politics. And in many aspects, Catholicism is intolerant towards homosexuality. In some extreme cases, certain religious groups (not necessarily Catholic) are very vocal and often violent towards gay. Should that intolerant behavior be tolerated, either for the sake of tolerance or on the basis of freedom of religion?

According to most liberal philosophers it is beyond doubt that homosexuality is acceptable. It does not even raise the issue of toleration, and is cited as an example of what ought to be considered "*morally indifferent*" (Heyd, 1996). Some could argue that we should tolerate even intolerant Catholics (or other religious groups) for the sake of toleration, as we have seen in Chapter 2 of this work.

But, we there is an important thing worth mentioning: homosexuality is not *per se* a value, and thus there is no conflict of values. Homosexuality is a sexual orientation that naturally occurs in the human population, it is not a choice and it certainly is not a "lifestyle". And to be perfectly honest, "religion" or "Catholicism" are not values either. If we talk about a religion, we talk about an organized system of beliefs and practices, from which a set of values derives or is part of.

Talking about toleration implies, as we have seen, that there is a conflict between values of similar and reasonable standing. But there is no such thing happens in the terms of "homosexuality" versus "religion". We should always talk about specific values that come into conflict, not about a sexual orientation and a whole religion.

So, there is no argument based on toleration that allows any religious group to enact intolerant behavior, such as discrimination or hate speech, towards LGBT persons. But does this violate their "freedom of worship"? Arguably, freedom of worship is a pillar of any liberal doctrine, along with toleration. However, this principle is meant to protect against discrimination and persecution based on religious grounds, by other individuals and especially by the State. By no means does "freedom of worship" allow you to discriminate against or use hate speech towards those who your religion arbitrarily or dogmatically disproves of.

Hence, the importance of the separation between Church and State. We should not interfere in the religious doctrine, and it is comprehensible and justifiable that a certain religion has its rules on who can be a member, and can restrict access to their community (for instance, by not giving sacraments to homosexuals). This is a matter of religious doctrine, and we shall not discuss it in this work. However, this should not affect in any way the civil (or lay) life of the citizens. It is not acceptable to refuse to give service to homosexuals just because you are deeply Catholic, especially if you are a civil servant of the State. A separation of Church and State is therefore crucial in order to guarantee both religious freedom and a freedom **from** religion.

This discussion is closely linked to that of autonomy, as it is almost a way to "enshrine" and protect autonomy from the State, but also to make sure the State remains a neutral arbiter. It is in fact a matter of separation of public and private spheres, something the feminist movement knows rather well, as religion ought be a private matter on which the individual has full autonomy and freedom (McKinnon, 2003), as long as it does not interfere with the neutrality of the state (and, obviously, with the autonomy and freedom of other equally dignified individuals). This concept is dear, perhaps more than to others,

to the French, who enshrined in their constitution the concept of *laïcité* (Laborde, 2003), which is nothing other than the separation of Church and State. This is of course a vast topic that we shall not open or discuss entirely in this thesis. We shall use it only an additional argument against the interference of religion, or religious values, in the public life of citizens.

Namely, religious values used to deny equal rights are unacceptable in a moral-political context (Forst, 2003). It is never acceptable to deny rights to others on the basis of religious discrimination, or religious conviction. It is, however, acceptable to have "*strong religious objections to certain ways of life*" (Forst, 2003), when certain aspects of life are at stake.

But let us finalize what the key issue here is. The issue is not homosexuality in itself, but in the fact that members of the LBGT community ask for equal rights when it comes to marriage. It is an issue of extension of equal rights to all citizens of the State. In favor of this is of course a reasonable consideration that homosexual couples should have the same rights as heterosexual couples, at least when it comes to matters pertaining to the law of their state. Against this is a certain "traditional" value of considering marriage as only allowed if contracting members are of the opposite sex, a view based on religious doctrine (and indeed shared among almost all Christian denominations and other Abrahamic religions). We shall not focus on why, in fact, homosexuals should be allowed to marry freely in a liberal State, as it is not the main topic of this thesis. Rather, we should link this to toleration and pluralism directly.

So let's say that there is a conflict in terms of values between the LGBT community and the Church when it comes to the meaning and purpose of a marriage[4]. One view it as a right for all, and the others view it as a sacred foundation of society. What is interesting here is the fact that, in this scenario, it is the "majority" that is - in fact

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[4] The use of the word "marriage" is not accidental and should not be confused with the word "wedding". The former is merely an institution of the State, which allows certain rights and obliges to certain responsibilities in front of the law, while the latter is, alternatively, either the ceremony at which the marriage occurs or a religious sacrament.

- intolerant towards a minority, ad strives towards repression and discouragement. And it is the minority (the LGBT community) that upholds liberal values, is tolerant, and strives towards freedom and equality.

This is a rather different situation than the one often imagined by philosophers when discussing toleration. Namely, there is not a majoritarian and liberal group having to deal with a conflicting (and intolerant) minority, but the other way around. This is why certain types of minority rights groups (such as LGBT liberation movements, or sexual liberation movements in general) are an interesting case study for the purpose of this thesis.

Moreover, what is interesting is to see how these LGBT (and similar) movements act to promote their cause, and how it parallels most of what was said in the theory of the previous chapters. We shall see this in the following paragraph, but first let us say a few more things about religion.

What we must never forget is that religion is not a value per se. Rather, it is a set of beliefs and behaviors, and it comprises several values. Most of these values do not generate conflict with others, and in order to make a meaningful discourse on toleration, we must find those that do.

Some religion, such as Catholicism, traditionally do not value autonomy. So it is a question whether any value that stems from a religion that does not value autonomy should in fact be considered as "worthy and equal" to other, conflicting, liberal values (which are, beyond much argument, based on autonomy). This is an important question, as it is related to many of the fundamental aspects of the discourse on toleration (autonomy, tolerating the intolerant, et al.), however it is a question too long to answer (and, arguably, it probably has no easy and simple answer) and is beyond the scope of this thesis. We shall solely focus on one specific case (or "value") for our confrontation between homosexuality and religion, and that is on the conflicting views when it comes to marriage and family.

Religion, such as Catholic religion, is the majoritarian and traditional pillar of many societies. In particular, Catholicism is the religion of most countries in Western Europe, and it has been so for centuries, and it has profoundly shaped many aspects of social life,

particularly those pertaining to morality. Religion is, traditionally, considered as the source of morality. And Catholic religion is well rooted in the society and the establishment. It has shaped lawmaking for decades. It is in fact the mainstream and leading set of "values" for most European countries. So it is inevitable that modern sexual liberation movements go into conflict with long established values of religion, as religion has strong stances on sexuality and sexual behavior. It is an interesting thing, as it poses the right layout for a discourse on toleration which is frequently overlooked by most scholars - and that is, the case of having a non-liberal (or even intolerant) majority that has to deal with a liberal minority.

However, it is worth mentioning, intolerant behaviors towards homosexuality, or any other type of non hoteronormative sexual orientation or behavior do not all necessarly stem from Catholicism or religion in general. Homophobic behavior can have various causes, namely one can exhibit intolerant homophobic or trans-phobic attitudes due to his or her upbringing and the environment. Context matters, and context includes - but is not limited to - religion. It also includes more general and not easily definable aspects of society. Growing up in a very masculinist environment, or, as McKinnon puts it "*male-dominated, macho culture*" (McKinnon, 2006). This is an aspect worth noting, as it underlines yet again how there cannot really be a conflict between "religion" and "homosexuality" in general, but rather we must focus on specific values that come into conflict. Moreover, religion might arguably be the justification of the social asset and patriarchy (which itself is linked to sexism and homophobia), but it is doubtful whether patriarchy derives from religion or whether religion only enshrines a more archaic social order. It is beyond the scope of this thesis to analyze the relation between patriarchy and religion, and patriarchy and sexual intolerance. It is also not relevant for the main purpose of this chapter, which is to analyze how LGBT social movements deal with an intolerant society and how it is related to the philosophical and academic debates on toleration, the purpose is not to analyze the exact origin or causes of said intolerance.

3.2 | Toleration and LGBT liberation movements

We live in a pluralist society. It is a fact that most western countries, liberal democracies, are in fact pluralist and promote and cherish diversity. A irrefutable testament to pluralism can be seen in the historical motto of the United States "*E Pluribus Unum*"[5] (translated as "Out of many, one") and the current motto of the European Union "*United in Diversity*"[6]. Of course these mottos carry a lot of different historical meaning, referring to different peoples that constitute the respective polities, but nevertheless they show how pluralism, in one form of another, is an acknowledged and constituent part of the modern western societies.

In pluralist societies there are many "values" we can analyze, and in this paragraph we shall focus specifically on the LGBT equal rights movements, which promote equal rights and awareness of issues linked to sexual identity (mainly, but not limited to, homosexuality) and how they come in conflict with the so-called "traditional" values of the society, from a point of view of toleration.

This topic is of particular interest for a number of reasons. Namely, we are currently experiencing it in our days, as in many countries we are witnessing significant changes in terms of legal layout of the marriage laws (be it egalitarian marriage or some other form of civil partnership). It is also useful as the LGBT movement is well organized and established since several decades, and has applied various approaches in order to achieve its goals. It is also relevant because we have a minority group that advocates for equality and fairness, under the principles of autonomy, liberty, and equality (all pillars of a liberal philosophy). And, most significantly, it generates conflict in society, as there are members of society (particularly religious groups, and the Church itself) who have a long established system of values which now comes into conflict with the newly proposed

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[5] "*E Pluribus Unum*" is a Latin phrase present on the Great Seal of the United States. Although never codified as such, it was considered a *de facto* motto of the USA until it was replaced in 1956 with "*In God We Trust*".

[6] For reference, see the dedicated web page of the EU: http://europa.eu/about-eu/basic-information/symbols/motto/index_en.htm

model of same-sex marriage, conflicting with the "traditional" definition of marriage as a holy union between man and a woman.

This topic is chosen because it helps us observe in practice many of the elements of theory we have outlined in the previous chapters, and it allows us to draw some conclusions on the discourse on toleration in general.

Historically, homosexuality (or any deviation from heteronormativity) was not tolerated and was treated either as a perversion, a crime, or a mental illness. From the Middle Ages, up to the 19th century, in many countries it was punishable by death or otherwise prosecutable. In the mid 20th century decriminalization slowly occurs in various countries. From the late 60s and early 70s, especially in the US and UK, gay liberation movements stared (namely, Stonewall Riots are used as a reference point in time). Notably, in 1990 the World Health Organization removes homosexuality from the list of mental illnesses. The first country to adopt same-sex marriage laws was The Netherlands, in 2001. After that, a series of other countries also adopted various forms of same-sex marriage. In 2013 the Supreme Court of the United States repealed the DOMA, which stated that marriage could be only between man and woman, and in 2015 ruled unconstitutional on a federal level any form of ban on same-sex marriage. In Italy, as of February 2016, a law proposal establishing a form of civil-partnership for same-sex couples is under review in the Parliament.

This brief historical overview is important to place focus on the issue. First of all, the parallelism with McKinnon's intuition on the "spectrum" or "process" of toleration is striking. As seen in the previous chapter, same-sex marriage in terms of toleration went the full process from repression, to toleration, to inclusion (McKinnon, 2003). Also, we can see how, eventually, homosexuality became (and is still becoming) a widely accepted matter and is no longer considered an issue *per se*. Very few remain, nowadays in modern liberal democracies, who claim that there is something inherently "wrong" with being non-heterosexual or non gender-conforming. This is probably the case with any conflict of values, a certain "process" of toleration must follow. And it is

indeed what happened to homosexuality (and related values). It was repressed and discouraged in the past centuries, then tolerated (*strictu sensu*) in the past decades, and is now shifting - slowly and at a variable pace in different countries - towards acceptance and official promotion. In western liberal democracies, homosexuality *per se* is no longer repressed. And more and more countries are adopting some form of legislation that creates social inclusion or promotes values of equality on the subject matter.

This is relevant from a philosophical point of view, as it is a demonstration of what many philosophers claimed, as we have seen in the previous chapters, that there is a sort of "transitionality" of toleration as a value in itself. An issue we will analyze further into depth in the next paragraph.

So, when it comes to the LGBT movements and toleration, or in other words the conflict of values and the liberation of sexual norms, what ought the LGBT associations and advocacy groups do? It mainly depends on the point of McKinnon's spectrum they are currently in. If it is a situation of repression or official discouragement, then a more active form of demonstration is required (often involving riots). While it is debatable whether it is the right way to proceed, history shows us that it is the most common method by which liberation movements start. Relying on charismatic leaders that lead a minoriatrian group against a repressive majority, such as it was the case with feminist movements, with racial equality movements (think of Martin Luther King and the African-American cause), with independence movements (such as with Gandhi in India).

When we face the next phase, and toleration arises, firstly from a legal point of view (removal of legal impediments and discrimination), it is often so only *de iure*, and intolerance or other forms of discrimination still might occur *de facto*. In order to push towards inclusion and official promotion, liberation movements must change their tactic to a more sophisticated approach. What is required, more than anything else, is awareness and education. Awareness helps in terms of social acceptance, and education is an investment for the future generations to be more tolerant and inclusive. An education to acceptance of whomever is somehow "different" is an essential part of pluralist societies,

as we have seen in the previous chapters. Education allows to overcome conflict, and has a long-term effect on society, preserving pluralism and promoting it. Education is, arguably, the single most important aspect in terms of toleration, emancipation, and liberation movements. However we must pay close attention when dealing with education, for it must always leave space to autonomy, an undeniable principle of liberalism. An education that leaves no place for autonomous decisions, that does not give the tools to reason and instead tries to repress free thought and indoctrinate, is no education at all, it is propaganda instead. And there is no space for propaganda in liberal democracies.

And lastly, we must consider the legal implications of these endeavors. It is often times necessary to have "pilot" cases that will bring up issues in front of the law. This is done either to push the government to enact laws or to raise the issue of constitutionality of certain discriminatory norms in front of the courts. There are numerous cases that can be used as an example, such as the United States Supreme Court repealing the DOMA[7], or the European Court of Human Rights obliging countries to legally recognize same-sex unions[8]. This last step, of course, requires a history of political and philosophical debates that would lead to social acceptance first and give "supporting evidence" to the courts to base their decisions on.

Another key aspect of this last, "legal" step is the official promotion. This happens already in some countries and for some categories of minorities or other "underprivileged" groups. It is the case of laws requiring an equal proportion of men and women in corporations, for example. Or laws promoting (and often obliging) the inclusion of disabled workers, religious or ethnic minorities, and so forth. This last step is a relatively new discipline in terms of academic studies, and shall not be analyzed further in this paper. It is worth mentioning, however, that the most prolific academic debates, aside from philosophy of law, pertain to Diversity Management, a strictly corporate management discipline - which in itself is an indicator of how diversity and inclusiveness

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[7] For reference, see case United States v. Windsor: https://supreme.justia.com/cases/federal/us/570/12-307/
[8] For reference, see case Oliari and Others v. Italy: http://hudoc.echr.coe.int/eng?i=001-156265

is not only more and more accepted, but is seen as a source of competitive advantage for organizations.

In many western countries, LGBT movements are currently done (on many levels) with the issue of tolerance *per se*, and are now focusing on promoting inclusiveness and participation in the reshaping of the legal and social frameworks present in their respective countries, in order to create a more equal and fair society.

3.3 | The "transitionality" of toleration applied to LGBT issues

The case study at hand, LGBT social movements, fits perfectly for an analysis of one of the greatest issues when it comes to toleration as a value - that is, as we have seen in the first chapters, its so-called "transitionality". Namely, as we have seen in depth, toleration seems as an elusive virtue, a value that somehow encounters difficulties when we try to define its scope. The main problem being that toleration seems as if it were an "ad interim" value, which is needed only in a narrow scope between what is intolerable and what no longer requires toleration as it is fully accepted and integrated (Heyd et al., 1996). This applies perfectly to what members of the LGBT community went (and still are going) through. There was a time when toleration towards homosexuality wasn't even considered - as any form of homosexual behavior was considered "deviant" or somehow perverted. While nowadays we are somewhere in between a proper toleration and a shift towards acceptance and promotion (as seen in the previous paragraph of this chapter).

Ideally, in the future, there will be no need for LGBT advocacy groups and associations[9]. In an ideal world gay people are treated equally in every segment and aspect of life and society - if there is to be perfect equality, then it means that there is essentially indifference to whether one is homosexual or heterosexual. Thus, as we have seen, if there is "indifference" then there no need to invoke "tolerance" because someone being gay does not generate any conflict of values and is perceived by al for what it is (a

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[9] This is a phrase that is, in one form or another, frequently repeated by contemporary leaders of LGBT associations and advocacy groups. While it is hardly of any academic significance, it still serves the purpose of this paper well, in terms of demonstrating the thesis of the paragraph.

normal variable of the human nature). To understand this reasoning, we can operate an analogy: having black skin is just a normal variable of a human characteristic. Thus, in an ideal world, if there is no racism or discrimination based upon skin color, there is also no need to resort to tolerance in order to coexist peacefully in a multi-ethnic society.

This reasoning has its limitations. Like we have seen in previous chapters, it is debatable whether any conflict between a given value and homosexuality (or skin color, for that matter) is actually worth being considered, since neither homosexuality nor being black are "values". However, the point of the previous paragraph is to show how the "transitionality" of toleration may - ideally - occur in reality, and is arguably a positive thing from the point of view of the human condition in general (although it complicates the philosophical discourse on toleration). In this sense, toleration can truly be considered as a transitional value of liberal democracies, as it eventually shifts to moral indifference or acceptance.

It is reasonable to assume that this will indeed be the case with homosexuality and LGBT movements as well, as it has been in the past for various analogous emancipation movements. For example, women were, up to basically the last century, not full members of the civil society, could not vote and in many cases could not even hold property or decide upon their own fate. Today, however, women not only vote and get elected, but there is actually a fully fledged State-driven promotion of gender equalities, and laws are enacted in order to assure this occurs. Whether such policies are of any actual utility is debatable. Many contemporary feminists are actually against so called "affirmative action" policies in terms of gender equality. It is beyond the scope of this thesis to analyze the efficiency of these policies. Be sufficient said that they exist and are, beyond much argument, enacted in order to favor members of a disadvantaged group. So feminist movements went through the same process, from activism challenging existing social norms, passing through toleration and education, and eventually ending with engagement and full participation. Similarly, it is the case for other social movements, such as independence movements, or minority rights movements, who had to challenge an

existing establishment of social norms, values, and laws, went into conflict with the ruling majority policy-makers, and eventually succeeded in achieving their goals.

However, believing that this is enough is an illusion. It is an illusion to believe that LGBT advocacy groups will, one day, have no reason to exist any longer. To understand why, we can simply observe analogous movements of the past, and the impact of their action today. Take, for example, racial emancipation movements, specifically the African-American civil rights movement. It had many causes in common with contemporary LGBT movements - namely, an underprivileged and legally repressed minority was asking for equal rights and access to equal opportunities as the dominant majority. And even more remarkably, interracial marriage (between Caucasians and African-Americans) was illegal in the USA until in 1967 the Supreme Court deemed unconstitutional the laws prohibiting it. The parallelism with same-sex marriage is undeniably. Now, in 2016, there are no laws in the USA differentiating between black minorities and dominant, white majority. Everyone is equal under the law. However, does this mean there full equality? Hardly so. Aside from the fact that racism is still a relevant factor in the USA internal debates, it is proven that African-American minorities are still underprivileged in many aspects of political, social and economic life of the nation. So, despite the fact there are laws actually prohibiting any form of discrimination based on race, this does not mean there is no necessity for African-American advocacy groups. Race and skin color are still a relevant factor in many ways, and thus some form of social advocacy is still needed and indeed present. Granted, it is much different from the Civil Rights Movement from the '50s and '60s, but it nevertheless exists.

Arguably, it will be the same for gay-rights movements. While equality from a legal point of view is only a matter of time, as more and more countries are adopting same-sex marriage and other forms of anti-discrimination legislation, a full acceptance within the society is still a distant mirage. It might take several generations for it to occur, and even then, LGBT groups will, arguably, still exist in order to:

   - monitor the state of the rights of LGBT members of the society,

- promote awareness of the LGBT (sub-)culture,

- and act, in general, as champions of pluralism.

It is hard to predict in which direction LGBT movements will eventually evolve, and it is beyond the scope of this paper.

So, while the past is written in history, and the future is a matter of speculation, we can only focus on the present. And right now we are shifting from plain toleration to an ever growing integration an official promotion of the LGBT minority causes. This has an important implication for the theory examined in the previous chapters, as it is an evidence of the transitionality of toleration.

Toleration is the key passage point from repression to official promotion. It is a sort of platform on which to build the legislation, awareness and education towards the cause and from which to continue challenging the established set of values that needs be changed in order to achieve full equality and fairness of treatment. It is a key value, however it slowly shifts from being the central focus of the endeavors of emancipation movements and becomes a starting point, a sort of "trampoline", for further action.

3.4 | Radicalization of the conflict

From a political science and political philosophy point of view, a phenomenon worthy of mention is the way the conflict in civil society manifests itself in critical moments, namely in moments of passage from one of the "steps" postulated by McKinnon to the next. For instance, using our case study as a concrete example, how opposition to same-sex marriage becomes more energetic the closer the moment of a ratification of such laws is. This is only natural from a certain perspective, since there is really no need to oppose something that is not happening, or, in other words, the harder the LGBT social movements are "pushing" towards a law, the stronger will be the resistance from conservatives who oppose such law. One could even say, to cite a

fundamental law of physics, that to every action there is an equal and opposite reaction[10]. Of course, this "conflictuality" depends on many variables, and we shall try to see only a few key aspects.

Two decades ago, Williams correctly made a prediction: "*we can expect in the medium term some situation in which there will be a standoff between liberal toleration and intolerant outlooks of various kinds*" (Williams, 1996). Truer words could not have been written, for we witness this standoff in our own days - sometimes with serious legal implications, sometimes with paradoxical, almost comedic outlines. This is especially true when it comes to our case study, the LGBT social movements, although Williams intends it on a much broader scale, as a standoff between ideologies, almost on a level of international relations. While there might be evidence of such standoffs occurring, for instance the Western countries (NATO) against the Russian Federation when it comes to dealing with issues in the Middle East, this is way beyond the scope of this thesis to analyze such phenomena on such a broad scale. Let us focus on our primary case study, the same-sex marriage issues, and try to bring a few examples of what both sides of the "conflict" do that becomes, in one way or another, more "radical".

We have already seen how to speak about toleration we must be in a situation of conflict of opposing or diverging values of similar moral standing. If there is no conflict, then we are either not in a pluralist society, or simply the values are deemed "irrelevant" (and might arguably not even be values at all). In the case of same-sex marriage, we touch an important value, the meaning of what "marriage" is or should be and what is the acceptable composition of a family. Traditionally, typically religious, values tend impose the family as only formed by a man and a woman and their offspring. Homosexuals would thus be excluded from being able to form a family and see it recognized by the law. This generates conflict, and since both arguments are on an acceptable level of morality (meaning neither violates human rights, autonomy, etc), we appeal to toleration in order to peacefully coexist.

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[10] This is a common enunciation of Newton's third law of motion.

However, this coexistence is only temporary, as the status quo cannot be preserved. Homosexuals are, comprehensibly so, not satisfied by just being allowed to exists, i.e. being "tolerated" by conservative groups. Homosexuals do ask for equal treatment and laws that protect them against homophobia and discrimination at first, and that allow them to form fully fledged families (possibly with children). This means that, in any given society, it is only a matter of time when LGBT advocacy groups will push and lobby lawmakers to acknowledge their claims for a legal recognition, which is beyond just mere tolerance. This of course challenges the status quo of toleration. Moreover, it critically endangers the very right to exist of the opposing value, which asserts the validity only of the "traditional" family (as it is either considered "natural" or "the will of God"). While in a situation of toleration and mere awareness there is no real threat to the opposing value, once we shift in either direction of McKinnon's scale, and try to move to either repression or official promotion of one value over the other, the value which is endangered will "fight back" with increasing force. So it is not only a mere reaction to an action, but a matter of survival and validation, in a certain sense. If we who hold the value at risk of being "repressed" were to accept this repression without opposition, it would imply that we in fact do not hold the value as true, we do not truly believe in its validity and predominance over the opposing value. And if this were indeed the case, then why was there any need for toleration and pluralism in the first place? This is of course a rhetorical question. We reason under the assumption that a pluralist society is in fact constituted by different and multiple values that indeed are held to be true and "morally superior" to other values (although, by the virtue of autonomy, opposing values are still tolerated). So conflict is unavoidable, and resistance to "defeat" or the pursuit to see one's own values as being recognized are but logical and consequential manifestations of this conflict of values.

3.5 | Examples of counter-actions to a spreading and conflicting value

What is interesting to see is how this manifests in practice when it comes to the conflict between LGBT social movements and conservative groups, namely religious denominations. In the last decades (starting from 2001 in the Netherlands) same-sax marriage has increasingly been accepted and legalized in and ever growing number of Western countries. Among the first were the countries with strong Protestant heritage, while some Catholic countries have followed several years later. It is the case with Italy as well. While culturally similar countries as France and Spain have adopted some form of same-sex union (be it marriage or civil partnership), Italy is still debating this adoption nowadays (as of February 2016). There is currently a bill being discussed in Parliament, and all indicates that it will be adopted soon. Italy is on the route of having civil-partnership for same-sex couples. This of course challenges the traditional family values which are deeply rooted in Italian culture, and are strongly defended by the Catholic Church. And as the threat is now concrete and closer, the opposition is becoming more vocal and organized. An example of this is the organization of the "Family Day", a manifestation - as it is advertised - in defense of the family values. This is significant as such a manifestation would not have existed ten or twenty years ago, because the need for it was not felt by anyone - "traditional family" as a value was hardly under any serious threat, and same-sex unions were years away. But as the moment of change, a shift in the paradigm from mere "toleration" to "official promotion", approaches so does the opposition become more visible. Similar manifestations were held all over France when same-sex unions were to be approved. An association (*Manif pour tous*) was born with the explicit intention of promoting traditional family values in opposition with the LGBT social movements. This conflict, in France took a tragic note in May 2013 when a far-right historian committed suicide on the altar of the landmark Parisian cathedral Notre Dame as a form of "protest" against same sex marriage. However extreme an isolated this incident might be, it still is in line with the theory that, when values are so deeply challenged, some individuals will do whatever it takes in order to not see the opposition "win".

Another example is that of Croatia. In 2013 a constitutional referendum was organized and promoted by conservative associations as well as openly supported by the Catholic Church. The object of the referendum was to amend the constitution, and insert the clause that "marriage" is explicitly for heterosexual couples, thus creating a prohibition of same-sex marriage on the highest level of law. The Constitution was in force since 1990, and for decades there was no need to explicitly define marriage as between man and woman only. But suddenly this need arose in 2013. We shall not dwell on the analysis of the exact dynamics of how and by whom this need was fostered. What is significant to underline is how, when the moment came, probably due to the increased publicity (and victories!) the LGBT causes have received in the last years, in Croatia the traditional family value was felt as threatened, and thus the need to "barricade" it under the Constitution. A similar "constitutional barrier" is not unique to Croatia, and was enacted by other countries as well, Serbia among others.

Truth be told, a peculiar type of civil partnership for same-sex couples (called "life partnership") was adopted in Croatia in 2014, but it is not equal to a marriage, not in the name nor in the substance of the law. While it does constitute a form of "recognition" that goes beyond tolerance only, it is nevertheless not fully egalitarian and thus, arguably, unfair and discriminatory towards a minority of citizens, which - we could argue - are effectively treated as second-class citizens.

But of course, this is not an invention of Croatia or Serbia, and has illustrious predecessors. Namely the United States DOMA (Defense of Marriage Act) which was enacted by US Congress in 1993 stated the exact same things - that for federal purposes, marriage was to be considered only as between a man and a woman. Needless to say, the DOMA was struck down by the Supreme Court in 2013. It is a fine example of how, feeling the traditional values "challenged" from the ever rising tide of liberal social movements, there is a tendency to try to barricade those values into law (or Constitution) so that it becomes harder to challenge or revert them. What is interesting is how in some cases it is done only by a political majority, like in the case of the US, in other cases it is even validated through referendum. Either way, it is striking how a majority uses its

power to limit the rights of a minority - a profoundly disturbing act, entirely illiberal and arguably unethical, reminiscing of an Ethical State which, by force of the rule of law, imposes the will of a group to all others.

There are many other examples which could be taken into consideration when analyzing the matter of toleration and to which toleration can be applied. A majority of issues, in terms of conflict of values, stems from religion or otherwise "traditional" systems of values, but it has effect on many other spheres of life.

For instance, feminism is a major emancipation movement which has challenged the traditional values perpetrated by patriarchy. We could analyze feminist movements in general, or go to very specific debate topics like controversies surrounding pornography. Abortion is another case study frequently taken into account when dealing with toleration, and it is also quite interesting as it involves many disciplines, ranging from social movements to bioethics.

Not everything can be included, and the purpose of this thesis is limited to LGBT issues, and only on the same-sex marriage topic, on purpose.

CONCLUSIONS

As we have seen in the first two chapters of this thesis, the modern debates on toleration involve a number of questions and approaches. There is the question of what exactly toleration is, and what is its scope. On this matter we can conclude that, given the consensus among authors, and its very nature, toleration *is* in fact a value as serves a very important role in a pluralist society, of allowing peaceful coexistence and the perpetration and existence of pluralism itself.

However, we can still observe that it is not a constant and ubiquitous value. Many authors state that toleration has a limited scope. Toleration is a value that is transitory - but not in itself, not in the sense that it will eventually stop being a value. Instead, what changes through time is what we apply toleration to, for it is essentially a value dependant on the simultaneous existence and conflict of other values. When the conflict among values ceases to exist and shifts into "*moral indifference*" (Heyd, 1996) (Williams, 1996) we are no longer in the need of toleration. Toleration serves the transitory purpose to have a peaceful society in which values can peacefully coexist, despite having a plurality of values, when the only other alternative is armed conflict (Williams, 1996). When these values stop being relevant or important to society, they stop being a source of conflict, and toleration yields its place to indifference, or social inclusion and participation (McKinnon, 2003).

This is particularly evident, as we have thoroughly analyzed, in the contemporary LGBT social movements, that advocate for equal rights for the members of lesbian, gay, bisexual and transsexual people. Namely, one of the main contemporary reasons for social, and often political, conflict is the introduction of same-sex marriage or other forms of civil partnership. This conflict has all the features we have analyzed in terms of toleration, and clearly shows how toleration is in fact a value that allows for multiple groups to coexist, based on the principle of autonomy. It also goes in favor of the theory that toleration is a "transitional" value, as many contemporary liberal philosophers argue

as they struggle with the definition and the scope of toleration. Once same-sex marriage is adopted and it is included, in the "values" enshrined in the legal system of the society, toleration no longer exists in terms of its primary goal of allowing peaceful coexistence, as it is now law itself that provides for this.

We can conclude that toleration serves a role in terms of other values. Toleration ought to be considered as means to an end, not end in itself. Once there is no more conflict, there is no need for toleration.

As this occurs, society progresses, pluralism flourishes, and toleration becomes superfluous. Paradoxically, toleration "wins" when there is no longer need for it. Toleration capitalizes on its own obsolescence.

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[ELABORATO RIASSUNTIVO DELLA TESI IN LINGUA ITALIANA]

UNIVERSITÀ LUISS GUIDO CARLI

FACOLTÀ DI SCIENZE POLITICHE

CATTEDRA DI POLITICAL PHILOSOPHY

TOLLERANZA E PLURALISMO

UN'ANALISI DEL DIBATTITO CONTEMPORANEO SULLA TOLLERANZA E LE SUE

IMPLICAZIONI PRATICHE

SUI MOVIMENTI DI LIBERAZIONE E GRUPPI DI PRESSIONE LGBT

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INTRODUZIONE

Quello sul vero significato e la portata della tolleranza è un dibattito di vecchia data tra i filosofi liberali. Che si tratti del significato semantico, l'ambito di applicazione, o la ricerca di esempi condivisi alle quali applicare il discorso, quando si parla della tolleranza vi è un certo numero di argomenti diversi che hanno bisogno di essere trattati.

In effetti, è interessante notare come il dibattito sia tutto tranne che chiuso, per via del sempre crescente pluralismo che le nostre società stanno vivendo. Nell'era della globalizzazione, dei cambiamenti culturali e rapidi cambiamenti di paradigma nel modo di vivere, gli incontri tra le diverse culture e visioni del mondo spesso diventano scontri. L'importanza della tolleranza per una società pluralista pacifica è un pilastro della dottrina liberale, tuttavia gran parte del suo significato più profondo è ancora lasciato al dibattito e all'interpretazione.

In questa tesi cerco di analizzare i principali dibattiti filosofici sulla tolleranza degli ultimi decenni. Nonostante una breve rassegna storica è sempre necessario dare un quadro di riferimento temporale al dibattito; mi concentrerò soprattutto sugli ultimi decenni del discorso sulla tolleranza, in quanto la maggioranza degli autori liberali contemporanei hanno affrontato il tema solo in tempi relativamente recenti.

Oltre a definire il significato del nostro tema, analizzerò la tolleranza con un approccio pratico. Il nucleo di questa tesi è l'applicazione della tolleranza al conflitto che nasce tra movimenti di liberazione LGBT che promuovono il dibattito sulla questione dell'omosessualità e chiedendo per l'uguaglianza e la parità di diritti. Più concretamente, mi concentrerò sulla questione del matrimonio omosessuale, in quanto si tratta di una questione molto contemporanea sufficientemente articolata da fornire numerosi esempi di come funziona in pratica la tolleranza.

Mentre l'omosessualità di individui in sé non è oggetto di dibattito ed è al di là di ogni discorso sulla tolleranza, è l'implicazione pratica che i movimenti di emancipazione

LGBT hanno sulla società e come agiscono per raggiungere i loro obiettivi che è di interesse per questa tesi.

Io sostengo, in questa opera, che la tolleranza è un valore fondamentale per una società liberale e pluralista, ed è una caratteristica più vividamente visibile in molti paesi occidentali. La tolleranza ha sempre a che fare con un conflitto di valori e, quindi, coinvolge spesso i valori tradizionali che o derivano da, o sono altrimenti racchiusi nella, religione. Questo rischia di essere un argomento piuttosto complesso ed eviterò di entrare in questioni relative alla dottrina religiosa, e mi concerterò principalmente sulla implicazione pratica e politica del conflitto tra i valori "tradizionali" e nuovi valori legati all'omosessualità, in particolare in materia di matrimonio tra persone dello stesso sesso e di come tutto sia legato alla tolleranza.

CAPITOLO 1

1.1   Il punto di partenza storico

Il discorso di tolleranza ha inizio con John Locke, nella sua "Lettera sulla tolleranza" (Locke, 1698). Il punto principale è la tolleranza religiosa.

L'intuizione principale di Locke è stata, in poche parole, che la tolleranza delle diverse religioni in una società sarebbe un modo efficace per prevenire i conflitti. Il conflitto, secondo Locke, si verifica quando la società spinge verso l'uniformità, al contrario del pluralismo, e reprime le minoranze o chi è "diverso".

La religione è senza dubbio una delle fonti più ricche di valori che le persone sostengono con forza, e che entravano - e ancora entrano - in conflitto nel corso della storia.

Locke, inoltre, porta in primo piano la questione dello Stato. Vale a dire, se la tolleranza è considerata un valore così importante per preservare la pace, dovrebbe essere fatta rispettare da parte dello Stato? Se sì, in che misura e con quali mezzi? Uno Stato liberale deve tollerare l'intolleranza verso i valori liberali in nome della "libertà di religione"? Vi

è il rischio di essere troppo restrittivi, e quindi non essere liberali, e di essere troppo tolleranti, e finire su una "slippery slope" verso la tolleranza di tutti i tipi di comportamento intollerabile.

1.2 I punti principali del dibattito contemporaneo

Heyd afferma che la tolleranza è una "virtù sfuggente". È difficile argomentare contro questo, in quanto vi sono diverse questioni che possono essere sollevate quando si parla di tolleranza.

Il primo problema è l'indeterminatezza della tolleranza.

La tolleranza è sempre vincolata tra due modi opposti di affrontare qualsiasi conflitto di valori che si pone. È, in un certo senso, intrappolata tra ciò che non è tollerabile in alcun modo, e ciò non è necessario tollerare perché non genera conflitti. Questo crea non solo un problema di definire la tolleranza, ma anche nel trovare esempi adatti su cui applicare il discorso.

Alcuni autori analizzano questo rapporto tra la tolleranza, il pluralismo e relativismo morale (o la sua mancanza). Alcuni tentano di ridefinire la tolleranza o analizzarlo in sé, mentre altri fanno distinzione se stiamo parlando della vita privata dei cittadini e vita pubblica dello Stato

E, infine, diversi autori analizzano la tolleranza dal punto di vista di tollerare gruppi (al contrario di individui), ed evidenziano il paradosso della tolleranza quando alcuni gruppi sostengono tolleranza dei loro valori intolleranti. Questo insieme di argomenti è di particolare interesse per questa tesi, in quanto hanno a che fare con la religione e la sua intolleranza verso alcuni gruppi di persone, come gli omosessuali o le diverse minoranze religiose.

CAPITOLO 2

Lo scopo di questo capitolo è quello di analizzare brevemente le principali caratteristiche filosofiche della tolleranza. Naturalmente, non tutte le discussioni aperte possono trovare

spazio in questa breve tesi, e ci concentreremo sulle caratteristiche principali in virtù dell'argomento principale di questo elaborato, che analizzeremo in modo approfondito nel prossimo capitolo.

2.1 Sull'elusività della tolleranza

Come precedentemente affermato, la tolleranza sembra essere un concetto sfuggente, che viene compreso tra "fenomeni che non devono assolutamente essere tollerati", e quelli che "non dovrebbero essere contestati in primo luogo" (Hyde, 1996). Questo solleva una questione sulla definizione del "quando" esattamente dovrebbe essere applicata la tolleranza. Heyd propone un cosiddetto "approccio percettivo", che richiede il cambiamento di percezione del valore o pratica. Si tollera solo l'individuo e il suo comportamento, cambiando di fatto ciò che viene percepito. I valori astratti possono essere criticati se li si ritiene moralmente criticabili. Heyd deriva questo punto di vista dalle idee di autonomia proposte da Kant e Mill. E infatti l'autonomia è un pilastro per la filosofia liberale.

Williams sostiene che la tolleranza sia "necessaria e impossibile" (Williams, 1996). Egli sostiene, in modo simile ad altri, che la tolleranza sia sempre legata a ciò che è intollerabile e a ciò che è indifferente. Secondo Williams, quello che mette in scena la tolleranza è infatti il modello ideale del pluralismo liberale.

Nel suo saggio, Horton sottolinea lo stesso problema con la tolleranza: il paradosso che si verifica quando si pretende necessario tollerare ciò che noi disapproviamo in primo luogo.

Mendus sostiene che la tolleranza sia un "espediente temporaneo".

Kymlicka afferma che l'autonomia è uno dei maggiori valori che dovremmo difendere, e che la tolleranza deriva da questo principio.

2.2 Il paradosso della tolleranza: tollerare gli intolleranti

Una questione ancora più grande, di cui tratteremo in questa parte del capitolo, è se si debba tollerare coloro che si sono intolleranti. In primo luogo definito da Karl Popper il paradosso della tolleranza.

Rawls sostiene che la libertà (degli intolleranti) dovrebbe essere limitato solo quando la sicurezza e la libertà sono in pericolo.

Walzer non enuncia alcun tipo di "pericolo" in tollerare le minoranze intolleranza, tuttavia, egli mette in guardia contro la religione, e gli avvocati - giustamente - per una separazione tra Chiesa e Stato.

Kymlicka è molto più incline a far rispettare i principi liberali di autonomia in caso di necessità.

Se vogliamo veramente essere considerati tolleranti, dobbiamo tollerare anche gli intolleranti. Dobbiamo solo continuare a rispettare i nostri valori di autonomia, della tolleranza e del liberalismo in generale, e con il tempo queste minoranze illiberali finiranno per essere convertite e diventare tolleranti e liberali a loro volta. (Una teoria che appoggia bene che la tolleranza come un valore di transizione.)

2.3 Questione di vita privata o questione di Stato

Dato che ci sono minoranze che rispettano valori diversi, dovremmo tollerare loro purché non siano semplicemente intollerabili.

Cosa dovrebbe fare lo Stato quando si tratta di tolleranza, di applicare il valore liberale della tolleranza, promozione dello stesso, e - soprattutto - come per proteggerlo da unità intolleranti? E mentre lo fa, rimanere uno stato liberale, senza imporre i valori agli altri, che porterebbe ad uno Stato etico pericoloso.

T. M. Scanlon colma brillantemente il discorso teorico per le sue implicazioni pratiche nel suo saggio Sulla Difficoltà della Tolleranza.

Lo Stato dovrebbe agire verso l'attuazione della tolleranza stessa. Infatti, lo Stato dovrebbe fare in modo che la tolleranza sia approvata e sostenuta, sotto il profilo giuridico e pratico, dagli individui. lo Stato dovrebbe garantire il pluralismo e la convivenza pacifica dei cittadini.

Quando si parla di tolleranza, lo Stato dovrebbe garantire ciò che è essenzialmente descritto come "parità di opportunità", il che significa che non ci dovrebbe essere alcuna discriminazione (legale, o di fatto) contro qualsiasi gruppo di persone (di minoranza) in base ai valori che hanno.

Vale a dire, McKinnon afferma, lo Stato deve astenersi dalla repressione e lo scoraggiamento che sono intrinsecamente o esplicitamente intolleranti. Però lo Stato deve anche promuovere la partecipazione e l'inclusione, per via di politiche di pari opportunità. Inoltre, l'accento è posto sulla importanza dell'istruzione, al fine di far crescere i bambini come "buoni cittadini".

CAPITOLO 3

3.1 Religione e tolleranza

Non vi è alcuna argomentazione relativa alla tolleranza che permette a qualsiasi gruppo religioso di avere un comportamento intollerante, come la discriminazione o espressioni di odio, nei confronti delle persone LGBT. In nessun modo la "libertà di culto" consente di discriminare o utilizzare espressioni di odio verso coloro che la religione non accetta. Da cui, l'importanza della separazione tra Chiesa e Stato.

Una separazione tra Chiesa e Stato è quindi fondamentale al fine di garantire sia la libertà religiosa che la libertà dalla religione.

I valori religiosi utilizzati per negare uguali diritti sono inaccettabili in un contesto politico-morale. Tuttavia, comportamenti intolleranti nei confronti dell'omosessualità, o di qualsiasi altro tipo di orientamento sessuale non-etero, non tutti necessariamente derivano dal cattolicesimo o religione in generale. Il comportamento omofobico può avere diverse cause, come educazione e l'ambiente, ovvero la società patriarcale in cui si è cresciuti.

3.2 La Tolleranza e i movimenti LGBT

Nelle società pluraliste ci sono molti "valori" che possiamo analizzare, e in questo paragrafo ci concentreremo in particolare sui movimenti di liberazione LGBT, che promuovono la parità di diritti e la consapevolezza dei problemi legati alla identità sessuale (soprattutto, ma non solo, l'omosessualità) e come vengono in conflitto con i valori cosiddetti "tradizionali" della società, da un punto di vista di tolleranza.

Il processo attraverso il quale, storicamente, l'omosessualità si integra nella cultura dominante ha un parallelismo sorprendente con l'intuizione di McKinnon sullo "spettro" o "processo" della tolleranza. Come si è visto nel capitolo precedente (versione integrale), il matrimonio omosessuale in termini di tolleranza segue l'intero processo dalla repressione, a tolleranza, per l'inclusione.

I metodi della "lotta" che adottano i movimenti LGBT cambiano nel tempo, e si adattano a quella che è la situazione corrente nella quale si trovano. Se all'inizio spingeranno di più con la consapevolezza e manifestazioni "di forza", verso la fine, quando ormai l'omosessualità è tollerata, per passare all'accettazione totale dovranno puntare sul lobbismo in campo giuridico e sull'educazione.

3.3 La "transizionalità" della tolleranza applicata ai movimenti LGBT

Il problema principale è che la tolleranza sembra essere un valore "ad interim", che è necessaria solo in un ristretto campo tra ciò che è intollerabile e ciò che è completamente integrato. Ciò si applica perfettamente al processo storico che segue il movimento LGBT. C'è stato un tempo in cui la tolleranza verso l'omosessualità non è stata nemmeno presa in considerazione - è stato considerato "una deviazione" o in qualche modo perverso. Mentre al giorno d'oggi siamo in qualche parte tra una vera e propria tolleranza e uno spostamento verso l'accettazione e la promozione (come visto nel paragrafo precedente di questo capitolo).

Idealmente, in futuro, non ci sarà bisogno di gruppi di difesa LGBT e associazioni. In un mondo ideale i gay e le lesbiche vengono trattati allo stesso modo in ogni segmento e aspetto della vita e della società - se ci deve essere perfetta uguaglianza, allora vuol dire che non vi è essenzialmente indifferenza per se uno è omosessuale o eterosessuale.

C'è un parallelismo che possiamo osservare tra i movimenti LGBT e gli altri movimenti di emancipazione, come il femminismo o movimenti di liberazione razziale.

3.4 La radicalizzazione del conflitto

Dal punto di vista della scienza politica e della filosofia politica, un fenomeno degno di menzione è il modo in cui il conflitto nella società civile si manifesta nei momenti critici, in particolare nei momenti di passaggio da uno dei "passi" postulati da McKinnon a quella successivo. Ad esempio, utilizzando il nostro caso di studio come un esempio concreto, come l'opposizione al matrimonio tra persone dello stesso sesso diventa più energico più il momento di una ratifica di tali leggi è vicina.

In alcuni casi si cerca persino di approvare leggi del tutto intolleranti, che precludano l'istituto del matrimoni alle persone dello stesso sesso.

3.5 Esempi di contro-azioni all'espansione di valore configgente

È interessante vedere come si manifesta in pratica il conflitto tra movimenti sociali LGBT e gruppi conservatori. Nel paragrafo in questione vengono riportati e analizzati diversi esempi.

Ci sono molti altri esempi che potrebbero essere presi in considerazione quando si analizza la questione di tolleranza e alla quale la tolleranza può essere applicata. Per esempio, il femminismo è un grande movimento di emancipazione che ha messo in discussione i valori tradizionali perpetrati dal patriarcato.

CONCLUSIONE

Come abbiamo visto nei primi due capitoli di questa tesi, i dibattiti contemporanei sulla tolleranza implicano una serie di domande e approcci. C'è la questione riguardante la definizione esatta dell'espressione "tolleranza" e quale sia la sua portata. A questo proposito possiamo concludere che, dato il consenso tra gli autori, e la sua stessa natura,

la tolleranza è a tutti gli effetti un valore in quanto assolve ad un ruolo molto importante in una società pluralista, di permettere la coesistenza pacifica e la perpetrazione e l'esistenza del pluralismo stesso.

Possiamo altresì osservare che non è un valore costante e onnipresente. Molti autori affermano che la tolleranza abbia una portata limitata. La tolleranza è un valore transitorio - ma non di per sé, non nel senso che smette di essere un valore. Invece, ciò che cambia nel tempo è ciò a cui noi applichiamo la tolleranza, poiché essa è essenzialmente un valore che dipende dall'esistenza e conflitto di altri valori simultaneamente. Quando il conflitto tra i valori cessa di esistere e diventa "indifferenza morale" (Heyd, 1996) (Williams, 1996) non siamo più nella necessità di tolleranza. La tolleranza ha lo scopo transitorio di avere una società pacifica in cui i valori possono coesistere pacificamente, pur avendo una pluralità di valori, quando l'unica altra alternativa è un conflitto armato (Williams, 1996). Quando questi valori smettono di essere rilevanti o importanti per la società, smettono di essere una fonte di conflitto, e la tolleranza cede il suo posto all'indifferenza, l'inclusione sociale e la partecipazione (McKinnon, 2003).

Questo è particolarmente evidente, come abbiamo analizzato a fondo, nei movimenti sociali contemporanei LGBT, che sostengono la parità di diritti di lesbiche, gay, bisessuali e transessuali. Una delle principali fonti di conflitto sociale, e politico, è l'introduzione del matrimonio tra persone dello stesso sesso o di altre forme di unione civile. Questo conflitto ha tutte le caratteristiche che abbiamo analizzato in termini di tolleranza, e mostra chiaramente come tolleranza sia infatti un valore che consente più gruppi di coesistere, sulla base del principio di autonomia. Il caso analizzato va anche a favore della teoria che la tolleranza sia un valore "di transizione", come molti filosofi liberali contemporanei sostengono. Una volta che il matrimonio omosessuale è adottato e viene incluso nei "valori" sanciti nell'ordinamento giuridico della società, la tolleranza non esiste più dal punto di vista il suo obiettivo primario di consentire la coesistenza pacifica, in quanto è ora la legge stessa che lo prevede.

Possiamo concludere che la tolleranza abbia un ruolo in termini di altri valori. La tolleranza dovrebbe essere considerata come mezzo per un fine, non fine a se stesso. Una volta che non c'è più conflitto, non vi è alcuna necessità di tolleranza, per definizione. Quando questo accade, la società progredisce, il pluralismo fiorisce, e la tolleranza diventa superflua. Paradossalmente, tolleranza "vince" quando non è più necessaria. La tolleranza "capitalizza" sulla propria obsolescenza.