

SOME REMARKS CONCERNING PRACTICAL HUMANITY AND THE CONCEPTS OF TOLERANCE

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According to the Declaration of the Principles on Tolerance as of 1995 by the UNESCO tolerance is not just tantamount to giving in, condescension, or indulgence, but beyond all that rather an "active attitude", which is based on the acknowledgement and respect of universal human rights and fundamental liberties of others being the cornerstone of democracy and the constitutional state in the pluralistic society. It is considered incompatible with dogmatism and absolutism, comporting the norms decreed in the international Human Rights documents. This is certainly true and to be taken into consideration. But this shall not be the main topic of the present paper. In addition to the perspectives of legal implications of tolerance amounting to basic legal rights in free and democratic societies I would like to go further and discuss the relationship between what I call practical humaneness and co-humaneness with further connotations of tolerance. However, analytical remarks have to be provided in the first place, before we may deal with the idea of moral tolerance in a more differentiated manner.

Tolerance makes only sense in situations where there is a certain kind of opposition or tension. The gist and idea of the fundamental connotation alludes to the respect for differing or opposing opinions or reasons of an attitude and norms as well as procedural reasons of fairness. Therefore we have to take in to consideration different levels and more or less formal or analytic or substantial approaches to deal with the idea of tolerance. Accordingly, I would like to deal with differences of the respective concept of tolerance with regard to four different classifications: I. Regarding the objects and/or addressees of the respective attitudes and norms, II. Regarding formality and value neutrality and

different relations as, e.g., vertical as against horizontal tolerance, III. Substantial and legal and institutional tolerance in contradistinction to humanistic and individual-oriented forms, IV. Procedural tolerance as distinguished from active attitudes and substantial connotations in real behaviour, i.e. on the object language level. This latter level is to be distinguished from general or even universal, meta-theoretical problems on a theoretical or even meta-theoretical opinion level or even attitudes about opinions regarding procedures and rights as well as norms.

I. 1. Tolerance is certainly a *relational* concept concerning a person or institutional (or legal) system to be tolerant *with* another person and/or her/his lifestyle, 2. with acts and actions of persons and groups, 3. with norms of respective groups, belief systems etc., 4. with particular opinions and beliefs in the narrower sense, 5. with attitudes and general dispositions, 6. with cultural and value systems, mainly religious ones etc.

II. Another classification is the one according to formality and content: Tolerance might concern *formal* rights and procedures to respect other opinions, belief systems, perspectives and lifestyles under the general idea of value neutrality or a kind of "negative" tolerance relying on formal equality or the comparison with regard to value neutral procedures or formal rights etc. On the other hand, we have *substantial*, connotational ideas of content trying to spell out positive connotations of respect, humaneness, charity etc.

Among the value neutral and formal types of tolerance one may distinguish between a *vertical* and a *horizontal* neutrality (after Garzón Valdés, 1995) where the first one is a grounding tolerance oriented or institutionalized in top-down direction: the classical and traditional tolerance of the sovereign of a state with regard to religious minorities is certainly the prototypical instance of that vertical tolerance. On the other side we have horizontal tolerance relying on mutual respect between equal partners materializing basically in democratic egalitarian societies (Becker, 1996). Horizontal tolerance is "basically egalitarian and characteristic for democratic societies: toward democracy horizontal, i.e. mutual tolerance, has greater significance, since that belongs to the constitutional morality of democracy" (Becker 1996, 137).

III. Substantial, legal and constitutional tolerance norms and ideas can be called *institutional* or even *etatistic* (German UNESCO working group 1988). This idea of tolerance concentrates in the legal aspects and

liberty aspects in the narrower sense. By contradistinction, one can develop a truly individuum-oriented, *humanistic* tolerance of brotherliness, co-humaneness and positive attitudes as well as respectful and indulgent reactions with respect to personal partners or different - possibly religious - belief systems.

IV. The constitutional state and democracy in particular presuppose *procedural* tolerance, i.e. egalitarian treatments according to equal rights to any citizen, person or even human being in general. On the object language level of attitudes and opinions regarding the action level and *attitudinal* tolerance is characteristic of a tolerant character or person. Such an attitude might be instilled by a respective moral education. Moreover, we find a general or *metatheoretical* kind of tolerance regarding the theoretical principles and formal or analytic procedures dealing with opinions and ideas showing the metalevel character of a rather formal idea of tolerance.

In general, tolerance is of a general and metalevel character if we emphasize the rather formal, metatheoretic and abstract analytic-procedural aspects. However, it has to be exercised in a down-to-earth manner in action situations. It has to be translated to actual situations and to practice in everyday life. A problem is certainly, that tolerance as pertaining in the first place to opinions, attitudes and situations (differing ones in particular) will be mostly addressing more general and not only merely situational implications of respect, indulgence and even practical humanity or humaneness. The more formal a discussion on tolerance is held or carried through, the more risk it will obtain of forgetting about practical humanity in real social and day-to-day contexts.

Therefore, remarks concerning the relationship between practical humanity and the concepts of tolerance are certainly in order.

For reasons of brevity, I cannot deal here with the history of the idea of humanity or humaneness and its development since antiquity. Whereas the middle stoics like Panaitios and also Cicero developed the idea of the "homo humanus" comprising in an emphatic sense our idea of a humanity cultivated by education and a refined moral and intellectual development, morality, noblesse and dignity, elegance, taste, solidarity, cosmopolitanism, kindness, goodness, hospitality, magnanimity etc., humaneness (according to Vauvenargues the highest virtue) is considered as a special ethical or moral virtue and basic idea by Johann Gottfried Herder who developed an *ethical* theory of humaneness or humanity ("Humanität") including

also practical humanity, i.e. situation-oriented, and thus practically realized humanity in everyday life transcending abstract general rules in the sense of a concrete sympathetic solidarity by practice-oriented ethical reasons. Whereas the traditional ancient idea of *homo humanus* was rather static and educational, Herder conceived of this idea as an *anthropological* and *ethical* fundamental concept. He might also be seen as an intellectual opponent of Kant's moral rigorism relying too much on lawlikeness in ethics and morality. The idea of practical humaneness and co-humaneness in the extant situations and practical contexts may even be expressed by an apparently paradoxical formula: "Don't rely always and strictly merely on abstract moral rules and commands, but exercise a more humane individual- and situation-oriented way of life." Not the strict enforcement of rules and commands *per se* like any *Fiat iustitia, pereat mundus* should be the guiding idea in morality - there should not be a general rule like *Fiat moralitas, pereat mundus* either, but the respective consideration of humane perspectives and moral values beyond pure and strict legal or moral norms, in a sense which Christian ethics called the works of supererogation. That is, superregulatory and supererogatory aspects of humaneness are particularly relevant in the field of practical humanity, admitting of exceptions and special considerations according to the general leading idea of a co-humaneness or participatory and mutual respectful humanity. It is the idea of a theory of practical humaneness ("konkrete Humanität", see my 1997) which dates back to Herder's idea of a practical humanity under the rather telling slogan I have coined for that: *In dubio pro humanitate concreta sive practica*. The modern proponent of this principle was certainly Albert Schweitzer (1960, 352, see also 348 f.) who considered valid only that which is "compatible with humanity" and a truly human practical responsibility in concrete situations: Schweitzer¹ also said that humaneness or practical humanity would consist of the believing that never a human being should be sacrificed on the altar an aim whatsoever (ibid. 313)². "Abstraction

¹ Schweitzer even expanded the idea of a practical humanity to a "humane" treatment of animals (1960, 349; 1961; 1994).

² The idea and theory of practical humaneness and co-humaneness implies some approach like Fletcher's "situation ethics" (1966). It cannot be restricted to just situation-orientedness of action, but is generally regulated by a universal perspective of taking into consideration co-humaneness, solidarity, a typically humane morality, whereas situation

is the demise of ethics: for ethics is a living relationship with real life" (ibid. 325).

Herder (1953) emphasized the peacefulness, sociability or community-orientedness, the participatory and empathetic aspect as well as sympathy, human dignity and human love and charity, justice and human duties (on a par and combined with human rights), the supererogatory idea of going beyond formal duties and obligations. He also explicitly mentioned tolerance as the respect and acknowledgement of other opinions, attitudes and valuations of other people(s) and individual persons. Tolerance would not be separable from humaneness, in particular practical humanity in the mentioned sense and vice versa. Tolerance is so-to-speak a basic value of a character, of an attitude, and of a way of liberal and pluralistic thinking and valuation. This value of tolerance as an attitudinal value closely combined with the respect of individuals and other persons in practical situations and in general, would be one modern cardinal virtue according to Herder which should be instilled by education. Next to co-humaneness and human solidarity tolerance as the respectfulness of other individuals is a way of practising co-humaneness in the form of mutual respect, sympathy, empathy, co-emotionality etc. It draws heavily on the supererogatory character of moral motivation, transcends and transgresses strict rules under the perspective of practical humanity or co-humaneness. Practical humanity is a paragon example exercised, e.g., by the Good Samaritan of the bible. Practical humanity is definitely not pharisaical. We find parallel examples in the Koran as well.

Practical humanity highlights not only adequate and person-oriented ways of coining, instilling and transmitting attitudes and valuations, assessments etc., but leaves also open a free realm of formally guaranteed liberty to develop and cultivate oneself. It concentrates on a comprehensive view of persons as against segmentalisation and division into roles and partial functions. Concrete humanity and substantial tolerance are in that sense person-oriented and holistic although always in a practical setting. They also exercise justice as fairness after Rawls and a certain kind of fair behaviour in everyday life. Practical humanity emphasises co-humaneness in groups, in all wakes of valuations, feelings and aspirations

as well as in everyday life: It stresses co-humaneness not only as a way of knowledge, but also as characterising empathetic, communicating, sympathetic beings. Personal responsibility with respect to partners in extant social and day-to-day situations as well with regard to social systems and ecosystems are new aspects of the humane handling of the environmental and social challenges. (Even the practically humane treatment of non-human creatures is part and parcel of practical humanity thus understood. This was already stressed by Schweitzer, cf. note 1.du)

Certainly this idea of a general practical humanity or co-humaneness implies and involves aspects of a formal *and* substantial tolerance if we deal with opinions, rules, communication and conflict regulation. Therefore, it contains subideas and procedural norms and rules for social communication, action systems and strategic situations (in particular rules for procedures of conflict regulation abiding by some ideas of basic fairness and tolerance).

In dubio pro humanitate concreta may be extended to the slogan *In dubio pro humanitate concreta atque tolerantia practica*.

Practical humanity or co-humaneness and tolerance are concepts and norms or values mutually depending on one another. This is especially true of horizontal tolerance and humanistic (individual-oriented) tolerance, but has also large implications for procedural, legal and public strategies of the constitutional state. Tolerance as a moral ideal is a pervading, rather functional (mainly, but not only procedural) way of respect for differing or even opposing opinions and for regulating conflicts in a pluralistic society on the intellectual level according to the principles of fairness and procedural reason under the auspices of basic egalitarian conceptions of humankind bestowing equal worth on any human being whatsoever. Tolerance is part of the essentially humanitarian tradition of the human rights movement and of human morals tradition which is highlighted by the above-mentioned Declaration of Principles on Tolerance of the UNESCO. Tolerance has to be spelled out according to the above-mentioned types and functional differentiations to render more substantial and effective some rather formal insights into different subkinds and sorts of the general humanitarian approach. *In dubio pro humanitate concreta sive practica atque tolerantia formale et substantiale!* There is no true humaneness and co-humanity without general legal and

moral as well as situation-oriented tolerance.

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