Introduction

Toleration has been increasingly invoked as the inspiring ideal of a number of social policies in European democracies. Appeals to such an ideal have animated especially the political debates on those policies addressed to accommodate minorities’ requests. Among such requests those for the allocation of public spaces have recently acquired pride of place in the political agendas of many European countries. Relevant examples concern, among other issues, Muslims’ requests for the concession of public spaces to build places of worship (consider, as a specific instance the recent Swiss referendum on whether to ban the building of minarets) and larger problems of integration in the urban space of the Roma population (consider, as an extreme example, the recent French policy of expulsion).

Such issues are standardly seen as instances of (in)tolerance on the part of the majority (or at any rate a dominant group) against a minority (or a dominated group). Although appeals to toleration are as a consequence often made in order to devise appropriate political responses to such issues, it is far from clear and uncontroversial what such appeals actually mean and require. Are such issues correctly understood in terms of toleration or should they rather be interpreted with the aid of such other cognate ideals as respect or recognition?

This question has its origins at the conceptual level: political philosophers have offered different and sometimes contrasting formulations of toleration which have come to inform quite distinct political uses. Toleration is often presented in liberal thought as a negative concept demanding non-interference with what is disliked or disapproved of. Some have lamented that this idea of toleration is not enough to understand and respond satisfactorily to the most pressing contemporary challenges with which democracies are confronted (e.g. integration of migrants). Notably, toleration as non-interference has been criticised qua incapable of grasping the most ordinary (economic,
political and symbolic) dynamics of social exclusion to which minority groups (including ethnic minorities, homosexuals and women) are powerlessly exposed. From this new, difference-sensitive perspective, to tolerate does not merely mean to let diversity exist, but to give it public visibility and symbolic recognition (toleration as recognition).³

This lack of agreement at a conceptual level has also an equally clear practical relevance as it translates into serious political, social and institutional problems once policies for the accommodation of minority claims are formulated and implemented. In particular, policy makers seem to appeal often to toleration with a view to securing such fundamental democratic values as (a) the equality of treatment of all citizens and (b) social cohesion. However, at the level of policy implementation, such values may end up requiring relevant trade-offs in their realisation. Thus they may (a) represent a threat to the equality of treatment of all citizens as they risk creating different categories of citizenship with which diverse rights and obligations are associated, and, in so doing, (b) they may end up undermining the bases of social cohesion (causing resentments, and ultimately intolerance).

Hence the main challenge with which this paper engages may be summarized in the following cluster of questions: What does the ideal of toleration require from societies committed to it? Are issues raised by minorities’ requests for accommodation in the urban space correctly understood in terms of toleration? If not, what other ideals should be called in to correctly interpret such requests and to respond to them appropriately?

In addressing the challenge, I am guided by the hypothesis that a satisfactory answer to it must be developed by disentangling the relations between toleration and one other ideal in particular: that of respect. Only a careful distinction between the scope and reach of the appeals to toleration and respect, and of their possible connections, may provide a solid enough basis to reach a correct understanding of what minorities’ requests for accommodation actually amount to and, consequently, to develop policies capable of responding to such requests appropriately and without undermining the pursuit of such other democratic values as social cohesion.

The paper proceeds as follows. I shall start by offering a formulation of the distinction between the concept of toleration and that of respect. I shall then illustrate the purchase of such a distinction by reference to one issue concerning the distribution of public space to one minority which has often been viewed as a paradigm case of intolerance at the European level: the case of Muslims’ requests

for public space to build mosques in urban areas. With special reference to the Italian case, I shall try to show what difference it makes to interpret the issue either in terms of toleration or in those of respect, and I shall argue that in cases in which the safeguard of fundamental rights – such as that to religious freedom – are concerned the parlance of the latter is better suited than that of the former. This is particularly the case in contexts, such as that in Italy, where the minority putting forward the request is composed mainly by migrants who do not have any real political voice (third country non-citizen migrants have no right to vote).

This lack of participation has had a negative effect on the issue of mosques in Italy. As I shall show below, the lack of accountability towards disenfranchised migrants allowed many municipalities to deny the authorization for building mosques on the ground of an array of bureaucratic excuses, without engaging in a serious dialogue with the claimants nor giving them any serious justification for their decisions. As a result, a significant number of residents (who do not enjoy the rights of citizenship) find themselves bound by provisions to the formulation of which they could not contribute and which are not either procedurally (through participation) or substantively (through the provision of specific reasons in support of the institutions’ behaviour) justified to them. This, I shall argue, amounts to a serious lack of respect, which requires more than a culture of toleration to be remedied.

**Toleration and respect: what are we talking about?**

**Toleration**

The concept of toleration:

- ‘an act of toleration is (1) an agent’s (2) intentional and (3) principled (4) refraining from interfering with (5) an opposed (6) other (or their behaviour, etc.) (7) in situations of diversity, where (8) the agent believes she has the power to interfere’;⁴

- ‘The six essential structural features of toleration are as follows: 1. *Difference*: what is tolerated differs from the tolerator’s conception of what should be done, valued or believed. [= Cohen’s 7] 2. *Importance*: what is tolerated by the tolerator is not trivial to her. [= implicit in Cohen’s 5] 3. *Opposition*: the tolerator disapproves of and/or dislikes what she

---

tolerates and is ipso facto disposed to act so as to alter or suppress what she opposes. [= Cohen’s 5] 4. Power: the tolerator believes herself to have the power to alter or suppress what is tolerated. [= Cohen’s 8] 5. Non-rejection: the tolerator does not exercise this power [= Cohen’s 4] 6. Requirement: toleration is right, and/or expedient, and the tolerator is virtuous, and/or just, and/or prudent. [= Cohen’s 3, but implicitly also 1 and 2]. 5

According to Rainer Forst, the core of toleration ‘can be explained by the three components of objection, acceptance and rejection. First, a tolerated belief or practice has to be judged as false or bad in order to be a candidate for toleration; second apart from these reasons for objection there have to be reasons why it would still be wrong not to tolerate these false or bad beliefs and practices, i.e., reasons of acceptance. Such reasons do not eliminate the reasons of objection; rather, they trump them in a given context. And third, there have to be reason for rejection which mark the limits of toleration’. 6

Two conceptions of toleration:

- Toleration as non-interference (negative toleration): ‘an act of toleration is an agent’s intentional and principled refraining from interfering with an opposed other (or their behaviour, etc.) in situations of diversity, where the agent believes she has the power to interfere’. 7

- Toleration as recognition (positive toleration): The subjects of toleration are not taken to be individuals, but groups with distinct identities object of dislike or disapproval by majorities. Majorities’ stigmatization of minorities’ identities as deviant undermines minorities’ self-respect and self-esteem. This state of affairs raises issues of toleration, but not merely in the negative terms of non-interference. It calls for toleration as recognition as a matter of justice: ‘the public exclusion of differences is unfair, because it treats members of minorities differently from members of the majority, whose identity is openly visible everywhere in the political domain [...]Toleration can be seen as responding to and satisfying these requirements of justice if it is understood as a recognition of excluded, marginalized, and oppressed identities. It can, however, work as a form of recognition only if it is considered


symbolically as a public gesture intended to legitimize the existence of differences and place them on the same footing as the habits and practices of the majority’. \(^8\)

**Respect**

Stephen Darwall introduced a helpful distinction between two kinds of respect:

(i) Recognition respect is the sort of (positive) attitude warranted simply by others’ presence in the community of moral concern—simply in virtue of their existence, one may say. According to this idea, to say that persons are entitled to respect *qua* persons means that all other persons are under an obligation to give appropriate weight to their personhood when deliberating about what to do.

(ii) Appraisal respect, on the other hand, flows from a positive appreciation of certain features of the object of one’s respect (as in ‘I really respect her artistic achievements’). \(^9\)

Renouncing any hope of, even remotely, accounting for the complex debate revolving around the concept of respect in moral philosophy, the interpretation of respect that it is plausible to retrace at the heart of democratic theorizing corresponds to what Stephen Darwall has termed ‘recognition respect’. \(^10\) Following a vaguely Kant-inspired interpretation, and in line with the most common positions in democratic theory, the very fact that someone is a person requires that she be treated as a moral agent, that is, as a self-legislator who should be regarded as both author and addressee of any deliberation resulting in a constraint on her conduct. \(^11\) I shall endorse this concept of respect, as it captures the essence of the idea that, in a liberal democracy, citizens are due respectful treatment not out of esteem or as a reward for some kind of conduct (as appraisal respect would have it), but by virtue of the very fact that they are persons. Given the egalitarian commitment at the heart of

---


democratic theory, the kind of respect due to citizens must be equal, on the presumption that all of them, independently of their actual abilities, must be treated as self-legislators.  

In particular, one kind of recognition respect recently formulated by Ian Carter seems particularly apt to capture the egalitarian basis of the respectful treatment due to persons only by virtue of their possessing the capacity for self-legislation. This is the idea of ‘opacity respect’. Opacity respect, understood as an attitude or a form of behaviour, is a kind of recognition respect that consists in ignoring the differences between people in terms of their agential capacities. Agents are taken as given, and are not assessed in terms of their variable abilities to make rational choices, to form and pursue life plans, to develop and express a sense of justice, and so on. Only a minimum of such abilities is assumed, as a result of which moral personality is conceived as a range property (a property which, past a threshold, one is either taken to possess or not). To adopt the attitude of opacity respect is to adopt an external perspective, refusing to ‘look inside’ agents – that is, refusing to assess the capacities in virtue of which people possess the range property of moral personality. The idea of treating agents as opaque in this way reflects certain common intuitions about respect, among which the idea that the assessment of such fundamental capacities undermines their dignity as agents.

In democratic theory, this translates into treating persons as self-legislators by distributing to them equal rights to political participation, independently of their actual agential capacities (evaluation of which is prevented by opacity respect). Participation in decision making on an equal footing is the instrument through which the democratic order in general, and specific decisions in particular, are justified to persons in a way they may find morally acceptable.

To sum up, I tolerate someone when I dislike some belief or behaviour of this someone but I refrain from interfering with her, even if I were in the position of interfering. On some understandings of toleration, the tolerator is expected to do more than non-interfering (but, for example, to publicly recognize that the views held by this person are valuable for her). Nonetheless, what is common to all understandings of toleration is a negative attitude toward some feature of what is tolerated and

---


the unequal relations between the tolerator and the tolerated. On the other hand, respect-based relations are characterized by the presence of a positive attitude toward the addressee of respect and equal relations between the respecter and who is respected. In brief, I respect someone when I relate to this someone as a person, as someone who is – like me – capable of deciding for herself what is good for her and take on responsibility for this. Therefore, respect requires to recognize others as equals in some significant moral sense, independently of their scalar properties. In a democracy, the commitment to respect translates into the imperative of treating all citizens as equals and give them an equal voice in political participation and decision making.

**Toleration, respect and the conflict over mosques**

Why are these definitions and the distinction between toleration and respect important for the issue of the accommodation of minorities’ requests for public space? Let us try to apply the definitions above to our understanding of the case of Muslim minorities requesting space to build a mosque in the urban areas of some European cities, with particular reference to the case of Italy where the situation of Muslims, mainly of migrant origins, is complicated by their formal exclusion from channels of political participation. Specifically, I shall concentrate on the case of Milano where, given the large number of Muslim migrants resident in town, the lack of a purpose-built mosque is particularly problematic.

---

16 One of the milestones in the issue of the rights of migrants in Italy is represented by the ‘Citizenship Law’ passed in 1992. At that time, although the migration process was starting to be considered a matter of public concern, the parliament had a stronger commitment to legislating with a view to preserving the status of citizens for those Italian migrants who had emigrated abroad (see P. Bonetti, ‘Politiche e norme sugli stranieri a livello nazionale: bilancio di un decennio, problemi e ipotesi di riforme’, in *Rapporto ISMU 2009*, (Milano: Franco Angeli, 2009) p.131-133). Therefore, the 1992 law was based on the ius sanguinis principle: one is entitled to the Italian citizenship only if s/he is born from Italian parents. The law allowed also for some exceptions to this rule in accordance with the ius soli principle: one is an Italian citizen from her/his birth if his/her parents are unknown, stateless, or they cannot give her/him their citizenship in accordance with the law of their state. Although the 1992 law has been criticized from many sides as too strict and incapable of tackling the current situation of migration in Italy, the parliament has recently passed a new law (no. 94/2009) that poses further obstacles to the acquisition of the Italian citizenship through marriage. According to this law, the foreign partner can acquire the Italian citizenship only if s/he has lived for at least three years in Italy after getting married to an Italian. Moreover the person applying for citizenship has to pay 200 Euros as a reimbursement for the bureaucratic costs of the procedure and to support Italian migration policies. In accordance with the *Convention on the Participation of Foreigners in Public Life at Local Level*, some municipalities decided to give the possibility to migrants to make their voices heard through advisory bodies called consulte (**http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=144&CM=8&DF=5/11/05&CL=ITA**). Besides their limited diffusion (in Milano no consulte has yet been established), it should be noted that these advisory bodies have been so far incapable of affecting the municipalities’ decisions and have not been able to represent effectively all migrant communities present in a certain area. Moreover, it has been demonstrated that – given their formal nature – the establishment of these bodies did not increase significantly the political participation of migrants, thus failing to enhance the channels to make their voices heard (see Paolo Attanasio, Andrea Facchini, ‘La rappresentanza politica degli stranieri’, in *Rapporto Caritas 2004*, available at http://www.cestim.it/argomenti/12cittadinanza/12cittadinanza_rappresentanza_attanasio.pdf).
The conflict over mosques in Milano

Muslim communities exist in every European state. Although their proportion is different in each country, they generally form a minority religious community. Most of these communities are composed by migrants, but in some countries Muslims are also autochthonous as a result of the process of state building, as for example in the Balkans. However, in this paper I concentrate on Muslim communities composed by migrants, because these communities are larger than the autochthonous ones and present all over Europe. This widespread diffusion has caused a few problems, if not real conflicts, in many European societies.

In particular, Muslims’ requests for dedicated places of worship gave rise to a number of protests across Europe, whose public perception has frequently been exacerbated by the noticeable visual impact of mosques in urban areas (especially when such buildings are connoted by a dome and a minaret). From this point of view, we can regard the perception of purpose-built mosques as particularly problematic compared to that of other religious buildings as their diffusion may be seen as a sort of gradual appropriation of the urban areas on the part of a religious minority.

The typical solutions to such a ‘problem of perception’, as we may want to call it, have taken two main forms. In some cases, Muslims have agreed to build their places of worship in a style conforming to that of surrounding buildings, thus renouncing for instance to minarets. In some other cases, Muslims have decided to renounce the possibility of building a proper mosque and have contented themselves with gathering in pre-existing, ‘anonymous’ buildings.

In Italy, the opposition of many citizens to having a ‘recognizable’ mosque in their neighbourhood has lead many local administrations, to stop if not ignore existing projects. Moreover, xenophobic parties have tried with some success to turn the situation to their (electoral) advantage. To this end, for example, the Northern League Party (Lega Nord) has organized many harsh campaigns against mosques with a view to hampering or stopping their construction.

Among the many disputes revolving around the building of mosques in Italy, I shall concentrate on the situation in Milano. The migrant community of Milano is composed mainly by Muslims: about

---


100,000 people coming from different countries and speaking different languages. Among the minority religious communities in Milano (including Orthodox Christians, Hindus, Buddhists and Jews), the Muslim community is the largest and the widest spread. Suffices to think that in Milano there are twelve Islamic cultural centres managed by different associations. Despite such a diffusion of Islam, there is no purpose-built mosque in Milano so Muslims made informal place of worship out of apartments, cellars and sports halls.

Unlike other European cities where the ‘mosque issue’ is mainly connoted in qualitative terms (mosques are reasonably well spread, yet they are not adequate most of the time), the problem in Milano is both qualitative and quantitative. Muslims in Milano are left to gather in provisional and improvised places which, besides being inadequate (as, for instance, they are very insecure) are far too few and small to accommodate all believers.

Some associations, for example the Coreis (Comunità Religiosa Islamica) and the House of the Islamic Culture (Casa della Cultura Islamca), purchased buildings to renovate with a view to changing them into mosques. However, because of bureaucratic problems, their projects were held back by local institutions (more details below). Currently, there is only one mosque near Milano, in Segrate (managed by the Islamic Centre of Milano and founded in 1977), but it is as big as a one-bedroom flat.

Two projects have been recently submitted by the Coreis and the House of the Islamic Culture to transform two existing buildings they already owned into mosques. The decisions on both projects have not been made yet because of some alleged bureaucratic obstacles delaying the assessments necessary for the relevant authorizations. Specifically, the House of the Islamic Culture purchased a building called ‘Cascina Gobba’ where the organization has planned to build a mosque together with a multipurpose centre for cultural activities open to everyone. The neighbourhood committee rejected the project because the planned mosque, they said, would risk being completely different from the other surrounding buildings. The grounds for such a reaction are nonetheless disputable, because the mosque was planned without a minaret but with a transparent dome, and with the outer walls in the same style of the other buildings in the neighbourhood. Such an opposition of the committee suggests the general hostility Italian citizens have towards Muslims and their visible

---

19 See Giampiero Alberti (ed.), Comunità e organizzazioni religiose in Milano, Centro Ambrosiano di Documentazione per le Religioni.
20 See Stefano Allievi, La guerra delle moschee (Padova: Marsilio, 2010).
21 For further information see also the web site of the association Coreis: http://www.coreis.it/moschea.htm
presence in the urban space. A hostility against which local institutions seem to be reluctant to go mainly for strategic reasons (that is not to lose votes in view of the soon-to-come local elections).

A similar fate is shared by the project submitted by the Coreis which first applied for an authorization to convert a building purchased in the centre of Milano into a mosque more than 10 years ago. In 2000, the association received from the city council the first authorization to renovate the building, valid until 2008. Unfortunately, during this period the association was unable to realize the mosque because of a lack of funds. Now the association has the necessary funds to renovate but the project is at an impasse because the previous authorization is no more valid, and the project has not yet received a new authorization. The association proposed also the building of small mosques in different areas of town - like Catholic churches - so as to provide each neighbourhood with a mosque and have less impact on the urban landscape. No official response to this proposal is available to date.

As a result many Muslims are left to carry out their rites in temporary and inapt places, causing resentments among the local population. As an example consider the situation of the Islamic Cultural Centre, one of the most popular Muslim organizations and meeting points in Milano. The Centre has no purpose-built mosque but a room where many of the affiliates used to meet on Fridays for the collective prayer. As the room was quite small, many believers were left to gather and participate in the rite from the sidewalk and the street. Such a practice was the object of a fierce opposition by the other residents in the neighbourhood – mainly Italian citizens – so that, in July 2008, the Minister of Interior decided to forbid it explicitly. So, since 2008, the Muslims affiliated to the Centre have been meeting to pray under a tensioned structure, the Palasharp, which is located in the outskirts and usually hosts sports events and concerts. Therefore, when it is used for other events, Muslims are left to pray outside under gazebos arranged by the local Democratic Party (the main centre-left opposition party in Italy).

According to Hamid Shaari, the president of the Centre, approximately 4,000 believers go to the ‘mosque’ every Friday, and 300 attend the everyday prayer at the Centre. Other Islamic centres have reported more or less the same number of attendees, but the figures could be higher if Muslims were allowed to leave their workplace and pray every day. Moreover, many of these centres are far from the city centre and not well connected to it by public transports. As a result, many Muslims are simply not able to reach a place where they can perform their rites.
As this quick overview shows, the situation is complex and troublesome. The main Muslim associations have all put forward requests and proposals for a purpose-built mosque, but local authorities have failed to meet such requests, nor have they given any real justification for their lack of consideration of the presented projects.

One of the main explanations given by Italian local and national authorities for the lack of a positive response to the requests for building mosques in many towns, Milano included, rests on the lack of a bilateral agreement between the Italian state and the Islamic community (such agreements regulate the relations between the state and such other minority religious communities as those of the Buddhists, Jehovah’s Witnesses and Jews). However, such a lack cannot be a valid reason, for the legal instrument of bilateral agreements is meant to regulate such issues as those concerning the state’s financial support of a religion, and the relative areas of competence of a religious community. However, it is not meant to regulate the possibility to build a place of worship. Specifically, on the one hand, building a place of worship is a direct expression of the constitutionally granted right to the free expression of one’s religious belief, but on the other hand, its implementation is regulated by local urban plans.

Since the 1970s, each Region has responsibility for establishing how much and what space to allocate to religious buildings, depending on the needs of each town. Originally, this principle was enforced by the diverse regional laws on territorial planning with a specific clause providing that public space and public money should be given only to the Catholic church and to those religious communities which had managed to sign a bilateral agreement with the state. Such a clause was disputed for the first time in 1993, when a group of Jehovah’s Witnesses who could not obtain the necessary space to build their place of worship in Abruzzo appealed to the Constitutional Court. The Court decided that the regional law (containing the disputed clause) was unconstitutional because it restricted minorities’ freedom of religion (judgment no. 195/1993).22 Although the Constitutional Court’s judgment repealed the Abruzzo’s law, other Regions retained the law with that clause, so public money and space continued to be granted only to the Catholic church and to those religious groups that had already an agreement with the state. The same pattern of events was followed in Lombardia which retained the original planning law until 2005 when it was declared unconstitutional by the Constitutional Court. The regional authority changed the law so that the public land could be given by municipalities to any religious group, but only upon a specific arrangement between the religious group and the municipality itself. With this law, the region attributed de facto the safeguard of a constitutional right to local authorities, thus leaving the right

to have a place for collective worship open to the risk of being subjected to the arbitrariness of local political interests which, unfortunately, tend to be deaf to the needs and claims of non citizens (as is the case of Muslim migrants), especially when they are widely unpopular among citizens, qua voters.

The lack of a mosque in Milano, specifically, depends also on a worsening of this general situation due to the fact that the city council has been led for a long time by a right-wing coalition. Although the general attitude towards Muslims was quite positive in the early 1990s, it has changed in the negative over the years as a consequence of the growing numbers of the Muslim population and of the general climate of suspect and hostility which struck the Italian society after the events of 9/11/2001. Such a generalized attitude of islamophobia has been since then steadily exploited to gain consensus by the Northern League Party, one of the (xenophobic) parties that leads the municipality of Milano and one of the starkest opponents of any projects for the building of a mosque in town.

The only publicly available official document issued by the municipality concerning the building of places of worship for those religious communities which are not in a bilateral agreement with the state are the minutes of a 2009 meeting of the Milano city council. The document defines as ‘inappropriate’ the prospect of building one single, big place of worship for the benefit of one single religious minority community. This was motivated for (unspecified) public security reasons and on the grounds that such a building would risk hurting the sensitivity of the majority and would have only a mere symbolic value as it would not actually serve any real purpose related to the religious life of the area. Moreover, although reference was made to the constitutionally granted right to religious freedom for everyone, the document states that this is not correlated to any duty for the city council to make public space available to the benefit of any minority religious community. Although mosques are not explicitly mentioned in the document, this is quite relevant a statement for our case as in Milano there is presently no other religious minority group without a purpose-built place of worship.

This document does not certainly have the same force of a law, but it is telling of the incapacity of local institutions to take into account the needs of a minority religious group. From the document, it emerges that according to the city council, the lack of a place of worship for religious minorities without an agreement with the state (notably Muslims) is strictly linked with the risk of terrorism.

---

23 Agenda of the City Council of Milano on 29th October 2009 about places of worships of religious communities without an agreement with the State; available at http://www.olir.it/areetematiche/85/index.php?documento=5441.
and the lack of a national law regulating such a matter. Moreover, the city council is quite firm in establishing that, granted a series of guarantees that the minority community should be able to provide (both financially and in terms of the content of what will be preached and the ends that will be pursued), the building of a minority place of worship is not under the competence of the municipality, for only the religious community is claimed to be responsible for buying the land necessary for the building and for the submission all the necessary documents.

But, according to the abovementioned 2005 regional planning law, the Region and the Municipality must provide the spaces for and co-finance not only the buildings of the Catholic church but also those of other religious communities, that are present on the territory and in need of a place of worship. According to the regional law, the actual concession of a permit to build a place of worship is conditional upon the signature of an agreement between the religious community and the municipality (independently of whether the concerned community has signed an agreement with the state). Thus, although municipalities must grant areas and funds for the building of places of worship in accordance with the law on urban planning, in fact the whole process is handed over to each municipality, which in the case of Milano – as the document above shows – is not generally sympathetic to minorities’ claims.

From the analysis above, it emerges that the real obstacles that do not permit the building of a mosque in Milano are not legal but, rather, political. In general, Italian citizens are afraid of Muslims and mosques, and since local authorities – who bear the largest share of responsibility for taking a decision on the matter – are politically accountable to ‘anti-mosque’ citizens (as voters) but not to those requesting the mosque, who are for the largest part migrants from third countries (and, as such, non voters), the situation seems to have reached an impasse out of which no easy way is in sight.

_A matter of respect_

Cases such as that outlined above have been standardly viewed as instances of (in)tolerance: the majority of citizens, despite their negative attitudes towards building mosques, decides not to interfere with their being built, or in virtue of such a negative attitude decides to prevent them from being built. But is this really the best and most accurate way to interpret the issue? And is it to encourage toleration the best response to them?

---

Building on the definitions suggested above, it seems at first sight that the ‘mosque issue’ raises clear problems in terms of toleration as recognition. As Galeotti explains, ‘contemporary non-trivial cases that raise issues of toleration typically involve situations in which members of the new minority exhibit their differences in some public-political space – differences that are regarded by the cultural majority as unfamiliar and strange, often outrageously excessive, and potentially threatening to the standards of proper behaviour and civility of that society. The public visibility of these differences produces a general feeling of uneasiness among the majority, some of whom may also hold political office’. This description seems to fit very well the case described above: a minority group demands public space and thus makes its presence and collective identity visible in public thus ‘disrupting’ the cultural homogeneity cherished by the majority.

However, I would like to suggest that this is only one possible (and to my mind not the best suited) way to regard the ‘mosque issue’, which could be more fruitfully interpreted and normatively addressed in terms of respect. Muslim minorities on this reading would not be asking either to be ‘put up with’ or to be ‘symbolically’ recognized but to be fully and substantially recognized as persons just like their fellow citizens and being granted rights to exercise their capacity for self-legislation in exercising their freedom of religion.

If we frame the issue of the accommodation of Muslim minorities in urban areas in terms of respect rather than toleration, a new whole set of issues emerges. And this has important implications. The response to Muslims’ requests could not be merely based on non interference or symbolic recognition, but would require a serious reflection on the terms and conditions of the political participation of minorities (whether they are composed by citizens or residents) in (at least) local decision-making processes, their capacity to make their voices heard and their ‘official’ recognition as equals in the exercise of the capacity for self-legislation. This is the first gain we can have from couching the ‘mosque issue’ in terms of respect rather than toleration: we can unveil a troublesome matter of injustice, qua a lack of respect, in the exclusion of Muslim migrants from the formal channels of political participation. The matter would not be (only) the lack of symbolic recognition of the worth of their religious identity in public, but also and more fundamentally that of their recognition as moral persons, as self-legislators who should not be coerced into abiding by norms of

26 One could certainly object by saying that most Muslims in the considered European countries are not citizens but residents. Should the principle of respect apply equally to them? How? These are questions still open for further research.
which they cannot regard themselves as both the authors and the addressees, and that are (therefore) not appropriately justified to them.

Moreover, another distinctively normative gain may be derived from reading the situation in terms of respect. I submit that framing the ‘mosque issue’ in terms of toleration may risk de facto ‘legitimizing’ the idea that Muslims’ claims for a place of worship may be the object of a negative attitude and judgment on the part of the non-Muslim majority. But this seems wrong, and at odds with the demands of respectful treatment as they emerge for a commitment to opacity respect. Let me expand briefly on this point.

As explained, what Rainer Forst has called ‘the objection component’ is crucial to the distinctiveness of the concept of toleration. In Galeotti’s words, ‘in order to become tolerant [the bearers of conflicting social differences] first need to dislike or disapprove of the different practices which are at odds with their own, and then to overcome such feelings, giving way to toleration’.27 This characterization seems to suggest the conceptual and normative incompatibility between toleration and at least one, but fundamental, understanding of respect in terms of opacity. If to respect people we are to treat them as opaque, that is by not looking into their specific features which go beyond what we need to know to recognize them as moral persons, respect pre-empts toleration as we would never get to make that negative judgement we need to make as a precondition for there being the circumstances under which we can become tolerant. In order to be tolerant there must be circumstances which tear the veil of opacity apart, as it were, and show us features of others which can be legitimately exposed to judgement but then tolerated (e.g. cases in which harm is done to third parties).

Rainer Forst’s respect-conception of toleration goes in the direction I have in mind: person X opposes practice z on the grounds of her ethical convictions, but she has a moral reason R not to interfere with person Y’s doing z, where R is respect for Y’s autonomy in circumstances of moral disagreement, under which there is no true, or at least generally valid and mutually non-rejectable reason P on the basis of which X’s interference with Y’s doing z could be publicly justified.28 Such a conception of toleration does certainly some interesting work, but I argue that it is more fruitful to abandon the parlance of toleration (central to which is the idea of there being a negative judgement of X towards Y’s doing z) all together, and resort to that of respect alone. X’s ethical reasons against z simply becomes irrelevant, as respect demands X not to make any judgment on Y’s

practices or behaviours, in order to treat him with opacity-respect. In other words, opacity respect goes as far as arguing that X is not morally entitled to make any judgement about z (nor make it the object of its dislike) as this would violate the dignity of Y by treating him as transparent and not opaque.

As anticipated, my point here is not as much conceptual as normative: we should keep the concepts of toleration and respect separate when we describe some social conflicts and propose responses to them, as this would be more in line with the commitment to promoting a culture of rights rather than one of antagonism. Moving the emphasis from the ideal of toleration to that of respect would allow policy makers to emphasize the importance that members of the same polity regard each other as equals in some fundamental sense, thus actively fighting those negative attitudes people may happen to have towards each other (and which are in fact presupposed by toleration). [Expressive value of policies]

This claim against the negativity of toleration is not germane to that referred to by Peter Jones, according to whom such a negativity is often contrasted with the positive evaluation of human diversity ‘as something we should embrace and celebrate’. It has to do with claiming for the moral irrelevance of such a diversity as long as it does not cause harm to others. The idea is that if we couch minority-oriented policies in terms of toleration we may seem not to be doing anything to contrasting X’s dislike of Y’s doing z. What respect, and in particular opacity respect, demands is instead that X’s negative attitude towards Y’s doing z is stigmatized as X has no moral authority to judge Y for doing z and if she does so, X fails to respect Y, that is to treat him appropriately as opaque. This seems to be important vis-à-vis such issues as those raised by the ‘mosque case’ where the object of dispute (the allocation of public space for building a dedicated place of worship) is not a possibly harm-causing practice, but a matter concerning the fundamental right to religion freedom every person has and whose details should be preserved from the evaluation of others.

Some may lament that opacity respect and its ensuing agnosticism leads to indifference. Many theorists of toleration have insisted that this latter may not be reduced to mere indifference and what drives a wedge between the two ideas is the importance of the trait which is the potential object of toleration. But to respect someone, according to opacity respect, does not mean to remain indifferent yet it requires being agnostic towards even very important differences on which,

---

29 For a claim that liberal institutions should uphold toleration see Peter Jones, ‘Making Sense of Political Tolerance’, British Journal of Political Science, 37, 2007, pp. 383-402.
however, we are not morally entitled to make a judgement, let alone to let this judgement influence the way in which we treat the others.

Conclusions

To sum up, although the social and political dynamics of discrimination against minorities are usually framed as raising issues of (either positive or negative) toleration, I have suggested that resorting to the concept of respect may lead to two main advantages, interpretative and normative. At the interpretative level, it would allow regarding minorities’ claims as requests for equal treatment, to be recognized as equal moral persons and partners in society through the safeguard of their fundamental rights. This would require, at the normative level, that institutions make an effort to engage with minorities so as to provide them adequate justifications for their decisions which affect them directly. Such an effort seems especially in order when the minorities involved are composed of disenfranchised migrants, whose situation is quite problematic in terms of respect as they may be in the position of being coerced into complying with norms with which they disagree and in the formulation of which they had no voice at all. This would hardly count as a respectful treatment of their capacity of self-legislation. Moreover, another distinctively normative advantage of couching the issue in terms of respect would emerge on consideration of a specific understanding of respect in terms of opacity. On this understanding, treating persons with respect means to treat them as if they were opaque to our judgement for all those properties of theirs which exceeds moral personality. It would mean to treat them as if the only thing that matters is that they are moral agents, while remaining agnostic on their other features. Such a no-judgement component is important to contrast the negative attitudes majorities often tend to have towards minorities, which are instead crucial to any understanding of toleration.