Toleration and Compassion: A Conceptual Comparison

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Key words: toleration, compassion, harm, power, moral virtue, empathy, sympathy, pity.

Abstract:

This paper aims to explore a currently under-developed conceptual comparison between toleration and compassion. The paper clarifies the meaning of toleration and compassion, highlights a few misconceptions regarding both concepts, and describes the often overlooked differences and similarities between them. As to toleration, it entails making adverse judgement about another, having reasons to harm another, and not acting on those reasons. As to compassion, it entails witnessing the suffering of another and acting in order to alleviate this suffering. Building on these definitions, we find that both toleration and compassion can result from the same state of mind and be justified behind the 'veil of ignorance'; both can result in the same behaviour – and be expressed simultaneously; both can be expressed by either acts or omissions; both can be exercised by the powerless; and both may be desirable under certain circumstances – yet both are not moral virtues, i.e. they are not inherently morally valuable.

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1. Introduction

This paper aims to clarify the meaning of toleration and compassion, to highlight a few misconceptions regarding both concepts, and to describe the often overlooked differences and similarities between them. Both toleration and compassion are complex concepts. Both entail a complex state of mind and a non-intuitive behaviour towards others. And both are often misunderstood – and being wrongly equated with other concepts.

The paper starts with a brief definition of toleration and compassion, asserting that toleration entails making adverse judgement about another, having reasons to harm another, and not acting on those reasons; whereas compassion entails witnessing the suffering of another and acting in order to alleviate this suffering. Section 3 explains why despite the clear differences between toleration and compassion, both can result from the same feelings (e.g. sympathy, empathy and pity) – and both can be justified by using the intellectual exercise of being behind the 'veil of ignorance'. Section 4 describes why the common view, according to which toleration entails an omission (not acting) while compassion entails positive acts, is misguided, as both toleration and compassion can be expressed by both acts and omissions. Section 5 explores the relation between toleration, compassion and power, and concludes that even though having absolutely no power prevents one from being either tolerant or compassionate, these cases are quite rare, which means that the powerless can normally also be tolerant or compassionate after all. Section 6 concludes the conceptual analysis and clarifies why both toleration and compassion are not moral virtues, i.e. why they are not inherently morally valuable.

2. Toleration and compassion: definition

There are many different, and often conflicting, formulations of toleration and compassion to be found in academic writings, with little consensus on definite features of the concepts. Here we will offer our definitions of both concepts and will build on these definitions to illustrate the often overlooked differences and similarities between the meaning and practice of both toleration and compassion.

As to toleration, Nehushtan suggests that at its essence it means refraining from harming others, although the tolerant person has good reasons (in her opinion) to harm them (Nehushtan 2015). More specifically, the tolerant person makes an adverse judgement about another person, the adverse judgement provides the tolerant person with reasons to harm the other, but the tolerant person restrains herself and avoids harming the other. Balint offers a similar definition according to which toleration entails 'an objection, the power to negatively act on this objection, and intentionally not acting in this way' (Balint 2017). The relation between being tolerant and having the power to not tolerate will be discussed below. Here we focus on the elements of adverse judgement, having reasons to harm the other, and intentionally deciding to not act on these reasons.

The objection or the adverse judgement about the other can be aimed towards both other people as such and their behaviour or views. It may be limited to the moral values of the other person – or extend to mere dislike or disapproval for any reason. There is wide agreement that 'the objection component' is part of the definition of toleration (Forst 2003), and that it refers to something one would prefer did not exist (Tailche 2017). That 'something' can range from a slightly disruptive neighbour up to one's ethnicity or sexual identity. Toleration and its 'objection component' do not require a moral element, appealing to the belief system of the one who is being tolerated. As Cohen rightly argues, 'one can tolerate another's behaviour… that one dislikes, though one recognises that there is nothing morally wrong with it' (Cohen 2004).

The tolerant person has a specific kind of objection towards another or makes an adverse judgement of a certain kind about them. This objection or adverse judgement is of a kind that gives the tolerant person reasons to harm the other person. X may morally object to Y's behaviour (e.g. Y cheating on their partner), yet that objection may not provide X any reasons to harm Y. Not harming Y, therefore, will not be an act of toleration. In all the cases where the

need to harm the other person is not evoked, the element of restraint does not exist. It is important to distinguish between cases in which a person or the state has no reason to harm the other and cases in which such reasons do exist. The principle of toleration reflects the second category. The first category may involve other terms such as recognition, acceptance, understanding, indifference, approval and apathy, among others. Although these terms might be combined in the discourse of toleration in certain contexts, they do not explain the core meaning of the concept. It is therefore misguided to argue, for example, that most people are tolerant out of indifference (Balint 2017). Those who do not care about the behaviour of the other person, those who are indifferent toward it, do not have reasons to harm that person, do not have to restrain themselves, and are therefore indeed indifferent, but not tolerant.

The first two elements of toleration are objection and reasons to harm the 'thing' to which we object. The third element is that of restraint, whereby the tolerant person decides not to act on the reasons to harm the other. The element of restraint suggests that an intentional decision to not harm the other must be made. Although toleration involves the lack of a negative interference (an omission to act) mere inaction is not enough, it must be chosen (Cohen 2004). The reasons for intentionally deciding to avoid harming the other could be of any kind, as will be elaborated below.

Toleration, therefore, includes elements that may be perceived as 'negative', such as making adverse judgements about others, as well as elements that are normally seen as desirable, such as not harming others. It is this combination of an attitude that may cause discomfort (as no one desires being merely tolerated) and an attitude that is normally encouraged (not harming others) that causes the confusion between toleration and other related concepts.

As with toleration, the concept of compassion has often been misunderstood and at times disregarded. And much like toleration, the outlook on compassion has often been negative, but for different reasons. Describing compassion as an emotion, has frequently put it at odds with principles such as rationality and objectivity, with feminist scholars also arguing that women are further disadvantaged due to the use of 'derogatory terms' such as 'emotional beings' (Wilkinson 2017). Additionally, and similarly to toleration, compassion – despite being perceived as 'negative' in a certain, limited way – is generally perceived as positive, perhaps even as a moral virtue. Reilly, for example, views it as a 'primitive responsiveness' (Reilly 2008), suggesting we all have it within us to innately act towards fellow human beings in a compassionate manner.

It is rare that scholars settle easily on a definition of compassion, with most leaning to defining it in the form of a multi-layered process rather than as a single term. Some, such as Feenan (Feenan 2017), do not decide on a definition at all, preferring to discuss compassion in terms of its object. This does not seem a helpful approach as, in order to discuss and implement the concept with any consistency, some form of objectivity and conceptual clarity is necessary. Here, compassion will be taken as a three-stage process, instead of as one fixed emotion. This appears to be the generally acceptable approach, incorporating the main principles whilst also conveniently aligning with the Oxford English Dictionary definition (Gerdy 2008). The first part of compassion involves witnessing suffering, the second states that the suffering is of another being, and the third step is a desire to alleviate this suffering. The Latin roots of the word compassion are 'compati' meaning 'to bear or suffer' (Jazaieri 2018) and so it seems only natural that this would be the object of a compassionate response. Suffering may be defined as undergoing 'an impact that is too much… subjected to what is too intense for it to be objectified by the suffering self as a coherent experience' (Diamantides 2017). This, by all accounts extreme feeling of the sufferer, is witnessed by the observer at a distance, separated from them (Nussbaum 1996), to assess the seriousness of the suffering. This then leads to the final step: a 'call to action' (Bandes 2017), whereby the observer tries to relieve the condition of the sufferer. As discussed below, it is this final step which is perhaps the most important in defining compassion.

Common understandings of compassion conflate it with concepts such as sympathy, empathy and pity. Emotion terminology is always slippery (Bandes 2017) and with the terms being used interchangeably in everyday speech, it is easy to see why this confusion occurs. The exact differences between the concepts will not be discussed at length here, however it is important for clarity, and to foster a better understanding of the practical importance of compassion, to note the main distinctions. The third part of the process of compassion takes it one step further than both empathy and sympathy; instead of simply feeling with or for the sufferer, the compassionate observer is moved to try to help alleviate the suffering they see. It elicits a practical response.

Neuroscientific research has documented distinctions between responses in feelings of empathy and compassion (Gu and Cavanagh et al 2017), confirming the need to keep the terms separate in order to effectively nurture this pragmatic reaction. A scientific study defined compassion as 'a feeling of concern for the suffering of others that is associated with the

motivation to help' and empathy as shared emotion (Klimecki, Leiberg, Richard, and Singer 2014). They found 'distinct patterns of functional brain plasticity' (how the brain modified itself) and concluded that 'training two seemingly similar social emotions altered brain activation… and changed affective responses of opposing valence'. Although this does not prove that the defining feature of compassion is the desire to stop the suffering witnessed, it does provide evidence that there is a neurological difference between empathic and compassionate responses. This suggests that it is correct to view the two terms as distinct from one another and that it is important to find a way in which to do this, as for example here with the differentiation based on motivation to alleviate suffering.

At the definition level, the differences between toleration and compassion are quite clear. Toleration entails making adverse judgement about others – whereas compassion entails feeling empathy, sympathy or pity towards others. Toleration entails having reasons to harm the other – whereas compassion entails no such thing. Toleration entails 'not harming' which is typically the result of not acting – whereas compassion entails alleviating the other's suffering which normally requires a positive act. Yet these two clearly distinct concepts do have surprising similarities. They also interact in ways that justify re-thinking the relation between them. These are the two themes that guide the following discussion.

3. Reasons for toleration and compassion

Tolerant behaviours could result from several reasons or motives. They can be identical in their outcome but the reasons underlying these behaviours may vary. Two main reasons for toleration or two types of toleration can be noted: toleration as a right, and utilitarian-pragmatic toleration (Nehushtan 2015).

Toleration as a right means that one has the right to be tolerated while others are under a duty to tolerate. If the tolerant person acknowledges this right, she refrains from harming what she considers negative, since she acknowledges the fact that the other person has a right to err or to behave negatively. Alternatively, she acknowledges that the other person has a right not to be harmed despite the tolerant person's adverse judgement of the other's behaviour, opinions or identity.

The other kind of toleration is utilitarian-pragmatic toleration. Here, the tolerant person tolerates the other – although the tolerant person has reasons to harm them – because she thinks

that under the current circumstances, it is preferable for her or for society in general to tolerate the other person. Here, toleration has no inherent moral value. The main characteristic of this type of toleration is its temporariness. The tolerant person opts for toleration not out of acknowledgement of the other's right, but rather as the outcome of a risk assessment at a given time and place.

But toleration may also result from the same reasons that could lead to a compassionate approach, and in fact – may exist alongside compassion. A convict, for example, may be granted a pardon due to his bad health, despite the authorities having reasons not to grant a pardon – reasons that are derived from the adverse judgement that they make about the convict or his deeds. The prisoner does not have a right to be granted a pardon and there are not necessarily pragmatic reasons to justify it. Granting the pardon in this case may be perceived as an act of both toleration and compassion. Generally, a compassionate behaviour is the result of witnessing the suffering of others and wishing to alleviate this suffering. But in certain cases where we make an adverse judgement about the sufferer or their deeds, this adverse judgement may give us reasons to not make the sufferer better-off, even though we could easily help them. We may however decide to not act on these reasons and improve the situation of the sufferer after all, as we either recognise, understand or share the sufferer's distress. In these special cases, compassion exists alongside toleration. We may also say that the reason for toleration in such cases is either sympathy, empathy or pity, and that the act of alleviating the suffering of the sufferer is an act of both toleration and compassion at the same time. It would have been an act of compassion only, and not that of toleration as well, if we made no adverse judgement about the sufferer, and if the only sentiments we had towards them were those of sympathy, empathy or pity.

In other cases, we may sympathise or empathise with the sufferer, yet decide not to make them better-off even though we could easily help them. If our decision results from an adverse judgement we make about the sufferer or their deeds, then we still sympathise or empathise with the sufferer but at the same time act with intolerance towards them. In that specific case, the refusal to be compassionate is in fact an act of intolerance. That would be the case, for example, when we genuinely sympathise or empathise with a convict who asks for a pardon due to his bad health, yet we decline the convict's plea for a pardon because we accord more weight to the convict's victims' suffering or distress, should the convict get the pardon. Here, we act on the reasons to harm the convict – by preventing his early release – and are therefore

being intolerant towards him. Accordingly, we do not act on our feelings of empathy or sympathy and are therefore not being compassionate towards him.

Toleration, therefore, can result from acknowledging the other's right to be tolerated; from pragmatic-utilitarian reasons; or from sympathy, empathy or pity – thus being an act of compassion as well.

Compassion, much like toleration, is a combination of acts (or omissions), state of mind, and having certain reasons for these acts or omissions. We noted earlier that compassion may result from sympathy, empathy or pity. That begs two questions regarding the reasons for compassion. The first is whether compassion can also result from pragmatic-utilitarian reasons. The second is why one would or should act on their feelings of sympathy, empathy or pity, or put differently - what could morally justify a compassionate act.

As to the first question: one can witness the suffering of another and act in order to alleviate this suffering, without feeling any sympathy, empathy or pity towards the sufferer. The reasons for alleviating the suffering of the other can be purely utilitarian, even selfish, e.g., being praised for one's generosity, gaining social status or social acceptance or forgiveness, impressing others who may then benefit the 'compassionate' in return, gaining political power, etc. However, while toleration can result from utilitarian reasons – compassion cannot. A tolerant attitude starts with making an adverse judgement about another. Even when the tolerant person decides to not harm the other, that adverse judgement does not disappear. The core of toleration is not acting on the reasons one has for harming another. The core of toleration is the element of restraint. The reasons for this restraint are irrelevant so far as we ask whether a certain behaviour is tolerant. The reasons are only relevant for deciding which type of toleration is being exercised: toleration as a right, toleration out of utilitarian reasons or toleration out of empathy, sympathy or pity. Compassion, however, entails a certain positive attitude towards the sufferer. It requires sincerity or good will. Unlike toleration, compassion cannot be exercised with grudge or with lack of good faith. A compassionate act does not have to be a pure altruistic act (if such acts exist at all) – but its dominant motive must result from feelings such as empathy, sympathy or pity – that will in turn trigger one to act in order to alleviate the suffering of another.

As to the second question: we know that compassion may result from sympathy, empathy or pity. But it is not always clear what would move people to act on these feelings and to therefore

be compassionate. It is not therefore clear what the reasons for compassion could be. Unlike the reasons for toleration, we would normally not argue that others have a right to be treated with compassion, or that compassion is warranted for pragmatic-utilitarian reasons. The reasons for compassion lie, therefore, elsewhere.

According to Nussbaum (Nussbaum 1996), compassion partly involves a realisation that the observer may end up in the situation of the sufferer and so, due to this sense of community, we want to improve the situation of suffering for everyone. We may all be subject to the same levels of suffering and would not want to be in as bad a situation were the tables turned. This approach is very close to the Rawlsian intellectual exercise of making decisions behind a veil of ignorance (Rawls 1971). Generally speaking, and behind that hypothetical veil of ignorance, we are required to decide about the principles of justice that will exist in a certain society, without knowing who we will be in that society. We do not know our fortune in the distribution of natural assets and abilities, our intelligence, strengths and weaknesses. We do not know our conceptions of the good or our special psychological propensities nor our place in society, our class position or social status. All we know is that we will find ourselves in a certain society that will be governed by the principles of justice that are decided by us behind that veil of ignorance. In that position, we are rational persons concerned to further our own interests, but without knowing in full what these specific interests may be.

Being inspired by the idea of the veil of ignorance, it can be argued that we need to put ourselves in that position in order to decide which moral principles should guide our behaviour. Each and every time a specific moral question arises, a question of a kind of 'how should we treat others', we should distance ourselves from the specific case and imagine ourselves in a position where we need to provide a moral answer to the moral question, without knowing which 'player' we are or end up being within that specific case. And within the context of compassion, we do not know if we end up being the sufferer, the observer, or an interested third party. We do know that after providing the moral answer to the moral question regarding that specific case, we could find ourselves as any of the 'players' in the case. This will allow us to make moral decisions that will be universal, coherent and consistent – rather than affected by our known position in a certain case.

It is often noted that compassion requires an aspect of the imagination (Del Mar 2017). We have to imagine the suffering that the other person is going through in order to try to alleviate it, necessitating some degree of creativity to know what the sufferer's personal situation might

be. Putting ourselves in the shoes of another requires practice, particularly due to personal experiences and biases influencing our perceptions of others. Putting ourselves behind a veil of ignorance may help us in overcoming natural tendencies that may in turn lead us to refuse being compassionate towards others. We may view the suffering as a deserved consequence of the sufferer's behaviour, which we deem as deviant, and will not feel sympathy, empathy or pity towards the sufferer nor have a desire to stop the suffering. We may have 'imaginative resistance' (Del Mar 2017) that results in reluctance to imagine the suffering of a convicted murderer, for example, in order to treat them compassionately. We may also believe we are unlikely to find ourselves in the situation of a convicted murderer and so do not see it as necessary to prevent their suffering. Putting ourselves behind a veil of ignorance may help us to avoid these natural tendencies. This is necessary in cases where there is no close relationship between the sufferer and the observer. But compassion (much like toleration) can also be the attitude between people who have close relationship.

Indeed, an obvious reason for compassion would be having a close relationship with the sufferer. There is an obvious positive correlation between the salience of the sufferer and levels of compassion shown. Where an individual is more important to us, we are more likely to react with higher levels of compassion. The task of putting ourselves in the sufferer's shoes is made easier when a loved one is concerned, as one naturally knows more about their life as a whole and the degree to which they may be suffering. This may also be the case when an individual is merely similar to someone important to us, for example to a child or spouse as we are predisposed to care more for certain individuals. This can be reflected in our professional work (Diamantides 2017) and other aspects of life. When we see a sufferer who reminds us of ourselves or a salient person, similarity bias leads to higher levels of compassion. We are more likely to treat them almost as if they were a loved one and are inclined to do more to lighten their suffering.

It seems that putting ourselves behind a veil of ignorance, as rational, selfish and risk-hating human-beings, will result in us being more compassionate towards others. It is easier to do it when the sufferer is a loved one, but the 'veil of ignorance rationale' does not lose its strength when the sufferer is a stranger. The veil of ignorance rationale becomes in fact more important and meaningful when the sufferer is a stranger. This insight takes us back to the principle of toleration.

Unlike compassion, toleration does not have to result from feelings such as empathy, sympathy or pity. Unlike compassion, toleration is a burden and is often perceived as a negative attitude. Toleration is almost always accompanied by disapproval and exercised grudgingly. A tolerant behaviour might in fact offend the one who is being tolerated (Green 2010) as it is unpleasant to be tolerated. People and groups wish to be recognised as equals. They wish or demand that their values and ways of life are recognised as equal and worthy of respect – rather than just being tolerated. The tolerated person is a burden that lies on the tolerant person's shoulders. The tolerant person may even clarify this point to the tolerated person who indeed would have preferred that the equal treatment they receive would derive from recognition or respect rather than toleration. Compassion does not entail any of the above. However, the same veil of ignorance that provides a moral justification for compassion, may also provide a moral justification for toleration. This is the case whether we perceive toleration as a right or as a behaviour that can be justified by pragmatic-utilitarian reasons.

If the tolerant person believes that the other has a right to be tolerated then the tolerant person acknowledges the right of the other to err or to behave badly, or she acknowledges the right of the other not to be harmed despite the adverse judgement that she makes about the other's behaviour, opinions or identity. The primary justification for the existence of the right to be tolerated lies in the importance attached to an individual's autonomy (Raz 1987). Autonomy, in this context, is the freedom granted to individuals to be 'the authors of their own life' and thus make decisions that seem to others meaningless, wrong or even damaging. Williams emphasises that in order to acknowledge toleration as a right, we should acknowledge a certain 'good' that justifies toleration as such and accept that that 'good', in the liberal view, is the individual's autonomy (Williams 1999). But why should we perceive autonomy as valuable? Why should we allow people to be 'the author of their own life', including allowing them to make wrongful and even harmful decisions? One possible answer is that behind a veil of ignorance, we would always prefer to live in a world where autonomy is perceived as valuable. Behind the veil of ignorance, and subject to a few possible exceptions, no rational, selfish and risk-hating human being would prefer having less autonomy rather than more of it.

As to pragmatic-utilitarian toleration, it can be found in cases in which someone is tolerant because not tolerating the other would be too costly; or because they are not powerful enough to act intolerantly; or the damage to society as a whole resulting from not tolerating the other would outweigh the damage caused by that other person; or giving the power and the authority

to the state not to tolerate the other person might lead to an exploitation of this power in unjustified cases, and so on. These paradigmatic cases explain the value of pragmatic-utilitarian toleration. They also explain why pragmatic-utilitarian toleration can be justified behind a veil of ignorance. Without knowing whether we end up as the ones who will be forced to tolerate others for utilitarian reasons – or as the ones that will not be harmed because they will be tolerated, and if we are rational, selfish and risk-hating people, we would want to live in a society where toleration is being exercised also for pragmatic-utilitarian reasons.

It is therefore the intellectual exercise of putting ourselves behind a veil of ignorance that provides the moral justification for seeing toleration as a right, seeing toleration as an outcome of utilitarian calculation, and showing compassion towards people who we may not know.

4. Toleration and compassion, acts and omissions

The common view is that toleration entails not harming the other whereas compassion entails acting in order to help the other. Toleration and compassion (and also intolerance and lack of compassion), however, may entail both positive acts – and omissions. Put differently, we can tolerate others by positively making them better-off; not tolerating them by not helping them; be compassionate towards others by not harming them or not making them worse-off; and showing lack of compassion by actively harming others.

Omissions in general pose an interesting case within the discourse of toleration, since an omission can be an expression of intolerance and toleration alike. An omission is an expression of intolerance towards others if they are worse off (or not better off) as a result and if the omission results from an adverse judgement about them. This is passive intolerance as opposed to active intolerance, which finds its expression in acting in a way that harms someone.

Toleration normally means not harming others or not making them worse-off, even though the tolerant person thinks there are good reasons for harming others or making them worse-off. Normally we harm others by acts. But harm can also be caused by omission. A person’s condition can be worsened in cases where we abstain from protecting them or helping them when either (a) others prevent them from doing something or force them to do it, or (b) when they need help for any other reason. Therefore, if we do not prevent Y from harming X and if our sole or main motivation is an adverse judgement we make about X, we are being intolerant towards X (and perhaps, but not necessarily, tolerant towards Y).

Moreover, and regardless of the existence of Y who wishes to harm X, X's condition can be worsened simply because we avoid helping them (for example, we refrain from donating money to them). If we avoid helping X only or mainly because we make an adverse judgement about them (or about their values, characteristics or behaviour), we are being intolerant towards them. Accordingly, if we choose to help X despite our adverse judgement, we are being tolerant towards them.

An omission will be an expression of toleration if the tolerant person avoids harming the other person despite the adverse judgement that they make about the other. That would be a case of passive toleration, as opposed to active toleration, which means acting in order to benefit someone despite the adverse judgement that is made about them. If we prevent Y from harming X, even though we make an adverse judgement about X, we may be intolerant towards Y (depending on the causes for our action) but in any case, we are being tolerant towards X – and we do that by actively helping them.

Compassion normally entails acting in order to help the sufferer, yet it can also entail refraining from harming others or from making them worse-off. To take one example: a policymaker who works for a commercial company may have to decide on a certain policy that will indirectly affect the well-being of others in a meaningful way. Let us assume that some of those who will be affected by this policy are currently experiencing suffering, and that the policy-maker has only two options: they can decide on a policy that will financially benefit the commercial company but, as a side-effect, will make the sufferers worse-off; or they can do nothing and leave the sufferers in their current position. Choosing the second option may well be an act of compassion. The policymaker identifies the suffering of those who will be affected by their new policy. The policymaker has good reason to decide on a policy that will make the sufferers worse-off however they may have feelings of sympathy, empathy or pity towards the sufferers. By choosing to do nothing, to not apply the new policy, the policy-maker acts on the feelings of sympathy, empathy or pity, thus showing compassion towards the sufferers, yet without alleviating their suffering.

The attitude of the policymaker in this case cannot be described as toleration, because even though the policymaker had reasons to harm the sufferers (financially benefiting the commercial company) and even though the policymaker did not act on those reasons, the policymaker did not make any adverse judgement about the sufferers. The attitude of the policymaker can also not be described as sympathy, empathy or pity, because they did not just

have these feelings but in fact acted on them. Compassion better describes that attitude in this case, even though no suffering was alleviated.

5. Toleration, compassion and power

The common view is that toleration can only be exercised by the powerful towards the powerless (Derrida 2003, Raphael 1988, Nicholson 1985). The 'power' aspect of toleration, so it is argued, connotes a hierarchy between the person tolerating and the object of this toleration. It entails an idea of a 'superior status' (Edyvane 2017). Forst goes further than that by arguing that the party tolerating must be in a 'socially dominant position' (Forst 2003) with the power over the person being tolerated to negatively act towards their behaviour if they wished. Negatively acting on this objection may be defined as prohibiting or suppressing the behaviour one disapproves of (Edyvane 2017).

It is true that in order to be able to tolerate others, the tolerant person must necessarily have some control over the situation; that is, they must possess the ability to act on their objection or adverse judgement, should they so decide. Without the potential means to follow through with such an aversion, one cannot be said to be tolerant. This, however, should not be confused with being the powerful side or being in a socially dominant position. A person (or a group) can be normally and continuously powerless but also tolerant towards the powerful, as long as they are not completely powerless – and most people and groups are not. In cases of total lack of power, the powerless clearly cannot be tolerant since the element of restraint from harming the other or from acting on the adverse judgement that is made about the other does not exist. One who cannot harm the other or cannot act on their objection to the other, in any way or to any extent, cannot be perceived as someone who restrains herself and therefore cannot be perceived as tolerant. In these cases, it can be said that not harming the powerful or not acting on the objection to the powerful other is not an expression of toleration but merely an act of surrender or acquiescence (Augenstein 2010). However, such cases are extremely rare, and it seems that the academic writing does not refer to these kinds of cases when the link between toleration and power is discussed. The lack of power that is discussed here, and in the literature, refers to situations where one side is significantly more powerful than the other. It refers to a situation where the powerless can harm the powerful, but the harm caused will be relatively marginal, will not achieve its goal (at all or only marginally) and most importantly – might bring about a harsh counter-reaction of the harmed powerful or of a third party. Accordingly,

the powerful are those who can harm another while taking the risk of suffering a marginal reaction, if any.

In these circumstances, there are several cases in which the behaviour of the powerless can still be classified as tolerant. The powerless may make an adverse judgement about someone powerful. This adverse judgement may provide reasons to harm that powerful person. If the powerless refrains from acting upon these reasons – that is, refrains from harming the powerful – the powerless are being tolerant. If the powerless would have refrained from harming the powerful even if they had the power to harm them without suffering a non-marginal response, then the powerless are not only tolerant, but also recognise the other's right to be tolerated. If the powerless refrain from harming the powerful only because currently they do not have enough power to harm them without suffering an undesirable counter-reaction, the powerless are still tolerant but for utilitarian reasons only.

In another example, two parties in a dispute could refrain from harming each other, although each of them has good reason to harm the other. In such a case they are mutually tolerant. The reason might stem from the fact that they are equally powerful and have an equal ability to harm each other. In this case, their equal ability to harm each other makes them powerless against each other. Their mutual toleration is not generated from the acknowledgement that the other has a right to be tolerated. It relies on utilitarian reasons, and as such it is temporary and subject to varying circumstances.

As noted above, it seems that the academic writing according to which the powerless cannot be tolerant does not relate to the rare and unimportant cases where the powerless cannot harm the other in any way. It seems that the situations at hand are those that depict substantial, at times ongoing, differences between the power possessed by the powerful and that of the powerless. This is the case, for example, in a relationship between a parent and child, the king and his subjects, the majority group and minority groups and so on. However, in all of these cases the powerless can still harm or offend the powerful – or act on the objection to the powerful. A child who thinks she has good reason to harm one of her parents can act upon these reasons and insult the parent, refuse to speak to him or cause damage to the parent's possessions. A subject who thinks he has good reason to harm or offend the king can act upon these reasons and publicly ridicule the king. Members of a minority group who think they have good reasons to harm or offend the majority can condemn the majority's conduct, avoid the presence of members of the majority group, avoid trading with them or ask a third party to

intervene and harm the majority. More often than not, the intolerant act of the powerless will not be effective and will not achieve its goals. Their intolerant acts might be followed by a counter-reaction of the powerful which would make the powerless even worse off. Nevertheless, as long as the powerless acts in order to harm the powerful because the powerless makes an adverse judgement about the powerful, the powerless is intolerant of the powerful. Accordingly, if the powerless refrains from taking these actions because of any reason whatsoever, then the powerless restrains themselves and are in fact tolerant.

All the above cases and examples do not contradict the common view that the tolerant must be in a position to voluntarily decide not to use their power to harm another despite their capacity to do so (Augenstein 2010). According to this view, without the capacity to harm someone and without making a voluntary decision not to harm them, we are facing, yet again, not an expression of toleration but merely an act of surrender or acquiescence. In all the above examples and cases, the powerless do have the ability to harm the powerful, yet the powerless may voluntarily decide to avoid harming the powerful because of various possible reasons.

The ability of the powerless to be intolerant towards the powerful and thus also to be tolerant towards them stems from the fact that intolerance, as well as toleration, can be exercised to various degrees. Classifying a certain behaviour as intolerant does not depend upon the kind of negative attitude shown towards others or the extent of the harm inflicted on them. Any negative attitude towards the other is an expression of intolerance (if it results from an adverse judgement that was made about the other). The negative attitude towards the other can be expressed in relatively mild ways such as condemning the other, avoiding their presence or avoiding helping them. It could also be expressed in not such a mild way, by, for example, discriminating against someone, humiliating them or torturing them. All of these are expressions of intolerance to various extents. It is hard to imagine situations in the private sphere or in the public sphere in which the powerless cannot take even one action that expresses intolerance towards the powerful. When it is established that the powerless have the ability not to tolerate the powerful, it becomes clear that they could also tolerate the powerful.

Thus far it has been argued that toleration does not connote a hierarchy between the person tolerating and the object of this toleration, does not assume that the tolerant has ‘superior status’, and does not require that the party tolerating must be in a socially dominant position. But even in cases where the tolerant is normally the powerful one, for example, when the tolerant side is the state itself, it may find itself powerless under certain circumstances. That

temporary or context-specific lack of power may in fact be the reason for the normally powerful but now powerless' toleration. This would be a case of utilitarian-pragmatic toleration, where the normally powerful cannot achieve their goals at all or effectively through an intolerant behaviour or cannot achieve their goals through an intolerant behaviour without suffering a meaningful and harmful counter-reaction. To take one example, the state, which is normally the powerful party, may make an adverse judgement about the practice of religious-ritual circumcision that, let us assume, is being observed by religious minorities in that state. This adverse judgement may provide the state with reasons to interfere and harm the powerless minority by, for example, criminalising ritual circumcision, thus being intolerant towards that practice and the religious people who wish to follow it. The state, however, may decide to refrain from criminalising this practice, and by that to tolerate it. The state's toleration may result from acknowledging the importance of freedom of religion – but it may also result from its lack of power. The state may believe that an intolerant reaction towards ritual circumcision will be futile or that the harm that will be caused to society as a whole or to important public interests as a result of the state's intolerant response will outweigh the expected benefits. The state may tolerate the normally powerless minority due to lack of power to achieve its goals through an intolerant approach. Under these circumstances, the state is in fact the weaker party – and its weakness is the reason for its toleration. Toleration, therefore, can be exercised by both the powerful and the powerless. Things are slightly different, however, regarding compassion.

Compassion entails witnessing suffering of another being and acting in order to alleviate this suffering. A compassionate response does not have to involve hierarchy or element of condescension. The compassionate observer may be at a distance from the sufferer but not above them. There is not necessarily a power balance at play. The compassionate, however, must have the ability to act in order to alleviate the suffering of the other. Mere wish to alleviate the suffering of the other, without acting on that intention, would mean that the observer feels pity, sympathy or empathy towards the sufferer, but is not being compassionate towards them. Regarding toleration – if one completely lacks the power to not tolerate others, then not acting on the reasons for not tolerating them cannot be perceived as toleration. Regarding compassion - if the observer completely lacks the power to act on their reasons for showing compassion towards others – they simply cannot be compassionate towards them. But much like the case regarding toleration, it is hard to think of cases where one is completely powerless – to the extent that it prevents them from being compassionate. This is so because, much like toleration

(and intolerance), compassion can be exercised to various extents. Compassionate acts do not have to require great effort, time, or indeed – power. They can be trivial, perhaps even ineffective, precisely because the compassionate lacks the power or ability to do more than that, but as long as one acts on their feelings of sympathy, empathy or pity, with an intention to alleviate the suffering of another, then that attitude can be perceived as compassion, regardless of its efficacy.

6. Are toleration and compassion moral virtues?

When we ask whether toleration and compassion are moral virtues, we ask whether they are valuable *as such*; whether they have intrinsic value, in the sense that their desirability is not contingent and does not hinge on the prospects on them leading to desirable results. For our purposes, we can think about two possible meanings of being 'valuable as such' or for having 'intrinsic value'.

Intrinsic value type 1 can be expressed as: 'X is always good regardless of the consequences'. For example, 'toleration is always valuable regardless of the circumstances or its consequences'. This is probably the strongest, 'purest' claim for something being valuable 'as such'. Some may claim that this is the only possible meaning of being 'valuable as such'.

Intrinsic value type 2 can be expressed as: 'X always brings about better consequences than the alternatives'. For example, 'toleration always bring about better consequences than intolerance'. This is a mixed argument with both instrumentalist and non-instrumentalist foundations (with the former being more dominant).

Toleration is often perceived as a mixture of an inherently good act and a morally dubious state of mind: inherently good act or result - as toleration results in 'not harming'; morally dubious state of mind - because of the grudge that accompanies the tolerant behaviour, as, after all, the tolerant person makes adverse judgement about others and restrains herself from acting on that judgement. But perhaps we should perceive both elements of toleration (not harming – and grudge) as neither good nor bad in themselves. Perhaps toleration itself (much like intolerance) is neither good nor bad. Toleration might be unjustified and even morally wrong if things that should not be tolerated are tolerated. Accordingly, intolerance might be justified and even morally necessary regarding things that should not be tolerated. The argument that toleration is a moral virtue and that one must always be tolerant is therefore misguided. If toleration is

indeed always good and if to be tolerant is a moral duty, then intolerance is always bad. Even then, and if one must always be tolerant, it will never be justifiable to take measures to confront intolerance. But this categorical conclusion is clearly mistaken. All agree that sometimes we need not to tolerate the intolerant (Nicholson 1985). But one surely cannot claim that because toleration is always good and intolerance always wrong, it is sometimes permissible not to tolerate the intolerant. This is simply self-contradictory.

Thus, the notion that toleration is a moral virtue is either misguided or does not mean that one should always be tolerant. All it may mean is that one should be tolerant unless compelling reasons allow or demand an intolerant response to something that is rightly perceived as wrong or 'negative'. Perhaps it would be better to give up entirely an attempt to describe or to justify toleration as good and simply to argue that toleration and intolerance are not end-points on a spectrum of good and bad but can be either good or bad according to the circumstances.

Therefore, classifying toleration as a moral virtue, as an interim virtue or as a lesser evil, cannot be part of the concept of toleration itself. At most, we can classify certain tolerant behaviours as morally necessary, morally allowed, lesser evils or morally wrong. The question of how we should decide which tolerant behaviour falls into which category is a normative and complex question that will not be discussed in more detail here. Suffice it to say that if the primary justification for the existence of the right for toleration lies in the importance attached to the individual's autonomy (Raz 1987); if toleration is a means to protect and promote an individual's autonomy; and if the state has an obligation to protect and promote an individual's autonomy; then the state has to be tolerant. On the other hand, since intolerance means, inter alia, harming the other, then the same harm principle that allows the state to interfere with someone's liberty (or to harm him) in order to prevent him from unjustly harming another, allows the state – and sometimes requires the state – to be intolerant towards those who are unjustly intolerant towards others.

Be that as it may, the one point that should not be overlooked is the all-important necessity of making a distinction between the concept of toleration and the practice or the value of toleration. As to the concept of toleration, it describes a behaviour and a state of mind that are neither inherently morally good nor morally dubious. The concept of toleration is morally neutral in the sense that it does not describe a behaviour that has any intrinsic value. Toleration, therefore, does not have any intrinsic value, as it is not always valuable regardless of the

circumstances or its consequences, nor does it always bring about better consequences than intolerance.

Same can be said about the concept of compassion. The ‘starting point’ regarding compassion is different to that of toleration. Whereas toleration is often described as a mix of positive and negative elements, compassion seems to entail nothing but positive elements: being aware of the suffering of another person – and acting, or at least trying to act to alleviate this suffering, acting on emotions such as sympathy, empathy or pity. But compassion, much like toleration, is not a moral virtue. It does not have intrinsic value and it is not valuable as such regardless of the circumstance or its consequences. Being compassionate is morally warranted only towards those who deserve it.

If toleration and compassion are moral virtues, if they have intrinsic value and are always valuable, it may mean that we have a general moral duty to either tolerate others or be compassionate towards them. But that is not the case. We can think of four possible cases: first, cases where we do have a duty to tolerate others or be compassionate towards them. Second, cases where we have an imperfect duty to tolerate others or be compassionate towards them. Third, having no such duty yet still being morally allowed to tolerate others or be compassionate towards them. And fourth, having a moral duty to not tolerate others or be compassionate towards them. We will briefly discuss these cases in turn.

First, there are cases where we have a moral duty to tolerate others. In these cases, others have a right to be tolerated that is normally justified by the principle of autonomy, as discussed above. We may have a moral duty not to harm those who act in a way that we perceive as misguided, because being autonomous means having a right to do wrong without being subjected to sanctions. We may also have a moral duty to be compassionate towards others, to act in order to alleviate their suffering. This duty may arise within specific contexts, for example when we are under a duty of care, which may include a duty to alleviate the suffering of those who are under our professional or personal care. We may also have a moral duty to be compassionate towards others, if, for example, they deserve compassion; we are better positioned to alleviate their suffering; doing so will require minimal effort of us; and we have no compelling reasons to not be compassionate towards them. ‘Good Samaritan’ laws may entrench that moral duty as a legal one.

Second, there are cases where we have an imperfect duty to tolerate others or be compassionate towards them. Imperfect duties, for our purposes, are duties we should not ignore but at the same time we may be morally allowed to not act on them. As opposed to perfect duties – and even though we should always consider whether and how to follow them – they do not always dictate our behaviour. Duties may be imperfect because perceiving them as perfect duties would be 'asking for too much' of people. Donating money for charity or directly to those who are in need, for example, can be perceived as an act of compassion, if we accept that people can be compassionate from afar, without creating any direct contact with the sufferer. If we observe the suffering of those who are in need; feel sympathy, empathy or pity towards them; and act on these feelings by donating money – and with an intention to alleviate the suffering of others – we can be perceived as compassionate. The duty to donate money to charity – or the duty to be compassionate towards those who are in need – is normally an imperfect duty. Its extent and even existence depend on changeable circumstances regarding both the observer and the sufferer. Even though donating money to charity and by doing so being compassionate towards those in need is almost always morally admirable, we do not always have a moral duty to take positive acts that are morally admirable. More specifically, it would be 'too much' expecting people to take positive actions to alleviate the suffering of others, all others, each and every time they become aware of this suffering. It is easier to justify a moral duty to be compassionate when it entails not harming others rather than positively helping them, but even though compassion can be manifested by both acts and omissions, it is normally the positive act of helping that is part of a compassionate behaviour. Therefore, the duty to be compassionate is generally an imperfect duty. Things are slightly different regarding toleration.

It is hard to think about the duty to tolerate others, in cases where this duty exists at all, as an imperfect duty, precisely because toleration normally entails not harming others rather than positively helping them. Put differently, the duty to tolerate asks less from us than the duty to be compassionate. When a duty to tolerate exists – and requires an omission (refraining from actively harming others) – it will almost never 'ask too much of us' and will therefore normally be a perfect duty. The cases where toleration entails a positive act are quite rare. These are cases where one makes an adverse judgement about another; this adverse judgement gives the tolerant person reasons to harm the other, yet the tolerant person refrains from acting on these reasons – by not only refraining from harming the other, but actually by actively helping the other or making them better-off. It seems that only very rarely will we have a moral duty to be tolerant by actively helping others. And when such a duty exists – it will be a perfect duty only

within very specific contexts, presumably mostly in cases where the tolerant is the state itself or a professional that provides a certain service (e.g. medical staff).

The third case raises no special difficulties. There is nothing unusual about a situation where we are morally allowed to act in a certain way – without having a duty to do so.

The fourth case is where we have a moral duty to not tolerate others or be compassionate towards them. We already noted above that intolerance might be justified and even morally necessary regarding things that should not be tolerated – and that all agree that sometimes we need not to tolerate the intolerant. Nehushtan, for example, suggests that unjustified illiberal intolerance should not be tolerated by a liberal state (Nehushtan 2015). According to this approach, the tolerant liberal state, as a starting point, should not tolerate anything that denies the justifications of toleration and toleration itself. More specifically, if toleration enables autonomy and if the state has a duty to ensure and promote autonomy, then the state has a duty to ensure and promote toleration. Since unjust intolerance is by definition unjustly harming others, then the state is under a moral duty to not tolerate the intolerant in order to defend autonomy and toleration itself.

Compassion, much like toleration, should be shown only towards those who deserve it. Being compassionate towards those who do not deserve it may unjustly harm either rights or interests of third parties and will therefore be morally wrong. If state's officials are compassionate towards convicted sex-offenders, for example, who show no regret or willingness to be rehabilitated, that will unjustly harm or negatively affect the victims of these crimes. There is in fact a moral duty to not show compassion in such cases.

Both toleration and compassion are therefore not moral virtues. They do not have intrinsic value and they are not valuable as such. Their value depends on the circumstances and their practice should be justified rather than being accepted as always desirable.

7. Conclusion

This paper aimed to explore a currently under-developed conceptual comparison between toleration and compassion. The common and accurate understanding of toleration is that it is, at its essence, a 'negative' attitude that entails making adverse judgement about others and exercising restraint thus eventually not harming them. Compassion, on the other hand, has a much more positive connotation, being entangled with feelings such as sympathy and empathy.

It is much more pleasant to be at the receiving end of a compassionate attitude than at that of a tolerant attitude. It is these clear differences between these two concepts and attitudes that probably led to seeing them as indeed different, perhaps even unrelated. But there are similarities and links between toleration and compassion after all. Both can result from the same feelings and be justified behind the 'veil of ignorance'; both can result in the same behaviour – and be expressed simultaneously; both can be expressed by either acts or omissions; both can be exercised by the powerless; and both may be desirable under certain circumstances – yet both are not moral virtues, i.e. they are not inherently morally valuable.

This conceptual analysis of these two complex, related concepts lays the ground for a normative evaluation of the practice of toleration and compassion, exploring the cases in which they may be morally justified, allowed or prohibited.

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