

Beyond Tolerance: Peace, Dialogue, and Religious Freedom (Religions and Peace / Interrelationship between Human Rights and Peace)

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Abstract

It is widely accepted that the freedom to practice one's religion, and to live according to one's religious beliefs, is a basic human right, and the key to peaceful coexistence among religious communities and among nations. In my paper I will focus on the problems that arise when sincerely held religious beliefs come into conflict with the rights of others. Recently in the United States, two such situations have received widespread attention. One case involves pharmacists who refuse to fill prescriptions for birth control pills, because they believe that the use of certain kinds of contraception violates their Christian religious beliefs. The other case involves Muslim taxicab drivers who refuse to transport passengers carrying alcohol for similar reasons. In response to such conflicts, religious tolerance is often embraced as a solution. In western society, the ideal of religious tolerance can be traced back at least to John Locke, and received considerable attention in the work of political philosopher John Rawls. In recent years, tolerance has been embraced as a public value through programs that teach tolerance in public schools. But the ideal of tolerance has also come under criticism from theorists such as Wendy Brown, professor of political science at the University of California at Berkeley, and author of *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton University Press). Brown argues that tolerance is "an impoverished and impoverishing framework through which domestic, civil and international conflicts and events (are) formulated... The experience of being tolerated is inevitably one of being condescended to, of being forborne. The object of tolerance is constructed as

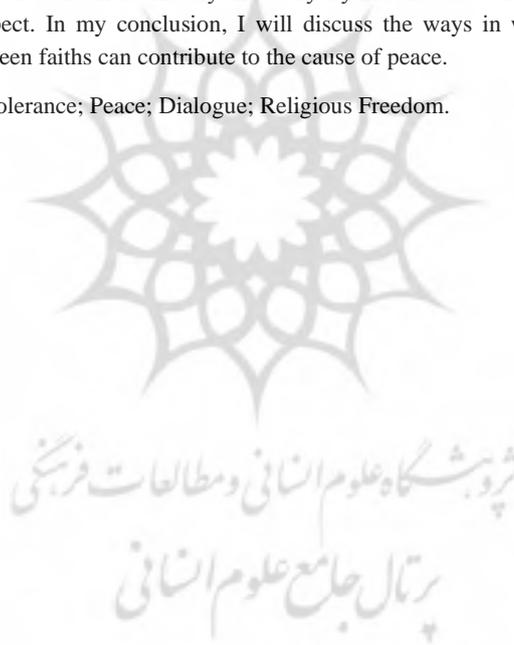
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marginal, inferior, other, outside the community, in some relation of enmity with the community”. Moreover, as the legal scholar Stanley Fish has noted, the doctrine of tolerance “legitimizes, and even demands, the exercise of intolerance, when the objects of intolerance are persons who, because of their over-attachment to culture, are deemed incapable of being tolerant”. What implications do these critiques of tolerance have for how we should address real-life cases of conflict between religious beliefs and the rights of others? “Obviously” as Wendy Brown points out, “it is always better to be tolerated than not, if those are the choices”. But I believe that there are possibilities that go beyond tolerance, that are based on dialogue. The importance of dialogue has been stressed by thinkers including Mohammed Khatami, and philosopher Kwame Anthony Appiah of Princeton University, author of *Cosmopolitanism: Ethics in a World of Strangers* (W.W. Norton). I will argue that productive dialogue between different cultures, or even between different segments of a culturally diverse society, requires more than just reasoned argument. Rather, it requires a deeper conversation that develops an understanding of each other’s history and everyday life and strives for a level of mutual trust and respect. In my conclusion, I will discuss the ways in which this kind of dialogue between faiths can contribute to the cause of peace.

Keywords: Tolerance; Peace; Dialogue; Religious Freedom.



It is widely accepted that the freedom to practice one's religion, and to live according to one's religious beliefs is a basic human right. But what should we do when the practices or moral demands of religious belief come into conflict with the rights of others?

Globalization is likely to increase the frequency and intensity of such conflicts -and the need to find better ways to resolve them- as people with very different religious and cultural traditions come into closer contact with each other. In theory, the principle of tolerance, a deeply embedded value of liberal democracies, is invoked as offering a solution to such conflicts. But in practice, the application of the principle of tolerance often falls short of the standard set by the principle of justice, which demands that cases that are similar in morally relevant aspects should receive similar treatment. This failure may be seen as merely human fallibility, but I will argue that the very concept of tolerance is problematic, and that tolerance by itself is not sufficient to offer a satisfactory resolution.

Recently in the United States, two such situations have received widespread attention. One case involves pharmacists who refuse to fill prescriptions for birth control pills, because they believe that the use of certain kinds of contraception violates their Christian religious beliefs. The other case involves taxicab drivers who refuse to transport passengers carrying alcohol, because they believe that to do so would violate Islamic religious teachings. (This has been a topic of considerable controversy in my home community of Minneapolis, Minnesota, where most taxi drivers serving the local airport are recent Muslim immigrants from Somalia.)

Controversies about birth control are not new, but a few years ago, the controversy over passengers carrying alcohol would have been difficult to imagine in Minnesota. Minneapolis, a midsize city in the American agricultural heartland, was until recently one of the least culturally and religiously diverse communities in the United States. But in the last decade, Minneapolis has experienced an explosion in cultural diversity, with rapidly growing communities of new arrivals from Mexico and Central America, ethnic Hmong refugees from Laos, and tens of thousands of immigrants from Somalia.

The story of the Muslim cabdrivers, first reported on September 17, 2006 by USA Today, has continued to receive coverage in newspapers around the world. Conservative political commentators cite the story as evidence that Islam is an intolerant religion.¹

1. Airport Check-in: Fare Refusals in Minnesota, USA Today, September 17, 2006. Coverage in the international press includes Alcohol bothers Muslim Cabbies, Daily Times of Pakistan, January 27, 2007.

In some ways, the similarities between the pharmacists and the cabbies are striking. Both hold public licenses to provide a public service, and those licenses carry the obligation to provide their services to anyone who is legally entitled to them.

Both the pharmacists and the cabbies have religious beliefs that place them outside the cultural mainstream – in the case of the Muslim cab drivers, even outside the mainstream of the local Muslim community. The local council of Muslim religious scholars agrees overwhelmingly that, although Muslims are prohibited from drinking alcohol themselves, there is no religious prohibition against transporting passengers who do carry alcohol. And although some Christian theologians are opposed to abortion, only a small minority of Christian religious leaders believe that contraception that prevents fertilization of an egg, or prevents the implantation of a fertilized egg, is morally equivalent to abortion.

One important difference between the two cases is that a pharmacist who refuses to fill a prescription may create a much greater hardship than a taxicab driver who refuses to transport a passenger. As a practical matter, especially in smaller communities, where there often there is no more than one licensed pharmacist, a pharmacist who refuses to fill a prescription on moral grounds effectively denies a customer the full exercise of her (legally recognized) right to self-determination. This is especially true in the case of morning-after birth control pills, which must be taken in a very limited window of time in order to be effective.

By contrast, the cab drivers who refuse to transport passengers carrying alcohol created at most a minor inconvenience – there are about 600 cab drivers serving the Minneapolis-St. Paul airport, and only a small percentage of them refused to carry passengers carrying alcohol. If a cab driver refused a fare, the passenger could almost always be accommodated by the next driver in line, without any significant delay or inconvenience.

In theory, the principle of tolerance provides a solution to both of these conflicts. The ideal of religious tolerance in the West can be traced back at least to the 17th century, but its roots are older. According to historian John Marshall, “many supporters of religious toleration in the seventeenth century pointed to Islamic societies as providing a degree of religious toleration which ought to be imitated by contemporary Christian societies”. (Locke, 2006: 8) John Locke argued in his Letter Concerning Toleration (1689) that every person’s conscience is entitled to the same respect, and that the government is only entitled to use force against its citizens to protect the rights of others.

Locke held that genuine religious faith cannot be compelled, (echoing the Qu'ran's teaching that there can be no coercion in religion) and Locke supported extending religious tolerance, and citizenship to both Moslems and Jews. But Locke did draw boundaries around tolerance that excluded atheists (because they could not swear a binding oath) and Catholics (because they owed allegiance to a "foreign prince".)

John Stuart Mill expanded this theory of tolerance, arguing that "The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant". (Mill, 1859) This principle defends freedom of religion and religious tolerance, not on the basis of abstract rights, but on utilitarian grounds: "Mankind are greater gainers by suffering each other to live as seems good to themselves," writes Mill, "than by compelling each to live as seems good to the rest". It also, implicitly, identifies the boundary of what is intolerable: just as we must tolerate practices that we find repugnant, so long as they do not violate the rights of others, we must not tolerate practices that do infringe on those rights.

Applying these fundamental principles to the two cases at hand, one might expect that in a society governed by liberal values, there would be a strong impetus to seek a resolution to such conflicts that finds an optimal balance between respecting the rights of self-determination of taxi passengers and pharmacy customers, while also respecting the right of pharmacists and taxi drivers to live according to their religious beliefs. In practical terms, that might mean allowing pharmacists to decline to fulfill a prescription, provided there is a colleague, or another nearby pharmacy, able to provide the service, with minimal inconvenience to the customer. And for the cab drivers it would mean allowing them to refer passengers to the next driver in queue, with the proviso that if no other driver is available, they are obligated to provide the service.

Although the cases of the pharmacists and the cabbies have some distinct similarities, they have generated very different responses in the public sphere. The pharmacist's refusal to fill prescriptions is widely perceived as an expression of conscience, and deserving of protection. The pharmacists have found allies in many state legislatures, where bills have been introduced – and in some states, passed into law – that protect the pharmacists' right to refuse to provide services which violate their religious beliefs. In most cases, these bills make no provision for protecting the rights of the customer.

By contrast, no one has introduced legislation to defend the cabbies right to follow the dictates of their conscience, and even efforts to accommodate the cabbies by allowing them to pass customers carrying alcohol on to other cabbies have met with strong public opposition. In the case of the cab drivers, the Metropolitan Airports Commission had adopted a policy of allowing cab drivers who did not want alcohol in their cabs to refuse a fare, but penalized them by forcing them to go to the back of the queue and wait their turn, which entailed a significant loss of income. That approach ensured that the public would be served, but also tolerated, to a degree, the cab drivers' insistence on following their religious beliefs.

But in the fall of 2006, the Airports Commission proposed to go one step further in accommodating the cab drivers desire to follow their religious beliefs: they drafted a proposal that would allow cabbies to turn down customers carrying alcohol without losing their place in line. This proposal died after conservative political commentators seized on the issue, and generated a large amount of public opposition. Angry letters to the editors of local newspapers accused the cab drivers of intolerance, and insisted that any drivers unwilling to provide service to all should have their licenses taken away. Ultimately, the Airports Commission revoked its earlier policy, and adopted a no-tolerance policy: cabbies must accept all customers, or face revocation of their license.

In short, the pharmacists claims for consideration of their religious belief have been, at least in some cases, been honored with more than mere tolerance they have been recognized as rights, while the cab drivers requests have been received with less than tolerance.

This seeming inconsistency might seem like a failure to fulfill the ideal of tolerance, but it is more than that. If we look more closely at the idea of tolerance, we can see that there is a tension at the very heart of the concept. "Toleration," according to the Encyclopedia of Philosophy, "is the patient forbearance in the face of something which is disliked or disapproved". As Maurice Cranston, author of the encyclopedia entry notes, "Toleration has an element of condemnation built into its meaning. We do not tolerate what we enjoy or what is generally liked or approved of... To tolerate is first to condemn and then to put up with or, more simply, to put up with is itself to condemn". (Cranston, 1972: 143)

As Wendy Brown, professor of political science at the University of California

at Berkeley, and author of Regulating Aversion: Tolerance in the Age of Identity and Empire (Princeton University Press), argues: “The experience of being tolerated is inevitably one of being condescended to, of being forbore. The object of tolerance is constructed as marginal, inferior, other, outside the community, in some relation of enmity with the community”. (Brown, 2001)

This element of animosity at the heart of tolerance brings with it an inherent instability, as Steven DeLue points out:

“People who practice toleration learn to ignore what they distrust or do not understand. And what people distrust or ignore, they may over time begin to fear and later, as fear grows, to hate. And when this happens, toleration itself becomes the source of illiberal attitudes toward difference”. (DeLue, 2006: 117)

This may explain the hostility with which many Americans have reacted to the cab drivers’ stance on transporting passengers carrying alcohol, and to another highly publicized incident, in which six imams were removed from an airplane after they were heard saying the words, “Allahu Akbar”. Given that there are over a billion Muslims, “Allahu Akbar” may be the most commonly spoken phrase in the world. But the only context many Americans have for understanding that phrase comes from knowing that those words were reportedly used by the terrorists who attacked the World Trade Center.

“Difference” – specifically differences in religion, race, class, language and national origin may be the key factor in the difference between how the cases of the pharmacists and the cab drivers have been treated. Political philosopher Anna Elisabetta Galeotti of the Università del Piemonte Orientale in Vercelli, Italy, addresses this issue of difference in her book, Tolerance as Recognition:

“What gives rise to most genuine contemporary issues of toleration are, in fact, differences between groups rather than individuals.... Moreover, members of groups whose differences raise issues of toleration have usually been excluded from full citizenship and from the full enjoyment of rights, either because they are latecomers on the scene, or because they were previously oppressed and/or invisible”. (Galeotti, 2006: 5)

The pharmacists are white, middle-class, mostly native-born and Christian. The cabbies, by contrast, are Muslim immigrants, poor, and many are not fluent in English. Although much has been reported and written about the cab

drivers controversy, the cab drivers themselves are only rarely quoted directly, and reports frequently give the impression that most of the Somali cab drivers refuse to transport alcohol, when it is in fact a small minority. Members of the local Somali community complain that the reporting on this incident has created a distorted public perception of the entire community as intolerant.

Wendy Brown points out that the ideal of tolerance becomes more problematic when it is combined with the contemporary tendency to essentialize identity:

“Certain practices and experiences in which we may include beliefs, become cast as the necessary entailment of fundamental types of subjects. Identities such as black or Jew or lesbian or even Holocaust survivor appear both as radically exhaustive of the person, and as necessarily entailing a certain set of beliefs and practices. The practice or attributes is seen as issuing from the person, the ontology, and it is seen as constitutive of certain kinds of experiences, and this combination of soul and experience is treated as the fount of certain views or beliefs... This other order of subject formation expresses our humanness as cultural, ethnic or sexual beings, not as choosing thinking free individuals”. (Brown, 2001)

In practice, as applied to Muslim immigrants and other “others”, this tendency to essentialize creates a sharp divide between “us” and “them”. *We* are the citizens of liberal democracies, able to set aside our religious beliefs and values, when we enter the public sphere. *We* are bearers of multiple identities and a high level of self-awareness and ironic, or at least skeptical detachment, while *they* are true believers. *We* have a culture, *they* are a culture. Give *them* an inch, and they will take a mile.

As the legal scholar Stanley Fish has noted, the doctrine of tolerance “legitimizes, and even demands, the exercise of intolerance, when the objects of intolerance are persons who, because of their over-attachment to culture, are deemed incapable of being tolerant”. (Fish, 2006: B8) Intolerance towards the Somali cab drivers is justified because they are perceived as being in the grip of a rigid belief system that diminishes their humanity that oppresses women, that seeks global domination. Selected passages from holy texts are removed from any context, and used to prove that this group lies outside the boundaries of what we can tolerate. The notorious slippery slope argument is invoked: if we allow Muslim cabbies to refuse to carry passengers who transport alcohol – even if we make this accommodation contingent on there being another driver available

to transport the passenger – then they will next refuse to transport blind passengers with seeing-eye dogs.

This attitude of intolerance is exemplified by a posting from a conservative blogger, named Greg Strange, who warns that tolerance of Muslim cabbies places Western Civilization itself is at risk:

“It all stems from the cult of multiculturalism which basically says that any culture is as good as any other, so therefore all cultures must be tolerated. Anything less would be intolerant and intolerance is evil. And since Islamic culture is just another culture that is as good as any other, it must be tolerated in the name of multicultural tolerance, even if it is itself supremely intolerant and could eventually supplant the preexisting culture of tolerance, which would, in effect, spell the end of all that cherished toleration. It could be the ultimate paradox. The West commits cultural suicide in the name of tolerance and in so doing, leaves the world in the hands of its most intolerant people”.¹

If tolerance is insufficient, what is the alternative?

“Obviously” as Brown points out, “it is always better to be tolerated than not, if those are the choices”. But it is possible and necessary to go beyond mere tolerance. DeLue, who notes that tolerance can lead to ignorance, fear and hatred, concludes that something more is needed: “Toleration must be buttressed by mutual respect, which directs people to communicate with each other in such a way that they create spaces in society for difference to thrive and for the rights of others, no matter how different, to be preserved”. (DeLue, 2006: 117)

Unfortunately, that is much more easily said than done. Can we simply will to have mutual respect for someone whose values and way of life include beliefs or actions that we believe are morally objectionable? Mutual respect seems more likely an endpoint than a starting point. How do we arrive at mutual respect?

We can say that what is needed in order to arrive at mutual respect is understanding, or dialogue, but these terms also seem to beg the question: how can we get people who have sharp differences in values and way of life to engage in the dialogue, and achieve the kind of understanding that can lead to a stable kind of tolerance, or even acceptance?

1. Strange, Greg, Muslim Cab Wars in Dhimmiaopolis -- er, I Mean, Minneapolis, Available at: http://www.greg-strange.com/Muslim_cab_drivers.html, undated posting.

This is the great challenge. As philosopher Duane Cady of Hamline University points out,

“(M)ost humans have very limited opportunities for non-threatening interactions with very different others. For most people, existing cultural and international structures and institutions impose conditions that virtually eliminate chances for non-threatening interaction across the various boundaries and barriers of race, class, gender, religion and more”. (Cady, 2005: 86)

At this point, it may be useful to consider more closely what is valuable in dialogue, and then to seek out ways that we can bring that which is valuable in dialogue to a larger public that is unable or unwilling to participate in direct interaction with very different others, and also how we can reduce or eliminate the cultural and international barriers that stand in the way of interaction and dialogue.

In dialogue, the participants enter into a relationship with each other that is transformative for both parties. What is transformed is not only each party’s intellectual understanding of how the other party sees the world, but their own perspective. It involves recognition that the other has insights, and access to ways of experiencing the world that are lacking from our own perspective. And ultimately, it creates a connection with the other that is based on a lived experience of our common humanity. This is possible even though we may continue to have profound disagreements about fundamental questions of morality and values.

In the words of Mohammed Khatami, former president of Iran, and advocate of dialogue among civilizations:

“In dialogue, it is not merely the other that is discovered. The other is discovered and stabilized with my address and I get to know of myself and become self- conscious by addressing you. Self- consciousness is the process for my stabilization. Therefore, not only the other but “I” become “I” by addressing the other”.¹

But the key to such dialogue is humility – a recognition that every perspective, including ones own, gives only a relative and partial glimpse of the truth. In Khatami’s words:

1. See: untitled lecture given by Mohammad Khatami at the University of St Andrews on Tuesday, 31st August 2006, http://calvin.st-andrews.ac.uk/external_relations/news_article.cfm?reference=1020.

“(W)e must realize that humans –all humans- are conditioned and bound within various limits. Truth is essentially absolute, but we shall never doubt that human comprehension of the truth, within the confines of internal and external limits of time, place, history, society and psychology, always remains partial and relative. Any proprietary claim to the full possession of the absolute truth and that which is truly absolute remains as groundless as the categorical rejection of truth in principle”.¹

Philosopher Duane Cady of Hamline University takes a very similar stance, which he labels as pluralism: “Recognizing a plurality, a multiplicity of worlds and subsequently of values, is an important step away from the dogmatic absolutism that often characterizes cultural and ethical conflict”. (Cady, 2005: 84) Such a stance does not require us to embrace moral relativism, says Cady:

“None of this is to say that universal or absolute values are impossible; rather, it says that limitations on human knowledge make dogmatic claims to universal, absolute values untenable. We may continue aspiring to such values, and make provisional claims proposing candidates for universal and absolute status, but pluralism asks us to remain open to a more complete view that may result from considering the perspectives of diverse others”. (Cady, 2005: 85)

Will such dialogue bring us closer to universal values or absolute truth? Perhaps. But if that is seen as its goal, dialogue is likely to be unproductive. Very rarely does this sort of dialogue actually result in anyone changing their mind, or bridging profound differences in values or beliefs. As Kwame Anthony Appiah, professor of philosophy at Princeton University points out,

“What makes conversation across boundaries worthwhile isn’t that we are likely to come to a reasoned agreement about values. I don’t say that we can’t change minds, but the reasons we offer in our conversation will seldom do much to persuade others who do not share our fundamental evaluative judgments already. When we make judgments, after all, it’s rarely because we have applied well- thought-out principles to a set of facts and deduced an answer. Our efforts to justify what we have done - or what we plan to do - are typically made up after the event, rationalizations of what we have decided intuitively to do”. (Appiah, 2006: 72)

1. See: untitled lecture given by Mohammad Khatami at the University of St Andrews on Tuesday, 31st August 2006, http://calvin.st-andrews.ac.uk/external_relations/news_article.cfm?reference=1020.

The value of these conversations lies elsewhere, says Appiah:

“I am urging that we should learn about people in other places, take an interest in their civilizations, their arguments, their errors, their achievements, not because that will bring us to agreement but because it will help us get used to one another - something we have a powerful need to do in this globalized era. If that is the aim, then the fact that we have all these opportunities for disagreement about values need not put us off. Understanding one another may be hard; it can certainly be interesting. But it doesn't require that we come to agreement.” (Appiah, 2006: 76)

Relatively few people have the willingness, or even the opportunity, to enter into such forms of dialogue, but there are other forms of encounter and engagement between civilizations and cultures that require less commitment and resources, and are more easily achieved. I have in mind the encounters that happen through films and books and other cultural media, and through the kinds of chance encounters we might have with a neighbor, a shopkeeper or a taxi driver. Their impact is more gradual, and more likely to be diminished or distorted by misconceptions. But the end result is that we get to know a little more about each other, and that gradually, we get used to each other.

Another space where encounter and dialogue is possible is the political arena, and this is where the case of Keith Ellison, the African-American Muslim congressman from Minnesota, becomes instructive.

On November 6 2006, Minneapolis voters elected the first Muslim ever to serve in the US Congress. Keith Ellison, an African-American and an observant Muslim, made headlines around the world when he was elected to the House of Representatives from the Fifth District of Minnesota, and again when he chose a Quran, rather than a Bible, for the ceremonial oath of office.¹

How, in the prevailing climate of distrust and intolerance, was it possible for Ellison to get elected to the US Congress? When Ellison ran for Congress for the first time, he had already served four years in the Minnesota State House of Representatives, representing a district with a large African-American population. But to be elected from a much larger Congressional district, he had to reach out across the boundaries of race and religion, and find common ground with citizens from many different backgrounds. In his campaign,

1. See: L'Express, 2006.

Ellison reached out to Christians, Jews, his fellow Muslims, and even to groups whose lifestyle is regarded as immoral in the Muslim community, and he focused on issues that united those constituencies, including the rights of immigrants and minorities, the right to health care for everyone, and opposition to the war in Iraq. In the traditional Somali community, some people questioned Ellison's inclusive approach, but local Muslim religious leaders defended him: it is not necessary, they argued, to agree on all questions of value to find common ground and common goals.

Ellison won the election with 56 percent of the vote. His victory party, shown on local television, itself symbolized the relationship that we must achieve to move beyond tolerance: men and women, black and white, Asian and Hispanic, Jews, Christians and Muslims who came together to achieve a common goal, celebrating together. Many of them might not have chosen to participate in a dialogue between cultures or religions, but in working together, they created a relationship that was not merely one of tolerance, but rather one of understanding, acceptance and equality, in spite of differences in belief, culture and values.

In 2008, Ellison ran for reelection, and won with 71 percent of the vote. As for his religion, by 2008 it wasn't an issue in his campaign. Minnesotans had, as Appiah might put it, "gotten used to it," and discovered that it didn't really matter.

Ellison's reelection was, of course, overshadowed by a much more significant election victory. Issues of race and religion played an important role in the 2008 presidential campaign, with Barack Obama's opponents accusing him of either being a Muslim, or associating him with a Christian minister accused of having intolerant views and America's history of racism made many skeptical that a black man could be elected president. Although his opponents generally did not raise the issue of race directly, there was a more subtle effort to portray Obama as someone who is different from "us," and play on fears of difference.

Obama addressed the accusations about religion directly, and called for a national dialogue on race. But it wasn't issues of religion or race that ultimately decided the election. The reasons for Obama's victory are too complex to explore here, but I believe one factor played an important role: The election campaign brought Obama, night after night for many months, into the living rooms of millions of Americans who may have never had an African-American visitor in their homes, and made those watchers into at least passive

participants in a “conversation across boundaries”. As they got used to the idea of a black president with an African Muslim father and an exotic name, their distrust eroded, and they found that they agreed with the candidate on issues that were more important than anything that divided them. It was a victory that could only happen once voters moved “beyond tolerance”.



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