

TOLERANCE AS AN ETHICAL ISSUE

WITH SPECIAL REFERENCE TO SOUTH AFRICA

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INTRODUCTION

It was a feature of South African political life to have senseless and continued political violence especially in areas such as KwaZulu Natal and Guateng. There were certain places that were demarcated as "no-go areas" in other parts of the country for political rivals. This research has been directed by the cries of many South Africans pleading for political tolerance. Tolerance was a term used by both politicians and ordinary people alike and therefore open to misuse and various interpretations. As a term it was therefore without adequate clarification on its meaning.

It is an attempt of this study to clarify and promote this value of tolerance.

In Chapter One, the value of tolerance is examined. It is described as putting up with what is disliked or disapproved for the sake of others. But it is deliberate and is therefore a virtue. Positive attitudes, motives and power are central to tolerance. For tolerance to be sustained, solid foundations such as education, respect for others and their freedoms, democracy, justice, stability and reciprocity are to be laid.

A light is also being shed on the limits of this virtue. Considerations and circumstances which need to be taken

when deciding on such an action are the very motives and conditions for tolerance. This further makes the issue of tolerance to be complex.

Church history shows that tolerance does not come naturally. It is a difficulty because of certain principles that are at stake. When viewed from the twentieth century perspective many of Church history's periods were of intolerance because the church had power. Tolerance was an exception, a plea of those without power.

South Africa has to unlearn much of intolerance because of the past that militated against tolerance. Fortunately tolerance is now being firmly entrenched as law. Even though it is so, the tension of being tolerant and intolerant still exists especially in the whole area of abortion.

Let us examine why tolerance is such a complex issue and a virtue to be promoted.

CHAPTER ONE

THE CONCEPT, MOTIVES AND CONDITIONS OF TOLERANCE

1.1. INTRODUCTION

This chapter defines the rich and complex concept of tolerance by examining various definitions. In illustrating its meaning a study will be made of the components identified. The role played by attitudes, motives and conditions for tolerance will also be covered.

1.2. DEFINITION OF TOLERANCE

According to the Oxford English Dictionary (1989:199) the term tolerance derives from the Latin word 'tolerantia', which means to be able to endure or sustain pain or hardship. The root meaning of the term is the ability to bear something painful or unpleasant. More specifically, tolerance means "to endure, suffer or put up with a person, activity, idea or organisation of which or whom one does not really approve" (King 1976:21).

However, this definition is not sufficient. More definitions have been attempted to further clarify the concept of tolerance.

The Encyclopedia of Ethics (1982:1251) brings in a new dimension, that of "intentionally allowing, or refraining from preventing, actions which one dislikes or believes to be morally wrong". This definition introduces an element of intentionality. It shows that tolerance is deliberate and it is the choice that one makes. One chooses to allow or not to prevent something that one dislikes or disapproves of.

Baroness Warnock as cited by Susan Mendus further defines tolerance as "the virtue of refraining from exercising one's power with regard to another's opinion or action although that deviates from one's own over something important and although one morally disapproves of it" (Mendus & Edwards 1987:2). The concept of virtue is added in this definition and this links it with that of intentionality. Tolerance is virtuous because of the fact that one chooses to allow something which one disapproves of and also refrains from acting coercively against what one dislikes or disapproves of.

According to Susan Mendus (1988:163), Joseph Raz delves deeply by defining tolerance as "the curbing of an activity likely to be unwelcome to its recipient or of an inclination so to act, which is in itself morally valuable and which is based on dislike or an antagonism of that person or feature of his life, reflecting a judgment that

these represent limitations or deficiencies in him, in order to let that person have his way or in order for him to gain or keep some advantage." This definition at first sight may seem to be a pointless addition. And yet, it gives the reasons or motives why persons should be tolerant. There is a desire or willingness to act in consideration of the interests of the other persons. This willingness is the extension of goodness to others, that is, allowing them to have their way. This definition, in short, adds an extra element of benevolence, one of putting up for the sake of others.

1.3. COMPONENTS OF TOLERANCE

Three components of this complex concept are identified from the definitions. These components are well outlined by John Horton and Peter Nicholson (1992:3) when they say "first there must be some conduct which is disapproved. Second, this disapproval must not be acted on in ways which coercively interfere with others' acting in the disapproved manner. Third, this refusal to interfere, or the disposition to refuse to interfere must be more than mere acquiescence or resignation."

What constitutes the first component is that there is inner disapproval. There is something one objects to because one either dislikes or views it as morally wrong.

"The sense of disapproval or even of antagonism is important [in tolerance]" (Markham 1994:11). If there was nothing that a person disapproved of or disliked, the concept tolerance would not be applicable. "Tolerance comes...only in connection with undesirable things" (Mendus & Edwards 1987:102).

One does not tolerate things that one likes, approves or is attracted to. Indeed, there should be a genuine objection to something if one's acquiescence in it is to be called tolerance. King (1976:26), drives this point home when he says that "we shall maintain therefore that tolerance exists only where there obtains an unequivocal objection to the item said to be tolerated; and equally that it does not exist where the objection is equivocal, unsure, uncertain, producing as a logical consequence some fundamental question or doubt as to whether the objection is really in fact an objection at all."

To tolerate, should not then be confused with the idea of total permissiveness, being indifferent and keeping quiet because an indifferent person has no feelings for what is at stake. Such a person cannot be said to be tolerant. To tolerate does not mean one has to give up one's ideas or values. It means that one deliberately puts up with those values and ideas that do not conform and are contrary to one's standards.

When one looks at the second component, one realizes that one is free to act against what one dislikes or disapproves of but chooses not to intervene coercively. There is self restraint. This concept gives rise to two concepts viz. deliberation and decision.

Deliberation involves a choice, whether one can put up with what one dislikes or disapproves of. Despite the obstacles that one encounters, one chooses to do good, that is to put up with something one dislikes or disapproves of. Tolerance is a choice that one makes.

To be tolerant, persons "must be in a position of power to allow or forbid the action or situation in question." (Markham 1994:1). People who are powerless cannot be said to be tolerant. They cannot hinder or impede what they dislike. Those who can do so, are those who have power. The person who has power "has the ability to cause others to change their behaviour and to do what the powerholder wants" (McQuoid-Mason 1994:6). A powerless person on the other hand does not have that ability and cannot be in a position to do something negative.

One needs to have power and the right to exercise the power if one is to claim any credit for not exercising it. One who is powerless cannot give up what one does not have. Even if a person has power but is forced or compelled to be tolerant by another person who

has more power, that person is somehow powerless. One's intentions would not be fulfilled because one would not have the power. One therefore is never forced or compelled to be tolerant.

To tolerate is something one chooses to do. It is not forced. It is a decision to let persons have their way, to think and act as they wish. One is tolerant if one puts up with "things which it is within [one's] power to prevent, even though [one] holds them to be immoral" (Mendus & Edwards 1987:127).

The third component takes the idea of choice further. The grounds of one's choice go beyond mere acquiescence or resignation. One does not tolerate because one lacks power or is letting things be, but because there is a desire to achieve something. There is a willingness to sacrifice one's own interest for the sake of others. When one makes this choice one sets aside or sacrifices one's rights "for reasons commonly thought to be admirable" (Horton & Nicholson 1992:151). What one sees in this component is that tolerance is not only for the well being of persons, but also for the benefit of others.

There are three things which one can infer from the third component:

- (a) there is respect for the persons. This respect means to accept and appreciate those who are being tolerated.

(b) they are entitled to have their way. This can both happen in a situation in which persons have the legal right to act in a certain way though offensive to the recipient; or it can also happen that the persons tolerated do not have the right to act in a particular way but one would tolerate it not because it is law but simply because of the willingness to let others have what they are entitled to and have their way and gain advantage.

(c) there is an element of benevolence, doing it for the sake of the other person. Tolerance makes it possible for one to be able to pay attention to and accommodate others.

This component highlights the element of respect for a person, something that is central to tolerance. What is also clear is the fact that tolerance without motives of other - centredness is not tolerance. Intentionality constitutes an important part of tolerance. It cannot be said one is tolerant if one suspends negative steps merely for selfish reasons.

One's intentions should go beyond self interests and should be other person centred. If one has been forced to surrender, it cannot be said that one is tolerant. Nor is it tolerance when one tolerates out of cowardice because

there is no change of attitude. One may have been driven by fear of undesirable consequences of one's action to suspend one's negative actions, consequences such as punishment and "loss in social approval and self-esteem" (Mansbridge 1990:137).

In these foregoing instances, a person is therefore, tolerant for reason of personal advantage. Serving or being preoccupied with one's interest is not compatible with tolerance. A polite civility that is expressed "in the form of grudging but a polite admission that others should have the right to express themselves even if they are wrong" (Jewett 1982:37) is not tolerance either. Positive motives which would benefit others occupy a central part in tolerance.

1.4. ROLE OF ATTITUDES IN TOLERANCE

In my discussion of the second component it was mentioned that a person who is powerless cannot be said to be tolerant and yet on the other hand it can be asked whether that particular person has a tolerant attitude. Does that person have the willingness to be tolerant? Can it be said to be tolerance even though one does not have the ability to cause others to change but one is prepared to act in the interests of others, to allow others to be themselves and accord them the respect which they deserve as persons?

In the Gospel according to Matthew (6:21-27), Jesus emphasises that one's actions begin within one's heart. Tolerance is not only concerned with the way a person acts, but it is also concerned with the way a person is disposed. One needs to have a "tolerant disposition ... [which] is present even where knowledge and power to interfere are absent ... [and] the desire to interfere with conduct which is disapproved is held in check" (Horton & Nicholson 1992:3). Tolerance has to do with one's attitudes, it starts from within. And from that, it becomes the capacity to combine one's objections with a willingness to let that person have his way or allow him to gain or keep some advantage.

Since it was said that those who are to be tolerant are the people with power, does it mean those who are tolerated are the weak and the minority? Rahner (1975:1727) is of this opinion that the "purpose of tolerance is to protect minorities and to provide for wider spectrum of opinion." (Rahner 1975:1727). Mendus and Edwards (1987:8) agree with him when, with reference to a pluralistic society, they say that "toleration may require more than leaving others to pursue their own way of life. It may require positive action to promote, or encourage the minority way of life."

From these two statements it is clear that tolerance is expressed with particular clarity by the powerful or the majority out of respect for the powerless or the minority. But it does not mean the powerless and minority cannot be intolerant through their inclinations or attitudes. They too need to develop a tolerant attitude even though they do not have the power. They recognise when something is bad and yet there are reasons or motives for letting it exist and therefore they do not interfere negatively with it.

One thing that one needs to bear in mind is that, even though one does not interfere negatively, one does not encourage or promote the idea, person, organisation or activity one objects to. One does not keep quiet either because one is tolerant. It is not incompatible with tolerance to raise one's objection.

1.5. MOTIVES FOR TOLERANCE

When we were dealing with the components of tolerance, we mentioned that tolerance without motives is not tolerance because motives occupy a central position in tolerance. Why should one tolerate something which one dislikes or thinks is morally wrong? In other words what are the motives for tolerance?

Tolerance is good in itself because it should flow from and promote the following:

1.5.1. Respect for persons and their freedoms

This respect for persons has already been mentioned when we were dealing with components for tolerance. According to Susan Mendus 1988:115), Nicholas Dent strongly believes that when one is tolerant to others, that is an act of respect one renders to them. But when one fails to be tolerant one is also failing to respect others. Persons are respected because:

- (a) All human beings share a basic dignity. They are created by God in the divine image and likeness (Gen 1:26) and this has given them the equality and dignity that needs to be respected. This creation in God's image is what makes all people share the same humanity and be children of the same Father. The Universal Declaration of Human Rights (UDHR) 1948 also testifies to the fact that "all human beings are born free and equal in dignity and rights."

Respect for this birthright is of paramount importance because it makes it possible for one to know that one is valuable, has dignity and freedom. The purpose of tolerance is "to give back to the human person the dignity with which he was endowed by God

from the beginning" (Murray 1965:64); and the autonomy or independence that goes hand in hand with it. This is to allow persons to be as they really are. If one is deprived of this basic dignity and equality through domination and discrimination on the basis of colour, race, creed etc, then one is stripped of all that one is worth as a human being. Persons should get equal treatment with regard to their worth as human beings.

Tolerance is only possible when recognition is given to all persons, as worthy human beings. Respecting the dignity of persons is therefore the basis or the doorway to tolerance and all the other motives for it.

- (b) Every person has a conscience. Conscience "is the faculty which makes known to man his moral obligations and urges him to fulfill them" (Pescckhe 1977:147). When one exercises one's conscience one is making use of reason in a practical way on moral issues. Conscience is a personal conviction, guiding one's moral and religious life. This faculty makes an individual responsible for his decisions and actions. A person therefore has to follow his conscience faithfully and act according to the dictates thereof.

One cannot and should not be coerced "to act contrary to his conscience. Nor must he be prevented from acting according to his conscience" (Flannery 1981:802). Being coerced in this context includes "all manner of compulsion, constraint, and restraint whether legal or extralegal" (Murray 1965:24). One has to exercise one's conscience in freedom even if it is in error because all types of conscience have been endowed with internal freedom.

Every individual consciences should be respected. What is respected is not the conscience but the dignity of the person. If one respects the consciences of others, this gives recognition to the right of individuals to have their own ideas or thoughts. To demand that people should use their conscience freely, is in fact a demand or plea for tolerance.

- (c) Freedom of expression should be respected. Persons are only free if they are given space and a chance to express externally their thoughts or ideas. The freedom of conscience would not make sense without the freedom to express oneself. It only finds meaning in this freedom of expression.

According to article 19 in the Universal Declaration on Human Rights "everyone has the right to freedom

of opinion and expression, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

What becomes evident is that this right to freedom of opinion and expression promotes communication and understanding. Through this freedom one is able to participate in the development of ideas, oneself and others. Rahner (1975:1726) asserts that "tolerance is the outcome of traffic in communication all around [and it] can be achieved in a communicative society." Tolerance enables one to express oneself and be informed without restraints. Expression of one's thoughts can take many forms.

If one was restrained or prevented from expressing one's thoughts, it would not only be a denial of this freedom but of conscience as well. A tolerant person respects freedom of expression.

- (d) The respect of freedom of choice. This is the freedom to do or not to do. In a pluralistic society people will not have one way of doing things or lead the same kind of life. One will engage oneself in life according to one's nature and choice.

People need to discover for themselves what is good

for their lives. Tolerance therefore is about the respect for the freedom of others to choose. This "idea of free choice remains the foundation of tolerance" (Mendus 1988:225). It allows people to be themselves. This freedom of choice needs to be respected if tolerance is to make sense.

The freedom to choose includes the right to associate and assemble. Article 20 of UDHR states "everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association". This means that people have the right to belong to a group or organisation of their own choice. Vatican II also recognizes this fact that people should organize themselves according to their principles "provided the just requirements of public order are not violated" (Flannery 1981:802). Persons, therefore, cannot be forced according to this right to associate with people they do not want to associate with. They cannot be coerced to belong or be prevented from belonging to a Church, political party, club or organisation on basis of colour, creed, religion etc.

If people are able to associate without interference, they need a place to gather together in freedom. The freedom of assembly becomes therefore a necessity. This means people have a right to gather in a place of their choice and at the time convenient to them. They cannot be

prevented from coming together. The freedom of association and assembly gives people a sense of belonging. Through tolerance people are able to come together with those they wish. They are given a space to do so and to be themselves.

1.5.2. Love of neighbour

" Love your neighbour as yourself" (Mk 12:31); This love of neighbour is central to Christian ethics since it is combined with the love of God. It is the new commandment that Jesus gives to His disciples. He urged them to love each other and display the love that He showed them (Jn 15:12). The love that Jesus speaks about is not only based on feelings, emotions or sentiments but is a love that is based on accepting and relating to people without setting conditions but loving them because they are people. When one loves people, it means one has a positive attitude towards them.

This love of neighbour includes self denial and love of enemies. Self denial is when one gradually dies to oneself and selfish ways and lives more for others (1 Cor 13:4). When one denies oneself something, the elements of sacrifice and suffering start to surface. Love and suffering are inseparable. One sacrifices one's own needs because one is sensitive to another person's needs. In other words when one has recognized and

understood another person's reality, one is able to sympathize and empathize.

Who is the neighbour one is supposed to love? (Lk 10:29-37 Parable of Good Samaritan). It is anyone who has been created in the image and likeness of God. It is all people including, therefore, those that differ from one's and even one's enemies (Mt 5:43-48). Love of enemies is the acid test for true Christian love and is the foundation for Christian tolerance. This love commands and challenges one to reach out and tolerate the person, the idea and activity of one's enemy. As St Paul tells us that "love is always ready to ... endure whatever comes" (1 Cor 13:7). It challenges one to exercise leniency and understanding towards those one regards as being enemies.

1.5.3. Mercy and compassion

Tolerance becomes possible and necessary when persons recognize that human beings are frail, fallible and prone to error. When persons recognize their own frailty, they feel for others, are not harsh and unreasonable towards them. When another person does something that is disliked or disapproved of, mercy and compassion which "preclude[s] all cruelty and unfair severity" (Rahner 1975: 954) is expected to be exercised; just like the Messiah who did not crush the bruised reed nor extinguished the smoking flax (Mt 12:26) but made sinners to benefit from his mercy.

Jesus was the model of tolerance, gentleness and mercy (Lk 6:35). He was able to distinguish between persons and the evil done by them. As a model of tolerance Jesus did not give in to intolerant requests to destroy opposition (Lk 9:51-56). The only incident in which Jesus was intolerant and used force was when he expelled the dealers from the Temple (Cleansing of the Temple, Mk 11:15-19). His zeal for his Father's house and desecration of the Temple overflowed into indignation and violence. But his all inclusive mission always made him to be compassionate to all people irrespective of their status and prestige. He was able to put up with people.

It is through mercy and compassion that people are able to "bear with one another" (Col 3:13). Mercy and compassion are the fundamental requirements for being tolerant. They are expressions of goodwill. "Mercy renders evil tolerable without palliating it. It distinguishes between the person and the evil he has done and in this way curbs the self-righteousness" (Tinder 1976:137).

1.5.4. Nature of community

The nature of community is such that it is rich, plural and diverse in its character. It is made up of people who are like a "human body, though made up of many parts, are a single unit because all these parts, though many, make one body" (1Cor 12:12). The fact that there is diversity

makes the question of tolerance even more pressing and urgent in a community. Contradictions and conflicts are bound to take place since "there may not be one way of life which is best for all ... Even if there was one way of life which is best for all, it is more important that they discover this themselves, than it be imposed upon them" (Mendus & Edwards 1987:9).

Diversity should not be seen as a threat but as an enrichment. The community has to welcome and encourage forms of life which may seem to be alien and even disagreeable to it. It would be arrogant and narrow-minded to impose and deny others the opportunity to lead and discover what is good for themselves. There is a need in a community to promote respect and allow people to pursue goals of their own since they are valuable to them. People need to be allowed to manage and mismanage their lives if they are to develop.

Tolerance in a community is there to promote and encourage people to be different and be themselves, while at the same time still they feel respected and part of the community. They should not be treated as outcasts because they dared to be themselves. It is only when people are respected and allowed to be themselves that they can develop. And to develop "is an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy

economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realized" (Reoch 1994:287).

Discrimination and domination of all forms need to be eliminated if people are to be themselves, exercise their freedom and develop. It is through tolerance that diversity is respected because of the richness and development it brings to the community. If one respects the diversity in community, tolerance would be a sign of growing solidarity among people. One would know that "pluralism remains as real as the unity. Neither may undertake to destroy each other" (Murray 1960:45).

1.5.5. Stability and peace in society

Since human beings live in community, it is of paramount importance that there be stability and peace. Different ideas, beliefs and practises can be seen at times to threaten the coherence and stability of society leading to disturbance of peace and disorder. When there is conflict one would be tempted to take an easy way out by preventing the conflict and maintaining order by suppressing what is alien. Suppressing the idea, belief or activity can be more dangerous than the idea or practise itself. When one suppresses it, it does not go away but it goes underground and it can lead to and "promote unrest and civil strife" (Mendus & Edwards 1987:5).

"Tolerance among [people] is an obvious need if social harmony is to prevail" (Markham 1994:10). Social harmony does not come because persons have been coerced into accepting beliefs and ideas but it comes because they acknowledge their belief and ideas in freedom. In other words they have to participate freely. Tolerance is essential to social harmony. The absence of tolerance can "increase the probability of instability" (Gouws 1992:2).

People do not allow themselves to be suppressed in the name of law and order indefinitely. What is achieved by force and repression is pseudo-peace and stability. These can neither be obtained through repression nor can they be "achieved once and for all but must be built continually" (Flannery 1981:987). This requires that individuals be allowed to be themselves and participate actively within society, so that they can "freely and trustingly share with others the riches of their minds and their talents" (Flannery 1981:987). Tolerance therefore does not oppose but fosters "conditions of stability in which diverse communities can flourish" (Horton & Nicholson 1992:115).

1.5.6. The search for truth

Human beings "are by nature disposed to form beliefs about the internal and external world ... part of what it means

to believe something is to believe that it is true" (Horton & Nicholson 1992:138). People need to expose their convictions to discussion, criticism or confirmation if they are to develop. Criticism can only be made in a healthy manner within a situation of tolerance. Outside this situation what is likely to take place is conflict. One should not be coerced to accept certain truths.

One who accepts a belief because of coercion or who is prevented from holding a belief "may have grasped a fact but he will not have grasped it reflectively" (Horton & Nicholson 1992:138). It is through reflection, debate and discussion that one is able to "recognize the truths that cohere with and explain it" (Norton & Nicholson 1992:138). Truth is a complex thing and attaining it demands being open to a multitude of insights. The more there are ideas (even if it is ideas from ones' opponents), the more the truth gets the opportunity to be revealed continuously.

If that is so, people are called and challenged to be critical and continue to search for the truth. This search can only happen in a situation where there is tolerance. The rights to conscience, expression and association become important in the search for truth. Where there is freedom and patience, people are able to arrive at common truth. Tolerance becomes an important means of achieving the truth because it is "encouraging the open competition among ideas [and this allows] the

truth to emerge" (Sullivan, Pierson & Marcus 1985:12).
Tolerating one another enables one to learn from those who hold different views. By not being open to new ideas or those that seem to be contrary to what one holds is a sign of intellectual arrogance or narrow mindedness.

This can impede and hinder the search for truth and also deprive one of something valuable. Tolerance is the willingness to listen. It values both the person who is doing the searching and the truth that is being searched.

1.6. CONDITIONS FOR TOLERANCE

The survival and the spreading of tolerance cannot be taken for granted. A need exists for conditions that would facilitate the "consolidation of [tolerance] in such a way that its continuance seem relatively secure" (Idasa Report 1993:14). Conditions which will be the firm basis for tolerance are of vital importance. They are either laws or constitutions. It is through these ground rules that tolerance will be able to lie in the hearts of the people. They will enable tolerance to be liberating rather than it be a cautious way of acting. This means that tolerance will not just be a "polite admission that the other should have a right to express themselves even though they are wrong" (Jewett 1982:37). But out of conviction for the respect of the worth and dignity of

persons, one would put up with and allow others the freedom to do as they wish, to have their way.

The following conditions are necessary for the foundation and continuance of tolerance:

1.6.1. Education

Where there has been history of intolerance, society and its people cannot be expected to switch over from repression to tolerance as though [they were] machines" (Tinder 1976:73). They cannot be expected to put up with and create space for others when they are not aware of the value of doing so. They need to be socialised, familiarised, and be exposed to situations of diversity by means of the formal and informal educational system.

Education will foster involvement, participation and would further "create individuals with the ability to understand the interests of others and conceive of the best of the entire society" (Sullivan, Pierson & Marcuse 1982:14).

The exposure to different ideas through the "influence of education and participation would reduce intolerance" (Sullivan, Pierson & Marcuse 1982:13) and make people more tolerant.

To be passive and hope that persons would practise tolerance, is wishful thinking. Tolerance has to be transmitted from one generation to the other. It "must

be taught, learned and practiced" (Idasa Report 1993:9). Through education the community can nurture and empower its members to know and to respect the value of tolerance and values related to it. By means of education each person would be encouraged to be "responsible for growth of others [and of self]" (Jewett 1982:139). Education would also help to develop the underdeveloped conscience. Conscience needs to be nurtured and guided, if we wish to foster tolerance. When people's consciences are developed by making tolerance part of the material informing conscience, that will enable people to act responsibly.

One of the things that can be of assistance in developing conscience is to devise institutions that will nurture norms and practices that will foster tolerance. These will help to change attitudes. As Gouws has observed, "attitude changes in any case always lay behind the creation of structures" (Gouws 1992:137). These structures will develop, ensure and promote the well being of people and their participation. As education and participation increase, so will tolerance increase and this would lead to development, understanding and participation. Tolerance needs to be given time, it does not happen overnight. In order to facilitate the continuance of tolerance so that it can be experienced by members of society, the culture of a community should also be geared towards promoting diversity and tolerance.

In that way the community will be able to nurture its members and thus sustain tolerance.

1.6.2. Respect for persons and their freedoms

One of the primary conditions for tolerance to which all others are related is the respect for persons and their freedoms. This respect for persons has already been mentioned when dealing with components and motives for tolerance. We argued that tolerance is "good in so far as it exhibits respect for others" (Mendus 1988:12).

If tolerance is to survive and be of value, a climate of respect for persons becomes imperative. The climate is best felt when people refrain from making statements bordering on insults or using abusive language or demonizing other people. To insult, verbally abuse or demonize a person is to disrespect that particular person. It is a lowering of the dignity of others and this threatens the basis of tolerance. Tolerance would cease to exist because it can only flourish when it is "exercised out of mutual self respect" (Horton & Nicholson 1992:153). When tolerating, one does so because one genuinely respects others as persons. When this happens an atmosphere of goodwill is created and a personal relationship with others is both established and experienced.

Tolerance is then in a position to flourish because it is experienced by both the person who is tolerant and a person whose actions are being tolerated. The respect for the uniqueness and integrity of each person is central and fundamental to the whole notion of tolerance.

1.6.3. Democracy

If tolerance is to be secured, it should be based on participatory democracy because democracy "allows and even encourages opposition" (Sullivan, Pierson & Marcuse 1985:1). Democracy is based on equality and respect for the dignity of every person.

In democracy freedom for all persons is guaranteed, especially freedoms of conscience, expression, association and assembly. And these are the very freedoms and rights that are essential for tolerance. These freedoms or rights presuppose creativity and that is why all persons are given equal opportunities "to formulate their preferences, to signify their preferences to their fellow citizen [and] to have their preferences weighed equally" (Gibson and Bingham (1985:5). Diversity and competition are not seen as a threat but as contributing towards participation and enriching society. Democracy enables people to participate fully in making society a better place. It is therefore able to lay a foundation for a tolerant society because persons are respected and treated as equals.

Even though democracy is a structural condition and foundation for tolerance, there are times when it can promote intolerance. This is because democracy can take several shapes or forms. There are three types that we need to mention here:

- (i) majoritarian
- (ii) consociational
- (iii) federalism.

There is a majoritarian democracy in a unitary state where the winner takes it all. Here the majority can become tyrannical. This type causes democracy to lose "its competitiveness quality and oppositions are marginalised" (Idasa Report 1993:19). (One needs to bear in mind that majority rule and democracy are not synonymous. Since the majority can at times also be insensitive to the needs of the minority this model is therefore not always the best for tolerance.

There is also a consociational democracy which has certain "safeguards for minorities such as a minority veto, internal autonomy of groups" (Gouws 1992:4). Though this model ensures that minorities are not excluded from power, the danger here is that the minority can become tyrannical. The minority can at time for reasons of personal advantage try and veto the majority and be insensitive to their needs. This type therefore, can not be a model for tolerance.

For democracy to be successful, there is a need for consensus. There is a need for the type of democracy that would protect "against intolerance without assuming that any group will be virtuous "(Sullivan, Pierson and Marcuse 1985:20). With this type, power is decentralised and there is the ability to deal with diverse interests. And this type of democracy is federalism. This is a type of democracy that is perhaps the best structure for tolerance.

1.6.4 Justice

Democracy is not an end in itself. It is also subject to higher values. One of those values is justice. Justice is always necessary but its urgency is felt in situations where there have been "social and economic inequalities (Villa-Vicencio 1992:234). If these are not addressed, it is a commonplace truth that they will generate revolution. Persons would have interests that would be extreme and "extreme interest goes with extreme fanaticism that could destroy tolerance]" (Idasa Report 1993:18). Promotion of tolerance would be useless, if social and economic changes do not affect the lives of persons. Poverty, hunger and unemployment, appear to inhibit and destabilise tolerance. This should be addressed by according all persons respect, equal liberties and "social and economic inequalities are

to be arranged so that they are ... to the greatest benefit of the least advantaged "(Villa- Vicencio 1992:234).

There is urgency therefore to be just and develop people economically; because economic development "may be a powerful stimulant for [tolerance]" (Gibson & Bingham 1985:3) and demands or interests would not be extreme but moderate. There is a need therefore to respond to socio-economic needs of people if people are somehow to subscribe to basic values of democracy and tolerance. Justice can have its limitations and it can result in a situation of intolerance especially when people make absolutes out of their rights.

When they demand their rights this "means the rights of some individuals at the cost of other individuals" (Villa-Vicencio 1992:166). This unrestrained individualism does not take into account the good of society. It demands rights regardless of the consequences they will have for society and its members. This shows that justice too, can be too cold and individualistic. It therefore needs love.

Love can come about when people do not only demand their own rights but also show responsibility for the rights of others and by fulfilling their obligations towards them. This means a language of rights is replaced by the language of duties. It would be evident when needs

of others and community are given preference, persons sacrificing their rights sometimes for the sake of others "as an expression of mutual care and strengthening of one another " (Villa Vicencio 1992:175).

1.6.5 Stability

That tolerance is not possible in a climate where violence is rife is obvious, especially where violence is "rooted in intolerance because it is based on a belief that rights of others do not have to be respected" (Gouws 1992:69). This type of violence creates fear, anxiety, loss of life, abandoning of homes. Persons in society who live under constant fear are not able to exercise tolerance. They do not tolerate genuinely but they submit to others out of fear. And if they do not submit out of fear they will defend themselves and in that way violence will beget more violence. This would lead to instability and fear as we have already mentioned when dealing with stability and peace under motives for tolerance.

The level of violence has to be reduced if there is any hope of creating a culture of tolerance. Relative peace becomes vital if tolerance is to be a reality. Peace which is "not merely the absence of war ... Peace [which] requires a constant mastering of passion and vigilance" (Walsh & Davies 1991:210).

Even if there was no past that militated against tolerance, conflict is an inevitable fact of life. It is encountered and experienced at work, church, community. It is the result of different perceptions, values and goals that people have. Even tolerant situations, therefore, are not without conflict because differences will always be expressed.

Mechanisms and structures that resolve, foster and entrench respect of persons must be put in place. Lines of communication have to be established, which give rise to stability, stability which flows from education, respect for persons, democracy and justice. This further leads to a tolerant environment.

1.6.6 Reciprocity

Tolerance presupposes that one has an ability to relate to other human beings. It is best realized when one is conscious that one is a human being with others, one is in community with them. In that situation one has to relate and understand that one depends on others and this is a realization of interdependence. For tolerance to succeed the interests and the welfare not only of oneself but of others have to be respected. For tolerance to survive and be meaningful, one has to care for others and act responsibly towards them.

In as much as one has to be oneself in some ways, one should always bear in mind that one's thoughts and actions are never purely one's own. They affect the welfare of others. This attitude will help one not to be selfish and exploit others. "Incorrect or selfish choice is disruptive to community" (Villa-Vicencio 1992:172). A positive approach, that takes the interests not only of oneself but of others and society into account would yield better results. It will work towards the elimination of individualism and promote "treating another person in the very best possible way" (Villa-Vicencio 1992:155). It would further lead to a situation in which one would put so much energy or weight on other person's interests as if it were one's own. This would be the realization of the Golden Rule that Jesus spoke about, "so always treat others as you would like them treat you" (Mt 7:12). This would promote and create an atmosphere of goodwill, responsibility, accountability and in that way it would be able to elicit reciprocity.

1.7. CONCLUSION

From what has been said above it is clear that conditions of being human require or demand tolerance, if persons are to live a harmonious life with others. Tolerance is a justifiable necessity, a positive good, an expression of love, acceptance of others to exist, respect for others,

their rights and their welfare. Mendus(1988:9) is correct when she says that tolerance "has intrinsic and not merely instrumental value, and that its pursuit is not only rational but morally right". Though tolerance is a virtue, there are circumstance in which it can be limited. These limits will be discussed in Chapter 2.

CHAPTER 2

THE LIMITS OF TOLERANCE

2.1. INTRODUCTION

The discussion on tolerance challenges one to look at the question of ideas, activities, organisations or persons one cannot put up with. This in turn necessitates looking at the question of its limits. A need to examine what evil can or cannot be tolerated becomes a necessity.

In chapter one, tolerance is described as a virtue. Are there times when it ceases to be a virtue and becomes a vice ? If so, when and why ?

We must consider whether placing limits on tolerance is ever a violation of the principle of tolerance itself. Hamel and Himes (1989:539) seem to warn us when they say that "to be without principles is to be evacuated of much moral wisdom, but not to know the limits of principles can be equally dehumanizing and cruel."

2.2. JUSTIFICATION OF THE LIMITS

There are certain values and conditions of our human existence that put certain restrictions on the exercise of tolerance viz, the very respect for persons, freedoms of people, community and common good on which tolerance is

based. These are the "social and spiritual grounds [for tolerance]" (Gaede 1993:23) since they are the motives and the very foundations on which it rests. If these are threatened or destroyed, tolerance is affected as well.

Gibson and Bingham (1985:12) postulate that the things that are not likely to be tolerated are not people or groups but some of their activities or actions. Persons need to be respected because of their worth and dignity. They cannot be treated in a manner which is cruel and degrading. Their dignity has to be upheld all the time. But their actions which are immoral, unbearable and unjustifiable are what others are likely to act against.

How does one draw a line between what should be tolerated and not ? One needs to be prudent and move with caution when making a judgment. One should make use of one's critical judgment and strong feelings. Reason alone is not sufficient in understanding reality although it is helpful. Feelings can be a pointer of what is acceptable though they are not a critical yard stick. One should judge whether acts are "outrageous, dangerous and mortally threatening" (Tinder 1976:162). In other words one has to judge whether this is upsetting or distasteful, harmful and assaulting on the dignity of individuals, depriving persons the freedom to be themselves and threatening the welfare of society. These are the criteria that one has

to use to judge whether to be tolerant or not.

2.2.1. Respect for persons

One of the motives and conditions for tolerance is that of rendering respect to people. This respect is highlighted by the fact that people have a dignity because they have been created in the image and the likeness of God (Gen 1:26). A person is tolerated first and foremost because he is respected. Tolerance as a principle or value is "rooted in the experience of the value of person " (Hamel & Himes 1989:542) and is good in so far as it maintains and promotes this. In other words tolerance is for the well being of persons and is a commitment to their dignity. This respect has to be experienced by both the person who is tolerating and the one whose actions are being tolerated.

Tolerance is good in so far as it exhibits respect for others. If one who is being tolerated fails to show respect to the one who is tolerating the limits of tolerance are set. If someone's actions intentionally harm the dignity of another person that person's action cannot be tolerated. Because tolerance does not mean allowing people to do anything they like, it demands that the respect be reciprocated.

To tolerate those who fail to show respect to others will

be a "sure sign that tolerance is no longer able to sustain itself" (Jewett 1982:99) because what is fundamental to it is threatened. Tolerance would therefore be like a salt that has lost its taste and "it is good for neither soil nor manure heap" (Lk 14:35).

One disrespects the dignity of others when one causes harm or pain to them through actions such as murder, rape slander etc. When this dignity is harmed through such actions, one has to abandon tolerance and not allow others to act as they wish. One has to come to the aid of those who are being victimised. Even if it means "forcible reaction to [that] evil" (Jewett 1982:112).

The level of commitment to tolerance can also be measured by "the sense of horror at seeing [others] being destroyed" (Jewett 1982:98). Robert Jewett (1982:99) would put the blame squarely on the morality of the community because if "men are not angry when someone is robbed, raped or murdered, the implication is that no moral community exists." One way of showing that one cares is by intervening when others are being harmed or caused pain. As Scripture says, "a man can have no greater love than to lay down his life for his friends" (Jn 15:13).

If one were to tolerate actions that contradict respect for others, it would be a sign of weakness, permissiveness or even condoning the situation. But when one intervenes

and comes to the aid of the victim, it would not be said that one is intolerant but is actually defending what tolerance is for, that is respect for people. This view is supported by Mendus (1988:12) when she says "one may say that one does not at all fail in showing the respect due to another if one violently intervenes to stop them acting like this [committing murder]. It was never part of what respect for them implied that one should honour their murderous projects." By not tolerating such actions, one is preventing others from being harmed. One shows in a practical way what it means to love and care for ones' neighbour.

2.2.2. Freedoms

Tolerance is a custodian of some of the values or freedoms that we hold dearly, such as, freedom of conscience, of expression, of association and of assembly. These are essential and central to the whole notion of tolerance as we have seen when we were dealing with motives and conditions for tolerance. It is through these that one is able to participate, to think and act as one wishes as a person. When one is free or given a chance to exercise these freedoms, one feels respected as a person.

These freedoms according to King (1976:171) "encourage self realization". Through them tolerance is able to be productive, to bring about the search for and knowledge of

truth. They therefore need to be encouraged and "promoted as an expression of positive good" (King 1976:166).

One needs to bear in mind that these freedoms are not absolute but relative. They should therefore "be checked where they somehow threaten to undermine" (King 1976:188) what is fundamental to tolerance viz the dignity of persons and their freedoms. If these freedoms place danger on individuals and society, restraining them is justified because they are not there to harm. They can only flourish and be exercised on the basis of mutuality. When they are not reciprocated, tolerance is gradually destroyed and commitment to them ensures that tolerance prevails.

Persons have to follow the dictates of their conscience, but this freedom to act according to the dictates of conscience is not absolute. But how far can one give expression to ones' convictions? Conscience has to be restrained when it is in "conflict with the demands of the common welfare" (Peschke 1977:181). When one sees that the dictates of one's conscience will be in conflict with the rights of others and will endanger their welfare; one would need to revise and rethink one's position.

It would be wrong for one to be allowed to follow a conscience which tells one to plunder other people's property, for "society has a right to defend itself

against misguided assaults" (Peschke 1977:181).

Tolerance of the freedom of expression does allow one "to express unpopular opinion without fear for reprisal"

(Sullivan, Pierson & Marcuse 1985:14). But this freedom of speech should also not be tolerated when it does not accord respect but insults or abuses another person.

Limiting expression should not be viewed as a way of controlling an individual liberty of expression by individuals or community. Persons need to be aware that it can seriously harm those at whom it is directed

The freedom of expression is to be limited if it meets three basic conditions. These conditions are clearly outlined by Andrew Altman (1992:302) when he says,

- (a) "the speaker must intend to insult or stigmatize another on the basis of certain characteristic such as race, gender or sexual orientation
- (b) this should be addressed directly to those whom it is intended to stigmatize
- (c) the speech must employ terms that similarly convey "visceral hate or contempt " for the people at whom it is directed."

This would injure another person's dignity because words can be deeply offensive, humiliating, hurting, demeaning and undermining the self esteem of the individuals. Words are powerful, they can bring about fear, anxiety and insecurity among people.

If a person through the exercise of freedom of expression were to incite hatred, revolt or "terrorize citizens with acts of violence, that behaviour can legitimately be prohibited and prosecuted" (Gibson and Bingham 1985:12). This threatens the welfare of members of society and it can "eradicate the mutual respect on which a communal tolerance must depend" (Tinder 1976:159). The one who advocates violence has forfeited the right to expression. To force a person to act against or renounce his beliefs or ideas, is also contrary to the spirit of conscience. This deprives one of what one is entitled to, to think and act as one wishes.

Murray (1965:161) strongly believes that anything that has " a corruptive influence ought to be put under reasonable restraints" (Murray 1965:161). By corruptive influence he means "that which destroys or diminishes the rational freedom of man, either by damaging his power of personal reflection or by exciting his passion to the point where they interfere with his rational control of his thoughts and actions " (Murray 1965:161).

There can be those who can interfere with these freedoms for selfish motives forgetting that persons have to be free in thoughts, expression, association and assembly provided it is done in a responsible manner. If these are suppressed for motives of personal advantage, and make others to be in a disadvantageous position, tolerance is also suppressed. This would eliminate participation, debate, discussion and "the dynamism of social progress towards fuller humanity in communal living [is stifled]" (Murray 1965:82). People would not be free to think and act as they wish. This would affect the "human quality of society [which] depends on the freedom of people" (Murray 1965:81). Suppression would make it impossible for tolerance to be productive. The freedom to use these rights is in keeping with dignity of people.

2.2.3. Common good

One of the most fundamental bases for tolerance is that one should respect the relative cultural mores of society. They are relative because they are of a particular time, they change with times. The society is characterized by its beliefs and customs, without these there would be no community.

The community needs some sort of shared values or morality because that is the "cement that binds society together" (Mendus & Edwards 1987:128). These values are therefore

pursued for the personal growth or welfare of its members. They also enable the society to stay together during periods of conflict, for they serve as frame work for order, stability and integration" (Markham 1994:92). They develop as society develops. The members of society help in the development and promotion of these values. The promotion and development should not be done "without consideration of the well being of others" (Peschke 1977:73). Actions of others should be "valued according to the way they contribute to the welfare of others" (Peschke 1977:74). Public powers have the responsibility to look after the welfare of the whole community. It has to protect the common good so that rights of others are not interfered with. The assistance of the public powers protects society from criminals and tyrants.

What about a situation where individuals in a society subscribe to a morality quite different from the morality of society itself? If the practice is not mortally threatening to the dignity of the persons and no threat to the welfare of society, Mendus (1988:129) is of the opinion that it should be tolerated "with the hope that at the end rationality will prevail, people's attitude change." It can happen at times that in society there can be a clash and tension between respect for the morality of society and the freedoms of the individual, as it was the case in the Roman Empire.

The Romans during the imperial times accused the Christians of not respecting the cultural mores of the Roman Empire by refusing to worship the gods of the empire. Even though the empire to a certain extent "was not in principle against all religious freedom" (Lecler 1960:32), they allowed people to worship their gods but they also demanded that people should worship the gods of the empire. And those worshiping their gods should do so under one condition that their gods were not substitutes for the official [Roman] cults" (Lecler 1960:33). Emperor worship was official and obligatory.

Jews were exempted from this obligation. They were not expected to worship the gods of the Romans since "they were an ancient nation loyal to Yahweh" (Lecler 1960:33). Christians were seen as having broken away from the Jews and therefore a new religion. As a new religion they were expected to do as the rest were doing, to worship the gods of the state. In their worship Christians "did not admit the gods of Rome " and in that way they were breaking "the indivisible sovereignty of the state" (Lecler 1960:34).

By their dissent the Christians did no physical harm to the Roman Empire, that is the welfare of society or the dignity of persons. They did not show any disrespect for the religious convictions of the Romans but they were only subscribing to different religious convictions. Forcing

them to that religion was to deprive them of the religious freedom which is a matter of conscience. It was against the nature of religion to be forced because it needs to be freely accepted.

The duty to profess and worship God freely is an obligation of an individual and is however "not fulfilled by legislative or executive action by the public power" (Murray 1965:93). Public powers have no right to violate the freedom of conscience by compelling people to profess or practise any religion. Even if they feel that a particular religion would contribute to the welfare of the state, they cannot suppress or force others to be part of that religion. It is not in their powers to intervene. They can only intervene in matters of religion when the forms of religious expression "seriously violate either the public peace or commonly accepted standards of public morality, or the rights of other citizens" (Murray 1965:43).

There are certain acts such as robbery, vandalism, recklessness that one encounters in society which threaten to destroy its values and morality. These are behaviours which society frowns upon and does not accept because they are destroying "a chance of creating an existence without fear or misery" (Markham 1994:12). When people start engaging themselves in such violent acts

of terror such as those mentioned above, public peace is threatened. When public peace is at stake, society cannot afford to be passive. It has to act. If such acts were not stopped, it would "leave room for irresponsibility and destructiveness" (Tinder 1976:176). And to allow these would be suicidal for tolerance. During these circumstances tolerance is not possible, only "forcible reactions to evil [is possible]" (Jewett 1982:112). This kind of an action would be protecting people from cruelty and aggression. As it has already been mentioned when dealing with conditions for tolerance, the "elimination of violence and the reduction of suppression are the pre-conditions for a creation of human society" (Wolff, Moore & Marcuse 1965:82). Limiting tolerance would ensure that orderly relationships, peace and unity exist between people.

The community through public powers sets limits to what can be tolerated. In this way it protects itself against individuals who do not have regard for or undermine the welfare of others, thus placing a "brake upon disproportionate impulse" (King 1976:162). People's freedom to do as they wish has to be restrained and constrained if it proves to be harmful to the dignity of others, undermines the commitment to community and violates public order.

Crime and recklessness fulfill self-interests. They are against love of neighbour. They bring about instability and deprive people of what they are entitled to, respect for their dignity, love, justice, stability and peace. These actions of terror are injustices that are being done to others and society. Markham (1994:12) is of the view that it would be unjust "to allow all manner of injustice" (Markham 1994:12). The society expects those who commit such offences to be punished through just means. The aim of the punishment is not to destroy or break down the integrity of a person but to promote the norm which has been infringed and to bring about fairness and equality. That is why punishment should be appropriate to the offense committed.

Morality or values are not centered around a particular individual. As Peschke (1977:73) so rightly puts it, an individual should not "content himself with merely individual morality." An individual is not only of great value to himself/herself, but also to the society as a whole. Individuals should also concern themselves with the needs of others as well so as to contribute to their well being and that of society. Tolerance is not individualistic in its approach but is also concerned with the needs of others. When dealing with conditions for tolerance it was mentioned that justice can be individualistic, so for it to be complete it needs love.

Human beings therefore "owe to each other to distinguish the better from worse and encouragement to the former and avoid the latter ... they should aim towards ... elevating instead of degrading" (Himmelfarb 1985:42). Tolerance is therefore, not for selfish purposes but for development and growth of society.

It has been said that the public powers have the responsibility to see that justice is done and the common good protected, since they have the care of the community. Though public powers have responsibility to the common good, they are not the sole judges of what is for the common good or not. People can also make the judgment "either through a constitutional consent (consensus iuris) or through channels of public opinion" (Murray 1965:42). When good order in society is not fostered but threatened and destroyed tolerance has to be abandoned. But for state or individual to intervene, the violation of public order should be really serious and the intervention should be really necessary.

The individual or the public powers are not the highest norm or ultimate authority on our morality. There is a higher norm than the individual and society. For Christians, that is God. God is the foundation and the ultimate end of morality. For Christians "obedience to God comes before obedience to men" (Acts 5:29). To claim



God as the ultimate basis of morality has implications for what can be tolerated. Society has a common ethical framework that enables persons to participate and enter into debate with each other and this enables persons to understand reality from that perspective. It has its limitations because it changes and develops from time to time. It is subject to higher standards.

Society cannot make sense, for Christians, without God since "the moral values are [seen to be] firmly rooted in His character" (Markham 1994:161). Anything that obstructs God's plan for the good of the human race and society is seen and understood to be placing limits on tolerance. God, therefore, becomes necessary for any discussion on morality.

2.3. EVALUATION

From what has been said above one can see that there are times and particular situations when it is "morally permissible and morally obligatory" (Mendus 1988:16) for one to cease to be tolerant. Limiting tolerance does not mean it is not good, it still remains a virtue and indispensable to all forms of communal living. The conditions or values that place limits on the principle of tolerance are not violations of this principle but interventions in situations where there has been denial or destruction of tolerance. In such circumstances

tolerance is unable to tolerate what is the denial of tolerance itself.

Placing limits on the above mentioned situations is actually highlighting the need for tolerance.

Curbing tolerance is an expression of a need, a need for parameters so that one would know that beyond a certain point it is not tolerance but something else. One would be sanctioning some things which in themselves are an expression of intolerance. Also if tolerance was absolute and unchangeable even when things get worse, it would mean that it has in "fact [become] repressive in character" (Rahner 1975:1726) and that one has been dominated and by become a slave of tolerance.

If there were no limits to tolerance, it would be tantamount to letting tolerance destroy itself. It would be open to abuse. It would lose what it intends to foster - viz. the respect of people, their freedoms (and allow them to think and act as they wish), and the common good. It would therefore defeat its own aims. Tolerance is not about destruction of community values.

Tolerance is limited because it is not the highest value. If limits were not set, it would mean tolerance is the highest value. And yet tolerance is a value among values and it is not abstract or absolute. Since it is not the highest value, it has to learn to accommodate and lend

support to other values. If it is so, then "some restraints are thus justified if they are likely to preserve a balance between tolerance and other values" (Sullivan, Piereson and Marcus 1985:10). The value of tolerance must therefore be seen from this wider perspective. When there is a conflict of values or principles one value has to be abandoned for the sake of the greater good and a higher value be chosen. If one were able to tolerate those things which deny tolerance, it would mean we are radically unable to distinguish between what is true and false, right and wrong, good and bad. And this would mean a "complete surrender of critical judgment together with a collapse into complete intellectual and ethical permissiveness" (King 1976:133). This would mean tolerance has taken away our capacity to discern. If this were to happen G. K. Chesterton's observation that "tolerance is a virtue of the man without conviction " (as quoted in Gaede 1993:27) would make sense.

It would be incorrect, therefore, in the above circumstances to accuse those who set limits to tolerance as being intolerant because they are defending and promoting a greater good and even the good of tolerance. But if one were to insist and say it is intolerance to place limits on tolerance, then it would be justified intolerance. This type of intolerance cannot be

condemned. And this would further prove that there is a poverty of language. It means there is a lack of a better term.

2.4. UNJUSTIFIED INTOLERANCE

Having stated that placing limits to things which are expressions of intolerance is justified intolerance, this leads one to ponder as to, what is unjustified intolerance? What contributes to it? And what are some of its effects? Unjustified intolerance is the inability or the unwillingness to "put up with a person, activity, idea or organisations of which or whom one does not really approve "(King 1976:21) one taking negative steps so as to stop what is disliked or disapproved. A word that is similar in meaning to this type of intolerance is fanaticism. It is this unjustified intolerance that is referred to as intolerance. Just like in tolerance, in this type of intolerance there is something which is disliked or disapproved and in both cases objections to what is disapproved are expected to be raised. But tolerance is encouraged and seen as a virtue while intolerance is frowned upon. Where do the two differ?

They differ in two respects

- (a) on their motives (disposition) for allowing and not allowing what is disapproved

(b) in the way the disapproval is expressed.

When analyzing intolerance the study shall therefore look at the inner conditions and the description (way) of behaviour.

2.4.1. Inner disposition

The intolerant person is unable or unwilling to tolerate because of:

(a) Faithfulness to principles

Tinder (1976:7) is correct when she says "for most part intolerance has been practised by people who felt morally bound to be intolerant. People have usually been intolerant not because they defected from principles but because they adhered to them." There is a sense of duty and exclusive concern for their principles. What is perceived to be of value has to be upheld. Though they are faithful to their principles, they rigidly hold them and compel others to conform to those values. The observation of Kamen (1967:12) that for these people disorder "can never exist with order, or truth cannot exist with error" is correct. Through the actions that they take to express their disapproval, others are alienated from their principles.

(b) Feeling insecure

The exclusive concern for one's belief leads one to be unable to deal with and handle contrary views. The challenges on their principles are felt as something happening to them, that is why they feel "the loss of both security and personal ascendancy" (Tinder 1976:81).

Intolerant persons would not allow ideas, activities or beliefs they disapprove to be expressed since they view them as a threat to their values. Other persons's values and way of doing things are seen as destructive, offensive and dangerous. They do all in their power to express and protect their values. Tinder (1976:48) is of the opinion that "they are mistrustful of man and uneasy about the future."

2.4.2. Manner of objecting

Objection is raised in intolerance so as to limit what can be tolerated. Certain values such as unity, discipline, and order are seen to be threatened. The one who is objecting uses power to curb what is disliked or disapproved. This is to make sure the other party behaves differently and is disadvantaged. One feels that one's cause needs defence and one has the right to suppress what is alien and threatening. Power is used to make sure that others conform to what is absolute and clear. Taylor

(1991:48) is correct when he says there is "no doubt as to the appropriateness of [their] action, and the energy, single-mindedness and insensitivity with which [they] pursue [their] ends." The values of the intolerant person seem to demand and control actions and behaviour in a certain way. The urgency to use one's power to curb is too great to be resisted. Sacrifice for the sake of others is missing. Repression or aggression is seen as a safer and more effective way of guarding what is believed to be valuable. Freedom to allow is viewed as being dangerous. There is usually a disproportion between what is objected to and the act of objection. Taylor (1991:45) believes it is the lack of judgement and failure to be sensitive that brings about this disproportion. There are normal and acceptable ways of responding to what is objected to in any society. They differ from society to society. The moral judgment is usually made on the way the objection is raised since it has negative effects.

Intolerance affects negatively the following:

(a) respect for persons and their freedoms

Mendus (1988:10) feels that intolerance is morally wrong because it fails "to treat persons as autonomous, self-legislating beings who are worthy of respect." It is a manifestation of contempt for

others within society. The manner in which disapproval is expressed in unjustified intolerance tends to harm, injure, embarrass and undermine other people. This in return affects adversely their dignity because it is not affected only "when men cease to live together according to reason [but also] when men are huddled together under a rule of force or fear" (Murray 1965:13). Reciprocity is also severely attenuated. There is a lack of ability to feel for and feel with others. But what one aims at is that others should be in a disadvantageous position.

Furthermore this does not seem to give recognition to their rights of conscience, expression and choice. Persons are compelled to conform to certain acceptable standards. This does not only undermine individuals but their creativity as well. Persons are not given the room to be themselves but are forced to be subordinate.

(b) search for truth

Open competition among ideas and allowing the truth to emerge are blocked because the values are apparent and need to be protected. This further discourages listening, dialogue and discussion.

Search for truth can happen when individuals in society "freely and trustingly share with others the riches of their minds and their hearts" (Flannery 1981:987).

(c) the nature of community

According to Mendus (1988 :18) "holding a restrictive view of what can constitute a good life" and imposing that on others is against the nature of community. This exclusive notion of life does community no good because people have to live their diverse and even conflicting lives and views in freedom. Mendus (1988:182) is correct when she says "the whole notion of exclusive ... is inhuman ... because it tends to create hostility and to separate people".

(d) the good of society

Though intolerance is sometimes for the good of society so that "the need of society should be readily apparent to everyone" (Tinder 1976:57) it nevertheless yields negative results such as conflict and social unrest. Instability occurs in society when people are forced to live a life which is contrary to their beliefs. In as much as conflicting principles may seem to create disorder,

where there is mutual respect and tolerance they lead to stability in society.

2.5 CONCLUSION

What has been seen in this chapter is that the very foundations of tolerance, i.e. its motives and conditions also place limits on what can be tolerated. They limit anything which is dangerous, outrageous and mortally threatening to individuals and the welfare of society. It has also been established that the effects of intolerance are the very ones that destroy the motives and conditions for tolerance. When discussing the components of tolerance, the importance of attitudes was highlighted. It was mentioned that one's actions begin within one's heart. From the discussion on intolerance, it is clear that it is intolerant attitudes that bring about intolerant actions. Attitudes and the manner of objecting to what is disliked or disapproved of are what also distinguish tolerance from intolerance.

There is a need to look at and learn from church history and see how the church dealt with this complex issue of trying to allow others to be themselves and yet at the same time make sure what is valuable is defended and protected.

CHAPTER THREE

PRINCIPLES APPEALED TO IN CHURCH HISTORY TO JUSTIFY TOLERANT AND INTOLERANT ACTIONS

3.1. INTRODUCTION

In this chapter selected episodes in church history are used to examine the theological principles that Christians in those incidents appealed to in some cases to plead for tolerance and in others to justify what appeared to be intolerant actions. Six episodes have been chosen,

- (a) the Montanist movement, which is a pre-Constantinian example. In this example there is no state interference in a particular religious incident,
- (b) fourth century Donatists, where the church and emperor acted together for the sake of unity of doctrine and Empire,
- (c) eighth century Charlemagne, the state leading the church into converting non believers,
- (d) a post reformation example of sixteenth century Michael Servetus,
- (e) the 17th century incident, looking at how Puritans

in England were treated and how they turned the pendulum when they were in power and also the events that led to the Toleration Act,

(vi) the modern example, the Second Vatican Council and the contribution its documents and actions made.

In each example we will look at issues involved, the perceived threat to the church, what approach the church adopted, principles appealed to, and lastly when viewed from the perspective of the 20th century, what issues of tolerance and intolerance are raised.

3.2. MONTANIST MOVEMENT

This was a second century movement in Asia Minor that reacted "against the coldness and worldliness of the churches, and to declare that a new dispensation, that of the Paraclete had begun" (Wand 1937:57). Its founder was Montanus, who, newly baptised, seized by the Spirit and became a prophet of the Spirit. Two women, Priscilla and Maximilla, were also speedily influenced by this Spirit, and became his disciples and prophetesses. The focus of their prophesy was concerned with the expected immediate end of the world. Because the end of the world was seen as imminent, a rigid form of Christianity was introduced. They began to live in and for the world of the future, and were opposed to the kingdom of this world. Marriage,

private property, vanities of female dress were renounced and fasting became one of their frequent spiritual exercises.

This movement had its own hierarchy parallel to that of the official recognized hierarchy in which women were admitted to leadership offices "after having received proof, in Priscilla and Maximilla, that even the female sex was able to receive the Holy Spirit: a feature offensive to the regular church" (Lietzmann 1974:199). Men and women were able to participate "equally as the vehicles of the Spirit" (Frend 1984:255). The prophesy of Montanus and his disciples began to excite people and the movement began to flourish among Christians in rural areas. Because many actions of this movement departed from the recognized Christian standard, they became a threat to Christian unity.

During this time the church was seeking a peaceful association with the world "in the interest of protection and development of the [church] communities" (Hoornaert 1989:104). This prophecy became a difficult matter for the church, the church leadership saw it as being a threat to development. The official church refused to recognize this new prophecy though it could find nothing against Montanism that was contrary to the doctrine of the church. "Therefore, the only remaining recourse was to attack the

persons i.e. to raise doubts about the genuineness of the prophetic movement itself on the ground of a "proving of the spirit" by the deeds of its instruments" (Lietzmann 1974:199).

There was an increasing sense of hostility between the church and this movement. "The bishops whose positions as leaders of the churches were threatened could however, assert that the prophecy was inspired by the devil and moreover that the prophets 'should not speak in ecstasy' which they did" (Frend 1991:70). The bishops did not want to be labeled as "prophet slayers" that is why they tried to prove that the prophecy of the Montanists was not genuine but the work of demons. The Bishops even tried to exorcise those possessed by the spirit. This made members of this movement feel harassed and persecuted by the Church.

Ireneaus called for a more tolerant approach towards this movement. In its defence he spoke about sin against the Holy Spirit for those who refuse to recognize the new revelations of the Spirit. He went as far as placing the representative of the work of the Spirit, the visionaries and martyrs, "alongside of episcopacy as the guiding force in the church. Every just man was of priestly order, he declared ... False prophecy he condemned, but no believers in Montanus' message would call his prophecy false" (Frend

1991:70).

Tertullian of Carthage, an ordained priest, joined this movement because he "was attracted by their intense zeal and hard rigorism" (Wand 1937:79). As a Montanist, he continued to campaign against everything that represented the political society.

All the other attempts including trying to discredit the prophetic movement did not help. The church had to deal with the situation. It believed that error was being preached and was drawing people away from the church. To try and deny the Montanist prophecy, the church closed the canon of Scripture. "Thus the possibility of a new revelation was excluded by establishing an authoritative New Covenant side by side with the Old" (Wand 1937:59).

ANALYSIS

The church could not tolerate the Montanists because the good of the church was at stake. The church felt that its unity was threatened because many of its members were being drawn away from it and joining this movement. Its authority was also threatened by the fact that this movement had set a parallel leadership.

Furthermore the peace it wanted so as to coexist with the world was threatened. Having come out of persecution, it

could not afford again to be harassed.

The church acted against this movement by discrediting this movement for not being genuine prophets as they claimed to be, but people possessed by demons. The members of this movement were exorcised for being possessed. Finally the church closed the Canon of Scripture so that this movement would not add more books to the bible by their revelations.

Though these actions do not fully express intolerance on part of the church, they do reveal intolerant attitude. There were those who felt that the church was intolerant through its actions and they pleaded for this movement to be tolerated. They felt that there was need to recognize and allow the Spirit to blow in this movement and that the respect needed to be extended to the members of this movement just as it was given to others.

3.3. DONATISTS

The Donatists were a separatist group from the Church at the end of the persecution of Diocletian who wanted to have nothing to do with the lapsi (these were people who had shown weakness in the face of persecution).

Diocletian ordered that the Christians hand over its Scriptures, register churches and destroy some church

buildings. Some clergy complied with the edict and they handed the scriptures to pagan magistrates. They were thus "held to have lost the spirit" (Frend 1952:13) and were known as traditores (surrenderers). Many held that in the aftermath of the persecution the Church should be "composed of those who had defied persecution and to it the lapsed could only be admitted after severe penance [and rebaptism]" (Frend 1952:20). The Donatist movement rejected the readmission of lapsi under any conditions and membership was based on the purity of their members. The church for them was a society of the elect without spot or wrinkle.

The consecration of Caecilian as bishop of Carthage in 311 brought the dispute of the traditores and those who defied the persecution back to the fore. One of the bishops who consecrated Caecilian was suspected of being a traditor. In the light of this, Donatists challenged the validity of the consecration. They claimed that they adhered strictly to the teaching of Cyprian and Council of Carthage on the nature of the church where it was resolved that bishops who were apostates were excommunicated and their sacramental acts such as baptism, Eucharist and ordination were null and void. The Donatists were the uncompromising voice of their local church and tradition.

The election of Caecilian was "a victory not only for

those who considered that compromise with the world was justified, but also for those who were prepared seriously to modify the teaching of Cyprian" (Frend 1952:143). The division and the differences between these two camps became more evident and widened and that continued for about a century.

Non-theological factors or differences (such as ethnic, social, economic and cultural divisions) played a significant role in the dispute. The Donatists came from villages and had followers among the agricultural workers. Donatism for these people even though it was a religious movement, was also "an expression of hope for relief from earthly toil and deep felt protest against injustices of the existing social and economic order" (Frend 1984:655). It was the church of the African underprivileged and its support was rooted in Africa.

The Caecilians on the other hand came from the most Romanized areas, cities and towns. The "cities and villas represent Roman civilization in Africa " (Frend 1952:35). Caecilians followers were largely wealthy Romanized people but were still in Africa. The support of the Caecilians was widely spread but too distant.

When the Emperor Constantine heard what was happening in Africa, he felt that an urgent restoration was needed

because it was affecting the material position of the empire. According to Frend (1952:144) Rome and Italy were being provisioned with oil and cereal from Africa. In view of the fact that the "ministers of God [were] wrangling among themselves like ordinary litigants" (Frend 1952:150) and their fighting did not benefit the empire, he thought of putting order in the church. The emperor felt that he had a duty to expel error and destroy "rash opinion to cause all men to agree together to follow true religion ... and render to God almighty the worship which is His due" (Frend 1952:159). He felt he had to serve God's church by suppressing its enemies. In his quest "to 'confirm the Catholic faith' [Because] the Donatists ... had discoloured Africa with vain error and superfluous dissension" (Frend 1952:280), the emperor imposed the most severe laws on North Africa. Having made up his mind about who was a rightful bishop, the Churches held by Donatists were confiscated and the Donatist leaders were to be sent to exile. Clergy belonging to Caecilian's group were exempted from tax. In this way Constantine demonstrated his favour for Caecilian and attempted to enforce Donatists to submit to orthodox Christianity.

The attempts by the emperor to restore order and unity in the African church were resisted. The Donatists became defiant and violent. Their violence was "an answer to the

use of force by the Catholics" (Banttehouse 1955:229). Their use of violence was in self defense. While the Emperor did the persecution for the Church, the Donatists had an extreme military wing called the Circumcellions. They were "armed with crudest of weapons, having religious scruples about use of sword" (Banttehouse 1955: 179). They dealt severely with opponents of the Donatists and those who defected from the Donatists. Their cause demanded no turning back. Harsh measures by the Emperor did not solve the Donatist problem and "Constantine recognized the hopelessness of trying to restore religious unity to Africa and granted the Donatists toleration" (Frend 1952:161).

When Augustine came to Hippo as bishop the situation was relatively calm. There was coexistence and even mixed marriages between these two camps. He decided to go on the offensive because the Catholics were a minority in Hippo. He felt threatened and insecure by the gains made by the Donatists. He saw that it was just a matter of time before the Catholics were absorbed into the Donatists. Mixed marriages which had become an acceptable practice in Hippo were forbidden with immediate effect. By this he did not want them to be under the influence of the Donatists.

Augustine wanted to "persuade the mass of the Donatist

church to reunite with the Catholics. If they refused, the secular arm would stand ready to deal with them" (Frend 1952:228). Since he regarded the Donatists as heretics, he thought of holding a council which would condemn them and he thought that this would solve the problem. "All would be well. Unity would be restored" (Frend 1952 :234). But it was not to be so. The Donatists were firmly rooted and they were convinced of their position.

When Augustine and his followers saw that the Donatists were defeated less by argument, they went on the offensive. Augustine became convinced that they needed firm handling and to discipline them would be a corrective measure. He justified his position by looking to the Old Testament, where God disciplined his chosen people whenever they strayed away from him by "punishing their tendencies by a whole series of divinely-ordered disasters" (Brown 1967:237). In this case God was intervening through the secular arm of the emperor. The Donatists were like children who have erred and needed to be corrected. The Imperial edicts were viewed as an effective way of bringing them back. This view is supported by the letter Augustine wrote to Vincentius, the Rogatist bishop of Carlemona, "for originally my opinion was that no one should be coerced into unity of Christ,

that we must act only by words, fight only by arguments, and prevail by force of reason ... But this opinion of mine was overcome not by the words of those who controverted it, but by the conclusive instance to which they could point. For in the first place, there was set over against my opinion, my own town, which although it was once wholly on the side of Donatus was brought over to the Catholic unity by fear of Imperial edicts" (Frend 1952:239).

Since Augustine regarded the Donatists as heretics, he felt that the church had the right to appeal to the secular arm so as to apply the existing anti heretical legislation which made heresy punishable by law just like civil crimes. The Donatists would be brought back to unity through fear and compulsion. However, that attempt also did not achieve what it was intended to do.

ANALYSIS

The church and the Emperor acted against the Donatists because the unity of the Church was threatened. The dispute led to division in the church. There were two churches viz, the Donatists and the Catholic church.

The truth was at stake. The Donatists were seen as preaching error. Error had to be expelled and the true faith confirmed. And this would lead to the true worship

of God.

The common good was affected. Socially people were divided along the lines of these different churches. Their fighting threatened the order of the empire. The economic base was threatened. This was going to affect the oil and cereal that was exported to Italy.

When argument, discussion and debate failed to resolve the conflict and bring the Donatists back, the church felt limits to what can be tolerated were set. Physical force was used. Augustine felt that force would be effective in bringing them back. Force would instill fear in them. It had worked in the past and he thought it would be effective again.

The use of physical force was complicated by the close relationship between the church and the state. It was left to the state to use it. The intervention of secular authority in matters of faith was understood and acceptable during this time. There were laws that were in place to fight heresy. The state had made it its duty to safeguard the doctrine and the unity of the church. Though the church and state intervened physically, that did not heal division but led to more violence and loss of life. It made the Donatists to see themselves as having the marks of the true church, one of them being persecution.

3.4. CHARLEMAGNE AND THE SAXONS

For centuries the Saxons had been neighbours of the Franks. They were constantly making inroads in Frankish lands. Charlemagne had to protect his Kingdom by keeping the Saxons at bay through unceasing vigilance and frequent campaigning in their own territory. Despite attempts made to convert the Saxons to Christianity they still remained pagan. They were so fiercely attached to their independence. Charlemagne understood that "Saxony, if independent, would always be a menace to his states. Conquest was a necessity; it was the only way to gain North Germany to the Christian religion, which Charles considered more than ever that it was his duty to spread" (Ganshof 1971:19) and of course to protect his kingdom. His primary aim was to bring all Saxons under Carolingian government.

A full scale war was undertaken against the Saxons. When they were conquered, Charlemagne imposed on them a series of harsh measures in order to prevent any possible defection. Under a threat of death, Paganism was abolished, Christian religion and loyalty to the King (authority of the Franks) were imposed. Louis Halphen (1977:49) is correct when he says "never had there been a more brutal method of compelling, at any cost, a country that had been free a moment ago, to submit to the law of

the victor". The following are just some of the measures given to make sure that political inclusion went hand in hand with ecclesiastical inclusions:

Decisions "were taken first on the more important items.

All were agreed that the churches of Christ which are now being built in Saxony and are consecrated to God should have no less honour than the temples of idols had, but rather a greater and more surpassing honour.

If anyone in contempt of the Christian faith should spurn the holy Lenten fast and eat meat, let him die; but let the priest enquire into the matter, lest it should happen that someone is compelled by necessity to eat meat.

If anyone follows pagan rites and causes the body of a dead man to be consumed by fire, and reduces his bones to ashes, let him pay with his life.

If there is anyone of the Saxon people lurking among them unbaptized, and if he scorns to come to baptism and wishes to absent himself and stay a pagan, let him die.

If anyone takes counsel with pagans against Christians, or wishes to persist with them in hostility to Christians, let him die; and anyone who treacherously approves of this against the king or

against Christian people, let him die.

If anyone is shown to be unfaithful to our lord the king, let him suffer the penalty of death.

However, if anyone has committed these capital crimes and has gone undetected, and goes of his own accord to a priest and is willing to make his confession and undergo a penance, he shall be excused the death penalty on the priest's testimony.

On Sundays there are to be no assemblies or public gatherings, except in cases of great need or when an enemy is pressing; rather let all attend church to hear the word of God, and give their time to prayers and lawful occupations. Likewise on the greater feast days they should gather to serve God and his Church, and put off secular business." (Loyn & Percival 1975:51).

These measures safeguarded both the unity of the state and the church. The interests of emperor coincided with the interests of the church. The attempts to protect and spread his empire went hand in hand with the protecting and spreading of Christianity.

Charles was not without ecclesiastical support, Pope Hadrian actually congratulated Charles for having "brought

that whole Saxon race to the holy font of baptism ! So much the more we give praise to the Divine Mercy because in our and your time the people of the heathen have come beneath your royal sway into true and perfect faith" (Duckett 1965:128).

Fortunately even in the eighth century there were churchmen like Alcuin who were opposed to the forceful way of converting the Saxons. He felt, citing St Augustine, that "faith is an act of will and cannot be enforced" (Easton & Wieruszowski 1961:122). For him baptism had little or no benefits "unless the soul had first accepted the truth of the Catholic faith on rational grounds" (Easton & Wieruszowski 1961:122). Alcuin discouraged force that went with the imposition of religion. On the other hand he encouraged that people be taught freedom of conscience and choice in matters of religion be respected.

ANALYSIS

Charlemagne felt that limits to what could be tolerated were set because of the good of society. The peace and safety of his people were threatened. The Saxons were constantly attacking his kingdom and he felt obliged to defend his people.

Since the Saxons were not Christians, he saw it as his duty to advance the work of evangelization. He wanted to

spread Christianity among them. This spreading went hand in hand with spreading of his kingdom.

To achieve the above he physically attacked the Saxons. When he conquered them he incorporated them into his kingdom. He forced them to be Christians. Finally ecclesiastical laws and practises were used as political weapons to keep the Saxons Christians and faithful to the kingdom.

There were those who appealed for tolerance such as Alcuin. He saw the measures applied as going beyond what could be acceptable. He pleaded that the faith should not be forced because it is a matter of conscience. His plea fell on deaf ears. The church at this time, blinded by the position of privilege, did not oppose this but showered praise on the Emperor for bringing the Saxons to the church. Evangelization became more important than granting the Saxons the freedom of conscience.

3.5. THE EXECUTION OF MICHAEL SERVETUS

Michael Servetus (1511 -53) was burnt to death at the gates of Geneva for challenging the doctrine of the Trinity. He had published a book entitled on the Errors of the Trinity (1531). In it, he expressed his anti - Trinitarian views. Not only did he reject the doctrine of the Trinity but also infant baptism and "suggested that

baptism should be postponed until a believer was thirty years old" (Estep 1986:243).

Because of his startling opinions he was blacklisted by the Inquisition and had to retire from public life and disguise his name. He was sought so as to face the inquisition, death sentence was given to him in his absence.

He began to have contacts with Calvin, hoping to have a friend in him. Servetus' views did not only alarm the public but Calvin as well. Calvin vowed that if Servetus was to come to Geneva "I will never let him depart alive, if I have any authority: (Estep 1986:243).

He came to Geneva in 1553 on his way to Italy. Estep (1986:243) is of the opinion that Servetus came to Geneva because of "lack of judgment and his confidence in the rightness of his opinion, coupled with his serious misunderstanding of the situation in Geneva." He was arrested, tried sentenced and burnt to death at the gates of Geneva. The reason given by the Town Council, a body of laymen, was that Servetus had "promulgated false and thoroughly heretical doctrine, despising all remonstrances and corrections, and that you have with malicious and perverse obstinacy sown and divulged even in printed books opinions against God the Father, the Son and the

Holy Spirit, in a word against the 'fundamentals of Christian religion, and that you have tried to make a schism and trouble, the church of God by which many souls may have been ruined and lost, a thing horrible, shocking, scandalous and infectious "(Bainton 1953:91).

Calvin participated in the trial of Servetus providing evidence against him though privately he tried to get him to recant. He approved that he should die, because in "cases of heresy the glory of God must be maintained regardless of all feelings of humanity" (Mc Neill 1957:176). Although he tried to have his sentence lightened to a simple execution, he was unsuccessful. Servetus also tried to plead for mercy but in vain. He was burnt to death for undermining the majesty of God, causing scandal and leading souls astray. Before "he died, Servetus asked Calvin to forgive him, and with his dying breath he prayed to the eternal Father and his Son" (Estep 1986:243).

But there were those who protested against the burning of Servetus, David Joris and Sebastian Castellio. David, writing before the execution of Servetus pleading for tolerance said " I hope that the blood thirst counsel of the learned will not weigh you. Consider rather the precepts of our only Lord and Master, Christ who taught not only in human and literal fashion in scripture, that

we should crucify and kill no one for his faith but should rather be crucified and killed ourselves" (Kamen 1967:76).

Sebastian Castellio also expressed support for tolerance for heretics. He went on to point out that some teachings on Baptism, Lords supper, justification, predestination and others are not clearly defined in scripture. He went further to reject the concept of a heretic by defining the heretic "as one with whom we disagree. And if, then, we are going to kill heretics the logical outcome will be a war of extermination since each is sure of himself" (Bainton 1953:111). The form of punishment that he preferred for heretics was excommunication after the first and second admonition. He supported that by quoting the Epistle of Paul to Titus 3:01-11. The one thing worse than heresy for him was to "be forced to profess what one believed false [and this] was to sin against conscience through hypocrisy, whereas the 'heretic' should be allowed to hold to what his conscience dictated" (Kamen 1967:78).

Kamen (1967:76) is correct when he says that "Calvin acted in accordance with the dictates of the time and his own conscience. Blasphemy against the Trinity was universally abhorred among Christians" The sentence that Servetus received also reflects the practice of that time—death for an obstinate heretic. The man had wrong views and so he had to die.

ANALYSIS

It seems strangely unreal that a person could be sentenced to death because he held wrong religious beliefs. But at that time people believed they had legitimate grounds for doing so. Both Catholics and the Protestants agreed that Servetus had to die because the truth was at stake. The ideas of Servetus were found to be heretical. The truth and the faith had to be defended.

He was found to have undermined the dignity of God. It was undermined because Servetus' writing spoke against the majesty of God.

The good of society and the church was affected. The false ideas Servetus was preaching not only shocked the people but misled them from the true faith and this would have led to schism and trouble.

Because of his ideas, Servetus was warned, corrected and when he insisted he was sentenced to death in absentia by the Inquisition. And finally he was burnt at the gates of Geneva for not changing his mind.

There were those who protested and pleaded for tolerance on his behalf. They strongly felt that there was a need to respect differences, to respect conscience in matters of faith and because issues were not clear in scripture

that made people to differ. They proposed a more lenient approach in disciplining those who held a different teaching. People should be admonished and then excommunicated if they persisted.

3.5. PURITANISM

When Elizabeth (1558 -1608) in England came to power, she persuaded parliament to pass the Act of Supremacy and Act of Uniformity, in which the Church of England was openly Protestant (The Edwardian Prayer Book was prescribed), though in its administration and ceremonies, it resembled the Catholic church (clergy were compelled to wear vestments). By this move, she wanted to keep the Church of England free from foreign influences and yet it should be able to meet the spiritual needs of the English people. This move "was broad enough to attract moderates of all persuasions, yet firm enough to leave the extreme positions on either flank without any real sources of support in the country" (Erikson 1966:35). The Prayer Book was enforced by the law and episcopacy was the only legal form of church government. The Catholics went underground and Protestants were absorbed by the structure and became militant voices within the church.

The "Puritans" as they were called, wanted more reforms than those which were offered by the crown. They were

dissatisfied with the workings of the established church. They were scandalized by the fact that the prayer book, the ceremonies and postures, which they regarded as being Roman were part of their church. In short they regarded Elizabethan Settlement as unsatisfactory. The Queen did not like the Puritans. She regarded their demands as a political danger and she felt that they would alienate many people.

In order to promote her policy, she surrounded herself with people who would help her and one of those people who could help in pursuance of the policies was Archbishop Parker. Elizabeth demanded Archbishop Parker to "investigate the 'varieties, novelties, and diversities' which she feared were disturbing the ordered ceremonial of the church" (Watts 1985:18). When the Queen's suspicions were confirmed, strong measures were issued, forbidding priests to preach without licences from their bishops and enforcing wearing of vestments. Those who refused to comply were suspended by the Archbishop. Clergy were deprived of their benefices and because of this move others resigned. Those who preached "civil disobedience led to stern measures being taken against them, and a few were burnt" (Moorman 1963:211). The attempts by the Archbishop Parker to force clergy to wear vestments was met with protest. An anonymous person wrote that the queen

"hath no authority to compel any man to believe anything contrary to God's word, neither may the subject give her grace the obedience, in case he do his soul is lost for ever without repentance." (Watts 1985:25).

When Parker died and Grindal was made Archbishop, this offered hope to the Puritans. His "sympathies lay really with the Puritans rather than with the churchmen, and his support of the 'prophesying' aroused the royal disapproval" (Moorman 1963:213). His working experience with Elizabeth was to prove tough and different.

During Grindal's reign Elizabeth asked him to forbid and suppress popular meetings which were known as "prophesying" and to reduce a number of licensed preachers. These meetings were "periodic gatherings in market towns of the clergy of the surrounding countryside for the study and exposition of the Scriptures. These deliberations were often open to the public and proved a fruitful means both of providing 'extra-mural education' for the clergy and stimulating theological debate among the laity" (Watts 1985:26). The Queen was opposed to these meetings because they would lead people to be disloyal and subversive. When Grindal refused to act, he was suspended. He defended these preachers and meetings as their right to educate themselves for their work.

There were those who protested against the action taken, people such as Harrison and Browne. They rejected episcopal authority and wanted authority in the church to rest with believers. The Puritans began to ignore the episcopacy. They placed themselves "under the discipline of a 'classis' or local committee of presbyters who came to wield considerable power" (Moorman 1963:210). These two developments, prophesying and classis were serious and dangerous; they began to undermine the authority and worship of the church. Elizabeth banned the "seditious, schismatical and erroneous" (Watts 1985:33) ideas of these men.

When Elizabeth I died in 1603, James from Scotland was invited to unite the crown of England and Scotland. He found the church in England divided; there were Romans, the Puritans and the established church of England. The Puritans had hoped for greater things from James since he came from a Presbyterian Church. But it was not to be so, he aligned himself with the established church of England. The Puritans demanded from the king to be allowed to preach freely. The king referred their demands to the conference which came out against their demand but in favour of the established church. James expected everyone to conform or "I will harry them out of the land, or else do worse" (Moorman 1963:224).

Charles I succeeded James as King of England in 1625. Charles based his claim to supremacy on the theological grounds of "the Divine Right of Kings" (Moorman 1963:221). Charles had inherited this belief from his father who believed that "Kings are not only God's lieutenants here below and sit upon God's thrones, but even by God Himself are called gods"(Moorman 1963:226). That is why Charles had declared "I owe the account of my actions to God alone" (Moorman 1963:226). As a king he had to decide on both state and church matters. Other people were there to see that the king's wishes were carried out.

Charles dissolved Parliament and governed by the Royal Prerogative and church matters were handled by Bishop William Laud who was a bitter opponent of Calvinism and Puritanism. He was disliked by Puritans. Through uniformity and enforcement of the law, he had hoped to preserve the unity of the church. "He loved to dwell on the God-given powers of kings and bishops, who together must govern church and state. "the king is the sun. He draws some vapour, some support some supply from us. Similarly, a bishop is the successor of the Apostles, deriving his authority from Christ himself. A bishop's power ... is exercised only with king's permission, but the power itself is by divine apostolical right and

unalterable" (Edwards 1989:201). Such reassertion of the bishop's authority caused an uproar among the Puritans. Grindal wanted authority to be obeyed.

The Puritans who opposed Laud's measures had their ears cut off, Charles was adamant. 'The King can do no wrong' (Moorman 1963:227).

When there were signs of opposition or civil war, Charles summoned Parliament which had been suspended for eleven years. Seventeen canons were passed. The Divine Right of kings was endorsed. Charles was also presented with grievances against him and Laud by Parliament. Feelings against Laud were expressed as follows, "We are now fallen upon the great Man the Archbishop of Canterbury. Look upon him as he in Highness, and he is the Sty of all Pestilential filth ... the great and Common Enemy of all Goodness and Good men." (Moorman 1963:232). For the sake of public good, Laud had to be removed from his office and a week later he died.

Civil war broke out in 1642 because the king had attempted to impose on the church in Scotland the ways of the English Church. He had imposed a Prayer Book which was identical to the Book of Common Prayer. Two sides were fighting. Those on the side of the king believed they

were defending "the will of God - civil government by the King, the church government by the bishops ... They believed in the monarchy and they believed in the church" (Moorman 1963:237).

On the other hand there were Parliament and Puritans who were "convinced that they had the bible on their side... They stood for Protestant faith, for the individual conscience, for private judgment against royal authority." (Moorman 1963:237). Because of the civil war, church property was destroyed. During the civil war parliament met and abolished episcopacy and the Book of Common Prayer and this was imposed on all the people of England. Those who objected were ejected from their livings, others went into exile, others were jailed. The Puritans had taken over.

There were those who felt there was no liberty even under this new order. A new group called 'Independents' rose and one of its most distinguished persons was Oliver Cromwell. They believed that "every man ought to be free in the worship and service of God, compulsion being the way to increase, not the number of Converts, but of Hypocrites" (Prall 1968:96). Cromwell believed that there can never be peace as long as the King was alive. He hated "Charles Stuart, that man of blood... We will cut off his head with the crown upon it" (Moorman 1963:240). Cromwell's wishes

were fulfilled, Charles was sentenced to death and was beheaded on 30 January 1649, much to the shock and outrage of many people in England.

Though Charles was hated by many, he now became a hero, a martyr and a "symbol of a patient sufferer who lays down his life for his creed and for his church" (Moorman 1963:241). It seemed to be unwise therefore for Cromwell to have arranged for the king to be executed because of the effects it had, the confusion and resentment of what others saw as the defiling of their church. More people went into exile.

The government in 1653 issued the instrument of Government in which it stated that "people were not to be compelled to any public profession of their faith, binding them to any particular church, but were free to go where they liked and to worship in the way which suite them best such as profess faith in God by Jesus Christ ... though differing in judgment from the doctrine, worship or discipline publicly held forth, shall not be restrained from, but shall be protected in the profession of the faith and exercise of their religion" (Moorman 1963:244). Though the government had extended toleration, it was not to be extended to Roman Catholics because they had a foreign leader, the pope.

When Oliver Cromwell died in 1658, the monarchy was restored. Many were happy that the period of anarchy would soon be over and were willing to accept any settlement imposed on them.

Charles II, the new king declared his intention by issuing a declaration in which he promised "a liberty to tender consciences .. that no man shall be disquieted, or called in question, for differences of opinion in matters of religion which do not disturb the peace of the kingdom" (Watts 1985:221). By this Charles desired a religious toleration. With the help of Charles II, the established Church of England was restored, episcopacy and Book of Common Prayer were reintroduced. Puritans were not happy with these moves.

A clear line was drawn between conformist and non conformists. A series of Parliamentary Acts collectively known as the Clarendon code were passed whose aim was to control and penalize those who were dissenting. This code included the demand that those holding civic offices would not take arms against the king. They were also required to receive "the Sacrament of the Lord's Supper according to the rules of the Church of England" (Edwards 1989:437). And it also made it illegal for anyone over the age of sixteen to attend any "assembly, conventicle, or

meeting under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practise of the church of England" (Moorman 1963:252). Fines were imposed on those who defied the law. Goods of the dissenters were seized and sold.

Charles II died and was succeeded by his brother James II who was openly a Roman Catholic. Because he was a Catholic, he was distrusted. James was "sure that God had given him authority and that he had no need to concern himself much with lesser men's reactions" (Edwards 1989:455). He had hoped for an alliance between Catholics and the established Church of England and he promised to protect the Church of England. In 1686, he passed an act which enabled Catholics to hold high office and a commission was also set to enforce pro-Catholic policy on the Church of England. When he saw that the Church of England would never consent to the liberty he wanted for Catholics, he became close to the dissenters. He repealed all the laws against them. Many were opposed to this idea. As the opposition to his policy hardened, he also insisted on his authority.

Unexpectedly, James vacated the throne by running away. Parliament offered it to William and Mary. Both of them realized that non conformists were there to stay. Parliament met and passed an act known as the Toleration

Act. This Act gave the people the freedom to worship in their own way. They were allowed to have their own places of worship. But they had to notify the bishop of their existence. Obstacles that were placed on those in civic offices were also removed. Though it granted freedom to others, there were limits to this Act. Roman Catholics were not granted the same freedom since they had the pope as their leader and he was a foreigner.

ANALYSIS

The monarchy became intolerant towards those who were dissenting. Their actions were viewed as affecting the good of society. Anyone dissenting threatened the public peace and order of society which were seen as important. They were therefore being disloyal and subversive.

The good of the church was at stake. The state had a duty to preserve the church's identity and be free from foreign influence. Dissenters were seen as not only bringing about foreign influence but also undermining the authority and worship of the church.

The will of God was of great importance. Whatever the Monarchy did was based on the fact that they had a Divine right to govern. Anyone who opposed it, was not being disobedient to it, but to God's will.

Actions were taken against those who were opposed to the established church, actions such as depriving and withdrawing preaching licences, banning their meetings, arresting and sending to exile some of them, burning them and also discriminating against them in all important positions be it in the monarchy, institutions of learning, seat of government. All these were occupied by those who were members or had sympathies with the established church of England.

Those who were affected by these measures pleaded for tolerance. They felt strongly that there was a need to respect the freedom of conscience in matters of faith, the need to be different and dissent if possible. They needed to freely preach and be protected when doing so.

They felt that tough measures led to instability, for the sake of peace tolerance had to prevail.

Even though they pleaded for tolerance, the actions they took, such as destroying church property, killing of the king, banning of the Book of Common Prayer contradicted their cause. They too became intolerant towards those who were different.

The Toleration Act brought tolerance by abolishing religious uniformity. It sought to promote freedom of conscience, association and assembly. Tolerance was

extended to those who did not profess or practise the beliefs of the Established church of England. The minority views were protected. This tolerance was not extended to Catholics and Atheists. The Catholics owed their allegiance to the foreigner, the Pope. Atheists could not be trusted in their oath.

3.7. VATICAN II

In the twentieth century, a new direction that seeks to repudiate the past and create a situation in which intolerance will never occur in religious matters in Catholicism has been created by Vatican II. Pope John XXIII demonstrated his sincerity in improving relations with all Christian believers inviting them to Vatican II to listen and be part of the proceedings. According to Flannery (1981:452) "the restoration of unity among all Christians [was] one of the principal concerns of the Second Vatican Council"

Secretariats for the Promotion of Christian unity and Non Believers were formed to further improve ecumenical relations. Two important documents on Ecumenism and Religious Freedom were passed. The Decree on Ecumenism gives the principles which would govern Catholics in approaching Ecumenism. This decree does not fail to recognize the differences or attempt to hide them but it

stresses what is held in common. Paragraph 3 of the document bears testimony to that, "In this one and only Church of God from its very beginnings there arose certain rifts, which the Apostle strongly censures as damnable. But in subsequent centuries more serious dissensions appeared and large communities became separated from full communion with the Catholic Church—from which, often enough, men of both sides were to blame. However, one cannot charge with the sin of the separation those who at present are born into these communities ... and the Catholic Church accepts them with respect and affection as brothers ... Without doubt, the differences that exist in varying degrees between them and Catholic Church ... do indeed create many obstacles sometimes serious ones, to full ecclesiastical communion. The ecumenical movement is striving to overcome these obstacles. But even in spite of them it remains true that all who have been justified by faith in baptism are incorporated into Christ. They therefore have a right to be called Christians, and with good reason are accepted as brothers by the children of the Catholic Church" (Flannery 1981:455).

The aim of the Council is to promote unity through dialogue and also by avoiding "expressions, judgments and actions which do not represent the condition of our separated brethren with truth and fairness and so make

mutual relations with them more difficult" (Flannery 1981:457).

The idea of improving ecumenical relations was taken further by Pope Paul VI. He met the Patriarch of the East in the Holy Land and both lifted mutually the anathemas and excommunications which were pronounced by their predecessors in 1054. Pope Paul VI further received Archbishop Michael Ramsey of Canterbury in 1966 "and embraced him as brother" (Holmes & Bickers 1983:288).

Vatican II in its document on Religious Freedom advocates principles on which religious liberty is based. These principles are the same as some of the principles for tolerance. They also contradict some of the Syllabus of Condemned Errors composed by Pius IX in 1864.

During his reign, he was faced with indifferentism and Rationalism in its various forms "which considers natural reason as the only source of human knowledge, and therefore rejects revelation as hostile to man's autonomy and to true human progress" (Neuner & Dupuis 1983:35). He condemned these two errors but extended his condemnation to other areas. Thus he condemned the proposition that "every one is free to embrace and profess the religion which by the light of reason he judges to be true" (Neuner & Dupuis 1983:283).

By contrast Vatican II asserted

(a) that Religious freedom is a right of every human

person. It is based on the "dignity of human persons as known in scripture and reason itself" (Dignitatis Humanae # 2, in Flannery 1981:800). Since persons have dignity, they are also endowed with conscience.

This conscience should be respected and persons should follow the dictates of their conscience. The council recommends that since religion is a matter of conscience, they should be "immune from coercion ... nobody is forced to act against his convictions in religious matters" (Dignitatis Humanae # 2, in Flannery 1981:800) even if it is error.

- (b) Because persons have a conscience, they have to give external expression to it. They are not to be prevented from giving expression by "publicly teaching and bearing witness to their beliefs by the spoken or written word" (Dignitatis Humanae # 4 in Flannery 1981:803).
- (c) The freedom of expression goes together with the freedom of association. And this is exercised when people freely hold "meetings or establish educational, cultural, charitable and social

organizations"(Dignitatis Humanae # 4, in Flannery 1981:803).

(d) Religion as a matter of conscience is also a matter of choice. The council sees it as the duty of parents to choose the religion of their children, schools and other means by which religions should be imparted. It is seen as violation of the parents' right to choose "if their children are compelled to attend classes which are not in agreement with the religious beliefs of the parents or if there is but a single compulsory system of education from which all religious instruction is excluded "(Dignitatis Humanae # 5, in Flannery 1981:803).

(e) The freedoms of conscience and expression help in the search for the truth. It is the duty and the right of every individual "to seek the truth in religious matters so that, through the use of appropriate means he may prudently form judgments of conscience which are sincere and true"
(Dignitatis Humanae # 3, in Flannery 1981:801).

The council is of the view that this religious freedom like all rights can be limited. It is limited if public

order, peace or common good is violated. Those exercising their religious rights "are bound by their moral law to have regard for the rights of others, their own duties to others and the common good of all" (Dignitatis Humanae # 7 in Flannery 1981:805).

It is the duty of the civil authority to protect against abuse the rights of others and promote the common good or the public order. The council recommends that when these are violated, "in accordance with legal principles which are in conformity with the objective moral order" (Dignitatis Humanae # 7, in Flannery 1981:805) the civil authority should come to the aid of its citizens.

Vatican II's views on religious freedom in a multi faith society in effect reject Pope Pius IX's condemnation of the following proposition "[i]n our age it is no longer advisable that the Catholic religion be the only State religion, excluding all the other cults... Therefore it is praiseworthy that in some Catholic regions the law has allowed people immigrating to these to exercise publicly their own cult" (Neuner & Dupuis 1983:284).

Though the civil authority has the duty to ensure religious freedom and protect against abuse, it is not within its competence to "compel its citizens by force or fear or any other means to profess or repudiate any

religion or to prevent anyone from joining or leaving a religious body" (Dignitatis Humanae # 6, in Flannery 1981:804).

The council also welcomes the fact that in some constitutions there is recognition of religious freedom. But it is also pained by the fact that, though there is a constitutional recognition of this freedom, there is still some interference. The council views the task of civil authority as that of "recogniz[ing] and look[ing] with favour on the religious life of its citizens" (Dignitatis Humanae # 3, in Flannery 1981:802). All people should be treated equally and not be discriminated against on the basis of religion.

Though Vatican II gives principles of religious freedom, at the same time it admits the intolerance of the past in this regard which violated the spirit of the gospel. It goes on to say "although in the life of the people of God in its pilgrimage through the vicissitude of human history there has at times appeared a form of behaviour which was hardly in keeping with the spirit of the Gospel and was even opposed to it" (Dignitatis Humanae # 12, in Flannery 1981:809).

ANALYSIS

Having had the past that was characterised by intolerance towards those who held different teachings, the Catholic Church through Vatican II found itself championing tolerance in matters of religion. It also exhorted governments not to discriminate against people on basis of religion. The reasons advanced were that persons have dignity and this dignity entitles them to freedoms such as of conscience, of expression, of association and of assembly. Through these freedoms the need to promote the unity of Christians through dialogue was seen to be possible.

To show his commitment to the above, the church through its leaders uplifted censures placed by the predecessors and good relations were established. The council is of the opinion that if the freedom of religion affects negatively the common good it should be limited.

3.8 EVALUATION

When one looks at the above, one finds that every period and society defined what constituted tolerance and limits thereof. Issues of tolerance and intolerance were complicated by personal, cultural, political, social and economic issues. Nevertheless a number of principles appealed to to justify intolerance and tolerance come up repeatedly.

The following principles were seen to justify intolerance:

- (a) The good of the Church: Different teachings were viewed as an assault both to doctrine and structures of the Church. They were seen as creating confusion, division and instability. As a result, Church authority and worship were undermined. One finds the overriding need for unity and peace in the Church with the incidents of Montanists, Donatists and Servetus and Puritans. For the sake of self preservation and protection, the Church acted against those who were different.

- (b) The truth: The Church saw itself as an exclusive possessor and protector of the truth. When the very basis of Christianity (doctrine) was questioned it had to come to its defence. We saw this operating in the struggle against the Donatists and in the execution of Michael Servetus. As the custodian of the truth, the church felt it had to preserve the truth in its purity and wholeness.

- (c) Warring for God: Attacking the doctrine and Church teachings did not only affect the Church's structure but also undermined the majesty (dignity) of God. This had to be defended and upheld.

Disobedience to the authority of the Church was seen also as disobedience to God and this necessitated resistance. We find this operating when Michael Servetus questioned the doctrine of the Trinity and when the Puritans resisted the authority of the Established church of England.

- (d) The good of society: church disputes did not only affect the Church negatively but they had adverse effects on society as well. They led to animosity amongst peoples, fear, loss of life and disorder. The church acted against those who were seen to be disturbing order in society and threatening the common good. This was seen with the Donatists, Saxony and Michael Servetus.
- (e) Evangelization: The need to spread the message of Christ to all and make other nations Christians also led to intolerance. Other nations were not always simply invited to be Christians but were forced. There was no respect for their freedom of religion or conscience. This is evident in the manner Charlemagne dealt with the Saxons.

The above are just some of the principles used to justify intolerant actions. The church wielded power and it did not hesitate to use it against those who opposed it. Others had to appeal for tolerance on behalf of those who

had less or no power. The following were some of the principles which were appealed to to plead for tolerance:

- (a) The need to respect the dignity of persons. The dignity which persons have was seen to entitle them to be free from persecution or harm and be given certain freedoms. This was raised by Ireneaus when he appealed for tolerance on behalf the Montanists. The Vatican II also emphasised it as one of the reasons for religious freedom.
- (b) The need to respect the freedoms of persons such as freedom of conscience, expression, association and assembly. In matters of faith the person had to freely embrace, practise and preach it without hindrance. This was the view of Alcuin when he appealed that the Saxons not be forced to embrace Christianity, Sabestian Castellio when he condemned the execution of Michael Servetus, the Puritans when they appealed to freely preach without hindrance and Vatican II emphasizing the need for religious freedom.
- (c) The need to search for truth. This was the opinion of Sabestian Castellio when he was condemning the execution of Michael Servetus. He felt that since

CHAPTER FOUR

THE SOUTH AFRICAN SITUATION

4.1. INTRODUCTION

The image that one has of South Africa is that of an intolerant society that is slowly moving in the direction of being tolerant. The transition which is being experienced at this point in time is not an easy one. There are great signs of hope and mechanisms in place for tolerance and yet there are plenty of crises. Intolerance has for many years been deeply entrenched in the political, social, economic and religious life of this country. And it has manifested itself in various ways, such as in crime, taxi violence, political feuds and fighting among hostel dwellers. The list seems endless. Violence seem to have been accepted as an effective way of solving and settling differences.

Since intolerance has manifested itself in the political and religious fronts, one has to analyze some of these situations and find out why and how intolerance was expressed ? And what ethical issues are being raised by these situations ? The study further needs to analyze the new constitution as the framework for tolerance. And the issues of tolerance and its limits raised by the Choice on

Termination of Pregnancy bill.

4.2. POLITICAL INTOLERANCE

The South African political scene has been characterised by intolerance. The total commitment to both the government's policy of apartheid and struggle against that policy have been some of the major contributors to it.

4.2.1. The policy of Apartheid which dominated the social, economic and political life of South Africa for many decades has contributed to some of the intolerance that one finds in the country. This policy was introduced by the National Party government in 1948. Through various laws and practices, it bred intolerance in individuals and social structures.

There were various pieces of legislation that were introduced so as to enforce and encourage people to develop and live separately because they "differ in their historical origin, group association, loyalties, cultures and ways of living" (Cornevin 1980:3). Laws such as the Group Areas Act ensured that each group was confined to its own residential or business area and that no member of one race group could live and trade or own property in an area of another race group. The Separate Amenities Act made sure that different races had separate facilities

such as transport and entertainment. The list of these laws that promoted and enforced respect for differences was endless. The differences that the people have were seen by the government to be placing limits on the need for unity. For the sake of self preservation, it enforced division.

These laws and other practices contradicted the whole notion of community which is like a " human body though made up of many parts is a single unit because all these parts, though many, make the body " (1 Cor 12:12). While it is true that differences are a reality and have to be accepted, to actually impose that they be maintained at all cost goes against the nature of community which should allow and encourage various forms of life which seem alien and even disagreeable. Persons could belong to one community and still be different. These laws inculcated in the citizens of this country that they were different and that they could not live and interact as citizens of one country. They deprived the people of South Africa the experience of oneness and being enriched by one another. Instead of a community that promoted appreciation and acceptance of differences, South Africa became disparate communities fostering alienation, suspicion, polarization and animosity. These laws and practices further violated the freedoms of choice, association and assembly. They

imposed on the people of this country the type of life they should lead, groups and people they should associate with. People were not enabled to discover for themselves what is good and develop in freedom. As Murray (1965:81) rightly points out, the "human quality of society depends on the freedom of people".

Worse still the majority were barred from participating in the political life of this country and were relegated to a marginal existence. This meant that the government's policy was a "legalised humiliation, a systematic attack upon the dignity of so many human beings" (Nolan 1988:51). It is not surprising that this dehumanizing situation resulted in the formation of increasingly vociferous opposition.

Parliamentary opposition was largely ignored.

Extra-parliamentary opposition was increasingly severely dealt with. The South African government saw the opposition as a threat, a "Communist onslaught under the guise of religion or freedom or whatever, and it is directed against stability, security and progress" (Scholtz 1989:33). The government felt that the communist onslaught manifested itself in boycotts, strikes, news media, student unrest and consequently created instability. There was a need from the government's perspective to ward off the total onslaught with the total strategy. The total strategy was to be carried out "be it

through social, economic, technological and political development and renewal ... in the second instance act with might and main against revolutionaries, perpetrators of violence and other adventurers." (Scholtz 1989:36). The government was determined to crush any person or organisation thought to be responsible for effectively opposing its policies - which it equated with bringing about instability. Draconian laws especially of detention and banning were introduced.

Though it was misuse of power to impede those working for an alternative to apartheid, from the government's perspective it was carrying out its responsibility of looking after the welfare of society. Society had to be protected from criminals, communists or terrorists who were disturbing peace and order. It could not allow people subscribing to a different policy to do so freely when the common good was threatened. Fear went hand in hand with the need to maintain a stable society.

Though the intention of the government was to quell that which threatened the coherence and stability of the state it forgot that its policy was carried out without the consideration of the wellbeing of the majority of the people. And that it had interfered negatively with their rights of conscience, expression, association and assembly which are central to tolerance and participation.

Because of common good and security, dialogue and participation were sacrificed. The opposition could not be engaged in dialogue but was repressed or eliminated through the law.

The government was not the only factor that contributed to the intolerance found in this country, the opposition too had its share.

4.2.2. Opposition to Apartheid

The extra-parliamentary opposition to apartheid also played its role in fostering intolerance through its quest to counteract this policy. Since the opposition saw apartheid as divisive and dehumanizing it sought to bring about its end. Collaboration with the government was discouraged. Various people, groups and organizations opposed to Apartheid did not always have the same understanding of the problem and that led them to develop a variety of principles, tactics and strategies. Because of the different tactics, principles and strategies, disagreement and conflict among the various organisations emerged.

If one dared to criticize, did not support a certain strategy or was not a member of a particular organization, one was seen as a collaborator, reactionary or as being divisive. It was a case of "those who are not with us

are against us" (Idasa Report 1991:8). Certain people viewed themselves as the embodiment of the aspirations of the oppressed. They would not allow anything that seemed to undermine their belief or was alien or contrary to it. They were unable to see beyond their ideas. For these organisations, unity was of utmost importance, it had become a guiding ideology. Too many organisations or ideas were viewed as a threat to this unity. To gain this unity, some organisations were willing to use bullying and intimidation. Persons who disagreed with rival organisations had their meetings disrupted and political feuds started to take place. As Saths Cooper observed "the conflict was more over hegemony than ideology, the fight to be sole representative. Each side was afraid that mutual recognition threatened their existence." (Marx 1992:172). Through this fear, open competition among political ideas was stifled.

Participation which comes through freedom of conscience and expression was not promoted. Persons were not allowed to compete or influence actions, there was no openness. It is difficult to imagine openness and competition in the absence of expression. It is only through debate, dialogue and participation that various political strategies could be evaluated and exposed. This further stifled the search for truth.

It is true that various contending political ideologies did not bring about the unity of the oppressed, and yet at the same time, the value of an ideology or action could not be brought about by force but could only be determined in the market place of others. Murray (1965:19) is correct when he says that "freedom, not force, is the dynamism of personal and social progress." Not only were the freedoms of conscience, expression and the search for truth violated but also freedoms of association and assembly. Freedom of expression and association were stifled. By preventing people from belonging to organisations or disrupting their meetings, they were depriving them of the opportunity to have a sense of belonging and allow them to be themselves. This intimidation or bullying was not just a cause of social disorder but disrespect of persons and their freedoms.

Those who violated actions such as "consumer boycotts were 'necklaced' or forced to eat their purchases including soap and drain cleaner" (Sparks 1990:340). This was condemned by the leadership. In July 1985, Bishop Tutu threatened to leave South Africa if necklacing did not stop. The need to discourage collaboration with the government and the interests of the oppressed were seen by those who executed such actions to be of paramount importance.

Marx (1992:163) is correct when he says the "assaults on collaborators represented a first wave of direct confrontation with representatives of the Apartheid system." The good that the oppressed were fighting for was seen as not tolerating any dissent. Unfortunately it led to disrespect of human persons. Through actions such as those mentioned, human dignity was affected adversely. It was harmed because pain and injury were inflicted. The human dignity is affected negatively as Murray (1965:13) has observed whenever people are "huddled together under a rule of force or fear." People who out of weakness or conviction failed to live up to the expectation, were never shown any feeling of understanding nor mercy. There was no mutual care and strengthening of one another but people were treated unreasonably and harshly. A distinction was not made between persons and their actions. Because this was not done, mercy and compassion became casualties, thus creating fear and loss of life.

From the above it is clear that from the government and liberation movements' perspective, they were placing limits to what could be tolerated. This intolerance was not only experienced in the political arena but in the religious sphere as well.

4.3. RELIGIOUS INTOLERANCE

One of the areas in which intolerance manifested itself was in the whole area of religious freedom in a country where there is diversity of religions. Though on the surface South African society was a pluralistic religious society, Christianity was the only officially recognized and encouraged religion. There were structural intolerances, though they were not explicit, that were encountered by other minority religions, while Christianity had privileges which these religions did not have. Religious Education was mainly Christian education, all of the public religious holidays were Christian holidays, ministers officiating at public functions were Christian ministers, other minority religions did not have access to South African Broadcasting Corporation (SABC), the public owned communication media. Christians were able to do meditational and worship services through SABC in the form of documentaries, magazines and actuality programmes. Most of these programmes had to reflect the "thought which represent the mainstream of Christian tradition in the country" (Tomaselli, Tomaselli & Muller 1989:106). Sunday which is the holy day, a day of rest for Christians "of course had a significantly higher religious content" (Tomaselli, Tomaselli & Muller 1989:104).

There are many and varied reasons why Christianity dominated in a multi-faith society:

- (a) The intolerance and seeds of dominance go back to Christianity's roots in South Africa. The Christian religion was seen by those who introduced it as "obviously superior to the 'barbarous' and 'primitive' rites which passed as religion among African people so that the introduction of Christianity and the repression of such practices could only be regarded as a blessing" (Kilian 1993:39). This demonstrates a hostile and a negative attitude missionaries had towards African religion. Since for them African religion was inferior and undesirable, they undermined and sought to repress it. By seeking to repress it through the introduction of Christianity, they denied religious liberty to the Africans, and instead promoted the supremacy of Christianity at the expense of African religion. Since they did not have a positive attitude towards indigenous religions, they could not be responsible for promoting and tolerating what they perceived as false religion. Space for dialogue was not created and opportunity for African religion and Christianity to find each other was lost. Instead of affirming Africans "and their religion appreciated

for providing a horizon of meaning in the understanding of African reality, the missionaries set out to eradicate this religion" (Kilian 1993:52).

(b) Colonization and missionary activity led to increase in the number of Christians in South Africa. This made the overwhelming majority of the South African population, Christians. (See statistics of 1980 (02-80-12 p68-84) and 1991 (03-01-22 p 43-145).

(c) Except for Judaism and a handful of other small groups, the minority religions that are found in this country have been nearly exclusively black religions. Black people in this country have suffered dehumanization and discrimination. Their rights have been grossly violated. They were excluded from decision making. It was inevitable that their religious beliefs would also be victims of the oppressive laws.

Even if one felt that one's religious rights were violated "there existed little recourse to the law to protect South African citizens against isolations of their basic human rights" (Kilian 1993:45). There was no bill of rights and furthermore, there was no entrenched protection of human rights in the constitution of South Africa.

There was clear preference for Christianity by the law of the land. The 1983 Constitution of the Republic of South Africa states clearly its first goal, that is "to uphold Christian values and civilized norms with recognition and protection of freedom of faith and worship." Christianity for the state was considered to be the only authentic religion, that is why it was seen, valued and promoted as a way of life by the constitution. The state legislated its religious preference into law. This clearly showed that the state was based on one particular religious confession and that government policies were informed by a specific religion. This further meant that Christianity would rely on the benevolence of the state, and would therefore dominate society and other religions. Other faiths could not identify with the constitution but instead saw it as an instrument to uphold one set of religious belief against their religious convictions.

Mr P.W. Botha who was State President, did not hesitate to declare and define South Africa as a Christian country when addressing the Inauguration of Free Churches in 1989. He stated that "South Africa is a Christian state and we stand for religious freedom. For that reason it is the state's duty and privilege to ensure that Christian principles are protected but also that religions of other minorities in South Africa be allowed the necessary scope

of activity" (Scholtz 1989:8). Though this statement acknowledges and gives respect to other religions, it demonstrates that other religions are merely accommodated in a Christian state. There was no commitment from the state to promote and protect them and let them enjoy the same privileges as Christians. Because of all these reasons Christianity enjoyed the supremacy over all other religions especially in public life. Other religions had to develop, adapt and conform to a Christian setting.

What are some of the ethical issues that are raised by this religious dominance?

(a) Religion is a matter of conscience, it has to be exercised in freedom. As Murray (1965:24) has already pointed out that one should be free from "all manner of compulsion, constraint, whether legal or extralegal " when exercising one's conscience.

Repression of African religions and forcing Africans to abandon their religious convictions, discriminating against other minority religions because they are religions of black people was disrespectful of human dignity, a violation of conscience, which "is synonymous with internal personal freedom" (Murray 1965:8) and other rights that are associated with it. Conditions for mutual

respect were also dealt a blow because of this repression.

- (b) Is it within the competence of or legitimate for the state to legislate in favour of one religion when there is religious diversity in that society? As we have seen in chapter three, religious freedom is a right of every human person because of the dignity and the freedoms that are associated with it. It is a duty of every civil society to ensure that religious freedom is guaranteed, promoted and protected. By legislating in favour of Christianity, the authorities showed lack of consideration for other religions. They legislated because Christianity was their religion, the religion of the majority and the true religion. But in a multi faith society, freedom of religion and diversity needs to be promoted. To legislate in favour of one religion is the violation of the freedom of religion which is freedom of conscience. Also all this was against the nature of community which should allow and encourage alien and disagreeable forms of life.

By excluding these religions from the most significant fields, it was not just discrimination but it was also infringement on the freedom of expression and information (freedom to inform and be informed). These freedoms were

not respected but restricted. These religions were not allowed to participate by imparting "information and ideas through any media regardless of frontiers" UDHR 18.

Though it was not SABC's policy to conceal information but to deliberately favour Christianity publicly by not giving others a chance caused of ignorance since people were prevented from knowing. Radio and T.V. which are the effective instruments of education and channels of communication were used to teach and uphold one set of beliefs. This made people unaware of the religious plurality of the country and this did not help in the mutual understanding and respect among them.

Favouring one religion did not contribute to the search for truth. Other religions did not get the exposure needed to make their convictions known and thus enabling them to either discuss criticize or confirm their position. People of South Africa were deprived of the opportunity to be critical and continue to search for the truth. They were prevented from being open to other insights (except to Christianity) and learn from those who hold different views, thus depriving them of something valuable and the opportunity to develop.

(c) Even if Christians were in the majority but out of respect for the minority they should have protected

and shown tolerance towards these religions.

Tolerance "may require more than leaving others to pursue their own way of life" (Mendus & Edwards 1987:8) but actually encourage and promote it.

Power and numbers were used negatively to promote one way of life and hinder what was disliked. And that made South Africa look like a fairly homogeneous society.

As one can see South Africa had a past that militated against tolerance in the political and religious sphere. There was no appreciation for diversity. But since the elections for a democratic government in 1994 an acknowledgement of diversity seems to be a guiding principle in South Africa. This is a sign of hope. It also indicates that South Africa is heading in the direction of tolerance. There are also mechanisms and structures that are in place so as to foster and entrench tolerance. One of those mechanisms is the new constitution.

4.4. THE SOUTH AFRICAN CONSTITUTION

A new constitution was adopted by the Constitutional Assembly on 8 May 1996, amended on 11 October and signed on 10 December 1996. It is the supreme law of this country and this makes the country now a constitutional

state. All other laws of this country are expected to comply with and not to contradict this constitution.

Let us examine this constitution to decide whether it is a framework for tolerance or not, whether it promotes and facilitates this value. We shall also investigate if there are any principles in this constitution that militate against tolerance. And if there are, how do they go against it ?

4.4.1 Tolerance

Chapter two of the constitution is called the Bill of Rights. This bill of rights is a list of rights people have because they are human beings. It is referred to in the constitution as the cornerstone for democracy in South Africa (s 7). It is there to give people their rights, protect them and to prevent the government from abusing its power.

The 1961 and 1983 constitutions did not contain the Bill of Rights though there were attempts to have it. The Bill of Rights was rejected "both on religious grounds (a Bill of rights being the product of the humanist philosophy) and political grounds (a Bill of Rights being inconsistent with the Westminster system of parliamentary sovereignty, and thus undemocratic). And of course, a Bill of Rights was irreconcilable with the apartheid system." (Botha

1992:7). If during the Apartheid era, the Bill of Rights was included in the constitution, it would have meant granting and guaranteeing the basic rights to all South Africans without regard for race, gender, religion or political opinion and this would have further meant abolition of the Apartheid order which was founded on racial discrimination.

This Bill of Rights is there to ensure constitutional guarantee and protection of fundamental rights. The following are some of the rights that promote tolerance in this constitution:

(a) The rights to dignity (s 10) and equality (s 9)

Though there is no hierarchy of rights in this constitution, one can safely say the basis of this bill of rights is right to life (s 11) human dignity (s 10) and equality (s 9) of persons. These are the sources of all other rights and without them other rights cease to be.

This constitution recognizes the worth and dignity of persons which the constitution says is inherent in everyone (s 10). Because persons have a dignity, they have to be respected. This recognition and respect for the dignity of persons by the constitution is also essential and fundamental to

tolerance. It is because of this dignity that all persons are equal. (Christians believe that all human beings have this dignity because they are created in the image and the likeness of God). Because of that dignity and the equality people are entitled to, it is possible for them to enjoy the same freedoms and rights. This dignity further entitles persons to the rights of freedom and security.

Persons have to be protected from being "treated or punished in a cruel, inhuman or degrading way "(s 12). The dignity of persons is impaired if persons are treated in a manner which is harmful, injuring, degrading or humiliating. This right to dignity is fundamental and important and is not suspended even during the state of emergency. It is amongst the non derogable rights during that period.

The constitution states that persons are equal before the law and must be treated equally (s 9). Cachalia et al (1994:25) are of the opinion that it comes as "no surprise given our history, that the first right mentioned in the chapter on Fundamental rights is the right to equality" because the previous system was founded on discrimination that was based on race. This right calls for the equal treatment of persons. No one may be discriminated against on the basis of race, gender,

pregnancy, marital status, ethnic, sexual orientation ... (s 9). If a person is discriminated against on any of the bases mentioned, that action is unlawful. Without the respect and promotion of the dignity and equality of persons, all other freedoms and rights are meaningless and irrelevant. Though this is an important right and one that is also not limited during the state of emergency, nevertheless there are circumstances under which it can be limited but we will deal with those circumstances under limitations.

Because persons have a dignity, are equal, respected and have a common citizenship, they have to enjoy the same rights and freedoms. Some of these freedoms and rights are the very ones that are essential for tolerance viz. freedoms of religion, belief and opinion (conscience), expression, association and assembly. These rights are not only entrenched in the bill of rights but they are "respected, protected and promoted" (s 7) by the constitution. It is through them that equality, oneness, openness and participation are promoted.

(b) Freedom of Religion, belief and opinion (s 15)

This is a respect for freedom of conscience. This means that people are entitled to their personal convictions, to formulate their beliefs and ideas in

the way they wish, as we have said when dealing with tolerance, even if those beliefs are judged to be in error they are entitled to them. Persons are free to follow the dictates of their conscience and not be hindered.

The seriousness with which this freedom of conscience is promoted by the constitution can be seen in the fact that, in s 199(6), the security service members in the execution of their duties are encouraged to be critical, use their discretion and are not obliged to "obey a manifestly illegal order". They cannot claim to have been forced or have been following orders. There is room for them to dissent. They have to adhere to what they see as the truth or being correct.

Though it is not something new, the Constitution does not force persons to take an oath and this is to further demonstrate respect for conscience of other people.

There is an affirmation for those who do not believe in a God (s 48). One has to take into account that the majority of the South African population does profess faith in a God. One would have expected that the will of the majority would dominate, but here it is an individual's conscience that is respected. There is consideration for the minority. The majority are also being taught in a way to be sensitive to the needs of the minority instead of imposing themselves. This is an act of tolerance and it is best expressed when the powerful or

the majority are sensitive to the needs of the minority or powerless.

Freedom of religions is guaranteed by the constitution. Religion has an important role to play in the lives and culture of people. The recognition of right according to Van Wyk et al (1994:592) is the "acknowledgement that human beings are more than individuals in a market, cogs in a social wheel, or products of social forces. Their dignity commands respect because it comes from a deeper than human source." This right recognizes the diversity of religions and further encourages the state and its citizens to tolerate and respect different religions. It bars the state from imposing any religious beliefs on its peoples. Section 15(3) is aimed "at accommodating legislation which recognizes the personal and family law of persons professing a particular religion (for example, the religion of Islam), also recognizes marriages, subject to specified procedures. This provision is welcomed because many injustices have resulted where marriages which were conducted according to certain religious beliefs have not been recognized in South African law (Bason et al 1994:27).

(c) Freedom of expression (s 16)

Individuals and social bodies such as the press, are free to express themselves in various ways even through demonstration, picketing and presenting of petitions (s 17). When dealing with tolerance, reference was made to the fact that freedom of conscience is best realized when persons follow the dictates of their conscience. Part of following the dictates of it, is to be free to express themselves. The freedom to express one's self is one of the fundamental rights because through this right one is not only able to express oneself but also to search for truth and participate in the life of society. To deprive one of this freedom is to restrict one's freedom of conscience and opinion. In this country, the "issues of freedom of expression pervade our entire legal system. In the past, the issue of restraint imposed in the interests of national security has dominated. Organizations and individuals have been banned under security legislation, meetings have been prohibited and newspapers closed down" (Cachalia et al 1994:57).

This freedom of expression is also best realized when one is able to "receive and impart information and ideas" (s 16(1). This freedom to receive

information includes the right to receive it from the state or any other person especially with regards to one's rights. It is the intention of this freedom that people be informed. It seeks to promote communication and understanding among people.

The media has also been granted such freedom in order to educate and inform people about matters of concern to them. To ensure "fairness and diversity of views" (s 192) an independent broadcasting authority has been set up. This body will ensure that persons are able to air their views in freedom without being discriminated, dominated or their dignity undermined.

The freedom of expression also helps in encouraging persons to search for truth and meaning in life. This encouragement comes through granting of academic freedom and academic research (s 16(1)). Since racial barriers have been dropped, persons are free to share their talents and benefit from the talents of others by engaging in the pursuance of knowledge freely without hindrance. This fosters participation and development of ideas.

Through this freedom of expression, persons are free to share and promote their views without fear of repression even if they are contrary to popular thinking. They are

encouraged to participate in the political life of the country through the rights of assembly, demonstration, picket and petition (s 17) and political rights (s 19). This right of expression can be limited as well but we will deal with that later.

(d) Freedom of Association (s 18)

Freedom of religion, belief and opinion would be seriously undermined if persons were not free to associate with whoever they want. This freedom of association makes it possible for persons to form, join and participate in political parties, clubs, church and trade unions to live with, to marry and work with any person of their choice.

The other rights that go together with the freedom to associate are the right to assemble (s 17), political rights (s 19), freedom of movement (s 21) and cultural, religious and linguistic communities (s 31). This freedom gives one the right to choose those whom one wants to associate and assemble with. One is neither forced to join nor to avoid joining a club, organisation, church against one's will. The freedom to choose has to be respected. In the past the South African authorities did not foster the practice of assembly as a form of political

participation. It was suppressed through the 1950 Suppression of Communism Act and later the Internal Security Act of 1982. This allowed the minister to forbid a gathering or assembly that threatened the security of the state.

The right to assemble gives citizens the freedom to gather, show support or disapproval. But this is done under certain conditions. It has to be peaceful and without arms. The "inclusion of this right again relates to our history in which the organization and presentation of petitions has become a distinct form of political activity. It should be interpreted to mean the right to canvass support for a demand, or statement of support or opposition as well as to have such statement, not only presented, but also received" (Cachalia et al 1994:58).

The political rights involved here encourage people to form political parties, to participate in the activities of, or recruit members for a political party (s 17).

This freedom is "foundational because it makes participatory politics meaningful and genuinely representative politics possible. Political associations enable individuals collectively to channel their otherwise divergent energies towards the realization of shared ends" (Van Wyk et al 1994:338). All these rights - the freedom to assemble, demonstrate, picket and petition as well as

political rights flow from the right to expression. All these rights can be limited under the state of emergency (s 37) and by the limitation clause (s 36) which will be dealt with later.

(e) Building of a united nation

The constitution is conscious of our intolerant past brought about by the system of apartheid which consequently engendered division and hatred among people of this country. Separation was enforced by law and persons were taught not to live and interact as one people. It is the intention of this constitution as it states in its preamble to "heal the division of the past ... lay the foundations for a democratic and open society ... build a united and democratic South Africa". It seeks to guarantee that what happened in the past will never happen again. In other words this constitution is the legal foundation for the building of a nation. It is "the birth certificate of [one] South African nation" (Sowetan 24 April 1996, p2). Though it is mindful of that past and its intentions to build a united nation, it is aware that this cannot be brought about through use of force. It recognizes and rejoices that the country is characterized by religious, cultural and political differences, which are sometimes

irreconcilable. The people of South Africa, diverse as they are, belong to South Africa and South Africa belongs to them. It is in their diversity that they have to be united.

Recognition of this diversity is to allow persons to be free, different and yet still belong to the same country. This is to enable them to define themselves in their own cultures, languages and religions. That is why the constitution acknowledges and encourages the use of many languages and has set up a language board for the promotion and creation of conditions for the use of these languages (s 5). It wants to ensure that they "enjoy parity of esteem and be must treated equitably" (s 6), unlike in the past when only two official languages, Afrikaans and English, were recognized, there are now eleven official languages.

This Constitution seems to force and oblige everybody to recognize and respect this diversity. It gives the people of this country a new frame of mind. It wants them to see diversity not as a curse, as something to be repressed but as enriching unity and therefore needing to be cherished and promoted. No group or persons should feel or fear that they would be dominated. This recognition further encourages mutual respect of persons that would lead to acceptance to flourish and be experienced by all.

4.4.2. Support for conditions developing tolerance

We have earlier said that for tolerance to survive and spread, conditions to facilitate its growth must be in place. The constitution has established commissions and mechanisms so as to "strengthen constitutional democracy in the Republic" (s 181). This also implies that they will foster and ensure the continuance of tolerance.

- (a) Firstly, as regards the rights and freedoms of persons, they are not only guaranteed, respected and protected by the constitution, under the bill of Rights, but there is an organ that promotes them. The Human Rights Commission has been put in place so as to monitor and "promote respect for human rights" by researching and educating people (s 184).

- (b) To honour the diversity that exists in language, religion and culture, there is now a commission for the promotion and protection of Rights of Cultural, Religious and Linguistic communities (s 185). Its task is to promote respect for differences, to facilitate diversity so as to "promote and develop peace, friendship, harmony, tolerance and national unity" (s 185). This enables groups or persons not to feel and fear that their groups will be

oppressed or dominated by others.

(c) The commission for gender equality has been set up so as to "promote respect for gender equality and the protection, development and attainment of gender equality." (s 187). This commission has to make sure that "sex and gender will have to receive the same attention that race must receive. Racial equality without equality for women will render that victory incomplete and the slogan 'human rights for all' a hollow call" (Van Wyk et al 1994: 572).

(d) Free political activity is not only encouraged by this constitution by the freedoms of expression (s 16), assembly, demonstration, picket and petition (s 17), association (s 18) and political rights (s 19) but it is also promoted by the funding of political parties. The funding of political parties should be applauded since it enhances "multi-party democracy" (s 236). This encourages diverse political opinions and survival of political parties. It wants to ensure that they do not suffer in their pursuance of their goals because of financial constraints. This funding fosters their continued survival and propagation of their ideals.

(e) When dealing with motives and conditions for tolerance, it was mentioned that for tolerance to be possible, stability in society is a necessity. This constitution is mindful of the fact that people cannot exercise their freedoms and rights in a climate where there is violence and war. That can only happen in a situation where there is peace.

Security services are there to ensure that there is a climate for tolerance where persons "live in peace and harmony ... they are free from fear and want " (s 198).

(f) Courts are also there to protect individuals and guard against intolerance and see that rights are not "infringed or threatened" (s 38).

4.4.3. Limitations in the constitution

Just as it has been indicated in Chapter two that tolerance has limitations, the principles of tolerance in this constitution are not without limitations. The constitution does envisage situations where there will be limits to the freedoms and rights of the people of this country. It mentions principles or instances where and how they can be limited. Some of the rights have separate limitation clauses. The constitution also

appeals to the same principles for limiting what can be tolerated as those mentioned under limits in chapter two, namely, the respect for persons, their rights and the common good. But it also adds that the injustices and inequalities of the past especially in the equality clause are seen to be placing limits.

(a) Section 36 recognizes that no rights are absolute. They are "limited by the rights of others and by the legitimate needs of society. Public order, safety, health, morals, and democratic values are generally recognized as justifying the imposition of limitations on the exercise of various fundamental rights" (Van Wyk et al 1994:629).

Section 36 gives a mechanism for the limitations of rights. It states that "the limitation [should be] reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom" (s 36). Section 36 further gives about five requirements or factors that need to be taken into account when applying limits to the rights or freedoms. These include the following:

- (i) Nature of rights,
- (ii) the importance of the purpose of the limitation,

- (iii) the nature and extent of limitations,
- (iv) the relation between the limitation and its purpose, and
- (v) less restrictive means to achieve the purpose.

What is the meaning of all this ? In the State v Makwanyane 1995(6) BLCLR 665, meaning is given to this when it is said, "[t]he limitation of constitutional rights for a purpose that is reasonable and necessary in a democratic society involves the weighing up of competing values, and ultimately an assessment based on proportionality. This is implicit in the provision of section [36 (1)]. The fact that different rights have different implications for democracy, and in the case of our Constitution, for 'an open and democratic society based on [human dignity] freedom and equality', means there is no absolute standard which can be laid down for determining [what is reasonable and what is justifiable]. Principles can be established, but the application of those principles to particular circumstances can only be done on a case by case basis. This is inherent in the requirements of proportionality, which call for the balancing of different interests." What one discovers in these factors is that, when limiting the right, both the right and the limitation have to be defined and compared. And the two should be balanced.

If it is believed that the limitation is acceptable, it has to limit it with less restrictive means. By suggesting that the limitations should be carried out by "less restrictive means" (s 36), it means what needs to be achieved should be done through means which are less damaging to the right in question.

The above principles show that the limitation of rights is an exception. Its intention is to protect the rights. The onus of restriction of a right seems to rest on the one who seeks limitation. The restriction should be as narrow as possible.

(b) There are also other instances when the constitution is explicit about limitations, the following are rights and circumstances in which limitation is justifiable:

(i) Equality (s 9(2))

Though the right to equality is the basis of other rights, it can be limited. The constitution states that "[t]o promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken" (s 9(2)). This section contains the affirmative action clause. Persons are advantaged here to the

detriment of other persons on the basis of race or gender. "However, the affirmative action clause envisages this very result: those persons or categories or groups (be they racial, ethnic or gender groups) who were disadvantaged by unfair discrimination in the past should be advanced in order to redress the inequities of the past" (Bason et al 1994:22).

Apart from the affirmative action, the right to equality can also be limited on the following grounds, "sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth" s 9(3).

(ii) Freedom of expression (s 16 (2)).

Freedom of expression is in this constitution to promote individual self fulfillment, search for the truth and participation in the political life of the country. But there are times when this freedom of expression is limited, especially when it advocates or incites war, violence, hatred "based on race, ethnicity, gender or any thing that constitute a harm" (s 16c). When this occurs speech threatens the public order and the rights of others by creating

instability. This constitution is aware of the harm that can be brought about by the use and power of words, to abuse, humiliate and offend others.

That is why it does not tolerate anything that injures the dignity of another person. The boundaries of this freedom are linked to the social and political history of this country where there has been polarization and animosity among the people. The freedom of expression is also restricted in the interest of national security. It is not allowed to incite others to war and violence (s 16 a,b).

(iii) The state of emergency.

During the state of emergency there are rights that are suspended. The declaration of the state of emergency is for the protection of the nation. Protecting it against "invasion, general insurrection, disorder, natural disaster, or other public emergency" (s 37). The state of emergency is there to ensure that peace and order are restored. Even though there are certain rights that may be suspended during the state of emergency, there are some that enjoy absolute protection even during this period. The suspension of other rights is done for self defence or for the protection of the

nation which is under a siege when the very life of the nation, the common good is threatened.

(iv) The state's power

Mechanisms are put in place to ensure that the state's power is not abused. In this constitution the state's power is not intended for clamping down opposition but for the well being of persons so as to protect and promote their rights, "preserve the peace, national unity and the indivisibility of the republic" (s 41).

The state too is bound by the constitution which is the supreme law of the country. This means that the state's actions are only legal when they conform to the supreme law of the country. Its powers to a certain extent are limited. They are to be constitutional, if they are to be legal. The constitution is able to restrain the powers of the state. This is to avoid abuse of persons. As Cyril Ramaphosa stated that "our people will never be abused under this constitution. Our people have been abused enough" (Sowetan 24 April 1996, p2). They had no security or protection from the heavy arm of the state in the past. The state powers can never be used to deny persons their rights or

freedoms.

Even in the declaration of the state of emergency, the court can decide on the validity of the state of emergency, or the "extension of a declaration of a state of emergency or any legislation enacted, or other action taken, in consequence of a declaration of a state of emergency" (s 37). The rights to human dignity, life and equality are not suspended during the state of emergency.

There are other rights, with certain modifications, that are not suspended either. The police are also there to use their power to see that the rights of others are not violated by crime and that the common good is not threatened. That is why they have the power "to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property" (s 205).

Courts are there to protect the public and individuals when their rights and freedoms have been infringed and threatened (s 38) whether by the state or other persons. This may include situations where one has been "treated or punished in a cruel, inhuman or degrading way" (s 12) or the breach of any constitutional right. Individuals or groups can go to court and ask it to act on their behalf

to defend the right that has been infringed.

4.4.4. Conclusion

The content of this constitution is a foundation for nation building and tolerance. Not only does it contain principles for tolerance, it has also devised means to bring about tolerance by setting up commissions that will nurture and foster tolerance and participation.

Though South Africa seems to have a good constitution that protects and upholds the dignity of persons, allows and encourages their rights, the subsequent legislation, The Choice on Termination of Pregnancy bill further tests the issues of tolerance. This Act was passed in 1996 and was implemented on February 1, 1997. This legislation has given a right to abortion. The issues of tolerance and intolerance raised by this debate shall be examined as both the test case for tolerance and the constitution.

4.5. ABORTION

South African authorities have made a new public policy concerning the issue of abortion which replaces the previous one (Abortion and Sterilization act 1975). This new act refers to the previous one as being "restrictive and inaccessible" because only doctors were enabled by the law to recommend the termination of pregnancy. This

new law seeks to promote "reproductive rights and extend freedom of choice by affording every woman the right to choose whether to have an early, safe and legal termination of pregnancy according to her individual beliefs." The law provides for an abortion on demand in the first 12 weeks of pregnancy. Between 13 -20 weeks, abortion can be performed under conditions such as:

- (a) if the physical and mental health of the woman could be harmed by the pregnancy,
- (b) if the fetus has a severe physical or mental abnormality,
- (c) if the pregnancy is a result of incest,
- (d) if the woman was raped,
- (e) if the social or economic circumstances of the woman are to be detrimentally affected by the pregnancy.

Though abortion is now legal, the debate about this issue is far from being over. It is something sensitive and emotional to the people of South Africa. It remains to be seen whether it is a policy that all morally sensitive persons in a pluralistic society would be able to live with.

There are two sides which have made and continue to make their contributions to the debate. The first is those who see abortion as murder, as a deliberate

taking of innocent life. They see this law as enabling women to be intolerant to human life. They view the granting of women their freedom as the denial of the rights of the unborn, the rights to life and equal protection before the law. They believe that "human life from the beginning to the end of development has intrinsic value, which does not depend on meeting the selective criteria or tests set up by powerful others" (Baird & Rosenbaum 1989:135). So it has to be respected, protected, defended and developed. They further believe that legislation does play a large part in the formation of conscience because if abortion is freely available it would further lead to erosion of values such as sanctity of life. They are often referred to as 'pro life' groups.

The 'pro choice' on the other hand believe that abortion is a matter of conscience. They feel that a woman has a right to decide about what she wants to do with her body. They are of the view that if abortion on demand is legislated for, not only would the freedom of an individual be guaranteed but personal and social suffering flowing from backroom abortions would be alleviated. According to Michelle O' Sullivan of the Reproductive Rights alliance, "the health costs of unsafe abortion to South African women is a serious public health issue " (Mail & Guardian, June 21 to 27, 1996, p15). It was found

that in one year about R18,6 million was spent treating incomplete abortions and this money could have easily been used to fund 88 000 safe abortions (Mail & Guardian June 21 to 27, 1996 p15). And many women were dying from these unsafe abortions. Abortion for this group is not only demanded for the rights of women but for the common good.

Looking at both sides, one discovers that there is concern by both groups for human life whether it is the life of a woman or of the unborn. Another difficulty in this debate is how to balance the rights of women and unborn which are in conflict. Furthermore there is a lack of consensus as to what is moral and immoral. We need to look at how this raises critical issues concerning tolerance and the limits thereof.

4.5.1. This issue of abortion raises the following issues regarding tolerance:

- (a) Abortion is legal. Abortion has been made legal in a situation where there are different view points, beliefs and opinions and this has decriminalized abortion. This legislation seeks to safeguard the autonomy and freedom of choice of women and does not prescribe on personal morality. Even though abortion may be morally evil, one cannot prevent other persons from taking advantage of what the law permits. To do

so would not only be a violation of conscience but also a denial of their constitutional rights and it could lead to prosecution.

- (b) The need to respect the rights of women, the right to conscience (s 15) and right to make decisions concerning reproduction (s 12 (2a)). Since there is a lack of consensus as to what is moral and immoral on this issue, it makes abortion an issue of conscience. It places grave responsibility on an individual. It has already been mentioned that when one is acting, one should always follow the dictates of one's conscience.

In as much as some people are strongly opposed to abortion, they need to be tolerant to those who are advocates of it. They have to respect the freedom of others and still see abortion as murder of the innocent and be strongly opposed to it. To grant them the freedom to use their conscience does not mean that one does not care or one has abandoned one's religious beliefs nor does it mean that one agrees with what is being done. It is to respect the freedom of other persons who do not believe that they are deliberately taking innocent life. Granting this freedom is not taking the responsibility away from the one who is demanding or performing abortion.

This is to let other persons live according to dictates of their conscience but not to be compelled to live by another person's conscience.

The freedom of conscience that is respected is not only of those who are demanding abortion but there is a limited respect for the freedom of conscience for health workers. Their moral and religious convictions are respected because they are not compelled to carry out, take part or participate in any abortion. Nevertheless there is pressure placed on them to refer patients to others. This is to "exploit the power of the law to force physicians who oppose abortion to refer their patients - born and unborn - to abortionists" (Appleby 1996:viii). One wonders whether the dissenting health workers would not be discriminated against in job promotion because of their views or their jobs be placed at risk? Dr Zuma, the Minister of Health, in a letter to pro-life doctors (who sought assurance that they would not be discriminated against on the basis of their belief) reportedly stated that "the department has a responsibility to provide access to health services of women who request" abortion. "Institutions will therefore ensure that in filling posts, they take into consideration the needs of women while respecting the rights of health workers" (The Southern Cross November 2 1997, p1). She went on to say that the

panel interviewing a person may ask questions related to the act and that could influence a person's employment chances. If this were to happen, it would be an act of intolerance. This would prove that the government is not prepared to have on its structures those who are opposed to its policies. It would use its power to discriminate against them to allow opposition.

However, this could be a test for the constitution and see if the doctors have the protection of the law. They can resist those actions in the courts of law which have to ensure that "everyone is equal before the law and has right to equal protection and benefit of the law" (s 9). The courts have to ensure that no one is discriminated against on the basis of their conscience.

When one looks at the above, one is left with the impression that one should not object to this law. Because of the issues it raises one should instead promote it, since to be opposed to it would be blatant intolerance. Is it to be granted to the law to determine what should be tolerated or not? Does it mean that what we ought to tolerate morally is identical with what the law permits? If the rights of women affect adversely the rights of the unborn, what should happen?

4.5.2. Limits to abortion

Reference has already been made to the fact that tolerance does not mean one should not raise one's objections to what is morally objectionable. To object to this issue is both justified and necessary because:

(a) Higher principles are operating. As it has been stated when dealing with limits that individuals and public powers are not the ultimate authority on morality. There is a higher norm which for Christians is God. Reference was also made that tolerance is not the highest value but subject to higher values. Human life is a higher value that is given by God. And God's law "you shall not kill" (Ex 20:13) shows that human life has dignity and therefore needs to be respected and protected. Since abortion deprives human life of its existence and continuity, it becomes a "public crime that calls to God and man for justice" (Appleby 1996:38). This therefore necessitates opposition to abortion.

(b) There is a need to campaign for good values in society. In a democratic society, it is quite acceptable for anyone or group to campaign and strive for values that would form the basis of that society. Those who are pro life are not intolerant when they

continue to campaign against abortion and strive for a society where "each person is to be respected in all his or her rights, starting from the fundamental right which is the right to life" (Appleby 1996:51). If Christians and other groupings believe that the social acceptance of abortion would lead to erosion of values and can further lead to infanticide, euthanasia and genocide, they have a legitimate right to campaign and use their power against this liberal law.

Does it mean every time they do not like something, they should use their power to oppose and stop it? As it was stated when we were dealing with limits that if that morality was not mortally threatening to the dignity of persons it should be left to prevail. But if it affects it adversely, something has to be done. Does a legislation permitting something immoral create an opportunity for intolerant actions? How does one oppose what is dangerous, outrageous and morally threatening?

One cannot do evil to achieve good. It would be against democratic principles and law of love which both demand the respect for the freedom of conscience. It would be intolerance for those opposed to abortion if they intimidate, prevent and obstruct access to facilities to those who are pro abortion. It would be to disrespect and

violate the rights of others. The actions mentioned above do not only create a situation of disorder but deprive individuals of a chance to discover what is good and the truth themselves. Actions such as these, bring about fear. Furthermore respect for persons together with freedoms of conscience, choice and privacy are violated.

There is nothing evil in attempting to make those pro abortion to feel ashamed or to challenge through the following:

- (i) Freedom of expression (s 16): This freedom includes the freedom to inform, or educate others about one's position against abortion, counsel others about its dangers and consequences for the society. This would further help in inculcating in others that "not everything that is legal is right ... and nothing is right because it is legal" (Baird & Rosenbaum 1983:70).
- (ii) Freedom of association and assembly: This would enable persons to hold public protests or campaigns against this act. Campaigning is not incompatible with the general affirmation of pluralistic society. In this way one would be placing limits to what can be tolerated and yet still giving others the freedom to exercise their

rights. It would further show that "the public powers are not the sole judges of what is or is not for the common good. This is a social judgment, to be made by the people either through a constitutional consent ... or through the channels of public opinion"(Murray 1965:42).

(iii) The refusal of some health workers to take part or assist in the performance of abortion places limits on what can be tolerated. It saves innocent lives and reduces the number of abortions. Through this they are able to keep the "needed moral pressures upon ourselves in many areas where proper regard for life threatens to be dissolved or has already been dissolved" (Baird & Rosenbaum 1989:72).

The means that are used to oppose what is unbearable are reasonable, moral and legal. They are a combination of one's conviction to be tolerant and still be opposed to what is morally wrong.

4.6. CONCLUSION

The debate has led to the following observations:

What is legally justifiable is not necessarily morally justifiable. Because of higher principles and the need for good values in society,

one can oppose what is morally evil. It is therefore not granted to the law to determine what should be tolerated or not.

What is dangerous, outrageous and morally threatening cannot always be forcibly removed, as was stated when dealing with the limits of tolerance, because issues in this abortion debate are more complex. But one can oppose it in the ways mentioned above such as using the freedom of expression, association and assembly and the refusal of health workers to assist in the performance of abortion.

Though the constitution is a framework for tolerance and respects the freedom of conscience, those in power are tempted to be intolerant when their policies are challenged. They want the constitution to give in to some intolerant actions, they do all in their power to prevent from their structure those who are in opposition. Power is used to discriminate against opposition rather than allow it to have its way. This is an act of intolerance. One wonders what would those against abortion do if they were in the position of power ?

The abortion debate demonstrates that the issue of tolerance and its limits is complex. One therefore needs to be more critical, sensitive when evaluating other people's positions.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSIONS

The previous chapters have clearly demonstrated that tolerance is a complex issue. It has been found that there is often tension between being tolerant and intolerant and to achieve an appropriate balance is always difficult. The difficulty is how to integrate the need to be tolerant and yet raise one's objection to what is disliked or disapproved of in a manner which would not be regarded as intolerance. It became clear that attitudes and power play a very important role in both tolerance and intolerance.

Despite these difficulties, a conclusion was reached that tolerance is a virtue that is necessary for community and nation building. It helps people to deal with diverse and conflicting situations in which they find themselves.

Positive motives are central to tolerance. As a virtue it instills a positive attitude in people and it promotes the sense of sacrifice for the sake of others, respect for persons and their freedoms and welfare of society. There are certain conditions that promote the existence of tolerance such as education, respect for persons and their

freedoms, democracy, justice and stability in society. Indeed without these conditions tolerance is not even possible.

Though it is a virtue, it has been shown that it has limitations. It is limited by its very motives and conditions. These limits are there for the good of tolerance and other values. They offer protection against what is outrageous, dangerous and threatening to the dignity of persons and their freedoms and the welfare of society. Putting limits to tolerance is justified intolerance. Unjustified intolerance is often practised by people whose intentions are to safeguard values which they perceived as being important. Though it is so, intolerance is viewed as being bad since it precludes receptivity which is "acknowledging the mystery of others and granting them space" (Tinder 1976:124). This also affects adversely the good of society and negates everything that tolerance stands for.

It has been shown that tolerance is contextual. It is influenced by conditions of a particular time and place and it differs from place to place. Other issues, be they personal, cultural, political, economical and social usually influence the issues of tolerance and intolerance.

We have realized as well that even in places where there are structures that ensure the continuance of tolerance, it is not easy for people to practise tolerance. It is difficult to be tolerant to what is morally objectionable especially when human life is involved. Though legality seems to determine what can be tolerated, yet higher principles do dictate that limits be put to tolerance in this regard.

South Africa with its newly born democracy is particularly faced with the need for tolerance. In order to facilitate the nurturing and pursuance of tolerance, some mechanisms and structures are in place. This new situation calls for new responses from all quarters. The contribution of the church in promoting this ideal becomes crucial.

Christianity in particular as a majority religion has to play a meaningful role in the pursuance of this goal. It has to be relevant to the life experience of its members. In its teaching and practice emphasis should also be placed on those aspects which are relevant to South Africa.

5.2. RECOMMENDATIONS

What can the church do in helping to create an environment where tolerance prevails both in the ecclesiastical and civil life in South Africa ?

If the church hopes to make a meaningful contribution in the preaching and practice of tolerance, it needs to have a new understanding of:

- (a) itself (identity and involvement),
- (b) tolerance and
- (c) the context in which it finds itself.

But, before the church can have this new understanding and preach effectively to others about the need for tolerance, it needs to look back at its history and examine especially its acts of intolerance. Those acts of intolerance should be calling it to greater repentance and renewal. As Bosch (1991:387) so rightly puts it "the church is itself an object of *missio Dei*, in constant need of repentance and conversion ... The cross which the church proclaims also judges the church and censures every manifestation of complacency about its 'achievements'".

5.2.1. The need for new understanding of itself

The manner in which the church perceived itself in the past as the sole possessor and custodian of the truth, the preserver of unity, the instrument of salvation and above all the sole representative of God, made it intolerant. These elements led it not to recognize its fallibility. As we have seen, these elements made it to strive for homogeneity in the church and in society.

Various descriptions that are offered by Vatican II do bring a new understanding of what the church should be. The church is described as the people of God, people who were willed by God to be holy "and save them, not as individuals without any bond or link between them, but rather to make them into a people who might acknowledge him and serve him in holiness" (Lumen Gentium # 9, in Flannery 1981:359). It is also described as the Body of Christ; though it consists of many members, called together from every nation they form one body (cf 1 Cor 12:12). These descriptions bring out and encourage the respect for diversity. They highlight the catholicity of the church which accommodates any person who accepts and professes the Christian faith. This further encourages the need for consensus and respect for persons. The church is further described as the pilgrim church because it belongs to "this present age, carries the mark of this world which will pass, and she herself takes her place among the creatures which groan and travail yet and wait the revelation of the Son of God (Cf Rom 8:19-22)" (Lumen Gentium # 48, in Flannery 1981:408). This description brings out the struggling and the searching aspect of the church.

These models will only be a reality when the church allows Small Christian Communities, Parish councils, Diocesan

Councils, theologians and local bishops to take initiatives which may be perceived as being contrary to the church's teaching. This necessitates that the excessive legal views of the church would be de-emphasised. This would give members the freedom to exercise their inalienable right to search and ask questions about the truth. Moreover the church would be able to help draw values from such bodies and be enriched by such initiatives. Though this would create tension, it would encourage the church to view herself as an equal partner with those who are learning, searching and struggling for a meaning in this world. This does not mean the church does not have to discipline its members but it would use means which are acceptable, peaceful and shall be patient with the weak.

5.2.2. The need for new understanding of what can be tolerated or not

In the past the church could to a certain extent tolerate linguistic and cultural differences, but doctrinal differences were met with firm resistance. This was evident when it dealt with heretics and paganism.

Heresy was seen to be corrupting the faith which was not only necessary for the life of the soul but for order in society. It was both a sin and crime. And a heretic was

a criminal and a sinner, a person who undermined society. Heresy did not only affect the soul and the common good, but it was perceived as bringing division in the church. This led the church to use means which were extraordinary to protect both the faith and the common good. Methods such as the Inquisition were employed to help society rid itself of this crime. The Inquisition was instituted for the security of the state and the church.

Thomas Aquinas was of the opinion that pagans should not be compelled in matters of faith but this was sometimes ignored. He felt that innocent people would suffer and to believe depends on the will (cf Part II of Second part Q10 art 8). As we have seen with the Saxons in Chapter 3, they were made Christians against their will.

Evangelization became more important than people who were being evangelized. The idea that Christianity had an exclusive salvation led to intolerance. Those who stood in the way of evangelization were dealt with harshly. This demonstrated that aggressive wars for the sake of expansion of Christianity were practiced and justified thus depriving people their freedoms of conscience, expression, association and assembly.

For the church to know issues that need to be tolerated or not, it needs to make use of the various commissions it has, to help it promote tolerance and monitor intolerance

within the church and its relations with other structures. This would help the church to learn to tolerate things which are contrary to its teaching especially those that are not outrageous, dangerous and threatening to the dignity and welfare of others. In the process of promoting tolerance, these commissions should assist the church to avoid and be aware of those things that breed intolerance, things such as unrestrained power, negative attitude towards those who are different, harsh manner in objecting against what is disliked or disapproved.

5.2.3. The need for a new understanding of the context

In the past the context in which the church found itself was of one single Christian society in which both the state and the church had the truths of Christian religion as their essential foundations. There was a close working relationship between the church and state. Christianity was seen as a state religion. This made the church to have power and complete control not only over its members but the state as well. Pope Boniface VIII made this clear in *Unam Sanctam* when he spoke about the need for unity under one head. He emphasised that "there is one body and one head - not two heads like a monster - namely Christ and Christ's vicar is Peter and Peter's successor" (Bettenson 1967:115). This unity is found within the church which is entrusted with both the temporal and spiritual sword. The temporal power which is subordinate

to the spiritual power is used by the kings and captains "but with the permission of the priest"(Bettenson 1967:115). The spiritual power was above the earthly power because it is from God. Because the church had such power, it dominated. Other religious opinions were either discriminated against or completely destroyed.

This past no longer existed after the Reformation. A new situation in which many Christian denominations existed. Though it was so, it was still a Christian dominated society. It was a situation in which the religion of the ruler became the religion of his subjects. This created opportunities for various denominations to discriminate against and suppress each other.

The church finds itself in a new context in which:

- (a) there are multi faith societies today. Freedom of religion is guaranteed and protected by the law (s 15). Though Christians are in the majority, it is no longer a Christian society where the church and state are custodians of Christian truths. This calls for approaches of recognizing and acknowledging other religions and opinions. Christianity cannot afford to suppress, destroy and ridicule other religions but it has to learn what it means to be a church in multi faith and diverse society. For this to happen the church has to continue its participation in the

Ecumenical Movement so as to promote respect, dialogue, discussion and cooperation. This would help all those involved to learn from each other with the hope of enriching themselves so as to remove ignorance and arrogance they have about each other.

Furthermore the church has to include in its Catechetics different religious view points of other Christians, non Christians and secular view points.

In this way it would inculcate attitudes of tolerance, respect and dialogue in its members.

Of course a great deal of thought and research has to be done for this to be possible.

- (b) there is a clear distinction between the state and the church. The church no longer enjoys the power and control it had over the state. Both the church and the state are autonomous in their own spheres. The government has been denied by the constitution all competence in the field of religion (s 31). It cannot legislate for its establishment nor prohibit the exercise of it. The area the state is to concern itself with is secular or the general welfare of society. This is to ensure that the freedoms of individuals are guaranteed and protected. Even though there is clear distinction between the state and the church, the church has to see government as a partner rather than adversary on this

issue of tolerance, even if they differ on some ethical issues like abortion. The church has to seek what it has in common with the government rather than what distinguishes and separates. Since there are attempts by the government to promote the need for tolerance through the Bill of Rights and supporting structures such as the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic communities and Commission for Gender Equality, the church should encourage, cooperate and support such attempts. This cooperation does not mean it has completely identified with the South African agenda. "In fact, the Church is able, indeed it is obliged if times and circumstances require it, to initiate action for the benefit of all men, especially of those in need, like works of mercy and similar undertakings" (Gaudium et Spes # 42, in Flannery 1981:942).

Since there has been a history of intolerance in South Africa, the church has to provide education through its schools and catechetics on the meaning of tolerance and in the new constitution of the country to its members and society at large. It is important that the education of the church keeps up with the development in the country if religion is to be relevant to its members and be their way

of life. Through its teaching, practice and worship, its members would be familiarised and exposed to situations of diversity. Furthermore, these would encourage them to "take pleasure in their diversity within unity, each embracing the other in mutual love" (Jewett 1982:126). In this way equality, respect, appreciation and tolerance would be inculcated in the minds of its members and would also be their way of life. Teaching or exposing tolerance to its members would further lead them to understand that tolerance does not lead to reduction of themselves or of their faith but to better relations with others.

(c) there have been transformation and advancement in society. There have already been attempts to bring about change in attitudes through the changes in structures and way things are done in society. These changes also impact on the church to a certain extent. They affect the way some of the things are done. Vatican II supports this view when it says the "Church has a visible structure, which is a sign of its unity in Christ: as such it can be enriched, and it is being enriched, by the evolution of social life - not as if something were missing in the constitution which Christ gave the church, but in order to understand this constitution more deeply, express it better, and adapt it more successfully to our times" (Gaudium et Spes # 44, in

Flannery 1981:946). The church has therefore to learn and benefit from the tolerance already found here.

- (d) there is a secular society. There is power on the part of the government and certain individuals. " Increase in power is not always accompanied by control of that power for the benefit of man" (Gaudium et Spes # 4, in Flannery 1981:905). Sometimes this has led to some values being compromised. The church has structures dealing with issues of justice and peace. Through them, it has to monitor the intolerance that is practised by the government. These would enable it to be prophetic and speak out against intolerance and other ethical issues that undermine tolerance. Because at "all times the Church carries the responsibility of reading the signs of the time and of interpreting them in the light of the Gospel, if it is to carry out its task" (Gaudium et Spes # 4, in Flannery 1981:905). This would further promote tolerance and challenging the state to tread carefully on issues dealing with public morality especially those that affect severely or undermine the human dignity and the welfare of society. This would also highlight the need for limits to be placed on tolerance.

If the church is able to carry out the above, it would indeed be a seed, sign and instrument of tolerance.

The government has its part to play as well in making sure that the virtue of tolerance permeates the life of the people of South Africa. This is necessary because there has been a history of intolerance in South Africa.

Cognisance must be taken of the new social order.

Democracy as the structural foundation for tolerance has just been established.

There will always be different opinions and ways of life. Even if there was no history of intolerance, conflict will be inevitable because of different opinions and ways of life people lead.

Education both formal and informal on tolerance has to be a priority. The government should do all in its power to teach its citizens about the new constitution which allows and encourages diversity. This would help the South Africans to unlearn much of intolerance which was found in the political, social, religious and cultural life of the country. And furthermore democracy would be nurtured and sustained by this education.

The government has power over the lives of many people. It can use that power to disadvantage its people even though

there are checks and balances in the constitution. The government would be tempted as it is right now to exclude and discriminate against those who differ with its policies especially in the whole area of abortion. Dr Zuma who is the Minister of Health indicated to the doctors who are pro life that they will not be employed in certain jobs. If this was to happen, it would be a violation of the freedom of conscience and abuse of power. The Public Protector, the Human Rights Commission and the courts are to ensure that such situations do not occur. They have to prevent this government from abusing its power just like the previous government which did not tolerate those who were opposed to its policies. These bodies are there to make sure that the government conducts its administration in a fair manner.

For this newly found democracy to work and reconciliation to happen, tolerance has to permeate every aspect of South African life. The need for tolerance places an awesome task on the church and the state. This complex issue challenges them both to promote it.

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