

Social Laws of Intolerance "On the Metaphysics of Terrorism and Genocide"

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Summary: Bigotry alone does not lead to disasters and cause genocides to occur; other different types of ideas may entail this possibility. Ironically, even tolerance may be leading to similar results. The reason is that tolerance may become a pretext for excluding those who do not believe in it; that is, people who may think that they are tolerant may work towards the exclusion of those who are different from them in the name of defending tolerance.

I attempt to expose the concepts of tolerance and extremism and reach the functioning actors, on the social level, who shape the genocide laws governing the events of cultural, ethnic and religious exclusion, the paradox of tolerance and the fallacy of using reason to reach consensus between humans. I also attempt to resolve the contradictions of anti-tolerance attitudes by using the concept of common sense.

I. EXTREMISM AND MODERATION

There are ideas that are shocking in their strangeness or in their clarity, which can result in damage. Such damage is treatable not by calling for naive moderation but by claiming that it be associated with cognitive tolerance, i.e., be associated with the idea in the mind holding it that it may be wrong.

Here, I must highlight the following important issue: Extremism, moderation and every idea can become a hazard if they are accompanied by the attempt to impose them on others or punish others for not adopting them. Every idea calls for violence as a means of imposing itself on those who do not adopt it or for the initiation of violence against the other merely because an intellectual disagreement is a harmful idea, and laws must be legislated to criminalize it¹. The difference between extremism and terrorism is that terrorism contains the use of violence or the threat of it to push a particular act or prevent an act that is in conflict with the law. Religious, ethnic or ideological extremism can culminate in terrorism. Extremism is thought that requires action to become a terrorism, and terrorism is an act based on an extreme thought.

This is the definition of extremism in its negative sense, and that is the line that must be drawn between positive and acceptable ideas and what is unacceptable. The attitude that calls for charging people for the ideas that are in their heads under the pretext that they are extreme is an extremist attitude itself because it calls for accountability and punishment for intentions only. The law may not hold people accountable for their intentions. Retribution cannot be justified before the

occurrence of the offense, and the offense should be an actual event, not a mere idea².

This definition that we have set, tolerating any idea regardless of what the idea is unless it initiates violence, is still widespread and can be misused. It can be confusing with regard to calls for revolution against injustice or resistance against the foreign occupation of a particular country. Because of this lack of clarity, we find the disparity in the descriptions of some of important figures in recent history (e.g., Mandela, Guevara). Some call them terrorists, whereas others describe them as heroes and revolutionaries for freedom. The solution to this problem that keeps our criteria appropriate is that these figures called for violence not simply due to an intellectual disagreement but because they were facing actual injustice and the denial of their rights. Thus, the criteria for judging their ideas and actions should be included under the requirements of justice, not under the requirements of idea correction, around which we believe that tolerance revolves.

II. THE PARADOX OF TOLERANCE

Is it possible to exceed the limits of tolerance? Does tolerance include being tolerant towards the intolerant? In other words, are there limits to tolerance? If the answer is yes, then how can we know these limits, and who is going to decide these limits? If the answer is that tolerance should be without borders, what is the position of the intolerant? Will we tolerate the intolerant until they eliminate tolerance and the tolerant?

The Harm Principle, which we borrow from John Stuart Mill, may be appropriate for drawing a limit for tolerance, given that we conclude from it that we may tolerate ideas and actions provided that they do not cause harm to others (Mill.21).

It seems that, if we take it as a criterion for determining the limits of tolerance, this principle remains loose. An intolerant extremist may argue that even one's thoughts, the way one dresses and one's hairstyle can cause harm to the community, provided that they do not follow the standards that he sees the need to abide by and the standards that he thinks that his religion or his ideas impose on people and that people must obey, causing harm to the community otherwise.

From here, a logical problem with tolerance arises, the so-called Paradox of Tolerance.

Karl Popper (1902-1994) addressed the concept of tolerance and its contradiction. We can state the paradox of tolerance as follows:

A tolerant person may be hostile towards the lack of tolerance. Thus, this tolerant person will be intolerant towards some attitude, namely, the lack of tolerance. Then, that person is simultaneously tolerant and intolerant.

Karl Popper seems to accept this logical paradox as it is, showing the social paradox that tolerance can fall into it. He thinks as follows: Unlimited tolerance will ultimately lead to the disappearance of tolerance. If tolerance extends to the intolerant and if we are not prepared to defend a tolerant society against the attacks of the intolerant, then the consequence will be the destruction of the tolerant and of tolerance as a whole. In this context, he does not call for the suppression of expression of intolerant opinions, theories and philosophies. Provided that we can confront mental arguments and keep them under the control of public opinion, it is certain that repression will not be wise. However, we should have the right to suppress such arguments if necessary, even through the use of force, because it is easy to find that these views have rebelled against the bow of recourse to mental arbitration and have begun to reject all of the arguments using muscle and arms.

To that end, and in the name of tolerance, we must demand the right to not tolerate the intolerant. We must consider calls for intolerance a crime, similar to murder, rape and the slave trade (Popper. 543).

In this manner, Popper wants us to adopt the paradox and be simultaneously tolerant and intolerant. However, adopting a paradox is never a safe choice. It always has poor results, which is how Popper destroyed tolerance, i.e., by making it a tool for intolerance and suppression.

III. THE ARGUMENT AGAINST TOLERANCE

The argument of Lord Patrick Devlin (1905 – 1992), a judge on the British High Court, represents an important anti-tolerance attitude. It is based on moral grounds. He criticizes a report issued by the Wolfenden Committee in 1957. The report says: “As a general proposition it will be universally accepted that the law is not concerned with private morals or with ethical sanctions” (Wolfenden. 1957). It says that in the field of what is moral and what is immoral, space must be left for what is personal and special and the law should not enter this area (George. 65). The objection of Devlin is that the price of tolerance, according to the ethics of the constructive community about the dangerous behaviour, is the loss of the distinction between what belongs to the individual in society and what belongs to the community as a whole (George. 65).

Devlin thinks that solid institutional ethics are as necessary for a good community as they are for a good government. Necrosis happens to communities from the inside more frequently than they are destroyed by external pressure. Additionally, there is necrosis when the accepted ethics are

not reserved. History proves that the relaxation of moral constants is often the first stage of the decay. Thus, it is justified for the community to take the necessary steps to save its moral law in the same manner in which it takes steps to maintain the government and other key institutions, and let us not define the scope of private ethics, given that it is not for us to define the scope of private coup activities. It is wrong to talk about private morals. Some may argue that the sins of a particular person affect that person alone and thus are not the affairs of society. If this individual chooses to get drunk every night upon retiring to his home, does he hurt others? Devlin's answer is as follows: Assume that a quarter or half of the population gets drunk every night; what type of society will we have? One cannot put a hypothetical end to the number of people who can get drunk, and if this limit is exceeded, then the community enacts legislation against drinking (Devlin. 76-125).

It is worth noting that the intervention in what is personal is not a strange thing or new to communities; indeed, it seems that the basic infrastructure in the vast majority of communities is built on interfering in matters that are very personal and sensitive. This phenomenon supports Devlin's position. For example, in the marriage system and the prohibition on incest, it is clear that these matters are very personal. However, since time immemorial, societies have used their legislative, judicial and executive authorities continuously to intervene in this space, setting rules and laws to legalize and prevent according to kinship, placing and implementing sanctions on offenders in this area. Thus, Devlin's attitude, which claims the right to interfere in what is personal, is not new. The reality is that the law in almost all societies interferes in what is a personal.

Devlin's position is to say that morality is essential for the good of society. Ethics are social and not individual or private, and one of the tasks of government is to care for the good of the community. Thus, it is right that the government enacts laws for the preservation of moral values. It is clear that doing so means having zero tolerance for acts and not promoting the ideas and beliefs that are incompatible with these moral values.

Devlin's attitude refers to the importance of social cohesion. According to him, there are not many people who hold different moral values; however, he indicates that the community faces the threat of being disturbed by them. There should be a common moral law that is recognized by all members of the society as acceptable and legitimate³.

Let us call this argument the argument of generalization. Its basic idea is that I refuse a personal behaviour and criminalize it on the pretext of my fear that it may spread to all or to the majority and. Therefore, I fight it as I would fight a contagious virus. This type of thinking involves many errors: First, there is the assumption that my thinking is the right thinking, and I want the disruption and the exclusion of anything else because it differs from my thinking. Second, it forgets that the nature of humans differs from one to another

and that one way of thinking cannot apply to all people. Spontaneously or forcibly, one manner of thinking may triumph at a certain period and then decline and recede in another period. It is important to say in response to those who have this way of thinking, do not be afraid of the intellectual triumph of the other; do not be afraid that his thoughts, ideas and beliefs will eliminate yours because these things cannot be eliminated. If this were possible, different and new ideas would not have emerged against your prevalent ideas. The overwhelming of and ruling of certain ideas does not necessarily lead to the erasure of everything else or bar any new ideas from being born. Difference will always be there, and there will always be an increase in the number of people who follow a certain idea or behaviour in some place and lack it in another. There is an ongoing dialogue of ideas in a mostly fruitful and positive contradiction because it leads to the appearance of what is new. Some of these outcomes may not be desirable, but in the end, it is a fertile area for renewal and development. It is known that laws, such as those that Devlin wants, in their simplest form result in the eliminations of any possibility of renewal in any society. Had such laws existed, no social or cultural revolution would have occurred over the course of history.

Devlin's position is a response to a report for consideration in a case of homosexuality that viewed it as a private and personal matter in which the law should not intervene. It is worth noting that in the history of Islam, we find a similar position attributed to Imam Ali ibn Musa al-Rida (705-818):

"The reason behind the prohibition on males being with males and females being with females is the nature of females and the nature of males. Male / male, and female / female relations would lead to the interruption of pregnancy and birth, a corruption of the measures and the ruination of the world" (Saduq. C2. 547). Here, we find that this argument is similar to Devlin's argument based on the assumption of generalization. They refuse a specific individual behaviour or attitude by suggesting that, if it prevailed and everyone did it, then it would lead to bad social consequences. The fallacy here is that all people will never be united in having a single type of behaviour, regardless of what Devlin and thinkers who share his ideas accept or reject.

It is clear here that Devlin counts on moral coherency, not on moral truth. If we follow Devlin's opinions, then we will not be able to reach the reality of ethics or correct our mistakes. Social ethics may need to be reduced to the well-being of the individual and society. As John Stuart Mill believes that people learn from their mistakes and the mistakes of others, so does tolerance allow them more opportunities to obtain well-being and happiness (Mill. 103-106).

In the case of behaviours that fall outside the general social context, their outbreak may have social causes that led to their emergence. The treatment of these behaviours would treat their causes, not repress or outlaw them. If Devlin observes that the collapse of societies begins with the collapse of ethics, a point on which I agree with him, then we must realize that

the emergence of unacceptable behaviour is a sign of a defect in society and not the reason for the defect. We need to search for the reasons for the defect in another area. The way to treat the defect is not by imposing what we think is true. Doing so is similar to trying to impose certain doctrines or change established beliefs by force. John Locke (1632-1704) thinks that it is unreasonable to use force in trying to change religious beliefs. Perhaps one can impose religious rituals and practices, but one will not be able to impose ideas and beliefs. It is well known that rituals without belief are empty (Locke. 7-8).

IV. EXTREMISM IN THE NAME OF REASON AND THE REASONABLE

John Rawls believes that the state's position towards different positions of members of the society and its cultures should be neutral and that its mission is limited to the enactment of laws and legislation on the grounds accepted by all wise people (Political Liberalism. 37. & A Theory of Justice. 71).

However, it is difficult to acknowledge the existence of laws or regulations that are accepted by all (wise people). It is difficult for us to determine who these (wise) people are (Saenz. 16-18) or who decides to bestow on them this status and what the criteria for doing so are. The state is an institution composed of members, individuals who must belong to parties and have their own thoughts and beliefs that must have an impact on their attitudes and what they legislate; thus, the state cannot represent these (wise) people. In Lord Patrick Devlin's previous position, we have evidence that there are differences between (wise) people and that legislators themselves have contradicting views and attitudes towards many issues. Devlin differs on the issue of tolerance itself, deciding that the state has the right to intervene even in the personal matters of its citizens and that it is entitled to prohibit certain behaviours. If wise people could agree on things, then conflicting and contradictory books about tolerance and other major issues would not have been written. Some of these books were written by the finest intellectual elites (for example, Plato and Aristotle). Will they be pushed out of the circle of wise people? If they are to be pushed out of that circle, then who is going to remain in it, apart from Rawls and those who share his thoughts? If the circle of wise people is restricted to containing Rawls and his friends alone, then what would they say about people who do not share their thoughts? Where is tolerance going to be if Rawls removed from this circle all of the people who disagree with him? As a result, extremism, cultural genocide, and bigotry can occur in the name of the mind and in the heads of those who claim that they are wise, which has been the case most of the time over the course of human history.

V. TOLERANCE JUSTIFYING INTOLERANCE

This is what may be called the problem of Karl Popper. It seems that Popper's call here would lead to intensive intolerance. Is it not a call to intolerance primarily, and is it

justified as being for tolerance because it calls for zero tolerance towards the intolerant?

Despite the strength of the logical evidence for the argument of Popper's call for the need for zero tolerance towards the intolerant, we find in it the simultaneous call for tolerance and intolerance. He means to defend tolerance and protect the tolerant from the risk of the intolerant. To achieve this purpose, he follows the path of intolerance under the pretext of maintaining tolerance. The dangerous thing is that doing so may amount to the level of a call for cultural genocide under the pretext of tolerance and the preservation of tolerance and the protection of the tolerant from intolerance or intolerant cultures. According to this call, I should fight a particular culture if it struck me as intolerant and if I have the power and the means. In this manner, alleged tolerance could be turned into a pretext for cultural genocide and even the physical extermination of groups stigmatized as being intolerant. If we bear in mind that most cultures and religions describe themselves as tolerant and stigmatize others as not being so, then we realize that Popper provides criteria that can be developed into a world view to legitimize all types of genocides.

If we apply the understanding of Karl Popper and his call for the criminalization of intolerant cultures and philosophies, i.e., if we have adopted in earnest this standard developed by Popper, then we will face some serious consequences. Popper's call to criminalize any movement or idea that calls for intolerance can affect many religions that view themselves as the only way to the truth and as being unique to win the satisfaction of God, and whoever else is astray and deserves ostracism or even punishment. All of these religions contain, at least implicitly, a call to exterminate the culture of the disputed other. Over the course of history, they have practiced what their beliefs called for on a frequent scale when it was possible. They exterminate cultures through coercion to change their beliefs and practice physical genocides under the banner of wars that were viewed as sacred. Is it permissible for us to outlaw these religions because of these intellectual attitudes? Is it permissible for us to outlaw Christianity because the crusades were executed under how people understood it at the time? Is it permissible for us to outlaw Islam because there is a principle in the holiest of its books that says: "And whoever seeks a religion other than Islam, it will never be accepted of him, and in the Hereafter he will be one of the losers" (Qur'an 2,85) and "Never will the Jews or the Christians be pleased with you until you follow their religion" (Qur'an 2,120)? If someone said that these verses and similar verses are tolerant and that the radical exclusionary understanding that calls for the elimination of the other is a misconception, then anyone who adopted Popper's criteria may reply to them that this misconception, which occurred once or more throughout history and was adopted by those who had power or force of arms, is enough for us to take such action to prevent its recurrence. In sum, Popper's criteria that were wanted for the tolerant to protect themselves and their tolerance can be used by the intolerant if

they have the power and the means to annihilate others. This could occur at any time, provided that all parties think of themselves as tolerant and think of those who do not agree with them as intolerant. The examples are too numerous to count.

VI. HUMAN TENDENCY LAWS: MOVING AWAY FROM THE SIMILAR AND REFUSING THE DIFFERENT

This tendency can be attributed to ideas that affect human societies. I may call it the Two Laws of the Human Tendency. They apply to ideas, values, religious groups, tribes and races.

The first law (moving away from the like): This law represents the movement of ideas and ethnicities in the same natural way by which energy and gases move in nature; that is, they move toward the state of interfering with each other to produce a unified whole in harmony, as if the laws of thermodynamic applied to them (Atkins. 27). Under this law, it will not be possible for any system of ideas to stay pure because they must interact and interfere with ideas from outside of their neighbouring systems or the systems that preceded them. It is the nature of cultures and ethnicities to overlap and mingle. No system of ideas would remain as it is. This applies to philosophy, religion, ideology, customs, traditions, fashion, etc. The same applies to societies and ethnicities. No ethnicity can remain pure. They are invaded by particulars from neighbouring systems or ethnicities, which is what has been happening since as long as the human species has existed, occurring under different excuses but always happening as the conduct of the process of the law and adherence to it.

The second law (refusing the different): This law explains the functioning of society by its similarity to a living body from a biological perspective. Society tends to dislike that which is different, similar to the living body. It rejects and fights any intruding object to remove it or kill it. The social body attempts to preserve the intellectual system; thus, it fights against any idea that comes from outside this system. Similarly, every race attempts to maintain its purity and the similarities of its members by fighting any intruder from other races.

According to these two laws, ideas in societies keep on mixing, and as a result, the act of rejecting new ideas continues until the new idea dies or finds a way to integrate into the mainstream ideas in the system. Consequently, one may find that one system of ideas has many differences in the details of the ideas it contains at different times and places, depending on the types of ideas from neighbouring systems that are interfering.

Although these two laws seem to contradict each other, they work in harmony to shape the movement of societies and the ideas within them.

The two laws of the human tendency express the innate nature of humanity at all times and in all places. People as individuals and groups always behave according to them whether they know it or not. The means of this activity take different forms. Because these two laws contradict each other, exclusion and genocides occur. Because of the moving away from that which is similar, on the one hand, and the refusal of the different, on the other hand, a clash occurs. Racism, bigotry, and extremism are tools for the activity of the two laws. Ideas, religions and ideologies, regardless of how tolerant and far from violence and exclusion they seem, may be modified spontaneously to abide by these laws. Even the authority of the state, regardless of how just it appears, can be used to help these laws occur.

These social laws are as active as physical laws. We must accept them and address them. It is useless to deny them because denying them will lead to catastrophic results. Knowing them and addressing them will help in using them and benefiting from them, similar to benefiting from the law of gravity. Thus, in every social or legislation activity, we must take them into account, in the same way that we account for the law of gravity when we want to build a bridge or manufacture an airplane.

VII. THE PARADOX OF EXTREMISM

An extreme position cannot be in harmony and always stays consistent, but it is a position that has an inbuilt contradiction. This contradiction will unavoidably appear to cause an extreme position to be divided into many extremist attitudes that exclude each other. The extreme idea or attitude carries its contradiction within itself and will ultimately exclude itself. When I say that this is an extreme position, it is as though I were referring to the existence of some type of a ruler that measures positions or ideas and that this position is located at the far end of this ruler, a remote party over another position located on the other end of the same ruler. This extreme position at the far end of this ruler is not only far from the other end of the ruler but is also equally distant and extreme compared to the nearest point on the same line and on the ruler itself. A religious extremist contradicts an atheist who is at the far end, but the contradiction does not stop there. This extremist also contradicts the religious believers who have different faiths as well as the religious believers who share his faith if they disagree with him on any of the details on which they are bound to differ because it is impossible for two people to have an identical understanding of one issue, regardless of how mentally close to each other they are. Once they focus on the detail, they will recognize their differences and be repulsed. Thus, the racist form of extremist begins to reject all differences in the details in the same race, and in the case of the extremist in loyalty to his homeland, he will be an extremist in his allegiance to his city, then to his street, and so on until he reaches the point of being extremely loyal to himself against everyone else.

The extremist idea is only possible for one person, and it is not to be shared. The group that adopts an extremist idea cannot last as a group because it will lose its internal consistency as soon as it reflects on itself and on the details of its principles and their consequences. Then, the repulsion of its members will begin.

An extremist group will remain compatible with internal harmony and agreement on fixed basic tenets provided that the groups is busy fighting others who are different and distant and who do not share the group's intellectual and ideological maxims. However, the minute that the war and bickering calms down for one reason or another (when it realizes its inability to resolve the war or when it has triumphed and crushed its opponents), once the group stops, its members will take notice of themselves, and internal radical struggles, divisions and internal conflicts will begin. This occurs with any radical idea when it is adopted by some extremist-oriented people, then war is waged on its opponents, and then the internal wars begin, exactly as it has happened over the history of Islam and as has happened in all of the major ideas that have animated history.

VIII. COMMON SENSE AS A WAY TO OVERCOME THE CONTRADICTIONS

The practical side is to be decisive in resolving any intellectual or logical contradiction with regard to tolerance, democracy and many ethical or social issues. For example, all responses to Devlin's position are legitimate, but it must be recognized that, setting aside his rigor, he makes a strong case in his argument. There are limits not to be exceeded in tolerating acts that go beyond morality. The solution here is in the practice of the act. If it is clear that an action will lead to clear damage, then it should be addressed in a manner that limits this damage. The problem related to this is represented by the question of who decides the limit of what is allowed and what is not allowed.

Borders or limits must be decided by common sense, which is a basic ability to perceive, understand, and judge things that is shared by (common to) nearly all people and can reasonably be expected of nearly all people without any need for debate (wikipedia, Common sense).

Despite the hazy and blurred limits established by common sense, it carries a sense of uncertainty, but this uncertainty is only limited to the acute and precise borders of debatable issues when it cannot decide whether the issue begins at this point or ends at that point. This may be considered an advantage for common sense; instead of thinking that it is blurry, we can say that it is flexible in understanding these limits and that this flexibility can be in favour of freedom in actions and in favour of innovation and creativity. When it is clear that an act is bad and has serious unambiguous damage, the decision of common sense is clear as well, whereby there is an intervention. Let us take an example related to personal behaviour: A person drinks wine in such a way that he or she hurts himself or herself. Devlin thinks that if we generalize

the situation and say that half of the population is going to do it, then the state, as represented by the law, should interfere. The problem in Devlin's position is the excessive generalization, which is not needed at all. Thus, the common sense of the society would not have a problem with someone who chooses to drink a great deal because it is a matter of freedom; hence no intervene of the law or the state is needed, and this person himself would refrain from drinking too much if he returned to common sense without the need for the law to intervene as well. However, if a large number of individuals were to open a large number of bars and started giving people alcohol for free every day, resulting in a large number of alcoholics, increased problems and disrupted business, then intervention and prevention would be a must because the damage would have become so clear that it could no longer be ignored and had clearly become incompatible with common sense. The criterion of common sense is clear in the vast majority of life events and activities. For this reason, the state does not need to intervene, and people act and sort things out in the light of common sense. Matters become problematic with regard to addressing the limits. Here is another example to show the limits: At a zebra crossing on a busy street, cars are waiting for people to cross. An elderly woman is the last person to cross and is taking a long time to do so. The lady is almost done, and the cars are waiting patiently, following common sense. Then, some other people come to cross. Common sense demands that the cars must wait a little bit more. Then, another woman with two children arrives and starts to cross, and so on until it seems endless. At this point, the cars start running out of patience and start beeping. The orders of common sense are clear and unmistakable when the cars are moving, so none of the pedestrians crosses. It is also clear when people are crossing, so the cars do not move. The problem only starts when things go too far, and people miss the limit of knowing when to stop or move. Here, the need for a policeman or traffic lights is introduced. Thus, common sense works all the time, and things go wrong only when people ignore it due to selfishness or other circumstances. This example applies to most ethical issues.

The common sense of each society is different from that of other societies. This difference can be useful because the proposed solutions in every society would be compatible with the requirements of that society. In this sense, there are no absolute solutions to benefit all mankind. Hence, there is the difficulty of importing and exporting ready recipes that contain merits and details (e.g., democracy, tolerance, extremism).

Common sense does not remain dignified and fixed permanently; instead, it is in a state of constant change as a result of the friction with other cultures. It is also affected by cultural and social revolutions, moral heroes, and organized and focused media campaigns.

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Notes:

¹ This is our standard boundary between what is and what is not tolerant of ideas and solving the paradox of tolerance.

² This is rooted in its origins in Imam Ali bin Abi Talib (AS), who refused reprisals against the person who assassinated him after that person delivered a fatal blow to the Imam Ali; the Imam's followers wanted reprisals against the perpetrator, but the Imam was still alive and prevented them, saying: "only after the crime does retribution come" (Majlisi, c 42. 279).

³ We must exclude cases of cultural genocide, which are outside the purview of Devlin and others who share his beliefs, given that they want to initiate the majority to compel a minority, for fear of the triumph and sovereignty of the ideas of the minority.