

The Limits of Tolerance in Public Universities

Lozano Aguilar, José Felix; Pérez Zafrilla, Pedro Jesús; González Esteban, Elsa

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Lozano Aguilar, José Felix ; Pérez Zafrilla, Pedro Jesús ; González Esteban, Elsa: The Limits of Tolerance in Public Universities. In: *Politics in Central Europe* 4 (2008), 2, pp. 9-25. URN: <http://nbn-resolving.de/urn:nbn:de:0168-ssoar-63177>

Nutzungsbedingungen:

Dieser Text wird unter einer Deposit-Lizenz (Keine Weiterverbreitung - keine Bearbeitung) zur Verfügung gestellt. Gewährt wird ein nicht exklusives, nicht übertragbares, persönliches und beschränktes Recht auf Nutzung dieses Dokuments. Dieses Dokument ist ausschließlich für den persönlichen, nicht-kommerziellen Gebrauch bestimmt. Auf sämtlichen Kopien dieses Dokuments müssen alle Urheberrechtshinweise und sonstigen Hinweise auf gesetzlichen Schutz beibehalten werden. Sie dürfen dieses Dokument nicht in irgendeiner Weise abändern, noch dürfen Sie dieses Dokument für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, aufführen, vertreiben oder anderweitig nutzen.

Mit der Verwendung dieses Dokuments erkennen Sie die Nutzungsbedingungen an.

Terms of use:

This document is made available under Deposit Licence (No Redistribution - no modifications). We grant a non-exclusive, non-transferable, individual and limited right to using this document. This document is solely intended for your personal, non-commercial use. All of the copies of this documents must retain all copyright information and other information regarding legal protection. You are not allowed to alter this document in any way, to copy it for public or commercial purposes, to exhibit the document in public, to perform, distribute or otherwise use the document in public.

By using this particular document, you accept the above-stated conditions of use.

ESSAYS

The Limits of Tolerance in Public Universities¹

José Felix Lozano Aguilar, Pedro Jesús Pérez Zafrilla and Elsa González Esteban

Abstract: *In this article, our aim is to reflect on the legitimate ways that religious pluralism may be managed in the state-owned public university environment. To do this, it will be necessary to take into consideration the essential characteristics of the origin of the university. The second point in our work will be to clarify the concept of tolerance and its difference from neutrality, which will allow us to carry out the reflection and subsequent discussion with rigour. For our third point, we will describe the essential characteristics of the religious conflicts that can be found in our European universities and how they are being managed.*

Following a critical analysis of these cases, we will present a proposal of criteria to be used in evaluating the religious practices in state-owned public universities based on the theory of discourse ethics. Finally, in the conclusion we will indicate some new lines of research and the path that public institutions may follow in managing religious conflict.

Keywords: *discursive ethics, toleration, public universities, dialogue, ethical values*

Introduction

Today, universities are spaces where plurality, diversity and multiculturalism are lived intensively on a daily basis, and this is also true of the conflicts and problems derived from them. Thus, we can find that there are problems with religious symbolism in buildings (Germany) or on symbols belonging to publicly-owned universities (University of Valencia), such as groups demanding that they be able to show their religious identity on campus or in their departments.

Without doubt, conflicts of this type which appear in the university are even more complex – if that is possible – with regards to those that may occur in other public

¹ We acknowledge the support of the European Commission's 6th Framework Programme and the EuroEthos Research Project.

We sincerely appreciate the critical comments made by participants of the congress "Values and Diversity", held in Pilzen in August 2008. We also thank the critical comments made by anonymous reviewers.

places, such as hospitals. This complexity is due to a series of factors derived from the history and the very function itself assigned to the university. In terms of their history, as we will point out later, we find that although the universities were first established by the Catholic Church, today public universities are governed by the secular values and principle characteristic of democratic governments. For this reason, they must combine an inherited tradition with a respect for the rights and liberties of different people and their diverse concepts of what is right. In terms of its functions, the university is a forum for critical reflection on social problems, and therefore must indiscriminately give a voice to the different contributions that – from the various perspectives – can be made to this reflection within the current context of interculturality.

The analysis of conflicts related to tolerance in the university thus turns out to be of fundamental importance: in the first place, because they affect an institution of great relevance to the development of society; in the second place, because the challenges of peaceful co-existence within diversity that are seen on our campuses today may be an incentive to try out new solutions for these conflicts that allow this institution to function better; and in the third place, because the proposals originating from the university may serve as models for other public environments.

The process for solving these problems in the university must include the analysis of the functions themselves which are assigned to this nearly thousand-year-old institution. This will be the first step in our research. Following that, we will explore the concept of tolerance in depth in order to recover its original meaning, tied more to that of recognising identity than to simple indifference. Only thus will the implementation of tolerance within the institution of the university be of practical use. In this way, we will be able to address specific cases which have appeared in this environment and how they have been resolved. As a solution to these problems, we propose some principles derived from discourse ethics that focus on the necessary deliberation between the two sides under symmetrical conditions. The values of civil ethics (Cortina, 1986, 1997, 2001, etc) – freedom, equality, solidarity, respect and dialogue – are the core values of the university, and their empowerment is one of the key functions of the University. At the same time, these values are the tools for the solution of cultural conflict.

The University – Origin and Challenges

“The university is the second-oldest institution in the western world with an unbroken history, after the Roman Catholic Church.” (Iyanga, 2000:7). In the late sixth century and beginning of the seventh, the first cathedral-based schools appeared. Their task was to educate the secular clergy and to attract young people to the parish, to whom they then had to teach Scripture, as well as reading, writing

and arithmetic. Beginning with these schools, an unbroken evolution began that gave rise – in a way that was almost natural – to the world’s first university, the University of Bologna, in 1088. This was followed by Oxford University in 1167, the University of Paris in 1170 and the University of Salamanca in 1230. More recently, in the American tradition, the most prestigious universities have also had their origins and goals tied to religion, and to a large extent have continued the European tradition. Harvard, Yale and Dartmouth were founded by Congregationalists; William and Mary, and Columbia by the Anglicans; Princeton by the Presbyterians; and Brown by the Baptists. The creation of all of these was inspired by the idea of religious service.

This religious origin has greatly influenced the development of the institution of the university and, although it is quite true that it has not determined its evolution, it has left an important mark on its institutional ethos. The process of the rationalisation and “disenchantment” of the world begun in the Enlightenment has also arrived at the university and, in particular, at the public universities of western culture, religious influence is limited and with a tendency towards decreasing. This is the context in which the conflict between maintaining the religious symbolism and traditions that are part of the institution’s history and the secularity of the state and of public spaces arises.

The Mission of the University

In our opinion, in order to respond to that dilemma, it is necessary to reflect seriously on what the university’s mission – the social aim that gives it meaning – is (Barber, 1991; Cortina, 1993, 1998). The mission of the university has always been to seek and share information and to provide education for professionals. Spanish philosopher Ortega y Gasset understood the mission of the university to be the education of cultured people, where “culture” meant “the vital idea system of each time” (Ortega y Gasset, 1930:322). That is to say that the university must be at the service of life and offer a solution to social problems. To put it in the words of Coit Gilman, founder of Johns Hopkins University: “Make for less misery among the poor, less ignorance in the schools, less bigotry in the temple, less suffering in the hospitals, less fraud in business, less folly in politics” (Harkavy, 2006:10). If we focus on this last point, it is clear that the impact of the university on the development of democracy is unquestionable. Along these lines, Harkavy (2006:9) – following American pragmatic tradition – states that: “The goal for universities, I believe, should be to contribute significantly to developing and sustaining democratic schools, communities and society”. The role of the university in the development of society goes beyond these specific objectives and presupposes a reflection on the ideal of humanity that we want. In the words of Nussbaum: “Our campuses

are producing citizens, and this means that we must ask what a good citizen of the present day should be and should know” (Nussbaum, 1997:3).

Carrying out this mission requires the development of particular functions that authors such as Ortega (1930), Jasper (1923) and Reed (2004) have put into four basic groups: education, basic research, cultural reproduction and professional training. These four functions are undergoing important transformations, some of which threaten the mission of the university.

Education

Educating people continues to be the fundamental objective of the university and higher education centres. Even when there are risks and problems resulting from the commodification of higher education (Odin – Manicas, 2004; Newman – Couturier – Scurry, 2004; Reed, 2004), this continues to be its stated purpose.

In the model of the liberal university, “*Bildung*” is understood as a complex process of maturation in which the critical appropriation of knowledge – and not the mere transmission of knowledge – is promoted. This model, which starting point is the search for truth and knowledge for its own sake, has been losing ground to the model of instruction in which the university must transmit information in order to educate professionals capable of finding high-paying jobs in the market. Knowledge has become a valuable commodity that is bought and sold on the market (Reed, 2004).

The move from education (*Bildung*) to instruction in the universities is a process that causes their role as social actors to deteriorate and has a negative impact on the fight against global social problems. These problems, among which are religious conflicts, ecological challenges, peace, the strengthening of democracy, etc., now seem to be foreign to the university and they find no place there, nor are they considered to be a task suitable to institutions of higher education.

Research

Many profound changes are also taking place in the field of research. To address this topic in detail would go beyond the objectives and space of this work, but it is worth pointing out at least one aspect that has a key social impact. It is the strong tendency towards commodification of university research that is putting the goals and means of research into danger “Today, however, the growing influence of the market in higher education means that the search for truth is rivalled by a search for revenues.” (Newman – Couturier – Scurry, 2004:4).

These changes in the field of research lead us to situations of risk that we should observe with caution if we want research to continue to be at the service of advancing science and improving the lives of people. The statement by Reed sums this risk

up very well: “The pursuit of knowledge for its own sake is a precondition for the integrity of basic research” (Reed, 2004:25).

Social Commitment

One of the most oft-repeated criticisms of our European universities over the years is that of having been at the edge of society, of being closed in and only concerned with their own problems, neglecting their concerns for the common good. The lack of a decisive commitment to the most serious social problems – pollution, defence of human rights, and the generation of a constructively critical culture – has been criticised by civil society.

The role of universities in the discussion of global problems is decreasing. Their contribution to the solution of public issues is marginal and, in large part, considered something “extra” and not an essential part of their mission. Many people and university administrators understand that making a contribution to democracy and social justice is a second-order objective. We are, indeed, in agreement with Barber (1923), and we believe that the university must play a key role in the development of society in all of its dimensions: economic, political, social and cultural.

Without doubt, one way to develop a society is – as Kant stated (1784) more than 200 years ago – to encourage the public use of reason. The university has traditionally been a forum for debate and social innovation and rational discussion has been one of its defining characteristics. Today’s tendency seems to be moving in the other direction, and the universities are no longer “serving as home of open debate about critical but controversial societal issues” (Newman – Couturier – Scurry, 2004:218).

The commitment by the university to society implies that society will take on its role as the centre of discussion and critical debate on topics of social relevance. Thus, then, the debate on religious symbols and traditions in the university is important for at least two reasons. The first is because it is necessary to analyse up to what point the presence of institutional religious symbols and practices make rational debate, social coexistence and religious pluralism difficult. The second reason is that the academic institution is a good space for social innovation, and perhaps the specific solutions that we can experience in the university regarding religious activities, traditions and symbols may establish the pattern for addressing these issues in other social environments.

Tolerance vs. Neutrality in Public Institutions

In order to understand the way that tolerance should be shaped in the university environment, we must first analyse what the characteristic elements of tolerance are in the modern era and this can only be done relative to the concept of neutrality.

Certainly, both concepts – “tolerance” and “neutrality”- have occupied a central place within the scope of political theory since the birth of the modern era, with its range of application being the problem of social stability. Nevertheless, in terms of its development, in reality there has been an evolution in the meaning of the term “tolerance” that will affect the relationship between the two. This change in meaning is what explains to us that – although in the beginning it was the concept of “tolerance” that enjoyed more protagonism in the public sphere – in the contemporary period “neutrality” is pre-eminent, with tolerance being relegated to the scope of personal relationships.

In the Middle Ages, we find societies built around a single concept of good – usually a religion – shared by the great majority of citizens and serving as a basis for political legitimisation and social self-comprehension. However, this way of thinking broke with the abrupt appearance of the Protestant Reformation and the moral and religious pluralism it brought. The blood-filled wars of religion of the sixteenth and seventeenth centuries were the most evident proof that, from that time on, those who governed could no longer base their decision on the dictates of one religion, because, obviously, none was held in common. Likewise, neither could they devote themselves to imposing a particular doctrine on the whole of society, because that could only have been accomplished through the annihilation of those groups contrary to that religion, thereby prolonging the situation of war that the political power was charged with stamping out.

Thus, the concept of political legitimacy took a radical turn. In modern times, it could no longer base itself on a concept of truth in particular, but rather on the capacity for maintaining a situation of peace that would stop the warring between different creeds. This was the idea of that period’s social contract theoreticians such as Locke and Hobbes. However, this new way of understanding the idea of legitimacy has a clear reference: religious tolerance. If the person who governs cannot base his decisions on a particular religion, it will be understood that he must be tolerant with the various different religious faiths present in society. At that time, there was talk of “tolerance” but not of “neutrality”. Hence, Lock’s titling of two of his essays as *An Essay Concerning Toleration* and *A Letter Concerning Toleration*. In this sense, we can say that the meaning of neutrality is included in tolerance itself, though it had a specific meaning that – strictly speaking – distinguishes it from neutrality in its current meaning and explains why one and not the other was used in the field of theory.

Tolerance does not mean that he who governs should be neutral between the different churches so much as it must recognise the liberty of conscience of all citizens in choosing their particular faith. That is to say, what underlies this approach is a differentiation of functions: that which concerns the application of laws, and

that which affects spiritual issues. Thus, two spheres are distinguished: the public (political) and private (the conscience of the citizen). He who governs must devote himself to keeping the peace and to protecting the rights of citizens – such as their freedom and their property – but must never intervene in those issues concerning faith, such as what the true religion is (Cortina, 2003). This is so because decisions about faith fall within the natural human right to freedom of conscience: each person can – through his conscience – discern what the true religion is (given that the pluralism of doctrines makes it impossible to determine this publicly); hence also Locke's conception of churches as freely-formed collectives whose members have the freedom to change religion if they understand that the other religion is the true religion.

Thus, tolerance appears when differentiating between the public and the private sphere, in such a way that he who governs cannot legislate on subjects that affect the conscience (and the natural freedom) of citizens. He who governs cannot decide which religion is the true religion, and for this reason must respect the existence of different churches, as long as none of them interferes in the public sphere reserved for state activities, for example, requiring obedience to a foreign sovereign. However, the respect toward churches – which may be understood as neutrality – is conditioned on the respect that is due to citizens' freedom of conscience. This is the original meaning of tolerance which, as we can see, implies the idea of neutrality (Wilson, 1996). The State must be neutral between the different churches and therefore may not impose any one upon the rest of society. However, it should not impose any, not because otherwise it would not maintain equality among the groups, but rather because doing so would violate the natural right of individuals to freedom of conscience, invading the private sphere that does not concern it. At the base of all of this lies the individual and his rights, not equality among groups.

It is during current times that the relationship between neutrality and tolerance has made a slight shift towards differentiation. In fact, we can say that now the benefits that the idea of neutrality represents for political theory have been discovered. Proof of this change is the significant fact that contemporary political philosophers speak of "neutrality" and not "tolerance." It is thus since currently tolerance and neutrality seem to be applied in two different scopes: neutrality seems to be more a virtue of the institutions and tolerance a virtue applied to citizens. The State, as well as the university, must be neutral among the concepts of good, while the citizen must be tolerant towards those who think differently than he does. The most evident example of this new paradigm is represented by contemporary liberal authors such as Rawls (1993), Audi (2000) and Galston (1991), with the former being the author whose idea of neutrality will influence the rest, and thus worthy of special attention. Rawls makes neutrality among comprehensive doctrines the backbone

of state action within a context of moral pluralism, such as the current democratic societies.

Focusing now on the idea of neutrality, in the first place, the concept cannot be understood in an absolute sense (Meckled-García, 2001). One may be neutral, yet always in regard to something in particular, and neutrality may be achieved depending on that with regard to which one wishes to be neutral. For example, the State may remain neutral between Catholics and Protestants, but perhaps not between Catholics and cannibals. In this sense, Rawls understands that a reasonable pluralism – not merely any pluralism – must exist within democracies. In other words, society must include only reasonable comprehensive doctrines, which are those recognising the prioritisation of the demand for justice over the ideals of the good life. The political notion of justice may only be neutral within these reasonable comprehensive doctrines which allow for peaceful coexistence within a context of moral pluralism.

In this case, how is neutrality to be understood? Rawls (1993) distinguishes among several connotations of neutrality. He mentions, on the one hand, the neutrality of effect, and on the other, justificatory neutrality. The former establishes that the State must avoid any action which may favour or prejudice the development of one doctrine over another. Rawls takes a clear stand against this alternative, working from the understanding that any action taken by institutions may lead to consequences for the development of one doctrine or another, but that this influence is in fact inevitable, given that the State can not fail to act when faced with certain situations. For this reason, Rawls comes down on the side of justificatory neutrality, in which the institutions must not hope to favour or prejudice any doctrine present in society through their actions. It would, of course, be different – as we have just seen – should a concrete act result unintentionally in support or condemnation of a doctrine. For example, the manner of deciding the day of the week on which a university exam will be held may be a “majority rules” situation. Yet, if the majority select a Friday (given that the majority of the students are Christians), this would not be discriminatory to other groups such as Jews or Muslims, as the professor’s intention was not to defend the interests of the Christians, but rather to decide the date of the exam through a democratic procedure. This would be one way to express neutrality within the context of the University. One could say perhaps that the outcome is not a neutral one, but the fact remains that in public affairs, it is not always possible to reach decisions which satisfy everyone, as in cases such as abortion (Williams, 1999; Van Wyck, 1987).

Let us now look at the issue of tolerance. Currently, it is understood as a simple indifference to the Other. “To tolerate” has come to mean something along the lines of “consenting to” or “accepting” the beliefs of others. Nonetheless, this is

a mistaken idea which stems primarily from use of the term in everyday language. Within theory, the expression “tolerance” occupies a place superior to that of mere “indifference” (Meckled-García, 2001). It is true that while neutrality has an active sense with regards to state actions, tolerance has a passive connotation and refers to that which we ought to respect in others and against which we can do nothing. As I have said, though, this sense of passivity ought not to be confused with mere indifference towards that which is not approved (Giner, 2002). As we have seen, it was originally understood more as the State’s refusal to oppress certain beliefs. Today – as it is applied to individuals – the word must be seen as respect for that which is different, not because it is inferior, rather the opposite, because it is believed to possess a supreme value. Religious tolerance is not indifference to religion; rather it is the admission that it possesses a supreme value. For this reason, religion must remain outside the political arena and not be imposed upon others (Carey 1999). Thus, today as well, a tolerant citizen is not one who looks upon others with indifference or doubts; it is a person who recognises an absolute value in himself and in his opting for a good life (Cortina, 1995).

Analogously, tolerance as it is applied within the university emerges from the recognition of distinct identities, and of the value of contributions made by different communities. Only in this way can the university as an institution adequately fulfil its mandate to educate a citizenry which is tolerant, within a context of moral pluralism. The typology of conflicts which we will discuss below constitutes a fair example of the need to implement this new focus, which we will develop further on.

Religious Conflicts in European Universities

The various religious conflicts at European universities which have made it into the media and the courts – whether national or European – present quite different typologies. One could say that there are three sorts of religious conflicts which are well-documented by specific philosophical or legal studies in the national presses of EU countries.

The first type of religious conflict is one related to religious symbols worn by students or professors. The second is connected to religious symbols which are permanently located in the buildings or on the identifying symbols of the university institution. Finally, the conflict also surfaces in relation to guarantees of religious practice in public centres.

It should be pointed out that when addressing the difficulty which stems from the first two types of conflict (religious symbols, whether worn, or permanent) one should differentiate between those which are inarguably religious and those whose religious origin has been secularised or which have taken on other significance. The crux of the conflict lies, therefore, on the one hand, on how one understands

the principle of neutrality meant to be exercised by the university as a public institution, and on the other, on the exercise of tolerance and freedom within the democratic principles of coexistence.

The cases stemming from the use of religious symbols by students and professors best documented within a university setting occurred in Belgium, France, Great Britain, Switzerland and Turkey, with some of the cases leading to judgments by the courts (Alenda – Pineda, 2006; Llamazares, 1998, 2005; Contreras – Celador, 2007).

As far as the specific cases of conflicts derived from the existence of permanent religious symbols, we could point to those which occurred in Germany, Italy and Spain (Alenda – Pineda, 2006; Llamazares, 1998, 2005; Contreras – Celador, 2007). The central point of the debate lies in the fact that the presence of these symbols could compromise the right to freedom of conscience of those persons who do not identify with the religion of the symbols exhibited. Given that we are speaking of public spaces in which the State must guarantee the secular or non-confessional principle, confusion may arise between the State's aims and those of religion. In public universities, the decision has been reached generally that it is the centre itself which must decide to uphold or withdraw the permanent religious symbols, due to their autonomous nature.

With regard to the tension at universities over the practice of religion, various debates have emerged within the public universities in Spain, and in certain cases even reached the point of requiring the State's intervention. By religious practice, we refer, according to Contreras Mazarío to: "the positive guarantee, or legal duty to act, which the State, and public powers establish for the full and effective practice of religious freedom by persons, members of centres or establishments who may find themselves in a position of dependency or subject to those in which their physical freedom is limited or cut off" (Contreras, 2000:111). Taking into account this characterisation of religious practice in public centres, it should be pointed out that in public university educational centres do not produce a level of dependency which would impede or limit the exercise of religious rights or freedoms. For this reason, each university centre must respond to the demands and they may do so in a positive or a negative manner. As Contreras put it: "(...) religious practice must not be obligatory for university centres, rather it ought to only be discretionary, and if established should be voluntary for the personnel of the university and for its students" (Contreras, 2000:157–158).

Thus, in Spain there is no legal norm for the university sphere which addresses the core question, which is to determine whether these centres fall within the category of public centres obliged to provide said religious presence, or whether it is a matter of the autonomy of each centre (Contreras – Celador, 2007). When the tension is such that it has led to a judicial resolution, jurisprudence has been extremely

varied in its pronouncements. For example, it was negative in the matter of a group of professors and students at Carlos III University in Madrid who requested a place prepared for religious practice, as the tribunal understood that the decision was within the discretion of academic authorities, who could respond either positively or negatively. The decision to guarantee and/or promote religious practice falls to the university governing centres, which possess full autonomy.

The landscape here is varied. For example, the aforementioned Carlos III University has opted to refuse, while other universities including University of Huelva and Rey Juan Carlos University in Madrid have maintained a position which is, in principle, in favour of the Catholic Church. A third, more interesting response – in our opinion – came from Barcelona’s Pompeu Fabra University, where a common “meditation” or “meeting place” has been set up, with the intention of encouraging and responding to the multiculturalism and the pluralism of religious beliefs (Contreras – Celador, 2007).

Evaluation Criteria from the Ethics of Discourse

The suggested discursive ethic affirms that “only those norms that can (or could) meet with the acceptance of all concerned in practical discourse can claim validity.” (Habermas, 1983:103). This ethical perspective considers dialogue not only as a medium, but also as a criterion for evaluation of real communication situations. Dialogue is therefore not only the procedure used to convince others and achieve one’s subjective interests, but also the only rational medium available to locate the path of correctness and inter-subjective truth (Cortina 1985).

In the first place, one must acknowledge that institutions of higher learning must commit to the liberal education of students. As Nussbaum writes: “Liberal education in our colleges and universities is, and should be, Socratic, committed to the activation of each student’s independent mind and to the production of a community that can genuinely reason together about a problem (...)” (Nussbaum, 1997:19). In other words, the task of the university is not only the education of good professionals but also of good citizens. In the second place, the university must educate from within a deeply rooted cosmopolitanism which assumes that we are speaking from specific cultures, languages and religions, but this must be done with the conviction that we can make ourselves understood to any being who is communicatively competent (Cortina, 2001). We must accept the moral and religious pluralism in society, and mould the students so they are able to live and co-exist in this *Lebenswelt*. In the third place, one must recognise that in authentic civic ethics, the relation among the (religiously inspired) ethics of maximums and the ethics of minimums, must be complementary rather than exclusive (Cortina, 2001; Conill, 2007). Fourthly, it is important to acknowledge that the existence and public expression of one’s own

cultural and religious concepts are themselves valuable and are an inherent right of citizenship (PNUD Report, 2004). Finally, we must understand the process of secularisation as a learning process in which secularism learns from that which is religious and vice versa (Conill, 2007).

Following the previous general considerations, we will move on to the specific implications which the ethics of discourse can contribute to the ordering of a religious plurality within the space of a public university.

In our opinion, the primary criterion to be followed in the case of religious tension is the predominance of good arguments, those which are rationally based, as opposed to arguments stemming from power, manipulation or imposition. To put it in Habermas' words: "In a secular state, only those political decisions are taken to be legitimate as can be impartially justified in the light of generally accessible reasons (...)" (Habermas, 2006:129).

(1) Working from these criteria, we can affirm that within the University campus *there should be no permission given for religious expression nor demonstrations which cannot be justified equally for religious, non-religious, or otherwise religiously oriented citizens*. There must certainly be no allowance made for behaviour which leads to confrontation, hatred or intolerance toward specific religious or secular points of view, to the strengthening of others or to the imposition of one over the others.

(2) The second criterion which can be derived from the ethics of discourse is what one could call the fomenting of autonomy. For the ethics of discourse, the stakeholders are those who have the right to participate in dialogues about norms affecting them; and it is assumed that these same affected people may legitimately defend their positions. The *mündiger Bürger* – or citizen possessed of reason – is the one who must choose his options in life. In the ethics of discourse, paternalism and imposition have no place. Actions stemming from this second criterion will be numerous and the objective of all of these will be the stimulation and strengthening of moral judgement as well as the rational capacity to shape the will according to universalisable principles. Specifically, *the university institution must take the initiative in generating a rational debate in which preferences may be expressed and beliefs and lifestyles critically evaluated*. For this to happen, it is crucial to guarantee freedom of expression and to simultaneously avoid the discrimination or stigmatisation of world-visions or lifestyles by any one religion. In this respect, the initiative at Pompeu Fabra University mentioned in this article seems like a good example to us.

(3) One of the basic tenets of the ethics of discourse is the symmetry among interlocutors in practical discourse. This symmetry is both the ideal and a criterion for evaluating the practical discourses within a real communication community.

Steps must be taken in two stages in order to seriously contemplate the symmetry of interlocutors: the individual and the contextual. At the level of the individual, the symmetry of participants requires measures which increase its capabilities not only its abilities (Sen, 1999); and at the contextual level, we must ensure the material, social and political conditions so that people may participate in the discourses affecting them. This principle then will be concretised within the sphere of the university, on the one hand, by *guaranteeing equal access to those mediums of expression and equity through the use of public space and resources*. In our view, access to these resources – which permit equal opportunity in the use of rights and freedoms – must be socially equal and non-proportional, as a proportional division of the resources will only strengthen the dominant credos (Habermas, 2006). On the other hand, at an individual level, the *university must commit itself to the promotion of cognitive or epistemic acts, and civic virtues aimed at resolving conflict in the public sphere through dialogue* (Habermas, 2005; Cortina, 2001). This encouragement must develop through extracurricular activities, and more importantly, in our opinion, through the introduction of specific materials on the ethics and rights of citizenship in each degree programme. The formation of critical attitudes and civic courage must be achieved in all possible spaces (Cortina, 2001).

(4) The final criterion we will refer to is the importance of dialogue, both as a means of searching for consensus and as an end. The best known way of settling disagreements is through dialogue, not violence. Authentic dialogue signifies recognition of the interlocutor's dignity and implies a renunciation of violence and oppression. Thus, even when dialogue is not the quickest or most effective procedure for making collective decisions, it remains the most legitimate, given that it is grounded in the essential principle of respect for personal autonomy and the plurality of opinions. Dialogue is also the end, in the sense that it is an *ethos*, a moral form of life which manifests itself in all areas of human activity (Cortina, 1995). Working from this criterion, we may affirm that the University must create spaces for permanent dialogue among the various religious faiths and must make an effort to avoid any sort of authoritarian pretensions or violent actions against any one faith or atheist group.

In our opinion, these are the arguments and criteria which through the ethics of discourse we may use for the management of religious and cultural conflicts at the university. By referring to Rawls (1971), and particularly through Sen's (1999) and Nussbaum's (1997) focus on capabilities, one finds support for these criteria. Nonetheless, given that our purpose is to propose normative criteria, we have opted for a strong philosophical basis.

“After all, whether the liberal response to religious pluralism can be accepted by the citizens themselves as the single right answer depends not least on whether

secular and religious citizens – each from their own respective angle – are prepared to embark on an interpretation of the relationship of faith and knowledge that first enables them to behave in a self-reflexive manner toward each other in the public-political sphere”. (Habermas, 2006: 155).

Conclusion

The university has been, and remains, an institution which is central to society. Its evolution and development have been closely linked to the economic, cultural, political and social development of each country. Today, it finds itself in an important process of transformation and the challenges which it faces are both diverse and important. It should be mentioned that among these tests is the attempt to foster harmonious coexistence among the various cultural and religious groups.

The university is a centre of knowledge and of mainstream education in our societies. Its task is the education not only of good professionals but also of responsible citizens. This means that they must manage the religious conflicts arising on our campuses. In order to address pluralism, it is necessary to find criteria and norms with a solid base and which can be shared by all. In our opinion, the ethics of discourse is a source of foundation building and of solid, practical criteria.

At least three relevant conclusions may be extrapolated from our research. The first is that the university has been – and remains – a forum for learning and social innovation, as well as a space of coexistence and common education. Secondly, the university must opt for an actively “neutral” attitude in the face of the diverse religious and secular views, through which all may learn from the rest and not merely settle for an attitude of tolerance and indifference toward the meaningful proposals offered by the various religions and philosophies.

In the third place, it is important to explain that by using the ethics of discourse as a foundation, we may extract a solid rational basis for the criteria which will frame the peaceful and constructive coexistence among the many religions. The primacy of rational arguments, the encouragement of autonomy, the search for symmetry and the consideration of dialogue as the mechanism used for conflict resolution, are all criteria which we may use for addressing religious conflicts and for the construction of a common *ethos* in a globalised world.

We believe that the construction of a common *ethos* requires a continuation of work in a double sense: the elaboration of a rational discourse about religious and atheist pluralism in institutions of higher learning, and the implementation of specific acts and innovative initiatives in mutual education, through which the students (and citizens) may be encouraged to develop a critical attitude and civic courage.

References

- Alenda, Manuel – Pineda, Matilde (2006): La manifestación de religiosidad como motivo de conflictividad. Una breve incursión por el panorama judicial español y europeo a propósito de la simbología, *Cuadernos de integración europea*, 7: 85–107.
- Audi, Robert (2000): *Religious commitment and secular reason*, Cambridge University Press, Cambridge.
- Barber, Benjamin R. (1991): “The civic Mission of the University”, in B. Murchland. Dayton, edit. *Higher education and Practice of Democracy*, The Kettering Foundation, Ohio.
- Carey, George (1999): “Tolerating religion”, in Mendus, Susan, ed., *The politics of toleration*, 45–3363 – Edimburg University Press, Edimburg.
- Conill, Jesús (2007): Racionalización religiosa y ciudadanía postsecular en Habermas, *Pensamiento. Revista de investigación e información filosófica*, 63 (238): 571–581.
- Contreras, José M^a – Celador, Óscar (2007): *Laicidad, manifestaciones religiosas e instituciones públicas*, Madrid, Fundación Alternativas, Documento de Trabajo, nº 124.
- Contreras, José M^a (2000): Principio de laicidad del Estado y asistencia religiosa en centros universitarios públicos, *Derechos y libertades*, 8: 99–160.
- Cortina, Adela (1985): *Razón comunicativa y responsabilidad solidaria*, Sígame, Salamanca.
- Cortina, Adela (1986), *Ética mínima*. Tecnos, Madrid.
- Cortina, Adela (1993): *Ética aplicada y democracia radical*, Tecnos, Madrid.
- Cortina, Adela (1995): *Ética sin moral*, Tecnos, Madrid.
- Cortina, Adela (1997): *Ciudadanos del mundo. Hacia una teoría de la ciudadanía*, Alianza, Madrid.
- Cortina, Adela (1998): *Hasta un pueblo de demonios. Ética pública y sociedad*, Taurus, Madrid.
- Cortina, Adela (2001): *Alianza y Contrato. Política, Ética y Religión*, Trotta, Madrid.
- Council for Aid to Education 1997 (<http://www.cae.org/default.asp>)
- Galston, William A. (1991): *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*, Cambridge University Press, Cambridge.
- Giner, Salvador (2002): Tolerancia, in Conill, Jesús, ed., *Glosario para una sociedad intercultural*, 365–374, Bancaja, Valencia.

- Habermas, Jürgen (1983): *Moralbewusstsein und kommunikatives Handeln*, Shurkamp, Frankfurt am. M.
- Habermas, Jürgen (2006): *Entre naturalismo y religión*, Paidós, Barcelona.
- Harkavy, Ira (2006): The role of universities in advancing citizenship and social justice in the 21st century, in *Education, Citizenship and Social Justice*, vol. 1 (1), 5–37.
- Iyanga, Augusto (2000): *Historia de la Universidad en Europa*, Universitat de València, Valencia.
- Jasper, Karl (1923), *Die Idee der Universität*, Springer, Berlin.
- Kant, Immanuel (1784): “Beantwortung der Frage: Was ist Aufklärung?”, *Kleine Vandenhoeck-Reihe*, Gottingen.
- Llamazares, M^a Cruz (1998): La presencia de símbolos religiosos en las aulas de centros públicos docentes, in Martínez-Torrón, Javier, ed., *La libertad religiosa y de conciencia ante la justicia constitucional*, 559–572, Comares, Granada.
- Llamazares, M^a Cruz (2005): Símbolos religiosos y administración pública: el problema en las aulas de centros públicos docentes, in Llamazares Fernández, Dionisio, ed., *Libertad de conciencia y laicidad en las instituciones y servicios públicos*, 277–300, Dykinson, Madrid.
- Locke, John (1968): *A Letter on Toleration*, Oxford University Press, Oxford.
- Meckled-García, Saladin (2001): Toleration and neutrality: incompatible ideals?. *Res Publica*, 7 (3): 293–313.
- Newman, Frank / Couturier, Lara / Scurry, Jamie (2004): *The Future of Higher Education. Rhetoric, Reality, and the Risk of the Market*, Jossey-Bass, San Francisco.
- Nussbaum, Martha C. (1997): *Cultivating Humanity. A classical defense of reform in liberal education*, Harvard University Press, Cambridge.
- Odin, K. Jaishree / Manicas, Peter T. (2004): *Globalization and Higher Education*, University of Hawai`i Press, Hawai.
- Ortega y Gasset, José (1983): *La misión de la Universidad*, Obras completas Vol. IV, Alianza, Madrid.
- PNUD, (2004), *Informe sobre Desarrollo Humano 2004. La libertad cultural en el mundo de hoy*. Mundiprensa, Madrid.
- Rawls, John (1971): *A Theory of Justice*, Harvard University Press, Cambridge.
- Rawls, John (1993): *Political Liberalism*, Columbia University Press, New York.
- Reed, Darryl (2004): Universities and the promotion of corporate responsibility: Rinterpreting the liberal arts tradition, *Journal of Academic Ethics*, 2: 3–41.

- Sen, Amartya K. (1999): *Development as freedom*, Alfred A. Knopf, New York.
- Van Wyk, Robert, N. (1987): Liberalism, religion and politics, *Public Affairs Quarterly*, 1: 59–76.
- Williams, Bernard (1999): Tolerating the intolerable, in Mendus, Susan, ed., *The politics of toleration*, 65–75 – Edimburg University Press, Edimburg.
- Wilson, Bryan (1996): Religious toleration, pluralism and privatization, in Repstad, Pal., ed. *Religion and Modernity. Modes of co-existence*, 11–33, Scandinavian University Press, Oslo.

Dr. José Félix Lozano Aguilar, (*Universidad Politécnica de Valencia*) is senior Lecturer for Business Ethics in the Polytechnic University Of Valencia. He received a scholarship from the Germany government (DAAD) in Erlangen-Nürnberg University. He is autor of the book *Códigos éticos para el mundo empresarial* (2004). He has published several articles in *Journal of Business Ethics*, *Science and Engineering ethics*. He is member of the executive committee of the ÉTNOR Foundation.

E-mail: jlozan@dpi.upv.es

Pedro Jesús Pérez Zafrilla (*University of Valencia – Spain*) is a Postgraduate Fellow at the Department of Moral Philosophy. He developed three foreign researches, at the University of Maryland (US) in 2006 and at the University of Oxford in 2007 and 2008. He is member of the Editing Council of the *Philosophical Review Dilema*.

E-mail: p.jesus.perez@uv.es

Dr. Elsa González Esteban is senior lecturer of Ethics, Applied Ethics and Political Philosophy at the University Jaume I (Castellón, Spain). Scholarship from the Education Spanish Ministry in Notre Dame University (USA) and Pittsburgh University (USA) and a post-doctoral scholarship in the London School of Economics and Political Science (Grant Britain). He is member of the committee of the ÉTNOR Foundation (Castellón).

E-mail: elsa.gonzalez@fis.uji.es