Faith in Society

Christian Democratic reflections on the place of religion and world view in the public domain

Contents

Foreword

The Faith in Society (*Geloof in de samenleving*) study started in 2011. The Board of the Research Institute (WI) was keen to offer a Christian Democratic perspective in the current – increasingly polarised – debate about the place of religion and faith in society.

The key question in this report is therefore what the changes in the landscape of the Netherlands in terms of religion and world view[1] mean for existing social relations.
What place do religion and philosophy have in society and how should government relate to them? This theme is at the heart of Christian Democracy. The rationale for this is that Christian Democracy sees man as a rational being who seeks to find meaning in life. How people behave socially and politically cannot be considered separately from each individual's inner calling. What is at stake is the deepest motivation of human beings to determine their identity at the deepest level.

It can therefore be seen that the body of ideas inherent in Christian Democracy and the movement's legitimacy are closely linked to the right of citizens to organise themselves in social groups on the basis of their religion or faith. Religion and faith are therefore not purely private matters: they also have an effect on society, as sources of intangible values, for example, without which no society can survive. Religion and faith have an intrinsic value because they motivate people and offer them a direction; they give people a concept of meaningfulness and community and allow them to construct their individual identity. Seen from the perspective of this Christian Democratic view of man and society, the pluriformity of society is a major asset that is closely related to respect for human dignity.

By compiling and publishing this report, the Board of the WI aims to make a fundamental contribution to the debate on the place of religion and faith in society. This report indicates that the manifestations of religion and faith may well be subject to change, but for many people their convictions continue to represent an important source of inspiration. Tried and tested principles will therefore be revisited in this report taking into account the changes apparent in religion, society and government. It cannot be stressed enough that such values as freedom, pluriformity and tolerance are of crucial importance for a harmonious society. We hope that this report will contribute to the debate on this issue, both within and outside the party.

The WI is grateful to the sounding board group for the realisation of this report. The sounding board group was chaired by Professor S.C. van Bijsterveld and comprised the following members: Professor E.P.N.M. Borgman, Professor

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[1] In this study the Dutch word 'levensbeschouwing' is translated as 'world view'. However, this translation does not fully reflect the meaning of the Dutch word 'levensbeschouwing' because there is no real equivalent available in English. A better alternative may be the German word 'Weltanschauung', but you can also think of 'non-religious belief' (e.g. humanism) or 'philosophy of life'.

1   Introductory remarks

At the start of the twenty-first century, the issue of religion is the focus of widespread attention. This is somewhat surprising given that in the course of the previous century it was widely believed that modern Western man had wrested himself free of religion. The signs of the time also seem to point in this direction. Was it not the case that the cultural revolution of the sixties had heralded the end of religion, and particularly of Christianity? Had the 'death of God'[2] proclaimed by Friedrich Nietzsche in the late nineteenth century not been broadly accepted in civil society, particularly in Western Europe and North America, prompted by the post-war protest generation? The prevailing idea was that the 'death of God' as a characteristic of the phenomenon of secularisation was an inevitable effect of man's becoming more mature and more articulate. Or, in the words of another nineteenth-century philosopher: man outgrows his religion as a child outgrows its baby clothes.[3] The expansion of scientific knowledge had disenchanted the world. These new insights were partly responsible for the celestial cycles losing their mystical sheen and religious boundaries. Man and the earth were but particles of dust in a universe where God slowly but surely no longer had a place, and was eventually declared dead. In other words: religion and modernisation were apparently irreconcilable.

Among sociologists, this notion was expressed in the so-called secularisation thesis propagated by Max Weber, for example, that claimed that, given the advances in modernity, religion had had its day. According to this theory, the role of religion in society as well as its significance for the life of the individual is decreasing under the influence of rationalisation, differentiation and individualisation.[4] Whereas previously Christianity was embedded in almost almost all aspects of society in the Netherlands, today an increasing number of societal relations and social practices have wholly or partly distanced themselves from religious influences (which does not mean that these influences should now be considered neutral in terms of *Weltanschauung*). Such domains as politics, science, education, welfare work and media detached themselves from the realm of the sacred. This structural dimension of the secularisation process curtailed the influence of religion on the public domain and contributed to religion increasingly becoming characterised as a private matter. This last movement of the privatisation of religion is reinforced by the cultural phenomenon of individualisation, as a result of which institutionalised manifestations of religion and faith in a transcendent God are diminishing, to be replaced by the subjective experience of the individual.

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[2] Friedrich Nietzsche, *De vrolijke wetenschap*. Translated by Pé Hawinkels, Published by De Arbeiderspers, Amsterdam, 1994, fr. 125.

[3] See: Arthur Schopenhauer, *Parerga und Paralipomena. Kleine philosophische Schriften*. F.A. Brockhaus, Leipzich, 1874, pp. 347 – 424. See also: p. 419: 'Religionen sind Kinder der Unwissenheit die ihre Mutter nicht lange überleben'.

[4] Joep de Hart, *Zwevende gelovigen. Oude religie en nieuwe spiritualiteit*. Published by Bert Bakker, Amsterdam, 2011, pp. 139 – 140. Cf. Scientific Policy Council for Government Policy, *Geloven in het publieke domein. Verkenningen van een dubbele transformatie*. Amsterdam University Press, Amsterdam, 2006, pp. 29 – 36.

One might justifiably question whether the reality is not more complex than this alleged sociological rule, something that is also recognised in current (religious) sociology both for empiric and theoretical reasons.[5] In any event, what does seem to be certain is that since the start of the new millennium the phenomenon of religion has been the impetus for intense global debate, both in societal and political terms. Historically, religion has been the subject of discussion for much longer than this. In the seventeenth century, for example, Enlightenment philosophers – many of them from the then Republic of the Seven United Netherlands – engaged in intense and sharp criticism of religion.[6] This criticism now seems to have gained a much broader platform than was previously the case. Recent years have seen increasing evidence of heated discussion and polarisation of views on the nature and function of religion. In such discussions, religion seems doomed to be the target for criticism, and is frequently typified as outdated and intolerant. What immediately comes to mind, for example, is the so-called New Atheism movement that seems to be waging a crusade against religion. Writers such as Dawkins, Hitchens and Dennet state in their global bestsellers that religion is by nature often violent, intolerant and unreasonable; the three monotheistic religions – Judaism, Christianity and Islam – in particular bear the brunt of the criticism. Dutch exponents of this movement include Herman Philipse, Paul Cliteur and Floris van den Berg. The influence of these intellectuals on the public debate should not be underestimated, although matters are generally not as bad as they seem. Some believers in their turn respond that critics of religion themselves have become 'intolerant' based on a particular 'Enlightenment fundamentalism'.[7] At the same time, a glance at human history makes it clear that what happens in the name of religion or what occurs within religious institutions is not always good. The crusades and the inquisition in the past, and present-day abuse within the institutions of the Catholic church are certainly nothing to be proud of.

Religion, secularisation and spirituality

The renewed focus on religion and the probable rationale behind present-day religious criticism are influenced by a number of important, although diverse factors. We will mention three of these and at the same time touch on a number of consequent questions that are formulated in this report. The first of these is the failure of the secularisation thesis that still seems to be grafted primarily on time-bound Western experiences. The phenomenon of secularisation is rather geographically bound to Western and Central Europe – in the United States religion plays an unmistakeably greater role, including in public life – and is in addition in sociological terms determined by a relatively small but influential class of intellectuals who together represent a so-called global secularism.[8]

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[5] Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 29 – 32.
[6] See: Jonathan Israels, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650 – 1750*. Oxford, Oxford University Press, 2002.
[7] Marcel ten Hooven (Ed.), *De lege tolerantie. Over vrijheid en vrijblijvendheid in Nederland*. Published by Boom, Amsterdam, 2002. Compare: Agnes van Ardenne, 'The cartoon crisis: a distorted picture', in: *Yemen Times*, nr. 14, 27 February 2006.
[8] Peter L. Berger & Anton C. Zijderveld, *Lof der twijfel. Hoe we overtuigingen kunnen koesteren zonder daarbij fanatiek te worden*. Cossee, Amsterdam, 2009, p. 16.

The major part of the world is religious and in some world regions religion is even undergoing a resurgence. This can be seen in Africa, where many people are turning to Christianity or Islam, and also in China where the Christian church seems to be experiencing growth – sometimes even explosive growth. The same is true of Brazil and South Korea, both countries that have witnessed strong economic development.[9] Even in the strongly secularised West, the religious landscape in all its dynamism is anything but clear cut. To all appearances, modern man, in spite of the great prosperity, high standard of living and relative political stability that characterise the Western world, is not completely able to ignore the deep and existential question of the meaning of life.[10] According to British political philosopher John Gray, the major political mass movements of the twentieth century were the propagators of myths about religion and it is therefore no coincidence that religion is reviving now that these movements have collapsed.[11] Man's evident desire for meaning does not, however, mean that religion will reappear on the stage in its old, familiar form, but that particular new forms of spirituality are emerging. However, the fact that there is an unmistakeable revival of interest in religion in Western Europe, is in itself insufficient grounds to deny that a process of secularisation is taking place. It could even be said that secularisation is continuing in the new climate of religiousness, giving rise to the idea of a secularised religion.[12] In this light, the so-called resurgence of religion, or of the debate on religion, has to be put into its proper context, just as the secularisation theory was previously. The traditional religions in Western and Central Europe have certainly experienced a massive loss of support. The issue can therefore be said to be a transformation of religion, which adds to the difficulty of defining the phenomenon of religion.[13]

This transformation raises the question of the social effects of exchanging institutionally rooted religion for more subjective, unaffiliated forms of religion. What will be the consequences of secularisation on social cohesion, for example? To what extent does it contribute to the construction - or the breakdown - of civil society? (In this respect, one can compare the current debate in the UK about the 'big society'.[14]) What influence does secularisation have on how norms and

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[9] For these developments in Christianity, see, among others: Philip Jenkins, *The Next Christendom: The Coming of Global Christianity*. Oxford University Press, New York, 2002. Compare: Michiel Hulshof, 'Liever Jezus dan Boeddha – Hoe Onze-Lieve-Heer China verovert', in: *Vrij Nederland*, 18 September 2009.

[10] Peter Berger, 'The Desecularisation of the World: A Global Overview', in: *The Desecularization of the World: Resurgent Religion and World Politics*, W.B. Eerdmans, Grand Rapids, 1999, p. 13. 'The religious impulse, the quest for meaning that transcends the restricted space of empirical existence in this world, has been a perennial feature of humanity. (This is not a theological statement but an anthropological one – an agnostic or even an atheist philosopher may well agree with it.) It would take something close to a mutation of the species to extinguish this impulse for good.'

[11] John Gray, 'The atheist delusion', in: *The Guardian*, 15 March 2008. French political philosopher and religious sociologist Marcel Gauchet also indicates this. See: Marcel Gauchet, *Un monde désenchanté?* Les Éditions de l'Atelier-Éditions Ouvrières, Paris, 2004.

[12] See: Anton van Harskamp, 'In nieuwe religiositeit zet secularisatie zich voort', in: Erik Borgman, Gabriël van den Brink and Thijs Jansen (Ed.), *Zonder geloof geen democratie*. Published by Boom, Amsterdam, 2006, pp. 46 – 54.

[13] Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 14, 48, 209 – 224.

[14] See: Phillip Blond, *Red Tory: How Left and Right Have Broken Britain and How We Can Fix It*. Faber and Faber, London, 2010.

values are experienced? How will new forms of spirituality contribute to the creation of social capital compared with traditional forms of religion?[15] And what are the consequences of this new religious awareness for the public domain? To what extent does the changing conception of religion influence how we handle and understand the constitutional right to freedom of religion and faith?

A further important issue is the rise of Islam, that has gained importance in West European societies as a result of the immigration of substantial numbers of Muslims from many different countries. Integrating these groups into society often poses difficult problems. Certainly when religious tensions result,, this to an extent determines the image of religion in general and of Islam in particular. The unease with Islam in the West is partly due to the fact that this religion has specifically those traditional characteristics that have disintegrated in Western Europe, such as a solid institutionalisation, a strong emphasis on the revelatory nature of the Koran, doctrinal, patriarchal and a merging of religious and worldly power.[16] A far less positive effect on the image of religion is Islam's manifestation in fundamentalist form, such as in political Islam and Islamic terrorism. The murder of Theo van Gogh showed that the Netherlands is not immune to this threat. The place of Islam in Dutch society has thus become the subject of a polarised debate. In fact, the debate centres on the question of the compatibility of Islam and the democratic constitutional state. Muslims in particular will have to seek parallels within Islam that correspond with the core values of the democratic constitutional state. How this process will develop is uncharted territory. The constitutional state is the legal and political expression of a particular cultural constellation. It is based on particular core values that are not mere abstractions, but that have developed historically; it is the awareness of this that holds the legal community together. The cultural historical background of these core values is closely related to Dutch history and to other cultural traditions of Western civilisation.[17] The question is how Islam can relate positively to these fundamental structures of the democratic constitutional state. It is important to note in this context that the debate on the constitutional state, rights of freedom, pluriformity and tolerance has been going on for a long time in Islamic circles, both in the Islamic world itself and in the Muslim community in Europe.[18]

A final cause seems to lie in a factor that receives scarcely any attention at all, but that is no less important, namely that religious criticism also goes hand in hand with an increasing incongruity between certain moral assumptions held by orthodox believers and the norms and values that have become accepted in our liberal-secular society. For centuries, it was self-evident that God and the Church should be present in everyday life and should therefore be embedded in cultural and political life. With the coming of the Enlightenment, this state of affairs

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[15] See: Joep de Hart, *Zwevende gelovigen*, pp. 204 – 216.

[16] See: Erik Borgman, Gabriël van den Brink and Thijs Jansen (Ed.), *Zonder geloof geen democratie*, p. 27.

[17] Research Institute for the CDA, *Investeren in integratie*. The Hague, 2003, pp. 37 – 48. Vgl. Research Institute for the CDA, *Spiegel van de staat. Staatkundige voorwaarden voor een overtuig(en)de politiek*. The Hague, 2007, pp. 147 – 155.

[18] See, for example: Bassam Tibi, 'De grammatica van een islamitisch humanisme', in: Nexus, *Europees humanisme in fragmenten. Grammatica van een ongesproken taal*. Published by Nexus b.v., 2008, pp. 592 – 616; Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, Syracuse University Press, New York, 1996.

started to change. Since the nineteen-sixties, traditional morality has largely been abandoned by the populace. Christianity is no longer explicitly the primary moral foundation of society, and Christian values are themselves undergoing a process of change. In spite of secularisation, there are still many Christians who adhere to traditional Christian norms and values, and who continue to regard these as the framework within which they wish to live their lives. People in society around them seem less and less able to understand this and increasingly take offence at the – in their eyes largely unacceptable - moral convictions of certain believers that differ from the views held by the majority. There is a desire to limit in particular the behaviour that arises from these convictions. The same applies to a stronger degree for the moral assumptions of orthodox Muslims, which are at times felt to be in conflict with values that were held to be fundamental to Dutch constitutional culture. Freedom of religion, for example, is founded on the notion that faith cannot be associated with coercion; consequently the way apostasy is treated in many Islamic movements is extremely problematical.

Current tensions relating to religion, government and society
All these societal developments and undercurrents relating to religion and world view confront us with fundamental questions. They in turn lead increasingly to real controversies arising from public expressions of religious convictions. The question is how these very real tensions should be handled within the context of the separation of church and state, the neutrality of government and religious freedom. Recent years have seen an increasing number of clashes, both legal and politico-social. This is indicative of a trend, a pattern, rather than being a series of incidents. The Party for the Animals in the Lower House of Parliament was successful in acquiring a majority of the votes for a ban on ritual slaughter without stunning in the Jewish and Islamic religions.[19] In Amsterdam, an overwhelming majority in the municipal council called for a ban on subsidies for Christian organisations, such as Youth for Christ and the Scarlet Chord, because of their policy of recruiting only Christian staff. [20] Heated discussions are a regular occurrence on the subject of male ministers, officials or lecturers who – largely on the basis of their Islamic religious beliefs - refuse to shake the hands of females. Other bones of contention include the position of marriage registrars who on the grounds of their beliefs refuse to marry same-sex couples,[21] the legal case against the decision by the SGP to bar women from their own electoral lists, [22] the

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[19] See: *Kamerstukken II* 2007/08, 31 571, nr. 2 – 9.

[20] Pieter Jan Dijkman and Maarten Neuteboom, 'Welzijnswerk kan niet zonder bezieling', in: Pieter Jan Dijkman, e.a. (Ed.), *De last van gelijkheid*. Published by Boom, Amsterdam, 2011, pp. 126 – 132.

[21] In 2008, prompted by a number of political parties, the Equal Opportunities Commission stated that marriage registrars could not refuse to marry gay couples for reasons of conscience (decision 2008/40 and CGB recommendation 2008/04 'Trouwen? Geen bezwaar!'). The discussion is still continuing and in the summer of 2011 was given a new impetus when the municipality of Groningen, and others, announced they would not be extending the contracts of three marriage registrars who had made known their conscientious objections.

[22] Supreme Court, 9 April 2010, LJN BK: 4547. The Supreme Court found against the State of the Netherlands in the case of the Clara Wichmann Institute against the SGP because too few measures had been taken to promote equal treatment of men and women in politics. The European Court of Human Rights upheld this judgement. See: ECtHR 10 July 2012, nr. 58369/10 (*Staatkundig Gereformeerde Partij/Nederland*).

position of homosexual teachers in orthodox schools,[23] the much debated ban on the burka[24] and questions about the scope of freedom of expression. The moral attitudes of believers play a role in all these issues and the question arises of the extent to which behaviour arising from these attitudes may be respected or tolerated. Christian Democracy generally tends to concede a high degree of freedom and sovereignty to religious communities within their own circles. But this issue does not pass Christian Democrats by. There have to be limits to pluriformity, which to a certain degree is bound by the generally held core values of the constitutional state that in turn also serve the interests of minorities. [25]

The place of religion and meaning in society is without doubt a relevant political-social issue in the present day. Dealing with this issue is no mean task for politicians, given that religion and meaning have a deep impact on people's personal identity and affect their whole being. As long as people keep their religious convictions and/or non-religious beliefs private, there is often no problem. As a rule tensions only rise at the point in time when these religious convictions manifest themselves publicly. It is already apparent that religion is becoming more difficult to define because of the changes it is undergoing. In this context, it is also referred to as a double transformation because this blurring of the concept of religion also applies to what should be regarded as the public domain. [26] It is not only our understanding of religion that has changed drastically; the separation between state and church has also become more diffuse. These developments raise doubts about the principle of whether the separation of church and state still provides an adequate response to the many questions about the place of religion in the public domain. Against the current background of globalisation and internationalisation, the borders of states, for example, are losing significance and at the same time present-day religious pluriformity can no longer be captured under the concept of the church.[27]

Nonetheless, in debates about the place of religion in the public domain parties still frequently resort to the separation principle to explain their position. For the Amsterdam municipal council, for example, the separation of church and state was at the crux of the question of whether subsidies for *Youth for Christ* and the *Scarlet Chord* should be continued. This implies a different interpretation of the separation of church and state from the commonly held interpretation. The separation principle refers to an institutional separation between church and state but does not necessarily imply a watershed between religion and government.

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[23] See the warning by Plasterk, then Minister for Education, Culture and Science, to special educational institutions that rejection of openly homosexual teachers contravened the 'sole fact construction' of article 6 AWGB. This statement was made in a letter of 27 April 2009 on 'Guidelines on discrimination against homosexuals', and was later contradicted by the Council of State in an advisory note dated 18 May 2009].

[24] *Kamerstukken II* 2011/12, 33, 165, nr. 2, 3.

[25] See, for example, the debate between George Harinck and Ab Klink in: Erik Borgman, Gabriël van den Brink & Thijs Jansen, *Zonder geloof geen democratie*. Published by Boom, Amsterdam, 2006, pp. 284 – 304.

[26] Wim van de Donk and Petra Jonkers, ' Geloven in het publieke domein: een introductie van deze verkenning', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 14 – 15.

[27] See: Sophie van Bijsterveld, 'Scheiding van kerk en staat: een klassieke norm in een moderne tijd', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 227 – 259.

The present tensions surrounding public expressions of religious convictions are largely dominated by conflicts between religious freedom and the principle of equality; a good example of this is the position of the marriage registrar who is a conscientious objector.[28] Practising freedom of religion – and as an effect of this freedom of association and education – has apparently become problematic. Surely, this freedom cannot stretch so far as to condone discrimination? However understandable this question may be, agreeing with it too readily will lead to the pluriformity of society coming under even greater pressure. A new balance will have to be found between the different fundamental rights, based on the premise that human dignity should be properly recognised.

It would appear that in the present social and political debate, the right to freedom of religion can count on less support than previously. One hears increasingly frequently that freedom of religion favours believers above non-believers. The status of churches as institutions for general benefit (ANBI status, in Dutch) and the ban on blasphemy are often cited as examples of such 'discrimination' or 'privileges'. In Parliament, different bills are under preparation to introduce changes to these issues. Here and there in the public debate the idea is becoming socially acceptable that freedom of religion can be dispensed with or in any event it should be strongly devalued. Freedom of expression and freedom of association should apparently provide adequate protection for religion. In the words of Leiden Professor Cliteur: 'Dutch society is largely secularised. We have very different notions of the relation between church and state than in the seventeenth century. Religion may be something we have to tolerate, but it is certainly not a core value for democracy to operate successfully. Religion is an experiential dimension similar to psychedelic performances: possibly valuable and interesting for individuals but nothing more than that.'[29]

Will this not lead to a situation where people are allowed to hols religious convictions, but that actually expressing them in practice is rendered more difficult. If religion is regarded as a purely individual matter, what does this mean for the collective dimensions of religious experience? What opportunity is there then for sharing the experience of religion with fellow believers, for rituals and for traditions? How should individual rights and common freedoms be valued in relation to one another? In short, what is the added value of an independent right to freedom of religion in the Constitution?

The current tensions between the principle of equality on the one hand and the freedoms of religion, association and education on the other go straight to the heart of Christian Democracy. The political philosophy and the *raison d'être* of Christian Democracy are closely linked to the right of citizens to organise themselves within social groups on the basis of their religion or ideals. This is based on the understanding that religion and world view have implications for all aspects of life. Religion is not a purely private matter; it also has a public face. This pluralism is a natural given and is closely linked to respect for human dignity. When values and issues of a moral nature are at stake, differences and

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[28] For an analysis of this conflict see: Henk Post, *Gelijkheid als nieuwe religie. Een studie over het spanningsveld tussen godsdienstvrijheid en gelijkheid*. Wolf Legal Publishers, Nijmegen, 2010.
[29] Paul Cliteur, *Tegen de decadentie. De democratische rechtsstaat in verval*. Published by De Arbeiderspers, Amsterdam, 2004, pp. 124 - 125.

freedoms should be fostered. People are entitled to hold different convictions and to arrange their lives accordingly. The state should maintain an appropriate distance from the spiritual domain and has only a limited responsibility.

Based on the notion that Christian Democracy is not only distinct from other political movements in terms of its view of humanity, but that it also has a specific view of the world and the state and how society is organised, a recognisable and distinctively Christian Democratic re-evaluation of the relationship between religion, state and society will be sought. The question is whether it is possible to value a social reality, based on Christian Democratic principles, that is characterised by great pluriformity, including in terms of religion and/or philosophy of life. Is it possible on the basis of the Christian Democratic tradition to rethink the vision of freedom such that justice is done to both pluriformity and commonality?

Research questions and reading guidelines
The key questions in this report are what the changes in the landscape of the Netherlands in terms of religion and world view mean for existing social relations, what is the place of religion and world view in society and what is the consequent role of the state.

This report on the place of religion and world view has been guided by the following questions:

- What should be understood by religion and what does the religious map of the Netherlands look like in the present day?
  What do the changes in religion, including the phenomenon of secularisation, new spirituality and the rise of Islam, mean for the public domain and for social cohesion? What is the role of religion? Will the social capital that research has shown to be linked to traditional forms of religion be safeguarded within emerging forms of spirituality?
- What precisely does the separation of church and state consist of and to what extent is it time for the principle of separation to be redefined? How should the principle of separation work now that both religion and the public domain seem to be undergoing a transformation? What does government neutrality actually mean?
- What is the value of the constitutional right to freedom of religion? To what extent does the changing conception of religion influence the right to freedom of religion and world view? And how should freedom of religion be interpreted, including in the light of other constitutional rights and legal obligations ? What is particularly important here is the question of the degree to which the principle of equality is biased in favour of freedom of religion. The principle of equality and the Equal Treatment Act (Awgb) will have to be interpreted in this light.
- How can the notion of space within society for pluriformity of religion and world view continue to be meaningful bearing in mind the general core values and/or principles of the democratic constitutional state? The key concepts in this respect are citizenship, identity and legal culture.

In chapter 2 of this report we consider the relation between religion, secularisation and modernity. A brief outline will then be given of the religious and ideological map of the Netherlands. Besides an account of how Christianity, Islam and other religions are represented in terms of statistics, the figures for new spirituality and meaning will also be addressed. Are we looking at a religious revival or is secularisation proceeding unabated? And what is the public role of religion in society?

In chapter 3 we give an account of the Christian Democratic vision of the state, the public domain, society and religion. The essential features of the Christian Democratic view of man and the Christian Democratic view of society are very important for answering the question of the place that religion will occupy in society.

In chapter 4 we describe the separation of church and state. This issue is the cause of frequent confusion. How neutral can and should the state be? What are the limits of state power and where does the state-free area to which citizens have a right, begin? The notion of a strictly secular state, the so-called *laïcité,* is raised frequently in the Netherlands. Should the separation principle really no longer be studied within the social-cultural context within which it operates? The degree of separation of church does not seem to say all there is to say about the place of religious freedom.

In chapter 5 we concentrate on freedom of religion against the background of the democratic constitutional state as a whole. We will address the principle of equality. What is the meaning of this principle in the constitution and how does it relate to other fundamental rights? Another fundamental right that will be considered is the freedom of expression. What may one say on the basis of a religious conviction and what room is there for religious criticism?

In chapter 6 we consider the impact of religion and world view on society. Religion seems to be important for social cohesion both in a social and a moral sense. The chapter will conclude with a Christian Democratic approach to freedom. This freedom is characterised on the one hand by pluriformity and on the other by core values. We will consider the importance of a legal culture and a legal community against the background of the core values of the democratic constitutional state.

Chapter 7 presents a summary of the findings. It closes with a number of conclusions and recommendations focusing on (1) religion and world view, (2) religion in society and (3) religion and the state. It is important to formulate a set of tools that can be helpful in dealing with the present and future debates on religion and world view, as far as these can be foreseen.

2   Religion and secularisation in the Netherlands

The introduction established that religion is a key topic of interest in the twentieth century. But what does it mean that religion seems to be at the heart of many national and global debates? There is much talk in the literature of the so-called 'resurgence of religion'. In the well-known words of American journalist David Brooks: 'It is now clear that the secularization theory is incorrect. The human race does not necessarily become less religious as it grows richer and better educated. We are living through one of the great periods of scientific progress and wealth creation. At the same time, we are in the midst of a religious boom. […] Secularism, then, is not the future; it is yesterday's mistaken vision of the future.'[30] It was none other than Jürgen Habermas who dared to speak of a post-secular society. [31]

The image of a return to religion and a religious *revival* has now been somewhat modified since it does not seem to do full justice to different paradoxes that characterise the 'revival of religion' and secularisation processes. There are namely other developments in the field of religion that are taking place at the same time and that not infrequently are or seem to be contradictory. There still seems to be a trend towards secularisation in terms of church attendance, endorsing religious dogmas (doctrine), the affinity with the Christian tradition and pillarised institutions. On the other hand, we are also witnessing a sacralisation of new practices relating to the life of the individual, individual experience and the shaping of individual identity.[32] In view of the fact that traditional religions in western and central Europe have definitely lost and are still losing ground, it is not feasible to talk unequivocally of the return of religion. It seems more appropriate to describe current religious developments as a religious transformation or metamorphosis.[33] A more measured approach therefore has to be taken to the image of a black and white contrast between secularisation and religion given that religion and religious awareness themselves have undergone a change.

2.1 What is religion?

Current developments in the area of religion by no means make it clearer what religion actually is. By extension, it is at the same time even more difficult – if such a thing is possible – to determine what should be understood by such concepts as 'religion', 'faith', 'spirituality', 'philosophy' and 'meaning'. What

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[30] David Brooks, 'How Niebuhr Helps Us Kick the Secularist Habit: a Six-Step Program', in: E.J. Dionne e.a., *One Electorate under God? A Dialogue on Religion and American Politics*, The Brookings Institution, Washington, D.C., 2004, p. 67.

[31] See, for example: Jürgen Habermas, 'Een "postseculiere" samenleving: wat betekent dat?', in: Nexus, *Europees humanisme in fragmenten. Grammatica van een ongesproken taal*. Published by Nexus B.V., 2008, pp. 279 – 291. Cf. Jürgen Habermas, 'Zum Friedenspreis des deutschen Buchhandels: eine Dankrede', in *Süddeutsche Zeitung*, 15 October 2001.

[32] Erik Borgman and Anton van Harskamp, 'Tussen secularisering en hernieuwde sacralisering', in: Meerten ter Borg e.a., *Handboek Religie in Nederland*. Published by Meinema, Zoetermeer, 2008, pp. 14 – 25.

[33] Idem. Viz. Erik Borgman, *Metamorfosen. Over religie en moderne cultuur*. Publisher Klement, Kampen, 2006; Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 32 – 36.

does seem to be certain is that religion can no longer be equated with religious denomination. But, in that case, what is religion, then? For a long time it was possible to define religion in the West based on an interpretation of religion that was strongly defined by Christianity. A modern pluriform and multireligious society needs different criteria to determine what religion is and is not. At the same time it is difficult to arrive at a neutral, non-context-related definition of religion. The etymological origin of the word 'religion' is unclear and there are hundreds of definitions of religion in circulation.[34] Can the noun 'religio' be traced back to the Latin verb 'relegere', that means 'to take up again', 'to re-read' and 'consider'? Or does it derive from the verb 'religare', that translates as 'to bind'? In spite of all the confusion surrounding its meaning, religion remains a much-used word and there appears in practice to be a reasonable degree of agreement as to how the word should be interpreted.

Van de Donk and Plum point out that the word 'religion' only acquired its current comprehensive meaning in the seventeenth century. Since that time is has been used as a more or less neutral term to refer to the commonalities shared by all religions, and as such the concept of 'religion' is also related to the development of modernity and secularisation in the West.[35] Many other cultures do not distinguish religion as such, nor do they use a single word to refer to it as if it were a phenomenon that can be defined in real terms. 'It therefore becomes clear,' according to Van de Donk and Plum, 'that the Western concept of religion also reflects a Western vision of reality, namely the vision that reality can in principle be divided into two domains: the domain of the secular and the domain of the sacred or holy. Only a culture that distinguishes these two domains as two separate spheres, can construe a concept for these spheres.'[36] It is also the separation of domains that in terms of the history of ideas was responsible for the development of the separation between church and state.

Religion can thus be defined in countless different ways; for example, from the perspective of theology, philosophy, sociology or the law. Religious science currently distinguishes two types of definitions. On the one hand there is the substantial or essentialist definition that seeks the essence of religion, while on the other hand there is the functionalist definition of religion that focuses on the meaning of religion for society and for the individual. Both definitions can be problematical because they either prescribe the content of religion too strictly, or reduce it to something merely functional.

2.2 Religion and modernity

The introduction referred to the secularisation theory, namely that, given the progress of modernity, religion has supposedly become outdated. A further aspect that we saw in the introduction – and this will also become apparent in this second chapter – is that reality is evidently more complex than this (assumed)

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[34] Wim van de Donk and Rob Plum, 'Begripsverkenning', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 37, 40.
[35] Idem, pp. 38 – 39.
[36] Idem, p. 39.

sociological rule.

The greatest paradox is probably that religion is currently increasingly becoming regarded as a private matter – an individual concern – while in parallel with this development there is an growing debate on religion in the public domain. The significance of institutional religion is thus decreasing, but at the same time the debate on religion and its significance for the meaning of life and social cohesion is becoming both more frequent and more intense.[37] The church as the sustaining institution seems to be reducing in importance both for society as a whole and for the individual believer. At the same time it should be noted that this does not imply that religion is disappearing. According to religious sociologist Joep de Hart, the majority of the population still regard themselves to some degree as religious, and the representation of the Netherlands as a secularised country fails to do justice to the pluriform and dynamic reality present in society.

Table 2.1.   *The role of belief in the lives of Dutch people*

	1966	1979	1996	2006	% difference 1979 – 2006
Regard themselves as religious (whole population)					
- Yes, definitely	-	43	40	31	-28
- Probably/to some degree	-	25	27	31	24
- Probably not	-	12	13	19	58
- No, definitely not	-	20	20	19	-5
	-	100 %	100 %	100 %	
The importance of religion in the lives of the Dutch as a whole					
- Religion is important or very important	-	33	35	42	27
- Religion has some importance	-	39	28	19	-51
- Religion is not important, or non-religious	-	28	37	39	39
		100 %	100 %	100 %	
Faith in God or a superior power					
- Theist	47	33	24	24	-49
- Ietsist	31	40	39	36	16
- Agnostic	16	18	27	26	63
- Atheist	6	9	10	14	133
	100 %	100 %	100 %	100 %	

Source: *God in Nederland 1996 – 2006*

De Hart points out that '(b)etween the crumbling bastions of the old, Christian belief and the enlightened frontiers of non-belief [lies] a broad no man's land where a majority of the population seems to reside. Truths are regarded there as matters that you have to experience inwardly, as something personal rather than something that arises from group norms or that is linked to institutions (for example, a denomination), religion as something that can originate from many sources and that continues to change throughout your lifetime. Religion has more to do with questions that occupy you at a particular stage of your life and things you are seeking rather than with firm convictions and the pre-packaged convictions of earlier times.'[38]

This development, that was described above in terms of a transformation or metamorphosis of religion, leads to what De Hart calls the development of '(new) spirituality.'[39] According to this description, religion stands for traditional, institutionalised godliness, in which the Holy Being is a transcendent, personal God, who reveals himself in the created reality and/or in the Bible or the Koran. God not only constitutes the basis of truth and morality, God is also necessary for man's redemption. Unlike traditional religions, spirituality focuses more on man himself and makes the sacred immanent. Truth, values and morality are primarily subjective and time- and place-related. In the case of spirituality - including new spirituality - it is not the institution, but the individual that is key; the relation to God and fellow men is not hierarchical, but horizontal; rather than redemption, man needs balance, and personal experience is the highest authority.[40] These distinctions between religion and spirituality are obviously ideal-typical and are frequently mixed in daily practice. Nonetheless, it sheds clear light on the transformation of the concept of religion, the awareness of religion and religious conduct; a change that is related to the metamorphosis of society and culture as a whole.[41]

This transformation of religion is a specific effect of modernity. According to Piet Hein Donner, the very fact that religion seems to be regaining attention is the consequence of modern thinking that does not meet people's needs. 'This [modern] thinking is becoming increasingly one-sidedly focused on individualism, autonomy and rationalism. […] People want to feel they are part of some larger whole; they want a sense of purpose that transcends their own existence, and they want to understand the values and truths that human beings experience even if they realise that these cannot reasonably be demonstrated. Individualism, emancipation and enlightenment are real for our culture, but an individualistic world view ends in a lonely grave. And the logic, '*der Geist der stets verneint*', can falsify values and truth, but is not able to fill the vacuum that

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[38] Joep de Hart, *Zwevende gelovigen*, p. 19.
[39] Idem. See also: Linda Woodhead and Paul Heelas, e.a., *The Spiritual Revolution: Why Religion is Giving Way to Spirituality*. Blackwell Publishing, Oxford, 2004; Linda Woodhead and Paul Heelas (Ed.), *Religion in Modern Times*. Blackwell Publishing, Oxford, 2000.
[40] Joep de Hart, *Zwevende gelovigen*, pp. 29 – 31. De Hart uses as the basis for his description of the differences between religion and spirituality: Eileen Barker, 'The church without and the God within: religiosity and/or spirituality?', in: Dinka Marinović Jerolimov e.a. (Ed.), *Religion and patterns of social transformation*. Institute for Social Research in Zagreb, Zagreb, pp. 23-47.
[41] Erik Borgman and Anton van Harskamp, 'Tussen secularisering en hernieuwde sacralisering', in: Meerten ter Borg e.a., *Handboek Religie in Nederland*, Published by Meinema, Zoetermeer. 2008, p. 16.

is left. This explains why people are again seeking meaning, security and salvation in religion, or are revisiting the understanding they previously held of religion. This does not necessarily have to be faith; it can also be some form of abstraction, such as humanity, nature, worldliness. But it gives people a feeling of being and belonging, of purpose and identity, and of the limitations of rationality through values, norms and respect, that are largely missing from modern philosophy.'[42]

This is a sharp criticism of the notion that modern developments have the final word and have no need of religion and meaning. In any event it is clear that modern-cultural developments on the one hand determine the vision of religion(s) and bring about religious changes (see paragraph 2.3 for the rise in new forms of spirituality). On the other hand, modernity itself is unthinkable without the Christendom that has marked Europe, the source of modernity, and formed the context within which modernity arose.[43] It would take too long here to address in detail the phenomenon of modernity, but in order to better understand current tensions in the political-societal debate, it is necessary to say something about it. About what we understand by modernity, about the cultural developments that it brings with it and their influence on the perception of religion.

What is striking about the debate on, for example, the Sunday Act, the conscientious objector as marriage officiant or the quasi-ban on ritual slaughter without stunning in the Jewish and Islamic tradition, is that it is also largely a matter of symbolic issues. Symbolic because these political conflicts are not so much aimed at resolving major or current social problems or conflicts, but appear to be motivated by the thought or tendency that religion and expressions of religion belong come what may firmly in the private domain and should be excluded from the public domain. In the words of Herman De Dijn: 'Campaigns such as the right for women to become priests, do not seem to be motivated by a serious concern for real needs or deep desires of many real individuals. They betray what their real purpose is: pure ideological demands in the service of an abstraction, but with concrete, harmful consequences, setting people and groups against one another and the further dismantling of social institutions and relations.' 'Symbolic' here does not refer to something insignificant'; quite the contrary. It means that underlying all these events there are developments that require clarification. In many cases, it is a matter of changing patterns of values or the advent of different values. What are the societal changes that give rise to the present tensions surrounding religion and world view? What are the deeper causes of the fact that the place of religion in society is (again) inciting so much debate – and at times such sharp criticism?

2.2.1 Modernity

First of all, what exactly is modernity? Modernity emerged around the

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[42] Piet Hein Donner, 'Religie is nooit uit politiek weggeweest', in: *NRC Handelsblad*, 12 July 2006. The quotation comes from a moderately abbreviated text of the speech held by the then Minister of Justice Donner on receiving the first example of the book *Zonder geloof geen democratie*, edited by Erik Borgman, Gabriel van den Brink and Thijs Jansen. This book is a publication in the *Christen Democratische Verkenningen* series dating from 2006.
[43] See: Hans Blumenberg, *The Legitimacy of the Modern Age*. Cambridge, Massachusetts, 1983.

seventeenth century and has a counterpart in what is referred to as pre-modernity. It can be described as an all-embracing cultural about-turn motivated by a changing awareness of reality that in turn was the result of the advent of modern science and physics. It is not without reason that the birth of modernity is attributed to the discovery by Copernicus (1473 – 1543) that it was not the earth but the sun that was at the centre of the universe. This so-called Copernican revolution would eventually also mean a revolution in all the different facets of culture.

There are three particular developments that seem to characterise modernity: rationalisation, individualisation and differentiation. These three concepts first need to be explained, because there is some ambiguity surrounding their meaning. Rationality as typified in modernity differs fundamentally from that in ancient times or in the Middle Ages: in the modern period mathematical rationality began to dominate over philosophical rationality.[44] Modern rationalism, that is strongly determined by a strict natural scientific method, could therefore be described as mechanical or instrumental thinking. [45] Individualisation here refers to the increasing emphasis that has been placed since the advent of modernity on the autonomy and freedom of the human individual. The fact that people were regarded as individuals was not particularly new, but the radical way in which they were regarded as such was. Differentiation should be understood as the individualisation of such domains as politics, science, ethics and economics compared to the religious environment.

Charles Taylor points to comparable developments in his description of modernity as 'that amalgam previously unknown in history of new customs and institutions (science, technology, industrial production, urbanisation), of new ways of living (individualism, secularisation, instrumental rationality); and new forms of malaise (alienation, lack of meaning, a feeling of imminent social degradation).[46]

What do these developments mean for how religion is perceived? And can they help us understand the debates that are going on in the present day? Without any pretence at completeness, we wish to conduct a brief poll based on the relation between science and religion, the emancipation of the individual and the disappearance of the transcendent. What are these developments and how should they be assessed? It is in any event not a question of simply labeling the current criticism of religion as 'religious stress'.[47] As a wake-up call for a serious problem it is might possibly be facetious, but it further primarily pathologises the criticism of religion. If we really take steps to gain an insight, or an even better insight, into the causes of this religious criticism, this will hopefully produce some building blocks for a fruitful dialogue about the place of religion and belief in society.

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[44] The term 'philosophical rationality' is taken from: Herman De Dijn, *Religie in de 21ste eeuw. Kleine handleiding voor voor- en tegenstanders*. Published by Pelckmans, Kapellen, 2007, p. 56.
[45] For information on 'instrumental thinking', see: Policy Institute for the CDA, *Mens, waar ben je?* The Hague, 2011, pp. 10 – 19.
[46] Charles Taylor, *Moderniteit in meervoud. Cultuur, samenleving en sociale verbeelding*. Published by Klement, Kampen, 2005, p. 7.
[47] See: www.religiestress.nl. Also see: Jeroen Visser, 'Lijdt u aan religiestress? Doe nu de religiestresstest', in: *de Volkskrant*, 11 December 2012. Consulted via internet on 11 December 2012: www.volkskrant.nl

The relation between science and religion
In the present day, science and rationalism are often experienced as conflicting with religion. According to this view, religion is supposedly primarily irrational, a matter of emotions. However, this attitude actually says more about the way science is regarded, which in turn determines the way religion is perceived.

Herman De Dijn points out that there are two possible views of the relation between science and religion, both of which are represented in the Enlightenment tradition. First of all, there is what is known as scientism. According to this vision life should be led in a scientifically responsible manner and comprises only material things. Man is reduced to his brain and brain processes; the rest is fiction.[48] This type of rationalism is a form of instrumentalism, because it leads to 'one-sided thinking in terms of utility and necessity, control, the ability to engineer situations and effectiveness'. [49] Scientism claims to be purely scientific, but underlying it there is a specific view of humanity. It is rather a conviction on the basis of a particular philosophy of life (or *Weltanschauung*), that is in fact closely related to the idea of progress that places infinite or almost infinite trust in the human ability to make reality into a man-made construct, with the help of science.

But there is an alternative view. Enlightenment philosophers such as David Hume and Adam Smith, for example, have pointed out that man is determined by all kinds of non-scientific dimensions. As De Dijn expresses it so well: 'We are first and foremost – as Pascal well knew – beings of emotion and imagination. We cannot therefore live based on a scientific vision of ourselves and others; we can only live based on a vision and desires that are determined by images and symbols. Meaning and values are inherently non-scientific categories'.[50] One could also say that it is not only reason that is the determining factor, but the heart, that is moulded by tradition, culture and history: in other words, by the context in which we live and by our relations with others. Scientism denies that the heart has reasons – reasons that make man what he is - but that are not recognised by logic. It is precisely to avoid a situation where man and society find it increasingly difficult to relate their moral intuitions to daily life - because of the dominance of instrumental thinking - that reflection on one's *Weltanschauung* in public life is necessary.[51]

The emancipation of the individual
In pre-modern times man's identity was far less a product of his own self than is currently the case. Man's awareness of his individuality was at that time strongly embedded in the social, religious and cosmic order. [52] It was only after the Renaissance that man became more aware of himself as an individual: his awareness of his own capacity for self-development increased. But the great moral, political and social value attributed to man in the present day is primarily rooted in modernity. According to Enlightenment philosophy, the individual has

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[48] Herman De Dijn, *Religie in de 21ste eeuw*, p. 51.
[49] Research Institute for the CDA, *Mens, waar ben je?* The Hague, 2012, p. 11.
[50] Herman De Dijn, *Religie in de 21ste eeuw*, p. 53.
[51] Research Institute for the CDA, *Mens, waar ben je?* The Hague, 2012, p. 16.
[52] Research Institute for the CDA,, *Mens, waar ben je?* The Hague, 2012, p. 81.

gained an increasingly key role in terms of acquiring such facilities as rational knowledge (Descartes), moral insight (Kant) or political rights (Locke).

Nonetheless, even during the Enlightenment the individual remained embedded in a particular supra-individual order of universal reason. This changed with the advent of romanticism in the nineteenth-century. According to this tradition of thought, it is the uniqueness of each individual that is crucial. Rather than man's general rationality, the emphasis is now on his own feelings and his intrinsic nature. Being human means self-realisation: becoming who you, in fact, already are inside. This development has been reinforced by social changes, such as urbanisation, increasing mobility and a higher standard of living. Taylor refers to this development of the unique self as 'authenticity'. This authenticity means that 'each of us [...] [has] his or her own way of realising our humanity, and it is important to discover and be true to this individual way of life, rather than accepting a model that is imposed on us from outside, by society, the previous generation or religious or political authority.'[53]

The romantic experience of one's own individuality, according to Taylor, resists models of life that are justified by religious authority. Individualisation therefore causes the significance of traditions, including religious traditions, that can in many instances only be understood from within, to diminish. This effect is clearly visible in the debate on ritual slaughter. The same applies to institutions and communities, including religious ones: these, too, have largely lost meaning for modern man. In the words of Adam Seligman, 'The danger of modernity lies in the substitution of autonomy for heteronomy'.[54] Man has to determine what he is *himself*. He wants to make his own laws (autonomy) rather than following what is prescribed by such authorities as God, for example (heteronomy).

Emancipation of the individual has in many respects had a liberating effect and has resulted in more people having greater responsibility. But there are also downsides. On the one hand, man as an individual has become the measure of all things to such an extent that we have obvious difficulty acknowledging authority and power whose locus is elsewhere. It can then become a daunting challenge to put one's own authority into perspective. According to Ad Verbrugge, the result of this is 'a subject that experiences no inner necessity and connection in life, and only relies on its own accidental subjective valuations. Whereas the thinkers of the Enlightenment were themselves still religiously motivated, we are now seeing the development of a type of person who assumes his personal freedom and subjective value to be the highest normative reality.'[55] On the other hand, this development means that man has to take responsibility for himself and the loss of familiar structures causes great uncertainty and alienation. In this environment of despondency, the question of the meaning of life continually forces itself on man's consciousness. The search for an answer to this question seldom leads man back to the old and familiar certainties. For many people, the way they experience

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[53] Charles Taylor, *Een seculiere tijd*. Translated by Marjolijn Stoltenkamp, Lemniscaat B.V., Rotterdam, 2009, p. 627.
[54] Cited in: Stefan Paas, *Vrede stichten. Politieke meditaties.* Published by Boekencentrum, Zoetermeer, 2007, p. 37.
[55] Ad Verbrugge, *Tijd van onbehagen. Filosofische essays over een cultuur op drift.* Sun, Amsterdam, 2005, p. 235.

religion has changed fundamentally, as the arrival of new forms of spirituality shows (see paragraph 2.4).

In its individual form religion is acceptable, but it is the institutionalisation of religion that is the focus of criticism. Modern man is particularly averse to claims to truth, and where religious and ideological convictions and practices result in exclusivity, this conflicts even more with his ideas on equality. Other people should not be 'troubled' by an individual's moral convictions. It is acceptable to talk of belief in the public domain, but preferably only if this is expressed in neutral (i.e., secular) terms. Anyone who lays claim to an external authority is speaking a different language, as it were. Expressions of faith that are based on a transcendent God who prescribes particular rules are far less accepted today.

The disappearance of the transcendent
'I am a God in the depth of my beliefs,' wrote poet Willem Cloos at the end of the nineteenth century.[56] In saying this, he was expressing not only a particular form of individualism that is described in the preceding paragraph, but also a related issue that we can refer to as the disappearance of the transcendent. There are many people who are still religious, only they place the godly no longer in a personal God *outside or above* this visible reality (transcendence), but seek the godly in themselves or see God everywhere in the visible reality (immanence). God as seen, for example, as 'mother earth' or is equated with the cosmos.

Christianity is the belief that the godly in man is not completely alien. One might think of St. Augustine, who in his Confessions begins his search for God with the well-known phrase 'my heart is restless until it finds its rest in God'.[57] The Augustine view of humanity is based on an empty space or void in ourselves, that needs to be filled with God's love. Based on this tradition, Anselm Grün a German Benedictine monk, connects psychology with belief.[58] According to Grün, we have within us a space where we can meet God and where he is willing to reside.

Modern religiousness consists of tendencies towards both sanctification and desecration. On the one hand, since the start of the modern era secularisation has brought about a disenchantment with reality. The sacred is disappearing and giving way to the purely earthly and profane as the only reality that exists. Religion itself is reduced to a social, biological or psychological phenomenon. The sacred is no longer associated with its own autonomous environment that gives religious experience its own independent, unique substance and meaning.[59] God, the Christian tradition and its classical patterns of values are no longer sacred. There is no longer any regard or respect for this and the will to take it into account has diminished strongly. Just about anything goes.

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[56] Willem Kloos, *Verzen*. Provided by P. Kralt, Amsterdam University Press, Amsterdam, 1995, p. 23.
[57] Augustinus, *Belijdenissen*. Translation and introduction by Gerard Wijdeveld, Ambo, Amsterdam, 2004, p. 29.
[58] See, for example: Anselm Grün, *Einswerden. De Weg des heiligen Benedikt*. Vier-Türme-Verlag, Münsterschwarzbach, 2003.
[59] See: Rudolf Otto, *Das Heilige: Über das Irrationale in der Idee des Göttlichen und sein Verhältnis zum Rationalen*. Biederstein Verlag, Munich, 1974.

There are instances where the presence of or referral to the sacred in society evokes negative reactions, including legal actions, such as in the Lautsi case.[60] In this particular case an Italian mother complained about crucifixes in public schools. The crucifix is a recognised symbol of the Christian faith, but it is more than that: over the past two thousand years it has become part of European culture. A Europe that still seems to speak only via numerous religious artworks standing as silent monuments, literally and figuratively, alongside busy highways, and that has become inaccessible for many people.[61] In Brabant, too, we come across numerous crucifixes and Maria images of small shrines along the road. They stand there as silent witnesses of Christianity: the religion that has had a profound effect on the creation of the Western world and its values. Of course, the place where a crucifix is placed is open for discussion, but the uneasiness of Western Europe in particular with the Christian background of our culture is clearly evident. At times this background is suppressed or denied, as was the case with the draft constitution for the European Union (2004) in which a minimal reference to Christianity was included only after much protest.

However, we should recognise that demolishing sacred edifices goes hand in hand with establishing new gods. Man's need for religion becomes focused on other, generally immanent aims. The disappearance of the transcendent, that is an important characteristic of Christianity, as well as other religions, leads to a sacralisation of the immanent. In European history this has been expressed since the French Revolution in the rise of 'political religions', such as Jacobinism, Bolshevism, communism, fascism and national-socialism..[62] These ideologies 'radically broke through the Christian barrier between the "other worldly" and "this worldly" and undertook the immense effort to realise an earthly paradise, from which anyone who might disturb this paradise should be banished.' [63]

These mass movements collapsed in the mid-twentieth century, having lost their power to mobilise the individual. An important turning point in post-war history came with the protest generation of 1968. In the footsteps of emancipation, secularisation and the diminished position of the church, further individualisation followed at a rapid pace. The theory of the ability to construct reality seems currently to be projected more towards the individual: 'I can and must create my own life, it must be possible to achieve paradise in my private life here and now'.[64]

The increasing importance of the individual is also apparent in the search for meaning. In the culture of authenticity, religion and world view have to suit the individual person: what's in it for me?, seems to be the credo. People tend to construct their religious identity themselves, drawing on all kinds of traditions.

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[60] See: EctHR 18 March 2011, nr. 30814/06 (*Lautsi and Others/Italy*).
[61] Taken freely from Frits van der Meer, *Uit het oude Europa. Twintig herinneringen.* Elsevier, Amsterdam, 1957, p. 5.
[62] See: Michael Burleigh, *Aardse machten. Religie en politiek in Europa van de Franse Revolutie tot de Eerste Wereldoorlog.* Translation by Auke van den Berg e.a., De Bezige Bij, Amsterdam, 2006, pp. 9 – 33.
[63] Research Institute for the CDA, *De bloedsomloop van de samenleving. Een christendemocratische visie op het belang van vertrouwen.* Den Haag, 2009, p. 76.
[64] Research Institute for the CDA, *De bloedsomloop van de samenleving*, p. 77.

Sacred today has above all come to mean the individual's own religious experience.

2.3 Religions in the Netherlands

After these general introductory remarks about religion, world view and the relationship with modernity, this chapter charts the Dutch religious and non-religious landscape more precisely. It is a landscape that has always been susceptible to change and up to a certain point is traditionally pluriform. The changes that have been taking place over the past half century seem not only greater and more radical, they also seem to follow one another in close succession. Christianity has played a role in the Netherlands since around the start of the Middle Ages, and since the sixteenth century has been divided into two major movements: Roman Catholicism and Protestantism, that gained a firm place in the Netherlands after the Middle Ages. For centuries these two movements were the dominant religious ideologies, until the Middle Ages when the advent of Judaism complicated matters. On the one hand, secularisation and depillarisation have caused traditional movements to crumble, but on the other hand all the major world religions are now represented in the Netherlands, with Islam in terms of numbers and public attention being the most prominent. There has also been a rise in the number of migrant churches, mainly in the major cities.[65] In Amsterdam, for example, almost ten times as many believers attend a migrant church than a Protestant church (PKN).[66]

Accountability

Charting the religious landscape of the Netherlands is important for at least two reasons. First of all, of course, in order to acquire as faithful as possible a representation of the current figures and trends relating to the presence of religion and how it is experienced in the Netherlands, and, secondly, because the developments that are being charted reflect other developments in the social and political field. It is important to realise that if religion is perceived differently by citizens, this can also have consequences for their assumptions about the separation of church and state and the role of religion in the public domain. If a large proportion of citizens experience their religion as individual, immanent, subjective and non-hierarchical, then it is probably not surprising that people are also thought to believe that religion is mainly an issue that belongs in the private sphere. Modernisation, urbanisation and globalisation on the one hand engender a new need for meaning and religion. Where the role of the national state is diminishing and government is unable to meet all the needs of its citizens, religious communities may well be able to offer an alternative, both as a means of bringing people together as well as in providing a social safety net. On the other

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[65] A diffuse term, but nonetheless well used in the literature. It relates to Christian communities founded by and primarily formed by individuals of whom one parent was born abroad. The services are generally aimed at the largest migrant groups in the church. In the Netherlands there are Western Asiatic, Latin American and African migrant churches that represent diverse religious movements – from Ronhal Catholicism to charismatic and evangelical movements. See also: Stichting Oikos, *Gratis en waardevol. Rol, positie en maatschappelijk rendement van migrantenkerken in Den Haag*, 2006, p. 8.

[66] See Hans Euser, Karlijn Goossen, Matthias de Vries and Sjoukje Wartena, *Migranten in Mokum. De betekenis van migrantenkerken voor de stad Amsterdam.* VU Drukkerij, Amsterdam, 2006.

hand, all these developments have a significant effect on religion. Modern ideas about life translate to all appearances into new forms of spirituality, with traditional forms of religion increasingly being perceived as being at odds with modernity. These developments may shed clear light on current discussions on the freedom of religion, for example, and its scope.

In this chapter use will be made of different research data, including Statistics Netherlands (CBS) and the Netherlands Institute for Social Research (SCP). Most of the research information dates from 2006 when the last 'God in the Netherlands' survey was conducted (previous surveys took place in 1966, 1979 and 1996). The SCP in particular has not only carried out research into such areas as church membership, but has also measured how this was experienced.[67] In fact, many people are members of a religious community, but this does not mean they can automatically be counted as regular church goers. To identify new spirituality, reference will be made to a number of surveys by religious sociologist Joep de Hart, that can be regarded as the first extensive studies of this issue here in the Netherlands.

The structure will be as follows: first, Christianity will be charted, then, Judaism and subsequently a number of other world religions, namely Islam, Hinduism and Buddhism. Subsequently, the search for meaning and new forms of spirituality will be addressed. Finally, the assumptions of Dutch people regarding the role of religion in the public domain will be examined.

2.3.1 Christianity

This paragraph will indicate a number of figures and trends relating to Christianity in the Netherlands.

Both Protestantism and Catholicism in the Netherlands are in decline. It is true that the Roman Catholic Church (RKK) with some 4.4 million registered members in 2006 is the largest religious community, but no more than 350,000 believers attend church each weekend.[68] The Protestant Church in the Netherlands (PKN) has fewer members, some 1.9 million, but can count on a somewhat larger number of weekly churchgoers, some 479,000 people.

A much more telling indicator than the present state of affairs is the trends. Ecclesiastical religiousness has been declining strongly, especially since the sixties. As table 2.2 below shows, the percentage of Catholics has halved since that time, the Protestant churches have seen a reduction of more than 40% and the number of regular church goers has fallen considerably.[69] Nor is the situation any better for the liberal denominations. They have lost some 65% of their members

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[67] See, for example: Jos Becker and Joep de Hart, *Godsdienstige veranderingen in Nederland. Verschuivingen in de binding met de kerken en de christelijke traditie.* The Netherlands Institute for Social Research, The Hague, 2006.
[68] Ton Bernts, Gert de Jong and Hasan Yar, 'Een religieuze atlas van Nederland', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 92 – 94.
[69] Joep de Hart, *Zwevende gelovigen*, p. 42.

over the past forty years.[70]

Table 2.2.   *Church membership and attendance in the Netherlands.*

	1966	1979	1996	2006	% difference 1966 – 2006
Church membership					
- Total members	67	57	47	39	-42
- Of which:					
- RKK	35	29	21	16	-54
- PKN	25	22	19	14	-44
- Other	7	6	7	9	29
- Non-church	33	43	53	61	85
	100%	100%	100%	100%	
Frequency of church attendance					
- Regular (almost weekly)	50	31	21	16	-68
- Sometimes	7	13	13	14	100
- At most one time	8	16	26	23	188
- Never	35	40	40	47	34
	100%	100%	100%	100%	

Source: *God in Nederland 1996 – 2006 (God in the Netherlands 1996-2006)*

Unlike the RKK and the PKN, the evangelical movements, pentecostal and migrant churches have grown in recent decades. Orthodox reformed churches and reformed churches with a focus on religious experience (*bevindelijk*) either grew slightly or remained more or less stable.[71] However, this does not mean that desecularisation is not taking place, because we are mainly dealing here with believers who change from one denomination to another (*circulation of the saints*). Apart from the fall-off in the last half century, things do not look rose-coloured for churches in the coming decades either. The number of Catholics will reduce by a third by around 2020, with estimates indicating that around that time there will be some 3.4 million remaining Catholics in the Netherlands.[72] Protestants can expect an even greater reduction in numbers: the PKN will probably see a halving of the number of members in 2020 (the PKN itself estimates a membership loss of some 35%).[73] One effect of these developments is that a strong reduction will be seen in the number of church buildings, ministers and church rituals The Netherlands currently has in excess of 4,500 church buildings, but in the coming ten years more than 1,000 of these are likely to disappear.[74]

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[70] Ton Bernts, Gert de Jong and Hasan Yar, 'Een religieuze atlas van Nederland', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, p. 111.
[71] Joep de Hart, *Zwevende gelovigen*, pp. 44 – 45.
[72] Ton Bernts, Gert de Jong and Hasan Yar, 'Een religieuze atlas van Nederland', in: Wetenschappelijke Raad voor het Regeringsbeleid, *Geloven in het publieke domein*, p. 95.
[73] Idem, p. 98.
[74] Idem, pp. 94, 98. Vgl. Joep de Hart, *Zwevende gelovigen*, p. 45.

All these developments in the church and its future perspectives are related to the social background of the churchgoers. Religiousness in general correlates with an earlier year of birth, a lower level of education and rural life.[75] Table 2.3 shows that church membership and devoutness are most common in people of 65 years and older. De Hart concludes that 'the religious dividing line [...] in present-day families is primarily between grandparents on the one hand and parents and children on the other.' [76] Ageing of the population is also visible in the church, and is an important cause of the shrinking of church membership as well as abandonment of the church. The underlying characteristics of a lower level of education and living in a rural area generally go hand in hand with holding more orthodox religious beliefs, or traditional religious convictions. One can only hazard a guess as to whether continuing urbanisation in the Netherlands may also contribute to the substance of what believers actually believe becoming 'more modern'.

Table 2.3. *Convictions about god or a higher power, church membership and devoutness by generation (percentages)*

	Atheists	Agnostics	Ietsists	Theists
- Pre-war generation (1910 – 1929)	13	19	26	42
- Silent generation (1930 – 1945)	15	23	42	21
- Protest generation (1946 – 1954)	13	18	45	24
- Lost generation (1955 – 1970)	16	24	37	24
- Pragmatic generation (1971 – 1980)	16	29	33	23
- Generation Y (1981 – present)	12	42	27	19
	Church member	Nominal member	Non-churchgoing believer	Non-churchgoing non-believer
- Pre-war generation (1910 – 1929)	33	25	13	29
- Silent generation (1930 – 1945)	34	19	17	29
- Protest generation (1946 – 1954)	21	15	33	31
- Lost generation (1955 – 1970)	19	11	31	39
- Pragmatic generation (1971 – 1980)	14	7	32	47
- Generation Y (1981 – present)	14	11	22	54

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[75] Joep de Hart, *Zwevende gelovigen*, p. 62.
[76] Idem, p. 66.

	Firmly religious	Somewhat religious	Not really religious	Firmly religious
- Pre-war generation (1910 – 1929)	43	35	6	17
- Silent generation (1930 – 1945)	39	40	8	14
- Protest generation (1946 – 1954)	39	27	15	19
- Lost generation (1955 – 1970)	30	33	18	20
- Pragmatic generation (1971 – 1980)	30	24	26	20
- Generation Y (1981 – present)	15	27	33	25

Source: Joep de Hart, *Zwevende gelovigen*

2.3.2 Judaism

Around the end of the Middle Ages there was a relatively large Jewish community in the Netherlands,[77] that for centuries constituted a minority in the country. On the eve of the Second World War, the Netherlands had an estimated 140,000 Jews. During the war more than 100,000 Jews lost their lives as a result of the Holocaust, causing deep and irreparable wounds in the Jewish community in this country.

The estimates of the number of Jews currently in the Netherlands are somewhat variable. This is related to the fact that Judaism has both an ethnic and a religious dimension and that there are also differing descriptions of Jewishness that may or may not stipulate Jewishness from the maternal line. Depending on the definition, the Netherlands has between 30,000 and 45,000 Jews, the majority of whom live in Amsterdam. Some 9,000 Jews are a member of a liberal or orthodox Jewish religious community.[78]

2.3.3 Islam

Many contemporary debates on religion in the public domain relate at least partly to Islam or are connected with developments within the Islamic world or the position of Muslim minorities in western countries. The presence of Islam in the Netherlands attracts a high degree of public attention. But what exactly is the situation with the current representation of Islam in the Netherlands and the religious experience of Muslims?

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[77] For more information see: Hans Blom (Ed.), *Geschiedenis van de Joden in Nederland*. Published by Balans, Amsterdam, 1995.
[78] The numbers indicated are taken from: Ton Bernts, Gert de Jong and Hasan Yar, 'Een religieuze atlas van Nederland', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 131 – 133.

Islam is the second religion in Europe after Christianity and it is one of the fastest growing religions in the world.[79] Islam is currently the third largest religious movement in the Netherlands. The vast majority of Muslims in the Netherlands (and also in Europe) consist of migrants and their descendents. They came to the Netherlands as migrant workers starting from the fifties and, spurred by the trend towards family reunification in the seventies, the Muslim community in the Netherlands underwent strong growth. From that time on, Muslims began to organise themselves better and mosques were built in the major cities. There is now a second and third generation of Muslims who have grown up almost entirely in the Netherlands. Muslims account for more than 5% of the population. They live primarily in the major cities in North and South Holland.

Table 2.4.   *Development of the number of Muslims in the Netherlands*

	Number of Muslims	Percentage of the population
1993	566,000	3.7
1994	602,000	3.9
1995	625,000	4.1
1996	654,000	4.2
1997	687,000	4.4
1998	724,000	4.6
1999	765,000	4,9
2000	801,000	5.1
2001	844,000	5.3
2002	886,000	5.5
2003	919,000	5.7
2004	944,000	5.8
2005 – 2006[80]	857,000	5.3
2007 – 2008	825,000	5.1

Source: *CBS 2006*

In terms of origin, members of the Dutch Muslim community come from very diverse backgrounds. Two-thirds of Muslims in the Netherlands originate from Turkey (328,000) and Morocco (296,000). Other significant major groups come from Iraq (42,000), Afghanistan (36,000), Suriname (32,000), Iran (28,000) and Somalia (25,000).[81]

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[79] The Netherlands Institute for Social Research, *Moslim in Nederland*. The Hague, 2004, p. 5.
[80] The estimates of the number of Muslims in the Netherlands in the years from 2005 to 2008 are lower than those published by the CBS in the previous years. This reduction is the consequence of a change in the methodology and does not indicate a reduction in the number of adherents of Islam. The CBS started to apply a new weighting model (POLS survey figures), that involves asking the Dutch population to which religious faith or religious movement they consider themselves to belong. Islam was one option. See: CBS, *Bevolkingstrends*, 3rd quarter 2007, 'Naar een nieuwe schatting van het aantal islamieten in Nederland'.
[81] Ton Bernts, Gert de Jong and Hasan Yar, 'Een religieuze atlas van Nederland', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, pp. 114 – 116.

In general, the Dutch Muslim community is organised according to country of origin; this is because how Islam is experienced is related to the individual's cultural and geographical background. A good example of this is the Turkish Diyanet, a Turkish state organisation that for socio-economic reasons constitutes the official Islam of the Turkish state.[82] There are 450 or more mosques in the Netherlands. Of these, 245 are Turkish and 150 of them are affiliated to the Turkish Diyanet. A further 150 mosques are Moroccan and 25 have a Surinamese-Hindustani background. [83]

Apart from this ethnic diversity, Islam can also be divided into different movements, the most important being the Sunni and the Shiites. Some 85% of Muslims worldwide are Sunni, 10% are Shiite (primarily in Iran) and 5% are part of another stream, that includes the mystically oriented Sufis and the liberal Alevites.[84] This last group in the Netherlands is made up of religious individuals with a Turkish background. The majority of Dutch Muslims are part of the Sunni tradition of Islam.

 For first-generation Muslims, their experience of religion is often still traditional. The so-called second and third generations of Muslims born in the Netherlands exhibit a more varied picture. In any event there seems to be a divided experience of religion, with young Muslims being more traditional within the home, but outside the home their religious experience is subject to modern influences. How religion is experienced is in many cases more individual and, in line with this trend, there appears to be greater opportunity for a more individual interpretation of Islam. According to recent research, secularisation does not seem to be an issue among the Moroccan and Turkish Muslim youth group. In 2004, the SCP noted a trend towards secularisation and established that religious participation was decreasing, for example, in terms of attendance at the mosque. It was noted at the time that secularisation among Muslims is not following the same path as among Christians since, although religious participation among Muslims is decreasing, the same is not true of religious identification and experience.[85] Now, SCP research has shown that there is little or no indication even of this supposed secularisation. An increasing number of second-generation Muslims attend the mosque at least once a week. Even for Muslims who practise their faith on an infrequent basis, Islam remains an important theme in their lives.[86]

2.3.4. Hinduism and Buddhism

Hinduism and Buddhism are in some respects more difficult to explain than the three Abrahamic religions.[87] It is difficult to determine with any certainty when Hinduism began; nor does Hinduism have any holy scripture nor any more or less explicit doctrine. Buddhism in its turn is regarded not only as a religion, but is

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[82] Idem, p. 120.
[83] Idem, p. 118.
[84] Idem, pp. 117, 121,
[85] Idem, p. 125.
[86] See: The Netherlands Institute for Social Research, *Moslim in Nederland 2012*. The Netherlands Institute for Social Research, The Hague, 2012.
[87] Ton Bernts, Gert de Jong en Hasan Yar, 'Een religieuze atlas van Nederland', pp. 126, 133.

also frequently seen as a philosophy of life. In this sense many native Dutch people have an affinity with Buddhism.

The estimates of the number of Hindus are very diverse. There are between 100,000 and 215,000 Hindus in the Netherlands, with the vast majority being of Surinamese descent (between approx. 128,000 and 160,000).[88] The remaining Hindus are of Indian origin (approx, 15,000) or are followers of guru movements (such as Hare Krishna) or are adherents of a tradition of particular Western movements related to Hinduism (a total of some 40,000). Participation by Hindus in organised religious assemblies in temples is thought to be close to 50% but this relatively high level of participation seems to be decreasing. For some four-fifths of Hindus, private services are occasionally held in the family home. It is difficult to make any pronouncements about how Hinduism will be experienced in future , but it seems in any event that the largest proportion of young Surinamese people are involved in Hinduism only to a minor extent, or not at all.[89]

It is even more difficult to comment with any certainty on the number of Buddhists in the Netherlands, with estimates ranging from 70,000 to 450,00. On the basis of information from the Netherlands Buddhist Union, the assumption is that there are 170,000 Buddhists, of which 100,000 are indigenous and 40,000 Chinese.[90]

2.4 Looking for meaning: new forms of spirituality

Established and institutionalised religion – in particular Christianity – has thus decreased in comparison with the past and will in all probability continue to move towards the margins of society in coming decades. Religion will have a much less visible presence in the form of church attendance; more than three-quarters of Dutch people also indicate that for them religion has little or nothing to do with membership of a particular church (see table 2.5). Interestingly, this is also the opinion of many people who are members of a church, something that could explain the relatively low attendance at weekly church services by church members.

Table 2.5.   *Religion has little to do with church membership*

	Members of RKK	Members of PKN	Members (other)	Non-church	Whole population
- Yes, I agree	47	29	27	61	52
- I agree to some extent	33	43	28	22	27
- No, I do not agree	20	28	45	17	21
	100	100	100	100	100

Source: *God in Nederland 1996 – 2006*

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[88] Idem, pp. 127 – 128.
[89] Idem, pp. 130 – 131.
[90] Idem, p. 134.

So what *does* religion then have to do with? It has already been observed several times that religion is undergoing a transformation, or metamorphosis, in the direction of what religious sociologists describe as spirituality, or new spirituality. But what is this new spirituality? What does it consist of and what are its core ideas? We have already seen that religion today is less and less associated with authority, institutions, revelation and transcendental ordinances, but rather with the inner aspects of the subject, separate networks, individual experiences and immanence.

De Hart establishes that 'holistic spirituality is more internal and private than external, public and institutionally focused, […] rather experiential than cerebrally determined.'[91] He also gives a concise description of what constitutes present-day transformed religion and the ideas that form the core of this religion. The key is that all humans are part of a vibrant community that brings man, the world and nature together. People construct their religion themselves, and go about this process in an eclectic manner under the influence of diverse traditions and ideas. Spirituality and religion are therefore more about seeking than holding firm convictions. The final purpose of life lies in one's own unique inner experience and in developing the potential for one's own capabilities. Rather than professing and endorsing dogmas, the truth has to be experienced internally. Intuition and feeling are preferable to cool and rational considerations, and spiritual rituals today are made up of meditation rather than Christian prayer. Alternatively, people focus on spirituality, reading magazines with a spiritual theme, or believe in mysticism and paracultural phenomena.[92]

2.5 Assumptions about the role of religion in the public domain

The secularisation that started in the mid-sixties is still continuing today, as we saw in paragraph 2.2.1, and is expected to result in a further degradation in terms of religious belief. We have also seen that religion is transforming and that new, unaffiliated and to a large extent individualistic spirituality is partly replacing established religions. The question is what all these developments mean for the public place of religion. Is there a role for religion in society in the coming decades? To what extent does religion constitute a source of social and moral capital? For a relatively large group of Dutch people (39%), belief in God in their own words forms an important moral basis for society.[93] They are of the opinion that without belief in God, society will degenerate. 'If God is dead, anything goes,' Dostoyevsky said through the character of Iwan Karamazov in his novel *The Karamazov Brothers.* [94] However, a similarly large group of Dutch people (39%) do not regard belief in God as a moral anchor point, which means that opinions on this point are equally divided.

The Dutch value religion as social capital, primarily because of the moral and ritual functions of religion, as can be seen from table 2.6. Almost two-thirds of

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[91] Joep de Hart, *Zwevende gelovigen*, p. 156.
[92] Idem, pp. 158 – 161.
[93] Ton Berns, Gerard Dekker and Joep de Hart, *God in Nederland 1996 – 2006*, pp. 84 – 85.
[94] Fjodor M. Dostojevski, *De gebroeders Karamazov*. Translated by Dr A. Kosloff, Van Holkema &Warendorf N.V., Amsterdam, 1962, pp. 561 – 562.

Dutch people consider religion to have an important role in significant life events, such as births and deaths. At such instances there is evidently a need for rituals that mark the occasion. Roughly the same number of Dutch people consider religion wholly or partly important for maintaining norms and values. Taking this further, it can probably be said that for 67% of the population religion is important in bringing up children.

Table 2.6. *Religion as social capital*

	Very important	Rather important	Not important	Totally very/rather important
Morals and rituals in the private sphere				
- For such life events as births and deaths	43	30	27	73
- For bringing up children	32	35	33	67
Morals and rituals in society				
- For preserving norms and values				
- For memorials	36	38	26	74
- To set an example of how we should behave	32	38	30	70
- For national holidays	31	39	30	70
	26	37	37	63
Critical role for society				
- To point out social wrongdoing	17	39	44	56
- To indicate the importance of sobriety				
- To be a thorn in the side of the those in power	21	43	36	64
	16	38	46	54
Identity				
- For our national identity	17	31	52	48
- For our identity as Europeans				
	17	31	52	48
	17	30	53	47

Source: *God in Nederland 1996 – 2006*

For many Dutch people, both those who are religious and those who are non-religious, the rituals and moral aspects of religion are important for their personal lives and for society as a whole. Religion evidently acts as a moral and social compass for many people. It is very likely that this need exists because modernity is unable to provide answers to the questions that people have. Modern man seems unwilling to have a life in which God plays no part whatsoever. In addition, issues about the meaning of life continue to be important, and may gain social relevance

now that the political ideologies of the twentieth century have largely collapsed and no longer inspire the masses.[95]

At the same time, the presence of religion in the public domain is the focal point for much present-day debate and religious criticism. Why is this? On the one hand, the Dutch indicate that they value religion as a moral signpost, but on the other hand people seem to be increasingly disturbed by particular public expressions of religion. There are two possible directions in which the explanation for this can be sought. First of all, citizens indicate that they value religion as a moral compass, but this often does not apply to the traditional morals of religion and church. Secondly, citizens are apparently very divided on the question of whether religion should have a place in the public domain (see table 2.7). Half of all Dutch people indicate that religion should be restricted to the private sphere and 47% believe that religion may play a role in public life.[96] The dividing line is largely determined by whether or not one is a member of a church. At the same time the *God in Nederland* study shows that most Dutch citizens believe that society would deteriorate if churches were to disappear. A two-thirds majority even indicate that government should be responsible for ensuring that at least one church building should be preserved in every town.[97]

Table 2.7. *Constitutive role of religion*

	1966	1979	1996	2006
Should plitics and religion be separate?[98]				
- Yes	57	59	61	66
- No	34	28	20	15
- Depends/don't know	9	12	19	19
	100%	100%	100%	100%
Preference for primary school				
- Public/neutral school	40	37	34	41
- Religious/ denominational school	54	44	41	36
- Doesn't matter				
	6	19	25	23
	100%	100%	100%	100%

Source: *God in Nederland 1996 – 2006*

2.6 Source of social cohesion or seed of discord?

Religion as a phenomenon will inevitably continue to have a place in the public domain. But what does this mean for society? Is religion a source or potential

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[95] See 10*n*.
[96] Ton Berns, Gerard Dekker and Joep de Hart, *God in Nederland 1996 – 2006*, p. 101.
[97] Idem, p. 112 – 113.
[98] The question is whether all the respondents are aware of the fact the separation of church and state is distinct from the separation of politics and religion. For this issue, see paragraph 4.3.

source of division in society or can it function as a means for bringing people together? It would appear that religion can both unite and divide. There are many examples of religion (or world view/non-religious belief) bringing people together, but it can also drive a wedge between communities. On the one hand religion seems to unite people together and give their lives meaning, purpose and direction, whereas on the other hand it creates deep and visible differences between people and communities and it not infrequently incites tensions in society; today these tensions often centre on the position of Islam in the Netherlands.[99] It is understandable that in the past decade under the influence of religious developments in the Netherlands greater attention has been paid to the relation between religion and social cohesion in society. [100]

Our society is susceptible to influences from other sources than only the traditional religions, including world religions. The very transformation from religious awareness to less denominational forms of *Weltaanschauung* (lifestyles) has also had an influence on social cohesion in society. 'The disappearance of institutionally bound religious forms of meaning carries the risk of having a negative effect on social cohesion. The positive effects on democracy and the creation of social capital then disappear also. There is in addition a risk for social cohesion as a result of the emergence of a sector of the population whose lifestyle is characterised by meaning without any shared world view, who have a negative attitude towards the society in which they live and towards the lifestyles of religious groups.'[101] Kronjee seems to sound a warning here about the development of a secular majority culture and the tensions that can arise in society. Already there seems to be a situation in which increasingly the group in society that has no affiliation in terms of any coherent world view (*Weltanschauung*) wants to banish the alternative lifestyles of religious groups from the public domain or even wants to ban them completely. The recent debates on conscientious objection by individuals holding official positions and the so-called ritual slaughter of animals without stunning are good examples of this.

2.6.1 Religion as social capital

It is evident that religion is not infrequently the impetus for political-social debate. Such debates focus primarily on stressful aspects to the detriment of the positive ripple effects of religion. In spite of the frictions that obviously exist, in a practical sense religion is often shown to have a positive effect for society. Churches and religious organisations make a substantial contribution to welfare work in the Netherlands.[102] Research has shown that the same applies for mosques.[103] In

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[99] Marcel ten Hooven, 'Religie verdeelt Nederland. Een oude scheidslijn in een nieuwe gedaante', in: Marcel ten Hooven & Theo de Wit (Ed.), *Ongewenste goden. De publieke rol van religie in Nederland*. Published by Sun, Amsterdam, 2006, pp. 13 – 37.
[100] See, for example: Bart Labuschagne (red.), *Religie als bron van sociale cohesie in de democratische rechtsstaat?* Ars Aequi Libri, Nijmegen, 2004.
[101] Gerrit Kronjee, 'De religieuze transformatie en de sociale cohesie', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, p. 85.
[102] See, for example: Jorge Castillo Guerra, Marjolein Glashouwer, Joris Kregting, *Tel je zegeningen. Het maatschappelijk rendement van christelijke kerken in Rotterdam en hun bijdrage aan sociale cohesie*. Nijmegen, 2008.

addition – as the figures in this chapter show – religion is a source of social inspiration and moral reflection. In his inaugural lecture, De Hart states categorically that the social significance of churches is undisputed. He points out that churches in the Netherlands still have considerable influence and that they hold a special position in civil society. Churches are important for people's social participation and they are part of broad social networks. According to De Hart, 'churches function not only as institutions that can lend spiritual and practical support to their members, they also frequently engender a broader social engagement. American research has shown that people who, because of their level of education and their profession, would otherwise be condemned to political passivity, develop skills through their involvement in the church that open the way for them to participate successfully in other social fields. (…) And there is a further aspect, more veiled and not immediately apparent within society: church life is a very important generator of social capital, of social solidarity networks in which the parishioners meet other individuals and are stimulated to take action. Within municipalities and parishes, personal bonds develop that result in informal support activities, volunteer work and donations to charity. Churches use Biblical norms, stories and examples in order to heighten the awareness of human needs and to mobilise believers. They regularly organise concrete aid actions and create a certain level of social pressure to actually do good deeds.'[104]

The *God in Nederland* surveys highlight the relation between social capital and religion. In the Netherlands, the donations made by regular church-goers to charity are four times those of their fellow countrymen who seldom or never go to church (and they also donate twice as much to non-ecclesiastical purposes). They are much more frequently engaged in volunteer work than the rest of the population, including voluntary work that is not for church organisations, and they are much more frequent providers of care. Moreover, it is striking to note that the most faithful church-goers do the most voluntary work, even 'secular voluntary work' (that is not only for the benefit of their own church or religious organisation).[105]

Table 2.8.   *Voluntary work*

	Engaged in voluntary work	Hours per week	Engaged or also engaged in non-church-related voluntary work
Church members	46	5.4	35
- RKK	43	5.3	36
- PKN	49	5.6	38
- Other	48	4.1	29
Non-church	29	4.8	27
- Former RKK	27	5.4	25

[103] Oikos Foundation, *Moskeeën gewaardeerd. Een onderzoek naar het maatschappelijk rendement van moskeeën in Nederland*. The Hague, 2008.

[104] Joep de Hart, *Maak het nieuw! Over religieuze ontwikkelingen en de positie van kerke: een persoonlijke geschiedenis*. The Netherlands Institute for Social Research, The Hague, 2011, pp. 80 – 81.

[105] See for more detail: Paul Dekker & Joep de Hart, *Vrijwilligerswerk in meervoud*. The Netherlands Institute for Social Research, The Hague, 2009, pp. 155 – 177.

- Former PKN	36	3.8	34
- Other non-church	27	4.1	27
Total	36	5.0	30

Source: *God in Nederland 1996 – 2006*

The question is to what extent new spirituality will generate similar effects of social capital as the churches and traditional religious organisations in the Netherlands. Although little research has as yet been carried out on this subject, De Hart presents a number of general developments based on recent Dutch research.[106] Individuals who are adherents of the new spirituality donate relatively more in comparison to the portion of the population who are affiliated to a church, but they are less involved in voluntary work and care-giving.[107] It is striking that the social networks of those interested in new spirituality have positive effects on social commitment, which shows some similarities with the positive effects of church networks. Belief seems to be less of a consideration than membership of a network, and/or coming together with other people in terms of an individual's social commitment. According to De Hart, praying alone, just like bowling alone, has a negative effect on the development of social capital.[108] This does not mean to say that the role of the church as a moral community is not important. On the contrary, humanity and compassion for a neighbour in need are important social values that are disseminated to active church members and as such also bring with them a moral obligation. The SCP concludes that: 'For individual believers, being willing to put their words into action certainly plays a role in their involvement in voluntary work, but what appears to be most important is a combination of characteristics: being part of a social network (the church community or parish) with very regular face-to-face contacts, in which pro-social values are strongly encouraged and that in all kinds of ways is related to the local community and idealistic organisations.'[109]

A complicating and intriguing factor in this respect is that new spirituality in general seems to remain more focused on individual wellbeing, that is, one's own health and personal happiness. Social networks surrounding new spirituality therefore generally develop less frequently and are often less stable. This factor is also an indication that the moral message communicated within social relations is in part the motivation for carrying out good works.

The position of the church in the Netherlands is under pressure and is expected to become further marginalised in the coming decades (see paragraph 2.2.1). In view of the considerable social significance of churches, this is a particularly worrying development, because social capital that has been built up over centuries is under threat of being lost. At the same time, recent studies by such authorities as sociologist Gabriël van den Brink show that there is no need for us to become

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[106] For this, see: Joep de Hart, *Zwevende gelovigen*, pp. 206 e.v..

[107] It should be borne in mind that there is a degree of correlation between participation in church and interest in new spirituality.

[108] Joep de Hart, *Zwevende gelovigen*, p. 209.

[109] Paul Dekker & Joep de Hart, *Vrijwilligerswerk in meervoud*, p. 165.

bogged down in cynicism as far as social idealism is concerned. The public domain does not have to become an empty space where nihilism has free rein, because religious values, moral ideals and philosophical principles seem to have a fundamental place in modern society. Many people continue to strive for high ideals and on this basis contribute to building civil society.[110]

2.6.2 Religion as a source of social cohesion and social involvement

The social capital of religion is about more than simply contributing to welfare work. Research shows that religious communities stimulate the development of civic skills, democratic relations, pro-social values and social participation.[111] Religion can therefore be said to be more than purely an object of administrative action; religion – that is, every philosophy – constitutes a valuable source of social action for its adherents.[112] For many people, religion is what determines their identity and it is on this basis that they experience strong involvement in the reality around them. Citizens contribute to society on the basis of their own convictions; this is one of man's fundamental freedoms.

In this last sense, religion is also in principle an important source of values, the locus of virtues and a reference point for meaning. From this perspective, religion is also important for a modern democratic legal state that in the now winged words of German constitutional law scholar Böckenforde is founded on conditions that it cannot itself guarantee. [113] It may well be the case that religion does not have a monopoly here, but as early as the arrival of modern democracy in the nineteenth century Alexis de Toqueville pointed out the importance of religion as one of its reasons for existence.[114] He primarily had the established religion of the West in mind here. The moral dimension of the democratic legal state has to be maintained and fostered. In the present day this fostering is more readily sought in the power of reason than in what Habermas calls the potential of religion to give life meaning. He points out that religion is not by definition opposed to reason, but should be recognised as a repository for meanings and a source of help in giving meaning and identity to reality (for more on this theme, see paragraph 6.1.3).[115]

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[110] Gabriël van den Brink, *Eigentijds idealisme. Een afrekening met het cynisme in Nederland*. Amsterdam University Press, Amsterdam, 2011.

[111] Joep de Hart, *Zwevende gelovigen*, pp. 205 – 206.

[112] Erik Borgman, *Overlopen naar de barbaren. Het publieke belang van religie en christendom*. Published by Klement, Kampen, 2009.

[113] Ernst-Wolfgang Böckenförde, 'Die Entstehung des Staates als Vorgang der Säkularisation', in: Ernst Wolfgang Böckenforde, *Recht, Staat, Freiheit. Studien zur Rechtsphilosophie, Staatstheorie und Verfassungsgeschichte*. Von Suhrkamp Verlag, Frankfurt am Main, 1991.

[114] Alexis de Tocqueville, *Democracy in America*. Translated, edited and introduced by Harvey C. Mansfield and Delba Winthrop, University of Chicago Press, Chicago, 2000, pp.

[115] Jürgen Habermas, 'Een "postseculiere" samenleving: wat betekent dat?', p. 291. Compare: Jürgen Habermas, *Zwischen Naturalismus und Religion*. Von Suhrkamp Verlag, Frankfurt am Main, 2005. See also: Jürgen Habermas & Joseph Ratzinger, *Dialectiek van de secularisering. Over rede en religie*. Published by Klement, Kampen, 2009.

3   The Christian Democratic vision of society

This chapter addresses the Christian Democratic view of man, the state and society against the background of religion. Who is man? What is the role of the state and what are its responsibilities? How is society shaped and what is its relation to individuals and to government? How should the public domain be defined? And what role does religion play in society?

According to the tenets of Christian Democracy, people are regarded as having responsibilities within a community. The structure of society is rooted in the freedom of citizens who bear responsibility both personally and jointly in different social relations. In Christian Democracy the state is seen as 'the institute through which the community, including the political community, is organised in line with the law, including public law'.[116] The government exercises public authority and has an independent role within society as a servant of the law. The state has further tasks that are primarily complementary to society. All government activities have to meet the norms of public justice.

The question in this chapter is how the political philosophy of Christian Democracy can help redefine the relation between the state and the phenomenon of religion in the light of current developments, and/or can further determine the opportunities and limitations of the public role of religion in society.

3.1   Fundamental principles of the Christian Democratic view of man

Throughout the centuries many thinkers in the Christian tradition have considered the question: who is man?[117] To start with, man is a biological being, having at his disposal a body. Man is part of nature and is subject to time. Man also has to earn his daily bread in order to survive, although many Christian Democrats cherish the deeply held conviction that man does not live by bread alone. In the present day this belief is disputed in favour of other concepts, such as neurologism, for example: there are brain specialists who claim that man can be totally reduced to his brain and is therefore a purely material being.[118] This human view, that is itself under attack from psychological and sociological science, does not accord with the Christian Democratic view that besides being a physical being, man is also a cerebral and spiritual being.[119] Each individual seeks to fulfil his life based on desires that affect his whole existence.[120] Man does not live in isolation; his existence is anchored outside himself. Religion, world view and the need for

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[116] Research Institute for the CDA, *Spiegel van de staat. Staatkundige voorwaarden voor een overtuig(en)de politiek*. The Hague, 2007, p. 34.

[117] For a brief summary, see, for example: Paul van Geest & Everhard de Jong, '"Niet hemels, niet aards, niet sterfelijk, niet onsterfelijk": menselijke waardigheid in de christelijke traditie', in: Rob van de Beeten, Teun van der Linden & Maarten Neuteboom (Eds.), *Menselijke waardigheid*. Published by Boom, Amsterdam, CDV, 2012, pp. 36 – 45.

[118] See: Dick Swaab, *Wij zijn ons brein. Van baarmoeder tot alzheimer*. Published by Atlas-Contact, Amsterdam, 2010.

[119] See, for example: Herman van Praag, *God en psyche. De redelijkheid van het geloof, visies van een jood*. Published by Boom, Amsterdam, 2008.

[120] Research Institute for the CDA, *Mens, waar ben je?*, pp. 100 – 102.

meaning show that man is has an open and transcendent nature. Man is bound to the temporal and the eternal, and is, to quote Psalm 8, verse 6, 'made almost divine'. Man was created in the image of God. Having free will, he can make choices between good and evil, and bears responsibility for his choices. But when we look at man, we have to admit that he often uses his freedom wrongly, or abuses it. As Martin Luther King wrote: 'Some of the image of God is gone. Man is a sinner, in need of God's divine grace.'[121] In short, a view of man that does not take into account his shortcomings, is not a realistic view of man.'

In the Christian Democratic tradition, a lot of emphasis is placed on relationality and man's 'cultural mandate'.[122] Man does not live in isolation and solely for himself; rather he lives in a community with others. This is where the fabric of society is formed. As an image of God, man is a relational being and is connected to his fellow man according to his nature. Man is responsible in relation to others and needs others for his own self-development and to achieve his freedom. Man has the ability to make choices for himself and for the community. Human freedom implies that man's actions are fallible. The Christian Democratic tradition has regard for man's vulnerability. On the one hand man is adorned with grandeur, while on the other hand he is marked by misery.[123] This tension between greatness and decay is a given of man's existence and being caught in/part of this tension is an integral part of man's responsibility. It is encouraging that man is not alone in this role, but is part of his community and his relations with others.[124]

This relational view of man sets Christian Democracy apart from the current social-liberal view of man, that places greater emphasis on man's individuality. Modern man above all wants to determine for himself how he will organise his life, what he wants to devote his life to and what values he considers important. Charles Taylor notes the continuous striving of people for authenticity, that seems to be an inevitable feature of modernity. [125] If there is one thing modern man has to do, it has to be to develop his talents in order to be himself. To be able to achieve this, it is important to have as much freedom as possible and personal autonomy has become the dominant merit in thinking about human dignity. The will of the individual has become the dominant factor in determining what is valuable. Because each person has to shape his own life project, as an extension of freedom and autonomy, equality is an important value. Not only are all men alike, but also all preferences, including moral preferences, that people may hold are in principle equal. The individual has above all become the benchmark of his choices and actions. According to the liberal vision, man is in fact an individual without intrinsic characteristics, which means that the state is not in a position to propagate public ideals.[126]

Individual freedom and self-development are of lasting value as modern achievements. Autonomy is moreover unmistakeably an aspect of being human,

[121] Martin Luther King Jr., *The Measure of a Man*. Fortress Press, Minneapolis, 1988, p. 16.
[122] Ab Klink, *Publieke gerechtigheid*. Houten: Bohn Stafleu van Loghum, 1990, pp. 108 – 110.
[123] See also Blaise Pascal, *Gedachten*. Vertaald door Frank de Graaff. Published by Boom, Amsterdam, 2004, pp. 27 – 35, 44 – 47.
[124] Research Institute for the CDA, *Mens, waar ben je?* The Hague, 2011, pp. 53 – 57.
[125] Charles Taylor, *The Ethics of Authenticity*. Harvard University Press, Cambridge, 1992.
[126] Robert Musil, *De man zonder eigenschappen*. Translated by Ingeborg Lesener, J.M. Meulenhoff BV, Amsterdam, 2011.

but this does not mean that humanness should be exclusively reduced to personal autonomy. This would precisely pervert the high ideal of authenticity.

The present-day view of humanity nonetheless seems to be increasingly determined by different forms of reductionism. Take, for example, the image of *homo economicus* that dominated science for many years. One-sidedly emphasising man's autonomy and individuality seems equally to be marked by inherently one-sided reductionism. The question arises of whether the present culture of self-determination has resulted in futility, in detachment from supra-individual aims and consequently in a lack of meaning. Has freedom not become overly synonymous with the aimless norm of self-determination?[127]

In this context it is important to note that the Christian Democratic view of mankind has three dimensions: an individual, a social and a religious, or meaningful dimension. This last dimension in particular is regarded increasingly frequently as a curiosity in the political-social debate. But 'there lives in man the need for a "meaning" that is greater than man himself, so that he often seeks this in the form of a community of which he can be a part.'[128] We could also say that man has a calling, a destiny that transcends not only the individual, but also the community. The social and political actions of people cannot be seen as separate from their inner calling. This is what motivates people at the deepest level, and it cannot easily be placed outside the public domain. Religion and world view are for this reason intrinsically more than an opinion or a subjective preference. Moreover, religion is not something exclusively individual; people also shape their deepest convictions within communities and organisations and try to communicate what they believe within their relations with others.

In present-day society, that in religious terms is pluriform, people shape this aim in different ways. At a time when great moral value is attached to authenticity, it is important – and this seems more than ever to be obvious – to respect people's identity.[129] In modern history greater attention has been paid to recognising the religious identity of every individual within the limits of the democratic constitutional state.[130] At the same time it should be remarked that the room for difference, specifically with regard to religion, now seems to be diminishing again.

According to the Christian Democratic view, freedom of religion and world view and freedom of conscience are important for an open democratic society. If a time comes when there is no longer a place for this dimension of being human, 'the whole of human existence will curl up into a ball […]'.[131] Religious sources and metaphysical insights make up the subtle languages of immaterial values that help ensure that man does not become locked in instrumentalism, materialism,

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[127] Research Institute for the CDA, *Mens, waar ben je?*, pp. 62 – 63.
[128] Ad Verbrugge, *Tijd van onbehagen. Filosofische essays over een cultuur op drift.* Sun, Amsterdam, 2005, p. 262.
[129] Charles Taylor, 'De politiek van erkenning', in: Charles Taylor e.a., *Multiculturalisme*. Boom, Amsterdam, 1995, pp. 43 – 95.
[130] Herman De Dijn, *Erkenning, gelijkheid en verschil*. Published by Aspekt, Soesterberg, 2003. Compare: Charles Taylor, 'De politiek van erkenning', pp. 43 – 95.
[131] Sören Kierkegaard, *Vrees en beven*. Damon, Budel, 2006, p. 160.

rationalism or proceduralism.[132] Secularism as a philosophy for life runs the risk of falling short precisely on this point: 'Secularism in its neat distillation is indistinguishable from functionalism; it will generate a social practice that is dominated by instrumental or managerial considerations, since the perspectives that would allow you to evaluate outcome in other terms are all confined to the private and particular sphere'.[133]

This notion of religion and world view has implications for politics. Religion is an essential part of being human, which therefore makes it a relevant factor for government. It is important to recognise that the scope of the government's role here is limited. At the same time, not every form of expression of religion and world view is acceptable in the public domain, as we will see later in this report.

3.2   The Christian Democratic vision of the state and society

In the Christian Democratic vision of society, the prime concern is man himself and his social relations. Within this vision, society as a social sphere is expressly separated from the state and the market, although other comparable differentiations and characterisations are possible. French philosopher Jacques Maritain (1882 – 1973), for example, makes a distinction between political society and the state. The last of these tends to displace the first, but according to Maritain the state is only one part of the political community, and its task is to respect the law, promote a condition of general welfare, uphold public order and govern the public institutions. Care has to be taken to ensure that social life is not governed too much from above.[134] The political philosophy of Christian Democracy further distinguishes itself through its own particular state doctrine and social vision in which the relations between state and society are shaped along the lines of the concepts of subsidiarity and sovereignty within its own domain. These structural principles, respectively of Catholic and Protestant origin, both emphasise the independent position of different social relations in society, each of which has its own mandate, rights and tasks and more or less come together in the key tenet of 'shared responsibility'. This means that the state respects, recognises and leaves free the intrinsic nature of other relations such as the family, business and association life, the church and education.

 Although social relations between people are independent and are by nature private, this does not mean that they are wholly autonomous. Not only do the social spheres overlap one another, it may at times be necessary to stand up for the interests or rights of people who are active within a particular social context. The family, for example, has a private sphere, but if children are abused in this sphere, the state is obliged to intervene because the norm of public justice is at stake. There are also times when it may be necessary to defend minorities within a

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[132] Charles Taylor, *Sources of the Self: the Making of Modern Identity*. Cambridge: Harvard University Press, 2007. Vgl. Charles Taylor, *De malaise van de moderniteit*. Translated by Maarten van der Marel. Kok Agora, Kampen, 2002, pp. 85 – 95.
[133] Rowan Williams, *Faith in the Public Square*. Bloomsbury Publishing, London, 2012, pp. 12 – 13.
[134] Jacques Maritain, *Mens en staat*. Published by Lannoo, Tielt and The Hague, 1966, pp. 21 – 29.

minority, such as the rights of women and girls in honour-related acts of violence. All this means that people are therefore not locked into their social relations.

The Christian Democratic vision of society
It is important to recognise that the social relations mentioned are not derived from the state, but on the contrary, to use Kuyper's words, are sovereign within a particular circle. The functions that are exercised by the different non-state spheres and domains are not state functions, but are in principle are the individual responsibility of citizens and their relations within society. The Roman Catholic tradition speaks of subsidiarity, emphasising the subsidiary or supplementary role of government in society. Shared responsibility means that government cannot simply take over the functions of other social relations, because they differ in qualitative terms from the government's own tasks. Government should refrain from becoming involved in those activities that individual citizens or smaller communities can organise for themselves. Responsibilities should be placed where they can best be handled.

The strength of society in all its diversity and multiformity flourishes within the different communities and relations formed by citizens. Under the principle of shared responsibility, the scope of the different responsibilities, the aims that people want to achieve and the means that can be used to achieve them need to be further developed. The responsibilities, powers, duties and tasks of the various sectors of society should in any case not be considered absolute. They claim relative independence from one another, but time and again political considerations determine how the relationship between state and society is organised. The nature of the social relations has to be weighed against the demands of the time and the prevailing circumstances. Social relations influence one another and in so doing help create the conditions that are needed for each relation and for society as a whole to come into their own.

The Christian Democratic vision of government

The prime task of government is to promote public justice; Christian Democracy therefore expects the government to create the appropriate conditions for people to be able to develop and fulfil their responsibilities. Under this concept, people and their social relations are equipped to make their contribution to society. Government as a servant of the law has its own separate role with regard to society. The state is a legal community focused on the public good and in order to exercise the validity of the law, it needs particular powers. At the same time, the state is more than positive law and power, because its own history and culture mean that the state is rooted in a specific legal culture.

A number of core tasks of government are based on the principle of public justice.[135] Firstly, government has to respect the intrinsic nature, responsibility and diversity of the non-state relations (a safeguarding role). The independent organisation and development of, for example, art and culture, education and

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[135] See: Sophie van Bijsterveld, 'Publieke gerechtigheid in een veranderende wereld', in: Research Institute for the CDA, *Waardevast. Over de uitgangspunten van het CDA*. The Hague, 2011, pp. 57 – 67.

religion have to be protected and given the opportunity to develop. If the government is over-active in areas that do not fall within its domain, this will have major implications for how society functions. The power and vitality are, as it were, sucked out of society and citizens are discouraged from taking responsibility. In such a process, society will increasingly ignore its responsibilities, and government will take over more authorities and tasks. The final responsibility for countless social concerns then comes to lie with the government and the administration.

Government therefore only intervenes in the specific responsibility of non-government relations if the norm of public justice is at stake or if people appear unable to accept their own responsibility. As a general rule of thumb: 'private, unless public justice action is called for; decentral unless central considerations are necessary; pluriform unless minimum norms are violated.'[136] However, as Schaepman has already argued, this activity will always have to be aimed at revitalising society's independence. 'One should not immediately make what one wants to achieve into a subject for legislation,' but should rather encourage the vitality of society.'[137] In short, social self-regulation and a society that itself shapes social responsibilities is preferable to a ubiquitous government. Abuses in society can best be corrected by a strong society able to organise itself.

Shared responsibility is therefore highly important, but this does not deny the responsibility of government for its role in ensuring the elementary conditions under which society can develop (an entitlement role). This means that government has to maintain the legal order, safeguard security and provide an adequate infrastructure. Government also has to guarantee an elementary level of existence and has a responsibility to adequately equip citizens for their role in society.

Finally, the government is required to act normatively to ensure that justice is exercised as far as possible in society (normative character). Social organisations have to observe the law and if they contribute to the public interest, government can impose conditions to safeguard the quality, affordability and accessibility of their services (for example in healthcare). Diverse and potentially conflicting interests have to be aligned with one another by the government in a just manner.

Given the above, it can be seen that the political philosophy of Christian Democracy envisages a modest conception of the state, rejects the concept that society can be engineered and has an eye for the fabric of society that is woven by people and their relations. Creating proper public conditions, such as maintaining the legal order, providing an adequate spatial infrastructure and guaranteeing a particular minimum level of existence will enable individual citizens and their social relations to develop optimally. The active and diverse involvement of citizens in society and politics is also what makes up the backbone of the democratic constitutional state. This involvement guides the direction of political-social life, so that the issue of the meaning of life can be addressed at different levels of human existence. If there is one particular need that is apparent in the

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[136] Jan Peter Balkenende, *Overheidsregelgeving en maatschappelijke organisaties*. Samsom H.D. Tjeenk Willink, Alphen aan den Rijn, 1992, p. 303.
[137] Cited in: Ab Klink, *Publieke gerechtigheid*, p. 86.

present day, then it is that the three spheres of government, market and society should be areas for inspiration, morals and (spiritual) values.[138]

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[138] Govert Buijs, 'Gespreide verantwoordelijkheid: ruim baan voor bevlogenheid en kleinschaligheid', in: Research Institute for the CDA, *Waardevast. Over de uitgangspunten van het CDA*. The Hague, 2011, pp. 25 – 27.

4 The separation of church and state and the neutrality of government

In the previous chapters we have seen that religion is an important issue in society; it gives people a purpose and motivates them, offers them an awareness of meaning and community and forms identities. The relation between the phenomena of religion, citizens and government is directed by three core principles, that have political connotations: the separation of church and state, the neutrality of government and freedom rights, in particular the freedom of religion. These principles are in the first instance intended to ensure a degree of autonomy for society. They offer protection against government intervention that has too far-reaching an effect on the lives of citizens.

For several centuries now these principles have in a certain sense been more or less self-evident, but at the same time they are by no means clear-cut. In parallel with the renewed interest in religion, the previously dormant discussion has resurfaced on how the principles that govern the relation between government and religion should be interpreted, clarified and expressed. How the above-mentioned principle is interpreted is coloured by a number of assumptions about society, such as the notion that society is strongly secularised, and that there should be as great as possible a distance between government and religion given that religion is supposedly a private affair, the apparently exceptional nature of religion as a social phenomenon and the concept of fundamental rights as purely individual freedoms.[139]

The effect of these principles has to be considered primarily against the background of the changed and changing social context. This chapter will therefore address the separation of church and state and the neutrality of government. The aim of the chapter is to examine what meaning is ascribed to the principles of separation principle and neutrality now that both religion and the public domain are undergoing a transformation and that government, after an initial period of state control, is reducing its role in society. First of all we will examine the different interpretations of the separation principle. Then, a brief sketch will be given of the historical roots of the separation of state and church, after which, bearing in mind current developments in society, a discussion will be presented of how the separation of church and state can best be interpreted. It should be remembered that the relation between government and religion is not static, but is shaped against the background of developments in society. What does seem to be certain is that the separation of church and state and the neutrality of government do not offer a comprehensive explanation of the relation between government and the phenomenon of religion.[140] This can only be adequately expressed if the freedom rights that will be discussed in chapter 5 are also taken into account. But the most important issue today is to examine religion and world view not only from the perspective of *government*, but also to consider the effects of religion and world view in *society* (see chapter 6).

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[139] Sophie van Bijsterveld, *Burger tussen religie, staat en markt*. Inaugural lecture delivered on 2 December 2011, p. 13.
[140] Sophie van Bijsterveld, 'Scheiding van kerk en staat: een klassieke norm in een moderne tijd', in: Scientific Council for Government Policy, *Geloven in het publieke domein*, p. 229.

4.2 Different views of the separation of church and state

Issues that touch on the relation between government and religion always attract a high level of attention. Is it acceptable for a local authority official to refuse to shake hands with women? Is a police officer allowed to wear a necklace with a cross? May a marriage registrar refuse to officiate at the wedding of same-sex partners? May welfare organisations that have a religious base be subsidised by the state?[141] Is government allowed to provide financial support to religious minorities? And, if it does, may it stipulate how the funding will be spent?[142] Can church premises be used as polling stations during elections?[143]

When seeking answers to these questions, people often resort to the principle of the separation of church and state. The question is whether the separation principle actually has any importance in these areas. There appears to be a wide divergence of opinions on this issue in the political-social debate.
Does the separation of church and state also mean a separation between politics and religion? Is religion not a public matter and should it therefore remain as far as possible outside the public domain? Does the separation of church and state exclude every form of cooperation between government bodies and religious organisations? Is it justifiable to treat religious organisations differently from organisations that have no religious identity? How does this last question relate to the constitutional principle of equality? Should all religions be treated equally or is it justifiable to make some differentiation in how religions are treated?[144]

The separation principle poses many questions and, unsurprisingly, the answers to these questions may be different. It therefore seems not unreasonable to postulate that there is a strong difference of opinion – or even lack of clarity - on the separation of church and state.[145] In some instances there is even outright confusion. Not infrequently, the different visions of the separation of church and state compete for priority. Furthermore, it is apparent that the way this principle is interpreted has been changing in recent decades under the influence of such societal developments as secularisation and the rise of Islam. Even more importantly, many new forms of religiousness can no longer be captured under the concept of 'church', which puts even greater pressure on the principle of separation.[146]

The separation principle and the Constitution
The principle of the separation of church and state is an important tenet of the Constitution in the Netherlands and it represents one of the fundamental criteria for the democratic constitutional state. At the same time, it has to be established

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[141] See 19*n*.

[142] See, for example, the controversy surrounding the Wester mosque in Amsterdam.

[143] According to Jozias van Aartsen (Mayor of The Hague) not. See: 'Haagse stembureaus niet in kerken', *NOS* 11 August 2012, www.nos.nl (search: *Haagse stembureaus*).

[144] Sophie van Bijsterveld, *Overheid en godsdienst. Herijking van een onderlinge relatie*. Wolf Legal Publishers, Nijmegen, 2009, pp. 91 – 113.

[145] See, for example,: Kustaw Bessems, 'Doe niet zo hysterisch', in: *De Pers*, 15 March 2011. In this interview Member of Parliament Jeanine Hennis-Plasschaert (VVD) stated that confessional scholen, the organisation of public broadcasting and ritual slaughtering of animals represent violations of the separation between church and state.

[146] Wim van de Donk and Rob Plum, 'Begripsverkenning', p. 43.

that this important principle derives from the principle of equality (art. 1 of the Constitution), the equality of all Dutch persons to be appointed to public service (art.3 of the Constitution), freedom of religion (art. 6 of the Constitution) and freedom of education (art. 23 of the Constitution).[147] It should also be borne in mind that the exact relation between church and state is interpreted differently in Europe and North America: in other words, there are different models for expressing the relation between church and state. As an example, in some European countries there is a privileged relation between the state and one particular religion. In England, for instance, the Queen is formally the head of the Anglican Church and in Denmark the Minister for Religious Affairs is administrative head of the Evangelical Lutheran Church. In Germany the Kirchensteurer administration levies taxes for the churches and in Greece the special position of the Greek Orthodox Church is laid down in the Constitution. France, on the other hand, is known for its laicist model (whereby religion is regarded as a strictly private matter), but even there the separation of church and state is by no means as rigid as is often assumed.[148] All 36,000 churches in France built before 1905 can count on state support for their upkeep because the bricks of the churches belong to the state. In the United States, too, there is a strict separation of church and state, but the position of Christianity as a civil religion is much less disputed than in Europe.[149]

Although it is a complex issue, people tend to have very clear opinions as to how the separation principle should be interpreted. There are those, for example, who believe that the separation of church and state means that government should be so absolutely secular that this will automatically lead to a separation between faith and politics. According to this view, faith is strictly a private matter and the public domain should be kept as free as possible of religious influences. This is increasingly being linked to the idea that politicians and citizens should not, in fact, base their views on their faith.[150] If they do, they are using their faith to impose certain behavioural norms on other people. The question remains of whether the position itself is neutral, but this question will be addressed in paragraphs 4.3 and 4.4. Firstly, a brief sketch will be given of the historical development of the separation principle.

4.3   *Historical grounds for the separation principle*

The relation between church and state has for centuries been one of the principle constitutional themes in western political philosophy.[151] Both the church and the state demanded authority over man. The two institutions competed with one another because they both believed that they held the highest authority. The tense

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[147] Ben Vermeulen, 'Article 6', in: A.K. Koekkoek (Ed.), *De Grondwet. Een systematisch en artikelsgewijs commentaar*, Tjeenk Willink, Deventer, 2000, pp. 93 – 94.
[148] Henk Vroom, *Dialogue with Islam. Facing the Challenge of Muslim Integration in France, Netherlands and Germany*. Centre for European Studies, Brussels, 2011, pp. 11 – 13.
[149] See: Norman De Jong and Jack Van Der Slik, *The Separation of Church and State: The Myth Revisited*. Paideia Press, Jordan Station, 1985.
[150] Paul Cliteur, *The Secular Outlook: In Defense of Moral and Political Secularism*. Wiley-Blackwell, Chicester, 2010.
[151] Andreas Kinneging, 'De verhouding tussen kerk en staat. Een ideeënhistorisch overzicht', in: Marcel ten Hooven & Theo de Wit (Ed.), *Ongewenste goden. De publieke rol van religie in Nederland*. Published by SUN, Amsterdam, 2006, p. 69.

relation between the state and religion is not attributable exclusively to the arrival of Christianity. There are those who suggest that the state clashes above all with the so-called three monotheistic religions (Christianity, Islam and Judaism).[152] Others claim that the rise of the church was a significant starting point for freedom in the West. The fact that the church rejected the power of the state and in doing so limited the power of emperors and kings, made it possible for the concept of freedom to develop.[153]

Medieval Europe was characterised by very close bonds between church and state, but this does not mean that the modern principle of the separation of church and state is a purely Enlightenment idea.[154] The 11th and 12th centuries saw serious clashes between church and state at the time of the Investiture Controversy, when the Pope and the German emperor were fighting one another for their mutual independence. It is in this conflict that the separation principle has its roots. The church wanted to be free of the state and vice versa.[155] The Reformation in the sixteenth and seventeenth centuries meant the end of unity of belief, the *respublica christiana* disintegrated and the process of separation of church and state was given a new impetus. The two most famous reformers - Luther and Calvin – both tried to restructure the relation between church and state. Luther did this with his so-called Doctrine of the Two Kingdoms, in which he distinguished between the worldly kingdom and the spiritual kingdom. These two realms correspond with the kingdom of the body and outward things and with the soul and the conscience.[156] Government has authority over the first of these kingdoms, while it is the calling of the church to oversee the second kingdom; government consequently has no power over a person's conscience. The distinction between the two kingdoms – that is more or less shared by Calvin in his theories – can in a theological sense be traced back to the sayings of Jesus in the New Testament and was also developed by Augustine in his doctrine of the cities of heaven and earth.[157] In spite of the developments of the Reformation, there are still close-knit relations today between church and state, faith and politics. The religion of the count was in practice also the religion of his subjects (*cuius regio, eius religio*).[158]

The period around the transition from the eighteenth to the nineteenth century was a key moment for the incorporation of the modern concept of separation within the Constitution. Under the influence of Enlightenment ideas, an explicit separation of church and state was eventually to be advocated and implemented. These developments achieved momentum during the American and French

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[152] See, for example: Paul Cliteur, *Het monotheïstisch dilemma of De theologie van het terrorisme*. Published by de Arbeiderspers, Amsterdam, 2010.

[153] Fareed Zakaria, *De toekomst van vrijheid. De paradoxen en schaduwzijden van democratie*. Translated by Peter van Huizen, Published by Contact, Amsterdam, 2008, p. 29.

[154] Reinhold Zippelius, *Staat und Kirche. Eine Geschichte von der Antike bis zur Gegenwart*. Mohr Siebeck, Tübingen, 2009, pp. 26 – 59; R.C. van Caenegem, *An Historical Introduction to Western Constitutional Law*. Cambridge University Press, Cambridge, 2003, pp. 4, 37, 47, 52.

[155] Harold J. Berman, *Law and Revolution. The formation of the western legal tradition*. Harvard University Press, Cambridge, 1983, pp. 85 – 119.

[156] Huib Klink, *Opstand, politiek en religie bij Willem van Oranje 1559 – 1568. Een thematische biografie*. Published by J.J. Groen en Zoon, Heerenveen, 1997, pp. 23 – 26.

[157] Augustinus, *De stad van God*. Translated by Gerard van Wijdeveld, Ambo, Amsterdam, 2002.

[158] M.A.H.P. van Stiphout, *Scheiding van kerk en staat en de ontwikkeling van de kerk tot een zelfstandige geloofsgemeenschap. Studies over de rooms-katholieke kerk vanuit juridisch perspectief (1790 – 1965)*. Boom Juridische uitgevers, The Hague, 2011, p. 41.

revolutions. In France, this eventually led to the laicist or secular interpretation of the separation principle, that aims to achieve a state that is free of religion, while in the United States, although no state church was permitted, Christianity nonetheless remained the established religion in public life.[159]

The Netherlands in turn had relative freedom of religion in the seventeenth and eighteenth centuries at the time of the Republic. Up to the Batavian revolution, the Reformed Church enjoyed a privileged position, although it was not recognised as the state church. In practice, there was ample room for religious minorities and the Republic was recognised for its exceptional tolerance[160] The principle of equality of all religious movements has gradually become accepted since 1795, but until 1848 how this was interpreted was problematic. In the 1830s, believers who separated from the Dutch Reformed Church had soldiers billeted in their homes,, they had to pay high fines and were sometimes even thrown into prison. The Episcopal hierarchy of the Roman Catholic Church in the Netherlands, that foundered following the Revolt against Spain, was not restored until 1853. This last was the consequence of state and societal developments in the second half of the nineteenth century: the interplay between liberal and confessional politicians – the liberal Thorbecke played a key role in this process – gave rise to a strict separation of church and state in organisational terms, but Christianity continued to have a direct influence on the state through the civil society.[161] This influence on civil life by Christianity has diminished rapidly since the second half of the twentieth century, a development that is in part the cause of the present dilemmas and that at times inspires the search for a new balance between church and state.

4.4   Some implications for church and state

As we have seen, current societal developments regarding religion and the changing position of government (a dual transformation) engenders many questions and debates about the separation of church and state. At the same time it is apparent that the separation principle has a long history and that it is and has been expressed historically in different ways. This does not mean, however, that in a general sense no clear interpretation of the separation principle is possible. The separation of church and state means in principle that there is an institutional separation between both institutions and that neither institution may have direct authority over the meaning and activities of the other. 'There is no formal place for the church in public decision-making procedures and no purely religious criteria have been established for government activities. On the other hand, churches are free of state influence in their religious doctrine and they have the freedom to organise their religion as they wish and to appoint church officers.'[162]

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[159] Andreas Kinneging, 'De verhouding tussen kerk en staat. Een ideeënhistorisch overzicht', pp. 81 – 83, 86 – 87.
[160] Ben Vermeulen, 'On freedom, equality and citizenship. Changing fundamentals of Dutch minority policy and law (immigration, integration, education and religion', in: M.-C Foblets, J.-F. Gaudreault & A. Dundes Renteln (Eds.), *The Response of State Law to the Expression of Cultural Diversity*. Bruylant, Brussels, 2010.
[161] Andreas Kinneging, 'De verhouding tussen kerk en staat. Een ideeënhistorisch overzicht', pp. 84 – 86.
[162] Sophie van Bijsterveld, 'Scheiding van kerk en staat: een klassieke norm in een moderne tijd', p. 248.

The church may not govern the country (theocracy) and the government may not impose any faith or world view on its citizens (for example, the atheistic state, as in the Soviet Union). The result is therefore that the state in principle has to respect the religious principles of church communities, but also of associations and organisations. Of course, these freedoms are bound by the law, but a degree of reticence is advised in terms of how the principle of equality is applied. This principle seems to be gaining increasing importance in the balance with other fundamental rights, such as freedom of religion and freedom of association. (For more on this theme, see chapter 5).

Although debates are often chaotic and emotions can sometimes run high, a contemplative and balanced debate about the separation of church and state, the relation between faith and politics and the role of religion in society seems at the present time to be almost impossible.[163] In terms of the relation between church and state, there appear to be three possible relations in terms of ideals: the state church or privileged church, the neutral or pluralistic state and the laicist or secular state. Paragraph 4.1 pointed to England and Greece as countries with a privileged church. The separation principle in France and to a lesser extent in the United States is largely in line with laicist principles – although things are less predictable in practice than in theory. Vermeulen regards all these forms of separation between church and state as acceptable variants that reflect the core values and principles of modern constitutional states.[164] According to Vermeulen, the atheistic and theocratic state are unacceptable.

The Dutch system applies a moderate form of the separation principle. The attitude of the Dutch government is, in short, pluralistic and it treats all recognised religions and ideologies equally. In practice, the pluralistic interpretation of the separation principle means that religion is manifest in the public domain. Nonetheless, the Dutch regard religion primarily as a private matter and 66% (see table 2.7) state that politics and religion should ideally be kept separate from one another. In general, it is accepted that the separation principle does not imply a separation of faith and politics, but that the separation of church and state makes it possible – or is the precondition for – religious politicians, with their religious convictions, to be active in the public debate.[165] Moreover, there are several reasons why such a separation appears to be undesirable , or even impossible. An individual's religion affects everything he thinks and does, and consequently automatically has an impact in the political sphere. In fact, principles based on a world view are not the exclusive domain of religious individuals. At some point in time each of us adopts a position for our ideas that has more to do with belief than

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[163] See: Bart Jan Spruyt, 'Misverstanden in het debat over staat en geloof', in: *Binnenlands Bestuur*, maart 2011. Consulted via internet on 23 November 2011: www.binnenlandsbestuur.nl. MP for GroenLinks, Tofik Dibi, made a good attempt when the Lower House on his initiative organised a hearing about the separation of church and state. .

[164] Ben Vermeulen, 'On freedom, equality and citizenship. Changing fundamentals of Dutch minority policy and law (immigration, integration, education and religion'. Cf. B.P. Vermeulen & B. Aarrass, 'De reikwijdte van de vrijheid van godsdienst in een pluriforme samenleving', in: A.J. Nieuwenhuis & C.M. Zoethout (Eds.), *Rechtsstaat en religie*. Oisterwijk: Wolf Legal Publishers, 2009, pp. 59 – 87.

[165] Marcel ten Hooven, 'Religie verdeelt Nederland. Een oude scheidslijn in een nieuwe gedaante', in: *Ongewenste goden. De publieke rol van religie in Nederland*, p. 29.

proof.[166] In reality, it is not possible to make a strict distinction between the public and private domain (for a more detailed discussion of this theme, see paragraph 6.1.1). Rather, there is a continuous exchange between these two domains because of their jointly held views of mankind and convictions about society based on a shared world view.[167]

The separation of church and state is therefore institutional, but does not imply a strict division. On the contrary, church and state converge in many different areas. The issue of the separation principle is apparent at three different levels.[168] Firstly, in the sphere of the government itself and the question of the position of religion within government, for example in the wearing of religious emblems by civil servants, the refusal to shake hands with women, or the exhibiting of crucifixes in government premises. Secondly, in government policy with regard to religious communities. Can such communities expect recognition, for example, and should they be eligible for subsidies when the state is trying to achieve particular aims? And thirdly, there is the social-cultural domain where Christian organisations have traditionally been engaged in social work. Are these categories of social organisations eligible for state support in providing services for the public in general?

As far as this last category is concerned, the separation principle does not in principle obstruct co-operation or financial relations between government institutions and religious organisations. This can also be read in the *Tweeluik religie en publiek domein* published by the Association of Netherlands Municipalities (VNG).[169] In particular, municipal authorities can sometimes make good use of the infrastructure of religious communities to achieve their objectives. Such co-operation is, of course, subject to certain constraints. The government may not favour any particular religious community above others, for example, and grant applications may not be assessed in the light of substantive norms relating to religious doctrine. At the same time, all activities that are state financed have to serve a public purpose. The co-operation between government and religious organisations therefore has to be a matter of observing non-religious government aims. In practice this may mean that homework supervision in a mosque can receive financial support but that activities aimed at religious teaching will not be considered for such support.[170]

Although the *Tweeluik religie en publiek domein* offers clear theoretical guidelines, it also shows that the practice is often more complex than the

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[166] Piet Hein Donner, 'Christen, moslim, atheïst of liberaal: geloven doen we allemaal', in: Erik Borgman, Gabriël van den Brink and Thijs Jansen (Ed), *Zonder geloof geen democratie*. Published by Boom, Amsterdam, 2006, pp.137 – 140, 142 – 147.

[167] Sophie van Bijsterveld, 'Scheiding van kerk en staat: een klassieke norm in een moderne tijd', pp. 230 – 231.

[168] Aernout J. Nieuwenhuis, 'Rechtsstaat en religie: meer dan één dimensie. Enkele rechtsvergelijkende opmerkingen', in: A.J. Nieuwenhuis & C.M. Zoethout (Eds.), *Rechtsstaat en religie*. Oisterwijk: Wolf Legal Publishers, 2009, pp. 31 – 58.

[169] See: Vereniging voor Nederlandse Gemeenten, *Tweeluik religie en publiek domein. Handvatten voor gemeenten*, 2009, pp. 13 – 16.

[170] Arend Soeteman, 'Over de betekenis van vrijheid van godsdienst en de scheiding van kerk/moskee en staat', in: *Pedagogiek*, 2008/1, p. 38.

theory.[171] First of all, there is not always a clear distinction between the religious and non-faith related objectives of churches and social welfare organisations. It is often the case that the preparedness to do a particular kind of work, including social work, arises from or is motivated by religious convictions. Secondly, the report also states that informal contacts between government institutions and religious organisations are always preferable without indicating clearly why this should be the case. Thirdly, the – often instrumental – approach adopted by the Association of Netherlands Municipalities (VNG) has the risk that churches and mosques will be seen as an extension of government activity. Of course, it may be sensible to make use of the religious infrastructure, as happens in Amsterdam in different deradicalisation programmes. At the same time, care has to be taken to ensure that the government does not use religious representatives to gain influence by indirect means. As far as Islam is concerned, it is sometimes questionable whether the orthodox groups in particular are acquiring an extra platform through co-operation with the municipality. Finally, there is the risk that particular norms will be imposed via the policy on subsidies because the government in its policies opts to support what it regards as moderate organisations.

4.5   *Government neutrality*

The separation of church and state can therefore be seen to be institutional and also means that there may be no direct substantive authority. But what does the neutrality of government mean? Although it is often suggested otherwise, the separation of church and state and the neutrality of government are primarily not neutral, value-free concepts. The secular viewpoint is equally an ideological choice. '[I]deological choices have to be made. The type of neutrality and separation of church and state advocated depend on moral and political presuppositions and on – how could it be otherwise – on the historical development of a country, the cultural setting, the concrete power relations and practical considerations.'[172]

The neutrality of government means that the state is impartial with regard to religion, but this neutrality can take diverse forms. The literature distinguishes some three different models for the concept of neutrality, namely: exclusive, inclusive and compensatory neutrality.[173] These forms of neutrality exhibit many similarities with the three models of the separation principle described above (see paragraph 4.3). Exclusive neutrality reflects the French model of secularism in which religion is excluded from the public domain and is purely a private matter. With inclusive neutrality, citizens and their associations have the freedom or the right to speak and act publicly on the basis of their *Weltaanschauung*. This concept of neutrality calls for impartiality on the part of government and means that all recognised religions and ideologies are treated equally. Inclusive neutrality

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[171] Bas Hengstmengel, 'Lokaal bestuur en de scheiding van kerk en staat', in: *Denkwijzer*, 2009, nr. 4, pp. 16 – 17.
[172] Ben Vermeulen, 'Waarom de vrijheid van godsdienst in de grondwet moet blijven', in: *Socialisme en Democratie*, 2008/3, p. 22.
[173] Wim van de Donk and Rob Plum, 'Begripsverkenning', pp. 45 – 46. See also: Wibren van den Burg, *Het ideaal van de neutrale staat. Inclusieve, exclusieve en compenserende visies op godsdienst en cultuur*. Boom Juridische Uitgevers, The Hague, 2009.

recognises the cultural and religious diversity of citizens, whereby government is obliged to ensure equal treatment for all groups. Government can in some instances offer support but this may not lead to a particular religion or group being favoured over other spiritual groups. This last aspect is different in the case of compensatory neutrality. Here, not only are religions recognised as equal in the public domain, government can also provide extra support in order to properly guarantee equality of all ideologies, on the basis of the historical or structural inequalities of a religious or cultural minority in comparison with other groups.

The Netherlands has traditionally has a certain religious and cultural pluriformity and in handling different ideologies has primarily adhered to the concept of inclusive neutrality. (In the nineties, the tendency was at times towards the model of compensatory neutrality.) In the Dutch tradition, neutrality therefore means impartiality in the public domain. This also means that the state does not promote any form of world view, nor does it prescribe for its citizens a particular life vision. A certain tension relating to the neutrality of government is inherent in this model. According to Ernst Hirsch Balin, it is easy for misunderstandings to arise about the meaning of what he describes as the religious-ideological neutrality of the state because this neutrality does not mean that the state can exist without an ethical basis. 'On the contrary, this principle of neutrality gives expression to a social-ethical conception of the task of the state, that aims to exclude any pressure from the government on its citizens to adhere to any particular conception of religion or philosophy of life.'[174]

Cultural philosopher Herman de Dijn indicates in this connection that the modern democratic constitutional state – although it may not impose any conceptions – nonetheless presupposes some form of minimal commonality, that is expressed in the law and that makes absolute neutrality impossible. The freedom of citizens is not wholly individual but is influenced by community values that are not purely the product of rational choices, but that can largely be traced back to religious and cultural traditions.[175] The tension that is inherent in the concept of the neutral government is today apparent in daily life in discussions on the ban on the burka, the legalisation of prostitution and legislation governing to such ethical dilemmas as abortion and euthanasia. In all cases the question is whether restrictions can be imposed on these activities or whether priority has to be given to the freedom, including individual freedom, of those involved. Time and again it has been shown that government cannot be absolutely neutral in responding to such questions, but that it seeks a way of relating to these phenomena on the basis of a particular pattern of values. Increasingly often the public debate calls for forms of exclusive neutrality linked to a secular ideal of citizenship inspired by laicity.[176]

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[174] E.M.H. Hirsch Ballin, 'Staat en kerk, kerk en staat', in: E.M.H. Hirsch Ballin, *Rechtsstaat & Beleid. Een keuze uit het werk van mr. E.M.H. Hirsch Ballin*. W.E.J. Tjeenk Willink, Zwolle, 1991, p. 423.

[175] Herman De Dijn, *Religie in de 21ste eeuw. Kleine handleiding voor voor- en tegenstanders*. Published by Klement, Kampen, 2007, pp. 104 – 108.

[176] See, for example: August den Boef, 'Men verlangt geen lamp meer in het volle zonlicht. Een voorstel voor een laïcistische eredienst die geen religie is, ter bevordering van een grotere sociale cohesie', in: Bart Labuschagne (Ed.), *Religie als bron van sociale cohesie in de democratische rechtsstaat?*, pp. 55 – 71.

4.6 The principle of separation in context: its relation to the rights of freedom

There are different models for the separation of church and state, as well as for the neutrality of government. Different systems operate in principle in line with constitutional values. The principle of separation also has to be distinguished from how fundamental rights work. The separation of church and state says nothing about the space that is left for religious freedom. In England, for example, there is an official state religion, but the state is in fact neutral in terms of religion. The effect of the principle of separation can thus not be isolated from the context: the historical component of rights and duties will always have to be taken into account. The democratic constitutional state has itself developed in a cultural-historical context that cannot be ignored. Abstract rights are executed in a particular context. In Western Europe this is in the context of western civilisation, that is fed by Greek and Roman antiquity, Judaism, Judaism and Christianity, humanism and enlightenment. Account has to be taken of the fact that the constitutional state is itself the expression of a particular cultural constellation.

Because the place of religion and world view cannot be determined purely on the basis of the principle of separation, the following chapter will address freedom of religion and other constitutional rights. Particular attention will be paid to the tensions between freedom of religion and the principle of equality.

5   The freedom of religion and world view within a democratic constitutional state

The previous chapter showed that the principle of the separation of church and state and the neutrality of government with regard to religion are not adequate to understand fully the relations between government, society and religion. The current chapter will therefore concentrate on freedom of religion and world view as an important and fundamental right within the whole of the democratic constitutional state. Freedom of religion and world view creates space for autonomy within society and protects citizens against government interference in their beliefs. But this fundamental right, like all other rights, is not without limits. This chapter will first address freedom and equality as important values for the constitutional state and will consider the historical development of fundamental rights. It will then discuss the scope of religious freedom and the question of what does or does not fall within this fundamental right (the scope of application). The restrictions that can be imposed on freedom of religion will then be addressed, followed by its relation with other fundamental rights. The primary focus will be on the principle of equality, but freedom of opinion and education will also be considered. Finally, the relation between Islam and the constitutional state will be examined, in particular, to what extent are there in Islam unifying values that correspond with the principles of the democratic constitutional state?

What are fundamental rights? These are rights that aim to create an environment for individual citizens, groups and organisations, free from state intervention. They represent an important condition for upholding the democratic constitutional state, a state that is not governed by a 'rule of man', but by 'rule of law'. Nobody is above the law, which means that even government is bound by legislation and rules and is obliged to respect the fundamental rights and freedoms of its citizens. In other words, the exercising of power is subordinate to the law, so that it is not the right of the strongest, but the power of the law that is paramount. With regard to religion, this means in principle that every citizen has the right to practise his or her religion or world view, individually or in a community with others. This right is established not only in the Dutch Constitution, but also in European and international frameworks.

An appeal to fundamental rights relating to religion can frequently be seen in operation at different levels. With regard to individuals, such questions arise as: is it permissible for an orthodox Jew not to carry an identity card with him on the sabbath on account of his religious convictions?[177] May a Muslim woman wear a burka in public? Can a Jehovah's witness who is a nurse refuse to give a blood transfusion?[178] How far may a religious politician or a cleric go in criticising homosexuality?[179] Recent debates on the rights of religious *groups* have addressed the question of whether Jews and Muslims may engage in the ritual slaughter of

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[177] District Court of The Hague, 17 February 2012.

[178] CGB, decision 97/46. In this case the conscientious objection was not honoured because this could not be accommodated within the organisation of the hospital (problems with administering the work schedule).

[179] See, for example: HR 9 January 2001, *AB* 2001, 303 (case against L.C. van Dijke, M.P. for the RPF); HR 14 January 2003, *NJ 2003*, 261 (case against ds. Herbig).

animals without stunning.[180] Does an offensive cartoon of the prophet Mohammed or an anti-Islam poster[181] qualify as criminal defamation of a particular group within society? May a politician make and distribute an anti-Islam film? There are also controversies relating to *organisations* that have a religious identity: may a denominational school reject a homosexual teacher because his lifestyle does not match the fundamental principles of the school? May the SGP (Reformed Political Party) exclude women from voting and/or standing for election? These and new questions will undoubtedly continue to arise – particularly against the background of modern cultural developments – and they will be certain to attract attention from a large section of the public. As well as the separation of church and state, the basic principles of the democratic constitutional state have also become the starting point for determining the place of religion in society.[182] Such debates frequently centre on the rights of the individual. In debates on religion in recent decades, the emphasis has typically come to lie on the fundamental rights of citizens. But, as has already been said, fundamental rights do not refer only to individuals.

5.1 *Freedom and equality*

Greek philosophers from classical antiquity related democracy to two – political – values, that, albeit in a different way, are considered important in the present day: freedom and equality.[183] These two core values have a deep impact on modern thinking about human respect, fundamental rights and the democratic constitutional state. This is understandable in view of the way the modern democratic state has developed against the backdrop of the *ancien régime* and royal absolutism. Since that time, political recognition has been extended to include many more people, who have consequently been granted rights and freedoms.

Freedom and equality are at the same time concepts that are not completely problem-free, because they do not have an intrinsic meaning. Terrorist acts have even been committed in modern history under the banner of 'equality' and 'freedom'.[184] It is not surprising, then, that the concepts of freedom and equality have in the course of history been supplemented with other terms, such as justice (Adam Smith), brotherhood (Maximilien de Robespierre) or independence (Immanuel Kant).[185] The question is always: precisely which freedoms and what equality are we talking about? Is freedom the right of the autonomous individual to do what he or she wants provided no harm is caused to anybody else, or is there

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[180] See Parliamentary paper 31 571, nr. 2 – 9.

[181] See: HR 15 April 2003, *NJ* 2003, 334.

[182] Aernout J. Nieuwenhuis, 'Rechtsstaat en religie: meer dan één dimensie. Enkele rechtsvergelijkende opmerkingen', in: A.J. Nieuwenhuis & C.M. Zoethout (Eds.), *Rechtsstaat en religie*. Oisterwijk: Wolf Legal Publishers, 2009, p. 31.

[183] See, for example: Plato, *De staat*. Translated by X. de Win, Antwerp, Published by De Nederlandsche Boekhandel, 1978, 556a – b; Aristoteles, *Ethica Nicomachea*. Translated by Christine Pannier and Jean Verhaege, Historische Published by, Groningen, 2009, 1129a30 – 1129b1, 1130b6 – 1131a1; Aristoteles, *Politica*. Translated by Jan Maarten Bremer and Ton Kessels, Historische Uitgeverij, Groningen, 2012, 1317a40 – 1317b16.

[184] John Gray, *Black Mass. Apocalyptic Religion and the Death of Utopia*. Farrar, Straus and Giroux, New York, 2008, pp. 36 – 73.

[185] Stefan Paas, *Vrede stichten. Politieke meditaties*. Published by Boekencentrum, Zoetermeer, 2007, p.27.

more to it? British philosopher Isaiah Berlin famously made a distinction between two types of freedom: negative and positive freedom.[186] Negative freedom is the absence of obstacles placed by others in the way of human actions. This is about freedom from coercion by other individuals or bodies, such as government, for example. The idea of negative freedom therefore primarily relates to setting the boundaries of what constitutes the private domain, and recognises that people have a right to hold different values, ideals and truths. This does not ignore the fact that force can sometimes be necessary to prevent greater evil. Positive freedom is broader and includes the possibility for an individual to live according to his own wishes, to be master over his own life. This gives individuals the opportunity to contribute to building the society in which they live. But there is also a disadvantage: both types of freedom can be radicalised and therefore perverted. 'Negative freedom can mean freedom from *all* possible restraint. In this sense, in every convinced advocate of liberalism there lurks an anarchist. In the extreme, positive freedom can result in an unbridled individualism that is unwilling to recognise any standards other than one's own preferences – which is another version of anarchism.'[187]

The principle of equality is even more difficult to define, if that is possible, because it is by definition a comparative concept. This difficulty does not prevent certain people from designating equality as the highest virtue.[188] Roughly speaking, there are two extremes of equality: equal freedom of choice or equal opportunities on the one hand and equal outcomes on the other. Within these two extremes there is always the question of what differences should be considered as inequalities. But it is only possible to say something sensible about equality and inequality if it is clear precisely what is being compared with what and from what perspective. For example, people and animals are different in many respects, but there are those who say that animals should have rights, because, like humans, they are able to suffer pain. Others reject this idea on the grounds that animals do not have the ability to reason. This example indicates that the choice in favour of a particular comparison goes hand in hand with determining a moral norm, that is consciously or unconsciously based on underlying values, that in their turn are related to the choice in favour of a particular view of humanity.[189]

Without wishing to reduce the concepts of freedom and equality to a particular context, it has to be said, nonetheless, that they are context related. These ambiguous terms gain form and content against the background of history, culture and tradition and are strongly dependent on people's view of humanity and their world view. This implies that in considering rights of freedom and equality, a strict rational and legal approach is not adequate, but can lead instead to a kind of fetishism about fundamental rights'.[190] Fundamental rights are considered crucial

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[186] Isaiah Berlin, *Twee opvattingen van vrijheid*. Translated by Tine Ausma, Published by Boom, Amsterdam, 2010, pp. 7 – 30.
[187] Peter L. Berger & Anton C. Zijderveld, *Lof der twijfel*, p. 160.
[188] Ronald Dworkin, *Sovereign Virtue. The Theory and Practice of Equality*. Harvard University Press, Cambridge, 2002. In his book Dworkin points out that abstract principles have to be understood in their context and are closely related to such values as freedom and individual responsibility.
[189] Research Institute for the CDA, *Mens, waar ben je?*, p. 64. Compare: Henk Vroom, 'De leegte van gelijkheid', in: Pieter Jan Dijkman e.a. (Ed.), *De last van gelijkheid*, pp. 41 – 47.
[190] Research Institute for the CDA, *Mens, waar ben je?*, p. 27.

because they constitute an expression of human dignity that cannot be derived from a formal discourse about these freedoms, but their interpretation is informed by other values.

5.2 *The historical development of fundamental rights*

Freedom and equality are thus basic values for fundamental rights in a democratic constitutional state. They are also at the heart of the thinking about fundamental rights: the rights that are of a higher order in comparison with other – formal – legal rights. Fundamental rights express basic human rights, such as personal freedom, and aim to protect human dignity. The classical fundamental rights that are recorded in national constitutions and international human rights treaties are the fruit of seventeenth- and eighteenth-century thinking about the constitutional state. Against the background of the arrival of the sovereign, national state, classical liberals such as John Locke developed rights that were designed to protect the individual against the power of government.[191] At the same time, the idea of freedom rights was not completely new, but was the embodiment of principles of natural rights that can be traced back to traditions and images of man from classical antiquity, Judaism, Christianity and humanism. This origin can be seen in the way that positive fundamental or human rights obligations are classified as natural and inalienable human rights. The long history of fundamental rights is also apparent in declarations, such as Magna Carta (1215), the Edict of Nantes (1598) and the English Bill of Rights (1688), that restricted the rights of monarchs in order to protection their subjects. This Bill is an expression of the notion that a monarch does not have absolute power over his subjects. Actual individual human or fundamental rights were only truly recognised after the end of the eighteenth century at the time of the American and French revolutions. Comparative fundamental rights also entered the Dutch Constitution from the nineteenth century. Particularly after the Second World War these rights also became anchored in international human rights treaties.

Horizontal effects

Originally, fundamental rights were a matter between the government on the one hand and individuals and social relationships on the other. Citizens can invoke these rights to protect themselves against the power of the state and too intrusive state intervention. During the last major review of the Dutch Constitution in 1983, it was established that fundamental rights had not only a vertical effect between government and citizens, but also filtered through to the relations between citizens (a horizontal effect or third-party effect). This is generally an indirect rather than a direct horizontal effect effected by a legal ruling or by the interpretation of a judge.

The horizontal effect of fundamental rights is in part the result of the understanding that not only the government, but, for example, also all kinds of other forms of concentration of private power can occur that can adversely affect citizens' fundamental rights. As fundamental rights affect relationships between citizens, this can result in clashes of interest, if legal subjects invoke constitutional interests against one another. The legislator has stated expressly that the order in

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[191] See: C.A.J.M. Kortmann, *Constitutioneel recht*. Published by Kluwer, Deventer, 2012.

which freedom rights are included in the Constitution does not represent any order of priority: the Constitution does not recognise any ranking. (Nor does European jurisprudence recognise any ranking of constitutional rights).

This principle is reconfirmed in the *Nota grondrechten in een pluriforme samenleving (Memorandum on Fundamental Rights I a Pluriform Society)* (2004): 'It has to be concluded that hierarchy is undesirable because it offers no satisfactory solution for conflict situations and moreover is impossible to implement. In addition, judges appear able to handle the issue of conflicting fundamental rights adequately, including indirect conflicts, and jurisprudence itself offers a good insight into specific situations in which one fundamental right carries more weight than another.'[192] Freedom of expression is therefore no more important than the non-discrimination principle, and this in turn is no more important than freedom of religion. Judges themselves will as a rule have to consider which fundamental right has priority. Making a careful assessment calls for a high degree of delicacy because 'the material is often extremely sensitive, and ideological stances can sometimes be adopted.'[193]

5.3 *Freedom of religion: its scope and limitations*

Freedom of religion as a constitutional principle has its origin in the religious struggles between Catholics and Protestants in the sixteenth and seventeenth centuries. The government at the time was forced to apply itself to safeguarding a peaceful co-existence, whereby citizens were to a certain degree afforded an individual, private sphere in which they could practise their religion openly and freely seek the truth.

There is a lot to be said for freedom of religion having been the first fundamental right, and for having formed the basis for constitutional rights.[194] It developed from freedom of conscience to the modern forms of religious freedom. Dutch history gives us an example of the early legal anchoring of the fundamental right of freedom of religion. We find, for example, article XIII of the Union of Utrecht (1579), which states: '[…] that each individual may remain free in his religion and that nobody shall be pursued or examined in the cause of religion [..]'. True to say, at that time this freedom was in principle largely limited to the domestic sphere, but in comparison with other countries there was relatively broad freedom and tolerance at that period in the Republic. Apart from in the sphere of religion, this was also apparent in the freedom of the press that gave such individuals as Descartes and Spinoza the opportunity to publish works that other individuals found undesirable.

The wording of the present article in the Constitution (see box) that safeguards religious freedom in the Netherlands, is recent: it dates from the revision of the Constitution in 1983. A new addition to the provision was the concept of 'world view', that broadened the scope of the article. But the same applies to the

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[192] *Kamerstukken II* 2003/04, 29 614, nr. 2, p. 10.
[193] Sophie van Bijsterveld, 'Inleiding hoofdstuk 1', in: A.K. Koekkoek (Ed.), *De Grondwet. Een systematisch en artikelsgewijs commentaar*. W.E.J. Tjeenk Willink, Deventer, 2000, p. 60.
[194] See, for example: G. Jellinek, *Zur Geschichte der Erklärung der Menschenrechte*. Wissenschaftliche Buchgeschellschaft, Darmstadt, 1974.

opportunities for imposing restrictions. In the following paragraphs we will further address the scope and limitations of religious freedom.

<div style="border:1px solid black">

Article 6 of the Dutch Constitution

1. Everyone shall have the right to profess his religion or belief freely, either individually or in community with others, without prejudice to his responsibility under the law.

2. Rules concerning the exercising of this right other than in buildings and private domains can be laid down by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorders.

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5.3.1 What is religion?

As has been demonstrated in paragraph 2.1, it is no easy task to define precisely what religion is. Nor is it always easy to determine what should be understood by religion in a legal sense. Nonetheless, this is an important question in order to be able to determine what is included in the concept of freedom of religion for it is only when particular behaviour, actions, practices or rituals are religious that an appeal can be made to constitutional freedom of religion.

The notion of 'faith' or 'religion' has traditionally been a broad concept, but today it seems to have become even more diffuse. Traditional, familiar religious practices are no longer adequate to explain the phenomenon. In the words of Charles Taylor, there has been a 'nova effect': an enormous multiplicity of religious expressions has arisen. On the one hand this development has brought about a wide range of moral and spiritual choices, but on the other hand it also leads to fragmentation.[195] Moreover, the addition of 'world view' to the article of the Constitution did not make it any clearer. A subjectivisation of both concepts has taken place. For the government – often in the person of the judge – it is not always easy to determine what religion is or what can be considered a religious act. There are those who believe that if the concept of religion is relativised and subjectivised, the right to religious freedom will be rendered impossible.[196] The reasoning behind this is that if it is not possible to determine whether something is religion, on what basis can rights be ascribed to it? And is it not the case that the transformation of religion has exacerbated the difficulties? (For more on this theme see chapter 2.)

This development can be compared with what Vermeulen has described relating to the concept of conscience. Man's conscience was previously protected, but is a right that is impossible to defend because it has become completely subjectivised and is entirely dependent on how the individual defines himself; the notion of conscience has thus become boundless.[197] It has become impossible to determine

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[195] Charles Taylor, *Een seculiere tijd*, pp. 411 – 418.

[196] See, for example: Paul de Beer, 'Waarom vrijheid van godsdienst uit de grondwet kan', *Socialisme en Democratie*, 2007, nr. 10, pp. 18 – 24.

[197] B.P. Vermeulen, *Het geweten als fundamenteel rechtsprobleem.*

whether an appeal to conscience can justify an exception to the law.

The question arises of whether the neutral state can still determine what religion is. Can a judge take an objective view of the concept of religion? In spite of all the difficulties, the answer is still a resounding 'Yes'. 'The object of this right [religion, MN], still has a clear historical core – including the traditional culture, rites, forms of organisation – whereby it is generally still clear what it entails.'[198] The simple fact that religion is transforming and becoming subjectivised does not mean that the whole concept is stripped of a firm historical core. There is always a 'certain degree of objectivity, generality, historical context, recognisability'. The literal text of article 9 of the European Convention on Human Rights reflects this view. (See box).

The same applies to the concept of *Weltaanschauung*, that is defined as 'a more or less coherent set of ideas, relating to fundamental beliefs about human existence.' The reticence of the legislator in interpreting these concepts is important for both of them. With regard to a religious expression, it is important to adopt a restrictive-objective explanation, whereby the traditional religious manifestations are the starting point.

European Convention on Human Rights: Article 9

1. All individuals have the right to freedom of thought, conscience and religion; this right includes the freedom of the individual to change his religion or faith as well as the freedom, either individually or in community with others and in public or private, to express his religion or belief, in worship, instruction, practical application and in observing e commandments and regulations.
2. The freedom to express one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the safeguarding of the rights and freedoms of others.

5.3.2 Religious organisations and practices: individual and collective

Certain liberal and progressive circles subscribe to the view that not only is religion a private matter, but also that freedom of religion is exclusively an individual right, or that the individual dimension of this fundamental right is the most important consideration.[199] Naturally, every politician and citizen is free to formulate his or her own vision of freedom of religion, but the principle within the law is different and provides much broader protection for religion and world view.

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[198] B.P. Vermeulen & B. Aarrass, 'De reikwijdte van de vrijheid van godsdienst in een pluriforme samenleving', p. 68.
[199] See, for example, the appeal from former GroenLinks leader Femke Halsema: Femke Halsema, 'Links moet orthodoxe islam hard aanpakken', in: *de Volkskrant*, 12 October 2010. According to. Dick Pels, *Opium voor het volk. Over religie en politiek in seculier Nederland*. De Bezige Bij, Amsterdam, 2008.

It includes not only holding or changing a religious conviction, but also 'expressing this conviction in individual or collective worship', 'disseminating and communicating it', 'establishing and structuring organisations within which the manifestations of the conviction mentioned can take place' and 'behaving differently with regard to this conviction insofar as this gives direct expression to the conviction'.[200] This broad protection constitutes a recognition that religion and world view are not simply a concept, but that they connect at a deep-seated level with people's identities.

A point that emerges from the discussion on the collective dimension of religious freedom is that the difficulty is not so much in people's assumptions but that tensions above all arise as a result of utterances and activities based on religion. The issue is mainly the religious utterances rather than the belief itself. The *forum internum* is thus respected but freedom of religion in *foro externum* is under pressure. Also, the dividing line between whether or not one is free to express one's views is extremely narrow, as is witnessed by the pressure that arises from time to time, when the Pope proclaims particular religious beliefs. Is it then only a matter of his not expressing particular opinions - on the family, for example - or may he not actually hold these opinions?[201] However that may be, the fundamental shift from heteronomy to autonomy makes it very difficult for many people today to understand that people exercise a particular practice on the basis of an imperative outside their own individual reasoning. The current emphasis on the individual dimension of fundamental rights is unmistakeably related to this emancipation of the individual. Following on from this, it becomes understandable why according to some people it is precisely the institutionalised forms of religion that should be less eligible for religious freedom. The same applies more or less to traditions: the strongly changed valuation and perception of traditions engenders heated discussions on such issues as circumcision of young boys or ritual slaughter of animals without stunning. It is to a greater extent true for religion in general that in the eyes of 'modern man' no documentary evidence can be produced to establish its authority.

An example in which all these sensitive issues are clearly visible is the political-social debate on the proposed bill of the Party for the Animals that imposes a ban on ritual slaughter without stunning, that is part of Jewish and Islamic ritual. This case is described below.

A closer look: the debate on the banning of ritual slaughter without stunning

The bill
On 2 September 2008 Marianne Thieme, Chairman of the Parliamentary Party for the Party for the Animals, submitted a bill aimed at modifying article 44 of the Health and Welfare Act for Animals.[202] This article states that animals must first be stunned before being slaughtered, unless they are slaughtered according to Israeli or Islamic rituals. Thieme's bill aimed to change this article such that this exception for ritual slaughter would be withdrawn. Jews and Muslims in the Netherlands would no longer be able to slaughter their animals without stunning, in line with their ritual practices, while this is

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[200] Ben Vermeulen, 'Artikel 6', p. 96.
[201] Marc van Dijk, 'Paus en vorst de mond gesnoerd', in: *het Trouw*, Thursday 3 January 2013.
[202] *Kamerstukken II* 2007/08, 31 571, nr.1.

one of the requirements for kosher or halal meat. The bill has caused a furore, not least among Jewish and Islamic minorities who stated that their freedom of religion would be infringed if this bill were to become law.

Thieme's arguments
According to Thieme, there are currently technical methods that comply with the intention of religious ritual, namely that animals should suffer as little pain as possible when they are slaughtered. Slaughter without stunning is therefore in her opinion no longer a 'necessary expression' of religion, as a result of which ritual slaughter would no longer be a matter of religious freedom. A decision by the European Court of Human Rights (Cha'are Shalom) in her opinion demonstrated that a ban on ritual slaughter is in line with human rights treaties as long as Jews and Muslims are not forbidden to consume meat from animals slaughtered ritually. The core of the right to freedom of religion would, in her opinion, remain intact.

Thieme proposed that, if this were an instance of a violation of the freedom of religion, then it would be a justified violation, including for the reason that ritual slaughter would endanger public order. Her reasoning was that the commitment to protecting animal welfare is a *Weltanschauung* and that, for example, during the Feast of the Sacrifice or Sugar Feast, people might be shocked in their convictions if animals were ritually slaughtered.

A further important principle that is key to Thieme's reasoning is that slaughtering animals that have not been stunned contravenes the principles of good ethics. According to Thieme, ethics have priority over religion and religion has to give way to fundamental ethical values. In evaluating the situation, the government is bound by the principle that religious convictions may not prevail above ethical convictions that are shared by a society. Since the understandng that ritual slaughter contravenes good morals is now a broadly held belief, this 'fundamental ethical value' takes precedence over the freedom of people to practise their religious rituals.

Recommendation of the Council of State
The recommendation of the Council of State on this bill was very critical.[203] The Council explained the legal position of animals, which is important for the proportionality test that has to be applied to any limitations of fundamental rights. The Council called for attention to be paid to determining what does and what does not fall under freedom of religion (the so-called interpretative reticence of politicians in religious issues). The Council concluded on the basis of the Cha'are Shalom decision and the fact that a considerable number of Jews and Muslims consider ritual slaughter to be part of their faith, that ritual slaughter in objective terms is part of the Jewish or Islamic religion and is therefore protected by religious freedom. According to the Council of State, the bill did not meet the requirements of proportionality and necessity, and there was therefore no question of a justified infringement of freedom of religion.

In spite of the critical advice of the Council of State, the bill was accepted by the Lower Chamber with a majority of 116 in favour and 30 against.

Upper House
The Upper House tested the bill carefully against the legal conditions that have to be met before any fundamental right may be violated. Moreover, in the debate in the Upper House it became very clear why fundamental rights cannot be considered separately from the values that that underly them.

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[203] *Parliamentary Papers II* 2007/08, 31 571, nr.4.

According to Senator Koffeman (PvdA), the 'urgent social need' stipulated in the European Convention on Human Rights will be met because there is an intersubjective ethical legal sense in the Netherlands that determines that unnecessary suffering by animals should be prevented. In his opinion, this justifies an infringement of the freedom of religion. Criticism of this principle has probably most clearly been expressed by Senator Schaap (VVD), who accused the PvdD of 'ethical absolutism' on this issue. He believes that principles held by a majority make any further consideration redundant. Freedom of religion is explicitly made subordinate to fundamental ethical values. But Schaap states: 'Democracy is not the same as the right of majorities to impose their opinions on minorities. This bill threatens to clash with this principle. The Explanatory Memorandum and the Memorandum of Response state that moral values are superior to religious prescriptions; in this case, religious traditions that affect the welfare of animals have to be revised. Such a statement can set a dangerous precedent.'[204]

In the final event, the Upper House rejected Thieme's bill by a majority of 51 votes to 21.

5.3.3   Restrictions on freedom of religion: the law as *ultimum remedium*

We have seen that government protects not only the freedom to express religious convictions, but also how religion is manifested or interpreted, whereby the freedom to set up and structure organisations – in particular churches – is respected.[205] At the same time, there may be limits to freedom of religion – like other fundamental rights. It is not within the scope of this report to discuss in detail the system by which constitutional rights are limited, but it should be clear that many safeguards have been built into the way fundamental rights are restricted. For example, there has to be a legal basis – under Dutch law a formal law (a competency requirement) – and the restrictions may only apply for a limited number of purposes (target criteria). In addition, it always has to be made clear that an intended restriction is proportionate and necessary in a democratic society (as this played a role in the proposal to ban ritual slaughter without stunning – see box).

 It is understandable in a well-ordered society that there have to be some limits to fundamental rights. This is an issue that has been gaining increasing attention. After the Second World War the emphasis was on according more and more rights of freedom, but there has now been a shift towards restricting such freedoms. An exception to this development seems to be freedom of expression,while freedom of religion is the subject of most restrictive proposals or even at times proposals for abolition. We will restrict ourselves here to the freedom of religion and world view. There are a number of developments that stand out.

As well as the emphasis on restrictions, it is evident in socio-political discussions that these are strongly incident-driven.[206] This may be a factor of the nature of the current political climate, but it could equally be related to a particular sensitivity or over-sensitivity to everything related to religion. For the legislator or public

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[204] *Handelingen I* 2011/12, nr. 12, item 7, p. 36.
[205] See also: Sophie van Bijsterveld, *Overheid en godsdienst*, p. 123.
[206] Sophie van Bijsterveld, *Overheid en godsdienst*, p. 115.

administration it is, therefore, first of all worth satisfying themselves that problems that occur are – primarily – to do with religion. Not every integration problem, for example, has to do with Islam. Then there is the question – if the issue *does* concern religion – of whether the religion in question has to be the target for a possible solution, whether legislation is needed or whether alternatives are available.[207]

5.4 The equality principle explained

Besides freedom, another important value in our society is equality. The idea that all people are equal is deeply rooted in Western culture. We saw this in paragraph 5.1. The Jewish-Christian belief states, for example, that all men were created in God's image and are equal in his sight.[208] Equality has become an increasingly important ideal in the course of history. Tocqueville in the eighteenth century described the rise in the notion of equality as something universal and permanent: 'I readily discovered the enormous influence that this primary fact exerts on the course of society; it gives a certain direction to public spirit, a certain turn to the laws, new maxims to those who govern, and particular customs to the governed […] and it gains no less dominion over civil society than over government: it creates opinions, gives birth to sentiments, suggest usages […]'.[209] For a long time equality mainly meant emancipation within the class society, but after the Second World War it increasingly became a matter of combating discrimination and achieving equal treatment.

In 1983, when the Constitution was revised, the principle of equality in article 1 of the Constitution – it is not sheer chance that this is referred to as the non-discrimination principle – was a new and important article. This article, to put it briefly, prescribes equal treatment and forbids discrimination. The addition of this provision within the Constitution gave rise to an enormous amount of discussion, as did the Equal Treatment Act. The difficulty here is that there are very few articles 'that fulfil such a major legal-political function'. This explains why it is so controversial in terms of how it is interpreted and applied in real terms. Ideological, philosophical and political insights and differences in such insights can pay a significant role here. The issue can give rise to complex legal and ethical questions, particularly when the criteria governing restrictions occur in the context of positive discrimination, or when the horizontal effects clash with other fundamental rights.'[210]

The Constitution of the Netherlands: Article 1

All persons in the Netherlands will be treated equally in equal circumstances. Discrimination on the basis of religion, world view, political affiliation, race, sex or any other grounds is not permitted.

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[207] Sophie van Bijsterveld, *Overheid en godsdienst*, p. 126 – 133.
[208] Research Institute for the CDA, *Mens, waar ben je?*
[209] A. de Tocqueville, *Democracy in America*, p. 3.
[210] Sophie van Bijsterveld, 'Artikel 1', in: A.K. Koekk
 (Ed.), *De Grondwet. Een systematisch en artikelsgewijs commentaar*, Tjeenk Willink, Deventer, 2000, p. 63.

Since the principle of equality is article 1 of the Constitution and, equally, given that freedom is an important principle underlying the whole of the law, many people therefore believe that article 1 of the Constitution must also be the most important article. It was indicated above that there is no particular order or priority in the articles; nonetheless this is a commonly held notion.[211] We will address this in more detail in paragraph 5.4.2. The original intention of the principle of equality was to protect minorities from discrimination.

5.4.1 Equality *before* the law

Based on article 1 of the Constitution, it first of all follows that the law applies equally to everyone, or that everyone is equal before the law, the state and the judge. It is crucial in a democratic society that the government treats its citizens equally in equal circumstances, without discrimination.[212] The government may make no distinction between people or groups purely and solely on the basis of the characteristics mentioned in article 2 (see box). These characteristics are considered so essential to the identity of the person or group that it is impossible or virtually impossible to diverge from them without the person or group feeling undermined.

Van Bijsterveld emphasises that equal treatment only applies to equal circumstances.[213] In her opinion the principle should not be made absolute, but should be considered in the context in which it occurs. The appointment of political officials, for example, or spiritual carers, the political conviction or religious conviction respectively is a determining fact for the administration. Closer examination shows that this is also logical, because it is inherent in government activities and it is the nature of the law to distinguish, categorise and differentiate. What the principle of equality does is to ensure that such distinctions are not unjustified. Where they are unjustified, then we are dealing with discrimination.

A further point is that the principle of equality also cannot simply be arbitrarily applied to religion or world view as a social phenomenon. According to Van Bijsterveld, 'some form of differentiation is unavoidable here. Indeed, given the intrinsic differences between religions and the way they manifest themselves in the Netherlands, differentiation is often necessary to do justice to freedom of religion.'[214] This is the case, for example, in how public holidays are treated in the Netherlands and in Sunday being accepted as the weekly day of rest, because the recognition of this is rooted in the deep cultural layers of society.

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[211] See, for example: VVD, *Liberaal Manifest*. The Hague, 2005.
[212] Van der Pot-Donner, *Handboek van het Nederlandse staatsrecht*. W.E.J. Tjeenk Willink, Deventer, 2001, pp. 260 – 262.
[213] Sophie van Bijsterveld, *Overheid en godsdienst*, pp. 91 – 105.
[214] Idem, p. 112.

5.4.2 Equality *through* the law

The principle of equality has acquired a broader impact than simply equality before the law; it is now a fundamental right not to suffer discrimination. As has been said, fundamental rights filter through to relations between citizens, which also applies for article 1. The government uses this route of indirect horizontal effect to try to effect a form of equal treatment between citizens and to achieve equal outcomes (for example, via positive discrimination).

The most important legal-political questions in this connection relate to social organisations. To what extent should they make a distinction on the basis of the characteristics mentioned in article 1 of the Constitution? May a political party such as the SGP refuse to admit women to the electoral list? The European Court of Human Rights has decided that they may not. May a welfare organisation with a particular identity accept only people who share a particular belief? May the Roman Catholic church refuse the host to practising homosexual church-goers? Because moral values in what is a relatively private sphere play a role here, it is generally wise to treat these kinds of issues with some reticence, although this does not hold for all cases. As a guideline, we can mention three situations where such reticence is not appropriate: (1) in monopoly situations, (2) in the event of abuse of power (for example, arranged marriages) and (3) on the grounds that a person has a particular characteristic or trait.[215]

The Equal Treatment Act (Awgb)

The Equal Treatment Act (Awgb) is the manifestation in the law of the principle of equality – the ban on discrimination by the state against citizens. The aim of this Act is expressly to ensure that the principle of equality also applies to the relationships between citizens and their organisations, and to regulate the relation between fundamental rights, for example between the principle of equality and freedom of education.

The Awgb is a very emotive Act; it took more than ten years of debate before it was agreed, The resistance to the Act in Parliament came mainly from the confessional sector. Parties were afraid that other fundamental rights, such as freedom of religion, freedom of association and freedom of teaching, would be compromised. The Awgb takes these concerns into account: exceptions have been made for churches, identity-related organisations and special schools. The exceptions are the result of a careful balancing by the legislator of the principle of equality against other fundamental rights.

In the area of education, for example, special schools are allowed to refuse to admit pupils and/or appoint teachers to positions within their institution who are unwilling to commit to the fundamental beliefs of the school. The Awgb applies a sole fact construction to a legal exception (this construction will be discontinued in its present form and will be modified in line with European legislation).[216] This means that no direct distinction can be made but that an indirect distinction can be

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[215] Research Institute for the CDA, *Spiegel van de staat. Staatkundige voorwaarden voor een overtuig(en)de politiek*. The Hague, 2007, p. 146.
[216] See Coalition Agreement VVD/PvdA, *Bruggen slaan*, p. 18. The proposed modification in line with European legislation states that making a distinction has to be 'reasonable'. In principle the questions are the same as with the sole fact construction.

justified. The fact that a person is a Muslim may not be a reason for not accepting him, but if he refuses to shake hands with people even though this is necessary to his position, this would be regarded as a justifiable reason. At the present time a draft bill has been submitted to Parliament by D66 under which this exception will be dropped, a proposal that has also been made in the Rutte II coalition agreement. From the perspective of freedom of association and organisation, this would be a much too general consideration. It would be better to allow the judge in such cases to make an assessment of the interests based on the situation.

The principle of equality and the freedom of religion: out of balance?
It is not surprising that the principle of equality – particularly in relation to freedom of religion and world view – has in recent years been the primary focus of social and political concerns. When ideas about *Weltanschauung* change, and this is what has been happening in recent decades, it has an effect on how people think about equality. But this increased interest seems to be developing in the direction of a tendency towards a specific form of equality as a social norm that applies across all domains of society. When assessing the law in terms of equal treatment and freedom of religion and world view, there seems to be an increasing tendency in politics, case law and society to give priority to the principle of equality.

The present emphasis in the public debate on equality and unity does not do justice to the diversity of society. Decisions are taken, based on liberal-secular assumptions about equality, as to which ideological practices are permissible. If there are marriage registrars who have other ideas about homo-marriages, then this is an intolerant notion that implies inequality, and there is no place in the public domain for such a notion. Paradoxically, this kind of behaviour itself leads to inequality, because it discounts particular religious and/or ideological convictions held by minorities, while classical fundamental rights protect minorities against the will of the majority and create a state-free space in which pluriformity is possible.

There is a coercive element to present-day thinking on equality. A public domain that is dictated by the ideas of equality held by a particular majority or cultural elite is not neutral. Also, the assumptions of society imply an underlying *Weltanschauung*. A public domain that is truly neutral in terms of world view allows room for religious beliefs, even if these differ from the beliefs of the majority. Such an attitude is more akin to the original meaning of the principle of equality. Ernst Hirsch Ballin interprets the norm of article 1 as being designed 'to safeguard the diversity of society. And maybe this is also a crucial issue when we look back at the past 28 years since the article was incorporated in the Constitution: protecting this diversity and the implicit standardisation of society – based on the insight that everyone is so perfectly equal – has not been properly distinguished.'[217]

What is important is to do justice to people's individuality and to maintain the balance with other fundamental rights – in particular freedom of religion.

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[217] Pieter Jan Dijkman, 'In gesprek met Ernst Hirsch Ballin. Respect voor ieders waardigheid als opdracht voor een gepolariseerde samenleving', in: Pieter Jan Dijkman, e.a. (Ed.), *De last van gelijkheid*. Published by Boom, Amsterdam, 2011, p. 52.

5.5 Freedom of expression: religious criticism and religious utterances

A duality comparable to that of the principle of equality can be seen in how free speech is handled. It seems as if offensive religious criticism should be tolerated as far as possible while controversial religious utterances are all too rapidly candidates for restriction. The VVD, for example, advocated in a single breath for deporting imams who were suspected of inciting hatred and for removing the article that forbids the inciting of hatred because of the possible prosecution of Geert Wilders on account of his utterances about Muslims.[218] That one might on the one hand want to defend freedom of expression is quite understandable in the light of the threats that have been made against politicians, journalists, academics and artists because of their utterances. On the other hand, freedom of expression still has to be understood within the context of the democratic constitutional state. Only in this context can the question be answered of what citizens are allowed to say on the basis of their religious convictions; and what may be said about a particular religion. Threats fall outside this context and, as they themselves constitute a threat to the legal order, should be strongly contested.

Although many people hold the view that freedom of expression should be more or less unrestricted, this viewpoint is nevertheless not reflected in the law. Free speech is restricted by a number of different articles of criminal law, particularly motivated by the principle of equality discussed above. In the Netherlands, for example, libelous blasphemy that is insulting to religious beliefs is strictly forbidden (since the case in 1968 against Gerard Reve this has been meaningless and a majority in the Lower House is now in favour of removing this article of the law). [219] Equally, it is a breach of criminal law to incite hatred or to issue threats. In spite of these restrictions, religious criticism and offensive religious utterances seldom result in a conviction. The judiciary has developed a strict assessment framework and only convicts a person if the utterance itself is offensive, the context does not alleviate the threatening nature of the utterance (or the utterance is a contribution to the social debate) and the utterance is unnecessarily offensive in spite of the context.[220]

There is little to be said about the current reticence of judges other than that they seem to be passing milder sentences in a relatively short space of time in order to allow room for the at times fierce political-social debate about integration, religion and multiculturality. What is noticeable is that – certainly among politicians and opinion-makers – the leeway for what may be said seems to be determined by current liberal-secular values. 'The support for "free speech" seems primarily to be a support for non-religiously inspired free speech.'[221] This seems to be inconsistent and also does not reflect the public legal order in which the identity and dignity of citizens are protected.

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[218] Marcel ten Hooven, 'Hoe anders mag je nog zijn in Nederland?', in: *Nederlands Dagblad*, Friday 6 February 2009.
[219] See: *Kamerstukken II* 2009/2010, 32 203, nr. 3.
[220] Gelijn Molier, 'De vrijheid van meningsuiting: 'it's politics all the way down', in: A. Ellian, G. Molier & T. Zwart (Ed.), *Mag ik dit zeggen? Beschouwingen over de vrijheid van meningsuiting*. Boom Juridische Uitgevers, The Hague, 2011, pp. 208 – 224.
[221] Sophie van Bijsterveld, *Overheid en godsdienst*, p. 150.

6 Conclusions: religion, society and the democratic constitutional state

In the previous chapters we have seen the tensions that arise in present-day society with regard to religion and world view. It has been shown that dilemmas and controversies become easier to understand in the light of the relation between modernity and religion. Instrumentalism, individualism and immanence not only transform religion but sometimes also oppose it.

We have made an effort to refine this image based on the Christian Democratic view of humanity and have established that religion and world view are essential for human beings. We then tried to provide an interpretation of the principles of the separation of church and state, the neutrality of government and freedom of religion that do justice to the complex reality of religion and world view in our modern society. It was important in doing this to bear in mind the dynamics and changes in society rather than to use abstract principles to re-shape reality.

Modern ideas also influence the traditional concept of separation of church and state, that is often wrongly interpreted as an absolute separation. But this is not about ousting religion and world view from government, politics or society. The separation principle instead represents a safeguard for freedom and guarantees that everyone – religious, agnostic or non-believer – can play a part in the public domain (and therefore also in politics), based specifically also on the notion that absolute neutrality is completely impossible. It is therefore not about developing the principle of separation of church and state into a kind of inverted doctrine of the two swords, where this time it is not the church claiming to rule over the *spiritual* domain, but the state. The same applies to the rights of freedom and equality. It is not a matter of achieving a form of equality that creates uniformity, but an equality that makes diversity possible and that does justice to people's unique identity. In short, these principles constitute good conditions for what is in the final event important: freedom and pluriformity.

6.1 The effect of religion and world view in society

In the above it has already been shown that government and religion are not separate domains. Religion and world view penetrate through to society; they have an influence on public life. This is also the reason that the separation of church and state does not imply an absolute distinction between the two, that neutrality does not correspond with secularism or its world view, and that freedom of religion is not a purely individual right. These three principles of separation of church and state, neutrality of the government and freedom of religion are pre-requisites for religion to be well embedded in society, but they do not control the whole of the relationship between government and religion. [222] The way that society functions is also highly important. Primarily as a result of the emphasis of *individual* rights of freedom, too little attention has been paid to how society itself functions. The social values that are important for how the constitutional state functions, have also largely been lost from sight. It is a matter of such values as

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[222] Sophie van Bijsterveld, *Burger tussen religie, staat en markt*. Inaugural lecture deliverd on 2 December 2011, pp. 11 – 14.

citizenship and social cohesion. Other values such as respect for other people or security only entered into view as grounds for restricting individual freedoms. Too little attention was paid to them as values with independent social meaning.[223]

The influence of religion is felt throughout society. In today's multi-religious and pluriform society this process will become even more dynamic. The challenge today is not to ban religion from society as far as possible, but to assign it an appropriate place *within* society, with due regard for the many differences that exist. It is a fact that religion and world view exert an influence on society a fact to which government will simply have to adjust. There seems to have been very little concern for the social effect of religion in recent decades, mainly because of the emergence of the powerful idea that religion is a private matter and as such does not belong in the so-called public domain. This notion has probably gained in strength because in many instances the different forms of religion remain far less than previously within what society regards as familiar frameworks. Moreover, the secularisation theory encouraged many people to believe that religion was in any event in decline.

6.1.1 Religion: private *and* public

Religion and world view may be regarded in terms of the Constitution as a private matter, but this does not mean that they should not be able to have a public dimension in the social reality. The distinction between a public and a private domain should be seen mainly as a constitutional and political-philosophical construction that demonstrates among other things that religion and world view are in principle not matters for government.[224] It is therefore not up to the government to prescribe any privately-held religion or conviction; what a person does or does not believe is a personal matter. But this does not mean that the religious or ideological convictions held by citizens have to remain in the private realm. Some citizens feel encouraged by their personal beliefs to also carry out public tasks. Former Dutch Prime Minister Jan Peter Balkenende (CDA), commented on this.

Former Prime Minister Jan Peter Balkenende on the role of faith in his work
Balkenende said in the TV programme Hour of Power on 17 February 2008: 'My faith has given me a great deal of strength in my work as Prime Minister. This is not an easy profession; it is an onslaught on your family life. It takes up a lot of your time because you are Prime Minister seven days a week and 24 hours a day. You have some wonderful experiences and some difficult experiences! There are times when you are alone, but my faith gave me so much strength.'

Balkenende's words evoked a number of surprising reactions from members of the Lower House from different political parties. They put questions to him in Parliament, asking him to indicate in what capacity he had spoken (as Prime Minister or as a private individual), whether his comments had upset any Dutch people who were not believers, why, if this was a discussion in a personal capacity, he had allowed the interview to be recorded in his official residence, the

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[223] Sophie van Bijsterveld, *Overheid en godsdienst*, pp. 32 – 33.
[224] Idem, p. 12.

Catshuis, and how his comments related to the fundamental principle that states that church and state should remain separate. [225] Balkenende's response to these questions was that he was talking about his personal convictions.[226]

The matter was thus settled, but a closer look shows that the incident is more than the proverbial storm in a tea cup. What happened here was that the principle of separation was invoked against Balkenende's comments while this principle is what actually makes it possible for religious people to hold official political positions. It would appear that the Members of Parliament in question broadened this principle, interpreting it as a separation of politics and faith based on the idea that the government has to be completely secular. According to this vision, faith belongs strictly to the private domain and the public domain should as far as possible be free of religious influences. People equate this vision increasingly frequently with the thought that politicians and citizens should not base their viewpoints on their faith. The incident above also raised the suggestion that the premiership and the private individual were two separate realities, while in everyday life an individual's personal convictions will always be part of the way in which he functions, or carries out his office. Evidently, this is a clear indication of an assumption about religion as a strictly private matter, whereby faith has to remain firmly behind closed doors (as long as the doors are not those of the Catshuis).

The division between public and private steers one's thinking in the direction of government vs. the individual, as is apparent in the case discussed above. But religion is not purely the sum of individual religious utterances. Man as a social being experiences his religion in social relations, that together make up society. It is in the arena between government and the individual that we encounter society as an independent quantity. This is a reality that should not be denied and for which Christian Democracy has always striven. If neglect or even denial of 'such a thing as society' were to take place, this would mean that the so-called public domain would be under threat of being robbed of all forms of religious and ideological pluriformity. Moreover, society as an independent entity also has constitutional significance because the various organisations of civil society function as a buffer between government and the individual and in so doing provide a counterweight to state power.

The way that we have become used to handling the separation between public and private life means that these concepts have become mutually exclusive, according to Van Bijsterveld. With regard to religion – that has private and public elements – this creates an erroneous contradiction.[227] Take, for example, the presence of churches and mosques, the dedication of welfare organisations and schools with a religious identity and/or inspiration that can be found throughout society. It is broadly recognised, for example, that the Youth for Christ welfare organisation plays an important role in welfare work. It is not fitting to make a distinction between private and public in such areas: 'We do not lead two kinds of lives; we

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[225] See: *Trouw*, Balkenende sprak voor zichzelf in Hour of Power, 22 februari 2008.
[226] See the answers from MP Verdonk dated 21 February 2008, nr. 2070812330, the questions from MP Pechtold dated 21 February 2008, nr. 2070812340 and the questions from MP Dijsselbloem dated 21 February 2008, nr. 2070812350.
[227] Sophie van Bijsterveld, *Overheid en godsdienst*, p. 17.

lead numerous lives in very many different roles, but many of these roles have both private and public elements.'[228] In order to arrive at a further interpretation, Soetman makes a distinction that may be helpful. The separation between private and public is about a division of responsibilities. The private sphere is where we attribute the final responsibility to individuals themselves; the public sphere is where society may also intervene.

6.1.2 The social-cultural meaning of religion

An important question is how cohesion within society can be promoted. Religions can play an important role in this endeavour, and throughout history have been shown to be a valuable asset for society in a practical sense. Certainly against the background of individualisation, the community-forming element of religion can be important for a strong civil society. The social meaning of religion, that is expressed through such means as the social capital of the churches in the Netherlands, has been demonstrated in chapter 2.

Churches generally do not adopt an isolationist approach. Such an open attitude can also be expected from Islamic institutions towards society. Recent research has shown that spiritual values, moral principles and spiritual motives matter in modern life.[229] They inspire many Dutch people who strive for high ideals on the basis of these values. Religion thus forms an important basic motivation for different forms of social activity, such as carrying out welfare work.

Religion also contributes to the development of citizenship and the training and transference of social virtues. A broad majority of Dutch people share this viewpoint and point to the importance of religion for maintaining norms and values and the mirror that it holds up to us about how we can best live together (see table 2.6). The same applies to the contribution of religion to social cohesion, citizenship and national identity. In the event of disasters and memorials, some three-quarters of Dutch people value the role of religion and almost half consider religion important for the identity of the Netherlands and Europe.

Many social relations in the Netherlands – including churches, associations and institutions – are formed on the basis of religion. The social fabric of society is preserved thanks to people's religious and ideological inspiration and together this results in a richly multifaceted civil society, that acts as a buffer between state and individual. Alone or in community with others, religion gives people a direction, a moral signpost and meaning.

Finally, religion has for centuries contributed to culture, architecture, art and music. The St. Matthew Passion, for example, is for many Dutch people the culmination of Easter; religious heritage occupies an important place in cities and villages and every *carnival* starts with a church mass.

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[228] A. Soeteman, 'Vrijheid van godsdienst', in: C.H.C. Overes and W.J.M. van Veen (Ed.), *Met recht betrokken, opstellen aangeboden aan prof. mr. T.J. van der Ploeg*. Kluwer, Deventer, 2012.
[229] Gabriël van den Brink (Ed.), *De lage landen en het hogere. De betekenis van geestelijke beginselen in het moderne bestaan*. Amsterdam University Press, Amsterdam, 2012.

6.1.3 The moral significance of religion for the democratic constitutional state

An important moral significance of religion can be found in its contribution to the preserving the conditions necessary for the existence of the constitutional state. According to Böckenforde, the constitutional state is dependent on conditions that it cannot itself guarantee. Government therefore has the responsibility, from the perspective of the democratic constitutional state, to respect and promote a societal climate that recognizes this.[230]

Adverse religious developments that might erode the democratic constitutional state have to be curbed; over the past decade the emphasis here has been on Islamic radicalism. But it is equally important to stimulate positive contributions. Believers, inspired by their faith, have played an important role in the development of the democratic constitutional state. There are many examples of this, such as William Wilberforce who fought to have slavery banned in America, and Groen van Prinsterer and the Reveil circle who also spoke out against slavery here in the Netherlands. Nor should one forget Martin Luther King who fought against the oppression of the coloured population in America, or Mother Teresa in Calcutta who set up the worldwide religious order of the Sisters of Charity.

The presence of religion in the public domain can therefore be said to be important for the moral climate of society. The term 'public domain' is ambiguous and can taken to mean many different things. Charles Taylor, partly based on the thinking of Jürgen Habermas, demonstrates that the public sphere as we know it is an important and typical phenomenon of modernity, or modern society.[231] It is distinguished from the pre-modern public sphere on account of the independence of the public domain from the political domain – and is even ahead of politics in this respect. Secondly, the public sphere represents the legitimisation of political power as a form of external control, while the division of power within the state safeguards internal control. In the pre-modern era, this external control was achieved by the will of God or the law of nature, but in modernity this has been replaced by the sovereignty of the people that is founded on a social contract.

The public sphere, in which the members of society come together to discuss issues of general concern, has, according to Taylor, now become secular because it is 'a relation that is shaped solely by the common activities that we carry out within it: where possible, achieving a common viewpoint through the exchange of ideas. This relation or association exists only insofar as we act together towards this common aim. This shared action is not possible in a framework that has to be established in some dimension that transcends our activities […].'[232]

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[230] See also: Sophie van Bijsterveld, *Overheid en godsdienst*, pp. 38 – 42.
[231] Charles Taylor, *Moderniteit in meervoud. Cultuur, samenleving en sociale verbeelding*. Translated by Maarten van der Maarel, Published by Klement, Kampen, 2005, pp. 89 – 106.
[232] Charles Taylor, *Moderniteit in meervoud. Cultuur, samenleving en sociale verbeelding*, p. 100.

God or religion has therefore disappeared as a constituent factor of the community. However, this form of secularism does not mean that God or religion has also disappeared *from* society. The value of religions is that they are still able to offer transcendent dimensions or meaningful orientations in the public sphere, even though this may no longer be in a constituent sense. This is also what Habermas has been saying since 2001.[233] In his view, the idea that the public sphere is separate from any transcendent dimension also applies for democracy, although his view of democracy is no longer strictly procedural. 'It is impossible to state precisely what social cohesion is: it is not secular, because of what has become known in the Dutch debate as enlightenment fundamentalism, nor is it religious, driven by representatives of a single religious tradition. It can be found in the shared, communicative and discursive process in which public opinion is shaped.'[234] His views are opposed to those of John Rawls, who stated that religious arguments have no place at all in the public domain, but belong in the private sphere. This notion has since gained in importance and only affords a place in the public domain to reasonable arguments (the *public reason* notion).[235]

According to Rawls, religious believers have to translate their religious beliefs into secular arguments before they can be introduced into the public debate. In a certain sense this is a more radical version of the secularisation of the public domain outlined by Taylor. Because the notion put forward by Rawls, for example, is founded on the idea that only public reason can lead to 'enlightened opinion' and that people are sovereign, this argument tends towards uniformity in society. Plurality of views is limited and is no longer fully appreciated because religious arguments and orientations are excluded. Criticism of the so-called 'enlightened opinion' is necessary if only from the viewpoint of limited rationality. The 'enlightened opinion' that relies so heavily on human reasoning should, however, not be regarded as the prelude to 'enlightened peace'. Rawls's thinking has inherent in it the risk that state and society are reduced to a secular debating room subject to secular censorship. In Taylor's thinking, on the contrary, the public domain provides a counterweight to the state and the two should remain properly distinct from one another. The public domain of Taylor's vision should, however, not become a mouthpiece for public opinion, with the majority determining what may and may not be said. Democracy is about more than creating a power base and the strength of numbers. It has to take minorities into account and allow room for diversity of interests. Constitutional rights such as the freedom of religion and expression restrict national sovereignty to a certain extent: there are values that are more important than the will of the people (in the sense of a simple majority) at a particular point in time.

Removing religion from the public domain would not only constitute a misrepresentation of Western cultural history, it would also not be in the interests of democracy. For the Netherlands as a part of Western civilisation, Christianity

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[233] See, for example, the report of the fascinating debate between Jürgen Habermas and Joseph Ratzinger, the pope at the time of this report: J. Habermas & J. Ratzinger, *Dialectiek van de secularisering. Over rede en religie*. Published by Klement, Kampen 2009.

[234] Erik Borgman, 'De onlosmakelijke verbondenheid van religie en publiek domein: pleidooi voor een 'omgekeerde doorbraak', in: Scientific Council for Government Policy, *Geloven in het publieke domein. Verkenningen van een dubbele transformatie*. Amsterdam University Press, Amsterdam, 2006, p. 323.

[235] See: John Rawls, *Political Liberalism*. Colombia University Press, New York, 1993.

has played an important role in shaping the democratic constitutional state.[236] One can refer, for example, to the notion that there are two realities and the consequent idea that reality cannot be constructed, since salvation is not within the remit of man. This gives rise to a modest conception of the state; it constitutes a potential criticism of the belief in progress and the ability to construct our own reality, and it recognises the inevitable fallibility of human beings. It is, in short, important to keep the democratic constitutional state open for insights that religion provides, so that - to use the words of Sören Kierkegaard – heaven does not, as it were, close itself off above the earth, the eternal does not become completely lost in the transitory, and the heart is not overwhelmed by (instrumental) reason. If every awareness of the sacred (the holy) disappears, culture will lose the potential for meaning, which can lead to loss of respect for the limits of human life that are inherent in existence.[237] Following on from this, Habermas, as a factor of the debate on gene technology, remarked on the realisation that human life is a gift – a tenet that is shared by many religions. According to Johan Huizinga, culture cannot exist without the certain knowledge that there is some higher power.[238]

Without wishing to give the impression that religions are the exclusive providers of values for the democratic constitutional state, there are visible signs that point to the importance of a religious orientation. Within the field of humanism, too, French philosopher and former Education Minister Luc Ferry points out that such a notion as human dignity is imposed upon us as something absolute; a value that is not accorded by man, but merely recognised by him and can therefore be called transcendent or holy.[239] There is, in short, a higher order, an invisible dimension and a deeper orientation that serves as a guidance tool for all human beings.

The procedural structure of democracy has in a certain sense been left hanging in mid-air. Religion can no longer provide this structure, and the seat of power is now unoccupied.[240] The fact that democracy is based neither on a religious nor a secular vision of life is a pre-condition for the existence of democracy itself. Naturally, the ideas of the democratic constitutional state originate somewhere and are to an important degree to be found in the treasure house of the traditions of Western culture. At the same time, the values on which the democratic constitutional state are founded cannot be ascribed exclusively to a religion or world view. But the pressing question is whether a purely procedural vision is sufficient or whether religions are all to the same degree capable of providing the necessary moral perspective. If religion and meaning are important for democracy as a source of orientation on moral values, then forcing religion out of the public domain represents an impoverishment of this domain that can have negative

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[236] See, for example: Jan Willem Sap, *Wegbereiders der revolutie. Calvinisme en de strijd om de democratische rechtsstaat*. Wolters-Noordhoff, Amsterdam, 1993.
[237] Leszek Kolakowski, *Essays van Leszek Kolakowski*. Vertaald door J. Minkiewicz, Published by Het Spectrum, Utrecht, 1983, pp. 112 – 113.
[238] Johan Huizinga, *In de schaduwen van morgen*. H.D. Tjeenk Willink & Zoon N.V., Haarlem, 1936, p. 36.
[239] Luc Ferry & Marcel Gauchet, *Religie na de religie. Gesprekken over de toekomst van het religieuze*. Published by Klement, Kampen, 2008, pp. 27 e.v..
[240] See: Claude Lefort, 'De vraag naar de democratie', in: Claude Lefort, *Het democratisch tekort. Over de noodzakelijke onbepaaldheid van de democratie*. Translated by Henk van der Waal, Published by Boom, Amsterdam, 1992.

consequences for the democratic constitutional state. This applies even more for individuals, because a world view – with or without a transcendent dimension – provides guidance in answering life's most difficult question: the question of the aim and purpose of life. The state is unable to answer this question, and Christian Democracy has always stressed the role of society (see chapter 3) and the right to be self-organising. Man is a social animal; he is attached to other people, but, unlike in classical antiquity, man is not a *zoon politikon* to the extent that he finds his identity and destiny in politics. The state has its own intrinsic nature and its role is limited: man is not absorbed within this.

6.1.4 The drawbacks of religion: extremism and violence

Religion is clearly important for society and contributes to the values that form the prerequisites for the democratic constitutional state. At the same time it would be naïve to pretend that religion has only positive effects. Religion also has drawbacks.

Religious excesses or their ideological variants call for caution. Religion may not impinge on the democratic constitutional state, nor may it undermine the separation of church and state in the sense that the state has its own laws. It is important here to make a distinction between orthodoxy and religious conservatism on the one hand and fanaticism and extremism on the other. Controversial and orthodox expressions are permitted (provided they remain within the bounds of the law), whereas preaching hatred is completely unacceptable. Oppression of minorities, including religious minorities, or women has to be denounced. The position of women within Islam is a particular cause for concern, not only abroad, but also in Amsterdam where reports indicate that between 200 and 300 women live in forced isolation.[241] This is not to say that the government should intervene immediately and radically; nor does it mean that the autonomy of social connections excludes every form of intervention.

At the same time it is important to avoid religion being identified on a one-to-one basis with fanaticism, oppression and violence. Particularly since the attacks of 11 September 2001 – and there may be some grounds for this – religion has continually been associated with this atrocity. De Dijn rightly points out that violence is not limited to religion, citing nationalism and 'secular' ideologies such as Nazism and communism.[242] But there are those who will say that this comparison does not detract from the potential of religion for violence. According to De Dijn, this teaches us that violence is above all associated with man himself. Yet, if violence has to be attributed to religion, it is difficult to understand why religion also produces good and beautiful things. It is thus going too far to assume an *essential* link between religion and violence. The question that should be asked is under what conditions negative and positive aspects of religion are able to get the upper hand, but the same also applies to such concepts as rationalism, for example.

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[241] Verwey-Jonker Institute, *Leven in gedwongen isolement. Een verkennend onderzoek naar verborgen vrouwen in Amsterdam*. 2012.
[242] Herman De Dijn, *Religie in de 21ste eeuw*, p. 111.

Religion: no two ideologies are the same

It is outside the scope of this research to make a detailed comparison of religious sciences. At the same time, mention – however brief – should be made of the fact that not all religions and ideologies are the same. Inherent in modern life is the realisation that everything is diverse: religions, ideologies, traditions and cultures. This can cause a certain indifference and unfamiliarity with essential differences between cultures and religions, for example. Cultural relativism – a much-discussed issue – is one product of this, but the same can be said of religious relativism. Both secularism and the subjectivisation and transformation of religion give rise to an increasing unfamiliarity with religious traditions, which means that there is at times less appreciation of differences that really do matter. One person who has been one of the first to try to show how subtle differences between religious movements can have their effect in society was Max Weber in his well-known book about the link that he presumes there to be between Protestantism and capitalism.[243]

Apart from the fact that it is important to ensure that all religions are not lumped together, it can also not be assumed *a priori* that every religion has the same inherent potential for meaning. What should one think, for example, of the Church of Scientology? Or, a rather remarkable development: the recognition in 2012 of illegal downloads in Sweden as a religion – the so-called Church of Kopimism.[244] In this study what is important, among other things, is how religion can contribute to the conditions for the democratic constitutional state. And, as an extension of this: how susceptible are different religions to intolerance, religious coercion and the merging of religion and politics? It is important not to avoid these kinds of questions and at the same time to respond to them taking into account the different movements and diversity within these religions and ideologies. The major world religions certainly have a long history and therefore also have different stages of development, which time and again serves to demonstrate the dynamism of religious traditions. They function within a particular context, are not monolithic entities and are able to renew themselves from within.

With regard to Islam, Klink contends that there is no need for it to undergo an enlightenment – as is often advocated – but rather that what it most needs is a reformation.[245] Why? Because reformation emphasises personal belief and – in contrast to legalism – stresses the internalisation of faith. According to Klink, the political significance of this is that neither the government nor a religious institution can enforce this internalisation, other than through adherence to rules. Consequently, faith and coercion are increasingly becoming seen as incompatible. As such, 'inner religion' constitutes a valuable foundation for democracy and human rights.

According to Italian legal philosopher Silvio Ferrari, the secular state as we know it today has Christian roots because it has a profound legal tradition influenced by

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[243] Max Weber, *De protestantse ethiek en de geest van het kapitalisme.* Translated by Mark Wildschut, Published by Boom, Amsterdam, 2012.
[244] See: http://kopimistsamfundet.se/
[245] Ab Klink, 'De onverenigbaarheid van geloof en dwang. Eerder dan een Verlichting moet de islam een Reformatie ondergaan', in: Marcel ten Hooven & Theo de Wit (Ed.), *Ongewenste goden. De publieke rol van religie in Nederland.* Published by SUN, Amsterdam, 2006, pp. 234 – 251.

the concept of the natural law or natural justice. 'The thought that God at the time of the creation gave every human individual the ability to be able to distinguish between good and bad by properly applying reason, opens the possibility of giving a common base to people from different religions. '[246] This means that the 'other party' acquires a particular dignity. According to Ferrari, it is this issue of 'the other person' that has to be examined within the different religious and cultural traditions in the world in order to arrive by different routes at the 'shared objective of ensuring religious freedom, a freedom that is a fundamental right for every human being.'[247]

6.2   Pluriformity and tolerance: equality as diversity

This so-called issue of 'the other' brings us to the issue of pluriformity and tolerance. Pluriformity is a given in Dutch society in the 21st century. The democratic society is not only characterised by different religions and ideologies, but also by pluriformity of societal relations, people's cultures and sub-cultures and 'creative' groups of individuals who strive for different forms of social change.[248] Actual pluriformity – certainly in the past half century – has increased enormously. In Christian Democratic thinking, pluriformity is a value, as well as a fact. Anyone wanting to read a fiery plea to this effect can refer to Abraham Kuyper who complained in a lecture about the uniformity that seems to be a consequence of modernity: 'everything has to be made the same and be balanced and every difference swept away.'[249] The value of pluriformity is also expressed in the principle of sovereignty within one's own circle developed by Kuyper, that recognises the scope of civil society.

The roots of pluriformity penetrate deeply into national history. There is a lot to be said for this pluriformity being at least in part the foundation for the existence of the Netherlands. The Revolt of the Dutch provinces was not only motivated by the struggle for religious freedom, but also by resistance against the Spanish king's tendency towards centralisation. However this may be, the Netherlands has always recognised minorities and this has undoubtedly contributed to the development of a model of principled plurality, that has its basis in four principles.[250]

First of all, there is the principle that the government must treat citizens equally regardless of their beliefs about religion and world view. Secondly, this principle penetrates further and applies to societal organisations formed by citizens because, thirdly, there is the assumption that organisations based on religious or ideological foundations are important for citizens. Within societal organisations people can give meaning and purpose to their lives and take responsibility for one another. Finally, this plurality means that individual freedom of choice of citizens is

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[246] Silvio Ferrari, 'De christelijke wortels van de seculiere staat', in: *Tijdschrift voor Religie, Recht en Beleid*, 2012, nr. 3, p. 8.
[247] Silvio Ferrari, 'De christelijke wortels van de seculiere staat', p. 20.
[248] H. Woldring, *Pluralisme, integratie en cohesie*. Published by Damon, Budel, 2006, pp. 9 – 49.
[249] Abraham Kuyper, *Eenvormigheid de vloek van het moderne leven*. H. de Hoogh, Amsterdam, 1869, p. 19.
[250] For a discussion of this, see: Henk Post, *Godsdienstvrijheid aan banden. Een essay over het probleem van de godsdienst in het publieke domein*. Wolf Legal Publishers, Nijmegen, 2011, p. 191.

recognised. The principle of plurality thus has several dimensions. It not only takes account of religious and ideological diversity, but also that man cannot be confined to his dimension as an individual, because he is also part of a larger whole.

Yet there is something contradictory going on with pluriformity today. Naturally we still associate it with scope for differences, but because the principle is primarily coloured by the non-discrimination principle, this results in pluriformity coming under pressure. The horizontal effect of fundamental rights and a protection of constitutional rights focused increasingly on the individual contribute to this. In chapter 5 we saw that the original intention of the principle of equality was not focused on achieving uniformity, but on diversity, not on equalisation but on protecting diversity.

The principle of equality has to be interpreted in a way that makes diversity specifically possible.[251] It is not intended to measure everybody with the same yardstick, but as a principle on the basis of which justice should be done to the differentiated identity of people. In Christian Democratic ideas on equality and equal value, this is precisely where the emphasis lies: 'The concept of the principle of equality of all men was devised precisely to achieve justice in the world, even in a no man's land; this concept gained a global dimension in the Universal Declaration of Human Rights. In fact, it is in our very differences, in our individuality, in our history that we recognise our shared humanity. Our identity lies not in our universality, but in our individuality. We derive our dignity above all from what distinguishes us from others, from what makes us special.'[252]

Charles Taylor sees in the given of man's individual identity – that is related to the modern desire for authenticity – an important task for politicians: they have to apply a policy of recognition. 'With the politics of difference, we are asked to recognise the unique identity of this individual or this group, to understand what makes them different from others.'[253] In Christian Democracy, individuality is related to man as an image of God. He is able to bear responsibility because each of us can be called upon. 'In the end, equality rests not on the individual being able to call upon the group, but the reverse, on the call that may be made upon the individual.
 […] The egalitarian aspect is in the call, the appeal that can be made to every real person with his or her real talents in his or her real situation.'[254] It is only when the principle of equality is interpreted as equality in diversity that justice can be done to the foundation of equality: human dignity. Only then will it be evident that people are different, but that they are equal in their human dignity.

A pluriform and free society is not possible without tolerance. Pleas for tolerance have lost favour in recent decades, but tolerance now seems to be back on the

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[251] Pieter Jan Dijkman, 'In gesprek met Ernst Hirsch Ballin. Respect voor ieders waardigheid als opdracht voor een gepolariseerde samenleving', pp. 48 – 53.
[252] Policy Institute for the CDA, *Mens, waar ben je?*, p. 67.
[253] Charles Taylor, 'De politiek van erkenning', in: Charles Taylor, *Multiculturalisme. De politiek van erkenning nader onderzocht.* Published by Boom, Amsterdam, 1995, p. 55.
[254] Policy Institute for the CDA, *Mens, waar ben je?*, p. 68.

socio-political agenda.'[255] If we intend to take tolerance seriously, a reassessment is needed. The present-day idea of tolerance is characterised by a paradox: 'It honours the extreme principle of the acceptance of all differences (between groups, identities and values), but ends with a rigorous condemnation of everything and everyone in the past and present that lags behind this norm.'[256] It is thus a hollow concept that is probably also – in part – an explanation of the current interpretation of the principle of equality that was discussed above. But what, then, is *true* tolerance?

Tolerance first and foremost presupposes that there must be something to reject, because there is something that has to be borne, or endured. Tolerance is therefore also based on difference and is related to making a judgment and a distinction – attitudes that people today would rather not be 'guilty' of. If there really is to be any tolerance, then there also has to be an opportunity to change a situation (otherwise it is more a question of acceptance); also, the prime motive for tolerance can never be self-interest, but has to be esteem, respect or affection. Tolerance therefore means that you allow practices that you personally reject, out of respect for the other person – and for his freedom to observe a different set of values, beliefs or world view.[257] This should not be thought too lightly of because it will often be extremely uncomfortable or painful for the person who has to tolerate them, particularly because he judges them completely differently. A tolerant attitude calls for 'reflection, restraint and respect for the right of other people to pursue their path to their truth'.[258]

6.3 Freedom: self-acceptance and responsibility

Respect for the right of people to pursue their own path to the truth is an important prerequisite for freedom. This freedom starts with self-acceptance,[259] which seems to be no easy task for many people today. When individual autonomy and subjectivity are radicalised, this puts the onus on man himself: he has to make choices and achieve his own self-realisation. But pursuing this in its purest form means it will never be achieved. This particular characteristic of modern culture seems to contribute to reducing the individual to a series of impulses, urges and social structures from which he has to be liberated.

What is fascinating about this is that in religious visions of man the acceptance of life in all its different dimensions has the effect of liberating man from an inward focus on the self. In Christian Democracy this self-acceptance comes about because the individual as a free person – who is capable of making moral choices – is part of the community: he is a person in relation to others and to his Creator.

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[255] See the SIRE campaign in the autumn of 2012, that made an attempt to initiate a social discussion on tolerance: www.tolerantie.nu.

[256] According to Alain Finkelkraut, cited in: Herman De Dijn, 'Tolerantie, liberalisme en conservatisme', in: Marcel ten Hooven (Ed.), *De lege tolerantie. Over vrijheid en vrijblijvendheid in Nederland*. Published by Boom, Amsterdam, 2002.

[257] Maarten Neuteboom and Evert Jan Slootweg, 'Tolerantie? Maak dan een SIRE-spotje over rituele slacht', in: *de Volkskrant*, 16 October 2012.

[258] Frank Furedi, *On Tolerance. A Defence of Moral Independence*. Continuum, London, 2011, p. 8.

[259] These ideas have been taken from: Research Institute for the CDA, *Mens, waar ben je?*, pp. 78 – 94.

'Man has an absolute, eternal value; he is not absorbed into the accidental, the temporary and the immediate.'[260] In the final event, it is about how the individual lives his life in the concrete relations and connections in which he is called upon to play a role. It is therefore not about freedom *and* responsibility as if these are two separate domains, but about interpreting freedom *as* responsibility or freedom *in* responsibility. This is the basis of man's responsibility and it is where the Christian Democratic freedom agenda of pluriformity and tolerance begins.

It is man's own responsibility to formulate his personal response to the call made on each of us and he should not be deprived of his autonomy to look for values and truth. The pluralism of values that positively recognises the worth of such freedom in a multireligious society is regarded by some people as a threat to social cohesion. But the truth is precisely the opposite: 'the space to live according to one's own religious values and to express these values through social engagement does not stand in the way of citizenship, but rather contributes to it. Man is not a citizen *in spite of* his own religious or other convictions, but *with* his own convictions'.[261] Such autonomy of values for citizens and their social organisations is all the more important in view of the lesser role of the government and the greater need for social initiatives that characterise society today.

6.4 Core values, commonality and citizenship

Pluriformity, freedom and autonomy of values are, however, never without their limits. In all cases, such freedom is context-related and is closely linked to responsibility. The question is what limits we may impose on the freedom that the democratic constitutional state offers us. It is on the one hand conceivable to aim for maximum diversity and pluriformity and to use this as the benchmark for freedom. In this view, all citizens should be able to do what they want, both individually and in a community with others. The diversity that man then has at his disposal is far-reaching and can result in parts of society ignoring one another, alienating themselves from one another and eroding society. But man can, on the other hand, also point to the core values of the constitutional state: these values are so fundamental that they have to be protected. Such values determine the limits of pluriformity and form the criteria for the democratic constitutional state.

The paradox of the democratic constitutional state is that it is based on a number of conditions that it cannot itself guarantee, as was established at the start of this chapter. These conditions comprise a number of important fundamental values, or core values.[262] For example, man bears personal responsibility. Rights of freedom, non-discrimination and a democratic state system are therefore essential. Personal faith and world view are irreconcilable with coercion, and man has the right to express these beliefs through his own institutions – that constitute the social centre-field as an intermediate force between the state and the individual. Further, men and women are equal and all people are equal before the law, irrespective of

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[260] Research Institute for the CDA, *Mens, waar ben je?*, p. 88.
[261] Sophie van Bijsterveld, *Burger tussen religie, staat en markt*. Inaugural lecture, delvered on 2 December 2011.
[262] 112*n*.

gender, religion, sexual orientation and so on.[263]

The constitutional state is the political expression of a particular cultural constellation. The core values on which the constitutional state is based are not abstractions, but have developed historically, and it is the understanding of this that binds a community constituted under the rule of law together.[264] The cultural-historical background is closely related to Dutch history and culture. Tolerance, freedom of conscience and religion are rooted in the struggle against the Spanish King Philip II. If this moral-cultural awareness were to crumble, it would resound on the foundations of the democratic constitutional state. In this, Dutch culture does not exist in isolation, but is part of West European culture which is in turn part of Western civilisation, that draws inspiration from Judaism and Christianity, Greek and Roman thought and humanism and the Enlightenment. Man obviously has to avoid making one particular tradition the measure for everything. We can see this happening, for example, in the use of the term 'Jewish-Christian culture', that is used by many politicians today to exclude others. But equally it is true that the contribution of Christianity is sometimes forgotten or pushed patronisingly aside. There are those who in turn make the Enlightenment the measure for Western culture and propose that the constitutional state should be interpreted in purely secular terms. Under such an interpretation a multi-religious society could not exist without a universal moral code that is completely separate from religion. The question is really whether the fear of secularism predominating over religion does not itself lead to a form of ethical absolutism that conflicts with the religious freedom and pluriformity of beliefs that is characteristic of the Netherlands.[265]

Questioning the conditions on which the democratic constitutional state is founded evokes many different answers and not infrequently results in a paradox. Seeking the conditions, including the spiritual conditions, of the constitutional state is meaningful, but at the same time it is impossible in a neutral constitutional state to legally prescribe that citizens actually have to believe in these conditions. If government were to do this, this would result not only in a risk that spiritual freedoms would be undermined, but also that the democratic constitutional state would endeavour to safeguard its own spiritual and other values. Vermeulen: 'But a *liberal* state may not – because of its own principles – ensure through the force of law that its citizens actively subscribe to these basic values, that they really *believe* in these values; it should not even pretend to be authorized to determine the mindset of the individual. [...] It is this vulnerability which is part of the liberal state's essence; it is this modesty that is part of its strength'.[266]

On the one hand it cannot then be expected that modern society will be accepted in principle by everyone, in the sense that they accept its liberal character. On the other hand, what lies behind the freedom and pluriformity that the democratic constitutional state offers us is *commitment*. A religion or world view extends

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[263] 16*n*.

[264] Research Institute for the CDA, *Investeren in integratie*. Den Haag, 2003, pp. 37 – 48. Vgl. Research Institute for the CDA, *Spiegel van de staat. Staatkundige voorwaarden voor een overtuig(en)de politiek*. The Hague, 2007, pp. 147 – 155.

[265] Paul Cliteur, *Moreel Esperanto. Naar een autonome ethiek*. Published by De Arbeiderspers, Amsterdam, 2007.

[266] See: Ben Vermeulen, 'On freedom, equality and citizenship. Changing fundamentals of Dutch minority policy and law (immigration, integration, education and religion'.

over everything, but on the other hand a distinction has to be made between church and state, between the domains of the profane and the secular. It is important that religions accept this principle that is closely linked with the Christian religion. At the same time, government has make room for religions; this applies equally to Islam – however much some people today would prefer to deny this. In a multi-religious society there is as little room for theocracy as for a state stripped of religion, but the starting point has to be the neutrality of the state.

Tolerance and diversity are important core values, but they can never determine the substance of all other constitutional values and fundamental rights; for example, propagating a particular *Weltaanschauung* by applying the constitutional principle of equality or allowing tolerance to become sham tolerance and 'allowing' only those convictions that have been authorised by the majority. In such an event, the result will be a paradox whereby particular rights will be denied in the name of freedom.[267] These conflicts call time and again for a delicate balancing of interests that can only be achieved by observing the ethics of moderation, and avoiding the extremes of relativism and fundamentalism.[268] What is needed is a prudent political principle that is expressly the converse of an ideological political principle. This is very much in line with Christian Democracy's policy of mediation that is always focused on bridging social differences rather than magnifying them. Politics is after all by definition about compromise and adaptation, holding things together and taking account of the interests of minorities because it has to be realised that democracy is about more than achieving a majority of one. In short: the prime concern of government is to ensure a peaceful society, so that citizens can lead a quiet and peaceful life.

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[267] James Kennedy, 'Oude en nieuwe vormen van tolerantie in Nederland en Amerika', in: Marcel ten Hooven (Ed.), *De lege tolerantie*, pp. 244 – 255.
[268] Peter L. Berger & Anton C. Zijderveld, *Lof der twijfel*, p. 160.

7 Conclusion and recommendations

At the start of the twenty-first century, religion is a hot topic. This is surprising, because in the course of the previous century it was commonly felt that religion and modernisation were mutually exclusive. This notion resulted in the so-called secularisation theory: under the influence of rationalisation, differentiation and individualisation, the role of religion in society and its significance for the lives of individuals had diminished. The reality proved to be more recalcitrant than the theory. The key question in this report is what changes in the religious landscape of the Netherlands mean for existing social relations and what place will be afforded to religion and world view in society.

This theme touches the heart of Christian Democracy. Political philosophy and Christian Democracy's right of existence are closely interwoven with the right of citizens to organise themselves in social groups on the basis of their religion or world view. This is based on the understanding that religion and *Weltaanschauung* have implications for all areas of life. Religion is not purely a private matter, but also has a public face. This means that pluriformity is a given and is closely related to respect for human dignity.

Whenever values and issues of a moral nature are at stake, differences and freedom should be fostered. It is perfectly acceptable for people to have different convictions and organise their lives in line with these convictions. The state should maintain an appropriate distance from the spiritual domain and its task is therefore limited task in this area.

Given that, based on its particular view of mankind, Christian Democracy not only distinguishes itself from other major political movements, but also has its own vision of the nature of the state and how society should be organised, a recognisable and distinctive Christian Democratic vision of the relations between religion, government and society is needed. This will become even more urgent if, as in the present day, religious and ideological tensions are a more frequent occurrence. The question is therefore how Christian Democracy should respond to the current dilemmas about the place of religion in the public domain. To what extent do Christian Democratic principles still reflect social reality? Is it possible based on the Christian Democratic tradition to develop a new vision of freedom, and particularly religious freedom, whereby justice is done to both pluriformity and commonality?

The inadequacy of the secularisation theory and the transformation of religion
The renewed attention for religion is influenced by a number of important, but diverse factors. First of all, there is the inadequacy of the secularisation theory. The majority of the world is still religious. Secularisation is primarily an issue for Western and Central Europe and for a relatively small but influential class of intellectuals who represent a form of global secularism. But even in the strongly secularised West, the religious landscape is far from unequivocal. The evidence is that modern man is unable to ignore the question of the meaning of life.

There is an unmistakeable interest in religion and world view in Western Europe, but at the same time this interest is insufficient to provide grounds for supporting the claim that secularisation is not taking place. There is evidence to indicate a trend towards secularisation in terms of church attendance, observing religious dogmas, affiliation with the Christian tradition and denominational institutions. It seems rather that a kind of 'secularised' religion has developed that is bringing about a transformation of religion. Institutionally rooted religion is changing into a more subjective, non-affiliated form of religiousness in which new practices in relation to the life of the individual, personal experience and the shaping of the individual or shared identity are sacralised. This form of 'new spirituality' is centred not on institutions but on the individual; the relation to God and one's fellow man is not hierarchical but horizontal; man needs balance rather than salvation and personal experience is the supreme authority.

Secondly, the rise of Islam comes to mind, that has acquired a particular place in Western European societies through the immigration of substantial numbers of Muslims. The integration of these groups is at times problematic and certainly when this leads to controversies of a religious nature this in part determines the image of religion and in particular of Islam. The uneasiness about Islam stems partly from the fact that this religion has the very traditional appearance and nature that have crumbled in Western Europe. Even less positive for the image of religion is the manifestation of its fundamentalist form, where it is currently political Islam in particular and terrorism in the name of Islam that are forcing themselves upon our consciousness.

A final cause seems to lie in the increasing distance between the moral convictions of some orthodox believers and the norms and values that have become common in today's liberal-secular society. Society seems to be increasingly unwilling to understand this and is increasingly disturbed by the moral convictions of particular believers that differ from the majority – and that are in their opinion largely incompatible. People want to restrict the behaviour to which these convictions give rise. The same applies in large measure to the moral assumptions of Muslims, including orthodox Muslims.

Controversies about religious expressions and social undercurrents
These social developments mean that public expressions of religious convictions are increasingly frequently the subject of discussion. These social developments are largely the consequence of cultural developments related to modernity. The instrumental thinking that is focused on 'makeability' and functionality regards religion all too readily as contradicting rationalism and therefore as secondary. Individualism has undermined the authority of traditions, communities and 'the higher element'. As a result we have in recent years witnessed an increasing number of clashes – legal, political-social and cultural.

At the present time a new social balance is being sought between different ideological groups. To give some examples: a large majority in the Lower House was in favour of a ban on ritual slaughter without stunning within the Jewish and Islamic religious tradition; and the Amsterdam Municipal Council repeatedly called for a ban on subsidies to Christian organisations such as *Youth for Christ*

and the *Scarlet Cord* based on their policy of recruiting only Christian staff. Other hot potatoes include the position of marriage registrars who are conscientious objectors, the position of homosexual teachers at Reformed schools and the vexed question of the burka. Such conflicts are not peculiar to the Netherlands. The European Court of Human Rights, for example, in the first instance banned crucifixes in school classrooms in Italy. All these issues pose the question of how far the moral convictions of believers, the conduct to which such convictions lead and the cultural expressions of religion should be respected or tolerated. The scope for such tolerance seems to be diminishing, as a consequence of deeper social undercurrents related to modernity. Individualisation, for example, means that pressure is being brought to bear on primarily institutionalised forms of religion where the emphasis is on community and tradition. Rationalisation in turn means that being a believer is experienced as irrational and religion as unscientific. In this light, religious practices such as ritual slaughter and circumcision prove difficult for many people to understand.

Prerequisites for the constitutional state
The place of religion and world view in society is often determined on the basis of three constitutional principles: the separation of church and state, the neutrality of the government and the freedom of religion. As prerequisites for the constitutional state, these principles are highly valuable, but each has its limitations. How they are interpreted is often coloured by a number of assumptions about society, such as the notion that society is strongly secularised, that the separation between government and religion should be as great as possible (on the grounds that faith should supposedly be a strictly private matter), the apparently exceptional nature of religion as a social phenomenon and fundamental rights as purely individual freedoms. The effect of these principles should primarily be seen against the background of a changed and changing social environment.

In the context of the present day it is not just our understanding of religion that has changed drastically; the same applies for the position and the role of government. The separation between public and private has become more diffuse; as a result of globalisation and internationalisation the borders of states are losing significance and, after initial state control of civil society organisations, the role of government in society is reducing . This is all happening in a society that is witnessing an enormous growth in religious diversity.

The separation of church and state
Issues about the relation between government and religion are the focus of constant attention. Is a police officer allowed to wear a chain with a crucifix? May a marriage registrar refuse to marry a same-sex couple on the grounds of conscience? May church premises be used as polling stations at election time? When addressing these kinds of issues, the principle of separation is often invoked. But the question is what precisely is the significance of the separation principle with regard to these issues. The assumptions about this seem to be very diverse in the political social debate and are often prompted by particular premises, such as the idea that politics and religion should be separate and that religion is a strictly private matter.

Essentially, the separation principle means nothing more nor less than that there is an institutional separation between both institutions and that there should be no direct substantive control by one or the other. The church may therefore not have any role in government (theocracy) and government may not impose on its citizens any belief or *Weltaanschauung* (for example, in the case of an atheistic state). This therefore means that the state in principle has to respect the ideological principles of church communities, as well as of associations and organisations. Conversely, church communities have to respect the neutrality of government. In the Netherlands, we have no state religion and no strict secularism, but a moderate form of the separation principle: government by nature is pluralistic and treats all recognised religions and ideologies equally.

In practice, the pluralistic interpretation of the separation principle means that religion is manifest in the public domain and is therefore not a strictly private matter. The customary locus of religion in the private domain primarily indicates that faith is in principle not a matter for government. In reality, an absolute distinction between public and private proves not to be possible; there is a continuous interchange between the two domains because of the different views of humanity and assumptions about society that people hold as a result of their different ideologies. Even a Prime Minister should also not be expected to leave his deepest convictions at home when he is governing a country.

The separation of church and state should not therefore be interpreted as a watershed. Nor should it impede collaboration or financial relations between government institutions and religious organisations when they share a common aim, for example, in welfare work or in the preservation of our religious and cultural heritage. Certainly now that the state is concentrating more on its core tasks and citizens have greater responsibility towards one another, the government in its facilitative role will rely increasingly on the network of religious organisations. Naturally, this collaboration is subject to certain conditions. The government may not favour any specific religious community above others and subsidy applications may not be assessed on the basis of how the substance of their values relate to religious doctrine. At the same time, the activities that are financed by the government in principle have to serve a public purpose. This does not mean that the collaboration between government and religious organisations has to be restricted exclusively to non-religious government objectives. Spiritual care in prisons, for example, cannot be considered separately from religiously related objectives.

The neutrality of government and the impracticability of value neutrality
Government neutrality means that the state is impartial towards religion, but this neutrality can take different forms. The Netherlands has traditionally had a particular religious and cultural pluriformity and has sought to connect with the so-called concept of inclusive neutrality. Neutral according to the Dutch tradition means impartial and means that all ideologies are in principle afforded equal space in the public domain. This also means that the state does not favour any particular world view nor does it prescribe any particular vision of a good life for its citizens.

There is always a degree of tension surrounding the issue of government neutrality. First of all, the separation of church and state and the neutrality of the government itself are not neutral, value-free concepts. The modern democratic constitutional state nonetheless presupposes a certain minimal commonality that is expressed in the law and that consequently renders complete neutrality impossible. The freedom of citizens is not purely individual, but is influenced by shared values that are not simply the consequence of rational choices, but are largely related to religious and cultural traditions. In the present multi-religious and multi-ethnic society, calls are heard increasingly often in the public debate for exclusive forms of neutrality coupled with an ideal of secular citizenship. However, once we accept that this ideal of secularism as a world view is itself far from neutral, given the diversity of ideologies involved, we realise that a better option is to aim for inclusive neutrality. This means a choice in favour of an impartial government and a pluriform society.

Fundamental rights: freedom of religion in the democratic constitutional state
The current discussions about public expressions of religious convictions are often directed by the tensions between religious freedom and rights of equality. Practising freedom of religion – and as an extension of this the freedoms of association and education – seems to be problematical. Surely this freedom cannot extend so far as to permit discrimination? However understandable the question may be, too readily agreeing with it will result in the pluriformity of society and religious expressions such as ritual slaughter coming under pressure.

The aim of fundamental rights is to create a state-free domain for individual citizens, groups and organisations. In terms of freedom of religion, every citizen in principle has the right to experience his religion or world view individually or in a community with other people. We see an appeal to fundamental rights relating to religion at different levels: in government, in social organisations, groups and between individuals and in society. In debates about religion in recent decades the emphasis has typically been on the fundamental rights of citizens, and remarkably frequently the focus is on the rights of the individual. But fundamental rights, as has already been said, do not relate purely to individuals. Some, such as freedom of religion and freedom of association, even have an explicitly collective dimension. People have the right to found organisations within which their convictions can be expressed.

With regard to fundamental rights, it is important to realise that such rights are rights of freedom. They are primarily intended to protect citizens against government (vertical effect). For a number of decades fundamental rights have also had a horizontal effect, or an effect between citizens. This effect should be treated with some caution and may not result in the government using it to intervene too greatly in the lives of citizens.

Religion and world view: essential for society
The three principles discussed above are thus not intended to keep faith as far as possible out of the public domain. Nor are they by any means privileges purely for the benefit of believers. On the contrary, religion and world view have an impact on society, which for different reasons is important for a strong civil society.

Reality also requires us to say that religion is not always a beneficial phenomenon. Religious excesses or their ideological variants can have negative effects on society or may even undermine the democratic constitutional state. We are all familiar with examples of extremism, violence, abuse and oppression in the name of religion. These kinds of excesses have to countered. At the same time the conclusion should not be drawn that religion is a dangerous phenomenon. This would be just as biased as unilaterally celebrating religion. The question in the final event has to be under what conditions and circumstances evil in mankind gains the upper hand within any world view.

Religion has been shown to be valuable for society in a practical sense in so many ways. Research has shown that churches and religious welfare organisations make a substantial contribution to welfare work in the Netherlands. In the Netherlands, the donations made by regular church-goers to charity are four times those of their fellow countrymen who seldom or never go to church (and they also donate twice as much to non-church purposes). They are much more frequently engaged in volunteer work than the rest of the population, including voluntary work that is not for church organisations, and they are much more frequent providers of care. Moreover, it is striking to note that the most faithful church-goers do the most voluntary work, even 'secular voluntary work' (that is, not only for the benefit of their own church or religious organisation). Recent research has shown that spiritual values, moral principles and spiritual motives are important in modern life. Many Dutch people draw inspiration from these and strive for high ideals. Religion and world view thus form an important basic motive for diverse forms of social-community activities, such as carrying out welfare work.

The social capital of religion, in fact, has a much broader impact than only charity work. Research demonstrates that religious communities also constitute a stimulus for the development of civic skills, democratic attitudes, pro-social values and social participation. A considerable majority of the Dutch population experience this as being so and point to the importance of religion for preserving norms and values and for holding up a mirror to us about how we should live in a community together. The same applies for the contribution of religion to social cohesion, citizenship and national identity. In the event of disasters and commemorations, more than three-quarters of Dutch people value the role of religion and almost half consider religion important for the identity of the Netherlands and Europe.

Many social relations in the Netherlands – from churches to associations – are based on religion. The social fabric of society is maintained thanks to the religious and ideological inspirations of citizens; all this leads to the creation of a multi-facetted civil society that functions as a buffer between state and individual. Religion offers people a direction, orientation and meaning and has for centuries contributed to culture, architecture, art and music. For many citizens, religion is what determines their identity and it is on this basis that they experience strong involvement in the reality around them. Citizens contribute to society on the basis of their own convictions; this is one of man's fundamental freedoms. In this last sense, religion is also in principle an important source of values, the locus of virtues and a reference point for meaning. From this perspective, religion is also important for a modern democratic legal state that is founded on conditions that it

cannot guarantee itself. From the perspective of the democratic constitutional state the government has the responsibility to respect and promote a social climate that reflects this. Adverse religious developments that can erode the democratic constitutional state have to be curbed. The past decade has seen an emphasis on Islamic radicalism. But it is equally important to stimulate the positive contributions. The value of religions – as eminent philosopher Habermas expresses it – is that they provide meaningful orientations in the public domain. For the Netherlands as a part of Western civilisation, the values inspired by Christianity have played an important role in the development of the constitutional state.

Freedom, pluriformity and tolerance
Pluriformity is a given in Dutch society in the 21st century. This applies not only in an ideological sense. It is, for example, also visible in the diverse ethnicities and lifestyles visible in the Netherlands. In Christian Democracy pluriformity of society, apart from being a fact, is also a value. Man is namely a relationally and socially engaged being. He is therefore more than an individual. The strength of society flourishes in all its diversity and multiplicity within the different communities and relations of people. People's social and political actions cannot be regarded as separate from their inner calling – the appeal that is made to every person. Human dignity is a matter of being free to seek fulfilment in life and to search for the meaning of existence. The Christian Democracy view is that this desire that motivates people at the deepest level neither can nor should be kept outside the public and political domain. The issue here is a particular autonomy for citizens and societal/civic organisations with regard to the values they hold.

There is something contradictory about pluriformity in the present day. Naturally we still associate it with scope for diversity but because the principle is primarily coloured by the non-discrimination principle, pluriformity therefore comes under pressure. There is a tendency to make a specific form of equality – namely an idea of equality interpreted by the majority – normative for the whole of society. It is therefore advisable to re-orient ourselves towards the original aim of the principle of equality: equality has to be interpreted in a way that makes diversity possible. Equality does not exclude anybody, but is a principle on the basis of which justice can be done to the differentiated identity of individuals. Only then can justice also be done to what constitutes the basis of equality: human dignity. This means that people's individuality and diversity have to be recognised, even when their identity is based on religion or world view and their contribution to society is based on specific ideals.

If we really want to do justice to the diversity of people's identities, then we cannot achieve this without tolerance, or a re-evaluation of tolerance. Tolerance is under pressure because the majority, on the basis of values they believe to be important, take less and less account of divergent minority convictions that are not part of the elementary democratic freedoms. Tolerance means accepting practices that we would normally reject, out of respect for the other person and his freedom to hold a different set of values, faith or philosophy - even if we find this extremely uncomfortable or painful because our own opinion is different.

Limits to pluriformity: core values and the requirement of minimal commonality

The freedom and pluriformity provided by the democratic constitutional state may be subject to certain limits. It is conceivable to stretch diversity and pluriformity to the maximum and to take this as the benchmark for freedom: everyone should be able to do whatever he wants, both individually and in a community with others. The diversity that man favours then goes a verylong way and can lead to groups in society living separate lives and becoming estranged from one another. But one can also point to the core values of the constitutional state: these are such fundamental values that they may not be undermined; they determine the limits of pluriformity and form the conditions for the democratic constitutional state. These core values have developed historically and the awareness of them is what holds the constitutional society together. The cultural-historical background of the democratic constitutional state is closely related to Dutch history and culture, that is part of Western European culture as well as of Western civilisation; it is inspired by Judaism and Christianity, Greek and Roman thinking and humanism as well as the Enlightenment. Important core values inherent in these traditions are the recognition of man as bearing his own responsibility, whereby rights of freedom, non-discrimination and a democratic system of government are essential. Personal faith and philosophy are irreconcilable with coercion, and man has the right to express these beliefs through his own institutions – that constitute the social centre-field as an intermediate force between state and individual. Further, men and women are equal and all people are equal before the law, irrespective of gender, religion, sexual orientation and so on.

These core values constitute the conditions, including the spiritual conditions, of the constitutional state. The paradox is that at it is at the same time impossible in a neutral constitutional state to prescribe that citizens have to actually believe in these conditions. This situation unmistakably conceals a certain vulnerability that is also the strength of the freedom offered by the democratic constitutional state. This freedom cannot exist without a prudent political system, that endeavours to avoid the extremes of relativism and fundamentalism. The policy of conciliation that Christian Democracy advocates, is therefore always focused on bridging social differences rather than magnifying them. Politics is after all by definition about compromise, holding things together and taking account of the interests of minorities because democracy is more than just a majority of one. In short: the prime concern of government is to ensure a peaceful society, so that citizens can lead a quiet and peaceful life.

7.1 Recommendations

In this report we have seen the areas of tension that are present in today's society in terms of religion and world view. Such developments as secularisation and the transformation of religion, the development of Islam in the Netherlands, the change in what used to be understood by the public domain, the reduced role of the government and globalisation raise new questions about the role of faith in society. These tensions are becoming clearer in the light of the relation between modernity and religion. Instrumentalism and individualism, for example, are not only transforming religion, they sometimes resist it. Based on both sociological research on religion and the political philosophy of Christian Democracy, we have taken a slightly different approach to this image and have established that religion and world view are very real for man.

We have referred to a number of social standpoints that colour the principles of separation of church and state, the neutrality of government and freedom of religion. Efforts have been made in the midst of all the dynamics to give an interpretation that does justice to the complex reality of religion and world view in society. The separation principle does not aim to remove religion and world view from government, politics or society. The separation of church and state in fact constitutes a safeguard for freedom and guarantees that everyone – religious, agnostic or non-religious – can play a part in the public domain (and therefore also in politics), based specifically on the understanding that absolute neutrality is simply impossible. The same applies to the rights of freedom: they are not there to achieve the kind of equality that makes everything the same, but rather that facilitates diversity and does justice to people's unique identity. In short, these principles form good conditions for what in the final event is important: freedom and pluriformity. At the same time it has become clear that necessary limits have also been set on the freedoms provided by the democratic constitutional state. The Christian Democratic tradition has always been concerned about the importance of a legal culture, for core values, for commonality and for citizenship. On the basis of this analysis we make a number of recommendations below that are primarily intended as guidelines for how to handle religion and world view in society.

7.1.1   Religion and world view

1) *Do not treat religion as an isolated phenomenon*
   The emphasis on religion as an individual freedom and religion as a strictly private matter has ensured that the social effect of religion in society has been lost from sight. Now that there is a resurgence of interest in religion, suddenly an image of religion emerges as a unique – at times strange - kind of phenomenon. This is strange because religion has been a permanent phenomenon in human history. It is at the very least an anthropological fact that man is fascinated by questions of meaning and is also religious.

2) *Do not confine religion and world view to a supposedly private domain*
   The distinction between public and private is an important constitutional and political-philosophical construction. However, this distinction does not mean an absolute separation: the public and public come together in many different places, they meet and transform over time. It is an injustice to the complexity of reality to confine religion and world view to the private domain on the basis of this construction .

7.1.2   Religion in society

3) *Let the government demonstrate closeness and involvement in shared interests*
   Welfare organisations and churches represent significant social capital. Support and concessions to these organisations is not an expression of a privileged position for religion, but is beneficial for society as a whole.

The fear felt by government, including local authorities, of working together with religious organisations is unnecessary.

4) *Re-evaluate tolerance and real forbearance*
If we really want to do justice to the diversity of people's identities, we need to re-evaluate tolerance. The present-day idea of tolerance is characterised by a paradox. The majority currently determine what constitutes tolerance and what should be regarded as intolerance and therefore banned. Tolerance means that, out of respect for others and their freedom to follow a different pattern of values, belief or world view, we accept practices that we would otherwise reject. Even if we find this extremely uncomfortable or painful, because we hold different opinions.

5) *Respect the different domains of society*
In ordering the relations between government, religion and society, it is important to bear in mind the different domains of society (for example, the state, politics, the economy and the social domain). There are frequent calls from the Lower House to curb public expressions of religion, even where these fall outside the domain of government. The public space is not owned by the state, but by society. Equally, from the viewpoint of differentiation of domains, it is not the task of government to interfere in social relations between citizens. Only if the norm of public justice is at stake should the government intervene.

7.1.3 Religion and government

6) *Enter into discussion and get to know the religions and ideologies where necessary*
The Netherlands is a pluriform country in both a religious and ideological sense. The importance of dialogue is clear. Accepting and   learning about religions and world views can go a long way to preventing misunderstandings. Governments should therefore not shy away from dialogue and regular contact with representatives of the different religions. Successful dialogue calls for an open relationship on both sides.

7) *Respect the separation of church and state, but do not interpret the separation principle as a watershed.*
The separation of church and state means that there is an institutional separation between the two institutions and that neither has authority over the other in substantive terms. The church, for example, may not engage in government and government may not impose any belief or world view on citizens. The separation of church and state therefore does not imply a watershed. In practice this means that the separation principle does not prevent co-operation or financial dealings between government institutions and religious organisations provided the parties have a shared objective.

8) *Do not play freedom and the rights of freedom, and equality and the rights of equality off against one another*
Freedom and equality are relevant today as important values in the modern

democratic constitutional state. They can function as contradictory values, where discrimination is possible in the name of equality or freedom, or where the pluriformity of society and the freedom of citizens to organise themselves comes under pressure in the name of equality. It is important to keep both these values in mind, interpreting the principle of equality in line with its original meaning, namely in such a way that diversity is possible. Justice can then be done to man's individual identity, and to the fundamental criterion of equality: human equality. This interpretation provides a better safeguard for freedom.

9) *Government should maintain its distance from value conflicts*
The values that people hold are generally founded on religious or ideological preferences. A high degree of autonomy (of values) is generally afforded to citizens and their relations. Distance and reticence on the part of the government are recommended. This applies even more with regard to values that have yet to crystallise in society.

10) *Stimulate processes that are important for the democratic constitutional state and curb developments that undermine it*
Religions and world views offer meaningful and moral orientations in the public domain that are important for the fundamental values of the democratic constitutional state. Where these fundamental values are undermined and, for example, people become radicalised, government should intervene.

11) *Weigh conflicting constitutional interests proportionately against one another*
Many of the current legal bills that aim to restrict religious freedom are largely symbolic and do not provide an answer to urgent problems (for example, the issue of a marriage registrar who is a conscientious objector). The legislator should ensure that the different interests given proportionate weight. An act that is considered by the majority as symbolic or as a matter of principle is for some minority groups a fundamental core problem (for example, being in practice excluded from the position of marriage registrar or a ban on ritual slaughter without stunning). It is not without reason that the European Human Rights Treaty stipulates that a restriction has to be 'necessary in a democratic society' and 'proportional'.

12) *Dare to differentiate in how religions are treated*
The condition of equality has to be regarded in its societal, cultural and historical context. Under the terms of the Constitution, only equal cases have the right to equal treatment. Differences between religions may be relevant, for example on the basis of their cultural embedding, as can be seen in such manifestations as in national holidays or Sunday rest.

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