

## **Speech by Mayor Job Cohen at the ASEF Journalists Colloquium prior to the 4th ASEM Interfaith Dialogue Conference 2008 in De Balie in Amsterdam on Monday 2 June 2008**

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Ladies and Gentlemen,

It is a pleasure for me to be here this afternoon among such an illustrious gathering of Dutch and international journalists. You are here in connection with the ASEF Journalists Colloquium that traditionally precedes the ASEM Interfaith Dialogue Conference, which as you know is being held for the fourth time, and this year in Amsterdam.

I have been asked to speak about how the interconfessional dialogue is taking shape in Amsterdam. I can be very brief about this: I know little or nothing about that dialogue; nor is it my territory. It is a matter between churches, mosques, temples and other faith organizations; local government is not involved and, as a rule, does not want to be involved in the interconfessional dialogue.

I can imagine that some of you will find this answer unsatisfactory and perhaps even puzzling. To understand my answer you really need to know the Dutch context in which the debate about the separation of church and state is currently taking place. So let me sketch that context for you.

After that, I will be happy to discuss this issue with you.

### **The Dutch context in which the debate about the separation of church and state is taking place.**

#### ***Diversity***

Since the 17th century the Netherlands has been home to different religions, religious groups and religious denominations. What is characteristic of our country is that none of these groups has ever achieved absolute dominance. And this still holds true today. The Netherlands is traditionally a country of minorities living alongside each other in varying degrees of harmony. Dutch society is therefore highly pluralist and diverse, and no single group, religion or political movement can impose its absolute will on the population.

Until the 1960s this diverse and pluralist character manifested itself in the compartmentalized coexistence of clearly defined identity groups. Since then the boundaries between these groups have steadily become blurred, but society has remained highly diverse. Group identities have been eroded by a process of individualization, most succinctly expressed in that pervasive buzzword: 'lifestyle'. What applies to the Netherlands, applies even more to

Amsterdam. With a population of 745,000 people comprising 177 nationalities, Amsterdam is the Netherlands' most diverse city.

Such a pluralist society need not by definition be based on a consensus on important issues that affect both state and citizen. However, the absence of a strong consensus raises the issue of how we can achieve a situation in which a diverse collection of groups and individuals with different faiths, beliefs and ways of life live together peacefully and constructively.

The Dutch state has tried to resolve this issue by giving individuals and groups equal opportunity to articulate their views and to live accordingly – on condition that they respect the laws of the land. This freedom is particularly evident in the field of religious and non-religious beliefs.

In the Netherlands, the relationship between the government and religion is traditionally defined by four principles. These principles are: freedom of faith and of thought; the separation of church and state; the principle of equality; and the neutrality of government

Let's take a closer look at each of these principles.

### ***Freedom of faith***

In the course of the 16th and 17th centuries, a society arose in which different groups lived alongside each other without any one of the groups being powerful enough to gain absolute supremacy. This prompted the government of the day to recognize individual freedom of conscience. Freedom of conscience can be seen as a precursor of the freedom of religion that is enshrined in our present-day Constitution. Freedom of faith has its roots in the religious wars that ravaged 16th and 17th century Europe. This slowly brought the government of the Dutch Republic of Seven Provinces to the realization that the threat of civil war could only be warded off by granting individuals the right of private worship, that is, freedom of conscience. The government, however, continued to set the rules for public worship.

From the 17th to the 19th century, the Dutch state regulated both public and private worship in the following manner:

- Public worship was the exclusive preserve of the ruling religion, that is, the Reformed Church.
- Other religions could be practised only in the private domestic sphere.
- The Reformed Church received state support, including subsidies to finance, for example, the salaries of ministers
- The state had the right to interfere in the internal religious affairs of the Reformed Church, including the appointment of ministers.

This system was abandoned towards the end of the 19th century. The freedom of religion of every individual was enshrined in the Constitution; church and state were institutionally separated; the supremacy of the Reformed Church was abolished; other religions received the right to worship in public; and the government was obliged to treat all religions equally.

The current freedom of religion – and since 1983 also the freedom of non-religious belief – is defined in Article 6 of the Constitution. This freedom applies to everyone, including non-Dutch nationals. Article 6 of the Constitution provides:

- The right of everyone to hold – or not to hold – a faith or a belief, and the freedom to change that faith or belief.
- The freedom of expression of faith and/or belief, including:
  - holding services
  - holding public religious gatherings inside or outside buildings and organizing processions
  - calling worshippers to service by voice or by means of church bells
  - observing the rest days prescribed by the faith or belief
  - proclaiming and propagating the faith or belief through education, upbringing or preaching, by speech or in writing.
- The right to set up organizations that are based on a faith or belief, for example churches, schools, hospitals, undertakers or welfare institutions. This right includes the fundamental freedom of organizations to appoint their own ministers, teachers and other staff.
- To give direct expression to a faith or belief by means of, for example, dietary or clothing laws – for instance, the headscarf for Muslim women.

### ***Separation of church and state***

The principle of the separation of church and state dates back to the nineteenth century. It is a reaction to the close historical intertwining of church and state that existed in all western European countries. The aim was to loosen the ties between church and state and to make the church freer from government control. In the various western European countries this separation was effected in different ways, depending on the historical and national circumstances.

So what does the separation of church and state entail in the Netherlands?

It means that no mutual institutional control may exist in the relationship between church and state. The government can organize the state without interference from the churches. The churches are free from government influence in setting up their church organization and appointing their officials.

In addition, there may be no mutual interference on substantive issues.<sup>1</sup> The churches are free from government influence in their religious doctrine. Vice versa, the churches have no formal role in the public decision-making procedure and cannot demand that the government acts purely according to religious principles.

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<sup>1</sup>Bijsterveld, S. van (2007) In: WRR report *Geloven in het publieke domein. Verkenningen van een dubbele transitie*. AUP, WRR Verkenningen, Amsterdam.

The separation of church and state is a fundamental principle underpinning the Dutch constitutional democracy – but it is not actually laid down in our Constitution.

The separation of church and state entails that the government must exercise great discretion and caution in supporting activities that are among the tasks of the churches. Spiritual matters are and will remain firmly in the realm of religion. However, the separation of church and state does not preclude every relationship with or support for churches and/or institutions of a religious or ideological nature. Consultation or dialogue between government and churches or religious organizations is not excluded by the principle of separation of church and state. The same applies to subsidizing the social activities of churches or organizations that are based on a religious, ideological or confessional ethos.

In the Netherlands the law regulates:

- subsidies for maintaining listed buildings, including churches
- the facilitation of spiritual counselling in prisons and the armed forces
- the funding of religious and ideological education at public schools, and
- state-subsidized training for clergy of diverse faiths.

There is, however, no general law that obliges the state to support religious organizations or their activities; nor do religious organizations have a general right to demand state support; the special circumstances that justify support must be viewed and argued from case to case.

### ***The principle of equality***

The freedom of religion as stated in Article 6 of the Constitution must be seen in close relation to the equality principle as worded in Article 1 of the Constitution and to the separation of church and state.

#### **Article 1**

All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.

On the basis of Article 6 in conjunction with Article 1, the government has the obligation:

- to treat different religions – including non-Christian ones – equally
- to treat religious and non-religious beliefs equally
- to take a neutral stance on the adherence or non-adherence to a religious or non-religious belief
- not to express any preference for or disapproval of any faith or belief or movement within a faith or belief
- not to discriminate against individuals or groups on the basis of their faith or belief.

## ***Neutrality***

The Netherlands does not apply the principle of secularism that governs the relations between religion and state in France. In the French system, religion and belief belong exclusively to the private domain and have no business in the public sphere – which is the domain of the state.

In the system of the Dutch Constitution and Civil Code, the relations between religions and the government are determined by the four fundamental principles of freedom of religion, equality, separation of church and state, and neutrality of the government. This system is based on the assumption that the Netherlands is a pluralist, heterogeneous and diverse society in which no single group has absolute dominance. Such a state model presupposes an inclusive view on neutrality. From this view, the government must provide sufficient room for all religions and beliefs that are entitled to manifest themselves in the public domain. A key cornerstone of this model is that the various religions and beliefs are treated equally by the government.

## ***Discussion***

In recent years the separation of church and state has returned to the public spotlight in the Netherlands. This seemingly unassailable principle – which was established in the Netherlands at the end of the 19th century – is once again at the centre of heated debate. These political and social discussions reveal that there is a lot of confusion about the exact meaning of this principle. Many believe that it is identical to the principle of secularism as practised in France – but this, as noted, is not the case.

What's more, while the debate is ostensibly about maintaining the separation of church and state, there is in fact another issue at stake, namely the place that religion has or should have in Dutch society, and the manner in which religion and the state relate to one another. It will surprise no one that these are contentious issues and that the different viewpoints sometimes clash fiercely. This, of course, makes for a highly dynamic debate.

Discussions about the place of religion in society and how religions and the state should relate to one another have of course been going on for centuries, but each era must find its own answer. In the Netherlands, too, the answers to these questions have evolved over the years. I refer in this connection to what I said earlier about freedom of conscience and religion. Since the end of the nineteenth century, the answers to these questions have been enshrined in our Constitution and Civil Code. The fact that questions of religion and state are being revisited may suggest that the traditional answers are no longer valid. Whether that is indeed the case remains to be seen.

We can pinpoint two developments that have galvanized this debate throughout the Netherlands and especially in the large cities like Amsterdam.

First, the rapid rise of Islam to become the third largest and in some places the second largest religion of the Netherlands. Many see this as a threat to the way of life, culture and society of the Netherlands as they know it. The Muslims, for their part, are invoking the constitutional liberties that apply to everyone in the Netherlands. The result is a head-on confrontation. Many contemporary dilemmas concerning the place of religion in society are related to Islam and Muslims.

Second, the discussion concerning the place of Islam in Dutch society is taking place at a time when many Dutch people have abandoned religion. In fact, as a result of processes of individualization and secularization, many people no longer have any real knowledge or understanding of any religion or faith. Consequently, religion is widely perceived, either explicitly or implicitly, to be a strictly private matter. This assumption, which is held in wide circles of society, results in indignation about the current social trend whereby religion is increasingly encroaching upon the public sphere. Although many regard this as a violation of the separation of church and state, their indignation about this trend is not justified by our constitution.