The handle http://hdl.handle.net/1887/36507 holds various files of this Leiden University dissertation

Author: Mansvelt Beck, Floris
Title: How we do things here: moral communities, integration and toleration in the Netherlands: competing interpretations of liberalism in parliamentary practice, 2000-2013
Issue Date: 2015-12-02
Chapter 7

Conclusion: The State of Toleration in the Netherlands
Introduction

So what is the shape that Dutch toleration is in, post-2000? ‘What the hell happened,’ in that sense, to the Netherlands? Is it a country of tolerance, or intolerance? This dissertation research shows that minority communities in the Netherlands are under pressure to conform to majority practices and opinions. Despite pockets of resistance to this pressure, respect for diverging group identities, long a staple of Dutch politics and policies, has been replaced by an increased appreciation of individual liberty and a corresponding desire to establish that minority groups are equally appreciative of that liberty and its socio-cultural preconditions. Often, also, parties are concerned for the economic viability of all members of society and fear that their socio-cultural differences will impair the ability of members of minorities to sustain themselves economically. This can be a reason in itself for parties to reject diversity in favor of integration. Though the literature locates such shifts especially in the tumultuous first five years of the new millennium and sometimes presents them as just as inexplicable, hence the ‘what the hell’ of the opening question of this paragraph, they had been much longer in the making and reflected a gradual change in the self-understanding of the Netherlands as a liberal polity. Ultimately, it is these gradual changes that happened to the Netherlands, though it took the events of the early millennium to bring them to light.

In this concluding chapter the contentions of the preceding paragraph will be validated in five parts. After briefly reiterating the research question and the approach adopted in this research, first the apparent volte face that transpired in the Netherlands in the early years of the new millennium will be discussed in relation to the analysis presented in chapter 3 especially. Subsequently this apparent volte face is explained in terms of the substitution of a liberal culturalist interpretation of the Dutch polity for the preceding framework liberal account, revisiting to that end the pillarization-cum-multiculturalism thesis discussed in chapter 2 and the analysis of chapter 4 especially. As the next section shows, parliamentary attitudes to moral communities and diversity are not only shaped by ideas about identity and community, but also and in some cases especially by constraints built into the socio-economic structure of Dutch society. As evidenced in chapters 4 and 5, a commitment to socio-economic integration can entail a de facto rejection of socio-cultural diversity even

---

1 See supra, 9.
if a party is not opposed to such diversity in principle. The following section discusses both the persistent strain of framework liberalism that is also apparent from all the debates analyzed, as well as the hesitation of a number of parties to follow their liberal culturalist convictions through to their conclusions when directly confronted by the consequences to be suffered by minority moral communities. The last section, drawing on these various conclusions, finally presents the diagnosis of the state that Dutch toleration is in post-2000.

The research question and adopted approach

In order to assess the shape that toleration is in in the Netherlands post-2000, this dissertation formulated and sought an answer to the following research question:

‘What is the standing, understood in the terms of contemporary liberal political philosophy, that Dutch Parliament accords to moral communities, as evidenced in parliamentary debates between 2000 and 2013?’

A moral community is a community of individuals sharing a comprehensive doctrine, i.e. a unified system of beliefs, values and ideals informing their conduct. Such a comprehensive doctrine can be partial or full, depending on its scope and substance. The standing of moral communities in liberal democracy points to their legal and moral standing in the system of law and legal practice in the Netherlands, i.e. which rights and what treatment are conferred on moral communities and on individuals qua belonging to such communities.

This thesis sought not to answer the question of the actual standing of moral communities in the Netherlands, but to answer the question of that standing as evidenced in parliamentary debates. What this thesis sought to uncover, then, was not so much the constitutional status of moral communities in the Netherlands narrowly defined, but the underlying attitudes about and justification of the standing of moral communities in society more generally, as evidenced in parliamentary debates.

The terms in which this dissertation took to understand the standing of moral communities were taken from contemporary liberal political philosophy. For the purposes of this dissertation, these terms were developed, in chapter 1, into two distinctly different liberal approaches to moral communities. These approaches were termed ‘liberal culturalism’
and ‘framework liberalism’ respectively. Each approach offers a different justification of the standing to be accorded to moral communities in a liberal polity.

For liberal culturalism, the value of moral communities is a function of the degree to which such communities aid or are a hindrance to the acquisition and exercise of individual autonomy by their members. To the extent that a moral community is premised upon the exercise of autonomy by its members it is regarded favorably; if it does not it is attributed negative value. A liberal cultural society is in that respect based on a partial comprehensive doctrine in which individual autonomy is the central value and is to that extent a moral community in its own right.

For framework liberalism, which takes freedom of conscience as its central value, moral communities are of intrinsic importance because such communities consist of individuals sharing conscientious beliefs. A framework liberal society is a society consisting of a diversity of moral communities, in which a shared procedural morality enables the members of these moral communities to cooperate, despite their different conscientious beliefs, in an overarching political community. Framework liberalism has the express purpose of establishing and maintaining order in a society consisting of preexisting moral communities, and as such is termed an order theory.

As the purpose served by the development of these two approaches was not prescriptive but analytical, their development was guided not by considerations of applicability to practice but of usefulness for analysis. The respective approaches are therefore deliberately stark and distinct from one another. These qualities were necessary for the approaches to be able function as unambiguous benchmarks of the current shape of the liberal polity of the Netherlands.

Debates were selected on the grounds of five criteria: relevance of the debated topic; formal nature of the debate; the dimensions of the debate; time of the debate; and (avoidance of) redundancy. On the basis of these criteria, the following five debates were selected:


- The debate with the Government about ‘Building bridges’; 2004 (‘Bruggen bouwen’; the final report of the Temporary Investigative
Committee Integration Policy);
- The debate on the Civic integration abroad bill; 2005;
- The debate on the Civic integration bill; 2006;
- The debate on the Ritual Slaughter bill; 2011-2012.

The analysis of these debates in chapters 3 through 6 revealed a marked inclination towards liberal culturalism in Dutch parliamentary practice between 2000 and 2013. Notwithstanding that inclination, there is also a persistent strain of framework liberalism running through the debates, evident especially in, but certainly not limited to, the contributions of the small orthodox Protestant parties. The following five sections will present this general answer to the research question in more detail.

**A volte face?**

One of the more remarkable findings of chapter 3, which analyzed the parliamentary debates on the Convention for the Protection of National Minorities which took place between 2000 and 2004, was the complete reversal in the interpretation of the ‘national minorities’ that were to fall under the protection of the Convention. Originally the Government had suggested a broad interpretation, including both the Frisians, i.e. the natives of the Dutch province of Fryslân, and residents belonging to the ‘target categories of integration policy’, who lived dispersed throughout Dutch society (including, by the way, Fryslân). During the first term of the debate in the Second Chamber in 2000, the orthodox Protestant parties GPV and SGP argued in vain that the protection the Convention aimed to offer was not readily compatible with the pursued civic integration of members of the latter category. Such reservations were swept away by the other parties in the Second Chamber in their dismissal of the GPV’s motion to restrict the Convention’s scope to the Frisians. In 2004, however, the revised position of the Government was identical to that put forward in the rejected motion of 2000. Though a few parties in the First Chamber (the PvdA, GroenLinks, and the SP) suggested that the protection offered the Frisians should be extended to ethnic and perhaps even religious minorities also, the approval bill was adopted without a vote, signaling broad support for the bill.

The reversal in the interpretation of the Convention for the Protection of National Minorities provides concrete evidence of the shift described in the
literature with regard to Dutch attitudes towards diversity and tolerance. They also suggest a partial explanation of why this shift became apparent at the time that it did. In the spring of 2001 the First Chamber had already voiced its doubts regarding the Government’s broad interpretation of ‘national minorities’, causing the minister to suspend further debate on the approval bill. During the ensuing delay, the World Trade Center and Pentagon were attacked by Al Qaeda, Fortuyn put minority integration squarely on the Dutch political agenda and, barely a month before debate on the approval bill resumed in the First Chamber in November 2004, Theo van Gogh was murdered by a radical Islamist in Amsterdam. These events and the turmoil they caused led parliamentarians to interpret the Convention not primarily in light of the plight of national minorities, as emphasized previously with regard to Central and Eastern European countries especially, but in light of the threat national minorities themselves could pose to the peace and security of the states they inhabited. As the unity of society could no longer be taken for granted, the integration of members of minority moral communities in society became a more pressing matter than the protection of their distinct identities, as did the stipulation of the terms of membership of that society. This implicitly brought the question to the fore of what kind of liberal society the Netherlands wished to be, liberal-culturalist or framework-liberal. The answer, in this debate in any case, was that the Netherlands did not wish to be a framework-liberal society.

The link between (the fear of) social fragmentation, integration policy, and a heightened appreciation of the cultural preconditions of sustainable diversity that underlay the rejection of framework liberalism in the debates on the Convention for the Protection of National Minorities was to be made explicit in the explanatory memorandums of the civic integration laws especially, and was evidenced also in numerous contributions to the debates analyzed in chapters 4 and 5. As will be discussed more fully in the following section, however, even as the events pointed to in the previous paragraph explain why the shift became manifest so suddenly, giving the appearance of a volte face, arguably they only served to highlight and hasten a process that was already well under way by 2000.

Moreover, while the debates on the Convention for the Protection of National Minorities provide further evidence of shifting attitudes in the Netherlands signaled in the literature, they offer little evidence of an outright rejection of socio-cultural diversity in general or any minority
moral communities in particular.2 The reservations expressed in the First Chamber had less to do with diversity than with the obligation, as laid down in the Convention, to preserve and protect distinct moral communities as collectivities. Only in the case of the Frisians were parliamentarians inclined to grant a special status to a moral community as such, but not where other moral communities were concerned. The privileged treatment of the Frisians, however, reflected not so much an intrinsically higher status vis-à-vis other moral communities in the Netherlands, as their geographical location.

It is not necessary, then, to interpret the refusal to grant non-Frisian minorities the protection of the Convention as a rejection of the right of minority moral communities to pursue the maintenance of their identity or community. Many parties simply regarded the current regime of minorities protection in the Netherlands as adequate to such ends. On the other hand, the ease with which the protection of the Convention was extended to the Frisians should be noted, for it highlights an element of singular consequence, for better or for worse, in the special treatment of moral communities. This is whether a moral community inhabits its own territory. If it does, as in the case of the Frisians, according such a moral community a distinct moral status in addition to its distinct territorial state can contain an element of redundancy. This is the better case. For members of moral communities who have no, or no exclusive title to territory, matters are considerably more complicated.

The Convention for the Protection of National Minorities can usefully be understood as a codification of a procedural morality, reminiscent of that of framework liberalism, to be applied to the relations between moral communities within a state and to the relations between the state and moral communities. The debates on the approval bill of the Convention ultimately showed little evidence of a desire on the part of Parliament to apply such a procedural morality to non-Frisian moral communities, nor even of a desire to regard such communities as relevantly similar to the territorial bound Frisian minority. But even if that desire had been present, it would have proven difficult in practice, in the Dutch context, to meet several of the central measures through which the Convention aims to preserve and protect moral communities, such as the use of minority languages in education and administration especially, not to mention road

---

2 The so-called ‘retreat from multiculturalism’; see supra, chapter 2, 72-79. How the findings of this thesis relate to this literature will be discussed in more detail below (infra, 264-265).
signs. Rather than lingering on the variety of practical reasons why this would be difficult – though not impossible – it should be noted that even if such measures were taken, the members of moral communities to which such measures would apply, including the ‘target categories of integration policy’, living dispersed among the majority population of the Netherlands as they do, still would not constitute a local majority such as the Frisians. As a consequence, the security of identity that the Convention aims to offer would be compromised severely despite such measures, because the identity of members of such minorities is continuously subjected to societal influences beyond their, or anyone’s, control.

That is neither here nor there, however, because given Parliament’s principled choice to restrict the scope of the Convention to the Frisians, such practicalities need not be taken into consideration. The procedural morality reminiscent of framework liberalism was deemed applicable to the Frisians, but not to the rest of society. While Parliament expressed respect for diversity in that society, most parties saw the maintenance of minority identities as a matter of individual choice and individual responsibility, a contention that was expressed in the debates analyzed in chapters 4 and 5 as well. Dutch society was seen as consisting not of a plurality of moral communities with their distinct comprehensive doctrines, but of individuals. Moreover, it was feared that stimulating the preservation of the separate identities of such moral communities, as had been policy in the 1980s, would encourage the dissociation of their members from broader society. What was taken to be imperative was forestalling such dissociation and preserving the allegiance of all members of society to the values of the rechtsstaat.

The gradual displacement of framework liberalism

As stated, the events of the first four years of the new millennium offer only a partial explanation of the shift that occurred in the Netherlands, explaining the moment that it became apparent more than its nature. This section focuses on the nature of the shift, explaining it in terms of a gradual substitution of a liberal culturalist interpretation of the Dutch polity for the preceding framework liberal account. This shift had been underway for a number of decades at least, gaining momentum during the 1990s and reaching a tipping point sometime between 2000 and 2004.

3 This last measure, incidentally, points to the tacit identification, in the Convention, of national minorities with territory.
This was the topic of chapter 2, which focused attention especially on the pillarization-cum-multiculturalism thesis. In this section we will briefly revisit the findings of this chapter for the light they shed on later events.

Recall that the pillarization-cum-multiculturalism thesis posited, firstly, a close relationship between the procedural morality attributed to a stylized account of the pillarization era and the minorities policies of the 1980s. These policies attempted, *inter alia*, to artificially create conditions favorable to the development of a procedural morality among members of moral communities that might otherwise destabilize Dutch society. Secondly, the pillarization-cum-multiculturalism thesis concerned the equitable application of legal provisions with regard to religion and welfare to long-term residents of foreign origin. In part as a result of this equitable application of law and policy, a new minority religion, the Islam, became a visible presence in the Netherlands. At the same time, the equitable distribution of welfare caused resentment vis-à-vis those newcomers who made use of the benefits on offer.

Revisiting the pillarization-cum-multiculturalism thesis helps to offset any impression that framework liberalism and its procedural morality can only be applied to the ‘federal’ accommodation of moral communities, i.e. by granting minorities a degree of territorial autonomy or rights such as those enjoyed by the Frisians. Though such a federal accommodation arguably offers the best possible conditions for the protection of moral communities, framework liberalism’s principal purpose is to provide the means and justification of a ‘societal’ accommodation of moral communities. The aim of such societal accommodation is to protect the integrity of minority moral communities whose members live dispersed among the majority. These means and justification were implicit in the ill-fated policy of integration without loss of identity discussed in chapter 2. This brings us to the main reason to revisit the pillarization-cum-multiculturalism thesis, which is precisely to bring to memory the ill fate of both integration without loss of identity and pillarization-cum-multiculturalism policies more generally. For the second part of chapter 2 demonstrated both the rejection of the policy objective of integration without loss of identity during the 1990s in favor of policies stimulating economic participation more directly, as well as the growing consciousness, at roughly the same time, of the Netherlands as a moral community in its own right. This growing consciousness was accompanied by the at times explicit rejection of what was left of the procedural morality identified with pillarization-cum-multiculturalism and the endorsement of certain tenets
of liberal culturalism. These tenets included especially an instrumental attitude towards moral communities, an unwillingness to accommodate conceptions of the good conflicting with publicly endorsed comprehensive views, and an explicit affirmation of ‘how we do things here’. Dutch society, then, was increasingly identified as a moral community endorsing a partial comprehensive doctrine consisting of such liberal culturalist tenets. The concerns raised with regard to the compatibility of the Islam with this partial comprehensive doctrine from the 1990s onwards, especially with its commitment to liberal freedoms, are indicative of this process of self-discovery.

That the Netherlands, at the time of the debates discussed in the previous chapters, was broadly regarded as a moral community in its own right was borne out especially in the debates discussed in chapters 4 and 5. Chapter 4 analyzed the debate, in the Second Chamber of Parliament in 2004, of the past and future of Dutch Integration Policy. This debate was conducted in reaction to the Government’s response to the findings of a parliamentary enquiry investigating three decades of integration policy. Subsequently chapter 5 analyzed the legislative debates concerning two civic integration bills, Civic integration abroad, debated in both chambers of Parliament in 2005, and the Civic integration bill, debated in both chambers in 2006.

The debate on the past and future of Dutch Integration Policy demonstrated a strong commitment to liberal culturalism on the part of the Government and a number of parties in the Second Chamber, most notably GroenLinks, the CDA, and the VVD. These three parties each expressed a commitment to individual autonomy, though each framed this commitment in different terms. This implicit commitment to liberal culturalism was countered by the orthodox Protestant parties SGP and ChristenUnie. Other parties, such as most notably the PvdA, D66, and the SP, for reasons to be explored in the next section, leaned towards liberal culturalism in the debate, without however voicing the same commitment to individual autonomy as GroenLinks, the CDA, or the VVD.

GroenLinks’ position in this debate is of note because at roughly the same time that the party’s representative in the Second Chamber argued for Governmental support for the emancipation of members of moral communities from religious authority, its representative in the First Chamber, during the final term of the debate on the Convention for the Protection of National Minorities, was arguing for enduring respect for
the religious identity of minority groups as a means to their integration. The CDA’s position is noteworthy because a confessional party such as the CDA might be assumed to be wary of subjecting conceptions of the good received in part through religious revelation to public or interpersonal scrutiny (a point that will be elaborated below). Contrasting the positions of these two parties is instructive, for it shows, in the case of the CDA, how its desire to call Muslims to account for their beliefs led it to endorse individual autonomy, whereas GroenLinks’ endorsement of autonomy led it to call Muslims to account.

The Islam, it was noted in chapter 4, figured in the debate on the past and future of Dutch Integration Policy in a number of different ways. It figured implicitly in discussions of the tone of the debate, which was said to be offensive to allochtones in general and Muslims in particular, and explicitly in the reflections of several parties, including GroenLinks and the CDA, on the (in)compatibility of the Islam with Dutch culture and society. For the CDA, it was imperative that the ‘cultural relativism’ of the past be rejected in favor of recognition of the ‘dominant Dutch or European culture’. This was necessary in order to forestall riots and ghettos, according to the party. This meant mincing no words in addressing problems, nor in exacting allegiance to the rechtsstaat and democracy from Muslims especially. The Islam, as practiced and preached in the Netherlands, must be compatible with central values of Dutch society, such as individual choice and ‘truthfulness’, according to the CDA.

GroenLinks endorsed a similarly liberal culturalist position in this and later debates, but arrived there via a more direct route. In contrast to the CDA, which party was pushed towards autonomy because it wished to call Muslims to account, GroenLinks was pushed to rescind its prior endorsement of integration without loss of identity because it had adopted a conception of liberty that was highly reminiscent of the individual autonomy of liberal culturalism. Doing so the party must reject any unquestioned acceptance of traditional, religious, or other types of authority. The enduring existence of collective identities was fine, but only if such identities were the product of individual choices. Maintaining community identity for the sake of creating cohesive communities was rejected, for such communal cohesion in itself was a threat to individual liberty. This was also the reason that GroenLinks called on the Government to support the reported trend of secularization among Muslims. This secularization entailed a shift from a dogmatic acceptance of religious or traditional prescription to a critically reflexive attitude vis-à-vis received
beliefs. It also implied the justification of such beliefs in secular terms, i.e. terms open to intersubjective scrutiny.

At the same time, the debate on the past and future of integration policy, and indeed all the debates analyzed in the previous chapters, demonstrated a persistent strain of framework liberalism, expressed most explicitly by the orthodox Protestant parties SGP and ChristenUnie, which parties consistently emphasized the right of moral communities, including Islamic communities, to develop and express their own comprehensive doctrines. These parties’ positions were determined by their prior commitment to liberty conceived as freedom of conscience, in a way similar in form to how GroenLinks’ rejection of integration without loss of identity was a direct consequence of its choice to endorse liberty as individual autonomy.

An implicit endorsement of framework liberalism was also apparent in the broad support for freedom of education during the debate. For the orthodox Protestant parties supporting freedom of education was a consequence of their explicit endorsement of framework liberalism. For many other parties, however, it was arguably the other way around, however. As explained in chapter 2, supporting art. 23 of the Constitution, which protects the freedom of education, comes naturally to Dutch parties as a consequence of its origins in the Pacification of 1917. Implicit in this support is an endorsement of the freedom of conscience.

To the extent that the analysis of these debates evidences a dominant strain of liberal culturalism in Parliament in the period under investigation, it fits well with the general narrative in the literature, referred to commonly as the ‘retreat of multiculturalism’, of an increasing appreciation, in the Netherlands, for the cultural preconditions of liberty in Dutch society.4 The present work thus offers a substantive body of empirical evidence in (partial) support of a narrative that has been reiterated widely, though not always self-critically.5 Moreover, precisely because the conclusions of this research are grounded in a comprehensive analysis of debates, in which arguments and positions are interpreted in a broader, integrated context

---

4 See supra, chapter 2, fn. 110.
5 A review of the literature on the retreat from multiculturalism shows how the findings of a relatively few early publications have reverberated in the literature, most notably Entzinger 2003, Koopmans 2003 and Koopmans et al. 2005. Koopmans (2008) comments on the paucity of empirical foundations for many of the claims made in and about debates concerning (the retreat from) multiculturalism in the Netherlands, for example qualifying Sleegers 2007 (see infra, fn. 6) as an ‘impressionistic’ study (177).
in light of an informed account of liberalism, they add considerable nuance to this narrative. There is very little evidence in the debates analyzed, for instance, of a widespread concern for the preservation of the Dutch national identity as a good in itself, nor do many parties provide substantive accounts of such an identity beyond the general, liberal-culturalist traits mentioned above.6 To the extent that there is evidence of an ‘assimilationist mentality’ or ‘assimilationist turn’,7 it is evident that the desired assimilation concerns such liberal-culturalist traits especially.8 The use of the term ‘assimilationist’ is therefore misleading, given its projection of a single, homogeneous identity into which the assimilating subject is absorbed, whereas liberal culturalism leaves ample room for a multiplicity of such ‘thick’ identities.9 There is no evidence, in any case, of a desire that newcomers, or anyone for that matter, ‘completely embrace the Dutch identity by jettisoning their native identity’.10 In that sense, Mouritsen’s depiction of the developments in the Netherlands and similar developments elsewhere in North Western Europe as a ‘civic integrationist-’ or simply ‘civic turn’ is more on the mark.11

Moreover, the distinction applied in this thesis between liberal culturalism and framework liberalism reveals the limitations inherent in analyses that describe the retreat of multiculturalism, or ‘rise of Culturalism’, as the simple substitution of an ideology of ‘multiculturalism’ by the realization that ‘our enlightened, liberal culture’ is in need of defense.12 As this thesis, shows, even if there is widespread support for the defense of liberalism and even for the identification of liberalism with Dutch culture, the oppositions inherent in liberal theory concerning the correct place of minority moral communities in liberal society are evident in that support as well. As demonstrated, it is possible to support liberalism, as a part

---

6 Prins & Saharso, for example, report the rise of ‘new realism’, a discourse characterized by, inter alia, a patriotic concern for and reaffirmation of Dutch national identity, in public and political debate in the first half of the period under review; see especially Prins & Saharso 2008: 368, 370-371. Sleegers similarly reports that ‘national identity’ achieved prominence in public and political debate during the same period, writing that this identity is generally portrayed as ‘homogenous and static’ (‘homogeen en statisch’; Sleegers 2007: 50, 68; see also Wetenschappelijke Raad voor het Regeringsbeleid 2007: 87). This is not borne out by the current research.


8 As suggested in Joppe 2008: 541 (but see Mouritsen 2009: 30-32).

9 On the meaning of ‘assimilation’, see Barry 2002: 72-73 and Brubaker 2004: 118-120.

10 ‘de Nederlandse identiteit volledig omarmen door afstand te doen van hun oorspronkelijke identiteit.’ Ghorashi 2006: 16.


12 Uitermark 2010: 1.
of Dutch culture even, without taking in a liberal-culturalist position or equating liberalism with the enlightenment. Indeed, the parties coming closest to explicitly and consistently supporting one of the two approaches guiding the current analysis are the small orthodox Protestant parties, who support framework liberalism. That being said few, if any, parties in Parliament take in a position that can be characterized as uniquely liberal-culturalist or framework liberal. Most parties draw on both approaches to liberal society, though in different measure, in determining their positions. Relatedly, the analysis of debates in terms of liberal culturalism and framework liberalism may also help to move certain normative discussions forward in which liberal-culturalist policies or positions especially are presented and/or dismissed as inherently illiberal, a point to be returned to below.\textsuperscript{13}

Besides thus adding sophistication to the narrative of the retreat of multiculturalism, the analysis of debates in the preceding chapters qualifies the move towards liberal culturalism in another notable aspect as well. This is most apparent in chapter 5. This chapter demonstrates that a liberal-culturalist position need not only result from concern for the preservation of certain liberal freedoms. Such a position can also arise from concern for the economic viability of all inhabitants of the Netherlands, including especially those members of minority moral communities who are particularly challenged in this regard.

**Socio-economic constraints on diversity**

Freedom of education was rejected explicitly by one party during the debate on the past and future of integration policy, the SP. As argued in chapter 4, however, the SP’s rejection of freedom of education should not be interpreted as hostility towards moral communities in particular or diversity in general. Though reminiscent of the French doctrine of *laïcité*, which is referred to approvingly by the party, the Socialist Party’s position on such issues is predetermined by its concern for the socio-economic welfare of members of minority moral communities, and its conviction that socio-cultural integration is necessary for that welfare.

\textsuperscript{13} See, e.g., Joppke 2008: 541, Mouritsen 2009: esp. 31-33, Spijkerboer 2007: chapters 6 & 7. Spijkerboer provides an informative and somewhat provocative analysis of the parliamentary debates on the Civic integration bills, but limits his analysis to the contributions of three parties (VVD, GroenLinks, and ChristenUnie). Despite placing different emphasis and using different concepts, his findings are roughly the same as those in the present thesis, even if his normative evaluations are not.
Chapter 5, which discussed a number of legislative debates concerning two separate civic integration bills, revealed that other parties also, in similar fashion to the SP, were pushed towards a liberal culturalist position by the economic structure of Dutch society and their concern that all individuals meet the economic conditions of membership, i.e. that they are economically active. Ensuring socio-economic welfare was widely given priority over maintaining socio-cultural diversity. What was repeatedly stressed was the necessity of work, of having a job, and of being in that sense independent. Individuals are responsible for themselves and therefore must be self-supporting. Similarly, citizenship was often described as consisting in participation in society, which participation was predominantly interpreted in terms of work or employment.

When integration in the economy becomes the primary goal, moral communities are naturally appraised in light of that goal. Their evaluation thus becomes instrumental. In this light it is notable that moral communities, on the whole, played a relatively small role in the debates on civic integration. There is society and there is the individual, and there is little in between. The Netherlands itself was widely, if implicitly, treated as an economic association, of which one becomes a member through work. That is ‘how we do things here’. To the extent that socio-cultural diversity does not impede individuals’ ability to participate in society so conceived, it is unproblematic. If, however, membership of a moral community and endorsement of its particular conception of the good hampers an individual’s economic and social prospects, both community and conception of the good are liable to be subjected to the critical appraisal of and possible rejection by the broader public.

A liberal culturalist position, it is clear from chapters 4 and 5, can be the result of a more or less explicit endorsement of its central value, i.e. individual autonomy, as shown to be the case with GroenLinks, but it can also be caused through the pursuit of other goals. In the case of the CDA, fear of societal disintegration and the desire to determine whether Muslims are committed to central Dutch values and the rechtsstaat forced a party that might be expected to be more sympathetic to religious liberty to embrace central tenets of liberal culturalism. And in the case of the SP, but also parties such as the PvdA and D66, a default liberal culturalist position was the result not so much of either an explicit rejection of framework liberalism or embrace of liberal culturalism, but of an appreciation of the various ways in which the isolation of moral communities in society can serve as a barrier to the individual welfare and wellbeing of their members.
The courage of conviction

After chapters 3 through 5, which showed little explicit support for framework liberalism beyond its consistent endorsement by the orthodox Protestant parties, nor much enthusiasm for the accommodation of moral communities as separate groups in society except for that of the same parties, the Ritual Slaughter debate presented an in some respects contrasting view. The outcome of that debate, we saw in the previous chapter, was a covenant giving representatives of Jewish and Islamic moral communities a direct say in governmental slaughtering policies. Not only does such a covenant express a desire to accommodate the wishes of moral communities, it also acknowledges that the conscientious beliefs of members of such communities can differ strongly from majority opinion, and that the majority must in some cases tolerate practices despite its heartfelt objections. This outcome, making room as it does for moral communities with a different perspective on the truth concerning ritual slaughter, provided evidence again of a small but persistent strain of framework liberalism in Dutch liberal practice.

Two points stand out especially in the Ritual Slaughter debate: the difference of approach between the Second and First Chambers respectively, and the CDA’s strong defense of moral communities’ liberty of conscience, which is remarkable especially in light of its earlier embrace of central tenets of liberal culturalism.

The difference in approach between the Second and the First Chamber was evident in the Ritual Slaughter debate; recall that for a number of parties in the Second Chamber ‘how we do things here’ was a strong argument in favor of denying Jewish and Islamic communities the right to engage in slaughtering practices as prescribed by their respective religions. Animal welfare was presented as a fundamental Dutch value, to which moral communities should be made to conform. The debate in the Second Chamber also provided a vivid illustration of liberal culturalism’s public to private direction of constraint, as a number of parties called members of moral communities to account for their beliefs. In the Second Chamber, only the SGP, ChristenUnie, and the CDA argued explicitly for the right of moral communities to take a different view and not to subject their beliefs to public scrutiny or criticism. In the First Chamber, however, other parties also were much more reluctant to force majority opinion on minority groups. Tellingly, this was rarely made explicit, however; only the religious parties and the VVD were unambiguous in their statements that
the ethical principles of the majority need not be shared by minorities. The position of the religious parties in the First Chamber was the same as that expressed by them in the Second Chamber. That the (liberal conservative) VVD voiced its commitment to the freedom of conscience so explicitly in the First Chamber, after having tended towards liberal culturalism in previous debates, is testimony to the conflicting pull of the values of individual autonomy and freedom of conscience in liberal practice, a point to be returned to in the discussion. Other parties opting for the accommodation of minority moral communities by way of a covenant, however, chose to defend their position not in the terms of the desirability of such accommodation, but as an expression of their dissatisfaction with the bill especially. These parties couched their reservations vis-à-vis the bill in legal-technical arguments, or attempted to discredit the scientific evidence mustered in its support. Despite the First Chamber’s ultimate rejection of the bill in favor of a covenant, then, and the implicit support for framework liberalism this entails, the fact that so few parties stated their position in framework liberal terms is in itself testimony to the relative lack of support for this position in the First Chamber.

If we look at the debates analyzed in chapters 3 through 5, the differences between the Second and the First Chamber mentioned above are not without precedent. In all the debates reviewed the First Chamber was consistently more divided internally and more critical of the proposed measures than the Second Chamber had been before it. More than the Second Chamber, the First Chamber’s attention was apt to be drawn to constitutional or other legal issues, such as the proportionality of proposed measures or their compatibility with existing law or policy. Though positions in the First Chamber on such issues of course reflect political choices as well, the Second Chamber seems to be the more political of the two in the sense that this chamber attempts to express the desires of the polity, whereas the First Chamber tends to see the institutional and constitutional limits to the realization of those desires. It is significant therefore that the Second Chamber in the debates analyzed in this research often was ultimately largely agreed on the desirability of the bills proposed. In that Chamber the approval bill for the Convention for the Protection of National Minorities was only opposed by the SGP; GroenLinks and the SP were the only parties to oppose Civic Integration Abroad, while the Civic Integration bill was supported by all members of the Second Chamber bar one. In light of this general agreement on many issues to do with integration, the clear opposition between the three Christian parties and the rest of the Second Chamber during the Ritual
Slaughter debate is in itself remarkable.

With regard to the CDA’s siding with the orthodox Protestant parties in the Ritual Slaughter debate despite its earlier inclination towards liberal culturalism, this can be seen as reinforcing the above contention that this inclination, in the debate on the past and future of integration policy, was caused by the party’s desire to call Muslims to account for their beliefs. At the same time the discrepancy between its earlier position and its position during the Ritual Slaughter debate can be explained by reference to several characteristics and circumstances of the bill under discussion. The Ritual Slaughter bill differs from the other bills discussed in the previous chapters in three ways. First, the Ritual Slaughter bill, more than any of the other bills, targeted moral communities directly, proposing explicitly to refuse them a right previously enjoyed. The stakes were very tangible, and they were high. Forced so explicitly to choose between the freedom of conscience of members of religious moral communities and a majority refusing them this right, it is little wonder that the Christian Democrats sided with the religious minorities.

Secondly, and relatedly, the other bills discussed concerned less the taking away of privileges or rights and more the stipulation of the conditions for successful participation in Dutch society by all of its members, regardless of their conscience or creed. All parties, we saw, agreed that such conditions exist. Tellingly, the CDA made its strongest claims with regard to the (in-) compatibility of the Islam with the principles of the Dutch rechtsstaat in a debate in which nothing in particular was at stake, namely the debate on the history and future of Dutch integration policy.

The third way in which the Ritual Slaughter bill differs from the other bills is in the time of its submission and debate in Parliament. As we saw in chapter 2, and as pointed out by a number of parties during the debates, between the attacks of 11 September 2001 and the murder of Van Gogh in 2004, integration in general and the Islam in particular were hotly debated. By 2011, when the Ritual Slaughter bill’s debate commenced in the Second Chamber, the gravitational pull of those events had diminished to a degree, allowing more room for the assertion of the rights of moral communities than had been politically expedient in 2004.14

If the events of 2001-2005 had relatively little influence on the CDA’s

---

14 This was before the attack on the editorial board of the French satirical weekly Charlie Hebdo in January 2015.
position in the debates on the Ritual Slaughter bill, this implies however that other parties’ positions at the time were similarly undistorted by those events. These parties’ contributions to the debate in the Second Chamber suggested that the Christian parties’ strong support for the rights of moral communities was opposed by a stronger, if less explicit, understanding of the Netherlands as committed to a partial comprehensive doctrine in its own right, in which the value of autonomy is of central importance, and in which comprehensive doctrines or conceptions of the good that are at odds with that partial comprehensive doctrine are rejected by the majority.

In a way the discrepancies in the CDA’s position reflect the general findings of this dissertation research in miniature. This research sought an answer to the question of the standing, in the terms of contemporary liberal political philosophy, accorded to moral communities by Dutch parliament as evidenced in its debates since 2000. This standing, it has been shown, is predominantly reminiscent of that accorded to moral communities in liberal culturalism: moral communities are regarded favorably if and to the extent that the comprehensive doctrines endorsed by their members are not incompatible with the development and exercise of individual autonomy, which compatibility is subject to interpersonal or public scrutiny. That notwithstanding, the orthodox Protestant parties especially argue for the right of religious moral communities to entertain beliefs not shared by the majority and to refuse to subject these beliefs to the scrutiny of non-like-minded others, thereby ascribing these communities a standing reminiscent of that of framework liberalism. Thus tenets of both liberal culturalism and framework liberalism are apparent in the parliamentary debates analyzed and discussed in the previous chapters. These tenets are apparent also in the CDA’s position. Notably, it is the party’s fear for the disintegration of society that moved it to embrace liberal culturalism. In direct confrontation with a minority that would suffer at the hands of liberal cultural majority, however, the party sided with the minority instead, stressing the value of freedom of conscience above the interpersonal scrutiny of beliefs.

Notwithstanding the outcome of the Ritual Slaughter debate, the previous chapters demonstrated that the support for liberal culturalism, though generally more implicit than that for framework liberalism, was also more widespread in Parliament than the support for the latter. What does this entail for the state that Dutch toleration is in? This is the subject of the following, final section.
The state that Dutch toleration is in

It has been emphasized, from the start of this dissertation, that the purpose served by the development of the two liberal approaches to moral communities was not prescriptive but analytical. For this reason, the two liberal positions were drawn as starkly and uncompromisingly as possible. That notwithstanding, the analysis of parliamentary debates in the foregoing chapters has provided ample evidence of the implicit endorsement of the normative core of either approach by a number of parties in Dutch Parliament. This was most explicit in the case of the steady endorsement of central tenets of framework liberalism by the orthodox Protestant parties especially, but also in the often implicit, yet equally strong endorsement of liberal culturalism, at least since 2004, by the Government and a varying number of parties in both chambers of Parliament. Besides providing input for the research question, the debates analyzed therefore also provide an insight into the dynamics of conflict between these two normative positions.

Framework liberalism and liberal culturalism, it was established in chapter 1, have opposing directions of constraint. Framework liberalism, given its prioritization of the freedom of conscience, sets constraints on the scope of the political, which constraints are informed by the conceptions of the good endorsed within the moral communities of which framework liberal society consists. If a moral community objects to a political measure on the grounds of conscientiously held beliefs, framework liberalism dictates that such a political measure is illegitimate. Liberal culturalism, on the other hand, is characterized by a public-to-private direction of constraint. Given liberal culturalism’s endorsement of individual autonomy and commitment to interpersonal scrutiny of conceptions of the good, the diversity of such conceptions of the good and comprehensive doctrines in society is effectively limited to those that are compatible with individual autonomy and the interpersonal scrutiny just mentioned.

Given these opposing directions of constraint it was suggested in chapter 1 that while a framework liberal society could accommodate individuals or moral communities committed to individual autonomy, a liberal culturalist society would be less hospitable to individuals committed to freedom of conscience. This suggestion, at least its latter half, is borne out by the debates analyzed in the previous chapters. The debates on the Ritual Slaughter bill, in the Second Chamber especially, are particularly instructive in this regard.
During the debate of the Ritual Slaughter bill in the Second Chamber, minority moral communities opposing the bill were repeatedly called upon to justify their position in terms accessible to the majority. Even while pointing out that religious liberty and the freedom of conscience involved the right to refuse to do so, the representatives of such minority moral communities, i.e. the MP’s of the Christian parties in the Second Chamber, obliged their opponents by arguing that animal welfare was also imperative for religious communities and that scientific evidence was inconclusive with regard to the suffering of animals during ritual slaughter. This, however, only served to raise or reinforce the accusation of hypocrisy, weakening the position of the opponents of the bill further.

What the accusation of hypocrisy during the debates on the Ritual Slaughter bill demonstrates is the vulnerability of minority moral communities claiming freedom of conscience in a society otherwise committed to liberal culturalism. It shows how the commitment to liberal culturalism can be accompanied by a certain disregard of the freedom of conscience in practice, if autonomous individuals persist in browbeating others into justifying their beliefs. For if a member of a minority moral community attempts to justify his beliefs in terms that are acceptable to the majority, he cannot but compromise those beliefs, for he does not hold them for those reasons. But if he does not do so he is also compromised, for in the eyes of the majority his reasons to hold the beliefs that he does are apparently arbitrary.

This is precisely the reason why the MP for the CDA during the Ritual Slaughter debate in the Second Chamber insists that the essence of religious liberty is the right to hold a different point of view, and that toleration must needs extend to that which is not understood by the rest of society. When public justification of a religion is made a condition of its toleration, toleration becomes redundant and religious liberty becomes vacuous. Conversely, this is precisely the reason GroenLinks applauds the emergence of a secularized, more spiritual appreciation of Islam among young Muslims; the secularized nature of that emerging Islam ensures that it holds no secrets for non-believers. Indeed, GroenLinks contends that if the Islam is so interpreted there is no longer any reason for other to ‘be afraid’ of the religion or its adherents. For the non-secularized faithful, however, such a secularized version of their religion may very well fail to capture its essence.

---

\(^{15}\) See *supra*, chapter 4, fn. 114.
For the religiously faithful, especially for those of more orthodox persuasions, it is evident that the security of their faith does not rely on reasoning but on faith. This is precisely why freedom of education is so essential to religious freedom, and why the orthodox Protestant parties are so strongly committed to the freedom of education. This freedom is necessary in order to continue to understand and experience their religion in its own terms. As the Ritual Slaughter debate illustrates, the more society is premised upon a liberal culturalist appreciation of autonomy, the more important it becomes for religious communities to seek isolation from that society. For only by doing so can they insulate themselves from the demand to justify and thus compromise their beliefs. Failing freedom of education, the liberal culturalist values of society at large would be imparted to their children at a young age, so that the demand of justification would come from the religious community itself, causing it to erode from within.

For liberal culturalism, given its commitment to interpersonal, critical scrutiny of conceptions of the good and comprehensive doctrines, the boundaries moral communities attempt to draw around themselves and their articles of faith are of little relevance. These boundaries, however, are essential to framework liberalism, for it is only by respecting them that both the moral communities and the broader polity of which they form a part remain stable entities. Enduring respect for these boundaries is rooted in adherence to the procedural morality of framework liberalism, without which the liberal framework collapses. In a society where such a morality is absent or in decline, moral communities will face that much more pressure to adapt to the comprehensive doctrine of the majority. The findings of this dissertation research provide an illustration of this dynamic and strongly suggest that this is the kind of society the Netherlands is or is in the process of becoming.