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How we do things here

Moral Communities, Integration, and Toleration in the Netherlands: Competing Interpretations of Liberalism in Parliamentary Practice, 2000-2013

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Introduction

In 2005 a panel at the third ECPR conference – a gathering of international social scientists hosted every other year by the European Consortium for Political Research – was convened to discuss recent events in the Netherlands. The panel’s title, ‘What the hell happened to the Netherlands? Public culture and minority integration in the country of (in)tolerance’, nicely captures the general bewilderment of the time. Academic and other commentators, and not a few members of the general public also, all had difficulty recognizing the country long-heralded for its tolerance and liberalty. Over the course of only a few years, it seemed, the Netherlands had performed a near-complete volte face, the erstwhile pioneer of multiculturalism turned into an advocate of laws and policies aimed at reinforcing Dutch values and identity. What is more, two murders, one of the politician Pim Fortuyn, the other of the bad boy of Dutch cinema, Theo van Gogh, seemed to have unearthed divisions in society that did not fit well with the Dutch self-image of pragmatism and blunt candor.¹ These alleged divisions, between apologists for leftwing policies and hard-talking right-wingers, and between the Muslim and secular population respectively, were not only cause for concern but also for wonder, for until shortly before the Netherlands seemed to have been doing so well, both economically and socio-politically.²

This thesis attempts to answer the questions implicit in the abovementioned panel title’s latter half: is the contemporary Netherlands a tolerant country, or is it intolerant of minority groups and their members? What, generally speaking, is the shape that toleration is in in the Netherlands? This thesis treats this question as bearing upon the country’s interpretation of and

¹ Buruma (2006) provides a background and analysis of both murders; see also Korteweg 2006.
² In the 1990s the Netherlands enjoyed a period of economic growth (sometimes called the Dutch miracle). This growth was linked both to the Dutch ‘poldermodel’ and to the mingling of welfare-statism and certain tenets of neo-liberalism pursued by the ‘purple’ coalitions of the nineties, in which the ‘red’, social-democrats PvdA, mixed with the ‘blue’, conservative liberals VVD and progressive liberals D66, in a Dutch variant of the third way. For a detailed discussion of such third way politics in the context of Great-Britain, see Giddens 2003, chapter 2 especially.
commitment to liberal values concerning, especially, individual freedom, religious liberty, and cultural diversity. It does so in the understanding that the institutional shape of toleration in the Netherlands, as in other modern, liberal democratic societies, can broadly yet accurately be characterized as liberal, in the sense that it ‘rests on a commitment to the sanctity of the individual personality and the inviolability of the individual conscience’. This commitment, in any case, is implicit in the legal and political institutions of the Dutch state.

For reasons to be stated in detail below, this thesis treats Dutch Parliament as a proxy for Dutch society, and the opinions voiced therein as representative of, or in any case highly relevant for, that society. It seeks an answer to the general question of the state of toleration in the Netherlands through the analysis of parliamentary debates that are of particular relevance to the treatment of moral communities, i.e. groups constituted on the basis of shared conscientious beliefs. The debates analyzed all took place between 2000 and 2013. Because the purpose of this thesis is to determine the standing of moral communities in the Netherlands understood as a liberal polity in the general terms stated above, the analysis of these parliamentary debates is conducted in the terms of a number of liberal political theories that have addressed that specific question in the abstract.

Consequently, the current investigation is guided by 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`

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4 A second reason for substituting commitment to religious liberty and related liberal values for toleration at the outset is to avoid the difficulties and debates surrounding both the concept of toleration itself and its relationship to religious liberty and freedom of conscience (not to mention the differences between toleration and tolerance). To point to but one of these difficulties, under the interpretation favored by some historians of toleration, toleration *stricto sensu* no longer obtains in states and societies endorsing religious liberty, or in any case cannot be identified with it. For if toleration is understood as involving the permission, granted by the state or ruling class, to deviate from an established religion, liberal religious liberty is not an extension of toleration, but something quite different, involving as it does the freedom from any such requirement for practicing or endorsing a religion. See, e.g., Kamen 1967: 7; King 1976: 13-15 & chapter 4 especially, Guggisberg 1983: 36; Beneke 2006: 203-204, Kaplan 2007: 8-9. The preface to Murphy (2001) provides a concise discussion of a number of the other conceptual and historical difficulties eluded to above (x-xvii).
between 2000 and 2013?’

This introduction will discuss the different elements of this research question in turn.

**Moral communities**

This thesis attempts to determine the standing of moral communities in the Dutch liberal polity. The reason to introduce the term ‘moral community’ is to avoid the ambiguity surrounding terms such as ‘minority’, ‘minority group’, cultural minority’, etc. Moral communities are communities that can be distinguished from other communities on the basis of a shared set of moral beliefs, or a shared conception of the good.

The term ‘moral community’ is taken from Durkheim. Durkheim used the concept of a *communauté morale* in his analysis of religion, described by him as ‘a unified system of beliefs and practices [...] which unite into one single moral community called a Church, all those who adhere to them.’

A moral community, then, for Durkheim is a community united on the basis of a unified system of beliefs and practices. It is in that sense that the term will be used in this thesis. In the terminology of modern political thought, a moral community is a community that is identifiable by the shared comprehensive doctrine of its members.

**The standing of moral communities**

By the standing of moral communities, I mean not merely their constitutional status, but their standing in the broader system of law and legal practice which makes up the liberal polity of the Netherlands. The Dutch polity is taken to be liberal in the sense that individual liberty is safeguarded in the Netherlands by way of recognizably liberal constitutional

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5 Durkheim 2001 [1912]: 46. See, for a good introduction and discussion of Durkheim's development and use of the concept, Durkheim 2001 [1912]: vii-xvi.

6 Rawls writes that a comprehensive doctrine (which he here calls a moral conception) ‘is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated.’ (Rawls 2005 [1993]: 13). See also Gaus 2003: 180-181.
rights and liberties, which rights and liberties are respected in the execution and adjudication of laws.7

**As evidenced in parliamentary debates since 2000**

As will be discussed extensively in chapter 1, there are different yet equally liberal ways of relating to moral communities in a liberal regime. As a liberal polity, the Netherlands has been engaged in a process of (re-)defining its relationship to moral communities for a number of years now. As will be described in more detail in chapter 2, the Netherlands is often presented in the literature as having traversed the very extremes of the liberal spectrum, from liberal multiculturalism in the 1980s, to liberal mono-culturalism at the present day. Even if some such accounts are prone to exaggeration, the trajectory followed by the Netherlands has given rise to a wide number of disparate policy decisions and debates, building on competing answers to the question to what degree newcomers to Dutch society should integrate in that society, and therefore reflecting competing understandings also of what an integrated society should consist in, as well as of the standing of moral communities in that society.

In the literature, the years 2000-2002 are generally treated as a watershed in Dutch attitudes toward the standing and treatment of moral communities in the Netherlands. First, the year 2000 saw the publication of a highly debated opinion piece in a Dutch newspaper, with the evocative title *The Multicultural Drama*.8 One of the points made by its author was that for lack of a strong Dutch cultural identity, newcomers to Dutch society, especially from predominantly Islamic countries, were given every opportunity to dissociate from that society, paving the way for its disintegration. While the argument in itself was not novel, its reception was. As one commentator put it, publication of *The Multicultural Drama* and its subsequent debate helped bring about ‘a respectable non-racist assimilationist view that can be opposed to the long existing multiculturalist option.’9 While discussion of Scheffer’s article was mostly confined to intellectual circles and a minor debate in Parliament,

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7 ‘Liberal’, of course, is used in various other senses. Dutch readers must be cautioned not to confuse ‘liberal’ in the sense of this thesis with the ‘liberal’ of the Dutch liberal party VVD, which, other things being equal, is at least as indicative of its embrace of free-market ideology as of an appreciation of the value of individual liberty.
8 Scheffer 2000.
events over the course of the next two years would ensure that the (de-) merits of both multiculturalism and Islam were to become hotly debated topics among the populace more generally. First came the attacks on the Pentagon and the World Trade Center in New York on September 11, 2001. The following year, the ‘long year 2002’, saw the tumultuous success of the populist politician Pim Fortuyn in the Netherlands, whose rise to prominence was cut short by his murder in May 2002. The subsequent popular success of his party, LPF (‘List Pim Fortuyn’), though short-lived, marked the introduction of rightwing populism in Dutch politics on an unprecedented scale.

It is because the years 2000-2002 are regarded as marking a definite shift in attitudes concerning the standing of moral communities in the Netherlands that the selection of parliamentary debates to be analyzed in this thesis starts from the year 2000. Doing so, it should be clear that the purpose of this thesis is not to determine whether there has been a shift in parliamentary attitudes. There will be no comparison of pre- and post-2000 parliamentary debate. The shift signaled in the literature is treated as a given. This thesis attempts to determine the standing of moral communities in Dutch liberal democracy as evidenced in parliamentary debates after the shift.

**Why parliamentary debates?**

The reasons for analyzing parliamentary debates, instead of, for instance, the attitudes of the general public, are fourfold. Firstly, it is parliamentarians who debate the passing of bills into law. Their expressed attitudes and opinions, therefore, are of special consequence to the Dutch polity. Secondly, parliamentarians are the elected representatives of their constituencies. Besides thus formally representing Dutch society, the positions adopted by parliamentarians in debates can be expected to represent those of their constituencies, or at least to be endorsed by their constituencies. This is all the more so in a proportional electoral system such as that of the Netherlands. At minimum, the reasons offered by parliamentarians

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10 This, the matter of ‘issue congruence’ between parliamentary representatives and their electors, is the object of both academic debate and empirical research. Debates focus on the concept of representation and on how representatives should act (see, e.g. Pitkin 1967, Manin 1997). Empirical research investigates the effects of electoral models and institutions on issue congruence (see, e.g., Blais & Bodet 2006 and Golder & Stramski 2010) or issue congruence on specific issues (see, e.g., Den Ridder 2014).
in support of their positions or expressed opinions can reasonably be expected to have the purpose of meeting the favor of their constituencies or at least certain members of the electorate. Recent research confirms this expectation with regard to the Netherlands, especially with regard to the issues that matter most to electors.\footnote{Den Ridder (2014) investigates the congruence between voters and representatives directly and on specific issues. On the issue of minority integration, for example, in the years 2006-2008, she finds congruence levels between 55% and 65% for the parties Pvda (68%), D66 (55%), CDA (63%), and VVD (65%) (Den Ridder 2014: 242-246).} Thirdly, this thesis does not simply aim to determine current attitudes concerning moral communities, but more specifically wishes to investigate the standing of moral communities in the Netherlands understood as a liberal polity. For this it is necessary to focus on current interpretations of and commitment to liberal values. This is not merely or even predominantly a matter of attitudes, but also of reasons. Precisely because parliamentary debates are of such special consequence to the Dutch polity, parliamentarians must develop, express, and justify their attitudes regarding those issues explicitly and in detail, i.e., they must provide reasons for their adopted positions. Moreover, parliamentarians not only defend their own views during debate, but attack or embrace the views of others also. The debates therefore form a comprehensive whole, in which the arguments of parliamentarians can both be parcelled and placed in an integrated context. The fourth and final reason to analyze parliamentary debates is their accessibility. All debates of Dutch Parliament, in both of its chambers, are transcribed and made publicly accessible. For the researcher, this means that a wealth of information is directly available. For the reader, it means that the sources of any factual or interpretational claims made about the debates are readily traceable.

Having settled on the investigation of parliamentary debates, a disclaimer is in order. As parliamentary debates are conducted by representatives of political parties, the primary object of study in this thesis is parties’ contributions to debates. As a consequence, it may seem as though this thesis aims to track party positions with regard to the standing of moral communities in the liberal polity of the Netherlands. However, this is not the case. The purpose of this thesis, again, is to determine that standing at the level of Dutch Parliament as a whole, i.e. which interpretations of the liberal freedoms that are relevant to that standing resonate in Parliament and which do not, which arguments find purchase and which do not. As such this thesis is an investigation of arguments and ideas, not of party
positions. Though the particular party positions in every examined debate are rendered explicit and therefore accessible to anyone interested, the primary interest of this investigation is not these positions *in se*, but their consequences for the liberal polity that is the Netherlands.

That being said, the selection of debates is guided by the following criteria: first their subject matter; the debates must concern a topic of undisputed relevance to the research question and that topic should be the main topic of the debate. Incidental remarks bearing on minorities in other debates, for example, are not taken into consideration. Second, the kind of debate (e.g. interpellation, budget, legislative); legislative deliberations are preferred, both on the premise that convictions that parties are prepared to give the force of law are those that matter most and because such deliberations proceed in both chambers of Parliament (the Second and First Chamber, respectively). Third, the dimensions of the debate, both in terms of parties participating and in terms of their respective contributions to the debate. The more parties shed light on a subject, the easier to determine the views of parliament as a whole, and the more parties have to say, the smaller the chances of misinterpreting their position. Fourth, their date; the aim is to analyze parliamentary debates covering as many years as possible since 2000, so that possible temporary distortions caused by current events, such as the respective murders of Fortuyn and Van Gogh, are offset by other debates. Relatedly, finally, in the case of concurrent debates one debate will be singled out for analysis. This is both to avoid redundancy and on the assumption that a given party’s position in two simultaneous debates will be much the same, or else other parties will mince no words pointing out discrepancies. An example of a debate left to the side after applying the above criteria is the debate, requested by the PvdA in the year 2000, on the abovementioned article by Scheffer, *The Multicultural Drama*. Though promising in terms of subject matter, the debate’s timing concurred with another, more substantial debate on a similar topic. Moreover, this second debate was a legislative debate. Therefore, the so-called ‘Scheffer-debate’ was passed over in favor of the other debate.

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12 Dutch Parliament consists of a lower and an upper house, referred to in Dutch as the Second and First Chamber respectively (‘Tweede’ and ‘Eerste Kamer’). The Dutch terminology will be followed in this thesis.
On the basis of these five criteria five parliamentary debates have been selected for analysis. These five debates constitute the most relevant, comprehensive debates with regard to the standing of moral communities in the Netherlands conducted in the period under investigation. In chronological order, they are:

- The debate on the Framework Convention for the Protection of National Minorities; 2000-2004 (chapter 3);
- The debate with the Government about ‘Building bridges’; 2004 (‘Bruggen bouwen’; the final report of the Temporary Investigative Committee Integration Policy) (chapter 4);
- The debate on the Civic integration abroad bill; 2005 (chapter 5);
- The debate on the Civic integration bill; 2006 (chapter 5);
- The debate on the Ritual Slaughter bill; 2011-2012 (chapter 6).

The debate on the Framework Convention for the Protection of National Minorities discusses the desirability of extra constitutional measures for the protection of national minorities in the Netherlands. The debate with the Government about ‘Bruggen bouwen’, i.e. the final report of the Temporary Investigative Committee Integration Policy, is the only debate analyzed that does not concern proposed legislation. The report ‘Bruggen bouwen’, i.e. Building bridges, discusses three decades of integration policy as well as the Second Chamber of Parliament’s expectations and desires for the integration of moral communities in Dutch society in the future. The debates on the Civic integration abroad bill and the Civic integration bill, treated together in chapter 5, both discuss the demands that can and should be made of newcomers to Dutch society, as well as of those moral communities that have established themselves in the Netherlands over the past decades. The debate on the Ritual Slaughter bill, finally, discusses the degree to which established moral communities in the Netherlands should be accommodated in their desire to pursue practices which the majority finds unconscionable, thereby addressing the question of shape of toleration in the Netherlands directly.

One final remark is in order with regard to the selection of debates: three of the five debates to be analyzed concern not moral communities in general, but those moral communities currently referred to in the Netherlands as ‘ethnic minorities’. As a consequence, it may seem as though the selection
of debates betrays a shift of focus from moral communities in general to ethnic minorities in particular. This is not the case. The debates in which ethnic minorities figure most prominently concern their integration in Dutch society. The degree to which particular communities are or must be integrated in society cannot be discussed without general reflection on the nature of that society and the standing of moral communities therein. That is why these debates are of interest for this research.

**Liberal political theory as an analytical tool**

This is not the first thesis in which liberal theory is employed as a means to interpreting policy debates in the Netherlands. The application of normative theory to descriptive ends entails a risk: that liberal theory is not merely applied as a research tool, but as a weapon, brandished by an author less concerned with interpretation and analysis than with passing judgment. This thesis, acknowledging the risk, purports to employ liberal political theory principally as an analytical tool, reserving any normative judgments for after the analysis. This approach is borne out in chapter 1, in which two liberal, yet distinctly different approaches to the question of the standing of moral communities in a liberal regime will be presented and developed specifically for the purpose of analyzing the aforementioned debates. Neither of these approaches can be traced to a single liberal author, theory, or regime currently existing. Rather, both approaches magnify one of two liberal values that are both widely regarded to be central to liberal thought and practice, autonomy and freedom of conscience respectively, to the point of eclipsing the other.

The first approach maintains that moral communities merit special concern in liberal theory and practice because it is only through the maintenance of such communities that the cultural preconditions for the exercise of individual autonomy can be secured. An example of such a theory is Kymlicka’s liberal multiculturalism, which is especially

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concerned to argue for special rights for members of minority cultures.\textsuperscript{14} Another example is Miller’s liberal nationalism, which argues for the right of nations to preserve the cultural identity of the majority also.\textsuperscript{15} Though there are marked differences between these two theories, they are relatively alike in so far as they both link the importance of maintaining moral communities to an underlying commitment to individual autonomy.

The second theoretical approach to the question of the standing of moral communities in a liberal regime starts directly from respect for the individual conscience. Because the individual conscience deserves respect, this approach maintains, moral communities also deserve respect. If a liberal regime is to respect the diversity of moral communities of which it is made up, it must be premised on a non-comprehensive doctrine of liberalism, i.e. a doctrine of liberalism that excludes, as far as possible, those ‘conceptions of what is of value in human life, and ideals of personal character, as well as ideals of familial and associational relationships’ that are intrinsic to comprehensive doctrines.\textsuperscript{16} Such non-comprehensive doctrines are known as political liberal doctrines. Theorists of political liberalism are Rawls (in his later work), Larmore, and also, or so I will argue in chapter 1, Kukathas.\textsuperscript{17}

These two approaches to the standing of moral communities in a liberal regime provide the input for two basic and differing interpretations of liberal theory with which to analyze the parliamentary debates. Though combining elements of the diverse theories mentioned in the previous two paragraphs, to my knowledge no theorist endorses or has endorsed either of the two resulting interpretations in the exact form presented here. To avoid confusion with already existing theoretical positions, the two interpretations are termed ‘liberal culturalism’ and ‘framework liberalism’ respectively.

Because the purpose of these interpretations is to analyze debates, the interpretations of liberal theory, to be developed in chapter 1, are deliberately stark and uncompromising. They represent what Kukathas


\textsuperscript{15} See especially Miller 1995. Patten (1999) provides an interesting review and critique of the autonomy argument in liberal nationalist positions.

\textsuperscript{16} See supra, fn. 6.

calls ‘the terminating’ point of the theoretical approaches that they are based upon, i.e. the most radical application of the central principles guiding each approach. The reason to develop these interpretations in this manner is to mark the differences between the respective approaches to the treatment of moral communities as strongly as possible. This aids the analysis of the debates, because the starker the opposition between the two approaches, the easier it is to determine towards which of them a particular contribution to a parliamentary debate tends. This also means that the question of the standing of moral communities in the liberal regime of the Netherlands will be answered by reference to these two approaches.

One final remark is in order. The purpose of this thesis is diagnostic. Its general goal, as stated above, is to determine the shape that Dutch toleration is in. The liberal approaches introduced above serve the purpose of analysis, not prescription. The primary goal is to assess the standing of moral communities in the Dutch liberal polity, not to criticize that standing or to argue for a different polity. To the extent that normative remarks will be made about that standing and the state of liberalism in the Dutch polity, I have attempted to save them for the final two chapters.

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18 See Kukathas 2008: 42.