

**FROM PRINCIPLED PLURALISM TO STRICT SEPARATION:
THE CHANGING RELATIONSHIP BETWEEN CHURCH AND STATE IN
THE NETHERLANDS**

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ABSTRACT

*The starting-point of this paper is the typology of church–state relations developed by Stephen V. Monsma and J. Christopher Soper in their book *The Challenge of Pluralism. Church and State in Five Democracies* (1997). According to Monsma and Soper, the Netherlands still comes closest to the pluralist model of church-state relations. In my paper, however, I argue that the authors seem to underestimate the degree of change that has taken place in Dutch society and politics since the 1960s. Even though the Constitution may not have been changed, a similar paradigm shift with regard to church–state relations has taken place as in 1917. In essence, this most recent shift involves a return to the liberal public order of the 19th century.*

THEORETICAL FRAMEWORK

Although numerous, sometimes very elaborate, typologies of church–state relations exist, I will take the seemingly simple typology developed by American political scientists Stephen V. Monsma and J. Christopher Soper in their recent book *The Challenge of Pluralism. Church and State in Five Democracies* as the starting-point for this paper. The five countries involved are the United States, England, the Netherlands, Australia, and Germany. As the fact that all five are Western liberal democracies already suggests, the various models which Monsma and Soper distinguish are all in keeping with the liberal tradition within Western society. Nevertheless, what makes them differ is the degree to which they have been influenced by a specific kind of liberalism, which the authors refer to as ‘Enlightenment liberalism’. Enlightenment liberalism basically rests on three assumptions, which are very much interrelated, namely: ‘that particularistic religion could be safely assigned to the purely private sphere without infringing on the religious beliefs and practices of its adherents, that a public realm stripped of all religious elements would be a neutral zone among the various religious faiths and between faith and non-belief, and that religious freedom would flourish in the absence of governmental

restraints and with no need for positive governmental actions to equalize the advantages enjoyed by religious and non-religious groups' (1997: 9).

Of the three models which Monsma and Soper distinguish, the strict church–state separation model is without doubt the one most influenced by Enlightenment liberalism. In this model '[r]eligion is seen as a personal, private matter, best left to the realm of personal choice and action. (...) The state should be neutral on matters of religion and this neutrality is assumed to be achieved best by keeping religion and politics separate' (1997: 10). The United States since 1950 is probably the best example of a country with this type of church–state relations.

The opposite of the strict church–state separation model is the established church model, under which 'the state and the church form a partnership in advancing the cause of religion and the state. (...) The state provides the church with recognition, accommodation, and often financial support, the church provides the state with an aura of legitimacy and tradition, recognition, and a sense of national unity and purpose' (1997: 10-11). Church establishment can be both formal and informal, and there can either be one particular established church or a system of multiple church establishment. England since the middle of the sixteenth century is an example of a country with a formally established church — the Church of England.

Somewhere on a scale between the strict church–state separation model and the established church model lies the pluralist or structural pluralist model, according to which government is supposed 'not to take sides among the plurality of religious and secular worldviews swirling about in society. It is to seek equal justice for all of them, with justice essentially defined as giving them all their freedom and neither advantaging or disadvantaging any of them' (1997: 12). The Netherlands is traditionally the clearest example of a country with this type of church–state relations. Because the Dutch approach is rooted in well worked-out pluralist theories of society of Reformed and Catholic origin (Skillen and McCarthy 1991), it is sometimes also referred to as 'principled pluralism'. However, in practice, Australia, and especially Germany, also

come close to the pluralist model. Translated to the American context, principled pluralism or ‘equal treatment’ means ‘that the establishment clause of the First Amendment (Congress shall make no law respecting an establishment of religion) is not violated, even if government grants aid, recognition, or support to religion or religious groups, as long as government gives equal aid, recognition, or support to *all* religious and parallel or similar secularly based systems of belief and their organized groups’ (Monsma and Soper 1998: 1).

Monsma and Soper judge the various models and the results of the case studies by the standard of the basic goal of governmental religious neutrality, which — as they rightly admit — is of course not neutral in itself. State neutrality on matters of religion is defined by them as ‘government neither favoring nor burdening any particular religion, nor favoring or burdening religion as a whole or secular systems of belief as a whole. Governmental religious neutrality is attained when government does not influence its citizens’ choices for or against certain religious or secular systems of belief, either by imposing burdens on them or by granting advantages to them’ (1997: 6).

As this will at least theoretically be the case when the pluralist model is applied, it does not really come as a surprise that they conclude that ‘Germany and the Netherlands have a far more expansive and, we contend, appropriate understanding of religious liberty than England, the United States, or Australia’ (1997: 202). In particular, they believe there is ‘much to learn from the Dutch experience. (...) [T]he Dutch may do a better job at securing religious rights than almost any other country in the world’ (1997: 82, 201).

In this paper, I will not deal with the interesting normative question of whether the pluralist model should indeed — as Monsma and Soper argue — be regarded as the most appropriate answer to the increasing religious pluralism in Western society, or that on the contrary it potentially threatens societal unity by exacerbating existing religious tensions.¹ Instead, I will concentrate on an empirical observation — that the authors seem to underestimate the degree of change that has taken place in Dutch society and politics since the 1960s.

Monsma and Soper do acknowledge at least some of the changes that have taken place. For example, they write that there has been ‘a strong secularization trend’, and that after a huge loss in the 1994 elections the Christian Democratic Appeal (CDA), for the first time since 1918, did not become part of the Cabinet (1997: 53-54). But they appear to underestimate the extent of change when they subsequently argue that the CDA ‘continues to be a major force in Dutch politics’, and that the pluralist theories of society of Reformed and Catholic origin mentioned earlier ‘have become part of the Dutch mindset on issues of church and state’ (1997: 58). Their assessment is similarly astray when they state that, despite depillarization, ‘[w]hat is still in existence are societal-political organizations segmented by religious-philosophical orientations, and a society and a government that accept the legitimacy of and seeks to accommodate such organizations in a wide variety of fields’ (1997: 62).

The point I want to make is that this is not just a matter of failing to take account of the most recent facts, which could easily be corrected in a new edition of the book. On the contrary, it is possible to speak of a fundamental difference in interpretation of post-war Dutch political and parliamentary history, all the more so since the very book in which the cultural change which has taken place during the 1960s is documented best (Kennedy 1995) is referred to twice in the footnotes and is therefore known to the authors.

HISTORICAL BACKGROUND

Politically speaking, the single most important characteristic of the Netherlands is without doubt that it is a pluralistic society, a country of religious and political minorities. Two cleavages have traditionally been of particular importance: religion and social class. The older of the two, and for the purposes of this paper the most relevant, is religion. As a result of the religious cleavage, Dutch society has, since the Reformation and the revolt against the Spanish (1568–1648), consisted, roughly speaking,² of three groups: Roman Catholics (the oldest group), orthodox Protestants and a secular or humanistic minority.

Thus, Dutch politics during the past 400 years can be interpreted as a permanent struggle for power between these three groups of about equal size, but with fundamentally distinctive identities. After Roman Catholics had been dominant during the Middle Ages, orthodox Protestants took over during the 16th and 17th centuries, and humanists dominated the 18th and the 19th centuries; while the 20th century has been dominated by orthodox Protestants and Roman Catholics together. From this perspective, Dutch politics is not at all boring — as has sometimes been argued — but instead is much more substantial than, for example, American politics.

Throughout this period, one of the main issues has precisely been argument about the type of church–state relations that should be preferred. As a result, the Netherlands has had very different regimes (Van Rooden 1996: 17-45). In the time of the Republic (1579–1795), the Dutch Reformed Church was the established church (Israel 1995; Van der Zwaag 1999). After the Batavian Revolution of 1795 had brought a formal separation between church and state, the 19th century was characterized by the strict church–state separation model. Finally, in 1917, under pressure from a political alliance of orthodox Protestants and Roman Catholics the model of principled pluralism was introduced.

The best source for this last paradigm shift with regard to church–state relations, which Monsma and Soper did get right in their book, is a study by Stanley Carlson-Thies. Ironically, this study is largely unknown in the Netherlands (not referred to, for example, in Koole and Daalder forthcoming), although it solves many of the mysteries surrounding the stability of the political system, despite the relatively high degree of segmentation of Dutch society. More specifically, Carlson-Thies has argued that:

‘The Netherlands is known as the premier “consociational democracy”’: a polity in which the disintegrative forces inherent in segmentation were successfully counteracted by pragmatic elite bargaining. Segmentation in the Netherlands, however, was *system-transforming* rather than *system-threatening*.

The four subcultures which took shape in the latter decades of the nineteenth century [by this time the secular or humanistic minority had split up politically into Liberals and Socialists, HMtN] did not pose a deadly challenge to democratic governance, as assumed by consociational theory. The challenge was instead to state policies inhospitable to the diversity of ways of life embodied in the subcultures. The prevailing liberal model tolerated, but privatized, differences. But Catholics and orthodox Protestants insisted that their religious beliefs should guide also their public activities and institutions. (...)

Segmentation (...) necessitated the transformation of state policies and structures. The Netherlands became not a consociational democracy but a pluriform democracy – a democracy in which subculturally-rooted differences are affirmatively accommodated by the state' (1993: iv-v).

After it had been introduced first in the field of education the model of principled pluralism has later also been applied to other areas, such as the media (Hiemstra 1997).

TOWARDS A NEW PARADIGM SHIFT

So far, so good. My thesis in this paper is that in the 1960s, as in 1917, a similar paradigm shift with regard to church–state relations in the Netherlands has taken place, even though the Constitution has not been changed. In essence, this most recent shift involves a return to the liberal public order of the 19th century. To understand how this is possible, it is necessary to draw attention to the difference in cultural climate that exists, as historian James C. Kennedy has pointed out in his dissertation, between the United States and the Netherlands. Whereas many Americans nourish a strong sense of cultural and political continuity, and therefore believe that the legacy of the 1960s is in principle

reversible, Dutch elites tend to see virtually everything as being subject to change, so that there can be no travelling back in time (1995: 421-427).

As a result, Dutch society and politics have changed dramatically since the 1960s, a change which, according to Kennedy, had already started in 1945. According to historian A.Th. van Deursen, after 2,000 years the Netherlands has even come full circle, and is morally and religiously back in the time of the Teutons.³

Although this may be an exaggeration, the least that can be said is that because of the shifting worldview beliefs of the society the pluralist model of church–state relations has come under increasing attack since the 1960s. The present coalition of Socialists, conservative Liberals and Democrats is held together by the philosophy of Enlightenment liberalism, and thus favours the strict separation model of church–state relations. The result is that all kinds of organizations are no longer accommodated by the government, as Monsma and Soper would still like to claim. Major developments are currently taking place in areas such as schools, the media, health care, social service, and organizations for development cooperation (see, for example, Rouvout 1998; Goslinga 1998a, 1998b). That even the freedom of religion itself is at stake is proven by the Van Dijke case, where a Member of Parliament was initially convicted for suggesting in an interview that homosexuals might not be worse transgressors of the Ten Commandments than thieves (Den Hartogh 1998).

It is interesting to note that this longing for change has also characterized the Christian Democrats, who might have been supposed to be strong defenders of the old political order, and indeed of the pluralist theories of society. As Monsma and Soper have rightly argued, '[t]he central figure in the path taken by the orthodox Dutch Calvinists was Abraham Kuyper. (...) The influence of Kuyper and the orthodox Reformed party he founded, the ARP [Anti-Revolutionary Party, HMtN], is hard to overestimate' (1997: 59). After World War II, however, a reorientation of Kuyper's political ideas took place. According to one observer, the leadership of the ARP had already abandoned its traditional anti-revolutionary ideology by about 1955 (Zwart 1996: 138, 160-161; see also Ten Napel

1999). On the other hand, two smaller Protestant parties, the Reformed Political League (GPV) and the Reformed Political Federation (RPF), have recently formed a political union (called ChristianUnion), which bears a religious identification similar to the Pre-War ARP.

Also more generally speaking, politics in the Netherlands is hardly as ‘consensual’ as it is sometimes taken to be (Andeweg forthcoming; Koole and Daalder forthcoming). The Enlightenment worldview or faith, which has once again become predominant, is itself ‘deeply religious and those who hold that faith can no more escape its bias, without conversion, than can those who hold other religious worldviews’. Just as has been the case during the past 400 years, Dutch politics in the 21st century is therefore likely to be characterised by ‘deep-seated conflicts (...) between and among people committed to different religions. Some religions are traditional, some are new, and among the new religions are those guided by a secular faith, a belief system held by communities whose gods – which they do not acknowledge as gods – are the idols of human autonomy, scientific rationality, technological progress, the nation, economic growth, a communist future, or sheer power in itself’ (Skillen 2000: 6).

CONCLUSION

This paper does not set out to criticize the typology of church–state relations developed by Monsma and Soper as such, which is useful despite (or perhaps one should say because of) its simplicity. Neither is it meant to detract from the model of principled pluralism. The main purpose has in a sense been to question whether the Netherlands can still serve as a role model in international political science. This has long been the case, but for the wrong reason: as the prime example of a consociational democracy, which it never was. In the literature on church–state relations it is much more appropriately noted as the prototype of a country with a system of principled pluralism, although the problem now is that it might no longer fit that definition.

So, in conclusion, what needs to be said is, first of all, that at the very moment in which there is growing criticism of the model of strict separation in the United States, usually combined with interest in the pluralist model of church–state relations (Lugo 1994; Skillen 1994; Monsma and Soper 1997, 1998), in the Netherlands, ironically, a shift can be discerned from the pluralist model towards strict separation. Although it is too early to speak of an adoption of the pluralist model in the United States, the shift from principled pluralism to strict separation in the Netherlands is real. In his well-known book *Public Religions in the Modern World*, published in 1994, José Casanova’s central thesis is that what we are witnessing internationally is a ‘deprivatization’ of religion, by which he means ‘the fact that religious traditions throughout the world are refusing to accept the marginal and privatized role which theories of modernity as well as theories of secularization had reserved for them’ (1994: 5). The persistence of strict separation in the United States, and ‘the fall of the Constantinian era’ in the Netherlands and indeed in several other Member States of the European Union (Reuver 1996: 14; Robbers 1996), means that the West in this respect constitutes the exception in the world.

Secondly, whereas in the United States after several decades of controversial decisions by the Supreme Court in the area of religious liberty, more people are coming to believe that Congressional action is appropriate, and Congress has in the past decade already adopted major statutes such as the Equal Access Act, the Religious Freedom Restoration Act, and the Native American Free Exercise of Religion Act, in Europe the courts might well prove to be more responsive to religious minorities than the political institutions. The ‘judicialization of politics’ is a remarkable phenomenon in many parts of the world, but especially so in Europe.⁴ More specifically, with regard to church–state relations, the role of judges in European government has been relatively slight. To be sure, there have been important cases in this area, such as divorce in Italy and pluralism in the media in France. However, on the whole and for good reasons, church–state relations have not figured prominently in analyses of the political role of the judiciary. As in the United States, however, expanding religious pluralism, in combination with the shift from establishment in one form or another towards strict separation, is likely to increase the role of judges in government even further. In his survey of conditions facilitating the judicialization of

politics, C. Neal Tate mentions democracy, separation of powers, politics of rights, interest group use of the courts, ineffective majoritarian institutions, perceptions of the policy-making institutions, and (wilful) delegation by majoritarian institutions (1995: 28-33). Despite secularization, or perhaps because of it, the third condition — the politics of rights — should without doubt be understood to include the politics of religious rights.

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NOTES

¹ For a critical evaluation of the model in this and other respects, see Monsma and Soper (1998), which *inter alia* contains chapters written from a Christian Separationist, an American Jewish, and a Liberal Separationist perspective.

² Roughly speaking, if only because (certainly in the beginning) many humanists were practising Christians.

³ As quoted in *Trouw*, 4 januari 1996 (“Moreel, religieus, weer terug bij de Germanen”).

⁴ To be described as ‘either (1) the expansion of the province of the courts or the judges at the expense of the politicians and/or the administrators, that is, the transfer of decision-making rights from the legislature, the cabinet, or the civil service to the courts or, at least, (2) the spread of judicial decision-making methods outside the judicial province proper’ (Vallinder 1995: 13).

(1989): The strict institutional separation of church and state also forbids the "subtle ways [in which] a government can show favoritism." Google Scholar. 23. See A. von Campenhausen, *Staatskirchenrecht (Church Law)*, 3rd ed. 1996, § 11; B. Jeandé™Heur/S.Â Conflict Between Church and State in France, Italy, and Spain, 1968, 3: "The conflict between church and state has been one of the outstanding problems in the history of modern Europe. It took different forms in different countries and in different periods, yet the fundamental issue was always and everywhere the same, namely which was supreme over the other." In Western Europe, such relationships range from the state churches of Northern Europe, through the pillarized cultures in The Netherlands and Belgium, to the considerable diversity contained within the United Kingdom and Ireland (including a Calvinist national church in Scotland, an Anglican establishment in England, assorted nonconformity in Wales, and a technically secular but heavily Catholic state in Ireland). Germany is a biconfessional state in which both the Lutheran and Catholic churches remain important public bodies. Latin Europe includes the privileged Catholic churches of Italy, S