

Summaries

Justitiële verkenningen (Judicial explorations) is published nine times a year by the Research and Documentation Centre of the Dutch Ministry of Justice in cooperation with Boom Juridische uitgevers. Each issue focuses on a central theme related to judicial policy. The section *Summaries* contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (nr. 1, 2007) is *Religion and basic rights*.

The return of religion in the public domain

M. Buwalda

In this article the author explains how the religious landscape in The Netherlands changed during the 20th century. Since World War II the membership of traditional churches is declining, a trend that will continue in the near future. But since the end of the 20th century more and more people in Holland characterize themselves as 'a religious person' and since 9/11 there is a general rise in religious consciousness. How to deal with this revival of religiousness, especially where it affects the public domain?

Division of church and state and the Islam on a municipal level

M.J.M. Maussen

Local authorities are involved with muslims, with the circumstances for Islamic practice and with Muslim organisations in many ways. Policy makers have to address urgent societal issues such as discrimination, radicalisation, exclusion and societal polarisation, but they must also uphold key legal and constitutional principles (such as equal treatment, religious freedom and the separation of state and church). Moreover, policy makers must take into account public interests in various domains (urban planning, education, social cohesion etc.) and more pragmatic concerns. The article argues in favour of studies that describe the actual processes of policy deliberation and 'contextual judgement' in this complex policy field. The second part of the article discusses aspects of the Dutch state-church regime, which is described as a model of 'principled pluralism'. The article concludes with a discussion of four policy models for handling cultural and ethnic diversity. An empirical study of municipal policies shows that over

the past ten years Dutch municipalities have converged around a combination of pluralist and dialogic models, to try and address new developments and smoothen the process of incorporation of Islamic presence and practice in the Netherlands.

Islamic schools; facts, criticism, challenges

B.P. Vermeulen

The number of government-funded Islamic schools in the Netherlands is growing, but less than could be expected due to impediments in the planning procedure. It is not very plausible that these impediments will be lifted. Islamic schools are regarded as problematic. They are all 'black' schools, and suspected to be based upon a religious ideology that is to a certain extent opposed to liberal values and in general detrimental to integration. This paper nuances this criticism, and suggests that the problems Islamic school boards are facing may in time be solved, if a muslim elite will develop and is willing and able to get involved.

Negative representations of muslims; intolerance or culture conflict?

B.A.M. van Stokkom

Negative representations of the Islam seem to be rising since the nineties. In this article it is first examined how intolerance is expressed on internet. Hate-speech directed at the Islam, but also calls to use armed force against the West by radical muslims are dealt with. Hate-speech embodies the upper layer of negative, biased expressions and is related to xenophobia and racism. But negative representations of muslims need not contain prejudices, and might consist of critical judgements on certain cultural core-values. When the native Dutch and muslims do have opposite value judgements, there is a culture-conflict. Such a culture-conflict is indeed playing a dominant role in the Netherlands and is mainly geared towards man-woman relationships, sexual values and parenting. However, prejudices also play a role, for instance when overestimating the imminent 'islamizing' of Dutch society. Some findings suggest that muslims seem to be judged more negatively in the Netherlands than in other western countries. It is argued that two specific factors might explain this. Firstly, the trivialisation of religious devotion in public life, and secondly the rise of a homogenous and progressive Dutch majority culture that rejects

religious orthodoxy. Although the ideal of religious diversity is still broadly endorsed, this ideal might be perceived more and more in terms of individual lifestyles. Respect for orthodox devotion seems to dwindle. In some respects the progressive consensus might be interpreted as the mirror image of the old conservative denial of the 'other'.

Homosexuality in orthodox religious groups; Islam and Protestantism

R. Peters and S.J. Vellinga

From an international perspective, the Netherlands is one of the countries where homosexuality is most widely accepted. Nevertheless, there are developments and groups in this country which contradict this image of complete acceptance. This article focuses on orthodox religious groups among Muslims and Protestants, which regard homosexuality as a sin. After discussing the opinions and practices in both groups, attention is paid to the question why in Dutch public debate the response towards opinions on homosexuality among Muslims is much more heated than towards opinions among orthodox Protestants. The authors conclude with recommendations for dealing with differences in attitudes towards homosexuality among the Dutch population in order to strengthen the acceptance of homosexuality.

Freedom of religion and apostasy

M. Hegener

The spread of Islam in the Netherlands and in other western countries during the past few decades, also meant a significant decrease in individual religious freedom: Islam does not allow apostasy, a rule that also applies to those who were born in an Islamic environment, were made Muslims at birth, and who did not join Islam in freedom. Mohammed put the death penalty on leaving Islam, no matter how you got in. This article explores the dimensions of the problem in Dutch society, and looks at some predominantly Islamic countries as well. What happens to those who do step out of Islam? How many dare to do it? Do they keep silent? (Yes, very silent, except on special websites where they can remain anonymous.) The key question emerging from the findings is: how can western society, where individual religious freedom is a treasured right, assist to those newcomers who do not enjoy the

freedom to change religion, reject religion or openly question the religion they were born in.

Between blasphemy and intimidation

A.J. Nieuwenhuis

The relationship between freedom of speech and religion nowadays is rather tense. On one hand blasphemous publications may be offensive and other utterances may even stir up hatred. On the other hand religiously inspired views may be very extreme and even involve threats. The problem is where to draw a line between freedom of speech and punishable utterances. The article analyzes this problem and the relevant case law by making several distinctions. Firstly, between contributions to the public debate and other utterances, secondly between threats or advocacy of violence and other utterances and thirdly, between criticism on doctrine, ethics and practices and utterances that injure the human dignity of certain believers.