

The Church and the democratic constitutional State

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1 Introduction

The church and the democratic constitutional state – a fix Assistance for the discussion in congregation and church

- 1) The Netherlands are a democratic constitutional state; a *constitutional state*, because justice, not the government, has the last word. And *democratic*, because those who carry governmental responsibility do so by virtue of a mandate of the citizens. There is a lot more to be said on both, but this is the essence. Constitutional state and democracy define each other, therefore: democratic constitutional state.
Within this existing order the *separation of church and state* is a self-evident attainment. With that is meant no more or less than the following. On the one hand the church has no institutionally recorded responsibility within the functioning of the government: for example she has no quality-seats in parliament and governmental appointments do not require her approval. Something like that would correctly be experienced as violation of the fundamental right of equality of all citizens, regardless their religion or world-view. On the other hand the government has no institutionally recorded responsibility within the functioning of the churches: the churches are 'ruled by their private charter' (according to Article 2: 2 Dutch Civil Code) and they may set up their religious life in complete freedom with regard to the government. If it would be differently, that would be perceived as a violation of the fundamental right of freedom of religion. Also there is a lot more to be said about the separation of church and state, but the essence of this is here.

- 2) There is more to be said, and the general synod of the Protestant Church in the Netherlands wants to do so in this assistance. The motive for this is the public debate of the past years about the constitutional state, democracy and the separation of church and state. To mention a number of obvious matters:
 - More than once is suggested that the separation of church and state carries that the government should avoid all cooperation with religious communities, let alone that she should financially support the building of a place of worship;
 - Religion should not play a part in public life: if education is reckoned to be part of the public domain, according to some this would mean that the legal equality of denominational and public education, recorded in article 23 of the Constitution, should be annulled;
 - Constantly questions arise about the relation of the various fundamental rights within the constitutional state; often the freedom of religion is one of the conflicting fundamental rights (is a religious leader allowed to speak negatively about homosexuality, or, vice versa: is an atheist allowed to speak offensively about God-fearing people?)
 - Also democracy is in discussion, especially when it is about the place of minorities within the existing order; how does the principle that the majority decides relate to the rights of cultural and religious minorities in our country?
The church should also address the possibilities she has, either in her appearance of national church, or in that of the local congregations. What is the meaning of the

mission of the church in the present situation in relation to society? How can she – according to the words of article I subsection 6 of the Church Order – ‘call up to renovation of life in culture, society and state’, if even she should and could? Which part may and should a local congregation play perhaps based on her diaconal mission in a society in which the government makes a greater appeal on people and organizations to take their own responsibility in social support?

- 3) In the reflection on church and democratic constitutional state attention should be given as well to the increasing meaning of civil society or social background. It is the atmosphere where citizens in freedom, and through several voluntary based organizations, can shape society in looking after interests or sports, forming of public opinion or volunteer work without government interference. Civil society turns out to be of great interest for the vitality of the democratic constitutional state.

There is concern about the values which have been an indissoluble part of the democratic constitutional state for a long time; for example the protection of minorities as an important part of democracy and the freedom of religion as an important element of constitutional state. This leads to the question which task the church has in increasing the basis and standing up for those values in civil society. At the same time the relation between society and democratic constitutional state changes. While at the one hand more competence shifts from the national government to the European Union, on the other hand the government places more tasks with the social centre. This leads to the question which task the church has in civil society. Does she take social tasks upon herself, and if so: which? Does she have a mission to contribute to the reservoir of social and moral capital, and if so: how?

- 4) These are only some of the questions coming into the picture. But they are more than of a theoretical nature, as in society there are sometimes severe emotions because of the way religion manifests itself. Recent radical events influence thinking on the possible role of the church in society. The war in former Yugoslavia already made clear how the national and religious identity of population groups can be closely connected and that hatred and violence can escalate precisely because of that into a never presumed level. The attacks of September 11th 2001 in New York and Washington and the following attacks in London, Madrid and Indonesia by Islamic terrorist networks like Al Qaeda made many people aware that religion may bring people to shocking violence and thus may have an enormous impact on society. With that Dutch society also became to be under threat. She was harshly confronted with the possibility that factions which appeal explicitly to their religious conviction, strive – if necessary by force - for a society which does not meet the, for the Western region self evident, standards of freedom and equality.

Unmistakable political violence set in the Netherlands with the murder of Pim Fortuyn on May 6th 2002. This was a great shock for the democratic constitutional state. This was the same case with the murder of Theo van Gogh on November 2nd 2004. With this last attack there was clearly a religious motive. The question of the relation between religion and freedom of religion to other fundamental rights like freedom of speech and the principle of anti-discrimination was high on the social agenda.

- 5) A complex assembly of developments is at the basis of the public discussion on the democratic constitutional state and the civil society. They can only be indicated here, but will be addressed extensively in the following chapters. For example cultural processes, like individualization, which change the role of religious *communities*: they are no longer representative for actual faith. Keep the changes in composition of the Dutch population in mind, which has become highly multi-cultural and multi-religious: especially the growth of the Islamic religious community brings up new questions. Think of the economical developments like globalization of economy, with numerous of direct and indirect consequences in the social, cultural and political area. And finally remember the political developments like on the one hand the reinforcement of a European legal order, but on the other hand the obvious hesitations which live in the Netherlands when it is about the future of Europe.
- 6) In the context of the developments in society which were mentioned Dutch society looks once more for fundamental values which may have a binding effect in a broad discussion on central values of the democratic constitutional state and even more fundamental: about shaping society. The social debate on the changing relation between religion and public space can not be disconnected from that. The legal and institutional question of the relation between church and government is an aspect of this. This is also discussed within the church, and the church might contribute to the public debate on these questions.

Clarification of conception

- 7) In this assistance it is about the democratic constitutional state and therefore about civil society as well. These are relatively new phenomena's, originating from an age-long development and battle for the relation between government and citizens. More clarification of conception is needed before we enter into the many questions.
- 8) The core of the *constitutional state* is that not the government has the final say, but justice to which the government as well is bound. A constitutional state is bound to the fundamental rights of its inhabitants under all circumstances and may not just limit the freedom of the people. The public management and the legal power have to direct themselves to the law. The separation of powers is therefore one of the main characteristics of constitutional state. Legislative and executive powers are not in one hand: the government has to abide by the legislation which is established – although in cooperation with the government – by parliament. And, even more important, the legal power is independent of both of them. The judge abides by the law, not to the wishes of government or parliament. The total system aims to prevent arbitrariness and abuse of power. In practice the precise realization of this separation of powers of course demands ongoing new reflection.
- In this way citizens derive security and protection from the law. It guarantees their freedom and equality. One of the consequences is that the state is absolutely impartial in ideologies and worldviews. At the same time she is based on the fundamental values and convictions. She is therefore not indifferent towards men and society.

Justice protects citizens also from each other, and in this the government has – mostly by means of criminal law – a decisive part; therefore the ‘monopoly of force’ is with her. The use of force in the constitutional state is reserved to those who have been declared competent as governmental servants within the legal system, in principle only justice and police.

- 9) By speaking of the *democratic* constitutional state is indicated that the governmental staff functions based on a mandate of the citizens. Where ‘constitutional state’ says something about the values to which the government as well is bound, ‘democracy’ says something about the way rulers and citizens are in proportion of each other: those in power can be replaced, are held responsible to the citizens and listen to the citizens. In a democracy citizens have influence on the government policy, among others by electing parliament. The political parties which represent the citizens in parliament often have their roots in a certain ideological or religious tradition. Arguments and convictions from that political baggage influence policy choices of the parliamentary parties involved. So in the democratic constitutional state the citizens in principle have equal influence of establishing of what is justice.
- Decision making becomes possible by forming of a majority. But that does not mean that democracy coincides with “decision making by majority”. In a constitutional state democracy is as well about the protection of minorities. History has examples of governments which came into power by democratic elections and were everything but democratic based on this last perspective. Otherwise: democracy and constitutional state define each other. This finds expression in the fact that the Constitution can not be changed by simple majority.
- 10) A defining element of the Dutch constitutional state is further her *social* dimension. The Constitution does not only guarantee the freedoms of the citizen with regard to the state, but it also lays a positive obligation on the government to promote well-being. In the area of education, living, health care and income the government makes an effort for basic care which guarantees that the citizens can actually practice their fundamental rights. Aside of freedom and equality solidarity is a third pillar of the Dutch social constitutional state.
- The same goes for the European judicial system. In the agreements of the European Union peace, freedom, equality, human dignity and solidarity are the defining values.
- 11) By addressing the position of the church with regard to the democratic and social judicial system the classic question of ‘church and government’ is deliberately widened. The term government has become too limited. She refers to the highest authority within a certain territory. For ages the government coincided practically with the person of a king or emperor. Now we speak of communal, provincial, national or European government. The highest authority has a complicated structure at different levels: it is about governmental organizations – the Dutch government or the local board of Mayor and Aldermen – and about the representative organizations – from European Parliament to community-council. Often also the civil service, which serves the civil management, is counted to be part of the government. Elected representative and governmental organizations have a temporary role: after the next elections the

responsibilities are distributed again. The democratic constitutional state is a political order in which the authorities function. This is especially about this order.

- 12) Overhead we already discussed the civil society as the place where citizens meet without government interference and shape their society. For example they promote specific interests, meet their needs regarding leisure and recreation, take responsibility for the education of their children, are involved in radio and television etceteras. At any rate organizations and other voluntary associations have two important social functions. For starters they offer a platform for public opinion-forming and action. Within these networks small and large social problems are addressed and moral and political questions discussed. Sometimes people organize combined actions against policy which is perceived to be unjust or they try to solve public problems by means of political lobby and joint decision making. In a certain way everything becomes politics. Aside from this political function civil society also has an important role in the social area. People getting to talk to one and other does not only lead to political action, but can also lead to growing mutual trust and readiness to help. In the networks of civil society is much social capital: for example social cohesion is being promoted. People get inspired to apply themselves for fellow-citizens, for example through volunteer work. Churches have become more and more part of this; they are an important place for moral consideration, meeting and inspiration.

Scheme of this assistance

- 13) In this assistance the following steps are made successively:
 In chapter 2 comes up for discussion how - in the course of history - the religious traditions from which the Protestant Church in the Netherlands originated have been, especially since the Reformation, in relation to the government, resulting in previous fixes with regard to the democratic constitutional state.
 Chapter 3 provides an understanding of a number of important current developments in the area of the democratic constitutional state, inviting the church to a new fix.
 In the fourth chapter is attempted to think over the theological questions which are of importance for the fix of the Protestant Church in the Netherlands towards more recent developments.
 Finally chapter 5 offers a number of perspectives formulated as concretely as possible, which in combination are defining for the fix the Protestant Church in the Netherlands has with regard to the democratic constitutional state.
- 14) The Protestant Church in the Netherlands establishes, initially from the mouth of the general synod, her position in this discussion. It is her explicit intention to not only promote the religious, but also the social discussion from that and thus provoke counterparts if necessary. This statement is also meant to be an assistance for the congregation. And not only to invite the congregation to think along with the national developments, but certainly as well to give attention to the own possibilities which consistories and diaconal boards have in contacts with the local authorities.

2 Traditions in religious thinking about society and authorities

- 15) If the Protestant Church in the Netherlands establishes her fix in view of the democratic constitutional state, than she wants to be informed of her history. This history is complicated for two reasons.

First of all, as a united church the Protestant Church in the Netherlands is based in the Lutheran as well as in the Calvinistic tradition. Both traditions are rooted in the sixteenth century and have developed in their own manner in the questions around church and government. On top of that Reformed and Calvinistic have made very different accents within the Calvinistic tradition from the end of the nineteenth until far in the twentieth century.

The history is further complicated because these traditions were shaped in a drastically changing context. The government of the sixteenth century can hardly be compared to the government within the democratic constitutional state of the twenty-first century. The citizen of today has no resemblance with the subject of those days. The idea of 'civil society' as a private space between government and citizen is of a fairly recent date.

- 16) Precisely therefore it is important to try to understand the private history, and to learn from it, among others by looking at the confessions from the Reformation and the consequently following religious documents and decisions of later date. But the confessional documents themselves can only be understood in the perspective of a preceding age long history.

In the times of the Old Testament prophets are opposite of kings. In the times of the New Testament the apostles spread the Gospel of the Kingdom of God in a world estranged to that (compare John 18: 36). In the first centuries Christian communities are a potential risk for existing order, because of their rejection of the emperor-cult, their emphasis on care for their fellow-man and also their free organization-form; this sometimes led to severe persecution of Christians.

But in the fourth century after Christ a decisive change took place in European history. Since the time of Emperor Constantine the Great church and government are closely involved with each other: the church becomes state church and the state is Christianized.

Augustine († 430) recognizes the danger of this. In his '*De Civitate Dei*', Augustine puts the 'city of God' opposite the 'city of the devil'. In history it is profoundly about the battle of God against the powers, which will be only decided once and for all at the end of times. The church, which is engaged for the 'city if God', and the state therefore have a different role. The state, the Christian state as well, is called to prevent chaos, but can not improve citizens from it self. The church does have a calling to direct the life of the faithful towards Gods future. The thinking out of this difference in the doctrine of Augustine – and the implicit idea that the church is not dependant on the Roman Empire for its continued existence - will be constantly determining for the history of western Christianity.

The Reformation

- 17) Luther's Reformation has to determine its fix with that history as well in the years after 1517, moreover because it did not only lead to religious division but also to political tension. Merely therefore Reformation has to answer to the government in public. In 1530 Emperor Charles V calls a meeting of German princes, the Diet of Augsburg. At his request Luther's followers present an item in which they demonstrate how they are positioned in the combined catholic tradition. Thus the Augsburg Confession comes into being, written by Luther's colleague Philipp Melanchthon. The document is of course about the big questions of Reformation, on justification, faith and good works, and on the abuses in church. It also contains an article 'on civil cases', article XVI CA (see the appendix for the complete text).

Other than the Anabaptists of those days the early Lutheran tradition chooses a positive attitude towards the civil profession. Legal civil arrangements, the secular government and state life are perceived as institutions of God; they express God's creating love-will. Christians can therefore take their full responsibility within these secular frames, as long as it does not interfere with their responsibility towards God. So secular life is valued positively and may be sanctified.

- 18) In the steps of the Augsburg Confession Luther's two-kingdom-doctrine gradually developed. The above mentioned outset of Augustine continued in this: under the sign of Christ's future there is an ongoing battle in human history between the kingdom of God and the kingdom of evil. This battle takes place in all areas of life, in church as well; but in various ways. God rules in the 'secular regiment' through governmental structures, these structures have to provide maintenance of order, law and peace by issuing of rules and if necessary by force. In the 'spiritual regiment' God rules exclusively by the proclamation of His Word and through His Spirit. This way church and government are divided from each other in a certain way, but both stay directed to the service of God. Precisely therefore the Christian can be ultimately subservient in politics.

In later centuries the two-kingdoms-doctrine is explained and elaborated in various directions; sometimes with the inclination to a complete self-dependency and autonomy of political life. A waterproof separation between the domain of the church and political life however does not fit Luther's thinking. The present Lutheranism joins up closer with him especially in Germany. It emphasizes that the church should not try to achieve by political power what she can not bring into existence by her conviction and proclamation. The government itself is responsible for good fulfilling of her profession.

- 19) For Calvinistic tradition the *Nederlandse Geloofsbelijdenis* (NGB = *Dutch Profession of Faith*) has become of great importance. It is a new edition, from 1561, of a previous French text on which Calvin himself had essential influence. The NGB as well is an account towards the government: the writer, Guido de Brès, addresses King Philip II in an accompanying letter. His intention is comparable with that of the Augsburg Confession, namely to show that Calvin's followers abide by the Biblical doctrine, and to make clear to the government that, when legal order and government are concerned, they are not in line with the Anabaptists. This is the content of article 36 NGB (see the appendix for the complete text). Starting point of the article is that God established

authorities to control human liberty and ensure that everything happens in good order. This also shows His care which earlier in the NGB was a central theme in article 13, on God's providence. Therefore God put the sword in hands of the government, according to the well-known words of Paul in Romans 13: 4. The words following this have played a major role in later history. In the most recent translation it says:

“And their task is not only to pay attention to public order and to keep watch over that, but also to maintain holy worship. They should resist and eliminate all idolatry and false religion, destroy the kingdom of the antichrist, promote the kingdom of Jesus Christ and have the Word of the Gospel preached everywhere, so God is honoured and served by everyone, as He commands in His Word.ⁱ”

- 20) This says in so many words that the government has the task to keep out and eliminate all idolatry and false religion and to destroy the kingdom of the antichrist. One can differ if that is really the intention of the original Dutch text and of the French text on which this is based. Originally it was one long sentence, which – slightly adjusted to present spelling – was:

“And her profession is, not only to take notice of and keep watch over the police, but also to maintain the holy churches service, *in order to keep out and eliminate all idolatry and false religion to send the kingdom of the antichrist to the bottom*, and to promote the kingdom of Jesus Christ, have the Word of the Gospel preached everywhere so God is honoured and served by everyone as He commands in His Word.”

- 21) ‘Police’ is here public government. ‘Churches service’ is what we call worship. Maybe we can read it like this: the government has among others the task to enable worship, *in order to resist by that* all idolatry and so on. Otherwise: as long as the government secures worship, so if the Word of God can be proclaimed undisturbed, this resists idolatry and false religion and destroys the kingdom of the antichrist. But later it has not always been understood like this. The twenty-two above italicized most controversial words in the original Dutch text became to lead their own life.

For that matter the same goes for the complete article 36 NGB. The close relationship with the following article 37, the closing article of NGB has often been valued too little; this is about the final judgement. With Calvin himself we often find a close relationship between his vision on government and the Christian eschatological prospect, the creed that Christ shall come to judge the living and the dead. The punishment of evil people and the protection of good people is an essential governmental task in this order, but the final judgement on this is in God's hand and in His future. An orderly society is therefore an important condition for a good life, but at the same time it is an unfeasible ideal. Whoever keeps that connection in mind becomes more careful in thinking about a Christian construction of society.

- 22) The NGB takes root in the battle against the confinement of spiritual freedom which forms the background of the Eighty Years' War – also referred to as the Dutch Rebellion. At the same time this battle is about the liberation of the Netherlands from

Spanish domination. Calvin acknowledged in principle the right of rebellion against a government which fell to tyranny.

The Peace of Westphalia (1648) meant a step further in both areas. She confirms the independence of the Republic of the Seven United Netherlands, in which now the 'reformed' (Calvinistic) religion dominates public life. And in fact she recognizes the freedom of conscience or of religious conviction for the individual.

In the following centuries article 36 NGB produces little problems. The Calvinistic church, later also known as Reformed church, remains the public church and is for a large period in fact state church. People of other convictions – for example Roman-Catholics, Lutherans, Armenians, Baptists and Jews – are not prosecuted by the government, but they are forced to manifest themselves not too visible. There is freedom of conscience, but obviously not complete freedom of religion.

The Enlightenment

23) Everything changes when the French take over power in the Netherlands by the end of the eighteenth century. The French revolution with her principles of freedom and equality also continues here and leads to a legal separation of church and state during a number of years. Here we see among others the influence of the thinking of the Enlightenment, with her emphasis on human freedom. Religion is perceived to be a private matter and religious claims on the state are refused. In Europe the Enlightenment was often anti-religious. At the same time this movement did not come about by chance within a culture marked by Christian tradition: she is as much a consequence of the Christian tradition as well as a reaction to it. Behind the separation of church and state are also other developments, like the increasing meaning of independent religious communities which had a direct interest because of their own development.

When Napoleon is defeated and the Kingdom of the Netherlands under King William I come into being, at first the old relations are being restored to a certain level. In the constitution of 1815 the fundamental rights like the freedom of print and a certain form of religious freedom are recorded. However, the king reckons the care for the church – which now is called officially 'Netherlands Reformed Church' to be his responsibility. He provides the church in 1816 with a new Church Order, the *Algemeen Reglement* (General Regulation). Indeed shortly afterwards he does the same for the Evangelical Lutheran Church.

24) Gradually it becomes clear that nothing will be like it was before. The idea of a 'state' often directly linked with a 'nation' (the national state), develops more and more in the Europe of the nineteenth century. The principles of freedom and equality continue in the Netherlands as well. It starts a process of over an age in which the power of the king is more and more limited, in favour of the power of the people, by means of parliament: the democratic constitutional state is slowly shaped. In the middle of the nineteenth century fundamental rights like the right of assembly and of association are recorded in the Constitution. The influence of the king on the church is now perceived to be undesirable and after 1848 the government leaves the Netherlands Reformed Church the space to take care of her own business.

- 25) This once more brings up the question about the relationship of church and state and the meaning of article 36 NGB. In the mean time the first tears became a fact in the newly established Netherlands Reformed Church: in 1834 the Secession took place. During a short period the Secessionists even were confronted with persecution from the government.
- Afterwards the power within the Netherlands Reformed Church is generally with the liberal streamlet which preconceives the separation of church and state. Others look for a vision on church and state where the emphasis is on the mutual responsibility for the life of the Dutch nation, although with a difference in tasks. Fundamental for that is the idea that the Netherlands Reformed Church as such is aligned at the greater completeness of government and society. It is a vision that will continue to be of importance up until today.
- Only in the twentieth century gradually a broadly supported new vision on church and society develops, which ultimately enables another church order.
- 26) In the second half of the nineteenth century the development of all kind of organizations in society speeds up. The first political parties are being established, but also for example in the area of education new initiatives originate from the citizens. One could say that here is the start of, what we call now, civil society.

Going separate ways

- 27) In 1892 the Gereformeerde Kerken in Nederland (GKN = Reformed Churches in the Netherlands) came into existence from the merge of a great part of the Secession-congregations with the churches of the Doleantie of 1886, under the leadership of Abraham Kuyper. With that there is an explicit choice for a church free of all government influence. The 'sovereignty in the private circle', which means to say the emphasis on the independence of the various life circles – like family, economy, church, state – in relation to each other, becomes an important principle in thinking. With this powerful other institutions in society are a counter-balance against possible all-powerful pretensions of the state.
- Within the Reformed Churches in the Netherlands article 36 of NGB is soon in discussion. If the churches in the now defining reformed church-vision derive their union from the combined consent of the *Drie Formulieren van Enigheid* (Three Forms of Unity) (among others the NGB), they should be able to stand behind the text of these documents in full. The controversial words of article 36 however, make that very difficult. Besides the Anti-Revolutionaire Partij (ARP = Anti Revolutionary Party), which is closely associated with the Reformed Churches in the Netherlands, seeks government responsibility. It can not really be that the government has the task to keep out and eliminate all idolatry and false religion and to destroy the kingdom of the antichrist? Finally the general synod of the Reformed Churches in the Netherlands (Utrecht 1905) decides to strike out the twenty-two controversial words and to start looking for a substitute better text- which by the way was never found.

- 28) The idea that the government, out of respect for the church and for the conscience of the people, should refrain from every kind of interference in religious matters is decisive for the Reformed Churches in the Netherlands in 1905. Indeed this does not mean that the government should be neutral in the sense of complete indifference in religious matters. But the reformed synod does choose a principle separation of church and state: the state should have no institutionally rooted power on or in church, and vice versa the church should have no institutionally rooted power in the government. With that is also accepted that there are various thinking-traditions within Dutch society: what we now call 'plural society' is a known fact one should positively adapt to. At the same time this makes room for a concept of Christian politics. The church 'as institution' should refrain from politics, but the church 'as organism' organizes itself in political area as a Christian political party like the ARP. She feels herself to be called upon to apply herself within the rules of the game of the constitutional state for a government policy in accordance with Christian principles.
- 29) From the second part of the nineteenth century in Netherlands reformed circles, in continuation of G. Groen van Prinsterer and Ph. Hoedemaker, the idea continues of the Netherlands as a principally Protestant-Christian nation. This colours the vision on the task of both the church as well as of the government as God's servant. It also involves church and government closely with each other. Later the term 'theocracy' becomes the vogue for this approach. This way many cling to the idea of a special relationship between the Netherlands as 'Christian nation' and the Netherlands Reformed Church. In the twentieth century theologians like Th.L. Haitjema and A.A. van Ruler further extend this range of ideas. It is politically shaped in the political programs of the Christelijk Historische Unie (CHU = Christian Historical Union) and the Staatkundig Gereformeerde Partij (SGP = Political Reformed Party).
- 30) In the mean time the democratic constitutional state developed further and further. Since 1917 there is general voting right, at first only for men, but since 1919 for women as well.
- 31) Under the strong influence of the Swiss theologian Karl Barth a vision develops in the first half of the twentieth century which will finally has great influence. He does not choose Christian politics, because of the embodied risk of identification of a political program with the Gospel itself. Far more he advocates politics in which Christians, fed by Christian ethos, take part in a cool manner and in which the church has a critical function towards the government. In 1934 the *Theological Declaration of Barmen* gives in a special manner realization to Barth's thinking. A 'synod' of professing Christians from Lutheran and Calvinist circles bears testimony of their faith in Jesus Christ as Lord over the powers, with which they say "no" to the national-socialist race-teaching - which is also defended by Christians – and the unconditional loyalty to Hitler. Faith turns out to be utterly relevant for political life. In chapter 4 we enter further into the meaning of this declaration for the profession in the present.

- Inspired by Barth a number of Netherlands reformed oppose compartmentalization after the World War II. It leads to the 'break-through' in the direction of non-confessional parties, especially to the Partij van de Arbeid (PvdA = Party of Labour). After 1945 National Socialism, the World War II and the Holocaust stimulate thinking on fundamental human rights. In 1948 the United Nations accepted the *Universal Declaration of Human Rights*.
- 32) Within the Netherlands Reformed Church the experiences of the World War II enable the long-time longed for consensus on a new church order. It takes effect in 1951. The mission theology of Kraemer and Hoekendijk also colours this church order. Determining therefore is the concept that the church has a mission which is in line with God's mission. Each form of church or mission is therefore embedded in a framework of divine act with the world. In her speaking the church refers for everything to what is already going on between God and the world. She tries to build a bridge between the faith of the local congregation and the vision of one mankind.
- The Dutch Reformed Church perceives herself as put in the world as Christ-professing religious community to profess God's promises and commandments before all people and powers from the expectation of God's Kingdom, according to Article VIII of the new reformed church order. The in this implied involvement with 'government and people' has many shapes, among others that of pulpit messages and pastoral epistles. But at least as important are club- and community centre activities, diaconal work, religious education at public schools and such.
- At the same time the in the same article of the church order indicated task of the church to Christianize the public life in the sense of the Reformation' reminds of the theocratic way of thinking.
- 33) More than once in the period after the World War II the Netherlands Reformed synod addresses the questions on church and government in official documents, decisions and announcements; sometimes explicitly, sometimes more implicitly. The basis of the special responsibility of the Netherlands Reformed Church for society as a whole remains the guiding principle. This leads to concrete stands of the church in political questions like decolonisation, nuclear armament and racism.
- As early as in 1949 the Netherlands Reformed synod establishes the model of renewed reformed confession *Fundamenten en Perspectieven van Belijden* (Fundamentals and Perspectives of Confession). A characteristic phrase from Article 16, on the government which finds its ultimate basis 'in the merciful intention of God' states:
- "Therefore governments may not be neutral nor follow their privately chosen world conviction, but seek to represent God's Royal Authority in her dominion and seek to praise Jesus Christ as the Commander of the kings of the earth. Then it will come true that, where God's service is sought out, the service to true humanity is found".ⁱⁱ
- 34) In 1955 the pastoral epistle *Christen-zijn in de Nederlandse samenleving* (Being-Christian in Dutch society) follows. In this the synod stands by its principle of its vision on the government as institution of God, called upon to maintain law and order, subordinated to God's authority on all creation and submissive to quality of life. But that precisely does not mean the choice for a church state or a state church. The synod premises the importance of life in a democratic constitutional state. Although this does

not mean that constitutional state and democracy are the 'highest and ultimate values' for the church, the synod perceives it to be "the assignment of the Church to stand in the breach for defence and maintenance of a state-structure in which justice, which is also of complete legitimacy for the state, forms a guarantee for equality of the citizens and for their spiritual freedom".ⁱⁱⁱ Precisely the World War II showed what is at stake! In solidarity with the complete people the Netherlands Reformed Church knows itself to be co-responsible as a *church* for social and cultural life.

New approach

- 35) In a document titled *De politieke verantwoordelijkheid van de kerk* (1964) (The political responsibility of the church) the synod returns to this theme. The kingdom of God, not just a matter for the future, but now already secretly present in history, is of crucial importance. Now is distinguished between government and state: after all governments are removable, the state is constant. Constitutional state and democratic structure "refer to the basic convictions regarding man and his destination and regarding the community and justice, which can not be altered or suspended at one's own discretion".^{iv} Therefore spiritual sources have to be disclosed over and over again. The church knows only too well about the human, the all too human, sin, also in government policy: "On the road to completion in the kingdom we have the representation of God's government before us in the governments as well as the rebellion against God's government, because God governs in and over de states".^v
- 36) After the reunion of all Dutch Lutherans in the Evangelical Lutheran Church (in 1952) the church order of 1955 of this church has no condition in which a specific task for the relation to government and society is assigned to the synod or synod committee. The synod committee has merely been instructed 'to maintain contacts with the Government and other social organizations in national and international area' (article 157 church order ELC). The two-kingdom theory never played a great part in the Netherlands. Remarkable is a study of Professor W.J. Kooiman from 1959 on Luther's vision on the threat from Turkish side. He concludes: "Here for the first time religious war was condemned fundamentally and this was not without consequence in history".^{vi} Because, "the order in this world can not be maintained by the preaching of the cross and the cross should not be abused in service of the battle for a worldly position of power."^{vii}
- 37) At the foundation of the Council of Churches in the Netherlands (1968) except for the Netherlands Reformed Church and the Evangelic Lutheran Church (which were already active in the forerunner of the Council) the Reformed Churches in the Netherlands also joins. In the over forty years of its existence the Council will develop into an important representative of the churches in social and political area, for example round issues like refugees, asylum seekers and new poverty.
- 38) Until far in the sixties the thinking within the Reformed Churches in the Netherlands was determined by the conceptual schema 'church as institute' and 'church as organism'. However – along with the growing openness for ecumenism - the question is asked if and in how far the church as an institute, for example through the general synod, can

have on political and social area. The fact that there is such a calling is clearly pronounced in 1972.^{viii} The question how this should be realized is established by a number of decisions of the general synod in the period 1970-1990, without there being paid much attention to the calling of the government. Apart from that a new translation of the NGB is established in 1979, in which the change of article 36 is been undone. But for years the discussion is about the authority of the general synod to make statements in political and social areas. Ultimately the synod of 1987 explicitly tones down the 'working construction' which is implied in the difference of 'church as institution' and 'church as organism'. In the reformed church order the 'church as institution' still is assigned the task to participate in the discussion on important problems of human society and to stimulate and promote this discussion with the means available to her (article 130 church order Reformed Churches in the Netherlands). Further the possibility – which was already included in the revised church order in 1959 - remains of a 'testimony' before people and government.

- 39) In the mean time the *Verklaring van Overeenstemming* (Declaration of Consensus) was established in 1986 by the Netherlands Reformed Church and the Reformed Churches in the Netherlands, to which shortly after that the Evangelical-Lutheran Church in the Kingdom of the Netherlands (ELK) joined in. Starting point for this declaration is the conviction that the courses of the two – later three – churches have approached each other so closely, that taking a mutual course into the future becomes possible. The still existing differences are no longer of church-separating significance. The churches realize that the ongoing secularization poses them before completely new challenges which call even more for bundling of strength and "looking together for a combined testimony of faith and living in the people's-society of today".^{ix} The churches agree on the most fundamental issues of confession. Part of that is also that they profess the church to be in the service of the coming Kingdom. Jesus Christ assembled pupils in order to be his witnesses in the world. The congregation is called to be sent out. The motivation to unification also occurs from the awareness of a mutual task. At the same time there are clear differences between the churches in several points. Essentially they are about mutual questions. One of them is 'the speaking of the church', or broader: the relation of the church to government and society. The differences in this point, mainly between the Netherlands Reformed Church and the Reformed Churches in the Netherlands, are acknowledged. In the Netherlands Reformed Church a theocratic inclination can be observed: professionally the church establishes herself as leading organization towards government and people. Of old more emphasis was made in the Reformed Churches in the Netherlands on the personal responsibility of church members as citizens. The *Declaration of Consensus* continues: "We are of the opinion, that this difference in accent can not be introduced as a motive to persevere in our religious separation. Both churches should introduce what possibilities and difficulties they have discovered in their responsibility towards people and government in the search of a way to execute the assignment of the Lord".^x
- 40) In the following years the Netherlands Reformed synod several times published new statements in this area. In 1988 the pastoral assistance *Gemeente-zijn in de mondiale samenleving* (Being-congregation in the global society) was published. The title already

shows a new accent: the private place of the congregation comes more strongly into the picture. New is also the awareness that church and government understand each other less easily. This is also a consequence of the secularisation. In a secular, pluriform society the government can conceive little in the Netherlands reformed notion of the 'profession' of the government. And the church can not recognize herself in the vision of the government on the church as nothing less than an 'association of religious people'. It is a matter of conciseness to recognize this.

New is also the broadening of the horizon: Dutch society no longer is the first context of the church. Ecumenical alliance with the worldwide congregation replaces the link with the own culture and history. This way the church shares in the calling of the worldwide church to testimony and service, which leads to a new orientation in the private society. Where necessary the church keeps making statements on political topicality, but in a democratized society this speaking should be nourished by an 'ongoing consideration at congregational level'.

Finally, the great attention for the changing role of the government is new. There is a 'statefication' of society: the state went from night watchman to steering mechanism. At the same time there is a socialization of society by the increasing influence on politics by all kind of lobbies. Now the church is one voice amidst many. Explicitly article 36 NGB is addressed which assigns a private function to the government in God's interference with the world. Does that mean theocracy? Yes, as far as theocratic thinking sticks to the submission of political and economical powers to God's authority. Therefore it is not rejected and not made absolute. In this sense a neutral government as well is God's servant. The state has a real function in God's authority and is limited by it at the same time. However, a theocratic state conception is rejected right away. In principle the Netherlands Reformed Church chooses for democracy, because in that human dignity is best guaranteed. Of 'Christianization' can only be spoken as far as is intended that the church is involved with the world. She does not exist for herself, but she is there for the entire people and for public life as well. Three years later, in *Kerstening als kerkewerk* (Christianization as religious work), this position is explored in depth even further: it is about the renewing, beneficial influence the church can have on society.

- 41) The Netherlands reformed report *Hart en ziel voor Europa?* (Heart and soul for Europe?) (1996) should also be mentioned. In the light of the great changes in Middle- and Eastern Europe and the ongoing integration of the European Union (which replaced the European Community in 1993), with this sizeable report the synod made a choice for positive involvement of the church with the European unification, while in this part of the world power-relations are replaced by justice-relations. One of the accents concerns the necessity of ecumenical cooperation within a Europe facing great challenges when dealing with the past, with closely with religion connected nationalism (Yugoslavia!) and with economical disparity within Europe and at a global level.
- 42) Since 2004 the Protestant Church in the Netherlands exists and she organizes her life according to the rules of a new church order. In there are decisive elements from the above outlined history. Article 1, item 5, for example refers to the importance of the *Theological declaration of Barmen* for today's profession. Item 6 states that the church

professes Jesus Christ as Lord and Saviour of the world, and perceives this profession – which finds expression in her celebration, speaking and acting – as a calling to renewal of life in culture, society and state. In addition it says: “The church bears witness before people, powers and authorities of God’s promises and commandments and looks for dialogue with other churches for that.” These outlines are, save of what is said elsewhere in the church order for example on diaconal work and education, especially elaborated in ordinance 1-3, about the ‘speaking of the church’. There is a vast instrumentation ready. The church promotes the forming of opinion in the congregations on social questions, in the private environment and worldwide. She can give her opinion on social questions, and she can – preferably with other churches, give testimony regarding social questions.

- 43) In chapter 4 the theological questions on this are elaborated, against the background of the church order of the Protestant Church in the Netherlands.

3 Changes in the public domain

- 44) The democratic constitutional state has been realized in the Netherlands for many decades, even if the discussion in society on the mutual relation and the range of civil freedom inevitably continues, and even if in public debate over and over is spoken of the advantages and disadvantages of possible other democratic instruments, like for example the referendum.
- 45) The separation of church and state is an aspect of the democratic constitutional state. Everything that would even be inclined towards something like a church state or state church is legally impossible. A quarter of a century ago even the registration of church societies was discarded by the government. On January 1, 2010 a change in the Commercial Register Law becomes valid: then the registration of churches (at national level) at the Chambers of Commerce is obligatory, apart from that being a condition for recognition by the government. Nevertheless there are all kind of relations between the government and the churches. In public education room has been created for religious education under responsibility of the churches. There is cooperation in the area of mental care in judicial institutions, in the army and in health care. In principle the maintenance of monumental church buildings is eligible for governmental grant. Consultation between government and churches on these and other issues takes place in the Interreligious Contact in Governmental Business.

Various domains

- 46) Often the debate on the social position of the church is narrowed down to a discussion on the separation of church and state. This has two disadvantages.
- The classic difference between church and state suggests that this would regard two comparable institutions engaged in an ongoing battle for power. This image is historically explainable, but does not provide a good description of the present relation between government and church. Because the separation has been a fact for a long time and has been acknowledged often and in many places by all parties concerned.
- The second disadvantage of the focus on church and state is that through that a number of developments around religion and society are missed. Society is complex and the classical analysis model of church and state does not provide enough support to do that justice. This chapter therefore tries to draw a broader picture of the social reality in which the church tries to find her way.
- 47) In order to gain sight on the complicated character of the Dutch society it is helpful to make some differentiations. The first is between the private domain, the sphere of personal relations, and the public domain, the playing-field of social life. Within that last domain three sub-domains can consequently be distinguished, each with private values and rules of the game, namely the market, the state and civil society. The market rules the economic traffic, the state decides and maintains the rules of the game and civil society offers room for forming of opinion and building social networks which can inspire people to combined action.

For a long time the church embodied a fourth aspect of the public domain, loose from market, constitutional state and civil society. From this position she talked to the government about her responsibility. At present the church is considered to be a part of civil society. This changed her position with regard to the state. This new relationship is further explored in the last part of this chapter. First the relation between the democratic constitutional state and civil society are further described, after that a number of important social processes are addressed leaving their marks in these areas within the public domain.

- 48) Freedom, equality and solidarity are determining for the Dutch democratic and social constitutional state. The constitutional state is bound to the fundamental rights of the citizens, and for the state all citizens are equal. They have legal and similar possibilities to exercise influence on the decision-making. Through care for safety, education, housing, healthcare and income the government contributes to the well-being of the citizens.
- 49) The Netherlands Reformed synod already drew attention to the socialization of the state – which turned from night watchman into steering mechanism -, and to the ‘statefication’ of society – the ongoing democratization of society. Society and state already became connected with one and other in many ways. In this course civil society developed. Of old in the Netherlands a close connection between state and civil society is valued. The various networks within society are places where people can practise active citizen-ship and sense of public responsibility. The meaning of civil society was strongly put forward at the great changes in Middle- and Eastern Europe (the ‘Wende’) in 1989. In the execution of her policy the government is supported by civil society. At the same time the latter exerts influence on the government, for example by lobbying for a certain policy or for favourable legislation and issuing of rules.
- 50) There is much to be said in distinguishing aside from the private domain (which has been practically has been left out of consideration here) and the public domain another third domain, which has been indicated as ‘the holy domain’. It is of direct interest for the personal as well as the social life, and it has a strong public aspect. It becomes visible in national commemoration days like Memorial Day and Liberation Day, but as well in for example monuments and churches. They refer in various ways to stories, common memories and values which are determining for society (and which therefore are constantly under discussion in politics and civil society!), but can not be organized at the same time. That holy domain seems to have become unprotected nowadays. It asks for respect and restrain, but the justice of the government can not offer the correct means to protect this holy domain. It has an inevitable vulnerability. Because respect can not be enforced. The denial of the Holocaust can not be restrained by the criminal court. The same goes for blasphemy. The offence of fellow men and of certain factions turns out to be hardly limited by criminal law – and not at all when freedom of speech is being interpreted as the ‘right to offend’. When various fundamental rights collide and standards can not be enforced within the constitutional state it is even more important that people choose freely to respect one and other.

- 51) The various visions on cohesion between civil society and the state demonstrate that the boundary between both often is not sharp. Further there are organizations which belong in the various sub domains. Political parties make the clearest example. As organizations of citizens they can be seen as part of civil society, but their function is primarily their role in state-structure.
- 52) All players within the public domain have ideas and ideals about the relation between the various spheres and their private position in there. Partly the government, associations, market-parties and the church have the opportunity to determine their social role themselves. At the same time they are dependant of the space they get from the other public institutions. In a democratic society it is the responsibility of all concerned that there is not too much tension of how they perceive and position themselves on the one side and the actual social relations on the other side. It is a matter of compromising between the private freedom of organization and pragmatic acceptance of the existing social structure.
- To the state and to many of her collaboration partners the church is an association of religious people. They do often realize that the church has an important role in civil society. However it is the question to which extend, based on her calling, the church can perceive herself as part of civil society. From a social point of view should be emphasized that the church is not only connected with civil society, but also with private life. In spite of these reservations it is good to explore the social role of the church. This results in a number of questions which will be further discussed in chapter 4.

Individualization

- 53) Of all processes which have great influence on society, individualization is one of the most important. First of all it means that individuals can decide for themselves how they want to identify with which social associations. This changes the nature of the relations people enter into. Individuals bind themselves in an ongoing nimble manner. Their involvement in a group is often less sustainable and is experienced as less obligatory.
- In the area of moral there is even talk of a double individualization. Increasingly people themselves choose the standards and values they think important. Besides they have a preference for those values which put freedom and individual happiness central.
- It is striking that this individualization does not lead to social splintering. The increased freedom of choice is often used to make the same choices as fellow citizens. For example the support for central values of democracy and constitutional state rather increases than diminishes.^{xi} The time of closed compartmentalization however is mostly over: people make their own choices and they are far from always going in the same direction in various social areas. They may send their children to a Christian school, but read a liberal paper and vote for a party at the left side of the spectrum. They also easily change in such choices, do not commit for longer periods and often not at all. The flexibility which comes into existence that way should offer possibilities to build bridges between various population groups. But in practice the effect is mainly that the loyalty regarding institutions diminishes.

Globalization

54) A second central idea in recent development is globalization. In 1988 the pastoral assistance *Gemeente-zijn in de mondiale samenleving* (Being-congregation in global society) already called attention to this process and since that time the awareness of the effects of globalization grew further. Many pressing problems are too big to solve country-wise. Poverty-control, climate change, peace and security demand a worldwide approach. Globalization also means that the boundaries between societies in cultural and moral area more and more fade away; for example the influence of multinationals on the tastes and preferences of consumers. Another example is the cultural baggage immigrants bring into their new homeland.

In various ways the churches are involved in this; also in a very positive way. As the Netherlands Reformed synod already indicated in 1988 the congregation nowadays is placed consciously 'in a global society'. Aside from all religious provincialism that can also be detected in the Protestant Church in the Netherlands, remains the fact that many experience the church nowadays much stronger than before as part of a worldwide community of Christians. Through Kerk in Actie (Church in Action) this awareness is kept alive and nourished constantly. Worldwide ecumenism is the natural environment of the church, maybe not in the first place by the recognition of the work of international ecumenical organizations but indeed through congregational contacts and involvement with religious projects worldwide – for which the worldwide organizational structure is a necessary condition.

European integration

55) The European integration-project is a specific power which contributes to the de-bordering of the Netherlands. The European Union and the Council of Europe (with the attached European Court for Human Rights) have increasing influence on the establishment of the Dutch constitutional state. Citizens of the Netherlands are also citizens of Europe. In spite of the uncertainty about the desired course for Europe as it shows from political discussions (or the lack of them) in the past years, from the referendum on a European Constitution and from the low turnout at the elections for the European Parliament, a great many realize that the Netherlands without Europe is unconceivable.

The increasingly grown European issuing of instructions, with their consequences for Dutch law and the influence of the verdicts of the European Court for Human Rights on the Dutch constitutional state, give specific colour to the Dutch democratic constitutional state.

56) The European Union, nowadays with 27 member-states, clings to the principle of separation of church and state. In the Treaty of Lisbon, which is meant to create a frame for further developments of the European Union, is recorded that the European Union respects and does not retract the status these churches and religious associations and communities have according to national law in the member-states. Apart from that the same goes for the status of other world-views, also the non-confessional. Otherwise, European legislation can not influence the national church-state relationships.

Yet it is striking that the European Union assigns greater value to the role of churches and the dialogue between the political responsible and the churches than many in the Netherlands think to be desirable. In the Preamble of the Lisbon Treaty the inspiring role of 'cultural, religious and humanistic traditions of Europe' is explicitly acknowledged as the basis of universal values of the inviolable and inalienable human rights and of freedom, democracy, equality and constitutional state. And the treaty creates – for the first time in European treaties – a legal basis for the dialogue with the churches: 'The Union has an open, transparent and regular dialogue with these churches and organizations, under recognition of their identity and their specific contribution'.^{xii} Herewith a legal base is given to an existing praxis, even if the question remains how the church can fill in this dialogue in the future.

Pluriformity

57) As fourth summarizing term pluriformity should be mentioned. The increased individual freedom, as well as the ongoing worldwide cross-linking, leads to the fact that people are more and more able to define their own path in life. Drawing from various traditions people weave their private world-vision. However, convictions can easily be traded for a new pattern. We already mentioned it: loyalties change quickly. That is sometimes a harsh reality, because it also means that there can be a fundamental difference in opinion, a greater limitation of the mutual horizon and even the impossibility to really understand each other!

A remarkable constant within this social multi-formity or pluriformity is the decreasing interest for traditionally organized forms of religion. But the understanding penetrates that the declining membership of churches does not mean to say that society is radically secularizing. Religion retracts more and more from the beaten institutional tracks and returns into society in a new manner. Increasingly more people make their own choices in religious area and want those choices to be taken seriously.

The increased pluriformity leads to more options, but also to choice-pressure. Preconceived answers are automatically not self-evident and this often means a difficult search for new ways. Some prosper with the increased freedom. Others long for clearly described identities and find them for example in forms of religious fundamentalism or strong nationalism. Pluriformity sometimes leads to fear and uncertainty.

Consequences

58) Individualization, globalization, European integration and the increasing pluriformity have changed Dutch society permanently. The Netherlands are increasingly less a country of strongly organized minorities. Well organized associations based on world-views look once more for the meaning of their identity for daily praxis. Numerically they have lost importance. The clearest example is the decline of the membership of churches. But this phenomenon also shows in other areas. It is for example significant that recently the preference for public education is greater than for education based on religion, even if that is caused by the increasing of the group of indifferent.^{xiii} The bonds to traditional forms of organization are becoming looser and are considered less important. Political parties for example are confronted with strongly decreasing memberships – much more than the churches: less than 300.000 Dutchmen are still

member of a political party, while the combined churches still have many millions of members. This does not mean to say that the interest for political matters has disappeared. Political involvement shifts to associations of partial interests such as organizations for environmental protection.

- 59) For the 'real' politics this could mean that politics has become more of a market than a forum: it is not primarily about the debate on a *joint* future of a multicolour society, but rather about saving the *private* (group-) interests through a vote on the 'highest offering'. In this set-up internal party-democracy is often considered less relevant. The rising of political movements without association-structure and the at the same time rapid caving in of many other political parties with respect to membership-numbers is even more worrying when because of that too little people can be found who are willing and able to hold governmental and representative functions. Closely linked to that is the danger of populism. With that it is not primarily about a certain content – populism can show itself in many ways - - but about appealing in a certain way to what is supposed to live among 'the people'. Populism lives of and at the same time nourishes the distrust of the 'established order' and systematically undermines the trust in political institutions.
- 60) In this changing landscape the discussion on political and moral issues is more and more a public issue. This means on the one side that everyone can enter into the debate and establish a private position. An increasingly colourful entity of convictions and values is defended. On the other side public opinion is easier influenced by strongly expressed views. Here the media play a role which is not to be underestimated.
- It is notable that the increasing freedom of choice did not leave most people in moral confusion; on the contrary. A growing number of Dutchmen even indicate to be able to make a clear distinction between good and evil. Besides they grow to be more demanding towards their fellow citizens. In a time when pluriformity in standards and values increases, the tolerance for strongly different views decreases. When people do not fall in line with the standards and values shared by the majority this is sooner experienced to be a problem and raised for discussion.^{xiv}
- 61) At this point the government sees a task for her and wants to pave the way for this moral and cultural pluriformity. She stimulates the debate on shared standards, values and active citizenship. A subject which recently came high on the political agenda is the tension between conflicting fundamental rights. The freedoms and rights of citizens can be in conflict with each other and this is cause to weigh their mutual interest. For example: to many the right on equal treatment seems to weigh more than the freedom of religion. At first equal treatment was an important principle for the relation between government and citizen. Everybody has to be able to trust that he is treated in the same way as fellow-citizens. Nowadays this principle is more and more considered to apply to social relations. Citizens and organizations have to treat everybody equally. If this development should persist, this would ultimately have consequences for the organizational freedom of churches, if for example the judge would no longer accept that in certain religious communities women can not be office-bearers.

Apart from that the government runs into boundaries in her attempts to control the pluriformity of society. Precisely a state which takes the freedoms of her citizens really serious can not force them (with government strength) to be loyal to the basic values of democracy: she can summon and inspire to do so. The citizens are the ones to create a culture in which values like equality and freedom for everyone are kept up.

- 62) How does society perceive the role of the church in public opinion-forming in civil society? The answer is not clear in advance. The public debate has no permanent participants and the church is not invited in advance as well. In the discussion expertise is higher valued than authority. Not even half of the Dutchmen who speak their minds about this perceive the church to be a reliable source of information when it comes to important social and political issues (for that matter political parties have even lower scores in this aspect).^{xv} In image-forming the church often still seems to be linked to social power, and not experienced as a participant to the public debate which takes the citizens and their choices seriously.
- This image of the church as political power also puts the religious contribution to the debate on moral issues in a dubious light. The important difference between a political contribution to direct policy-influence and a moral contribution to the ongoing social debate is not always recognized by the outer world. Misunderstandings lie in wait, which sometimes causes the contribution of the church to be put aside all too soon. On the other side there are sometimes surprising tokens of a new openness for the meaning of religion for the public domain.^{xvi}
- 63) Finally: the increased freedom of choice is attended with new responsibilities for the citizen. The government proceeds from the idea that citizens are mature and are able to take good care of their own affairs. The Law on Social Support is an example of the changing vision of the government on her own role. The welfare state is replaced by a participation state in which people themselves are primarily responsible to arrange provisions for their own need for care. Besides, the Law on Social Support demonstrates that the government is decentralizing in certain areas. The responsibility for the execution of social policy is put with the communities and social organizations. Civil society as the place where people build their networks and take joint action is actively involved in her policy by the government.
- 64) In this area as well there are questions for the church. From the government the church still has some recognition for her role as social organization. Within tax law she is considered to be an Organization Aiming Public Use. The Law on Social Support offers new frames to execute the tasks the church already took upon her. The question is how the church wants to shape this role in diaconal and missionary form. This issue as well will be addressed in the final chapter.

4 Theological motives and considerations

65) The Protestant Church in the Netherlands stands in a long and diverse tradition of reflecting on her relationship to the government. Changing circumstances, as described in the previous chapter, call up old and new theological questions.

In this chapter theological motives and considerations are put forward. Here it is about ideas which often – that is to say: without further translation – are not automatically recognized as relevant for modern society. Otherwise: at first this is about a discussion within the circle of the church and therefore the theological questions are central which are more or less explicitly under discussion.

In the next and last chapter will be attempted to put the meaning of this for the discussion with and within society forward in such a manner, that those who themselves choose not to live from the inspiration of the Gospel of Jesus Christ as well, are at least able to recognize how the Protestant Church in the Netherlands chooses position in the ongoing public debate on the democratic constitutional state. It is not unthinkable that this way becomes visible how the thinking of many outside of the church still joins in closely with what is often defined as the Jewish-Christian tradition, a tradition which shaped the Netherlands probably more than some want to be true.

The private heritage

66) Primarily it seems sensible to outline which motives from history – as indicated in chapter 2 – are still meaningful up until today. It is important to bring together the best of the various thinking traditions this way.

67) A fundamental motive in that history is that of the government as ‘institution of God’. It came forward in the Augsburg Confession as well as in the NGB, whereby the Augsburg Confession limits the obedience to the government with an appeal to Acts 5: 29: “We must obey God rather than men!” The dropping out of the classic duality of government and subject and the instead emerging of the triangle government, citizen and constitutional state does not mean that this fundamental motive can be pushed aside. The calling on the character of the government as institution of God undoubtedly functioned as an argument to silence criticism on the government, but even that does not alter the fact that the church believes that the government is an instrument in God’s hand. Indeed it is nowadays better to speak of legal order rather than of government, even more so because the legal order in which the church lives is increasingly determined by European integration and by international treaties. In that as well the congregation of Christ may recognize God’s merciful care. In principle this applies to each government and therefore certainly not just for a democratically chosen government within a social constitutional state. There is the essence of the well-known words of Paul from Romans 13: 1: “Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God”. God’s mercy is not confined to his salvation-work in Christ and through the Spirit, but is expressed as well in opposing the power of sin in human life and society, among others in the law. Here is also the basis

for the prayer for the authorities, which is up until today often practised within the Protestant Church in the Netherlands.

- 68) In line with this is a motive which especially continued in the Netherlands Reformed tradition, which is the responsibility of the church for the entire society. The Protestant Church in the Netherlands wants to ask herself explicitly how she can serve the entire society – and not just her own ‘rank and file’ – with the message of the Gospel, also in its relevance for the social, cultural and political questions of the present. The faith that Jesus Christ is the Lord and Saviour of the world calls her up to profess over and over again, ‘in her worship, speaking and acting’, and thus also summon society to renewal of life (compare article I item 6 Protestant Church Order).
- 69) But not only the church in her organizational design has responsibility here. The citizen, inspired by the Gospel, has his/her own political calling. This thought, of old central in the motive of the ‘church as organism’ has in the reformed tradition – here perceived as tradition next to the Netherlands Reformed tradition – only gained importance.
- 70) With respect to content the theocratic motive joins in with this. Nowadays the church is still convinced that society can only gain if government and parliament in legislation and management conform themselves to the standards which the church recognizes from God’s promises and commandments (compare again article I item 6 Protestant Church Order). In theocracy one often thinks of ‘church above the state’. However, the church is not above the government, nor the government above the church. Both have been established by God with a private responsibility and calling. God’s commandment is good and beneficial, also in political and social area. From Christians who take their responsibility – be it where it involves their influence at the ballot-box, or where they are called upon to accept their legislative or managing responsibilities – may be expected that they let themselves be guided by that, regardless of the question if they think they have to work through Christian political parties or not. In that sense ‘theocracy’ stands for a certain vision on the calling of the government as ‘God’s servant’, irrespective of the political existing order in which this government functions.
- 71) The eschatological motive, which became ongoing stronger in the historic overview, deserves to be maintained more than ever before. With this the discussion on the democratic constitutional state is positioned under the herald of God’s promises and of His judgement. Because ultimately it is in life, also in political life, about an ongoing tension and spiritual struggle between God’s intentions with this world and all kinds of powers which resist this. They obstruct the view on Him who is the centre of faith within the church, Jesus Christ. Paul’s words on the struggle ‘We are not fighting against humans. We are fighting against forces and authorities and against rulers of darkness and powers in the spiritual world.’ (Ephesians 6: 12) point – although they are not easy to understand for today’s people – just now to such deeper dimensions of human life and society.
- A basic theme in the Bible as the Kingdom of God foremost wants to express the promise-character: in the end peace and righteousness are not the fruit of – and therefore completely dependant on – actions of people, but they are vowed to the world

as a promise with respect to God's future. People are called to be subservient to this, in modesty and with complete dedication, up until the willingness to accept oppression for this. In a certain way this makes eschatology relevant for the present. In a study from 1997 the Community of Protestant Churches in Europe (Leuenberg) showed convincingly how the Lutheran two-kingdoms-doctrine and the Calvinistic emphasis on the kingdom of God – which are often considered not to concur – touch each other in this perspective of God's promises.^{xvii}

Well-known is a statement of Dietrich Bonhoeffer († 1945): "We believe in the last, but live in the before-last." With this Bonhoeffer keeps this world and the promised future apart on the one hand. Each has its own right and its own place. One can recognize a variation on the theme of the Lutheran two-kingdoms-doctrine. Therefore one should be on guard against everything which tends to sanctification of elements of worldly existence, and cling to the fact that the world does not belong to the last, but to the before-last! The world has to remain world. We must, Bonhoeffer writes, be loyal to the earth and the before-last! At present the democratic constitutional state is part of this before-last.

- 72) The reverse of this is that history is under the herald of 'the last', a final judgement which is not in the hands of men. This awareness as well colours the manner in which the congregation relates to the government. It implies that the church accepts the government, also where she indicates to have great difficulties with specific forms of governmental conduct. Underneath the acceptance are the consciousness and the expectation that Christ Himself will come to judge the living and the dead. The church knows of the patience of the landowner (compare Matthew 13: 30). This provides a certain relaxation. Only in the last resort, when a government opposes evidently and explicitly everything which is beneficial for society (and in this also opposes the democratic constitutional state!), the church is aware of the possibility of renouncing obedience towards this government – with all its consequences. In this sense the church, precisely in eschatological perspective – is called to cautiousness.

Legitimacy or recognition

- 73) The five historic lines– the government as institution of God, the responsibility of the church for the whole of society, the private responsibility of the citizen, theocracy (provided it is not misunderstood) and the eschatological perspective - we found so far do not offer suggestions to ask fundamental questions on the democratic constitutional state. They rather continue in the acceptance of it and in the reflection on its aspects like the separation of church and state or plural society. Nevertheless these and other concepts we use today demand a further theological reflection.
- 74) A basic question is which role the church and theology have here. Is it the calling of the church to provide a theological basis for the democratic constitutional state? Should she bring up arguments from her tradition to say: this is the way? History taught us the risks it brings when churches provide a theological legitimacy for a certain leadership. It soon results in the church blessing the weapons, or legitimating the Apartheid-system.

Therefore it can not be the assignment of the church to found, legitimate or justify the democratic constitutional state. The Protestant Church in the Netherlands chooses another position here. First of all she makes clear that and in which manner she accepts the democratic constitutional state. In fact this already became clear overhead. For the church accepts, in addition to her heritage, the government as institution of God. However, everything is not said with this. Subsequently the church asks herself in how far she gradually learned to recognize something of God's merciful intentions in the democratic constitutional state, as expressed in the Gospel of God's kingdom. The word 'recognize' wants to honour the value of the democratic constitutional state in full, but at the same time do justice to the fact that there always remains a great distance between the way of thinking of Christian tradition and the world of today. In the continuation of this chapter we address several aspects of this recognition.

- 75) Apart from that the democratic constitutional state has every interest that churches and other organizations which are representative for religion or world views give their opinion about the relation between their own fundamental views and the political order. After all, she is highly dependable of a deep-felt and founded involvement of the citizens and society in her functioning. When this meaningful involvement shrinks or lacks, the democratic constitutional state threatens to become no more than a set of agreements on regular procedures, a formal structure without meaningful values. Increasingly there are signals that society and government expect an engagement of the churches.

The constitutional state

- 76) Without reserve the church recognizes important notions from the Scripture in the constitutional state. That the government as well is bound to 'justice and righteousness' is a motive which constantly returns in the prophetic books (to which the Jewish community also reckons the books Joshua, Judges, Samuel and Kings!) of the Old Testament. In the best case the legislator makes an effort to let law as it is written down in legislation meet the highest moral standards of what may be called 'justice'. With the Netherlands reformed synod of 1964 the Protestant Church in the Netherlands can say that the constitutional state refers to "basic convictions regarding man and his destination and regarding the community and righteousness, which can not be put in operation nor can be suspended arbitrarily."^{xviii} An important motive in this is further the awareness of sinfulness of man: unlimited and uncontrolled power often appeals more to the inclination of men to abuse that at the cost of others than to the responsibility to apply it to the benefit of society. Reference to such important biblical notions does not mean to under-appreciate that the constitutional state in modern sense does not occur in the Bible.
- 77) Even stronger the recognition applies to the *social* constitutional state. Justice and righteousness are coloured by solidarity, by a kingdom which 'will do justice to the afflicted of the people and save the children of the needy' (compare Psalm 72: 4). In the New Testament there is not a bit of such direct (prophetically coloured) responsibility of the Christian congregation before the government. There we find this motive at best

implicitly, when it says of the government: “for he is God's servant to do you good” (Romans 13: 4; compare 1 Peter 2: 13-14).

In justice it is ultimately about human dignity. That is a fundamental principle in the discussion on foundation of human rights.

Human rights – freedom of religion

- 78) The constitutional state refers to the law as the foundation for each legitimate practise of power. In itself ‘constitutional state’ is still a formal notion: it leaves open what that ‘law’, to which the state is bound, looks like. In a manner of speaking it could still be legally recorded injustice – even if that may still be better than anarchy. In the course of time however human rights were assigned a key role in the substantial content of modern thinking on the constitutional state. She became equally determining for thinking on the content of the law which is the foundation of the state.
- 79) Freedom of religion – more precisely phrased: the freedom of religion or worldview – is in various aspects the key to thinking on human rights. Within that there are various aspects to distinguish: it is about freedom of conscience, the freedom to practise religion – which, as will be elaborated in chapter 5, has several sides in itself, as for example also the freedom to religious change – and about the separation of church and state. From historical perspective the development of human rights as we know them, started with the recognition of the freedom of religious conviction. In chapter 2 was already pointed out that this freedom was recognized even in the time of the reformed state-church.
- 80) Often has been stated that freedom of religion is at daggers drawn with the truth-claim of Christian tradition. Who has learned to become to know the truth in Jesus Christ, should go all out to reach others with that. In that light the churches have only too often joined up with the political power to give exclusive rights in society to - their own interpretation of (!) - the truth. It left bloody marks in history, not in the least in Europe. That fact alone could be an argument in favour of freedom of religion. But theologically it is an even more fundamental matter: faith is a gift of God's Spirit, and that alone already rules out any form of religious force. Otherwise: a religious conviction concerns self evidently a free, not by people enforceable, choice. In order to make a voice from ecumenism sound here, already in 1965 the Second Vatican Conciliate said in a decree on religious freedom: “the exercise of religion exists in its nature itself in the first place of voluntary and free inner acts, by which man directly fixes himself on God. Such acts can not be dictated and neither forbidden”.^{xix}
- 81) So, because of what religion profoundly is, the church should do her utmost for freedom of religion. Where freedom of religion is, the basis for plural society is made – and that plurality is therefore recognized by the church as legitimate. To which degree that plurality really becomes visible depends of course on the historic developments. In the past years for example immigration considerably increased pluralism in the Netherlands. This leads to tensions, but also gives a new dynamic to society. The

church is called to handle this pluralism with care, and not to speak damaging on people with another, indeed or not religiously inspired world view.

Other human rights, like the ban on discrimination, the freedom of speech, of association and of assembly and the right to privacy are closely connected with freedom of religion. The question is however, if and how theologically a case can be made for the idea of human rights.

- 82) Especially in a plural society there is no self-evident consensus on such a fundamental question as the one for the most profound meaning of human rights. Therefore there is not one – by everyone accepted, universally valid - philosophical, theological or religious starting point for human rights. Each religious or (not-religious) philosophic conviction can have a private view here, based among others on a private concept of man. Freedom of religion leaves room for that as well and especially for that – and challenges the various tendencies in society, indeed religious or not, to reflect on this. Only if representative delegates of the most visible tendencies in society, nationally and internationally, from their own basic conviction principally declare themselves in favour of the universal validity of human rights, there can really be something like the ‘universal human rights’.
- 83) The Protestant Church in the Netherlands also faces that challenge. In which theological perspective does she speak of human rights and human dignity? This asks for a Biblical concept of man, as an impulse for a Christian anthropology. The basis is in the Biblical speaking about man as image of God. “God said: ‘Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the birds of the sky, and over the cattle, and over all the earth, and over every creeping thing that creeps on the earth.’ God created man in his own image. In God’s image he created him; male and female he created them (Genesis 1: 26, 27). In Genesis 9: 6 the thought returns: “Whoever sheds man’s blood, by man will his blood be shed, for in the image of God made he man”. The secret of human dignity – man, ‘the crown of creation’ (compare Psalm 8) – is here put into words, in three relations, to God, of people among each other, and of men to creation. In Jesus Christ, ultimately “image of the invisible God” (Colossians 1: 15) this man reaches his destination in full. Here as well applies: from this Biblical speaking about man as image of God, we can recognize something in the modern attention for human rights, but we should realize that the Biblical testimony is not precisely about that. Freedom and equality of people, the inviolability of human life and other motives from the human rights discussion can not be founded directly in a Biblical concept of man. A Christian anthropology developed from there through the ages in a constant dialogue with several philosophical and cultural tendencies.

The separation of church and state

- 84) The separation of church and state in the present form is a modern phenomenon. Indeed it is already clear in the New Testament that the church and secular world are two distinguished entities, which can not be reduced to each other. In the tradition of Christian religion there has always been the awareness that the church is not

subordinate to the government, but also that the government has its own responsibility and is not a department of the church. The interaction between church and government has not been easy, and both sides always had the inclination to exercise authority on the other. Only too often the church leaned against the power of the state and tried to make it a stooge for the churches' interests (remember the relation between pope and emperor in the Dark Ages). An important influence came from the Age of Enlightenment. Against the violence of the religious wars the movement set in which radically untied the state from associations with a church or religious denomination. In North America for that matter protestant factions realized a separation of church and state. Indisputable it took the churches in Europe, especially the historic majority churches, time and trouble to accept that they lost their often privileged positions and thus had less power in the political system. This does not only apply to the Roman Catholic Church, but to the Calvinistic and Lutheran churches as well.

- 85) State and government are neutral: so it is often stated. We also speak of the 'secular state'. As far as it is indicating that the government as such does not have a religious preference, this indication is appropriate. Since we could hear in it that the state could indeed choose for a specific not-religious world view it is misleading at the same time. Or maybe 'neutral' is a better characterization? A distinction can be made between three forms of neutrality. With (a) exclusive neutrality the government tries to keep the public sphere free from religions and worldviews, with (b) inclusive neutrality the government does not make any difference in her policy between religious and not-religious partner-organizations, and with (c) compensating neutrality the government supports if necessary a religious organization which is at the arrears compared to others.^{xx}
- 86) Inclusive neutrality has been characteristic for the Dutch situation for a long time. What it is about is better expressed in the statement that the government is impartial: she does not side with one religious party against the other. She does not choose religious factions against not-religious motivated people, or vice versa for an atheistic conviction against religious notions. She does not discriminate; she gives equal care and respect to all citizens. Exactly like this she applies herself for a peaceful society. Within the Dutch constitution this shows from the equality before the law of public and denominational education, regardless the question what the guiding religious conviction of this denominational education is, and also if it is guided by religious convictions at all. This impartial state – and many think of that with 'neutral' – has a broad basis in the Dutch society.
- The separation of church and state enables religion and world view to play a role in the political system. Neutral is therefore not the same as atheistic. In the Dutch tradition the accent is on a form of neutrality in which the government does not hold aloof, but recognizes and stimulates if necessary the role of religion and world view in the public domain – based on equal treatment of the various tendencies. Therefore the government enters into dialogue with many in society, also with the churches, in recognition of their social meaning.

- 87) The Protestant Church in the Netherlands identifies and accedes in full the importance of the separation of church and state. She is grateful for the by law recorded freedom to be able to organize religious life in full accordance to her own convictions. She knows of the corrupting working which the sharing of political power sometimes had on churches in history. She thinks it undesirable to have more possibilities than others in society to let her convictions influence political life. Her strength can only be in her conviction itself. In that sense the Scripture text "Not by might nor by power, but by my Spirit," says the LORD Almighty." (Zechariah 4: 6) is guiding.

Democracy

- 88) The Dutch constitutional state is democratic by nature. For many constitutional state and democracy practically coincide and they can hardly be thought apart from one and other. Does the Protestant Church in the Netherlands feel something for democracy, something more than recognition of the government, and therefore a democratically chosen authority? Does the church recognize values in democracy which remind her of the Biblical message and the Christian religious tradition?
The underlying condition of democracy of sovereign power of the people is acceptable for the church in her intention: rejection of each worldly power which pretends to rule over people without having to answer for that to those people. As far as in the phrase sovereign power of the people should sound a denial of the meaning of God's commandments and promises for society, it is cause for misconception.
- 89) From the American theologian Reinhold Niebuhr († 1971) is the well-known statement "Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."^{xxi} In democracy the church recognizes great opportunities to prevent injustice or at least keep it within limits: therefore she can relate to it in a critical-loyal manner. Here is a motive which already could be heard with Calvin, when he prefers aristocracy over the absolute power of a monarch. Underneath is the not totally favourable concept of man from the Scripture: a Christian anthropology will also have an eye for man's sinfulness.
- 90) Democracy as well is basically part of the 'before last' to use Bonhoeffer's phrases again. It remains possible for the church – and sometimes necessary – to criticize from the perspective of the coming kingdom of God, not the intentions of the democratic system, but the manner in which democracy actually functions and the decisions which are democratically made. Here is the up to date meaning of article 5 of the Theological Declaration of Barmen (compare article I item 5 Church Order) for the profession of the church:^{xxii} "Scripture tells us that, in the as yet unredeemed world in which the Church also exists, the State has by divine appointment the task of providing for justice and peace. [It fulfils this task] by means of the threat and exercise of force, according to the measure of human judgment and human ability. The Church acknowledges the benefit of this divine appointment in gratitude and reverence before him. It calls to mind the Kingdom of God, God's commandment and righteousness, and thereby the responsibility both of rulers and of the ruled. It trusts and obeys the power of the Word by which God upholds all things." The Protestant Church in the Netherlands

fundamentally accepts the democratic constitutional state and precisely therefore she knows of the right and obligation of the church to speak critically of the true actions of that government. Because we should obey the government unless significant arguments resist that: "We must obey God rather than men!" (Acts 5: 29, compare article XVI CA). The church realizes that valid law is not perfect. Because it is determined by actual balance of power. Therefore it can be necessary for the church to have serious criticism on valid law – in the name of righteousness as moral standard! What is called 'just' should sometimes be exposed as unjust. The church does that where necessary, as part of civil society. It is not necessary, and too soon over-pretentious, to call this 'prophetic speaking' – what really is prophetic is not in advance, but afterwards (and sometimes much later) established.

Civil society

- 91) Civil society is of great importance for the functioning of the democratic constitutional state, yes, even essential. There was a time when the church in a certain way formed the counter-balance of the state. Therefore the relation of church and government was in the centre of thinking; along those lines the separation of church and state became a central theme.
- Now civil society is sooner the horizon of government policy. It is important for the government to know what lives in civil society. There is no reason for the church to claim another position in relation with the government that precisely this, being part of civil society – for that matter with her legally recorded freedom to be 'ruled by her own charter'. Yet this still calls up some new questions.
- 92) Indeed the church has her own place and own identity within civil society. She is therefore explicitly distinguished from other organizations which together form civil society in European connection, in the Treaty of Lisbon. That private place is the reason she does not plead her own interests first of all (even if that sometimes is inevitable), or for an elementary interest she is strongly in favour for. Where possible and necessary she supports those who are unable to make themselves heard in the public domain. If things are the way they should be, she constantly addresses the basic questions which are related to the most fundamental orientations of society itself in public discussion which is characteristic for civil society. She does that from the notion that she is called upon 'to bear witness before people, powers and governments of God's promises and commandments', 'sent into the world and called to the administration of reconciliation' (compare article I item 6 and 8 of the Church Order). The keywords of faith – mercy, reconciliation and forgiveness – are indeed keywords of life.
- 93) The church knows of the calling of each God-fearing human to – according to the possibilities and limitations everybody has to deal with – apply him/her-self for the wellbeing of society, and therefore to be active in civil society to his/her ability. Civil society exists by the grace of voluntary involvement of the citizen and his mainly shaped in the forming of all kind of organizations which represent in specific areas what is considered to be 'public interest'. However, those who want to can withdraw

themselves completely from this and confine themselves within the limits of legal order to private life and the role as producer and/or consumer. From the perspective of the church that is too little. Voluntary which is fundamental for civil society can not be disengagement. Conscious citizenship, expressed in the thinking about the direction in which society develops and in contribution to social connection may be asked of a Christian. The church can play her own role in the equipment of her members for this citizenship.

- 94) From the start this element of the calling of the faithful is prominent in the Lutheran and Calvinistic tradition. "Political responsibility is a 'profession' – in the meaning Luther gave to the word – of all citizens in democracy",^{xxiii} so it says in a memorandum on democracy of the Evangelische Kirche in Germany. In a 'profession' or calling responsibility for the world and accountability before God coincide. The commandment of love of one's fellow man implies the readiness to take political responsibility. Unlike the Anabaptists then Lutherans and Calvinists did not turn from the world, but looked for opportunities to sanctify everyday earthly life. Calvin especially emphasized that. In association with churches worldwide, in close cooperation with other protestant churches within Europe and for the Netherlands within the frames of the Council of Churches and CIO, the church knows herself to be called to put into shape what the Community of Protestant Churches in Europe (Leuenberg) in a recent report called the six criteria for the relation of the churches to people, nation, state and society: freedom, equality, durability, participation, safety and solidarity.^{xxiv}

The place of the church

- 95) Overhead was already mentioned that there is no theological motive to claim a private place for the church with regard to the government, outside of civil society. In public debate the suspicion is regularly ventilated that the church is really after that and that she wants to be a factor of influence – however this seems to be case gradually less often. Images of the past, not always according to the facts and sometimes burdened with emotions, play a part here. The Protestant Church in the Netherlands can only show by the way she actually behaves and by the quality of her arguments that this fear is without cause.
- 96) The first responsibility of the church is in the 'normal' role of the congregation, as learning community, in the spiritual education and in the equipment of her members as it takes shape 'in instruction and reflection, in meditation and prayer, in consultation and active exertion'.^{xxv} It is about congregation-members who can make the link between spirituality and engagement, and thus acknowledge and shape their personal responsibility for the wellbeing of the community. Locally, in proclamation and dialogue-circles, in the deliberation in the church board and in diaconal work, the responsibility of the church within civil society is made tangible. The practical side is essential here: a religious community which does not realize what she claims to profess and advocate, loses her credibility.

- 97) Especially the diaconal aspects of religious presence should be pointed out here. Of old the church reckoned it to be her task to give shape to the *caritas* (love) of God for all people in her '*charitas*' (charity) in constantly changing social circumstances. The start of the welfare-state put the church and the congregation for new challenges with this respect. This sounds in the calling of the congregation in diaconal area as recorded in the Church Order, which among others consists of 'signalization of scrape situations in society' (Ordinance 8-3-1), where deacons have the task to claim responsibility from government and society (Compare Ordinance 3-11-1). The transition to the participation-state makes another re-orientation necessary once more, but now as well a sincere diaconal involvement with people who need it remains a priority for church and congregation. Spirituality and solidarity join in there.
- 98) In the recent past again and again questions arose about what is called 'the (political and social) speaking of the church'. It is a matter which often was the cause for churches to alienate people from them. About the task the church has in her over-local shape in this perspective, should be spoken in a distinguishing manner. Only a church which knows when she has to be silent has also a right to speak. The national church is aimed at supporting the local churches in their functioning, also in social area, among others in assistances like this. The church order says: the church promotes opinion-forming on social questions in the congregations (Compare Ordinance 1-3-2 Protestant Church Order). Most important will be to introduce relevant conceptions which are insufficiently heard in public debate, to question the values of society and the moral consequences of the present social developments and to stimulate the discussion between people, groups and organizations which are opposed of each other in the public domain. Sometimes pastoral and social involvement shades off into one and other. In addition the church raises subjects she thinks to perceive from listening to the Scripture and society. She is especially open to what in worldwide ecumenical association with partner churches and ecumenical organizations is put forward. What she speaks than, will always be tied to time and that is the way it should be.
- 99) A next possibility is that the church 'gives her opinion on social questions' (Ordinance 1-3-3 Protestant Church Order). Than she addresses society more explicitly. This way she thinks along on fundamental orientations of society, she involves herself for the promotion of social cohesion and calls her members to do so as well. In practice internal and external action can not be so easily separated. Opinions, publications and activities of church and congregation - even if they are primarily targeted at the own members - always take place within the public domain. The church should be aware of that: even what is meant for 'within', should be no cause for misunderstanding 'for the public'. And vice versa the consultation within church and congregation is of the utmost importance for statements to the public. The border-line between promotion of opinion forming within the congregations and giving an opinion on social questions is obviously thin.
- Precisely here the church faces new challenges. By expressing herself – explicitly within the context of the public debate which is distinctive for civil society - on social questions she can stimulate the public debate and make a contribution to the adequate

functioning of the democratic constitutional state. Not her supposed authority, but basic business-like character and expertise are of vital interest here.

- 100) The church order mentions still another possibility and again the transition is smooth: 'Obeying her assignment to bear witness of God's promises and commandments the church can issue a testimony on social questions.' (Ordinance 1-3-4). Overhead was established that freedom of religion is not contrary to the truth-claim of the Christian tradition: because religion is a gift which excludes pressure. This does not alter the fact that the church, within the context of the democratic constitutional state with the for that fundamental freedom of religion and more specifically within civil society, knows herself to be called to stand up for what she based on the Scripture in a history of many ages has learned to understand and to express as the basic truth in the life of people in this world: God's love in Jesus Christ. Her missionary task can and must also, yes precisely, take shape within this context.
- 101) Therefore the church may understand herself to be called to speak clearly on and if necessary against certain developments in politics and society. Because she lives in the awareness that it really is about something! In all cool business-like character which is called for in political and social questions, it may become clear at some point that a fundamental choice should be made in which something shows of an underneath spiritual battle. Than it is a matter of speaking as understandable as possible. This calling does not only apply to the synod, but each professional assembly – as far as the questions within her resort are concerned (compare Ordinance 1-3-5). When we are of the opinion that the time has come for a testimony – preferably together with other churches – it still remains important to try to have a discussion with the society; this can be done by putting the self-critical question in the testimony if the church has indeed correctly interpreted the developments which are the cause for these questions – and this way explicitly bring the own analysis of the situation into the discussion. Where necessary the consideration that she has her own professional responsibility and own authority may play a role for the church, an authority which she can only acquire gradually by strength of conviction and arguments.
- 102) In this connection we need to say something about the possibility of a *status confessionis*. In itself it is not a matter which touches the relation of the church with society and government. There can only be a *status confessionis* within the church. In that case a situation has developed where the church asks of her members and more specifically of her professionals to realize the profession of the church in a specific political choice, with possibly direct consequences for religious life. The Lutheran and Calvinistic churches worldwide deemed this necessary about thirty years ago with regard to the Apartheid-policy in South Africa, by rejecting the political system at that point, including its carry-over effects in religious forms of Apartheid. It is not likely – and even less desirable – that a similar situation would occur soon. But it can neither be ruled out completely.^{xxvi}

5 Practical perspectives

- 103) Based on what was brought together in the previous chapters from a historical overall picture of the relation of church and government (chapter 2), an analysis of the present situation (chapter 3) and a theological think out of these matters, this chapter wants to indicate as concretely as possible in which direction the church thinks she can go in order to shape her ongoing involvement in society. These 'practical perspectives' are explicitly addressed, that is to say: entered into the necessary discussion in the congregation and through that in the broader society.
- 104) Preconceived should be that the church is aware of the great challenges which many congregations face today, even if it only concerns their own continued existence. In many cases questions on financial resources and available manpower dictate the agenda more than those involved would like. The church does not want to ignore that by a sole emphasis on the calling of the congregation in society. As the aging and dejuvenation of the population continues it will become harder for church and congregation to keep shaping the traditionally large involvement on society by availability of volunteers in several areas. This is neither good for the church nor for society. This assistance means to offer leads in making priorities and harmonising possibilities and needs.

The democratic constitutional state

- 105) Freedom, equality, durability, participation, security and solidarity are important values and challenges for the church as well as for society.^{xxvii} Although the church realizes that these values can be interpreted very differently, she acknowledges their meaning for the constitutional state and therefore as well she is able to accept the constitutional state in full as a crucial institution for organized co-existence. Where possible the church promotes the loyalty to these values and this way strengthens the basis for the constitutional state.
- 106) The church acknowledges the increasing social pluralism within the Netherlands and the freedom of each individual in philosophic area. The democratic constitutional state guarantees this freedom and therefore deserves to be supported. Democracy shows its strength in the space she gives to minorities.
- 107) The Protestant Church in the Netherlands explicitly distances herself from any suggestion that precisely she in her organizational design in the light of Dutch history could claim any privilege or pretence with regard to the government. That does not alter the fact that she realizes to have the privilege to be in a tradition which played no minor role in the realization of the democratic constitutional state in the Netherlands and will continue to be of importance for its future.

- 108) The term theocracy is unfit for the discussion of the church with society, because this will continue to call up the misconception that the constitutional state is replaced by another type of government.
- 109) Without reservation the church acknowledges the separation of church and state. With this she respects the private and unique responsibility of the government of decision making within the frame of the constitutional state. In no way she wants to trample upon the capacities of the government and she is well aware that politics often are a matter of difficult trade-offs.
- The church thinks the legally recorded authority of the churches to decide their own internal regulations – ‘being ruled by their own charter’ (Article 2: 2 BW = Civil Law) – a decisive element in the legal design of the separation between church and state. In that is the acknowledgement which was decided by the government that denominations are a private category of organizations and not simply to be levelled with associations, foundations or companies.
- This also means that the church may expect the government to be aware of the private character of churches and other denominations. The principle of ‘equal treatment in equal situations’ implies that in certain cases the accent is precisely on the unequal treatment of unequal cases. With concern the church establishes that this is not always the case sufficiently. For example, in the environmental issuing of rules, the churches are sometimes classified among companies, with the possible consequence to have unreasonably high cost in waste-charges. In legislation on labour circumstances and regulations with respect to fire safety there is sometimes an inclination to align church-buildings with discos, as if there would be a slightly comparable risk.
- Similar experiences were among others made with the recent changes in the Law on Income Taxes 2001 with respect to the church as ‘institution for general benefit’ and with the previously mentioned change in the Law on Commercial Register.
- 110) The separation of church and state does not mean that the church should or could withdraw in the sphere of private life. Precisely the separation of church and state guarantees the churches’ freedom to profess the Name of Jesus Christ without government interference, to call up citizens to a life based on Christian faith and to participate in public debate.
- 111) The separation between church and state does not mean either that the government always has to stay at great distance when it is about religion and philosophy. Religious convictions and philosophic motivations are so essential to many people that the government can support her citizens based on equality. Therefore meeting the cost of matters like denominational education, spiritual care in army and prison, as well as the cooperation to spiritual care in health care is of great importance. Further church and government have mutual interests when it is about preservation of cultural and religious heritage. Where monumental church buildings are to be preserved because of their cultural meaning it is suitable for the government to make such a financial contribution that religious life of the religious community is not faced with excessive pressure: the extra costs which are involved with the preservation of a monumental church building –

compared to a modern functional building – should be for the account of the government/society.

- 112) Besides, honouring the freedom and possibilities of minorities to respect their private philosophic or cultural tradition is the standard of the democratic and constitutional character of government policy. The government further has an interest with the role of religious communities in realization of the democratic constitutional state. In some cases certain groups may need extra government support in order to make up for arrears which for example are related with immigration. An example is financial support with the building of a place of worship for a migrant church or Muslim community. In the *Memorandum separation church and state* of the municipality of Amsterdam of June 2008 a possibility is offered in specific cases for such a form of 'compensating neutrality'.
- 113) The church considers the freedom of thought, conscience and religion of fundamental interest in a democratic society. This right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. So does it say in article 9 of the *European Convention of Human Rights*, which is binding law for the Netherlands as well as in other international treaties.^{xxviii} The government is called upon not only to respect this freedom, but also to secure it for all citizens.
- 114) The church thinks the prayer for the government a crucial part of religious service to society.

The local congregation and the government

- 115) The acknowledgement of the private character of the constitutional state and the private responsibility of the government means that the church considers civil society to be her most important working area. The church has a special place within civil society because she brings people together with various social and cultural backgrounds. She is a meeting place where mutual trust is built and where people are being inspired to apply themselves voluntarily for others. This way the church plays her private role in advancing social cohesion.
- 116) A church which does not want to rule but to serve tries to find her way to places where people live together. First of all this produces the question how the church is able to wants to contribute to the social associations within society. Here the diaconal mission of the local congregation comes into the picture. If it is about service to society church and congregation for starters have an equipping task. They support and inspire their members in their dedication for a more human society.
- 117) The role of the church will differ from location to location. Decisive is not only the manner in which a certain congregation wants to shape her calling, but as well in how

far civil government is open for forms of contact and cooperation with churches and other religious communities. In this respect civil communities have the necessary freedom of policy. In general the awareness is increasing with local authorities of the possibilities which lay here. In the mean time the fact that the government can not ignore religion in her policy is common knowledge. That she should keep out of internal affairs of religious congregations is also clear. But incorrect interpretations of the principle of the separation of church and state continue to play a role and could lead to unnecessary distance of the government with respect to the churches, while communication and the making of concrete agreements have sometimes more affect than issuing of rules. Moreover in mutual consultation can better be adapted to the specific demands of a certain situation.

Where in the government openness exists for contact with churches may be expected from the local congregation that she applies herself for the wellbeing to her ability at local level and that she therefore maintains relations with the local authorities. Inviting a representation of the local authorities at important events in the life of the congregation (putting into service of a church building, a minister entering upon the office) may make the openness for contacts visible.

- 118) As part of civil society the church acknowledges the rules of the game and she uses them in the space they offer. It is clear that the government can not support a religious initiative at local level *because* it is an initiative of the church. But it is at the same time true – and this is not always recognized – that the government may not refuse the support of a religious initiative *because* it comes from a church. In both situations there is a case of discrimination based on religious conviction. The decision to indeed support or not support a certain initiative can only be based upon considerations in accordance with policy with relation to the well-being of society, for which the government has a private responsibility. In the deliberations which have to be made, from an impartial position of the government, aside from arguments in view of for example the quality and efficiency of the initiative, especially motives in the area of the goals of government-policy should be decisive. Religious initiatives could fit excellently in government policy, for example in the area of participation and integration of citizens.

- 119) Local congregations can be important for the improvement of social cohesion. From them may be expected that they, wherever possible, cooperate with other churches, as well as not-Christian religious communities and other philosophical organizations. In this area we think of meetings, language courses etceteras. Local councils of churches and platforms for religion and world view can play a part in this, but in practise they are greatly dependable of the question if the associated churches and organizations really enable them to do so.

At some locations the religious congregation has grown out into an important pivot in social life. Under the acknowledgement of the private responsibilities there is no impediment for local authorities and religious congregations or diaconal boards to cooperate.^{xxix} For example:

- Making religious buildings for social activities available against a reasonable compensation; this could for example also be a public demonstration like commemoration of the dead;

- Offering religious education in public schools
 - Making youth work activities public for non-church youth;
 - Organization of food banks, meals for the homeless;
 - Organization of build-up activities in new-housing estates, growing areas and districts at the arrears;
 - Organization or support of volunteer work (doing odd jobs, cleaning, transport etceteras).
- 120) The government could have an interest in applying the network and knowledge of the religious congregation for a good social policy. Often churches are closer to the people than the government. This could for example lead to the invitation of a religious representative to take a seat in the local WMO (= Wet Maatschappelijke Ondersteuning = Law Social Support) Council and thus be part of the discussion on the manner in which social support is shaped. In this as well ecumenical cooperation is of great importance. Support of the government can make it possible for the church(es) to execute projects which they count to be their diaconal mission and which are not done by others.
- 121) The local congregation may expect from the local government^{xxx} that she
- Is prepared to maintain regular contact with churches and other denominations, the principle of separation of church and state does not obstruct this;
 - Is aware of the religious aspects of certain social issues;
 - Does not let her decisions on grand-requests for example for the overhead mentioned activities of churches and other denominations be influenced by the fact that religious organizations are involved;
 - Does not attach conditions to grants which affect the conviction of the organizations involved;
 - Does only make legal and necessary (for example in view of health, traffic or public order and safety) restrictions on public demonstrations of religious nature (for example public wearing of robes of office or other religious clothing, bell-ringing or calling for prayer), which do not limit the freedom of religion un-proportionally;
 - Applies herself according to her ability for the preservation of important religious and cultural heritage in which both denominations and civil authorities have an interest, partly for different reasons.
- In areas like this the government has to act based on strict impartiality.
- 122) Local congregation can not ask of the government to be treated otherwise than other organizations without clear basis when things like dispensation of a development plan, fire-safety instructions and such are involved. However may be expected that the government is alive to the private character of for example church buildings and denominations, in the light of what overhead was stated about 'unequal treatment of unequal situations'.
- In some situations the law has specific regulations for churches and other denominations, to which the local congregations can refer. This applies for example for environmental legislation for the allowed noise-level for bell-ringing and for the application of noise standards on religious worship.

- 123) Special attention is asked of provincial authorities since they have their own responsibilities in the area of development of rural areas, town and country planning, liveability of the villages and population clusters and the preservation of religious heritage. The structure of the Protestant Church in the Netherlands does not offer obvious discussion partners for this government-level. Therefore further deliberations on the question how the church can maintain contacts with this government-level are necessary.

The national church

- 124) Civil society does not only promote social cohesion, but it is an important platform for public forming of opinion as well. The church contributes here as well. Primarily because she herself is a platform for moral consideration. The faithful reflect on their social responsibility and make their private considerations on political participation and public action. The church supports her members in looking for connections between their own responsibility as Christian and as citizen.
- 125) It is here where the specific quality of the freedom of religion becomes most visible. This right does not only guarantee the space to engage in public debate based on religious convictions or to establish an association on denominational basis. The freedom of religion profoundly recognizes that with the citizenship of the national state other loyalties can be also of essential importance to people. It is not always possible for the government to grasp the meaning of this, but she should make the best effort she can. Christians will always observe society in the critical light of God's promises and commandments. Congregation-members, theologians, ministers and religious representatives and professionals therefore contribute, each from the own specific position, to public opinion forming.
- 126) According to her ability the church as an institute wants to participate to the moral debate in civil society. With that she recognizes plural society and seeks discussion with all those who care about society. She will try to deepen the discussion and where necessary make un-heard voices sound. It is about opening issues for discussion and to facilitate the discussion. With this she sooner aims for underlying moral issues than for political realizations.
- The church realizes that the manner in which she is portrayed in the public debate is determined by form and content and for example not by church-orderly recorded capacities. An interview with a religious representative can have more impact than a decision of the general synod. The church tries to adapt positively to the possibilities which are given here.
- 127) It may be necessary that the church, from the mouth of the general synod or her board, publicly takes a very critical stand opposite civil society and the government, because she is of the opinion that freedom, equality, solidarity, participation, durability or safety within society are seriously threatened. In that case it is not about a 'speaking on behalf of the religious community', but about a form of professional speaking. It is not possible

to record more accurately in advance which circumstances would make such an action necessary. This can not be narrowed down precisely for the Church Order. When the church thinks such a public testimony inevitable she tries to find possibilities to do this together with other churches, nationally – within the Council of Churches or CIO, within Europe or worldwide.

Religion and society

- 128) The church asks attention for the necessity of respect and restraint regarding ‘the holy domain’, exactly because justice and law here per definition have insufficient means. Everyone should handle respectfully what is sacred to others. Sincere religion-criticism which has been made a case for – in the sense of pointing out intertwinement of forms of religion with, for example, violence and hatred – is not only acceptable, but commanded.
- 129) Freedom of speech is of fundamental interest for the functioning of civil society and of the democratic constitutional state. With that also the importance and the great responsibility of free press is a fact. The church asks all those involved, particularly as far as they count themselves to belong to the church, to be constantly aware of the dangers of one-sided and suggestive reports and comments.
- 130) The church has to accept that she is perceived by many as an association of faithful, even if this does do justice to her self-perception. Religiously inspired arguments have no surplus value in themselves, but neither less value than non-religious arguments. At the moment in the society which is characterized by secularization there is a lot of ‘religious illiteracy’ and insufficient sense of sympathy with respect to religion. Outsiders often perceive religion as only a matter of opinions, of a uniform and authoritarian doctrine, based on powerful texts – and with that religion is rejected right away. This does no justice to the dynamics of religion and to the people concerned – for whom the praxis in life is at least as essential. Each religion has potential to change and adapt to new demands of the context.
- 131) For the preservation of the democratic constitutional state civil society and with that the involvement with politics regarding to content of the citizen is essential. Also because of the – in itself inevitable – great role of the media in picture-building and the forming of public opinion the danger exists that political life degenerates from forum to market. Then no longer common reflection on the well-being of society as whole is the heart of the matter, but one looks in politics only for an enlargement of the private interest. Citizens become buyers; politicians become sellers of specific interests.
- 132) Therefore the church worries about the tendency to populism in politics which damages the trust in the political institutions. Democracy lives indeed of trust if the citizens in her institutions, not primarily in the individuals who fill it in. Mistrust regarding those which hold a public office has a negative effect on the trust of the citizens in the institutions. This makes great demands on the politically responsible. There is also the importance

of good functioning democratically organized political parties, in which the members can really shape their responsibilities.

International dimensions

- 133) The church tries to find her way in a society which is increasingly part of a worldwide network and in which the self-evidence of faith declines ongoing. In the Netherlands the church has become a minority. In *Gemeente-zijn in de mondiale samenleving* (being congregation in global society) the Netherlands Reformed synod indicated that this new situation carries an extension of view. Because the association with in all countries spread groups of followers of Christ is replacing the ‘bond to “Christianity”’ of own people and society.^{xxxii} More and more the church looks over national borders.
- 134) Dutch legal order can not be thought loose from an international legal order, which gradually develops further. Especially the Dutch legal system is closely intertwined with the European Union. The church perceives the European Union – rooted is she is in the objective for peace, reconciliation and solidarity after the World War II – not as a threat of national privileges and interests, but far more as an extra possibility to build a social system to high standards of justice and solidarity. Therefore the Council of Europe and the allied European Court for Human Rights functions as an important instrument.
- 135) International ecumenical cooperation offers the opportunity for churches to be present within Europe and outside of Europe. Within Europe the Community of Protestant Churches in Europe (Leuenberg Church Community) gradually develops into a joint protestant voice. Where possible within the Conference of European Churches, closely cooperating with her Roman-Catholic counterpart looks for broadening to all great Christian traditions. On global level it is mainly the World Council of Churches which knows her to be called to shape the input of the churches in the political and social debate – in teamwork with the confessional world alliances.
- 136) Kerk in Actie (Church in Action), cooperating with ICCO, has its own – be it not exclusive – mission to shape this worldwide alliance. She advances awareness, knowledge and insight in the congregations regarding international dimensions of right and wrong, economy and threat to environment, of human need and human power. She applies herself on behalf of the church for giving signs of hope in this world, and she stimulates and helps the congregations which cooperate within Kerk in Actie to play their own role in this.

ⁱ Text according to K. Zwanepol, *Belijdenisgeschriften voor de Protestantse Kerk in Nederland (Confessional documents for the Protestant Church in the Netherlands)*, Zoetermeer/Heerenveen 2004.

ⁱⁱ *Fundamenten en Perspectieven van Belijden* (Fundamentals and Perspectives of Confession), article 16

ⁱⁱⁱ *Christen-zijn in de Nederlandse samenleving* (Being-Christian in Dutch society), 20

^{iv} *De politieke verantwoordelijkheid van de kerk* (The political responsibility of the church) 18

^v idem, 24

^{vi} W.J. Kooiman, *Luther's getuigenis in de oorlog tegen de Turken – een hoofdstuk uit zijn leer der twee rijken* (Luther's testimony in the war against the Turks – a chapter from his two-kingdom theory), Ned. Bond 'Maarten Luther', Hoorn z.j. [1959], 36. Also compare: W. Bleij, 'Twee rijken' (Two kingdoms), in E. Hallewas/H. Mudde (red.), *Luthers gezien, een oude traditie in een nieuwe kerk* (Lutherian view, an old tradition in a new church), Kok: Kampen 2009, p. 39 and following.

^{vii} a.w., 37

^{viii} Compare *Acta van de generale synode van de GKN Dordrecht 1971* (proceedings of the general synod of the Reformed Churches in the Netherlands Dordrecht 1971), article 375; compare also the study *Het spreken van de kerk in de samenleving* (Speaking of the church in society) (1972).

^{ix} *Verklaring van Overeenstemming* (Declaration of Consensus), in B. Wallet and others (editors), *Werkboek voor Samen op Weg* (Work-book for "Together on the Way"), Boekencentrum: The Hague/Zoetermeer, 1989-2000, p. (4-)1-18, 1v.

^x *Verklaring van Overeenstemming* (Declaration of Consensus), 17

^{xi} Wetenschappelijke Raad voor het Regeringsbeleid (Scientific Council for Governmentpolicy) (2003) *Waarden, normen en de last van het gedrag* (Values, standards and the burden of behaviour), Amsterdam, Amsterdam University Press 2003, 72-75. For an overview see: W. van der Burg (2005). *Over religie, moraal en politiek. Een vrijzinnig alternatief* (On religion, moral and politics. A liberal alternative), Kampen, Ten Have, 30-35

^{xii} Compare Treaty of Lisbon, article 16C

^{xiii} Compare T. Bernts, G. Dekker and J. de Hart (2007), *God in Nederland* (God in the Netherlands) 1996-2006, Kampen. Ten Have, 93-96. According to this same investigation for that matter still 61% of the children in the Netherlands go to a confessional primary school.

^{xiv} Compare G. van den Brink. 'Hoger, harder, sneller... en de prijs die men daarvoor betaalt' (Higher, louder, faster... and the price one has to pay for it), in: P.T. de Beer, C.J.M. Schuyt (editors). *Bijdragen aan waarden en normen* (Contributions to values and standards), Amsterdam, Amsterdam University Press 2004, 15-38, 23-24.

^{xv} T. Bernts, G. Dekker and J. de Hart (2007), *God in Nederland* (God in the Netherlands) 1996-2006, Kampen. Ten Have, 99; the scores of political parties is below 20%, compare p. 98 and 208.

^{xvi} Compare a recent Exploration of the Wetenschappelijke Raad voor het Regeringsbeleid (Scientific Council for Governmentpolicy), *Geloven in het publieke domein. Verkenningen van een dubbele transformatie*, (Faith in the public domain, Explorations of a double transformation), AUP: Amsterdam 2006.

^{xvii} Compare Leuenberger Kirchengemeinschaft, *Evangelische Texte zur ethischen Urteilsfindung*, Leuenberger Texte 3, Lembeck: Frankfurt am Main 1997.

^{xviii} *De politieke verantwoordelijkheid van de kerk* (The political responsibility of the church)18

^{xix} *Dignitatis Humanae*, article 2

^{xx} This distinction was introduced by Professor W. van der Burg; compare his: *Het ideaal van een neutrale staat. Inclusieve, exclusieve en compenserende visies op godsdienst en cultuur* (The ideal of the neutral state. Inclusive, exclusive and compensating visions on religion and culture), Boom: Den Haag 2009. It was previously incorporated by the Municipality Amsterdam, in the *Notitie Scheiding Kerk en Staat* (Memorandum Separation Church and State) (of June 2008). A more recent brochure of the Vereniging van Nederlandse Gemeenten (Association of Dutch municipalities) offers also interesting connecting factors in this point. Compare Vereniging van Nederlandse Gemeenten/Ministerie van Binnenlandse Zaken en Koninkrijkszaken (Ministry of Internal and Kingdom Affairs), *Tweeluik religie en publiek domein. Handvatten voor gemeenten* (Diptych religion and public domain. Handles for communities), 2009, 12; <http://www.vng.nl/Documenten/Extranet/Gemeenterecht/2009/Tweeluik%20Religie%20en%20publiek%20domein.pdf>:

^{xxi} “Man’s capacity for justice makes democracy possible, but man’s inclination to injustice makes democracy necessary”, in R. Niebuhr, *The Children of Light and the Children of Darkness*, New York 1944, 19.

^{xxii} For the next compare as well the memorandum *Het Israëliisch-Palestijns conflict van de Arabische Wereld van het Midden-Oosten. Bijdrage tot de meningsvorming in de Protestantse Kerk in Nederland* (The Israeli-Palestinian conflict of the Arab World in the Middle East. Contribution to forming of opinion in the Protestant Church in the Netherlands), 39 (see: [http://www.pkn.nl/5/site/uploadedDocs/Nota Israëliisch Palestijns conflict 11 april 2008.pdf](http://www.pkn.nl/5/site/uploadedDocs/Nota%20Israëliisch%20Palestijns%20conflict%2011%20april%202008.pdf))

^{xxiii} “Die politische Verantwortung ist im Sinne Luthers ‘Beruf’ aller Bürger in der Demokratie”, in *Evangelische Kirche und freiheitliche Demokratie. Der Staat des Grundgesetzes als Angebot und Aufgabe* (Evangelische Kirche and independent democracy. The state of the constitution as offer and assignment), Gütersloh 1985, 16, compare 22 and following.

^{xxiv} Compare Leuenberger Kirchengemeinschaft, *Kirche – Volk – Staat – Nation. Ein Beitrag zu einem schwierigen Verhältnis* (Church – people – state – nation. A contribution to a difficult relationship), Leuenberger Texte 7, Lembeck: Frankfurt am Main 1997, 150-154.

^{xxv} Compare Article XI item 1 and 2 Protestant Church Order.

^{xxvi} For example the Accra Declaration, which was also discussed by the general synod of the Protestant Church in the Netherlands in 2005, put the churches before intrusive questions of faith and profession where it concerns the increasing urgency of worldwide economic injustice and the ecological devastation. Compare *Accra Verklaring* (Accra Declaration), <http://www.pkn.nl/site/uploadedDocs/Accra.pdf>

^{xxvii} Compare Leuenberger Kirchengemeinschaft, *Kirche – Volk – Staat – Nation. Ein Beitrag zu einem schwierigen Verhältnis* (Church – people – state – nation. A contribution to a difficult relationship) Leuenberger Texte 7, Lembeck: Frankfurt am Main 1997, 151 and following.

^{xxviii} Compare *Universal Declaration of Human Rights*, article 18.

^{xxix} Compare VNG and others, *Tweeluik religie en publiek domein. Handvatten voor de gemeenten* (Diptych religion and public domain. Handles for communities)

^{xxx} Compare also: S.C. van Bijsterveld, *Overheid en godsdienst. Herijking van een onderlinge relatie* (Government and religion. Revaluation of a mutual relation), Wolf Legal Publishers: Nijmegen 2008

^{xxx} *Gemeente-zijn in de mondiale samenleving. Pastorale handreiking van de Generale Synode van de Nederlandse Hervormde Kerk* (Being congregation in global society. Pastoral assistance of the General Synod of the Netherlands Reformed Church), 's Gravenhage, Boekencentrum 1988, 38.

Annex

**Article XVI of the unchangeable Augsburg Confession:
Of Civil Affairs.**

Of Civil Affairs they teach that lawful civil ordinances are good works of God, and that it is right for Christians to bear civil office, to sit as judges, to judge matters by the Imperial and other existing laws, to award just punishments, to engage in just wars, to serve as soldiers, to make legal contracts, to hold property, to make oath when required by the magistrates, to marry a wife, to be given in marriage.

They condemn the Anabaptists who forbid these civil offices to Christians.

They condemn also those who do not place evangelical perfection in the fear of God and in faith, but in forsaking civil offices, for the Gospel teaches an eternal righteousness of the heart. Meanwhile, it does not destroy the State or the family, but very much requires that they be preserved as ordinances of God, and that charity be practiced in such ordinances. Therefore, Christians are necessarily bound to obey their own magistrates and laws save only when commanded to sin; for then they ought to obey God rather than men. Acts 5, 29.

Article 36 of the Dutch Confession

The government

We believe, that our merciful God established, because of the wickedness of human dynasty, kings, monarchs and governments. For He wants the world to be ruled by laws and state-regulations, so that the freedom of men is moderated and among them all happens in good order. For this purpose He gave the sword in the hands of the government as punishment of the evil (Romans 13: 4) and protection of good people. And their task is not just to give attention to public order and watch over that, but also to maintain the holy religious worship. They must resist and eliminate all idolatry and false religion, destroy the kingdom of the antichrist, promote the kingdom of Jesus Christ and have the Word of the Gospel preached everywhere, so God will be honoured and served by everyone, as He commands in his Word. Further everyone, from whatever function, rank or social class he may be, is obliged to submit to the authorities, pay taxes, and show them honour and respect, and obey them in all things which are not conflicting with God's Word. Everyone must *pray* for them, so the Lord will guide them in all their ways and *so we may lead a quiet and peaceable life in all godliness and dignity* (1 Timothy 2: 2). Because of this we reject Anabaptists and other rebellious people, and in general all those who reject government and magistrates and want to overthrow legal order by establishing community of goods and who want to disturb the morality which God established among men.

(Text according to K. Zwanepol, *Belijdenisgeschriften voor de Protestantse Kerk in Nederland* (Confessions for the Protestant Church in the Netherlands), Zoetermeer/Heerenveen 2004)