Response to Mr Syafic A. Mughni

6th Interfaith Dialogue:
Promoting 'costly' tolerance: challenges for states and religious communities

Your Excellency, distinguished guests, dear friends.

First, let me express my gratitude towards Prof. Syafic for his valuable contribution to this dialogue. Thank you, Prof. Syafic, for your clear presentation of the Indonesian experience in building interreligious harmony. It seems to me that the nuanced way in which you describe the possible role of state institutions, with a fair understanding of its limitations, is very helpful when we discuss today the obligations States have with respect to societal safety and stability as well as human rights like religious freedom and freedom of speech.

In reaction to the presentation, I first want to focus on <u>the dilemma every State is facing</u>, not only with regard to issues like religious violence, but in a wider scope in dealing with possibly dangerous tensions in society. Under such circumstances a State has to find a balance between stability and safety for its citizens on the one hand and the freedom of its citizens on the other hand. For instance, fully unrestricted freedom of the press can seriously jeopardize societal stability. Under Dutch law (art. 137d Penal Code), hate speech is forbidden; it incites discrimination and violence, and is seen as an abuse of the freedom of speech. However, a modern liberal State will be very reluctant in applying such legal prohibitions, as it will not want to give the impression that it limits freedom of speech too easily. What Prof. Syafic said about the law on religious blasphemy is true as well with regard to our law on hate speech: it remains controversial, because it can easily be misused for criminalizing unfavorable voices. This is why a clear separation of powers in the State is crucial. Only if a really independent court can judge in issues like these, we may expect a proper balance between stability and safety for the citizens and freedom of the citizens.

As representatives of religious communities – be it Christian, Muslim or any other religion – we have to be down-to-earth in this respect, and we have to be conscious of the fact that every government – and certainly every political party participating in a government – has a complicated agenda. In order to maintain stability, State authorities necessarily have to be cautious and diplomatic in what they say and what they don't say. The effect of what is said is often more important than its contents. We have to understand that, without refraining from challenging authorities to disclose their true intentions.

In this context – and that is my second point – , <u>State neutrality</u> is often being appealed to. Neutrality means impartiality: the State has no preference in terms of, for instance, religion: it does not favor Islam or Christianity, it does not favor atheism either! The state is impartial and neutral. In several publications, legal philosopher Dr Wibren van der Burg has

investigated this concept,[1] distinguishing first of all exclusive and inclusive neutrality. Exclusive neutrality aims to exclude religious and cultural expressions from the public sphere. In fact, the State does not recognize the positive role religions can play in civil society, and on the long term this will create frustration.

Inclusive neutrality can exist in two forms, i.e. as proportional neutrality and as compensatory neutrality. Proportional neutrality guarantees the representation of minority groups in public life proportional to their size. It is inclusive in that it recognizes the contribution religions can bring to society, and neutral in that it takes into account the size of religious communities in the way it opens up public life to such communities. But it is compensatory neutrality that might really fit in modern pluralistic democracies. It is inclusive and it is neutral, but it takes proportional neutrality one step further, as it compensates structural inequalities. Such inequalities can be cultural, religious or economic in character.

I think that compensatory neutrality fits best in pluralistic societies like those in Indonesia and the Netherlands. Governments should not only accept and protect cultural, ethnic and religious minorities, but they should support them actively by providing them the minimum of necessary means to play a role in public debate and other aspects of civil society. That goes for Muslims in the Netherlands as well as for Christians in Indonesia. I am fully aware that for a State fostering such tolerance is costly, indeed, and so not only in terms of funding. Such policies will necessarily meet heavy criticism.

This brings me to my third point: the role of the media, both the traditional press media and the modern social media. How can states promote fair political *and* public debate, both within and outside its representative bodies? Freedom of speech, and therefore a free press, is essential to constitutional democracies. But it cannot function in a satisfactory way without a clear assertion of minority rights. If civil freedom is absolute, it will also mean that the rights of the strong, of the powerful, of the majority will prevail – and others will pay the price. Nowadays, we see that economic powers have an enormous impact on the media. To a high degree, newspapers, radio and television are dependent on advertising, but minority interests don't sell easily. In our public broadcasting system, as an expression of compensatory neutrality, the government takes financial responsibility for a plural supply of tv and radio programs which reflects the plurality within society. However, not all political parties that support the present government are really in favor of this system.

Even more challenging is the rise of social media that accompanies the decline of traditional media, and that has accelerated the effects of fake news and misleading rhetoric. The role of perceptions, right of wrong, in the way people deal with societal and political issues, is decisive. Social media are prone to stimulate uneasiness, frustration, separatism and finally violence. How can and should States react? Some States curb the use of internet, and therefore of social media, like China, Russia and Turkey, but such restrictions simply don't

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[1] See, e.g., Roland Pierik and Wibren Van Der Burg, 'What Is Neutrality?', in: *Ratio Juris*, Vol. 27 No. 4, December 2014 (496–515). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2531503.

meet the internationally accepted standards of human rights. If so, State interests seem to go far beyond protecting social stability and safety. Political agendas can be different from what they look like, as Prof. Syafiq reminded us with regard to the 'Musyawarah Antar Agama' dialogue program of the Suharto regime,

However, we cannot underestimate the negative role social media can play in democratic processes like elections. There seems to be sufficient proof that fake news and manipulative propaganda has influenced elections in countries like ours. We will need innovative State policies to deal with this potential threat to democracy and the rule of law. Religious communities will not be able to solve such problems, but at least they can plead in favor of fair public debate – and they can be examples of such open debate themselves.

I come to my fourth point: <u>education</u>. Among the responsibilities of the State that of providing sufficient and high quality education to its citizens is one of the most vital ones. Democracy and the rule of law can only flourish if citizens are well educated, according to their potential. But what about the role of religious communities in this respect? Here, the concept of inclusive neutrality is key again. A history of religiously inspired violence cannot provide a convincing argument to exclude religious communities from the area of education. Christian schools or Muslim schools are not unacceptable for the simple reason that that have a religious background.

In the Netherlands, the debate on article 23 of the Constitution comes up time and again. Since 1917, this article guarantees the government funding of private schools, including Christian of Muslim schools, as long as they meet certain standards in terms of the quality of education. However, several Dutch political leaders challenge this system, and plead in favor of 'neutral´ public education exclusively. It is clear that they favor exclusive rather than inclusive neutrality, and that a secular world view is decisive. In my view this approach underestimates the responsibility and the positive potential religion has in terms of empowering children and youth towards participating in civil society from a consistent world view. States will never be able to successfully prevent extremism and radicalism if religious communities are not able or willing to play their own role in this respect.

But here religious communities are challenged no less. Statistics show that well educated people are more open to 'the others' than those who are less educated. The more religiously inspired schools really show their capacity to guide children and youth towards an open and responsible participation in society, the better they can successfully weaken the role of secularism. From the opposite perspective, the more schools further the isolation of certain religious communities within society, the more they indirectly stimulate secularist reactions. Here, religious communities themselves have a key responsibility. They are vital in fostering a necessary bottom-up approach of dialogue. I fully agree with Prof. Syafic that a secular approach of social stability – and, therefore, of potential religious violence and extremism – will not work effectively without a faith-based approach.

Finally, I don't feel competent to address the issue Prof. Syafic concluded his contribution with, it is that of Wasatiyya Islam. It was interesting to deal with this issue in Nijmegen, yesterday. As far as it implies the promotion of a moderate form of religion – not only in Islam but also in Christianity – I can, of course, only agree. Here also, it is a responsibility of the religious communities themselves – rather than that of State institutions – to take the lead, in order to diminish the role of any hidden political agenda.

Let me, therefore, conclude with some remarks on costly tolerance, as this is the overarching theme of the Consortium, and of this meeting. I do think that costly tolerance goes one step further than fostering a moderate form of religion, although it is closely related.

A moderate religion avoids and prevents radical and extreme interpretations of its heritage. This is vital, indeed. But costly tolerance requires more. From an institutional, e.g. political perspective, it implies that – for the sake of justice and equality – the State tolerates certain religious expressions by not forbidding it, although one would have the power to do so.

At a personal level, the impact of *costly* tolerance is larger. It challenges believers to cope with their own ego's, to accept what is harmful or unpleasant in other religions, to recognize human vulnerability. It requires a degree of self-restraint, not out of fear for retaliation, but out of respect for people with other religious views. We all know that this can be costly, indeed. It is easier, cheaper, to conform to traditional views as supported by the vast majority of a specific faith community. This is cheap tolerance, and in fact it is indifference. Costly tolerance may meet resistance within a particular faith community, as it suggests disloyalty towards the own community. But it is costly tolerance that opens new perspectives for society, both in Indonesia and in the Netherlands.

Thank you very much!

Prof. Leo J. Koffeman, 20 June, 2019