

Freedom of Expression and the Media: A Case-study from The Netherlands

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Abstract. *There is “no such thing as free (non-ideologically constrained) speech; no such thing as a public forum purged of ideological pressures or exclusions”. Stanley Fish’s famous thesis (1994) is illustrated by this case study on the public debate on freedom of expression in the Netherlands during the first decade of the 21st century.*

Far from serving tolerance or minority rights, as originally intended, it produced a whole line of argumentation that have excluded many from the public debate and filled it with a more exclusive content, especially regarding religion in general and Muslims in particular.

A renewed identification with the toleration discourse would help the media in regaining their public role and will be helpful for journalists covering the debate.

Keywords: *freedom of expression, freedom of speech, free speech, press freedom, freedom of religion, secularism, media, journalism.*

Introduction

This paper presents some of the findings of a Dutch research project on the changed interpretation of freedom of expression in

the Netherlands. In 2010, a corpus of ten years of media coverage of a national debate on free speech and the freedom of expression was analyzed and conceptualized, showing a remarkable shift in the interpretation.

Some of these findings might serve a wider interest, especially since some of its core events attracted the international media attention as well. The debate on the freedom of expression took place in a decade that was marked by two political murders, the stormy careers of populist politicians like Pim Fortuyn and Geert Wilders, and a supposed clash between the Western values and Islam as propagated by Ayaan Hirsi Ali.

The paper concludes with some practical advice for the media in general and journalists in particular, in the hope that the debate on the freedom of speech will resume its rightful place in the wider tradition of the discourse on toleration.

1. Theoretical framework, or disambiguation

In this paper's title, I'm referring to the freedom of expression for good reasons. Yet there are a number of other freedoms and related terms that, as a start, we should mention as well.

We all know the process from Wikipedia's *disambiguation* practice, and I propose to 'disambiguate' the concept of freedom of expression by placing it loosely in its wider theoretical context.

Apart from the freedom of expression, we find the freedom of speech, the freedom of information, the freedom of thought, the freedom of conscience, the freedom of religious expression, and freedom of religion, and of course also the freedom of the press and/or press freedom or media freedom, to mention the ones that are even closer to the heart of our profession.

Press freedom

To start with the latter, I'm not primarily thinking of the freedom of the press, the one specific form of freedom that often concerns us,

journalists, most. Broadly speaking, the freedom of press tends to be a far more institutional concern than the freedom of expression. As such, it often follows its own logic. The outcome may occasionally be almost the opposite of the freedom of speech or expression.

Originally, in Europe, especially in the 19th century, the freedom of the press used to be more or less identical with the freedom of speech, and many propagated it – or turned against it – for exactly this reason. Nowadays, however, the freedom of the press is often more strongly tied to property rights and the privileges of free-market capitalism than to citizens' rights and the freedom of speech. In some instances, it serves the interests of powerful media conglomerates controlled by the likes of Sylvio Berlusconi or Rupert Murdoch far better than those of individual citizens.

In specific cases, the freedom of the press might therefore give room to the practices that are exactly the opposite of what the freedom of speech or expression stands for. Widely criticized examples of the use of press freedom for the sake of special interest or even propaganda are presented by the American *Fox News* network (Brock et al., 2012) and in the British popular press.

The latter were the subject of the Leveson Inquiry in 2012, following the *News of the World* phone hacking scandal. The Leveson Report revealed cases in which individual citizens' rights and their freedom of expression were indeed curtailed by the media practices defended in the name of press freedom (Leveson, 2012). Of course, there's much more to be said about the advantages and disadvantages of the freedom of the press, but this will suffice to conclude that these types of freedom are not simply identical as sometimes assumed (Carlsson, 2013).

Other freedoms

That leaves us with a handful of other related rights and types of freedom already mentioned, especially the freedom of information, thought, conscience, and religion. To jump straight to the other end of

the spectrum, the question is, of course, whether the freedom of religion and religious expression should be mentioned here at all.

Historically speaking, the freedom of religion is closely associated with the freedom of conscience. It used to be a central concern in the debate on toleration that took place in Europe and elsewhere over the past few centuries (Nussbaum, 2012). In the recent times, however, the debate seems to have shifted toward a bigger emphasis on the freedom of speech or expression, even at the cost of the freedom of religion. In some instances the freedom of religion and the freedom of religious expression are regarded as obsolete. Some argue that they are better 'replaced' by the freedom of expression which is seen as a more central concern to modern democracy (Akkerman, 2005).

Yet this is exactly the reason why we should include the freedom of religion here as well. In the public debate on the freedom of speech and expression as it has evolved in the Netherlands during the last decade, religion and the freedom of religion play a major role, and arguments concerning the first are indeed very often tied to the arguments *pro* and *con* the latter. In short: no discussion of the freedom of speech and expression can exist without a stance concerning the public role of religion and freedom of religion (Snel, 2010). We'll return to this debate further on.

The Danish religious freethinker Søren Kierkegaard (1813–1855) reportedly stated that people demand freedom of speech as a compensation for freedom of thought, because thinking would require a stronger effort than merely expressing oneself. Kierkegaard obviously regarded the freedom of thought as a rarer phenomenon than the freedom of expression, but in generally acknowledged theory it is rather the other way round. The freedom of thought is commonly considered the matrix, the indispensable condition on which nearly every other form of freedom rests.

As such, it has something in common with the equally comprehensive freedom of information. After World War II, an attempt was made in the United Nation circles to stress the freedom of information that

would apply to all citizens of the UN family of nations (De Jong, 2000). Since then, it has found its way in access to information laws and regulations of many modern states and even, more recently, international institutions like the European Union (2001). Nowadays, the freedom of information typically refers to the Internet and information technology, e.g., the ability to access content on the Web without censorship or other restrictions (Morozov, 2011).

‘Western values’

The term that was used in the recent public debate in the Netherlands, however, was ‘vrijheid van meningsuiting’ which best translates as freedom of expression. In the Anglo-Saxon world, the freedom of speech might be the more common nomer, but the freedom of speech and the freedom of expression are generally used as synonyms and refer to the same political right (Steel, 2012). Namely, the right to communicate one’s opinions and ideas freely, regardless of the medium used. The freedom of expression is understood as a multi-faceted right that includes not only the right to express, but also to seek, receive and disseminate information and ideas. As such, the freedom of expression can be considered the most canonical of a modern citizen’s rights, the core freedom in the public awareness and a central issue in the current public debate (O’Neill, 2004).

It is also firmly based on the international human rights law. Indeed, the freedom of expression for each individual citizen is recognized as a human right under Article 19 of the *Universal Declaration of Human Rights* and in the *International Covenant on Civil and Political Rights*. Article 19 of the ICCPR typically states that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

Similar formulas are found in Article 10 of the *European Convention on Human Rights*, Article 13 of the *American Convention on Human*

Rights, Article 9 of the *African Charter on Human and Peoples' Rights*, and in many constitutions.

This freedom, of course, is particularly important for journalists, given their professional role as the bearers of this general right to the freedom of expression for all. This in itself is a sufficient reason for journalists to pay to it serious attention. The main ground for discussing it here, however, lies in its widespread use in the public debate during the last decade, discussed in this paper, and the enormous extent of the media coverage it received.

The endless series of speech 'rights and wrongs', identified in the course of this debate, showed that the freedom of expression had grown into something beyond its judicial origins. Clearly, the freedom of expression has come to stand for something more. In the Netherlands and elsewhere, the freedom of expression has recently been identified with a specific set of cultural values, often considered Western values. It is this 'cultural turn', far more than its stricter use in terms of law and human rights, that concerns us here.

2. Research and results

Empirically, this paper is based on an analysis of the public debate on the freedom of expression in the Netherlands over the past decade, especially as covered by the media. The outcomes were published in Dutch in a monograph in November 2010 (Snel, 2010). Its main finding was indeed this cultural turn, a rather dramatic shift in the perception of what the freedom of expression stands for and what it protects, that is to say, in the public debate as it evolved in the Netherlands and especially in the Dutch media. At the same time, a conceptual analysis of the terms and arguments used in this debate tried to make sense of them and placed them in a wider perspective. Let me summarize these findings.

To start with, the debate on the freedom of expression was fuelled by a series of dramatic occurrences that set the tone of the decade – even of a new century or a new millennium, for those who prefer to see

things at large. First and foremost were the attacks that took place in New York and Washington on September 11, 2001. In the Dutch media, as everywhere else, they led to wide speculation and wild attempts to come to terms with these bare facts.

Here, as in many other places in the Western world, 'Islam' became a new key word in the public debate. Actually, the stress on the religious and cultural background of a part of the immigrant population had already become a topic since the 1990s. Earlier, immigrants had been almost exclusively discussed in terms of their social position and their socialization. As a matter of fact, immigrants in the Netherlands with a Christian background have probably always outnumbered those with an Islamic background (especially more identifiable groups from Morocco and Turkey), but these newly discovered 'Muslims' have been dominating the debate ever since. (In the Netherlands, the very word "immigrant" evokes spontaneous associations with Islam. Immigrants with a Christian background are sometimes erroneously identified as Muslims).

Meanwhile, the debate on Islam moved even higher up on the agenda. At the same time, the freedom of expression was still no matter of special concern. That would change over the next three years when two political murders shocked the Dutch public. Even then it took time before the freedom of expression became associated with Islam and the Islam debate. When it happened, the combination proved explosive. And the outcome was a complete shift in the meaning and content of the freedom of expression, also in its use by most of the media.

Murder of Fortuyn

Two political murders. As both drew the international media attention, I think I can refer to them without becoming too provincial. The first murder occurred on Tuesday May 6, 2002, just nine days before the national parliamentary elections. The victim was Pim Fortuyn, the leader of a newly established political party and heading the opinion polls at that moment. The murder took place after a radio interview in

the Dutch national media center, and the murderer, who almost escaped in anonymity but was caught thanks to the alertness of Fortuyn's personal driver, proved a loner, a young environmental activist. His motives remained somewhat obscure, but he was clearly triggered by the comet-like breakthrough in Fortuyn's political career and the more populist overtones that had come to dominate the political agenda.

Fortuyn had been openly negative about what he called the 'backward religion' of Muslims and the threat Islam posed, according to him, to Western values. Values especially under threat, in his view, were equality in terms of gender and sexual orientation. Much of his sudden popularity had an anti-immigrant motive, and his eloquent defense of 'Western values' was especially welcome among those who worried about the consequences of immigration. Indeed, the international media generally identified Fortuyn's new political movement as racist and even fascist (Akkerman, 2005).

At the same time, he differed from other right-wing populist movements in Europe in that he himself was openly, even exuberantly, gay, that he favored the state of Israel and also Judaism, and that he embraced values like 'emancipation' and 'liberation of the individual' that had so far been considered progressive ideals. He adapted them to a more right-wing political message, but at the same time these more progressive political views help explain why he himself couldn't identify with the European extreme-right (Gray, 2004: 169–178).

He was, indeed, a more local phenomenon in that he was also clearly the outcome of the Dutch version of the Cultural Revolution of the 1960s and 1970s, an episode that is widely credited for the liberation of the individual from the bonds of religion and other institutions. In that sense, Fortuyn presented his populist and anti-immigrant movement with a more progressive agenda, the one that has continued to dominate Dutch politics ever since.

In order to justify his criticism of the 'backwardness' and 'medieval religion' of Muslim immigrants, Fortuyn had successfully introduced the phrase 'freedom of expression.' All of a sudden, freedom of ex-

pression came to stand first and foremost for an open criticism of the 'backward' values and religion of these immigrants and the advocacy of 'modern values' that they were expected to embrace in order to naturalize and integrate in the Dutch society. In short, the freedom of expression was launched as a successful political slogan, the one that would dominate the Dutch public debate over the next decade (Snel, 2010).

Murder of Van Gogh

The decisive moment, however, was another murder. On Tuesday, November 2, 2004, the filmmaker, publicist and activist Theo van Gogh – grandnephew of the painter – was murdered in Amsterdam when he was cycling to the film set of *06/05*, a film about the murder of Fortuyn. This time, the murderer was a young Muslim, a social worker who had recently joined a group of young radical Islamists, and his motives were more clear.

In court, he declared he wanted to punish Van Gogh for the blasphemy of his short film *Submission* made in co-production with Ayaan Hirsi Ali who had written the screenplay, criticizing the suppression of women's rights by Islam. The submission had been shown on the Dutch TV only once, two months before the murder, by a rather progressive broadcasting organization (VPRO). Once again, the distinction between progressive, liberal and populist motives proved not easy to make, especially regarding Muslims and the consequences of immigration. The freedom of expression had a special appeal to them all.

After Fortuyn and Van Gogh, the Dutch liberal MP Ayaan Hirsi Ali was the third name to receive the international media attention. A former Somali immigrant herself, she became well-known for her conversion from Islam to an explicit atheist creed and for her outspoken views on the clash between women's rights, secular values, and Islam. Originally active in the Dutch Labour Party, she crossed over to the conservative-liberal party VVD and was elected in the Dutch parliament. The socialists, she declared, were too soft on Islam and should take a firmer

stand for the modern values under threat. Indeed, Van Gogh's murderer left a note on the corps threatening her as his next victim, and she was heavily guarded ever after.

In 2007, she moved to the United States, made some more international media appearances around her memoir *Infidel* (2007), and then slowly disappeared from the Dutch public scene. In the meantime, two new events had caused the 'freedom of expression' slogan to return to the center of public attention once again.

The first event was an international media hoax well-known as the Danish Cartoon Crisis, which started in the Summer of 2005 but came to a climax in February 2006 (Klausen, 2009). The second one was the sudden electoral success of a new populist and vehemently anti-Muslim political party, the Freedom Party led by Geert Wilders, in the Dutch parliamentary elections of November 2006.

Since 2004, indeed in a direct response to the murder of Van Gogh, when the Dam Square in Amsterdam filled with a spontaneous mass demonstration for the freedom of expression on that very evening, the two national preoccupations had become dangerously entangled. Until that day, the freedom of expression slogan on the one hand and the debate on Islam on the other had merely co-existed. Literally no one, at least in the Dutch media coverage that I studied, had that far suggested that Islam and the freedom of expression should be considered natural enemies.

From now on, however, this idea turned into an almost nationally held conviction. In weeks and months after the murder of Van Gogh, thousands of blogs, columns, op-eds and editorials started to explain that Islam did not allow for freedom of expression and that this freedom was in dire need of a staunch defense. All of a sudden, a mass rally for the freedom of expression declared it the ultimate symbol of liberty and Western values and the absolute opposite of Islam. From now on, Islam was indeed perceived as 'attacking' the freedom of expression and all Western values it stands for (Snel, 2010).

Freedom versus religion

In short, a sharp cultural turn, mentioned before, had taken place in the crucial year of 2004. No longer primarily a judicial term from the context of law and human rights, the freedom of expression had grown into a powerful symbol of something far more important. Its suggested polar opposition to a complete world religion turned it into something very big indeed, the core of liberal democracy, modern values, even Western civilization at large.

No, I'm not exaggerating. This is exactly what two influential Danish politicians, both former Social Democrats, concluded from the Danish Cartoon Crisis. In their bestseller *Islamists and Naïvists* from 2006, translated in a number of languages including Dutch, they stressed the central importance of the freedom of expression as the ultimate line of defense of all Western modern values under threat by 'totalitarian' tendencies within Islam (Jespersen, Pittelkow, 2006).

It is an argument that could be found anywhere in the Dutch media in these years, and the partial acceptance of this line of thought helped legitimize the more outspoken anti-Muslim campaign by Geert Wilders' Freedom Party. Another film release by Wilders in 2009, *Fitna*, led to a law suit that was widely considered a test on the limits of free speech and the freedom of expression. He won the parliamentary elections of 2010, joined the new government coalition and also won this law suit in the Court of Amsterdam which concluded – quite ingeniously – that his attacks hadn't been aimed at Muslims but only at the religion.

Religion and the public role of religion had indeed in the meantime become a major object of concern. For some, it wasn't just Islam that posed a threat to modern Western values, but religion as such. A more secularist variant placed all religion under suspicion (Gray, 2000). The Amsterdam-based cultural anthropologist Oskar Verkaaik, who had been doing research in Pakistan in previous years, compared the new self-proclaimed 'liberal' culture that had in the meantime become dominant in the Dutch society, with Islamic nationalism in Pakistan.

In both countries, he observed, a dominant morality produced a new national self-consciousness, even a new type of nationalism that he coins neo-nationalism. Islamist tendencies in Pakistan were nearly mirrored by their secularist counterparts in the Netherlands. The freedom of expression was indeed used as a slogan, a central symbol of this 'liberal' and secularist morality that had come to dominate the public debate. As such, it stood in opposition not only to Islam, but to all religion considered to represent the forces of backwardness and dependency.

Verkaaik concluded that the recent Dutch history had created a scheme that places 'religion' in direct opposition to 'freedom.' This polar pair, freedom versus religion, the modern individual's liberation and emancipation versus the forces of the past, provided the dominant frame of thought for both populists and progressives, and helped explain the almost uncontested popularity of the freedom of expression. More than a mere symbol, the freedom of expression had come to be identified with this recent liberation of the individual from the bonds of religion.

The latter is a reference to the key feature of the Dutch version of the Cultural Revolution of the 1960s and 1970s. Namely, the complete breakdown of the major Christian churches, both Catholic and Protestant, in less than two decades time. This dramatic shift in religious affiliation, officially halving church membership between 1971 and 1986 but in reality a change of a far wider impact, had no international precedent or parallel. The predominantly Christian culture, that had been a major force not only in society and societal organizations, but also, since World War I, in politics, had come to a complete standstill (Sengers, 2005).

The outcome was a new national myth that equated the emancipatory liberties of the Cultural Revolution, like individualism, emancipation and gay rights, with a hard-won liberation from religion. It was this scheme the sudden discovery of Islam since the 1990s had to fit in, and it helped explain widely held fears of a 'relapse' back into the bonds of a backward religion. The consequential popularity of the concept of the

freedom of expression helped articulate these anxieties about hard-won modern values that were held nowhere as deeply as in the Netherlands (Verkaaik, 2009).

A liberal jihad

Already in April 2003, one and-a-half years before the murder of filmmaker Van Gogh, Ayaan Hirsi Ali and Geert Wilders, at that moment both MP for the conservative liberals, published an op-ed in the leading newspaper *NRC Handelsblad*. In it, they advocated a ‘liberal jihad’ – exactly that term – in order to save democracy and these newly won modern values. According to them, a temporary restriction of liberal freedoms like the freedom of religion and other fundamental rights was acceptable in order to stop the further ‘Islamization’, a threat comparable to that posed by totalitarian ideologies like fascism or communism, according to them.

The idea only took hold in populist circles like Wilders’ own Freedom Party. But one element in their *liberal jihad* received a much wider acceptance. The public appearance of Islam gave room to the idea that it received too much legal protection from the freedom of religion. Especially since 2004, pleas to curtail or even abolish the freedom of religion and religious expression could be heard both in the academia and in the street.

One reason, no doubt, was the debate on Islam. Another, more fundamental, was the generally acknowledged idea that the freedom of religion had come to stand in the way of the freedom of expression. Again, the background was the dominant frame presented here before, of a dynamic opposition between newly won rights and liberties against the repressiveness of religion, or freedom versus religion.

Both elements were now considered to be protected by one of these two fundamental rights. The freedom of expression was regarded the ultimate symbol of the newly-won light of freedom, whereas the freedom of religion symbolized the forces of darkness. Of course, these two

freedoms were seen to ‘clash’, and a simple and effective way of avoiding any future clashes would be to abolish the freedom of religion. Besides, many argued, the freedom of religion cannot be regarded as a fundamental human right, since it only applies to people with a religion.

Historically and universally, of course, the freedom of religion has been used to protect religious minorities of any kind, atheists and other secular creeds just as well. But in the specific Dutch situation, the concept of “freedom of religion and conviction” – as acknowledged in the Dutch Constitution, Article 6 – came to be regarded as a privilege for religion and irrelevant for the secular majority. It is a play on words and the one that’s not easily solved but, generally speaking, one could observe a tendency to charge the word ‘secular’ with a more secularist content.

In the Dutch context, the secular state and society were increasingly seen no longer as a neutral ground and open to all kinds of convictions, but as devoid of any public utterance or the role of religion (Cliteur, 2010). In short, the ‘secular’ was increasingly interpreted in secularist terms, and liberalism came to be identified with secularism to such an extent that the two became indistinguishable. As Verkaaik concluded, the double political ideology of liberalism and secularism had become the new foundation of the contemporary Dutch society (Verkaaik, 2009).

In the public debate, the dominant dichotomy of freedom versus religion is now generally known as one of secular versus religious views. In this scheme, the freedom of expression could easily be taken as a secular right versus the multiple religious wrongs of the freedom of religion. This is also the dominant meaning that the freedom of expression is assumed in the Dutch media. By and large, the freedom of expression was now considered a costly good that enables us to push religious utterances from the public sphere and by the same logic to reduce or abolish the freedom of religion (Snel, 2010).

3. The main argument

I am well aware that there is a long-standing and honourable tradition that connects free speech with free thought and free thinking. In this tradition, there's a clear and logical connection between the Enlightenment ideal of *sapere aude*, daring to think and speak out independently, and a skeptical approach to established religion. The best known representative of this tradition is, of course, John Stuart Mill (1806–1873) who composed his *On Liberty* on these themes and proposed an “absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological” (Mill, 1859: 73). It became a classical text for the freedom of expression, and rightfully so.

Yet, this specific philosophical defense of the freedom of expression should not be mistaken for its only possible content. Basically, the freedom of expression is nothing more but what Isaiah Berlin termed a *negative* form of freedom, an empty space that could be filled with anything at choice (Berlin, 1958). Any type of speech or expression could be justified by it, whether kind or hateful, wise or folly, secular or religious – if it weren't for the law.

Taken as such, the freedom of expression has no preferences: not for any creed or conviction, either liberating or repressive, secular or religious. A supposed dichotomy between the freedom of expression and religion, let alone Islam, is always a matter of choice – it cannot be based on the concept of freedom of expression itself. In another world, it could just as easily justify Islamic or other religious utterances *par excellence*, all dependent on the right political and ideological conditions (Fish, 1994).

Seven observations

Seen in this light, it is rather clear what happened with the freedom of expression in the Dutch public debate of the past decade. The concept underwent a series of changes that together constitute what I call a ‘cultural turn’. In my book, I tried to analyze them in more detail, but

here they will be taken together in a sketchy overview of seven tendencies that together constituted it, or seven observations.

First, it is obvious that the freedom of expression moved from a more exclusive judicial sphere into a wider cultural space. Before 2001, the term had been rarely used in the Dutch media. If it occurred, it was always in the context of law and human rights, and mostly referring to international situations. You would literally never find it in the popular press, as it was considered a too technical, judicial term. That changed overnight in 2004 when the use of the term, especially in the popular press, exploded and continued to do so in the years to come. With this sudden popularity of the freedom of expression it came to be charged with new cultural meanings.

Secondly, in an ideal world, the freedom of expression is a complete freedom open to anyone willing to make use of it. This 'negative' freedom, as Isaiah Berlin coined it, came to be filled with more and more 'positive' content. Within a few years time, the freedom of expression came to stand for such positive ideals as individual self-expression, sexual liberation, gender equality and gay rights, secularism, and liberation from religion. In short, for Western values, as the media would echo, or even for the Western civilization as a whole.

In the third place, it turned from an elitist and academic concern into one that attracted populists and the popular press even more. After 2004, when a spontaneous mass demonstration filled the Dam Square in Amsterdam on the evening of the murder of Van Gogh, almost all pro-freedom of expression demonstrations have been organized by Geert Wilders' Freedom Party and other anti-Islamic groups. From the state it found its way into the streets, and from the sphere of law it had turned into a slogan, the voice of popular discontent.

Closely related is a fourth turn. In the Dutch context, the freedom of expression is a constitutional right based on Article 7 of the Constitution. As such, it is a so-called *vertical* right: it protects citizens from the power of the state, it allows for free expression in this vertical relationship between the state and society. In the recent practice,

however, it came to be interpreted much more in terms of relations *among* citizens. Pro-freedom of expression demonstrators typically criticized fellow citizens like Muslims, or other societal relations. This *horizontal* reading, focusing on the social relationships within society, is a characteristic tendency and one that tells us much about the direction modern society has taken in the recent years. However, its claims are incompatible with the present rule of law.

It is obvious then, in the fifth place, that the focus of the freedom of expression shifted from protecting minorities and minority rights to the tendency to advocate the claims of the majority. In the decade under scrutiny, a new 'Moral Majority' took over and claimed the freedom of expression for its own agenda (Verkaaik, 2009). No longer was it considered a safeguard first and foremost for individuals and minorities, but rather the expression of this *general will* of a new secular majority. In a number of cases, minorities were openly advised to accept the democratic choices of the majority. New was the way in which the freedom of expression served to underline this argument.

The sixth observation concerns a shift in the meaning of the word 'secular' in, e.g., a secular state or a secular society. No longer was the secular state seen as a more or less neutral place providing a common ground for different worldviews. In the specific Dutch situation, the secular state had been the typical outcome of compromise since no political or other party had ever been in a majority position. Every government in the modern history had been based on a coalition of often opposed factions, especially Catholics, Socialists, Conservative-liberals, and Calvinists. Now, the word 'secular' and the idea of the secular state came to be ideologically charged with a more *secularist* content. As a direct consequence, a natural opposition between the freedom of expression and the freedom of religion became an established fact. It was taken for granted by most of the media and journalists in this research.

Seven. Almost as remarkable as the explosion of interest in the freedom of expression was the low tide in the debate on toleration, also frequently observed by international visitors. Indeed, when Queen Beatrix (who abdicated on April 30, 2013) in her traditional Christmas speech

of 2007 referred to the long Dutch tradition of tolerance and toleration, her position was vehemently attacked by Wilders' Freedom Party. Hate speech, another typical concern of the 1990s, was also no longer on the political and public agenda. In short: if the public interest for freedom of speech coincided with a lowering of the interest for toleration, that could be explained by the new meanings it had acquired in the meantime. Tolerance had come to stand for certain minority interests, like gay marriages or sexual liberties, but no longer for others.

4. Conclusion: toleration in a post-secular world

Let me conclude by pointing at three possible remedies, corrections or indeed fresh approaches that could be instrumental in escaping from the deadlock. They can be especially helpful for journalists covering the debate on the freedom of expression and other related issues, and provide them with a fresh – preferably critical – look at the many claims made in its name.

In a rightly famous essay from 1994, *There's no Such a Thing as Freedom of Speech And It's A Good Thing, Too*, Stanley Fish presented his thesis that free speech and the freedom of expression are always a matter of politics. Both are fundamentally abstract concepts devoid of any natural content but filled with whatever content and meaning one manages to give them. "Free speech' is just the name we give to the verbal behavior that serves the substantive agendas we wish to advance" (Fish, 1994: 102). For journalists, his provocative thesis has a very practical consequence. If there is some truth in it, journalists should always be aware of the rhetoric and political forces at work in any claim made for, or in the name of, the freedom of speech.

A second fresh look is offered by Jürgen Habermas. Over the last decade, in a series of publications, he has tried to come to terms with the unexpected return of religion and religious communities in the public life of Western societies since the end of the Cold War. His key concern, given the separation of state and church and given the concepts of a secular state and secular society, is the role these religious communities are allowed to play, both in civil society and in the political public

sphere. His solution to what he coins the *post-secular society* and even the post-secular world is that, indeed, they should be allowed a public role – and that neither the political nor the civil public spheres can be sustained without support from all sides, whether secular or religious (Habermas, 2006).

A third fresh approach would lead us back to the natural context of free speech and the freedom of expression. Historically, the freedom of speech originated in the long search for tolerance and toleration, religious and otherwise, that have occupied many in Europe since the religious wars and civil wars of the early modern period. Reaching back to its roots in the writings of Milton and Mill, this is what philosophers like Onora O’Neill and Martha Nussbaum have found in recent years (O’Neill, 2004, Nussbaum, 2012).

Toleration has probably been the natural environment for the debate on the freedom of expression worldwide till the present day, but recently the connection has often been overseen in countries like the Netherlands and Denmark. However, it would be a natural thing for journalists and journalism educators to link the freedom of expression to tolerance and toleration. Just as it would prove their professionalism and independence of mind.

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