On November 21, 2013, Rasit Bal, president of the Dutch Contact Organ for Muslims and Government (CMO), gave a lecture for local interreligious dialogue groups on ‘The Agenda for the Future.’ According to Bal, closed communities are met with distrust in our society and are framed as a potential threat. The public space is expanding, and it is becoming increasingly difficult to solve problems within one’s own circle. The public space does not allow norms or values to be justified by an appeal to authoritative sources or traditions. “The state has won the battle and religious traditions should adapt,” Bal says. All religious communities are minorities, and religious believers, according to Bal, should be committed to society as a whole and participate in the debate on what is good for society—but not from a privileged position. They are “co-owners” of public space and should refrain from attempts to dominate it. Bal observes that society needs religious communities to create social cohesion, but such cohesion is also being threatened as communities struggle with a growing internal diversity when it comes to the interpretations of traditional norms and values. While some believers tend to uphold tradition, others seek, in Bal’s terms, “authentic” and “liberating” norms that fit in with their experiences as members of modern society.

The interpretation that a community leader like Bal gives of the position of Muslim communities and their members in Dutch society is familiar. What is striking, however, is an unresolved tension he addresses in his speech. He speaks of twin fears: on the one hand the fear—implicit in his description—that many Muslims have of an expanding state and of a public space in which nothing remains hidden from the public gaze, and, on the other, the fear in modern society of religious communities, given the distrust he describes.

Bal is involved in a platform of Jewish, Christian, and Muslim religious leaders debating social issues. But the Muslim community is not often sought out as a participant that could make a valuable contribution to ideas of the good
life in society. More often, it is Muslim communities and their spokespersons that are held to account when the majority consensus is offended by certain religiously inspired practices, as we will see below.

Modern secular nation states present themselves as open access societies. No particular cultural or religious community is privileged in the public domain, which therefore becomes a neutral ground where every individual citizen has an equal say. Problems arise, however, when citizens claim space for the religious or cultural practices that are seen in their community as the ‘law of God.’ No norms for behavior must be legitimized by a generally shared view of the good life in the public domain, not by an appeal to religious authority. For many, this implies that religiously based behavior should not have a place in the public arena. This is especially clear when the debate focuses on migrant religious communities and even more so when these are Muslim communities. For religious people who want to follow the ‘law of God’ in their daily lives, this creates problems. What exclusions lie behind such a common-sense representation of what it means to be ‘religious’ in a ‘modern’ and ‘secular’ context? What place could the ‘law of God’ have in the public domain?

In this article, I will start by pointing out some of the tensions that arise from marking the boundaries between the public domain and the space claimed by religious communities in modern Dutch society. I will then turn to Talal Asad’s analysis of ‘secularism’ as a disciplinary system that, in effect, excludes religion from the public space. Asad attempts to read the various meanings of secularism, secularity, and the secular state into different Western modern contexts and so presents a view from outside that can help us discover unspoken assumptions behind these terms. Then I will discuss the ways in which the Shari’a—for Muslims the ‘law of God’—could function in public space in modern nation states, comparing the approach of Asad with that of another Muslim thinker, Abdullahi Ahmed an-Na’im. I will conclude with a brief exploration of the concept of ‘middle space.’

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5 Pieter Dronkers has elegantly summed up the different approaches to the tension between political and religious loyalty in liberal political theory, see Pieter Dronkers, Faithful Citizens: Civic Allegiance and Religious Loyalty in a Globalized Society. A Dutch Case Study, doctoral thesis (Amsterdam/Groningen: Protestant Theological University, 2012).