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Conflicting Secularisms: The Constitutional Protection of the Azan and Nativism

It's our right to amplify the azan, we live in a democracy!

A Turkish-Dutch Muslim, 2013

You can jump high, you can jump low, you can stand on your head, [but] the mosque is coming. All procedures have been followed, as it should be in a democracy.

A columnist in a Dutch newspaper, 2014

The anthropology of secularism has been vociferous in its critique of the subjugation of Muslim minorities in Europe. The deconstructivist approach to secularism (Cannell 2010) that came into prominence through the work of Talal Asad views “modernity,” which includes “secularism” as one of its key concepts, as the force responsible for this subjugation (Asad 2003). The implications for normative conceptions of justice as well as empirical perspectives on European Islam are many. I criticize and complicate this view on the basis of my case study of the amplified azan in the Netherlands. In this chapter I look at the azan and secularism mainly from a political perspective, and in the next chapter I present an ethnography of contemporary azan negotiations on the ground. But before we proceed to the specifics of this case, some discussion of the larger debate on modernity that looms behind the anthropology of secularism is in order.

In *Formations of the Secular: Christianity, Islam, Modernity*, a book that remains influential in academic discussions of secularism, Asad did not eschew grand claims such as the following: “Modernity is a project—or rather, a series of interlinked projects—that certain people in power seek to achieve” (2003: 13). The generalized “modernity” and “secularism” are subsequently loosely related to further generalizations such as their relation to “the West” and to “modern

colonialism.” In a similar spirit, Wendy Brown writes that she is interested in “secularism as an instrument of empire” (2007), while in *Being a Muslim in the World*, Hamid Dabashi goes so far as to simply state: “Secularism is colonialism in the guise of modernity” (2013: 128). These authors’ juxtaposition of secularism and Islam leaves little space for the Muslim worshiper who identifies as a European citizen and wishes to practice his or her religion under liberal rule, or better yet, who believes that liberal democracy creates beneficial conditions under which religious practices are constitutionally protected and guaranteed.

The context of Asad and Dabashi’s criticisms of secularism, inspired by metaclaims about the true nature of modernity itself and about imperialism, is part of a broader critique of the untenable distinction between the West and “the Rest,” but they paradoxically keep this crude distinction intact by insisting that secularism is Western (Bangstad 2009). It must be reiterated: secularism is historically and de facto not exclusively Christian, Protestant, European, or Western, nor *should* it be in a globalized world. The strongest critique of Eurocentrist understandings of secularism has been provided by the academic debates surrounding Indian secularism (Bhargava 1999; Needham and Sunder Rajan 2007; Srinivasan 2009), in which political philosophers such as Rajeev Bhargava have defended Jawaharlal Nehru’s establishment of secularism as a major achievement of independent India. While Bhargava understands Indian secularism as developed through interactions with the West, he also points out its distinctive historical roots in India itself. An easy divide of East and West, colonized and colonizer, simply does not work to understand Indian secularism. Attention for Indian secularism and the postcolonial history of the formation of the Indian Constitution thus forces us Europeans to disrupt an all too Western understanding of the existence and meaning of what can be called *constitutional secularism*.

Any anthropologist today who cites works on secularism and religious freedom should keep in mind that these perspectives are at least as much products of normative evaluations of state regulations of religions as the result of empirical investigations. Ongoing discussions between analysts of modernity will therefore necessarily continue to reproduce value-laden *and* fact-laden evaluations of divides between the secular and the religious. Each side may claim that the divide is counterproductive (Bernstein 2009) or productive (Eisenlohr 2006), that it must be un-thought (Dabashi 2013) or transcended (Jansen 2013). It is my contention that we cannot hope to isolate the empirical debate from normative political theories, nor hope to be good theorists

without being informed by empirical research. My methodological critique of the Asadian perspective, which has been dominant and taken for granted by cultural anthropologists of Islam, is in fact that its normative judgments are insufficiently based on empirical, qualitative research. The discrepancy between his negative evaluation of (liberal) secularism and the realities of governance by actual (liberal) secular states is too great. To rectify this, his attempt at normative critique should not be abandoned at all. Instead, what is required is to learn from actual secular states how they deal with religious pluralism. These states, such as the United States and the Netherlands, are a step ahead of academics who do not take the details of the regulation of religions seriously (cf. Modood 2014). Saba Mahmood has recently taken up this challenge and grounded her critique of secularism and the very idea of religious liberty in empirical research, for example by comparing rulings of the Egyptian Supreme Court with the European Court of Human Rights (2015). Her work shows that, besides the question of empirical accuracy, what matters is the way we understand the notion of critique. While Asad and Mahmood opt for a rather uncompromising critique of secularism in general, I suggest that empirical contingencies require a more modest critique, one that can also engage in constructive theorizing and seriously takes into account the practical question of *what to do* when a mosque in the Netherlands wants to amplify its call to prayer.

We do not need to delve into the extreme case of political theocracy, what Thomas Hobbes dramatically called a “kingdom of darkness” (*Leviathan*, Part IV), to point out the lack of empirical scrutiny in all too sweeping critical statements on secularism. I think that it has been more helpful to enable fellow anthropologists to construct “illuminating contrasts” (Bowen 2012: 157) between a variety of institutional (socio)logics that fall under the container concept of secularism. For example, we observe *how secularism works* in contrasting ethnographic accounts of the French and American armies or by comparing how secularism is practiced in different institutions such as schools and hospitals in different European countries (Bowen et al. 2014). The strength of anthropology is precisely that it allows a critical means of closely examining secularism as it is actually practiced in a specific social context. This approach leads me to the following central thesis: *In an age of anxiety and religious intolerance aimed at Muslims, secularism is a double-edged sword that is used to discriminate against Muslims and, at the same time, limits the power of a Dutch nativist, and still very much Protestant, perspective on religion that leaves little room for public manifestations of non-Protestant religions.*

How can a single sword have such conflicting uses? This contrast between the emancipatory and discriminatory aspects of secularism becomes understandable if we distinguish constitutional from cultural forms of secularism in the Netherlands, and show that they have opposing relations to nativism. Some use “political secularism” instead of “constitutional” here, to stress that secularism is not neutral or an abstract void but rather a presence of power (Calhoun 2010) that regulates, and to a certain extent, defines religions. Although these concepts overlap, I have chosen to emphasize the constitutional because—as we will see—it partially resists and transcends the party politics that the term *political* evokes. Based on Chapter 2, I understand emancipation in this context primarily as increasing the possibility of exercising one’s right (if one chooses) to practice religious rituals in public, that is, the right to hold religious beliefs and to act or behave in accordance with a particular (nondominant) regime of rituals. I understand discrimination to be the silencing of the azan or enforced privatization of religion, in law and policy, but also in actual ritual practice. The term *nativism* is borrowed from Jan Willem Duyvendak (2011), among others (Casanova 2012; Nussbaum 2012), who have employed the concept to analyze the emotional dimensions of the Dutch “politics of home.” Duyvendak’s work echoes previous research on minorities’ feelings of belonging in the Netherlands (e.g., Ghorashi 2003) but stands out because it is written from the perspective of the “autochthonous” and “national” majority, who blame the so-called Muslim allochthons or nonnatives for no longer being able to feel “at home” in their homes (cf. Mepschen 2016). My thesis that secularism has resisted such xenophobic nativism hinges on a distinction between constitutional secularism and the study of Dutch secularism as a “cultural phenomenon” (Verkaaik 2009; Mahmood 2010; cf. Taylor 2007).

The turn toward the constitutional has double benefits. It allows anthropologists to critique the “culturalism” of some forms of secularism, and to partake in sophisticated transdisciplinary debates about how states and courts actually regulate religions (e.g., Eisgruber and Sager 2010; Mahmood 2015; Cohen and Laborde 2015). Mahmood, for instance, has asked what the relationship is between the two sides of secularism, the “regulatory reach and scope of political [or constitutional] secularism,” as theorized by Asad, and culturalist discrimination of religious minorities (Mahmood 2010: 294). Even though they may overlap, I argue that the distinction between cultural and constitutional secularism helps to unpack the specificities of the relation in the Dutch case and show that here constitutional secularism is capable of resisting

its cultural counterpart. Secularism, then, must be seen as a concept with conflicting meanings.

In the next three sections, I explore the variety of nativist arguments against Islamic soundscapes in the Netherlands, focusing on interactions of policy and law with public debates. I begin with the attempt by the liberal People's Party for Freedom and Democracy (VVD, *Volkspartij voor Vrijheid en Democratie*) to exclude the azan from the public ear, before turning to smaller groups of orthodox Calvinists, self-proclaimed secular atheists and humanists, who all agree with the openly xenophobic Party for Freedom (PVV, *Partij Voor de Vrijheid*) on the undesirability of the azan. While, *prima facie*, there are a variety of stances against the azan, they can all be characterized as infected by nativism. Following up on nativist arguments against the azan, I describe how politically conscious Muslims have mobilized to demand the right to the azan and made use of Dutch constitutional secularism to do so. This will lead to the conclusion that secularism is not an exclusively discriminatory style of governance in the Netherlands, and has been effective not only to regulate, and thus possibly limit, but also to guarantee the emancipation of Muslim citizens.

“The azan is not part of our culture!”

Talal Asad makes the following critical statement about European liberals: “Liberals maintain that it is only the extreme right for whom the presence of Muslims and Islam in Europe represents a potential cultural disaster, and that right-wing xenophobia is rooted in the romantic nativism it espouses, and consequently in its rejection of the universalist principles of the Enlightenment” (2003: 160). He suggests that it is not only the extreme right that cannot conceive of Muslims as being *of* Europe, rather than merely *in* Europe, but also mainstream groups such as the Liberal Party (the VVD) or the Labor Party (PvdA, *Partij van de Arbeid*) in the Netherlands. The weakness in such a grand claim, again, is that it is easy to point out major differences in views on Dutch Muslims between liberals in the Netherlands, members of different parties such as the progressivist D66, and the much more nativist-oriented VVD. In Asad's way of thinking, the variety of Dutch liberals and liberalism is conflated, so that the argument can be stretched even further to point out an “intrinsic” violence in “liberalism” itself (2003: 26). According to him, the liberal concept of tolerance is likewise intrinsically, or structurally, violent because it

places Islam and Muslims in the position of the other who cannot really belong to Europe and must therefore be tolerated. This, I believe, is a simplification of both liberalism and of its principle of tolerance, which is widely debated in the Netherlands. Asad's thesis of the intrinsic violence of liberalism is hard to prove without engaging in philosophical debates on religion in liberalism and with different conceptions of religious toleration (which is done extensively in Forst 2013). What is unquestionable, however, is that liberals in the Netherlands have de facto expressed themselves in romantic nativist, or culturalist, terms. Dutch liberals have indeed sympathized with less than universalist, and even nationalist, notions of "culture." But these notions are also unquestionably at odds with Enlightenment principles espoused by liberal thinkers such as the late John Rawls.¹

An example of the phenomenon of "liberal nativism," following the spirit of Asad, is Henk Kamp's call to ban the azan in the Netherlands. Kamp, a member of the Liberal Party, has been a member of the House of Representatives since 1994. He was appointed as a minister four times, including, at the time of this writing, the Minister of Economic Affairs. In 2007, shortly after his term as the Minister of Defense, Kamp found himself in agreement with the xenophobic Party for Freedom and the small but occasionally influential Reformed Political Party (SGP, *Staatkundig Gereformeerde Partij*), which is orthodox Protestant. Together they suggested a ban on public broadcasts of the Islamic call to prayer. At the time, a mosque in the small town of Vlaardingen, near Rotterdam, had expressed its wish to amplify the azan and Kamp reacted as follows:

This is revealing of an obtrusiveness that is not helpful for us. People will experience this as very disruptive, because those calls are in a different language and [at] unusual times. . . . If the municipality can't [stop the azan], the law needs to be adjusted.

Kamp then continued to make a culturalist argument in response to the claim that the right to the azan was equal to the right to church bells, stating that church bells "have already been part of . . . Dutch culture for a very long time and will not be experienced by anyone as disturbing."² In a note on immigration and integration to the Liberal Party, he suggested that the law be amended: "The obtrusive presence of Islam in public spaces—as in Islamic countries—is not desired in the Netherlands. The amplified call to prayer from mosques must therefore be banned."³

Kamp warned of trouble with radical Muslims who, he claimed, did not respect women's rights and gay rights in particular and democracy in general.

It is in this context of associating Muslims with radicalism and crime that Kamp suggested silencing the azan, one of many proposals by politicians for preserving a native form of Dutch culture as it is conveniently imagined to have existed throughout the centuries. Others included banning the face veil, tightening rules around migration through marriage, and stripping Dutch nationality from criminal offenders with dual citizenship, targeting Moroccan-Dutch citizens, and even deporting them out of the country. Immigrants should not merely respect the Dutch law but rather internalize Dutch culture:

Immigrants are supposed to show [an] interest [in] the history, culture, traditions, norms and values of the country where they live and the population of that country. They are not asked to distance themselves from their own identity, but they should respect and abide by the letter and spirit of Dutch society. Whoever does not want to do so, must leave.⁴

Kamp's firm conceptualization of Dutch culture as monolithic, and certainly not envisioned as rapidly transforming in the cocktail age of cultural globalization, was in part a reaction to a report by the Scientific Council for Government Policy on citizens' identification with the Netherlands. The report stated that in practice, rather than a singular identity, multiple identifications, for example with a sports club, a company, or a political party, mattered more than "Dutch identity." The report said for instance that dual citizenship was not an issue for the Netherlands, because citizens could increasingly, and easily, identify with multiple nations. The otherwise immensely popular crown princess Maxima, the current Dutch Queen of Argentinian descent, sparked national outrage when she said in public that she had not "found *the* Dutch identity" and that "*the* Dutchman does not exist." In his note Kamp responded that while a broader European or even cosmopolitan outlook was welcome in the Netherlands, this should not endanger the specificity of Dutch identity:

Denying Dutch identity is false and not wanted. Our country was one of the first modern nations in Europe, [it] has its own territory, language, law and history. The achievements and basic rights that we enjoy today are the results of centuries-long struggle. . . . For most Dutchmen their country is also the land of their ancestors and progeny. The Dutch share their low, flat land and their waters, their freedom, prosperity, traditions and eccentricities. They also share their open [outlook on] the world and their willingness to let others with different cultural backgrounds participate fully. The Dutch have much in common and that binds, characterizes and distinguishes them in a certain sense. That which is common is the Netherlands identity.⁵

It is likely that electoral struggle partly influenced Kamp's description of the Dutch as "those" who may or may not "let others" participate. Here, Asad's critique of liberal tolerance seems to the point, but it is a specific aspect of the concept of tolerance that is problematic in this case, namely the dubious "permission conception" of tolerance (Forst 2013: 27) where a powerful majority gives permission to a minority to express themselves as they wish. Something that seems trivial at first sight, such as the amplified azan, is given significance by interpreting it in a context of encroaching cultural change. The proposal to ban the azan is based on the idea that the permission granted to Muslims to express themselves in public life can be withdrawn, because even though Muslims are living in the Netherlands, according to the nativist position, their "culture" is not of the Netherlands. This can be attributed to Dutch conceptions of "autochthony," a twin concept of nativism (Duyvendak 2011; Geschiere 2009). Indeed, in the same note in which Kamp defended Dutch culture from the public azan, he also insisted on the preservation of the categories of native and nonnative, "autochthonous" and "allochthonous," as well as on the crude distinction between "Western" and "non-Western." His party, however, never submitted an amendment to ban the call to prayer. Doing so was not a serious priority. Moreover, the Senate (*De Eerste Kamer*) would have rejected such overtly discriminatory legislation.

"The azan is blasphemous!"

Resistance to amplifying the azan in the Netherlands has also come from the orthodox, and Calvinist, Reformed Political Party (SGP, *Staatkundig Gereformeerde Partij*). The SGP and the Dutch Liberal Party are often viewed as natural enemies because of the Liberal Party's predominantly nonreligious and even atheist perspectives on life, and because of the SGP's radical conservatism, for example their belief that women should not be allowed any political participation.⁶ Embodying the maxim that politics makes strange bedfellows, the SGP and the Liberal Party agreed on the undesirability of the azan in the Netherlands, but for different reasons.

In 2004 Pieter Oskam, SGP chairman of Zeist, a town in the province of Utrecht, wrote a letter of protest against azan amplification, which he personally delivered to the board of the local El Moslimen El Mathakine Mosque. Oskam and neighborhood residents maintained that mosque construction had been

allowed on the condition that the minaret would have a purely decorative function. After several years the mosque board asked for permission to broadcast the azan, which was granted by the municipality. Non-Muslim residents reacted strongly, arguing that they felt less at home in their neighborhood and even felt threatened. "One gives them a finger, and they take the whole hand," Oskam said. According to local media, he succeeded in gathering 174 signatures from the residents of the 236 homes in the small community in protest to the amplification of the azan. The complaints were similar to those in other cases: the call was in a foreign language, and residents feared that the mosque would eventually push to amplify the call five times a day. Specific to this town, however, was the residents' complaint against the blasphemous and discriminatory content of the call, namely that Allah is the only and greatest god.⁷ Christian residents felt threatened because they saw the azan as an Islamic statement addressed to them, a battle cry against their own religion. Oskam also criticized the municipality of Zeist which, in his opinion, had not done enough to prevent the public azan. The "further Islamization of our society and our beautiful town must not be allowed. A boundless naivety is not proper here."

The violation of Christians' rights in Muslim-majority countries was another of Oskam's concerns, and he asked the mosque board to discuss this matter with its peers in those countries. The chairman of the mosque, however, interpreted this last request as an attack on the mosque's identity as actually being "Dutch" and not merely located in the Netherlands. He replied that the mosque board "had nothing to do with attacked churches in the Middle East" because they lived in the Netherlands: "Here we know religious liberty. I can't do anything about the sounding of the church bells in front of my door either."

As we saw in Chapter 2, the Dutch Constitution explicitly mentions the right to call to prayer, which was guaranteed in an amendment passed in 1988 after parliamentary debate on the Muslim call. Only three small orthodox Protestant parties voted against this legal change, among them the SGP. More recently, Oskam and his Protestant supporters in Zeist still did not agree with the *de facto* legal equation of azan and church bells. He thought that this was "short sighted and [revealed] a lack of historical understanding." He admitted, though, that Dutchmen have also successfully protested against church bells, but insisted that the Netherlands has a specifically Christian heritage that makes it impossible to equate the azan to church bells. "Unfortunately, the Netherlands is a secular country," he lamented. The orthodox Calvinist had also protested against a local sex shop to no avail in what he experienced as a

godless country. "But church bells belong to our culture," he maintained. "It is essentially different when someone is chanting texts in [a] language other than Dutch."⁸

The SGP's argument that the azan violates religious liberty by discriminating against Christians did not receive much support other than in its own small circles. The added religious dimension to the SGP's complaints against the azan resulted in a further exacerbation of the dispute. Local Muslims felt insulted during a meeting at the mosque when Oskam stated that Muhammad was a false prophet. On an earlier occasion, the SGP chairman had urged the mosque board to take an interest in the Christian gospels: "We would like to invite you . . . to get acquainted and open yourself [to] the Gospel which teaches that God sent his Son to the world to save its sinners."⁹ Eventually, the SGP in Zeist did accept that the call to prayer would be amplified, after their complaints failed to convince the municipality of the need for a ban.¹⁰

In 2007, however, the SGP protested the azan again. The VVD and the PVV had raised questions in Parliament regarding the azan and Kees van der Staaij, SGP member of the House of Representatives, joined the debate. He worried about the "alienating" influence of the azan and the possibility that tensions between groups in the neighborhood would intensify: "Is it not wiser to forgo such calls to prayer?" He also asked whether the call would indeed be allowed, and to what extent the constitution allowed municipalities to restrict amplified calls. "Are these possibilities sufficient? Are you willing, if necessary, to give municipalities more instruments to prevent such calls to prayer?" The Minister of the Interior and Kingdom Relations, Guusje ter Horst of the Labor Party, responded to these questions, also on behalf of the Minister of Integration and Housing:

The calling to the professing of a religion or conviction is protected by article 6 of the Constitution. . . . The law is capable of making rules for the exercise of this right outside buildings and closed spaces, for the protection of health, [in] the interest of traffic and to prevent disorderly conduct. It has been determined in article 10 of the Public Manifestations Act that church bells, for the occasions of religious ceremonies and funeral rites, or belonging to other philosophies of life [*levensbeschouwelijke*], as well as calling to profess a religion or conviction, are allowed. The municipal council is authorized to make rules on the duration and sound level.¹¹

The minister added that, when directed at nonmembers, the amplification of calls for the profession of a religious community's faith is not directly and

explicitly protected by article 6 of the constitution on religious liberty, but by its connection to the third section of article 7, which concerns freedom of speech:

No one shall be required to submit thoughts or opinions for prior approval in order to disseminate them by means other than those mentioned in the preceding paragraphs [press, radio and television], without prejudice to the responsibility of every person under the law.

Restricting a call to prayer thus turned out to be complicated because, according to the minister, the “limitation cannot be related to the contents of the profession,” and because these restrictions cannot go so far that “nothing remains of the meaningful exercise of the right” to call to prayer. In addition, the minister referred to the official “Decision [regarding] environmental management and residence buildings” (*Besluit woon- of verblijfsgebouwen milieubeheer*) of 1996, which set rules for managing noise pollution. This document states that, in general, the maximum allowed sound level from 7:00 a.m. to 7:00 p.m., is 70 decibels. Since most mosques do not amplify to such a high volume, and only broadcast the call during the day, they do not require a permit. Moreover, religious sounds are to be “left out of consideration” when determining appropriate sound levels, so in theory mosques could broadcast the azan at much higher levels than 70 decibels, though if residents complain municipalities have the right to demand that the volume be lowered. The exemption of religious sounds can serve, as Weiner has noticed, to elevate them and signal their broader authority (2014: 24). This still applies to churches in the Netherlands. For example, the churches of Delft ring their bells loudly on Sunday mornings to call congregants, while the Western Church in the center of Amsterdam has a secular clock function, ringing every fifteen minutes all day, all night, seven days a week. However, the exemption of religious sounds has not been applied in the same way to mosques, which never amplify at night or in the early morning, or at volumes comparable with the main churches of the Netherlands. In theory, the exemption could include azans since they are defined as soundings “for the purpose of calling to profess religion or conviction [*godsdiens of levensovertuiging*] or to attend religious or philosophical [*levensbeschouwelijk*] meetings and funeral rites, as well as . . . for the preparation [of] these meetings or ceremonies.”¹² More importantly, Weiner notes that such an exemption implies that religious sounds cannot be categorized as “unnecessary noise” (2014: 95). The exemption does not allow the questions asked by many non-Muslims—Do Muslims really have to amplify the azan and can’t they use pocket watches or smartphone applications instead? (see Chapter 1)—to have any legal force. And since the minister interpreted

the general references in the law to “religion” or “philosophy” as “applicable to a mosque,” her conclusion was that residents who experience the azan as disturbing their personal sphere of life cannot claim that this call is unjust, at least not from a legal perspective. The minister was therefore not willing to grant municipalities further power to limit the azan and suggested that, rather than rules, an approach to “manage” the issue, in which “dialogue” between parties is central, should be used to resolve such matters.

That religious sounds can be considered exempt from laws banning loud sounds does not mean, however, that they are exempt from regulation in all possible situations. The case of pastor Harm Schilder of the Margarita Maria Church in Tilburg is a good indicator of the limits of the right to produce religious sounds. For years, Schilder argued with the municipality and local residents about his loud church bell ringing early in the morning at 7:15 a.m. After negotiations between the municipality and the pastor failed, a local court determined, in 2007, that he had not violated any law, that any imposed fines were to be annulled, and that he could ring as he wished. This led the municipality to amend its local ordinance to prohibit church bell ringing between 11:00 p.m. and 7:30 a.m. at a volume above 80 decibels.¹³ In comparison, nonreligious sounds above 70 decibels are prohibited at night. While religious sounds can be exempt from secular ordinances, as stated in the 1996 “Decision [regarding] environmental management and residence buildings,” and in the 2007 “Decision [regarding] general rules for environmental plans [and] management” (*Besluit algemene regels voor inrichtingen milieubeheer*), according to the courts, the Public Manifestations Act in combination with the constitution allows for a “reasonable” interpretation of this exemption, and allows municipalities to draw up their own ordinances based on negotiations with the local community, so long as bell ringing is not banned.

Schilder insisted on early church bell ringing and continued as before. This again exacerbated the conflict, because the municipal council had determined that each violation of the local ordinance could result in a fine of 5,000 euros that could go up to 50,000 euros. The pastor then put a sock around the bells to dampen the sound and thus bring the volume below 80 decibels in order to avoid the penalty but continued the ringing, which worsened the conflict with the locals. The matter was taken to court again in 2010, and this time the pastor lost because the judge did not agree with him on the main arguments that it was impossible to lower the volume of the bells or that such a limitation would contradict religious liberty. Moreover, if the pastor rang the bells just

fifteen minutes later, at 7:30 a.m., the municipality would allow the ringing without sound dampening. Meanwhile, the case had made headlines and the pastor tried his luck again by appealing the 2010 verdict. Much to his dismay, the Council of State upheld the verdict in 2011 and judged that a “reasonable” interpretation of religious liberty does not entail that any and all volumes or any and all durations of church bell ringing, no matter how loud, are allowed.¹⁴ The church could continue calling for prayer in the early morning, but had to dampen the sound. In other words, religious sounds can be regulated as long as the right to ringing bells for religious purposes is maintained. This precedent shows that a loud Muslim call to prayer in the early morning would probably be banned if neighbors complained, but also that an early amplified azan is not unthinkable as long as the volume is below 80 decibels (which is always the case, also during the day).

In the meantime, the SGP has continued to protest the amplification of the azan during daytime. In Middelburg, the city where the party was founded in 1918, the Yildirim Beyazit Mosque—conveniently named after an Ottoman sultan who laid siege to Constantinople—decided to amplify the azan in 2015. This quickly led to protest from SGP and CU (Christian Union) municipal councillors, who said that hearing the azan “hurt” them.¹⁵ The volume of the azan in Middelburg was, however, so low that one critic mocked the local orthodox Protestants as suffering from “phantom pain.” Local members of other political parties, among them the Labor Party and Democrats 66, emphasized that equal religious liberty allowed the mosque to broadcast the azan, which it henceforth did.

“The azan violates secularism!”

So far, we have seen that proposals for banning the amplified azan, whether based on culturalist or on religious beliefs, have not been successful. Other grounds for rejecting the azan are based on “secularism,” which in the Netherlands, as previously mentioned, is commonly interchanged with the phrase “separation of church and state” (*scheiding van kerk en staat*). The views of the Atheist Secular Party (ASP, *Atheïstisch Seculiere Partij*) are an excellent example of the objection that the azan would violate secularism. When the Center Mosque in Deventer, a town in the province of Overijssel, announced its intention to amplify the azan on a daily basis, the ASP was one of the small local organizations that called

for action against it. “Dismayed” by the mosque’s proposal to test the amplified azan for a week, the ASP, a group that promotes “reason” over “religion,” had two complaints.¹⁶ First, they believed that information and discussion meetings about the azan should not be held at the Center Mosque: “This procedure is hurtful for people with other convictions, including us as the Atheist Secular Party. People with other convictions, who have a different faith, people who have no interest in religion, do not feel called to go to a mosque.” Instead, the evening should have been organized on a “neutral terrain . . . where every person feels [equally] free to express his or her opinion.”

A second and more far-reaching objection of the ASP was that the state cannot allow daily calls to prayer without violating the principle of equality vested in article 1 of the constitution: “You are privileging one specific religion [by allowing it] to pollute the public space with calls to pray for their greatest god, while other religious people believe in other gods and for many others there is not even such a thing as god.” Even worse was the fact that the azan could be heard in the private space of one’s home. The ASP made its argument regarding the equality principle more robust by adding a point about context, namely that the azan does not fit in a “secular society such as the Dutch [one],” as well as a legal argument, namely that the “text of the call requires further analysis” because it is “discriminating towards the unfaithful.”

Without revisiting teleological secularization theses of the past, which viewed secularization as a goal and inevitable consequence of modernity, one can indeed say that, roughly speaking, Dutch society has undergone significant secularization since the Second World War, particularly in the form of de-churching (*ontkerkelijking*). An assessment in 2006 suggested that about half the Dutch population believed in a god (Becker and Hart 2006: 93), following a general trend of people identifying increasingly as either atheist or agnostic. The ASP objected that religious individuals would be equally offended if the large group of atheists in the Netherlands would “ride with a sound wagon that proclaimed that God, Allah, Jahweh, Thor and so forth do not exist.” And therefore, so their argument goes, the Netherlands requires implementation of the “*laïcité* principle,” which the ASP interpreted as the prohibition of all religious expressions in public spaces. While SGP members may have lamented the fact that Dutch society had secularized, the ASP believed that this had not gone far enough. By distributing a pamphlet against the Center Mosque’s azan, they actually objected to a constitutional secularism that facilitates public worship. Their ideal form of radical secularism appeared to be unconstitutional: a wish, not a reality.

A skeptical question needs to be asked here: Is the violation of secularism, of which the ASP warns Dutch society, the only motive behind the call for banning the amplification of the azan? In theory, the ASP agrees that sounds from Christian organizations should also be banned. However, the party has not protested against church bells. These complaints can be said therefore to be implicitly biased in favor of Christianity, despite their stated atheist or humanist underpinnings. Such contradictions have become generally apparent in the context of increasing religious diversity in European countries (sec. Bader 2007: 35–64, Bhargava 2010a: 81–102). As we saw earlier, in the section on orthodox Calvinist objections to the azan, Dutch constitutional secularism can correct an explicit bias in favor of Protestant ideas and practices. In resisting the claims of organizations such as the ASP, that religion does not belong in public life, secularism also protects against implicit religious biases in favor of Christianity in general and Dutch-Protestant sensibilities against noisy religion in particular.

Neither small organizations such as the ASP nor national political parties have been able to ban the amplification of the azan by invoking the principle of secularism. On the contrary, the Ministry of the Interior and Kingdom Relations has published a handbook (Overdijk-Francis et al. 2009) for all Dutch municipalities to help them deal with pragmatic management of religious diversity, and it emphasizes that the azan is permitted by the constitution. The handbook was published in 2009 and explains in detail that mosques do have a right to amplify the call to prayer, and that limitations placed on the call cannot lead to its silencing (Ibid.: 19–23). When Geert Wilders again asked parliamentary questions about a “daily imperialist mosque call” in 2013, the Minister of Social Affairs, Lodewijk Asscher, replied that “the principle of the separation of church and state” entails that the government does not discriminate against a religion or style of worship (*wijze van geloofsbelijdenis*), or give one rights which it denies the other.¹⁷ Asscher referred to the handbook as definitively settling the manner and leaving no grounds for banning the azan, as Wilders had requested.

Even though the separation of church and state is often mentioned in debates and conflicts about mosque issues, the Dutch Constitution does not explicitly demand a “separation” of the two realms. The 2009 handbook does not use the words *secularism* or *secular*, and instead points out that “the principle of separation of church and state is not established by the Dutch Constitution or in international treaties” (Ibid.: 9). What matters in practice are constitutional rights that protect against religious discrimination and ensure a specific kind of state neutrality, namely by respecting the relative autonomy of religious organizations but without entirely prohibiting state-religion interactions. It would perhaps be

illuminating to note then, as Veit Bader does, that it is the liberal democratic Dutch constitutional state and its specific characteristics that protect public expressions of religion. The use of the term *secularism* is not essential for the state to perform this function. Constitutional principles such as the prohibition on discrimination (article 1), the protection of religious liberty (article 6), and the freedom of speech (article 7) enable separation, but also interaction, between church and state. The Dutch word for secularism, *secularisme*, is not frequently used in debates about religion in the public sphere and I rarely came across it during my field research about the azan. At the end of this chapter, we will return to the question of whether “constitutional secularism” then can be said to successfully describe the modern Dutch state and whether or not we can abandon the term altogether.

If the state’s implementation of constitutional secularism is in tension with Dutch secularists such as the ASP, then there is a form of cultural secularism operative in the Netherlands that requires more scrutiny. The ASP is an activist expression of a broader alliance in society between secularism and nativism. In this form of cultural secularism, nativism is not merely an issue that is to be located in extreme anti-Muslim parties but is rather a phenomenon that is widely distributed across Dutch society. It would be equally mistaken to think that the division between groups that oppose or permit the azan follows clear and rigid divides along political lines. Elements of nativism have been adopted by parties such as the Labor Party, which, especially since 9/11 and the murders of film director Theo van Gogh and politician Pim Fortuyn,¹⁸ increasingly called on migrants to culturally “integrate” and to affirm “Dutch values.” However, politicians of left-wing parties such as the social-liberal Labor Party and GreenLeft, the more radically egalitarian Socialist Party, the liberal center party Democrats 66, as well as the right-leaning Christian Democratic Appeal have rarely explicitly protested the azan, if at all. Right-wing parties such as the Liberal Party, the Party for Freedom, and the Reformed Political Party, on the other hand, have explicitly challenged Muslims’ rights to amplify the azan.¹⁹ That does not mean that leftist voters cannot and do not resist the azan. Thinking in facile political categories of left and right cannot explain why a Liberal Party politician would assist a mosque in Deventer (Chapter 4), nor does it offer an insight as to why, in the small town of Zutphen, members of the Socialist Party questioned a mosque’s right to amplify the azan.²⁰ In other words, although one can say that right-wing or conservative parties tend to be more critical of public Muslim practices, we must be careful not to create a black and white image that distracts from a pervasive nativism and cultural secularism.

Oskar Verkaaik is one of the notable anthropologists who have examined the connections between secularism and nativism, or what he also simply calls “nationalism” (Verkaaik 2009). It is impossible to reproduce his analysis here, but it will be helpful to note three characteristics of nativist conceptions of Dutch culture and secularism that he identifies. These characteristics explain that cultural secularism tends toward nativism in the Netherlands.

1. *The view that secularism is typically Dutch has strong cultural roots in the 1960s.* There is no doubt that ideas about the separation of church and state run deep in the history of the Netherlands—for example, Hugo Grotius criticized their fusion in the early seventeenth century (Grotius 1945: 37). But the mass secularization of Dutch society began only after the Second World War, when rapid de-churching determined one of the greatest shifts in popular religiosity in European history—to such an extent that very basic knowledge of Christianity was lost among great swaths of the populace. While the 1950s were still characterized by Dutch domesticity and pillarization, a 1960s rebellion against all forms of authority, notably against Christianity, signified a major shift in what came to be regarded as typical Dutch culture. Despite the continuing presence of religious life, a disdain for organized and public religion, which of course also betrays an older Protestant heritage, came to be considered characteristic of the Netherlands.

Partly in reaction to Islam, being culturally secular has been defined as being “truly” Dutch. The presumption is that Muslims in the Netherlands should lose their religion, if not in their hearts, in *foro interno*, then at least by giving up the pursuit of organized forms of Islam, in *foro externo*. And if they are adamant about remaining Muslim, they should practice their religion very much like Catholics were required to do in the not-so-distant past, by refraining from manifesting their practices in the public. Groups such as the SGP, which is clearly Protestant in its outlook, are viewed as anachronisms by the majority of Dutch citizens for whom organized religion plays no decisive or comparably all-encompassing role in daily life.

2. *Dutch cultural secularism is antireligious or postreligious.* The memory of the 1960s rebellion against Christianity heightens the rejection of Islamic practices, which are seen as reminiscent of a Dutch religious past that has been overcome. One of the main components of being post-Christian is “sexularism” (Verkaaik 2009: 155, after Scott 2009), a secular emphasis on sexual liberty, gender equality, and individualism. For the Dutch, “Muslims stand for the theft of enjoyment. Their strict sexual morals remind the Dutch too much of what they have so recently left behind” (van der Veer 2006: 119). For example,

when a Moroccan-Dutch woman opened a wine bar—a symbol of pleasure—in Rotterdam in 2014, this was hailed as “integration” with the Netherlands.²¹ These ideas, imaginings, and memories are incorporated in everyday understandings of being “secular.” Verkaaik argues that in an age of secularization in which the Catholic Church experienced a downfall, ceding social hegemony to the nation-state, this Dutch cultural secularism stands not for the separation of church and state, but for the “conviction that only freedom without faith is a true freedom” (2009: 166). In other words, Dutch cultural secularism functions as a “general and comprehensive doctrine” (Rawls 1987) with its own social practices and (anti)metaphysical beliefs. From such a perspective, the *azan* is experienced as old fashioned, as “out of time.” This leads people, as we saw in Chapter 1, to constantly ask why Muslims cannot “act normal” and just use a pocket watch or smartphone application, or better yet, become enlightened and abandon their religion.

3. Dutch cultural secularism is a nativist reaction to globalization. While, in the anticlerical era of the past, Dutch secularism was oriented toward the future, today the separation of church and state is often seen as an unchanging or static accomplishment that must be preserved. This defies empirical data, which suggest that public, symbolic expressions of religion have become more “accepted” (in a minimalist sense) since the 1980s, a subtle example of which is the use of loudspeakers for the *azan*. Dutch secularism, as it is implemented by the state and practiced in society, has *de facto* never stopped changing. In Chapter 2 we saw that the notorious Procession Prohibition was lifted as late as 1988, while in this chapter and the next it becomes clear that shifts in the forms of public religion that are deemed acceptable are constantly under negotiation and alteration. However, cultural secularists tend to focus on preserving a Dutch status quo, in which the Netherlands is “imagined” (Anderson 2006) and fixed through the prism of folklore and nationalist history, with references to a so-called Judaeo-Christian past, Dutch humanism, and the Enlightenment. From such a perspective, the *azan* is experienced as not just misplaced in time but also “out of place” (Chapter 4).

This insight into Dutch secularism leads us to question the view that the secularist rejection of public expressions of Islam is solely rooted in the idea that secular freedoms are threatened, especially since the Muslim community accounts for roughly 5 percent of the population (and that figure holds only if we assume—erroneously, of course—that the entire population engages in religious practice). Anxieties about Muslims have roots in a fear that the Netherlands of the

ancestral past, conceived in a one-dimensional way (Jong 2011; Mepschen 2016), is disappearing, which also accounts for Dutch Euroscepticism and repeated reassurances from politicians that they will protect the Netherlands's sovereignty in their negotiations with the European Union. Concepts such as globalization and identities such as European, however, are abstract in comparison with the actual sight of a mosque being constructed in one's backyard. The mosque, headscarves, and the sounding of the azan come to vividly and viscerally signal a disappearing Netherlands.

In sum, Dutch secularism—as a form of cultural identification that posits the secular against the religious—has been subject to nativism. The intertwining of cultural secularism and nativism is reflected in the Dutch distinction between native, “autochthonous” Protestants and nonnative, Muslim “allochthons.” In other words, if cultural secularism is in this process turned into an ethnicity, calling for prayer and the resistance against it are then claims par excellence by rival ethnicities to constitute the Netherlands's contemporary and future identity. Whether the azan should be broadcast thus becomes part of a public debate about who the nation wants to be. And since culture is easily read from the body, such rivalries come to be characterized by subtle forms of everyday racism (Amin 2010; Tamimi Arab 2012; Essed and Hoving 2014).

Mobilizing Muslims: The PVV and the Islam Democrats

The political party that has most strongly identified itself with calls to ban the public presence of Islam in the Netherlands is Geert Wilders's Party for Freedom. Since its founding in 2005, after the murders of film director Theo van Gogh and politician Pim Fortuyn, the PVV has repeatedly described mosques as “palaces of hatred,” whose construction should be banned from the Netherlands on cultural-nativist grounds. In 2013, for instance, the PVV started a campaign against mosque construction by launching the website mosknee.nl or “no mosque,” which advised citizens on how to protest plans for mosque construction in their neighborhood. I do not intend to sum up the PVV's activities against mosques in general. Instead, I want to focus on a PVV protest against the “Islamization” of the Netherlands, this time concerning the azan. The consequence of this protest was that it has led to increased demand for the amplification of the azan. The PVV protest evidences how the demand for the azan is interwoven with Muslim experiences of cultural exclusion in the

Netherlands. In response to PVV protests, Muslim activists have mobilized to increase Muslims' awareness of their rights under the Dutch Constitution to amplify public calls to prayer.

The Hague has a relatively long history with the amplified azan, going back to the 1980s in the case of the Aksa Mosque (see Chapters 1 and 2). Interestingly, however, in 2013 the PVV chose the small and barely visible (Turkish Shi'ite) Ehli Beyt Mosque to draw attention to noise pollution associated with azan amplification. This mosque's azan volume is very low in comparison with the Aksa Mosque, which broadcasts the azan from its minarets in Chinatown in The Hague's city center. On behalf of the PVV, municipal councillor Daniëlle de Winter made a video of the Ehli Beyt Mosque's azan. Her complaint was then reported in the influential and populist *Telegraaf* newspaper and its website. This prompted a critical response on the paper's website by municipal councillor Hasan Küçük of the Islam Democrats, a small political party active in The Hague. He called on more mosques to amplify their call to prayer.

In the winter of 2013, I visited Küçük and his colleague Said Boulayoun at their City Hall office for a conversation. At the time, Küçük had already been involved with the issue of the azan for a few years.

PTA: I got the impression that you first had to figure out what the rules surrounding the azan were, that there is a lot of uncertainty about the issue among Dutch Muslims.

SB: Let me explain how this began. In the first instance, we wanted to support a mosque, and to help them submit a permit application for the call. So we went looking for the regulations. Does one need a permit? We couldn't find anything about a permit and wondered whether it actually existed. I then asked the mayor's advisor [Victor Dobbe, VVD] about the matter, and he replied that there was no need for a permit.²² In principle, though there are some specific rules and exceptions, we could just do it. It dawned on us that we didn't have to apply for anything and that the right to call to prayer is anchored in the law.

HK: And if people complain, the municipality is allowed to set a norm for the sound level, but never to ban the azan.

SB: And in The Hague such limitations have never been enforced. Although the law allows for limitations of the azan, municipalities usually do not go so far as to enforce limitations.

HK: The neighborhood should not be bothered, you understand? If the sound is audible at a distance of two or three hundred meters, then that can't be very bothersome because it can barely be heard. But if the sound had a

radius of two kilometers, and you lived close to the source, then that could be annoying for you. It also depends on the height from which the sound is broadcast. For mosques, that usually means from the rooftops because many mosques don't have tall minarets.

PTA: When did you begin to take an interest in this issue?

HK: It started two years ago, in 2011. Each year in the summer, we [Islam Democrats] come together and make a schedule for the whole year. We make a list of important points that we want to put on the political agenda, and to which we will commit ourselves. The *azan* was one of those topics. So after finding out what the law states exactly, we brought together different mosques to talk about the issue in May 2012. We informed them that it is possible to broadcast the call, even five times a day if they wanted to, and that there is absolutely no permit requirement. Many people looked astonished, saying that 'no, you have to have a permit, you have to ask for permission, because without bureaucratic permission, nothing can be done in this [over-organized] country, right? . . . So we then showed them a statement of the mayor's advisor, including what the law states about religious sounds in public spaces, and reassured them that they could begin. The only thing they needed were loudspeakers.

It was not the first time that mosque organizations realized that a permit was not required. We may recall, for example, that in 1993 when a newly built mosque in the city of Leiden wanted to amplify the call once a week, the municipality came to the conclusion that the mosque "does not need a permit" to use loudspeakers (Chapter 2).²³ However, this news remained local at the time because many purpose-built mosques were still to be constructed and, more importantly, because second- and third-generation Muslims (who are better educated than their parents) had not yet begun to demand their right to full and equal Dutch citizenship with the fervor that they would display a decade later. And of course, the rise of the internet allowed the quick spreading of such news among Dutch Muslims. The demand for the *azan*, therefore, is not new but it has become a more significant channel for activism than in the past:

HK: If the churches are allowed to produce sounds, then we are as well. There is often a commotion about churches in the big cities, because they are empty and often not used as churches any more, but you can hear them all day, five times at five, pounding twelve times at twelve. I have always lived close to a church and think it's beautiful, but there are also people who have complained about the churches. Why should the church be allowed to make so many sounds [besides the clock function of bells] if it is not used

as a house of worship? So there have been incidents where people protested against church bells, but I think the churches should be allowed to continue as they are, because churches are a part of the Netherlands. And mosques are a part of the Netherlands, too. And synagogues. If you look carefully, you can see that the old Dutch synagogues are not very visible. I think this shows that they did not feel so safe in the past, to have built synagogues like that. That is sad, because no one should have to hide. The same goes for temples, for anything, namely that people should not be afraid to be what they are. The same goes for mosques. They should not be invisible. They are there, but sometimes they try hard to be invisible to the non-Muslims. To be honest, I don't think we have religious liberty for that! Despite the freedom to practice a religion, we see that mosques don't always want to exercise their rights, out of fear, ignorance, because they don't want to attract negative publicity and because they don't know how to deal with such attention. The board members of Dutch mosques, [who are] unfortunately too often still from the first generation of migrants, don't know what to do. But come on! An azan is just part of a mosque. And in the Netherlands we are free. That's why we have tried to remove these barriers. [Since our information session] a few mosques have started to sound the azan, and a few are considering doing so in the near future.

PTA: So the mosque in The Hague that was in the news recently, the Ehli Beyt Mosque, began to use speakers thanks to your advice?

HK: Yes, the only thing we did was to inform them. We explained that they do not need a permit. A year later, the PVV has tried to make an issue out of it. But in the months before, there was no problem. After the PVV's campaign against the azan, two people sent a letter of complaint. But [the azan] was only [amplified] once in the afternoon on Friday! And the volume was really low! You could only hear it within 100 meters. One of the people who had complained lived 200 meters away, and another 500 meters. So they couldn't have even heard it. The mosque had also sent flowers and letters to the neighborhood to announce that they would use speakers for the call each Friday, but even months after they had done so, many residents did not know that the mosque was amplifying the call because the volume was so low and only once a week. It's just a symbolic sound that one can barely hear.

Muslim debate over the amplified azan

Not all Muslims shared Küçük's activist stance, and not merely because of ignorance or old-fashioned ways. For example, the Fatih Mosque in Amsterdam

did not at the time seriously consider amplifying the azan. Mehmet Yamali, the mosque's spokesman, joked about having the azan in the center of Amsterdam in the Jordaan district: "The azaan in the Jordaan," he rhymed, as if he had just uttered a paradox. The streets and canals of the Jordaan are widely thought to constitute Amsterdam's historic heart, attracting tourists to its many art galleries, shops, and restaurants, the Anne Frank House, the Western Church, and the Homomonument that commemorates the persecution of gay men and lesbians. The Fatih Mosque is located nearby, on the Rozengracht where Rembrandt once lived. But because it is housed in a former Catholic church, people passing through the street do not realize that it is a mosque (Beekers and Tamimi Arab 2016). Yamali told me that concerns about securing permits to renovate the entrance led to them setting aside the question of the azan. Besides, he said, "It is not necessary for us to call to prayer, since most attendees don't live near the mosque anyway, so they wouldn't hear it." On the other hand, to have the "azaan in the Jordaan" would mean that the azan could be heard in a space that is usually categorized as typical of Amsterdam and therefore non-Islamic in nature. To sound the azan there required a greater acceptance of Islam in the capital, Yamali believed. "Now is not the right moment to demand such things." He was more interested in other issues such as dogmatic interpretations of Islam, which he believed should be addressed first. Rather than pushing for recognition in an activist way, Yamali thought that Muslims should first focus on emancipating themselves from within, through meditations on Islam and by being open to compromise with people of other persuasions. "When I was young, I was more aggressive in pushing for Muslim rights, but now I think we need to calm down," he once said. In short, Yamali hoped for a peaceful transition, at the grassroots level, to the possibility of broadcasting the azan in the Jordaan.

In contrast to Yamali, Küçük believed that the emancipation of Muslims hinged on actively demanding the right to amplify the azan. Thanks to the attention drawn by the PVV to the azan in The Hague, he said, more mosques began to consider broadcasting the azan because many had not realized that a permit was not required. As a politician, Küçük disagreed with the strong emphasis some mosques placed on seeking compromise and reconciliation.

PTA: What do you think about mosques that do their best to get the neighborhood to accept the azan, or that don't broadcast the azan out of respect for others?

HK: I think that they behave as if they don't have equal rights. And I think that the municipality should not be involved in deciding whether an azan will be broadcast or not.

PTA: The Center Mosque in Deventer, for example, wanted not only to exercise its rights, but also to get the neighborhood and non-Muslims to recognize their right to the azan.

HK: But they will never do that. . . . Not all non-Muslims have a problem with the azan. [Those who complain do so] for ideological reasons. [Conducting a poll] to find out whether or not to broadcast the azan [which happened in Deventer; Chapter 4] is not the answer. I think that's the same as classifying yourself as a second-class citizen. Look, for example, if all the Muslims in The Hague would vote for an Islamic political party and it became really big, should the Muslims do a poll the next time to see whether they are allowed to vote? So we have this right. The others who complain know we do, but they don't agree with that right. That's the issue. They simply don't agree with the fact that we have the right to amplify the azan. But I didn't make that law. It was already there, so to say now that it does not fit Dutch culture is ridiculous.

PTA: Do you think that it is a good idea to organize dinners and events to reconcile those people with the mosque?

HK: I really think that's nonsense, just utter nonsense. If those people are really against the azan, that has nothing to do with the call to prayer. If they are against the azan, what they are expressing in fact is that they are against the Muslims who live in the same neighborhood. To protest so much against the azan means that one does not truly accept the other, who may have a different life style. And the azan is then one excuse to show this hostility. For example, when people living in other cities complain about the azan somewhere else they are simply against the azan [i.e., against Muslims]. . . . A mosque that organizes dinners looks at it from a social cohesion perspective; I mean a moral, Islamic, perspective. But I think that communicating with the neighbors does not mean that we should ask permission for the azan. I look at the issue as a politician, and as a matter of duties and rights.

PTA: The discussion is indeed often reduced to a legal and political debate about the azan. What about the social and moral issues?

HK: I think that people know very well what this is about. But they simply don't want it. I often look at things from the perspective of Islamophobes, because I think it often boils down to Islamophobia. How would they feel? [They might respond,] for example, that in some places in Turkey, it is not likely that a church could be built without starting a war. I am really upset about such things. I am Kurdish myself [i.e., familiar with Turkish discrimination against minorities], and I think that it's very important that everyone can be whoever they are, wherever they are.

If someone does not accept you to begin with, what can you talk about? Is it really worth the trouble to change a small portion of those people through dialogue? Continuously tiring yourself with that? I think that if Muslims want to be accepted, they should simply be really good Muslims. If you are someone who is honest, does not steal, is just, and so forth, that is more important. I think that we are too often not good enough, and that has been a source of prejudice and stigmatization against us.

In 2012 and 2013, debates between Muslims about the azan became more public as the Center Mosque in Deventer decided to amplify the azan on a daily basis. These occurred mostly online, indicating that it was a public debate between young or middle-aged Muslims, rather than the elders who shared similar concerns but engaged less in Dutch public debates. Active blogger Badr Youyou wrote a column entitled “That the call to prayer is a right, does not mean that you have to exercise it” in the Dutch-Muslim blog “We are staying here” (*Wij blijven hier*).²⁴ Youyou called on fellow Muslims to “avoid conflicts,” which he believed had a higher priority in Islam than exercising the right to call to prayer. These requests to “avoid *fitna* [here: civil strife]” often fell on deaf ears. Though Youyou received positive as well as negative comments, the latter were particularly striking. On Facebook, user Adam Mohammad wrote: “Badr Youyou strives for an Islam that must keep quiet and not be visible to the public, a shadow of itself. In so far as I know, a free democracy does not work that way. We don’t live in a time of master and slave mentalities.” Nial Marmouch connected the issue to racism: “Apparently, my appearance is also sometimes experienced as provocative. I think I need to look more Dutch.” Abdel Hadi thought that taking a step back for the sake of compromise was “against human rights” and would lead to “doing away with Islam.” In short, the genie was out of the bottle. Among Dutch Muslims, the azan had become one of the topics of public debate. It was not long before Nourdeen Wildeman, an activist Dutch convert who is well known among Muslim youth, published a critical response to Youyou: “Use the right to call to prayer!”²⁵ Wildeman’s reply revolved not only around the question of political rights and duties, but also on the status of the azan in Islam from a religious perspective. Youyou had said that the azan was only mandatory inside mosques, and that loudspeakers were therefore not required, but Wildeman’s interpretation was that the azan was a “broader form of worship” that has meaning, even when the worshiper was all alone. He cited a prophetic saying from the canonical Hadith collection of Bukhari (translation by Muhsin Khan, Nr. 583) to justify his interpretation of the Dutch case: “So, whenever

you are with your sheep or in the wilderness and you want to pronounce azan for the prayer raise your voice in doing so, for whoever hears the azan, whether a human being, a jinn [daemon, genie, spirit] or any other creature, will be a witness for you on the Day of Resurrection.” Wildeman, like Youyou, laid emphasis on avoiding conflicts over the azan with nonbelievers. However, referring to the “constitutional freedoms” that Muslims enjoy in the Netherlands, he said that Muslims should not “hide in their homes so that no one can see us.” Not calling for prayer, for Wildeman, was no different from not wearing the veil or not constructing mosques. If mosques do their best to be friendly toward their neighbors and call to prayer after having contacted their municipality and neighborhood to agree on a time span and a volume, and a resident is still not satisfied, then that person “is upset about the Constitution and local government: you can’t blame Muslims for that.” Not surprisingly, Wildeman’s activist stance received positive reactions on the blog and on Facebook. And yet, “a call to prayer is more than merely a technical and bureaucratic matter,” more than a matter of rights and duties, wrote anthropologist Martijn de Koning in the newspaper *Muslim Today* (*Moslim Vandaag*).²⁶ In other words, the issue of what kind of toleration and ethics of cohabitation should be practiced remained unresolved.

The right to feel at home

Disagreements about the azan have continued to be passionately discussed between Dutch Muslims. When I asked two young Turkish-Dutch men about the azan, in the hookah or shisha bars that are nowadays popular in Amsterdam, their differing views quickly led to a quarrel. One of them connected the azan to the functioning of a just, democratic state and society, and described the azan as a right. The other was less interested in the debate about rights and democracy, and said that Muslims should simply not force others to hear the azan against their will. “This is not Turkey,” he said, to which his interlocutor reacted furiously. The latter’s mother was Dutch and his father Turkish, and he himself did not want to choose between the Netherlands and Turkey when it came to religion or culture: “It’s our right to amplify the azan, we live in a democracy!” But whether they agree with an activist politician like Hasan Küçük or support the position of compromise held by mosque spokesperson Mehmet Yamali, for many Dutch Muslims the azan is relevant for feeling at home. Despite their differences, the two Turkish-Dutch youths agreed on this broader implication of the azan.

The desire to feel at home, which I will discuss in greater detail in Chapter 4, is strongly influenced by national Dutch identity politics and debates. Important for our discussion on constitutional secularism is that the legal right to the azan makes it unnecessary for Muslims to compare their situation with that in other countries, although news that a mosque in Sweden or the United States is allowed to broadcast the azan may be picked up. In Chapter 1, I described a cosmopolitan, European ecumene for Islamic architecture. However, the discussion was primarily focused on the Netherlands. Comparisons were made mostly between and within various Dutch cities. In a similar vein, Verkaaik has noted that Dutch Muslims look to other mosques in the Netherlands for architectural inspiration (Verkaaik 2012: 169). Similarly, some mosques had amplified the azan for years, and others had not. To create a sense of belonging and to have what other mosques already have, people often demand the azan. In response, groups like the Islam Democrats receive hate mail and threats, often expressing the sentiment that “if they don’t like it here, they should go back to their country.” The “native” position is not considered debatable by nativists (Duyvendak 2011: 100). In this context, Muslims experience rejections of the azan as direct attacks on their right to feel at home in the Netherlands. Hasan Küçük made this clear by appropriating the term *integration*:

When you go to the mosque, there are often people relaxing in front of the door, usually when it’s warm in the summer. When they hear the sound of the mosque [the call to prayer], they go inside. That’s very pleasant for them. And it’s better for the neighborhood, because they feel more at home. I think it furthers their integration, because being accepted results in greater participation. That is something natural: if you accept me, and I feel at home in my environment, then I will feel more committed. And the azan is a part of that, because many Muslims say that it makes them feel good. My father, for example, once said that he had heard the azan when passing by a mosque. He said that that made him feel at home, that it was as if he was back in Turkey. If that sound can let such feelings emerge, then that is very positive. . . . The people [Muslims] don’t consider themselves as guests any longer. We are a part of society, Dutch citizens, and it is our country. . . . It’s exactly like princess Maxima said [that there is no such thing as “the” Dutch identity]. . . . The azan is like voting. One doesn’t need permission to vote. If you are a citizen, then you can vote. Period. End of discussion!

As in other cases, the municipal office of The Hague affirmed mosques’ right to broadcast the azan. According to the *Telegraaf* newspaper, a municipality spokesman confirmed that the mosque did not need a special permit to broadcast

the azan and that, in case of disagreements, rather than solving the matter by going to court, the municipality was willing to appoint a negotiator for informal conversations between residents and the mosque board.²⁷ Küçük hoped that this message would motivate more Dutch mosques to sound the azan in the future. For him and others, the legal right to sound the azan promised the ability to fully feel at home in the future:

Thanks to the PVV[’s complaints] everyone in the Netherlands now knows that we are allowed to amplify the azan. It’s Dutch! [laughs] We, the Islam Democrats, had done our best, but many didn’t listen. So sometimes, one needs the PVV, because people don’t know what their rights are. . . . Our goal is to make mosques aware of their rights. For now, we are already happy if mosques amplify the azan for the Friday prayers. During Ramadan, we would [also] like to hear the call for the evening prayers. Eventually we would like to hear the azan four times a day, so not for the morning prayers yet. And *inshallah* (God willing), in ten or twenty years we can hear the azan five times a day [laughs]. Five times a day! If that happens in the Netherlands, then we [will] know that we are recognized and belong to this society.

Have liberalism and secularism silenced the azan?

After decades of constructing mosques in the Netherlands, Dutch Muslims have addressed the right to amplify the azan as the next step in their demand for equal rights. Despite persistent nativist resistance, thanks to legal equality, historical precedents, and increased practical experience by municipalities with mosque building issues, the right to purpose-built mosques has been strengthened (cf. Verkaaik and Tamimi Arab 2016). In the case of the azan, we have so far seen how constitutional secularism enabled the increasing demand to amplify the azan. How this constitutional secularism will maintain itself against the bottom-up pressure from nativist secularists in society and the top-down influence of xenophobic political parties remains to be seen. Despite skepticism in Dutch society against the azan, the Netherlands has not allowed referenda on such matters, unlike Switzerland where a majority of the populace voted in favor of a minaret ban in 2009. In other words, when it comes to constructing mosques or amplifying the azan, Muslims do not need a radical alternative to constitutional secularism. It would be more accurate to say that what is required for the societal emancipation of Muslims is an alternative culture of secularism, one that promises greater toleration of public worship.

Isaac Weiner has observed a similar unfolding of events in the United States. In his book *Religion Out Loud*, he ends with the positive account of an American Muslim community's azan being "able to be broadcast freely without censure" (2014: 191). In the introduction, however, he writes: "Liberal theory and legal regulation have not always been able to keep religion quiet" (2014: 7). To prove the latter claim, he discusses the struggles of various religious groups throughout American history. This does not sit well with the positive side of the story of the governance of religious plurality, namely that American liberal governance has granted different religions the right to create religious soundscapes but without totally ignoring the rights of others to be left alone. Contrary to Talal Asad's (2003) sweeping critique of secularism and liberalism, which Weiner cites without specific discussion, Weiner shows that a trend toward constitutional secularization enabled US courts to reject religious arguments against religions that did not subscribe to a dominant Protestant morality. Hence, only secular or profane arguments could be made to prohibit a religious group's sounds, such as Catholic bell ringing or Jehovah's Witnesses who used megaphones in public parks. However, Weiner also shows that, despite constitutional disestablishment, "numerous state laws continued [in the nineteenth and twentieth centuries] to privilege and promote Protestant moral precepts on expressly religious grounds, and several state courts explicitly affirmed that Christianity was part of the common law" (2014: 28). He further describes how principles of secularism have been employed to the theological advantage of certain groups against others, and argues nevertheless that it was the "broader secularizing trend in US law" that enabled the limiting of Protestant bias, in particular against Catholics (2014: 35). A secular government treats religion, as much as possible, "like anything else, entitled to a robust public presence as long as it remained subject to otherwise valid content-neutral nondiscriminatory regulations" (2014: 152). Since a (relatively) similar kind of constitutional secularism is also implemented in the Netherlands, we can say that political liberalism in a Rawlsian sense (2005), that is, that promotes equal rights regardless of substantial cultural and religious claims, has enabled the azan in a social context in which cultural secularism dominates.

We could go one step further in our argument by saying that the data offered in this chapter shows that what matters perhaps more than "secularism" in actual practices of governance are practices of constitutionalism (sec. Bader 2007), that is, not only the law but also the willingness by involved actors to implement it in practice. Concepts such as "constitutional secularism" and "cultural secularism" are useful for exploring the complexity of secularism in the case of the azan,

but can also simplify the same empirical complexity. One objection would be, for instance, that what I have called *cultural* and *constitutional secularism* overlap. This overlapping can be shown to be part of “a Secular Age,” in which religion has become “one option among others” (Taylor 2007: 3) for majorities in countries such as the Netherlands, rather than the unquestionable background of all citizens. The term *secular*, then, does not mean a simple privatization of religion that is now overturned because of Islamic public worship. In a culturally secular age, the ways secular states regulate (minority) religions function as incentives to respond to state definitions of religion and of the boundary between the religious and the nonreligious. This secular regulation and governance of religions has no (explicit) divine goals, but is geared toward the profane problems of order, stability, and cohesion. Isaac Weiner’s understanding of constitutional secularization as treating religion like “anything else” resonates with this view of the secular age as an era in which religion is culturally one option among many.

Because of the possible vagueness of the term *secularism*, we could also tell the story of the *azan* without “translating everything into the language of *secularism*” (Bader 2012: 22), and instead opt for precise descriptions of institutions, laws, policies, and implementations in practice. Such an approach would not avoid the term *secularism* because the Dutch state is not a secular state or because the constitution is not a secular one, but because in calling state and constitution *secular*, we have not yet explained how the Dutch system may contrast with others. To do that, we need to explain in detail how the state functions in practice. The absence of an explicit mention of the “separation of church and state” in the Dutch Constitution already suggests that priority lies with codified rights and principles rather than “secularism.” Philosopher Veit Bader interprets this as a priority for *liberal democratic constitutionalism*. Bader’s term may be preferred over “constitutional secularism,” since there are authoritarian secular regimes, with secular constitutions, who discriminate against religious minorities. Obviously, his use of the terms *liberal* and *democratic* cannot mean random majoritarianism; rather, they refer to countries that uphold democratic principles such as equality to manage and allow the production of religious pluralism. Therefore, if we base our argument on states that actually exist and not on imagined alternatives that are nonexistent at present, the divide between non-liberal, nondemocratic states and liberal democratic states becomes more decisive than the divide between the secular and the religious. In that sense, we can avoid the confusing term *secularism* altogether. Instead, we can talk for instance about the twin autonomies of the state from the mosque and the mosque from the state (cf. Bader 2012: 21). In the Netherlands, the (relative)

autonomy of religions from the state has the consequence that the state may not disallow sounds on religious grounds, whether they be church bells, the azan, or the sounds of other groups like the chanting of Dutch Hare Krishna. Collecting such aspects within the scope of a single concept—"secularism"—can be very imprecise when we are spelling out the empirical characteristics of national models of governance such as French republicanism versus Dutch liberal democratic constitutionalism.

Despite these precautions, I also think that we cannot avoid the concept of secularism altogether. This is because constitutional secularism is an institutional arrangement that enables stakeholders to challenge religious bias or bias against religions in society as well as government. As Akeel Bilgrami puts it, secularism, when required, can take an "adversarial" stance against religion (2014: 4, 12–13), but also against secularists who discriminate religious minorities. Ultimately, constitutional secularism is an oppositional concept that "knows itself" primarily through opposition to political (and constitutional) theocracy. At the start of this chapter, I wrote that we do not need to delve into the question of theocracy to show the merits of constitutional secularism in the Netherlands. There is simply no realistic prospect of the strong establishment of any religion in this context. Political theocracy exists mainly in Dutch imaginings of the European past, or in theocratic countries that are perceived as distant and non-Western. In Dutch public debates, theocracy is often invoked selectively to resist the public presence of Islam in the Netherlands and to justify anti-Muslim racism. The concept of theocracy, a critic can persuasively argue, is therefore not helpful in explaining the nature of secularism in the Netherlands today. Such a critique, however, does not take away the fact that the term *constitutional secularism* implies a power that is geared toward disciplining and regulating not only religious bias, but also secularist bias against religious minorities as is the case in the Netherlands today. To use the word *secularism* here is to acknowledge this power relation that is obscured in the more neutral sounding "nonreligious" liberal democratic state.

Also, many scholars from various backgrounds succumb to the platitude that, because secular regimes have committed crimes against humanity, constitutional secularism is not necessarily the answer to resolving one (religious) group's bias against another (e.g., van der Veer 2001: 20; Asad 2003: 10; Bader 2007: 97). This misses the point, for we have still not done away with the normative rejection of the strong establishment of a religion (sec. Bhargava 2010a: 92).²⁸ While theocracy is a generalizing concept and there can be many different institutional arrangements that are theocratic or have theocratic elements, and even though these can differ substantially in degrees of equality and liberty actually achieved,

the point of constitutional secularism is that religious regimes of governance are prone to be biased to an unacceptable degree. Theocracy is fundamentally incompatible with liberal notions of fairness toward different religions and especially (religious) individuals, whether these regimes exist in contemporary reality or back in history, and whether they are strongly or weakly established.

Weak establishments of churches still in existence in European countries clearly show “signs of earlier strong establishment,” as we saw in Chapter 2; disestablishment is therefore required for full equality. In countries like the Netherlands, “Existing legal rules and practices should be scrutinized for morally intolerable ethno-religious bias and we can expect many instances of outdated ethno-centrist and denominationalist bias” (Bader 2007: 153). This prescription can be nuanced by arguing that the weak establishment of a religion does not necessarily result in grossly biased connections between the state and religion(s) (Modood 2014). But, while the weak or moderate establishment of a church is not problematic per se or will not automatically lead to a bias against the principles of the liberal democratic constitutional state, we have seen that in the Netherlands the long path toward weak establishment and even constitutional disestablishment, though the monarch remains a Protestant (with a Roman Catholic queen), has coincided with treating different religious groups more fairly. This need not always be the empirical case, but the suspicion of the establishment of an organized church or a religion remains justified, thanks to successful historic precedents of legally overturning Protestant bias in, for example, the United States and the Netherlands (Weiner 2014; Chapter 2).

To conclude, the case study of the *azan* shows that the 1983 disestablishment of the church in the Netherlands is being tested in the twenty-first century by Islamic claims to implement equal rights. This has prompted the “counter-mobilisation of old religions, nativists and aggressive secularists” (Bader 2007: 224). It is important to recall that the voices in society that wish to silence the *azan* are not themselves “secularist” per se. The case of the SGP’s orthodox Protestant resistance to the *azan* demonstrates that the fundamental issue in such conflicts does not have to be secularism, and that one does not need to be a secularist to be against the *azan*. A biased culturalist nativism, tied to old Protestant notions of the nation, underlies the thinking of various groups that are against allowing the use of loudspeakers for the *azan*. By moderately disciplining these biased voices through legal limits, Dutch constitutional secularism enables the amplification of Islam. In the next chapter, we will observe this further at the micro level of mosque-municipality-neighborhood negotiations.