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Liberties

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Liberty! 'No concept has been used in a greater variety of meanings, and struck the minds in so many ways', noted Montesquieu in his *Esprit des Lois*, published in 1748.¹ In 1994/95, a theme group at NIAS studied, among other themes, the use of this concept in Dutch history. I will not address this issue now as a historian, even less as an intellectual historian, but simply as a humanist. As it appears, Western societies are nowadays overwhelmed by a great variety of conflicting claims to personal liberty. In this lecture, I will first try to make a brief inventory of the current issues. Then I will discuss the arguments put forward in the ongoing debate on the contested clothing of some Muslim women. In a third part I will search for the origins of the concepts of liberty in Western Europe. The fourth section will provide a case study showing how these concepts have been re-mediated over time. In the fifth act, I hope to come to some conclusions.

Current challenges

Academics as we are, the concept of academic freedom is the one that concerns us directly. It refers to the freedom to choose the theme and the method of one's research, and to speak publicly about the findings. The general expectation is that a scholar becomes most creative under conditions of freedom. We all highly value this freedom, which is far from self-evident, as ideological or allegedly managerial motives – which are equally ideological although disguised under a veil of rationality - continue to be used to limit some forms of curiosity-driven or socially required research. Institutes for Advanced Study are the apex of academic freedom, as fellows are left entirely free to carry out their own research. The only limitations are the self-imposed forms of collaboration as in the theme groups. There, in a purely imaginary hypothesis, some tension may arise between the personal freedom to work at one's own rhythm and along one's personal lines of thought, and the common good of attaining a higher level of insights thanks to the contribution to a common scheme. These elementary observations provide us already with three fundamental dimensions of the concept of liberty. A fellow enjoys positive liberty in the sense that he is free to do what, how much and when he wants, and to deliver the results in the way he chooses himself. A fellow also enjoys negative liberty: he is protected against external interference which might distract him from his self-chosen seclusion. Modern media offer lots of temptations to disrupt the breeding researcher's concentration, but it remains up to the fellow's free will to accept or resist these, for the common good. Restrictions are obvious within a theme group: there the freedom is limited by the requirements of collaboration. In that way, the closest, and even self-chosen colleagues reduce each participant's liberty. The liberty of each member may come into conflict with that of the others – a phenomenon which is typical for any communal life. One person's liberty may become detrimental for another's liberty. How to choose between countervailing liberties?

In The Netherlands, freedom is currently associated with the commemorations of the liberation from the Nazi occupation, each year held on 5 May. In 2010, the 65th commemoration received special attention. In Amsterdam, a 'Great Freedom Contest' included a lecture, debates and selected music about 'freedom, liberation and freedombattle'. The general theme reads as follows: 'How free is Amsterdam in the year 2010? Where are the boundaries and how to preserve our freedom in a city

where all kinds of interests are clashing and liberties are being fought for by the square metre?' This year, Leiden University commemorates the 87th lustrum of its foundation as the *Praesidium Libertatis* (The bulwark of liberty), in 1575, after the withdrawal of the troops of the Spanish army. On this occasion, the University and the City, whose motto is *Haec libertatis ergo* (This for the sake of liberty), took the initiative for a yearly Freedom Lecture, the first to be held on 18 June 2010 by Salman Rushdie. The lecture series was created to emphasise the importance of freedom for science and democracy, and especially the freedom of speech.

These initiatives were taken in a general climate in which the freedom of expression is under discussion. In April 2010, from which month date all the cases I will mention here, the High Court sentenced that a political party established in 1918 on the basis of orthodox reformed principles, the *Staatkundig Gereformeerde Partij*, is not entitled to exclude women from their constitutional passive voting right. After studying this case during seven years, the Court urged the government to enable women to be named on the poll lists of that party. Such measures not having been designed yet, this implies that the national elections on 11 June 2010 will still infringe the Constitution and the UN 'Convention on the Elimination of All Forms of Discrimination against Women', agreed upon in 1979 and ratified by The Netherlands in 1991. Article 7 stipulates that 'states under the Convention have to take adequate measures to ban discrimination against women in the political and public life.' Women belonging to that political and religious orientation claim that they don't wish to be eligible. This argument is ethically and constitutionally unacceptable, as it is unlawful to waive fundamental human rights. It is interestingly similar to the argument used by some defendants of various forms of discrimination against women in Islamic communities, to which I will come back later.

In a different domain, only a few years ago, a reverend was acquitted in appeal for a charge of offending homosexuals, as in a daily newspaper he had called their orientation a 'dirty and sordid sin'. He was acquitted on the ground of his 'firm belief in the word of God', with a reference to Leviticus 18:22.² This protection of the freedom of speech opens the way for many offences against all kinds of specific groups. The *Partij voor Vrijheid* (Party for Freedom), and especially its leader, uses its name and constitutional freedom of speech to carry on a rough battle against immigrants, and particularly against Islam. He calls the Qu'ran a 'fascist' book which should be prohibited and banished. He is now under trial on charges of engaging in hate speech and inciting to violence. In the last elections for the European Parliament, this party won four of the 25 seats. The Netherlands until recently cherished the self-image of being the guiding nation of the world, ethically and even in the sphere of social and economic relations. Nowadays, some liberties, guaranteed in the constitution, the European Treaty for Human Rights and other international treaties, are under vehement discussion. Whose liberty has to prevail?

The *Freiheitliche Partei Österreichs*, established in 1956, which participated in the federal government for some years since 2000, had already demonstrated how campaigns against immigrants could be launched under that label of freedom. An opinion poll showed in April 2010 that 71 percent of the Austrians consider Islam to be incompatible with the Western concepts of democracy, freedom and toleration. They think that Muslims don't adapt themselves 'to the lifestyle of the Austrian community', and 54 percent of the interviewees see Islam as a threat for the Western way of life.³ In the elections held in Hungary in April 2010, the party Jobbik obtained 16.7 percent of the votes. This party openly fosters hatred against foreigners, especially Rumanians, Gypsies and Jews. Last year, adherents of this party, dressed in the colours of the Hungarian fascist movement during the Second World War,

launched attacks against Gypsies, including setting a house to fire and killing a father and his son during their flight. In most Western countries all this would be a basis for prosecution. A Belgian Member of Parliament was convicted for offending migrants: the European Court for Human Rights in Strasbourg denied him for ten years the use of his political rights. However, in the Hungarian Parliament a two-third majority is now held by a firmly nationalist party. Hungary epitomises feelings of insecurity which are only partially based on facts but magnified by media and populist politicians. Such an atmosphere, including the labelling of scapegoats, may lead to serious derogations from fundamental rights and liberties.

All over Europe, diffuse feelings of anxiety are focused on the growing numbers and the increasing visibility of Muslims. These feelings may have been acerbated by international terrorism, and, on a more structural level, by partial integration of the immigrants. That led to discrimination and, as a reaction, it provoked aggressive behaviour of youngsters. It is true that integration of migrants in the labour force is lagging behind, due to social and ethnic, rather than religious factors. Migrants' children, especially boys, generally achieve weaker results at school. The percentage of unemployed young migrants is relatively high. Around ten percent of the boys is hanging around in the streets and gets involved in all kinds of bands. Some of these engage in various criminal acts. Confrontations with the police are spiralling as they give a 'kick', and an opportunity to show macho behaviour. Policemen are not always free from racist reflexes themselves, which adds to the hatred. This reciprocal image of an enemy leads to street fights in the *banlieux*, which, thanks to the blowing up by the cameras, become the tournament fields where honour is to be won under the watching eye of the spectators. Populist political parties canalise the feelings of unrest, but the solutions they propose only aggravate the tensions. They use their democratic rights to reduce by force the liberties of other citizens, while mediation, communication and education proved to be the more successful approaches.

A striking case is the referendum against building minarets for a mosque in Switzerland. Why should this slender construction harm the beauty of the landscape more than a traditional bell tower? Even trickier are the intentions of the French government and the nearly unanimous Belgian Parliament to forbid veils covering the face in the public space, for the sake of security. The Danish Prime Minister declared that 'There is no place for the *burqa* and the *niqaab* in Danish society. They are symbols of a vision on women and mankind against which we are firmly opposed.'⁴ The question under debate in this issue is who is discriminating whom, and on which grounds. It is true that the proposed laws are targeting the common criminal's balaclava just as much as the *burqa* and the *niqaab*, under the overall concern for security. In Nantes, a French woman who converted to Islam was fined for 'driving in uncomfortable circumstances', which referred to her *niqaab*. The affair became an issue in the national press as her partner, a naturalised Algerian, appeared to be a polygamist entertaining four wives and twelve children living on fraudulent social allowances. In France, some 1900 women are thought to wear such clothes, two-thirds of whom are French citizens and 90 percent is younger than 40.⁵ This share, 3 in 100,000, is so low that one may wonder why there is a problem. Aren't Western societies obsessively staring at symbols by which small minorities are marking their collective identities, while these are not shared by the vast majority of their ethnic group?

On the other hand, Western societies rightly want to defend their own values, including the security of persons and their property, toleration and the freedom of expression. But how far can one go in the proclamation of one's values without abusing the liberty of expression? Where may free speech degenerate into

provocation and offence? On 31 March 2010, the Anglo-Dutch writer Benno Barnard intended to deliver a lecture at the University of Antwerp. It was announced under the title in Dutch 'Long live God, away with Allah'. Some forty radical Muslims, spurred by the website [sharia4belgium](#), prevented this lecture to be held. Nine days later, a court adjudicated the City's claim that 'each infringement of the freedom of expression, or of the laws against discrimination and terrorism' should be fined by € 25,000.⁶ That may be justified, but was it wise for an internationally renowned author to hurt the religious feelings of Muslims if one has the intention to contribute meaningfully to the public debate? The European Court of Human Rights stated that especially politicians need to enjoy greater 'freedom to address issues in ways that others may find provocative, shocking or disturbing, given their special role in public debate and democratic deliberation'. This implies, however, their responsibility to protect and enable the exercise of the freedom of others. 'Freedom of speech is at issue when a contribution has the potential of being disruptive, shocking, provocative, or offensive.'⁷ Opinion leaders in general, including artists, have to be aware that they might make a greater contribution to our society by showing respect that keeps people from harming others, especially those in a weaker position.

Personal liberties are under pressure in many parts of the Western world, and from various sides. The state Israel takes the liberty to kill opponents everywhere in the world, without any form of process. However, these persons see themselves as fighting for the freedom of their people, against a foreign and oppressive military occupation. In the territories Israel occupies against international law and against scores of UN resolutions, it takes the liberty of using disproportional and unspecified violence against civilians and to bring the whole population of Gaza to starvation by cutting the area off and even preventing fishermen to go on sea. That sea is heavily polluted anyhow, by lack of means to rebuild an adequate infrastructure.⁸ Does the right of Israelis to live safely within their own borders justify such outrageous violations of humanitarian law, and to deprive a whole population of the most essential freedoms and even necessities, lasting now for over half a century? The chair of the UN fact-finding mission on the Gaza war in 2008/09, former NIAS Fellow Justice Richard Goldstone, whose report has been endorsed by the UN Human Rights Council, the UN General Assembly and the European Parliament, became the victim of the most horrible personal vituperations by, among others, the South African Zionist Federation. These organisations went as far as to threaten to disturb the celebration of the *bar mitswa* ceremony for Goldstone's grandson in Johannesburg, if he would attend that important religious *rite de passage*. By using such outrage against the personal liberty of an internationally highly esteemed judge, it is obvious that these people lost all feeling for human rights, as they are valued in the Western world.

Fundamental Rights and Symbols

As the dress code of Muslim women has recently been pushed on the political agenda in several West-European countries, the question arises which values are at stake, and whose liberty is under threat. We already noted that, at least in France, 90 percent of the women wearing face-covering veils, are younger than 40. This demonstrates that the issue is not connected with the traditions of the first generations of migrants. Defendants of the *hidjab*, the *burqa* or the *niqaab* currently claim that the Qu'ran imposed this type of dress. This allegation would bring the whole issue under the protection of the fundamental freedom of religion or philosophical faith, as guaranteed by in article 9 of the European Treaty for Human Rights, dating from 1950, which includes 'the expression in cults, education, in the

practical application and in the observation of commands and prescriptions'. The Universal Declaration of Human Rights, agreed upon by the United Nations in 1948, formulated these rights in the articles 18 and 19 as follows:

'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

In many countries of the Third World, the Universal Declaration has in the mean time been qualified as a product typical for Western societies and therefore not directly applicable to other cultures. In 1990, the Organisation of the Islamic Conference which now counts 56 member states, issued the 'Cairo Declaration of Human Rights in Islam' which subjects all the rights and freedoms in the Universal Declaration to the Islamic Shari'ah. 'The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration.' (art. 24 and 25) This implies, that Islamic countries don't accept the Universal Declaration nor the European Human Rights as such. In the course of its history, the Muslim World did not develop the idea of separation of religious and secular authority, as it occurred in Western Europe. Nor did it have a clerical hierarchy which prescribed the unique orthodox interpretation of the holy book. Instead, various schools derived their authority from a great master. As a consequence, the religious prescriptions have been interpreted in very different ways through the centuries and countries. The reference to 'the Islamic Shari'ah' leaves the Muslims thus with a variety of interpretations.⁹

The scarce references about the proper dress in the Qu'ran concern only women; they don't mention the command to cover the face, the hair or the neck. Concrete prescriptions about types of clothes fail entirely. The main concern is that a religious woman should 'protect her private parts' and cover her bosom with a veil, 'apart from what is apparent' and normally visible. Women should 'draw their cloaks around them' in order to be identifiable and not to be harassed.¹⁰ What was considered as 'normality' evidently depended on the climatic and geographical conditions, and thus was very divers. Later authorities are often contradictory and disputed. So, allegations to the Qu'ran in defence of any particular type of clothing only show the defendant's ignorance. Further, it should be noted that the Qu'ran admits that males tend to harass women, but requires women to protect their chastity. These attitudes and norms fit well in the patriarchal stateless societies of Arabia in the seventh century.

From the twelfth to the nineteenth centuries, most traditional schools of Islamic thought in Northern Africa prescribed clothing covering the whole face, air and neck, but in Turkey, Iran and Moghul India the sensuality of the décolleté was highly appreciated. Lots of paintings demonstrate the cult of physical beauty of both sexes in these regions. It is therefore incorrect to consider any dress code as a general religious prescription in the Islamic world as a whole. Interestingly, in 1974 the conference of the united *ulama's* in Riyad prescribed to reserve the *niquaab* exclusively to free women, to distinguish them from slaves and to protect them against harassment. Curiously enough, for these religious leaders male harassment had retained all its self-evidence since the seventh century, just as the availability of

female slaves to meet the relentless male needs. Nevertheless, since the early twentieth century, in the more progressive regions women laid aside their veils, as a sign of their emancipation. It was the Iranian revolution in 1979 which launched a fundamentalist reaction. The *chador* and the *hidjab* became the imposed markers of the new order, re-inventing a tradition which does not go back to the text of the Qu'ran nor to the alleged texts of the prophet, and had never been observed in the whole Islamic world.

It is probable that young girls nowadays choosing to cover their face, have not been well-informed about the varied traditions in Islam. If they think to make a religious statement by wearing a *burka* or a *niqaab*, they are grossly misled. They ought to be aware that the choice for the legal prescriptions of the Qu'ran would imply quite other rules such as the exclusively male liberties concerning polygamy, repudiation, lapidation and other physical punishments, arranged marriages, and the authority of brothers over sisters. And indeed, some fundamentalist groups in Western Europe, and particularly in the UK, are already on their way to impose such a Shari'ah within their segregated communities. The pressure to impose the 'traditional' female dress code would then just be an expression of the rejection of the Western culture in which they chose to live. Further steps already include claims for sexual segregation, which go in the opposite direction from the evolution towards gender equality Western societies went through in the last century. Universal suffrage, equal rights and treatment for both sexes in education and professional life, respect for the dignity of a female person, mixed education, sporting, swimming, and medical care, birth control, the right of abortion and other ethical issues: all these relatively recent achievements are so deeply-felt values in Western societies that attempts to turn these down touch a very sensitive cord. The UN 'Convention on the Elimination of All Forms of Discrimination against Women' of 1979 is a great text, but its observation is far from evident, as the case of the denial of passive voting rights for women in The Netherlands by the SGP reminds us. Feminists rightly point to the way we still have to go to really achieve equality in the distribution of social roles. Westerners should not accept expressions of lack of respect for women, such as the refusal of shaking hands, as a religious prescription. First, there is no such command in any general Islamic doctrine, and, second, secularised societies don't have to accept behaviour they learned to ban as contradictory to human rights.

If the relatively small groups of fundamentalists are not controlled, they will continue to contest Western science including the evolution theory, the historicity of the Shoah and the toleration of homosexuality. In all these respects, they claim liberties which are entirely opposed to fundamental developments in Western culture. Migrants coming from less developed regions in countries where the successive emancipation movements had a much weaker, if any, impact, have a hard time to catch up with this huge cultural gap. This difficulty adds up to their different linguistic and religious traditions. Many of them make admirable advances in this respect, but for a majority the challenge simply is too great. We have to respect that and help them to overcome their difficulties, which may well take several generations. The tiny minority, however, who choose to reject all but the material advantages of living in the West, should be aware that they will not be given the liberty to destroy the liberties our ancestors developed during centuries. Those who prefer the Shari'ah above Western Human Rights cannot appeal to our freedom of religion and expression.

A Genealogy of Liberties

Cultural transformations in most cases takes time as people don't change ideas and values as they change clothes, and even a dressing code is a cultural expression, as we

have seen. I would like to mention the main steps Europe needed to develop its current concepts of liberty.

1. Freedom of speech, truth-finding in natural sciences as well as in good citizenship, these values were developed since the fifth century BCE in Athens. The agora was a place for public debate and sound deliberation, based on moral and juridical principles.¹¹ Liberty was opposed to slavery, a social condition which remained undisputed, as was the restriction of liberties to male citizens only.
2. The Roman Republic of the first century BCE further elaborated the civic rights and liberties, including the protection of private property and the right of political participation, the *ius suffragii*. The main contributions were the formulation of written law and the system of jurisdiction which were gradually extended to entire territories.¹²
3. The Catholic Church grew as an institution within the structures of the late Roman Empire, and it inherited, among many other of its features, its legal framework. So, the Church protected its properties against interference by lay persons by claiming immunity rights. From the tenth century onwards, a stronger movement within the Church aimed at the reduction of the influence of lay authorities with regard to the appointment of members of the clergy and the management of its domains. Jurisdiction about church property and personnel, as well as concerning the holy sacraments administered, had to be reserved exclusively to ecclesiastical instances. This movement was labelled *libertas ecclesie*, the freedom of the Church, by which its negative freedom was meant, the autonomy vis-à-vis the laity. By extension, the Church strove at the limitation of the use of physical violence among Christians. It used its symbolic authority to impose periods during which, and spaces where violence had to be banned. Vulnerable, unarmed people such as clerics, travellers and peasants were thus 'liberated' from the often exorbitant use of physical violence by the aristocracy.
4. The growth of cities and towns, starting in the Southern Europe in the tenth century and gradually spreading to the northern and eastern parts, was a decisive step towards the creation of spaces where particular liberties applied to its burghers. Citizens were free persons in the sense that they were not slaves, nor serfs who had to fulfil all kinds of duties and were bound to the land they had to cultivate. The larger and wealthier a city, the better it was capable to protect its citizens within and outside the walls which enclosed the privileged community. Urban liberties dealt with self-governance, the autonomy of legislation and jurisdiction, and safety for its travelling burghers. Urban liberties were negative, as they protected the burghers against violence and exaction by aristocrats as well as against the religious prescriptions which hampered the economic development they were pursuing. The liberties also were positive, as they enabled citizens to develop their specific way of life, and their systems of norms and values. Urban liberties were characteristically negotiated with each and every city in particular with the aristocratic or princely powers in their surroundings. This implied a great variation in the content, which all cities jealously retained restricted to their own sworn burghers, until the end of the eighteenth century.
5. Medieval universities combined the liberty of ecclesiastical institutions with the liberties of urban communities. Their statutes, dating from the early thirteenth century onwards, guaranteed an independent status ruling out, in principle, lay or ecclesiastical interference with the studies. Universities were put under the direct authority of the pope, which made it possible to launch path-breaking empirical research, especially in the field of surgery. Academic freedom applied in particular

to the masters, the full-fledged members of the scholarly community, while students enjoyed only some of the privileges.¹³

6. Only under exceptional circumstances of external pressure did the privileged cities and territories tend to collaborate in defence of their common freedom. A breakthrough towards the territorialisation of liberties was set during the revolution of the Low Countries against the Spanish rule in the second half of the sixteenth century. Resistance was unified against the increasingly authoritarian style of government, directed from the Spanish court. Its most influential representatives in the Low Countries were foreigners, imbued in the aristocratic mentality of the Catholic *reconquista* in Spain. That tendency clashed vehemently with the long-established urban and regional liberties. The religious cleavage of the Reformation brought the ideological justification for the claim to the freedom of conscience. The oppression of the tendencies towards protestant orientations, which were particularly strong in the larger cities and industrialised regions, triggered a revolt, leading to a social revolution, on an unprecedented scale. The liberty of thought for free men, as well as the respect for the personal and property rights of the privileged communities, were the main themes of this largely ideological conflict.¹⁴ It eventually led to the 'liberation' of the Northern Provinces from Spanish rule. In 1581, the States General had formulated an extensively motivated declaration to depose King Philip II as lawful prince of the principalities in the Low Countries. Its main line of argument was that the king had systematically broken his oath to respect the citizen's liberties, privileges, rights and customs.¹⁵

7. The motivation of the 1581 Act of Deposition of Philip II inspired the revolutionaries in 1688 in England, and in 1776 those in the North American colonies to depose unlawfully ruling kings on behalf of what was now clearly labelled as the people's sovereignty. The latter revolution inspired in its turn the French National Assembly to issue in 1789 its '*Déclaration des droits de l'homme et du citoyen*', stating that all men are born and due to remain free and enjoying equal rights:

'[...]considérant que l'ignorance, l'oubli ou le mépris des droits de l'homme sont les seules causes des malheurs publics et de la corruption des Gouvernements, ont résolu d'exposer, dans une Déclaration solennelle, les droits naturels, inaliénables et sacrés de l'homme, [...]

Article 1.

Les hommes naissent et demeurent libres et égaux en droits. Les distinctions sociales ne peuvent être fondées que sur l'utilité commune.'

8. In the course of the nineteenth century, most national constitutions would confirm these rights, especially the inviolability of the individual person and his property, freedom of religion, secrecy of private letters, freedom of the press and of association.

9. The mobilisation of the masses, brought about by the French revolution and the revolutionary wars, triggered the sense of national consciousness. This introduced the generalisation of nationalistic movements leading either to the unification of peoples within a unitary state, as happened in Germany and Italy in the course of the nineteenth century, or the the splitting of multinational empires and states into nation-states. The movements against foreign rule were felt to be liberations.

10. A further decisive step towards the recognition of new liberties was the recognition, in the beginning of the twentieth century, of universal suffrage for men and women. Female voting rights were recognised in Finland as early as 1906, in

Belgium only in 1948, in Spain in 1977. Let us keep in mind how relatively recent these acquisitions still are in several Western countries.

11. In the context of the strife for political rights, social rights have gradually been acknowledged, such as the right of education, association, demonstration and strike.

12. Much later again came all kinds of ethical liberties, which had traditionally belonged to the competence of churches, such as the liberalisation of sexual relations, contraception, abortion and – still widely under discussion – euthanasia. If my twelve major steps towards the constant elaboration of the European concept of human liberties somehow reflect the increasingly rapid evolution of the scope, one will be aware that this process lasted 2500 years. This explains why other cultures, whose trajectories have been very different, cannot cope so easily with the Human Rights as they have been declared ‘Universal’ in the aftermath of the Second World War, under evident dominant Western influence. Central in the understanding of the gradual acceptance of ever further reaching liberties, is that they always had to be fought for by opposing tendencies and interest groups. They are the emanation of countervailing powers which had to learn to settle their conflicts peacefully, through regular and open discussion, in the full respect otherness. Discretion in the way arguments are put forward, helps to create an atmosphere of meaningful deliberation in which each lawful and ethically acceptable opinion will finally be settled.

L’amour de la liberté

For the principles formulated or practiced to be shared by large communities, some forms of mass communication were needed, by which the message could be spread and internalised rationally as well as by emotionally.

¹ Charles de Secondat baron de Montesquieu, *Œuvres complètes*, R. Caillois, ed., vol.II, Paris 1951, 394, quoted by Wycher R.E. Velema, 'Het Nederlandse vrijheidsbegrip. Ter inleiding', in: E.O.G. Haitsma Mulier & W.R.E. Velema, eds., *Vrijheid. Een geschiedenis van de vijftiende tot de twintigste eeuw*, Amsterdam 1999, 2.

² Rev. Herbig in newspaper Tubantia.

³ Research Institute Imas.

⁴ Quote of prime minister Lars Rasmussen, 1 April 2010.

⁵ Estimations published by the French Ministry of the Interior, April 2010.

⁶ The sentence was limited to lectures by this writer only, but has value as a precedent.

⁷ Ineke Sluiter, 'Deliberation, free speech and the marketplace of ideas', in print.

⁸ Dries Van Agt, *Een schreeuw om recht. De tragedie van het Palestijnse volk*, Amsterdam 2009.

⁹ I follow here the admirably clear and convincing report by Etienne Vermeersch, *De islam en de hoofddoek in België, een bredere benadering*.

http://www.etiennevermeersch.be/vermeersch/artikels/god_rel/islam_hoofddoek.

¹⁰ References to Soera 7, 24, 26, 31, 33, 59.

¹¹ Sluiter, 'Deliberation, free speech and the marketplace of ideas'.

¹² Martin van Gelderen and Wim Blockmans, 'Het klassieke en middeleeuwse erfgoed: politieke vrijheid van de Romeinse Republiek tot de Bourgondische Nederlanden', in: Haitsma Mulier & Velema, *Vrijheid*, 11-25, esp. 11-14.

¹³ Jacques Verger, 'Patterns', in: Hilde De Ridder-Symoens, ed., *A History of the University in Europe. Vol. I. Universities in the Middle Ages*, Cambridge 1992, 35-41.

¹⁴ Martin van Gelderen, *The Political Thought of the Dutch Revolt 1555-1590*, Cambridge 1992.

¹⁵ Wim Blockmans, 'Du contrat féodal à la souveraineté du peuple. Les précédents de la déchéance de Philippe II dans les Pays-Bas (1581)', in: *Assemblee di Stati e Istituzione rappresentative nella Storia del Pensiero politico moderno*, Rimini 1984, 135-150.