

CAPITAL COMMENTARY

April 19, 2004

Equal Treatment Lessons from Abroad

It would be unfair for government to exclude certain groups from funding if it is providing a society-wide benefit. This is the consensus view I discovered in The Netherlands recently when I interviewed two knowledgeable officials there.

This is quite a contrast with the lack of consensus on this point in American welfare and education circles today. When George W. Bush launched his faith-based and community initiative, his aim was to lift barriers that kept faith-based groups from participating on an equal footing with secular providers in the government's funding of social services. Yet that initiative has run into a firestorm of opposition on Capitol Hill.

The Dutch approach is illuminating here. On the question of faith-based groups being able to obtain government grants and contracts on the same basis as secular groups, Dr. Sophie van Bijsterveld of the law faculty at the University of Tilburg said, "If a public authority spends money for an activity, it cannot exclude anyone due to belief or religion; to deny is not possible." Dr. Kees Klop, with the Protestant broadcasting network (NCRV), noted that government helps fund not only his Protestant network, but Catholic, Muslim, Hindu, and Buddhist programming as well.

I asked whether some Dutch citizens would say it is a violation of religious freedom, as is often claimed in the United States, to collect taxes from non-Christians, for example, and then to provide public funding to a Christian group to support its social service activities. Bijsterveld replied that in The Netherlands what would be considered unfair would be for the government to exclude certain groups from public funding. After all, she explained, all pay taxes and if only secular groups could receive the benefits from those taxes, it would not be fair.

In the United States the current major controversy is about whether faith-based groups that receive government funding may still take religion into account in hiring staff members. How is this issue handled in The Netherlands? Under Dutch law, religion may not be

taken into account in hiring or firing most employees, but it can be taken into account for persons who fill roles that are important to the religious or ideological identity of an organization. The religious or ideologically distinctive character of organizations is thereby protected.

Importantly, no distinction is made based on whether or not a religious group receives government money. This is quite different from the United States where it is often assumed that a faith-based organization that receives government funding loses its right to hire on the basis of its deepest beliefs.

Even more important than these specific provisions is an underlying assumption that came through in my interviews, namely, that secular organizations are not neutral, but represent a particular way of understanding reality. Most in the U.S. assume that a secular organization is somehow neutral—after all it is neither supporting nor attacking religion. But that ignores the fact that a secularly based approach to social services represents a point of view or a set of assumptions and beliefs as fully as does a religiously based approach. Both secular and faith-based providers hold to certain underlying beliefs or assumptions that affect the delivery of services.

That is why the Dutch contend that if government were to fund secular social service organizations and not religious ones, it would be favoring certain beliefs (secularly based ones) over certain other beliefs (religiously based ones). That is why they believe requiring a religious organization to hire, for example, a thoroughly secular person for a position important to its religious identity would compromise its nature.

There is much wisdom here, and much for us to learn.

—Stephen V. Monsma
Political Science, Pepperdine University

The Center for Public Justice

P.O. Box 48368 * Washington, DC 20002 * 410-571-6300 * Fax 410-571-6365 * www.cpjustice.org *
capcomm@cpjustice.org

The Mission of the Center is to Equip Citizens, Develop Leaders, and Shape Policy in pursuit of its Purpose to Serve God, Advance Justice, and Transform Public Life.

The *Capital Commentary* may be photocopied/retransmitted in its entirety but not otherwise without permission. Copyright Center for Public Justice 2004