


Educational freedom and educational ideals in the Netherlands

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Abstract

The Netherlands has a unique dual education system. The government funds both public and private schools. Parents have much freedom to set up schools to realize their religious ideals. The freedom of education enshrined in the Dutch Constitution is controversial. The question has arisen as to whether the government should fund private schools. This paper describes what the Dutch freedom of education entails, gives an overview of educational ideals and mentions some areas where freedom of education is under threat. The conclusion is that although schools still have a great deal of freedom, this is decreasing, and alertness is required.

Keywords

admission policy, citizenship education, educational ideals, freedom of education, orthodox Protestant schools, reformed ideals, sexual education

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Introduction

Problem statement

Twice in Dutch history, there has been a battle that lasted at least eight decades. The most famous, the 80 Years' War, was against the Spanish Empire (1568–1648). This battle resulted in the independence of the Dutch provinces. Less known is the battle that began around 1820 and lasted about a century, namely the so-called “school struggle.” The school struggle ended in 1920 with the promulgation of an education act that, from then on, ensured that public and private education was equitably funded. Since the beginning of the 19th century, the Netherlands has had a dual education system in which not only the principle of freedom of education was enshrined in the constitution (in 1848), but also the financial equality of public and private education (in 1917).

In recent times, this education act (in particular Article 23 in the Constitution) has been under regular discussion. This became necessary in view of the fact that other constitutionally entrenched rights, governmental measures and a variety of social developments have brought all sorts of restrictions to bear on the stipulations of Article 23. The principle of freedom of education, for example, may be irreconcilable with the constitutionally enshrined right to equal treatment and, hence, the prohibition of discrimination. On the one hand, then, the freedom of education principle provides the space required to give expression to the educational ideals of a particular (religious) group, but on the other hand, various other considerations restrict that space to some extent. The irreconcilability of these two principles has, in the recent past, led to issues with regard to education at private schools. A private school based on a religious or ideological foundation could adopt an approach to education that deviates from generally accepted (secular) views. This could be seen as discriminatory in that it excludes educators and students who hold different (including secular) views. The question has even arisen whether the Dutch government should continue funding such schools from the state education budget.

This controversy has become known in the Netherlands as the “freedom of education issue.” Tension regarding this issue has increased in recent years, especially in the context of citizenship education, sexual education and relationships. Various questions have been posed in this regard, for example, whether the enjoyment of freedom of education does not allow schools to teach students learning content irreconcilable with general (secular) notions of democratic citizenship. The rise of Islamic schools in the Netherlands has increased the topicality of this question. Christian/Reformed education, which has a long history in the Netherlands, has also come under fire. For example, the question has been raised whether a Christian/Reformed school, based on biblical precepts, should be allowed to teach approaches to sexuality that are irreconcilable with the prevailing opinion. The answers to these questions have been of such a variety that in recent years, court cases had to be conducted to (provisionally) settle disputes. A difference of opinion between the education inspectorate and a reformatory Reformed secondary school about the treatment of LGBTI students led to a lawsuit. The court ruled that the inspectorate was allowed to publish a critical report on the way in which the school dealt with these students (Van Teeffelen, 2021: 10).

Research questions

The tension surrounding the Dutch principle of freedom of education, and discussions about the interpretation of Article 23 of the Constitution have, in recent times, given rise to the question of whether private schools still enjoy sufficient scope to pursue their own religious and life-conceptually based ideals of education. In this paper, research is reported regarding this issue in connection with orthodox Christian/Reformed private schools. The investigation pivoted on the following research question:

To what extent does the freedom of education principle enshrined in the Dutch Constitution (Article 23) still proffer space for Christian/Reformed education to pursue its unique educational ideals?

This question will be answered after the following three sub-questions have been answered:

- What educational ideals are pursued in and by Christian/Reformed education in the Netherlands?
- What does the principle of freedom of education entail, and how can Article 23 be interpreted?
- To what extent does tension exist between the stipulations of Article 23 and the educational ideals of Christian/Reformed private schools?

The structure of the paper

The authors' interests and backgrounds played a role in formulating the research questions enumerated above. As education experts, they are interested in a broad spectrum of topics related to education, among others educational ideals (including citizenship education), educational philosophy, and comparative education. As professing Christians, they belong to Protestant denominations and are deeply concerned about Christian education and its future. Their interest explains the topic of this paper. However, they took care not to let their Christian views preempt their conclusions.

This paper centers on the Dutch education system's space for realizing Christian/Reformation educational ideals. Article 23 of the Dutch constitution defines that space; it is, therefore, necessary to highlight that particular article as well as its origins and its impact on current events. It will become clear, as we proceed, that it was not the authors' intention to enter into legal discussions about the article and its implications for education.

The following three sections of this paper form the mainstay of the paper. The section following hereafter, on educational ideals, takes a funnel shape: it commences with a broad description of educational ideals and goals, then narrows down to a depiction of Christian educational ideals, and concludes with a discussion of Reformed educational ideals. The decision to use this focus is based on the assumption that the tension between educational ideals and the space offered for the realization of ideals will be most apparent in education with an obvious religions/life-conceptual identity. The origins of the notion of freedom of education, and the historical unfolding thereof, are discussed in the section thereafter, followed by a discussion of the content and importance of the constitutional

article ensconcing the principle of freedom of education. That section concludes with a discussion of some issues regarding the tension between the Christian/Reformational educational ideals and the space available for them. The discussions in these two sections lead to answers to the first two sub-questions proffered above. These answers then form the basis of the next section, which outlines the tension between these educational ideals and the changing attitudes vis-a-vis accent sign on the a the freedom of education. Answers to the first two sub-questions lead to the answer to the third. The final conclusion is then drawn on the basis of these three preliminary answers.

Educational ideals

Ideal driven and goal oriented

In education, both achievable goals and aspirational values (or ideals) are crucial because of their motivational and directional power (De Ruyter, 2003: 467). According to De Ruyter (2007: 24), ideals “refer to situations or characteristics of a person that a person believes to be superb, excellent, or perfect, and that have not yet been realized.” They are believed to be excellent or perfect, highly valued, part of a dream or imagination, and not readily achievable. Ideals are important because education will be meaningful if its ideals are devoted to the ultimate ends, namely that they express deep care. De Ruyter (2003: 474) proposes ideals as a subclass of values and, as such, a part of the conception of the good life. Educational ideals can be seen as a subclass of educational goals.

Regarding educational goals, Biesta (2013: 4) is of the view that the question “Why do we want an education system?” (or “What do we want the education system to do or accomplish?” or “What are the tasks of the education system?”) can be answered in three basic ways, namely as a means to 1) teach particular skills, 2) offer maximum opportunities to each individual student and 3) teach the student to adapt and to fit into society.

Advocates of the human capital theory, vocational and technical education or outcomes-based education fit into the first category. Protagonists of the capabilities-theory or of education for creativity fall into the second category. Before attending to the third category, it should be stated that there are also those who wish to change society by means of education. Peace education, anti-drug abuse education and anti-violence education are examples of this ideal.

Many scholars of education argue that schools and education historically have served to socialize children into an existing social or, more accurately, a particular socio-political system. Anthropologist Yehudi Cohen (1970) established the theory that schools originated in what he referred to as “civilization states.” Civilization states, such as ancient Egypt, Mesopotamia, Athens and China, invariably entailed the amalgamation of geographically smaller entities into larger political units. For the creation and maintenance of such larger political entities, a literate civil service was essential; moreover, whatever more localized loyalties the members of this civil service might have had (e.g., towards a village, region or clan), had to be suppressed and replaced by a new loyalty towards the civilization state. Cohen (1970) also explains the institution of mass systems of public schools as from the 19th century, the attendance of which was compulsory, with the

formation of strong, centralized nation-states that created these systems to rationalize or legitimize their own existence and create a citizenry loyal to these states. This explanation of the rise of modern national public school systems has since been proffered by scholars (e.g., [Ramirez and Boli, 1987: 10](#)). [Scott \(2000\)](#) even argues that the modern university is a creation of the nation-state rather than the descendant of the medieval university. In those strong, centralized nation-states, which held sway in most of the world right up to the 1960s, the official state religion was given privileged status in national education systems and openly used to sanction the state.

However, by the end of the 1960s, this model came under pressure as societies became increasingly multireligious, as globalization eroded the power base of the nation-state, as the imperative for global citizenship education became ever stronger and as the Creed of Human Rights became the moral code for the globalized world. There are, in sum, many general educational ideals worldwide that have been, and can still today be, endorsed by many stakeholders. They are essential for all children, regardless of their philosophical or religious views. However, the following section describes educational ideals entertained only by educators with a Christian orientation.

Generic Christian educational ideals

Generally speaking, Christian educators (parents, school teachers, church leaders) regard religious instruction as the cornerstone of the education of the upcoming generation. According to Dutch philosopher [Dooyeweerd \(1969: 193\)](#), the central basic motive of the Christian religion and, hence, of Christian education is that of creation, the fall into sin and redemption through Jesus Christ in communion with and through sanctification by the Holy Spirit. The core curriculum for religious instruction (education) unfolds according to the logic of this ground motive.

As time passed, the central basic motive of Christian religion and, hence, of education was expanded in several ways. Most prominent among these expansions was the adoption by most Christian churches of the Apostle's Creed (see [Eternal Word Television Network, 2022](#)). The basic ground motive of Christianity was further expanded to form the Nicene Creed, promulgated in the 4th century. The basic ground motive of Christianity and, accordingly, of these creeds is rooted in perspectives from the Bible. Two biblical perspectives in particular remain pedagogically relevant to this day. The first of these is Deuteronomy 6:4–8, an exhortation to educators not to neglect the religious education of the young. The second is 2 Timothy 3:14–17, which reminds educators of the purpose of Christian religion. The Bible furthermore provides educators with a mandate (Genesis 1: 26–28 and 2:15), a commission (Matthew 28:18–20), and a commandment (Matthew 22: 37–39). The second half of the commandment, according to [Van Brummelen \(1994: 36\)](#), can be found in one form or another in all religious traditions.

So, Christian education in its most basic form begins with religious instruction that has an impact on all forms of education, training and instruction, in particular on the moral and ethical formation of the upcoming generation. Moral education is indispensable; where there is no shared morality, there can be no real society and trust ([Sacks, 2021: 18](#)). Where there is a lack of trust, the economy and the markets cannot prosper, and the state cannot

function as it should. In the end, having a state and markets but no substantive society to link fellow citizens in bonds of collective responsibility, trust and truth dissipate, economics becomes inequitable and policies become unbearable (Sacks, 2021: 271).

In sum, Christian education begins with the ideal of equipping the young with insight into their own religion and the ramifications thereof. Christian education has the further ideal for these insights to influence and become visible in all areas of young believers' lives, thereby turning them into fully integrated human beings, prepared to function conscientiously and diligently in all walks of life. Most important among these is meeting the challenges of their dual citizenship as Christians—not only as citizens of their particular nation-state but finally also as citizens of God's eternal kingdom. Jesus showed the way in this regard in Mark 12:13–17, where his own position is marked in verse 17: "Render to Caesar the things that are Caesar's, and to God the things that are God's" (King James Version). According to Schnelle (2020: 113), Christian believers should follow Jesus' example by not challenging the right and the power of the state but by seeing the role and duties of the state on a purely functional level. Obedience to God and the demands of His kingdom have priority over all else. Citizenship of the nation-state is important for the state to function effectively, but no religious honor is owed to the state. The state has rights, but they are limited within God's right to the whole of the believer's life (Schnelle, 2020: 114). Romans 13:1–7 deals with the Christian believer's relation to the state: since the state has been entrusted by God, as His servant (Romans 13:6), with the tasks of administering and putting into effect the power assigned to it by God, Christian believers are responsible for supporting the state in these tasks and duties (Schnelle, 2020: 325–326).

The above is an attempt to outline a generic approach to Christian education. It should be kept in mind, however, that Christian religion and education seldom appear in this generic and characterless form. Inadvertent or deliberate admixtures of dogmatic and confessional aspects result in the evolution of particularistic and unique forms of Christian education such as Reformed, Roman Catholic or Pentecostal approaches. The following section contains an outline of the educational ideals of a specific Dutch Christian group of educators—the orthodox Protestants or Reformed Christians.

Reformed educational ideals

Since the beginning of the 19th century (1814), it has been legally permitted in the Netherlands to set up schools with a specific religious or philosophical basis. Christians, both Roman Catholics and Protestants, took advantage of that opportunity. Whenever orthodox Reformed Christians felt that the Bible, as the infallible Word of God, had lost its authoritative character in a local Christian school, that school was no longer credible in their opinion and they instituted a school that complied with their own, unique life-conceptual, religious-confessional direction (character, identity) (De Muyneck and Stam, 1992). The 1920 Primary Education Act in the Netherlands, which regulated the financial equality of public and private schools, proffered these parents the opportunity to set up their Reformed schools. Over the years, this so-called Reformed education has become firmly rooted in the Dutch education system and has grown into a well-organized entity.

Such a Reformed pedagogy was considered desirable (see, e.g., [Exalto, 2014](#); [Golverdingen, 2003](#)), but it turned out to be difficult to formulate it, and there were also doubts about whether a Reformed pedagogy would make a difference in the daily actions of teachers ([Exalto, 2014](#)). Whether explicitly formulated or not, pedagogical ideals exist in Reformed education.

[Golverdingen \(2003: 82\)](#) summarizes the Reformed pedagogical ideals as follows (borrowed from the Dutch pedagogue Waterink and slightly adapted):

The formation of the human being, in dependence on the blessing of the Lord, into independent personalities, serving God according to His Word, fit and willing to spend all the gifts that he received from Him for His honour and the salvation of the creature, in all contexts in which God places him.

This pedagogical ideal contains a twofold orientation: one to eternal life and one to this earthly life. In a Western world increasingly turning away from God, Reformed education wishes to initiate children into a life with God, the Creator of heaven and earth. The seriousness of sin, the necessity of salvation through Christ and the riches of sanctification by the Spirit are essential elements in the personality formation of the student as part of the program of a Reformed school. In this way, students are prepared (the Reformed school as a practice ground) for temporary life, no less for the eternal ([Golverdingen, 2003: 52](#)).

Reformed education is based on the infallible and unchangeable truth of the Bible and is explained, besides the aforementioned general creeds, in the three doctrinal standards (the Three Forms of Unity) – the Heidelberg Catechism, the Dutch Confession of Faith and the Canons of Dordt. Worldview assumptions contrary to this biblical and doctrinal basis will be detected and criticized in this form of education ([Golverdingen, 2003: 26–27](#)). So, the atmosphere of Reformed education is antithetical to the world's philosophy of life. Reformed teachers wish to prepare their students for life as strangers and pilgrims on their way to the kingdom of heaven. The responsibility to raise and educate children in this way is a shared obligation that begins at home, is reinforced in the church and extends to the school ([Visser, 2000: 48](#)).

Reformed schools seek to permeate the daily school practice with these biblical and doctrinal principles, both in school subjects and in the formation of their students. The curriculum consists of all the subjects needed for the students' lives in society, but in the implementation thereof, the search is for connection with themes from the Scripture ([Golverdingen, 2003: 22](#)), which is “given by inspiration of God, and is profitable for doctrine, for reproof, for correction, and instruction in righteousness” (2 Timothy 3:16). A Reformed teacher will strive to be a guide for his or her students, pointing out the significance of the things around them, while also acquainting them with the intricacies of faith ([Visser, 2000: 44](#)). Where available, unique teaching methods are used to teach from a Reformed perspective. For example, for history and biology, Reformed textbooks are used to show the great works of the Lord. In the classroom, Reformed teachers will try to create an atmosphere of godly living and discipleship ([Golverdingen, 2003: 31](#)), perceptible in language, conduct, respect for authority, decent dress and physical appearance.

Freedom of education according to the Dutch Constitution

Historical overview

The history of the freedom of education principle in the Netherlands goes back to the 18th century. Not long after the Netherlands had become a unitary state under central authority in 1798 (as a vassal state of France), a national education system was established (Philipsen, 2017: 11). Based on the idea that education should contribute to the unity of the nation and the elevation of the educational level of its citizenry, the care and management of education were entrusted to the national government (Jong Ozn, 1992: 14–15). The government gave expression to this care and management in the School Acts of 1801, 1803 and 1806. The principle of the separation of church and state meant that schools were not allowed to provide doctrinal or confessional education. The state, nevertheless, saw itself as responsible for disseminating widely shared Christian values in and through education (Boekholt and De Booy, 1987: 95).

Roman Catholics resisted the education laws of the government, and Protestant Christians in due course followed their example. Both religious groups opposed the fact that the government regulated the provision of education, *inter alia* by using its authority to grant or withhold permission to establish a school. Both groups preferred schools in which their children would be raised and educated in accordance with the precepts of their (denominational) understanding of God's Word and without interference from the state (Philipsen, 2017: 20). For them, freedom of education and freedom of conscience were inextricably linked. Although the notion of freedom of education was discussed during a constitutional review in 1840, it was not included in the Constitution until 1848. The latter constitutional revision concluded the first phase of the so-called school struggle to obtain recognition of the principle of educational freedom. From then on, schools could be instituted without prior government permission, and education in such schools could be organized according to the parents' unique (religious and philosophical) views. As a result of this change, private schools with a religious identity were established throughout the country, financed by private persons.

Public education (schools) with a neutral life-conceptual character remained the mainstay of the national education system. Unlike public schools, the private schools mentioned above were not funded from the public coffers. This was the reason for the second phase of the school struggle, namely to agitate for government funding of private schools. Under the political pressure exerted by both Protestants and Catholics, it was constitutionally established in 1887 that the salaries of the teaching staff of private schools would be paid by the government (Onderwijsraad, 2019: 17). In terms of this arrangement, private schools received approximately one-third of their funding from public funds, whereas public education was afforded entirely from public coffers. The third phase of the school struggle then ensued regarding equitable funding of both public and private schools. This phase of the educational struggle went hand in hand with the struggle for universal suffrage for men and women. In 1917, both the school and the electoral struggle came to an end in a compromise referred to as the "Pacification." In terms of this compromise, the government would extend its care to all forms of education, both public

and private. The duties of the government in this regard were stipulated in the 1920 Primary Education Act (Onderwijsraad, 2019: 18). From this time on, a dual education system based on the principle of freedom of education remained in force—a system in which all schools receive equitable funding.

The meaning and implications of the freedom of education principle

The principle of freedom of education, entrenched in the Dutch Constitution in Article 23, has hardly changed since 1917. The second paragraph of Article 23 stipulates that the provision of education will be free. The wording of the article indicates that the government should provide space for private initiative but, nevertheless, should take care of all forms of (school) education and set requirements for its soundness and for the competence and moral standards of teachers. The state recognizes public and private education as on equal footing; its care and supervision concern all forms of public and private education, at primary as well as secondary level.

The freedom of education principle has three dimensions (Helmers, 2011): freedom of institution (anyone is free to establish a school), freedom of life-conceptual direction (schools are free to express their own religious or ideological views in their education) and freedom of organization (a school is free to organize and structure the learning content as it sees fit). Everyone in the Netherlands is free to establish a school (freedom of institution). To make the supply of schools to comply with the wishes of parents and pupils, the law “More Room for New Schools” came into force in 2020 for primary schools, and in 2021 for secondary schools. A new school foundation initiative is assessed in terms of three criteria in order to qualify for government recognition, namely whether there is sufficient interest in the proposed new school, whether the Education Inspectorate are convinced that the new school can offer acceptable quality education, and whether the school board and internal supervisors meet the relevant demands (Rijksoverheid, nd). If a school board complies with these three requirements, it is eligible for government recognition, and the school can be established. Recognition by the government does not imply, however, that the school is automatically funded from the national coffers. A separate funding application, which a school is not obliged to make, must be filed for this purpose. Tension can arise between the freedom to shape education according to school erectors’ views and the funding conditions set by the government. This may result in the government (partially) suspending or terminating the funding of the particular school (cf. Van Schoonhoven, 2021: 14).

The term “direction” refers to the life-conceptual, religious or ideological philosophy, identity or character that the proposed school is to follow. Pedagogical-didactical trends, such as in the so-called traditional renewal schools like the Montessori and the Dalton schools, were not regarded as directions in the life-conceptual sense (Onderwijsraad, 2019). Although public schools were not previously required to belong to a particular life-view direction but were allowed to base their education on a unique pedagogical-didactic vision, after the introduction of the “More Room for New Schools” law, no new school is required to belong to a direction recognized by the government (Rijksoverheid, nd). The principle of freedom of direction finds expression in practice in the freedom of

organization. This means that education in a school can be designed and organized according to the views of those who instituted the school. In combination, the freedom of direction and the freedom to organize schools have resulted in a great diversity of schools in the Netherlands. Moreover, because of the three freedoms mentioned above, school boards have much more autonomy than their counterparts in other countries ([Onderwijsraad, 2021: 13](#)).

Recent developments

More than a century after the end of the school struggle, the dual education system still exists, but the distinction between public and private education has been blurred to such an extent that there is now talk of the demise of the dual system ([Zoontjens, 2019: 30](#)). As a result of secularization in the Netherlands in recent decades, the religious basis (direction, identity, character) of private education no longer ties in well with parents' background. As a result, many private schools have adapted their character and programs. Only a tiny proportion of the private schools still select students on the basis of their religious orientation; mainly orthodox Christian/Reformed and Islamic schools still tend to do so ([Zoontjens, 2019: 32](#)). The dual system has also been affected by recent developments in that the forms of governance and student selection have become increasingly the same for public and private schools. Since 2011, cooperative schools may be instituted to provide both public and private education. The establishment of such schools also blurs the boundary between public and private education.

These changes in the dual system, partly caused by secularization and individualization, mean that the freedom of education, as enshrined in Article 23 of the Dutch constitution, is still under debate. The discussion is not so much about the right of private schools to exist alongside public schools because parents still have the right to have their children educated in line with their religious, ideological and educational convictions. This right is enshrined in the Dutch constitution and in European treaties ([European Union, 2000: 11](#)). There is criticism, however, of the funding of private schools. They are allowed to exist, but if they are religiously or philosophically tainted, they should not be funded by the government ([Vermeulen, 2018: 232](#)). In the background of this criticism is the increasingly dominant view that the relationship between the state and individual citizens should not be mediated by private collectivities such as private education ([Vermeulen, 2018: 229](#)).

About the relationship between the state and education, the very wording of Article 23 itself gives rise to debate: "The provision of education is free, subject to the supervision by the government ...". Until a few years ago the supervision referred to pertained mainly to the quality requirements set by the government and elaborated on in circulars and policy notes ([Buijs, 2020: 51](#)). For many years, the Education Inspectorate played only a predominantly advisory role, but henceforth, according to the Education Council or [Onderwijsraad \(2022: 24\)](#), it should also give priority to assessing school programs based on clear, pre-formulated standards ([Onderwijsraad, 2022: 32](#)).

The government thereby enters the cooperative middle ground where education finds itself; in other words, the government is gradually interfering with the education that

schools provide. Recently, in 2021, the Education Council also explicitly commented on the boundaries of educational freedom that both the government and the education sector are expected to observe (Onderwijsraad, 2021: 39). As far as the Council is concerned, the freedom of education that all schools should enjoy, including private schools, remains intrinsically subject to the principle of non-discrimination (Onderwijsraad, 2021: 39). The council, therefore, demands recognition of the principles of the democratic constitutional state (such as equality, tolerance and respect for diversity) as the guiding principle when defining the extent of the freedom of education (Onderwijsraad, 2021: 19).

According to the Education Council, it will become clear to all involved that certain practices and expressions in schools are impermissible (Onderwijsraad, 2021: 37). The theme “democratic citizenship” is expected to form part of the compulsory core curriculum of every school, and its content and goals should be legally defined (Onderwijsraad, 2021: 29). According to the council, the life-conceptual direction of the school should only be seen as an addition to the core curriculum for democratic citizenship (Onderwijsraad, 2021: 42). This weighs so heavily that if this core finds insufficient expression in a plan for the establishment of a new school, the Education Inspectorate should issue a negative recommendation (Wiersma, 2022). This line of thinking has been seen as a threat to schools wishing to provide education based on a specific life philosophy and worldview (direction, identity, character) (Bertram-Troost, 2022: 16).

Several criticisms have been leveled against schools with a specific religious or ideological basis (Vermeulen, 2018: 232). First, there is the criticism that the concept of “direction,” implying a degree of exclusivity, no longer reflects the current pluralism in society. Second, the freedom of private education to select pupils and teachers in terms of their life-view orientation would encourage discrimination and segregation. Furthermore, schools with a religious foundation could indoctrinate their pupils, thereby depriving them of adequate knowledge acquisition. Vermeulen (2018: 245) does not consider these criticisms to be convincing reasons for the government to withhold funding from private education. In his opinion, there is not sufficient evidence to substantiate such criticism. Notwithstanding his opinion, frequent incidents seem to attest to the validity of the above criticisms. The following section describes three areas where they occur.

Tension-filled space

Although freedom of education in the Netherlands is constitutionally enshrined, there are indications that (Christian/Reformed) schools will, in the future, have to deal not only with criticism but also with restrictions that have not been there before. Tension may arise between their educational ideals and a new interpretation of Article 23. In the next section, three current areas where that tension is already being felt are described: admission policy, citizenship education and sex education.

Admission policy

According to the pedagogical ideal of orthodox Protestant parents, education at school should be an extension of family education and follow the ecclesiastical doctrine in

question. Therefore, these parents have frequently used the principle of freedom of education to establish their own schools. They prefer schools populated by teachers (Rijke, 2019: 326–327) and children with the same or a similar (religious) background (Onderwijsraad, 2019: 63) and a concomitant Reformed ethos. In order to achieve such a school climate, the board of governors has the freedom to implement and use a restrictive admission policy where parents and staff have to subscribe to the (religious) foundation of the school. In the case of refusing access, the school board must observe two restrictions—the admission policy must be grounded on the religious foundation of the school, and the admission policy must be applied consistently (Broeksteeg, 2021: 124). Although not compulsory, a school board is allowed to ask parents to agree in writing to the school's foundation. By doing so, parents and staff indicate that they adhere to the religious foundation of the school and will abide by the precepts that flow from it. If a school board does not apply the admissions policy consistently, it may not ask for the document to be signed but can request that the foundation of the school be respected. A closed admission policy tends to result in the rise of mono-religious schools. This situation still exists in strict Christian/Reformed schools but has become a source of political, social and legal debate.

Two main objections are lodged against a strict school admission policy with respect to accessibility and segregation. A strict admissions policy, legally permitted by the freedom of education principle, can lead to the refusal of children of parents who do not adhere to the (religious, ideological, and spiritual) direction of the school (Onderwijsraad, 2019: 57). This situation gives rise to an area of tension for the government, because of the government's obligation to ensure that even in sparsely populated areas, there is an appropriate range of education accessible to all students. But there is also an area of tension for the private schools, for if only private schools remain in a region, they are obliged to admit pupils, despite their denominational admissions policy. However, the pupils in question do not have to follow the religious content of the curriculum. The second objection to a strict admissions policy is closely related to the first. The government is wary of segregation, and there is a good chance that a strict admissions policy will increase this. After all, such an admissions policy encourages the creation of mono-religious schools with a specific population (Onderwijsraad, 2019: 62). Based on these objections, the question has been raised whether Article 23 does not require adjustment and whether a school with a strict admissions policy should be funded from the public purse. Some members of parliament answered this question in the negative and accordingly drafted a bill to amend Article 23 (De Hoop, 2021). In their opinion, Article 23 needs to be more responsive to those seeking education (parents and children). To remove restrictions on the right of school choice and promote a school population reflecting the population in the area, elements such as the right to education and the obligation to accept all students have to be added to Article 23 (De Hoop, 2021).

These additions would create a dilemma for schools with a strict admissions policy. After all, they strive for a homogeneous group of people involved with the school (parents, students and teachers) because, in this way, optimal harmony between school, family and church is best guaranteed. It seems, however, appeals to Article 23 to attain this educational ideal are seen in some circles as outdated and outmoded (Broeksteeg, 2021:

130). For orthodox Protestants, however, this is not the case. They value an education climate in which biblical standards permeate the education system and all stakeholders wholeheartedly support these. Consequently, plurality within the school is limited, and there is even segregation among Dutch schools. This is in line with results of research on school admission policies (Bulder et al., 2020: 68). On the other hand, current practice ensures that the Dutch educational system remains pluralistic; freedom of education ensures this plurality (Broeksteeg, 2021: 134).

Citizenship education

Citizenship education is the second area of tension between the principle of freedom of education and how Christian/Reformed schools give expression to it in practice. In defining the boundaries of educational freedom, the Education Council suggests that the democratic rule of law should be taken more explicitly as a starting point (Onderwijsraad, 2021: 19). The democratic rule of law should become a standard, mandatory core element in the curriculum. The Education Council does not regard it as appropriate for a school to limit itself to passing on its tradition without paying attention to other visions (Onderwijsraad, 2019: 30). This opinion is in line with the view of the Dutch government that promulgated a law in 2021 to clarify the civic duty of schools in primary and secondary education (Ministerie van Onderwijs, Cultuur en Wetenschap, 2021). According to that law, schools must teach knowledge about and respect for the democratic rule of law, develop the social and civic competencies necessary to participate in a pluralistic society and teach knowledge of and respect for the differences in society. The school board must ensure that this will be done in line with the Constitution and the doctrine of universal human rights.

Christian/Reformed schools follow all these developments closely because these may impinge on their freedom of education, especially their freedom of establishment. The educational ideal of Christian/Reformed schools is to instil in children the notion that they are citizens of two realms. They are citizens of a secular state, but as Christians, they are also citizens of the kingdom of God. That said, a Christian/Reformed school is rooted in its biblical foundations as far as its use of time and sense of society are concerned. Toes (2020: 92–97) outlines from a concrete school situation how this has been expressed more and more clearly in strategic school documents over the years. However, it may happen that through a coercive interpretation of citizenship education, the government could begin to impose political preferences on education that are in conflict with views regarding the citizenship of the kingdom of God (Kamphuis, 2020: 39; Toes, 2020: 99). Reports following inspection visits have brought to light the tension between requirements of implementing citizenship education in schools and the views that Christian/Reformed schools hold with respect to it (Inspectie van het Onderwijs, 2020: 46).

Parliamentary questions in response to media reports on teaching methods and a more general resolution on the content of education related to the core objective of sexual diversity prompted the Minister of Education, Culture and Science to ask the Education Inspectorate to conduct a thematic investigation (Inspectie van het Onderwijs, 2020: 6). In 2019, inspectors visited several secondary schools to assess the state of citizenship

education. Among these were Reformed schools. Those visits revealed tension between the different interpretations of Article 23 and some of the fundamental values of democracy, such as autonomy and freedom of expression. According to the inspectors, at one of the schools, there was little room for the students' opinions (Vroegindewej, 2020: 13). The school indicated that on religious grounds, it replaces the fundamental value "autonomy" with the core value "responsibility." Because the tightened legal text on citizenship education was not yet operational, no disciplinary action was taken against the school.

Besides religious grounds, the tension that arises from the legal tightening of the government's citizenship mission is noted. Zwart (2020) states that the Inspectorate of Education places equality, tolerance and democratic-mindedness above the constitutional freedom of religion and freedom of education, and he believes this to be impermissible. Van den Brink (2020: 13) follows a similar argument in arguing that the constitutional governmental concern for education is not for social policy but to ensure good education. He points out that tightening the citizenship task for schools amounts to a restriction of educational freedom (Van Den Brink, 2020: 19). Therefore, in order to respect the freedom of direction in applying the legal text, he argues, care should be taken that the space for (freedom of) schools is not restricted any further (Van Den Brink, 2020: 20).

Sexual diversity in education

The third area of tension is directly related to the previous one. The citizenship task of schools is to teach students knowledge of and respect for diversity, including sexual diversity. Christian/Reformed schools take the biblical story of creation, in which God created the human being as man and woman, as their starting point. God created them so that they could conceive and bear children. Therefore, man and woman form a twofold unit within the marriage bond. Deviations from this fact are regarded as sinful. This applies to extramarital sexual relationships and same-sex relationships. Homosexuality and gender differentiation are seen as consequences of the Fall of Man. In Christian/Reformed schools, these topics are addressed, but occurs within a framework that is normed by the Bible. This framework usually differs from the generally accepted views in Dutch society and does not fit in with the generally accepted interpretation of concepts such as "equality" and "discrimination" (Rijke, 2019: 144).

Because Christian/Reformed schools strive to create a biblically founded educational climate and, therefore, pursue a strict admissions policy, tension arises when a student or teacher appears to have homosexual inclinations, and also airs them. In such situations, the space Article 23 offers the school for its principles are in conflict with the equality principle of Article 1 of the Constitution (Van Den Brink, 2020: 22). According to that article, a school may not discriminate against anyone based on, among other things, sexual orientation. The Education Inspectorate is also keeping a close eye on schools regarding this issue. In 2021, the inspectorate found that at a Reformed secondary school, the situation was not safe for all students and reported discrimination to the Public Prosecution Service. It was a school that labeled homosexuality as a sin and discouraged

homosexual students from “coming out.” Zwart (2020: 14) states that the Education Inspectorate looks differently at how schools deal with sexual diversity compared to a few years ago. They no longer test a school superficially but on the grounds of fundamental values such as equality and tolerance, with interpretations that differ from those of the Reformed school in question.

A recent discussion in the Lower House of Parliament shows that freedom of education is affected by societal pressure. In 2020, the minister for primary and secondary education stated that schools had the right to have parents sign a statement declaring their disapproval of homosexual identity (Broeksteeg, 2021: 119). According to him, this was allowed within the boundaries of Article 23. However, intense political and social pressure led him to reconsider the legality of such a statement and amend the law where necessary. Apart from the opinion regarding such an identity statement, this event makes it clear that there is a tendency to restrict the freedom of education when the view of a school differs from the views prevailing in society. This curtailment takes concrete form in the actions of the government that is increasingly interfering with the content of education (Broeksteeg, 2022: 31), as well as with sexual diversity. Influenced by the actions of the government and the pressure from society, Christian/Reformed schools are forced to formulate their views on sexuality and forms of relationships more pertinently (Toes, 2020: 185).

The answers to the research questions

In response to the three sub-questions, the educational ideals of Christian/Reformed education, an overview of the content and interpretation of Article 23, and some areas of tension between freedom of education and the views of these schools have been attended to in the previous sections of this paper. Based on those discussions, the answers to the research questions can now be formulated.

The first sub-question (What educational ideals are pursued in Christian/Reformed education in the Netherlands?) can be answered as follows. Within the space provided by Article 23 of the Constitution, Christian/Reformed schools see it as their task and duty to raise children, in partnership with the parents and the church, in the fear of the Lord. These schools are expected to pay much attention to guiding their students towards the attainment of qualifications, but they are also very aware of their task of integrating children into the particular religious group to which they belong and to whose religious tenets the school strives to give expression. Personalization, another essential educational ideal, stands in the light of service to God and neighbor. These ideals have meaning not only for life here and now, but also beyond that, for the eternal life to be lived by the children of God.

The answer to the second sub-question (What does the principle of freedom of education entail, and how can Article 23 of the Dutch Constitution be interpreted?) can now also be given. A long struggle preceded the formulation and operation of this Article. The result thereof was the establishment of a unique dual education system in which parents have a great deal of freedom to establish government funded schools, and schools have a great deal of freedom to shape education according to their own life-conceptual beliefs. In

the past century, there have been many discussions about freedom of education, and have increased in number and intensity in recent decades. Secularization and social change, such as the establishment of Islamic schools, have contributed to this. More than the adaptation of Article 23 is required; a redefinition of the principle of freedom of education could be regarded as desirable. The boundaries of the principle should be more keenly defined, both for the government and for education itself. Democratic citizenship and equal treatment (Article 1 of the Constitution) should determine how the government and education must behave.

The third sub-question (To what extent does tension exist between the stipulations of Article 23 and the educational ideals of Christian/Reformed private schools?) can be answered as follows. Irrespective of whether Article 23 is amended or not, there are several indicators that the freedom of schools is waning. For example, if a school does not base its admission policy sufficiently firmly on its foundation and does not apply it consistently enough, it may not ask parents and teachers to endorse it. Another example is that no student may be refused secondary education. Therefore, the obligation to endorse the foundation of the school cannot be imposed. However, stakeholders may be asked to respect the foundation of the educational institution. Schools are obliged by law to pay attention to citizenship education, and the government is clear about how it thinks this should be done. For example, the government expects all schools to respect the notion of sexual diversity. This obligation goes beyond what education in the Netherlands has been used to. According to recent inspection reports, it is becoming increasingly difficult for schools to take a stand on these controversial issues that deviate from generally accepted views.

The answers to the sub-questions now lead to an answer to the main question: To what extent does the freedom of education principle enshrined in the Dutch Constitution (Article 23) still proffer space for Christian/Reformed education to pursue its unique educational ideals?

Freedom of education, as enshrined in Article 23 of the Constitution, and the equal funding of public and private education still offer a great deal of freedom to schools and school communities. There is ample room to establish schools with a religious or ideological basis. The education of in these schools may be arranged in accordance with this foundation. In recent years, the freedom to establish schools has even increased because the (religious) direction does not anymore apply as a reason for establishing an own (private) school. For Christian/Reformed schools, there is much space for the ideal that education in the family, school and church to occur in the same religious and life-view atmosphere. Such schools also have the opportunity to shape education according to guidelines they derive from the Bible and the confessional scriptures. Moreover, they have the freedom to request parents, students and teachers to endorse the foundation of the school in question. So, there is, in principle and according to current legislation, much freedom for schools in the Netherlands; such freedom remains constitutionally guaranteed. However, there is also the possibility that the government could (partially) suspend or terminate the funding of a school if it made use of the freedom of education in a manner that is not in line with government policy.

Conclusion

Article 23 still requires the government to ensure proper education. The government has diligently performed this duty since 1920. Encroachment on the freedom of education can have an undesirable leveling effect in Dutch society. Such a development would be in conflict with the Dutch government's desire to guarantee the provision of pluriform education in society. It is clear, therefore, that not only the quality of education but also an array of issues raised concerning respect for, and the application of the principle of freedom of education deserve constant attention from the government and all other parties involved in education, including schools and their supporting communities.

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