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Tolerance and cultural diversity discourses in the Netherlands

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with Thijs Bogers and Inge Versteegt
University of Amsterdam

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Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe (ACCEPT PLURALISM)

ACCEPT PLURALISM is a Research Project, funded by the European Commission under the Seventh Framework Program. The project investigates whether European societies have become more or less tolerant during the past 20 years. In particular, the project aims to clarify: (a) how is tolerance defined conceptually, (b) how it is codified in norms, institutional arrangements, public policies and social practices, (c) how tolerance can be measured (whose tolerance, who is tolerated, and what if degrees of tolerance vary with reference to different minority groups). The ACCEPT PLURALISM consortium conducts original empirical research on key issues in school life and in politics that thematise different understandings and practices of tolerance. Bringing together empirical and theoretical findings, ACCEPT PLURALISM generates a State of the Art Report on Tolerance and Cultural Diversity in Europe, a Handbook on Ideas of Tolerance and Cultural Diversity in Europe, a Tolerance Indicators' Toolkit where qualitative and quantitative indicators may be used to score each country's performance on tolerating cultural diversity, and several academic publications (books, journal articles) on Tolerance, Pluralism and Cultural Diversity in Europe. The ACCEPT PLURALISM consortium is formed by 18 partner institutions covering 15 EU countries. The project is hosted by the Robert Schuman Centre for Advanced Studies and co-ordinated by Prof. Anna Triandafyllidou.

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The Amsterdam Institute for Social Science Research (AISSR) unites all social science research of the UvA. Its programme group Challenges to Democratic Representation (Political Sciences) investigates the consequences of these developments for democratic governance. The empirical research focuses particularly on political parties, civil society (most notably, social movements and pressure and interest groups), mass media, citizens and their interests, opinions, feelings and preferences and political ideas.

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Executive Summary

This report on diversity challenges in the Netherlands examines Dutch institutional arrangements, strategies of governance and practices of toleration. It compiles the results of empirical studies in the domain of education and politics and provides an integrated analysis in light of concepts of tolerance and respect, exploring the ways boundaries are drawn between majorities and minorities, how cultural differences are socially constructed and contested, and what are the main contemporary and future challenges in this regard for the Netherlands.

Background

Contemporary debates and institutional arrangements need to be understood in the light of the appropriate historical, societal and political background. The first chapter of the report explores the formation of the Dutch nation and state. It pays particular attention to the history of religious pluralism and the ways civil authorities have handled this form of pluralism in various ways. It explores how various images of “Dutch tolerance” developed, how they relate to different legitimisations of acceptance and the ways these emerged in relation to different minority groups, both native (including religious and linguistic minorities) and immigrant (including post-colonial and labour migrants). In many ways institutions in the domains of education and church-state relations have been shaped by the history of “pillarisation”. One important change in Dutch political culture over the past decades is the emergence of strong voices in public and political debate who defend “secular” and “progressive” values and who are increasingly unwilling to accept transgressions and exceptions to key liberal and democratic norms. A crucial debate concerns the balancing of, on the one hand, the associational and collective autonomy of religious and cultural groups, and, on the other hand, legal and liberal norms with regard to individual autonomy, gender equality and equality of sexual orientations, bodily integrity and even animal welfare.

To conclude this part we discuss five different conceptualisations of tolerance, acceptance and respect that structure the Dutch debate. These include (1) the need to tolerate minorities, even if their religion and practices are disapproved of by the majority, (2) principled tolerance of other groups based on ideas about pluralism and of the Dutch nation as composed of various minorities, (3) pragmatic toleration or ‘condoning’ (*gedogen*) of practices and forms of behaviour that transgress social and legal norms, in order to create a ‘live and let live’ climate, (4) multicultural recognition, based on the idea that immigrant communities can retain and develop distinctive cultural practices and identities and on normative principles such as equal treatment and non-discrimination, (5) Dutch liberal intolerance, focusing on the need to identify clearly the non-negotiable core of liberal values and principles, and arguing that religious groups and immigrants should respect these values in their daily lives as well as in their cultural and religious practices and institutions.

Education

The Dutch education system is characterized, first, by the freedom of education, including the rights of groups of individuals to create and operate primary and secondary schools, within certain limits, and the freedom of parents to choose a school for their children. Second, there is “statutory equality” of governmental or public (*openbaar*) and non-governmental or denominational (*bijzondere*) schools and both are funded by the government according to identical and equivalent criteria. Of all primary schools about 68% is non-governmental and of all secondary schools this percentage is 70%. In the Dutch public debate with respect to education and tolerance for (religious) diversity, there is the idea

that the school should fulfill a major role in socialization of “new citizens”. One line of argument is that religious schools, and especially orthodox Christian and Islamic schools, will have a poor record in “teaching tolerance”. Another line of argument makes a plea for more involvement of the government in developing, promoting and implementing the teaching of “good citizenship”. The two case studies clarify the different positions in this debate and investigate their implications for the boundaries of tolerance.

Case Study 1: Tolerance for Religious Orthodox schools

Reformed schools and Islamic schools in the Netherlands are under scrutiny and are often subject to political and media debate. Reformed schools account for 3.4% of primary and 2.0% of secondary schools. Islamic schools are even less common, of all Dutch primary schools 0.5% are Islamic and 0.3% of secondary schools. From the interviews it has become clear that Reformed and Islamic schools in the Netherlands feel the public debate about them is too much influenced by stereotypes and misconceptions. They believe at present there are still enough constitutional guarantees that protect their educational freedom, but principals often made reference to a lack of political support and of indirect forms of resistance or rejection by the surrounding society. Principals of these two types of schools articulate slightly different discourses on tolerance and recognition. Principals of Islamic schools primarily expressed a need for recognition as “normal schools” and for them to be positively accepted as genuinely Dutch. For directors of Reformed schools tolerance was an important frame of reference, because to them it meant the right to exist as a minority in a secularizing society. Principals of Reformed school stressed there should be room for opinions and life convictions that strongly deviate from the “liberal norm” and that orthodox religious communities are entitled to have schools based on their own views.

With respect to the ways Islamic and Reformed schools make use of their associational freedoms two main patterns were found: First, the identity of the school, the interpretation of associational freedoms and the school’s policy is negotiated between school management (principal and teachers), school board and parents. Contextual factors influencing these negotiations are: the need for the school to have sufficient pupils, the image of the school, the interpretation of educational goals, the media debate, and the criteria set by the Ministry of education as well as the scrutiny exercised by the Inspectorate of Education. Second, it seems that Reformed schools are stricter in the sense that their religious identity informs the schools’ policy with regard to admission of pupils, selection of staff, curriculum and handling of diversity (dress codes etc.). The Islamic schools have predominantly non-Muslim teachers and management, and there are no special text books for Islamic schools on general subjects (history, biology etc.). In a sense it is thus misleading to speak of Islamic schools as orthodox religious schools. The main reasons why they are so fiercely criticized are, first, that they are seen culturally more different than Christian schools and as “un-Dutch”, second, because of organizational weakness and recurrent problems with incompetent and corrupt boards and management, and, third, their relatively poor educational performance and the fact that these schools have almost one hundred percent “allochtonous” pupils.

Case Study 2: Citizenship education and tolerance

The second case study analyzes the implementation of Citizenship Education and explores which ideals are expressed in Dutch Citizenship Education intentions and implementations, and how these ideals on policy and practical level relate to intolerance, tolerance and acceptance. In 2006, Citizenship Education (2006) became compulsory in the Netherlands, due to an ongoing debate on integration and identity, and due to European developments. Because of the Dutch Freedom of Education, the precise interpretation of what citizenship education should encompass, is left to the schools. The Government provides only general guidelines, stating that it should increase social

coherence and “the willingness and the ability to be a part of the community and to contribute to it actively”.

On the practical side, CE gets little priority. There is no money or time available, it has no book or method, and most of it is left to the schools. Schools develop incoherent, patch-work curricula that suffice for Inspectorate checks and then leave it to the individual teacher. The Inspectorate’s checks are sporadic and only focus on paper work, not on practices or results. The individual teacher may thus approach Citizenship from his or her own ideological perspective, awareness and creativity.

While the government may envision CE to increase integration of ill-adapted migrant (Muslim) youth into “Dutch norms and values“, school programs may instead try to reduce the negative stereotype regarding Islam and reduce prejudice among the “white” youth. Researchers and experts involved with implementation are actively bending the policy in this direction. The freedom of education thus creates opportunities to teach tolerance, because it allows for deviation from the dominant political ideology.

Politics

The second empirical phase of the research focussed on the politics and policies of exclusion of minorities, notably rejected asylum seekers. A large percentage of Dutch voters believe that immigration should be curbed to a minimum and Dutch immigration and asylum policy now have a reputation as among the strictest in Europe. But there is also protest: against the unfair treatment of asylum seekers during their asylum application, against (rejected) asylum seekers being excluded from basic social rights, against the bad circumstances of alien detention, and many people worry about the situation of children without legal status. There is also highly mediatized public protest on behalf of individuals who are at risk to be expelled and who are said to be “well integrated”. The empirical research on policies of exclusion and tolerance focusses on contestation and protest against Dutch asylum policy. It maps out the reasons and arguments used by the protesters, the way they draw on concepts such as tolerance, toleration and basic respect, and the consequences of these protests for Dutch asylum and expulsion policy.

Six main groups of protesters could be identified: 1. Political organisations, politicians, policy makers and bureaucrats. 2. Non-Governmental Organizations (NGOs) for migrants. 3. NGOs involved with human rights or asylum law. 4. Religious and humanistic NGOs involved with charity. 5. Academics specialized in human rights, migration and/or asylum. 6. Media and journalists.

Five main aspects of policies for (rejected) asylum seekers are contested: (1) False rejection and unfair asylum admission procedures; (2) Homelessness and refusal of housing/ social security; (3) Detention, circumstances of detention and criminalization; (4) Expulsion (protests related to dangerous circumstances in country of origin and inhumane treatment during expulsion); (5) The uprooting of children, and (too) limited use of discretionary abilities for individual cases.

The debate about rejected asylum seekers constantly circles around two central questions: First: should the asylum seeker be qualified as a “victim” or an “intruder”? Second, is the government responsible for providing assistance? The different combinations of answers that are given to these questions are used to legitimize the steps that need to be taken for individuals and groups, for example, whether a residence status should be given, or emergency shelter provided (see table A).

Table A. Assessment of (rejected) asylum seekers and their right to government assistance

(b)	(a) Assistance	No assistance
Victim	ACCEPTANCE (e.g. residence status)	INDIFFERENCE (e.g. dealt with abroad)
Intruder	TOLERANCE (e.g. prevention of homelessness/ assistance for return)	INTOLERANCE (e.g. detention and forced return)

Protest movements tend to argue in various ways that asylum seekers should be regarded as “victims”, not as an “intruders”, and that there is an obligation for the Dutch state to provide assistance. The varying ways in which these arguments are being developed in relation to broader narratives, representations and normative positions can be mapped out by distinguishing four discourses. These are:

1. Asylum authenticity discourse. In this discourse the leading question is how to know whether or not the asylum demand has been authentic (but falsely rejected).
2. Global injustice discourse. In this discourse, economic refugees are recognized as victims of poverty. Those who make use of this discourse demand more solidarity and more open borders.
3. The duty of care discourse. In this discourse the (local) government is said to have a duty to prevent homelessness and destitution among rejected asylum seekers, especially for vulnerable groups like children, ill people and the elderly.
4. Accomplished cultural inclusion discourse. This discourse draws on ideas about “cultural citizenship” to present the rejected asylum seeker who has become connected to the (people in the) Netherlands as a victim of the length of Dutch procedures.

Seen in this light different discursive strategies are available. The protest movement is drawing on these four different discourses to establish categorization of an asylum seeker as “victim”. If one discourse fails to categorize an asylum seeker as victim, another discourse can be used in which this is possible. Such re-framing is visible in our two case studies on Mauro and Sahar. The 13-year old Afghan girl Sahar, who feared expulsion with her family, was successfully re-categorized as a victim, because she was considered too Westernised to be expelled to Afghanistan. Contrarily, Mauro, an 18-year old Angolan boy who wished to be with his Dutch foster family, was insufficiently re-framed as a victim, because he was also framed as an imposter who still had connections in Angola and because fears of a honeypot effect could not be countered.

Conclusions

It is impossible to classify the changing discourses and practices of tolerance in the Netherlands in terms of the country becoming “more or less tolerant”. Especially in the Dutch case, it would be wrong to maintain the image that until recently the Netherlands was an exemplary country and that it recently has become “intolerant” and has fallen victim to a “backlash against multiculturalism”. Five distinct conceptualisations continue to structure the discursive space to think about tolerance in the Netherlands, but around specific issues (such as the associational autonomy of religious schools or the room for cultural difference in the public domain) some of these conceptualisation are seen as less legitimate. This is notably the case for argumentations in terms of “condoning” or “pragmatic toleration” and those in terms of “multicultural recognition” and “principled acceptance”. Notably in the domain of education the emphasis is increasingly on the need for “civic integration” and defining

the “intolerable”, rather than moving towards further recognition of religious groups and supporting the “right to be different”. However, protest against an important form of policies of exclusion, namely with regard to rejected asylum seekers that risk to be expelled demonstrates that the politics of ‘liberal intolerance’ are also backfiring. The liberal state stands accused of engaging in intolerable practices and policies, and more acceptance is asked for vulnerable individuals. Yet, the prominence of discourses of “cultural citizenship” also pollute the asylum debate, because it is argued that only those who are “well integrated” deserve a residence status. Whereas debates on cultural diversity issues and Islam have dominated public and political debate in the Netherlands since 2000, more recently a kind of “fatigue” is visible and socio-economic issues tend to become more prominent and are framed as more urgent than issues of cultural diversity.

Keywords

Tolerance, Reformed Schools, Islamic schools, religious freedom, church-state relations, pillarization, associative freedoms, asylum policy, contestation, acceptance, respect, exclusion.

Introduction

This report explores discourses and practices of intolerance, tolerance, respect and recognition in the Netherlands. It is often taken for granted that the Netherlands has made a major turnaround from being a country of “tolerance” for cultural and religious diversity, towards being among the least tolerant societies in Europe. The polemical debates on Islam and East European workers – often put on the agenda by populist leaders – as well as restrictive policies of immigration are seen as exemplifying a sharp decrease of respect and recognition of difference. This report builds on empirical research to nuance that picture and demonstrates how existing regimes of governance of diversity and available conceptualisations of tolerance are being reproduced and challenged in what is now a “de-pillarized nation of immigration”.

The first chapter of the report presents a review of the relevant academic literature, policy documents, statistical data and other empirical studies. It begins with an overview of the development of Dutch state formation and the emergence of a regime of government of religious and cultural diversity. It also discusses the forming of a national identity in relation to the emergence of a plural (“pillarized”) society and discusses the issue of Dutch citizenship and immigrant integration policies. The main religious, national and ethnic minorities are introduced. The central part of the first chapter maps out the main cultural diversity challenges that the Netherlands have been facing over the past 30 years. It demonstrates how the presence of orthodox religious groups (notably Dutch Reformed Christians and Muslims) and of ethnic minority groups constitute important topics to which concepts of tolerance, intolerance and respect are applied and discussed. The chapter concludes with an analysis of five different conceptualisations of tolerance that structure the discursive space in which ideas about tolerance and acceptance are being articulated in the Netherlands.

The second and third chapters are based on fieldwork research in two different fields. First we looked at the discourses and practices of tolerance in the field of education, next we examined a political challenge that was closely related to policies of exclusion and the limits of intolerance.

The second chapter “Challenging diversity in education and school life” analyses the way issues of tolerance arise in Dutch education. Two case studies were selected. The first case study explores tolerance for orthodox religious schools, notably Reformed and Islamic schools. We analyse the general perception of religious schools, both in public and media debate and from the viewpoint of principals of these schools, who were interviewed during the research. Another axis of research was to analyse in what ways Islamic and Reformed schools make use of their associational freedoms, for example with respect to their curriculum and the hiring of teachers. The second case study explores the question of how tolerance and respect are embedded in (compulsory) civic education classes. It analyses conceptions of tolerance and acceptance in the overall plans for civic education and situates how these ideas about tolerance are related to different views on the aims of citizenship education.

The third chapter “Contested policies of exclusion in the Netherlands. The lamentable asylum cases of Sahar and Mauro” looks at a highly topical political and public debate on the execution of Dutch asylum policies. With the consent of the majority of Dutch voters, consecutive governments have, over the past 15 years, made Dutch immigration and asylum policies among the strictest in Europe. Yet, increasingly there is protest against the execution of these strict policies and the way they result in expulsion, social exclusion and marginalization of vulnerable individuals. The chapter discusses the reasons and arguments that are used by protesters, including municipalities, and the way they draw on concepts such as tolerance and basic respect, and what the consequences are of these protests for Dutch asylum and expulsion policy. The focus is on the debates in 2010 and 2011 around the cases of Sahar and Mauro, two young end-of-line asylum seekers who were to be expelled.

The concluding part of this report highlights the new knowledge acquired during the case studies and outlines the main positions, discourses and practices regarding tolerance and cultural diversity. It

addresses the question: is Dutch society becoming more or less tolerant. It concludes that such a question remains unanswerable and that the focus should be on contestations around specific practices, cultural and religious identities, freedoms and equality and on the limits of handling immigration and asylum in liberal democratic states. The chapter situates changing conceptions of tolerance in the discursive space of Dutch tolerance and alternative framings of cultural diversity challenges.

Chapter 1 – National discourses on tolerance and cultural diversity in the Netherlands

Marcel Maussen and Thijs Bogers

1.1. Introduction

On September 11 2010 the Dutch populist politician Geert Wilders gave a speech in New York in which he declared his solidarity with local groups protesting against the building of an Islamic centre near Ground Zero. He said New York was ‘rooted in Dutch tolerance’ and observed that ‘A tolerant society is not a suicidal society. It must defend itself against the powers of darkness, the force of hatred and the blight of ignorance. It cannot tolerate the intolerant and survive’. Opposing the construction of a mosque was thus represented as a necessary measure to uphold a tolerant society. This event was paradoxical in many ways. The leader of a recently established populist party in the Netherlands, who has become internationally known for his outspoken anti-Islam statements, defends ‘liberal tolerance’ in the United States. In the Dutch context Wilders has similarly argued that the defence of Dutch liberal values requires a stop of ‘Muslim immigration’ and a curb on the building of mosques and other Islamic institutions in order to halt the ‘Islamisation of Europe’. Whereas the Netherlands used to have a reputation as a country welcoming other cultures and respecting the rights of immigrants, it is now often mentioned as an example of the ways the critique of Islam and multiculturalism dominate public debates on immigration and integration issues in Europe. A panel at an international political science conference held in Budapest in 2005 was meaningfully entitled ‘What the hell happened to the Netherlands. Public culture and minority integration in the country of (in)tolerance’. This reports aims to shed some light on these paradoxes with regard to the current conceptualisations of tolerance and the events pertaining to cultural diversity in the Netherlands.

The Netherlands has a reputation of being a country which has played a vital role in developing the ideas and practices of tolerance. During the period of the Dutch republic (1588-1795) the Low Countries offered a safe haven to religious dissenters that were persecuted in other European countries. At different moments in the history of early modern Europe Jews from Spain or French Huguenots sought and found refuge in the Netherlands. Cities such as Leiden and Amsterdam were home to the major thinkers of tolerance, including Baruch de Spinoza and Pierre Bayle. John Locke wrote his *Letter concerning toleration* (1689) while in exile in Holland. Another well-known aspect of Dutch history which is traditionally related to its approach to pluralism and tolerance is ‘pillarisation’. During this period, from approximately the 1900s until the 1960s, religious and other denominational groups – Catholics, Protestants, Socialists and Liberals – lived ‘parallel lives’ in separate institutions and organisations. Elite agreements and avoidance of sensitive topics in public and political debate ensured societal stability between the different groups. The ‘rules of the game’ belonging to pillarisation and the related Dutch consensus democracy have often been represented as important lessons on how to organise stability top-down in deeply divided societies (cf. Lijphart 1990). A third historical period in which Dutch practices of toleration became internationally renowned was in the wake of the cultural revolutions of the 1960s. New forms of permissiveness and openness to life-styles associated with youth culture of the 1960s were tolerated in the public sphere. Especially Amsterdam was seen as one of the most ‘tolerant’ or ‘permissive’ cities in the world. This openness to different life-styles and the decline of religious adherence also resulted in new liberal legislation in domains such as medical ethics (euthanasia, contraception, and abortion), gender equality and equality of sexual orientation (gay rights, gay marriage). Finally, a Dutch reputation of tolerance was established when in the 1980s and 1990s, it was one of the first countries to adopt a form of ‘multiculturalism’ in response to large scale immigration. A policy slogan such as ‘integration with retention of cultural identity’ served to demonstrate that also in the domain of immigrant integration the Dutch would

pursue strategies of governance that were grounded in respect for cultural difference and equal treatment of minority groups. Governments responded positively to emerging separate institutions and organisations that catered to the needs of ethnic minorities, believing these would allow newcomers to integrate fully in a culturally diverse society.

In the course of this report we will argue that in the past 20 years or so, there are two categories of communities which are most outspokenly challenged in debates on cultural pluralism. These are religious groups and immigrants. We analyse public debates on Orthodox Calvinist groups, which often concern principles such as gender equality, religious freedom and associational autonomy, especially in the domains of education and politics. We discuss the ways Catholic leaders were challenged around issues of equality of sexual orientation. In the report we also include analysis of the main immigrant groups and how their cultural and religious differences have given rise to public contestation. In debates on migrant groups the focus is usually on specific ethno-religious practices, on the need for 'integration' and on a wide range of societal problems that are associated with cultural difference and socio-economic areas, such as unemployment, social isolation and crime. The group that is most outspokenly seen as both ethnically and religiously 'different' are Muslims and in the course of the report we will extensively discuss issues and events in which Islam and Muslims dominate the public discourse concerning toleration and diversity challenges.

Throughout this report we constantly aim to analyse the ways in which ideas of acceptance, respect, recognition and tolerance, developed in tandem with institutional arrangements and practices. We begin with a review of the major elements of Dutch nation state formation and then proceed to discuss the main diversity challenges and how they relate to different minority groups. In the final part of the report we analyse different conceptualisations of tolerance and acceptance which structure the debates in the Netherlands.

1.2. National identity and state formation

Understanding contemporary diversity challenges in the Netherlands requires a thorough analysis of history, and in particular of the history of religious pluralism and the ways civil authorities have handled this form of pluralism in various ways. In the first place, as we will show in this section, the process of state formation in the Netherlands, which began in the second half of the 16th century, was closely related to the development of religion, shifting relations between majorities and minorities and changes in the institutional relations between church and state. In the second place, some important standing institutional arrangements for handling diversity, notably in the domains of education and politics, have been profoundly shaped by ideological struggles and social and political processes that date back to the late 19th and early 20th century. In the third place, religion and migration are at the centre of contemporary debates about diversity.¹ In what follows we focus on inter-faith strife and its settlement and in particular on the ways they left their imprints on Dutch institutions, political culture and strategies of governance. We then, more briefly, look at Dutch traditions of citizenship and nationality and on the role the Netherlands has played in the European Union.

1.2.1. State formation

The Netherlands emerged as an independent political entity out of the Dutch Revolt. The repressive reactions of Catholic Spain to the Reformation greatly fuelled anger and unrest in the Northern parts of the Low Countries, and local nobility and urban patricians believed the unrelenting Spanish decrees to be an undue imposition of power (Knippenberg 2006: 318). The 1579 Union of Utrecht was imposed as a defensive unity against Spanish rule but also came to form the basis of the Dutch Republic

¹ Seen in this light, it makes sense that in this section we attribute less attention to the history of Dutch colonialism and to issues of race (which play a major role in other European former imperial powers such as Great Britain and France).

(Stuurman 1998: 168). Through the Union of Utrecht the Inquisition was renounced and each province of the new federal state could now decide for itself the status and practical exercise of religion in the public realm.

The Dutch Republic was praised throughout the seventeenth century by foreign visitors for its comparative freedom of religious organisation. The Dutch Republic differed from other European states in its lack of uniform imposition of religion. Although religion and politics were heavily intertwined, power ultimately lay with the civil authorities. The tolerant stance by the civil authorities towards religious pluralism resulted from concerns with social stability in the highly pluralistic society, instead of noble convictions regarding individual freedom (Price 1994: 183-185, 203-204).

The Calvinist Reformed Church dominated the public sphere where other denominations were excluded from. Its leaders often pressed for persecution of protestant dissenters and the extirpation of Catholicism. However, the civil authorities were not inclined to answer this request out of concern for the disruption of commercial and social stability. This did not mean the civil authorities could simply tolerate all forms of religious activity in the public realm. In practice civil authorities would choose to look the other way as long as the tolerated religious practices did not cause any social disturbance (Price 1994: 190, 203-204). Illustrative hereof are the clandestine churches (*schuilkerken*), buildings in which churches were operated behind closed doors by religious dissenters. Throughout the eighteenth century membership of the Reformed Church was increasingly becoming a prerequisite for obtaining public office (Stuurman 1998: 172-173).

The Patriot revolution leading up to the Batavian Republic of 1795 was in part directed against the lack of virtue amongst the ruling class and the Reformed Church. The revolution was completed by invading French revolutionaries who contributed to the centralisation of the republic (Van Rooden 2010: 64-66). In 1813 after the fall of Napoleon, William I, heir to the last *stadtholder* of the Dutch Republic, was proclaimed sovereign head of state of the Netherlands and in 1815 king of the Kingdom of the Netherlands, which included the former Austrian Netherlands, present-day Belgium. Encouraged by the state, the new nationalism of the nineteenth century became heavily intertwined with Protestantism with the aim of providing Dutch citizens with a moral upbringing (Van Rooden 2002: 122).

This emphasis on education and upbringing led to feelings of discontent amongst some Protestant ministers who questioned the heavily intertwined relationship between religion, individual piety and citizenship. The central government also attempted to turn the Roman Catholic Church, which was dominant in the southern part of the Kingdom, into an institution that could support the process of nation-building. However, these attempts provoked resentment among Catholics and contributed to the Belgian revolt of 1830. In 1839 the new Kingdom of Belgium was internationally recognised as a sovereign state. After the separation with Belgium, the northern part of the Netherlands above the Rhine-Meuse delta was a Protestant dominated area. The southern part of the Netherlands below the Rhine-Meuse delta consisted of strong Catholic majorities. In 1839 35% of the Dutch population was Catholic (Van Rooden 2002: 123).

After the 1848 constitutional reform, liberals such as Thorbecke and Kappeyne van de Coppello were strengthened in their conviction that it was the task of a modern nation to create modern citizens. Modern for liberals entailed agnosticism and an emphasis on the natural sciences. In the 1870s the liberals argued for obligatory education throughout the nation, so children could be brought up to become modern citizens. In practice this would entail that in places where confessional schools were absent, children would be sent to public schools. Therefore confessional politicians heavily opposed these proposals. From then on, the political strife between confessional and liberal politicians was channelled through the question of education (De Rooy 1998: 183-184).

In opposition to the liberal modernisation campaign, Protestant politicians under the leadership of Abraham Kuyper organised themselves as a political party with popular support. Although anti-modernists, the Protestants thereby in fact introduced modern mass-politics in the Netherlands (De Rooy 1998: 188-189). The dispute over education was settled with a political agreement that has

become known as ‘the pacification’ or ‘the Great Compromise’ of 1917: privately founded confessional schools were entitled to equal state financing as were public schools. In return for conceding this confessional demand, the liberals obtained general male suffrage (Lijphart 1990: 105-106). The 1917 law for equal financing for confessional and public schools is still part of the Dutch constitution.

Since the early decades of the 20th century until the mid 1960s, the Netherlands was a ‘pillarised’ nation, meaning that most areas of human activity were marked by separate organisations representing the different religious and secular points of view (Monsma and Soper 2009: 11). Each pillar was defined by religious conviction or the lack thereof. There was a Catholic, a Protestant and a general pillar (Lijphart 1990: 28). Within the general pillar socio-economic cleavages resulted in the formation of a Socialist and a Liberal pillar (Lijphart 1990: 34). In pillarised Dutch society, individuals’ allegiance to the nation was effected through the group membership of their pillar. Also, because religion had become inextricably linked to a specific part of the population, religion had in fact become ‘ethnicized’ (Van Rooden 2010: 70). People lived in relative isolation from those who did not belong to their pillar. Only the pillars’ elites were in regular contact with each other (Lijphart 1990: 106). These elites endeavoured to reach consensus on issues that were controversial between, but not within, the homogenous pillars. The resulting politics of pacification led to noticeable democratic stability during the period of pillarisation (Lijphart 1990: 110).

Two comments have to be made concerning the phenomenon of Dutch pillarisation. First, instead of being uniquely Dutch, pillarisation should rather be seen as a national version of an international phenomenon (Kennedy and Zwemer 2010: 260). Second, the emphasis on Dutch society as a pillarised society obstructs attention to occurrences of disharmony within the pillars. For instance, the divisions between Dutch Protestants not only led to different church organisations but also to different Protestant political parties. Within the Catholic pillar there was strife between the working class wing and the bourgeois wing (Kennedy and Zwemer 2010: 257, 259). Since 1917 the political coalition between the Catholics and Protestants managed to retain an electoral majority until the mid 1960s (Van Rooden 2010: 69).

In the period following World War II Dutch society and politics have undergone significant changes. These societal transformations occurred especially in the period following the cultural revolution of the 1960s. In the first place, the rise of a modern welfare state meant that the state would take over many tasks and services that were carried out by different organisations belonging to the various pillars until then. In the 1980s the welfare state receded again and neo-liberal policies of reform were implemented. In the second place, a widespread process of secularisation and decline of religious participation set in, which brought an end to the authoritarian character of pillarised Dutch society (Van Rooden 2010: 71). Gradually a society developed that conceived of morality in secular terms which resulted in legislation of abortion, euthanasia and same-sex marriages. In many respects, the Dutch came to think of itself as a progressive ‘guiding nation’ that set an example for other countries with liberal legislation on gender, sexuality and drug use. The emancipation of the voter from the confines of the pillars resulted in a changing political landscape. In the 1970s the three confessional parties merged into the Christian Democratic Appeal (*Christen-Democratisch Appèl, CDA*). From 1994 to 2002 the Netherlands were governed by the ‘purple’ coalition governments composed of the Labour Party (*Partij van de Arbeid, PvdA*), Liberal Party (*Volkspartij voor Vrijheid en Democratie, VVD*), and Liberal-Democratic Party (*Democraten 66, D66*). This was the first time that the Netherlands was governed solely by non-confessional parties. The current coalition government is a minority government, a novelty for the Netherlands, consisting of the Christian Democrats (*CDA*) and the Liberal Party (*VVD*), condoned in parliament by Geert Wilders’ Freedom Party (*Partij voor de Vrijheid, PVV*). Finally, over the past 60 years successive waves of immigrations have changed the religious and cultural composition of Dutch society. In later sections of this report the main diversity challenged that are related to post-war immigration will be discussed extensively.

1.2.2. Citizenship

Until 1892 Dutch nationality was acquired on the basis of birth on Dutch territory (*ius soli*). In 1892 this principle was substituted through the first Dutch Nationality Act with the principle of *ius sanguinis*: Dutch nationality was now acquired when being born to a Dutch father. In 1953 the principle of *ius soli* was partly reinstated, mainly with regard to Germans living in the Netherlands. In 1985 a new Dutch Nationality Act was enforced with the aim of minimising the differences in legal status between immigrants and Dutch nationals. Immigrants were given voting rights on the European and local level. Also, second generation immigrants could now opt for Dutch nationality instead of having to go through the more complicated procedure of naturalisation. First generation immigrants however became required to pass a language test if they wanted to obtain Dutch nationality, although enforcement of this requirement was less stringent towards illiterates and elderly people. Also, Dutch nationals now received both their father and mother's nationality (Van Beek et al. 2010: 16-17). In 2003 an adjustment was made to the Nationality Act making opting and naturalisation more difficult. This reflected overall policy changes by the Dutch government, which tried to develop immigrant integration policies with a much more assimilatory character (Van Beek et al. 2010: 16).

With the aim of designing policies specifically for immigrant minorities, the Dutch government has chosen to keep detailed statistical records concerning ethnic identities. In statistical terms all Dutch nationals with at least one parent born abroad are labelled allochthonous (*allochtoon*). Dutch nationals of whom both parents are born in the Netherlands are labelled autochthonous (*autochtoon*). It follows that third generation immigrants are counted as autochthonous. Although these statistical categories were introduced without any bad intent, the term *allochtoon* has come to denote all non-Western immigrants in popular speech (De Zwart and Poppelaars 2007: 387, 389). In practice, the debate on immigrant integration has become structured around the place of allochthones in Dutch society.

In recent years there has been increasing debate concerning citizens with multiple nationalities. A second passport is seen as an impediment to integration into Dutch society. In 2009 over one million Dutch nationals were in possession of a second passport. Of them 282,000 also held a Turkish passport, 260,000 a Moroccan passport and 237,000 a passport from an EU member state, although the political debate rarely mentions the latter. In 1992 the principle of *renunciation of the original nationality* when acquiring Dutch nationality, introduced with the 1985 Dutch Nationality Act, was abolished. This led to a considerable rise in requests for Dutch nationality especially by Turkish nationals living in the Netherlands. A side-effect was a steep rise in new Dutch nationals partaking in local elections. However in 1997 the renunciation principle was reinstated and in the 2008 changes to the Dutch Nationality Act it was accentuated. An implication was that second generation immigrants too are required to give up their non-Dutch nationality. Also, an individual who has committed a crime against the state can now be deprived from his or her Dutch nationality (Van Beek et al. 2010: 17-18).

1.2.3. The Netherlands and the EU

The Netherlands is one of the founding members of the EU and driving forces of the European project. During the Second World War plans were made for an economic union between Belgium, the Netherlands and Luxemburg. In 1946 the Benelux was created and two years later customs duties were removed and a common external tariff was created. During the 1950s economic harmonisation was perfected, resulting in an economic union in 1960 (Urwin 1997: 79). In 1952 the Netherlands was the first nation to raise the idea of a common European market and the only country in which there existed a broad consensus between the different parties on the notion of economic integration (Urwin 1997: 99, 104). The Benelux served as a working experiment whilst serious consideration was given throughout Western Europe to a pool of coal and steel resources (Urwin 1997: 83). The Netherlands was one of the six original members of the European Coal and Steel Community (ECSC) and the European Economic Community (EEC) (Urwin 1997: 101).

With this role of the Netherlands as protagonist of the European project in mind, it is especially surprising that the Dutch voted with 62% against the European constitution in the 2005 referendum,

which had a noticeable high turnout of 63%. This surprise is strengthened when taking into consideration that the Dutch have been the most enthusiastic of the European project when compared to the peoples of the other five founding members. Also, 128 out of 150 seats in parliament favoured ratification of the European constitution showing a large gap between popular and elite sentiments (Aarts and Van der Kolk 2006: 243).

The Dutch 'no' can be explained by growing feelings of discontent with the rapid pace of European integration. The EU has increasingly come to be seen as costing money instead of ensuring what it was designed for, namely economic growth. There is an overall feeling that the introduction of the Euro has made life more expensive. Also, the vast expansion of the EU has led to expectations that the wealthier nations will have to contribute more than they already do. The rapid eastward expansion of the EU, and the question of Turkey's accession, was seen as a threat to Dutch culture and Dutch jobs because they would possibly be relocated to cheaper member states. Also, with increasing expansion it was feared the Netherlands would lose its political influence within the EU (Aarts en Van der Kolk 2006: 244-245).

1.3. Cultural diversity challenges

To outside observers it sometimes seems as if at present cultural diversity challenges in the Netherlands are exclusively related to immigration and Islam. However, as we will show in this section, diversity challenges continue to concern both native minorities and post-war immigration minorities. In addition, the way the Netherlands has dealt with diversity challenges concerning post-war immigration minorities is in part influenced by notions stemming from diversity challenges concerning native minorities in the past. For each minority we briefly mention its historical background, its current position in Dutch society and events around which religious, linguistic, ethnic and cultural differences become public issues. We present relevant statistical information on the minority groups in separate tables.

In the last part of this section we analyse in greater depth different challenging events that have taken place in recent years. The reason we proceed in this way is because diversity challenges in the Netherlands are usually discussed in relation to different combinations of minority groups. Mostly they focus on more conservative or Orthodox religious groups and on immigrant groups. We distinguish between three different clusters of events. These are events and discussions related to (1) the existence of special institutions catering to different ethnic and religious groups (faith-based schools, ethnic organisations) and whether or not these enhance segregation and feelings of alienation between different groups in Dutch society; (2) gender equality and equality of sexual orientation versus religious autonomy, especially in relation to conservative religious and immigrant groups; (3) free speech and its limits, especially with regard to vulnerable groups and Islam. We discuss crucial events in these clusters and the ways in which Dutch institutions and society have dealt with them. Hereby we aim to identify the relevant practices, norms, and institutions at play, and, if relevant, the various usages of concepts such as tolerance, acceptance, respect, pluralism, national identity and national heritage.

1.3.1. Minority groups and cultural diversity challenges in the Netherlands: an overview

For the Netherlands it makes sense to make a rough distinction between 'native minorities' and 'post-war immigration minorities'. The first category contains those groups that continue to be seen by others (and continue to define themselves) as different from the mainstream society, mostly for linguistic, cultural or religious reasons. These include religious groups, some of which are (at least to some extent) geographically concentrated (Catholics in the Southern provinces of Brabant and Limburg, Orthodox Protestants in the 'Bible belt' from the South West province of Zeeland to the North East part of the country) and some of which are less clearly geographically concentrated (Jews).

The category of native groups also contains two regional-linguistic minorities: the Frisians, who have their own language (Frisian), and a political party, the Frisian National Party, which seeks and actively promotes regional autonomy, and the Limburgers, who share a dialect and have a somewhat ambivalent relation to the western provinces of Holland. The second category contains post-war immigration groups. Here we make a distinction between colonial migrants (Indonesians, Moluccans, Antilleans and Surinamese), labour migrants (Turks and Moroccans) and Asylum seekers. Given the prominent role issues around Islam has played in public debate over the past decade we briefly discuss Muslims as a separate group.

Table 1.1: Religious Minorities in the Netherlands in % of the population

	1990	2000	2009
None	38	40	44
Roman-Catholic	33	32	28
Dutch Reformed	17	14	9
Orthodox Reformed	8	7	3
Protestant Church Netherlands	n/a	n/a	6
Other religious (including Islam)	5	8	10

Source: Statline - Central Bureau for Statistics (CBS 2010)

Table 1.2: Native Regional-Linguistic Minorities in the Netherlands

	2006	2009
Inhabitants of the province Friesland	642,230	644,811
Inhabitants of the province Limburg	1,131,938	1,122,604

Source: Statline - Central Bureau for Statistics (CBS 2010)

Table 1.3: Dutch population and main post-war immigration minorities

	1996	2000	2005	2010
Total	15,493,889	15,863,950	16,305,526	16,574,989
Autochthonous	12,995,174	13,088,648	13,182,809	13,215,294
Allochthonous	2,498,715	2,775,302	3,122,717	3,359,603
Western Allochthonous	1,327,602	1,366,535	1,423,675	1,501,309
Non-Western Allochthonous	1,171,113	1,408,767	1,699,042	1,858,294
Main post-war immigration groups				
Indonesian	411,622	405,155	396,080	382,411
Moluccan	n/a	40,000*	n/a	n/a
Surinamese	280,615	302,514	329,430	342,279
Antillean and Aruban	86,824	107,197	130,538	138,420
Turkish	271,514	308,890	358,846	383,957
Moroccan	225,088	262,221	315,821	349,005
Immigrants from CEE countries				
Polish	5,910	5,645	10,968	43,083
Bulgarian	550	713	1,924	12,340
Romanian	1,466	1,397	3,020	7,118
Hungarian	1,133	1,385	2,029	5,294
Slovakian	205	579	1,239	2,844
Czech	350	887	1,707	2,602
Lithuanian	127	338	970	2,126
Latvian	63	146	361	1,143
Former Soviet Union	13,485	22,625	44,419	55,896

Former Yugoslavian	56,220	66,947	76,301	70,119
Somali	20,060	28,780	21,733	27,011
Sudanese	943	3,919	7,285	6,329
Iraqi	11,278	33,449	43,708	52,102
Afghanistani	4,916	21,468	37,021	38,664

Source: CBS Statline 2010

*estimate, see Smeets and Veenman 2000: 41

Table 1.4: Minorities and Dimensions of Difference

Dimensions of difference	Citizenship	Racial	Ethnic	Religious	Cultural	Linguistic
Native religious						
Catholics				X		
Orthodox Protestants				X		
Jews			X	X		
Native linguistic						
Frisians			X			X
Limburg						X
Immigrant colonial						
Indonesians		X	X	X	X	
Moluccans		X	X	X	X	
Surinamese		X	X	X	X	
Antilleans		X	X	X	X	
Immigrant labour						
Turks	X	X	X	X	X	X
Moroccans	X	X	X	X	X	X

1.3.2 Cultural diversity challenges concerning native minorities

The native minorities we will discuss in this section are religious minorities: Catholics, Jews, orthodox Protestants, and regional minorities: Frisians and Limburgers.

Catholics

In 2009 Catholics were by far the largest religious group in Dutch society with 30% of the population belonging to the Roman Catholic Church (CBS 2010). Regular church visits in this group are in decline, with 23% of all Catholics visiting church at least once a month in 2008 (CBS 2009: 23). Catholicism remains dominant in the provinces south of the Rhine-Meuse delta, North Brabant and Limburg (CBS 2009: 42). For a long time in Dutch history Catholics were a tolerated but marginalised minority in the Netherlands and they played only a secondary role in the nation state. Catholics only managed to become a minority partaking in the power sharing structure of Dutch society in the late 19th and 20th century (Sengers 2004: 131). One can argue that Catholics thus emancipated from being a group that was merely tolerated into a group demanding recognition and equality. Key to dealing with their marginalised position in society was organisation: a wide array of Catholic social organisations were founded like schools, charity organisations, labour unions and sports organisations. In these organisations Catholics were socialised in Catholic values, strengthening their attachment to the

Catholic movement. Throughout the nineteenth and twentieth century preservation of Catholic unity was emphasised by authoritative figures in the Catholic community (Sengers 2004: 132-133). Dutch Catholics created a Catholic pillar which could not be marginalised in society anymore. The Catholic Peoples' Party (*Katholieke Volkspartij, KVP*) became a permanent member of Dutch coalition governments since 1917 (Van Praag 1998: 295-296). At present Catholics hold prominent positions in the governing Christian-Democratic Appeal (*CDA*).

Illustrative of the ways Roman Catholics were marginalised until quite recently is the fact that until 1972 local authorities had the possibility to forbid Catholic processions if these were not a familiar and established practice in the local community. In local communities that were dominated by Protestants, processions thus remained outlawed until the constitutional revision of 1972. The nature of the emancipation of Catholics in Dutch society has changed since the 1960s, because secularisation and the diminishing of the adherence to church life were especially strong in the Catholic sub-culture (Kennedy and Zwemer 2010). Since the 1980s many Catholic social institutions, such as newspapers, media and also schools, have chosen to no longer advertise their confessional identity in a prominent way. In the 1980s Dutch bishops sought to re-emphasise the Church's role by combating secularism and the permissive trend in sexual morality. This conservative policy remained largely without effect both within the Catholic community and in Dutch society as a whole (Sengers 2010: 91).

One set of issues around which Catholics and especially the leaders of the Catholic Church tend to be exposed and criticised in public debate concern ethical issues (euthanasia, abortion) and sexual morality (contraception, gay rights). This demonstrates how the norms of liberal-secular 'tolerance' can be perceived as a form of intolerance by Catholic groups. Actually, the more secularism and progressive values with regard to gender equality and sexual morality have gained the upper hand in Dutch society, the more the Catholic Church is criticised. Not surprisingly the recent scandals around sexual abuse of children in Catholic institutions have contributed to this as well. Recently the values of the Catholic Church clashed with values dominant in Dutch secular society, when in February 2010 the parish priest from Reusel refused to give communion to an openly homosexual parishioner. The incident led to a protest by gay interest organisations at the church service of the diocese in Den Bosch. At the service the priest stated that 'correct' sexual conduct forms part of the preconditions for taking communion, whereupon the protesters loudly left the service. The diocese has settled the matter by deciding that from now on it is up to the parishioners' own conscience if they can accept communion or not. In practice this means that the priest will not refuse communion, but that the individual believer should understand that being openly gay and being a devout Catholic do not go well together (*NRC Handelsblad*, 4 March 2010).

Jews

In the second half of the twentieth century the Jewish presence in the Netherlands had declined considerably due to the Holocaust. When compared to other European countries, a relatively high number of Dutch Jews were murdered in the Holocaust. From the 107,000 Jews that were deported only 5,200 survived. In 1941 the Jewish population in the Netherlands counted more than 160,000 people. In 1966 this number was a small 30,000 (Knippenberg 2001: 196-197). In 2009 there were almost 52,000 Jews in the Netherlands, less than 1 percent of the total population (Solinge and Van Praag 2010).

Where Calvinists and Catholics developed their own pillar within Dutch society, Jews developed along the opposite route of assimilation. Areas with a large presence of Jews were the cities of Amsterdam, The Hague, Rotterdam and Groningen. Although Jewish organisations did exist within these cities, they were also the places where socialism, liberalism and the process of secularisation prospered. Through their dominating presence in sectors as the diamond industry, commerce, banking and clothing, Jews were continuously brought into contact with liberals and socialists and their ideas and organisations. It is therefore no surprise that there are many Jews among the founding members of various Socialist and Liberal organisations (Knippenberg 2001: 202-203).

Several factors can explain why, on the whole, there is little public concern about the Jewish community and its distinctive religious and cultural practices. The Jewish community in the Netherlands is relatively small, and because of secularisation and the fact that mixed marriages are more common than marriages with Jews the number of religious (as opposed to ethnic) Jews has been declining (De Vries 2006). Besides, the Jewish community is well integrated in Dutch society and the memory of the events during the Second World War and of anti-Semitism in Europe constitute a barrier to public criticism of Jewish practices and institutions. Although there has been contestation around specific Jewish practices, such as ritual slaughtering. In February 2011 the Dutch parliament discussed a proposal by the Animal Party (*Partij voor de Dieren, PvdD*) to ban ritual slaughtering without pre-stunning. In June 2010 the existence of a hidden synagogue in Amsterdam became national news and led to an emergency debate in parliament. The congregation of thirty orthodox Jews feels unsafe to present themselves as Jews in public. Jews are harassed and bullied in public and Jewish organisations like schools, but also family celebrations, are in need of protection (*Het Parool*, 19 June 2010). This is not a mere incident and the rise of anti-Semitic violence has been a concern for several years in the larger Dutch cities. The Centre for Information and Documentation on Israel (CIDI) reported that there have been 167 anti-Semitic incidents in 2009, a sharp increase of 55% compared to 2008 (CIDI 2010). In October 2010 one city district in Amsterdam decided to allocate 135,000 Euro a year for the protection of Jewish institutions such as schools and synagogues. In December 2010 former EU commissioner Frits Bolkestein stated that orthodox Jews, who are recognisable as Jews in public, are better off emigrating to Israel or the US. Bolkestein sees no future for them because of the rapidly growing anti-Semitism among especially Moroccan youths (*De Pers*, 6 December 2010). There was criticism towards Bolkestein's remarks which some considered being one-sided given the role of scapegoat that has been attributed to Muslims and the Moroccan youth, and the accompanying widespread instances of criticism towards them.

There is also a repeated debate upon the growing difficulties to teach about the Holocaust in Dutch schools, especially because of the growing polarisation around the Israel/Palestine conflict and the increase of anti-Semitism among pupils.² Incidents with Moroccan youth (who disturbed the annual commemoration of the Second World War in 2003 in Amsterdam) resulted in special programs to teach tolerance and include children of immigrant background in the commemoration of the Holocaust. A related project was called 'radicalisation in the classroom'. Several cities, including Amsterdam, have developed initiatives to also involve migrant organisations in ceremonies of commemoration of the Second World War.

Orthodox Protestants

One native religious minority that figures repeatedly and prominently in public debates on diversity challenges in the Netherlands are Orthodox Reformed Calvinists, who live mostly in a 'Bible belt' from the South West province of Zeeland to the North East part of the country. Orthodox Reformed Calvinists adhere to a strong version of neo-Calvinism and seceded from the mainstream Dutch Reformed Church in the 19th century. Within this group the so-called pietistic Dutch Calvinists (*bevindelijk gereformeerden*) adhere even more strictly to the Bible as the word of God and they are characterised by conservative teachings, opposing abortion, euthanasia and work on Sundays, rejecting modern amenities such as television or cinema and opposing mandatory vaccination (Schuster 2009: 157). Of the Dutch population in 2009, 9% sees itself as Dutch Reformed, 3% as Orthodox Reformed and 6% as belonging to the Protestant Church Netherlands (CBS 2010).³ In these communities of

² A study among 339 history teachers in secondary schools held in April 2010 showed that one in five teachers has experienced Muslim students objecting to classes on the holocaust. See "Muslim pupils have difficulties with Holocaust class" in *Elsevier* April 27 2010.

³ In 2004 the Dutch Reformed Church merged with the orthodox Reformed (Calvinist) churches and the Evangelic-Lutheran churches into the Protestant Church Netherlands (*Protestantse Kerk in Nederland, PKN*). The first two find themselves reunited since the 1834 secession. The new congregation has 2,5 million members (*Trouw*, 1 May 2004). However the

pietistic Dutch Calvinists, the Political Reformed Party (*Staatkundig Gereformeerde Partij, SGP*) finds most of its voters. The party program of the SGP is founded on the Bible as the word of God and states that the political aim of the party is a political order based on the word of God. Since the election of 1922 the Political Reformed Party has consistently obtained between 1 and 3 out of 150 seats of parliament and is the oldest Dutch political party.

In Dutch public debate several events have been raised over the past decades concerning Orthodox Reformed Calvinist groups. Often these debates are about drawing boundaries between what is tolerable and what is intolerable. An important set of issues involve the boundaries of the forms of associational and collective autonomy that Orthodox groups can legitimately claim. In the domain of education, for example, the debate has been about whether or not Orthodox Reformed schools can discriminate against gay teachers, either by refusing them or by asking them not to be explicit about their homosexuality. Another set of issues relates to the associational autonomy of schools with regard to the curriculum, for example whether these schools can refuse to teach about evolution theory or whether they can refuse to distribute educational material on homosexuality. The refusal, on religious grounds, of parents to have their children vaccinated also leads to debate. Also in the political domain Orthodox Calvinists are challenged, notably around the position of the Political Reformed Party. In the final part of this section we will discuss more elaborately the diversity challenges that involve Orthodox Reformed Calvinists.

Frisians

Next to religious minorities, there are also cases of diversity challenges concerning geographical minorities in the Netherlands, even though we hasten to add that these challenges appear less often in the newspaper headlines than those involving religious groups or immigrants. In 2009 the province of Friesland inhabited 644,811 people (CBS 2010). Frisians used to inhabit a larger area of the northern part of the Netherlands and Germany than the present-day province of Friesland. In 1945 the Frisian Movement published its program emphasising the inseparability of Frisians from the Kingdom of the Netherlands, but also arguing, without any resonance on the national stage, for decentralisation (Hemminga 2006: 144). In 1962 the Frisian National Party (*Fryske Nasjonale Partij, FNP*) was founded as a federalist regional party. In 1966 the FNP obtained one out of 55 seats of the provincial assembly. In 2003 the FNP obtained 7 seats of the provincial assembly (Hemminga 2006: 143).

The FNP's slogan is 'Frisian and Federal'. The FNP favours the principle of subsidiarity in a European context, arguing for governing powers for the lower administrative units. Governing power should belong to higher administrative units only when lower units are incapable of fulfilling them. Towards this end the FNP argues that municipalities should be placed above provinces and the state in the Netherlands, but also in the wider European context (Hemminga 2006: 149).

There have been various international initiatives to protect regional and minority languages. For instance, in 1996 the Universal Declaration of Linguistic Rights was accepted in Barcelona. In 1998 the European Charter for Regional and Minority Languages was ratified which functions as a binding international treaty (Gorter 2003: 3). Notwithstanding these initiatives to protect regional and minority languages and the fact that Frisian has officially been recognised as the second language in the province of Friesland, the Frisian language is increasingly under pressure in contemporary society. First, internal migration has caused increasing blending of Frisian and Dutch speaking people. Second, external migration has led to the presence of non-native languages in the Frisian cities and due to the government's allocation policy of asylum seekers throughout the country, in the smaller towns too. Third, English has become a dominant language in everyday life, especially in the household through television, but also in areas of information technology, advertising, tourism, commerce and education. The rise in non-native Dutch languages in Friesland had been accompanied by a decline of Frisian dialects (Gorter 2003: 32-33). This process is likely to continue in the near future even though the

(Contd.)

merger was not welcomed by everyone and led to secessions between those who favoured it and those who opposed it. (Trouw, 2 July 2004).

current Minister of the Interior is proposing plans to strengthen the use of Frisian in the public sphere, for instance by using Frisian on governmental forms and by using it as the first language in Frisian schools.

Limburgers

A province with a distinct regional dialect is Limburg, the southernmost province of the Netherlands bordering Belgium and Germany. After its once prospering mining industry came to a halt, Limburg has been characterised by social and economic deprivation. At present, Limburg still lags behind the rest of the Netherlands concerning socio-economic issues. Unemployment in Limburg is higher than the nation's average and the average household income in Limburg belongs to the lowest of the country. The people of Limburg have a relatively low education level. Since 2000 drug related crime has risen explosively in Limburg. The population in Limburg is shrinking, a trend that will continue throughout the coming decades (Aarts and Schmeets 2010: 56). In 2000 the population of Limburg was 1,141,192 and in 2009 it was 1,122,604 (CBS 2010).

In the 2010 national elections one in four Limburgers voted for the Freedom Party (*PVV*), whose leader Geert Wilders is a Limburg native. In almost all municipalities of Limburg the Freedom Party gained the majority vote. With its support of the Freedom Party, the electorate in Limburg differs markedly from the national voting pattern. Wilders' success in Limburg can be partly attributed to his being a Limburg native seen as other parties had no or a very limited Limburg representation. Regional minorities who have their own dialect, such as the Limburgers, do not cause major diversity challenges in Dutch society. Nonetheless, the recent support in Limburg for Geert Wilders does illustrate there continues to exist a feeling of discrimination among them. Also other regional groups have protested against what they perceive as the cultural dominance of the Western provinces of Holland and how this is reflected in politics and the media. In the recent provincial elections of 2011 the Freedom Party sought to position itself as a party defending regional autonomy by loudly proclaimed that 'Limburg should belong to the Limburgers' and 'Twente [a region in the Eastern part of the country] to the people from Twente'.

1.3.3. Cultural diversity challenges concerning post-war immigration minorities

As we have mentioned above, migration has over the past 60 years contributed to the forming of new identities and forms of cultural diversity in Dutch society. In the period following the Second World War there have been different forms of immigration to the Netherlands. Between 1946 and the early 1960s immigrants mainly came from the former Netherlands East Indies (Indonesia). In the 1960s and 1970s immigrants were mostly 'guest workers' from the Mediterranean region and post-colonial immigrants from the Caribbean region (Surinam and the Dutch Antilles). Even though labour recruitment policies were ended in the mid 1970s, immigration from Turkey and Morocco continued throughout the 1980s and 1990s because of family reunification and family formation. Finally, asylum seekers constitute an important group of immigrants, especially since the 1990s (Bruquetas-Callejo et al. 2007: 9-11). The Dutch government has pursued different policy approaches to deal with post-war immigration; these will be alluded to in this section.

In this section we distinguish between post-war immigration minorities resulting from colonial immigration, labour immigration, and asylum seekers. We also discuss the position of Muslims in the Netherlands.

Colonial immigrants – Indonesians and Moluccans

Colonial immigrants to the Netherlands consist of migrants from the former Netherlands East Indies, from Surinam and from the Netherlands Antilles. Migration from these former colonies occurred in this order. From 1946-1962, as many as 300,000 repatriates from the Netherlands East Indies migrated to the Netherlands (Vermeulen and Penninx 2000: 5-6). This group consisted of people who had a

relation with the former colonial regime, amongst them a significant portion was of Indonesian-Dutch decent. The prevailing feelings of resentment within this group regarding the dissolution of the colonial regime and their demands for retribution to the Dutch government were largely ignored (Oostindie 2010: 25-26). Still, this group of immigrants managed to integrate rapidly into Dutch society because of a number of factors, including their relatively high level of education, familiarity with the Dutch language and culture, the dispersion of immigrant families over the country and the growing of the Dutch economy in the second half of the 1950s.

The successful and rapid integration of the Indonesians is usually contrasted to the very painful and difficult incorporation of another group of post-colonial migrants who came to the Netherlands in the wake of the independence of Indonesia. In 1951 around 12,500 inhabitants of the Moluccan Islands, a part of the Indonesian Archipelago, migrated to the Netherlands. This group consisted mostly of soldiers from the former colonial army and their families. Both the Dutch government and the Moluccans believed their stay in the Netherlands would be temporary. They expected the Moluccans could one day return to a Free Republic of the Moluccas (*Republik Maluku Selatan, RMS*), an independent state that was proclaimed in 1950 but which was not recognised by the Indonesian government. Therefore the Dutch government's policy towards the Moluccans was aimed at isolating them from wider society (Vermeulen and Penninx 2000: 6). In 1959 Moluccans were located in regular quarters in various cities spread over the Netherlands. In the 1970s Moluccan youths undertook violent actions against Indonesian diplomatic institutions in the Netherlands to demonstrate their discontent with Indonesia's policy towards the Republic of the Moluccas. They also tried to force the government to alter its stance towards the position of Moluccans in Dutch society. Through the Memorandum on Moluccans (*Molukkersnota*) of 1978 the Dutch government clarified that the government would now view the Moluccan presence in the Netherlands as permanent (Smeets and Veenman 2000: 44-45). Measures were taken to enhance Moluccan participation in Dutch society, in particular in the domains of education and the labour market (Van Amersfoort and Niekerk 2006: 332). The debates on the situation of Moluccans have often revolved around the need of giving genuine recognition to Moluccan communities, both with regard to their distinct ethnic identity and with regard to their political goals. Often Moluccan leaders have insisted that mere 'toleration' was not enough and they have blamed the Dutch state for their marginal position.

It is estimated that in 2000 there were almost 40,000 Moluccans in the Netherlands (Smeets and Veenman 2000: 41). Experts agree that the second generation of Moluccans made a great leap forward when compared to the first generation, yet this trend seems to have lost some of its momentum among the third generation (Van Amersfoort 2004: 168). Resulting from their initial isolation from wider Dutch society, homogeneous Moluccan neighbourhoods still exist today. These communities are threatened by new policy from the social housing corporations who believe homogeneous neighbourhoods are an impediment to integration (*Trouw*, 5 January 2010). In January 2010 violent riots occurred in a Moluccan-Moroccan neighbourhood in Culemborg. The former Moluccan dominated neighbourhood mainly consists of social housing for the lower segment of the market, causing an influx of lower class Moroccan families in recent years. The social housing corporation has answered the riots with a policy towards creating more diversity in the neighbourhood in terms of the socio-economic background of the residents (*Trouw*, 15 March 2010). These recent incidents have made it clear to the wider public that separate Moluccan neighbourhoods still exist. Simultaneously there is a debate within the Moluccan community and within Dutch society at large on whether this form of segregation is desirable. In this process the Moluccan identity is being negotiated, both between generations and in relation to the wider social contexts. It demonstrates how boundary drawing occurs in the context of shifting power relations.

Colonial immigrants – Surinamese and Antilleans

The Netherlands' other colonies, Surinam and the Netherlands Antilles, remained part of the Kingdom of the Netherlands after the Second World War. The 1954 Charter for the Kingdom of the Netherlands created one nationality within the Kingdom. Citizens from these overseas parts of the Kingdom had

free access to the Netherlands. From 1965 onwards unskilled workers from Surinam moved to the Netherlands (Vermeulen and Penninx 2000: 7). Because of this influx of Surinamese and the growing economic support of the Netherlands to both Surinam and the Netherlands Antilles, the Dutch government around 1970 came to favour independence for its former colonies (Oostindie 2010: 34). The Netherlands proposed independence to both former colonies, which Surinam accepted but the Netherlands Antilles rejected. In the years leading up to its independence, immigration from Surinam reached its peak from 1973-1975 and again from 1979-1980 towards the end of the transitional phase. Immigration continued after 1980 but on a smaller scale (Vermeulen and Penninx 2000: 7). In the late 1970s and throughout the 1980s many Surinamese faced difficulties in integrating into Dutch society. Unemployment was high and Surinamese were frequently associated with drugs, crime and violence (Van Niekerk 2000: 72). However, Surinamese also often encountered discrimination and racism. At present about 40 per cent of all Surinamese people live in the Netherlands (Oostindie 2010: 33), a total of 329,279 people in 2010 (CBS 2010).

Because the Netherlands Antilles has remained part of the Kingdom of the Netherlands, the Antilleans can still move freely throughout the Kingdom (Oostindie 2010: 37). Immigration from the Netherlands Antilles grew considerably after 1985 due to crises in the local oil industry, and has remained high ever since (Vermeulen and Penninx 2000: 7). Only recently, on October 10 2010, have the Netherlands Antilles been dissolved with some islands becoming independent nations within the Kingdom, and the others becoming municipalities of the Netherlands. In 2010 there are 138,420 Antilleans living in the Netherlands (CBS 2010).

The vast majority of Surinamese and Antilleans have Dutch nationality. Although there is still a gap between Surinamese and native Dutch in socio-economic terms, Surinamese find themselves in an upward trend of social mobility. Compared to other immigrant groups the Surinamese were less dependent upon low-skilled labour making them less vulnerable (Niekerk 2000: 90). Concerning Antilleans in the Netherlands there is less reason for optimism. A large majority of Antillean families are single mother households, often dependent upon benefits. Among Antilleans unemployment is three times higher than among the Dutch. Furthermore many Antilleans find themselves at low levels of socio-economic rankings and criminality among Antilleans is high (Van Hurst 2000: 106, 119).

Because of their skin colour Surinamese and Antilleans have been confronted with racism in Dutch society. Especially the murder of the Antillean teenager Kerwin Duinmeijer in 1983 by a young neo-Nazi sent a shockwave through Dutch society and led to massive manifestations against racism. Another issue that has been of great concern to the Surinamese and Antillean communities in the Netherlands is the history of slavery. In 2002 a monument to commemorate the history of slavery in the Dutch colonies was opened in a park in Amsterdam.

Labour immigrants – Turks and Moroccans

After the Second World War the education level of the Dutch grew rapidly, resulting in a shortage of low-skilled labourers. This was especially felt during the economic boom from the 1960s until the first oil crisis in 1973 (Vermeulen and Penninx 2000: 10). To fill these labour shortages so called ‘guest workers’ were recruited from Italy, Spain, Portugal, Greece and Yugoslavia. After the oil crisis of 1973 immigration from these nations declined significantly. Due to economic growth in these nations a sizeable portion of immigrants returned throughout the seventies (Vermeulen and Penninx 2000: 6). Recruitment agreements were also set up with Turkey (1963) and Morocco (1969). Where migration from Southern Europe declined after 1973, it grew from Turkey and Morocco mainly due to family reunification (Vermeulen and Penninx 2000: 6-7). Moroccan migrants mostly come from the rural Rif, where it was common that men would work elsewhere for periods of time and then return to their families (Nelissen and Buijs 2000: 178-178). However, guest workers from Morocco but also from Turkey did not return to their country of origin, as was anticipated by the Dutch government, but instead became permanent residents.

The economic crises in the Netherlands of the 1970s led to a thorough restructuring of the Dutch economy. The industrial sector was decimated whilst the service sector expanded. Labour migrants

who previously worked in industry did not meet the requirements needed to work in the service sector, like communicative skills and being able to speak fluent Dutch (Vermeulen and Penninx 2000: 10-11). After 1983 employment in the Netherlands increased but unemployment among immigrant groups remained high (Vermeulen and Penninx 2000: 12-14).

In 2010 there were 383,957 Turks in the Netherlands (CBS 2010). Turks in the Netherlands form tight-knit communities wherein traditional norms and values are upheld. However the adherence to traditional values forms an impediment for Turkish youths to fully participate in Dutch society and climb the social ladder. The relatively low socio-economic position of most first generation Turks is very unlikely to change. On the other hand, Turks have set up a wide network of ethnic organisations and there is a relative high turnout of Turks at local elections (Böcker 2000: 173-174). An issue that is sometimes discussed in relation to Turks in the Netherlands is honour related violence (Korteweg 2005). In January 2011 a group of prominent Dutch-Turkish professionals published a manifest urging Turkish youths to focus on the Netherlands instead of on the Turkish community that lives in the Netherlands. The manifest stressed the importance of integration within the wider Dutch society in order to avoid a future of segregation (Ozdil 2011).

In 2010 there were 349,005 Moroccans in the Netherlands (CBS 2010). Around 40% of Moroccans are born in the Netherlands (Nelissen and Buijs 2000: 189). The role of teenage Moroccan men often dominates the debate on integration in the Netherlands, more so than Turks and other ethnic minorities. Their integration into Dutch society is perceived as especially problematic partly due to recurring negative reports on certain Moroccans' deviant behaviour. This has resulted in blindness towards behavioural diversity among Moroccans in the Netherlands (Nelissen and Buijs 2000: 192). Even though in public perception the situation of Moroccan migrants is worse than that of Turkish migrants, they are nowadays often subsumed under the category of 'Muslims'.

Labour immigrants from EU member states

In May 2007 the Netherlands opened its labour market to citizens from new EU member states in Central and Eastern Europe (CEE). By far the most labour immigrants from these CEE countries come from Poland. A period of transition is in place for citizens from Bulgaria and Romania who still need a permit to work in the Netherlands (Engbersen et al. 2010: 115-116). However, because it has become easier for Bulgarians and Romanians to travel to the Netherlands, their number too has increased since the EU enlargement of 2007 (Engbersen et al. 2010: 128, 130).

In 2010 there were 40,083 Poles, 12,340 Bulgarians and 7,118 Romanians in the Netherlands (CBS 2010). Engbersen et al. suggest that because irregular migration, whereby migrants do not report their leave to the authorities, cannot be measured, these statistics underestimate the actual number of labour immigrants from CEE countries (Engbersen et al. 2010: 116, 127). It is estimated that in 2008 there were at least 100,000 nationals from CEE countries working on a temporary or permanent basis in the Netherlands. Most of them found work in agriculture and horticulture. Other forms of labour for CEE nationals include industrial production, chauffeurs and various forms of unskilled work (Engbersen et al. 2010: 130).

Especially local authorities show concern for the steep influx of Poles. The municipality of Rotterdam organised a 'Poles summit' in 2007 to discuss with other municipalities how to handle problems resulting from Polish immigration, such as the increase of Polish children attending Dutch schools whilst they barely speak Dutch, or deviant behaviour from Polish men resulting from alcohol abuse. Seen as especially problematic was the fact that most Poles move to troubled urban areas that already have an overrepresentation of immigrants who barely speak Dutch and are insufficiently integrated into Dutch society. Lastly, many Poles live in inadequate housing, mostly overcrowded, with lack of sanitation and fire-hazards. Such living conditions are unsatisfactory to both the immigrants and the wider community (Engbersen et al. 2010: 134-135).

In November 2010 an alderman for the Labour Party (*PvdA*) in The Hague, Marnix Norder, called on the government to take a stand in Brussels against the growing problems concerning CEE immigrants

in Dutch municipalities. Norder spoke of a 'tsunami' of CEE immigrants in the Netherlands, a term often used in the past by Geert Wilders whilst addressing immigrants from Muslim countries. Norder wanted to make clear that the real problems concerning integration evolve around immigrants from CEE countries instead of around immigrants from Muslim countries. According to Norder it is naive to think that immigrants from CEE countries will one day return home. Norder pleads for European legislation whereby, for instance, EU citizens who move to a member state for four years are required to learn the language of the host country (*De Volkskrant*, 2 November 2010). In December 2010 Norder pleaded for forced repatriation of unemployed CEE immigrants (*De Volkskrant*, 11 December 2010). These ideas have now found some resonance at the national level. In February 2011 the Minister of Social Affairs, Henk Kamp (Liberal Party, VVD) suggested that Poles who are unemployed should be sent back to Poland. Several parties in the Dutch Parliament and the Polish embassy in the Netherlands have raised questions concerning these plans, which seem to violate EU regulation on free movement of EU nationals.

Asylum seekers

From the mid-1980s the number of asylum seekers in the Netherlands has risen considerably. The first asylum seekers mostly came from Eastern Europe and the former Soviet Union. In the 1990s the Netherlands experienced an influx of asylum seekers from the war-torn former Yugoslavia and from Somalia. In 1994 a record number of 53,000 asylum seekers entered the Netherlands (Nicolaas and Sprangers 2007: 41). In 1998 the Netherlands obtained the second largest percentage of refugees, after Switzerland, relative to its population size. Governmental policy towards asylum seekers is increasingly directed on the European level (Vermeulen and Penninx 2000: 8). In 2008 the EU experienced a 6% increase of asylum seekers, whilst asylum seekers to the Netherlands almost doubled when compared to 2007. In total 13,400 first requests for asylum were made in the Netherlands in 2008, mostly by Iraqis and Somalis (Sprangers et al. 2009: 22-24). Asylum seekers in the Netherlands face different challenges. For example, in the mid 1990s there were often protests against the founding of new collection centres for asylum seekers. In 2005 a fire in a detention centre for illegal migrants and asylum seekers who were to be expelled at Schiphol Airport caused the death of 11 migrants. The incident provoked a wide debate on the inhumane character of Dutch asylum policy. One group of asylum seekers that is seen as highly vulnerable are Somali refugees. A recent report indicated that unemployment among this group is very high and that Somali families 'cumulate risk factors' (Regioplan 2010)

Muslims in the Netherlands

Over the past decade the discussions on immigration and integration in the Netherlands has more and more focussed upon the situation of Muslim migrants and the role of Islam in society. At present one finds many references to the situation of 'Muslims', which are now seen as a distinct group, whereas until the mid 1990s the main focus was on different ethnic groups. In this light it makes sense to at least briefly introduce Muslims as a minority group in this section.

It is estimated that in 2009 there were 907,000 Muslims in the Netherlands, which is about 5.5% of the population. Of all Muslims in the Netherlands 73% is of Turkish or Moroccan decent (FORUM 2010: 7). Only small minorities of Turks and Moroccans in the Netherlands, 3% and 5%, see themselves as non-religious. Muslims in the Netherlands experience religion in very different ways. However, religious identity is connected to ethnic identity, resulting in a form of 'religious ethnicity' which is shared with members from other ethnic groups. Moroccan youths identify stronger with their ethnic-religious identity than with their ethnic-national identity: being a Muslim means more than being from Moroccan decent. Younger generations of Muslims are more inclined towards religious individualism than older generations. Also, Moroccans and Turks who enjoy higher education or have stable employment are less religiously involved (Demant et al. 2007: 7-8).

Political discourse concerning Muslims in the Netherlands has become markedly harsher in the last decade. In public debates a variety of societal issues, like domestic violence and deviant behaviour by

Moroccan youths, are presented as stemming from Islam. Islam in the Netherlands is not seen as part of a developing Dutch society, but as coming from outside, resulting from immigration (Maussen 2006: 18). In the past decade the politicians Ayaan Hirsi Ali and Wilders have featured most prominently in this changing discourse, although various other politicians too have unequivocally condemned Islamic practices and a perceived 'Islamisation' of the Netherlands. In her autobiography entitled *Infidel* (2007) Hirsi Ali, former Member of Parliament for the Liberal Party (VVD), uses the experiences of her childhood years in Somalia, Ethiopia, Saudi-Arabia and Kenya to illustrate Islam's oppressive character especially towards young girls and women. On 2 November 2004, movie director Theo van Gogh was assassinated by a young Moroccan Muslim radical for directing Hirsi Ali's movie *Submission I*. Herein Van Gogh portrayed a naked Muslim woman wearing only a see-through veil with phrases from the Quran written on her body.

In the wake of the murder of Van Gogh, mosques and Islamic schools were set on fire and Muslims were called on to distance themselves from radical Islam, also by leaders from minority communities (Penninx 2006: 250-252). More recently, Wilders argued for the deportation of all suspects of Islamic radicalism in the Netherlands (Demant et al. 2007: 32). In 2007 Wilders called for a ban on the Quran, comparing it with Hitler's *Mein Kampf*. According to Wilders a moderate Islam does not exist, there is only a fascist Islam (Wilders 2007). In December 2010 Labour Party (*PvdA*) leader Job Cohen remarked that Muslims in Dutch society are being excluded in a similar way as Jews were being excluded from Dutch society prior to the Second World War. Cohen blames this mostly on Wilders and his Freedom Party's agenda of sowing fear of Muslims (*De Volkskrant*, 16 December 2010a).

Three major issues dominate the almost continuous debate on Islam and Muslim in the Netherlands. First, there is a wide debate on the degrees of collective autonomy that should be given to Muslim communities and Islamic organisations and on whether or not religiously motivated forms of behaviour should be tolerated or not. These debates usually focus on widely mediated individual cases of Muslims who refuse to shake hands with members of the opposite sex, who refuse to stand up in court or who want to wear specific forms of dress (headscarf, face-veil). Second, especially since the murder of Theo van Gogh, there has been a wide debate on the dangers of radicalisation among young Muslims in the Netherlands. Many local governments have developed special programs to prevent radicalisation. Simultaneously programs have been set up to create combat discrimination of Muslims and create more understanding and tolerance between different communities living in the Netherlands. Finally, there is a more general debate on whether or not 'Muslims' are sufficiently 'integrated'. This debate primarily focuses on the need for cultural assimilation. Some politicians claim that Muslim immigrants lead 'parallel lives' and they argue that the conservative values that are dominant in Muslim communities clash with the norms and values of a liberal and secular Dutch society. In the latter context political leaders of the Freedom Party (PVV) repeatedly demand 'less Islam', meaning both a curb on 'immigration from Muslim countries' as well as creating obstacles for the creation of Islamic institutions, such as mosques, ritual slaughtering and faith-based schools. Overall the present debate on Muslims in the Netherlands is more focussed on defining the boundaries between what is tolerable and intolerable than on moving from tolerance to genuine recognition and equality.

1.3.4. Three clusters of events related to diversity challenges of the last decade

Whereas in some other European countries 'diversity challenges' can be neatly related to distinct minority groups, in the Netherlands it makes more sense to focus on clusters of events around which forms of ethnic, cultural or religious difference are challenged and which bring different groups into the picture.

We distinguish between three different clusters of events. These are events and discussions related to (1) the existence of special institutions catering to different ethnic and religious groups (faith-based schools, ethnic organisations) and whether or not these enhance segregation and feelings of alienation between different groups in Dutch society; (2) gender and sexual equality; and (3) free speech and its

limits, especially with regard to vulnerable groups and Islam. We discuss crucial events in these clusters and the ways in which Dutch institutions and society have dealt with them. Hereby we aim to identify the relevant practices, norms, and institutions at play, and, if relevant, the various usages of concepts such as tolerance, acceptance, respect, pluralism, national identity and national heritage.

Special institutions and parallel societies

A major issue in Dutch public debates on diversity relates to the relationship between, on the one hand, the cultural and institutional legacies of pillarisation and, on the other hand, immigrant integration policies and the ways ethnic organisations and institutions have been recognised by Dutch authorities. In public debate Muslims are on centre stage, but depending on the events or issues that set off debates, other religious groups (Orthodox Calvinists or Jews) or other immigrant groups enter the picture. A major concern is whether the existence of special religious institutions and networks of ethnic organisations will not result in a highly segregated society in which different groups lead 'parallel lives'. Another major concern is whether there is not too much room for conservative religious groups and immigrants in the Netherlands to adhere to extremely illiberal ideas and values and to uphold forms of behaviour and cultural practices that violate liberal norms of equality and individual freedom. Some people argue that at present the Dutch context provides too many associational freedoms and grants too much collective autonomy to conservative religious and immigrant groups. These debates are therefore concentrated on what practices and ideas should *not* be tolerated in a liberal society. In order to understand the distinctively Dutch context of these debate we need to return briefly to, on the one hand, the legacy of 'pillarisation' and, on the other hand, the impact of Dutch multicultural policies of the 1980s and 1990s.

In many respects the institutional structure stemming from pillarised society is still in place today. A fundamental part of the institutional inheritance of pillarisation is the Dutch educational system which is built on the pacification of 1917. Hereby confessional schools are granted equal material resources as public schools, and it ensures confessional schools are not administered by the state. Most pupils in the Netherlands are enrolled in confessional schools. However, the differences between confessional and public schools have diminished because all schools are obliged to follow the same curriculum. The confessional character of a school can be expressed through extra-curricular activity and additional religious education (Sunier 2010: 119). For religious minorities arriving in the Netherlands after the high point of pillarisation, this institutional opportunity meant that they could claim facilities in the same manner as established groups in Dutch society had done (Penninx 2006: 243-244). Thus religious newcomers, including Islam and Hinduism, have founded many faith-based institutions that now exist alongside Catholic, Jewish and Protestant institutions. In the domain of education, for example there were 43 Islamic primary schools and two Islamic secondary schools in 2010 (FORUM 2010: 41).

Alongside the legacies of pillarisation and the institutional opportunities for newcomers to set up religious institutions, there exist Dutch governmental immigrant integration policies and the ways the Dutch embarked upon policies of 'multiculturalism' in the 1980s and 1990s. Early Dutch immigrant integration policies of the 1980s, known as Ethnic Minorities Policies, showed a structural similarity to the foundational ideas of pillarisation. Ethnic Minorities Policies were based on the distinctions between cultural minority groups and the approach was driven by the twin ideals of equal opportunities and respect for cultural differences. A flourishing multicultural society could develop if immigrants would be enabled to participate fully and equally in society and if discriminatory talk and behaviour were not permitted. The slogan 'integration with retention of cultural identity' became the motto of Minorities Policies. Emerging ethnic elites rapidly picked up this policy slogan to argue that successful integration did not require cultural assimilation and to justify their attempts to create community based institutions (Maussen 2009: 192). Part of this policy was encouraging the creation of immigrant organisations through government subsidies (Penninx 2006: 243-244). For the government these organisations had a bridge function between the migrant and Dutch society. It was thought that group membership would have integrating effects on its migrant members (Sunier 2010: 122).

However, to be considered for subsidy, activities needed to be presented as ‘cultural’ and ‘authentic’, leading immigrant organisations to reproduce stereotypical notions about themselves. Also, groups were assumed to be homogeneous, ignoring diversity within groups and overemphasising differences between them. This system of subsidisation led to the fossilisation of views about minority groups (Schrover 2010: 335, 345, 348).

Towards the end of the 1990s, public discourse on multiculturalism became more critical (Penninx 2006: 252). Multiculturalism was criticised for leading to a ‘multicultural tragedy’ (Scheffer 2000). National and international events like September 11th 2001, the murder of anti-establishment parliamentary candidate Pim Fortuyn allegedly for his firm stance on multiculturalism, and the slaying of Theo van Gogh, contributed to a more critical public and political stance towards the integration of ‘Muslim-ethnic’ minorities in Dutch society. A policy memorandum of 2003 entitled *Integration Policy New Style* intended to develop more assimilatory immigrant integration policies. The leading concepts became ‘citizenship’ and ‘individual responsibility’ and the emphasis is on the cultural adaptation of immigrants to Dutch society (Bruquetas-Callejo et al. 2007: 20).

State funding for confessional schools is still in place but over the past decade there is more and more debate on the structure of the Dutch educational system in relation to diversity challenges. There is a discussion on secularism and whether or not the state should finance faith-based schools and there are discussions about the degrees of associational autonomy of denominational schools, for example with regard to curriculum, the hiring and instruction of teachers and the right to refuse pupils who do not support the school’s ideological profile. Especially the will to see immigrant Muslim minorities assimilate into Dutch society has led to questions on the desirability of state funded confessional education. Instead of benefiting integration, Islamic schools are seen as instruments of segregation. According to philosopher Paul Cliteur, contemporary society is foremost grappling with a lack of social cohesion and state funded confessional education does not contribute to its re-strengthening (Cliteur 2004: 14).

A second, and related, debate is about the ways the Dutch history of pillarisation and policies of multiculturalism continue to hinder, rather than facilitate, immigrant integration. For instance Sniderman and Hagendoorn conclude their book on identity politics and conflicts of values in the Netherlands by writing: ‘Multiculturalism has helped to make it unclear whether Muslim immigrants will commit themselves as a community to a liberal society like the Netherlands, precisely because it has made it unclear whether they should’ (Sniderman and Hagendoorn 2007: 138). The integrative effect of institutional practices associated with ‘pillarisation’ will not take place with the creation of a Muslim pillar, so critics argue. The institutions that support such a pillar would sooner disconnect its members from wider Dutch society due to the lack of a specific Dutch history among its members. Then, Dutch Muslims would not have the same opportunity as for instance the Catholics in the nineteenth century had, to bind themselves to the Dutch state. However, Jewish and Christian minorities strongly oppose changing the institutional structure of state funded confessional education and introducing a uniform public education model. The general thrust of these debates is to define the limits of tolerance in a liberal state that operates in a context of a society of immigration.

Gender equality and equality of sexual orientation

Different incidents have occurred in the last decade wherein religious and immigrant minorities conflicted with dominant societal norms of gender equality and equality of sexual orientation. These debates often focus on events related to religious diversity and especially confrontations between progressive values and principles and Orthodox religious groups. These debates focus on the boundaries between what is tolerable and what is intolerable.

With regard to gender equality various issues arise. In the above, we have already discussed the Political Reformed Party’s stance towards women in politics. In 2003 the Clara Wichmann Institute and other advocacy groups for women’s rights, filed a court case against the state for subsidising the Political Reformed Party. In the Netherlands all political parties elected to parliament receive state subsidy. According to the Clara Wichmann Institute the Political Reformed Party discriminates against

women because its statutes prohibit women from becoming members of the party, a practice which the state should not allow let alone subsidise. Because women cannot become members of the Political Reformed Party they also cannot be elected into public office. The judge ruled in favour of the complainant motivating that there should be a level playing field for men and women in politics and that political parties should ensure this is the case. The Political Reformed Party has failed to do so and the state has failed to do anything about this, on the contrary, it is subsidising the Political Reformed Party (Dölle 2005: 110-114). Hereupon subsidy for the Political Reformed Party was cancelled for 2006. Taking this into consideration and under pressure from some of its members, the Political Reformed Party decided to allow membership for women, although women are still excluded from obtaining political office. Both the state and the Clara Wichmann Institute have filed several appeals in reaction to the 2005 ruling. In 2007 the Council of State (*Raad van State*) argued that in practice women are not discriminated against in Dutch politics because they can become members of other parties and can be elected into office through them. Due to this verdict the Political Reformed Party was re-allowed its 2006 subsidy. However, in 2010 the Supreme Council (*Hoge Raad*) ruled that the state should take appropriate action to ensure that female members of the Reformed Party can also be elected into office (*Reformatorsch Dagblad*, 14 April 2010). This debate is exemplary of ongoing discussions in the Netherlands on the scope of associational autonomy of Orthodox Calvinist institutions such as schools and political parties and attempts to define the boundaries between what is tolerable and what is intolerable.

Another major issue concerns how principles such as equal treatment and equal respect for people with a different sexual orientation relate to principles such as the associational autonomy of religious organisations. In April 2001 the Netherlands was the first nation to allow gay marriage. Equating marriage between people of different and the same sexes was seen as a logical next step in Dutch libertarian social practices. However, there has been debate on whether or not civil servants can refuse on religious grounds to bind a gay marriage. Another example is the one we have mentioned above, namely the polemic around the recent stance of the Catholic Church towards homosexuals receiving communion. In relation to Islam, the political presence of Pim Fortuyn fuelled the debates around gay rights and homophobia. Pim Fortuyn fiercely opposed Islam for its rejection of homosexuality. According to Fortuyn, who was openly gay himself, Muslims view homosexuals as inferior beings. Fortuyn emphatically remarked that he did not want to 'have to re-do the emancipation of women and homosexuals all over again' (*De Volkskrant*, 9 February 2002). However, with public and political discourse concerning multiculturalism becoming more critical, this achievement was thought to be under threat from orthodox Muslims. In May 2001 Moroccan born Imam Khalil El-Moumni condemned homosexuality and labelled it as a contagious disease which threatens Dutch society (*De Volkskrant*, 4 May 2001). In April 2004 it became known that the Amsterdam El Tahweed-mosque sold Dutch translations of Islamic publications which stated that homosexuals should be killed by throwing them from high buildings with their 'head first' followed by stoning (*Trouw*, 21 April 2004). The alderman for Amsterdam at the time, Ahmed Aboutaleb (Labour Party), Moroccan born and at present the mayor of Rotterdam, declared that the mosque's leaders need to be aware that such works have no place in a mosque (*Trouw*, 21 April 2004).

The tensions between, on the one hand, gay rights and equality, and, on the other hand, conservative values and religious convictions do not only concern high held principles. Intolerant behaviour and violence against homosexuals continues to be a problem as well, in the Netherlands as well as in other European countries. Reports of violence against homosexuals had risen by a quarter in 2009 when compared to 2008, meaning that such incidents occur on a daily basis (*De Volkskrant*, 19 January 2010). It is clear that attention to homophobic violence has been given more media attention in light of multiculturalism debates (Buijs et al. 2009: 43). Young Moroccan men are overrepresented among the perpetrators of violence against homosexuals (Buijs et al. 2009: 30): in Amsterdam, 16% of the population aged 24 and below is Moroccan and 36% of physical acts of violence against homosexuals can be attributed to them. Religious culture and religious education do influence opinions on homosexuality but this does not cause acts of violence against homosexuals (Buijs 2009: 129-130).

Moroccan born Ahmed Marcouch, at the time chairman of the district Slotervaart of Amsterdam, argued in 2009 that the annual gay-pride boat parade should start from Slotervaart because it has a large population of Moroccans. According to Marcouch 'imported traditions should not negate Dutch achievements' (*Het Parool*, 31 March 2009). Marcouch's proposal stranded on logistical problems.

In sum, violence against homosexuals has centred prominently in the changing public and political discourse on multiculturalism. Incidents like the El-Moumni and El-Tahweed mosque strengthen the notion that after being freed from Christian conservatism, the Dutch are now threatened by Islamic fundamentalism (Mepschen et al. 2010: 966). Openly gay men have come to represent Dutch neoliberal modernity versus Muslim-ethnic minorities who represent traditionalism (Mepschen et al. 2010: 970). Islam is often labelled as the cause for violence against homosexuals in political discourse. Especially Geert Wilders' Freedom Party (*PVV*) sees a direct connection between anti-homosexual violence and Islam (Buijs et al. 2009: 31).

The incidents and discussions mentioned under this heading show an increasing awareness in Dutch society of the tensions between liberal values concerning sexual morality, gender equality and equality of sexual orientation and the values and opinions of conservative religious groups. In the case of religious organisations and faith-based organisations this often leads to debates on the limits of associational autonomy. In society in general tension may result in discrimination and even violence. In these debates the focus is often on distinguishing between what is tolerable and what is intolerable.

The limits of free speech

Over the past decade 'free speech' has become a key issue in debates on cultural diversity in the Netherlands. Whereas in the 1980s and 1990s the focus was on the need to prohibit discriminatory and racist speech, in recent years the main thrust of discussions is that freedom of speech should not be curtailed, especially not out of the will to protect the 'sensibilities' of religious or immigrant groups. These debates on free speech usually evolve around defining what is tolerable and what is intolerable.

One of the most prominent figures in the debates on free speech is the late Pim Fortuyn who was assassinated in 2002. In that year he had remarked in an interview that Islam is a 'backward culture' and that there is no shame in showing pride and preference for 'our Western culture' (*De Volkskrant*, 9 February 2002). With his motto 'I say what I think and I do what I say', Fortuyn claimed to say what many people, including politicians, thought, but did not dare to say. This fear for coming across racist is, according to the American/Dutch journalist Ian Buruma, in part informed by a feeling of guilt stemming from the horrors of the Holocaust, which 'hangs over Dutch life like a toxic cloud' and 'the shame of it poisons national debates to this day' (Buruma 2006: 19). For Fortuyn the only limit to what can be said is a call to violence (*De Volkskrant*, 9 February 2002).

The polarisation accompanying the immigration and integration debates in the Netherlands since the Fortuyn revolt has been characterised by a libertarian attitude of being in your right to simply say 'what is on your mind'. In 2008 the vice-premier and leader of the Labour Party (*PvdA*) Wouter Bos feared his party was returning to the political correctness of before the Fortuyn revolt. Bos called for more polarisation in the debate on immigration. According to Bos, integration cannot be achieved without strong polarisation and simply 'telling it like it is' (*De Volkskrant*, 1 March 2008). This kind of arguments resemble the defence of a more 'intolerant liberalism' that is present in other European countries as well.

Over the past years there have also been debates on the need to revise the Dutch rules and legislation that regulate free speech and its limits. Some have argued that religious sensibilities and vulnerable groups should be protected. However, the predominant view is that a more libertarian view on free speech is preferable. Illustrative is a debate in 2008 when the minister of justice, Ernst Hirsch Ballin, was asked by a parliamentary majority to revoke article 147 of Dutch criminal law which prohibits blasphemy. The majority of secular parties in Dutch parliament reasoned that religious citizens do not need more protection than non-religious citizens. Hirsch Ballin, prominent member of the Christian Democratic Appeal (*CDA*), initially opposed the parliament's request. However Hirsch Ballin later

agreed to the request but at the same time proposed an alternative: he wanted to revoke article 147 but strengthen the anti-discrimination measures that protect a group as stated in article 137c. According to secular parliamentarians a strengthening of 137c would entail the same as leaving 147 in tact (*De Pers*, 31 October 2008). A consequence of strengthening 137c would be that indirectly insulting a group of people on the basis of their religion would be prohibited. Secular parliamentarians feared that freedom of speech would hereby be severely curtailed. However, an attorney-general of the High Court (*Hoge Raad*) ruled that criticising a religion is not at the same time also a critique directed to adherents (*De Pers*, 13 January 2009). Hirsch Ballin's proposal was unsuccessful due to lack of parliamentary support.

Another illustration of the way the issue of the limits of free speech figures prominently in Dutch debates on diversity is the trial of Geert Wilders. In 2008 Wilders made the anti-Quran movie *Fitna* and he has made numerous other controversial statements on Islam and Muslims. In January 2009 the court of Amsterdam demanded the National Prosecution follow up on charges made against Wilders by several anti-racist organisations. The court is of the opinion that Wilders is prosecutable because of the content of his utterances and his presentation style. The latter is characterised by one-sidedness, generalisations and increasing harshness which, according to the court, comes down to inciting hatred. The court believes Wilders does insult individual Muslims because he attacks their symbols and affects them in their religious dignity. The court believes Wilders' comparisons of Islam to Nazism are especially insulting and that such utterances do not serve the general interest. The court believes its stance is in line with the norms of the European Convention on Human Rights which values freedom of speech but also rejects inciting hatred (*Gerechtshof Amsterdam*, 21 January 2009). In September 2009 the National Prosecution decided to prosecute Wilders for insulting a group of people and inciting discrimination and hatred. Wilders is now prosecuted for articles 137d for inciting hatred and discrimination and 137c for his comparisons of Islam to Nazism. The trial against Wilders took place in October 2010. According to Wilders the freedom of speech was on trial. Wilders' lawyer has rebuked the judges for lack of objectivity twice, the last time being successful. The trial will be done again in 2011 with different judges. The National Prosecution is still not convinced of the case, during the trial it demanded no sentencing if Wilders was to be found guilty. This case illustrates how the regulation of (political) speech is a crucial arena in which cultural diversity challenges in the Netherlands are discussed.

1.4. Conceptualisations of tolerance and practices of toleration in the Netherlands

In this section we discuss definitions of tolerance that figure in the media, books and scholarly articles.⁴ We distinguish five conceptualisations that, so we argue, structure the discursive space in which ideas about toleration and acceptance are being articulated in the Netherlands. We discuss each by looking at what conceptualisation of tolerance and acceptance it consists of and what the historical contexts, social practices and institutional arrangements are that are primarily associated with it.

1.4.1 Toleration of minorities

A first approach speaks of toleration in the relations between a majority and minorities. The values, beliefs and norms of the majority are represented as normal, whereas those of minorities are seen as deviating and as inferior for moral, religious or cultural reasons. Diversity becomes an issue when minorities claim recognition for their position in society and demand a more equal say in affairs of the state. The reasons invoked for not actively suppressing or persecuting minorities or practices are

⁴ For this section we used a number of books by academics and journalists on the themes of tolerance and immigrant integration. Notably those by Ten Hooven (ed.) 2001, Scheffer 2007, Cliteur 2002, Buruma 2006, Sniderman and Hagendoorn 2007. We also collected essays that appeared in the quality newspapers on the issue of tolerance.

primarily pragmatic: maintaining public order, upholding peaceful relations with other countries, or protecting the interests of commerce.

Historically, ideas about toleration initially concerned relations between the dominant Calvinist group and religious minorities. In the Dutch Republic of the 16th and 17th century, dissenting protestant groups, among which were the Anabaptists, Mennonites, and Lutherans, but also Catholics and Jews, were publicly tolerated (Aerts 2001: 63). An important social practice illustrative of toleration was the clandestine church (*schuilkerk*) which allowed dissenters to worship in spaces demarcated as private, thereby preserving the monopoly of the official church in the public sphere (Kaplan 2007: 176). Their existence was not a secret because many people openly visited them. However, there were no symbols on the exterior of the buildings marking them as churches, nor did they have towers or crosses or bells calling everyone to come to service. This symbolic invisibility sufficed for the civil authorities to look the other way (Kaplan 2007:172-197). Another characteristic was the fact that all groups, including Catholics, would choose a relatively reticent and introvert style of presenting themselves in the public realm. All would share in a puritan public order which disapproved extravagant behaviour (Aerts 2001: 69). There was little open debate and criticism between the different groups. The governing elites of the cities were mainly concerned with maintaining peace and public order in a religiously divided country, motivated in part by the interests of commerce and industry.

The practices and virtues associated with toleration are sometimes presented positively. For example, despite the fact that religious minorities were often discriminated against they were not violently persecuted in the Netherlands. In contemporary debates one comes across the notion that ‘deviating’ minorities have to be tolerated, but that this also entails obligations on the side of these minorities. For instance in discussions concerning the presence of Islam in Dutch society, some argue that Islam should not be too visible in the public realm and that Muslims should not cause ‘offense’. To that end Muslims should express their differences in a ‘more reticent’ or ‘modest’ style.⁵

There are also more critical perspectives concerning toleration of minorities. These basically argue that toleration alone is not enough, and that minorities are entitled to full recognition and equal treatment in society. Here we find an illustration in the Dutch case of situations in which mere tolerance is not enough and some form of recognition is demanded. Illustrative is the case of Catholics who since the mid 19th century demanded a more equal position in Dutch society and protested against rampant ‘anti-Papist’ sentiments. Their demands consisted of the right to hold processions, institute Catholic schools and build Catholic churches. Another illustrative case is that of homosexuals who since the 1960s demanded equal rights and recognition for their sexual orientation as equal to heterosexuality. Both these examples show how toleration of deviance from the perspective of the tolerated, can be unsatisfactory. The tolerated demand acceptance and equality from the majority, instead of being seen as merely a deviant group whose practices are to be ‘tolerated’.

1.4.2. Principled acceptance

A second conceptualisation sees tolerance as a matter of reciprocity between established minorities. This approach is more principled because it builds on the assumption that there are different religious and non-religious ‘philosophies of life’ (*levensovertuigingen*) that should respect one another. Also these philosophies of life should have equal positions in society and within the state. The aim is a society wherein these different views can be visible and institutionalised, whilst keeping sufficient distance between them to allow separate communities to develop themselves.

This second conceptualisation developed in tandem with a changing social imagery of the Dutch nation as composed of people belonging to different groups. These groups could agree to give one

⁵ See for example the discussions on mosque architecture and Islamic dress (Maussen 2009).

another equal rights allowing everyone to live peacefully together (Van Rooden 2010).⁶ The various groups presented themselves as sovereign moral communities within the nation-state. One of the main theorists of this approach to difference was the neo-Calvinist Abraham Kuyper, founder of the Orthodox Reformed Party (*Anti-Revolutionaire Partij, ARP*) and the Free University of Amsterdam. Kuyper spoke in support of ‘parallelism’ by which he meant ‘the right and freedom of differing religious and philosophical perspectives and movements to develop freely on separate, parallel tracks, neither hindered or helped by the government’ (Monsma and Soper 2009: 59). This implied that all the different groups and communities were entitled to visibility and institutionalisation in the public realm. This can be seen as a form of group recognition.

The ideas associated with principled acceptance have found a strong institutional base. General suffrage and proportional representation allowed each group to be represented in Parliament, leading to a situation in which coalition governments have to be formed and therefore demands must be moderated (Ten Hooven 2001: 291). In the domain of education these are equal funding of public and confessional schools and the freedom of education. One of the major institutional features of pillarisation was proportional public financing of institutions that allow a subculture to exist, e.g. in media or education. During the period of pillarisation toleration was primarily a tool used by the pillars’ elites to discourage their rank and file from intolerance against members of a different pillar. Each pillar formed a separate minority and toleration of other minorities guaranteed toleration of their own pillar. However, in practice this form of toleration resulted in a lack of contact with members of other pillars. As Aerts observes: ‘The communities recognised one another as national partners but rejected one another’s ideas and subculture. They combated one another continuously but without much passion. Tolerance came down to avoidance at best, but without positive recognition’ (Aerts 2001: 77).

The more positive perspectives on principled acceptance view it as a way of organising a deeply pluralistic society with profound differences. Communities should respect one another’s sovereign spheres and the state should aim to be equi-distant to all citizens. Thus the state needs to guarantee the associational freedoms which allow cultural and religious communities to live-out their respective conceptions of the good life. These conceptualisations are still important for ideas articulated by Christian Democrats and orthodox Christians.⁷ In the 1980s and 1990s this model of acceptance was also applied to notions concerning the cultural incorporation of immigrants. The now notorious phrase ‘integration with retention of cultural identity’ and the notion that ethnic and religious subcultures should be accommodated and should be allowed to institutionalise in society, reflect the approach of principled acceptance (Maussen 2009).

However, in the past decade or so these views have been criticised in the context of discussions on immigrant integration, Islam and Orthodox Christian demands. Critics argue that ‘parallel societies’ and ‘pockets of backwardness’ that have come into being should disappear. Furthermore, it is believed that too much respect for the ‘moral sovereignty’ of groups stands in the way of the need to protect individual rights and freedoms.⁸ It is also questioned what levels of ‘parallelism’ are viable in the context of societies that are highly individualised and obtain large numbers of immigrants. Social

⁶ It was not the case, as it was in the USA or in France, that there was an established majority which had to decide whether or not to tolerate a (new) minority.

⁷ This position is articulated both by confessional political parties such as the broad Christian coalition party CDA, the orthodox reformed minority party SGP and minority party Christian Union, by prominent legal scholars who are Christian (including Hirsch Ballin, Van Bijsterveld, Vermeulen) and by theologians/scholars/opinion leaders affiliated with more orthodox institutions (Free University of Amsterdam, University of Kampen) and newspapers such as the *Reformatisch Dagblad* and *Nederlands Dagblad*.

⁸ Already in 1996 a senator of the Christian Union (CU) argued that (orthodox) Christians, Hindus and Muslims in the Netherlands shared the experience of a growing intolerance because they lived as religious minorities in a majority culture, in which they felt more and more alienated (Ten Hooven 2001: 26). Especially the first Purple Coalition Government between 1994-1998, which was the first coalition government without a confessional party, is seen as intolerant towards religious factions (Ten Hooven 2001: 288).

goals such as economic participation and integration require a more firm socialisation into one dominant culture, so critics argue.

1.4.3 Pragmatic toleration or condoning (*gedogen*)

A third approach to acceptance is seen as illustrative, or even unique, for the Dutch situation, but is also more difficult to distinguish from what we have called toleration of minorities. These are the conceptualisations of tolerance around the concept '*gedogen*', usually translated as 'condoning' or 'pragmatic toleration'. Gordijn describes acts of pragmatic toleration as consisting of a declaration in advance, that under certain specific conditions offenders against a particular norm do not need to fear punishment (Gordijn 2001: 230-231). Well known examples include the use and possession of (soft)drugs, prostitution, the existence of brothels, euthanasia and medically assisted suicide, squatting, or parents taking their children out of school for prolonged holidays. The motivations for such practices of condoning are multiple: for instance the material or social costs of upholding a legal norm are said to outweigh the societal damage when it is being violated. Or, an official ban on paper combined with toleration in practice, provides room to balance and respect the sensitivities of different social groups.

Condoning is often seen as a continuation of the social practices associated with toleration of minorities, meaning that the state and dominant groups would seek to avoid sharp confrontations by 'looking the other way' when minorities or individuals would engage in acts that were formally illegal. However, in post-war times the Netherlands' model of pragmatic toleration smoothed the transition from a society dominated by Christian norms to a progressive and secular society. Formally legalising acts and practices that violated Christian norms, such as drug use, homosexuality or prostitution, would provoke fierce resistance by Christian groups. But the effective persecution of individuals and the active suppression of these practices would lead to strong protest from liberal factions. Pragmatic toleration serves as a tool to upset as few people as possible. Since the 1960s new life-styles of younger generations which were still seen as offensive to many in the Dutch petty bourgeois society, could nevertheless be accommodated through condoning.

In recent years condoning is less and less seen as a virtuous style of governance. Some argue that legal norms should be upheld and that pragmatic toleration will only result in erosion of the legal system (Gordijn 2001: 239). The debate on pragmatic toleration took a new turn when it became associated with the debate on immigrant integration. The notion of 'looking the other way' was now represented as functioning as an escape route when immigrants were violating legal and cultural norms.⁹ The concept came to be linked with so-called strategies of social avoidance which were seen less as a virtue and more as a sign of a lack of social cohesion. Paul Scheffer attributes the failure of immigrant integration to pragmatic toleration because immigrants who were confronted with a Dutch state that was unwilling to uphold the law, began to believe that Dutch law does not need to be taken seriously at all (Scheffer 2007: 169).

1.4.4 Multicultural recognition

The guiding concepts in a fourth approach to the handling of diversity are recognition and equal respect for cultural, ethnic, religious, and linguistic differences in a society of immigration. This corresponds to a conceptualisation of acceptance that emphasises full recognition, respect, normality and equality as values. These concepts build on the notion that inter-group relations in a multicultural society require both virtuous citizens who are open-minded, free of prejudices and want to embrace difference, and institutional guarantees to protect vulnerable newcomers, both individually and collectively. Examples of the latter are anti-discriminatory and anti-racist legislation, subsidies to

⁹ This theme is articulated for example by Hirsi Ali in her autobiography *Infidel* (2007)

maintain and develop ethnic identities, and institutional guarantees allowing for cultural and religious practices and associational and collective autonomy. Dominant in multicultural recognition is the notion of 'acceptance' by the host society which should be willing to change its ethnocentric views, primarily on national identity and cultural norms. Also, the host society should make a principled choice to allow newcomers to participate on equal footing in society and affairs of the state.

These notions of multicultural recognition have been developed in post-war the Netherlands and remained dominant throughout the first immigrant integration policies of the 1980s and early 1990s (see Buruma 2006). Horrors of the war were used to draw lessons from in terms of dealing with rightwing extremism, racism and vulnerable minorities like Jews, gypsies, and homosexuals. Also, the notion became dominant that the Netherlands should become a 'guiding nation' in the process of building a democratic Europe, advocating human rights and developing liberal legislation in domains such as medical ethics, gender and sexuality, and differing life-styles. The Netherlands also became one of the leading countries in creating institutions to monitor and combat racial discrimination in Europe.¹⁰ The Netherlands were among the first countries in Europe to pick up on ideas about multiculturalism and the need to develop policies of integration that were supportive of ethnic diversity (Penninx 2006).¹¹

These conceptualisations of acceptance have had several institutional counterparts. One concerns the legal arrangements to combat discriminatory and racist speech and the extreme right. The creation of the Equal Treatment Commission in 1994 served to demonstrate the importance of upholding article 1 of the Dutch constitution, which prohibits discrimination and guarantees equal treatment. Other measures associated with multicultural recognition include the scrutinising of Dutch legislation in 1983 to see whether it contained elements of discrimination on the basis of nationality, race or religion, the introduction of migrants' native language in schools, and the creation of local and national representative councils for ethnic groups. Another set of social practices were the attempts to create more understanding between communities. To illustrate, attempts to teach children about other cultures, revisions of curricula to include more references to issues such as slavery and colonialism, and initiatives such as the 'day of dialogue'.

Despite the fact that in contemporary public debate the ideas associated with multicultural acceptance have come under heavy fire, there are still articulate defenders of it. First, there are those who argue that a principled choice in favour of equality and pluralism combined with the notion that immigration and the existence of culturally diverse societies are a fact of life, inevitably resulting in a manner of engaging with difference that goes beyond mere toleration and entails respect, recognition and equal opportunities. Second, some argue that multiculturalism provides a more sensible approach to deal with differences in societies that are highly individualised and in which migration has resulted in far deeper forms of cultural diversity than ever before. The notion of a unified, singular and stable 'Dutch culture' which will re-emerge is portrayed as unrealistic.

However, the more critical voices towards multicultural recognition dominate the debate. One of the main critiques is that multicultural acceptance results from an unhappy marriage between excessive subjectivism and cultural relativism. Subjectivism has resulted in the notion that being tolerant or 'having an open mind' means refraining from judging others. Here we see an example of the wider debate on value relativism in Europe. The argument is that cultural relativism has led to the notion that all cultures are of equal worth and that it is inappropriate to impose Dutch or European cultures on immigrants. Critics also point to the forms of intolerance that the strong norms of anti-racism and

¹⁰ Notably the European Monitoring Centre in Vienna that was chaired by the former Mayor of Amsterdam, Ed van Thijn. In the early 1990s Dutch radio stations organised a protest campaign when asylum seekers centres in Germany were attacked by extreme right wing activists and youths. Dutch listeners sent postcards to the German government with the text 'I am furious'. In 2000, the Dutch were also frontrunners in demanding sanctions against Austria because of the accession of the extreme right *Freiheitliche Partei Österreichs (FPÖ)* to the Austrian coalition government.

¹¹ This kind of conceptualisations of multiculturalism became especially dominant in progressive parties in the 1990s, including the Labour Party (*PvdA*), the Liberal Democrats (*D66*) and the Green Party (*GroenLinks*).

multiculturalism have introduced in the Netherlands. Forms of speech or behaviour that could be seen as offensive to minorities or hurting the feelings of immigrants were banned from the public sphere.

1.4.5. The divide between the tolerable and the intolerable: Dutch liberal intolerance

A fifth and final approach entails conceptualisations of acceptance arguing that true toleration can only be achieved when it is very clear where the boundaries are between the tolerable and the intolerable, and when different groups and individuals spell out very clearly where they stand and what their differences are. A distinction is made between toleration which requires engagement, disagreement and disapproval, and toleration as a form of ignorance, relativism or disinterest. In a part of his book entitled meaningfully ‘The Netherlands, country of avoidance’ Scheffer explains that toleration is undermined by a *laissez-faire* attitude. Scheffer pleads for a stronger adherence to core values, like the foundational principles and values that support the legal-democratic order. Otherwise the conditions for a peaceful and free society will be gravely undermined: ‘upholding the norms of an open society is one of the main tasks of the state’ (2007: 167). The dissatisfaction with multiculturalism focuses on the contradictions in the multicultural dogma ‘toleration of the intolerant’ by pointing to the position of vulnerable minorities, notably women. The critics motivate that one of the main reasons not to tolerate specific ideas or practices is to uphold progressive values, notably with regard to gender equality, gay rights, and liberal education and science (Sniderman and Hagendoorn 2007).

In terms of institutional arrangements these conceptualisations entail a firm protection of free speech. This includes the right to offend and to critique religious dogmas, religious practices, and cultural practices. It also entails an obligation for minorities to justify their acts and worldviews, entailing the risk that these will not be tolerated. Thus, certain moral or legal norms, such as non-discrimination and gender equality, can result in the limitation of associational autonomy, notably of religious institutions such as confessional schools and political parties, but also of social practices in communities and families. In *Empty tolerance. On freedom and lack of commitment in the Netherlands*, Ten Hooven argues that the notion of respecting the sovereignty of specific groups does no longer work and that in contemporary times toleration is an individual virtue and an element of good citizenship. In terms of social practice, interactions between groups should not be based on avoidance and ‘looking the other way’, but rather on identifying, if not amplifying, differences, and exposure and confrontation (Ten Hooven 2001).

In a more positive evaluation this way of thinking about tolerance entails the opportunity of maintaining a free society in which liberal rights and individual opportunities are guaranteed. To some it also means that there should be a willingness to challenge conservative groups, especially if they violate the rights of vulnerable minorities. One issue that appears on the agenda repeatedly is the refusal by some Orthodox Christian groups, including Jehovah’s witnesses, to let their children be vaccinated against polio. Others frame the issue as concerning the need to maintain a threshold of cultural norms that are recognisably Dutch and argue, for example, that these should be taught in schools by creating a canon of Dutch history and civic orientation classes.

More critical perspectives entail, first, that despite the fact that this is presented as a conceptualisation of tolerance, the main thrust of the discussion is to point out what is *not* to be tolerated and to ban specific practices or limit associational freedoms. Especially in the case of Islam and immigrants the category of intolerable practices and symbols becomes larger and larger and the ways in which disapproval is expressed becomes more and more violent. Thereby the notion of toleration as ‘putting up with what one disapproves of’ becomes an empty signifier. Secondly, the process of exposing differences in order to discuss them through a ‘healthy confrontation’ is usually dominated by gross stereotypes. The alarming tone of public outcries about, for instance, ritually prepared food, lawyers who do not stand up in court or imams who refuse to shake hands, results in far more social conflicts than strategies of avoidance do. Some argue, therefore, that this way of thinking about tolerance as requiring confrontation and open debate hinders rather than facilitates societal cohesion and peace.

1.5. Concluding Remarks

In contrast to dominant notions, debates concerning cultural diversity and minority acceptance in the Netherlands do not exclusively focus on the position of Muslims and the role of Islam in society. There is also an ongoing discussion on the position of native religious minorities, notably Orthodox Calvinist groups. The history of the Netherlands is not the history of a distinct development of toleration. It is important to emphasise this point because portrayals of the tumultuous political developments in the first decade of the 21st century are often contrasted to a supposed ‘Dutch tradition of tolerance’. It would be wrong to maintain the image that until recently the Netherlands was an exemplary tolerant country and that it recently has become ‘intolerant’ and has fallen victim to a ‘backlash against multiculturalism’. In practice, however, as we have argued in this report, each time is confronted with its own specific challenges which are met with their own specific answers. From the above we want to extract some conclusions and major issues that require further examination and empirical research.

First of all, it is clear that since about ten years, notably since the Fortuyn revolt in 2002 and the following stable presence of populist parties in Dutch politics, the discourses of ‘liberal intolerance’ have become particularly influential in the Netherlands. The main thrust of this shift in public debate is that there is a need to identify the core values that characterise ‘Dutch culture’, ‘liberalism’ and ‘secularism’ and that these should become ‘non-negotiable’. As a result, so it is argued, there is a need to confront immigrant communities to enforce full respect for these values and principles. One effect of this shift in discourse has been a renewed interest in Dutch history, including attempts to identify the essence of ‘the Dutch canon’, the creation of a ‘national museum’ and efforts to instruct immigrants about ‘Dutch culture’ during compulsory ‘civic orientation lessons’. Citizenship, national solidarity and respect seem to require a renewed enthusiasm about ‘Dutch culture and Dutch values’. Politicians have also demanded that schools should teach tolerance and respect in the form of ‘citizenship education’. Another aspect of this shift in the dominant discourse on diversity issues is a widely advocated need to strengthen the principles of the separation between church and state. In the Netherlands people who position themselves as modern, liberal and progressive speak out loudly to defend values such as equality, individualism and secularism. Often this is taken to mean that religious groups and organisations should no longer be allowed to use their collective and institutional autonomy to divert from core values and norms. According to these voices, liberal values are under siege, mainly from religious groups and immigrant communities.

One striking feature of contemporary cultural diversity challenges and discussions in the Netherlands is the focus on *religious* minorities. Orthodox Calvinist groups, Catholic institutions and Muslims are publicly challenged with respect to their beliefs and practices, which are often perceived as crossing the boundaries of the ‘intolerable’. Especially around issues related to gender equality and equality of sexual orientation, many believe that principles such as non-discrimination, that have already been established legally, should also function as shared values across Dutch society. They reason that this means that exceptions to the rule should no longer be accepted. This provides opportunities for populist politicians to camouflage more general feelings of hostility towards Islam and Muslims as well-intentioned attempts to contribute to the emancipation of Muslim women. Nonetheless, in a society that secularised in rapid pace since the 1960s and that has come to define itself as ‘liberal and progressive’, there is a genuine concern about the ways conservative immigrant groups undermine norms that have become well established over the past decades. The focus on Muslims and Orthodox Christians also results in the fact that other minority groups, such as the Frisians or regional groups, are far less exposed and criticised. The same applies to many other immigrant minorities. For example, there is hardly any debate on the position of the Surinamese community in the Netherlands.

A third aspect of diversity challenges and discussions on tolerance in the Netherlands that merits attention is that there appears to be a radical change in prevailing Dutch conceptualisations of tolerance. For a long time, ‘principled acceptance’ has been crucial to Dutch governing traditions. Its philosophical foundations were developed in the second half of the 19th century, amongst others by

Abraham Kuyper. It was institutionalised in the course of the 20th century, especially in the form of church-state traditions, in the model of consensus-democracy and in the educational system. However, at present, secular voices demand less room for religious schools, a ban on ritual slaughtering and less accommodation of religiously motivated demands with regard to dress. Other elements of Dutch traditions of tolerance are also criticised. The notion that a majority in society may well disapprove of the ideas and practices of a religious minority whilst still ‘tolerating’ them, has lost much of its appeal in public discourse. The same applies to the idea that ‘pragmatic toleration’ or ‘condoning’ is an adequate governing strategy in a deeply plural society. At present public discourse on toleration centres around the ideas that tolerance should not mean value relativism and avoidance, but confrontation, defining what is acceptable and combating that which is intolerable. Interestingly, the autochthonous majority often expresses its unwillingness to ‘put up with’ or ‘tolerate’ other cultures and religions. A recurring topic in the national elections throughout the last decade has been the call to severely curb flows of immigration to the Netherlands. Although instigated by populist parties, traditional parties too have advocated the need for a highly selective immigration policy. Overall, the notion of the Netherlands as an immigrant nation has become supplanted by the notion of the Netherlands as a nation rooted in a distinct European Judeo-Christian tradition. A tradition that needs to be ‘defended’ from external influences stemming from immigration.

Finally, it is remarkable how the overall concern about ‘societal cohesion’ and ‘immigrant integration’ result in demands to restrict pluralism, for example in the form of ethnic subcultures, special institutions and the accommodation of religiously motivated demands. In public debates there are often outcries about ‘multiple loyalties’ of immigrants with dual nationality, about the existence of ethnic ‘parallel societies’ or about religious orthodox groups that isolate themselves from mainstream society. This is paradoxical, because at the level of individualised life-styles the embrace of ‘diversity’ is paramount. Also, according to popular culture everyone should be as ‘different’ and ‘unique’ as possible. It appears that the Netherlands is still trying to strike a balance in accommodating various forms of pluralism in a depillarised society of immigration.

Chapter 2 – Diversity challenges in education and school life

Inge Versteegt and Marcel Maussen

2.1. Introduction – Education and diversity in the Netherlands

The Dutch education system is organized around three levels of education: primary education for pupils between the age of 4 and 12, which includes regular and special schools for children with learning or other disabilities. Secondary education is for children between the age of 12 to 16/18 (depending on the school type) and includes tracks for vocational training (VMBO) and pre-university training (HAVO, VWO). Tertiary education includes both vocational training, universities of applied sciences (HBO) and universities.

Since 1848 the Dutch constitution guarantees educational freedom, including the right to establish schools and to determine their religious or pedagogical orientation (Karsten 2006). The constitution of 1917 established the principle of equal funding of all schools, which was elaborated in the 1920 Primary School Act. The basic structure of the Dutch education system is now defined by article 23 of the Dutch constitution (Vermeulen 2004).

Box 2.1: Article 23 Education

1. Education shall be the constant concern of the Government.
2. All persons shall be free to provide education, without prejudice to the authorities' right of supervision and, with regard to forms of education designated by law, its right to examine the competence and moral integrity of teachers, to be regulated by Act of Parliament.
3. Education provided by public authorities shall be regulated by Act of Parliament, paying due respect to everyone's religion or belief.
4. The authorities shall ensure that primary education is provided in a sufficient number of public-authority schools in every municipality. Deviations from this provision may be permitted under rules to be established by Act of Parliament on condition that there is opportunity to receive the said form of education.
5. The standards required of schools financed either in part or in full from public funds shall be regulated by Act of Parliament, with due regard, in the case of private schools¹, to the freedom to provide education according to religious or other belief.
6. The requirements for primary education shall be such that the standards both of private schools fully financed from public funds and of public-authority schools are fully guaranteed. The relevant provisions shall respect in particular the freedom of private schools to choose their teaching aids and to appoint teachers as they see fit.
7. Private primary schools that satisfy the conditions laid down by Act of Parliament shall be financed from public funds according to the same standards as public-authority schools. The conditions under which private secondary education and pre-university education shall receive contributions from public funds shall be laid down by Act of Parliament.
8. The Government shall submit annual reports on the state of education to the Parliament.

Two key principles are underlying the Dutch educational system. First, there is the freedom of education, including the rights of groups of individuals to create and operate primary and secondary schools, within certain limits, and the freedom of parents to choose a school for their children

(Vermeulen 2004: 31). Second, there is “statutory equality” of governmental or public (*openbaar*) and non-governmental or denominational (*bijzonder*) schools (OECD 2005: 15) and both are funded according to identical and equivalent criteria (Vermeulen 2004: 34). Of all primary schools about 68% is non-governmental and of all secondary schools this percentage is 70%.

Governmental schools (*openbare scholen*) are governed by the municipal council or by a public legal entity, whereas non-governmental schools (*bijzondere scholen*) are governed by the association that founded them. Governmental schools are open to all children regardless of religion or outlook, are subject to public law, and provide education based on guidelines by governmental institutions. Teachers employed by these schools are civil servants and they cannot be selected on the basis of denominational criteria. Governmental schools are free, however, to choose a specific pedagogical approach (Vermeulen 2004: 34). Non-governmental, denominational schools (*bijzondere scholen*) are subject to the same general education regulations and quality standards and they are state funded. If a group of parents wants to found a new school it has to make a request to the local authority, which once approved will be submitted for approval to the Minister (Rath et al. 2001: 72-73). A number of conditions have to be met, including that the school will have a minimum of pupils in attendance (going from 200 to more than 300 depending on the city/location) and that there is no similar school within three kilometers of the proposed area (*idem*). These schools are governed by the board of the association that set them up, base their teaching on religious and ideological beliefs or on specific pedagogical principles. They can refuse to admit pupils whose parents do not subscribe to the mission on which the school’s teaching is based (OECD 2005: 16). These schools should employ certified teachers, but they are allowed to select teachers on the basis of their religious and philosophical views. Besides religious schools, non-governmental schools include, for example, schools based on distinctive pedagogical principles, such as Montessori, Jenaplan or Dalton. In the Catholic, Protestant and Islamic school sector national umbrella organizations exist, which do not replace the autonomous school boards but function as lobbies (Dijkstra et al. 2004: 68).

All schools have to respect qualitative standards set by the Ministry of Education, including for example the subjects to be studied, the attainment targets of examination syllabuses, the content of national examinations, the number of teaching periods per year, the qualifications that teachers are required to have, etcetera (OECD 2005: 17). This is different for religious non-governmental education, because in religious schools, everything concerned with expression of the school’s religious identity is decided by the school board. This includes the method and curriculum for religious education, the rituals which are performed at a school such as a daily prayer, and the choice for celebrating or not celebrating Christmas, Easter or Eid al Fitr.

The Inspectorate of Education (*Onderwijsinspectie*) acts under the authority of the Ministry of Education and supervises primary and secondary public and denominational schools. The Education Council (*Onderwijsraad*) is the main advisory body of the Minister of Education.

Over the past years there has been a lot of discussion about the decreasing quality of education in the Netherlands and especially about the ineffectiveness of the many large scale reforms carried through over the past decades. In February 2008 a Parliamentary Commission (*Dijsselbloem Commissie*), published a report about educational reforms in the 1990s. The commission concluded that the government had paid too little attention to its core task, namely seeing to the quality of education, and had mingled too much with the precise educational methods and approaches used inside the classroom.

Religious, cultural and ethnic diversity in the Dutch education system

The vast majority of Dutch schools is still organized on the basis of a religious identity and 57% of the primary schools are Christian (Dijkstra and Miedema 2003: 21). Partly as a result of secularization, the majority of Catholic and Protestant schools do not have a strongly distinctive character anymore (Vermeulen 2004: 35-36). Post-war migration has resulted in the establishment of Islamic and Hindu schools. Other religious developments have also left their imprint on the panorama of religious schools, illustrated for example, by the rise of Evangelical schools.

Table 2.1 Market share of public and denominational school

Schools in 2009	Total 7,517 primary schools	Total 657 secondary schools
Public	32.1 %	29.6%
Roman Catholic	29.9%	24%
Protestant-Christian	3.4%	19.1%
General denominational (Montessori, Jenaplan, Steiner)	7.3%	14.4%
Reformed	3.4%	2.0%
Evangelical	0.1%	0.6%
Muslim	0.5%	0.3%
Hindu	0.1%	--
Collaborative school (i.e Protestant/Catholic)	0.8%	9.4%
Jewish	--	0.2%

The motivations of parents to choose a religious school, which in most of the cases will be a Christian school, vary and often the choice is not motivated exclusively or primarily by religious reasons. Parents select these schools because they generally have good educational performance, a good atmosphere, a good connection with secondary education and a good reputation in teaching social skills (Dijkstra and Miedema 2003). Socio-economic characteristics of parents also matter in this process of selection of schools, because parents with a lower level of education are over-represented in public schools (Versteeg 2010: 57).¹²

Whereas the accommodation of religious pluralism thus is an essential feature of the Dutch education system, this cannot be said with regard to the accommodation of ethnic diversity. There are no (official) ethnic schools in the Netherlands.¹³ All schools are obliged to teach in Dutch. Only in Friesland schools can teach both in Dutch and in Frisian (OECD 2005: 12).¹⁴ However, “ethnic segregation” is a major aspect of Dutch schools nowadays, and there is a clear concentration of “allochtonous” pupils in some schools, and sometimes schools may even have a majority of pupils of a specific ethnic group (e.g. Turks or Moroccans).

In 2009 8,1 % of all pupils in primary education were “non-Western-allochtonous”, meaning that they are born abroad or that at least one of their parents is born abroad. This number is slightly decreasing, mostly because children born of parents who themselves were born in the Netherlands - the “third generation” – do no longer count as “allochtonous”. There are also 0,6 % children that are “Western-allochtonous”.¹⁵ However, the percentage of allochtonous pupils in primary education is over 50% in the major Dutch cities (Amsterdam, Rotterdam, The Hague and Utrecht) and in these cities some schools have up to 80% allochtonous pupils. In 2009 14.8 % of all pupils in secondary education were non-Western allochtonous and 6.4 % were Western allochtonous. Furthermore, some vocational schools have much higher percentages.

There is also room for the expression and recognition of ethno-cultural and religious diversity within the context of all schools (governmental and non-governmental). This includes, firstly, attention for

¹² This picture looks dramatically different in the case of Islamic schools, however, because they tend to have a lower score on these socio-economic and educational performance variables.

¹³ When an elite school opened in Rotterdam in 2006 that catered almost exclusively to Turkish students this led to critical reactions. See “Controverse rond nieuwe ‘Turkse’ eliteschool” in *NRC-Handelsblad* January 27 2007.

¹⁴ The suggestion that Islamic school teach children in the “language of their country of origin” (Sniderman and Hagendoorn 2007: 18) is mistaken.

¹⁵ We do not elaborate here further on the rationale behind Dutch statistics on ethnicity (see Maussen and Bogers 2011). See www.samos.nl for these statistics.

religion in the curriculum, not only in the form of “teaching about religion” but also in the form of religious instructions. The Primary Education Act of 1985 imposes “a duty on the competent authorities to help arrange religious instruction in accordance with the wishes of parents for their children” (Rath et al. 2001: 65). Governmental authorities do not bear any responsibility for the content of such instruction. Whereas this type of religious instruction in governmental schools exists for Christian children it is virtually absent for Muslim children. At various occasions there has been a debate on whether or not public schools should teach religion.¹⁶ Secondly, there is the issue of teaching about the cultural background of immigrants. Programs to teach immigrant languages and culture in schools have been ended.¹⁷ Emphasis has shifted away from Dutch schools stimulating teaching of immigrant cultures, to the school as an instrument for integration. Nonetheless, ethno-cultural diversity still plays a role in the curriculum as something to be “learned about”, even though the precise way this should be handled has changed in the context of ever stricter integration policies and the focus on citizenship education (*burgerschapsvorming*) (see below). There is also more attention for the way in which education can play a role in teaching about cultural and religious diversity and how the school can function as an institute that fosters respect and tolerance (Versteegt 2010: 67ff.) (see below).

Immigration has not only resulted in attempts to cope with cultural and ethno-religious pluralism, it is also increasingly, and perhaps more urgently, related to social inequality and socio-economic segregation in Dutch society. Ethnic and social segregation in schools is now a general phenomenon in the Netherlands (Dijkstra et al. 2004: 82). In public and academic discourse the distinction between schools with a high concentration of immigrant children and those with a majority of autochthonous, Dutch pupils is commonly phrased as the distinction between “black” and “white” schools (e.g. Vedder 2006). Schools with a proportion of 50% enrollment of children from an immigrant background are considered black schools. In 2004 about 8 percent of all primary schools was “black”, but in the four largest cities: Amsterdam, Rotterdam, Utrecht and The Hague; this percentage was over 50%.

An important factor in the development of segregated schools is the so-called “white flight”; autochthonous parents avoid sending their children to schools that have a too high percentage of allochthonous children. They fear that “black schools” provide education of lesser quality, that the overall performance of pupils and mastery of the Dutch language will be lower (resulting in negative peer effects, Dronkers 2007: 19-23), that these schools have a bad reputation, and that there will be a “mismatch between home and school” (Karsten et al. 2003: 471). Ethnic concentration is strengthened by the academic selectivity of the school system. Immigrant students are generally academically less competent at the completion of primary education and, by consequence, they are “overrepresented in the lowest-level programs of junior vocational high schools and underrepresented in the pre-university schools” (Vedder 2006: 41). Most allochthonous children attend junior (age 12-16) vocational high schools (VMBO).

In general terms the number of “white” schools is higher in the sector of non-governmental education: 30% versus 18% in public schools. Yet, there is also variation as to the level of ethnic segregation between different types of denominational schools: 95% of the schools based on an Anthroposophic philosophy is considered “white” and the same goes for 87% of the reformed schools and 87% of non-

¹⁶ In 2008 a Moroccan-Dutch city-district alderman in Amsterdam, Ahmed Marcouch, a prominent member of the Social Democrat Party (PvdA) suggested that it would be better if Islamic religious instruction was taught in public schools. See “Geen enkele belemmering voor islamles” in *Trouw*, 27 June 2008.

¹⁷ In the era of guest workers policy (roughly from 1974-1981) mother tongue language and culture-classes were provided in Dutch schools for the children of immigrant workers, motivated by the idea that they should be enabled to learn about their country of origin and should be equipped for successful re-integration upon the day of return. In the period of multicultural Ethnic Minorities Policies (1983-1989) this was replaced by education in the mother tongue, first as *Onderwijs in Eigen Taal en Cultuur* (until 1995) and later as *Onderwijs in Allochtone Levende Talen* (OALT) (from 1998-2004). In practical terms this meant there were optional, extra classes in Turkish or Arabic that were taught in Dutch schools, but outside the regular curriculum and school hours.

religious denominational (Montessori, Dalton etc.). Of Protestant-Christian schools 41% are classified as “white” and of the Roman Catholic schools 29%.

Over the past decades policy measures have been developed to tackle ethnic and socio-economic segregation in education. Several municipalities have developed policies aiming to spread allochthonous and autochthonous (or more generally advantaged and disadvantaged) pupils more evenly across schools. However, the possibilities for developing these kinds of “spreading policies” are limited. Because of the freedom of education, most municipal policies rely on the voluntary collaboration of both school boards and parents. These Dutch experiences seem to confirm the picture that attempts to fight social segregation and “class flight” are massively resisted and that there are few opportunities to enforce desegregation of schools (Bader 2007: 272).

Schools receive additional money when they have a certain percentage of disadvantaged students. Until recently a school would receive 1,9 factor contribution for pupils with (non-Western) immigrant parents, which could be used for example for remedial teaching and special attention for learning Dutch. This policy has recently been modified and a new “weight-regulation” [*gewichtenregeling*] will calculate additional funding based upon a variety of indicators of disadvantage, including notably the level of education of parents and whether or not they are of immigrant background. In addition, more and more emphasis is given to the need for immigrant children to learn Dutch at an early age. The so-called “pre-school” (*voorschool*) for children aged 2 to 4 intends to provide opportunities for these children to learn Dutch more easily and adequately.

Present day public and political debates in the Netherlands

Against the background of the ongoing discussion about integration and the challenges posed by religious and ethnic diversity three mayor themes emerge in Dutch public debate with respect to the domain of education.

Firstly, there is a mayor debate that starts off from the idea that the Dutch education system contributes to ideological and cultural “segregation”, because it allows (or even encourages) that children of a different religious or cultural backgrounds receive education separately, in parallel primary and secondary schools. Another argument is that given the strong secularization trend in the Netherlands¹⁸, a school system that is still strongly shaped by religion has become anachronistic (Dijkstra et al. 2001: 2). In addition, the value-systems and basic beliefs of religious newcomers, especially Islam, are seen as strongly deviating from mainstream cultural norms, which makes it even more regrettable that children can be educated in this type of religious schools. Some people argue that societal cohesion and “integration” require that all children in the Netherlands attend schools together, without distinctions of religion or ideological background.

Secondly, there is another set of critical voices that question the legitimacy of the education system by focusing on the issue of segregation and social inequality. They argue that in the existing system children from advantaged, Dutch families intentionally go to the same schools, and the same goes for disadvantaged, allochthonous children who go to the same schools mostly unintentionally. School segregation is a result of residential and geographical segregation, but, so the argument goes, in the Netherlands non-governmental schools can more easily control the influx of pupils. They can for example refuse disadvantaged students by arguing that they do not share the religious identity of the school. In this way the “profiling” of religious schools does contribute to the emergence of “black” and “white” schools, alongside demographic factors, housing segregation and the choice-behaviour of parents (Karsten et al. 2002, Versteeg 2010).¹⁹

¹⁸ In 2007 42 percent of the Dutch reported no religious affiliation and 71 reported that they hardly ever or never attend worship services (Monsma and Soper 2009: 53).

¹⁹ One should add that non-governmental schools with a particular educational approach are more successful in selecting pupils from advantaged families, because they demand higher fees of parents and because their often freer teaching methods (Montessori, Jenaplan) seem attractive to higher-educated parents (Dijkstra 2004: 82; Vedder 2006: 39).

Thirdly, there is the idea that, especially in a multicultural society, the school should fulfill a major role in socialization of “new citizens”. It should socialize “newcomers” (read: immigrant children), teach liberal values with respect to issues such as secularism, gender equality and equality of sexual orientation. The government should more strictly see to it that schools effectively contribute to the forming of “democratic citizens”. One expert summarized the debate about the education system in relation to “immigrant integration” as a plea to use the school as an instrument for integration: “which can (1) teach children of different ethnic, religious, social, and cultural backgrounds to live peacefully together and to respect each other; (2) instill in them the basic values of democracy and the rule of law; (3) create equal opportunities for all. This argument proposes moving the Dutch system in the direction of the French system of the *école laïque* (public school) or the American system of common (public) schooling” (Karsten 2006: 29). One line of argument is that religious schools, and especially Orthodox and Islamic schools, will have a poor record in “teaching tolerance”.²⁰ Another line of argument makes a plea for more involvement of the government in developing, promoting and implementing the teaching of “good citizenship”. Others are more skeptical and argue that given the freedom of education in the Netherlands there is reluctance to see the state act as a “moral educator” (Vermeulen 2004: 49).

Against the background of these current developments and diversity challenges we have decided to focus our case studies around two major debates in the Netherlands. On the one hand, there is the debate on how the education system as a whole should cope with religious diversity, especially with regard to those religious schools that (are perceived to) exist on the boundaries of what is tolerable in a liberal society. These are Reformed schools and Islamic schools. The debates focus both on the *existence* of these schools and on the nature and boundaries of their *associational autonomy*. Even though issues related to interactions in the school context and presentation of self will inevitably play a role in these debates, our focus is on the way this is a debate about some essential features of the Dutch education system as a whole. On the other hand, there is a wide debate on how the school should fulfill a role in socializing new citizens, and notably in educating pupils in such a way that they are equipped to live in an ethnically, culturally and religiously plural society. This issue primarily concerns the curriculum and different approaches to teaching tolerance (Vogt 1997) and democratic citizenship (Bader 2007).

2.2. Methods and Data

2.2.1. Research problem and questions for the two case studies

This report draws on desk research and fieldwork. We have collected statistical data, policy documents, statements by government officials, media and examined the relevant scholarly literature. Our first Case Study focuses on the debate on the limits of toleration for orthodox religious schools. The research question in this case study is: How does tolerance and intolerance for Islamic and Reformed schools manifest itself in the Dutch debate about Freedom of Education in general, and in the opinions of practitioners of such schools in particular?

The second Case study explores whether tolerance as pedagogical aim is included in the Dutch approach to Citizenship Education. Our research aims to compare the intended to the implemented curriculum, by focusing on one example of good practice. The following research question is explored: Which ideals are expressed in Dutch Citizenship Education intentions and implementations, and how do these ideals on policy and practical level relate to intolerance, tolerance and acceptance?

In order to address a large scope of Dutch education, the first Case Study mainly describes primary education, and the second Case Study mainly addresses secondary education.

²⁰ Whether this is actually the case is another matter (see Bader 2007: 269-272). See also the case studies in this report.

2.2.2. Respondent selection and approach

The selected respondents for Case Study 1 had to be school principal of a Reformed or Islamic school (or school association). They were selected through internet search as well as through contacts with the organization for Islamic schools, ISBO.

For Case Study 2, we selected several experts in Citizenship Education and some teachers. As a selection criterion for experts we looked for people who had published official documents on the policy and implementation. We aimed at comparing two types of schools: those that wish to influence behavioural and attitude change, and those which address cognitive development in political and democratic knowledge. For the first type, we searched for a school which had participated in a project to decrease stereotypes and stigmatization. From the selected material we found several possible projects. We chose a school that had attained quite some media attention for its apparent success. They previously had a large population of extreme right-wing students, but after taking some of the students to Auschwitz in Poland to receive special training, the attitude of the students had changed. As a comparison to this school, another school type was selected. Through internet search we found several schools which had taken their class to the Parliament on an excursion.

The interview guide and a list of interviewees can be found in the appendix of this report.

In June 2011 we organized a public event and discussion group to present our preliminary findings and exchange ideas with experts, practitioners, politicians and scholars. The transcripts of this meeting were used as additional data.

2.2.3. Transcription and analysis

After the interviews were conducted (all Case Study 1 interviews and the Case Study 2 interviews with teachers took place in the school facility; expert interviews for Case Study 2 took place in a public space) they were fully transcribed. Initial analysis took place in the transcription phase of the interviews. More extensive labeling occurred when the theoretical framework had become more evident. In Case Study 1, several key issues have been selected for citation, largely those relating to associational freedom. In Case Study 2 analysis, different ideals and practical difficulties connected with citizenship education could be discerned. In the analysis and presentation of the findings we have generally be concerned to faithfully report positions and to reconstruct argumentations in relation to different discourses on citizenship, pluralism and tolerance.

2.3. Case Study 1: Christian-Orthodox and Islamic schools

2.3.1. Introduction

Freedom of education and the equal recognition of non-governmental religious schools are commonly seen as foundational to the Dutch approach to cultural and religious pluralism. However, over the past decade there is a widespread debate on whether or not Orthodox religious schools should still be tolerated.

In this case study we analyze the ongoing debate on the room for religious schools in the Netherlands, focusing on Reformed schools and Islamic schools. We argue that there is both a debate about the very right to exist of this type of government funded religious schools and on the scope of associational freedoms of these schools. By asking school directors about their school policies and practices and by allowing them to clarify the way they justify these, we hope to shed light on an important debate in the Netherlands about the value and outer limits of tolerance.

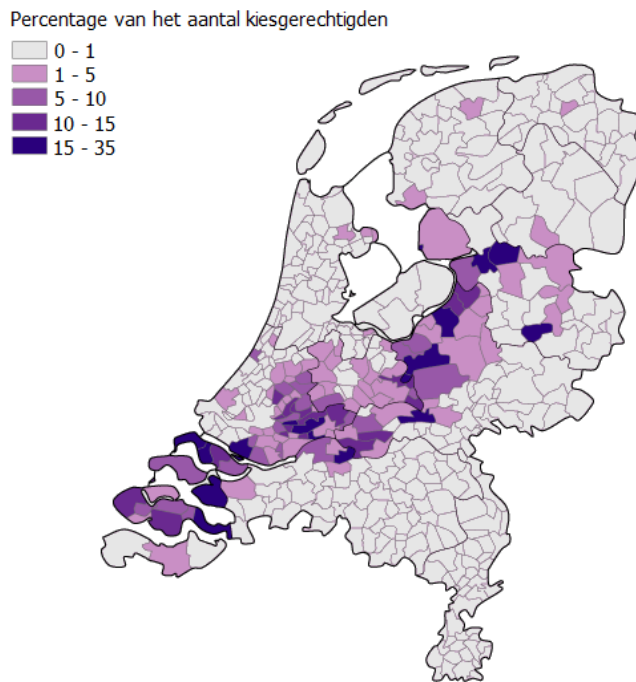
2.3.2. Reformed and Islamic schools in the Netherlands

Reformed Schools

Dutch-Reformed schools are associated with orthodox Protestant communities that mainly live on the diagonal line from the South West province of Zeeland to the North East part of the country (see picture). This area is referred to as the “Bible belt”, similar to the one in the United States. Their population size is estimated around 460,000 (Bernts et al. 2006: 91).

Map 2.1: The Dutch “Bible Belt”

Map shows the vote percentage for the Reformed Political Party (Staatkundig Gereformeerde Partij, SGP)



Source: Ministry of Internal Affairs, 2006

Theologically, the Reformed are Calvinists with a dogmatic but highly personalized belief. The Dutch Reformed do not exclude modern life entirely, but they deviate from mainstream Dutch society in a number of ways. They typically object to cinema, popular music and the use of television, and, to some extent, internet. Sundays are intended for resting at home and for Church attendance twice a day. Dancing, card playing or gambling, vaccinations and insurances are all considered problematic.

Other rules relate to purity, sexuality and gender roles. Women must wear a hat in Church service, but they do not sit separately from men. They cannot have leading positions in Church or politics. Women are also expected to grow their hair long and wear skirts or dresses, whereas men are expected to keep their hair short. Birth control, as well as sexual conduct outside of heterosexual marriage, is considered unacceptable. As a result, large families are common among the Dutch Reformed and their population is relatively young.

The number of Reformed schools in the Netherlands gradually grew since 1920. Currently, there are over 200 schools for primary and seven schools for secondary education, as well as two schools for

tertiary education (Oevermans 2011). They represent 3.4 % (primary) and 2.0 % (secondary) of the total number of schools.²¹

Islamic schools

Only a minority (10%) of the total population of children of Muslim backgrounds visit Islamic schools.²² There are 44 Islamic primary schools and 2 schools for secondary education. According to surveys among Muslim parents, there would potentially be a need for 100 more Islamic schools.²³ Islamic schools now exist for about 25 years in the Netherlands. Unlike the Reformed schools, the Islamic schools do not adhere to one single type of religious orthodoxy and the majority of teachers in these schools are native Dutch, non-Muslims (75%).

Ever since plans were made to found Islamic schools they have often been regarded as undesirable and potentially dangerous (Rath et al. 2001; Shadid 2003). In reaction to public concerns about educational performance, mismanagement and possible “anti-integration tendencies” the Inspectorate of Education has in the past decade conducted three large scale investigations into Islamic schools (see Maussen 2006: 46-47).: “The most important conclusion was that the Inspectorate did not find anything that should lead to suspicion or alarm” (Driessen and Merry 2006: 213).²⁴

Still, Islamic schools remain under close scrutiny, both from media and politics and from the Inspectorate of Education, the latter being primarily concerned about the quality of education in some schools. Islamic schools have nearly 100% immigrant population with a concentration of pupils with parents from non-Western, and usually uneducated backgrounds. There are also organizational and financial issues related to unprofessional board members (Driessen 2008). Compared with schools with similar classroom populations from non-Western backgrounds, the Islamic schools are doing slightly better. Yet, compared to the average Dutch school, Islamic schools generally lag behind in school achievements.²⁵

2.3.3. Public debate on the freedom of education and religious schools

The dual system, Islam and the freedom of education

In 2002 the Minister of Big Cities and Integration Policy, Roger van Boxtel (Liberal Democrats, D66) suggested in an interview that article 23 on the freedom of education could be rescinded. He believed there should only be public schools that would provide good education. In a secular society religious schools were no longer appropriate and he added: “If you want to you can teach about religion in Bible school or in Koranic schools”.²⁶ At the time this statement led to a row and representatives of all political parties, including D66 but with the exception of the Socialist Party (SP), said they supported the dual system and freedom of education. In the same year the most important advisory body on education, the Education Council (*Onderwijsraad*) concluded in a report on the significance of article 23 that there was virtually no political support to actually do away with the dual system (2002: 94).

However, in more recent years there are some prominent politicians who defend an ending of the dual system. Jasper van Dijk, an MP of the Socialist Party (SP), has said that he ideally would be in favor

²¹ Source: www.stamos.nl

²² The reason immigrant parents have wanted to establish Islamic schools was because of discontent with the school system, in which little attention was given to Islam. Another reason was the unsatisfactory school results of many of their children, which some parents blamed on the un-disciplinary, autonomy-centered style of education in the Netherlands (Driessen 2008). Furthermore, some parents felt their children were being discriminated against or otherwise not judged fairly.

²³ See “Nog zeker 100 islamitische scholen nodig” in *Telegraaf* March 20 2006.

²⁴ Some Islamic schools have continued to be in the news in a negative way, notably the As Siddieq school in Amsterdam. Former teachers spoke of a climate that was “anti-Jewish, anti-Western and hostile to women” (in Maussen 2006: 87).

²⁵ See “Islamschool minder vaak zwak” in *Trouw* March 24 2011.

²⁶ See “Van Boxtel: geen bijzonder onderwijs” in *Reformatorisch Dagblad* April 8 2002.

of “a French style system” in which “there would be no room for non-governmental (*bijzondere*) schools. According to this MP schools that are financed with “taxpayers’ money” should not discriminate on the basis of religion. In his view Islamic schools and Orthodox Christian schools can perhaps be “tolerated” as private schools, but they should not be positively recognized within the educational system and they should not receive public funding.²⁷ Other politicians have demanded that the dual system be maintained, but that Islam be excluded from this constitutional freedom. In November 2003 Ayaan Hirsi Ali, former MP of the Liberal Party (VVD), drafted a parliamentary motion that would (indirectly) limit the possibility to found Islamic schools by suggesting that religious schools could only be set up if they were not mono-ethnic and if the native tongue of the majority of pupils was Dutch.²⁸ No follow up was given to this proposal (Vermeulen 2004: 41). More recently, Geert Wilders (PVV) has declared that “there can be Jewish and Christian schools in the Netherlands, but no Islamic schools” because Islam is a dangerous “ideology”.²⁹ The political program of the Freedom Party (PVV) for the 2010 national elections mentioned that the party intends to close Islamic schools.³⁰

There continues to be very little political support for these more drastic ideas about abolishing the dual system or excluding Islam from educational freedom. The Education Council, which is preparing a new advice on the future of article 23, has repeatedly stressed that: “Given liberal-constitutional principles of our system it should remain possible for religious minorities (that as a matter of fact have to counter majoritarian trends of secularism and individualism) to opt in their education for a strong orthodox profile, and to select teachers and pupils in view thereof” (Onderwijsraad 2010: 22).

Most of the time, then, the public debate is not about abolishing or maintaining the dual system, but on defining the scope (*reikwijdte*) of the freedom of education, especially with regard to religious schools. An important aspect of the debate concerns the ways associational freedoms of schools should be balanced with other constitutional principles (such as non-discrimination) or worthwhile collective goals (such as good education or social cohesion).³¹ Islamic and Reformed schools are at the centre of this debate. To clarify four different aspects of the associational freedoms of religious schools can be distinguished: the freedom to admit pupils, the freedom to select staff, decisions with regard to curriculum, teaching methods and pedagogy and, finally, the way diversity is handled within the school context.³²

In the first place, religious schools have the right to select and admit pupils based on the school’s religious identity. Schools can demand that pupils and their parents support the mission of the school.

²⁷ Idem. Van Dijk made a similar observation during the focus group discussion, Amsterdam June 27 2011.

²⁸ Ayaan Hirsi Ali has been important in popularizing a critical view of Islamic schools. In her autobiography *Infidel* she writes: “The Dutch government urgently needed to stop funding Quran-based schools, I thought. Muslim schools reject the values of universal human rights. All humans are not equal in a Muslim school. Moreover, there can be no freedom of expression or conscience. These schools fail to develop creativity – art, drama, music – and they suppress the critical faculties that can lead children to question their beliefs. They neglect subjects that conflict with Islamic teachings, such as evolution and sexuality. They teach by rote, not question, and they instill subservience in girls. They also fail to socialize children to the wider community.” (2007: 279-80).

²⁹ See *HP/De Tijd* May 1 2007.

³⁰ Election program PVV 2010-2015, page 29.

³¹ The debate on the existence and functioning of religious schools in the Netherlands is illustrative of the many tensions and trade-offs in thinking about educational systems in democratic and pluralistic societies. Veit Bader (2007: 266-267) has distinguished between four such tensions: (1) the tension between freedoms of parents and proto-freedoms of children, (2) the tension between educational freedoms of schools and liberal non-discrimination (e.g. of teachers or pupils), (3) the tension between educational freedoms and educational opportunities for all, and (4) the tensions between educational freedoms and more demanding requirements of democratic citizenship and democratic virtues. Besides these various tensions there is also a variety of actors who have a legitimate interest and are concerned about decisions that are taken by the boards of religious schools. The interests and concerns of parents, citizens, governmental authorities, teachers, schools and the respective associations of public and communal providers of education all need to be taken into account (Bader 2007: 268-269).

³² The aspects of associational freedoms of non-governmental, denominational schools we distinguish roughly overlap with those of Vermeulen (2004: 42-51) who focuses on: “recruitment of personnel”, “admission of pupils”, “content and quality of education or pedagogical autonomy” and “organization”.

At present there is a political debate ongoing about a proposal to introduce a so-called “duty to accept” (*acceptatieplicht*) on non-governmental schools.³³ Whereas at present schools may demand that parents subscribe (*onderschrijven*) to the foundations of the school, in the future the school may only demand that parents agree to “respect” (*respecteren*) the foundations of the school. Whereas in the former situation a school could justify not accepting a pupil by arguing that by their behavior or statements parents demonstrated they did not (truly) subscribe to the foundation of the school (e.g. by being member of another church, or by being divorced), in the new situation parents would only have to agree to respect the foundations, for example by agreeing to follow the rules set by the school. One of the motives behind this proposal was to strengthen the freedom of parents to have their child accepted in a particular school. Another motive is to prevent that denominational schools make strategic use of their admission rules to refuse weaker pupils. Some religious schools with good educational performance are said to refuse pupils with an immigrant background in order to remain “white” schools.³⁴

In the second place, there is the freedom to select and recruit personnel. Religious affiliation can be a reason for selecting (or refusing to select) a specific teacher. Other selection criteria, which are severely contested in public debate, are related to gender norms or sexual orientation. Some religious schools do not want to hire teachers that are divorced or who are homosexual and some schools demand that teachers are not explicit about their homosexuality. An important legal-political debate in this respect is on the so-called “the sole grounds construction” (*enkele feit constructie*), a special provision in the Equal Treatment Act (*Algemene wet gelijke behandeling*, AWGB) of 1994.³⁵ This provision says that it is illegal to discriminate on the basis of “the sole grounds” of gender, sexual orientation or civil status, but that religious organizations and religious schools may nevertheless refuse to employ people if they have “additional reasons” justifying why the lifestyle of a person prevents him or her to subscribe to the identity of the school.

Thirdly, there is the freedom of religious schools to shape their own curriculum and to select teaching aids in accordance with religious principles. Schools have to follow general guidelines (e.g. minimum number of lessons or hours), meet specific educational standards and examination guidelines, and they are not allowed to practice indoctrination that serves commercial, political, or religious agendas (Vedder 2006: 45). Yet, religious schools can make choices, with regard to teaching evolution theory or teaching about sexuality or gender norms. Reformed schools usually have special text books for history, biology or literature, and at present their own teaching method for music.³⁶ Associational freedoms with respect to curriculum may become an issue when governments (or civil society associations) want schools to teach certain messages that religious schools object to. One issue in this regard are programs to enhance tolerance of homosexuals and teaching material related to sexual identity that are being developed with support of the Ministry of Education and that some religious schools may refused to use.

A fourth aspect of associational freedoms of schools entails the freedom to govern diversity in the school context by setting particular rules. These are often related to dress codes (for women). For example, some Christian schools do not allow girls to wear the headscarf because it is seen as an infraction on the religious identity of the school.³⁷ Reformed schools may oblige female teachers and pupils to wear skirts. Some Islamic schools may oblige female teachers or pupils to wear the

³³ This is an initiative bill by the MP’s Hamer (PvdA), Van Dijk (SP), Dibi (GroenLinks), Van der Ham (D66) and Kraneveldt-van der Veen (PvdA).

³⁴ See more extensively Onderwijsraad 2010: 11-15.

³⁵ AWGB article 2, section c reads “the freedom of an educational establishment founded on religious or ideological principles to impose requirements on the occupancy of a post which, in view of the institution’s purpose, are necessary for it to live up to its founding principles; such requirements may not lead to discrimination on the sole grounds of political opinion, race, sex, nationality, heterosexual or homosexual orientation or civil status.”

³⁶ See “Eigen methoden” (Own Methods) on <http://www.golv-info.nl/methoden.html> downloaded on July 27 2011.

³⁷ A recent case in this respect involved the Don Bosco College, a catholic secondary school in Volendam that refused a pupil because she was wearing a headscarf.

headscarf. Other forms of regulation include the composition of classes (for example gender segregation) or whether Islamic prayer is allowed in the school building. This freedom also entails the right to set specific rules for other types of activities, such as swimming lessons, outings and school camps, or festivities organized by the school.

Because there is little support to do away with the dual system, most of public and political debate focuses on the ways religious schools make use of their associational freedoms. Especially those schools with a strong religious identity (Reformed schools) or schools whose religious identity deviates from mainstream culture (Islamic schools) are being challenged in this regard. These schools are accused of using their associational freedoms (especially those related to selection of pupils, recruitment of staff and governance of diversity within the school), in such a way that they violate crucial liberal-democratic norms, especially with regard to equal treatment and non-discrimination.

A widely debated court-case in this respect was related to a teacher of a Reformed school, who was no longer allowed to teach at his school after he told the school principal in the year 2009 that he was in a homosexual relationship (Oomen et al. 2009). Despite the fact that the teacher did not press charges against the school and came to a personal agreement about the situation, there was an appeal at the Commission for Equal Treatment, which was initiated by the COC, the Dutch organisation for homosexual emancipation.³⁸ The outcome of this case is yet unknown, but it does not stand on its own.³⁹ The Council of Europe and the European Commission have argued that the Netherlands have not adequately implemented European guidelines regarding the protection of rights of homosexual employees within religious schools into national laws (Oomen et al 2009: 26). In the context of increasing political pressure some Reformed schools are trying to redefine their practice in this regard, something which also became clear in our interviews (see below). The Union for Reformed Education, (*VGS, Vereniging voor Gereformeerde Schoolonderwijs*), which represents the majority of Reformed schools, wrote a document on homosexuality in 2008. They suggested that homosexuals should not be banned from Reformed schools (there should be “a place for staff or students with a homosexual orientation”) and said that schools should help pupils and staff who are “struggling” with homosexual feelings “through the mercy of Lord fight against all sinful desires” and with Gods help choose for a life without homosexual praxis and relationships (Oomen et al 2009: 66). Other spokesmen of the Reformed communities have said that Gay teachers cannot work at Reformed schools because “the behaviour and choices of teachers should not violate what they communicate to the youth”.⁴⁰ More recently the Minister of Education, Van Bijsterveld, said the Reformed schools no longer obliged teacher to sign a document saying they would subscribe to Biblical principles with regard to marriage”.⁴¹

The second part of this chapter explores what Reformed Schools and Islamic school do in practice. Why are these forms of associational freedom important to them and how to they argue about their existence, about their positions and practices in the light of conceptions of tolerance?

³⁸ *Nederlands Dagblad* May 15, 2009 “School schorst docent om homorelatie” *COC* May 21 2009 ”CGB-oordeel homokwestie Ernst zaak van algemeen belang”

³⁹ A similar debate involved the earlier mentioned Islamic primary school *As Siddieq* in Amsterdam when the new head of the school announced in an interview that the school would not hire a gay teacher and that pupils were taught that homosexuality was not allowed in Islam. See response to question of three members of parliament of the *VVD* (liberal), Tweede Kamer June 16 2010.

⁴⁰ See for example an article by two policy makers affiliated with the *VGS* in *Trouw* entitled “Homosexuality is irreconcilable with the identity of the Reformed school”, November 12 2010.

⁴¹ See “Refoschool werkt niet langer met verklaring tegen homoseksualiteit” in *Reformatisch Dagblad* April 13 2011.

2.3.4. Views of principals of Reformed and Islamic schools

2.3.4.1. Stereotypes, prejudices and freedom of education

In April 2011 the employers organization of Protestant Christian schools observed that the “societal and political climate is less and less tolerant with respect to diversity and pluralism in morals, culture, life conviction (*levensovertuiging*) and religion”.⁴² In our interviews we often heard that principals of Reformed and Islamic schools felt they were operating in a climate of decreasing tolerance for their communities and institutions. With respect to Reformed schools one often comes across the image that these schools are “deliberately isolating themselves from society”.⁴³ The suggestion that the Reformed were trying to segregate from mainstream society was challenged: “we are not in an isolated position, but we refuse to do certain things”. In this context the importance of having denominational schools was to be able to develop the own identity and then “make contacts with our environment coming from our own position”.⁴⁴ Principals spoke of the prejudices the schools encountered. Some people believe “we all walk around in black suits and wear black socks”.⁴⁵ Sometimes children of the school were being harassed or yelled at when they were identified as (Orthodox) Christians, for example on the bicycle or in the train.⁴⁶

In the interviews with Islamic school principals we repeatedly heard that they were confronted with prejudice, negative images and stereotypes based on ignorance and misconceptions about these schools. An important theme is the idea that these schools are not really Dutch. A principal told about a group of teachers in training that visited the schools, asking questions such as “Do you have any chairs in the school? Do you speak Dutch in the school?”⁴⁷ One of the principals half-jokily told about the ways he would ridicule stereotypes in his conversations with local politicians, showing them around in the school so they could see “we do not keep camels in the school court!”⁴⁸ Another principal felt she constantly had to “defend her choice” as a non-Muslim to work at the Islamic school. Repeatedly she would have to engage in debates like “I don’t understand why you want to work there. (...) The children live in the Netherlands and they should go to Dutch school.”⁴⁹ The difference in religion is strongly connected to foreignness and by consequence Islamic schools are seen as non-Dutch by definition. Principals of Islamic schools express the feeling they have to defend themselves all the time: “we have a constitutional right to exist but we have to justify ourselves constantly”.⁵⁰ Sometimes this hostility is being linked to the fact that Muslims are not accepted by Dutch society, but at other times principals observed how stereotypes were being actively produced by the media. An example was a journalist who wanted to take two pictures “one of a typical Islamic class and one of a Dutch class”.⁵¹ We also observed that a discourse of “stereotype debunking” was very common amongst the school directors of Islamic schools. In the following fragment a school principal, asked to describe her school, manages to address seven common stereotypes about Islamic schools in three minutes. The debunked stereotypes are marked in italic.

I: In general, how would you describe the school of which you are a principal?

R: Well we are a Muslim primary school of which the board, er.. has always been a bit at distance. (*I: No influence from incompetent or fundamentalist board members*)

⁴² Reaction of Besturenraad April 7 2011. Available on www.vrijheidvanonderwijs.nl . Downloaded July 27 2011.

⁴³ See “SP haalt fors uit naar refoschool” in *Reformatorsch Dagblad*, September 3 2009.

⁴⁴ interview 2, p.33.

⁴⁵ interview 2, p.6

⁴⁶ interview 1. p.25.

⁴⁷ interview 3, p.22

⁴⁸ Interview 5, p.8

⁴⁹ interview 4, p.11

⁵⁰ interview 3, p.18

⁵¹ Interview 3, p.15

- I: Hm-hm.
- R: That is different at some other primary schools.
- I: Yes.
- R: En, the school exists since 1993, which is quite some time.
- I: yes.
- R: And those who founded the school have started from the viewpoint of school where they could go with their children but connected to the (name city) community. *2. No isolationist position*
- I: Yes.
- R: So, the football tournament of which I just told you, we participate in that.
- I: Yes.
- R: Er, just as well as other activities, so we are a Muslim primary school, but we don't differ so much from the other schools besides our identity and foundations. *(3. No extreme deviation from the average)*
- I: Yes, yes. What kind of pupils do you get?
- R: Mainly Moroccan backgrounds.
- I: Yes.
- R: And a small portion of Turkish, and lately, fortunately, we see an increase of other nationalities, Somali, Uganda, we also have children of Egyptian father and Dutch mother.
- I: Yes.
- R: And Dutch mother, Iraqi father, so that. Yes.
- I: Yes.
- R: We see that fortunately, we see a bit more diversity emerge *(4. Positive outlook on diversity, no discrimination)*.

Other stereotypes this school principal addressed were: the mothers of the school children are increasingly employed *(5. no anti-modernity)*, the school is harbouring more children from the neighbourhood *(6. no segregation)* and children increasingly end up on higher levels of secondary education *(7. no inferior education)*.

Finally, we asked principals about the coping strategies they developed to address a climate of hostility and prejudice. Directors of both schools are aware that incidents (such as school children misbehaving) may have repercussions and will immediately be linked to the identity of the school. One of the Reformed principals observed that small forms of annoyance (“when students cycle off the school campus and they ignore the traffic rules”) are being blamed on the community of believers and “if we misbehave a little it will invoke a lot of annoyance”.⁵² A principal of an Islamic school mentioned a similar coping strategy. When a child misbehaved on a school trip the school director pointed to the image of the school: “this is not the image we want to present, we want to present the image that we are just an ordinary primary school, with normal children and that nothing weird is going on with us”.⁵³ In order to challenge the image that Reformed schools are weird and isolationist, these schools often invite people and participate in inter-school events. However, it appears that Reformed school principals more explicitly defend the right to exist and to be different, and use toleration as a frame of reference, whereas the Muslim schools we visited mainly strive to be accepted

⁵² Interview 1, p.7

⁵³ Interview 4, p.8

as “normal primary schools”. We need to underline that this may well be a part of the strategy of the management, and perhaps not always shared by the board members or some parents who may favor a more isolationist or strict interpretation of Islamic rules (see below).

Given the general climate of hostility and intolerance that principals referred to we asked them whether they feared that their continued existence was at risk and what kind of forms of opposition they encountered. Generally speaking directors believed that the law and the stance taken by the national government still offered sufficient protection. However, one Reformed principal observed that the intolerance for Islam was being extended towards Reformed schools: “if it is about tolerance from the outside towards us, I think it has decreased ... And this has a strong connection to the fact that we (...) are put in one category with the Muslims.”⁵⁴ He continued to explain that because of the link with Islam, religious Orthodoxy was more and more seen in a negative way as being linked to violence and terrorism. He considered himself to be “a Reformed Fundamentalist” but felt he was not allowed to say this any longer.⁵⁵ Another director observed that he had the feeling the school encountered resistance from local actors, for example when a neighbourhood committee mobilized against a new building.⁵⁶ At a more general level directors did perceive threats to the continued existence of Reformed schools. On the one hand, they referred to the negative view of religion and religious Orthodoxy among some politicians of liberal and Left parties⁵⁷, on the other hand, to more structural trends threatening the freedom of education and exceptional position of Reformed schools, for example the ideas that in a region all schools should collaborate or the decreasing support for government financing of bussing of children. In this context, so one principal observed, it remained to be seen whether the Reformed pillar could be continued or “whether all these forms of collaboration that we have built up among Reformed organizations will have to be demolished, and we will be obliged to merge in general (i.e. non-denominational, IV/MM) organizational platforms.”⁵⁸

Among directors of Islamic schools the discussion about their right to continue to exist was being related to them not being accepted as “normal Dutch schools” and the almost continuous anti-Islam rhetoric in public debate. Islamic principals more often mentioned that the schools had been subject to vandalism, neighbourhood bullying and hateful anonymous phone-calls. Especially after incidents such as 9/11 and the murder of Van Gogh in 2004 Islamic schools and mosques were targets of vandalism and hateful graffiti in the Netherlands.⁵⁹ One of our interviewees also mentioned that the windows of the school had been smashed repeatedly and one night the school bus had been set to fire. Another aspect of a more general climate of hostility was the fact that Islamic schools feel they are under extreme scrutiny, especially with respect to their educational performance. One director observed that it had been quite a challenge to have been subject to inspections by the Inspectorate of Education. School boards have to talk to Inspection about three times a year, school-plans are scrutinized and there are regular visits to the schools that this director described as “viewing operations” (*inkijkoperaties*) in which the inspection was not only interested in the educational performance but also in “other things”, for example contacts with mosques or interest organizations.⁶⁰ This director felt that sometimes the bar was being put too high for Islamic schools, which as a matter of fact have a great number of disadvantaged pupils struggling with language deficiencies. Another

⁵⁴ interview 1 p.26

⁵⁵ Idem

⁵⁶ Interview 2, p.13

⁵⁷ A common denominator in the interviews was to refer to the Purple Coalition Government, a coalition of Liberal parties (VVD and D66) and the Social-Democrat party (PvdA) which was in power between 1994 and 2002. This was the first government without Christian Democrats since WW II.

⁵⁸ Interview 1, p.27

⁵⁹ See EUMC “Anti-Islamic reactions in the EU after the terrorist acts against the USA. The Netherlands” (2002). After the assassination of Theo van Gogh in 2004 a small bomb exploded at the entrance of a Muslim primary school in Eindhoven and in December of that year a Muslim primary school was burned down in Uden. The attackers, right-wing youth, had painted symbols of “white power” on the building and made reference to the murder of Van Gogh (Maussen 2006).

⁶⁰ Interview 6, pp.13-14.

director had the impression that Islamic schools were being judged more strictly than others, for example with respect to their financial administration. Another director pointed to the more positive side: it had allowed the school management to “get things on track again”.⁶¹

In view of the declining societal and political support for both types of schools we were interested in learning about the ways school principals discursively framed their right to exist, their more positive characteristics and how these ideas were embedded in discourses on tolerance and recognition. The principals of Reformed schools said that the existence of religious schools allowed a “unity between church, school and family resulting in a harmonious education of children.”⁶² They also underlined that the dual system and the right of parents to choose a school led to a dynamic of supply and demand. For Reformed schools this means they not only try to be attractive in terms of educational performance, but also that they seek to maintain their distinctive profile to be attractive for parents with a Pietistic Calvinist background and not to become seen as a more general Christian school. The “identity plan” (*identiteitsplan*) of the school thereby plays a role in defining the precise foundations and rules in dialogue with school board, school management, churches and parents. Once defined the identity plan becomes something parents have to agree to accept when they enroll their children in a Reformed school.

Islamic school principals argued that Islamic schools have an important “cushioning function”. One director said “at this school children will grow up in a protected environment”. But the school also tried to prepare them for secondary school where they will meet more people who “look different” and “who have a different religion”.⁶³ She also said that the added value of Islamic schools is that children can “feel safe there” and that children that leave this school tend to be self-confident because “they have had the opportunity to express themselves and to be as they want to be”.⁶⁴ Pupils also tended to be judged more fairly, this director said, whereas in schools that are predominantly “white” teachers will “from the outset have lower expectations of an allochtonous child”. This kind of cushioning function was thus seen as all the more important given the general hostility vis-à-vis Islam and the negative views of the abilities of immigrant children.

When asked about tolerance we discovered interesting differences between the directors of Reformed schools and those of Islamic schools. It was clear that for Reformed principals “tolerance” and “toleration” are important concepts to phrase the ways they want to engage with differences. Tolerance should not mean “relativism” or a shallow form of “respect” so that anyone can do as he or she likes. If this is what is meant by tolerance Reformed principals speak of “an excess of tolerance in the Netherlands”.⁶⁵ Directors made it clear that as Reformed they had strong opinions on certain issues, such as euthanasia and homosexuality. They want to be able, to judge it as morally wrong, to say this and to have the freedom not to want certain things. In the school context this entails the right to teach that these things are wrong and not to accommodate them within the school. According to these directors what it means to be tolerant is not to act upon these judgments and feelings and not to give active expression of rejection to members of other groups. One principal gave the example of meeting a gay couple at a wedding. He said that from a Biblical point of view they were morally wrong and he could not “appreciate” what they were doing, but being tolerant or respectful meant that he would not “approach them to tell them that what they were doing was wrong”.⁶⁶ Another aspect of tolerance that Reformed principals mentioned was some willingness to engage with others and to be in contact. For example, the school would pay a visit to a mosque, even though some of the more Orthodox parents objected to this. According to one of the principals some parents would more actively express disapproval and reject certain practices, but the school policy was to teach that having

⁶¹ Interview 5, p.13

⁶² Interview 1, p.24.

⁶³ Interview 4, p.10

⁶⁴ Interview 4, p.22

⁶⁵ Interview 2, p.13

⁶⁶ Interview 1, p.11

strong opinions and judgments should never lead to active rejection or violence, and that one should always be willing to learn about other religions. Such an approach is also appropriate, so he said, because younger generations know that as Reformed they are now also “a minority”.⁶⁷

Whereas tolerance and toleration, in their more strict definitions (see WP2) are important for Reformed principals, directors of Islamic schools associated the term “tolerance” with the more general idea of not being violent or “refraining from being judgmental about others”.⁶⁸ A principal of an Islamic school associated tolerance with a kind of “openness” to others.⁶⁹ We could not really detect a clearly articulated idea about tolerance (as opposed to recognition and respect) in the discourses of the directors of Islamic schools that we interviewed. Generally it appeared that Islamic schools are more after recognition and acceptance as part of Dutch society.

2.3.4.2. Associational freedoms: practices and justifications

As we have said there are major concerns in public debate about the ways Reformed and Islamic schools use their associational freedoms. In the media and political debate the tone is often set by a small number of controversial legal cases. In this context our goal was to explore more concretely how these associational freedoms play a role in the school and what possible differences there are between Reformed and Islamic schools.

Admission of pupils

An important associational freedom of religious schools is the right not to admit certain children. A principal of a Reformed school explained why the school doesn't have any Muslim pupils for example: “the crucial difference between Muslims and Christians is of course the work of the Lord Jesus Christ, I will not ignore that or change that because of a number of Muslim children that I should respect ... So, that won't work. And so in reality, those Muslim parents, they simply don't enrol their children here”.⁷⁰ The Reformed schools are directly concerned with the political debate on the “duty to accept” (*acceptatieplicht*), because it would mean they would have to accept children if parents say they “respect” the identity of the school, whilst they may have different religious views and may not follow the strict rules of Reformed religion in their personal life.

Interestingly we discovered that an important motive for Reformed schools to maintain the freedom to refuse pupils was a fear of a growing influence of evangelicals. Parents and children with an evangelical interpretation of Protestantism tend to divert from the strict rules of the Reformed and there is a fear that they will undermine the Reformed community “from within”.⁷¹ The need to uphold the orthodox norms in the school may also arise when a child's family is less strict. A Reformed principal gave an interesting example: “I was in class one day, and after Bible reading a child told the teacher that his family had been to the beach two days before....but that was on a Sunday! (...) Well it doesn't immediately lead to issues, like, ‘your way of life is different from what we strive for, so let's address this’. Because the teacher will try, if this occurs, to stress in the group, as a counter- example, what we believe, let's say, the Sunday with its church attendance. (...) And we are confronted with what this kid says, if we don't deal with it, some will think we don't because we find this normal”.⁷² The role of the teacher hence was to point out that Sunday is meant for Church attendance, because if the remark is left unattended, it might send out the wrong signal to the other children. The role of the school is to be clear about what kind of behaviour is intolerable for Orthodox Christians, but still a

⁶⁷ Interview 1, p.24

⁶⁸ Interview 5, p.23

⁶⁹ interview 4, p.12

⁷⁰ interview 1.

⁷¹ There is an increase of Evangelical schools in the Netherlands (Stamos, 2010)

⁷² Interview 1

strategy of explaining and dialogue is pursued and children are not simply “expelled from the school” for this reason.

For Islamic schools the issue of refusing certain students does hardly arise. Most directors we interviewed emphasized that all pupils are welcome.⁷³ When asked about whether the school would refuse students on the basis of religion, one of the Islamic principals said that pupils “should not be refused on the basis of religion”. At this school a catholic child would be admitted, but, so the principal added, it should “abide with the rules of the school.”⁷⁴ However, it became clear that the issue of refusing pupils because they do not respect the identity of the school remained basically hypothetical for these schools. There were interesting exceptions though. One Islamic school has been able to improve its performance in such a way that it is doing better than other governmental schools in the areas with similar numbers of allochtonous children. This school may be confronted with non-Muslim parents wanting to enrol their children there. Another school principal mentioned the example of Salafi parents who wanted the school to be stricter in its religious teachings and dress rules. The school would not accept that these parents would take their children out of the religious classes and suggested that they could better look for another school.⁷⁵

Selection of staff

When it comes to religious schools using their associational freedoms with regard to the recruitment and selection of staff (mainly teachers) two main issues arise: staff members having a different religion (or for Reformed schools belonging to another religious denomination) and issues related to gender or sexual norms (for example being gay, being divorced, living together unmarried). From our interviews the impression arose that the rules in Islamic schools were less strict than those in Reformed schools.⁷⁶

Teachers at Reformed schools must be a member of one of the Orthodox Protestant churches, and usually they are member of the same ultra-Orthodox churches. However, sometimes teachers who are already working at the school may change their perspective on religion somewhat, for example because they become evangelicals. This is regarded as problematic, because, as one school principal explained, there is a fear that the teacher may communicate his changed views on religion to the pupils and then “the school could be used as some sort of institute for evangelization”. Teachers should not actively talk about their alternative religious views: “there can be all sorts of minor differences but when there is a difference of opinion on such a major issue, then you will find this more or less played out across the heads of children, and that is not right.”⁷⁷ Actually, it seems that the fear of a growing influence of Evangelicals motivates Reformed schools to use their associational freedoms to try and refuse non-Reformed staff and pupils. According to this principal a general obligation of schools to accept pupils and staff risked to undermine the identity of the school. Another issue would be whether staff should abide to strict prescription in their private life (rules within the school context are discussed below). For example, one Reformed principal mentioned that a female school teacher might not be dressed in skirts in their leisure time. During the school camp this might become an issue, because it was ambiguous whether the teacher was there in a private or professional capacity. Another issue was that personnel in a Reformed school should not live together unmarried or be divorced.⁷⁸ At Reformed schools the most sensitive issue with regard to the freedom to select staff were related to homosexuality. One principal explained that he believed that schools were justified in discriminating against homosexuals when selecting teachers, as long as they would follow the right procedure. In his

⁷³ interview 4, p.8.

⁷⁴ interview 4, p.20.

⁷⁵ Interview 5, p.27

⁷⁶ We must stress that this is but an impression based on our interviews. It does not necessarily mean this correct for all Islamic or Reformed schools.

⁷⁷ Interview 1, p.7

⁷⁸ Interview 1, p.18-19

view, the issue did not arise so often, but the media always created a hype and therefore schools had to choose their words in an extremely careful manner. When speaking of a case of another Reformed school that had fired a teacher because of his homosexual lifestyle he observed that the school board had been “acting very decently”, but the media and the Minister had “created a situation”.⁷⁹

As we mentioned before the issue of recruitment policy of Islamic schools looks rather different. Islamic schools have problems to find enough certified teachers, and many Islamic schools have a majority of non-Muslim teachers. As one principal observed, he had difficulty in finding a replacement and one of the candidates had said “I don’t like the identity of this school”.⁸⁰ The staff in Islamic schools can have another religion, or no religion, but they are asked not “to express this”, meaning they should not (actively) try to communicate their own views to the pupils. Actually only a minority of the teachers in Islamic schools is Muslim and in this particular school only 9 out of 28 of the staff members had a Muslim background. When asked whether the school would tolerate that a staff member was homosexual, one of the principals gave a more ambiguous answer. During the application procedure the rules of the schools would be mentioned and candidates should understand this meant they could not “propagate” that they were gay.⁸¹ This school seemed to follow a kind of “don’t ask don’t tell” policy, but again the issue was essentially a hypothetical one, because the case had not presented itself yet.

Curriculum

In religious schools decisions on the curriculum will be decided, on the one hand, by concerns about educational goals and obligations and, on the other hand, by concerns related to the religious identity of the school.

From our interviews the image arose that for Reformed schools two main issues arise with regard to decisions on the curriculum, namely teaching about sexuality and teachings about evolution. One principal of a Reformed school mentioned the teaching of evolution theory as a domain in which associational autonomy increasingly was threatened and he spoke of it as one of the things some people want to “force upon us”. According to him “evolution is in fact a belief as well ... because of a lot of things are not clear and not proven”.⁸² Generally speaking it seems that Reformed schools have no great difficulty in deciding on their policies with regard to curriculum, also because they make use of specifically designed curricula. For sensitive subjects, such as biology or religion, these teaching methods are already adapted to the main concerns of Orthodox Calvinists, and special methods are also available in subjects such as music, history or literature. These schools thereby make sure they attain educational goals set by the Ministry of Education but via the choice of specific textbooks and methods they give different accents, for example with regard to the kind of books that are discussed in Dutch literature classes or the emphasis given to particular aspects of Dutch history. Throughout the curriculum of Reformed school a lot of attention is paid to religion.

Islamic schools, on the other hand, make use of more generally used methods and only have special textbooks for religious instruction. One school principal mentioned sexual education as a “sensitive issue”. Teachers would teach about sexuality and procreation in the biology lessons using a general textbook; “we just follow the method, what is in there we simply must present, one way or the other”.⁸³ During religious classes these issues would also be discussed and more emphasis was put on Islamic norms with regard to sexuality. Decisions on issues related to curriculum and activities are negotiated between school boards, school management and parents, within the constraints set by the Ministry of Education. It appeared that at Islamic schools the school-management (director and

⁷⁹ Interview 1, p.6

⁸⁰ Interview 3, p.10

⁸¹ Interview 6, p.35

⁸² Interview 2

⁸³ Interview 4

teacher), who are often non-Muslims, believe that considerations concerning educational goals should take priority. The boundaries on what can be tolerated are shifting and it appears that the school management often defends a more liberal course than some of the school board members or parents would like. One director spoke of a shift in the school's policy upon his arrival as manager. The more conservative members of the school board had been removed and the new policy was that the focus should no longer be to focus on everything that should, for religious reasons, potentially be seen as forbidden (*haram*) but on what should be allowed (*halal*).⁸⁴ An example was music lessons that used to be forbidden but were now allowed. Music was also being used in other classes, for example in teaching language. According to this director the more conservative parents simply had to accept this. Another example was dancing. To avoid further discussion the school management had called this activity "rhythmic moving". According to the principal, who was a Muslim himself of native Dutch (autochtonous) background, the school policy reflected a more liberal approach in which worthwhile goals, such as having contact with children of another school (the dancing or "rhythmic moving" was related to an activity with another school) and preparing children for society, should take priority over religious dogma. This director also explicitly argued that the school wanted to be attractive for the large group of "middle of the road Muslims who are not extremists". When confronted with conservative parents who wanted to take their children out of religious instruction lessons because they deemed these "too liberal", this director said they were "free to look for another school". A group of Pakistani parents had effectively tried to convince the school to implement a more strict policy, but eventually some parents chose to migrate to the United Kingdom and enroll their children in a more strict Islamic school in Birmingham.⁸⁵ Another director gave the example of school swimming. Even though the school had initially gender-segregated swimming lessons for children between 4 and 7, but this could not be maintained because the budget costs and there could only be swimming once every two weeks. One parent objected and took his daughter out of the swimming lessons.⁸⁶ Still another example was crafts because of the tension between religiously motivated objections to figurative art and the educational value of learning children to make "three dimensional puppets". The school had chosen a pragmatic solution, meaning "we just do it and then when we are finished we will make a ball of clay again ... we will not display it or anything".

Handling of diversity

Under this heading we discuss the ways these school deal with issues such as language, dress and behaviour in the school context and how they define what is (in)tolerable. In media the more extreme case are often mentioned, for example when rules with regard to dress become a motive to refuse pupils, as was the case in the earlier mentioned example of the headscarf in a Catholic school. From the interviews it became clear that for Reformed schools rules with regard to dress and specific language (cursing) are seen as important in view of the identity of the school. These schools have a dress code for female teachers and pupils. As one principal explained: "At all our schools the female teachers are dressed in skirts when they are at work in the classroom" even though when they are in their leisure time they "may dress differently".⁸⁷ Another principal mentioned that there are also ongoing discussions within the Reformed community about appropriate dress and he laughingly explained they were having a debate on whether a "legging is a pair of trousers or not" and whether it should be allowed.⁸⁸

For Islamic schools the dress codes were described by most principals as "very basic". One principal spoke of schools banning "shameful clothing" (*schaamteverwekkende kledij*) and "tattoos and

⁸⁴ interview 5, p.14

⁸⁵ Interview 5: p.26-27

⁸⁶ Interview 4, p.16-19

⁸⁷ Interview 1, p.5

⁸⁸ Interview 1, p.10

piercings in the face”.⁸⁹ Another principal explained that some practices were not allowed such as a “naked belly” or “t-shirts without sleeves” and that female staff was expected not to dress in a way showing a “cleavage”.⁹⁰ Of course, this kind of rules also exists in other Dutch schools. Another school principal explained that non-Muslim female staff was not obliged to wear a headscarf. Another rule was that during prayer girls must wear a headscarf and be properly covered. Yet this principal observed that dress codes were primarily seen as something parents should discuss with their children.

2.3.5. Conclusions

Although there is little political support in the Netherlands to drastically reduce the freedom of education and do away with a dual system in which governmental and non-governmental schools are equally funded, the schools that have been discussed in this case study are under scrutiny. According to politicians of the Socialist Party (SP) more Orthodox religious schools and their discriminatory selection of pupils and staff are beyond what a liberal democratic state can “tolerate”. According to the Freedom Party (PVV) Islamic school are also intolerable. Other political parties of the Left (PvdA, GroenLinks) and liberal parties (VVD and D66) are willing to tolerate these religious schools, but around issues such as non-discrimination of gay teachers or selection of pupils, they articulate a discourse of “liberal intolerance”. This means they consistently tend to give priority to non-negotiable liberal values (notably of non-discrimination and individual rights) over collective and associational freedoms of religious and faith-based institutions. Finally, Christian parties (CDA, CU and SGP) in a more principled manner favor “tolerance” of this type of religious schools and argue that these schools are worthy of public recognition, as they should be positively accommodated in a plural society.

From our interviews it has become clear that Reformed and Islamic schools in the Netherlands feel the public debate about them is too much influence by stereotypes and misconceptions. They believe at present there are still enough constitutional guarantees that protect their educational freedom, but principals often made reference to a lack of political support and of indirect forms of resistance or rejection by the surrounding society. Interestingly we found that principals of these two types of schools articulate slightly different discourses on tolerance and recognition. Principals of Islamic schools primarily expressed a need to be accepted as “normal schools” and for them to be positively recognised as genuinely Dutch. For directors of Reformed schools tolerance was an important frame of reference, because to them it meant the right to exist as a minority in a secularizing society. Principals of Reformed school stressed there should be room for opinions and life convictions that strongly deviate from the “liberal norm” and that orthodox religious community are entitled to have schools based on their own views.

Two main conclusions can be derived from our interviews with respect to the ways Islamic and Reformed schools make use of their associational freedoms. First, the identity of the school, the interpretation of associational freedoms and the school’s policy is negotiated between school management (principal and teachers), school board and parents. Sometimes parents want the school to be stricter in implementing religious dogma, and at other times parents are unwilling to accept religiously motivated rules imposed by the school. Important contextual factors influencing these negotiations are: the need for the school to have sufficient pupils, the image of the school, the interpretation of educational goals, the media debate, and the criteria set by the Ministry of education as well as the scrutiny exercised by the Inspectorate of Education. Second, from our interviews it seems that Reformed schools are stricter in the sense that their religious identity informs the schools’ policy with regard to admission of pupils, selection of staff, curriculum and handling of diversity (dress codes etc.). Islamic schools are less strict. Aside from the choices made by school management with regard to the school’s policy, there are also more structural reasons why Islamic schools are less strict than Reformed schools. They have predominantly non-Muslim teachers and management, there

⁸⁹ Interview 5, p.17

⁹⁰ Interview 4, p.14

are no special text books for Islamic schools on general subjects (history, biology etc.) and, overall, there is less support in Dutch society for a strict application of Islamic religious rules in the school context. In a sense it is misleading to speak of Islamic schools as orthodox religious schools. The main reasons why they are so fiercely criticized are, first, that they are seen culturally more different than Christian schools and as “un-Dutch”, second, because of organizational weakness and recurrent problems with incompetent and corrupt boards and management, and, third, their relatively poor educational performance and the fact that these schools have almost one hundred percent allochthonous pupils.

2.4. Case Study 2: Citizenship Education and tolerance

2.4.1. Introduction

2.4.1.1. Paradox of Dutch citizenship education

Both on an international and national level, there is a growing sense of urgency to teach children ‘citizenship’ or ‘civic education’ (see also the September 2011 volume of *Ethnicities*). The school can in this respect be regarded as a main institution to teach tolerance (Bader 2007; Vogt 1997). However, there are many conflicting aims associated with citizenship education (Veugelers 2010; Netjes et al 2011; Maslowski et al 2010; Nieuwelink 2008). Citizenship Education may, among many other objectives, include teaching tolerance as an educational aim. Several ways in which Citizenship Education can contribute to developing tolerant attitudes in students are known, such as through learning about democracy and human rights, but also critically addressing prejudice (see also Vogt 1997).

Despite the recent implementation of Citizenship Education in the Netherlands, developments seem to have stagnated. Ever since Citizenship Education became part of the official requirements, the knowledge, attitudes and skills associated with citizenship seem to have decreased among Dutch students. In international comparison, Dutch students have slightly less democratic attitudes and are less willing to agree with equal rights for migrants (45.8%) than their European counterparts (50%) (Maslowski et al. 2010). Especially autochthonous Dutch students perform poorly compared to students of migrant parents (Netjes et al 2011: 50-51).

In order to clarify this paradox, in the following case study, we investigate which ideals are inspiring Dutch policy and implementation for Citizenship Education, and how these ideals relate to tolerance and acceptance as educational aims. The lack of practical guidelines from the government is assessed in its effect on increasing tolerance through education, as well as the tension between ‘education for democratic citizenship’ and ‘education for tolerance’. We therefore aim to further examine which ideals have influenced the educational policy and implementation regarding to Citizenship Education.

2.4.1.2. General account of the introduction of Citizenship Education (CE)

The call for Citizenship Education (CE) in the Netherlands was a result of two simultaneous developments: the first was the gradual implementation of CE in curricula throughout Europe as a result of EU agreements (Eurydice 2005), the second was the growing national concern with integration and national identity, in particular the shift from a multiculturalist paradigm to an assimilationist one (Vasta 2006).

As the debate on integration and national identity continued, an official Advice from the Educational Council (*Onderwijsraad*) suggested that the creation of some type of CE should be pursued, followed by similar suggestions from the WRR (Scientific Council for Government Policy). In June 2005, the Parliament passed a law to include obligatory CE. Although the cross-curricular CE is legally required, it does not have a distinct method or book, nor hours prescribed for it in the weekly schedule. A document was created by SLO (National Foundation for Curriculum Development) to help schools choose their way of implementing CE. Tolerance was mentioned as one of the necessary aims of CE

(Bron 2006: 34-38). Three domains were proposed which constitute active citizenship and social participation: democracy, participation and identity.

The introduction of CE occurred at a time when policies for identity and cultural diversity were changing. In 2003 the subject 'Culture and language of origin' for migrant children was abolished (Hendriks and Scheerens 2009). Another development involved Intercultural education, which had been introduced in 1985 (Hanson 2002). The status of this cross-curricular subject is now unclear. Intercultural Education has either become replaced by or incorporated by the obligatory CE (NICI/Bakker: 2010). Whereas Intercultural Education was aiming at appreciating cultural diversity, CE - although acknowledging the plurality of Dutch society - aims at social coherence and willingness to participate in *the community* (note the singular). However, some schools still teach Intercultural Education.⁹¹

The obligatory status of CE coincided also with increased investigations into the much scrutinized Islamic schools (see Case study 1 in this report). "One of the government's motives in introducing a legal obligation for citizenship education was to hold schools more accountable in the way they promote social cohesion and democratic values" (Bron and Thijs 2011: 124). Thus, Citizenship Education became a means to control schools, besides educating children. An Islamic school in Amsterdam, As Siddieq, was partly cut from its funding in 2009 due to an apparent lack in CE. This was later refuted by the Council of State and funding was restored.⁹²

Yet, the integrationist discourse and the focus on Dutch national identity is one of many ideals which inspire CE. In fact, the exact requirements or goals remain unclear, due to disagreements about its necessary aims between politicians, school representative organizations, social scientists and education-supporting NGOs. In this study, we explore CE and its possible effects on acceptance, tolerance and intolerance - taking into account this variety of views.

2.4.1.3 Case study: Overcoming racism through CE. The success of 'Respect2All'

After literature research and interviews with experts, it was clear that many schools do not have a structured approach to CE. One school stood out as an exception, an example of "good practice". While struggling with a growing population of right-extremist youth, it approached an external partner to execute a project on the school called "Respect2all". According to those involved the project resulted in decreased racism and stigmatization among the students, to the extent that the school received an award for its tolerant and respectful climate.

In our empirical research, we examine which experiences and ideals about CE were expressed by teachers involved with the project, and we compare their ideals to that of a teacher whose school had similar problems of intolerant views in the student population, but chose a different approach. Taken together this sheds light on different ideas about teaching tolerance in Dutch schools.

2.4.2. Citizenship education in the Netherlands

2.4.2.1. Ideas and approaches to citizenship education in the NL

Dutch law prescribes an obligation of all schools to develop "active citizenship and social integration" since 2006, but how this should be done is not specified. One reason for the unspecified program is the freedom of schools to decide on curriculum (see introduction). Another is that there is no consensus amongst politicians, educational experts and school organizations about the aim of citizenship education (Veugelers 2010) and whether there is a need for governmental prescriptions of its content (Peschar et al 2010: 323).

⁹¹ Expert interview 2

⁹² "Korten islamitische school As Siddieq mocht niet" in *De Volkskrant*, March 30 2010.

Ideals for Citizenship Education are related to different views on the nature of citizenship. Several typologies of citizenship are possible. A typology of citizenship which can be directly connected to the views of politicians and practitioners on citizenship education is one developed by Veugelers (2006) (Nieuwelink 2008). It is roughly based on Durkheim's principles of moral behaviour: discipline, attachment to the group and autonomy (Veugelers 2007: 106) and offers a threefold distinction of citizenship ideals:

1. The community-oriented, adapting citizen. In this perspective, norms and values are created within a group, community or society. The internalisation of these norms is the core objective of citizenship education. Discipline and social awareness are core values.
2. The individualist, autonomous citizen. The objective for citizenship education in this perspective is to create autonomous citizens who have developed an independent attitude and an individual identity, through cognitive development. Discipline and autonomy are core values.
3. The critical-democratic, socially oriented citizen. Citizenship education must teach children critical reflection on society's structures, and stimulate the development of attitudes which will increase emancipation and equal rights. Autonomy and social awareness are core values.

The different perspectives are of various interest for the actors in citizenship education. The documents from the Ministry of Education for example in which the Law is explained, are framed to assume that CE must be adaptive and community-oriented. We refer to this style of framing as Identity-Adaptive. The words "active citizenship" and "social integration" are regarded by the Minister as

"the willingness and the ability to be a part of the community and to contribute to it actively"
(MOCW: 2005)

Social integration is defined as:

"part-taking of citizens into society, by means of social participation, taking part in society and its institutions and familiarity with and involvement in expressions of Dutch culture"
(MOCW: 2005).

The Minister added she wishes to increase social cohesion as well as give "the Dutch culture" a central position (SLO/ Bron: 2006). In this example the 'identity' which is important is that of "the Dutch culture". The choice of words suggests that there is only one culture in the Netherlands.

Denominational school stakeholders frame their statements in a slightly different, but also community-oriented approach. In their view, there are several communities with several norms and values; the view tends towards pillarization (*verzuiling*). A lector from a Reformed institution for Higher Education, states that

"it is important that the motivation for things such as democracy, tolerance, justice, decency and such are drawn from one's own personal life stance" (Vos 2006)

In this view, the state should not wish to install moral values, as (religious) communities can provide these better. This relates to the views of the Dutch politician, statesman and theologian Kuyper (1837-1920) who argued in favor of "sovereignty in one's own circle" (see also Vermeulen 2004: 48).

The second perspective is associated with conservative, liberal, or libertarian views, but also social scientists may favor this view. Pedagogue Van der Ploeg expresses his views on citizenship education, with autonomy and individualism as its core objective, and its tension with orthodox-religious schools in the following way:

“The democracy must guarantee that principles as freedom, equality and tolerance do not become self-destructive, and therefore cannot heed too much to life views and life practices which express illiberty, inequality and intolerance [...] To condition children in such a way that they are no longer able or willing to participate in society, and thus retreat, is the same as exclusion, and therefore unacceptable.” (Van der Ploeg, 1999)

The third approach is being expressed by many social scientists who are involved with education. Veugelers, who provided the threefold distinction, explicitly states he believes the third approach is the one which should be implemented in citizenship education. He also stresses that this educational aim is in tension with the dominant (political) discourse on citizenship education:

“[...] (T)he public and political discourse is full of worry about the moral, political and social development of many youngsters [...]. Integration instead of emancipation is the dominant discourse [...]. We favor a critical-democratic kind of citizenship.” (Veugelers 2007: 116)

Students should therefore learn to “position themselves with respect to important ideological, social and cultural traditions”, and “acquire an understanding of the development of norms and be able to try out the development of norms in the school and in out-of-school learning activities” (Veugelers 2007: 117).

In the following paragraph, we explore whether these values can be found in the intended, implemented, and attained curriculum, and how they relate to tolerance. Different visions about CE are likely to be connected with different views on what tolerance is, and how students may acquire this attitude.

2.4.2.2. Policy makers and the intended curriculum

In 2006, the SLO (National Foundation for Curriculum Development) was commissioned to explore the implementation of CE. The SLO created a panel of educational experts, scientists and school representatives from different denominations and school types, to further reflect on possibilities for implementation. Their findings and recommendations were presented in the SLO-document “A foundation for citizenship. An exploration of content for foundational education” (*Een basis voor burgerschap*) (SLO/Bron: 2006). In this document, the key objectives of Dutch CE were explored. CE could, for example, be incorporated in the existing curricula of Study of Society, History, Geography, Dutch Language and Religious Education. The implementation was “left to the schools” (Bron and Thijs: 2011).

The Inspectorate created a frame of reference for their control, called “*Toezichtkader*”, in which the requirements were specified that they would judge schools by. The main target of inspection is whether or not “the school has a vision on CE and integration, and has a plan-wise approach to implement this in the curriculum” (Dijkstra et al: 2010: 32).

The SLO document offers a separate chapter with recommendations from their expert panel. It reflects the difference of opinions by several stake-holders of education roughly across the lines of Veugelers. The fact that the government has not created detailed prescriptions for a citizenship education is considered positive, but there are also some remarks which can be summarized as follows (Bron 2006: 54):

- researchers: there is a lack in the development of critical attitudes and independent views regarding society
- representatives of school organizations felt that the schools should be left completely in control over their choice of citizenship education
- teachers and school principals argued that the time and expenses needed for implementation, especially within the (overburdened) curriculum was not accounted for.

In the remarks and recommendations, researchers typically express their wishes from a Critical-Democratic perspective, whereas school representatives tend to frame their concerns from the Identity-

Adaptive perspective. The teachers simply seem to request a workable situation without referring to any moral or ideological perspective. Yet, the position-taking of teachers may be crucial, when moral education is concerned. Precisely because the implementation is “left to the schools” (Bron and Thijs 2011) and the schools themselves often fail to create a coherent approach (Peschar et al 2010: 290) teachers effectively shape the actual curriculum (Veugelers et al. 2008). Therefore, we will now take a closer look at the implementation of CE and possible attitudes of teachers towards acceptance, tolerance, and intolerance.

2.4.2.3. Schools, teachers and practice of the curriculum

A survey amongst secondary school teachers revealed that 55% percent of the teachers of courses which would cater for CE were not involved with CE. Of these teachers, 45 % understood little to nothing about what the government demanded with regard to CE (Hansma et al 2008). Moreover, students complained of not knowing what they were supposed to learn (SCO Kohnstamm).

The implemented curriculum of CE can be regarded as an unsystematic combination of approaches. (Bron and Thijs: 2010; 127). A statement from the Inspectorate reveals that this situation makes it hard to judge whether or not the students have been successful in attaining the desired competencies. “A risk is that schools fill their requirements with coincidental, more or less relevant activities which are now being presented as ‘citizenship education’. In such a patchwork-approach schools don’t offer a coherent curriculum and they don’t work towards explicitly established goals” (Inspectorate of Education: 2010; Bron and Thijs: 2010: 109). At the level of implemented curriculum we thus notice that the three perspectives of Veugelers cannot be identified clearly, because schools offer an inconsistent set of programs and lessons. This inconsistency means that several of the perspectives, and perhaps others, influence the implementation simultaneously. The conflicting aims lead to the seeming absence of any perspective.

Vocational schools more often teach from a social adaptive perspective with little room for political reflection, whereas higher education offers more opportunity for debate and critical-democratic learning (Maslowski 2010). Some researchers argue that this division between school types recreates current social class differences in which the higher educated are taught to influence and rule society, and lower educated are taught to be good obedient citizens (Maslowski 2010: 16; Nieuwelink 2008). Thus, the first perspective of Veugelers is more common in vocational schools, and the third is more common in higher education.

Because a lack of cohesion at the school level, values of teachers may be most influential on the practice of citizenship education and teaching tolerance. Teachers may take different values into account and these may have different consequences for (teaching) tolerance (Versteegt 2010).

In our empirical research, the teachers were in general more positive about CE than the experts. One expert, who is associated with the Inspectorate, refused to give his opinion on CE and indicated that it was simply “assigned by the law” and must therefore be executed by schools. The other expert who also works as a school advisor, said that his impression is that not all school inspectors take CE into account when they visit the school. “So when you go into a school, one may say: the Inspectorate has recently said that CE is going well in our school, and the other school says, they didn’t ask about it.”

Both experts wished to remain (professionally) ‘neutral’ on the (negative or positive) influence that the associational freedom of schools, notably Article 23, has on the implementation of CE. Both experts however described problems with the implementation. The problems were outlined as a combination of “lack of expertise, lack of teaching materials, complexity of the subject, overburdened teaching programs⁹³”, as well as “different views about what should be taught, especially between parents and teachers”.⁹⁴ The latter problem was by the expert linked to different views about “xenophobia and prejudice”. Teachers too expressed ideological difference across the lines of prejudiced views of

⁹³ Expert interview, page 10-11

⁹⁴ Expert interview 4, page 11

parents, versus a Critical-Democratic approach by teachers and schools. If their students used xenophobic language, which the teachers wanted to correct, they felt “as if you can hear the parents speak”⁹⁵.

In general, teachers felt CE should prepare students for living in a multicultural society. One expert said CE must provide experiences in order to change attitudes. Good practice is, according to this expert: “anything where students may have dialogue and debate in the classroom”⁹⁶

All respondents agreed that teaching tolerance is an intrinsic part of CE. When asked what they feel tolerance is, they answered “recognizing and accepting diversity from a principle of equality⁹⁷”, “openness and willingness to understand⁹⁸”, “respect and refraining from prejudice⁹⁹”, “non-discrimination and understanding¹⁰⁰”. One teacher was critical of teaching tolerance, as she associated it with justifying bad behaviour, and she instead preferred “combating negative stereotypes and prejudice¹⁰¹”.

Teachers and also experts express their wish to go *against* popular discourse in Dutch politics. One expert, who has been involved with the Key Document from SLO, states that they have tried to include a more Critical-Democratic approach: “On one hand you have the element of integration and adaptation within the civic domain, but you also have the critical, the democratic. We have tried to put that aspect into it as well, even though the law doesn't mention it so explicitly¹⁰²”. He also felt that “...the focus on democracy, critical opinion-development, human rights, should be added more and get more emphasis¹⁰³”. A teacher said: “Especially NOW with this political climate, I feel it is very important that these children learn they should not immediately reject what they don't know¹⁰⁴”.

2.4.2.4. Possibilities for (in)tolerance in Citizenship Education

Taking the threefold typology of citizenship from Veugelers as our starting point, the three perspectives may provide different justifications to teach tolerance. From an Identity-adaptive approach, the group norm may be to be tolerant and respectful. The Individual-autonomy approach may look at self-interest and the Golden Rule as a justification for tolerance, as mutual tolerance increases freedom for the individual and creates opportunities for autonomous choices. In the third perspective, that of Critical-Democratic values, tolerance is required to achieve equality and emancipation.

However, the three perspectives also imply different boundaries for tolerance. In the first perspective, Identity-adaptive, the strain on tolerance increases when the ‘social cohesion’ which citizenship education must facilitate, is no longer regarded as referring to plural (cultural, religious, political) identities, but to a singular (national, Dutch) identity. The intolerance associated with deviation from in-group norms, which is common in subcultures, will now apply to all citizens - with the consequence that “if you don't like it, you can leave (the country)”. A second aspect is that tolerance used to be a value linked to Dutch identity. If tolerance itself ceases to be part of *perceived national norms* and national identity, and this perceived normative identity is instead replaced with secular values, orthodox groups are scrutinized for their “lack of integration”. If citizenship education is interpreted as

⁹⁵ Teacher interview 5

⁹⁶ Expert interview 1, page 8

⁹⁷ Expert interview 1, page 3

⁹⁸ Teacher interview 2, page 9

⁹⁹ Teacher interview 3, page 3

¹⁰⁰ Expert interview 4, page 8

¹⁰¹ Teacher interview 2, page 9

¹⁰² Expert interview 1, page 3

¹⁰³ Expert interview, page 5

¹⁰⁴ Teacher interview, page 3

integrating pupils and students into a community of values, whether on the level of the school or the level of the nation, this may reduce tolerance for ‘un-Christian’ or ‘un-Dutch’ values and practices.

The possibility for intolerance in the second perspective (individual-autonomy) lies in its contempt for collective or religiously motivated moral reasoning. If students are requested to become autonomous, liberal thinkers, those students who wish to conform themselves to religious teachings will feel left out. In the third perspective too, the modern bias can prove to undermine tolerance, as it refutes dogmatic thinking and it sees equal treatment as a core moral principle. However, its attention for power structures and its aim for critical thinking may reduce prejudice and thus offer possibilities for increased tolerance, perhaps more so than the other two perspectives (Vogt 1997).

Our research of policy documents and educational recommendations suggests that the Identity-adaptive perspective is mostly expressed in the political debate, and it was found less common in the debate among educational experts. Individual-autonomy and Critical-democratic principles were more prevalent there. This may indicate that there is a discrepancy between the level of policy and that of practice, not only due to the difficulties of implementation, but also because there are different ideologies at work.

2.4.3. Respect2All: the success of an anti-racist program

2.4.3.1. Introduction

Schools and individual teachers in the Netherlands decide from which perspective they teach CE, and which values are important. In this section, we look more closely at possibilities to increase tolerance through CE. In educational practice, we encountered several concepts of citizenship education and their related interpretations of tolerance. The dominant Identity-Adaptive perspective from a monocultural, nationalistic point of view, seems to be prevalent in politics but less so in educational research and advice. Yet, this view does prevail in denominational school policy, in which the school identity is a means to socialize children. We also expect the Identity-Autonomy and Critical-Democratic perspectives to be used as a frame of reference by teachers and experts. In order to find out more about the ways in which students may learn to be more tolerant, we provide a short overview of empirical research of this topic, mainly based on the findings of sociologist of education Paul W. Vogt (1997).

Vogt states that it is more important to increase tolerance (end eliminate discrimination) as an educational goal, than it is to reduce prejudice. Tolerance he describes as: “putting up with something you fear, do not like, or otherwise have a negative attitude toward; it involves support for the rights and liberties of others and not discriminating against those toward whom you have negative attitudes” (Vogt: 1997: 200; see also the WP2 theoretical report of ACCEPT-Pluralism). According to Vogt, therefore, the opposite of tolerance is not prejudice, but discrimination.

The tendency to discriminate against others, who one dislikes, is common. In-group solidarity can grow quickly and it often coincides with a tendency to discriminate against the out-group. Even though there may sometimes be good reasons to be intolerant (towards violence, for example), there is always an option to tolerate - not discriminate or take action against - the person, group, behaviour or opinion one dislikes. However, the elimination of prejudice also increases the likelihood of tolerance (Vogt 1997: 200)

Among others, cognitive and personality development are means to increase the tendency to tolerate (Vogt: 1997: 204). As religious developmental research shows, the ability to take a relativist position and being able to change perspective (also referred to as “religious plural self”) is associated with tolerant views - regardless whether one is religious or not (Sterkens 2001; Duriez and Hutsebaut 2000; Streib 2001; Versteegt 2010).

The ways in which education, under certain conditions, may improve tolerance, are: increased intergroup contact, personality development, cognitive development and various types of citizenship

education (Vogt 1997: 202; Sleeter and Grant 2007). Some conditions will increase the effectiveness of teaching tolerance, such as a school climate in which bullying is addressed and which “[...] encourages open discussion and inquiry”, (Vogt: 1997: 209). It is also important that the teacher makes the value explicit, and also salient by his or her behaviour. This might include praising those students who apply the value and punishing those who act against it (Pluymert 2010: 15).

Tolerance can be taught through the regular curriculum or through intervention programs (Vogt 1997: 105). Schools in the Netherlands may use both to implement CE. We now look more closely into an example of an intervention program aimed at increasing tolerance by reducing stigmatization. We chose this intervention program as our topic of interest, because a school which had implemented it, had received much media attention due to a successful turn from an intolerant to a tolerant and even accepting school climate.

2.4.3.2. The ICA peer training program

Two lobby groups in the Netherlands created an almost unlikely collaboration in order to reduce discrimination and prejudice through education. Alongside, several school organizations and anti-discrimination foundations joined in. This so-called Intercultural Alliance (ICA) consists of:

- CIDI (Centre for Information and Documentation Israel) which combats anti-semitism
- COC (Centre for Leisure and Culture) which combats homophobia and supports homosexual, bisexual, lesbian, transsexual and transgender people in their emancipation
- Several anti-discrimination organizations
- The ISBO, the school organization for Islamic schools
- De Besturenraad, an organization for Protestant-Christian schools

The ICA develops trainings and projects in which several types of Vogt’s ways to increase tolerance are being used. One of the projects is a secondary school intervention program which uses peer training to educate an entire classroom or school. This peer training program receives funding from the Ministry of VWS (National Health, Wellbeing and Sports).

In the peer training program, behavioural change is more important than attitude change (De Vlas, 2010). After the intervention, students may still dislike homosexuals, Jews and/or Muslims, but they must become aware of their negative attitudes so they can prevent themselves from acting upon them. The aim of the project is to reduce stigmatization and discrimination by linking this social process to the Nazi concentration camps.

The intervention consists of three phases. In the first phase, a selected group of approximately forty students takes a week trip to Poland. They visit the former Nazi concentration camp Auschwitz. In the proximity of the camp, they are trained to reflect upon processes of stigmatization, social exclusion and discrimination. In the second phase, the students return home and teach their fellow students what they have learned in five days training sessions. The third phase is a symposium on freedom and democracy, organized in association with the National Committee 4th and 5th of May (for the national Second World War commemoration).

The ICA project, alongside other Dutch intervention programs, has shown to be effective in increasing tolerance (De Vlas, 2010) and acceptance. After taking part in the program, students of a Reformed secondary school said that they have learned to:

- recognize intolerant thoughts
- think before acting or talking
- find information about, or approach and talk with a disliked person.

Through the training, students had changed their behaviour, but not necessarily their intolerant thoughts (De Vlas 2010: 53). In some cases, their beliefs had changed somewhat, leading to increased acceptance (ACCEPT II). If intolerance was related to faith, such as in ideas about homosexuality, there had been little increased acceptance, but there was increased minimal tolerance (ACCEPT I). For example, a student recalled when the preacher in her church mentioned “there are no faggots here”, she had objected to his choice of words in public and also questioned the absence of homosexual church members (De Vlas 2010: 50).

2.4.3.3. Respect2All and teacher’s experiences

In our description of the teachers' accounts, we also compare two schools. The first school we refer to as 'R2A', which is an abbreviation of Respect2All, the name of the intervention project of ICA which was implemented at the school. Two teachers (interview 2 and 3) are staff members of the R2A secondary school, which received some media attention. Initially, the school was in the news negatively, because of riots and violence between its students and groups of Turkish and Moroccan youth¹⁰⁵. In a TV program¹⁰⁶, some students of the schools were interviewed. They adhered to right-wing extremist positions. One of the students showed a neo-nazi outfit, posters of Adolf Hitler in his bedroom and several books on Nazi warfare. He expressed himself as anti-Muslim and his political preference was PVV (although he stated that his exact preference was not represented in the Netherlands). The father of this young boy said he did not approve of his son's political views. The school director expressed his worries about the school climate. Later, the school received media coverage after the Respect2All project resulted in higher scores in anti-discrimination support among the school youth¹⁰⁷.

The second school is labelled ‘CTRL’ for ‘control’. The school serves as a comparison to the R2A school, as it has some similar features. These are: an open, Christian school identity, and a predominantly white school population of rural background, with intolerant views towards Muslims. The chosen policy for citizenship education at ‘CTRL’ is quite different. The teacher indicated with interview 5 is a staff member at the CTRL school.

School population and identity

The R2A school describes itself on its website as “wishing to offer youth from the age of 12 - with various life convictions and cultural backgrounds - a general and vocational personality development so they can find their place in society”. The website also states that the school “actively fights discrimination” and it has achieved the official status of ‘One’ school - a school where more than 70% of students and teachers are supportive of article One of the Dutch Constitution which addresses discrimination and equality. With this firm anti-discrimination statement and focus on personality development, the R2A school positions itself between an Identity-Autonomy and Critical-Democratic perspective.

The CTRL school is referring to an Identity-Adaptive approach with traces of Critical-Democratic: they wish to let students become aware of who they are and what they can mean to others. “[CTRL] is a Christian school [...]. Openness and respect for everyone's convictions are central. We approach each other peacefully and fairly. Our education is shaped from a Biblical perspective. We see our school as a community in which there is room for everybody, regardless culture, religion or nationality”.

¹⁰⁵ *De Gelderlander* January 18, 2008: “(Name school) schrikt van radicalisering”

¹⁰⁶ *Premtime* December 17, 2008

¹⁰⁷ *De Gelderlander* December 04, 2009 “Fraai eerherstel voor (name school)” and *Trouw* April 22, 2010: Students learn how to handle diversity”

The Inspectorate online reports of these schools do not mention CE in any way and simply state that both the school R2A and school CTRL have good results which justify a low-profile inspection.

In descriptions from both R2A teachers and the CTRL teacher, their school was described as 'white'. Teacher 2 (R2A) says that "the problem originates from the fact that we are not a multicultural school [...]. The students can develop these ideas in a certain direction because they do not get corrections from within their peer group. [...]. *[The school, IV/MM]* is not representative for the current society anyway". The school population's intolerant and prejudiced attitudes are described as having changed thoroughly due to several implemented intervention programs, of which the ICA program may have been crucial. Teacher 3 relates dealing with cultural diversity to CE: "we are a white school and if we don't do anything about it, I feel we don't prepare our students well to the society as it is right now."

Teacher 5 refers to his school as "open Christian". There are some "specific problems", because "you see very little allochtonous *[students, IV/MM]* in the school" and "parents are rather racist". The reasons for a lack of allochtonous students is "we are a Christian school, it scares hem off" and the fact that "it is forbidden to wear headscarves in this school". The "intolerance towards foreigners" he considers important issue which he should address in CE, although he also thinks that "its fighting against all odds".

There is considerable difference in the described severity of the problem with right-wing extremist youth between teachers of R2A and CTRL. Where teachers 2 and 3 of R2A stated the problem was very big and had to be addressed, the teacher 5 of CTRL says there is "quite a lot of intolerance, but not in an extreme way". It is unclear whether this is related to teacher's perceptions and evaluations, or actual differences between the two schools' populations. The R2A school however did have some problems with fights and riots, whereas similar reports have not been found about the CTRL school. When asked if there are any right-wing extremists in his school, teacher 5 indicates this is not the case. However, he reports very intolerant views of his students towards Muslims. The class was taken to the Parliament. Afterwards, "of course we voted here, but then every time PVV came out *[as the biggest party, IV/MM]* for classes 2, 3 and 4".

The school's experiences with the ICA program

The project of ICA called Respect 2 All was initiated because of the growing right-wing extremists in the R2A school. A teacher of Religious Education and Study of Society was the first one to notice: "When they have very right-wing ideas, and they are not at all open to the multicultural society [...] well in Study of Society and Religious Education, this becomes very apparent in the classroom"[...]. The teacher thus initiated her own project to address these issues, but "it was not solved with a little film and classroom debate". Soon "my colleagues became startled, they said: "this is so big [...] we need help". The teacher (2) went through lengths to find a project and appropriate funding to implement an intervention project aimed at reducing prejudice by awareness. "Students who come along are trained to become peer-trainer, so they can teach what they have learned to their fellow students"¹⁰⁸.

The developments in the R2A intervention project are told by teacher 2 in a very dramatic narrative. The impact of the project "completely reversed the situation here", she says. First there were neo-nazi students with a large peer group of students who were attracted to their "coolness", and intolerant views were part of the group's identity. "It was 'cool' to have a bomber coat, flags, army boots, rolled up trousers, the whole shebang of signals that stated: I don't tolerate it, and they [...] should all get out". It was difficult to influence the students' beliefs: "but Miss, we can discuss this, but this is my opinion, and my dad thinks so too and so does our neighbor and my uncle, I am not changing my view because you have some opinion." Moreover, living in bad neighborhoods reinforced their negative stereotypes: "you see one Moroccan steal your bike in front of you, and another Moroccan breaks your neighbor's windows [...] it just gets into your system".

¹⁰⁸ Teacher 3, page 2

According to the teacher, “it was necessary that something was done to the terrible stereotypes and prejudice. And what we did was, provide the students with an intensive training of two weeks [...]. As part of the training we took them to Auschwitz to show what happens if you systematically exclude people [...] to such extent that you don't allow them to live anymore”. Students on the trip became “aware of the process of stigmatization and prejudice”. A girl who wore a bomber coat and who had a neo-nazi boyfriend, was “crying for days, and she said: ‘How could I be so wrong? How could I possibly think like that?’ [...] She really turned 180 degrees.”

As a result, “those students who had come along simply would not tolerate it anymore. The twenty we took with us, they would address these army boots simply!” The peer trainers

“...showed films about Auschwitz and how terrible it was what they saw there, and everyone agreed, because what happened to the Jews is terrible.” The peer-educators then linked the Holocaust to stigmatization and prejudice in general: “But did the little Jewish boy do anything wrong? No, no of course not! And then they can slowly make the step towards “and Mohammed, is it his fault that Ishmael smashed your neighbor’s windows? [...] So they can understand that process, that not every Moroccan is a bike-stealer, or a window-smasher.”

As a model of explanation, students introduced the “Pyramid of hatred” versus the “Pyramid of love and peace”. At the bottom of the Pyramid of hatred is placed ‘exclusion’, at the second level there is ‘violence’ and the top level is ‘genocide’. Debates started in the classroom between the neo nazi students and their peer trainers: “You can't say: we must shoot all the Turks through their heads! Do you realize what you are saying?”

Because the “most severe cases” left the school, and the intervention changed the style of debate in the classroom, “it was suddenly cool to have been there”. Many students had never travelled abroad and “it was very special to make the trip and Auschwitz is really an intriguing place for them.”

Teacher 2 was “shocked with the large amount of influence you have” when you “take [*students, IV*] away from their natural environment and you start drilling them“. She noticed that “you bring them home completely changed”.

Teacher 3 expresses this change with the fact that the school became a ‘One’ school, by signing they agreed with Article One of the Dutch constitution. Of students and teachers, 85% signed this document in the first year. The past year, however “One class didn’t want to sign because it was somehow cool not to participate”, but teachers managed to change some student’s minds, by relating the topic to bullying and whether they wanted protection from that or not.

Contrarily, teacher 5 of the CTRL school tells a different story, in which possibilities for change of his students’ attitudes are scrutinized, due to the complexity of the problem and due to respect for the students' autonomy. Many of his comments express this: “We tried, but it did not catch on” and “what you notice is that it is very difficult to tackle” or “it is fighting against the odds”. He recalls talking with an expert on the topic of prejudice, and the expert confirmed these views: “it is basically impossible [...] you can barely address it”. Teacher 5 frames the students' attitudes more in terms of what they *are* then in how they behave: “they are white, average farmers [...] and what they don’t know, they will not accept”.

Also, he believes the situation is “rather complex” and it is difficult to find a solution. One of the difficulties is that the views students express the opinions they have heard from their parents: “you just hear the parents speak [...] they take it all from home”. He finds some space to “break through that” and “expand their life view” by debates. He thinks that he should not oppose the views of the students too much, because “they are allowed to have their own views [...] are allowed to think for themselves and have any opinion actually”. The only thing he can do is “provide them with knowledge so they have a better foundation for their opinions” and “know there are other parties besides PVV”. However, when he is informed throughout the interview about the R2A project at the other school, he is

interested to find out more. He asks for more information, he says he will look into websites and also expresses his enthusiasm: “this sounds nice”, and “this rather helps me”.

Practical issues related to implementation of CE

At R2A, both teachers are very committed to changing prejudice and increasing tolerance. But for them, the ICA project was related to CE only afterwards. “I do things which may be categorized as CE but more because of the issues, because we needed it here“, said teacher 2. “As a school you say, okay, what do we do, and how can we assign it, and then we simply put it in that box and you say: we are doing well [*with CE, IV/MM*]”.

At CTRL, the teacher is more blunt. When asked about CE, he says: “We actually don't do that“. He “wondered why” he “never heard anything about what he should do”. The only thing he heard was that there “is a leaflet about it somewhere, I believe. It was thrown in a box, but...” When asked if the Inspectorate has already checked them for CE, he says he does not know. Yet, the school partakes in several projects which could be “labeled under CE if you like”. He summarizes this and says, “I would say we are inclined not to do it, but when the Inspectorate comes, we do have some story to tell, you understand?” The projects he mentions are: visiting Mosques and Hindu temples, debate, student parliament, student elections, and a European exchange program with three other schools. The reasons why CE at the CTRL-school has not been implemented at a structural level can thus be summarized as: a lack of information and knowledge about CE by the teacher, a lack of urgency expressed from the school leaders and no known Inspectorate checks of the school on this issue.

The continuation of projects such as Respect 2 All is not safeguarded, according to teachers 2 and 3. One problem was that “you only have a limited amount of money and a limited amount of hours to divide, and limited amount of teachers, so somewhere something has to be taken off”. Teacher 2 also added that her teaching hours are currently being cut, due to “a lot of emphasis on language and math”. Moreover, it had been very difficult to find the ICA project. “I had to move heaven and earth to find the place to go to”. She turned to contacts of her previous job at the government and her contact person said, “I believe most of these projects are no longer funded”. Despite the official governmental concern for extremist developments in schools, she had to “search like a maniac for funding”. She feels that there should be easier access to information and funding if schools have a serious problem.

2.4.4. Conclusion

Despite the Dutch Government's attempt to install assimilationist values in CE, the experiences from teachers and experts in our research suggest that these values barely influence the actual curriculum and classroom practice. The reasons are both ideological and practical.

Ideologically, the Identity-Adaptive approach which is dominant in the political discourse related to the law for CE is not carried out at the lower levels of implementation. Educational experts involved with creating practical frame-works for schools, as well as NGOs who create programs, often work from a Critical-Democratic perspective and are opposing the Identity-Adaptive ideals. Thus, while the government may envision CE to increase integration of ill-adapted Muslim youth into “Dutch norms and values“, school programs may instead try to reduce the negative stereotype regarding Islam and reduce prejudice among the 'white' youth. Researchers and experts involved with implementation are actively bending the policy in this direction.

On the practical side, another reason for the assimilationist approach not setting foot in the classroom is that CE gets little priority. There is no money or time available, it has no book or method, and most of it is left to the schools. Schools develop incoherent, patch-work curricula that suffice for Inspectorate checks and then leave it to the individual teacher. The Inspectorate's checks are sporadic and only focus on paper work, not on practices or results. The individual teacher may thus approach Citizenship from his or her own ideological perspective, awareness and creativity.

Due to teachers' lack of knowledge about the possibilities of CE, and financial and agenda-related constraints, the implementation still is stagnating. However, the framework of CE does provide possibilities to address problems which may occur in the school population, regarding intolerance or lack of accepting diversity. The project Respect2All which we described was carried out as a part of the school's obligation to offer CE. It increased social awareness and reduced prejudice and the tendency to discriminate, among a predominantly lower-class, white school population. The freedom of education thus creates opportunities to teach tolerance, because it allows for deviation from the dominant political ideology.

2.4 Concluding Remarks

In this conclusion we first return to the conceptual framework of our project. Tolerance is usually defined as "putting up with something one disagrees with" (Forst 2000). It requires the ability (power) to do something against it, but deciding not to act upon it in order to avoid conflict or other negative outcomes (Vogt 1997). Current research suggests there is a decline of tolerance in Europe. The main target of this growing intolerance are (migrant) communities categorized as Muslims. It is being argued that in European societies "there has been too much leniency, too much accommodation and too little insistence on shared values." (Dobbernack and Modood 2011: 8). However, as the Dutch case studies demonstrate, the search for shared liberal-secular values makes it more difficult for all orthodox religious groups (Christian ones amongst them) to live their lives and operate their institutions and organizations according to their interpretation of the Scriptures.

Decreasing tolerance for orthodox Christian and Islamic groups

Despite the fact that both Muslim schools and Reformed schools are a very small minority in the Dutch educational system, they continue to draw negative attention in the media and politics. Even though there is little political support to abolish the dual system in which governmental and non-governmental schools are funded equally, there is wider support for the idea that religious schools should be controlled more intensely by creating laws to ensure liberal norms in all schools, for example by compulsory acceptance of all teachers and students who wish to be part of the school - regardless their religious background or sexual orientation.

The principals of Reformed and Islamic schools that we interviewed expressed a concern about existing stereotypes and misconceptions about their schools. On a local level, principals of Islamic schools and to a lesser extent, principals of Reformed schools say they experience indirect forms of obstruction as well as threats. Nevertheless, there are also important differences with respect to the negative views of these schools. Islamic schools are more often perceived as outsiders and they are often not seen as Dutch schools, whereas Reformed schools are associated with the Dutch "in-group". The Dutch Reformed are seen as a small group which has an established, though exceptional, position in Dutch society. Incidents at Reformed schools are often framed as a result of conservatism and are met with shrugging of shoulders, such as when Reformed school girls were turning to the municipality because they were not allowed to wear trousers on their bicycle ride to school in the freezing cold.¹⁰⁹ Muslims, by contrast, are perceived as an out-group in terms of ethnicity, nationality *and* religion and are continually scrutinized regarding their level of integration. Islamic schools are called upon to do their best to prepare children for "Dutch society" and in the case of Muslim immigrants orthodoxy is commonly seen as a sign of non-integration.

In the light of these diverging views of both schools we found interesting differences between conceptions of tolerance and recognition among Reformed and Islamic school principals. Principals of Reformed schools wanted their schools to be positively recognized as a part of Dutch society and

¹⁰⁹ "Verplicht koude benen" *NOS Headlines* January 9 2009,.

objected to the image of their schools as “abnormal” or “isolationist”. However, the concept of tolerance also plays an important role for the way the Reformed view their position in Dutch society. Even though the majority may disapprove of the ideas and ways of living of the Reformed, they feel they have a right to exist and not to be discriminated against. To them tolerance means they should have the opportunity to live according to their convictions and rules, also in the domain of education. For Islamic schools this appears to be different. Muslims are not (yet) an established religious minority and are still fighting for the right to be seen as normal and Dutch (i.e. not “foreign”). At Islamic schools the management seems to be primarily concerned with improving the performance of the school, both in terms of teaching and in terms of management.

The debate about Reformed and Islamic schools deals with defining whether some of their practices and regulations are beyond what is tolerable in a liberal-democratic society. The most sensitive issue in this respect is when these schools select pupils or staff in such a way that they violate norms of equal treatment and non-discrimination. Some Reformed schools want to be able to refuse teachers because of their sexual orientation, because of their civil status (e.g. being divorced) or because of their religion. There is less and less understanding for religious schools discriminating in this way, first, because they are faith-based organizations that employ regular personnel (i.e. teachers) and not core religious organizations (such as churches) that employ religious personnel, second, because they are publicly financed, and, third, because as educational institutions they should exemplify, not violate, key legal norms, such as non-discrimination. More complex is the discussion about whether a religious school can demand that teachers “subscribe” to the religious identity of the school, agree to execute the school’s teaching program (also if it goes against their own views) and refrain from expressing aspects of their own identity or ideas (e.g. with regard to sexuality or religion) and discussing these with the students. The principals of Reformed schools we interviewed often expressed the fear that this imposition of secular-liberal norms runs the risk of reducing the associational freedoms of schools. For them, a school has a fundamental right not to accept certain people and practices in its midst, if they violate norms and values that are in their view constitutive of their religious community. “Tolerance” remains an important trope for these groups because they argue that the fact they deviate strongly from some of the mainstream norms still obliges that majority to tolerate them, even if it is with “gritted teeth” (Bader 2007).

Teaching citizenship and conceptions of tolerance

In the Netherlands the general and increasing insistence on defending “shared values” has been associated strongly with a call for citizenship education. Citizenship education should help install liberal-democratic values in children and teach them about the norms enshrined in the Dutch constitution and in mainstream, so-called liberal-secular society. To analyze different perspective on citizenship and citizenship education we made use of a typology distinguishing between

1. an adaptive approach (that focuses on teaching “the” shared values of a society),
2. an approach emphasizing the development of autonomous citizens (that focuses on teaching independent judgement and autonomy) and
3. a critical democratic approach (that focuses on teaching critical reflection and social awareness).

Building on this typology the case study showed that whereas the “adaptive approach” and the presumed need to teach about Dutch cultural values and Dutch history, was important in putting citizenship education on the political agenda, it was quickly diverted in the policy process. Researchers and experts involved with the implementation actively are bending citizenship education in the direction of trying to increase debate, critical thinking and reducing prejudice, far more than aiming to teach “Dutch norms and values”. The experts we interviewed underlined that in order for citizenship education to be successful in increasing social coherence, schools should not just teach tolerance but they should *practice* tolerance and clearly focus on non-discrimination. They also stressed that the implementation of European curriculum requirements with regard to Human Rights

Education as well as Anti-Racist Education must become effective as soon as possible. This most urgently is needed for the lower-class “white” pupils, as international and national research shows a decline in civic competencies and knowledge among this Dutch group in particular.

Another main finding from our study into the implementation of citizenship education in the Netherlands in relation to efforts to teach tolerance, is that citizenship education gets little priority and that there is a lack of money and time available. Schools develop patch-work curricula that suffice for Inspectorate checks and the individual teacher may approach citizenship teaching from his or her own perspective and creativity. On the more positive side, the framework of citizenship education and the obligation to “do something” provides opportunities to address problems that may occur in schools regarding intolerance or a lack of acceptance of diversity. The project Respect2All that we analyzed was an example of good practice and helped to increase awareness and reduce prejudice. Finally, we have observed that the freedom of education and the autonomy of schools to decide on their curriculum hinder a stricter top-down implementation of a curriculum for citizenship education. Educational goals and requirements remain vague also in order to allow schools to decide themselves on what exactly they want to teach.

Embodiment of tolerance in everyday school practice

Our case studies have shown that in order to present everyday forms of embodiment of tolerance in discourses and practices in Dutch schools we need to go beyond the sometimes alarmist tone of public debate. In our interviews, we found school principals who are able to negotiate between educational goals, religious dogma and more pragmatic concerns. In a context of increased public scrutiny religious schools navigate between more strict and more liberal interpretations of religious identity and its relationship with school policy. Examples are discussions between school management, school boards, teachers and parents about the content of religious education, about dress codes, acceptance of homosexual teachers and pupils and teaching about sexuality.

The same can be said of citizenship education. The call in the political debate for more morality, more respect in schools and better integration into Dutch norms is not met with necessary funding or educational demands, and thus seems to be mere lip service. Educational reformers and researchers who criticize the lack of governmental guidelines fail to see how it enables them to implement a different, more critical-democratic type of citizenship education.

In both cases, the Dutch Freedom of Education and notably Article 23 create a considerable amount of autonomy for schools to create and redefine boundaries of tolerance. On a school level, associational autonomy becomes contested when it leads to discriminatory practices. On the level of the classroom, the autonomy of students is taken into account and some teachers doubt to what extent they are allowed to scrutinize the political views of their students, or influence their attitudes.

Chapter 3 – Contested Policies of exclusion in the Netherlands. The lamentable asylum cases of Sahar and Mauro

Inge Versteegt and Marcel Maussen

3.1. Introduction

3.1.1. Policies of exclusion, asylum and tolerance in the Netherlands

The Netherlands is among the European countries where the decrease of tolerance for immigrant communities and the so-called “backlash against multiculturalism” has been most dramatic. A major component of declining support for cultural diversity is the demand to *restrict immigration*. Most EU countries are trying to make their immigration policies more severe and immigration and asylum are increasingly dealt with at the EU level.¹¹⁰

A large percentage of Dutch voters believe that immigration should be curbed to a minimum and that asylum policy should be very strict.¹¹¹ But there is also protest. There is critique of the unjust and unfair treatment of asylum seekers at any stage of their asylum application and against the treatment of rejected asylum seekers and undocumented migrants. Some protest is primarily focussed around the dramatic case of individuals who are at risk to be expelled or who’s asylum request is rejected. This type of protest usually receives a lot of media attention and it involves emotional outcry in which friends and family of the person in question appear on national television. Two of such “lamentable cases” (*schrijnende gevallen*) resulted in major public debates in 2010 and 2011: the Afghan girl Sahar and a boy from Angola, Mauro. Whereas Sahar got a residence permit along with 400 other Afghan girls, because she had become too “westernized”, Mauro’s claim to remain with his Dutch foster family was rejected, but he was allowed to request a student visa.

This report presents the outcomes of a research that was aimed at finding the arguments and ideas behind socio-political mobilization against Dutch asylum policy, and whether and how these forms of mobilization affect the execution of policies of exclusion and citizenship in the Netherlands.

3.1.2. Contesting asylum policy in the Netherlands: national discourses on (in)tolerance and its limits

Historically the Dutch have often imagined themselves as a nation that offered a safe haven for religious and political refugees. There was a clear linkage between narratives about Dutch tolerance for religious differences *inside* the Netherlands and an openness towards *foreigners* who were persecuted for their faith and beliefs or who were fleeing violence. The Dutch branch of Amnesty International speaks of the role of the Netherlands as a “guiding nation” (*gidsland*) in this respect. However, as one can read on Amnesty’s website, over the past two decades this image has changed. The fact that the Netherlands has been accused of violating human rights in the treatment of refugees has damaged the self-image as one of the most tolerant nations in Europe.¹¹² Secondly, ideas on tolerance and immigration and asylum policies are linked to the concept of “pragmatic toleration”. Pragmatic toleration or “condoning” (*gedogen*) refers to the declaration in advance that under specific

¹¹⁰ Notably of course since the European Pact on Immigration and Asylum (2008). See the yearly reports of the European Migration Network (EMN).

¹¹¹ See opinion polls in SCP 2009: 257-258.

¹¹² See “Is Nederlands gidsland in de mensenrechten?” Amnesty International, Downloaded February 20 2012. Available at: <http://www.amnesty.nl/mensenrechten/encyclopedie/nederland-mensenrechtenbeleid>.

circumstances offenders against a particular legal norm do not need to fear punishment.¹¹³ In the context of the governance of immigration the critique of condoning has focused on leniency with regard to legal requirements for immigration and asylum, and with the way undocumented migrants were allowed to stay and work in the Netherlands. An opinion poll held in 2005 showed that the most vigorously condemned form of condoning was when “illegal stay in the Netherlands” was allowed (Mascini and Houtman 2011: 15).¹¹⁴

Changes in Dutch asylum policy over the past ten years are thus directly related to debates on tolerance. Now that the effects and outcomes of stricter asylum policy are becoming visible, old and new voices of protest develop.¹¹⁵ Eviction of rejected asylum seekers remains difficult and a growing number of rejected asylum seekers become undocumented residents. Local authorities find ways to divert or obstruct national policy-guidelines and civic associations support asylum seekers who are confronted with situations that violate basic rights, notably of children.

3.1.3. Political challenges and tolerance: relevance for the framework of ACCEPT-pluralism¹¹⁶

The fourth work package of ACCEPT-pluralism investigates the importance of tolerance in relation to political participation and representation of minorities. In the case of asylum seekers, the difference and boundaries between minorities and the receiving society primarily concern residence status and not cultural, religious or ethnic practices. Yet, a racial, religious and ethnic dimension is obviously present around this issue, since asylum seekers generally originate from Asia and Africa, and because the asylum procedure has become one of the few options for migrants outside the EU to enter the Netherlands. One of the main aims of the asylum procedure is to distinguish between those migrants who may enter (and who should be accepted) and those who may not. The Dutch case is illustrative of two seemingly contradictory emotions with regard to foreigners: there is an increased “intolerance” by the Dutch state and society for illegal residence, but there is also increased concern about individual stalled asylum cases, and a plea for acceptance and granting residence permits on humanitarian grounds. This may well be illustrative of the way tolerance can involve a “perceptual shift” when the reasons for not tolerating a person are overridden by his or her humanity (Dobbernack and Modood 2011: 13). The formal non-toleration of those who have no legal rights to live in the country, becomes toleration or even acceptance, when the humanity of individuals becomes the ground for judgement.

The recent contestations around the eviction of rejected asylum seekers have also taken up new dimensions related to cultural differences. The so-called argument of “rootedness”, meaning that it is wrong to evict a person who is well integrated in Dutch society, has affinity with ideas about cultural citizenship, i.e. the idea that cultural assimilation is a requirement for full inclusion in a liberal state (Duyvendak 2011). In addition, debates on asylum policy bring to light a hidden tension in the discourses of liberalism. According to many protesters, human rights experts and NGOs, Dutch authorities and Dutch asylum practice are violating basic norms of decency and international human rights standards. It appears that in this context the politics of “liberal intolerance” are backfiring, because now the state itself stands accused as responsible for ways of doing that are “intolerable” in a liberal-democratic society.

¹¹³ The concept “condoning” is not unique to the Dutch situation, it also exists as a legal concept or guideline in Germany (“behördliche Duldung”), England (“cautioning and forbearance”) and France (“sans suite” and “main courante”). However, as Mascini and Houtman observe, the Netherlands is unique in that “condoning” has acquired a formal standing in policy guidelines (2011: 7).

¹¹⁴ Significantly, a press release of the Ministry of Immigration and Asylum on a proposal to make illegal stay in the Netherlands a crime was entitled “The government ends the condoning of illegality”. July 8 2011.

¹¹⁵ In 2003 Human Rights Watch condemned the Netherlands for violating the basic human rights of asylum seekers and immigrants. Recently, Amnesty International has raised concern about aspects of Dutch asylum policy (2010, 2011).

¹¹⁶ We decided not to include a section on the political participation of migrants, as this is unrelated to our topic.

There are important political dimensions to this case study. Asylum policy is among the most intensely debated issues in Dutch politics. Organized political mobilization by (rejected) asylum seekers and undocumented migrants themselves is rare, for the obvious reason that they have little opportunities.¹¹⁷ Still, there is indirect political representation of asylum seekers and undocumented migrants via NGOs, individual citizens, individual MPs and political parties.

Many studies report on the practical and legal obstacles in implementing strict policies of border control, expulsion and exclusion from facilities. Less well studied are the ways social and political mobilization, active resistance and protest shape policy execution and trigger policy change in this domain (e.g. Alink 2006, Gibney 2008, Tazreiter 2010). We can think of acts of civil and administrative “disobedience” by citizens, individual civil servants and local administrations.¹¹⁸ In view of identifying the ways in which contestation around the eviction of rejected asylum seekers is of direct relevance for debates on tolerance in the political domain we have decided to focus on two aspects. On the one hand, we will analyse the different actors, organizations and action repertoires that constitute public protest and contestation against the (execution of) Dutch asylum policy. On the other hand, we are interested in the discursive framing of individual “lamentable cases” and the consequences of Dutch asylum and expulsion policy, especially in relation to the type of arguments and justifications that are being developed to contest existing policy practices. The way this issue is debated will clarify “tolerance” and “respect” claims, as well as the claim of a decline of tolerance in the Netherlands.

We will analyse the way the “lamentable cases” of Sahar and Mauro were framed in the media and how they were used to problematize Dutch asylum policy (cf. also Van Gorp 2005). The sometimes contradictory nature of the argumentations is interesting in itself because it may reveal diverging policy goals, contrasting moral intuitions and conflicts among moral, prudential and realistic considerations (Bader and Engelen 2003). Another theoretical viewpoint that is relevant for our research is that developed by Loic Wacquant (2009). He describes two possible ways in which states may deal with the poor and marginalized (throughout history often migrants). These are: poor relief or social welfare and penalization. These strategies are continuously balanced in state policy, for which Wacquant refers to Bourdieu’s “two hands of the state”. The left hand is dealing with marginalization from a poor relief point of view, using education, medical treatment and better opportunities as solutions. The right hand uses disciplinary measures, prisons and fines to control and confine the poor. The strategy of penalization assumes that the poor are a threat to society, whereas social welfare strategy assumes the poor are themselves in need of protection. We take his two opposing ways to handle marginalization as a starting point for our analysis of the Dutch asylum debates.

3.1.4. Research question

We wish to examine the general procedures and policies for rejected asylum seekers, and investigate what happens when protest against this policy is being mobilized, becomes mediatized and politicized. Our main research question is:

How do different actors resist (aspects of) the execution of asylum policy, what argumentations do they articulate in relation to concepts such as tolerance and respect?

¹¹⁷ However, while we are writing this report, a protest of rejected Iraqi and Somali asylum seekers in Ter Apel, Groningen, who refuse to disappear into illegality and request continued shelter, is taking place.

¹¹⁸ See Doomernik 2008: 135.

3.2. Method

3.2.1. Discourse analysis and case studies

Our research question leads us to search for information about actors, procedures (policy) and about moral reasoning. Since we wished to approach the issue of contesting the policy for rejected asylum seekers from a combination of social and political studies, the choice for discourse analysis became obvious. Through discourse analysis, it is possible to analyse and connect the way people think, speak, and act regarding asylum policy, thus deconstructing the (political) debate, as well as the policy.

As we embarked upon the study, the headlines of Dutch newspapers frequently mentioned the name Sahar, and as we proceeded, that of Mauro (starting September 2011). These were two young end-of-line asylum seekers who were to be expelled, and whose lamentable situation became the centre of a public and political debate. Through discourse analysis of the debate surrounding their cases, as well as the different steps which led to the outcome of their procedure, we hope to give insight not just into reasons to contest Dutch asylum policy, but more importantly, the effects of such contestation on policy.

3.2.2. Range of information recourses

For this study, we used deskwork as well as qualitative interviews. The statistics on admission, rejection and effective expulsion of asylum seekers between the year 2000 and 2011 were gathered. We then analysed the relevant political debates. In the written media, we analysed main national newspapers (*de Telegraaf*, *de Volkskrant*, *NRC-Handelsblad* and *Trouw*) and opinion magazines (notably *Elsevier*). The search topics were: (rejected) asylum seekers, lamentable case, expulsion, detention, emergency shelter, Sahar, and Mauro. In order to describe contestation, we searched websites of NGOs, their online published reports, citizens' online petitions and social media protests, and local newspapers.

3.2.3. Interviews

For our group of respondents we selected people who could inform us about the practicalities and dilemmas in the policies for end-of-line asylum seekers, as well as possibilities to protest or obstruct the policies. We thus approached experts on asylum, policy makers and local politicians, representatives of NGOs and people who had supported Mauro or Sahar. While we conducted the interviews, we found that several respondents had more than one function. One of the politicians is also an expert on migration and holds a job at a university. Many respondents had been previously working as a volunteer for *Vluchtelingenwerk* (Refugee Council). Our sample included experts on migration, an official of the Dutch Immigration Service (IND), as well as politicians. Most respondents reported to have participated in signing petitions for individual cases or having joined protests.

The variety of respondents led us to create different topic lists for every respondent. A combined list of all possible topics can be found in the annex.

3.3. Analysis of the political challenge

3.3.1. Dutch asylum policy: reception, exclusion and expulsion

The following section analyses policies for (rejected) asylum seekers from 2000 to 2011. In this chronological depiction, three main themes emerge: (1) restrictions on immigration, (2) reduced facilities for irregular migrants, and (3) increased attempts to expulse unwanted migrants.¹¹⁹

1990-2000

Prior to the 1990s the number of asylum seekers and undocumented immigrants was relatively small, (Doomernik 2008: 129). A rising number of asylum requests from former Yugoslavia resulted in processing delays between 1991 and 1995.

In 1996 two new national institutions were created to coordinate asylum reception centrally: the Central Agency for the Reception of Asylum Seekers (COA, *Centrale Opvang Asielzoekers*) and the Immigration and Naturalization Service (IND, *Immigratie- en Naturalisatie Dienst*). The number of illegal residents in the Netherlands in those years was estimated between 50,000- 100,000 persons (CBS, 1999).

In 1998 the so-called Linkage Act (*Koppelingswet*) came into effect. Its aim was to discourage illegal work and residence. Illegal migrants were excluded from social services and work, by linking residence status to a social-fiscal number required for work, housing and taxes. An exception was made for medical emergencies and schooling for children.

2000-2006: New Aliens Act

In 2000 a new law was created to shorten the procedure and reduce the costs of repatriation. The New Aliens Act (*Vreemdelingenwet 2000*) had important consequences for rejected asylum seekers. Governmental support and shelter were ended for all refused asylum seekers. An exception was possible only if the asylum seeker could prove that he or she could not return. If an asylum seeker failed to report to the Alien Service during the procedure, or went missing, the migrant would become “*persona non grata*”. This became punishable with six months in prison. Preventive detention was introduced, meaning that immigrants who could be sent back to the country of origin (i.e. when a “*laissez passer*” was given¹²⁰) could be detained for a maximum of four weeks.

In 2001, the Netherlands reached the lowest figure of all European states in acceptance of asylum seekers.¹²¹ The influx of asylum seekers decreased from 44.000 in the year 2000 to 9,900 in 2004 (Donkerlo 2007). In 2002, 2,200 asylum seekers were granted a “pardon” and the numbers of refused asylum seekers residing illegally in the Netherlands were estimated between 10,000 and 40,000 (CBS 2002).

However, on the local level the effects of this policy of exclusion were cushioned. As Pluymen (2008: 326) argues: “The local level felt the need to compensate for (...) [the] “void” which was created by excluding destitute migrants who were unable to return to their country of origin from housing and public services. Municipalities thus financially supported or even created foundations which would in turn offer shelter or support” (our translation IV/MM). In 2002, 40 municipalities wrote a letter to Secretary of State Van Kalsbeek (PvdA) that they would no longer execute the policy which stipulated that rejected asylum seekers must be evicted by the police from the COA facilities and left without accommodation. The letter was an example of increased collisions between government and municipalities. The National Board of Municipalities for Shelter (LOGO, *Landelijk Overleg*

¹¹⁹ The policies directed at (rejected) asylum seekers thus relate to several policy fields: immigration, justice, public health, safety, social welfare, education, medical care, and foreign policy.

¹²⁰ *Laissez-passer* (literally: “let go”) is a document that allows passage into another country, for example when a passport is missing.

¹²¹ For tables, we refer to the annex.

Gemeentebesturen Opvang en Terugkeerbeleid) also sent a report in 2005 to alert the Minister regarding the situation of approximately 4,000 unaccompanied minors.¹²²

According to the new government, that came into power in 2003, the answer to these issues was to be found in more perseverance in attempts to expulse rejected asylum seekers. Minister Verdonk (“Iron Rita” from the liberal party VVD) announced a new policy aiming to remove 26,000 rejected asylum seekers. The so-called project “Return” should increase the return migration of undocumented migrants.

In June 2006, the results of Verdonks attempts to clear 26,000 old files were made public. A large percentage of the formerly rejected asylum seekers (44%) had been entitled to asylum while their file was re-evaluated. Only 714 persons received a permit due to “lamentability” (*schrijnendheid*). 3000 people had left the country independently, 1000 were forcefully expelled and 6400 disappeared into illegality, where they could no longer apply for government assistance and risked detention. Meanwhile, more measures to fight illegal residence became effective. In 2005, it became compulsory for all persons over age thirteen to carry identification at all times. Together with the Linkage Act of 1998, this new obligation became a powerful tool of the (Aliens) police to detect undocumented migrants, and also to detain them, either to keep them off the street or to ensure their expulsion.

While the policy became stricter, two incidents related to the asylum issue sparked public debate, and these debates created opportunities for opponents to criticize and question the policy. The first case involved rejected asylum seekers who were sent back to Congo in 2005, along with documents in which personal information about their asylum request was made available to the Congolese secret service (which was in charge of border control). This caused political and media uproar, in which Verdonk was accused of “endangering the lives of rejected asylum seekers”.¹²³ The second case was more dramatic, because in October 2005 a fire at the Return Centre of Schiphol airport in Amsterdam killed eleven undocumented migrants awaiting expulsion and injured many more. When information became known about the lack of safety in the building and the unwillingness of guards to open the cell doors, thus leaving the inmates trapped, this led to political and public protest. After an investigation by the *Onderzoeksraad voor de Veiligheid*, both the Minister of Justice (Donner, CDA) and the Minister of Housing (Dekker, VVD) resigned from office.

Following the growing public concern about the situation and treatment of asylum seekers, local aldermen and mayors of the Green Left party (GroenLinks) published a manifesto in September 2006 entitled “Don’t make refugees homeless”.¹²⁴ The 40 signatories expressed the intention to continue offering shelter and support for undocumented migrants and rejected asylum seekers. In 2006, on the 4th of November, 5000 people joined in a manifestation for refugees and in favour of a national pardon. In November that year, the liberal VVD, the party of Minister Verdonk, lost a great number of votes during the parliamentary elections and the social-democrat PvdA would enter the new government.

2007-2010: General Pardon and Administrative Agreement

The newly formed Centre-Left Government¹²⁵ announced a “one-off pardon” for aliens who had arrived in the Netherlands before the new Aliens Act (before 1st Of April 2001) and who had not received citizenship status. Illegal residents could also apply (Donkerlo 2007). Eventually, 28,000 people received a residence permit. However, there was also a “quid pro quo” attached to the pardon. A so-called “Administrative Agreement” (*Bestuursakkoord*) was signed between the Secretary of

¹²² Regiostat on behalf of LOGO-Gemeenten (2005).

¹²³ A special commission that investigated the matter concluded that mistakes had been made (Rapport Havermans, December 2005). NOS: *Verdonk erkent slordigheden Congo*. [Verdonk admits administrative errors Congo], December 9 2005.

¹²⁴ “Maak van Vluchtelingen geen daklozen” Manifest GroenLinks burgemeesters en wethouders, September 6 2006.

¹²⁵ A coalition of two Christian Parties and the Social Democrats: CDA-PvdA-ChristenUnie.

State, Mrs. Albayrak (PvdA), and the municipalities.¹²⁶ The Government agreed to grant the Pardon on the condition that municipalities no longer offer shelter or social services to rejected asylum seekers and undocumented migrants (Donkerlo 2007). The government in turn would ensure an "adequate" return policy. In order to improve the return policy, a new organisation was established: the Return and Departure Service, (DT&V, *Dienst Terugkeer en Vertrek*) that combined expertise from COA, IND, alien police and the IOM (Doomernik 2008: 3). Rejected aliens would reside in a removal centre until expulsion. The established budget for removal centres in 2008 was over 53 million euro. In the years after the Pardon, attempts to curb influx of migrants into the Netherlands continued.

The current asylum policy debate focuses on admission and what to do with illegal residents, some of whom are rejected asylum seekers. The latter debate involves measures such as legalization, shelter, detention and expulsion. There is debate about whether or not to create special measures for children.¹²⁷ Protests continue to be voiced and sometimes they result in policy adaptations. For example, after objections by Human Rights Watch, the Refugee Council and the UNHCR¹²⁸, a change of the asylum procedure became effective on the 1st of July 2010. The infamous 48-hour procedure (5-6 days) was changed into 8 days, including a period of rest previous to the start of the procedure (two weeks).¹²⁹

Meanwhile, detention has become one of the more commonly used measures to keep undocumented migrants off the streets (Amnesty International 2010). In total, six alien detention centres hold approximately 10,000 irregular migrants per year (Van Kalmthout 2007). On average, less than 40% of the detained migrants is effectively expelled annually (Doomernik 2008; see also DT&V 2010).

Special attention is currently drawn to the situation of children. In 2009, the European Committee of Social Rights ruled that the Netherlands should offer housing to all (illegally residing) children including their parents. This was the result of a complaint lodged on 14 January 2008 by Defence for Children International against the Netherlands. The Minister however did not consider himself bound by this decision, but in 2010 a Court in The Hague came to the same recommendation.¹³⁰ Two astute family locations were opened¹³¹, but the Minister appealed the court's decision. In 2011 the Dutch Central Council of Appeal¹³² rejected the Minister's appeal by referring to the European Convention on the Exercise of Children's Rights as well as the European Return Notice.¹³³

In April 2010, two members of Parliament Spekman (PvdA) and Anker (CU) filed a motion which became known as the "motion of rootedness" (*wortelingsmotie*). The motion refers to the UN Convention on the Rights of the Child (1989) that obliges states to guarantee children's right to education, housing, and medical care. It demands that a residence permit will be granted to rejected asylum seekers' children who have lived in the Netherlands over eight years, if the government is partly to blame for their prolonged stay and if for at least two years of their residence in the Netherlands the migrants had been staying legally (with some kind of -temporary- residence permit). The motion was accepted by Parliament, but Minister at the time, Mr. Hirsch Ballin (CDA) refused to execute it. According to him, the motion was very similar to an amendment to the Aliens law which

¹²⁶ Represented by the Association of Netherlands Municipalities, VNG.

¹²⁷ Spekman Initiative Law "Always Shelter for Children" 32566.

¹²⁸ Human Rights Watch (2003) Vluchtelingen Werk Nederland (2010). Letter to members of sedentary chamber commission of Justice of the Senate about change of Alien Act. VW2000 *Schriftelijk onderzoek d.d. 9 februari 2010 inzake Wijziging Vreemdelingenwet 31 994*. Amsterdam, februari 4 2010; UNHCR (2003). *Implementation of the Aliens Act 2000: UNHCR's Observations and Recommendations*. July 2003.

¹²⁹ Letter of Minister of immigration and asylum, to the chair of the Senate, October 17 2011.

¹³⁰ Gerechtshof Den Haag, 200.063.511/01, January 11 2011. *Verboden een uitgeprocedeerd gezin op straat te zetten*.

¹³¹ In Katwijk and Gilze-Rijen

¹³² Centrale Raad van Beroep, May 30 2011

¹³³ European Return Notice, 2008: 115 EG

had been rejected earlier by the parliament. One reason to reject the amendment was that parents would be tempted to live in illegality in order to get a residence permit through their child.¹³⁴

The new government's agreement of 2010 of the minority cabinet of VVD and CDA (that was condoned by the populist PVV), made plans to abolish all "categorical protection" in asylum admission policy.¹³⁵ A strict stance on asylum policy became a litmus test to see whether the government was willing to do the maximum to reduce immigration. A new law passed the Senate that made illegal residence a criminal offense, which implies that illegal residence itself - not just the possibility of eviction- may lead to fines and, if these cannot be paid, to detention. The latest development in asylum policy debate is the possibility to create a Pardon for Children, with ideas similar to the previously, not effectuated, *wortelingsmotie*. The Council of State published an advice against the motion, because for individual cases, the Minister's discretionary ability should suffice.¹³⁶

In the last week of April 2012 the government of the Right, condoned by the PVV, came to an end. Especially in the Christian Democrat party (CDA), the party of the Minister of Asylum and Migration (Leers), there is dissatisfaction among some leading members about the way the party has become responsible for an increasingly strict and sometimes inhumane asylum policy. Obviously we have not been able to include the new developments in this report, but it appears that politically, opportunities for successful protest have improved.

3.3.2. Contesting Dutch asylum policy: actors, discursive strategies and main issues

In the following paragraphs we describe the different groups and organizations involved in contesting asylum policy and their main discursive strategies. We wish to state beforehand that an important source of policy contestation was deliberately omitted from our research. Much of the protesting against asylum policy occurs in the designated places of legal contestation (i.e. the courts), for example through appeals on a rejection of an individual asylum request. It involves legal experts and lawyers. Our theoretical focus is socio-political, however, and we describe non-legal contestation of policy by citizens and professionals. A second type of protest that we have deliberately excluded are acts of violence and other illegal means, such as death threats used by (extremist, left wing) activists to achieve their aims. They are beyond the scope of what we consider legitimate "protest" in a democratic context.¹³⁷

3.3.2.1. Groups and organizations

For the sake of clarity, the people and organizations involved with protesting against the asylum policy can be divided into six groups:

1. **Political organisations and actors, and bureaucrats**, including notably individual MP's of GroenLinks (Green Left), SP (Socialist Party) and PvdA (Labour Party). At the local level representatives of the Christian Democrats (CDA) and VVD (Conservatives) also at times support initiatives.

¹³⁴ Letter by Hirsch Ballin, Minister of Justice, June 1 2010.

¹³⁵ Annual Policy Report EMN / European Migration Network 2010: 20, Migratie en asiel in Nederland.

¹³⁶ Advice Council of State, 33068, 22nd December 2011. *Voorstel van wet van de leden Samsom en Voordewind tot wijziging van de Vreemdelingenwet 2000 houdende versterking van de positie van in Nederland gewortelde minderjarige vreemdelingen.*

¹³⁷ These actions include threats to airlines who expulse irregular migrants, illegal demonstrations and bombing of corporations who are involved with building alien detention centres, and writing death threats to people who work in the "asylum industry". In 1991, the house of Minister of Justice Aad Kosto was destroyed by a bomb by the group RaRa, in protest against his asylum policy. Also the assassination of Pim Fortuyn in 2002 was, according to the assassin (Volkert van der G.), an attempt to protect asylum seekers from harmful policies. See an overview (in Dutch) of illegal protests made by the General Intelligence and Security Service (AIVD: 2009): <https://www.aivd.nl/onderwerpen-0/extremisme/links-extremisme/verzet-asielbeleid/overzicht-acties/>

2. **Non-Governmental Organizations (NGOs) acting on behalf of (rejected) asylum seekers, refugees and/or undocumented migrants**, nationally or locally, such as Vluchtelingenwerk, VON (Refugee Organisations Netherlands), LOS (National Support for the Undocumented), and ASKV (Amsterdam Solidarity Committee Refugees)¹³⁸. These organizations may consist largely of volunteers (in the case of ASKV) or largely of professionals (such as Vluchtelingenwerk).
3. **NGOs involved with human rights or asylum law**, such as Amnesty International, Human Rights Watch, Defence for Children, and the Association of Asylum Lawyers.
4. **Churches and religious or humanistic NGOs involved with charity** and care for the needy, such as Kerk in Actie, INLIA, and the Humanistic Alliance. Their aim is helping vulnerable people, homeless people, and those in special needs.
5. **Academics** specialized in human rights, migration and/or asylum law who contribute to debate and protest through research, reports and public statements.
6. **Media and journalists** may address asylum policy in comments from the chief editor, and choose certain perspectives from which to describe the issues.

3.3.2.2. Discursive strategies

Some activities of protesters consist of helping (rejected) asylum seekers cope with their situation, by assisting them for a renewed application, or help them get emergency shelter. But organizations can also lobby for a change of policy through media, political lobbying, and by providing information to the public. When they voice their opinion, in either way, the protesters are trying to change the perception of asylum seekers through debate.

In this section we present the main discursive positions and discourses that we have identified in our analysis of public protests around Dutch asylum policy over the past ten years. Following the theories of Van Gorp (2005) and Wacquant (2009), we have constructed a discursive space allowing us to analyse debates on asylum policy. Seen in this light two questions are central to the asylum debate, and their answers are continuously contested:

1. Is this person a victim?
2. Is the government responsible for providing assistance?

The two questions can be used to map out the discursive space of the asylum debate along two axes (see table). We found that the answers to the two relevant questions correlate with different possible policy recommendations. The policy of social welfare is associated with the status of victim, whereas the policy of penalization can be associated with the status of intruder. These are presented in rows in the table below. Note that penalization efforts are strongest in the fourth quadrant, where the person is assessed as an intruder, *and* the Dutch government is not responsible for social assistance. The first quadrant, by contrast, shows the highest level of governmental assistance: the person is a victim, and the government should assist. The government is thus *less likely to help* intruders than victims, and *more likely to punish* intruders if the government is felt to be less responsible.

The ACCEPT-framework turned out to be particularly helpful in further clarifying these four positions: when in the context of asylum debates the person is seen as a victim and there is agreement that the government is responsible in providing assistance, for example by granting a residence permit, there is acceptance. The position that holds that the asylum seeker is not a victim, but still has a legitimate claim for assistance, for example help with repatriation or emergency shelter, is qualified as tolerance. The punitive and forced expulsion policies we associate with intolerance, whereas the

¹³⁸ See the extended version of this report for a list of organizations: Versteegt and Maussen (2012). *Contested policies of expulsion: Resistance and protest against asylum policy in the Netherlands*.

withdrawal of the government care from victims in the third quadrant is qualified not as tolerance or intolerance, but as indifference (see table 3.2.1).

Table 3.1. Discursive space of Dutch asylum debate

Should the Dutch government take responsibility in assistance?		
	Yes, responsibility	No, responsibility
Is this person a victim?	Yes, he/she is a victim What should be done? <ul style="list-style-type: none"> • Offer (modest) accommodation • Grant residence status through asylum procedures, humanitarian or discretionary individual measure • Legalize status through regularization • Other forms of help (medical, psychological, housing, integration) <p style="text-align: center;">ACCEPTANCE</p>	What should be done? <ul style="list-style-type: none"> • Allow NGOs to help • Leave person to own devices • Leave person to other country's responsibility (Dublin claimants) <p style="text-align: center;">INDIFFERENCE</p>
	No, he/she is not a victim. (He/she is an intruder) What should be done? <ul style="list-style-type: none"> • Help person leave through assistance • Provide help in country of origin • Provide with emergency shelter until expulsion • Offer aid to country of origin <p style="text-align: center;">TOLERANCE</p>	What should be done? <ul style="list-style-type: none"> • Make person leave through pressure and penalization: <ul style="list-style-type: none"> a) Reduction of facilities and no aid b) Retention c) Criminalization of illegality d) Isolation from local communities e) Forced expulsion <p style="text-align: center;">INTOLERANCE</p>

This theoretical perspective and the construction of a discursive space that maps out different positions in the asylum debate was extremely helpful in guiding the analysis of the argumentations and discussions. A second step was to identify, in an empirical and inductive way, the main discourses through which Dutch asylum policy is being contested. To find these discourses, we used Van Gorp’s distinction of “Victim or intruder?” as a guiding tool for labelling. We then searched our data (media, policy documents, political debate, interviews, reports and websites) for reasoning towards a categorization as victim or intruder, and the different arguments that were used to establish such categorization. In our analysis of various sources, we found four different discourses through which the distinction between victims and intruders is being constructed. These four discourses are:

1. *Asylum authenticity discourse.* In this discourse the leading question is how to know whether or not the asylum demand has been genuine or authentic. Contestation concentrates on cases in which protesters argue that an asylum seeker has been wrongfully rejected because the procedure is flawed (“false rejections”) or because the boundaries for granting asylum are drawn too narrowly. Authentic asylum applicants are “victims”, fake ones are “intruders”.
2. *Global injustice discourse.* In this discourse decisions on whether or not people legitimately seek to enter the Netherlands through the gates of the “asylum procedure” are framed in a wider perspective, namely whether they are genuinely economic refugees and should be recognized as victims of poverty. Those who make use of this discourse challenge the notion that those who are no “real refugees” are *ipse facto* “intruders”. They represent them as “victims” as well and demand more solidarity and more open borders. In this discourse “intruders” are those who have good opportunities and life prospects in their country of origin.

3. *The duty of care discourse.* In this discourse the leading question is whether or not an undocumented migrant (which many rejected asylum seekers become after being expelled from accommodation) is suffering, i.e. is a “victim”. The (local) government is said to have a duty to prevent homelessness and destitution, especially for vulnerable groups like children, ill people and the elderly. “Intruders” would be those who are not in need of assistance and who take advantage of the available facilities.
4. *Accomplished cultural inclusion discourse.* In this discourse the terms of the asylum debate are shifted towards a debate on whether or not rejected asylum seekers who are well integrated and have lived in the Netherlands for a long period of time, have obtained a right to stay. Expelling them to a country they hardly know (e.g. in the case of children) would make them “uprooted”. This discourse draws on ideas about “cultural citizenship” to present the asylum seeker who has become connected to the (people in the) Netherlands as a victim of the length of Dutch procedures. “Intruders” are those who are insufficiently assimilated or who have connections to their country of origin.

The table below presents the four discourses and how they establish distinctions between victims and intruders.

Table 3.2. Four discourses used to frame asylum seekers as victims or intruders

	1. Asylum authenticity discourse	2. Global injustice discourse	3. Duty of care discourse	4. Accomplished cultural inclusion discourse
Victim	Real refugee	Economic refugee	Vulnerable person, sufferer/ homeless	Integrated, rooted, connected
Intruder	Fake/imposter/ Economic refugee	Exploiter/Fortune seeker	Entrepreneur, (detained) criminal	Stranger, outsider, expulsable

3.3. 2. 3. Main issues

The discursive strategies and discourses presented above may not all be used at the same time. In the process of asylum application, rejection, and expulsion, there are many issues which give rise to protest, and actors will use different arguments and representations, drawing on the available discourses.

The main issues that emerged from our analysis of the protests, more or less follow a chronological line from the moment the asylum application is handed in, until (attempts at) expulsion of the rejected asylum seeker. It all starts with the admission procedure, which is contested as biased, not aimed at admitting refugees, but directed towards a maximum amount of rejections. As the procedure has ended, the rejected asylum seeker is officially obliged to leave, but may not do so for different reasons. Illegal life brings difficulties because the irregular migrants are excluded from the welfare system excluded from legal work and because, officially, municipalities may not offer them accommodation as they do to the homeless who do have residence permits. A large amount of protest concerns this treatment of end-of line asylum seekers and undocumented migrants. Other problems are related to the risk of detention and the way detention is executed. Expulsion itself, when it does happen, is also contested because of its brutal execution and intimidating treatment of children. Sometimes, the last resort before expulsion, is the approach of media, in order to bring the individual case to the public and political arena.

The protests can thus be divided into the following five issues:

1. False rejection and unfair procedures
2. Homelessness and refusal of housing/ social security
3. Detention, circumstances of detention and criminalization

4. Expulsion (both related to 1 (refoulement) and 2 (physical force, sedation, handcuffs))
5. The uprooting of children, and (too) limited use of discretionary abilities for individual cases

In this report, we focus on the last issue. In a more extended version of this report, all five issues are elaborated.¹³⁹ Here we limit ourselves to the mediatisation of individual rejected asylum seekers, exemplified by an argumentation analysis of the cases of Sahar and Mauro.

3.3.3. The lamentable cases of Mauro and Sahar

In the past years, several individual asylum cases have become the centre of a media debate. Usually, the cases had arrived at the end of the line of a long asylum procedure.¹⁴⁰ The option of continued illegal life in the Netherlands, as well as the risk of detention, are in general absent from the debate. The reasons to make an exception for this particular individual are defended, besides by the asylum seekers themselves, by individual citizens, schools, churches, media, individual politicians, sometimes celebrities, and sometimes NGOs.

Two things are remarkable about these cases: first, the way individualized and mediatized asylum cases, elicit so much more public compassion than anonymous ones. Second, the emergence of a new, and influential discourse to re-categorize the rejected asylum seeker as a victim. The *accomplished cultural inclusion discourse* provides a new set of concepts, images and ideas to argue that a person should stay after all: he or she *belongs* in the Netherlands. The notions of “belonging” and “integration” are thus important, and they are related to the duration of stay and responsibility of the receiving society and state.

The so-called Sahar case in 2010 was about an Afghan girl aged 14 whose family had unsuccessfully applied for asylum since 2000 and was requested to return to Afghanistan. The case of Mauro became known to the wider public in late 2010. It involved an 18-year old boy from Angola who had arrived alone in the Netherlands at the age of eight (in 2002) and requested asylum. After the repeated rejection of his asylum request, he had lived in an AMA-centre and later in a Dutch foster family because unaccompanied minors cannot be expelled. Upon reaching the age of eighteen Mauro was to be sent back to Angola. Both youngsters had dominated the Dutch media for several months as their upcoming expulsion became publicly contested.

In our own newspaper and magazines sample we found over 3000 “hits” for Mauro and over 2000 hits for Sahar. Between 26th October and 3rd November there were over 200 newspaper articles written about Mauro (Nederlandse nieuwsmonitor, 2011). In our analysis we specifically looked at reasons which were provided to view the young asylum seekers as victims or intruders. We now present both cases, provide for each case some quotes to illustrate the debate, and offer tables in which the discursive strategies for framing are outlined and compared.

¹³⁹ Versteegt and Maussen (2012). Contested policies of expulsion: Resistance and protest against asylum policy in the Netherlands.

¹⁴⁰ “Dieren voert actie voor asielzoekster” [Dieren in action for asylum seeker] in *Reformatisch Dagblad* April 25 2001
“Waanzin om dit gezin uit te zetten” [Madness to expulse this family] in *Trouw* January 5 2001.
“Hevien mag in Rotterdam blijven”: GroenLinks Rotterdam, December 8 2009, 22:52u - Ivo Rodermans

The Sahar case (2000-2010)



Sahar Hbrahim Gel/ picture: ANP

In 2010, a 14 year-old Afghan girl Sahar Hbrahim Gel and her family had unsuccessfully applied for asylum three times since the year 2000 and were about to be expelled to Afghanistan. They had lived in the Netherlands illegally, because they did not feel they would be safe in Afghanistan. Meanwhile, Sahar and her two brothers went to school and became very successful students. In an attempt to get asylum, the family also went to Sweden for three months. Because of this short residence abroad, they could not apply for the *Generaal Pardon*-arrangements and they were requested to return to Afghanistan.

As the decision that the family should leave became known in the town of Sint Annaparochie, protests soon were organized and local and national media were informed. The *Doopsgezinde Church* wrote a letter to Minister Leers, urging him to accept underage asylum seekers who have resided in the Netherlands for many years. Classmates of Sahar created a website with online petition (www.saharmoetblijven.nl) and a *Hyves*-site (Dutch equivalent of Facebook). Sahar and her lawyer appeared in television shows, as did the mayor of the municipality and the school principal.

A court in Den Bosch ruled on the 21st of January, 2011, that Sahar and her family could stay, mainly because she had become too westernized. This was confirmed by a letter from the UNHCR, which stated Sahar should be acknowledged as refugee. Moreover, Minister Leers' rejections of the initial requests for asylum had not been substantially motivated. The court decision was televised and printed in several newspapers. This caused the *PVV* to urge Leers to appeal, because it should not be rewarded that the family had decided to stay so long and re-appeal several times. However, the mayor of Leeuwarden, the provincial capital, said that Minister Leers should accept the outcome.

On the 26th of January, Minister Leers announced that he would appeal the court's decision at the Council of State, because the long stay of the family in the Netherlands had been due to their own decision to keep appealing. He wished also to further investigate whether or not "westernized" girls in Afghanistan face specific threats. He also stated on national television that in some cases, mayors should be able to decide whether a person may stay. This caused to the mayor of *Het Bildt* (Sahar's municipality) to publicly announce he would immediately grant Sahar and her family permission to

stay if he would be given the opportunity.¹⁴¹ PVV-leader Wilders said it would be unwise to give mayors with “weak guts” such power.¹⁴²

On April 10th 2011, the Council of State ruled that Sahar and her family would get permission to stay in the Netherlands. The Mayor of St. Annaparochie offered her flowers. The Ministry of Immigration accepted the outcome, and added that its own investigation into “westernized girls in Afghanistan” had reached similar conclusion. The Ministry estimated that there might be 400 more girls like Sahar in the Netherlands who would also qualify to get residence status.

In the following reader’s quotes, taken from the website of *De Spits* newspaper, the different argumentations in favour of and against Sahar’s residence status are presented. *De Spits* is a free newspaper, published by de Telegraaf. It is spread in train stations and is read both in print and online by a variety of readers, unlike de Volkskrant and Trouw which mainly have left-wing readers. As the Sahar case develops, all four discourses become engaged by readers, to frame Sahar as a victim or an intruder. The first Spits article of which the comments were analyzed, mentions a comment about Sahar by Socialist Party leader Roemer. Roemer criticizes PVV leader Geert Wilders for wanting to send Sahar, “a fully integrated girl, straight into the Afghan burqa”, simply because he “dislikes foreigners”. Roemer touches upon a sensitive nerve because Wilders is known for his criticism of Islam, headscarves and burqas.

A first reader’s comment to this article argues that the initial rejection of Sahar and her family should have resulted in them leaving, thereby referring to arguments of asylum authenticity. The family’s asylum appeal was rejected, and thus they should leave. The media uproar around Sahar is considered to be strategic by this reader:

“I don’t think it is about this child. She has been put into the spotlight by the Left, for political reasons. It’s her parents who stacked appeal upon appeal, and have continued to live here, instead of the poor individuals, with and without children, who have simply packed their stuff after the first negative court decision”.

Another comment refers to asylum authenticity, but argues in favour of Sahar. Also global inequality is presented by this reader as a reason to accept more refugees, mainly because the Dutch are wealthy:

“I am not an SP-voter, but Roemer is right. Every right-minded person would grant Sahar and other refugees a good future. And all those calculators should be ashamed. Going on a holiday twice a year, getting a bigger car than the neighbours. Buying cheap stuff from poor countries, so they can eat their fat belly even fatter, but no mercy for a refugee that calls for help. I am disgusted with these fat losers”.

A comment using the accomplished cultural inclusion discourse, ends up expressing intolerance for any migrant who is different from the average Dutch:

“I suggest an exchange: all well-adapted, Dutch speaking, well-educated, having a job and good future perspectives, non -criminal allochtones may stay, and all un-adapted, burqa-wearing, unworldly, criminal, lacking in prospect brothers and sisters pack their belongings and go back to their countries of origin. That seems a good deal to me. Besides: remarkable that Roemer finds a burqa a problem in Afghanistan, but not in the Netherlands”.

As Sahar’s case was finally resolved and she was awarded a status, reader’s comments in Spits continued to be mixed (Spits, April 8 2011).

“Wonderful! What a retard by the way, everyone knew women in Afghanistan risk being killed, but Leers only found out now”.

¹⁴¹ *Fries Dagblad*, "Sahar mag blijven als het aan de burgemeester is", February 24 2011.

¹⁴² idem.

“In the first place, she has been living here for 10 years, that means from the age of four. Besides that, what do you think a 14-year old Afghan girl will experience due to Islam, she will get killed or made a slave, or get raped. It was a scandal that the Minister appealed the court decision. You should look per case and have a heart, you don’t want to get people killed”.

“This right wing cabinet does send a Kunduz mission that costs millions, but a highly intelligent Afghan refugee who wishes to be a doctor should get out???”

“Sure why not, does Leers also pay all the expenses that she and her damn family have cost the Dutch state? Geert it’s enough with this cabinet, pull the plug out please. Fortune seekers still get everything for nothing and honest hard working people are being scrambled”.

“I am in favour. This is not about asylum seekers, who have spent their entire life in another country, but about children who were born here and have known nothing else besides our country”.

The accomplished cultural inclusion discourse was used in the last quote, as well as asylum authenticity discourse in the first. There are also references to Sahar’s economic potential for Dutch society, but other people, as the quotes showed, still found her an intruder.

The Mauro case (2002- 2011)



Mauro Manuel/ picture: ANP

In 2002, an eight-year old boy from Angola, named Mauro Manuel, entered the Netherlands after his mother had put him on a plane. Due to his minor age, and his arrival without accompanying adult, he received the temporary status as AMA (“solitary minor asylum-seeker”).

The Aliens Act of 2000 had established that children arriving in the Netherlands without accompany, would be housed and receive an education, until the age of eighteen. Mauro applied for asylum but this was not granted, due to the fact that there was no indication that his life was in danger in Angola. He was illegal, but could wait for his expulsion and stay in the Netherlands until he would reach

maturity. He would only be admitted to the Netherlands in case he would stay longer than three years and if he had no more living relatives in his country of origin.

The asylum requests of Mauro were initially rejected (2003), later granted (2004), and then rejected again (2006). Mauro was placed in a foster family. The family attempted twice to adopt him, but because of his illegal status this was impossible (2007 and 2008). Contact with his biological mother in Angola was scarce and became problematic because of Mauro's declining skills in his native language.

As a final request for asylum is denied in 2007, Mauro is officially obligated to leave. In 2009, Mauro's foster parents and the NGO Defence for Children attempted to request special status for Mauro as a "lamentable case", due to his family life in the Netherlands and long stay. Minister Hirsch Ballin refuses. An MP of the Christian Democrats, Ger Koopman, requests secretary of State Albayrak to use her discretionary ability. She also refuses. The foster organisation Nidos argues it is best for Mauro to stay with his new Dutch family.

In 2010, a court in Amsterdam rules that, since Mauro had become a member of a Dutch family, he should not be expelled due to Article 8 of the Convention of the Rights of the Child and Human Rights (right to family life). Mauro would be allowed to stay. However, Minister Leers decided to appeal to this court decision. The Council of State decided that Leers' decision was justified, because he still has a mother in Angola. Mauro would not be granted a permission to stay.

The Mauro case was highly mediatized both in national and international press. According to Minister Leers, there was a risk of generating a precedent, and possibly hundreds of "Mauros" would attempt to apply for special arrangements as well. Adoption organizations however found only four other young men in a similar situation. Several academic experts on migration law wrote a public letter explaining that Minister Leers had solid legal grounds to admit Mauro based on the Child Rights, or use his discretionary abilities. Meanwhile Geert Wilders (PVV) made it clear that Mauro needed to be expelled and threatened to end his support to the Government.

A national poll suggested that a majority of the Dutch population was in favour of Mauro's stay. Also the majority of Parliament is in favour. Especially the CDA voters (74%) deviate from the CDA-Minister Leers and the members of Parliament. Two "deviant" CDA-MPs announced they would support Mauro, but later withdraw their support. A national congress of CDA-members accepts a resolution that it is undesirable to expel young asylum seekers without a diploma.

On November 1st, Mauro was finally not granted with a permit, because all CDA members voted against the motion. However, he was allowed to request a scholarship for his vocational training, which he could request from within the Netherlands. Official regulations state that foreign students must send scholarship requests from within their country of origin. The only possibility for Mauro now is an appeal for European courts, in order to get a residence permit due to the (earlier mentioned) Article 8 of the Rights of the Child. CDA-Member of Parliament Sterk wrote on her Twitter-account that "without media-attention, more would have been possible for Mauro."¹⁴³

Similar processes of framing and re-framing as victim or intruder were found in the Mauro case. In this first quote, Mauro is represented by *NRC Handelsblad* as a young boy who is deprived of a family and a home, first by his mother, later by Dutch courts and Minister Leers. He is described as a child that has become integrated in the Netherlands through family and education:

"Angolan Mauro Manuel (18) has been living with his foster parents for eight years [...] At nine years old he was put on a plane to the Netherlands by his mother. Mauro never had a residence permit. The judge prevented attempts by his foster parents to adopt him. Friends, family and classmates have requested attention for his case. Mauro wrote a letter to Leers requesting permission to stay. Leers refused. Mauro speaks Dutch (with Limburg accent),

¹⁴³ *De Volkskrant*, "De lijdende Leers": October 29 2011.

went to primary school in Venray and to the VMBO (secondary school). He currently attends a vocational education.”¹⁴⁴

Where the former quote referred to Mauro’s integration and connection to Dutch society, thus invoking the accomplished cultural integration discourse, the right wing newspaper *De Telegraaf* instead presents Mauro as an intruder:

“The young Angolan Mauro Manuel turns out to have lied about his last name and about his date of birth. His real name is Mauro Estevao and he has a passport, which could have gotten him shortly after his arrival to our country, back to his mother in Angola.”¹⁴⁵

The framing here pushes strongly away from “accomplished cultural inclusion” and “victim”, because Mauro is described only in terms of Angolan ethnic identity (no reference to his Dutch upbringing or Limburg accent) with an Angolan mother. His “lies” represent him as an impostor in the *accomplished cultural inclusion discourse*, and he is himself to blame for his long residence.

Comparison of the two cases

Our respondents mostly felt that Sahar and Mauro both had to be legalized. Albeit in the case of Mauro not for reasons of asylum but for humanitarian reasons. Sahar and Mauro are both described as victims of the strict Dutch asylum policy, but Mauro is also considered to have become a scapegoat in political battles between CDA and PVV. The respondents believed that given the political situation and the media exposure, Minister Leers had become extremely reluctant to use his discretionary powers in this particular case. An academic expert on migration politics (interview 2) said: “He (Minister Leers) manoeuvred himself into an impossible position, by letting things explode like this in the media. Discretionary abilities are better used through the back door. But this case had already been done through the back door and failed. Leers felt the hot breath of Wilders and was scared that the Cabinet would fall because of this. In which event the CDA would have been reduced to zero”.

The reluctance of the Minister to use discretionary powers when necessary is presented as a political and moral failure, and, by one of our respondents, even as a legal one: “It seems as though Leers thinks that applying his discretionary abilities is against the rules. That is a very problematic development. Because the discretionary ability is there to avoid humanitarian and human rights related mistakes on the individual level, and it is part of justice. It is not contradictory to it.”¹⁴⁶

In the table below, we present the categorizations of Sahar and Mauro taken from various sources (interviews, media and political debate). In order to save space, the statements in the boxes are short, paraphrased quotations from our data (media, interviews and political debate) with reference to at least one original source. For example, in the debate about whether or not Mauro was to blame for certain lies in his asylum application, an original quote read: “Those who have been caring for Mauro, have provided wrong information on behalf and about the boy.”[...] From this newspaper quote, we extracted the argumentation, which is present in the choice of words, notably “those who have been caring”, and “boy”, implying Mauro was not to blame because he was under age. This line of argumentation was also found in other sources. In the table, this and similar quotes are paraphrased in short as: “Was only a child, cannot be held accountable for lies”.

A recurring line of reasoning found in the opponents of Sahar and Mauro was the risk of a honeypot effect: if Sahar, or Mauro, would be granted status, this would attract many more new requests for reconsideration or even more new immigrants. For example, in the Mauro case, a Member of Parliament for the right wing, populist PVV¹⁴⁷ stated that “if this behaviour is rewarded with a

¹⁴⁴ “Completely integrated, Mauro must return to Angola” in *NRC-Handelsblad*, October 26 2011.

¹⁴⁵ “Mauro lied for asylum: the Angolan did have passport” in *De Telegraaf* December 3 2011.

¹⁴⁶ Interview 5: NGO representative (human rights).

¹⁴⁷ Member of Parliament Fritsma (PVV), in *De Telegraaf* January 21 2011.

residence permit, it will be copied due to its proven success. Such a signal will impair the entire alien policy and especially the return policy”. Quotes that made references to such risks are also paraphrased into short statements and are labelled as HP (honeypot effect).

Table 3.3: Sahar and Mauro cases defended and contested in the four discourses (HP= Honeypot effect)

SAHAR CASE				
	Asylum admission (<i>danger</i>)	Global injustice (<i>poverty</i>)	Duty of care (<i>suffering</i>)	Inevitable inclusion (<i>belonging</i>)
Victim	The country has changed. Afghanistan in 2004 is not Afghanistan in 2010 ¹⁴⁸ . Should be recognized as refugee (letter UNHCR) ¹⁴⁹ Family fears torture: liberal muslims ¹⁵⁰ The law does not work well ¹⁵¹	She is the personification of a world-wide problem: that of refugees ¹⁵²	Has lived on 13 asylum locations throughout the Netherlands ¹⁵³ Children should not be expelled ¹⁵⁴	Does not speak the Afghan language ¹⁵⁵ Has lived here too long. She will be seen as foreigner in her country of origin ¹⁵⁶
Intruder	Has been rejected many times. We have said “no” five times. They must accept no for an answer. ¹⁵⁷ Giving in sends off a wrong signal ¹⁵⁸ (HP)	NOT FOUND	Has lived illegally and does not apply to criteria of Pardon due to stay in foreign country. Such are the rules ¹⁵⁹ .	(Refuted by court:) She can adapt to the Afghan customs ¹⁶⁰

¹⁴⁸ Sahar lawyer Paul Stieger, in “Sahar moet terug, zo zijn de regels. Afgewezen Afghaanse Friezin is doodsbang”[Sahar must go back, such are the rules. Rejected Afghan Friesian girl terrified] in *De Pers* December 2 2010.

¹⁴⁹ High Commissioner UNHCR: letter to Minister Leers. January 18 2011.

¹⁵⁰ “Sahar and family can stay for the time being” in *De Pers* January 20 2011.

¹⁵¹ “Netherlands still struggling with failure of asylum policy” *Dagelijkse standaard.nl* December 16 2010.

¹⁵² (Former) Socialist Party leader Jan Marijnissen, in TV show Pauw and Witteman, source: *Joop.nl*. “Marijnissen: Sahar moet gewoon asiel krijgen”. [Marijnissen: Sahar simply should get asylum], December 16 2010.

¹⁵³ “Netherlands still struggling with failure of asylum policy” in *Dagelijkse standaard.nl* December 16 2010.

¹⁵⁴ Letter by Mennonite Church, in: “Doopsgezinden komen op voor minderjarige asielzoekers” [Mennonites protect minor asylum seekers], source: *www.kerknieuws.nl* 14 January 2011.

¹⁵⁵ “Sahar St Annaparochie: landelijke media duiken op zaak Afghaans meisje” [Sahar St Annaparochie: national media dive into case Afghan girl, in *Franeker Dagblad* December 8 2010.

¹⁵⁶ Frisian CDA-members, in: Omrop Fryslan, “Oprop CDA-Fryslan oan Leers”, January 7 2011.

¹⁵⁷ Minister Leers, in: *Leeuwarder Courant*, December 8 2010.

¹⁵⁸ Member of Parliament Fritsma (PVV), in *De Telegraaf*, January 21 2011.

¹⁵⁹ IND representative in “Sahar moet terug, zo zijn de regels. Afgewezen Afghaanse Friezin is doodsbang” [Sahar must go back, such are the rules. Rejected Afghan Friesian girl terrified]. In *De Pers* December 2 2010.

¹⁶⁰ Minister Leers, quoted in courtcase Den Bosch, won by Sahar and family, January 20 2011, source: *DePers*.

MAURO CASE				
	Asylum admission (<i>danger</i>)	Global injustice (<i>poverty</i>)	Duty of care (<i>suffering</i>)	Inevitable inclusion (<i>belonging</i>)
Victim	Was only a child, cannot be held accountable for lies ¹⁶¹	Will probably end up living on the street in Angola ¹⁶²	Mother in Angola rejected him ¹⁶³ Traumatized relationship with his mother ¹⁶⁴ Right to a family life ¹⁶⁵ , Defence for Children, ECHR	Belongs here ¹⁶⁶ Speaks no Portuguese
Intruder	Not a refugee ¹⁶⁷ Fake identity ¹⁶⁸ Told lies ¹⁶⁹ Rules are rules ¹⁷⁰ (refuted: Minister himself appealed positive court decision ¹⁷¹ No reward for “stalling”; we must prevent honeypot effects ¹⁷²	Angola is a booming economy, they need him there ¹⁷³	Mother is still involved ¹⁷⁴ Foster parents knew he could not stay ¹⁷⁵ He resided illegally when he could leave, doesn't need help	Passage of time: guilt lies with Mauro, his foster parents and his allies ¹⁷⁶

As the tables show, categorization of Sahar as a victim in the *accomplished cultural inclusion discourse* was more prominent, and categorization as intruder overall was used less than in the Mauro case. Moreover, *inevitable inclusion* for Sahar (her being “westernised”) proved to be useful to categorize her as a victim in the *asylum authenticity discourse*. Precisely because she was so

- ¹⁶¹ “Fouten in dossier Mauro” [Mistakes in file Mauro]. *Brabants Nieuwsblad De Stem* (local newspaper) December 3 2011.
- ¹⁶² “Al 2 jaar geen contact met zijn moeder. Teruggekeerde Agolese vrouw: Mauro heeft hier weinig te zoeken”. [No contact with his mother for two years. Returned Angolan woman: Mauro has no business here] in *De Volkskrant* November 16 2011.
- ¹⁶³ MP Spekman (PvdA) *Eindhovens Dagblad* (local newspaper). “Foute gegevens over Mauro zijn “irrelevant””. [False information about Mauro is “irrelevant”]. December 5 2011, Monday.
- ¹⁶⁴ MP Spekman (PvdA), in *Eindhovens Dagblad* December 5 2011.
- ¹⁶⁵ MP Dibi (GroenLinks) debate October 27 2011: “Can the Minister explain what is not lamentable about separating two brothers?” 16-15-80.
- ¹⁶⁶ Petition: Mauro must stay.
- ¹⁶⁷ Leers, in debate October 27 2011. He is not a refugee, he is not in danger, he is healthy. 16-15-74.
- ¹⁶⁸ De Telegraaf January 9 2012 “Doubts about Mauro” (Quotes Leers in news year lunch in Lanaken).
- ¹⁶⁹ MP Sietse Fritsma (PVV), in *Trouw*: “Mauro moet terug, geworteld of niet.” [Mauro must return, rooted or not] September 28 2011.
- ¹⁷⁰ Leers, in debate October 27 2011. The asylum request has been denied and then you must be fair and say: we have rules.
- ¹⁷¹ MP Dibi, (GroenLinks) debate October 27 2011 “At one given moment, the judge said he could stay and what did the Minister do? He appealed because he disagreed with the decision.” 16-15-81.
- ¹⁷² Minister Leers, in debate October 27 2011: “If we do this today, I predict tomorrow there will be another Mauro, and the day after tomorrow another one.”
- ¹⁷³ “Bekijk de zaak-Mauro eens van de positieve kant” [Look at the Mauro case from the positive side] in *De Telegraaf* November 1 2011. “For this healthy young man employers will be lining up in Angola”
- ¹⁷⁴ MP Sietse Fritsma (PVV) [Mauro must return, rooted or not] in *Trouw* September 28 2011
- ¹⁷⁵ Leers, in debate October 27 2011. Very early, he and his foster parents knew he would not get a status and would be going back. 16-15-74.
- ¹⁷⁶ MP Sietse Fritsma (PVV): “Mauro moet terug, geworteld of niet.” [Mauro must return, rooted or not] in *Trouw*. September 28 2011.

westernised, she would be in danger if she would return to her country of origin. The “lies” of Mauro were used repeatedly against him and created much doubt about his categorization as victim in the *accomplished cultural inclusion discourse*. He may speak in a Limburg accent, but what about his mother in Angola? The tables suggest that framing in the debate - particularly the success of victim categorization in all four discourses- have important consequences for the outcome of a mediatized case.

On the level of policy, there may also be changes resulting from mediatization. The motion Spekman-Anker¹⁷⁷, for example, which was accepted but not executed (see paragraph 3.1) was inspired by the Hevien case. The motion proposes to grant residence status to a child if: “...the *child is rooted in Dutch society* and, partially due to Dutch government, has spent more than eight years in the Netherlands, and has stayed legally in the Netherlands for at least two years” [our emphasis, IV and MM]. The Council of State, the highest court in asylum cases, deemed the initiative “inefficient, unfair and unnecessary”, and it presented a negative advice the day after the initiative law was presented.¹⁷⁸ According to the Council of State, the Children’s Pardon law: “does nothing to prevent long procedures, it creates inequality by rewarding those who stayed illegally over those who left on their own account, and it does not qualify ‘rootedness’ in other terms than a period of time”.

Despite criticism, other attempts to legalize children are made. In 2012, right after the lost cases for Mauro and Jossef, the MP Tofik Dibi of GroenLinks (Green Left) proposed a “Children’s Pardon”.¹⁷⁹ In the campaign for this proposal, the children are described with “typical Dutch” adjectives relating to Dutch local food and celebrations, and the conclusion is: these children should not be expelled, they belong here:

“We want a children’s pardon. More Limburgian than *vlaai* (cake), more Northern Hollandish than cheese, more Zeeuwish than the Zeeuwish girl. More Frisian than the Elfstedentocht. 14 years old, 10 years in the Netherlands. 9 years old, 8 years in the Netherlands. 13 years old, 13 years in the Netherlands. If we don’t do anything, their future lies in Iraq, Afghanistan, Eritrea, Angola. Countries of which they don’t know the language, where they know nobody, where they are aliens. We will not let this happen. These children belong here. We want a children’s pardon. We want to get them out of insecurity and welcome them into their country. That is why we call from our hearts.”

The petition got nearly 150,000 signatures in the first three months, and the initiative is being debated in local politics as well.

How do these mediatized cases relate to tolerance or acceptance of rejected asylum seekers? Does the public outcry over Mauro and Sahar express the backlash against anti-immigrant sentiments, or does the focus on cultural adaptation in these cases only reveal a large amount of intolerance for diversity? Does the sympathy for children reveal hypocrisy or is it an expression of tolerance resulting from a perceptual shift? And are these mediatized cases effective in changing debate about asylum, or asylum policy?

To start with the first question, it is difficult to know whether mediatization has helped, because there are no numbers available about the percentage of rejected individual cases that are dealt with in discretion, compared to those that are done publicly. There is a difference too: when cases are brought to the media, they may have already been declined as discretionary case in private. According to the analytical framework developed by Alink (2006) a political crisis can only result in policy change if the politicians in charge are willing to change the policy. If they are inclined to be conservative, a crisis will simply pass by without any effect. But sometimes mediatization can work to bring a specific

177 19 637 Vreemdelingenbeleid Nr. 1340 Motie van de leden Spekman en Anker, April 21 2010.

178 Raad van State: Samenvatting advies over versterking positie van in Nederland gewortelde minderjarige vreemdelingen December 22 2011.

179 www.kinderpardon.nu/

issue to public attention. One of our respondents from a church-related NGO explains how the mediatization of one little boy, Hui, accelerated the campaign for “No child behind bars”: “We had already been on that subject for some time, on a daily basis there were 60 children in detention, I went there every day to check how many, but then Hui came and suddenly the action started to roll.” Another NGO-representative for human rights recalled the same dynamic in this case in which mediatization around the individual situation was helpful.

Besides support and activism in favour of Sahar and Mauro, our respondents expressed feelings of ambiguity with the strategy of mass media attention for individual cases, as well as their effect. Several reasons were mentioned why the cases of Mauro and Sahar did no good for the general problems of the rejected asylum seekers, or only partly so, and that the chosen strategy may not even have worked for the individuals concerned. An academic expert on human rights said:

“I understand the strategy to put forward an individual case. It mobilizes public opinion. But it deters attention from the structural dimension. On the other hand, it can be seen as a symptom of a change of attitude. It may help to improve the general negative framing of migrants. First people talk about AMAs, now they say Mauro. Everyone knows who that is, it appeals to people. But I am unsure about the next step in this strategy.”

Another respondent, working for a religious NGO, expressed her misgivings about the way Mauro was represented as a beautiful black boy within a white, Dutch foster family, playing football with predominantly autochthonous kids and appearing on television alongside his white younger brother. These culturalist (if not racist) representations of a “black boy fully assimilated in a white, Dutch family” were being used to argue in favour of letting Mauro stay. Duyvendak (2012) commented that such culturalism provides a false criterion based on tribalism. He argues in favour of a more objective criterion such as length of stay - without basing any judgements on whether or not Mauro likes to eat Limburgian vlaai or whether Sahar wants to wear a headscarf.

But some effects might be emerging from the emotional aftermath of the Mauro-case. While residence statuses that are granted whimsically spark fears of honeypot effects, it seems that mediatized cases that are not resolved by means of a residence status, create a sense of dissatisfaction, which give rise to calls for changes in the overall asylum policy.

Besides creating special measures for children through the idea of rootedness, there is a lobby in favour of shifting discretionary abilities from the Minister to mayors and other local decision-makers, for example resembling the German institution of a Härtefall-Kommission (Hard case commission), which is a local advisory committee for lamentable cases. The lobby has resulted in a recommendation from the Advice Commission for Alien Affairs (2012). Where the residence status of Sahar made way for a few hundred similar girls to reside in the Netherlands legally, the unsolved Mauro case may thus continue to resonate in the on-going debates on rejected asylum seekers for some time.

3.4. Discussion and conclusion

This final paragraph is dedicated to answering the main question: do different actors resist (aspects of) the execution of asylum policy, what argumentations do they articulate in relation to concepts such as tolerance and respect?

We begin by clarifying our results with the help of the general ACCEPT-framework and explain what our project is contributing to the academic debate.

Four discourses could be deducted from the protest movement’s argumentations. These four discourses help framing rejected asylum seekers as victims or intruders and, combined with the debate on government responsibilities, create various possible outcomes which can be categorized as acceptance, tolerance, indifference or intolerance (see table 4.1).

Table 3.5: Assessment of (rejected) asylum seekers and their right to government assistance

(b)	(a) Assistance	No assistance
Victim	ACCEPTANCE (residence status)	INDIFFERENCE (dealt with abroad)
Intruder	TOLERANCE (prevention of homelessness/ assistance for return)	INTOLERANCE (detention and forced return)

Toleration and tolerance are commonly associated with “refraining” from acting and interfering on the basis of feelings of rejection of the other (Dobbernack and Modood 2011). However, in our model tolerance as in the case of “condoning” rejected asylum seekers is related to government action and not inaction, which would seem counterintuitive. Assistance is meant to balance out the negative effects of the various laws that are based on intolerance and that prevent rejected asylum seekers and undocumented migrants from acquiring assets and obtaining accommodation. The negative effects are made undone, while still not recognizing or accepting the rejected asylum seeker as a legitimate resident. Hence we qualified this strategy as tolerance, whereas intolerance is associated with the penal state, using strategies such as detention, fines and expulsion. The 2x2 table logically called for a new category, which is labelled as indifference: it includes asylum requests, which are judged as correct, but not the responsibility of the Dutch State. These include Dublin claimants for example, and other refugees who are for various reasons prevented from entering. This category may in fact be the largest, since millions of people are taking refuge worldwide and over 99% never arrives at the European borders (Grütters 2011).

The answer to the question whether one should accept, tolerate or not tolerate rejected asylum seekers depends on the policy framing that goes with the wider discourse that one uses. We have named these four discourses: (1) asylum authenticity discourse, (2) global injustice discourse, (3) duty of care discourse, and (4) accomplished cultural inclusion discourse.

All four discourses offer a possibility for a “victim” categorization. These considerations and doubts surrounding the representation of asylum seekers as “victims” or “intruders”, in the context of determining whether they can legitimately reside in the Netherlands, resonate with the other debates throughout the ACCEPT project.

The discourses are different ways to strategically determine the right of a (rejected) asylum seeker to stay or leave, as well as entitlement to (some) government assistance, e.g. while waiting for a decision. Victims are more likely to be granted access than intruders. The protesters of the strict asylum policy

will thus try to push the categorization of an individual upwards out of the “intruder” category and into the “victim” category. This can be done in two ways: the first is, by arguing within the discourse that the person should be viewed not as an intruder, but as a victim. The second way is, by moving “sideways” to the next discourse, in which an intruder of one discourse can become categorized as victim in another.

Table 4.2 shows a model we have created based on our analysis. In this model, the re-categorization as victim is represented by arrows. The first way (arguing within the discourse, and pushing categorization “up”) is shown here by means of straight arrows, and the second way (shifting to another discourse where a former intruder can be re-categorized as victim due to other criteria) is shown by means of bended arrows. For the sake of clarity, we only present the arrows that represent the discursive strategies of the protesters. But arrows in opposite directions can be drawn for those in favour of a strict asylum and/or migration policy. A third way of enabling government assistance -not visible in this table- is by arguing in favour of assistance even for those who are intruders.

Table 4.2: Discursive strategies of turning “intruders” into “victims”

To clarify the model, we can imagine a person fleeing from Angola first to be rejected as asylum seeker (and this rejection may be accurate or not), then overstaying in the Netherlands and finding people who will represent him as a victim based on the *global injustice discourse* and suggest that assistance should be provided. But even if the person is regarded not as a victim in the global injustice discourse, he or she can still become a victim in the *duty of care discourse*, for example if he or she is a child, or if one becomes homeless, or is in need of medical care. Humanitarian motivations may then enter as reasons to provide help. Due to longer stay, the person may finally become integrated and then the discourse of *accomplished cultural inclusion* may be engaged to assess the person as a victim. In this final, last resort discourse, the former “intruder” has become a victim of time and government inertia, and has become an inseparable part of his or her local community.

In the Mauro debate, the *accomplished cultural inclusion discourse* was used by protesters to establish Mauro as a victim who belonged in the Netherlands, and NGOs used the *duty of care discourse* to establish residence permit through the invocation of Children’s Rights. But the opponents used the *asylum authenticity discourse* to frame him as an impostor and intruder, because he had lied during his asylum application. Even the *global injustice discourse* was used by the opponents to represent Mauro as an exploiter, because Angola was presented as a new booming economy in which Mauro would flourish on return. Within the discourses, there were attempts to criticize the victim claims, by expressing doubts about his broken relation with his biological mother and by doubting his future contributions to Dutch society, because he was not a particularly bright student.

The Sahar case instead showed more stable “victim” categorizations which were hard to refute. Because Sahar’s family had been roaming the streets and even went abroad they were not eligible for a pardon under the rules of the National Pardon of 2007, but within the *duty of care discourse* these stories became a powerful expression of her family’s suffering and vulnerability. Even in the *asylum authenticity discourse*, Sahar could be framed as someone who feared return to Afghanistan, mainly because she had become so westernized. Here the discourses went full circle and the *accomplished cultural inclusion discourse* served to make her a victim in hindsight in the *asylum authenticity discourse*.

From tolerance to intolerance or acceptance

Both Sahar and Mauro had been “tolerated” in Dutch society for a prolonged period of time (almost 10 years in the case of Sahar, more than 8 years in the case of Mauro), when their future became subject to a wide public debate: should the Dutch state shift to intolerance, meaning it would seek to expulse them from the Netherlands, or should it shift towards acceptance and grant them a residence status? This fact alone shows how toleration is seen as an unsatisfactory and unstable way of engaging with the presence of rejected asylum seekers. When rejected asylum seekers are officially tolerated

(because they are awaiting the outcomes of an appeal, or because they are under age) or when they are merely “condoned” (as in the case of many undocumented migrants living in the Netherlands) the situation demands a more permanent settlement. There is thus a generally felt need to move away from “toleration”.

One possibility is to shift towards intolerance, by seeing to the effective removal of unwanted immigrants from the Netherlands. In the case of Sahar and Mauro this meant that they were represented as “intruders”, for example by disqualifying the legitimacy of their asylum requests and by questioning the motives of their families for migrating to the Netherlands. This strategy was fully justifiable given existing Dutch asylum law and policy. Allowing Sahar and Mauro to stay might set a precedent and produce a “honeypot effect”, and it would be unfair towards others. Yet, the massive mobilization around these two cases demonstrates that this view was not so widely shared as one might expect. We will not repeat our analysis of the various arguments here, but instead single out two issues that are of particular relevance in the context of the shifting importance of concepts such as tolerance, respect and recognition.

First, we have seen how in these case there occurred a shift of perspective and a transformation of attitude when Dutch society was confronted with two young people. The reasons for non-toleration can be changed when attention is shifted to the humanity and moral standing of the subject (Heyd in Dobberack and Modood 2011: 13). It is ironical, to say the least, that the outcry to “let Sahar and Mauro stay” found substantial support on the pages of *de Telegraaf*. One of our respondent argued that this illustrated how personal contact can change negative attitudes towards asylum seekers. Many voter who read the *Telegraaf* “are in favour of Sahar but against admitting immigrants”, so he observed. On the positive side, he believed the Mauro case has led to a change in public opinion; people felt it was wrong to evict someone who is well nested in a local community.

Second, the importance of the *accomplished cultural inclusion* discourse to justify the use of discretionary powers raises important questions. In the first place, the emphasis on successful cultural assimilation implies that it is both easier and more just to grant asylum to people who “belong in the Netherlands”. Indeed, it would be very unjust to expel fully assimilated young adults. Cultural assimilation, “rootedness” and a demonstrated willingness to “embrace Western values” are thus being legitimized as grounds to decide who can stay and who should leave. In addition, cultural rootedness is made important at the detriment of attention for social rootedness and for the respect of emotional and affective ties. In a human rights perspective it makes much more sense to argue that it is wrong to destroy families and inflict suffering on individuals, than to say that migrants should stay because of cultural attitudes. Simultaneously, however, these cases have shown what kind of support undocumented migrant and asylum seekers can find in local communities and how local identifications and connections can induce people to stand up and protest against unjust consequence of asylum policy. As one of our respondents said, this kind of social mobilization based on strongly felt ideas about “moral wrongness” is fundamental to democracy and demonstrates that citizens will not tolerate a situation of lawlessness and the violation of basic human rights.

Conclusions and main findings

This synthesis report has investigated how ethnic, religious and cultural diversity is accommodated in education and political life in the Netherlands. It has also explored the ways in which policies of exclusion are being challenged, especially with regard to rejected asylum seekers. Different concepts and principles for accommodating diversity were examined in order to establish how the notions of tolerance, intolerance and recognition are employed and perceived by different actors. The social construction of the meaning of cultural diversity and in- or exclusion also is drawing on concepts such as citizenship, multiculturalism, national identity, minority rights, pluralism, practices of toleration, condoning, and the need for acceptance and respect.

Whereas the Netherlands used to have a reputation as a country welcoming other cultures and respecting the rights of immigrants, it is now often mentioned as an example of the way the critique of Islam and multiculturalism dominate public debates on immigration and integration issues in Europe. Throughout the report it has become clear that two categories of communities are most outspokenly challenged in debates on cultural pluralism. These are religious groups and immigrants. Especially with regard to Muslims the debate is more focused on defining the boundaries of what is tolerable and what is intolerable than on moving from tolerance to genuine recognition and acceptance.

A major issue in Dutch public debates on diversity relates to the relationship between, on the one hand, the cultural and institutional legacies of pillarisation and, on the other hand, immigrant integration policies and the ways ethnic organisations and institutions have been recognised by Dutch authorities. In public debate Muslims are on centre stage, but depending on the events or issues that set off debates, other religious groups (Orthodox Calvinists or Jews) or other immigrant groups enter the picture. A major concern is whether the existence of special religious institutions and networks of ethnic organisations will not result in a highly segregated society in which different groups lead “parallel lives”. Another major concern is whether there is not too much room for conservative religious groups and immigrants in the Netherlands to adhere to extremely illiberal ideas and values and to uphold forms of behaviour and cultural practices that violate liberal norms of equality and individual freedom. Some people argue that at present the Dutch context provides too many associational freedoms and grants too much collective autonomy to conservative religious and immigrant groups. These debates are therefore concentrated on what practices and ideas should *not* be tolerated in a liberal society.

Education

State funding for confessional schools is still in place but over the past decade there is more and more debate on the structure of the Dutch educational system. There is a discussion on secularism and whether or not the state should finance faith-based schools. There are also discussions about the degrees of associational autonomy of denominational schools, for example with regard to curriculum, the hiring of teachers and the right to refuse to admit pupils. Especially the will to see immigrant Muslim minorities assimilate into “Dutch Culture” has led to questioning on the desirability of state funded confessional education.

The principals of Reformed and Islamic schools that we interviewed expressed a concern about existing stereotypes and misconceptions about their schools. Nevertheless, there are also important differences with respect to the negative views of these schools. Islamic schools are more often perceived as outsiders and they are often not seen as Dutch schools, whereas Reformed schools are associated with the Dutch “in-group”. The Dutch Reformed are seen as a small group which has an established, though exceptional, position in Dutch society. Incidents at Reformed schools are often framed as a result of conservatism and are met with shrugging of shoulders, such as when Reformed

school girls were turning to the municipality because they were not allowed to wear trousers on their bicycle ride to school in the freezing cold.¹⁸⁰ Muslims, by contrast, are perceived as an out-group in terms of ethnicity, nationality *and* religion and are continually scrutinized regarding their level of integration. Islamic schools are called upon to do their best to prepare children for “Dutch society” and in the case of Muslim immigrants orthodoxy is commonly seen as a sign of non-integration.

In the light of these diverging views of both schools we found interesting differences between conceptions of tolerance and recognition among Reformed and Islamic school principals. Principals of Reformed schools wanted their schools to be positively recognized as a part of Dutch society and objected to the image of their schools as “abnormal” or “isolationist”. However, the concept of tolerance also plays an important role for the way the Reformed view their position in Dutch society. Even though the majority may disapprove of the ideas and ways of living of the Reformed, they feel they have a right to exist and not to be discriminated against. To them tolerance means they should have the opportunity to live according to their convictions and rules, also in the domain of education. For Islamic schools this appears to be different. Muslims are not (yet) an established religious minority and are still fighting for the right to be seen as normal and Dutch (i.e. not “foreign”). At Islamic schools the management seems to be primarily concerned with improving the performance of the school, both in terms of teaching and in terms of management.

The debate about Reformed and Islamic schools deals with defining whether some of their practices and regulations are beyond what is tolerable in a liberal-democratic society. The most sensitive issue in this respect is when these schools select pupils or staff in such a way that they violate norms of equal treatment and non-discrimination. Some Reformed schools want to be able to refuse teachers because of their sexual orientation, because of their civil status (e.g. being divorced) or because of their religion. There is less and less understanding for religious schools discriminating in this way, first, because they are faith-based organizations that employ regular personnel (i.e. teachers) and not core religious organizations (such as churches) that employ religious personnel, second, because they are publicly financed, and, third, because as educational institutions they should exemplify, not violate, key legal norms, such as non-discrimination. More complex is the discussion about whether a religious school can demand that teachers “subscribe” to the religious identity of the school, agree to execute the school’s teaching program (also if it goes against their own views) and refrain from expressing aspects of their own identity or ideas (e.g. with regard to sexuality or religion) and discussing these with the students. The principals of Reformed schools we interviewed often expressed the fear that this imposition of secular-liberal norms runs the risk of reducing the associational freedoms of schools. For them, a school has a fundamental right not to accept certain people and practices in its midst, if they violate norms and values that are in their view constitutive of their religious community.

When these findings are situated against the background of theories and concepts of acceptance **a first important broader conclusion** can be drawn. This is that with regard to the deeper forms of cultural pluralism, being those that (are perceived as a) risk to transgress the norms of “comprehensive liberalism”, meaning liberalism as a distinctive “philosophy of life” centred around notions such as autonomy, rationality, agnosticism and individualism, tolerance and toleration remain important concepts and practices to engage with difference and conflict. For more orthodox religious groups “tolerance” remains an important trope, because they argue that the fact they deviate strongly from some of the mainstream norms still obliges that majority to tolerate them, even if it is with “gripped teeth” (Bader 2007).

¹⁸⁰ “Verplicht koude benen” *NOS Headlines* January 9 2009,.

Teaching citizenship and conceptions of tolerance

In the Netherlands the general and increasing insistence on defending “shared values” has been associated strongly with a call for citizenship education. Citizenship education should help install liberal-democratic values in children and teach them about the norms enshrined in the Dutch constitution and in mainstream, so-called liberal-secular society. The presumed need to teach about Dutch cultural values and Dutch history, important in putting citizenship education on the political agenda, was quickly diverted in the policy process. Researchers and experts involved with the implementation actively are bending citizenship education in the direction of trying to increase debate, critical thinking and reducing prejudice, far more than aiming to teach “Dutch norms and values”. The experts we interviewed underlined that in order for citizenship education to be successful in increasing social coherence, schools should not just teach tolerance but they should *practice* tolerance and clearly focus on non-discrimination. They also stressed that the implementation of European curriculum requirements with regard to Human Rights Education as well as Anti-Racist Education must become effective as soon as possible. This most urgently is needed for the lower-class “white” pupils, as international and national research shows a decline in civic competencies and knowledge among this Dutch group in particular.

Again we can draw a **broader conclusion** here with regard to developments in Dutch society. It is obvious that in political rhetoric, public debate and at the level of “policy declarations” concepts such as the “need for integration”, “ending multiculturalism and cultural relativism”, “pride of Dutch culture” or “good citizenship” have gained tremendous popularity. However, it is also obvious that they have largely contributed to a “politics of symbolic action”: policy goals such as “teaching good citizenship and respect for constitutional values” have remained extremely vague, effective instruments to introduce cultural assimilation top-down simply do not exist or policy measures are obstructed by liberal institutions, including basic rights such as religious freedom and the right to privacy. This does not mean we should underestimate the impact of the important changes at the level of public and policy discourse, but that we should not automatically assume they correspond to the practice of governance of diversity in the Netherlands.

Embodiment of tolerance in everyday school practice

Our case studies have shown that in order to present everyday forms of tolerance in discourses and practices in Dutch schools we need to go beyond the sometimes alarmist tone of public debate. In our interviews, we found school principals who are able to negotiate between educational goals, religious dogma and more pragmatic concerns. In a context of increased public scrutiny religious schools navigate between more strict and more liberal interpretations of religious identity and its relationship with school policy. Examples are discussions between school management, school boards, teachers and parents about the content of religious education, about dress codes, acceptance of homosexual teachers and pupils and teaching about sexuality.

This finding by and large confirms what is known from the literature on the teaching of tolerance. The emphasis should be less on cognitive change or on the need to assimilate into the dominant values of the host society, but on learning to cope with diversity in practice, learning restraint in action and creating safe and respectful environments for social interactions. Especially school environments should be shielded from unfriendliness, hostility and outright racist, ethnocentrist or religious discrimination (Bader 2007: 274-5). Introducing assimilationist policy discourses and instruments risks to undermine the practical learning of tolerance and respect in schools.

Politics and policies of exclusion

The second field of empirical research has focussed on the politics of social exclusion and on the way they are being challenged in the Netherlands. Importantly, the significance of concepts such as respect,

recognition or tolerance thereby changes, from being about the engagement with (cultural and religious) practices, it become related to issues such as the basic right to be a part of a society and access to rights (of residence, housing, employment). The hardening of asylum policy discourse and practice had resulted in individual people and groups finding themselves in situations that are deemed “intolerable” by many citizens, NGO’s and even public authorities, notably at the local level.

Building on the ACCEPT-pluralism conceptual framework we were able to identify four discourses that help framing rejected asylum seekers as victims or intruders and, combined with the debate on government responsibilities, create various possible outcomes which can be categorized as acceptance, tolerance, indifference or intolerance (see table).

Table 4.1: Assessment of (rejected) asylum seekers and their right to government assistance

(b)	(a) Assistance	No assistance
Victim	ACCEPTANCE (residence status)	INDIFFERENCE (dealt with abroad)
Intruder	TOLERANCE (prevention of homelessness/ assistance for return)	INTOLERANCE (detention and forced return)

The answer to the question whether one should accept, tolerate or not tolerate rejected asylum seekers depends on the policy framing that goes with the wider discourse that one uses. We have named these four discourses: (1) asylum authenticity discourse, (2) global injustice discourse, (3) duty of care discourse, and (4) accomplished cultural inclusion discourse. All four discourses offer a possibility for a “victim” categorization. These considerations and doubts surrounding the representation of asylum seekers as “victims” or “intruders”, in the context of determining whether they can legitimately reside in the Netherlands, resonate with the other debates throughout the ACCEPT project.

The discourses are different ways to strategically determine the right of a (rejected) asylum seeker to stay or leave, as well as entitlement to (some) government assistance, e.g. while waiting for a decision. Victims are more likely to be granted access than intruders. The protesters of the strict asylum policy will thus try to push the categorization of an individual upwards out of the “intruder” category and into the “victim” category.

The teenagers who’s cases were discussed in the report, Sahar and Mauro, had been “tolerated” in Dutch society for a prolonged period of time (almost 10 years in the case of Sahar, more than 8 years in the case of Mauro), when their future became subject to a wide public debate: should the Dutch state shift to intolerance, meaning it would seek to expell them from the Netherlands, or should it shift towards acceptance and grant them a residence status? This fact alone shows how toleration is seen as an unsatisfactory and unstable way of engaging with the presence of rejected asylum seekers. When rejected asylum seekers are officially tolerated (because they are awaiting the outcomes of an appeal, or because they are under age) or when they are merely “condoned” (as in the case of many undocumented migrants living in the Netherlands) the situation demands a more permanent settlement. There is thus a generally felt need to move away from “toleration”.

One possibility is to shift towards intolerance, by seeing to the effective removal of unwanted immigrants from the Netherlands. In the case of Sahar and Mauro this meant that they were represented as “intruders”, for example by disqualifying the legitimacy of their asylum requests and by questioning the motives of their families for migrating to the Netherlands. This strategy was fully justifiable given existing Dutch asylum law and policy. Allowing Sahar and Mauro to stay might set a precedent and produce a “honeypot effect”, and it would be unfair towards others. Yet, the massive mobilization around these two cases demonstrates that this view was not so widely shared as one might expect. We will not repeat our analysis of the various arguments here, but instead single out two issues that are of particular relevance in the context of the shifting importance of concepts such as

tolerance, respect and recognition. These are also **broader conclusions** that we derive from the findings in relation to the concepts of ACCEPT.

First, we have seen how in these cases there occurred a shift of perspective and a transformation of attitude when Dutch society was confronted with two young people. The reasons for non-toleration can be changed when attention is shifted to the humanity and moral standing of the subject (Heyd in Dobberack and Modood 2011: 13). It is ironical, to say the least, that the outcry to “let Sahar and Mauro stay” found substantial support on the pages of the popular, if not populist, newspaper, *de Telegraaf*. One of our respondent argued that this illustrated how personal contact can change negative attitudes towards asylum seekers. Many voter who read the *Telegraaf* “are in favour of Sahar but against admitting immigrants”, so he observed. On the positive side, he believed the Mauro case has led to a change in public opinion; people felt it was wrong to evict someone who is well nested in a local community.

Second, the importance of the *accomplished cultural inclusion* discourse to justify the use of discretionary powers raises important questions. In the first place, the emphasis on successful cultural assimilation implies that it is both easier and more just to grant asylum to people who “belong in the Netherlands”. Indeed, it would be very unjust to expel fully assimilated young adults. Cultural assimilation, “rootedness” and a demonstrated willingness to “embrace Western values” are thus being legitimized as grounds to decide who can stay and who should leave. In addition, cultural rootedness is made important at the detriment of attention for social rootedness and for the respect of emotional and affective ties. In a human rights perspective it makes much more sense to argue that it is wrong to destroy families and inflict suffering on individuals, than to say that migrants should stay because of cultural attitudes. Simultaneously, however, these cases have shown what kind of support undocumented migrant and asylum seekers can find in local communities and how local identifications and connections can induce people to stand up and protest against unjust consequences of asylum policy. As one of our respondents said, this kind of social mobilization based on strongly felt ideas about “moral wrongness” is fundamental to democracy and demonstrates that citizens will not tolerate a situation of lawlessness and the violation of basic human rights.

Accept-Pluralism and conceptions of tolerance in the Netherlands

We began this research with the assumption that tolerance and toleration continue to constitute important concepts and practices to deal with “deep pluralism”. Whether or not there is a need to move “beyond” tolerance very much depends on the issues at hand, the minorities involved and the broader social and political circumstances. Both “liberal intolerance” and the “celebration of diversity” risk to undermine basic institutional guarantees and practices that, on closer look, have allowed for substantial space for cultural difference, including “institutional pluralism”, some degree of “parallelism” in society, and “gritted teeth toleration”. Tolerance is usually defined as “putting up with something one disagrees with”. It requires the ability (power) to do something against it, but deciding not to act upon it in order to avoid conflict or other negative outcomes (Vogt 1997). The Dutch case studies in the domain of education studies demonstrate that the search for shared liberal-secular values makes it more difficult for all orthodox religious groups (Christian ones amongst them) to live their lives and operate their institutions and organizations according to their interpretation of the Scriptures.

Conceptions of tolerance and toleration should not only be analysed at the level of normative theory, they should also be discussed in the context of distinct national traditions and political culture. We have argued that five conceptualisations of tolerance¹⁸¹ structure the discursive space in which ideas about tolerance, respect and recognition are being articulated in the Netherlands: (1) the need to

¹⁸¹ This typology developed by Maussen/Bogers for the Dutch situation was also used to characterize concepts of tolerance in the European context, see A.Triandafyllidou (ed.) (2011) *Addressing cultural, ethnic and religious diversity challenges in Europe. A comparative overview of 15 European countries*, pp.67-70.

tolerate minorities, even if their religion and practices are disapproved of by the majority, (2) principled tolerance of other groups based on ideas about pluralism and of the Dutch nation as composed of various minorities, (3) pragmatic toleration or ‘condoning’ (*gedogen*) of practices and forms of behaviour that transgress social and legal norms, in order to create a ‘live and let live’ climate, (4) multicultural recognition, based on the idea that immigrant communities can retain and develop distinctive cultural practices and identities and on normative principles such as equal treatment and non-discrimination, (5) Dutch liberal intolerance, focusing on the need to identify clearly the non-negotiable core of liberal values and principles, and arguing that religious groups and immigrants should respect these values in their daily lives as well as in their cultural and religious practices and institutions. In this light a **broader conclusion** based on this research is that we witness a radical change in prevailing Dutch conceptualisations of tolerance. For a long time, ‘principled acceptance’ has been crucial to Dutch governing traditions. Its philosophical foundations were developed in the second half of the 19th century, amongst others by Abraham Kuyper. It was institutionalised in the course of the 20th century, especially in the form of church-state traditions, in the model of consensus-democracy and in the educational system. However, at present, secular voices demand less room for religious schools, a ban on ritual slaughtering and less accommodation of religiously motivated demands with regard to dress. Other elements of Dutch traditions of tolerance are also criticised. The notion that a majority in society may well disapprove of the ideas and practices of a religious minority whilst still “tolerating” them, has lost much of its appeal in public discourse. The same applies to the idea that “pragmatic toleration” or “condoning” is an adequate governing strategy in a deeply plural society. At present public discourse on toleration centres around the ideas that tolerance should not mean value relativism and avoidance, but confrontation, defining what is acceptable and combating that which is intolerable. Interestingly, the autochthonous majority often expresses its unwillingness to ‘put up with’ or ‘tolerate’ other cultures and religions.

Concluding remarks and future challenges

The history of the Netherlands is not the history of a distinct development of toleration. It is important to emphasise this point because portrayals of the tumultuous political developments in the first decade of the 21st century are often contrasted to a supposed ‘Dutch tradition of tolerance’. It would be wrong to maintain the image that until recently the Netherlands was an exemplary tolerant country and that it recently has become ‘intolerant’ and has fallen victim to a ‘backlash against multiculturalism’. In practice, however, as we have argued in this report, each time is confronted with its own specific challenges which are met with their own specific answers.

First of all, it is clear that since about ten years, notably since the Fortuyn revolt in 2002 and the following stable presence of populist parties in Dutch politics, the discourses of ‘liberal intolerance’ have become particularly influential in the Netherlands. The main thrust of this shift in public debate is that there is a need to identify the core values that characterise ‘Dutch culture’, ‘liberalism’ and ‘secularism’ and that these should become ‘non-negotiable’. As a result, so it is argued, there is a need to confront immigrant communities to enforce full respect for these values and principles. Another aspect of this shift in the dominant discourse on diversity issues is a widely advocated need to strengthen the principles of the separation between church and state. In the Netherlands people who position themselves as modern, liberal and progressive speak out loudly to defend values such as equality, individualism and secularism. Often this is taken to mean that religious groups and organisations should no longer be allowed to use their collective and institutional autonomy to divert from core values and norms. According to these voices, liberal values are under siege, mainly from religious groups and immigrant communities.

It is impossible to classify the changing discourses and practices of tolerance in the Netherlands in terms of the country becoming “more or less tolerant”. Especially in the Dutch case, it would be wrong to maintain the image that until recently the Netherlands was an exemplary country and that it recently has become “intolerant” and has fallen victim to a “backlash against multiculturalism”. Five

distinct conceptualisations continue to structure the discursive space to think about tolerance in the Netherlands, but around specific issues (such as the associational autonomy of religious schools or the room for cultural difference in the public domain) some of these conceptualisation are seen as less legitimate. This is notably the case for argumentations in terms of “condoning” or “pragmatic toleration” and those in terms of “multicultural recognition” and “principled acceptance”. Notably in the domain of education the emphasis is increasingly on the need for “civic integration” and defining the “intolerable”, rather than moving towards further recognition of religious groups and supporting the “right to be different”. However, protest against an important form of policies of exclusion, namely with regard to rejected asylum seekers that risk to be expelled demonstrates that the politics of ‘liberal intolerance’ are also backfiring. The liberal state stands accused of engaging in intolerable practices and policies, and more acceptance is asked for vulnerable individuals. Yet, the prominence of discourses of “cultural citizenship” also pollute the asylum debate, because it is argued that only those who are “well integrated” deserve a residence status. Whereas debates on cultural diversity issues and Islam have dominated public and political debate in the Netherlands since 2000, more recently a kind of “fatigue” is visible and socio-economic issues tend to become more prominent and are framed as more urgent than issues of cultural diversity.

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