



Universiteit
Leiden
The Netherlands

Shadowboxing: legal mobilization and the marginalization of race in the Dutch metropole, 1979-1999

Fischer, A.L.

Citation

Fischer, A. L. (2025, September 18). *Shadowboxing: legal mobilization and the marginalization of race in the Dutch metropole, 1979-1999*. Retrieved from <https://hdl.handle.net/1887/4261301>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/4261301>

Note: To cite this publication please use the final published version (if applicable).

3. Law, race, and Dutch ‘minorities policies’ (1974-1983)

3.1. Introduction

By the late 1970s, political and legal efforts to keep people racialized as non-white from residing permanently in the metropole in significant numbers had, by the estimation of the government’s own scientific research agency, failed.²⁹² By 1979, the total Dutch population of around fourteen million included nearly 400,000 people the government called ‘ethnic minorities’. This number included approximately 200,000 ‘foreign workers’ whom the Dutch government had recruited through treaties with Turkey and Morocco in the 1960s, and who, by the mid-1970s, had been joined by their families; it included 130,000 people from Suriname, 25,000 from the Netherlands Antilles, and 32,000 people with heritage in the Moluccan Islands.²⁹³ It did not include the approximately 200,000 people racialized as Indo-European, people racialized as Chinese, or ‘foreign adoptees’ racialized as non-white, for reasons that will be discussed later in this chapter. Most of the people included in the government’s definition of ‘ethnic minorities’ were racialized as non-white. During the colonial period, law helped create material benefits for people racialized as white by constructing formal, explicitly racialized categories of people and attaching different rights to those categories and helped protect those benefits in the metropole through restrictive immigration policies directed at those racialized as non-white, as described in the previous chapter. This goal of using law to protect material benefits for people racialized as white did not change after people racialized as non-white began residing in significant numbers within the metropole; the means by which this goal was pursued did.

This chapter argues that the Dutch government remained committed to maintaining a racialized social and economic hierarchy within the Dutch metropole in the postcolonial period and that it used its ‘minorities policies’ to do so. This

²⁹² WRR, *Ethnic Minorities: Part A: Report to the Government*, vii; Penninx, *Etnische Minderheden*, A, 161; Peter Schumacher, *De Minderheden: 700.000 Migranten Minder Gelijk*, 4. dr, Van Gennep Nederlandse Praktijk (Amsterdam: Van Gennep, 1987) (estimating approximately 400,000 people racialized as ‘ethnic minorities’ residing permanently in the metropole in 1980 and 700,000 in 1987.).

²⁹³ WRR, *Ethnic Minorities: Part A: Report to the Government*, iv.

Chapter 3

commitment to the status quo did not necessarily represent an explicit, or even conscious, commitment to white supremacy as such. However, because that status quo had been built up over centuries of racialized practice, including slavery and colonial exploitation, and was supported by the ideology employed to justify those practices, maintaining it was the equivalent of maintaining a white supremacist hierarchy as it had existed under those systems and continued to exist in the metropole. Because the racialized status quo was the result of many centuries of racializing practices and ideology, these practices and preferences had become incorporated into the value systems of the metropole and helped dictate the standards for success in employment, education, housing and political representation. The government did not have to *do* anything to maintain a racialized status quo except refrain from intervening in those systems.

In the mid-1970s, however, three related phenomena forced the government to do something about what it termed ‘the problems’ of people racialized as non-white in the metropole. First, the government accepted that a materially significant number of people racialized as non-white would remain in the metropole indefinitely.²⁹⁴ Second, different groups of people racialized as non-white began demanding action on issues like police harassment and discrimination in housing and employment.²⁹⁵ Third, visible, openly racist rhetoric and violence began to filter into popular consciousness, threatening the Dutch self-image of being a tolerant, and fundamentally not-racist society, and its desire to remain a ‘guiding nation’

²⁹⁴ See e.g. Penninx, *Etnische Minderheden. A*, 206 (explaining why the government was departing from previous policies of encouraging people racialized as non-white to ‘integrate while keeping their own identity,’ a policy which had been seen to encourage return, or remigration, to a country of origin. ‘Tot op heden werd de slogan “integratie met behoud van eigen identiteit” gehanteerd, maar we hebben gezien dat een dergelijke vage gulden middenweg in de praktijk moeilijk te hanteren valt; in een perspectief van een lang of permanent verblijf van de migrant bijten de twee begrippen elkaar.’).

²⁹⁵ See e.g. “Verslag Kongres Minderheden,” Conference Summary (Utrecht: Inspraak Welzijn Molukkers, Stichting Kibra Hacha, Landelijke Federatie van Welzijnstichtingen voor Surinamers, May 31, 1979); Chapters on “Horeca” in Ausems-Habes, *Congres Recht En Raciale Verhoudingen*; “De LOSON Roept Op Tot Massale Deelname Aan de Anti-Racisme-Campagne” (LOSON, December 17, 1975), Instituut Sociale Geschiedenis Amsterdam; For examples of grassroots organizing against racialization prior to 1974, see De Vlugt, “A New Feeling of Unity.”

(*gidsland*) on international issues of human rights and democracy.²⁹⁶ In 1979, the government’s scientific research agency published a report simply titled *Ethnic Minorities* (*Etnische Minderheden*) which identified problems facing people the government defined as ‘ethnic minorities’ and making suggestions for how to address those problems.²⁹⁷ Between 1979 and 1983 the government solicited feedback from various stakeholder groups before presenting its definitive *Minorities Policy Note* (*Minderhedenbeleid Nota*) to parliament in 1983. That policy document, submitted by the first cabinet of Prime Minister Ruud Lubbers, contained a promise to create a national organization dedicated to using legal means to address racism, the organization that would become the Landelijk Bureau Racismebestrijding (LBR).²⁹⁸

This chapter demonstrates that two themes remained consistent throughout the development and implementation of the *Minorities Policy Note*. First, the government maintained the discourse of postcolonial occlusion which had characterized its migration policy in its internal domestic policy. This discourse ignored or denied historically and/or structurally racialized roots of any inequality or discontent among groups of people racialized as non-white, instead blaming a failure to ‘succeed in Dutch society’ on personal, and primarily ‘cultural deficiencies’ of racialized groups. Second, while the various minorities policies were nominally created to address problems facing ‘disadvantaged’ groups, the Dutch government also used these programs to pacify, coopt or otherwise neutralize growing momentum among activists and others to mobilize for change to existing racialized hierarchies, while consistently refusing to enact any programs that might significantly change the social status quo in the metropole. Part of this pacification included conceding that racism and racial discrimination might play some role in keeping ‘ethnic minority’ groups from succeeding in the metropole, and adopting

²⁹⁶ For more on Dutch desire to be seen as a “guiding land” see Joost Herman, “The Dutch Drive for Humanitarianism Gidsland: Is There a Mentor State,” *International Journal* 61, no. 4 (2006 2005): 859–74; Bovenkerk, *Omdat Zij Anders Zijn* (often cited as the first time that racial discrimination in the Netherlands received attention from national news outlets).

²⁹⁷ WRR, *Ethnic Minorities: Part A: Report to the Government*; Penninx, *Etnische Minderheden*. A.

²⁹⁸ Kamerstukken II 1982/1983 16102 nr. 21,
<https://zoek.officielebekendmakingen.nl/0000143005>.

Chapter 3

policies, including the LBR, that nominally appeared to address those problems, but at the same time refusing to force or empower any government agency or organization to effectively enforce anti-discrimination norms. Such a practice embodied Sara Ahmed's concept of nonperformative antiracism described in Section 1.2.1. of this manuscript.

3.2. The status quo and Dutch political culture

A commitment to maintaining the social status quo, paired with solving problems through a protracted process of dialogue and consensus building, often referred to as the polder model of decision making, has been a feature of Dutch public identity for centuries and often portrayed as a positive driver of democratic stability.²⁹⁹ Indeed, throughout the course of my research when I have described my theory that Ahmed's definition of non-performativity applies to the government's response to racialized inequality in the metropole, people across political and academic viewpoints have often responded with some equivalent of 'That's just Dutch politics!' What this project argues, however, is that when the status quo is based on long-standing structures of racialized oppression, this model of politics can become a vector of that oppression.

In his 1968 book, *The Politics of Accommodation*, political scientist Arend Lijphart observed that unlike its neighbor states, '[a]ll major political problems facing the Dutch during the past century have been resolved peacefully and constitutionally.'³⁰⁰ Other scholars have shown that the Dutch commitments to a 'depoliticized citizenship' goes back even further, at least to 'revolutions' between 1795 and 1801, when, shocked by violence and terror of the French Revolution, Dutch patriots committed themselves to slow, negotiated decision making over

²⁹⁹ See e.g. Rudy B. Andeweg and Galen A. Irwin, *Governance and Politics of the Netherlands*, 4th ed, Comparative Government and Politics (Basingstoke: Palgrave Macmillan, 2014).

³⁰⁰ Arend Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 1st ed. (Berkeley and Los Angeles: University of California Press, 1968), 77 (Lijphart acknowledges 'The only big blot on their record is their failure to withdraw from the colonial empire without bloodshed and severe damage to their national interest,' a qualifier which reminds me of the American expression, 'Other than that Mrs. Lincoln, how did you enjoy the play?').

democratic power struggles.³⁰¹ Lijphart defined Dutch politics and the polder model as:

‘a politics of accommodation. That is the secret of its success. The term accommodation here is used in the sense of settlement of divisive issues and conflicts where only a minimal consensus exists. Pragmatic solutions are forged for all problems, even those with clear religious-ideological overtones on which the opposing parties may appear irreconcilable, and which therefore may seem insoluble and likely to split the country apart.’³⁰²

While the Netherlands may be a ‘country of minorities’ in that no single party has obtained a majority of seats in parliament since the onset of universal suffrage³⁰³, Lijphart observed that ‘Dutch national consensus ... does contain the crucial component of a widely shared attitude that the existing system ought to be maintained and not be allowed to disintegrate’.³⁰⁴

Lijphart published his book in 1968, after roughly 200,000 people racialized as Indo-European had settled in the metropole, but before significant migration of people from Suriname, the Dutch Antilles, Turkey or Morocco. He did not address whether the national consensus on the fundamental soundness of the status quo extended to people racialized as other within that nation. A few decades later, Philomena Essed opined that it did not. She described the polder model as a means of exercising and disguising (racialized) political power.³⁰⁵ Using this disguised power, she later observed in an article with Kwame Nimako, polder/consensus

³⁰¹ Koekkoek, “Forging the Batavian Citizen in a Post-Terror Revolution,” 239 (highlighting that essentializing certain cultural aspects and assigning them to different groups applied beyond a colonial/European divide as several Dutch lawmakers observed that the violence of the French Revolution was partly to blame on fiery French temperaments, something the more calm Dutch did not have to fear).

³⁰² Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 103.

³⁰³ Andeweg and Irwin, *Governance and Politics of the Netherlands*, 2014, 27.

³⁰⁴ Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 103.

³⁰⁵ See e.g. Essed, *Understanding Everyday Racism*, 17; Melissa Weiner, “The Demography of Race and Ethnicity in The Netherlands: An Ambiguous History of Tolerance and Conflict,” in *The International Handbook of the Demography of Race and Ethnicity*, vol. 4 (New York, NY: Springer Berlin Heidelberg, 2015), 575–96, http://link.springer.com/10.1007/978-90-481-8891-8_27.

Chapter 3

politics consistently and categorically reject ‘radical’ points of view, and define as radical any views ‘that problematize essential features of society and social relations and hence advocate fundamental changes,’ including those ideas related to systemic racialized oppression.³⁰⁶

Lijphart observed seven rules of accommodation politics in the Netherlands. These included:

1. That politics is treated as a business best left to professionals;
2. The agreement to disagree;
3. ‘Summit diplomacy’ meaning ‘government by the elite [and the reality that] the more serious the political question that is at stake, the higher will be the elite level at which it will be resolved’;
4. Proportional allocation of resources (i.e. subsidies);
5. Depoliticization using ‘complicated economic arguments and the juggling of economic facts and figures incomprehensible to most people’;
6. Secrecy, meaning the ‘leaders’ moves in negotiations among the blocs must be carefully insulated from the knowledge of the rank and file,’ and that ‘parliamentary approval represents no more than the final stage of the accommodation process’; and,
7. Government has a right to govern, where the government means the cabinet, and judicial review of their decisions is rarely possible.³⁰⁷

Political scientists following Lijphart have pointed out that this system of accommodation does not work on all societal issues, especially those that cannot be solved by proportional allocation of subsidies, or agreeing to disagree; they cite as

³⁰⁶ Essed and Nimako, “Designs and (Co)Incidents,” 289; A social parallel to the political polder mentality is the notion of Dutch *gezelligheid*, or a sense of communal happiness. In the social sphere, observe Chauvin and Coenders ‘antiracist critique is definitely *ongezellig*.’ Chauvin, Coenders, and Koren, “Never Having Been Racist: Explaining the Blackness of Blackface in the Netherlands,” 5–6.

³⁰⁷ Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 123–35.

examples issues like abortion and decolonization.³⁰⁸ Faced with this type of problem, they explain, the government response is usually to refuse to act at all:

Avoidance of such decisions takes three forms: postponement of the decision; diffusion of the political dispute by technical arguments (depoliticization) and the removal of the responsibility from the government. The three tactics are often used in combination, hence the appointment of an expert committee (preferably composed proportionately) to study the problem is a familiar feature of Dutch politics; ‘putting hot potatoes in the refrigerator’, as the jargon has it.³⁰⁹

These tactics seen as inherent to Dutch political culture substantially overlap with tactics generally deployed to maintain racialized hierarchies and described in the first chapter of this dissertation; these tactics include nonperformative antiracism as observed by race critical scholar Sara Ahmed, judicial inaction observed by legal mobilization scholar Michael McCann and legal scholar Robert Cover, and denial of racializing practices through a strategy of declaring those actions ‘not-racism’ as described by race critical scholar Alana Lentin. All of these tactics were present in various degrees throughout the language and execution of policies collectively referred to as Dutch ‘ethnic minorities policies’.

3.2.1. Perceived threats to the Dutch status quo, 1974-1983

In the mid-1970s, as it was accepting the permanent presence of some people racialized as non-white in the metropole, the Dutch metropole also faced a declining economy and increasing competition for jobs and housing across the population. In general, groups of people racialized as non-white were hit harder by the economic recession than those racialized as white/Dutch. By the 1980s, some sources estimated that unemployment rates among people racialized as Moluccan, Surinamese, Antillean, Turkish or Moroccan were two to four times as high as those

³⁰⁸ Andeweg and Irwin, *Governance and Politics of the Netherlands*, 2014, 42.

³⁰⁹ Andeweg and Irwin, 42.

Chapter 3

for Dutch people racialized as white.³¹⁰ As jobs and housing became less available, tensions between people racialized as non-white and those racialized as white-Dutch became more visible sometimes manifesting in violence. Criminologist Rob Witte describes what he terms the ‘first race riot’ in the Netherlands as taking place in 1972 when a ‘Turkish’ landlord evicted a ‘Dutch woman’ and her children in Rotterdam, resulting in ‘several nights of unrest and attacks on hostels and hotels of Turkish people’ where ‘the police were present but did not intervene.’³¹¹ These incidents were highlighted in the early 1980s by the first openly anti-immigrant parties to gain popularity in the Netherlands for the first time since before the Second World War, first in the form of the Volksunie (People’s Union) and later the Centrumpartij (Center Party).³¹²

Growing incidents of racialized violence directed at people racialized as ‘foreign workers’ joined incidents of political violence related to the status of people from the Moluccan Islands. On the one hand, some demands from the Moluccan community were unique among groups of people racialized as non-white in the Dutch metropole in the 1970s. As discussed in Section 2.2.1, they had come to the Netherlands involuntarily and agreed with the Dutch government, at least initially, that their stay in the Netherlands should be temporary; they wanted to return to an independent Moluccan nation in the Indonesian archipelago. As the years dragged on, however, the desire for political self-determination mixed with more immediate social realities, like poor quality housing, and limited employment opportunities.³¹³

³¹⁰ Statistics cited by Frank Bovenkerk in an address to the Working Group on Law and Racial Discrimination, published in Joyce Overdijk-Francis (ed.), “Positieve Diskriminatie in Nederland; Ervaringen in de VS,” Verslag Werkgroep Recht & Rassendiscriminatie Bijeenkomst (Utrecht: Plataforma di Organisashonnan Antiano, September 3, 1985); see also sections on employment and housing problems in groups targeted by “minorities policies” in Penninx, *Etnische Minderheden*. A.

³¹¹ Rob Witte, ‘Racist Violence and the State: A Comparative European Analysis’ (1995) 121, 122–123 (also describing destruction of ‘Turkish businesses’ in Schiedam in 1976 following a knife fight between ‘two Turkish and five Dutch boys’).

³¹² Adrian Goemans, “De Centrumpartij,” in *Nederlands Racisme*, ed. Peter Schumacher and Anet Bleich (Amsterdam: Van Gennep, 1984), 86–108.

³¹³ See e.g. “Molukker en agent bij ‘oorlog’ zwaar gewond: Pantserwagens zetten Calekse wijk af,” *Het vrije volk: democratisch-socialistisch dagblad*, January 4, 1984, sec. 1, <https://www.delpher.nl/nl/kranten/view?coll=ddd&identifier=ddd:010961606:mpeg21:p001>, Delpher.

In the late 1970s, members of the Moluccan community engaged in several hijackings and hostage takings, culminating in the death of several activists and hostages.³¹⁴ In response to these actions, the Dutch government passed legislation that gave people from the Moluccan community and their descendants rights equal to those of Dutch citizens (with the exception of voting and compulsory military service), and created the Moluccan Welfare Advisory Board (Inspraakorgaan Welzijn Molukkers), a government-funded organization designed to communicate the interests of the Moluccan community on areas of relevant social policy.³¹⁵ This representation was largely symbolic, however; no legislation required the government to accept or even respond to the feedback it received from the Moluccan Advisory Board, a fact about which representatives of the group consistently complained.³¹⁶ Even with these limited powers, the Dutch government was determined that the Moluccan Advisory Board remain the only organization of its kind.

3.2.1.1. Threat of organized groups of people racialized as non-white

As opposed to advisory (*inspraak*) organizations, the Dutch government preferred to channel its subsidies to welfare (*welzijn*) organizations aimed at improving the skills the government deemed necessary for ‘integration’ of specific groups of people racialized as non-white. These organizations had been around

³¹⁴ Wim Manuhutu, ‘Moluccans in the Netherlands : A Political Minority?’ (1991) 146 Publications de l’École Française de Rome 497, 510 (explaining that while the primary purpose of the hijackings and occupations was to gain attention for an independent Moluccan republic, the effect was the Dutch government paying more attention to social and economic needs of the community in the Netherlands).

³¹⁵ Justus Uitermark, *Dynamics of Power in Dutch Integration Politics: From Accommodation to Confrontation*, Solidarity and Identity (Amsterdam: Amsterdam University Press, 2012), 67; Penninx, *Etnische Minderheden. A*, 30, 38.

³¹⁶ “Verslag Kongres Minderheden,” 21–22 (M. Mual suggesting that government should be required to justify when and why it ignored advice from *inspraakorganen*); Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 62–64 (H. Smeets of the Inspraakorgaan Welzijn Molukkers complaining that there was still no legal requirement that either national or regional governments listen to or respond to advice).

Chapter 3

since large-scale migration of people from the Dutch East Indies began in 1945, and often originated in churches or other religious organizations before receiving state subsidies.³¹⁷ The goal of these groups was to assimilate new residents of the metropole as quickly as possible into 'Dutch society', or to help them maintain connections to communities that would encourage them to 'remigrate' to their lands of origin;³¹⁸ it was never to provide a platform for political organization or representation, and certainly not to provide a space from which to mobilize political action.³¹⁹ When the National Coalition of Surinamese Welfare Organizations requested an *inspraak*-like role in 1977, the government ignored the request.³²⁰ Two years later, in a report to the Ministry of Culture, Recreation and Social Work, government researcher Hubert Campfens warned the ministry that social programs were needed 'to take the wind out of the sails of extreme movements by properly guiding the minorities.'³²¹

Campfens's report is evidence for later observations by historian Ulbe Bosma that 'from the post-war period until deep into the 1970s, *Indische*, Moluccan and Surinamese organizations were earlier seen as obstacles than as partners in integration. There was no trust that self-organizations could be let loose in the power-play of a free society.'³²² Political and social theory scholar Willem Schinkel has also characterized government subsidized advisory and welfare organizations for people racialized as non-white as functioning 'much like alibis for the government, which, upon "consulting" representatives, could legitimately claim societal consensus....'³²³ As long as the groups remained focused on problems related to culture or other issues located within the groups themselves, the 'minority

³¹⁷ Bosma, *Terug Uit de Koloniën*, 172.

³¹⁸ See policies referred to as 'integratie met behoud van eigen identiteit' referred to in e.g. Penninx, *Etnische Minderheden. A* and described in footnote 294 above.

³¹⁹ Bosma, *Terug Uit de Koloniën*, 45–48.

³²⁰ Bosma, 190 ('De autocratische minister Van Doorn van CRM zag in 1977 geen noodzaak zo'n orgaan voor het welzijn van Surinamers in te stellen. Het was duidelijk dat de regering er nog niet aan toe was immigranten invloed te geven op het overheidsbeleid.').

³²¹ Bosma, 50 (citing Campfens 1979 report at 37).

³²² Bosma, 50.

³²³ Schinkel, *Imagined Societies: A Critique of Immigrant Integration in Western Europe*, 126.

organizations' did not threaten the status quo; if they attempted to engage in broader political change, they could become a threat.

Regardless of the government's intentions that organization stayed focused on welfare, once those organizations started to be run by people racialized as non-white, as opposed to advocates (mostly racialized as white) working on their behalf (what the Dutch called *zaakwaarnemers*³²⁴), the organizations began to pose a political threat to the standing racialized order. Accordingly, the official *Minorities Policy Note*, presented to the Dutch parliament in 1983, deprioritized funding for groups racialized as non-white, suggesting instead a single national advisory board to represent all 'minority groups'.³²⁵ The policy also recommended a 'general approach' (*algemeen beleid*) to social welfare programs, which instead of being run through group-specific organizations (*categoriaal beleid*) would channel individual people racialized as non-white toward the same welfare and governing agencies aimed at 'problem neighborhoods' or any group of people in need of social assistance and available to all.³²⁶ While cuts to funding for group-specific organizations were certainly part of a general trend toward more neoliberal governance, they had the specific political effect of weakening the only national platforms for advocacy on behalf of groups racialized as non-white in the Netherlands.³²⁷

³²⁴ See e.g. Peter Scholten, "Constructing Dutch Immigrant Policy: Research–Policy Relations and Immigrant Integration Policy-Making in the Netherlands," *The British Journal of Politics and International Relations* 13, no. 1 (February 1, 2011): 75–92, <https://doi.org/10.1111/j.1467-856X.2010.00440.x> (for more detailed definition of term *zaakwaarnemer*); see also Entzinger, "Van 'Etnische Minderheden' Naar 'Samenleven in Verscheidenheid.'"

³²⁵ Kamerstukken II 1982/1983 16102, nr. 21; Most of the established welfare and advisory organizations were unhappy with this national advisory body, opining that they would work in coalition under their own terms, not that managed by the government, see e.g. "Toespraak van de Secretaris van Het Inspraakorgaan Welzijn Molukkers, de Heer G. Ririassa Ter Gelegenheid van de 9e Dag van de Brasa, d.d. 27 November 1983 Te Utrecht," *Span'noe*, 7&8.

³²⁶ Kamerstukken II 1982/1983 16102, nr. 2.

³²⁷ See e.g. León Weeber, "De toekomst van het categoriale welzijnswerk Antillianen: Beheersfunctie of platformen voor emancipatie," *Plataforma*, May 1985, ; In 1997, the government recognized one national organization as representing all 'ethnic minority' groups, the Landelijk Overlegorgaan Minderheden (LOM), cutting funding to the previously existing groups accordingly. The Inspraakorgaan Welzijn Molukkers closed its doors in 2007, see e.g. "Inspraak Molukkers —

Chapter 3

Between the release of the *Ethnic Minorities* report in 1979 and the *Minorities Policy Note* in 1983, the government circulated earlier versions and solicited reactions from various sectors of society, including ‘ethnic minority’ welfare and advisory organizations, an approach consistent with Lijphart’s observations about how political compromises were reached as part of the politics of accommodation. When the policy contained in the definitive *Note* enacted the opposite of what the ‘ethnic minority welfare’ organizations had advised, the leadership of these organizations expressed their displeasure. The editorial board of *Span’noe*, the publication of the coalition of Surinamese welfare organizations, complained that the government was defunding work that had been done *for* groups racialized as non-white just as the leadership of those groups was beginning to be done *by* people from those groups. ‘Taking matters into one’s own hands, taking one’s destiny into one’s own hands, is important for groups who want to acquire an equal place in society,’ the editors wrote. They went on to observe that the government’s promise to fund ‘local self-organizations’ was illusory as it would only subsidize pre-approved activities and not general operating costs, or salaries for personnel.³²⁸ Anco Ringeling, director of the Platform for Antillean Organizations, agreed in the pages of that organization’s publication, *Plataforma*; ‘The velvet glove approach to the general policy frameworks contrasts sharply,’ he wrote, ‘with [the] frontal attack being launched on the ethnic groups’ own organizations.’³²⁹

MOZA,” online magazine, MOZA | Je dagelijkse portie Molukse Zaken, August 24, 2022, <https://www.moza.nu/vragen/inspraak-molukkers>; When the LOM was disbanded in 2013, so was national funding for the organizations that had been brought within it. Those that continue operate as independently funded non-profit organizations, see e.g. “Stichting OCAN - about,” OCAN, January 11, 2017, <https://www.ocan.nl/organisatie/over-ons>.

³²⁸ “Eerste Reactie Op Definitieve Minderhedennota Vernietigend,” *Span’noe*, 1983, KITLV Collection.

³²⁹ Anco Ringeling, “Minderhedennota Een Zwaktebod: Of Hoe de Regering Opheild Waar Zij Moest Beginnen,” *Plataforma*, December 1983; see also Arendo Joustra, “Directeur Rabbæ van Nederlands Centrum Buitenlanders: ‘Minderhedennota is een tegenstrijdig verhaal,’” *de Volkskrant*, September 17, 1983, Delpher (‘De zwaarste kritiek van de zeven grootste minderhedenorganisaties, waarvoor [Mohamed] Rabbæ als spreekbuis fungeert, luidt dat de nota een sfeer ademt van “aanpassen of oprotten”).; “Minderheden Teleurgesteld,” *Het Vrije Volk: Democratisch-Socialistisch Dagblad*, September 16, 1983, Delpher.

The response of Dutch government representatives to this critique reveals the expectations the government had for these subsidized ‘minority’ organizations. On the one hand, asking the organizations for feedback was supposed to allow the government to claim it had built consensus and made informed policy decisions as part of the political accommodation process. On the other hand, even though there was no legal requirement to accept the groups’ advice, to claim consensus government representatives had to justify why it had ignored that advice. One way this was done was by delegitimizing the people making the critique, a strategy reflected in an interview Henk Molleman, then director of ‘minority affairs’ for the Ministry of the Interior, gave to national newspaper *de Volkskrant* in 1983:

All but two of those seven minority organizations [criticizing the *Minorities Policy Note*] are welfare foundations, subsidized by the Dutch government. Those were never set up as organizations of minorities themselves. The rest should not pretend to speak on behalf of minorities. Moreover, those people absolutely did not represent their own association, because they had not even met about it. It was a personal action of people who felt compelled to torpedo the [policy] paper on the day it came out. These are people I have met with for eight years and who have never left their seats. I am sick and tired of all these personal interests and this prying.³³⁰

It is true that leadership of the welfare and advisory organizations was not democratically elected by their constituents, and that more activist members of communities racialized as non-white often criticized the welfare and advisory group leadership as being bureaucrats who didn’t represent the real interests of their communities.³³¹ When the Nederlands Centrum Buitenlanders (NCB, Dutch Center for Foreigners), an organization set up to benefit ‘foreigners’ largely of Turkish and Moroccan descent, hired 41-year-old lawyer Mohammed Rabbae as its director in

³³⁰ Marieke Aarden and Arendo Joustra, “Toen Had Je Toch Ook al Die Man Op Tweehoog Met in Zijn Fietsenhok Een Paard: Interview Met Henk Molleman,” *Volkskrant*, October 1, 1983, Zaterdag edition, sec. Het Vervolg, Delpher.

³³¹ Tansingh Partiman, interview by Alison Fischer, audio & transcript, October 12, 2021, in author’s possession; Hugo Fern  ndes Mendes, interview by Alison Fischer, audio & transcript, October 1, 2021, in author’s possession.

Chapter 3

1982, the choice made national news as the first hiring of one such ‘foreigner’ to head an organization dedicated to the interests of ‘foreigners.’³³² But all welfare and advisory groups had staff members who came from the communities they were set up to serve, whose job it often was to work closely with their constituencies (*achterbannen*), through meetings, community groups and publications. One of the reasons that POA (Plataforma di Organisashonnan Antiano), the Antillean welfare platform, took so long to officially open was due to efforts to create a representative staff and administrative board.³³³ Representatives of these diverse groups of welfare and advisory organizations had been consistent in communicating their concern and critique of ‘minorities policies’ in the four years between the publication of the *Ethnic Minorities* report and the official policy. For government representatives like Molleman to discount their feedback and the authenticity of their representation out of hand revealed a racialized and colonial attitude about who had the right to make decisions in the Dutch metropole and to make decisions on behalf of ‘minorities’. In the view of Molleman and other cabinet members, the answer was implicitly Dutch people racialized as white. In the *Volksrant* interview above, Molleman did not address the irony that, like the leaders of the ‘minority groups’ he criticized, neither he nor any of the other ‘experts’ creating and executing ‘minorities policies’ had been chosen by or were representative of groups of people racialized as non-white.

The above discussions over who ran ‘ethnic minority organizations’ and what position they held is an illustration of what sociologist Ali Meghji calls the ‘meso level’ of racialized social structures, which occurs at the organizational level.³³⁴ Racialized structures, explains Meghji, are often ‘*schemas connected to resources*’; in the case of racialized organizations, these schemas connect ‘to societal resources in a way that reproduced the racial order.’³³⁵ Workplaces can be examples of racialized organizations when, for example, their executive or administrative

³³² Haro Hielkema, “Mohammed Rabbie zal niet zwijgen,” *Trouw*, May 1, 1982, sec. Zaterdag & Zondag, Delpher.

³³³ Anco Ringeling, interview by Alison Fischer, interviewer notes, November 21, 2022, in author’s possession.

³³⁴ Meghji, *The Racialized Social System*, 23, 92.

³³⁵ Meghji, 93–94.

hierarchies reproduce racialized structures by promoting people racialized as white to executive functions while confining people racialized as non-white to administrative or support functions.³³⁶ Using different terminology, but arriving at similar conclusions, many Dutch scholars have also observed that the ‘minority’ research and policy industry fits Meghji’s criteria of a such racialized organization, with researchers and policy makers racialized as white setting the agenda, to be carried out by people racialized as ‘ethnic minorities’.³³⁷ In this light, it would not be surprising if many of these organizations reproduced rather than challenged the existing racialized hierarchy in the Netherlands in the 1970s, and 1980s; such reproduction was baked into their design.³³⁸

3.2.1.2. Threat of a ‘racialized proletariat’

While people from Suriname and the Dutch Antilles had not, as of the late 1970s, engaged in political action or violence comparable to that of the Moluccan community, the government feared the possibility of such actions. In 1979, the Scientific Council on Government Policy (Wetenschappelijk Raad voor Regeringsbeleid, WRR) advised that any social programs to benefit groups of people racialized as non-white must be paired with stricter immigration policies to prevent the development of a ‘relatively large proletariat ... consisting to a large extent of members of minority groups; [this proletariat] would also include the second generation which, despite having in the meantime acquired a “Dutch level of aspirations”, would not be able to improve its position’.³³⁹ This fear of a racialized proletariat wasn’t new, but echoed earlier government research recommending that

³³⁶ Meghji, 99–101.

³³⁷ See e.g. Essed and Nimako, “Designs and (Co)Incidents”; Nimako, “About Them, But Without Them: Race and Ethnic Relations Studies in Dutch Universities”; Ghorashi, “Racism and ‘the Ungrateful Other’ in the Netherlands.”

³³⁸ Groups representing people racialized as non-white recognized this potential and publicly debated the risks associated with government subsidies in their publications. See e.g. Weeber, “De toekomst van het categoriale welzijnswerk Antillianen: Beheersfunctie of platformen voor emancipatie,” 19–20.

³³⁹ WRR, *Ethnic Minorities: Part A: Report to the Government*, xxxii; Hoefte, *Suriname in the Long Twentieth Century Domination, Contestation, Globalization*, 109 (citing 1983 chapter by Frank Bovenkerk using the term ‘urban proletariat’ to describe migration from Suriname.).

Chapter 3

people racialized as Surinamese, at that time still Dutch citizens, be limited in accessing the metropole, to ‘combat the fear of a black (sic) sub-proletariat.’³⁴⁰ Though unnamed in the report, presumably the group in fear would be those residing in the metropole and racialized as white.

The repeated use of the term proletariat, often associated with Marxism, worker revolutions and the Cold War specter of spreading communism, reveals the fear among policy makers and researchers that such groups would threaten existing wealth allocation and racialized hierarchies in the metropole. It also implies the connection, conscious or not, in the minds of policy makers, between existing racialized hierarchies and the material benefits of whiteness. Interesting to note here, is that people racialized as non-white would also later invoke the specter of an ethnic proletariat to advocate for their own policy interests. When a delegation of representatives from a coalition of ‘minority’ welfare and advisory organizations met with the Queen’s representative in 1986, they warned the representative against cutting programs aimed at their communities, cautioning ‘[o]n the contrary: if something is not done soon, it is to be feared that the Netherlands will get an ethnic proletariat!’³⁴¹

3.3. Postcolonial occlusion and aphasia in characterizing the problems of ‘ethnic minorities’

While fear of backlash to racialized economic inequality had historic precedents, the causes government researchers and policy makers publicly identified for that inequality were, by contrast, ahistoric. They ignored any history of racialized colonial practices which may have contributed to economic inequality in the metropole and instead attempted to blame most shortcomings on people racialized as non-white themselves. The opening paragraphs of the era’s seminal research document, *Ethnic Minorities*, set the tone. The report observed:

In recent decades, the indigenous Dutchman has been confronted with a series of fellow human-beings of differing culture or race, or both. Fellow

³⁴⁰ WRR, *Ethnic Minorities: Part A: Report to the Government*, 60 (citing Biervliet et. al. 1975, 337).

³⁴¹ R. LaReine, “Memorandum Aan Kabinetsinformatuur de Koning,” *Plataforma*, June 1986 (emphasis in the original)(at the time of this comment, LaReine was the chairperson of POA).

citizens of the Kingdom of the Netherlands of *very different racial and cultural origin* and foreign workers from various Mediterranean countries *have begun to appear* at the workplace or in the area where he lives. He may have come across refugees from many countries, or have had to get used to the phenomenon of adopted Vietnamese or Korean children in his neighbourhood. He may have taken advantage of the presence of foreigners by eating cheaply and well at restaurants serving dishes prepared by Chinese, Italian, Moroccan or Surinamese chefs. The occasional Dutchman may even have had his shoes polished in Amsterdam by an unemployed guest-worker who had taken up the old trade he had plied in Istanbul or Ankara. Without doubt Dutch society has become more 'colourful' and diversified *in recent decades as a result of the immigration* of countless small and large groups of *foreign nationals*. There are strong indications that this is not a temporary phenomenon.³⁴²

Portraying people racialized as non-white as exotic creatures who appeared in the metropole without reason or precedent allowed people racialized as white-Dutch, and the Dutch government, to maintain their innocence with regard to the causes of economic and social disadvantages experienced by 'the newcomers' and their connection to a racialized colonial past. Any social programs subsequently offered could then be characterized as charity, any adjustment made by the majority community as tolerance.³⁴³ By contrast, an approach which recognized that many people racialized as non-white in the metropole had deep historic ties to the Dutch nation, were in fact citizens of that nation, and had been integral to the creation of the wealth experienced in its metropole, would have made demands for equal access

³⁴² Penninx, *Etnische Minderheden. A*, 5 (emphasis mine); *Ethnic Minorities* author Rinus Penninx would have a long career in 'minority research', first at the WRR and later at the University of Amsterdam's Institute for Migration and Ethnic Studies. He is referenced extensively in Essed and Nimako's critique of the 'minority research complex,' "Designs and (Co)Incidents."

³⁴³ See e.g. Ghorashi, "Racism and 'the Ungrateful Other' in the Netherlands"; Ghorashi, "Taking Racism beyond Dutch Innocence."

Chapter 3

to the metropole and its wealth more legitimate, as well as impaired ongoing efforts to justify limiting immigration from the former colonies.³⁴⁴

The enactment of ‘minorities policies’ must be seen then, not just as the acceptance of the presence of people racialized as non-white in the metropole and an effort to address socio-economic inequalities they experienced, as it has often been portrayed, but a continuation of efforts to limit the extent to which people racialized as white would be forced to share the wealth created by racialized colonial and oppressive practices with the people or ancestors of those who made that wealth possible. Political scientist E.A. Wolff has explored how this ‘reluctance to share’ manifested in the Dutch welfare system of the 1950s, with politicians racializing some groups of immigrants from the former Dutch East Indies as more ‘western’ and ‘rooted’ in the metropole, and therefore deserving of sharing in social welfare systems located here, while portraying others as more ‘eastern’, less ‘rooted’ and therefore less deserving.³⁴⁵ I argue that those same tropes of *foreign* as equivalent to *undeserving* were still operating in the 1980s, and manifested in ‘minorities policy’.

This practice of postcolonial occlusion, described in Chapter Two, as the affirmative effort to separate people in the Dutch metropole from evidence of their colonial past and its legacies, was also evident in the discourse describing the ‘problems’ facing people government agencies labeled ‘ethnic minorities’. The scientific committee of the WRR summarized those ‘problems’ as: (i) *achterstandsproblemen*, which the official English version of the report translates as ‘social backwardness’ caused ‘by their lower socio-economic position...often shared by ethnic minorities – admittedly often to a greater degree – with disadvantaged groups within society generally’, (ii) ‘cultural and identity problems’ related to whether the groups were ‘prepared and able to adapt to the dominant culture or else to preserve and experience a sense of independent identity’, and (iii)

³⁴⁴ Jones, *Tussen Onderdanen, Rijksgenoten En Nederlanders*; Jones, “What Is New about Dutch Populism?” (describing efforts to limit migration from the Dutch Caribbean as continuing at least through the 2010s).

³⁴⁵ EA Wolff, ‘Diversity, Solidarity and the Construction of the Ingroup among (Post)Colonial Migrants in The Netherlands, 1945-1968’ (2023) *New Political Economy* <<https://hdl.handle.net/1887/3632254>> accessed 26 March 2024.

‘majority problems’ which related to whether the ‘host society [was] prepared to develop towards a society in which people of diverse ethnic backgrounds can live together harmoniously.’³⁴⁶

While the WRR’s assessment above did allow for the possibility that some problems facing people racialized as non-white were caused by members of the ‘host’ population of people racialized as white and Dutch, most of the report and the policies that followed it attributed those problems to intrinsic characteristics of people racialized as non-white and their ‘culture’, which the report described as including lack of formal education or job training, lack of ‘traditional family structure’, and lack of Dutch language abilities.³⁴⁷ The belief that traits or behaviors intrinsic to people racialized as non-white were the primary causes for any inequality they experienced in Dutch society was evident by the repeated use across various ‘minorities policies’ and related reports of the term *achterstand*, as opposed to *achterstelling*.³⁴⁸ Both words share the root *achter*, meaning behind, but *stand* connotes a more static position or place, while *stellen* can be a verb meaning to propose or suggest. The idea of *achterstand* as an inherent disability, and *achterstelling* as an imposed barrier is reflected in literature on these topics both from the time period under study.³⁴⁹

³⁴⁶ WRR, *Ethnic Minorities: Part A: Report to the Government*, vii.

³⁴⁷ WRR, *Ethnic Minorities: Part A: Report to the Government*.

³⁴⁸ See e.g. “Onderzoek integratiebeleid; Rapport bronnenonderzoek Verwey-Jonker Instituut,” officiële publicatie (Den Haag: Tweede Kamer, 2004 2003), 26–27, 35, <https://zoek.officielebekendmakingen.nl/kst-28689-11.html> (evaluating 20 years of policies aimed at people racialized as minorities or *allochtonen*, repeating idea of *achterstanden* throughout entire period.).

³⁴⁹ See e.g. Loewenthal, “Er Ontbreekt Altijd Een Stuk van de Puzzel. Een Inclusief Curriculum Gewenst,” 52 (making unfavorable comparisons to policies aimed at the emancipation of Dutch women racialized as white and those aimed at ‘ethnic minorities’); Kees Groenendijk, “De Rechtspositie van Chinezen in Nederland: Van Achterstelling Naar Formele Gelijkheid,” in *De Chinezen*, ed. Gregor Benton and Hans Vermeulen, vol. 3, 4 vols., *Migranten in de Nederlandse Samenleving* (Muiderberg: Coutinho, 1987), 85–115 (evaluating the position of people racialized as Chinese in the Dutch metropole); B.P. Slood, “Katern 90: Rechtssociologie,” *Ars Aequi*, Katern 90: Rechtsociologie, accessed October 11, 2022, <https://arsaequi.nl/product/katern-90-rechtsociologie/> (using both terms as representing separate problems facing workers racialized as non-white); Chan Choenni and Tjeerd Van der Zwan, “Notitie Plaatsingbeleid Utrecht:

Chapter 3

That the Dutch government researchers primarily considered people racialized as non-white to *be* problems, as opposed to *experiencing* problems created by systematic, racialized inequality in education, housing, migration or employment policies, was clear from the explanation of which groups were included in the 'ethnic minorities' policies. 'Moluccans, Dutch nationals of Surinamese and Antillean origin and Mediterranean workers, have been designated as minorities,' the report explained, because they were 'regarded as problem groups for whom the government is required to implement special policies.'³⁵⁰ By contrast, the report and policy excluded people racialized as Indo-European because, after being 'the subject of governmental attention and policy for only relatively brief periods... [they] subsequently ceased to exist as problem groups'.³⁵¹ Other groups of people, such as those racialized as Chinese, were excluded from 'minorities policy' because they were considered too small in number or too insular as a community to cause problems for the Dutch majority racialized as white.³⁵² Exclusion from 'minorities policy' did not, however, mean that people racialized as Indo-European, Chinese or other group racialized as non-white did not experience racialized practices or discrimination.³⁵³

Achterstelling Voor Allochtonen?," *LBR Bulletin* 2, no. 2 (1986): 11–15 (identifying the affirmative barriers of housing policies for people racialized as ethnic minorities).

³⁵⁰ Penninx, *Etnische Minderheden*. A, 6.

³⁵¹ Penninx, 6; Penninx and others were likely influenced in these conclusions by a 1958 report which described the incorporation of 'repatriated' people from the former Dutch East Indies as having been 'silent' (geruisloos) and therefore successful. See J. H. Kraak and Nel Ploeger, *De repatriëring uit Indonesië: een onderzoek naar de integratie van de gerepatrieerden uit Indonesië in de Nederlandse samenleving* ('s-Gravenhage: Staatsdrukkerij- en Uitgeverijbedrijf, 1958), 3.

³⁵² WRR, *Ethnic Minorities: Part A: Report to the Government*, ix; See also Groenendijk, "De Rechtspositie van Chinezen in Nederland: Van Achterstelling Naar Formele Gelijkheid."

³⁵³ E.g. Captain, *Achter het kawat was Nederland*, 131; Excluding people racialized as Chinese from the definition of 'ethnic minorities' also revealed that the definition had little to do with 'integration' and everything to do with which communities called attention to or demanded change in their socio-economic status. Most writers at the time described the 'Chinese community' as insular in the extreme, but as solving problems internally and thus not needing inclusion in policies or programs. See e.g. Gregor Benton and Hans Vermeulen, eds., *De Chinezen, Migranten in de Nederlandse Samenleving*, nr. 4 (Muiderberg: D. Coutinho, 1987).

3.3.1. The role of culture in postcolonial occlusion and racialization

As discussed in section 2.3 above, following the defeat of the Nazis in the Second World War, biological or ‘scientific racism’, the type of racialization that white supremacist ideology based on inherently biological traits, was no longer politically acceptable. However, the idea of privileging some manifestations of culture, including language, religion, cuisine, music etc. was (and one could argue still is) widely accepted in Euro-American policy and discourse. In the Netherlands, this manifested in the idea that ‘Dutch culture’ was preferable to the culture of any immigrant community and that integrating people racialized as non-Dutch into that culture was a desirable public good.³⁵⁴ That culture was envisioned as something static and inherent (immigrants could aspire to, but never quite achieve full assimilation), reveals the parallels to the use of biological race in earlier discourses.

The replacement of *race* with *culture* replicated itself across the discourses used in attempts to exclude postcolonial migrants, racialized as non-white from the metropole. Cultural discourse continued as a mode of policing those same groups once they had established residency inside the metropole. Schinkel has argued that ‘immigrant integration policies’ in the postcolonial Netherlands have weaponized the discourse of culture both to police racialized hierarchies and to protect those hierarchies from political scrutiny.³⁵⁵ He observes that while specific terms of integration discourse have changed over second half of the 20th century, it all shares an essential ‘culturist logic’: ‘an emphasis on the *values* that characterize *Dutch* society’ and a belief that ‘immigrants’ should assimilate into those values, combined with the unspoken logic that such assimilation is never fully possible.³⁵⁶ While ‘Dutch culture’ is seen as being ideal, the cultures of various immigrant groups are seen as the source of their ongoing social, political and economic inequality in the Dutch metropole.³⁵⁷ Because *culture* does not have the same troubled connotations

³⁵⁴ Wolff, “Diversity, Solidarity and the Construction of the Ingroup among (Post)Colonial Migrants in The Netherlands, 1945-1968”; Jones, “Biology, Culture, ‘Postcolonial Citizenship’ and the Dutch Nation, 1945–2007,” 320–27; Leeuw and Wichelen, “Civilizing Migrants,” 199.

³⁵⁵ Schinkel, *Imagined Societies: A Critique of Immigrant Integration in Western Europe*, 116.

³⁵⁶ Schinkel, 123.

³⁵⁷ Schinkel, 124 (‘The culturist turn explicitly relates the negative socioeconomic indicators [including the emergence of a migrant underclass] to “culture” and to the incommensurability of

Chapter 3

as *colonialism* or *racism* as a source of social and economic inequality, the government has no social obligation to intervene, as it would in the case of racism or, perhaps, colonial exploitation; that it does intervene can then be characterized as benevolent or charitable.³⁵⁸

Far from an abstract idea, Schinkel illustrates how the rhetoric of culture influenced policy and practice to actively discourage political organization against or on the basis of racialization/race in the Netherlands. Since the 1980s, he explains:

Migrant self-organization has been increasingly problematized in the Netherlands. Self-organizations are no longer eligible for government subsidies unless they do things to weaken ethnic identity by organizing 'bridging' contacts to other ethnic categories, preferably the 'non-ethnic' category of 'autochthonous Dutch.' But in the face of the relatively unfortunate economic position of migrants and their increased cultural problematization, such attempts at derailing existing efforts at self-organization nip potential class conflict in the bud. Political mobilization on the basis of 'ethnic identity' is the worst imaginable political offence. At the same time, the problematization of economically deprived migrants and their offspring by systems of politics and policy thoroughly ethnically dispensated (sic) remains relatively undisputed.³⁵⁹

3.3.2. Connecting racialized inequality to colonial oppression

Arguing that government mischaracterization of the reasons for racialized inequality in the Netherlands occurred out of ignorance are not credible. Perspectives of people racialized as non-white were easy to find in the myriad of pages published in magazines, newsletters, radio programs or public campaigns by diverse individuals and groups representing people racialized as non-white, and

culture in the plural. Cultural issues were discovered as the cause of structural inequalities, and various economic differences were coded as cultural differences.');

); see also Penninx, *Etnische Minderheden*. A.

³⁵⁸ Ghorashi, "Racism and 'the Ungrateful Other' in the Netherlands."

³⁵⁹ Schinkel, *Imagined Societies: A Critique of Immigrant Integration in Western Europe*, 153.

contained numerous references to the colonial past and its relevance to inequality in the metropole.³⁶⁰ These connections were not novel, but went back at least a generation. If government actors were not aware of them, it had to have been a choice not to listen, as opposed to there being nothing to hear.

In the decades preceding formal Dutch decolonization, for example, Surinamese activists Anton De Kom and Otto Huiswoud (both racialized as Creole/Black) gained notoriety in the metropole for making explicit the connections between race, class and decolonial struggles. One of the reasons De Kom was deported from Suriname to the metropole in the 1933 was because he united people across the communities racialized as Creole, Hindustani and Javanese within the colony through ideas of worker and class solidarity and in doing so presented an intolerable threat to the Dutch colonial order.³⁶¹ The less famous but equally strident Otto Huiswoud made the connections between racialization and class even more explicit, not only in Suriname but across national and continental borders. He was an active member of groups of writers advocating for Pan-African unity and anti-colonial struggle, participating in international conferences with the likes of Franz Fanon, Richard Wright, Édouard Glissant and Aimé Césaire, and bringing W.E.B. DuBois to Amsterdam to speak on the topic.³⁶² He was also a member of the US and international Communist Parties beginning in 1920 and continued to make the connections between race and class after settling in the Netherlands in 1948, where he chaired the Association Our Suriname (Vereniging Ons Suriname), a group that moved steadily to the left of the political spectrum throughout Huiswoud’s life and chairpersonship, both of which ended in 1961.³⁶³ De Kom had

³⁶⁰ See e.g. *Marinjo*, the official publication of the Moluccan Advisory Group, *Span’noe*, representing the National Federation of Surinamese Welfare Organizations, and *Amigoe* and later *Plataforma*, addressing people from the Dutch Antilles, but also newsletters and programs from groups within these communities representing women, young people and students and a variety of other interests.

³⁶¹ Bosma, *Terug Uit de Koloniën*, 72.

³⁶² Bosma, 88 (citing Cijntje-Enckvoort’s “The life and work of Otto Huiswoud,” and Ruud Beeldsnijder’s “Nogmaals Otto Huiswoud”).

³⁶³ Bosma, 72–73, 88; Mitchell Esajas and Jessica de Abreu, “Dit Vergeten Echtpaar Streed Honderd Uaar Geleden al Tegen Racisme,” *De Correspondent*, May 7, 2018, <https://decorrespondent.nl/8238/dit-vergeten-echtpaar-streed-honderd-jaar-geleden-al-tegen-racisme/ae4aa04d-9de8-02b5-3415-079eeac4d28c>.

Chapter 3

died in 1945, killed for his work with the Dutch resistance to the Nazis during his exile in the metropole, but student activists in the 1960s and 1970s had rediscovered his writing and used them in their advocacy for both Surinamese independence and the fight against racism in the metropole.³⁶⁴

‘Racism has always been the weapon of the colonists and imperialists,’ proclaimed Surinamese student organization LOSON in its public antiracism campaign, published in 1975.³⁶⁵ LOSON was a self-described militant (*strijdlustige*) organization, actively working for Surinamese independence, but the relevance of colonial practice was proclaimed by more centrist organizations as well. In 1979, the three national, government-subsidized welfare and advisory groups for people from the Moluccan Islands, Suriname and the Dutch Antilles met together to discuss ‘their position in Dutch society’ and to collaborate on advice to the government regarding ‘minorities policy’.³⁶⁶ Speakers identified their shared colonial histories and complained that the effects of colonialism had been scarcely referenced in discussions of identity or assimilation. They also problematized the systematic exclusion of people from the former colonies, and other people racialized as non-white, from research into their own communities and from commissions forming policy related to them.³⁶⁷ Speaker Stanley Inderson, representing the Antillean welfare organization Kibra Hacha, observed:

One closes his blue eyes, turns away the white face and thus legitimizes our humiliation. At such moments, one thinks unwillingly of Aimé Césaire and wonders whether he was right in saying that it would be worthwhile to make it clear to the very white, very honorable, very humanist, very Christian, very socialist bourgeoisie of the twentieth century that what he cannot forgive Hitler is not the crime per se, that his wrath has not been aroused by the

³⁶⁴ Bosma, *Terug Uit de Koloniën*, 76.

³⁶⁵ “De LOSON Roept Op Tot Massale Deelname Aan de Anti-Racisme-Campagne”; Lynn Baas, “Geschiedenis als wapen. De functie van geschiedenis in de strijd van de Landelijk Organisatie van Surinamers in Nederland. 1973-1994” (Master’s Thesis Public History, Amsterdam, University of Amsterdam, 2020), copy in author’s possession.

³⁶⁶ “Verslag Kongres Minderheden.”

³⁶⁷ “Verslag Kongres Minderheden,” 9–10 (critique by Dhr. Harald Roseval, representative of the coalition of Surinamese welfare and advisory groups).

crimes against humanity, the humiliation of man as such, but what he blames Hitler for is the fact that he, Hitler, had applied to Europe colonial practices which until then had been extensively and exclusively reserved for non-Western peoples.³⁶⁸

Inderson's allusion to the influence of Adolf Hitler and the Holocaust calls attention to the power of that comparison for groups of people racialized as non-white who sought to organize themselves against ongoing inequalities in the metropole in the 1970s and 1980s. If inequality in the metropole was caused by 'cultural backwardness', as the government argued, then the Dutch government could let it be; if, however, it was the result of Nazi-like racism, then something would have to be done.

3.3.3. Ignoring and obscuring colonial causes of racialized inequality

Inderson's speech, and similar speeches by others at the 1979 Minorities Congress, makes clear that the absence of references to colonial causes of contemporary racial inequality in the metropole by policy makers or government researchers racialized as white-Dutch was not the results of innocence or aphasia, but an active refusal to see or hear the perspectives and voices of people racialized as non-white, a refusal made all the more glaring by the fact that most of the speakers at that Congress were representing organizations the government itself had set up and funded. While it may be impossible to divine the intentions of individual policy makers, the circumstances surrounding their decisions at the time seem to indicate a situation like that Gloria Wekker observes in *White Innocence*: not a case of 'I don't know' but one of 'I don't *want* to know'.³⁶⁹

The refusal to hear or see connections between racialized inequality in the metropole and colonial practices was itself a continuation of a colonial governing mentality which identified people racialized white as objective, rational and therefore capable of crafting and implementing social policy, while characterizing people racialized as non-white as emotional, irrational and requiring guidance and

³⁶⁸ "Verslag Kongres Minderheden," 26.

³⁶⁹ Wekker, *White Innocence*, 17.

supervision.³⁷⁰ This attitude may explain why nearly all the researchers who conducted the studies on which the government claimed to base its ‘minorities policies’ were people racialized as white, and why Henk Molleman did not feel the leadership of ‘minority organizations’ were competent to criticize those policies.³⁷¹

3.4. Postcolonial occlusion and aphasia in designing ‘minorities policies’

Like the report that preceded it, the cabinet’s 1983 *Minorities Policy Note* recognized that members of ‘ethnic minority groups’ faced *achterstanden* in accessing general social services, and that some policy changes were necessary to address these disabilities. Rather than compelling Dutch government institutions or major economic players to change their practices, however, the cabinet directed its policy primarily at perceived personal deficiencies of members of ‘ethnic minority’ communities. To this end, most of the policy note focused on education, job training and language programs to overcome ‘cultural barriers’ to employment, as well as policies generally directed at ‘disadvantaged neighborhoods’ (*achterstandswijken*).³⁷² That the cabinet paired these policies with a renewed emphasis on limiting immigration and encouraging ‘ethnic minorities’ to return to their countries of origin (*remigratie*) was interpreted by many representatives of people racialized as non-white as a threat to ‘*aanpassen of oproten*’ (adapt or bugger off).³⁷³

Despite largely attributing and emphasizing internal, cultural ‘disabilities’ of groups racialized as non-white, the WRR’s 1979 *Ethnic Minorities* report did allow that among the problems facing ‘ethnic minorities’ were ‘discrimination... [and a]

³⁷⁰ Hesse, “Racialized Modernity,” 656 (discussions of epistemological racialization also addressed in Chapter Two of this dissertation).

³⁷¹ Essed and Nimako, “Designs and (Co)Incidents”; Bosma, *Post-Colonial Immigrants and Identity Formations in the Netherlands*, 191 (describing a research commission on ‘minority affairs’ in 1978 as having only ‘Dutch’ employees and without any members from Moluccan, Surinamese or Antillean groups); see also Schinkel, *Imagined Societies: A Critique of Immigrant Integration in Western Europe*; Aarden and Joustra, “Toen Had Je Toch Ook al Die Man Op Tweehoog Met in Zijn Fietsenhok Een Paard: Interview Met Henk Molleman.”

³⁷² Kamerstukken II 1982/1983, 16102, nr. 21, 5.

³⁷³ Joustra, “Directeur Rabbae van Nederlands Centrum Buitenlanders: ‘Minderhedennota is een tegenstrijdig verhaal,’” 42.

weak legal position'.³⁷⁴ Despite being mentioned among the chief themes in the new *Minorities Policy Note*, published in 1983, racial discrimination as a topic got relatively few pages in the policy document. Of 200-plus pages, the entire chapter titled 'Policies on combating barriers' ('Beleid inzake de bestrijding van achterstelling') was less than seventeen pages with the section 'legal action against discrimination' (*juridische bestrijding van discriminatie*) taking up only eight pages of those seventeen. The rest of the report covered issues related to housing, education, employment, welfare, cultural participation and 'emancipation', again with a focus on improving individual capabilities of people racialized as non-white, as opposed to changing the practices of those institutions failing to meet their needs.³⁷⁵

The *Minorities Policy Note* began the section on 'combatting disadvantage' by citing anthropologist Frank Bovenkerk's 1978 book *Omdat ze anders zijn* (*Because They Are Different*)³⁷⁶ as an acknowledgement that discrimination against 'ethnic minorities' in the Netherlands did exist. His book, which described sociological experiments in which a person racialized as white and a person racialized as non-white responded to the same job advertisements to gather evidence of practices of racial discrimination, became a cross-over success, garnering attention not only within academic and government circles, but in the popular media. Policy makers cited it repeatedly as their first realization that racial discrimination existed in the Netherlands.³⁷⁷ Bovenkerk himself became the government's go-to expert on all related topics, prompting complaints from within communities racialized as nonwhite of the 'Frank Bovenkerk effect' in which 'white' expert opinions were given more weight on issues related to communities racialized as non-white than those of community members themselves.³⁷⁸

³⁷⁴ WRR, *Ethnic Minorities: Part A: Report to the Government*, ix.

³⁷⁵ Kamerstukken II 1982/1983, 16102, nr. 2, 5.

³⁷⁶ Bovenkerk, *Omdat Zij Anders Zijn* (Bovenkerk, who was racialized as white, conducted his early research on migration and remigration, the process of people returning from the Netherlands to the nation from which they migrated, in the Surinamese community).

³⁷⁷ Kamerstukken II 1982/1983, 16102, nr. 2, 90.

³⁷⁸ Ausems-Habes, *Congres Recht En Raciale Verhoudingen* (citing Tansingh Partiman using the term); Lida Kerssies, "Nederlandse Overheidsbeleid Stroef Voor Etnische Groeperingen," *Span'noe* 12, no. 2 (1985): 25–27 (criticizing government sponsored 'minority research' conducted exclusively

However popular Bovenkerk's study was, and however rigorous its methods, citing a 1978 sociological study, which focused on fears and unfamiliarity with 'the other' as reasons for 'racial prejudice' and resulting discrimination codified racial denial and colonial occlusion into Dutch government policy as it related to the causes of ongoing racialized inequality in the metropole. In doing so, the cabinet followed the same separation of the concept of racism from racializing practices which began after the Second World War and is described in detail in Section 2.3.1. above. The *Note* went on to proclaim, 'luckily not everyone with these feelings [of racial prejudice] acts on them against individual members of minority groups,' but conceded that even one instance of discrimination was too many. Government policy, the *Note* claimed, had to place 'victims of disadvantage in a situation where they ha[d] professional help and services to demonstrate and stand up to [these disadvantages] in legal procedures'.³⁷⁹ The legal procedures available, would be those already existing in the Dutch Penal Code; the professional help would take the form of the LBR.³⁸⁰

3.4.1. Criminal Law and procedure exacerbate a problem

Criminal law is designed to address behavior that is individual, aberrant, and intentional. As demonstrated in the previous chapters, racialization in the Dutch context was, by contrast, a practice that was institutional, wide-spread and, by the mid-20th century, infused into the superstructure of Dutch society and culture to an extent that it was most often practiced sub-consciously. As such, using criminal law to address problems of racism and racial discrimination in the Netherlands was a practice doomed from the start to be ineffective. The fact that the Dutch government remained committed to a predominantly criminal law strategy in the face of ample evidence and advice to the contrary is circumstantial evidence of an intent that the policy not perform to end these practices. As such, the Dutch strategy of using criminal law to address racial discrimination is a practice of nonperformative antiracism.

by people racialized as white); "Afscheid van Anco: POA-directeur Anco Ringeling terug naar Aruba," *Plataforma*, March 1987, 18.

³⁷⁹ Kamerstukken II 1982/1983, 16102, nr. 2, 91.

³⁸⁰ Kamerstukken II 1982/1983, 16102, nr. 2, 96.

The criminal laws on which the Dutch government would base its legal response to racial discrimination were adopted to comply with the United Nations International Convention on the Elimination of Racial Discrimination in all its forms (ICERD)³⁸¹. As mentioned in Section 2.3.2. above, Dutch cabinet members did not believe compliance with the treaty would be difficult, given that ‘the situation in the Netherlands is not so that there is a great need for new, special legal rules directed against racial discrimination’.³⁸² Accordingly, in 1971, they amended Penal Law 137 to prohibit publicly insulting people, or inciting hatred, based on ‘race, religion or philosophy of life’.³⁸³ They later added 429quater, to prohibit professions or businesses (*‘een beroep of bedrijf’*) from ‘discriminating against people on the basis of race’ and 90quater, which defined ‘discrimination’ as a ‘separation, exclusion, limitation or preference that has either the goal or effect of infringing on a human right.’³⁸⁴ None of these laws covered racial discrimination by people acting in their capacity as government actors, including members of the police and public prosecutor, border guard, immigration authorities, or city officials

³⁸¹ The ICERD defines racial discrimination as: ‘any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.’ Cited in William A. Schabas, “‘Civilized Nations’ and the Colour Line,” in *The International Legal Order’s Colour Line: Racism, Racial Discrimination, and the Making of International Law*, ed. William A. Schabas (Oxford University Press, 2023), 12, <https://doi.org/10.1093/oso/9780197744475.003.0001> (describing the influence of racializing colonial practices on international human rights law, and the generally underdeveloped state of international jurisprudence on racial discrimination).

³⁸² See Grijzen, *De handhaving van discriminatiewetgeving in de politiepraktijk*, 36; see also A. J. Van Duijne Strobosch, *Bestrijding van Discriminatie Naar Ras: Enkele Ervaringen Met de Bestrijding van Raciale Discriminatie in Andere Landen*, WODC 45 (’s-Gravenhage: Ministerie van Justitie : Staatsuitgeverij, 1983), <https://repository.wodc.nl/handle/20.500.12832/990>.

³⁸³ Chana Grijzen, *De handhaving van discriminatiewetgeving in de politiepraktijk* (Willem Pompe Instituut voor Strafrechtswetenschappen ; In samenwerking met Boom Lemma 2013) 36 (also Penal Laws 137c-e).

³⁸⁴ C.A. Groenendijk, “Lezing: Recht Tegen Rassendiscriminatie Op de Arbeidsmarkt,” in *Discriminatie Op de Arbeidsmarkt*, ed. Joyce Overdijk-Francis, vol. 1, Werkgroep Recht En Rassendiscriminatie (Werkgroep Recht & Rassendiscriminatie vergadering, Utrecht: Werkgroep Recht & Rassendiscriminatie, 1983), 5.

Chapter 3

because these were considered ‘offices’ or ‘agencies’ and not ‘professions’ or ‘businesses’.³⁸⁵

Both the ICERD and Dutch penal law defined race fairly broadly; they referenced skin color, but also included nationality, ethnicity and several other factors which might indicate racial discrimination (though discrimination on the basis of nationality could be justified under certain circumstances, as when the state enforced visa or border restrictions).³⁸⁶ What made penal law ineffective in addressing racialized inequality in the Netherlands, and what incorporated elements of denial and colonial occlusion into any strategy that relied on it exclusively to combat racism and racial discrimination, was not only the legal definition of those crimes, but the constitutional and procedural barriers required before enforcing criminal law.

In states that base their laws on European and Anglo-American legal traditions, criminal law is the only means by which the state may lawfully exercise physical violence against its own citizens.³⁸⁷ To protect citizens from experiencing this violence without justification or expectation, before it imposes any criminal penalty, a state must clearly define the elements of the crime in a written statute or regulation and then prove, before a neutral fact-finder, that the accused is guilty of every one of those elements.³⁸⁸ Jurisdictions may differ on how they define the intent required for certain crimes (for example, specific intent-to-kill for first-degree murder, as opposed to recklessness, or gross negligence or indifference for

³⁸⁵ Groenendijk, “Lezing: Recht Tegen Rassendiscriminatie Op de Arbeidsmarkt” (‘Het betreft echter alleen arbeidsrelaties in verband met de uitoefening van een beroep of bedrijf. De meeste overheidsdiensten vallen daar buiten, omdat het uitoefenen van een “ambt” niet als een “beroep” wordt beschouwd.’).

³⁸⁶ A. C. Possel, ed., *Rechtspraak Rassendiscriminatie* (Utrecht: Lelystad: Landelijk Buro Racismebestrijding; Vermande, 1987), ix–xi.

³⁸⁷ See e.g. George P. Fletcher, *Rethinking Criminal Law* (New York: Oxford University Press, 2000) (comparing elements of intent and action required to be proven in criminal cases between European and Anglo-American jurisdictions).

³⁸⁸ *Reasonable doubt* is considered the highest standard of proof in a legal case, to be contrasted with a *preponderance of evidence* used in most non-criminal cases, in which the evidence for the winning side should be more likely than that of the other, or *probable cause*, the standard by which a person may be arrested and charged with a crime.

a crime like manslaughter), or on the procedures by which evidence must be proven (to an inquisitory judge in continental Europe or before a jury of citizens in the Anglo-American tradition). States may fail to enforce these principles adequately or equally across social hierarchies (as in cases of racially- or gender-biased sentencing); but they all operate under the idea that before a person may be convicted of a crime, the basic elements of intent and action must be proven.³⁸⁹ Accordingly, while criminalizing a practice may seem like a harsh policy measure, it could actually end up being the least performative action a state can take depending on their willingness and ability to enforce that criminalization.

By using criminal law as the primary legal means by which they would enforce norms against racial discrimination, the Dutch government required that all alleged instances of racial discrimination be proven by these high standards and procedural barriers. These are barriers that make sense before imposing the violent sanctions on people who have consciously chosen to commit illegal, societally aberrant acts like vandalism, theft or battery. They are more difficult to enforce when the intent behind actions like denying a person a job or entry to a facility may be couched in a dozen of other, legally permissible reasons. When used against actors applying standards and practices that have been normalized over centuries of racialization, colonial practice and white supremacist ideologies and then embedded in facially neutral ideas like *competence*, *intelligence* and *Dutchness*, the use of criminal standards of proof becomes illogical to the point of ridicule.

When student activists tried the same tactics at discos in Utrecht in the late 1970s that Bovenkerk’s research assistants used for the study *Omdat Ze Anders Zijn*, they experienced these procedural barriers first-hand. Student activist Tansingh Partiman described his experiences at the Congress on Law and Race Relations in 1983:

The biggest stumbling block is the police. When you go to make the complaint (in the middle of the night, since that’s when discos operate) you’re often told that the officer of special laws, who has to handle the case,

³⁸⁹ These are of course the principles of criminal law as they would operate in an ideal case where every individual is treated equally and equitably under law. As previous and subsequent chapters indicate, law is frequently instrumentalized to achieve the opposite effect.

is out on the street. The first time this happened, we let them send us away to come back Monday morning. In the meantime, there is a circular from the Minister of Justice that says discrimination complaints must be accepted immediately. The next is how you are treated (with your proof in hand) as a person of color. Remarks, like, 'Did you really not ask for it?' And, 'They also reject white people,' are very common. And to the white witnesses, they often say 'Oh, they are always so quick to feel like there's discrimination.' And if you're finally allowed to make a verbal complaint (because as an activist group we don't give up so easily) then you're still not there. They won't give you a copy of the complaint and later you find out that there have been things added that you haven't said.³⁹⁰

Partiman went on to share that the barriers to seeking criminal penalties for racial discrimination didn't end at the police station. Delays of up to two years could follow between filing a complaint and charges finally being presented in court.³⁹¹ Once in court, the judges and prosecutors frequently treated the complainants as though they had done something wrong. One local judge asked them, 'Why didn't you try and have more discussion with the bouncer [before filing a complaint]?' At the same time, Partiman described defendant bar owners being given extra consideration, such as in a case when the public prosecutor allowed two defendants to withdraw statements they had made and signed around the time of the complaint, stating 'So you did not mean to say that you wanted to keep your business Dutch-only? I'm so

³⁹⁰ Tansingh Partiman in Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 131–33.

³⁹¹ Partiman gave the impression that a two-year delay was longer than necessary for such cases. While no standard rule exists for how long a Dutch criminal case should take, the OM advises that the length of time depends on the complexity of the case; 'a simple theft from a store' should take around six months while 'a multiple murder' could take longer. One would assume allegations of discriminatory entry policies would be closer to the first than the second. "Hoe lang duurt een strafprocedure?," accessed January 7, 2025, <https://www.rechtspraak.nl/Organisatie-en-contact/Rechtsgebieden/Strafrecht/Paginas/Hoe-lang-duurt-een-strafprocedure.aspx>; L. van Lent et al., "Klachten Tegen Niet-Vervolging (Artikel 12 Sv-Procedure)," *Utrecht*, 2016, <https://repository.wodc.nl/handle/20.500.12832/2119> (describing a 1984 policy change giving complainants the ability to appeal OM decisions not to charge crimes. Then Minister of Justice Van Agt cited the need for complainants to feel 'like justice was being done' as a motivation for the change but made no specific connection to complainants alleging racial or other discrimination.).

relieved.’ Finally, the judges themselves refused to impose required punishments, often imposing fines lower than those requested by law, even after a second offense.³⁹²

In addition to being generally ineffective, criminalizing racial discrimination had the side effect of exacerbating a process that began after World War Two; the process of pathologizing discussions of racialization and racializing practices, and making it more difficult to address the myriad ways in which these practices manifested in Dutch life. In addition to the reigning association with Nazism, to be accused of engaging in racially discriminatory practices now meant being accused of committing a crime and being ‘a criminal’. This discourse of criminality went on to impact tactics of the LBR, where director Arrien Kruyt and other staff members studiously avoided the term in any and all communication.³⁹³ It also, perhaps ironically, led to the LBR itself being sued for defamation after accusing organizations of racially discriminatory practices.³⁹⁴

The government was aware of the problems with its criminal law strategy. Its own scientific advice council, the WRR, acknowledged most of the above critiques in its advice to the government in 1979, reporting in the first pages of the *Ethnic Minorities* report, that it found ‘the sole penalization of discriminatory conduct (see article 137c-e and 429 *ter* and *quater*) of the Penal Code) to be inadequate.’³⁹⁵ The council’s report went on to explain that most victims of racial discrimination were not even aware of their legal options, and that even if they were the cost and effort of bringing cases was likely too burdensome to be effective.³⁹⁶ At the national Congress on Law and Race Relations, held in January 1983, well before the release of the official *Minorities Policy Note* later that year, law professor A.H.J. Swart observed that lawmakers had chosen a criminal law strategy ten years earlier ‘mostly out of inexperience’ and that the intervening decade had taught everyone

³⁹² Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 133.

³⁹³ Arriën Kruyt, interview by Alison Fischer, audio & transcript, August 31, 2021, in author’s possession.

³⁹⁴ See e.g. *Woningbouwvereniging Lelystad v Landelijk Bureau ter bestrijding van Rassendiscriminatie* (LBR), online Art.1 Jurisprudentiedatabase (Rechtbank Utrecht 1993).

³⁹⁵ WRR, *Ethnic Minorities: Part A: Report to the Government*, xxv.

³⁹⁶ WRR, xxv.

that that method was ‘scarcely effective.’ He went on to observe that this failure ‘compelled lawmakers to think of other methods of enforcement, like civil law or administrative law, because the contribution of criminal law is mostly symbolic.’³⁹⁷ After the government published its definitive *Minorities Policy Note* in 1983, the chair and secretary of the National Federation of Surinamese Welfare Organization responded in the pages of *Span’noe*, that the government’s ‘putting the accent on legal procedures’ as the method of enforcing anti-discrimination norms was in tension with its simultaneous enactment of programs that made accessing legal aid more difficult.³⁹⁸ In *Plataforma*, aimed at people from the Dutch Antilles, the title of POA legal adviser Joyce Overdijk-Francis’s article critiquing the strategy said it all, ‘Legal Means to Combat Racial Discrimination: Burden of Proof is the Biggest Stumbling Block.’³⁹⁹ Despite this and other ongoing critique, the government did not change its focus on criminal law as the primary means by which to enforce anti-discrimination norms.

3.4.2. Legal paths not taken

As was pointed out by many of those critical of the criminal law strategy, criminal law was not the only means by which the government could have responded to racialized inequality or racial discrimination in the metropole. The fact that they did not pursue any of these policies, which may have made more structural inroads against the centuries of racialization that preceded them is further evidence of the government’s desire to maintain the status quo. For example, in the years following the publication of *Omdat Ze Anders Zijn*, Frank Bovenkerk began encouraging the government to adopt policies like ‘positive discrimination’, also called affirmative action, in which private companies and government agencies would be encouraged to proactively recruit and hire people racialized as non-white to compensate for their underrepresentation.⁴⁰⁰ He was not

³⁹⁷ Summary of session “Strafrecht” in Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 223.

³⁹⁸ H.A. Ritfeld and R.J. Lioe A Joe, “Reaktie Op de Minderhedennota,” *Span’noe*, 1983, 12.

³⁹⁹ Joyce Overdijk-Francis, “Juridische Bestrijding Rassendiscriminatie: Bewijslast Grootste Struikelblok,” *Plataforma*, May 1984.

⁴⁰⁰ Overdijk-Francis (ed.), “Positieve Diskriminatie in Nederland; Ervaringen in de VS.”

alone in his views and was joined over the years by a variety of researchers and advocates in calling for such programs.⁴⁰¹ While the government did engage in a brief program of reserving 500 jobs within government ministries and agencies for people from ‘ethnic minority groups’ with priority for the first 300 jobs given to people from the Moluccan community, between 1987 and 1990⁴⁰², it rejected replicating or extending affirmative action programs on a large scale to private employers or the housing market.⁴⁰³

Making civil litigation more possible and accessible would have been another way to expand legal measures to combat racial discrimination. In addition to amending criminal law to comply with the ICERD, the Dutch government had amended Article One of the Dutch constitution to include an equal treatment clause, as well as a prohibition on discrimination.⁴⁰⁴ The constitutional amendment was not self-executing, but violating it could serve as an ‘illegal act’ under which civil cases could be brought alleging direct or indirect discrimination.⁴⁰⁵ Civil cases would not result in fines or imprisonment, but could result in financial compensation to victims of discrimination, or a court order requiring a change in

⁴⁰¹ Van Duijne Strobosch, *Bestrijding van Discriminatie Naar Ras*; Chan Choenni, “Positieve Actie: Argumenten pro En Contra,” *LBR Bulletin* 2, no. 3 (1986): 4–5.

⁴⁰² “Ministeries Reserveren Arbeidsplaatsen Voor Minderheden,” *LBR*, 1987.

⁴⁰³ “Minderhedennota Verlegt Accenten,” *De Volkskrant*, September 16, 1983, sec. Binnenland, Delpher (‘This approach of greater accessibility to general facilities excludes, according to the government, the requirement of preferential treatment for minorities in housing and employment. A compulsory system of quotas [so many jobs, so many houses for minorities] is impracticable and there are problems with it in the countries where such a distribution system is used [United States]. According to the government, such a system also creates undesirable distinctions between people who traditionally live in the Netherlands and minorities.’) (translation mine).

⁴⁰⁴ “Artikel 1: Gelijke Behandeling En Discriminatieverbod - Nederlandse Grondwet,” accessed April 15, 2024, https://www.denederlandsegrondwet.nl/id/vgrnb2er8avw/artikel_1_gelijke_behandeling_en?v=1&ctx=vgrnb2er8avw (‘Allen die zich in Nederland bevinden, worden in gelijke gevallen gelijk behandeld. Discriminatie wegens godsdienst, levensovertuiging, politieke gezindheid, ras, geslacht of op welke grond dan ook, is niet toegestaan.’); M.M. den Boer, “Artikel 1 Grondwet: gelijke behandeling en non-discriminatie,” *Ars Aequi* 3 (1987), <https://arsaequi.nl/product/artikel-1-grondwet-gelijke-behandeling-en-non-discriminatie/>.

⁴⁰⁵ Boer, “Artikel 1 Grondwet.”

Chapter 3

the discriminatory practice. A downside of these cases was that many years could elapse between complaint and resolution. Such was the case of *Nedlloyd v Bras Monteiro*, which began when the Nedlloyd shipping company laid off all its foreign sailors in 1983 before its employees with Dutch nationality, regardless of seniority. Though the courts ultimately found in favor of the foreign sailors, this resolution did not come until 1992, at which point most of them had returned to their countries of origin.⁴⁰⁶

A more promising civil case precedent seemed to have been set in *Rooms-Katholieke Woningbouwvereniging Binderen v Süleyman Kaya*, decided by the Dutch High Court in December 1982. In that case, the court found the Binderen housing corporation liable for racial discrimination against Turkish applicant Kaya, based primarily on statistical evidence, which showed that over a period of six years, Binderen only rented to one ‘foreign’ applicant out of the 543 dwellings it allocated, a number far below the 423 ‘foreign’ applicants on the waiting list.⁴⁰⁷ The *Binderen* case was seen as having enormous potential for future discrimination cases in the Netherlands, not only related to housing, but also employment; such potential was discussed not only by academics⁴⁰⁸, but by government-sponsored researchers,⁴⁰⁹ groups representing ‘ethnic minorities’ and independent lawyers⁴¹⁰ and advocates and the Dutch government itself.⁴¹¹

⁴⁰⁶ Nedlloyd v Bras Monteiro e.a., online Rechtspraak Rassendiscriminatie (Hoge Raad 1992); see also discussion of case in Cornelis A. Groenendijk, *Heeft wetgeving tegen discriminatie effect? Rede uitgesproken bij de aanvaarding van het ambt van gewoon hoogleraar in de rechtssociologie aan de Katholieke Univ. de Nijmegen op vrijdag 13 juni 1986* (Zwolle: Tjeenk Willink, 1986).

⁴⁰⁷ E.H. Hondius, “Private Remedies Against Racial Discrimination - Some Comparative Observations with Regard to R.K. Woningbouwvereniging Binderen v Kaya,” in *Unification and Comparative Law in Theory and Practice: Contributions in Honor of Jean Georges Sauveplanne*, 1984, 103–15.

⁴⁰⁸ Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, See opening speech to the Congress by C.A. Groenendijk in.

⁴⁰⁹ Van Duijne Strobosch, *Bestrijding van Discriminatie Naar Ras*, 87.

⁴¹⁰ Joyce Overdijk-Francis (ed.), “Civiel Recht En Rassendiscriminatie,” Verslag Werkgroep Recht & Rassendiscriminatie Bijeenkomst (Utrecht: Plataforma di Organisasashonnan Antiano, May 7, 1985), Nationaal Bibliotheek.

⁴¹¹ Kamerstukken II 1982/1983, 16102, nr. 2, 98–99.

Both the *Nedlloyd* and *Binderen* cases offered the potential to develop broader legal strategies to address racialized inequality in the metropole (a strategy referred to by legal mobilization scholars and legal activists as impact litigation). Bringing such cases, however, required legal knowledge, resources, and time not available to most people who experienced racialized discrimination in their daily lives. Moreover, unlike in the United States, where impact litigation was a major part of the national struggle for civil rights and racial equality, Dutch courts did not function either constitutionally or in public imagination as major shapers of social policy, nor did Dutch courts have the power to declare acts of parliament unconstitutional.⁴¹² While these cases would continue to be part of the discussion around legal mobilization throughout the 1980s, they did not in and of themselves represent a significant change in government policy as it related to racialization, racial inequality or racial discrimination in the Dutch metropole during this time.

3.5. Grassroots groups and the politics of accommodation

On the eve of the publication of the definitive *Minorities Policy Note* in 1983, the Dutch government remained intransigent on the topic of changing or expanding its reliance on criminal law to address racial discrimination. At the same time, however, grassroots groups were stepping up their activism and calling attention to the ineffectiveness of these laws. The question was whether, and how, their actions would force the government to alter their policies. Student groups, like Jongeren Organisatie Sarnami Hai (JOSH), the organization of Surinamese students in which activist Tansingh Partiman worked, brought case after case against discos that exercised discriminatory entry policies, as described above. These legal mobilizations were not stand alone strategies, but were part of broader campaigns to bring attention to ongoing patterns of discrimination in the lives of young people racialized as non-white, and were coming from groups engaged in decolonial activism as well as anti-discrimination work.⁴¹³ Between 1979 and 1983, the group

⁴¹² Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 135.

⁴¹³ Partiman, interview (Partiman described himself as 'not having been a disco guy'. He was more invested in issues related to Surinamese independence, and planned to return there after his studies. However, after the 1980 coup, Partiman realized he would be building a life in the Netherlands and became more invested in addressing issues of racialized inequality here.).

Chapter 3

filed five criminal complaints with police in Utrecht, experiencing the mixed results Partiman described above.⁴¹⁴

The failure of the police, prosecutors or courts to take these cases seriously did not discourage the activists from JOSH, but instead motivated them to adjust their tactics. For example, after learning that the son of a racially discriminating bar owner was about to receive a high profile job in Dutch television, they began publicly demanding that either the son intervene in his father's door policy, or the television station rescind the offer of their job; they succeeded on both counts.⁴¹⁵ Members of JOSH and other grassroots organizations also began framing the ineffectiveness of the criminal laws against and criminal court system as problems separate from discrimination at bars and discos, and representative of a general lack of commitment from the government to racial equality in the metropole; in doing, they hoped to raise broader public consciousness about government inaction, and to encourage broader and more political forms of activism. The approach of JOSH activists was consistent with what legal mobilization theorists like McCann and others have observed, namely that losses in court do not necessarily represent failure for a legal mobilization strategy. Instead short term losses can serve to galvanize greater resistance among constituents and strengthen longer term social and political organizing.⁴¹⁶ Partiman observed as much in 1983 when he shared the observation that lends itself to the title of this book. 'Ethnic groups,' he told the Congress on Law and Race Relations, 'stand in the shadow of the law. We will therefore have to consider extra-legal means to prevent the fight against racism from degenerating into a game of shadow boxing.'⁴¹⁷ These extra-legal means were something the Dutch government no doubt hoped to avoid.

One example of how legal consciousness and cases could be part of broader strategies could be found in the actions of Quater, a community group dedicated to combating discrimination and racial inequality in the region around the Dutch city of Hilversum. Like the students in Utrecht, Quater members started their legal mobilizations by sending racially mixed pairs to bars and discos suspected of

⁴¹⁴ Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 139–40.

⁴¹⁵ Partiman, interview.

⁴¹⁶ McCann and Lovell, *Union by Law*, 2.

⁴¹⁷ Partiman in Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 133.

discriminatory admission practices.⁴¹⁸ As in Utrecht, the member of the pair racialized as white was allowed entry into the bar while the member racialized as non-white was turned away, and the pairs were initially rebuffed by police and prosecutors when they attempted to file charges. At this point Quater strategies diverged from those of JOSH. Quater’s organizational secretary, Gerrit Bogaers, was a lawyer who also had experience and connections with the Hilversum town council (*gemeenteraad*). He wrote up detailed reports of the visits to the discos and clubs, and the resulting discrimination. Using these reports, and referencing criminal laws against discrimination, he and other Quater members lobbied the Hilversum town council to pass a policy refusing to lease city property to, or approve business licenses or permits for, organizations that refused to comply with anti-discrimination laws. Quater then followed up with the Hilversum city council to make sure it complied with its own regulations.⁴¹⁹ Quater’s strategy demonstrates the manner in which legal mobilization strategies can expand beyond litigation via the courts, and illustrated how even limited criminal policies could be used as springboards from which to achieve policy change that impacted individuals racialized as non-white in numbers beyond any individual case.

The actions of both Quater and JOSH fit into what Michal McCann defines as the first and second stages of legal mobilization within social movements: the first stage draws on legal discourse to frame demands as rights – in this case the right to be free from racialized discrimination in the provision of goods and services; the second stage uses legal action – even unsuccessful legal action – ‘to contribute to an opportunity structure - to create cracks in which social change can

⁴¹⁸ Gerrit Bogaers, interview by Alison Fischer, audio & transcript, October 16, 2021, in author’s possession (Quater took its name from the criminal prohibition of discrimination by businesses but also was inspired by the pun the name created with kater, the Dutch word for tomcat. Like a tomcat, Bogaers told me, the members of Quater were both clever and unafraid.).

⁴¹⁹ Bogaers reporting on Quater actions during the 1983 Congress on Law and Race Relations in Ausems-Habes, *Congres Recht En Raciale Verhoudingen*, 135; Gerrit Bogaers, “Recht & Rassendiscriminatie” (Utrecht]; Lelystad: Plataforma di Organisasashonnan Antiano, May 6, 1988), 9, Nationaal Bibliotheek; Van Duijne Strobosch, *Bestrijding van Discriminatie Naar Ras*, 99.

Chapter 3

be made'⁴²⁰ – in these cases demands for larger political mobilization from grassroots activists, or policy change from local authorities.

JOSH and Quater did not carry out their strategies and tactics in isolation from each other. In 1978, along with fifteen other groups interested in combatting racialized discrimination and inequality, they formed SARON, the Society of Antiracist Organizations in the Netherlands (Samenwerkende Antiracisme Organisaties Nederland), a coalition to share knowledge and experiences on these issues.⁴²¹ SARON member organizations had different constituencies, and came from different communities with different specific priorities. They declined to adopt a singular or unified program of activities, but joined together when necessary for increased impact, such as by providing unified commentary to the government on the draft *Minorities Policy Note* and its eventual critique of the eventual creation of the LBR.⁴²²

In its 1982 commentary to the government on the then-in-progress *Note*, SARON described itself as representing 'a national discussion' about racism and the position and role of the government, 'in a real sense of the word,' presumably to distinguish itself from the government subsidized welfare and advisory organizations also providing commentary on the draft policies.⁴²³ The group took particular issue with the existing criminal law regime; they criticized Article 429Quater as nothing more than 'symbolic legislation' and 'virtually unprovable'⁴²⁴ and suggested amending the provision in a way that would shift the burden away from potential victims of discrimination back to those accused of discriminatory

⁴²⁰ Michael McCann, "Law and Social Movements: Contemporary Perspectives," *Annual Review of Law and Social Science* 2, no. 1 (December 2006): 26, <https://doi.org/10.1146/annurev.lawsocsci.2.081805.105917>.

⁴²¹ Bogaers, "Commentaar op de 'Ontwerp-Minderhedennota', Ministerie van Binnenlandse Zaken, april 1981, door SARON," n.d. (The number of active member organizations in SARON fluctuated over the years; in 1982 the group listed 15 members in its comments to the Ministry of Interior on the working draft of the *Minorities Policy Note*.).

⁴²² See e.g. Bogaers; Gerrit Bogaers, "Uitnodiging - SARON Conference, 10 June 1983" (SARON, June 10, 1983), personal archive of Mr G.J.A.M. Bogaers, SARON.

⁴²³ Bogaers, "Commentaar op de 'Ontwerp-Minderhedennota', Ministerie van Binnenlandse Zaken, april 1981, door SARON," n.d.

⁴²⁴ Bogaers, 7.

practice. If an action by a business or organization was accused of racial discrimination under Article 429, SARON proposed, the accused proprietor should have the burden of justifying the denial of goods or services, employment or housing on grounds not related to racial discrimination or other impermissible prejudice; failure to provide appropriate justification would result in a conviction for discrimination.⁴²⁵

The Dutch government never adopted SARON’s advice and remained committed to criminal law as the primary legal means by which to address racial discrimination in the Netherlands. Nevertheless, SARON’s commentary on the *Minorities Policy Note* demonstrated that the critique of the non-performativity and ineffectiveness of that legal regime was gathering political steam, growing out of student activist communities to include organizations of community members and professionals across both different demographic groups and regions. In the summer of 1983, SARON organized a conference it presented as an alternative to the Congress on Race Relations held in January of that year. It invited ‘independent groups and interested individuals’ (as opposed established welfare and advisory organizations) to participate in a ‘workshop against racism and [for] the promotion of emancipation.’⁴²⁶ As opposed to framing the discussion in terms of ‘race relations,’ the workshop proposed a discussion of nothing less than ‘1) The social structure of our society; the relationship inhabitants/newcomers; participation in power and the importance of organization, with special regard to: 2) labor relations, 3) our political systems, and 4) education and identity.’⁴²⁷ The invitation went on to clearly state the ‘intention of the organizers to [hold] discussions [on] the possibility of controlling the power held by the policy-making authorities involved in the

⁴²⁵ Bogaers, 8; While the Dutch Hoge Raad would eventually reverse the burden of proof in civil cases where one party had unequal access to certain information, it is not clear to me that this standard ever would, or could, be applied in criminal cases where the burden of proof remaining on the state is one of the hallmarks of fair trial process. ECLI:NL:HR:2011:BO6106, voorheen LJN BO6106, Hoge Raad, 10/00698, No. ECLI:NL:HR:2011:BO6106 (HR January 28, 2011); ECLI:NL:HR:2022:1058, Hoge Raad, 21/01196, No. ECLI:NL:HR:2022:1058 (HR July 8, 2022).

⁴²⁶ Bogaers, “Uitnodiging - SARON Conference, 10 June 1983,” (English translation by SARON staff for international invitees; changes in brackets are for clarity).

⁴²⁷ Bogaers.

Chapter 3

aforementioned issues...and to reorganize them in such a way that emancipation is ensured.’⁴²⁸

I describe SARON, and many of the organizations that made it up, as ‘grassroots’ organizations, a description that comes from American activism and is often used to describe organizations or movements made of many people who are impacted personally by a problem for which they are calling for a solution of their own determination. They come from the soil of the problem, to follow the metaphor, and get their power through numbers, like blades of grass. In describing growing grassroots organizing on the problems related to racialized inequality, and the calls from SARON and its affiliated groups for a more grassroots solutions to these problems, I do not mean to overstate the size of the threat that grassroots organizing posed to the Dutch status quo. As of the early 1980s, the numbers of activists remained small compared to the total population, and they had not yet demonstrated their ability to enact policy change beyond the local level.⁴²⁹ However, their financial and structural independence stood in contrast to the welfare/advisory model the Dutch government was accustomed to working with on these issues, and which were more consistent with the broader Dutch culture of political accommodation.⁴³⁰ Very few of SARON’s organizational members received government subsidies. This further distinguished them from the social welfare and advisory organizations, which though formally independent, were ultimately dependent on government funding for all of their operational expenses. By contrast, financial independence made SARON and its members organizations less controllable, less predictable and therefore more threatening to the political status quo. The fact that the government solicited SARON’s feedback on its draft *Minorities Policy Note* indicated that it felt SARON was a group significant enough

⁴²⁸ Bogaers.

⁴²⁹ For evidence of how a grassroots movement can achieve success outside of traditional politics, see the Kick Out Zwarte Piet movement active in the Netherlands from 2011 through 2025, and addressed in detail in Chapter Seven of this dissertation. See e.g. Julia Vié, “Kick Out Zwarte Piet houdt er eind 2025 mee op: Sinds 2010 heeft Nederland heel veel stappen gezet,” *NRC*, February 14, 2024, <https://www.nrc.nl/nieuws/2024/02/14/kick-out-zwarte-piet-houdt-er-eind-2025-mee-op-sinds-2010-heeft-nederland-heel-veel-stappen-gezet-a4190145>.

⁴³⁰ Lijphart, *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*, 126–29 (specifically the Dutch traditions of “summit diplomacy” and depoliticization of social issues).

to be consulted.⁴³¹ At the same time, because SARON was independent and grassroots, the government could not dismiss its critiques using the same arguments Henk Molleman had levied against representatives of the welfare and advisory groups, that they were not representatives of their constituencies.⁴³²

Another organization from which the Dutch government likely drew cautionary lessons of what not to do as it crafted its definitive 'minorities policy' was the *Vereniging Tegen Discriminatie op Grond van Ras en Etnische Afkomst*, (Association Against Discrimination on the Basis of Race or Ethnicity, VTDR), founded in February of 1979. Unlike the grassroots origins of SARON, the VTDR began as the brainchild of those already influential within the field of 'minorities policy' and racial discrimination. Present at its founding meeting were Frank Bovenkerk, Henk Molleman, then a member of parliament for the Dutch Labor Party (Partij van de Arbeid, PvdA) and shortly to become director of Minority Affairs for the Ministry of the Interior, Han Entzinger, a sociologist and civil servant who would go on to author the *Alloctonenbeleid (Foreigners Policy)*, which would replace the *Minorities Policy Note* in 1989, and Hamied Ahmad-Ali, the legal expert on the staff of the national coalition of Surinamese welfare organizations.⁴³³ Also present, however, were people from outside the government's managed welfare/advisory structures, some of whom would go on to serve on the VTDR's first board of directors. This group included Peter Schumacher, a journalist later published several books about racism in the Netherlands,⁴³⁴ and Roy de Miranda,

⁴³¹ Bogaers, "Commentaar op de 'Ontwerp-Minderhedennota', Ministerie van Binnenlandse Zaken, april 1981, door SARON," n.d.

⁴³² Aarden and Joustra, "Toen Had Je Toch Ook al Die Man Op Tweehoog Met in Zijn Fietsenhok Een Paard: Interview Met Henk Molleman."

⁴³³ Millie Gloudi, "Notulen plenaire vergadering" (Vereniging Tegen Discriminatie op Grond van Ras en Etnische Afkomst, February 20, 1979), personal archive Mr G.J.A.M. Bogaers, SARON.

⁴³⁴ Bleich and Schumacher, *Nederlands Racisme*; Schumacher, *De Minderheden*; Schumacher had been involved, a decade earlier, in starting the Black Panther Solidarity Committee, the first of such committees in the Netherlands; see De Vlucht, "A New Feeling of Unity," 39, 108–12; Schumacher was also of *totok* heritage, the name given to people racialized as white living in the Dutch East Indies, and brought those experiences into his reflections on racialization in the Netherlands. Schumacher, *Totok Tussen Indo's: Een Persoonlijk Relas over Arrogantie, Versluierde Discriminatie En Vernedering Onder Indische Nederlanders*.

Chapter 3

an advocate and activist from the Surinamese-Creole community, who would later return to Suriname and become part of the government of Desi Bouterse.⁴³⁵ This mix of representation from those who had been traditionally included within the politics of accommodation, and those representing more independent constituencies, or those opposed to the status quo, was not a success.

Ahmad-Ali described the VTDR to the readers of *Span'noe* as being founded after Bovenkerk's *Omdat ze Anders Zijn* received wide-spread attention in the national media. Over three meetings in the fall of 1978, a group of academics, advocates, writers and activists had met to discuss the need for a national organization to address the following priorities:

1. Providing individual assistance [to victims of racial discrimination] via referral or guidance;
2. Analyzing cases of discrimination and developing solutions;
3. Developing policy and legislative proposals to combat racial discrimination; and
4. Developing activities aimed at raising publicity, information, awareness and action.⁴³⁶

When representatives of the four major welfare and advisory groups representing people racialized as non-white met in January 1979 to discuss the recently published government *Ethnic Minorities* report (discussed above in sections 3.3.), they included in their meeting summary support for the idea of an 'institute to handle' complaints of racial discrimination.⁴³⁷ Given the overlap of the parties involved in these meetings and the dates of those meetings, it is safe to assume the institute they had in mind was the VTDR. By contrast, grassroots organizations represented in SARON were early critics of what they saw as the top-down methods of the VTDR and its leadership. SARON representatives had participated in the plenary session of the VTDR in February 1979, but later complained that their requests to share information about their own activities and

⁴³⁵ Gloudi, "Notulen plenaire vergadering."

⁴³⁶ Hamied Ahmad-Ali, 'Het Verschijnsel Racisme in Nederland' (1978) 5 *Span'noe* 22.

⁴³⁷ 'Verslag Kongres Minderheden' (n 29).

campaigns with the VTRD constituency were denied and that their work was not taken seriously.⁴³⁸

In early 1979, the VTDR published several newsletters, held regular office hours to receive complaints or questions about racial discrimination, and published examples of employment advertisements that overtly discriminated on the basis of race; group leadership also expressed the intent to apply for financially sustaining government subsidies.⁴³⁹ Before they could formally apply, however, internal disputes erupted within the group. In January 1980, three members of the board of directors resigned in protest; these were Roy de Miranda, Peter Schumacher and Ronny Lemmers. De Miranda complained to the national press of 'an ivory-tower mentality' among other VTDR leaders that led to different views of how to handle individual complaints of racial discrimination.⁴⁴⁰ Schumacher agreed, and added a general lack of representation within the group of the interests of 'foreign workers'. Both agreed that the voices 'of those who experience racial discrimination' should have had more weight in the VTDR's plans and practices. Frank Bovenkerk, who was then chair of the VTDR, disagreed that people racialized as non-white should take the lead. He accused 'organizations of foreigners' of having done little to address racial discrimination to date, and therefore having needed the VTDR to serve 'a start-motor function'.⁴⁴¹ Despite this defense, Bovenkerk withdrew as chair of the VTDR shortly after January 1980, taking with him the group's national public profile and attention. The VTDR tried to reorganize itself, publishing newsletters,

⁴³⁸ Representatives from Quater were invited to the VTDR's opening plenary session in February 1979, where they offered to share experiences with the new group. However, by June of that year the relationship had soured. Quater leaders complained that VTDR leadership ignored their requests to share information about Quater activities, and that VTDR members were disrespectful toward Quater's members and their work. Gloudi, "Notulen plenaire vergadering," 4; Gerrit Bogaers, "Werkgroep Quater: indrukken over de vereniging tegen diskriminatie en etnische afkomst" (Quater, June 12, 1979), personal archive mr. G.J.A.M. Bogaers, SARON; Bogaers, interview.

⁴³⁹ See e.g. Gloudi, "Notulen plenaire vergadering."

⁴⁴⁰ "Aanpak discriminatie scheurt vereniging: Deel bestuur ontgoocheld opgestapt," *de Volkskrant*, January 23, 1980, Delpher.

⁴⁴¹ "Aanpak discriminatie scheurt vereniging: Deel bestuur ontgoocheld opgestapt."

Chapter 3

holding open office hours and participating in SARON, it never fully recovered from the public split and dissolved in 1982.⁴⁴²

The internal drama within the VTDR board received more publicity than any activities the group undertook during its existence. Despite its short life and dramatic end, however, the VTDR raised questions that would come up repeatedly during the creation of the LBR two years later. For example, should a national organization to combat racial discrimination be led by academics or other people racialized as white, or by people who were members of communities or organizations racialized as non-white? Would government subsidies be a necessity for professional operations or an impermissible restraint on the organization's independence? Would the priority be placed on representation of individual victims of racial discrimination, or on combatting racialization and racial discrimination at a more structural or institutional level? Given the overlap between people involved in the VTDR and those involved with the eventual crafting and execution of the *Minorities Policy Note*, including the LBR, the VTDR experience certainly had some influence.⁴⁴³

3.6. Conclusion

By the mid-1970s, events related to the increased presence of people racialized as non-white permanently residing in the metropole, combined with growing visibility and unrest related to the social and economic inequality of many people in these groups, compelled the Dutch government to take action. Rather than enact policies that would address the sources of racialized inequality, which were rooted in centuries of practices of colonial exploitation and slavery followed by postcolonial occlusion and denial of the racializing nature of that history, the Dutch government chose for a series of policies aimed at maintaining the status quo in the Dutch metropole, policies it collectively referred to as 'minorities policies.'

⁴⁴² Bestuur, "Beste VTRD-leden," May 25, 1982, personal archive mr. G.J.A.M. Bogaers, SARON (letter describing falling membership and lack of interest as reasons to give up the association).

⁴⁴³ C.A. Groenendijk, interview by Alison Fischer, audio & transcript, July 12, 2021, in author's possession (Groenendijk was involved in both organizations. He did not specifically describe lessons he carried from the VTDR into the LBR, but did characterize the first experience as *mislukt*, a mistake or failure.).

Most of these policies targeted alleged 'cultural disabilities' (*achterstanden*) of people in groups racialized as non-white. The government addressed problems of racism and racial discrimination in the metropole using criminal law, despite mounting evidence that such laws were ineffective at addressing the majority of racial discrimination experienced by people racialized as non-white in the metropole. The combination of the cultural discourse and the limited definition of racism defined by criminal law served both to occlude the colonial origins of racialized inequality in the metropole, and to depoliticize calls for changes to the existing social status quo.

The refusal of the government to deviate from these policies, despite mounting evidence of their ineffectiveness, is evidence of a lack of desire to change the racialized status quo in the postcolonial Dutch metropole, as is the government's response to organizing and calls for change from groups representing people racialized as non-white and other grassroots organizations dedicated to combatting racial discrimination in the metropole. In the latter case, rather than allow the people most affected by problems of racial discrimination, people racialized as non-white and active either in grassroots or welfare/advisory organizations, to determine the appropriate solutions to those problems, the government responded either by dismissing their critiques as illegitimate, or ignoring them completely.

As the 1980s dawned, critiques of the government's exclusively criminal law strategy to address racial discrimination came under increasing fire, not only from grassroots and activist organizations, but also from those Arend Lijphart would describe as traditional political elites. This latter group included academics like Frank Bovenkerk, government researchers like Han Entzinger, and civil servants like Henk Molleman represented in the VTDR, but also members of the government's own scientific research council, the WRR, in its *Ethnic Minorities* report. The combination of these critiques from both inside and outside traditional Dutch politics of accommodation did not change the government's fundamental commitment to maintaining the status quo through its criminal law strategy, but it did cause them to make one concession. The government would provide increased support for individual victims of racial discrimination trying to access those laws. In its formal *Minorities Policy Note*, presented to Dutch parliament in September

Chapter 3

1983, the cabinet announced that it would create a national institute to combat racial discrimination using legal means. How the government would structure that organization to maintain the status quo racialized hierarchy in the Netherlands, while at the same time diffusing growing grassroots unrest as well as the public disputes between grassroots and elites that characterized the VTDR would be the question debated across community and organizational lines for the next two years, and is the subject of Chapter Four.