they also helped increase the scope of the European Court of Human Rights' jurisdiction over the Dutch state's sovereign right to regulate the terms of national belonging.

### CONCLUSION

In her work, Anne Stoler has made clear that the racial divide codified during the Dutch colonial regime in the former Dutch East Indies, did not simply serve to define existing distinctions and legitimate the related differences in wealth and power. Rather, it formed the legislative component of a complex technology of exclusion that actually produced, maintained and reproduced such differences. This technology incorporated various lines of distinction that could be arranged and rearranged in varying combinations to produce a discourse of exclusion suited to the normative context of the time, and subject to enforcement via the interfering techniques of alliance and discipline as they were applied within the territory of the Dutch East Indies during the colonial period.

Race, as the focal concept of this regime, was both complex and contradictory. It brought together gender, genealogy and education as lines of distinction via multiple and diverging narratives. As Stoler argues, physical traits did not form the essence of racial distinction, but merely served to indicate the hidden but truly relevant distinctions of character: distinctions that were linked—through the gendered regulation of family relations—to genealogy and upbringing. Only those who could legally claim descent from a European male and who had been raised by a woman subject to the marital authority of a European husband were assured of European status. Even then, however, factors of class, education and lifestyle—particularly as they related to sexuality—could weaken this claim, while periods of residence and—preferably—advanced education in the

The Bertha Hertogh affair provided a dramatic illustration of the ambiguities and contradictions involved, as did some of the court cases cited in Chapter Two, concerning the admission, following Indonesia's independence, of people originating from the Dutch East Indies to the Netherlands. Such cases brought to the surface the inherent tensions of a regime that, like the codified family norms on which it depended, claimed to be grounded in the objective reality of biological reproduction, while defining that same reality in the normatively charged terms of gender, legal status and upbringing. Such disjunctions made the regime unstable, requiring constant adjustments and controls, but they also rendered it flexible, making it possible to recombine the various lines of distinction

and techniques of exclusion to meet new exigencies in a changing historical context.

What the Bertha Hertogh affair and the case law cited in Chapter Two also make clear, is that in the period directly following the Second World War, the racist logic of the colonial past still formed an integral part of dominant normative discourse in the Netherlands-the critical reactions of the communist press to the Bertha Hertogh affair forming the exception that proves the rule. By the end of the twentieth century however, much had changed. The gendered family norms that had played a crucial role in linking biological notions of race to a legal regime of alliance and a disciplinary regime of control had been literally turned upside down. Marriage, once the crucible in which women and children could be transformed from social outcasts to respectable members of society and vice versa, lost its meaning as a source of legitimacy. The compound definition of the parent-child relationship, crucial to the fusion of genealogy, upbringing and status that produced racial distinction, had been disaggregated into its biological, social and legal components. Both race and gender had lost their legitimacy as modes of distinction. Sexuality was being regulated in terms of freedom, rather than control.

And yet it is in this normative context that a new discourse of exclusion emerged which, while couched in the terms of nationality rather than in those of race, was strikingly reminiscent of the social divisions of the colonial past. To what extent can we conclude, following the logic of Stoler's historical analysis, that racism, as a technique of exclusion, had been re-invented once more; that the "sedimented knowledge" of the colonial past had found expression in new forms of consent and common sense, suited to mediating state power in "the defense of the republic" within the specific historical context of the late twentieth century?

My conclusion, having traced the parallel histories of changing family norms in the Netherlands and the regulation of family migration, is that a number of Stoler's theoretical concepts concerning the application of race as a technique of exclusion in the Dutch colonial past do in fact help us understand how techniques of inclusion and exclusion have been developed in the Netherlands in the latter half of the twentieth century. Firstly, her ideas on how processes of exclusion link to emancipatory projects, helps explain why certain shifts in the regulation of family migration to the Netherlands took place when they did. Secondly, her ideas on how different techniques of power can interfere with each other to produce new technologies of inclusion and exclusion help clarify how the Dutch state's capacity to exclude, as expressed through nationality and immigration law, could be amplified at some points, and limited at others.

Finally, by showing how the colonial ruler linked racism and desire to instil and maintain anxieties concerning racial purity and physical hygiene, Stoler's analysis makes us alert to the possible significance of a legal regime that links the construction and maintenance of citizenship to state involvement in the intimate sphere. None the less, while illuminating parallels can be drawn between the colonial and the more recent past, there are also significant differences that need to be explored.

I shall elaborate on each of these points below. At the end of my conclusion, I shall reflect on how, in the light of the parallels and differences that can be discerned between the colonial and the more recent past, we might anticipate the lines of distinction likely to emerge in the current context of globalisation as theorised by authors such as Saskia Sassen.

## The Dynamics of Emancipation and Exclusion

In the period directly following the Second World War, the Netherlands was forced, along with other former imperial powers of Europe, to adapt to a changing world order. The hierarchichal order of ruling metropoles and subordinated colonies was giving way to a new order of independent nations, each sovereign over its own territory, all formally (if not substantively) equal to each other. As seen in the preceding chapters, this shift in context would, in due course, affect the dynamics between family norms in the Netherlands and the techniques of inclusion and exclusion as expressed through Dutch nationality and immigration law.

# 1945-1975: National Reconstruction and the Nuclear Family

Initially however, the moral order that was re-instated after the Second World War was closely modelled on the one preceding it. As discussed in Chapter One, marriage as sole site of legitimate sexual relations and main portal to adult participation in Dutch society was vigorously enforced by the Dutch state following the war, while the regulation of daily interactions and practices within the confines of married life was outsourced to the same religious institutions and affiliated organisations which had structured civil society and political affiliation in the

<sup>&</sup>lt;sup>1</sup> Arguably the Cold War represented a new order of competing empires, but the vertical divide that separated East from West was radically different from the horizontal divide that had separated European from Oriental, Settler from Native, White from Black, throughout the former colonies.

Netherlands prior to the Second World War.<sup>2</sup> This was the same moral order which had structured the racial distinctions in the former colony of the Dutch East Indies, as described by Ann Stoler, and it was according to this moral order that the former ruler's population was ultimately distinguished from that of its former colony, Indonesia.<sup>3</sup> The formal claims of repatriates for admission to the Netherlands were based on their legal descent from or marriage to a Dutch male citizen as determined by Dutch family law. Decisions to actually facilitate or discourage their repatriation were based on the evaluation, by government officials and Christian social workers, of their behaviour in terms of class, language and religiously and culturally shaped practices.<sup>4</sup>

The post-war decisions concerning the continued residence of German men who had married Dutch women and settled in the Netherlands formed the mirror image of the dual process of inclusion and exclusion that had been applied to the repatriates from Indonesia. By reclaiming these men's wives as citizens, the Dutch government symbolically stripped the men of their patriarchal status, violated the legal unity of their families, and opened the door for their deportation despite their intimate bonds with Dutch society. Yet decisions to deport were, in the end, frequently tempered by the active intervention of religious institutions and affiliated organisations pleading for clemency on the basis of those same intimate ties.

Besides having to reconstitute the population of the nation, the postwar government of the Netherlands also had to orchestrate the project of national reconstruction: industrialisation, urbanisation and mass consumption. A newly established Ministry of Social Work coordinated the work involved in guiding individuals and families through the changes in lifestyle that this implied. Besides the urban poor and those who had been uprooted or disoriented by the war, the hundreds of thousands of former colonials who left Indonesia for the Netherlands during the 1950's and early 1960's were also included in this project of social integration and national reconstruction—a project that focussed on shared territory, the common trauma of occupation, and the collective effort of reconstruction, in linking together nation, state and citizens.

A growing number of increasingly professional social workers continued to monitor family relations. In doing so, they confirmed the role of Dutch family law in determining legitimate status and continued to facilitate the disciplinary work of the religious institutions and their affiliated organisations among lower class families. At the same time however they also introduced a new perspective on the nuclear family as a discrete and self-sufficient unit, while an increasingly elaborate framework of nationally orchestrated social insurances, provisions and services helped render previously established networks of interdependency–extended families and religious congregations–redundant.

Successive coalitions between confessional parties and parties alternatively sympathetic to labour and business, and tripartite agreements between government, employers' organisations and trade unions, generated the rules and practices that were to further shape the post-war Welfare State of the Netherlands. The liberal tenets of individual freedom and equality formed their normative point of reference and the male breadwinner citizen their chief addressee. <sup>10</sup> He and his spouse and children became both the organising unit of the Dutch Welfare State and the focal point of new disciplinary programmes designed to prime men and women for the exigencies of industrial production, mass consumption and the bureaucratic regulation of services and provisions.

This emerging perspective on the family which defined it as a discreet social unit linked to nationally rather than locally orchestrated structures of work, leisure, care and financial support, provided scope for specific techniques of inclusion and exclusion into the Dutch nation. As seen in Chapter Two, the principle of family unity served to justify the exclusion of married refugees from Dutch national territory, and subsequently informed labour migration policies meant to discourage the permanent settlement of foreign workers within Dutch territory. Furthermore, by restricting migrant workers' access to public housing that was suited to family living, government officials in effect delayed family reunification, thus inhibiting these migrants' integration into a national society that was being built around male breadwinner citizens; heads of families.

## National Solidarity and Sexual Revolution

In 1965 a national system of welfare benefits was introduced. All citizens were now to have equal access to a minimum of financial security

<sup>&</sup>lt;sup>2</sup> Kooy 1997.

<sup>&</sup>lt;sup>3</sup> Heijs 1995.

<sup>&</sup>lt;sup>4</sup> Schuster 1992; Ringeling 1978.

<sup>&</sup>lt;sup>5</sup> De Hart 2003.

<sup>&</sup>lt;sup>6</sup> Bogaarts 1981

<sup>&</sup>lt;sup>7</sup> Gastelaars 1985.

<sup>&</sup>lt;sup>8</sup> Schuster 1999.

<sup>&</sup>lt;sup>9</sup>Kooy 1975; Gastelaars 1985; Kennedy 1995. Bussemaker 1993.

provided on grounds of national membership rather than on the basis of religiously informed relations of interdependency. Initially meant to strengthen the financial foundations of the nuclear family, these new measures in effect facilitated the avoidance and escape from the confines of matrimony-a tendency that would be encouraged even more by the liberalisation of divorce laws some six years later. As divorced wives and single mothers applied for financial support from the state, latent tensions between the dependencies and hierarchies regulated through Dutch family law and the new moral order based both on the ideals of individual emancipation and national solidarity started to become manifest.<sup>11</sup>

In Chapter One we explored how, during the 1970's and early 1980's. norms of alliance as determined through family law came to be hotly contested, while various (and conflicting) scenarios for sexual emancipation were propagated by men, women and sexually active minors. Although the confessional parties continued to resist any further reforms to Dutch family law, 12 in the course of the 1970's, non-marital relationships none the less came to be treated as similar to marriage by the Dutch courts. 13 while unwed mothers and illegitimate children lost much of their public stigma.<sup>14</sup> Family relationships came to be seen more in terms of contractual arrangements between free and equal individuals, and less in terms of the strictly regulated and religiously sanctioned hierarchical institutions of the 1950's and early 1960's. 15

#### **Decolonisation and Multi-Culturalism**

While the religiously based moral order of the imperial past was being challenged from within, it was also being challenged from without. As one former colony after the other acquired national sovereignty during the first three decades following the Second World War, the equality of value between the newly established national populations and their former colonial rulers came to be internationally acknowledged. There was no longer a single "preferred way of living". The racist distinctions drawn along the lines of family alliance and (sexual) behaviour, which had previously served to distinguish the imperial rulers from the ruled, lost their legitimacy. In their place, territory-a racially neutral mode of belonging and constitutive of the concept of the nation-became more

<sup>16</sup> Heijs 1995.

significant. When the former Dutch colony of Surinam acquired independence in 1975, shared territory rather than legally defined family bonds formed the primary criterion for distinguishing the population of the former metropole from that of the newly established nation. 16 Moreover, as we have seen in Chapter Three, the prevalence of non-marital relationships among the Surinamese did not disqualify them from admission to the Netherlands, but rather prompted the reform of Dutch family migration policies and even, in the end, of Dutch family law.

In the same period, Dutch women acquired the statutory right to keep their nationality upon marrying a foreign spouse, while foreign women no longer automatically acquired the Dutch nationality upon wedding a Dutchman. In Dutch immigration law, women also acquired the right to establish family life in the Netherlands with a foreign spouse. 17 The doctrine that the national unity of the nuclear family had to be preserved by having the wife follow her husband was broken. The experienced reality of many people residing within Dutch territory, namely: that nations were not discrete entities, but inextricably linked to each other through cross-border intimacy, 18 became legally manifest. Not only were the normative foundations of the post-war Welfare State being put to question; so were its personal and territorial limits.

### 1975-1990: Moral and Economic Crisis of the Post-War Welfare State

In the Netherlands, as in the other Welfare States of the post-war period, the 1970's formed a period of economic crisis due, in part, to the oil crisis, but also to a generally experienced crisis of accumulation. As unemployment started to rise, questions concerning the limits of state responsibility and the reach of national solidarity became acute. But while consensus was obtained on the need to limit labour migration, restricting family migration proved more problematic, as did the related issue of renegotiating the distribution of social risks and dependencies.

This was at least partly due to the vigorous contestation of the continuing dominant perception of the relationship between individual, family and state, described in both Chapters One and Three. While the Dutch Labour Party continued to promote the family as a metaphor for

<sup>&</sup>lt;sup>11</sup> Holtmaat 1992.

<sup>&</sup>lt;sup>12</sup> Gastelaars 1985.

<sup>&</sup>lt;sup>13</sup> Van der Wiel 1974. <sup>14</sup> Holtrust 1993.

<sup>&</sup>lt;sup>15</sup> Kooy 1975.

De Hart 2003.

C.f. Karin Knop, who uses the term "relational nationality" to analyse the

national solidarity, and the CDA defended Christian family norms as the source of altruism that fuelled civil society, conflicts concerning the relations between the genders and the generations intensified. While some demanded protection against domestic violence, others pleaded for more sexual freedom and limits to the financial commitments that marriage implied. While family law reforms stagnated, the financial risks attenuate to childcare and divorce became increasingly contested issues. While women tried to gain more say over their children by avoiding the patriarchal order of marriage, men appealed to their right to respect for family life in order to extend their parental claims beyond the realm of marriage. Such contradictions and tensions were also apparent in the fields of immigration law and integration policies. While individual emancipation in the Netherlands came to be equated with sexual freedom, for example, the admission of family migrants into Dutch society continued to be subject to traditional family norms.

Tensions such as these made certain forms of resistance possible. As seen in Chapter Three, attempts by both immigration officers and welfare officials to substitute contested formal proofs of family relations with substantive controls of intimacy were checked by complaints of breaches of privacy. Policies designed to exclude the family members of second generation immigrants while admitting those of the first were, in the end, rejected as discriminatory, as were attempts to link the attribution of social rights to controls of immigrant status.

# The Emancipated Individual as the New Touchstone of the Nation

In the course of the 1980's, Dutch social policy makers finally succeeded in reconciling individual rights to sexual freedom with the public task of controlling economic interdependency by disassociating one from the other. On the one hand, marriage became disassociated from the gendered division of paid and unpaid labour, and men and women were assumed to share their earning and caring responsibilities on an equal basis and according to their own preferences. At the same time however, all adults who shared the same household were also assumed to support each other financially, regardless of whether or not their relationship resembled a marriage. As argued in Chapter One, state regulation of family life was no longer about enforcing the gendered institution of marriage as the only legitimate expression of responsible adulthood, but about enforcing

economic self-sufficiency: i.e. each adult's "individual responsibility" to

Family relations were thus no longer seen a training ground for active citizenship nor as a metaphor for national solidarity, but as a matter of private choice; an expression of individual character. By extension, public issues that had previously been represented as a shared national responsibility now came to be formulated in terms of "individual responsibility", from family housing and old age pensions to education and health care. Plans for nationally funded childcare were dropped from the political agenda almost before they had reached it. Parenthood was seen as both an individual choice and an individual responsibility. Similarly, neglect and abuses of power within the family were no longer seen as symptoms of social ills to be set right by a state negotiating social conflicts, but as individual failings. To the extent that issues like gender discrimination and gendered violence were still perceived of as social and/or cultural issues, this generally applied to those countries referred to as belonging to the Third World, many of which were former European colonies.

Meanwhile, as described in Chapter Three, migrant women who had been admitted as foreign spouses were banking on Dutch feminists' critique of gender inequality and gendered violence to contest the dependent nature of their status under Dutch immigration law. Migrant men with children in the Netherlands referred to the ground-breaking decisions of Dutch courts concerning fathers' rights to respect for family life, to defer their deportation. In their attempts to strengthen their claims to residence rights in the Netherlands, family migrants engaged with the political and legal strategies that had been developed by Dutch men and women to challenge traditional family norms still prevailing in Dutch law. In doing so, these family migrants inadvertently provided support for the notion that equality, individual freedom and human rights had indeed become the new foundational norms of family life in the Netherlands.

## 1990-2000: A New Consensus in Dutch Family Law

In the 1990's, under the leadership of the first Dutch cabinet to be formed since the First World War without the participation of a confessional party, a new consensus was finally reached in Dutch family law, a consensus largely based on the liberal tenets of individual freedom, equality and the right to respect for family life. In many respects, this new code of family law, described at the end of Chapter One, was the negative image of the code of alliances that had regulated legitimate family bonds and racial

<sup>&</sup>lt;sup>19</sup> Bouwens 1997.

distinctions during the colonial regime as described by Stoler. Heterosexuality was no longer prescribed; men and women were assumed to be equal and the hierarchy between the generations had been softened. Marriage no longer formed the prerequisite for participation in respectable society but had become a matter of taste. Couples could choose from a variety of living arrangements, and parental involvement in children's upbringing formed a right that could be expressed in different degrees of involvement and via various modes of attachment: legal, biological or social. Sexual preferences, the division of labour between spouses, and decisions concerning the upbringing of children were thus seen as a matter of personal choice and not to be dictated by a public morality.

#### **New Grounds for Exclusion**

According to the new consensus, the family norms of mainstream Dutch society were modern, emancipated and egalitarian, while those of ethnic minorities, and particularly Muslims, were still caught up in patriarchal traditions. Minority families were no longer just perceived of as culturally distinct, but were suspected of being dysfunctional as well because of their assumed divergence from the newly determined Dutch norm of individual freedom and emancipated family relations. Hence, minority and majority cultures were no longer assumed to be equally valid. Individuals who were assumed to be unwilling or unable to adhere to the new normative order were seen as a threat to that order and were to be excluded.<sup>20</sup>

As we have seen in Chapter Four, individual freedom and personal responsibility also figured large in the new integration policies that were being launched in this period. Language and integration requirements were introduced in order to groom the "problem migrant" for the competitive style of living that stood for the new notion of Dutch citizenship. In this context, the liberal and secular terms that had come to inform Dutch family law were presented as the natural touchstones of Dutch citizenship, and the "problem migrant" was presented as its antithesis, in terms reminiscent of the distinctions that had been made along the lines of gender and sexuality in the racist regimes of the colonial past. In this the Netherlands was not unique. Ralph Grillo has observed how throughout Western Europe, the "migrant family" is increasingly being presented as: a "site characterised by patriarchal relationships and illiberal practices and traditions" and, as such, as an obstacle to integration.<sup>21</sup>

<sup>20</sup> Integratiebeleid etnische minderheden, Kamerstukken II 1993/94, 23 684.

<sup>21</sup> Grillo 2007.

In the meantime, controlling immigration was becoming less about controlling the number of immigrants being admitted onto Dutch territory. Freedom of movement formed the increasingly emphatic doctrine of an expanding EU and immigration, as such, was no longer presented as a problem in Dutch policy documents. More and more, immigration law and policy came to be about facilitating the admission of those who were expected to fit into the new normative order and rejecting and—if need be—expelling those who were not, regardless of how intimately they might be

Once again, a social taxonomy was being produced which gave expression to an emancipatory project by defining who was to be excluded.

# Changes in the Technology of Inclusion and Exclusion

The history of Dutch nationality and immigration law during the latter half of the twentieth century not only reflects the dynamic described by Stoler between emancipation and exclusion. It also supports her observation that the most effective technologies of inclusion and exclusion can be achieved by combining different techniques of power.

As discussed in Chapter Two, in the period immediately following the Second World War as in the colonies before, disciplinary control of sexuality was combined with the formal regulation of legitimate family status to redraw the personal borders of the nation. As sexual norms became more contested, however, in the course of the 1960's and 1970's, disciplining sexual behaviour started to lose its effectiveness as a technique of power. Moreover, once migrants acquired access to Dutch territory, they could claim inclusion in the emerging nationalist discourse of the Welfare State that collapsed national territory with citizenship and state responsibility.

#### All Families Equal

As described in Chapter Three, once the revolution in Dutch family norms came to a head, it forced a disjunction between immigration control and the attribution of status via the gendered rules of family law and the control of sexuality through the institution of marriage. By 1985, the equal treatment of men and women and of married and unmarried couples had to a large extent been realised, both in nationality and immigration law. A family's right to reside was no longer formally dependent of the male

<sup>&</sup>lt;sup>22</sup> Integratiebeleid etnische minderheden, Kamerstukken II 1993/94, 23 684.

breadwinner's nationality. Gender no longer served as the primary line of distinction between national and non-national families.

However, since dominant notions of citizenship continued to be linked to the nuclear family and to the right to respect for family life, applying territorial limits which could cut through transnational families, rather than between them, remained problematic. And given the egalitarian ambitions of the nationalist project of social democracy, allowing some members of Dutch society rights in the sphere of family life that were denied to others was not a viable option either.

As argued in Chapter Three, up until 1990, immigration control and national integration policy formed distinct regimes of state power. Controlling immigration at the nation's borders and managing social tensions and inequalities within those borders were seen as distinct policy objectives, targeting different populations. The number of foreigners being admitted had to be kept to a minimum so that the project of national integration could be kept to manageable proportions. But members of minorities already present on Dutch territory were to be treated as full-albeit culturally distinct—members of Dutch society. Any legal distinctions between them and other members of the nation were to be smoothed away as quickly as possible. Under the minorities policies of the 1980's, once legally resident, immigrants were no longer seen as objects of immigration control.<sup>23</sup>

This is important since it was the link between formal national status and territory that justified the most radical expression of nationalist exclusion, namely the arrest, detention and deportation of foreigners. As long as the discourses of immigration law and that of integration policies remained separate, the deployment of such force against individuals already residing within Dutch territory remained problematic. Thus, as we have seen in Chapter Three, immigrant groups and anti-racist NGO's were able to oppose government proposals to link welfare distribution to immigration control on the grounds that this would expose ethnic minorities within Dutch society to the stigmatising and exclusionary power of immigration law. Similarly, by focussing on the tension between immigration policies designed to restrict family reunification and minorities policies designed to protect cultural rights and prevent discrimination, organised groups of second generation immigrants were able, in 1984, to reverse the sharpened income requirements that were being imposed on those among them who wished to bring over a foreign spouse (see further: Chapter Three).

<sup>23</sup> Minderhedennota, Kamerstukken II 1982/83, 16 102, nr. 21.

In a context of growing international travel and transactions, the incidence of transnational forms of intimacy continued to increase, <sup>24</sup> further complicating the role that territory could play as a technique of inclusion and exclusion. Family migrants became able to establish claims to inclusion by residing within Dutch territory with settled family members during extended periods of time (see further Chapter Three). Throughout the 1980's, the combined discourses of national solidarity, non-discrimination and sexual emancipation were more fruitful in producing a technology of inclusion than one of exclusion.

### The Flip-Side to Equality: Levelling Down

Equality on its own however need not spell inclusion. The history of Dutch nationality and immigration law traced in the preceding chapters provides a number of examples of how reforms designed to produce equality never the less failed to provide more security for settled immigrants or Dutch women with foreign family members. Instead, they resulted in a levelling down: of men in relation to women; of married couples in relation to unmarried couples; of Dutch citizens with foreign family members in relation to immigrants with foreign family members. To understand how this was possible, it is necessary to examine the dynamics between immigration and nationality law, integration policies and bureaucratic impediments to mobility.

As described in Chapter Three, until 1985, the foreign family members of Dutch men had easy access to an unassailable right to residence via Dutch nationality law. After 1985, foreign wives and step-children of Dutchmen had to apply for naturalisation on the same basis as the foreign family members of Dutch women. However, a special immigration law status still applied to all the family members of Dutch citizens and permanently settled immigrants, protecting them against deportation as long as the family bond lasted. As of January 1994 however, no foreign family members would enjoy any such protected status any longer (see further: Chapter Four).

A second example of levelling down involves the relationship between parents and children. At the same time that Dutch mothers became enabled, by the nationality law reforms of 1985, to pass on their Dutch nationality to their children at birth on the same basis as Dutch fathers, foreign mothers' liaisons with Dutchmen ceased to pave the way to

<sup>&</sup>lt;sup>24</sup> In 1966, 3.9% of all marriages entered into in the Netherlands were transnational marriages; by 1997 the percentage would increase to 13%, De Hart 2003, p. 241.

admission for their children. As seen in Chapters Three and Four, in the course of the 1980's and 1990's, the policies regarding the admission of foreign (step) children as well as the rules regarding their naturalisation were modified. The net result was that (step)parents who, for whatever reason, had waited with applying for family reunification and who had, in the meantime, left their foreign (step)children in the care of family abroad, were assumed to no longer have a family bond with those children. And since children could only share in the naturalisation of a parent after they had been legally admitted to the Netherlands, this could even be the case after the parent involved had acquired Dutch citizenship.

A third example of levelling down is the change that took place in the application of income requirements. Initially these requirements were informed by the gendered model of the male breadwinner citizen and privileged married couples over unmarried ones and Dutch citizens over foreigners. As seen in Chapter Four, by the turn of the century, the Dutch government had announced its intention to eliminate all such distinctionssubjecting all cross-border families to the same financial restrictions to reunification. Not only had formal distinctions between men and women and between married and unmarried couples disappeared, the privileges of Dutch citizens with foreign family members vis à vis newly admitted foreigners had also largely disappeared.<sup>25</sup>

#### Some More Equal than Others After All

Anyone, then-male or female, black or white-who wished to bring family members to the Netherlands had to be willing and able to bear the full brunt of the costs. And anyone who wished to stay following a divorce had to be solidly linked to Dutch society via a long-term labour contactregardless of conflicting care responsibilities or other hindrances they might experience on the Dutch labour market. Given the structural differences in income and labour market participation between men and women and between dominant and ethnically marked groups, income requirements and requirements of labour market participation continued to hinder the admission of the foreign family members of women and/or members of ethnic minorities more than that of the family members of

ethnically Dutch males.<sup>26</sup> Gender and ethnic origin thus continued to play

The universal application of income requirements was justified in terms of individual responsibility and the virtues of labour market participation, the touchstones of the new integration policies of the 1990's. As argued in Chapter Four, the goals of integration policy became intertwined with those of immigration law in other ways as well. The exclusion of children who had been left behind in their parents' country of origin was justified on the grounds that their foreign upbringing had made them an "integration risk". Conversely, substantive controls of both marital and parent-child relations imposed a specific normative order while at the same time serving to further restrict the volume of family migration. Finally, substantive controls premised on shared residence interfered with bureaucratic instruments designed to inhibit international mobility in ways that made it more difficult for family migrants to claim inclusion in the Netherlands on the grounds of substantive family ties. Transnational families thus lost control over the strategic factors of time and space and hence also over territory as a technique of inclusion.

No longer kept separate from each other, the regimes of immigration law and integration policies were merging and mutually reinforcing each other. Premised as they were on the assumption that specific groups of immigrants threatened the new moral order of individual responsibility and sexual emancipation, integration policies gave extra urgency to the task of controlling immigration and helped justify the erosion of a right that had previously been held to be self-evident: that of the Dutch male breadwinner citizen to establish himself permanently and unconditionally within the Dutch nation, together with his (foreign) family members-a right that Betty de Hart has defined as "the right to domicile". 27

An important step in this process was the reform of Dutch family law. As we have seen in Chapter One, by the end of the twentieth century, the nuclear family had ceased to be a well-defined and discrete unit. Heterosexual marriage was no longer enforced, but it was also less rigorously protected. Homosexuality and sex outside marriage had lost their relative stigma, but matrimony had lost its sanctity. Man and wife were no longer brought together by God; the state could be justified in separating them in the national interest. While the relationship between parent and child still enjoyed a strong degree of protection, particularly in the realm of international law, it too had become more vulnerable to state

<sup>&</sup>lt;sup>25</sup> The only significant remaining advantages enjoyed by Dutch citizens was that their (marriage) partners could still apply for naturalisation after a shorter period of residence than other immigrants, and that objections related to public safety weigh less heavily against the admission of their (marriage) partners than against those of foreign immigrants. By 2003, the latter distinction too was eliminated, De Hart 2003a.

<sup>&</sup>lt;sup>26</sup> Van Walsum 1996. De Hart 2007.

intervention. The parent-child relationship had become differentiated, based on various grounds, to be enjoyed in varying degrees of intensity and to be shared among varying coalitions of parenting adults. The complexities, choices and negotiations that this implied justified the notion that not everyone would be equipped with the necessary skills and maturity to cope. Like citizenship, family life had become a matter of individual responsibility, but one that allowed for and even required monitoring by a tutorial state.

#### Which Families? Whose Nation?

As Stoler has convincingly argued, ideological constructs like "race", "nationality", "culture" and "class" are not clear cut, but merge and overlap, the one often informing the other. In the course of the 1990's, family norms came to be applied in other fields of Dutch public law in much the same way that they were being applied in Dutch immigration law. As noted above, forced interdependency between adults increased during the 1990's not only because of changing immigration policies, but also under the influence of changes in Dutch welfare policies. Also in that context, providing unpaid care became a less accepted alternative for paid employment. At the same time, as seen in Chapter One, the Dutch state was claiming a greater say in the upbringing of the children of *all* parents deemed incompetent or at risk, and not just in those of immigrant parents.

What the renewed focus on cultural difference obscured therefore was that increasingly, immigrant family members and a specific class of "national" Dutch families came to find themselves in the same boat of adult interdependency, reduced state support for parental care and increased state involvement in upbringing. The Dutch government claimed the restrictions it imposed on family migration were necessary to protect personal freedoms depicted as typical of the Dutch citizen. In fact these restrictions fit in with–some were actually explicitly included in–programmes of control that not only affected family migrants and their family members in the Netherlands, but all those resident in the Netherlands–foreigners and nationals–who, on the basis of the new concept of citizenship, might be perceived of as maladapted or even a threat to the new normative order of the nation. Programmes focussing on parental skills, for example, played a role in both crime prevention and integration policies.<sup>28</sup>

At the same time, as observed in Chapter Four, certain categories of family migrants actually enjoyed a privileged position, in the sense that they were exempt from the mandatory integration requirements introduced in 1998. These privileged categories consisted of the family members of: labour migrants who had been granted a labour permit; economically active EU citizens who had made use of their freedom of movement within the EU; and EU citizens possessing sufficient means to be able to support themselves in the Netherlands. The reason for their privileged position is clear. In the interests of an unencumbered labour market within the EU, and in the interest of attracting highly skilled labour from outside of the EU, measures had to be taken to prevent family ties from deterring the movement of privileged categories of labour. 29

National citizens, born and bred in the Netherlands, were effectively at a disadvantage compared to certain privileged classes of foreigners—at least with respect to their right to settle with their family members within Dutch territory.

Consequently, from 1990 onwards the Dutch government proved increasingly reluctant to take the intimate lives of its citizens into account in any positive fashion, whether in designing its social policies, or in regulating family migration. Yet where the integration of the Dutch economy into an emergent system of transnational labour relations was at issue, concern for the exigencies of the intimate sphere suddenly revived. In the period immediately following the Second World War, measures designed to protect family life in the Netherlands had been the prerogative of the male breadwinner-citizen; by the end of the twentieth century they had become the privilege of a transnational elite of mobile and highly skilled professionals and managers.<sup>30</sup>

### Sex and the Regulation of Belonging

During the imperial order which preceded the Second World War, the legal determination of family status had been combined with the distinguishing marks of gender and generation as well as the disciplinary

<sup>&</sup>lt;sup>28</sup> Criminaliteitspreventie in Relatie tot Etnische Minderheden, *Kamerstukken II* 1997/98, 25726, nr. 1.

<sup>&</sup>lt;sup>29</sup> Interestingly, Audrey Macklin reports a similar dynamic in Canadian labour migration policies, Macklin 2002.

In a joint letter addressed to the Social Economic Council of the Netherlands, dated 28 September 2006 (reference code: AM/AMI/2006/70871), the Ministers of Social Affairs and Employment and of International Development ask, among other things, how they might make the Netherlands more attractive for this elite by providing better services for their partners and children.

control of sexuality to construct and maintain a technology of exclusion grounded in the overlapping concepts of race and class, as expressed through the Christian ethic. During the nationalist order of the Dutch postwar Welfare State, the power to exclude became increasingly limited. The hierarchies of the previous order were being contested, while protected forms of family life continued to cross-cut territorially defined limits of solidarity. It was not until a new consensus had been reached concerning a new revised model of citizenship defined in terms of individual responsibility that it once more became possible to link the legal determination of status—now in terms of nationality and immigration law—to a distinguishing mark—namely that of income—and a disciplinary regime: that of pedagogy (upbringing and education)—in order to construct and maintain a newly effective technology of exclusion, grounded in the overlapping concepts of nationality and class, as expressed through liberal individualism.

Crucial to this process was the fact that both family norms and notions of citizenship had been reconstituted along the same liberal axes of equality and individual freedom. It was this link with family law reform that made it possible to once more couple the discourse of citizenship to that of sexuality; to let real or assumed differences in sexual behaviour and gendered family norms serve to distinguish the citizen from the noncitizen. Once again, the Dutch state was in a position to couple various modes of distinction in defining what it meant to be a productive-and therefore successfully reproductive-member of the Dutch nation. Once again, a "specific way of living" could serve as a focus for control and as a ground for exclusion.<sup>31</sup> And once again a threat to public hygiene could be posited to legitimate state interference in the intimate sphere. But where previously such a threat had been seen in the production of racially impure progeny, now it was perceived in the raising of culturally deviant offspring, delinquents who pulled down the market value of global cities, business locations and labour forces on offer in the Netherlands.

## Territory as a New Source of Anxiety

If the most recent history of Dutch immigration and nationality law reveals intriguing parallels with the legally defined racial distinctions of the colonial past, it also reveals significant differences. Similar techniques were deployed in both periods, but they were deployed in different ways. As argued above, where in the colonial context race had been linked to sexuality, now intimacy was being linked to citizenship to form a discursive site where subjects could be formed and bodies subjugated. But in an era in which women had acquired a significant degree of sexual autonomy and in which legal, biological and social forms of parentage had become disassociated from each other, the focus of state control had shifted from the sexual act itself to the result of that act: children—their care, upbringing and education.

Similarly, if the manipulation of anxiety had once more become a key factor of state power, the anxieties in play at the close of the twentieth century were not identical to those of the colonial period. The ambiguities reflected—and formed an expression of—the then prevalent perception of affiliation as an unstable compound of biological reproduction, sexual equality, sexual freedom and de-institutionalised family relations, territory rather than sexuality seems to be emerging as a focus of anxieties related

As a spatial concept, territory, like affiliation, is complex and multifaceted, representing a concrete space—a specific segment of the earth's surface to be exploited and maintained; a location, relative to others, occupied by a given population at a given period in time; and a normatively charged place imbued with notions of identity and belonging. Moreover, like the complex construct of affiliation, the notion of territory, is equally charged with ambiguities and tension.<sup>32</sup>

During the colonial regime, territorial components were disaggregated in the sense that inhabitants of the Netherlands claimed control over a specific space: the Dutch East Indies, inhabited by various legally defined categories of persons who were normatively linked to that territory and to that of the Netherlands in radically different ways. Through the process of decolonisation following the Second World War, territorial components initially converged, collapsing physical space, sovereignty and citizenship in both the European nations and their former colonies. But to the extent

<sup>&</sup>lt;sup>31</sup> Dutch criminologists have signalled that the number of cells used for alien detention in the Netherlands increased between 1990 and 2005 by a factor of six, and that this increase can not be explained solely through increases in immigration, Boone & Moerings 2007. Interestingly, the number of forced deportations effected during this same period only increased by about 25%, suggesting that alien detention is more about discipline than actual expulsion (estimate based on figures provided by the Dutch immigration authorities (IND), Dutch Central Bureau of Statistics (CBS) 2003, quoted in Stronks 2008. Cf. also De Genova 2007.

<sup>&</sup>lt;sup>32</sup> C.f. Harvey 2006 p. 121-132.

that the various components of territory ever overlapped completely, they did so for only a brief period of time. The project of European integration, international treaties, human rights law, development aid and the related institutions of World Bank, IMF, WTO etc. have increasingly confused the relationship between physical space and sovereignty, while international transportation, tourism, trade and business have further complicated the normative link between a nation's territory and its population. As a result, territory as a key to identity and mode of belonging has become increasingly problematic.

In Stoler's analysis, pedagogy played an essential role in containing the contradictions and ambiguities inherent to a racist discourse linked to the complex and gendered notions of affiliation of the time. Similarly, by the end of the twentieth century, instructing and controlling behaviour has become a key factor in containing the contradictions and ambiguities inherent to a nationalist discourse linked to the complex notion of territory in a period of globalisation. It was through this renewed turn to pedagogy that an individualist code of behaviour, linked to the ideal of sexual freedom, could engage with a discourse of belonging, now defined in territorial terms, to produce the new line of distinction between those who simply resided within the nation's borders and those who could claim to belong there.

There are distinctions therefore that can and should be made between the legal definitions of the former colonial regime which served to disentangle the genealogies of the rulers from those of the ruled, and measures of immigration and nationality law that serve to disentangle those who are entitled to reside and/or enjoy specific rights within a national territory from those who are not. Although the projects of nationalism and racism can and have been linked, they should arguably be kept distinct for purposes of analysis. They both involve complex and multifaceted discourses of belonging which overlap, but not entirely. What the projects of nationalism and racism share, are the discourses of shared blood and shared culture. What distinguishes nationalism from racism is that the former also includes a discourse of shared territory. As Benedict Anderson has rightly pointed out, nationalism can in this sense be inclusive where racism is exclusive-at least with respect to those legally resident within a nation's borders.<sup>33</sup> On the other hand, because of its link to territory, nationalism can justify arrest, detention and deportationterritorial forms of exclusion not inherent to racism.34

<sup>33</sup> Anderson 1985.

<sup>34</sup> Cornelisse 2007.

Moreover, while a racist regime must ensure the reproduction of a race of rulers and a race of subjects in order to survive, the continuation of a nationalist regime depends on the reproduction of a nation of citizens that forms the source of sovereign rule over the territory that it inhabits. For the first, sexuality and pedagogy are inextricably linked, given the importance of genealogy for constructing racial distinction. For the second, constructed differences must be linked to territory. This link can, but need not, be mediated through genealogy. Hence the significance of family relations can be different for the nationalist project of sovereignty linked to territory, than for the racist project of distinguishing the genealogically defined rulers from the ruled.

### Towards a New Global Order?

There are striking similarities between the normative changes described in this book and those signalled elsewhere, and the notion of "individual responsibility" is a recurrent theme throughout. I have already referred in Chapter One to Mary Ann Glendon's conclusions concerning trends in family law in Western Europe and the United States.<sup>35</sup> In the same period that Glendon wrote her book, Jane Kelsey reported on the "re-privatisation of the social" in New Zealand, as the borders of that country were opening up to foreign business.<sup>36</sup>

More recently, authors like Audrey Macklin and Isabelle Barker have discussed changes in immigration and welfare policies in Canada and the US that parallel the complex of normative changes described in this book. They too signal a trend towards cuts in social spending and increased interdependency among adult citizens on the one hand and more restrictive and selective controls on family migration on the other. In addition they also relate these developments to a shift in the logic of public interest, in which efficiency, individual self-reliance and market-rationality have become the new touchstones of national identity and purpose, replacing the organisation of social benefits as well as culturally sanctioned ideas about the national significance of the nuclear family and the family wage system that prevailed in the period of post-war social democracy—a period when the state was still committed to fostering a primarily national economy.

<sup>35</sup> See also Cott 2000.

<sup>&</sup>lt;sup>36</sup> Kelsey 1993.

Macklin 2002; Barker 2007.

In this respect it is striking to note that, since the 1980's, the gap between rich and poor has increased throughout the world, creating an economic divide that increasingly cross-cuts national borders. Arif Dirlik moreover posits a shift of attention in the allocation of resources from the territorially defined spaces of national societies to nodes in global networks, the so-called global cities. He further notes the emergence of a transnational elite who participates in the top echelons of transnational production processes and global consumption patterns, and shares not only similar occupations but similar education and lifestyles as well. Not only is there an increased attendance of elites from the Third World in first world universities, but models of education and even university campuses are being exported from the first world to the third.

On the face of it, the fact that Dutch citizens are being granted less freedom in the sphere of family life than certain foreign members of the transnational labour force may seem anomalous. In fact however, this development is consistent with a normative order that places the regulation of transnational market relations and the accompanying power relations and hierarchies above the welfare of national citizens. While such a regime differs from the nationally oriented post-war order of social democracy, the more globally oriented world order that it strives to facilitate never the less continues to depend on the nationally organised production of legitimate power. Until now, nationally organised, democratic rule still forms the most effective way to regulate cross-border trade, transactions and transfers of capital. Maintaining this form of sovereign rule will however require the ongoing presence of a critical mass of engaged and active citizens within a nation's borders. 40 What better way for a state to encourage its citizens to stay put, than to urge them to settle down with the boy or girl next door?<sup>41</sup>

The new techniques of exclusion and inclusion developed in Dutch immigration and nationality law by the end of the twentieth century were thus well suited to the increasingly global order as theorised by Saskia Sassen and others: one in which a nationally organised citizenry continues to be relevant for the deployment of legitimate state power, but in which the national interest is increasingly related to transnational business interests (potentially) linked to the national territory, instead of to the needs of the population actually inhabiting that territory.

The renewed link between sexuality and citizenship established in the 1990's was crucial to the production of the consent and common sense needed to support the new nationalist line of distinction, while the turn to pedagogy—that brought intimacy back into the scope of state intervention—pedagogy as a technique of power was directly related to (expected) performance on the (transnational) labour market, it moreover served—albeit indirectly—to maintain the relevance of gender, race and class for the

Whether current Dutch nationality and immigration law is indeed grounded in the sedimented knowledge of the colonial past is probably a moot point and thus not easy to resolve. But the distinctions of that past are being refracted and reflected in the distinctions of the present. Additionally, the experiences of that past do resonate in the techniques of inclusion and exclusion now being deployed. The link between pedagogy and integration policies, and between integration policies and immigration control, has enabled the Dutch state to once more discipline behaviour by granting and refusing status, and to regulate status by disciplining behaviour. Given these parallels, it seems difficult not to conclude that those who are producing and enforcing nationalist distinctions, in the increasingly global present, still somehow rest on the shoulders of those who produced and enforced the racist distinctions of the colonial past

<sup>&</sup>lt;sup>38</sup> Harvey 2005.

<sup>&</sup>lt;sup>39</sup> Dirlik 2007.

<sup>&</sup>lt;sup>40</sup> C.f. Hirst & Thompson 1996, p. 275.

This approach may well prove counter-productive. In 2003, more than 20,000 foreigners came to the Netherlands as the newly wed spouse or unmarried partner of a Dutch citizen or resident. In that same year, about 83,000 couples in the Netherlands entered into a marriage or registered partnership. In other words, about 25% of the new relationships established then were of a cross-border nature, a sizeable increase since the 13% of 1997, Nicolaas 2007, p. 59; De Jong & Nicolaas 2005, p. 20; CBS webmagazine 9 February, 2004: "Minder huwelijken in 2004". There is anecdotal evidence that, as Dutch citizens involved in cross-border relationships encounter more hurdles through Dutch immigration law, they are actually leaving the country to either join their partner in his or her country of origin, or to move to a country (usually within the EU) to circumvent the

restrictive Dutch policies. For information on the experiences of Dutch citizens involved in cross-border marriages, see: www.buitenlandsepartner.nl.

#### **EPILOGUE**

If Sassen's analysis is correct and we are indeed moving towards a more global world order driven by an increasingly transnational (labour) market, then it seems reasonable to expect on the one hand an increase in the number of labour migrants (both skilled and unskilled) coming to the Netherlands with already established family ties, and, on the other hand, the number of Dutch citizens and second generation immigrants becoming romantically involved with foreigners, both at home and abroad. It will not be easy to facilitate the one without having to accommodate the other. As Stoler has argued, and as the Bertha Hertogh affair (described in the Prologue) illustrates, maintaining the racial distinctions of the former imperial order was an intensive business. Constructing and maintaining new distinctions and hierarchies suited to a neo-liberal and globally oriented order promises to be that as well.

Both Stoler, in her analysis of racial relations in the colonial societies pre-dating the Second World War, and Sassen in her analysis of the transnational power relations that started to take shape at the close of the twentieth century, address the question of resistance. In Stoler's analysis, interracial unions and the resulting mixed blood children formed important acts of subversion under Dutch colonial rule, undermining racial distinctions and enabling the production of a mestizo culture that threatened the hold of the ruling race on colonial authority. One of the claims made by Sassen in her analysis of emerging processes of globalisation, is that the dynamics she describes are not pre-determined, but the result of complex interactions. Part of this process is the search for international and supranational arena's, such as international or supranational courts, where the emerging hierarchies and power relations of a more global era can be challenged.

Under the present regime in which inclusion and exclusion is regulated through immigration and nationality law and integration policies rather than through race laws, lines of distinction are primarily being challenged by transnational, rather than interracial family relations. The history of Dutch nationality and immigration law of the second half of the twentieth century shows how transnational families in the Netherlands have in fact tried, with varying degrees of success, to disrupt successive regimes of exclusion. In doing so, they have often relied on the universalistic

principles of international law to counter distinctions made in Dutch nationality and immigration law. Thus Dutch women have appealed to international rules forbidding sex discrimination to claim the same entitlement to inclusion in the Dutch nation for their foreign family members as apply to the foreign family members of male citizens. Immigrants of the second generation have challenged increases in income requirements designed to discourage them from marrying foreign spouses, on the grounds that these measures discriminate on the grounds of ethnicity and age. Similarly, divorced migrant women have pointed out the discrepancy between emancipation policies that promote autonomy for Dutch wives and immigration policies that keep migrant wives in a dependent position. Dutch male citizens married to foreign women have been able, for a while at least, to prevent substantive controls of their marriage motives by appealing to the privacy rights that protect Dutch citizens against state interference in their family affairs. Divorced migrant fathers with children in the Netherlands have warded off deportation by appealing to the same right to respect for family life that has allowed divorced and single Dutch fathers to assert their rights vis a vis their children. Particularly in this latter instance, the European Court of Human Rights has played an important role.

Since the year 2000, the case law of the European Court of Human Rights has increased in significance. Not only has this court extended the scope of the protection that the European Convention of Human Rights provides against the deportation of foreign family members. It has even, in a couple of instances, concluded that the Dutch state is bound, by article 8 of the European Convention of Human Rights, to admit the foreign family member of a citizen or of a settled immigrant living in the Netherlands. Moreover, in this same period, the European Court of Justice in Luxemburg has been adjudicating cases involving EU citizens with family members originating from outside of the EU. In so doing, it has had to come to grips with the inherent tensions between a European regime that facilitates family migration as a corollary to the free movement of labour within the EU, and national regimes that discourage

<sup>&</sup>lt;sup>1</sup> Boultif vs. Switserland, ECHR 2 August 2001, application nr. 54273/00; Üner vs. The Netherlands, ECHR (Grand Chamber), 18 October 2006, application nr. 54210/99.

<sup>&</sup>lt;sup>2</sup> Sen vs. The Netherlands, ECHR 21 December 2001, application nr. 31465/96; Tuquabo-Tekle vs. The Netherlands, ECHR 1 December 2005, application nr. 60665/00, Hoogkamer & Da Silva vs. The Netherlands, ECHR 31 January 2006, application nr. 50435/99.

family migration to prevent the long-term settlement of low-skilled foreign labour from outside of the EU.3

Besides these challenges to restrictive family migration policies from without,4 we may also expect some challenges from within. To a substantial degree, the present Dutch electorate is made up of the sons and daughters of the multicultural society and its cross-border unions.<sup>5</sup> Given the age pyramid of the Netherlands, in which immigrants and their descendants are over-represented in the youngest cohort, the political influence of this segment of the electorate is likely to grow in the years to come. It may well come to play an increasingly important role in renegotiating the parameters of family life, citizenship and national belonging.6 The ongoing tensions between the family and the nation are yet to be resolved.

<sup>3</sup> This tension is clearly spelled out in the opinion of the Advocate General Geelhoed concerning the case of Yunying Jia vs. the Migrationsverket of Sweden, Case C-1/05.

#### GLOSSARY

Aanhangsel Allochtoon

Supplement

"Foreigner" or "outsider", however neither is really correct since an "allochtoon" can be a Dutch national and is in any case resident in the Netherlands Supplement

Bijlage CDA

Christen Democrats

Centrumpartij

- The "Central Party"-an extreme right wing party

De Telegraaf Handelingen

- Right-wing Dutch daily newspaper Verbatim report of parliamentary debate

Hoge Raad - Dutch Supreme Court

Ingeburgerd Integrated

Kamerstukken - Parliamentary documents Kantonrechter

- District Court Koninklijk Besluit

- Adjudicative decision taken by the Kroon Kroon - Until 1976: the highest adjudicator in

Dutch administrative law

Landelijke Samenwerking National Collaboration of Migrant van Organisaties van Workers' Asociations

Buitenlandse Arbeiders Nederlands Juristenblad Nederlandse Gezinsraad

- Leading Dutch legal journal

- Dutch Advisory Council on Family

**Affairs** 

Nederlandse Stichting voor -**Dutch Statistical Society** Statistiek

Notitie

- Policy document on Immigration Policy

Vreemdelingenbeleid Ongewenstverklaard Ouderlijke macht

- Persona non grata - Parental authority

Praktijkgids

Dutch journal for legal advisors

PvdA Dutch Labour Party Rechtbank Regional Court

Rechtseenheidskamer Regeerakkoord

literally: chamber for legal unity Coalition agreement

<sup>&</sup>lt;sup>4</sup> I have discussed the impact of the case law of both the European Court of Human Rights and the European Court of Justice upon the national immigration policies of the Netherlands more extensively in my contribution to Benhabib & Resnik 2008.

<sup>&</sup>lt;sup>5</sup> Based on CBS statistics of 2006: Roughly 20% of the Dutch electorate has at least one parent of foreign origin; of these roughly half is of "non-western" origin. <sup>6</sup> C.f. Benhabib 2004; Levitt 2007; Grillo 2007.