Equality and Diversity in the Dutch Welfare State

Douwe van Houten, *University for Humanistics Utrecht, The Netherlands*

Abstract

Under the Constitution, the equality principle is very important in the Netherlands. This article argues that there is little evidence for equal citizenship in the Netherlands. There is anti-discrimination legislation in the Netherlands, but it is not very robust. The core argument in this article is that the equality principle must be supplemented by the diversity principle. Diversity is multi-dimensional and can refer to religion, philosophy of life, political persuasion, race (ethnicity), gender, nationality, sexual orientation, age, disability and chronic illness. In this paper multi-culturalism and disability are taken into account and we make a comparison of the social position of disabled people and people from ethnic minorities. Policies on diversity are needed to arrive at diverse citizenship in a varied society. This implies that a distinction has to be made between political citizenship and cultural citizenship. The former has to do with equality, and the latter with diversity.

1   Introduction

European citizenship became an issue following the signing of the Treaty of Maastricht (1992). To date, what it refers to exactly has been unclear. Except world citizenship, in common citizenship is related with a nation state. European citizenship is not a self evident notion. The European Union has anti-discrimination Directives and this can be understood as a citizenship right. What are the outcomes of these Directives in the Netherlands? Are all Dutch people treated as equal citizens, especially disabled people and people who are member of ethnic minorities or are they confronted with forms of discrimination?

This article questions equality in the Netherlands in relation to the diversity principle. Are people who are different, for example disabled people and members of ethnic minorities, regarded as equal citizens?

The issue here is European citizenship and how it relates to national policies, especially in the Netherlands. It is important to stress that the European Union is characterized by plurality and diversity. Diversity refers to ethnicity, language, income, urbanization, secularisation, values and philosophies of life, family life and household structure etc. The diversity principle implies that differences are respected and all citizens are seen as equal and valuable. In this respect European citizenship is an ideal referring to equality and diversity. The idea that the European Union can be understood as an imperial, unitarian Europe is not convincing. From a legal point of view, we are dealing with a federation of national states, but without a federal government and without a president. This federation is not a unity in a cultural sense and Europe has never been so.

Nevertheless, the citizens are confronted with European Directives, the implementation of which is compulsory for national governments. This implies that national governments can be forced to implement European Directives through national acts.

Decision making about these Directives is mainly the responsibility of the European Council,which is made up of the political leaders of the national governments. The national acts that implement the European Directives in national policies are the subject of national parliamentary decision-making, but the Parliament cannot reject the core principles of the Directive involved.

This article focuses on two Directives in particular. Both Directives involve equality. Directive 2000/43/EC is concerned with anti-racial discrimination, and Directive 2000/78/EC is concerned with anti-discrimination on the labour market, based on age or disability. The message is clear: discrimination in the European Union is not allowed, either on the basis of race, or on the basis of age or disability. National governments have to guarantee this through legislation.

Ultimately the question is what type of society these policies promote? It will be clear that in this society the equality principle is crucial. This was laid down in article one of the Universal Declaration of Human Rights of the United Nations of 1948 and it is also part of the European Convention of Human Rights.

However, equality is not the only principle we have to deal with: the diversity principle is just as important. The basic assumption is that all people are equal and different at the same time. The diversity principle implies that people are allowed to be different and that they are respected as such. Equality does not mean sameness. Equality and diversity must be combined to arrive at what Ruth Lister referred to as 'differentiated universalism' (Lister 1997, 90). "Equality and difference are not incompatible, they only become so if equality is understood to mean sameness. In fact, the very notion of equality implies that differences are discounted (…) so that, despite them, people are treated as equal for specific purposes" (Lister 1997, 96).

This implies that there are no standards or norms that must be met to be an equal citizen. All are equal and different: 'diverse citizenship' (Kymlicka and Norman 2000, 10-11). The Directives mentioned above refer to race, age and disability. Diversity is multi-dimensional, i.e. inter-sectional (Phoenix 1998, 11). Intersectionality covers the ways in which ethnicity, race and gender intersect in identity positions, and many more dimensions can be added.

This article is about anti-discrimination legislation and social practices in the Netherlands. In order to assess the current situation it is important to be clear about the ideal society being referred to.

Here, a 'varied society' is assumed to be one in which everyone is respected as being a full member of society. Stevenson speaks of "the right to be different while enjoying full membership of a democratic and participatory community" (Stevenson 2001, 2).

The question is, how far the Netherlands can be seen as a varied society. The starting points of this paper refer to two lines in the current anti-discrimination policies: disability and ethnicity. In most of the literature these two aspects are not taken together, and neither are they in political debates. However, in our opinion both involve equality and diversity.

2 Anti-discrimination legislation in the Dutch welfare state

For a long time the Netherlands has been seen as a country that is very tolerant and in which there was no widespread discrimination. This currently appears to be history and Dutch

people are debating whether to re-arrange their self-image. We can not disregard practices of discrimination any more.

Without doubt: the Netherlands is a diverse society and has been so for centuries. For a long period of time this was not consciously debated. However, the question is currently explicit: how does the Netherlands this diversity? In article one of the Dutch Constitution the equality principle is taken into account. "Discrimination on account of religion, philosophy of life, political persuasion, race, gender, or on any other grounds whatsoever, is not permitted". Nationality and sexual orientation were added in the 'General Equal Treatment Act' of 1994.

Meanwhile, 'equal treatment' is part of everybody's vocabulary. Only in some specific cases do people refer to discrimination, especially in the case of age.

In the political debates about the White Paper which preceded the Act, one of the arguments was that disability and chronic illness also have to be included in addition to nationality and sexual orientation. However the counter arguments from the Minister of Home Affairs were that it was not clear whether an 'Equal Treatment Act' based on disability is legally possible. Moreover, he was not convinced that discrimination based on disability occurred at all in the Netherlands. There was after all, no scientific proof for it.

Of course, the disabled people involved were very disappointed that the Minister ignored their everyday problems. As if they do not experience discrimination in everyday life. By the end of 1995 scientific research proved that legislation is actually feasible. Moreover, research findings indicated that discrimination of disabled people does occur in many social practices. The follow-up has been that the Minister of Health took over the responsibility for an Act for disabled people, as if discrimination is a matter of health policies. It took almost ten more years before the 'Equal Treatment Act' for disabled and chronically ill people came into effect in the Netherlands on the first of December 2003.

Paradoxically, this Act does not meet the requirements of the European Directive and must be revised before the end of 2005. Untill now that has not happened. The revision implies that a new act must include many more areas than the labour market, professional training and mobility. As a consequence, a new White Paper has to be drafted and the whole decision-making process has to start a-new. However, to date the dutch government has not done so.

To sum up, in the 'Equal Treatment Acts' diversity refers to: religion, philosophy of life, political persuasion, race (ethnicity), gender, nationality, sexual orientation, age, disability and chronic illness. Some of the aspects that are not taken into account include class, educational merit, intelligence, income, employment, welfare dependency and the like. What is remarkable is that, more often than not, only one dimension is taken into account. This is referred to as essentialism in which multiple and fluid identities are ignored and groups are homogenised (Lister 1997, 73-74). In many cases only one trait is taken into account in order to characterise such a group which means that the diversity or fragmentation of identities is ignored. "The concept of fragmentation emphasizes the multiplicity of identities and of position within any apparent identity. (...) Identities are thus always contradictory, made up out of partial fragments" (Isin and Wood 1999, 17). Just as Turner and Lister, Isin and Wood relate this notion of identity with postmodernism as "an increasing fragmentation and differentiation of culture as a consequence of the pluralization of life-styles and the differentiation of social structure" (Turner 1994, 154).

3   The multicultural embarrassment

In addition to the ten years of public debate about anti-discrimination with respect to disability, there has, for over 25 years, been an ongoing debate in the Netherlands about ethnic minorities. This debate is currently known as the multi-culturalism debate. It is, in fact, an odd debate, seen from a historical perspective. Immigration to the Netherlands is certainly not a new phenomenon.

For example, in the 17th century one third of the population of Amsterdam and Rotterdam were immigrants. The Netherlands received Jews from Portugal, Huguenots from France, guest workers from Belgium and Germany, and so forth. In the 20th century, Chinese, Moluccan, Indian/Indonesian, Surinam and Antillean immigrants arrived, as well as guest workers from Morocco, Greece, Italy, Turkey and the former Yugoslavia. Later on, the wives and children joined the former guest workers once they had settled in the Netherlands. This implied that they were no longer guests, and in many cases neither were they workers, since they were unemployed as a result of the economic stagnation of the 1980s. More recently, guest worker families have been followed by asylum seekers from all over the world.

The population of the Netherlands is currently about 16.3 million. More than 3 million of the population are foreigners (18%), of whom 750,000 from countries in the European Union. Multi-culturalism does not refer to these citizens. There is a clear distinction in the statistics between Western and non-Western citizens. According to the official statistics, about 1.62 million people in the Netherlands are from non-Western countries, which is about 10% of the total population.

In the Netherlands a distinction is made between 'autochthon' (native) people and 'allochthon' (immigrant/foreign) people. But, not all immigrants are referred to as 'allochthonous'. White people from Belgium, England, France and such like are not 'allochthonous', but immigrants. This is questionable if these people have a skin colour. In that case they will be seen as non-Western. So, non-Western immigrants are referred to as 'allochthonous'. Until recently these people were called 'minorities'. Major groups are Moroccan people (295,000), Antillean people (129,000), people from Surinam (321,000) and Turks (341,000). The problem appears to be that these newcomers are not considered as being true Dutch citizens. The case is that they imported their own language and many of them do not speak either Dutch or English. What is more important is that they have imported their own culture, including their own religion. Many of them are Muslim, and it is not unusual today to see a mosque in many towns. Almost one million people adhere to the Islamic faith, which is about 6% of the population (Social and Cultural Planning Office 2004). Many of them also apply the corresponding value system. By doing so, they are considered in Western Dutch culture to be 'strangers' and not citizens of the Netherlands. Following the events of 9/11 this has been radicalised and, according to some politicians, Islam is a backward religion that does not fit in with the culture of the Netherlands.

However, what is understood by the presupposed common Dutch culture is not clear. For a long period the Netherlands was a segmented society with Catholic, Calvinist and 'neutral' (e.g. socialist and liberal) communities, each with their own cultures (Lijphart 1968). What then can be understood by *the* Dutch culture? Moreover, in late modern times, culture has been individualised to a high degree (Beck and Beck-Gernsheim 2002). Diversity and pluralism are seen as the main characteristics of current culture (Stevenson 2001, Lister 1997, Turner 1994).

That Dutch culture is characterised by openness does not mean that anything goes. In the Netherlands people who are too different are not accepted as equal citizens, irrespective of whether or not it is possible to indicate 'different from what'. In the case of multi-culturalism, Islam and the corresponding Muslim culture are too different from the highly secular Dutch culture. In the case of disability, handicaps and/or chronic illness, these people are too uncommon, which means 'strange'. Jenny Morris wrote an article about disability entitled 'Encounters with Strangers' (Morris 1996). Or, to quote Deborah Marks: "The isolation that disabled people has come to function as a central dramatic metaphor in the contemporary media, with disabled people functioning as objects of pity, objects of danger and as exotic objects of 'anthropological' interest" (Marks 2001, 171).

Both in the case of Muslim people and in the case of disabled people, we are dealing with otherness, either culturally or physically. In both cases you are not included; you are not seen as equal citizens. Moreover, that is something that is your problem, it is not a social problem and certainly not a political problem. The only way to solve this problem is through integration and assimilation. As far as Muslims are concerned, then this implies secularisation of Islam and its corresponding culture in order to develop a kind of more Western Islam.

However, religion is pre-eminently a private affair. Moreover, the Constitution of the Netherlands states that there is freedom of religion and/or philosophy of life and church and state are rigidly separated. The state is not allowed to intervene in religious affairs. So the secularisation of Islam can never be the subject of governmental policies.

Neither can normalisation be an option in the case of disabled people. The disability, handicap or chronic illness will never disappear. Disabled people can possibly try to hide it, but in the disability movement, "coming out" is *the* option. The point is that people demand to be respected as they are. So the otherness of Muslims and of disabled people is, in this respect, the same in both cases. In the case of disabled people, one of the goals of governmental policies is integration. However, these policies are not very successful. Moreover, should any progress be made in this direction then disabled people will still be "second class workers", on top of the fact that you already were a second class citizen.

With respect to the non-Western ethnic minorities in general, and Muslim people more specifically, the official governmental policy is one of integration and assimilation. In 1998, the 'Newcomers Integration Act' came into effect in the Netherlands. However, what is meant by 'settling' is not clear. In the Netherlands official references are made to 'becoming a citizen' ('inburgeren'/ 'to citizen in' as a verb). Yes of course, you have to learn the language, but becoming a Dutch citizen does not mean that the ultimate goal is sameness. To some degree an own cultural identity is allowed. To what degree is unclear, but cultural identities are permitted. As early as 1993, Bryan Turner promoted cultural rights in addition to the civil, political and social rights of T.H. Marshall (Turner 1993, 1994, 2001; Marshall 1950). In 'Citizenship in Diverse Societies' Kymlicka and Norman made a sharp distinction between political and cultural citizenship (Kymlicka and Norman 2000). Political citizenship refers to a sense of common citizenship in multi-cultural societies. This is unitarian: all citizens have the same political rights. Cultural citizenship, however, has to do with diversity and cultural rights: to have a cultural identity of your own. As Stevenson argue: "The deconstruction of ideas that have been associated with the 'normal' citizen has sought to widen the 'inclusive' fabric of the community while creating space for difference and otherness. Questions of 'cultural' citizenship therefore seek to rework images, assumptions and representations that are seen to be exclusive as well as marginalising" (Stevenson 2001, 4).

4   The paradox of the Dutch welfare state

As a consequence, disabled people and people from non-Western minorities are marginalised. This has partly to do with the paradox of the Dutch welfare state. Many non-Western immigrants are clients of the welfare state in the Netherlands. Educational levels have been low for many years, the health situation is poor, as are income levels and housing conditions, and unemployment rates are high. The same applies to disabled people, with some exceptions. In total, 25% of the Dutch population receive financial social security benefit.

In a sense it can be seen as the success of the welfare state in the Netherlands that the country can financially afford for so many people to be dependent on welfare. Comparatively the quality of welfare provisions is high, as well as the level of financial benefits. But many citizens who make use of welfare provisions or benefits are marginalised and seen as second class citizens (Social and Cultural Planning Office 2004). In this sense equality does not really exist. To be seen as a first class citizen, e.g. to conform to the norms of 'standard' citizens, implies that you have a job and enjoy good health. And in addition to that you must be a secular citizen, without a too fundamentalist religion.

Marshall promoted social rights to establish full membership of society (Marshall 1950). For the Netherlands it can be concluded that in many cases, when you appeal to a social right, e.g. a financial benefit, you lose that full membership and you become marginalised. This often implies social isolation, without everyday social participation. This is not usually the consequence of the illness or handicap but of a disabling environment, poverty, negative social image and such like. Disability is a social matter, not a medical matter. "Disability is something imposed on top of your impairments by the way we are unnecessarily isolated and excluded from participation in society" (Oliver 1996, 22).

This is definitely the case in the Netherlands because its welfare state has had a strong emphasis on residential provisions outside society. Comparatively, the care and welfare institutions for mentally and/or physically handicapped people have had high professional standards. The quality of treatment, care and assistance has been high. However, as a patient, client or recipient you have been situated outside everyday social life.

So the paradox has to do with two aspects. Firstly, the welfare state aimed at inclusion, but it actually results in exclusion. Secondly, the levels of provisions and benefits are relatively high, but nevertheless marginal groups still become second class citizens.

In addition to the emphasis on residential provisions, the mechanisms of the policy classifications of the welfare state have, until recently, played an important role in marginalisation. These are the systemic effects of what can be termed a 'constructed society'. To become a welfare recipient, people have to fit in with the care and welfare systems' policy classifications, irrespective of their personal circumstances, priorities or preferences. They are treated as objects and are deconstructed in line with the logic of the welfare state provisions. In a constructed society they are reduced to their problem, illness or handicap and are named accordingly: the 'blind', the 'mentally handicapped', the 'diabetics' etc.. Such nouns are frequently used in Dutch language: not people with a handicap, illness or receiving benefit, but solely referring to their marginal category.

Ultimately, this is a crude simplification in which a person as such disappears. Moreover, these people disappear as citizens. They are a patient, client or recipient but citizenship is more than and different to 'patientship', 'clientship', or 'recipientship'. In English these

words do not even exist. Of course, this was never the intention of the welfare state in the Netherlands but it demonstrates systemic effects. These are part of the Dutch welfare state system with its emphasis on fragmentation and specification. The Dutch personal budget system provides an excellent example, especially compared with the British Disability Allowances. In the Netherlands you have to account for every euro you spend, to say nothing about the forms you are required to fill in to be eligible for something on medical grounds.

Although we have described groups as 'marginals' (e.g. people who are marginal), in terms of numbers marginals do not form a small part of the population. However, loud voices against these systemic effects or against the mechanisms of marginalisation and discrimination are not there. To date, the directives of the European Union have not changed this. It would seem that discrimination is not seen as a political or public affair. Maybe people think that as long as you do not speak about discrimination, discrimination does not exist: a reversed version of the Thomas Theorem (if men define things as real they will be real as a consequence).

5 From minority policies to diversity policies

Policies for minorities in the Netherlands started to emerge during the 1970s. The main reason for this was the growing numbers of guest workers, in particular from Morocco, Turkey and the former Yugoslavia. It gradually became clear that these people were no temporary guests, but were settling down in the country. Initially, policies were directed at fight deprivation in the fields of income, health, housing and education, and at the promotion of emancipation. Most guest workers were manual labourers. Once these people had been reunited with their families, the idea was that their children would have more opportunities. The formula for these so-called 'deprivation-policies' was not new, and had been used for Dutch deprived groups before. In the meantime the educational levels of the children of ethnic minorities have been improving, but it has taken many years. Progress in the fields of housing, health and income has been moderate and unemployment rates are still relatively high. In this sense the Netherlands has not achieved equal opportunities, and equal citizenship has not been realised until now. In the 1990s equal opportunity policies were followed up by integration policies'. In the Netherlands these policies mean that you have to become an ordinary Dutch citizen ("to citizen in ').

But this refers to political citizenship and not to cultural citizenship. All citizens have to respect the principles of the constitutional state. This implies that cultural diversity must be respected, but some politicians do not do so and underline that one value system is necessary, but that is somewhat atypical for the Netherlands.

Seen from this perspective, it is remarkable that local governments currently welcome diversity policies. After minority policies and equal opportunity policies, this would seem to be the new trend. However valuable these diversity policies, they contain problematic assumptions. Firstly, they do not specify which diversities are taken into account. Secondly, they tend to be rather one-sided, and present cultural variety as beautiful and surprising, with exotic meals and remarkable music. Thirdly, deprivation is no longer being taken into account, let alone equal opportunities or emancipation. Moreover, what is beautiful and surprising: the suppression of women, religious intolerance, terrorism?

And what about the diversity of disabled people. Are their deprivations taken into account? Diversity policies have never been defined. Real diversity policies must be much more diverse than the current ones. Frequently, in official rhetoric and policy several diversities are often ignored.

Ultimately, the current diversity policies in the Netherlands are rather undetermined. It is not clear what they are about and there is no transparency. When examining diversity and equality in the Netherlands it must be concluded that in several respects, neither are real. There are many people who are discriminated against, without there being any serious policies to fight it. Moreover, frequently problems with equality and diversity are often just denied.

6 Conclusion

The Netherlands is a diverse society, but not a varied society. In a varied society discrimination against 'others' does not occur. A varied society is an inclusive society: besides the equality and the diversity principle, inclusion is crucial. Inclusive citizenship in a varied society is not citizenship in a diverse society as Kymlicka and Norman describe it. They take only cultural diversity into account and in the notion of a varied society this is much wider. In addition to ethnicity, we must consider disability, gender, age, class, religion, philosophy of life, and so forth. All these dimensions must be taken together and are interconnected (remember intersectionality).

In the European Union the equality principle has been taken seriously and has been laid down in European anti-discrimination Directives. But how does that work out in national policies? For the Netherlands it can be concluded that these policies are ineffective and we observed that discrimination is a fact, especially when it comes to disabled people and people from non-Western countries. Equality and diversity are officially promoted, but, more often than not, not put into practice. Implementing equality and diversity is a very complicated matter and is certainly not self-evident. But without inclusive practices, you cannot speak about citizenship.

This has mainly been caused by a rather simple image of society, referring to a unitarian culture and a corresponding citizenship, failing to make a distinction between political and cultural citizenship. If plurality is a main characteristic of Europe then national political leaders cannot ignore this. The current government of the Netherlands is trying to do so, but the advice from the Scientific Council for Governmental Policy was quite clear about this: values are not an issue for governmental policies and unitarian citizenship does not exist. Nevertheless, this does not mean that a common political citizenship is not important. That is important for the Netherlands, but also for the European Union.

The European Union is confronted with the challenge to develop a notion of a common polis. This has to do with politics, not with bureaucracy or administration. European citizenship is a political order or dedication, grounded in cultural diversity. That can be understood as a paradox, but that has been the case for centuries. However, achieving some common feeling of political European citizenship there is still a long way to go. The last elections for the European Parliament in June 2004 indicate that many citizens in the European Union do not experience a common political European citizenship. Today, the European heritage of democracy is suffering under an administrative and bureaucratic style of government. The common market has primarily to do with the economy and European directives look primarily administrative. Ultimately, both are political and should be presented as political issues. It is time to fight for European democracy and to promote a common political citizenship in a diverse European Union. The slogan must be – "Citizens of Europe unite, in diversity!"*

References

Beck, U. and Beck-Gernsheim, E. 2002: Individualization. London: Sage.

Isin, E.F. and Wood, P.K. 1999: Citizenship & Identity. London: Sage.

Kymlicka, W. and Norman, W. (eds.) 2000: Citizenship in Diverse Societies. Oxford: Oxford University Press.

Lijphart, A. 1968: The Politics of Accommodation: Pluralism and Democracy in the Netherlands. Berkely: University of California Press.

Lister, R. 1997: Citizenship, Feminist Perspectives. London: MacMillan.

Marks, D. 2001: Disability and Cultural Citizenship; exclusion, integration and resistance, in: Stevenson, N. (ed.): Culture and Citizenship. London: Sage, pp. 167-179.

Marshall, T.H. 1992/1950: Citizenship and Social Class, in: Marshall, T.H. and Bottomore, T. (eds.): Citizenship and Social Class. London: Pluto Press, pp. 3-51.

Morris, J. 1996: Encounters with Strangers. Feminism and Disability. London: The Women`s Press.

Oliver, M. 1996: Understanding Disability. London: MacMillan.

Phoenix, A. 1998: (Re)constructing Gendered and Ethnicised Identities; are we all marginal now? (Utrecht, University for Humanistics) (inaugural lecture).

Stevenson, N. (ed.) 2001: Culture and Citizenship. London: Sage.

Turner, B.S. 1993: Contemporary Problems in the Theory of Citizenship, in: Turner, B.S. (ed.): Citizenship and Social Theory. London: Sage, pp. 1-18.

Turner, B.S. 1994: Postmodern Culture / Modern Citizenship, in: van Steenbergen, B. (ed.): The condition of Citizenship. London: Sage, pp. 153-168.

Turner, B.S. 2001: Outline of a General Theory of Cultural Citizenship, in: Stevenson, N. (ed.): Culture and Citizenship. London: Sage, pp. 11-32.

All statistical information is derived from the Social and Cultural Planning Office in the Netherlands (Social and Cultural Report 2004). On the website www.scp.nl some English reports are available. On the website www.scp.nl some English reports are available.

Author´s Address:
Prof Dr Douwe van Houten
University for Humanistics
PO Box 797
NL-3500 AR Utrecht
The Netherlands
Tel.: ++ 31 30 239 0194
Fax: ++ 31 30 234 0738
E-mail: d.vanhouten@uvh.nl