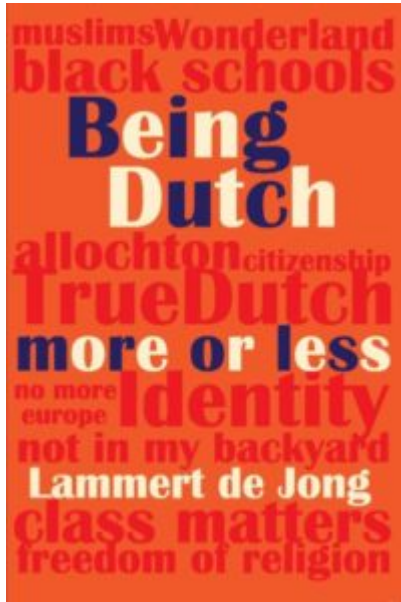


The Dutch Black School: They Are Not Us



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'An Inconvenient Truth'

In the Netherlands, 'black' is *not* black; it is 'non-western', including Moroccan, Turkish, and people of Caribbean origin, lumped together as allochtons. In government statistics, schools with more than 70% allochton pupils are generally classified as a black school; schools with less than 20% allochton pupils are graded as white. The *black school concept* is also used in relation to the surrounding neighborhood. Schools with more pupils of non-western origin than expected in view of the composition of the neighborhood are labeled blacker or, in the case of an over-representation of white pupils, whiter. A deviation of 20% or more between neighborhood and school population classifies a school as *too white* or *too black* (Forum, 2007). The number of primary schools with more than 70% allochton pupils is increasing; in Dutch nomenclature: the schools are becoming blacker.

The *Dutch black* school is a perfidious contraption that locks in children of non-western origin, while its black label flags an underlying *apartheid syndrome* to

underscore for the *True Dutch* - intentionally or not - how different these allochtons are. Yet the black school touches an open nerve in the Netherlands, a sensitive reality that surpasses its statistical definition. On the one hand the black school reeks of *apartheid*, which the Dutch so bravely contest when occurring elsewhere in the world. On the other hand the *True Dutch* are well aware that their entitlement and unencumbered access to white schools is at stake when school *segregation* is tackled in earnest. So far Dutch counteraction is limited to research and some experimental desegregation projects.

The Dutch black school is embedded in the particular Dutch school system that funds public-secular as well as private-denominational schools. Once, the Dutch school system was driven by the accommodation of different beliefs. On the strength of their belief - church-religion or secular ideology - parents wanted a school for their children that adhered to the values, doctrines, and rules of their faith, and paid for by the state. *[Note: In 2009 the Netherlands' Council of State pointed out that publicly financed orthodox religion-based schools may refuse teachers who identify with a particular gay life style. The fact that a teacher is gay is not sufficient to deny a position, but if he or she is in a same sex relation and married in church or city hall, that may suffice, as such contravenes the orthodox rule that marriage is a holy sacrament between one man and one woman]*

Denominational and non-religious schools emphasized particularity, a distinctiveness that corresponded with religious doctrines or ideological orientations. The principle of *Freedom of Education* (Onderwijsvrijheid) is enshrined in the Netherlands Constitution, art. 23. Over the years parents have come to believe that they are entitled to choose a specific school for their children, which is a travesty of the freedom to choose a particular type of school, based on denominational or secular definition.

Dutch politics wavers when coming to grips with the effects the black school brings - quite literally - home. Most parents don't set out intending to discriminate, which makes a noble difference, and legally enforced segregation is not on the books. Nonetheless a segregated white-black educational system has become a reality, with most *True Dutch* children in better schools and having better school careers, and children of allochtons at the other end. And that with long lasting effects after the school years have come to an end. This type of school segregation stigmatizes *New Dutch* children for life, while reinforcing an

allochton footprint that will divide the nation for years to come. Although most political parties assert that integration is the major social issue of our time, they fail to confront the black school with a sense of urgency. Dutch politics still has to acknowledge that the black school emblemizes the allochton population in the Netherlands with an explicit signature: *They are not Us*.

Black schools are a common feature in most major Dutch cities. So far the black school does not stand out in Dutch politics as a problem that must be solved urgently by law, regulation or in the courts. The black school seems more of an inconvenient truth than a critical social or political issue. To an outsider this must be surprising, given that the Netherlands is known for its rock-solid liberal reputation. How come then that the Netherlands has become a segregated nation? And do they discriminate against people of color? Do the Dutch not know how to handle the ethnic complexities of today's multi-cultural society? Or is it a lack of compassion for those who do not belong to the white Dutch tribe: *Discrimination or not, my children first*. Or is it merely a matter of social-economic stratification, a distinction between advantaged and disadvantaged children, so that the Dutch black school is just a *myth* (Vink, 2010)?

The Dutch Black School

The Dutch black school has come into existence at the intersection between non-western immigration and the particular Dutch history of a nation that until the 1950s was separated by religion and ideology. The Dutch were used to the idea of organizing themselves along the lines of church religion and secular ideology, in schools, politics, libraries, and on the social parcourse. This divide partitioned marriage and friendship, sports and universities, and shopping for groceries, milk and meat. So when immigrants flocked into the Netherlands and concentrated in certain neighborhoods, thus becoming physically separated from the True Dutch, this division fitted into a historic pattern of a segregated nation.

The immigrants were administratively grouped together as allochtons whose children went to black schools.[*Note: According to the Netherlands Statistitical Office, Japanese and Indonesian immigrants are classified as western-allochton because of their social-economic and social cultural position. Japanese immigrants and their families are defined as economically incorporated, Indonesian immigrants are mostly born in the Dutch East Indies, which became independent in 1949*]

School segregation was already mentioned in 1971, especially with regard to immigrants from Suriname (Karsten, 2005). Most of the immigrants from Suriname and the Netherlands Antilles are classified as racially black. Concentrations of Surinamese immigrants gradually changed the character of the white neighborhood schools into black schools. Where guest workers settled, schools in their neighborhood became populated with children of Moroccan and Turkish origin. The idea of particular schools for foreign children who eventually would be returning home to Morocco and Turkey (but did not) was not too farfetched. These children had different educational needs, which could be best addressed by schools that also taught the language of origin, though only a few hours per week. At a later stage Muslim schools were established as a logical extension of the Dutch particularistic school system. Occasionally these Muslim schools were challenged as holdouts of backwardness, or not in line with the historic Christian-Judeo cultural signature of the Dutch nation, but overall these schools fitted the Dutch concept that religion merited a particular school, paid for by the state. The concept black school covered all these varieties in school population, which became a distinctive category for schools with a majority of pupils of non-western origin, irrespective of its racial make-up. The use of a black label simplified a more detailed allochton classification. Black is not just a word; it comes with gargantuan amounts of racist baggage, which is included in the True Dutch perception of these schools. White parents do not send their children to such schools, however liberal minded they might otherwise be.

School segregation in Amsterdam (DOS, 2008)

Many children in Amsterdam attend white or black schools. A study 'Segregation in Primary Education in 2008 in Amsterdam' comprised 203 schools of which 86 are black (over 70% allochtons) and 31 white (less than 20 % allochton); 86 schools have a balanced ethnic composition. So over half of all primary schools are either white or black.[Note: Zwarte scholen steeds zwarter. In: Trouw, 19 July 2007] Against the background of the composition of the neighborhood population, 29 schools are too black and 31 too white, calculated on a deviation of 20 % or more. When counting pupils, 11% of a total of almost 60,000 attend a 'too black' school and 9% a 'too white' school. 'Too black' schools count on average 222 pupils, which is less than 'too white' schools (311). This study points out that segregation also exists in terms of schools being overcrowded with children whose parents have little education, and schools where such children are few.

School segregation follows residential segregation, but is reinforced by parental choice. The Amsterdam study indicates that many children attend schools outside their own neighborhood: 43%, while 57% attend schools in the neighbourhood. Children – black and white – from relatively black neighborhoods, who are going to school elsewhere, attend more often a white school than would have been the case if they had attended school in their residential neighborhood. The difference for white children is 62 against 26%; for black children 17 against 5%, which indicates that parental choice goes for white. That parental choice favors white is also shown in the choice of a school that is further away than three other schools, and is at the same time whiter than those neighborhood schools: 40% of the white parents choose the whiter schools, and 14% of the allochton parents. These parents do not mind their children biking or walking an extra mile to get to a relatively whiter school.

What's Wrong with the Black School?

Is the black school really that bad? Doesn't the black school perfectly fit into the Netherlands' live and let live tradition? Are black schools a form of discrimination? In quite a number of cities, a black school in a predominantly allochton neighborhood is not perceived as a problem. School governors do not feel pressured to take action, as such schools are a reflection of the (allochton) neighborhood (Forum, 2007, 18). As long as the school population is in line with the ethnic composition of the neighborhood, the composition is attributed to residential segregation, which is beyond the school governors' control. This black school is considered inevitable and a priori fated not to become desegregated. A black school in an allochton neighborhood is 'at home' as it were, and segregation is not judged to be an issue.

This calculation is disingenuous, as it does not acknowledge the double bind of these children, living in a segregated allochton neighborhood and attending a black school. Residential allochton segregation is topped with black school segregation. The double bind segregation of school and neighborhood is generally overlooked. An exception was an advisory council on Integration and Diversity in Amsterdam that condemned all black school segregation, also the black school in the black neighborhood, because of its adverse effects on the development of common Dutch citizenship (Adviesraad, 2009).

Assuming that the black school cannot be eradicated, perhaps this school should be accepted as such, and be dealt with realistically. Doubt is cast on the received

opinion that black schools obstruct social-cultural integration and citizenship participation. Furthermore the practicality of reducing high concentrations of underachievers in allochton neighborhoods is questioned. '*Making the best*' of the *black* school is put forward as a realistic alternative. Specific support programs for black schools must be developed (Karsten, 2007, 19). Additional programs and specific efforts must elevate the black school. Provided that pupils get the same opportunities as children at other schools, the black school should not be considered a problem per se. Black schools must be reformed when they are stagnant schools which do not serve their students upward social mobility (Gramberg, 2005, 189). According to this reformist view, separate but equal is the next-best thing for educating allochtons to proper Dutch levels, a reality that must be accepted. Considering all impediments to a better integrated school system, the black school must become an end in itself, something to be accepted, and where necessary, improved. In the USA the case of the black school has been turned upside down. Movements of *Black Power* and *Black is Beautiful* have encouraged African-Americans to endorse black school segregation, as legal action had for decades not succeeded to end school *segregation*. In the slipstream of this separatist argument, integration of allochtons by means of school desegregation is no longer seen as a feasible option (Karsten, 2007, 19).

Obviously, *black* schools in the Netherlands have created an issue that must be dealt with, if only by listening to the plenitude of statements on most political platforms: we oppose school segregation, and we oppose the black school. But it seems that, first of all, a multitude of research projects must be undertaken before the problem can be outlined in full. Too white or too black schools are focused on as a problem that can possibly be tackled by manipulating registration and reigning in parental choice. Research is called for to determine the black school plusses and minuses; the effects of the black school. On social integration, and society in general; on immigrants' social-economic advancement and mobilization; children's educational success or failure; and civic participation of the allochton in adult years. It seems that research is called for as a way out of a problem that a priori is deemed intractable, because all parties realize that when white parents have a choice, they do not send their children to black schools, nor do they allow too many allochton kids into the school of their choice. Studies from both the USA and around the world have shown that parental choice often leads to more segregated schools: 'Unless policy makers actively intervene in the choice process, parental choice of school is very likely to make schools more segregated

than they would otherwise be' (Fiske & Ladd, 2009, 3-5).

Class Matters-Classmates Count (Paulle)

Efforts have been made to take the black denomination out of the black school. From that angle the question is raised whether it is strategically right to focus on the black school, as race (or ethnicity) is not the principal denominator of educational failure or success. Doesn't the social-economic status (SES) of parents correlate more strongly with the school scores of their children? In a study of two schools, one in the Bronx, NY, and one in the Bijlmer, Amsterdam, Bowen Paulle quotes a generally respected research finding: '*Educational research suggests that the basic damage inflicted by segregated education comes not from racial concentration but from concentration of children from poor families*' (Paulle, 2005, 276). Pupils from disadvantaged milieus are more sensitive to the quality of teaching. He points to the success of experiments with economic desegregation programs: schools statistically dominated (70% or more) by youth from middle- or high income families can successfully absorb youth from low-income families (Paulle, 2005, 277). Yet this self-evident argument needs further confirmation. The right proportional mix is still a subject of research and debate: what is the actual tipping point for high SES parents, and what is the turning point in absorbing disadvantaged children in a school dominated by advantaged children? These experiments have built a strong case for mixing school populations according to parental SES in a win-win proportion, yet it does not exonerate the existence of the black school.

The *black* denomination is also taken out to explain differences in school careers of allochton children. *Allochton* children are especially disadvantaged when being tested for further education. In the Netherlands parents are counseled early - at a child's age of 11, about follow-up education, the options being various types of high school, which lead to university education, or a range vocational training alternatives. At this age, many allochton children lag behind *True Dutch* pupils because of a language disadvantage, due to the language of origin often being still spoken at home. They tend to be steered toward vocational training, based on non-biased scores, but perhaps also on a teacher's subtle bias that blacks tend to fail academic education. Quite a number of these students do reach university level, but only after having made a detour of several years on vocational and high school training circuits. This has caused a debate on postponing the age of decision on a child's high school academic or vocational training options,

especially in view of the detour black children are making. Though the Dutch may be relieved that also in this case ethnicity can be taken out of the black school, the black school is still there, in actual reality and very much so as a stark image in the Dutch mind, especially because the black school legitimizes *True Dutch* entitlement to white schools.

Dismantling the black school by social-economic stratification and the effects of early decision on secondary education both serve Dutch enlightenment. Social-economic stratification is of course not as bad as a simmering ethnic taboo that allochtons are underachievers from birth, justifying white flight and so creating the black school. Others argue that when segregation is exclusively defined as a black-white issue, the problem of white underachievers in the rural areas is overlooked; the big-city bias of ethnic *segregation* had created a blind spot for white underachievers (WRR, 2009, 162). The SES argument relieves Dutch uneasiness about the black school, because the high rates of underachievement are not a black issue anymore but rather an issue of a forgotten underclass, which includes whites as well. The changeover from black to social-economic class was welcomed as a clearance from the probability that Dutch school particularity had lubricated racial discrimination and ethnic segregation. What a relief. What good news exclaimed Wouter Bos, the labor party leader, when hearing about the near perfect exchange rate between black and underclass scores.[*Note: Aleid Truijens, Klassen met louter dezelfde kindertjes. In: De Volkskrant, 27 January 2009*] He may have thought that having an underclass is something to be sorry for, but certainly not as annoying as white-black apartheid. It just ain't that easy.

The black school denomination is whitewashed by research indicating that class matters in explaining achievement scores. Yet this does not change the fact that differences of underachievement continue to be registered in terms of autochthon and allochton scores. The drop-out rates in vocational training schools during 2006-2007 – 27.5% for autochthons, and 50.1% for *allochtons* – testify to a divided reality that, according to Dutch parlance, is a black school issue (WRR, 2009, 27). Given the reality of the black school in Dutch politics, cities, media, conversation and statistics, it is cynical to argue that a black school does not matter much, because SES and class matter more. This class difference does not make the black school disappear from the parental radar that is set to be sensitive for color. Besides, for the most part SES and non-western origin (if you want, race) walk hand in hand in Dutch society (DOS, 2008, 22).[*Note: It is often assumed that*

allochton children are equally disadvantaged in terms of the low level education of their parents. Amsterdam's segregation study indicates that allochton children vary in being disadvantaged. Half of the Surinamse children (54%) and 62% of the Antilleans are educationally disadvantaged while much more Turkish and Moroccan children are disadvantaged (85 and 86%) (DOS, 2008, 22)]

The Dutch black school collects children of an underclass, mainly of non-western origin or, according to a fashionable non-class jargon, disadvantaged youth. Yet some critics believe that since the breakdown of bloc-based segregation Dutch society is classless, and its educational system as well.[*Note: Frans Verhagen, De eerste Italianen van Amerika. 'Hun geloof is vreemd en bedreigend.'* In: *De Groene Amsterdammer*, 6 June, 2009]

Obviously the very existence of the Dutch black school contradicts the assumption of a classless *Dutch Wonderland*.

Awkward Family Ties

The *Dutch black school*, and its underlying residential segregation, inevitably reminds one of *racial discrimination* elsewhere, in South reason, the Dutch black school is whitewashed by SES and cultural disadvantage, and shrouded in black power mystification. In these countries, whites and blacks were kept apart, based on the believed superiority of white over black. Separate educational structures were to safeguard the superiority of the white race: *slegs vir blanke, or whites only*. South Africa's apartheid came to an end in 1994 when the first elections with universal suffrage were held. The USA's Supreme Court ruled in 1954 against the separate but equal doctrine. Institutionalized and legally enforced separation of white and black education was outlawed. Yet in 1957 the Arkansas Governor called in the National Guard to prevent a group of African-American high schools students to enter the white Central High School in Little Rock: '*Blood will run in the streets if Negro pupils should attempt [to enter] Central High School*' (Ogden, 2008). The struggle of the Little Rock Nine was caught in stark pictures of white hatred and newspaper headlines all over the world. And so was Governor George C. Wallace of Alabama in 1963 when he announced that he would defy the federal court order and block the door of the university's main building to keep the black students out. Eventually President John F. Kennedy managed to resolve the ominous standoff without bloodshed.[*Note: Fred Kaplan, When the Kennedys took on Wallace over Integration. About the television documentary (1963) "Crisis: Behind a President's Commitment."* In: *The New*

York Times, 18 January 2009.]

The Supreme Court ruling did not make the black school disappear, nor did it make much difference to the inferior quality of *black* schools. But the USA upholds the principle that separate but equal is against the law. Transgressions are continuously fought out in court to determine the constitutional options and limits of (affirmative) action to further desegregation.

White hatred and staunch segregationists are rarely to be found among the Dutch. These extreme phenomena are also petering out in the USA; overt bigotry has become risky and unpopular: 'today most racial conflicts involve ambiguous facts and inscrutable motivations' (Ford, 2008, 263). Even so, Richard Ford maintains: 'Today's racial injustices are, in many ways, as severe as ever. But these injustices now stem from isolation, poverty, and lack of socialization as much as from intentional discrimination or racism' (Ford, 2008, 307). Though the Dutch black school does not fit the historical origin and the exact definitions of school segregation in the USA, quite a few characteristics overlap. The vernacular of Dutch school segregation is framed in ethnic and racial definitions.

Most True Dutch parents are liberal enough that they do not mind allochton children in a white school, as long as it remains a white school. After all, a bit of color adds an interesting touch to a cosmopolitan Dutch self-image. But not too many allochtons should have this privilege. White parents do not want their children in black schools, for sure. Black schools are seen as inferior to white schools; they have become distinctly separate institutions, which offer inferior school careers when compared to white schools. Even when black is taken out of the equation by class and cultural disadvantage, the black school remains firmly rooted in the actuality of Dutch education.

The decisive argument against the black school is not that it scores relatively low on educational benchmarks – an occasional white school may score even lower, but that it is a particular school populated by children of non-western origin, being separated from their white compatriots. The *black* school constitutes de facto a new Dutch reality: a particular school for Dutch children because of their non-western origin, and with a second rate classification. Nomen est omen, the name says it all. The *apartheid* label does apply. In the end, True Dutch parents do not send their children to a black school if they can help it. *True Dutch* parents who insist on a white school for their children are exonerated from being

xenophobic or racist; they simply look for what's best, and don't have the intention to discriminate. From their point of view this cannot be wrong.

Particularistic Dutch School System

In the Netherlands, a group of parents is free to establish a school where their children are educated in line with their religion or belief, to be funded with public monies. As such the Dutch school system is rather particular; it is based on intentional segregation according to privately held religious beliefs or secular orientations. As a result, there is no tradition of what in the U.S.A is called a 'common school' that serves the entire community and promotes a common sense of civic and other values (Fiske & Ladd, 2009, 8). The USA public school is a melting pot of differences with a communal public orientation. The concept public school as known in the USA does not make sense in the Netherlands. The USA public school fosters 'the foundation for good citizenship', which necessarily implies that public education is an instrument of public socialization to common values and a common national identity (Ford, 2008, 206). Americans are free to send their children to private schools, for which they pay themselves. A small minority of private schools are prestigious non-religious institutions, but the vast majority of them are operated by religious organizations, predominantly Roman Catholic, but also Jewish and others. A combination of parents, private and religious institutions, funds these schools, while government finances the public schools. Only 11.5 % of all pupils in primary and high school attend private schools. Income plays a role of course, but also 80 % of the children of families with an income of > \$ 75,000 per year attends a public school (Council for American Private Education). [Note: Council for American Private Education: <http://capenet.org/facts.html>] The British public school is a different species going back centuries, where admission was restricted for children from a particular aristocratic class. Nowadays the term refers to fee-charging independent secondary schools.

In the Netherlands, the government funds almost all schools, also denominational schools which would be labeled private schools in the USA. The Dutch *Freedom of Education* induced a widely held belief that parents are free to choose the school they want for their children; this has become identified as a constitutional right. Parents can choose schools of a particular religious denomination (Roman Catholic, Protestant, Christian, Jewish, Muslim) (*bijzondere scholen*), or secular schools (*openbare scholen*), which do not claim a particular religious affiliation. All

schools have to meet centrally set educational standards and goals. They are supervised by the Inspectorate of the Ministry of Education, and financed out of public funds. Only a few schools are privately funded. What stands out is that denominational schools enjoy full financial support from the state. This has not always been the case.

The Education Act of 1878 reflected the established practice of the day: not one penny of public aid to denominational private schools (Lijphart, 1975, 106). In the second half of the 19th Century, more than three quarter of all pupils attended public (non-denominational) elementary schools, which were paid for by the state. One century later, in 1957, the situation was completely reversed. Only 28 % still attended public-secular schools (non-denominational) and 72 % were in private-denominational schools (Lijphart, 1975, 52). In the second half of the 20th Century, these figures have not changed much. In 2006 31 % attended public-secular schools and 69 % private-denominational schools; 34 % Catholic; 24 % Protestant; and the remaining 11 % include Hindu, Jewish, Muslim, Evangelical, Catholic-Protestant-Combined schools. *[Note: Trends leerlingen aantallen 2002-2006. Bron cijfers: Cfi/OCW]* All these schools are financed with public monies.

A decisive moment came at the end of the 19th Century when the ruling political parties recognized that the unequal financial treatment of private-denominational schools and public-secular schools fundamentally divided the Dutch nation. Around 1900 both the Catholics and the Protestants had grown into strong blocs, each with a principled desire to have their own school financed by the state. The State's regents could no longer overlook these aspirations, all the more so as demands for universal suffrage had become a burning issue as well. Especially the Protestants' *kleine luyden* (little people) acquired strong leadership demanding that also their schools must be financed out of public funds. Voting rights were part of the power struggle in which the *kleyne luyden* also triumphed. The first elections under universal suffrage (according to those days: male only) were held in 1918. Just before, in 1917, the Dutch legislature enacted a law that guaranteed government funding (Lijphart, 1975, 110).

all elementary schools, public and private, were to get the same financial assistance from the government in proportion to their enrollments.

The equal financial provision by central government guaranteed the schools an

even financial foundation irrespective of denomination, or locality – rich or poor – and so added real value to the doctrine that all men are created equal. Rather interestingly it was assumed that this financial equality would help to consolidate the cultural unity of the nation.*[Note: A proposal to decentralize the financing of schools to municipal and provincial authorities was contested in 2008 for this reason. Jaap Dronkers, Zo verbrokkelt Nederland als cultuureenheid. In: De Volkskrant, 9 December 2008]* While in the USA the public school was assigned the task of uniting the nation, in the Netherlands equal funding for public-secular and private-denominational schools had to serve the same purpose. Ever since, the parents' freedom to choose a school has become carved in stone in Dutch national consensus. That is, until the Dutch Muslim community claimed this freedom to set up Muslim schools.

In the Netherlands parents do not have to balance their choice by cost considerations; they can simply opt for what they think is best. From an American point of view, such freedom sounds too good to be true. In the USA private schools are not financed by the state but out of the parents' pockets; and they are very expensive.*[Note: Charter schools are a recent phenomenon in the USA, and can best be defined as a hybrid structure of a publicly financed school – often initiated by philanthropic monies – that is independently operated on a specific charter. Examples include schools dedicated to Arabic language and culture, or those dedicated to the Hebrew language (e.g. the Hebrew Language Academy Charter School)]* No wonder that the USA Brookings Institution came to visit the Netherlands to find out how this freedom works. Could it be of use across the Atlantic? Alas, the USA concept of separation of church and state forbids the use of public monies for religious causes, although there are numerous exceptions.

School choice based on church religion lost its momentum after the strong wave of secularization passed through the Netherlands. Likewise ideological contestants such as socialism and liberalism had lost much of their imaginative hold by the end of the 20th Century. The formative and behavioral appeal of church-religion and ideology no longer suits the individualized mind. In the meantime, specific pedagogical platforms, also called signatures, such as Dalton, Montessori, Jena, and Waldorf School (Vrije School), have become strong competitive factors in determining parental choice. Although Protestant and Catholic families are still likely to enroll their child in a school with the corresponding religious orientation, a recent study shows that 29 % of Protestants

and 23 % of Catholics attend either a non-religious school or a school of another religious persuasion (Fiske & Ladd, 2009, 9). For many parents school choice is no longer determined by church religion or ideology; yet the particularistic school system remains in place, and conveniently accommodated a new phenomenon, the *black* school, which had come into being by default of the *True Dutch* white choice.

Freedom of Education's Travesty

The principle of *Freedom of Education* is meant to guarantee that education is provided and can be accessed according to one's belief (*overtuiging*; Government Paper, 2008, 5). Nowadays *Freedom of Education* has been manipulated to become a choice that takes into account a school's excellence, reputation, and ethnic composition (black or white) as well. Religion lost much of its impact with regards to the choice of a school. Perhaps with the exception of some Jewish, Hindu and Muslim parents, parents now balance their choices between a school's denomination, proximity, ranking and status, and color. Parents generally prefer the best school, which must also be within close range of their residence. These days the choice of a particular school has for many parents little to do with its denominational or secular definition.

Residential patterns and parental school choice determine school segregation. When residential patterns are segregated the schools become segregated: white neighborhoods produce white schools, allochton neighborhoods *black* schools. But parents are not inhibited from looking over the neighborhood boundaries.

White parents do not normally send their children to a black school, as their choice for a white school is a matter of course (with a few exceptions). Not only because of the assumed better education but even more so with regards to school culture and after-school contacts. A black school is perceived to be not as liberal as a white school, especially in case of a dominant Muslim presence. These parents perceive a miss-match between school and home (Karsten, 2005). They contend that white children in a black school have difficulty making after-school friendships. When such white parents live in a predominantly black neighborhood, they look elsewhere, or they move home and hearth to find a white school that fits their aims. This is known as *white flight*. However, a grey flight is formed by allochtons who have progressed on the social-economic status (SES) ladder, and opt for white schools as well, often in suburbia.

White schools are sought after, and thus become overbooked and tend to expand.

On average, half of the white pupils attend a school *outside* their own neighborhood, while 80% of the allochton children are at a school within their neighborhood. Allochton parents are less inclined to travel an extra mile to the school of their preference than white parents. If *allochton* parents prefer a white school, they must compete with white parents. At the same time, Muslim parents may prefer a Muslim or another black school, as they perceive white schools out of step with the traditional upbringing they hold dear. For them, white schools are too liberal.

Parents who insist on free school choice cling to the constitutional provision of *Freedom of Education* as a roadblock against regulating school admission. Though parents' school preference may be directed by a consumer mindset to pick the best school, the *Freedom of Education* still serves as a strong rallying principle. An improbable alliance of disparate activists has gained leverage to block school desegregation, not bonded by principle or intention but by happenstance. Parents that are directed by denominational-choice found a partner in large numbers of enlightened best-school-choice parents to safeguard a principled *Freedom of Education*. Best-school-choice parents now include a rising number of allochton parents who do not want their children in an inferior black school. This rather respectable combination happened to connect with an increasing number of equally principled parents who pursue a True Dutch cause that forbids their children to be mixed with allochton kids: *Not In My Backyard* (NIMBY). This alliance of motley adversaries considers desegregation an infringement upon the *True Dutch* right to *Freedom of Education*, based on denomination, best-school, and NIMBY preferences. Invoking a hard won constitutional right of *Freedom of Education* of more than a century old, this alliance is hard to beat notwithstanding the fact that many of these crusaders harbor a motivation that is irrelevant to the constitutional clause of *Freedom of Education*.

Dutch media have finally begun to picture the black school as an *integration* problem. But as long as the extent of the Dutch principle of *Freedom of Education* is not critically questioned in parliament and courts, all attempts to counter segregation are bound to remain tokens of goodwill without real impact. What are the limitations of this *freedom*? Does this freedom include a choice for a *specific* school, as such has become received opinion and customary practice?

Or is a parent's choice limited to a type of school in terms of religious and

ideological orientation? Can this *freedom* be controlled by *positive discrimination* or *affirmative action* to secure equal rights of children who otherwise would not stand a chance? These questions must be raised before they can be answered. Benevolent good-will initiatives are fine, but remain doomed without national, political and legal backing. The Netherlands' minister for Integration absolves himself of the responsibility for the ever-deepening process of school segregation by leaving the problem to municipalities, parents and school boards to deal with, and sits back in anticipation of the outcomes of a few goodwill pilots (Integration Brief, 2009, 22-23). Apparently the black school is too sensitive an issue to be tackled by national politics and parliamentary action. Exactly for this reason, it cannot be solved locally. The stakes are too high for *True Dutch* parents to lose their right of school choice while *Allochton Power* to change this course has yet to be mobilized.

Regulating Parental Choice?

Changes in the playing field are beginning to desecrate the sanctity of parental school choice as an absolute right. Against the backdrop of deepening ethnic school segregation, school choice has become a contentious issue. Critics point out that parental choice has all along been conditioned by availability, zoning of school catchment areas and the discretionary powers of school authorities.

Parental choice has never meant that parents could pick a *specific* school. If schools are full, then parents must look elsewhere. However, the way the system was organized allowed savvy parents to jump the queue, suggesting that actually the parents called the shots. Growing concerns about the divide between white and black schools in the Netherlands are now causing some people to call for a re-interpretation of *Freedom of Education*. A tentative critic merely suggests that a critical debate on the Dutch particular education system must continue (Scheffer, 2007, 422). A more imaginative approach is proposed by an expert on educational inequality in the Netherlands, who recommends a distribution of pupils based on an all encompassing score system for each local authority (municipality, city), allowing children from lower SES parents to register at a good school. Parental preference does still count but is balanced by a range of other scores and considerations (Dronkers, 2007, 76). An interesting twist in the logic of parental choice is that school segregation actually limits the choice of parents; especially those who do not want their children to attend a white or a black school. These parents prefer the blessings of mixed schools so that their children become aware

and accustomed to the habitat of the Dutch multicultural society; a kind of multicultural citizenship training: 'more mixed schools, more choice' (Adviesraad, 2009).

There is even a suggestion that the time has come to replace the Dutch particular *Freedom of Education* system with a general structure which aims at public education for all, while allowing latitude for cultural and religious diversity (Pels, 2008, 170). Ahmed Marcouch, a prominent politician, and ex-mayor of Slotervaart, one of Amsterdam's Burroughs, Muslim, of Moroccan origin, supports an overhaul of the system: 'I believe that Muslims should integrate along with their religious identity. We must create Dutch Muslims. You can't just put children from religious families into separate Muslim schools. That adds to segregation. By teaching different religions in public schools, you encourage children to think critically.' [Note: Ian Buruma, *Letter from Amsterdam. Parade's End. Dutch liberals get tough*, pp. 36-41. In: *The New Yorker*, December 7, 2009] Such a radical departure from Dutch *particularity* however would entail for a politician - even in these secular times - a guaranteed electoral downfall.

Kees Schuyt, an esteemed sociology professor, questions whether the particularity of Muslim schools must be encouraged in view of the demands of a multicultural society: '*One can argue that pupils from the first school day must be confronted with each other's different religion and cultural behavior*' (Schuyt, 2009, 123; Translation mine). However, Schuyt warns, this common school may turn out to be a rough encounter with discrimination and humiliation in classroom and schoolyard. So it may be better to let Muslim children grow up in a protected school environment, namely a Muslim school that scores high on good teaching and postpones the confrontation with a tough outside world to a later age, similar to the way Roman Catholics and Protestants operated. He emphasizes that Muslim schools are in line with the Dutch segregated school system, and that blocking them would be extremely hypocritical. Yet in the end Schuyt doubts whether the present Muslim schools meet the terms of educating children to become free citizens (burghers) in a modern society, just as some other religion-based schools fail to do (Schuyt, 2009, 124). As late as 2010 orthodox protestant schools claim the right to keep their schools free from homosexual teachers and students who live by their sexual identity. Schuyt's argument comes close to a declaration that the Dutch particular school system does not fit the demands of a modern multicultural society, which is held together by a commitment to

democracy, personal freedom and the rule of law.

The pressure is mounting to combat school segregation by legislation. At first, in 2009, only one of the political parties publicly recommended legislation to force schools mixing their population.[*Note: Agnes Kant & Sadet Karabulut, Bevecht Segregatie. In: De Volkskrant, 3 October 2009*] A few months later, the governing socialist party (PvdA) also called for legislation to mix schools according to high and low parental SES.[*Note: PvdA: Wet tegen segregatie onderwijs. In: de Volkskrant, 19 January 2010*]

These political suggestions were answered in Parliament by a Christian-Democrat Pavlov reaction, throwing together all possible disagreements to forestall hands-on action: No way! Parents won't support this mixing [...] The effect of mixing white and black schools is not evident: the opinion is still out [...] A child's school success is determined by neighborhood, parents' education and income [...] A black school is not per se a bad school, nor a white school per se a good school [...] Instead of mixing schools, the quality of schools must be raised [...] The preliminary outcome of pilot-projects looks promising.[*Note: CDA: mix zwart/witte scholen vrijwillig. In: NRC, 21 January 2010*]

This reaction makes a travesty of the Netherlands' *Freedom of Education*. Knowing that school segregation deepens, whether defined by white/black color, high/low class parents, or advantaged/disadvantaged youth, the problem is obfuscated to forestall regulatory change. Foreign experts conclude that the segregation of disadvantaged immigrant pupils in the four major Dutch cities exceeds that of black students in most major American cities: 80 % of ethnic non-white Dutch students attend a black school, while in the USA 50 % of non-white students attend a black school. They are pessimistic about change: 'Thus any efforts to reduce segregation will have to reflect the voluntary commitment of a substantial number of stakeholders for whom private interests in maintaining the status quo may well exceed the public benefit to them of reducing segregation' (Fiske & Ladd, 2009, 25-32).

Extras, Goodwill and Projects

Additional support, private goodwill and benevolent activism help to soften the edges of school segregation. Schools receive extra money for catching-up purposes. Until recently the allocation of a school's budget was apportioned on the basis of a pupil's origin and the level of education of parents: 1.0 for autochthon pupils at the right level, 1.25 for autochthon pupils with parents' of a

low education level, and 1.9 for allochton pupils. In 2006/07 the ethnic component was abandoned and since then only the level of education of parents defines the number of disadvantaged pupils (*achterstandsleerlingen*), irrespective of their origin. The net result of this change was that the additional budget was spread thinner over the cohort of *allochton* pupils (Aboutaleb, 2005, 130). Yet a black school's extra budget allows for programs that aim specifically at allochton pupils, which naturally attract allochton parents. Notwithstanding this benevolent purpose, these subsidies in effect ease the way for even more segregation. Some have argued that extra finances should be poured into an integration budget that sets a premium on schools that have achieved a mixed pupil population.[Note: Jan Marijnissen, *Gemengde school bevordert integratie*. In: *Algemeen Dagblad*, 23 December 2003. Weblog Jan Marijnissen]

A variety of initiatives and agreements have spontaneously sprung up to contest school segregation. Numerous schools use double registers, which temporarily give priority to allochton pupils to a *too white* school and vice versa. A *too white* school will first admit *black* pupils if there is a *black* waiting list.[Note: *Dubbele wachtlijsten tegen zwarte scholen*. In: *Trouw*, 23 november 2004]

These double ethnic registers are contested – though not in court – as they supposedly disrespect the freedom of choice. *The Council for Education* and the *Commission for Equal Treatment* have spoken out against a distribution based on ethnicity, but support a distribution that aims at parental SES variance. In thoroughly segregated residential areas, a white-black pupil mix is not attempted. Instead *friendship schools* are formed to stimulate (mostly after-school) interaction between white and allochton pupils. Since 2006-2007 the Ministry of Education obliges an Agenda on Local Educational Affairs (*Lokaal Educatieve Agenda*), to spell out the action taken to counter segregation. These deliberations between school boards and municipal authorities are binding (*bindend; niet vrijblijvend*) but according to how the Dutch phrase these things, this binding does not mean a legal or moral obligation without any possibility of withdrawal or avoidance. What it boils down to is that the parties are obliged by law to report once a year what has been done about school desegregation. Reporting that nothing has been achieved, or even been undertaken, perfectly fulfills this obligation.

At the request of the four big cities, the Ministry of Education has given municipalities a helping hand by establishing an *Expertise Center for Mixed*

Schools that provides assistance to pilot programs, publishes about trials and errors, and evaluates the strengths and weaknesses of actions taken (Kenniscentrum, 2008). This expertise center is an extension of the Ministry of Education. At the end of 2010, reports of several pilot projects to combat school segregation, in total 12 municipalities, will be communicated to the Ministry.

An *Agreement* between the City of Amsterdam, Burroughs and School Boards to counter segregation is a case in point. The idea was a departure from idealistic white parents who register their children at a black school. In this *Agreement* the School Boards proposed that popular white schools, which had a waiting list, become mixed with more black students. Neighborhoods were chosen with schools that were too white and too black in comparison with the color composition of the population. In theory this color mismatch made a redistribution of pupils a possibility. The waiting list of the white school was forked into an individual registration, and a twinned registration – a combination of white and black pupils. At the moment of registration white parents who were accompanied by an allochton couple were given priority, which would result in a more mixed school population of the too white school.

The *Agreement* included a cap on school size to prevent that expanding white schools would attract white pupils from mixed schools. This *Agreement* had been almost three years in the making.

When *the Agreement* was signed, Amsterdam's Deputy for Education called this a historic moment.

The project failed before it even started. The white-black combos were criticized; instead combos of SES variations were proposed, as these would be more in tune with the latest academic results. The high correlation between these entries was deemed irrelevant, and the fact that SES would be more difficult to apply was ignored. Second thoughts sprung up about the political correctitude of the project: 'What's actually wrong with black schools?' Another complication was thrown in by questioning how to deal with brothers and sisters of those who are already at school? One of the initiators scornfully reported that the white Dutch elite idolizes Nelson Mandela, South Africa's anti-apartheid hero, while being persistent in placing their children in white schools, no apartheid questions asked.[Note: Pieter Hilhorst, *Apartheid*. In: *De Volkskrant*, 17 December 2008] The *Agreement* was shelved and the historic moment forgotten. The *Agreement* did not include any instrument to enforce the agreement. A well-positioned

initiative, which was highly publicized and backed by local authorities and school boards, came to naught because as it was lacking formal regulation to keep the parties on task.

Nijmegen, a medium size city, announced in February 2009 a new trial along somewhat different lines than the Amsterdam attempt. In order to pre-empt *white flight* from the inner city, children are obliged to enroll in neighborhood schools. On a preference list of 6 schools, parents may include schools outside the neighborhood. Only if a preferred school outside the neighborhood has vacancies, enrolment may be accorded. Parental preferences are played out against factors such as: the school of brothers-sisters, an equitable distribution of children from parents with little or no education, and a fixed enrolment number per school. Popular schools are not allowed to expand, as this would create a pull-away effect that blackens neighboring schools. Parental religion or political leanings are not factored in, nor a preferred educational platform. All parents receive a binding enrolment advice, which can be appealed and reconsidered by an administrative body. According to a municipal council member, the principle of Freedom of Education is fully respected, but 'full is full'. [Note: *Nijmegen zet het mes in witte en zwarte scholen. In: De Volkskrant, 11 February 2009*] Of course, others disagree. [Note: *Vrije schoolkeuze bevordert segregatie. In: De Volkskrant, 11 February 2009*]

Nijmegen's Deputy for Education expects that 95 % of the parental choice will be honored, that is one of the six schools on the preference list, which may not be exactly the first choice. The city and school boards are convinced that this project will hold out in court if challenged.

In Utrecht, one of the four big cities, parents and students opted for better schools outside the city of Utrecht, causing the inner city schools to deteriorate even further, and eventually to shut down. [Note: *"Dwang nodig bij schoolkeuze." In: De Volkskrant, 5 February 2009*] The problem was to stop the flight of the best segment of secondary education pupils, both autochthon and allochton, to schools in the surrounding municipalities. Provincial authorities pursued the city of Utrecht and the surrounding municipalities to come to an agreement on stopping this flight; to no avail. Utrecht's Deputy for Education complained to the Ministry of Education that school integration was sabotaged on several fronts: by schools, school boards, as well as parents. [Note: *Wethouder Utrecht: sommige scholen willen gewoon wit blijven. 'Integratie op school gesaboteerd'. In: De Volkskrant,*

29 September 2009] The Deputy argued that voluntary agreements with school boards in the surrounding municipalities had not stopped the grey flight out of Utrecht, and pushed for central government intervention to come up with enforceable regulation.

Parental goodwill is not lacking, but is mostly incidental or unsubstantial, on paper only. Some politically correct white parents do purposely send their children to *black* schools and try to convince neighbors and friends to do so as well. A poll in a neighborhood with an equal share of autochthon and *allochton* children indicated that over 90 % of the parents preferred two mixed schools over one white and one *black* school. Segregation is generally deemed bad, and desegregation as something that must be pursued, but it is not felt as a personal issue when one's own children are involved. Very few feel a personal motivation to actually pursue desegregation (Karsten, 2005). In addition, enlightened white Dutch politicians set a poor example by not sending their children to black schools if they can help it. Why would they, as nobody questions a parental choice that aims at the betterment of their children? A conspiracy of silence seems to prevail in media and politics that a politician's parental white choice has nothing to do with school segregation. Politicians and media-makers generally do not differ in their parental choice.[*Note: The media silence about the Obamas' private school choice for their children after they moved to Washington is a telling mark, especially when compared to the media frenzy about their choice of a White House puppy*] And some racially black parents at the high end of the social-economic status (SES) distribution have stated that school choice is a very complex personal matter, which means that they either regret their choice for a black school, or have chosen differently.[*Note: Personal statement of a black father, with a PhD, and his wife, a prominent Dutch politician*]

Good intentions are not enough as long as the political will to change course is lacking. Regulating school enrolment in order to attain a mixed school with regards to parental SES or children's origin is only at an experimental stage. Although the Netherlands government declared in 2007 to impose a school registration policy (*aanmeldingsbeleid*), nothing has come about as yet. Without formal regulation most initiatives to seal loopholes used by savvy and creative parents fall by the wayside (Karsten, 2005). Apart from a few pilots and goodwill experiments, desegregation runs into a pro-choice wall, built upon the constitutional Dutch *Freedom of Education* and paid for by the state. Thus Dutch

particularity is engraved in stone, one of the sacred cows of Dutch politics. A school board director stated that he would rather resign than initiate action to engineer a mixed school population (WRR, 2009, 251). Recommendations given to the Netherlands government on how to create mixed schools of various grades of (under-) achievers receive negative press. One editorial outlined how badly underachievers must feel when they were going to be mixed with high achievers.[Note: *Een gunst is geen recht*. In: *NRC Handelsblad*, editorial. 27 January 2009] Does it really feel so much better in a black school? In *Today's Youth. One Year in a Black Class*, Kees Beekman, a teacher, depicts in detail how stigmatized these *allochton* children feel; they feel worthless and no good because they attend a school for *Dummies* (Beekman, 2006).

Equal Rights, Integration and Diversity

The Netherlands' rather recent experience with black school segregation and the experimental efforts to do something about it, inevitably invites a comparison with the USA's long history of principled school segregation, and equally principled desegregation. While in the Netherlands *Freedom of Education* set out the course, in the USA the Civil Rights Movement took on school desegregation as a major challenge, culminating in a range of unending USA court battles over equal rights, states rights, racial integration and ethnic difference.

The *Civil Rights Movement* in the USA in the 1960s testifies to the strength of civic activism to pursue codification of rights that were once denied. At that time, people were killed while securing civil and voting rights for African-Americans: *Civil Rights Act* (1964 and 1965), and the *Voting Rights Act* (1968). A long and bitter fight over equal education rights culminated in a legal victory in 1954. In a now famous case, *Brown v. The Board of Education of Topeka* (1954) the separate but equal doctrine of the segregationists in the Southern States was overturned. The Supreme Court decided that separate black schools, even when offering quality equal to white schools, trampled upon the principle of equality. The Court ruled that it was unconstitutional to institutionalize education along color lines: 'The unmistakable promise of Brown was that primary education could and should coax children away from the racial and ethnic solidarities of their parents and supplement those affiliations with a sense of common citizenship that could, at least occasionally transcend racial differences' (Ford, 2008, 306). The Brown case inspired African-Americans in the Southern states to demand their rights as they never had before, without waiting for lawsuits: 'Black college students began

sitting in at drugstore lunch counters to demand service; Rosa Parks and countless others suffered hardship to protest the humiliation of being forced to sit in the back of the bus.' [Note: Anthony Lewis, *A New National Scripture. A literature professor analyses the origins and meanings of Martin Luther King's famous speech.* By: Eric J. Sundquist, *King's Dream*, Yale University Press. In: *The New York Times Book Review*, 18 January 2009]

And yet, however victorious this outcome had been, the fight over the black school had just begun. Since the Supreme Court's decision, everything imaginable has been undertaken, either to keep desegregation in place, or to undo it. The boundaries of school districts have been manipulated in order to keep schools white. Elsewhere, courts have ordered busing to transport black children to white schools. In the face of unrelenting obstruction to desegregation, the Black Power movement came to the conclusion that black parents' best choice was a black school for their children.

Notwithstanding fierce opposition and confusing choices, institutional discrimination is not allowed. Legal codification, court orders and activists have changed the tide. Thompson Ford proudly summarizes the achievements in fighting discrimination (Ford, 2008, 27):

Schools once accepted racial integration only under court order, the armed forces only under executive order, private enterprise only under congressional mandate. Now universities, the military, and private business combine forces to defend integration and race-conscious affirmative action. Officially sanctioned racist propaganda has been replaced by multicultural sensitivity training.

Yet affirmative action has followed a twisted trajectory in the USA. Over a period of years affirmative action served different goals and used a variety of vehicles, some of which have been declared illegal; it is a policy with a history that is loaded with contest. The American civil rights movement initially argued that affirmative action must achieve racial integration, setting quota aside for African-American students in order to attain a racially mixed school or university population. America's Ivy League elite universities embraced racial affirmative action for a mixture of reasons. On the one hand, it was driven by idealism: 'it would be better for this diverse country if there were a diverse elite.' On the other hand, minority recruitment of the white Ivy League universities was based on more practical considerations. In order to control such a diverse country as the USA 'it would be better to socialize the best and brightest of the minorities and

make them more like us.' [Note: Helene Cooper, *Meet the new elite, not like the old*. In: *The New York Times*, 26 July 2009]

Racial affirmative action caused many students, especially at primary and high school level, to travel larger distances than would have been the case when attending school in their white or black neighborhood. School busses and *busing* became iconic and contested emblems of this way of integration. Eventually the highest USA court did not agree with racial quota. The court ruled that such would violate the equal rights of others, the rights of white children. Student assignments based on race could no longer be used to keep public schools from re-segregation after finally having achieved a measure of integration. In the end a most familiar civil rights concept of integration as racial balancing was rejected. Chief Justice John Roberts recently summarized once more his rather uncomplicated opinion: 'The way to stop discrimination on the basis of race, is to stop discrimination on the basis of race.' [Note: Lida Greenhouse, *Two Stars, meeting across a Bible*. In: *The New York Times*, 18 January 2009]

This one liner does not acknowledge the perpetual character of established privilege, nor does it distinguish between the intentions behind race discrimination on one hand and *affirmative action* on the other. *Affirmative action* is designed to bring underrepresented minorities in, not to keep whites out. Diametrically opposite Justice Robert's view stands the observation that *You can only fight discrimination with discrimination*, arguing that the amount of injustice in the world cannot be totally solved or even alleviated but at best be redistributed (Wijnberg, 2006, 216-220). *Affirmative action* in the USA had to find another vehicle.

Thompson Ford analyzes in *The Race Card* how *affirmative action* meandered through the courts over the years. For *affirmative action* to be legal, a 'compelling interest' must be argued: 'This means that in practice, the legality of affirmative action depends on whether or not it's a good policy' (Ford, 2008, 248-249). Several arguments to build a case for affirmative action flourished, and subsequently foundered: (white) bias in grades and test scores; bigoted teachers; social discrimination; racial stratification; diversification of the nation's well-educated elite; and familiarity with underprivileged minority communities. Only one policy goal got an unambiguous thumbs-up from the Supreme Court: affirmative action that furthers the compelling interest in a 'diverse' student body. The court endorsed the right to select those students who will contribute the most

to the 'robust exchange of ideas': to *differ* and to *be different* became an educational asset. The rationale for *affirmative action* became the pedagogical benefits of diversity. Critics argued that racial and ethnic difference rather than racial integration became the orthodoxy of necessity; supporters of affirmative action now needed to shore up racial difference and diversity, which were once fringe positions taken by black nationalists and white supremacists (Ford, 2008, 251).

The Civil Rights Movement became a house divided. On the crest of the *diversity* creed, the drive for integration was turned upside down. *Integration* had failed to improve the education of black children, and *integration* had also manifested itself as whitewashing minority cultural norms and practices. Segregation and separation, which were once the marrow of civil rights activism, now gained legitimacy as a guardian of multiculturalism revisited that glorified the virtue of racial difference. Once forceful arguments are now contested: 'For every argument that racial justice demands integration, there is now a counter argument that it requires separatism [...]' (Ford, 2008, 305). Colleges and universities must now advance a questionable and convoluted justification for affirmative action - diversity - when the more sensible one - integration - is a better fit. Thompson Ford deplores that the strongest arguments for affirmative action have been ruled out by judicial fiat (Ford, 2008, 262-263). The different faces of *affirmative action* over the years are an indication of its political and judicial sensitivity: at first racial integration was the defining metaphor while now *diversity* and *difference* frame the compelling interest that legitimizes affirmative action. All along through its turbulent course, affirmative action in the USA exercised strong agency to combat school segregation.

Positive Discrimination and Affirmative Action

Positive discrimination has become a contested issue. Discrimination literally means recognizing or identifying a difference, or to pay attention to subtle differences and exercise judgment and taste. But the term has gained wide currency as unfair treatment, usually because of prejudice about race, ethnic group, age, religion, sexual preference or gender. In most countries discrimination is unconstitutional; it is against the law. How then can discrimination be positive? The term must be applied to measures that do not have the intention to discriminate but instead to affirm options of people who otherwise would not stand a chance. Positive discrimination allows one to have

precedence over another, not on the basis of merit, educational score or performance, but for other reasons. For instance, in order to prevent black-white school segregation, entry quotas have been imposed, which have given black children with lower school scores precedence over white children with an equal or higher score. The student with the higher score is 'discriminated' against to make room for the next best, or even the next-next best applicant. In America's equal rights parlance, the better scoring student's *equal rights* are violated. Much more than in the Netherlands, USA parents and school boards tend to go to court, one day to contest *segregation* by requiring positive *discrimination*, and the next day to protect the principle of equal rights against affirmative action programs. In the rubrics of positive discrimination and affirmative action an ever-progressing range of legal cases has clarified what is legally permissible, and what is not, when pursuing policies of school desegregation.

Positive discrimination and *affirmative action* are used interchangeably, but it makes sense to point out a difference. *Positive discrimination* confuses because of its suggestion that discrimination can be positive. Isn't that a contradiction in terms? It also confuses by implying that one's status has been earned at the expense of someone else. Quite a few oppose *positive discrimination* because it supposedly violates equal rights. When one is enlisted at a good school, the best university, or a top position with the help of positive discrimination, these entries have not been earned on the strength of merit and ability, but simply by having been given precedence. Though this is a gross simplification of a day-to-day reality that is replete with glaring inequalities, a bias of being *second-rate*, or not being as good is always in the air. In spite of *all born equal rhetoric*, people are not born equal, and after being born they are embedded in disparate settings. The social-economic status (SES) of parents, especially their educational level (Dronkers, 2007,14), determines to a large extent the chances their children have, starting from first grade to university, and subsequently in the careers that follow. Children from parents on the high end of the SES scale usually attend better schools, and do better at school, than students born to low SES parents. Ivy League parents tend to create Ivy League access for their children.

In reality, the Dutch *Freedom of Education* has become an advantage to children surrounded by social-economic privilege, and thus not available to everyone. Schools do not intentionally discriminate between students of different background, but it turns out that the school choice of parents firmly correlates

with where they come from. Parents who are well off themselves, especially in respect to education, insist on – and often succeed in putting their children in better schools. They know how to maneuver through the registration bureaucracy; they encourage their children to do better, and will step up their own or additional extra-mural efforts when necessary. Not all, but many True Dutch children come from the ‘lucky sperm club’ [Note: Michael Young, *The Rise of the Meritocracy*, 1957. In: *De Volkskrant*, 4 July 2009], and are better off when starting their school education compared to most allochton offspring.

Positive discrimination has been disqualified as giving precedence at the expense of others who are discriminated against. Many a critic emphasizes that positive discrimination is an infringement on the equality principle. For example, Paul Scheffer, an *integration* pundit in the Netherlands, underscores that this may cause conflict, violence, or even war (Scheffer, 2007, 423). He is prepared to make an exception for the black population in the USA because of their history of slavery and forced segregation, but warns against extending this way of thinking to immigrants who don’t need recompense for any historic wrong doing. Scheffer narrows the idea of positive discrimination to compensation for wrong doing at some stage in history, giving advantage to descendents of those who have been done wrong. But why does Scheffer exclude asylum seekers? And why exclude immigrants who have suffered from the Netherlands’ immigration policies of the *live and let live era*?

The party wings of the Netherlands’ ‘Young Socialists’ and ‘Young Liberals’ oppose *positive discrimination* of allochtons and women being recruited by the Police Force, which was recently prescribed by the Netherlands’ Interior Department.[Note: PvdA Nieuwsbrief 31 March 2008, *OPINIE Geen positieve discriminatie, Niet gebaat bij positieve discriminatie*] To bolster their opposition the usual arguments were aired: quality deficiency, substantiation of the second-rate level of the target groups, problems on the shop floor, and negative discrimination of capable men and autochthons. They suggest that quality control is blown out of the window with a pro-active recruitment procedure that intensifies the search among the target groups. They do not account for the negative effects that a *True Dutch* white-male dominated Police Force has in cities with a high degree of diversity, populated with groups of people from all corners of the world.

New York Police Department: Diversity matters

The ethnic diversity of the New York police that beats the streets correlates securely with the diversity of the millions who occupy these streets every day. The New York Police Department has never been so diverse, a result of quality control indeed. A majority of the cadets in the last rookie police class were members of ethnic and racial minorities, offering a rainbow cross-section of the city itself. Over all, 47.8 % of the city's officers are white, 28.7 % Hispanic, 17.9 % Black and 5.4 % Asian.³¹ This is not a matter of course, or Darwinian selection, but of creative design, aka affirmative action by New York City authorities who know that diversity matters in keeping order and peace.

Of course, there is resistance to this kind of affirmative action. An editorial in *De Groene Amsterdammer* on positive discrimination aired that first the mentality within the Netherlands' Police Force needed to be changed before regulation should be imposed. [Note: Margreet Fogteloo, *Blauwe Vrouwen*. In: *De Groene Amsterdammer*, 5 June 2009] How is this done? Precisely, by departmental regulation to intensify recruitment from these target-groups! [Note: Lammert de Jong, *Blauwe Vrouwen*. In: *De Groene Amsterdammer*, Letter to the Editor, 17 June 2009.] This is exactly what the women's Quota-Manifest in 2009 proposed, an initiative that sprang from the supposition that the rise of women to top positions required time and patience, just as was required all along. The Quota Manifest's signatories had lost their patience, and pushed for legally backed quotas to increase the number of women in public and private top-positions. [Note: 'Geen zeurkous, ze steekt haar nek uit.' In: *De Volkskrant*, 20 October 2009]

Affirmative action to attain a desired order, at school or university, nation-wide or social-economic, or even international, is an alternative to *positive discrimination*. *Affirmative action* aims to include those who otherwise would not stand a chance; *affirmative action* aims at building bridges between diverse populations. These actions are legitimized by farther reaching political goals, such as having more people participating in the national economic commonwealth; or to widen the recruitment reservoir of talent to be tapped; or to bring apartheid to an end. Where Scheffer's *positive discrimination* is limited to recompense for wrongs done to the African-American or American Indian population, *affirmative action* is a more productive concept because it aims further than compensation to particular groups. Affirmative action is concerned about the disorder of racial segregation, or of a class-riddled society; or the imbalance between disparate regions; the *divide* between rich and poor countries; or the diversity of the nation.

Affirmative action basically aims at correcting the damage done to the nation – and the world for that matter – by gross inequality. In the USA *affirmative action* was always meant to be a temporary remedy. Some argue that the policy should be based on ‘the situation on the ground,’ rather on some arbitrary timeline: ‘... reasonable people may disagree how much remedy is enough, and how much is too much but ... no reasonable person can look at our society’s disparities in income, employment, education and incarceration rates and argue that the job is done.’ [Note: David Berman, New York, July 20, 2009. In: *The New York Times*, July 26, 2009] Another commentator adds: ‘I too hope that affirmative action will, at some point in the future, not be needed. However, it is not *affirmative action* that corrupts and condescends and corrodes, but rather a society in which unequal educational and economic opportunities are provided to some of its citizens because of the color of their skin. *Affirmative action* is a necessary corrective for our imperfect society.’ [Note: Cathleen Barnhart, White Plains, July 20, 2009. In: *The New York Times*, July 26, 2009] Affirmative action is testimony to the belief that the state must level the playing field. [Note: Josef Joffe, *The Worst of the West. Reviewing Tony Judt’s ‘Ill Fares the Land’*. In: *The New York Times Book Review*, 2 May 2010]

Much government policy, especially in so-called welfare states, can be measured as affirmative action: subsidies for a more expansive family re-production, or producing *affirmative action babies* [Note: *These subsidies produce affirmative action babies in the truest sense of the word. See also Stephen L. Carter, Reflections of an Affirmative-Action Baby. Basic Books, 1991*]; extra development funds for backward regions (European Structural Fund); preferential tariffs for elderly and disabled people; or facilities for enterprising initiatives of economic starters.

These programs and funds serve a purpose and intentionally target regional areas or specific groups of people. Under most fiscal regimens, taxpayers are not treated equally, but are treated according to income and wealth instead, in order to finance – among other things – welfare state policies. In the USA this redistribution of wealth is perceived as coming dangerously close to socialism, or even communism, while in the Netherlands a wide consensus endorses the Dutch welfare state as a telling expression of social solidarity.

Government practice is to make policy choices that often have disparate impacts on different (groups of) people. The intention of these policies *to make a*

difference is totally different from discrimination as unfair treatment rooted in prejudice with regard to race, sex, origin or other wicked inclinations (Scheffer, 2007, 423). [Note: Scheffer misses this point when he equates 'negative' discrimination with 'positive' discrimination]

Therefore positive discrimination does not fit as concept; this term can better be ditched as a contradiction in terms, and exchanged for affirmative action defined as political engineering to attain specific societal goals, not only in the realm of undoing historic wrongs but also with regard to today's mundane government affairs. *Affirmative action* is essentially in the interest of good governance; it is regular government business to keep the nation together, or to elevate the underclass, or to regulate immigration. 'In a sense, all law is social engineering' (Ford, 2008, 226). *Affirmative action* is designed to enroll children of non-western immigrants and disadvantaged whites in good schools; this action is not designed to keep advantaged pupils or advantaged colors out (Ford, 2008, 260). And in the case of the Netherlands' job market, affirmative action must help law study graduates of non-western origin to find a place in the law firms and professions, and so combat discrimination (Schuyt, 2009, 132-133).

Eyes Wide Shut

'Relax, it will happen' concludes Frans Verhagen in *'The American Way': do not accelerate an immigrant's advancement in the Netherlands by assistance and positive discrimination; that's counterproductive* (Verhagen, 2006, 244; Translation mine). Does this mean that the slippery palisades surrounding Dutch school segregation must be left untouched? Has the Dutch disposition to immigrants nothing to want for? Is there no ethnic discrimination to fight? Weariness rather than activism prevails these days with regards to the *black* school. Even among activists a fighting spirit is absent and political leadership to tackle the Dutch black school is limited to secondary adjustments. Some Dutch integrationists argue that ethnic discrimination is a matter of mentality that must be changed, not by laws but primarily by instilling the awareness that discrimination is wrong. Instead of regulation, everybody must come to an agreement that ethnic discrimination is immoral, and must be made aware that it is against the nation's self-interest as scarce talent may be lost in the process (Scheffer, 2008, 424).

How do we arrive at this agreement? Voluntary initiatives, *binding* agreements and lots of goodwill have not substantially changed the segregated school scene; mainly because white parents do not want to risk what they believe to be in their

child's best interest. Only one out of six parents and just a quarter of all citizens are willing to consider a next best choice if that would challenge the formation of black schools. The majority does not feel motivated to jump the color line. They are insensitive to arguments of a possible white school bias, which overestimates the quality of the white school, neither are they concerned about the apartheid and out-of-touch white schools in otherwise predominantly multiethnic cities (Aboutaleb, 2005, 133). An *Eyes Wide Shut* attitude negates the effects of school and neighborhood segregation on generations of Dutch children. Against better wisdom!

In 2007 the Scientific Council for Government Policy pointed to *school* and *work* as essential vehicles in the process of an immigrant's identification with the Dutch nation, while criticizing school segregation. The Council observed that school segregation was increasing in terms of *black* schools as well as too *black* schools. [Note: In the period 1985-2000 the share of 'black' primary schools (with more than 70% pupils of non-western families with low education) rose from 15 to 35 % in the 4 big cities in the Netherlands. In 2002 of all the primary schools 33% were 'too white' or 'too black.'] Reviewing the actions to fight this segregation, the Council concluded that such depended to a large extent on local activists (parents, schools, boards, municipalities) who must navigate the rigidity of the constitutional *Freedom of Education*, and the sanctity of parental school choice (WRR, 2007, 119-125). The Council recommended that Dutch parliament legalize a *Connection Through Education* (Verbinden) principle that would assign school authorities the obligation to pursue a policy of connecting disparate groups. This would provide a legal basis for school desegregation projects and experiments (WRR, 2007, 205). However laudable in its intention, this recommendation was too general to stand a chance to be implemented.

Legalizing a *Connection Through Education* principle was presented as a *must* without a persuasive reconnaissance of its practicalities or an implementation strategy. Being well aware of the problem of school segregation as well as the sanctity of parental choice, the Council made a perfunctory gesture.

In its reaction, the Netherlands' government merely took note of the Council's recommendation; and left it there. Government took a benign stand and declared that everybody should have access to high quality education, which should not depend upon the composition of the school. Government saw no need to amend the constitutional *Freedom of Education* and emphasized that investment in

school quality must have priority, as well as combating residential segregation. Government expressed its unwavering support for school desegregation pilots (Government Paper, 2008, 13-14). By failing to be more specific, the Council missed an opportunity to elevate the Dutch black school to the top of the *integration* agenda.

School *segregation* in the Netherlands carves out multiple negative distinctions. First, an immigrant's ethnic group distinction is invalidated by the conception of the *allochton*, denying immigrants the advantage of a hyphenated identity. They are marked *not-Dutch*, while in the same breath their origin is obscured; as *allochton* they are in limbo. Furthermore, the schools their children attend are labeled black schools. This makes Dutch black school segregation essentially different from ethnic school segregation in the USA. In New York, Chinatown in Manhattan, around Avenue A in Brooklyn and in Flushing, Queens, Chinese-American schools abound as a reflection of the Chinese-American neighborhood population. This hyphenated identity does not negate American citizenship; on the contrary, it adds an interesting twist to the roots of these American parents and their American children. Obviously a Chinese-American school testifies to ethnic school segregation, but this school is not painted black nor considered a school for *Dummies*. On the other hand, black schools in Harlem, Manhattan, or Brooklyn, New York, carry a real history of institutionalized racism. White schools were once *Terra Prohibita* for Negroes, as African-Americans were called those days. They had to attend separate black schools, until 1954 when the Supreme Court ruled that even if these black schools were equal to white schools, this separation was against the law, which eventually inspired a powerful movement for change, though with limited results.

The Netherlands' black school is an expression of how the Dutch position non-western immigrants. The nomenclature of the Dutch integration discourse reveals a curious contradiction in terms. An immigrant's introduction to Holland is marked with segregationist road signs. As soon as non-western immigrants enter the Netherlands they become *allochtons*. They and their children carry this label for the remainder of their life, *undutchable* (White, 2006) as it were. When these children attend a school that is populated with other immigrant children of non-western origin, they find themselves in a Dutch *black* school, to be distinguished from a white school, which adds a connotation of the racist history of white over black. When income rises, *allochton* parents attempt to get away from the black

school, just as autochthon parents have done all along. According to the lingua franca of educational platforms the black school eventually becomes a cesspit (*afvalputje*) with ever more children from underclass families only – in other words, a school for *Dummies*.

The Dutch black school is not a myth; on the contrary, it is a stark expression of *They are not Us*.