

The Poisonous Cocktail of Race, Religion and Migration in Dutch Society

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ABSTRACT

In this article, the author argues that the varied and often confusing terminology of Muslim discrimination, anti-Muslim racism, Islamophobia, and the like, is the result of two related issues. On the one hand, national contexts, with their specific history, legal terminology, culture, and social and economic developments, are decisive in what terminology (racism, discrimination, phobia) is pertinent in a particular society. On the other hand, practical and disciplinary differences in the approach to these issues also appear to shape the choices in terminology. Based on the case of The Netherlands, the author shows the interplay of these two issues. The successive and societal and political developments regarding the immigration of Muslims have shaped a Dutch-specific terminology that, in turn, influences the treatment of Dutch Muslims (including various types of discrimination and bigotry), as well as the discussions on combatting that bigotry.

I. INTRODUCTION

During a meeting in 2025 with scholars gathered from all over Europe—with the intention to come to a single definition of what was alternately being called Muslim discrimination, Muslim hatred, Islamophobia, Muslim racism, and the like—two issues became apparent to me. The first was the dichotomy between sociological and legal discourses: sociologists have a distinct preference for the use of the term 'racism', while jurists are resolutely inclined towards 'discrimination.'

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The reason for this disparity, I surmise, is the difference in disciplinary vantage points. Social scientists try to understand how social processes work, including the underlying historical and psychological mechanisms. Jurists, on the other hand, are less interested in these processes and mechanisms but focus on their behavioral outcomes. For example, people may have prejudices about Islam and racist attitudes towards certain people, but it is only when these views are put into action through expression or behavior that a jurist comes into action.

Moreover, the jurist maintains the premise that people have the freedom to entertain weird, fantastic, racist or other ideas that deviate from the socially acceptable norm, and that action is only to be undertaken when these ideas are voiced or put in practice in such a manner that it is harmful to others. The activist sociologist, on the other hand, wants to address the root causes of such behavior.

The second observation I made during that meeting was that the preferences among the participants for certain terminology was often embedded in the national context of their countries of residence. In The Netherlands, for instance, the term 'discrimination' is common in both the legal and policy domains, as opposed to some other European countries where racism is becoming the more used term. The *Islamophobia Studies Journal* launched in 2012 in Berkeley, provides an American perspective, defining Islamophobia as the targeting of Muslims, Arabs and Palestinians' and discusses this exclusively in the context of American politics.¹

In this article I want to explore how national context contributes to these preferences. Rather than conducting a principled discussion about whether 'Muslim racism' is a misnomer² or the best way to

¹ "Q&A with Hatem Bazian," *Othering & Belonging Institute*, <https://belonging.berkeley.edu/islamophobia/qa-hatem-bazian>.

² Caner K. Dagli, "Muslims are not a Race," *Renovatio*, February 6, 2020, <https://renovatio.zaytuna.edu/article/muslims-are-not-a-race>.

address a new sociological development,³ I want to make this a more evidence-based discussion. That is not an easy task: each national context is an amalgamation of history, international and local politics, legal terminology, culture, and social and economic developments. Still, the following endeavor to describe this context in the case of my home country, The Netherlands, shows that it is possible. More so, it showed *me* that my initial preference for the term 'Muslim discrimination' and aversion to the term 'Muslim racism' (I am at heart a jurist) fell short to comprehend the intricacies of the Dutch situation.

In the following I will discuss four themes that consecutively - each theme emerged with a phase in time - have accumulated into the way that today's Dutch society deals with Islam and Muslims: migration, religion, security and discrimination. In doing so we will come across several institutions and situations that are unique to the Netherlands and that have shaped the views and treatment of Dutch society and politics vis-a-vis Muslims and Islam. By the end of the article, I will make a suggestion for the terminology that I think is most fitting for those views and treatment. As said, the national particularities need to be considered, because every country has its own history as well as cultural, legal, political and social structures.

Although this is true, I would argue that the negative views of Islam and Muslims - and to a certain extent also their treatment - as observed in the Dutch context are similar to most other European countries (I do not dare make that assertion for the American situation as I think that to be distinctly different from Europe).

II. FIRST THEME: MIGRATION

The Netherlands is not a stranger to immigration. During the so-called 'Golden Age' of the 17th century, a

³ Cyra Akila Choudhury, "Racecraft and Identity in the Emergence of Islam as a Race," *University of Cincinnati Law Review* 91, no. 1(2022): 1, <https://scholarship.law.uc.edu/uclr/vol91/iss1/1>.

total of nearly 1 million people from all over Europe flocked to the affluent coastal provinces of the Dutch Republic: Jews from Portugal, Huguenots from France, economic refugees from Germany and Denmark, businessmen from Scandinavia and Poland. In the late nineteenth and early twentieth century, the Netherlands was an economic magnet for Germans, causing alarm among the Dutch for the Germanization of Dutch culture. During the First World War, when the Netherlands maintained neutrality, 1 million Belgians sought refuge there.

While these migrants have, at times, caused social friction in Dutch society, the frictions experienced with migrants today seems to be of a different and more disconcerting nature. I contend that this has to do with two characteristics of today's migrants that are different from all the centuries of migration before: race and religion or, to be more specific, people of color, and Islam, as will be elaborated below.

These migrants arrived in four phases: first from the former colony Indonesia after its independence in 1949, then through labor recruitment in Morocco and Turkey during the 1960s, followed by the influx of people from the other former colony Surinam after its independence in 1975, and then, since the 1980s, with family reunification and intermittent arrivals of asylum seekers.⁴

The approximately 300 thousand immigrants from Indonesia who arrived in the early 1950s were mostly of mixed Indonesian-Dutch descent, and therefore mostly Christian and Dutch-cultured, all qualities that ostensibly eased their integration into Dutch society. It was only in the late 1950s, when the Netherlands was in desperate need of workers (mainly because an estimated 350-400 thousand Dutch people— of a population of 10 million people— had emigrated abroad during the early 1950s), that Dutch companies started to actively replenish their working force by recruiting them from abroad. First in Spain, Portugal,

⁴ Ben Koolen, "Integratie en religie. Godsdienst en levensovertuiging in het integratiebeleid etnische minderheden," *Tijdschrift voor Religie, Recht en Beleid*, no. 1 (2010): 5-26. <https://search.worldcat.org/title/776040204>.

and Italy, but in the 1960s, a total of approximately 100 thousand so-called 'guestworkers' were brought in from Turkey and Morocco.⁵ During the late 1970s, these young men had their wives and young families come over from Turkey and Morocco.

Whereas these men had until then lived inobtrusive lives as bachelors, often crammed together in cheap housing for the purpose of saving money, the formation of families changed that.⁶ Now there were children who had to go to school and sports clubs, wives who needed to see a doctor, landlords and neighbors to engage with, and administrative issues and paperwork that needed to be handled. From the 1980s onwards, Dutch society was confronted with residents who were of a distinctly different background.

When Surinam, another former Dutch colony, gained independence in 1975, approximately 300 thousand Surinamese (many of whom were Muslim, but known as 'Hindustani' because of their Indian origin) made use of their right to emigrate to the Netherlands. This was the moment that the Dutch government, for the first time, decided that the relatively large number of non-native Dutch necessitated a tailor-made policy. In 1983, it issued the Minority Memorandum that aimed for a society "in which members of minority groups residing in the Netherlands have, individually and as a community, an equal place and full opportunities for development".⁷

The aims of this policy were ambivalent: it was focused on the integration of these people in Dutch society, but with regard to Moroccans and Turks who had been recruited as 'guest workers', the assumption was that they would ultimately want to return. To that purpose, it was considered a matter of human rights that they retained their own religion, language, and

⁵ Jan Lucassen and Rinus Penninx, *Nieuwkomers, nakomelingen, Nederlanders: immigranten in Nederland 1550-1993* (Amsterdam: Meulenhoff, 1985).

⁶ Nadia Bouras, *Het Land van Herkomst, Perspectieven op verbondenheid met Marokko, 1960-2010* (Hilversum: Uitgeverij Verloren, 2012).

⁷ Kamerstukken II 1982/83, 16 102, no. 20–21 (Netherlands).

culture so that they would neatly fit back into their country of origin once they returned. This resulted in a special program called 'Education in their own Language and Culture' whereby Turkish and Moroccan children at school had timeslots for this type of education⁸ (quite telling was the assumption that Moroccans speak Arabic. As a result, Arabic classes were provided although the overall majority of Moroccans in the Netherlands did not speak Arabic but Amazigh).

A. Religion and Ethnicity

In this governmental policy, religion did not play a role, although some policy makers suggested to financially assist the establishment of Islamic organizations so that they could facilitate the integration of the Muslim guestworkers in Dutch societies, just as the Catholic Church had done with the guest workers from Spain, Portugal, and Italy.⁹ These calls went unheeded, however, because such governmental intervention was considered a violation of the separation of church and state.¹⁰

Also, religion seemed not to be much of an issue at the time; firstly, because the guestworkers of the 1960s and 1970s were not so religious themselves and, secondly, if they were, a prayer room or even a mosque could easily be accommodated in inconspicuous places (a garage, unused office space, and the like).¹¹ The religious aspect would only become important from the 1990s onwards, as we will see in the next paragraph.

What did start to shift, however, was the naming of these new residents in Dutch society. Until the early 1990s, they were addressed in accordance with their nationality: 'Surinamese', 'Turks', 'Moroccans'. Only when it became apparent in the

⁸ Maurits Berger, "The Netherlands," in *Oxford Handbook of European Islam*, ed. J. Cesari (Oxford University Press, 2014), 163.

⁹ Ben Koolen, "Integratie en religie: Godsdienst en levensovertuiging in het integratiebeleid etnische minderheden," *Tijdschrift voor Religie, Recht en Beleid* 5 (2010), 6.

¹⁰ Koolen, "Integratie en religie": 12-13.

¹¹ Nico Landman, *Van Mat tot Minaret: De institutionalisering van de Islam in Nederland* (Amsterdam: VBU Uitgeverij, 1992).

1980s that there were ethnic differences, names like 'Kurds' and 'Berber' (an incorrect term for 'Amazigh') were also used. Later, the notion of guestworkers identified on the basis of nationality was gradually replaced by governmental and social terminology of 'ethnic minorities'.¹² These minorities were said to consist of 'allochthones', a notion coined in 1971 that defined a person with at least one parent who was born abroad.¹³ The introduction of this term in formal government idiom was intended to provide 'neutral' terminology, but it quickly acquired racial overtones by the (also official, government-endorsed) distinction between 'Western' and 'non-Western' allochthones. As a result, the term 'allochthone' in daily parlance was quickly used to mean people of color (except those from Indonesia: these were officially categorized as 'Western' allochthones).¹⁴

In the two decades following the 1990s, two developments in terms of migration took place simultaneously. Small contingents - but each with relative substantive numbers - of refugees from war-torn countries entered The Netherlands, most of whom were Muslim: Iranians, Afghans, Bosnians, Somalians, Syrians. At the same time, the second generation of Moroccans, Turks, and Surinamese born and raised in The Netherlands had established themselves as full-fledged citizens, and the parents of the upcoming third generation of Dutch Muslims.

These developments had an impact on the naming practices in The Netherlands. The identity marker on the basis of nationality was gradually replaced by the use of the name 'Muslim'. Dutch non-Muslims did so, and often in a pejorative way, but Muslims also used that name, albeit in combination with defiance, pride, and newly found identity ('Muslim' was a suitable alternative to 'Moroccan' or

¹² The self-identification as Amazigh only became part of Dutch parlance in the 2000s.

¹³ Hilda Verwey-Jonker, *Allochtonen in Nederland* (Den Haag: Staatsuitgeverij, 1971).

¹⁴ This definition was provided by the Central Bureau for Statistics, but is not available anymore online since the 2016 definition change (see below).

'Dutch' as this young generation identified with neither).¹⁵

From the 2010s onward, the racial and discriminatory connotation of the term 'allochthone' created an increasing discontent. Suggestions were made to speak of 'new Dutchmen' or 'Dutchmen' with an adjective denoting the country of origin (like Afghan Dutch, Moroccan Dutch). In 2016, the term 'allochthone' was officially replaced with 'person of migrant background' (as opposed to 'person of Dutch background').¹⁶ This did not change much, however: the (non-Western) 'allochthone' had now become the (non-Western) 'migrant',¹⁷ so that the emphasis was still on the not-from-here characteristics and non-Dutch qualities of that person.

According to the latest survey of 2022, the number of Muslims in The Netherlands had risen to 6 percent of the entire Dutch population.¹⁸ Of these Muslims, an estimated 800 thousand people were of Moroccan and Turkish origin, making up 5 percent of the population. The remaining 1 percent consists mostly of Surinamese, Afghans, Somalians and Syrians.¹⁹

¹⁵ Martijn de Koning, *Zoeken naar een zuivere islam. Geloofsbeleving en identiteitsvorming van jonge Marokkaans-Nederlandse moslims* (Amsterdam: Uitgeverij Bakker, 2008).

¹⁶ Masja de Ree, "Termen allochtoon en autochtoon herzien," *Centraal Bureau voor de Statistiek*, October 25, 2016, <https://www.cbs.nl/nl-nl/corporate/2016/43/termen-allochtoon-en-autochtoon-herzien>.

¹⁷ "Wat is het verschil tussen een westerse en niet-westerse allochtoon," *Centraal Bureau voor de Statistiek*, n.d., <https://www.cbs.nl/nl-nl/faq/specifiek/wat-is-het-verschil-tussen-een-westerse-en-niet-westerse-allochtoon->. The Central Bureau for Statistics emphasizes this on its website.

¹⁸ "Daling aandeel mensen dat aangeeft bij religie te horen stagneert," *Centraal Bureau voor de Statistiek*, April 18, 2025, <https://www.cbs.nl/nl-nl/nieuws/2025/16/daling-aandeel-mensen-dat-aangeeft-bij-religie-te-horen-stagneer>.

¹⁹ "Bevolking naar migratieachtergrond," *Centraal Bureau voor de Statistiek*, November 21, 2016, <https://www.cbs.nl/nl-nl/achtergrond/2016/47/bevolking-naar-migratieachtergrond>. Calculated by the author based on the latest statistics of Dutch Muslims' origins by the Centraal Bureau voor de Statistiek.

III. SECOND THEME: RELIGION

During the 1980s and early 1990s, voices of discontent about 'migrants' in the Netherlands were quickly and decidedly suppressed by politicians, public intellectuals and judges as 'racist' and 'discriminatory'.²⁰ In the later 1990s, however, the discontent took a different turn by focusing exclusively on Islam. This so-called 'Islam debate' was caused by the increasing visibility of Islam in the Netherlands.

The second generation of Dutch people of Turkish and Moroccan origin had become more religious than their parents.²¹ The exact reasons for this development are still debated among academics but the results became manifest in the public domain: Dutch society was increasingly confronted with 'Islamic' dress codes (headscarves, robes), behavior (no shaking of hands, no drinks after work), and other expressions of being Muslim. Whereas the Netherlands had only one purpose-built mosque since 1953, it had in 2018 an estimated 450 mosques, of which almost 100 are purpose-built (that is, newly built, mostly free-standing, with minarets).²²

The interaction between Dutch society and the public manifestation of Islam is what prompted the 'Islam debate'. It was initiated by several politicians and public intellectuals who were very critical of Islam as a value system and who argued that these values were contrary to those of Dutch (and Western) societies. This 'debate' singled out the Muslims from the 'non-Western allochthones' and put them in the spotlight as the cause of what was considered a failing integration policy. At the same time, an artificial distinction was made between 'Muslims' and 'Islam': "I

²⁰ HR 6 May 2003, NJ 2003, ECLI:NL:HR:2003:AF7895. One politician, Mr. Janmaat, was convicted in 1997 for inciting discrimination and racial hatred by using the phrases 'Full is Full' and "Our Own People First." This ruling was confirmed by the Dutch Supreme Court.

²¹ Willem Huijnk, "De religieuze beleving van moslims in Nederland. Diversiteit en verandering in beeld," *Religie & Samenleving* 1 (2019).

²² Ewoud Butter, "De islamisering van Nederland. De feiten," Jan. 19, 2018, republiekallochtonie.nl.

have nothing against Muslims, my problem is with Islam" was a well-known catchphrase among the critics.

A. The Issue of Collective Memory

Why this focus on Islam? And why the persistent emphasis on the prophet Mohammed, the position of women, and Islam's alleged disapproval of democracy, the rule of law, and the separation of church and state? These tropes were raised time and again as self-evident truths, and Muslims saw little chance to counter that narrative, mostly because they were hardly listened to in the first place, or their arguments were considered false and apologetic. That brings up the next question: what explains these self-evident 'truths' about Islam that the Dutch critics so easily spread?

An in-depth analysis of European perceptions of Islam through the centuries²³ has brought me to the conclusion that this phenomenon of persistent and fixed ideas about Islam is the result of century-old imagery that is lodged in European collective memory.²⁴ Moreover, these perceptions of Islam are not the result of what I call 'physical Islam' (that is, the physical interactions of Europeans *with* Muslims and Islam by war, diplomacy, or trade), but the result of 'virtual Islam' (that is, the imagery and learning by European *about* Muslims and Islam).²⁵ Until the

²³ Maurits S. Berger, *A Brief History of Islam in Europe. Thirteen Centuries of Creed, Conflict and Coexistence* (Leiden: Leiden University Press, 2014).

²⁴ 'Collective memory' is a notion that still raises controversies among historians, but I find it a very suitable concept in the case of Islam in Europe. For this I made use of Jan Assman, 'Collective Memory and Cultural Identity' in *Kultur und Gedachtnis*, eds. Jan Assman and Tonio Hölscher (Frankfurt/Main: Suhrkamp, 1988), 9–19; Alon Confino, "Collective Memory and Cultural History: Problems of Method", *The American Historical Review* 5 (1997): 1386–1403; Tony Judt, "The Past is Another Country: Myth and Memory in Postwar Europe," *Daedalus* 4 (1992): 83–118.

²⁵ Maurits S. Berger, "The Third Wave: Islamization of Europe, or Europeanization of Islam?," *Journal of Muslims in Europe* 2 (2013): 115–136.

twentieth century, Western and Northern Europeans had hardly ever met any Muslims.

That was the exclusive experience of southern Europeans, albeit for certain periods of time: Muslims lived in Spain for nearly 800 years until they were expelled between 1499 CE, and in Sicily for 400 years until they were also expelled between 1230 and 1250 CE. Longer coexistence with Muslim minorities has therefore been the experience only of Southeast Europe and Poland with the Baltic states (since the fourteenth century CE). Granted, some European states had overseas colonies with large Muslim populations (Great Britain in British India that encompassed today's Pakistan, India, and Bangladesh, and The Netherlands in Indonesia), but the presence of Muslims as co-workers and neighbors was an entirely new phenomenon in Western and Northern European countries that arose only from the 1950s onwards. There, these Muslims encountered a rich imagery about Islam and Muslims embedded in the European collective mind that can be traced back to the Middle Ages.²⁶ Four of those images are illustrative: the prophet, the Quran, the position of Muslim women, and Islam as an aggressive religion.

The prophet is one of the main targets of today's criticism of Islam, and this criticism can be traced back to the early European Middle Ages, where Muhammad was seen as a conjurer and trickster who had led people astray.²⁷ A popular idea at that time was that Muhammad was actually a Christian missionary who had founded his own sect, an image that is echoed in Dante's *Inferno*, where Muhammad is classified among the 'Schismatics' (those who split from Christianity).²⁸ The next target of Islam today is the Quran. Here,

²⁶ David Blanks & Michael Frassetto, *Western views of Islam in medieval and early modern Europe: perceptions of the other* (Basingstroke: Macmillan, 1999); Norman Daniel, *Islam and the West: The Making of an Image* (Edinburgh University Press, 1960); John Tolan, *Saracens: Islam and the Medieval European Imagination* (Columbia University Press, 2002); John Tolan, *Sons of Ishmael: Muslims through European Eyes in the Middle Ages* (Cambridge: MA, Harvard University Press, 2008).

²⁷ Daniel, *Islam and the West*, 27-39

²⁸ Dante Alighieri, *Inferno*, 1320 (multiple translations).

also, we can trace fierce Qur'an criticism to the Middle Ages: when the Quran was first translated into Latin in 1143, it was not to understand Islam, but to demonstrate its falseness.²⁹

This began the tradition of Islam criticism that pretended to be rational and objective, but always maintained the premise that Islam is a false and reprehensible religion³⁰ - a tradition that is continued until today. The third target of criticism of Islam was the obsession with the position of Muslim women. Medieval Christians already upheld the image of the Muslim woman who was being oppressed,³¹ and the idea of the Muslim woman who needs saving still resonates very strongly in today's discussions.³²

Finally, there is the image of Islam as a religion that incites aggression and conflict and is aimed at conquest. An expression of the latter is the often-used allusions to an "advancing Islam."³³ The justification for this image is the rapid conquest of what would become a large Islamic Empire, but what is often overlooked is that this empire was established through wars of conquest, not wars of conversion: in the Islamic empire, Muslims were the rulers, but constituted for a long time a minority.³⁴ Later, the conquest of Spain (711-713 CE) by the Arabs and of the Balkans (from the fourteenth century onwards) by the Ottomans would determine the European perception of Islamic aggression, with the underlying fear that the Muslims

²⁹ In the words of the translator of the first Quran translation, Peter the Venerable: "I do not fight you with weapons, as others do, but with words." James Kritzeck, *Peter the Venerable and Islam* (Princeton University Press, 1964), 161.

³⁰ Daniel, *Islam and the West*, 35-37; Tolan, *Sons of Ishmael*, 277.

³¹ Daniel, *Islam and the West*, 135-152.

³² Lila Abu-Lughod, *Do Muslim Women Need Saving?* (Cambridge, MA: Harvard University Press, 2013).

³³ The latest of many examples is the leader of the Dutch orthodox Christian party SGP remarking: "I often walk through the [Muslim neighborhood] Schilderswijk; all the shops are decorated with Arabic text. That is Islam advancing. And so we Dutch no longer feel like we can maintain our traditional Dutch culture." (interview in *NRC Handelsblad*, September 23, 2025).

³⁴ Richard W. Bulliet, *Conversion to Islam in the Medieval Period: An Essay in Quantitative History* (Cambridge, MA: Harvard University Press, 1979); Youssef Courbage & Phillippe Fargues, *Christians and Jews Under Islam* (London: Tauris, 1997).

were bent on conquering and converting all of Europe. This fear is factually and historically without ground, but it would nevertheless continue to feed the European collective memory, as evidenced by the term 'third wave' used since the late 1990s to refer to migrants of Islamic background (where the 'first wave' indicated the conquest of Spain and the 'second wave' the conquest of the Balkans).³⁵

These four tropes of Islam criticism —the prophet, the Quran, Muslim women, and aggression— are so strong and persistent that they dominate the public and political discourse. Any nuance, correction, or alternative view falters under the weight of what is presented as a self-evident truth. With the identification of Muslims with Islam, Islam's alleged falsehood, oppression of women, and aversion to democracy, the rule of law, and the separation of church and state are not mere crazes of a religion, but are considered inert, almost genetic characteristics of any Muslim.

B. The Issue of Values

Migration was increasingly discussed in terms of integration: policies were developed to make the migrants fit into Dutch society. However, due to the 'Islam debate', the notion of integration underwent a fundamental change. Whereas the indicators for a successful integration were, until the late 1990s, expressed in social and economic terms (non-Western allochthones had to be able to get good education and jobs and know their way in Dutch society), these conditions from the late 1990s onwards shifted towards values: non-Western allochthones had to subscribe to and live in accordance with Dutch values. This shift can be illustrated by the 2004 parliamentary inquiry into integration of non-Western allochthones in the Netherlands.

The conclusions presented by the parliamentary commission were quite positive: "the integration of

³⁵ Maurits S. Berger, "The Third Wave: Islamization of Europe, or Europeanization of Islam?," *Journal of Muslims in Europe* 2 (2013).

many immigrants [has] been fully or partially successful and that is a major achievement, both for the immigrant citizens concerned and for the society receiving them".³⁶ This assessment, however, was fiercely criticized by many politicians, the media, and the public. According to them, the integration of non-Western migrants, particularly Muslims, had failed.³⁷ This verdict was to dominate the public and political debate in the following years. Had the parliamentary commission made the wrong observation? No, but it had evaluated integration on its social and economic merits, while the new trend was to do so on the basis of Dutch values. But if Dutch (or Western) values are the measuring stick of integration, what, then, are these values? In the ensuing discussions from the late 1990s onwards, we can discern two responses to this pertinent question, which I call the political-legal and cultural-religious response.³⁸

The political-legal response holds that Dutch (or Western) values are those enshrined in laws, constitutions, and international treaties. These are values like the rule of law, equality, freedom, and democracy. These values are clearly outlined and described. The cultural-religious response, on the other hand, holds that Dutch (or Western) values are embedded in customs and traditions. These values are nowhere defined or clarified, however, other than in the general description, 'that is how we do things around here.' These values are an intricate mixture of culture (social interaction, collective memory, historical sensitivities) and religion (national celebrations, Dutch do's and don'ts regarding religion), interwoven by a host of unspoken rules. For an increasing number of people and politicians, these values are based on a 'Judeo-Christian culture' (or: civilization). An interesting characteristic of this

³⁶ Commissie Blok, *Onderzoek Integratiebeleid* (Kamerstukken II 2003/04, No. 28689).

³⁷ Maurits S. Berger, "The Year 2004: Historiographical Issues Concerning Islam in The Netherlands," *Journal of Muslims in Europe* 12 (2023): 303–324.

³⁸ Maurits S. Berger, "The Third Wave," 115–136.

notion is that it was void of any religious connotation,³⁹ and used in a secular, cultural, and historical sense.⁴⁰

Two examples may illustrate the distinction between these two types of values. The aversion among certain religiously orthodox Jewish and Muslim communities to shake hands with the opposite sex may be very offensive according to Dutch custom, but such a greeting is not a legal requirement. In other words, these orthodox citizens are within their right to not shake hands. But the situations in which this occurred often led to social outcries, dismissal from jobs, controversies on the work floor, and even a political incident.⁴¹ The other example is Islamic attire, like headscarves. According to political-legal values, there is a freedom of religious manifestation, but Dutch cultural-religious values dictate that one should be modest about expressing one's religion in the public sphere. Another, and much stronger type of criticism was that the headscarf symbolized subservience or even oppression of the woman, which was considered against both political-legal and cultural-religious values, even though the women claimed that it was

³⁹ For such secularization of the sacred see, e.g., Ernst van den Hemel, Oscar Saleminck, and Irene Stengs (eds.), *Managing Sacralities. Competing and Converging Claims of Religious Heritage*, n.p.: Explorations in Heritage Studies Series, vol.6, 2022.

⁴⁰ In Dutch politics, this notion was particularly popular with parties that had no religious inclinations whatsoever (often to the contrary): the two radical right parties Forum for Democracy (FvD) and Freedom Party (PVV) routinely invoke 'Christian' and 'Jewish-Christian' civilization as the cornerstone of Dutch values, and the liberal political party VVD specifically mentions this in its party program.

⁴¹ In 2004, during a meeting with Dutch imams, the female Minister of Justice and Integration made a point of approaching the one imam known for his unwillingness to not shake hands with women, and she stretched out her hand in front of the cameras, resulting in a front page news photo of her standing in front of an imam, she with outstretched hand and he anxiously clutching his hands in front of his chest (see, e.g., "Imam blijft weigeren vrouwen de hand te schudden," November 23, 2004, <https://www.nu.nl/algemeen/446437/imam-blijft-weigeren-vrouwen-de-hand-te-schudden.html?referrer=https%3A%2F%2Fwww.google.com%2F>).

their choice to wear the headscarf and therefore pertained to the freedom of religion and expression.⁴²

This distinction between the two values is insightful in several aspects. First, several surveys have shown that Muslims in the Netherlands and Western Europe adhere more to the political-legal values than their 'autochthone' co-citizens do.⁴³ This can be explained by the fact that these values guarantee the Muslims' freedom to live in accordance with their Islamic beliefs and identity, and to manifest those beliefs and identities. Second, it shows that the 'Islam debate' is essentially a debate between the two sets of values. Whenever there is an Islam-related 'incident', be it about someone wanting to wear a headscarf in class or an unwillingness to shake hands at work, the discussion about this incident tends to be a parallel one: the Muslims state their case with political-legal values while the other, mostly non-Muslim side, counter-argues with cultural-religious values.

This value controversy has led to yet another development: the tendency, especially under pressure of the conservatives and the radical right, to legalize certain customs or, in other words, to transfer cultural-religious values to the realm of political-legal values. Examples are the prohibition of the headscarf in

⁴² "Het Nationaal Hoofddoek Onderzoek," *Motivaction* (Utrecht: Motivaction, 2011). A 2011 survey of the Dutch Muslim women's voice regarding the headscarf showed that wearing the headscarf was an autonomous decision of 90 percent of the women, for which they mentioned a variety of reasons of which 'Islamic duty' (60 percent) and 'part of identity' (40 percent) ranked the highest.

⁴³ Gallup Center for Muslim Studies, *The Gallup Coexist Index 2009: A Global Study of Interfaith Relations* (Washington, DC: Gallup, 2009), 8 "British, French, and German Muslims are...as likely (if not more likely) than the general public to identify strongly with their countries of residence"; European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey (EU-MIDIS II): Muslims—Selected Findings* (Luxembourg: Publications Office of the European Union, 2017), 17 "Overall, Muslim respondents indicate higher levels of trust in democratic institutions than the general population."

certain locations or professions,⁴⁴ the 2019 prohibition of the face veil ('burka') in certain public domains like hospitals and public transport,⁴⁵ and the continuous efforts by municipalities and politicians to prohibit the Islamic call for prayer from the minarets.⁴⁶ A telling aspect of these discussions is that they do not take into account the orthodox Jewish and Christian minorities that have exactly the same types of values and behaviors as orthodox Muslims. In other words, Muslims are specifically targeted, although not with so many words.

IV. THIRD THEME: SECURITY

One may wonder if the discussions in the 1990s about Islam's alleged inconsistencies with Dutch culture and society might have faded out if there had not been the terrorist attacks of 9/11 in 2001 and the public knifing of the Islam-critic Theo van Gogh in 2004 by a young Muslim fanatic. These attacks provided the 'Islam-debate' with a security frame that would dominate the Dutch political and social discourse from then onwards. This 'securitization of Islam' has been noted on a broader Western scale,⁴⁷ but in the case of The Netherlands two developments would monopolize this security discourse.

We can be brief about the first development: the notion of security would become all-encompassing.

⁴⁴ Many of these cases have been brought before the Dutch Council of Human Rights that mostly rules them as (indirectly) discriminatory. See the extensive rulings database at https://oordelen.mensenrechten.nl/oordelen_mensenrechten.nl.

⁴⁵ Wet gedeeltelijk verbod gezichtsbedekkende kleding [Act on the Partial Prohibition of Face-Covering Clothing] (2018) (Netherlands).

⁴⁶ A draft bill prohibiting amplified Islamic call for prayer was submitted in April 2025: "Voorstel van wet van de leden Flach en Eerdmans tot wijziging van de Wet openbare manifestaties in verband met het beperken van gebedsoproepen [Bill to amend the Public Manifestations

Act to restrict calls to prayer]," TK 2024–2025, 36 728, nr. 3 (Netherlands), April 4, 2025, <https://zoek.officielebekendmakingen.nl/kst-36728-3.html>.

⁴⁷ Jocelyne Cesari, "The Securitization of Islam in Europe," *Changing Landscape of European Liberty and Security Research Paper* 1, no. 15 (2009): 11.

Feeling 'unsafe' could mean that one was afraid of terror attacks, but also of orthodox Muslim employees making demands in the name of freedom of religion, or the sense of unease that an all-white Dutchman might experience being a minority among people of color and women with headscarves at a Dutch market.

The second development was the role of the government and, in particular, of the Dutch Intelligence Agency (AIVD). The AIVD started in the early 2000s by publishing its annual and special reports for public use. The reports expounded the concerns, analyses, and reasonings of the AIVD. Politicians and policy makers, concerned but ignorant about the threat allegedly posed by Muslims and Islam, made grateful use of these reports. This created a reversal in governmental policymaking: while intelligence reports should function as sources of information for policymakers, they now became the scripts for policymakers. Two examples may illustrate the effect hereof.

European intelligence services had different interpretations of what would constitute a threat to national security. For most services, the tipping point was the use of violence. For the Dutch AIVD, however, the perceived Islamic threat had been widened by law from a threat to national security towards a threat to 'the democratic rule-based order',⁴⁸ and this was interpreted by the AIVD to include any 'anti-democratic' or 'anti-integrative' behavior.⁴⁹ Here we see the subsumption of integration and national security: orthodox Muslims who preferred to live in isolation were considered potentially 'anti-integrative'.⁵⁰

It is interesting to remark here that The Netherlands has a long tradition of orthodox Christian

⁴⁸ Wet op de inlichtingen- en veiligheidsdiensten 2002, art. 6 (Neth.).

⁴⁹ These notions were introduced in the report *De democratische rechtsorde en islamitisch onderwijs: buitenlandse inmenging en anti-integratieve tendensen* (2002), and elaborated in the report that would serve as the foundation of all future intelligence analysis regarding radical Islam: AIVD, *Van dawa tot jihad* de diverse dreigingen van de radicale islam tegen de democratische rechtsorde (2004).

⁵⁰ AIVD, *Van dawa tot jihad*, 18.

and Jewish communities that live in isolation, with their own schools, shops, newspapers, and societies, but this situation was not considered as alarming as was the case with Muslim communities.

The other effect of the AIVD's role was how its observations were translated into policy. It should be emphasized that this was not the AIVD's doing or intention: the agency merely shared its observations, analyses, and views. But the government, in the early 2000s, desperate to demonstrate resolute action in the face of a perceived threat eagerly used the vocabulary developed by the AIVD. A key notion was 'Salafism', which would enter the political and governmental terminology in the early 2000s and has since been embedded in a paper trail of decrees and legislation.⁵¹

But while the AIVD repeatedly changed its views based on new insights - Salafism had to be redefined; there were not as many Salafis as assumed; only a very small number of Salafis could be considered a threat to national security⁵² - policy jargon does not allow for such flexibility and stays fixed once introduced. Consequently, the current use of 'Salafism' in policy documentation is still based on the first definitions provided by the AIVD in 2004 and has permeated policymaking ever since. This means that policymakers and politicians are living in a reality created by a paper world that, with the passing of the years, is increasingly detached from reality.

V. FOURTH THEME: DISCRIMINATION

The negative imagery of Islam, combined with the issues of migration, integration, and security, provided the cocktail that led to increasing

⁵¹ Maurits S. Berger, "Hoe Nederlands veiligheidsbeleid verstrikt is geraakt in de islam," *Tijdschrift voor Religie, Recht en Beleid* 1 (2023): 34-53.

⁵² AIVD and NCTV*, *Salafisme in Nederland: diversiteit en dynamiek* gesteld (2015). (* NCTV: National Coordinator for Terrorism and Security). See for discussion of Dutch literature about 'salafism' in The Netherlands between 2003 and 2018: Maurits Berger, Merel Kahmann, Siham El Baroudi, and Ahmed Hamdi, *Salafisme In Nederland Belicht. Vijftien Jaar Salafisme Onderzoek In Nederland* (Utrecht: Verwerij-Jonker Instituut, 2018).

discrimination against Muslims in Dutch society. Discrimination is the term mostly used in The Netherlands to denote forms of marginalization, hate speech, and the like, and will therefore be used in this section.

Discrimination of Muslims in the Netherlands has been repeatedly reported in European⁵³ and national⁵⁴ surveys and reports. The responses, however, have always been lukewarm, and sometimes even condescending, on the societal as well as governmental level.⁵⁵ One reason is the lack of statistics: a general mistrust among Dutch Muslims and fears about the effect of filing a complaint has resulted in a very low reporting rate of discriminatory acts, providing critics with the argument that there is 'nothing wrong' and that 'Muslims should stop complaining'.

Another reason for the dismissive responses to discrimination is a general tendency among non-Muslims to denounce Muslim complaints about discrimination as unjustified whining and self-victimization. This showed clearly in 2005 in the city of Rotterdam, when a one-year intensive municipal-wide debate among citizens about 'Islam and citizenship' resulted in two positions (the aim had been to come to one single position): 'No discrimination' and 'No complaining about discrimination'.⁵⁶

⁵³ European Commission against Racism and Intolerance (ECRI), *Second Report on the Netherlands* (ECRI, 2000), and *Third Report on the Netherlands* (ECRI, 2008); Fundamental Rights Agency (FRA), *Being Muslim in the EU* (FRA, 2024).

⁵⁴ Sociaal Cultureel Planbureau, *Ervaren Discriminatie in Nederland II* (SCP, 2020); Centraal Bureau voor de Statistiek, *Ervaren discriminatie in Nederland* (CBS, 2024); Regioplan (in opdracht van het ministerie van Sociale Zaken), *Nationaal Onderzoek Moslimdiscriminatie* (Jan. 31, 2025); Moslimpeil, *Nationale Moslimstudenten Enquete 2023-2024* (March 2025); Staatscommissie tegen Discriminatie en Racisme, *Keer op keer. Inzichten in gestapelde discriminatie-ervaringen in Nederland en Europa* (March 2025).

⁵⁵ "Kamer wil geen debat over onderzoek moslimdiscriminatie: 'rammelt aan alle kanten'," *Nederlandse Omroep Stichting [NOS Nieuws]*, March 25, 2025, <https://nos.nl/l/2561105>.

⁵⁶ Personal observation of the author who was present at the presentation of the debate outcome.

At the time of writing, research has clearly proven the persistent presence of Muslim discrimination on all levels of society, ranging from individual harassment in the public domain (headscarf grabbing, spitting, calling names), to forms of exclusion in the domains of health, education, and labor. In the case of Muslims, however, an extra dimension of discrimination has become visible on the institutional and structural level. While much of this is still in the process of being uncovered by investigative journalists and academics, the following provides a first impression that is sufficient for the purposes of this article.

A. Education

The Dutch education system allows so-called 'special education' (*bijzonder onderwijs*) whereby primary and secondary schools may combine the mandatory state curriculum with their own educational 'view', being religious (Christian, Jewish, Islamic), pedagogical (Montessori, Rudolph Steiner, Dalton), or otherwise. In that vein, Islamic primary and secondary schools have been established from 1988 onwards.⁵⁷ However, several politicians voiced suspicion that these schools were educating their children in isolation from Dutch society and perhaps even teaching them anti-Western views. While this might also be said about many orthodox Christian and Jewish schools, the doubts were focused on the Islamic schools. These doubts quickly became highly politicized as they were expressed in terms of security concerns. The Dutch intelligence service voiced these concerns about Islamic schools in 1998⁵⁸ and again in 2002.⁵⁹ As a result, the Education Inspection of the Ministry of

⁵⁷ Bahaeddin Budak, *Waarom stichten jullie niet een eigen school?* (dissertation, Leiden University repository, 2021).

⁵⁸ BVD, *De politieke islam in Nederland* (Ministerie van Binnenlandse Zaken, 1998), 1.

⁵⁹ BVD, *De democratische rechtsorde en islamitisch onderwijs: buitenlandse inmenging en anti-integratieve tendensen* ["Democratic rule of law and Islamic education: foreign interference and anti-integration tendencies"], (Binnenlandse Veiligheidsdienst, 2002).

Education, charged with maintaining the national level of education, conducted a total of three inspections (1999, 2002, 2003) among Islamic schools, but concluded that there was no sign of 'anti-integration' or 'violation of basic democratic values' in their education.⁶⁰ To the contrary: 'Almost all Islamic schools choose an open attitude towards Dutch society and play a positive role in promoting the conditions under which social cohesion can be achieved.'⁶¹

Nevertheless, the tone was set that Islamic schools were suspect, and this kept resonating in the political and public domain. It resurged in 2019 when the National Coordinator for Terrorism and Security (NCTV) pointed the finger at one secondary Islamic school, the Haga Lyceum in Amsterdam, as being 'Salafist' and employing Salafist 'agitators' (*aanjagers*) as teachers.⁶² The municipality of Amsterdam and the Ministry of Education sprang into action, trying to remove staff members and employing a 'blame and shame' policy to prompt parents into removing their children from school.⁶³ Neither worked; to the contrary, parents closed ranks in support of the teaching staff, and ultimately, the school was cleared of all blame by the court in 2022.⁶⁴

But by then, the suspicion - this time not raised by intelligence services but the product of political views of the Minister of Education - focused on

⁶⁰ Onderwijsinspectie, *Islamitische basisscholen in Nederland* (1999); *Islamitische scholen en sociale cohesie* (2002); *Islamitische scholen nader onderzocht* (2003).

⁶¹ Onderwijsinspectie, *Islamitische scholen en sociale cohesie*, 5.

⁶² Letter from the Ministry of Justice and Security to the Mayor of Amsterdam, March 7, 2019. (<https://www.nctv.nl/nctv/brieven/2019/03/07>).

⁶³ Michael Laemers, "Het Cornelius Haga Lyceum in gevecht met de overheid," *Tijdschrift voor Religie, Recht en Beleid* 2 (2021): 7–19. "Ten onrechte bestempeld als 'salafistische aanjager': 'Wie iets met de islam doet, komt ooit op een verkeerd lijstje,'" *de Volkskrant*, May 7, 2021, <https://www.volkskrant.nl/nieuws-achtergrond/ten-onrechte-bestempeld-als-salafistische-aanjager-wie-iets-met-de-islam-doet-komt-ooit-op-een-verkeerd-lijstje~b2bc98f3/?referrer=https%3A%2F%2Fwww.google.com%2F>.

⁶⁴ Administrative Jurisdiction Division of the Council of State (Raad van State), *Islamic Education Foundation Netherlands v. Minister for Primary and Secondary Education and Media*, ECLI:NL:RVS:2022:3014 (October 19, 2022).

'informal education', meaning all types of education outside the state-controlled school curriculum, ranging from Sunday school and weekend school for Japanese, Greeks, or Chinese children, to scouts and sports clubs. The target of the Minister's concern, however, was *Islamic* informal education. The cause was the warnings - yet again - by the intelligence agency AIVD that Islamic informal education could cause children to acquire radical ideas.⁶⁵ The Minister announced in 2022 that he would subject all Islamic informal education to strict inspection, and even though his department had voiced criticism against this intention, the Minister tabled in 2024 a draft bill to this extent (the bill is still being processed at the time of writing).⁶⁶

B. Financial Institutions

In 2008, the Dutch legislature implemented as national law the European Union *Directive to counter Money Laundering and Financing Terrorism*. Ten years later, in 2018, Dutch law required that financial institutions be responsible of implementing this law. In other words, banks, mortgage-providers, credit card services, and the like, were obliged to notify suspect transactions. This seemed a near impossibility (how to assess a money transfer to Pakistan, or the funding of a charity organization in Syria?⁶⁷), but when two Dutch banks received severe financial penalties for

⁶⁵ Netherlands, Ministry of Education, Culture and Science, *Memorie van Toelichting bij wetsvoorstel verduidelijking burgerschapsopdracht*, W14588.K-1 (The Hague, 2019), 13.

⁶⁶ *Idem*.

⁶⁷ These were some of the questions addressed to the author who was in 2018 consulted by various financial institutions on these matters. Later, the Dutch daily *NRC Handelsblad* dedicated an extensive article to this question: "Herken je een terrorist aan z'n bankrekening? Dat proberen banken te doen," August 2, 2022, <https://www.nrc.nl/nieuws/2022/08/02/het-net-van-de-financiele-terrorismebestrijding-dijt-uit-de-leden-van-onze-moskeekoepel-worden-ondervraagd-als-vermeende-terroristen-a4138015>.

their alleged negligence in doing so,⁶⁸ the financial institutions stepped up.

The larger institutions hired hundreds of people whose job was to 'check' transactions for any suspicious activity. The criteria for such a check, however, were not clear, but turned out to be related to Arabic-Islamic names of people and organizations, including mosques. Hence, the situation that a good friend of mine, with a high position at one of the Dutch ministries, had his bank account blocked after he made a large donation to his mosque during Ramadan, and that I received a phone call from my bank immediately after wiring the working fee of 500 euro to my student assistant who has an Arabic-Islamic last name. Mosques and other Islamic organizations who, compelled by the Ministry of Finance to change their system of receiving donations in cash into an online one for the sake of financial transparency, saw their requests for a bank account denied or impeded by invasive or even absurd questions ('What do you think of Hamas?')⁶⁹ and advise ('it would be better if your treasurer had a Dutch name').⁷⁰

Gradually, a picture has emerged of an institutional and non-transparent targeting of Muslims by the financial sector. It is not proven - and I personally doubt this to be the case - that there is malevolent intent behind this. Financial institutions

⁶⁸ News site detailing Netherlands Public Prosecution Service: "ABN AMRO betaalt 480 miljoen euro vanwege ernstige tekortkomingen bij het bestrijden van witwassen," *Openbaar Ministerie*, April 19, 2021, <https://www.om.nl/actueel/nieuws/2021/04/19/abn-amro-betaalt-480-miljoen-euro-vanwege-ernstige-tekortkomingen-bij-het-bestrijden-van-witwassen>.

⁶⁹ Davidson, David, and Jan-Hein Strop, "Hoe Banken Moslims Tot Verdachten Maken: 'Heeft u Ooit Positief Gestaan Tegenover Hamas?'" *Follow the Money -Platform voor onderzoeksjournalistiek*, September 6, 2025, <https://www.ftm.nl/artikelen/hoe-banken-moslims-tot-verdachten-maken-heeft-u-ooit-positief-gestaan-tegenover-hamas>. Also: investigative radio program VPRO Argos. "Zo spoorde de Rabobank terroristen op," *VPRO Argos*, February 14, 2025, <https://argos.vpro.nl/artikelen/hoe-de-rabobank-terroristen-opspoorde>.

⁷⁰ Mentioned during a meeting between lawyers and representatives of Islamic institutions, where the author was present.

have repeatedly indicated that they are very unhappy with this situation, but they feel compelled to resort to blanket check systems to fulfil the requirements of the law, especially with the knowledge that severe financial punishments await them if they don't report the slightest form of suspicion. It is telling, however, that these check systems work predominantly against Muslims. At the time of writing, several of the larger banks have been in meetings with representatives from Muslim communities to discuss this issue and are trying to devise ways to avoid the misuse of their monitoring system.⁷¹

C. Fraud Control

In the slipstream of the discrimination by financial institutions, another scandal of financial discrimination occurred in the domain of taxation during the period 2018-2024. For this, a brief explanation is needed for the financial instrument in question: the donation deduction. Under Dutch tax law, a donation to charity is tax-deductible, and most religious institutions (including mosques and churches, but also schools) are categorized as a charity organization. A typical kind of fraud with donation deduction is when the donor donates a sum (say, € 100) but has arranged with the recipient to receive an invoice for a much higher amount (say, € 1,000), and this invoice is then submitted to the tax authority for tax reduction.

In 2014, the tax inspector uncovered a large scheme of donation deduction fraud undertaken by a private Islamic institute of higher religious education, leading to several criminal cases against the institute.⁷² This, in turn, led to suspicions within the fraud unit of the tax inspector's office that similar schemes might be in play with other Islamic organizations. This suspicion was corroborated by the observation that donations were customarily restricted

⁷¹ Mentioned to the author by a representative of one of the targeted Islamic institutions.

⁷² Rotterdam Court, March 15, 2023, nr. 10/996705-16, ECLI:NL:RBROT:2023:2142

to the elderly in Dutch society, while among the Muslim communities the act of donating was dominant among the younger generation (30s-40s).⁷³ (No consideration was given to the fact that donations are an important social duty in Islam, and that the younger generation of Muslims was more religious as well as more financially successful than the previous generation.)

The tax inspector then started a large-scale investigation among numerous mosques and Islamic organizations, whereby the documentation of all donations larger than € 1,500 was sequestered, and each individual (Muslim) donor of such a sum received a request to provide written evidence.⁷⁴ When a Dutch newspaper reported about this⁷⁵, the Tax Authority, in a confidential memo to the Minister of Finance, declared that "there is no question of ethnic profiling."⁷⁶ In 2023, one of the more well-known mosques in The Netherlands mustered up the courage (and the resources, the time, and the money) to take the Tax Authority to court.⁷⁷ The court's ruling was unambiguous: the Tax Authority had unlawfully revoked the mosque's status as a charity organization, and had "incurred the suspicion of discriminatory behavior" by targeting this mosque because of its Islamic identity rather than credible suspicions of fraud.⁷⁸ This ruling exposed the Muslim-targeted fraud

⁷³ Memo from the Teamleader of a Division in the Fraud department, March 15, 2023. Mentioned in the court ruling of August 8, 2023, under consideration 17.

⁷⁴ Maurits S. Berger, "De zaak Soennah-moskee. Na de toeslagenaffaire volgde de giftenaftrekkaffaire," *Tijdschrift voor Religie, Recht en Beleid* 1 (2024): 69

⁷⁵ "Fiscus neemt 9 islamitische organisaties onder de loep," *NRC Handelsblad*, March 9, 2017, <https://www.nrc.nl/nieuws/2017/03/09/fiscus-neemt-9-islamitische-organisaties-onder-de-loep-7275705-a1549685>.

⁷⁶ This document is in possession of the author.

⁷⁷ Rechtbank Den Haag, August 8, 2023, SGR 21/3306, ECLI:NL:RBDHA:2023:11856.

⁷⁸ *Ibid.*, consideration 23.

investigations of the Tax Authority,⁷⁹ and effectively put an end to it.

Much of the indignation about this situation was sublimated by the political uproar caused by another, similar but on a much larger scale, discriminatory investigation by the Tax Authority, called the 'Benefits Scandal' (*Toeslagenaffaire*) which was, in short, the recall of large amounts of paid family care benefits in case of the slightest suspicion, whereby it turned out that the suspects were almost exclusively people of color.⁸⁰ While the Benefits Scandal did not target Muslims, many Muslims were among the victims. The result of this fraud operation was that tens of thousands of families faced often unsubstantiated call-backs of large sums of money by the Tax Authority, resulting in poverty, loss of houses, and, in some instances, even the out-of-house placement of children.⁸¹

There was yet another fraud inspection taking place in 2022-24 that caused outrage: when the Ministry of Education started an investigation for fraud with government study subsidies, accusations of fraud towards Dutch students of Moroccan and Turkish background was disproportionately higher than other Dutch students (the fact that 86 percent of the cases filed against pay-back demands by the Ministry

⁷⁹ A selection of newspaper feature articles on the matter: "De fiscus was te hard voor de Haagse As-Soennah-moskee, discrimineerde mogelijk zelfs," *NRC Handelsblad*, August 22, 2023; "Mogelijk discrimineerde Belastingdienst door onderzoek naar As-Soennah-moskee in te stellen," *de Volkskrant*, August 23, 2023; "Belastingdienst weer op vingers getikt, nu voor mogelijke discriminatie moslimorganisaties: 'Ze zijn bang'," *Algemeen Dagblad*, August 23, 2023; "Gewonnen rechtszaak As-Soennah-moskee bevestigt diepgewortelde wantrouwen tegen moslims," *Trouw*, August 23, 2023; Marco de Vries, "Institutionele islamofobie bij de Belastingdienst," *De Groene Amsterdammer*, February 22, 2023.

⁸⁰ The authorities charged with the benefits investigation and ultimately responsible for the Benefits Scandal were harshly condemned in a parliamentary investigation report: Parlementaire ondervraging Kinderopvangtoeslag, 'Ongekend Onrecht' (rapport, *Handelingen II* 2020/21, 35510, nr. 2).

⁸¹ *Ibid.*

were initiated by these students is telling).⁸² The Minister of Education had in 2024 apologized for its 'indirectly discriminatory' fraud inspection.⁸³

D. 'Black Lists' and Covert Investigations

A much more obscure development was the notion of '(black) lists' that appeared to circulate among financial institutions, the Tax Authority, Justice Department, and the like. My friend, whose account was blocked after his generous donation to his mosque, upon calling his bank for clarification, was given the answer that his name was on 'a list'. Similarly, Dutch Muslims have been detained during their holidays when crossing the border into Turkey or Spain on the charges of being on a 'terrorist list'.⁸⁴ Numerous Muslims—when asking why their account was blocked, or their request for a lease permit was denied, or why they were suspended from work without cause—received the answer that they were on 'a list' (exact numbers are not available yet; various private investigations are ongoing at the time of writing).

In the case of the Benefit Scandal, it was revealed that the Tax Authority, since 2013, indeed made use of a list of names of suspects (the so-called Fraud Signaling Instrument⁸⁵).⁸⁶ The Tax Authority

⁸² "Vervolgonderzoek bevestigt indirecte discriminatie controles uitwonendenbeurs," *Dienst Uitvoering Onderwijs (DUO)*, March 1, 2024, <https://duo.nl/organisatie/pers/vervolgonderzoek-bevestigt-indirecte-discriminatie-controles-uitwonendenbeurs.jsp>.

⁸³ Robbert Dijkgraaf (former Minister of Education, Culture, and Science in the Netherlands) to the Netherlands House of Representatives, "Kabinetsreactie onderzoek naar controleproces uitwonendenbeurs," March 1, 2024.

⁸⁴ "Een onzichtbare muur radio," *VPRO Argos*, June 11, 2022, <https://argos.vpro.nl/artikelen/een-onzichtbare-muur-radio>; "Onzichtbare Muren," *VPRO Argos*, September 29, 2022, <https://argos.vpro.nl/artikelen/onzichtbare-muren>.

⁸⁵ *Fraude Signalering Voorziening (FSV)*. See "Fraude Signalering Voorziening," *Dutch News*, May 17, 2021, <https://www.dutchnews.nl/2021/05/tax-office-writes-to-60000-people-included-in-anti-fraud-database/>, explaining that the FSV was used for eight years to flag irregularities in applications for benefits or tax returns.

⁸⁶ Revealed in an investigative report by KPMG: "Rapportage verwerking risicogegevens voor toezicht," July 10, 2020.

freely shared this list with financial institutions and municipalities. The composition of this list was based on 'risk factors' that were assessed and recorded by the individual employees of the Tax Authority, as well as the financial institutions, without any clear guidance or indicators.⁸⁷ If a money transfer was considered suspicious, both the sender and receiver could be put on the list, making it an ever-growing record. Public and political indignation of this Fraud Signaling Instrument led to its abrogation in 2020.⁸⁸ It turned out that a total of 270,000 citizens (on an adult population of 12.4 million)⁸⁹ had been registered on the list, of whom 43,200 were registered as suspects of the mentioned donation deduction fraud.⁹⁰ Given the way in which this last category was identified by the Tax Authorities, these were only Muslims. How many Muslims were among the other categories is yet to be determined.

Another 'scandal' that emerged at the same time was the practice of covert investigations in mosques as initiated by a number ("at least ten") municipalities.⁹¹ While there may have been reason to do so, the shock among the mosques upon the discovery of these investigations was that they, at the same time, were in permanent contact with the municipalities - contact that the mosques considered open, transparent, and even warm. Apparently, there was still a suspicion of hidden motives among these municipalities that, so it transpired, was instigated by secret reports of the National Coordinator for Terrorism and Security (NCTV), although the exact motives and underlying

⁸⁷ *Ibid.*

⁸⁸ Belastingdienst, *FSV Eindrapportage* (May 11, 2023), front page.

⁸⁹ Central Bureau of Statistics (CBS), *Bevolkingsgroei, 2025: of the 12.4 million, an estimated 1.6 million is between 18 and 25 years.*

⁹⁰ Belastingdienst, *FSV Eindrapportage* (May 11, 2023), 5.

⁹¹ "Undercover naar de moskee: geheim onderzoek naar islamitische organisaties," *NRC Handelsblad*, October 15, 2021; "Undercover? De gemeente wilde graag 'rauw beeld,'" *NRC Handelsblad*, November 11, 2021.

reasons are still a mystery.⁹² The Minister of Social Affairs duly apologized in 2023 for these irregular and illegal actions.⁹³

VI. RETURN TO THE DISCUSSION: DISCRIMINATION, RACISM, ISLAMOPHOBIA?

The criticism of Islam peaked in the Netherlands during the 1990s with heated debates about the headscarf and court cases about the defamation of Islam. One or perhaps two decades later, public Islam 'bashing' has grown out of fashion, and the headscarf seems to have lost its controversial edge and has become part of the Dutch social landscape. For the casual observer, it may therefore be surprising that a much more pervasive and persistent form of anti-Islamic bigotry has permeated the institutions of governance: Muslims have experienced problems and obstructions with banks, the Tax Authority, municipalities, security services, and ministers of Education, Justice, and Social Affairs.

The main cause for being refused to open a bank account or a license to lease premises, to have one's bank account blocked, to be subjected to rigorous inspection by the Education or Tax Authorities, to be stopped and even arrested when leaving the European Union - the main cause in all these and similar instances, so it appears, is being identified as a Muslim, looking like one (in the eyes of the beholder), or having an Islamic name.

Religion is a key ingredient in this treatment that befalls Muslims. Islam is considered different from other religions because it is assumed to be contrary to Western (and Dutch) values, an assumption that taps into a century-old European collective memory of stereotypical prejudices of Islam. 'Islamophobia' might therefore seem to be a suitable term to denote this type of bigotry.

⁹² For analysis, see Maurits S. Berger, "De heimelijkheid van islamonderzoek," *Tijdschrift voor Religie, Recht en Beleid* 3 (2021): 3-5.

⁹³ Letter from Minister of Social Affairs to Parliament, September 18, 2023. "Herstel vertrouwen overheid en moslimgemeenschappen," Nr. 2023-0000514863.

However, among jurists and policymakers, this term has gained little traction because the law, as their frame of reference, protects people, not their beliefs or ideas.⁹⁴ As a consequence, Dutch civil servants are urged not to use the term Islamophobia, because that would refer to the religion, while their concern should focus on the people, hence the preference for terms like anti-Muslim hatred or Muslim discrimination.

In addition to the bigotry that might be referred to as Islamophobia, racialization⁹⁵ has also become an important ingredient in the Dutch case, for three reasons. First, because Muslims are mostly people of color, and this otherness is exacerbated by the - both official and socially current - Dutch naming of 'person of migrant background.' However, anti-Muslim racism based on phenotype is problematic when considering the growing number of 'white' converts. On the other hand, anti-Muslim racism is increasingly based on other appearances as well, like names and attire.

Second, one may discern a process of racialization of Muslims in the sense that they are often perceived as a people with distinct characteristics that are considered typical of Islam. Crudely said, Islam is averse to anything un-Islamic and will try to impose itself, an image which is then projected on Muslims who are, consequently, considered inherently averse to integrating in Dutch society or adopting Dutch values, culminating in alleged natural (because supposed to be typically Islamic) subterfuge, fraudulent behavior, or even undermining of society. Third, racism as a concept is associated with power

⁹⁴ In the case of insulting language directed at Islam, the Dutch Court of Cassation in the landmark case of 10 March 2009 (Nr.01509/07) ruled that the law only applies when insults or other acts of discrimination are directed against people, not their religion.

⁹⁵ I realize that the combination, overlap or even interchange of the concepts of racialization and Islamophobia is complex and object of an ongoing academic discussion (see, e.g., Cyra Akila Choudhury, "Racecraft and Identity in the Emergence of Islam as a Race", *University of Cincinnati Law Review* 19, 1 (2022), 3-81; Farid Hafez, "Schools of Thought in Islamophobia Studies: Prejudice, Racism, and Decoloniality," *Islamophobia Studies Journal* 4, 2 (2018), 210-225).

dynamics, which are clearly playing out in the Dutch situation on all levels of society.

Migration, race, and religion are therefore a cocktail that has become increasingly poisonous for Muslims. The bigotry towards Dutch Muslims may have started as individual and social discrimination, but has grown into institutional discrimination that is characterized by ubiquitous randomness: the discriminator has become depersonalized ('the bank', 'the Tax Authority') as well as unaccountable ('I'm sorry, can't help you, your name is on the list'), and the discrimination seems arbitrary (it is often unclear why someone is on the list or is refused a permit or an account). The institutional characteristic has been augmented by technology: at the time of writing, for instance, the Dutch Authority on Personal Data expressed in 2025 its 'grave concern' about the use of algorithms by the Dutch Tax Authority for "risk selection" (that is, the assessment of possible fraud).⁹⁶ It may therefore be argued that discrimination as a term designed for specific illegal behavior is inadequate to describe the social, political, and institutional mechanisms that are at play in today's Dutch society. Given these mechanisms, the sociological notion of 'racism' seems indeed more apt. That is, both as a description of the social processes and as a notion that may be helpful for policymakers when they design strategies to combat those processes.

The term racism is of much less use for jurists, however, for two reasons. First, 'discrimination' became a working term many decades ago with the introduction of several human rights treaties that have been copied almost everywhere into national legislation. This term 'discrimination' is further specified with adjectives like 'racial', 'gender', 'religious', etc. Here, the notion of 'racial' refers exclusively to phenotype and origin, as can be illustrated by the definition used in the International Convention on the Elimination of all forms of Racial Discrimination:

⁹⁶ Letter from the Autoriteit Persoonsgegevens to the Minister of State ('staatssecretaris') of Finance, August 8, 2025 (<https://www.autoriteitpersoonsgegevens.nl/>).

"racial discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." (Article 1 sub 1)

While 'racism' and 'racialization' for social scientists have come to mean the mechanisms of exclusion, marginalization, and dehumanization based on relations of power, most jurists still understand this term as 'racial discrimination'. Hence, the continued muttering by jurists that 'Muslims are not a race' when they hear 'Muslim racism'.

The second reason that jurists find it hard to use a notion like racism is that it is practically difficult to work with. Racism refers to the underlying mechanisms of social structures and power that are often invisible, while the law requires visible or audible forms of behavior. While Dutch institutions like the mentioned Council for Human Rights and the Senate in Parliament acknowledge the importance of the notion of racism, especially in its institutional and systemic forms,⁹⁷ it has yet no relevance in the court of law.

In short, while racism and racialization are concepts that provide a better insight into what is befalling the Muslims in The Netherlands, the legal position remains the frame of reference for jurists and policymakers. Hence, the difficulty in addressing cases of institutional discrimination (lists, risk-assessments, algorithms) and systemic discrimination (collective memory, self-evident truths). Since an overhaul of a well-established legal system does not seem foreseeable, my suggestion would be that the sociological concept of racialization be introduced into

⁹⁷ College voor de Rechten van de Mens, *Visienota Institutioneel Racisme* (2021); Eerste Kamer, *Gelijk recht doen*, parlementair onderzoek van de Eerste Kamer (2022).

legal discourse and thought to widen and update the legal concept of discrimination.