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## Human-Rights Discourse: An Examination of Shifting Conceptions of Human Rights within the Netherlands

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# Human-Rights Discourse: An Examination of Shifting Conceptions of Human Rights within the Netherlands

Declan Wicks

## Abstract

The thrust of this research focuses on the dynamic ways in which conceptions of human rights, culture, and identity change in relation to increased inflows of allochthonous, non-western migration. Focusing on the Netherlands, this paper examines the Dutch public's varied responses to migration – whether welcoming or antipathic – through two separate frames. First, an analysis of case law that focuses on the Dutch government's response to personal family law within Islamic religious situations and the “free-speech trials” of Geert Wilders is undertaken to examine situational responses to perceived changes in culture and identity. Second, an exploration of migration within news coverage is attempted with an understanding that news framing – while “uncovering” certain truths, creates fictions through the single-storied fetishization of, in this case, the incompatibility of migrant culture with Dutch culture. Finally, this research concludes that human rights – while not explicitly discussed within public contexts – constitute a process-oriented part of the Netherland's “culture of rights” while still at risk of being ignored in larger debates surrounding cultural compatibility.

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*My concerns are that terrorists travel along with people who are victims of the war.*

*Some Muslim people have no respect for our values...*

*What does pose a big problem is the forced immigration, laid upon us by the E.U., of refugees.*

*It's not immigration, it's an invasion.<sup>1</sup>*

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<sup>1</sup> Quotes from Dutch citizens taken from a New York Times survey before the 2017 Dutch election (Karask).

Picture popular Dutch politician, Geert Wilders<sup>2</sup>, staring into a camera and smiling, his golden blonde hair, perfectly coiffed, seems to catch the studio lighting. He speaks, “De tsunami van de islamisering stoppen.” - stop the tsunami of Islamization. Wilders said these words 12 years ago while he was relegated to the political fringe. Now, Geert Wilders has captured the attention, and votes, of the Dutch public. As head of the Dutch Partij voor de Vrijheid (PVV), or Party for Freedom, Wilders has led an anti-immigration platform to political clout with 20 seats in the Dutch parliament. Although success is an ambiguous word in any parliamentary system, Wilders does represent a growing segment of the Dutch population who believes that non-western immigrants and Islam have no place within a tolerant Dutch society.<sup>3</sup>

Often pointing to the forced acceptance of refugees from the Mediterranean, the PVV conflates the fear of the European Migration Crisis with all non-western immigration to the Netherlands. This ideological synecdoche is effective but far from the truth. Yet, does the rise of the PVV represent a deeper societal shift in discussion towards migration? If so, what role do human rights play within these evolving discourses? To determine the changing attitudes towards immigrants within the Netherlands, this paper examines discourses about human rights and immigrants within two public spheres: the realm of social media and the application of law.

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<sup>2</sup> Geert Wilders is a Dutch politician known for founding and leading the Dutch Freedom Party (PVV). Wilders describes himself and his party as supporting a platform that promotes being “intolerant of the intolerant” (BBC). However, Wilders has also been criticized for his “intolerance,” drawing the moniker “agitator in chief” alongside comparisons to Donald Trump (Darroch). The PVV itself has drawn ire for its strong anti-immigration stance, but currently holds the second most seats in parliament, having garnered 13% of the vote as compared to People’s Party for Freedom and Democracy (VVD) 21% (Bergman).

<sup>3</sup> A 2017 poll undertaken by I&O Research and PanelClix estimates that 20% of the Dutch voting population would want their party to work with the PVV in parliament. Further research by Peil.nl suggests that 24% of the Dutch public would like to see Geert Wilders as the Prime Minister.

## Migration in Europe and the Netherlands

However, before a detailed review of changing cultural opinions can be examined, the current intricacies of immigration within Europe and the Netherlands must be explained. In 2015, the Netherlands absorbed 202,647 immigrants of which approximately 80,000 were non-EU citizens and, of those, 20,461 were Syrians (“Trends in the Netherlands”, 6-9). The largest of these immigrant populations to settle in the Netherlands arrived from Syria, Poland, Eritrea, India, and Ethiopia (11). Furthermore, over half of the population with a non-western background belongs to one of four different ethnic groups: Turkish (397,000), Moroccan (386,000), Surinamese (349,000), and Caribbean (151,000) (7). To further examine refugee immigration, it is necessary to understand that the Netherlands uses background as a determinant of refugee status. Thus, immigrants from Afghanistan, Iraq, Iran, Somalia, Eritrea, and Syria are all considered refugees by the census, regardless of purpose for immigration (“Annual Report on Integration”, 8). Even with this generous statistical definition of refugee, only 1.3% of the Dutch population is part of a refugee population (9). In other words, collective immigration adds to, but does not dominate the Netherlands’ extant diversity in which one out of every 8 inhabitants of the Netherlands is of a non-western background<sup>4</sup> (“Annual Report on Integration”, 7).

As can be seen in the data, to say that refugees are “flooding the streets” of the Netherlands is wildly inaccurate. However, the “threat” of immigration is being amplified by similar statements across Europe. As the 2018 Human Rights Watch article, “Europe’s Climate of Intolerance,” by Benjamin Ward suggests, Europe is experiencing a normalization of “racist, xenophobic, anti-immigrant and anti-Muslim speech.” Furthermore, many European countries are converting anti-

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<sup>4</sup> It is important to understand that non-western background (allochthonous) Dutch are residents whose family history does not extend past two generations of Dutch citizenship (“Annual Report on Integration” 4).

immigration sentiment into anti-immigrant action.<sup>5</sup> It is within *this* schism between fact and opinion – albeit a schism that leads to action – that this paper researches changes in public sentiment towards immigrants in the Netherlands. Beginning with a discussion on the intersections of culture and human rights, this research paper then applies a legal and media analysis to examine the emerging and increasingly popular, yet contradictory and dynamic, Dutch narratives on the place, culture, and rights of immigrants within Dutch society.

### Human Rights and Culture

Human rights warrant examination lest the term “human rights” remains too ambiguous to be used for analysis. As Debra L. Delaet suggests in *The Global Struggle for Human Rights*, human rights have “evolved” from the tautological “the rights one has because one is human” to three conceptual and *contested* interpretations (12). Initially, civil and political rights dominated domestic and international discourse on human rights. Generally, civil and political rights can be conceptualized as protection *from* the state. Following this, economic and social rights were added and stressed as equally valid necessities – defined as protection *by* the state. Finally, “solidarity rights” – collective rights as nation or culture – were born in the post-colonial negotiations between former colonies and colonizers (20). It is within the third “generation”<sup>6</sup> of cultural rights – “solidarity rights” – that the thrust of this research is completed.

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<sup>5</sup> For example, consider the way in which Germany and Denmark have legalized the seizure of assets from refugees (Meko and Sharma). Or examine Hungary’s increasing push to criminalize all facets of immigration by punishing those who help refugees within Hungary (“Hungary: Bills Seek to Block Migrant Support.”)

<sup>6</sup> Although “generations” is the term DeLaet uses, she acknowledges that the term is unfortunate in its suggestion that human-rights discourse is evolutionary and replaced by new generations. Instead, as each “generation” of human-rights conceptions has arisen out of specific historical and spatial contexts, they combine and contest one another to create new dialogues on human rights (20).

However, instead of examining human rights and culture<sup>7</sup> as objects of analysis, this paper employs Cowan, Dembour, and Wilson's framework of analysis: "rights as culture" (11-12). As Cowan, Dembour, and Wilson explain, "rights talk, rights thinking, rights practices" offer specimens for analysis within themselves (11). Thus, we can examine the ways in which national discourses within the Netherlands grapple with, espouse, and contest human rights as a *process of culture* in which the discussion of rights becomes a vehicle for shaping how the world is and should be (12). Situating the Dutch public's appeal for cultural determination within the state's responsibility to international human rights regimes, this paper examines how distinct human rights discourses surrounding immigrants play out on the national stage as a "culture of rights."

### The Imagination of the Law

Legal institutions and their application of the law, if responsive to the society they govern, are the bellwethers of deep shifts within society. Yet, an analysis of legal structures allows for more than just a *reflection* of human-rights culture within the Netherlands. As Cowan, Dembour, and Wilson suggest, the law can be "conceived as a worldview or structuring discourse which shapes how the world is apprehended... legal reasoning becomes one of the most important ways in which people try to make sense of their world" (12). Thus, within the liminal spaces between

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<sup>7</sup>For the extent of this paper, culture will use the working definition found with *Culture and Rights: Anthropological Perspectives* - "a field of creative interchange and contestation, often around certain shared symbols, propositions or practices, and continuous transformation" (5).

“general principles” and “particular circumstances” that the law adjudicates, it is possible to see emerging prescriptions for society based in evolving human-rights discourse.

The Constitution of the Kingdom of the Netherlands (*Grondwet voor het Koninkrijk der Nederlanden*) is a foundational legal instrument from which we can examine existing human-rights considerations. Article 1 affirms that “all persons in the Netherlands shall be treated equally in equal circumstances” while further confirming that discrimination on all grounds – including religion specifically – is prohibited. Furthermore, Article 6 of the Dutch Constitution reaffirms the right to practice any religion. Finally, sections 3 and 5 of Article 23 provide a foundation for allowing religious education within both private and public education. Yet, as S.C. van Bijsterveld notes within her article, “Religion and the Secular State,” the “separation of church and state” is explicitly absent from the constitution (3). As Bijsterveld explains, this neutrality of the state – alongside the absence of church-state separation – allows for court cases in which both “strict” *and* “lenient” interpretations are present – “thus creating confusion” (4). Most importantly, this leniency allows for continual *interpretations* and *reinterpretations* of human rights on a case-by-case basis. Without explicit guidance from foundational documents, e.g., the constitution, Dutch courts must rely on implicit assumptions and perspectives that lead to case-contextual rulings.

As Eefje de Kroon’s review of Dutch case law in “Islamic Law, Secular Law, and Societal Norms: The Recognition of Islamic Legal Practices in the Netherlands and the Protection of Muslim Women’s Human Rights” suggests, the tensions of interpretation in multicultural

societies are especially present when courts are tasked with adjudicating extralegal arrangements. Specifically, as Kroon discusses, the Netherlands does not recognize religious marriage outside of state sanctioned civil unions (154). When tasked with resolving questions of divorce in Islamic marriages consummated without a civil union outside of the Netherlands, the court was forced to *include* interpretations of Islamic law, thus implicitly acknowledging a pluralistic legal system – arguably in contention with Article 7 of the United Nations Declaration of Human Rights: “All are equal before the law” (159-162). However, this ruling is not a reflection of the Netherlands’ willingness to implement a pluralistic legal system. Instead, Kroon attributes the nuances of the pluralistic rulings to the Dutch civil courts’ decision to privilege the rights of women to gender equality rather than the defendant or plaintiff’s right to religious expression or freedom (163). Thus, within this space for legal maneuvering, a culture of rights is enacted – civil rights as protected by the state are privileged over the Dutch-Islamic community’s ability to self-determine what constitutes appropriate marriage within a religious system.

Kroon herself – as a researcher on Dutch policy – also contributes to the culture of rights within the Netherlands. In an ironic twist, Kroon suggests that this tension between Islamic law and its application specifically leads to a “risk that the Muslim community does not recognize the legitimacy of the Dutch courts” (167). Instead of providing an outlet for legal recourse, the Dutch legal system – by strictly upholding the rights of women above the rights of religious expression – leads to a possible “blindness” to the needs and rights of the Dutch Muslim community while further ostracizing them. The courts – while promoting a conception of human rights in which civil-political rights are privileged – is then critiqued for the shortcomings that this interpretation presents.

The examination of the regulation of speech further illuminates the shaping of human-rights discourse. As Marloes van Noorloos explains in her article, “The Politicisation of Hate Speech Bans in the Twenty-first-century Netherlands: Law in a Changing Context,” the legislation of speech is context-dependent and influenced by public sentiment. The examples Noorloos raises range from the Minister of Justice considering legislation that banned “glorifying terrorism” post 9/11 to repealing a law banning blasphemy – both ambiguous terms with far-reaching legal consequences for minority groups’ ability to exercise their freedom of speech (254-255). These two examples, however, both represent an attempt to regulate the speech of minority populations while being used to allow open-ended discussion of the religion in question by the majority – creating a double standard by which public opinion is condoned and minority dissent condemned (259).

At the center of Noorloos’s case study is the polemical figure, Geert Wilders. As Noorloos explains, the 2009 prosecution of Wilders for hate speech was problematic in that it deviated from Dutch norms by relying on “policy consideration” – fears of transforming Wilders into a “free speech martyr” – and thus delaying to prosecute Wilders (256). After an appeal, the prosecution initiated a case against Wilders for hate speech focusing on Wilder’s use of inflammatory statements such as, “you will see [that] all the evil that Allah’s sons conduct against us and against themselves” (Wilders quoted in Noorloos, 257). Ultimately, the prosecution was unsuccessful, and Wilders was acquitted on the grounds that his speech criticized “*behavior*” rather than ethnic origin or description (257). In this “cultural moment,” most likely deeply influenced by the 9/11 terror attacks and the 2004 assassination of Theo Van

Gogh<sup>8</sup> on Dutch soil, the discourse on human rights was willing to contemplate curtailing non-Western population's right to free speech through targeted legislation while strengthening the Western population's right to free speech. Thus, this was a situation in which human rights were examined negatively *only* when exercised by minority, allochthonous (read "non-Western") Dutch.

However, two years after Noorloos's study, Wilders was once again prosecuted and – this time – found guilty of "incitement and encouraging discrimination" (Kroet). Wilders's wording, while less *inflammatory* than his previous statements, nonetheless warranted a conviction because of its direct attack on ethnicity rather than behavior: suggesting that he will make sure there are "fewer" Moroccans in the Netherlands if his party is able to lead parliament (Kroet). Considering Wilders's conviction for less polemical speech, I suggest that this second prosecution against Wilders was successful because it represents a shift in which Wilders's broader policy recommendations of "outlaw[ing] mosques, Islamic schools, [and the] Koran" are seen as antithetical to good governance and social integration with the Netherlands (Goulard and Kroet). This later conviction, compared to the first unsuccessful prosecution, could be an example of what Noorloos defines as the state's need to balance representative speech that critiques society with the need to "keep the peace among different groups in a society" (261). With the unsuccessful first prosecution of Wilders, and his party's meteoric rise in parliament<sup>9</sup>, the courts

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<sup>8</sup>Theo van Gogh, relative of Dutch painter Vincent van Gogh, was assassinated on the streets of Amsterdam in 2004 by a radical Dutch-Moroccan who claimed to have committed the act in an attempt to be a "martyr to Islam" and as revenge for the anti-Islam film, *Submission Part One*, directed by van Gogh and written by politician Hirsi Ali (Eyerman, 7). The graphic and ritualistic act of the murder – van Gogh was shot, had his throat slit, and then had a note pinned to his body with a knife – shook the nation and was especially visceral having happened so soon after the 9/11 attacks in the United States.

<sup>9</sup>A jump from 9 to 24 seats in parliament.

could have treated the rise of anti-immigrant sentiment as more of a threat than in its initial 2009 court decision.

In these two examples – the prevalence of non-civil divorce and the prosecution of free speech – the legal system of the Netherlands is undergoing a balancing act. The courts must adjudicate in a way in which the secular nature of the state must be upheld even when acting on issues that are inherently imbued with religious meaning and legal understanding influenced by the context of recent Muslim migration to the Netherlands. Thus, it is possible to suggest that the Dutch government is considering a more pluralistic understanding of its constituents while still attempting to maintain a secular, mono-legal system that recognizes the equalities and rights guaranteed under the United Nations Declaration of Human Rights to which the Netherlands is party. These examples demonstrate that human-rights discourse in the legal sphere was not linear, but instead created a milieu of contradictions and evolutions in which multiple conceptions of human-rights hierarchies were privileged, enacted, and withdrawn.

### Public Discourse and Fetishizations

Human-rights discourse and the culture of rights can be examined through the shared media of opinion and news within the public sphere. If something is still held to be sacred within the secular society of the Netherlands, it is the notion that inequality blossoms from unequal access to the public sphere. However, the Islamic veil<sup>10</sup>, as a “newly” introduced technology of mobile

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<sup>10</sup>The veil, for the scope of this paper, refers to the three types of Islamic bodywear: 1. The hijab (headscarf); 2. The Niqab (Full-body gown); 3. The Burka (Full-body and face veil). However, of the 850 thousand Muslim residents in the Netherlands, only an estimated 300 wear the niqab or burka (BBC The Islamic Veil).

privacy, has complicated the national understanding how public and private spheres of life should intersect. An “unpacking” of the cultural debate surrounding the Islamic veil is necessary to understand the greater question at hand – how do cultural differences between national and migrant populations reflect and affect a nation’s understanding of human rights questions?

The authors Sawitri Saharso and Doutje Lettinga offer a comprehensive framework for examining media publications focused on the debate around the Islamic veil. In “Contentious Citizenship: Policies and Debates on the Veil in the Netherlands,” Saharso and Lettinga examine media through a “frame analysis” scheme that separates each article into four components: diagnosis, prognosis, call for action, and causality (463). Diagnosis is the framed “definition of the problem,” while prognosis refers to the “proposed solution” (463). The “call for action” and causality refer to the onus of the problem – who is responsible for the solution and who is responsible for the problem, respectively. Finally, these four qualifiers are categorized into three frameworks (ways of discussing the topic): State-Church (or the role of the state), Integration, and Gender (466).

Saharso and Lettinga have also applied their framework to Dutch national newspapers from 1999-2007, providing a resource for this paper. The thrust of their research suggests a shift from promoting “open neutrality and freedom of religion” to condemning “Islam as a threat” through an increased scrutiny of the integration efforts of those donning the veil (470). In essence, the

debates beginning in 1999 focused on the “pillared”<sup>11</sup> civic model of the Netherlands – equal access to the public sphere for all sects and religions (457-458). However, the debate shifted towards an assimilationist-model in which integration and the veil were set as antithetical (473). Such a model privileged the “cultural-determination” of the Dutch over the rights of expression held by migrant and minority populations.

Tracing the discourse of human rights further into the past, *Postcolonial Netherlands* offers an historical examination of the Dutch state’s relationship with immigrants, succinctly iterated in the byline as: “Sixty-five years of forgetting, commemorating, silencing.” The first chapter, “Decolonization, migration and the postcolonial bonus” offers the most relevant information for historicizing the current debate on immigration and human rights: that the newest wave of Muslim migrants *can* be considered in epochal shift. The first waves of immigration to the Netherlands consisted of post-colonial, Dutch citizens who were treated with policies that left most integration – if any at all – to local councils (40). This policy of “the preservation of one’s own identity” – placing value in a truly multicultural society – was continued until the late 1970s, becoming questioned publicly only as recently as 1994 (41). Notably, this shift in the debate surrounding citizenship – especially *cultural* citizenship – begins with identifying Islam as “incompatible” with integration (43). As Oostindie suggests, the Netherlands – alongside Portugal – faced distinct difficulties in integrating Muslim immigrants because they were *not* post-colonial, unlike Muslim immigrant populations in France and Germany (44).

<sup>11</sup> As Bijsterveld explains in her note on J.P. Kruyt’s original use of the term, “pillarization” refers to the “cross-cutting class-based and religious cleavages into four dominant interest groups of blocs – Catholics, Protestants, Socialist, and Liberals...” that form the basis of social organization within the Netherlands (1).

As Wilders's two court cases suggest, the claim that immigrants are incompatible with the Dutch nation-state did not disappear after 2007<sup>12</sup> – and the debate may have become more polemical. Contemporary (post-2007) discourse on the veil and Islam in the Netherlands continues using the same frameworks recognized by Saharso and Lettinga. The first article, written by Griff Witte, “Anti-immigrant anger threatens to remake the Netherlands” was published mid-2017 by an American newspaper: *The Washington Post*. The framework of the Dutch citizens interviewed adheres to the changes examined by Saharso and Lettingah: fears of Islam are combined with a fear of “diminishing” Dutch culture. Joost Niemöller – author and Wilders-supporter – is quoted in the article, “The main issue is identity” – an identity marked by different outward appearance, e.g., the veil. In essence, “solidarity rights” are used as a functional tool for explaining why allochthonous immigrants are not welcome within the Netherlands – a major shift from pre-1999 human-rights discourse.

Yet, as culture is a field for exchange and contestation, the human-rights discourse is not one of consensus. Further examination of “Anti-immigrant anger threatens to remake the Netherlands” offers a new, reflexive framework not examined by Saharso and Lettinga. Instead of *Islam* being seen as antithetical to Dutch culture, the rising xenophobia of Dutch discourse is portrayed as inimical to Dutch tradition. The framing of the article, ending with stories of successful integration and moderate calls from Dutch citizens arguing for multicultural solutions, also suggests that the “integration” framework of debate is outdated, if not parochial. As layperson

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<sup>12</sup> The end of Saharso and Lettinga's study.

Iris Scheppingen states, ““The children [of all backgrounds] all play together.” Or as Iranian immigrant Salimi concludes, “The politicians are exploiting divisions, turning people against one another for their own gain.” If thought of in a human rights context, this “reflexive framework” of critiquing the Dutch public’s extremism towards immigration represents a prescriptive model for rethinking the national discussion on the needs and rights of migrants themselves – rather than just discussing identity politics.

Within the Netherlands, the article published by *Dutch News* examines the lecture – “the paradox of freedom” – given by then Dutch health minister, Edith Schnippers. Schnippers invokes elements of the integration framework – appealing to “values” of “Dutch” Culture – by calling for a defense of “culture, freedom and [the] social contract.” The gender framework of discussion is also evident in the odes to the victimization of women (through the veil), LGBTQ+ community, and children. However, more notable than the frameworks of discourse – which align with that predicted by Saharso and Lettinga – is the position and context of the lecture. This lecture, given by the health minister, did not focus on health. In fact, the only reference to health is the line in which Schnipper explains why she is not going to discuss the health system (Schnipper). The frameworks for discussing Islam and integration have become so ingrained within Dutch society that this debate infects most proceedings, regardless of relevance. Whether through newspapers, government meetings, trials, and popular politicians, conceptions of human rights and identity– while not explicitly mentioned – have gained framing roles in national and public dialogues.

More important than the content of the discussions on immigration in the Netherlands is what they are *not* discussing. Both articles discussed above, alongside a plethora of articles on immigrants within the Netherlands, leave out explicit discussions of human rights. Building from the work of Lila Abu-Lughod in her 2002 article, “Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others,” I suggest that the specific framing of public opinion and media outlets is a type of fetishization of the hijab and identity. In her reaction to the post-9/11 media-framing of Muslim women as oppressed, Abu-Lughod writes that “such cultural framing, it seemed to me, prevented the serious exploration of the roots and nature of human suffering...” (784). Halleh Ghorashi’s article, “From Absolute Invisibility to Extreme Visibility: An Emancipation Trajectory of Migrant Women in the Netherlands”, outlines how Islamic immigrant women went from undiscussed in public discourse to an object of public reflection that “were in need of explicit help in order to gain emancipation” (77). Thus, Dutch popular framing – with a focus on the (in)compatibility of Dutch and migrant identities – dominates Dutch discourse today and substitutes itself as a “human-rights” dialogue while ignoring actual discourses on what rights immigrants have to belief, self-determination of culture, and protection from unfair treatment by the state.<sup>13</sup>

Human-rights conditions that do deserve space within the Dutch culture of rights are numerous, but consistently “hidden” through a process of fetishizing identity and culture as the main battlegrounds of human rights discourse. For example, the stigmatization and discrimination of

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<sup>13</sup> For further examples of the framing of Dutch human-rights discourse, the following articles offer excellent examples: “Dutch Prime Minister Warns Migrants to ‘Be Normal or Be Gone,’ as He Fends off Populist Geert Wilders in Bitter Election Fight”; “Netherlands Considers a New Relationship to Muslims with Coming Election”; and “The Netherlands: The Identity Election.”

Muslim women is left out of the discourse.<sup>14</sup> Or, fruitful conversation could be gleaned from examining new forms of criminalizing immigration – crimmigration – that are being considered by the Dutch government.<sup>15</sup> Furthermore, human-rights discourse that centers around the ways in which migrants are *not* integrating overshadows the ways in which migrants *are* integrating. If the human-rights discourse focused on the works of scholars like Masja van Meeteren<sup>16</sup> and Valentina Mazzucato<sup>17</sup>, it could shift towards counter-stories and broader conversations that examine the ways in which migrants are able to retain connections to their human cultures while simultaneously forging new and deep connections with their new homes.

## Conclusion

Through my research tracing the shifting conceptions of human rights, evidenced in its discursive changes in the Netherlands, I have attempted to illuminate facets of how the “culture of rights” – or “rights as culture” – have shifted when faced with the deeper societal changes effected by non-western immigration. By examining the liminal space in which legal adjudication becomes simultaneously prescriptive and imaginative, I have shown that aspects of the legal institution are complex in their implementation of human-rights discourse, often responding to mitigate extremism (contextually defined) within public sentiment. Furthermore,

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<sup>14</sup> For an excellent study on Dutch Muslim migrants and stigmas, see “Stuck with the Stigma? How Muslim migrant women in the Netherlands Deal – Individually and collectively – with negative stereotypes” by Melanie Eijberts and Conny Roggeband.

<sup>15</sup> See “Crimmigration in the Netherlands” by Maartje A. H. van der Woude, et al.

<sup>16</sup> Meeteren’s essay, “Transnational Activities and Aspirations of Irregular Migrants in Belgium and the Netherlands,” offers an excellent examination of how both “official” (legal) and irregular (“illegal”) migrants forge transnational connections and participate within origin and destination-country cultures.

<sup>17</sup> Mazzucato essays, “Reverse Remittances in the Migration-Development Nexus: Two-Way Flows between Ghana and the Netherlands” and “Transnational Activities and Aspirations of Irregular Migrants in Belgium and the Netherlands,” both critically examine forms of intercultural communication and adaptation among Ghanaian migrant populations in the Netherlands.

discourse on human rights within the public sphere tends to fetishize issues of identity, culture, and otherness *as* human rights issues – often to the detriment of other pressing human rights issues. This analysis, however, should not be taken to show a failing of the Dutch application of human rights, but instead as a series of questions and starting points for renewed discussions on how human rights can become an integral part of discourse – as a culture itself – within the public sphere.

As a final word, I would like to point to the suggestion of Alejandro I. Canales in “El Debate sobre Migración y Desarrollo: Evidencias y Aportes desde América Latina.” We must take in to account how transnational migrants participate within *both* societies – country of origin and country of destination. Until immigrants are viewed as participating in multiple communities regardless of integration, immigrants will be continued to be viewed only as “part of the national security agenda” rather than through a context of human rights as individuals who contribute to multiple societies (32-33). In the Netherlands, with misperceptions about how transnational migrants play a role within society<sup>18</sup>, the recognition of the positive impacts that immigrants have demands to be acknowledged. Until immigrants are explicitly included within debates on human rights – within the culture of rights – they will continue to be relegated to the periphery and suffer because of it.

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<sup>18</sup> For example, a recent study presented by a Statista dossier – “Demographics in the Netherlands” – suggests that the Dutch public expects over 25% of the population to be Muslim (associated with an immigrant background) in 2020, as compared with the estimated forecast of 7% of the population (IPSOS: Pew Research Center, 61). A more recent study, undertaken by the Dutch government, finds that 50% of the Dutch public believe that economic migrants should *not* be welcome within the Netherlands (“Most Dutch People in Favour of Receiving Refugees.”)

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