

Ethnic Minorities and Criminal Justice in the Netherlands

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Josine Junger-Tas

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ABSTRACT

Several ethnic minorities in the Netherlands, relative to population, commit more crimes and more serious crimes than do Dutch offenders. There are indications that minority offenders who commit less serious or nonserious offenses seem to be punished more harshly than similar Dutch offenders. Relatively more ethnic minority members are placed in pretrial detention and sentenced to prison—partly because of different crime patterns, partly because many have no fixed residence, and partly because many are less likely than Dutch defendants to turn up at the trial and to plead guilty. Even taking account of these variables, minority membership continues to be a factor in explaining sentencing. Although ethnic stereotyping may play a role, disparities appear to result largely from the unfavorable economic, social, and legal position of ethnic minorities.

The Netherlands, which has about 15 million inhabitants, long had a homogeneous population, with the exceptions of residents of mixed Dutch-Indonesian descent, who now number 250,000 to 300,000, and a small group of Moluccans who emigrated in 1951 after Indonesia's independence. Both groups have Dutch nationality.

Compared to other European countries, the Netherlands became an immigration country only recently. The large influx of guest workers from Mediterranean countries—essentially Turkey and Morocco—began in the seventies, while the bulk of Surinamese and Antillean mi-

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grants of Dutch nationality entered between 1969 and 1975, when Surinam became independent.¹

The influx of immigrants abruptly ended in 1981 (Penninx 1982). In 1980, the bilateral agreement between the Netherlands and Surinam, providing for free migration of Surinamese residents to the Netherlands, was reviewed, and stricter rules for migration were established. With respect to the Mediterranean countries, a restricted admittance policy was introduced in 1973. Stricter requirements were imposed for family sustenance, and housing and visa obligations were introduced, first for Turkish immigrants and then also for Moroccan and Surinamese citizens.

The nature of immigration also changed. Starting in 1981, few guest workers were admitted, and from then on most immigration was for family reunification. Seventy percent of persons admitted in 1988–89 came into the country under family reunification policies (Naborn 1992). By the late eighties, this process was nearly complete for Turks, but it was much slower for Moroccans. One consequence is that Moroccan children have been separated from their fathers for much longer than Turkish children. Some attribute the higher involvement of Moroccan boys in the criminal justice system to this experience. Family reunification remains a basis for immigration, but it is gradually being succeeded by family formation (in which a marriage partner is sought from the country of origin). Family formation immigration is still increasing.

At the same time, as labor immigration has virtually stopped, there has been a growing influx of asylum seekers from trouble spots such as Somalia, Iran, Iraq, Ethiopia, Sri Lanka, and the former Yugoslavia. Asylum seekers increased from about 8,000 in 1988 to 20,000 in 1992. A restrictive German law (enacted July 1, 1993) caused a temporary increase in these numbers, but the Netherlands has followed the German example, and new policies have restricted further increases. The largest number of asylum seekers in 1992 came from the former Yugoslavia (5,000), Somalia (4,000), Iran (1,300), Sri Lanka (1,000), Iraq (770), and Afghanistan (350). The number of asylum seekers in 1992 from Eastern Europe was 3,600 and has been decreasing. Between

¹ Unskilled laborers were recruited in nine countries (the so-called recruitment countries): Turkey, Morocco, Spain, Italy, Portugal, Yugoslavia, Greece, Tunisia, and the Cape Verdian Isles. However, recruitment was unequal. Most workers who came from Spain, Portugal, and Italy later returned home. Large numbers came from Turkey and Morocco. The majority became permanent residents.

1985 and 1993, about 10,500 persons were admitted as refugees (according to UN standards), about 4,700 persons were not considered refugees but were given “green cards” (permits for residence) on humanitarian grounds, and 15,800 persons were denied admission (Huls 1995).

Members of minority groups are overrepresented among victims, offenders, and persons processed by the justice system. Available evidence suggests that disparities result in part from differential involvement in crime and differences in the nature of the crimes committed, in part from background factors and specific legal dispositions, and in part from behavioral differences that result when minority offenders find themselves in the criminal justice system. Although there is no evidence of conscious discrimination in the system, unconscious stereotyping could play a role. For example, such stereotyping has been found in the labor market and among the police.

Section I describes the demographic and socioeconomic situation of different groups compared to the Dutch population. Section II examines differences in criminal involvement and draws on police data, victimization surveys, and self-report surveys. Section III considers decision making by the police, prosecutors, and judges and examines legal and extralegal factors that could account for disparities in disposition. Section IV summarizes the preceding discussions and their implications.

I. Ethnic Minorities in the Netherlands

The Dutch people may be divided into “autochtones” and “allochtones.” Autochtones have Dutch nationality, but, as this measure includes naturalized persons, this category is overstated. Allochtones are persons who were born abroad or whose parents were born abroad. However, this includes the children of Dutch parents born in a foreign country, so the number of allochtones is also overestimated (Huls 1995). The term “ethnic minorities” refers to target groups of official and specific Dutch minorities policies, operative since 1983 (Muus 1991). As an official term, “ethnic minorities” was introduced by the Research Council for Government Policy, an advisory body of the government, in its 1979 report (Research Council for Government Policy 1979). Groups are not defined as “ethnic minorities” solely because of their ethnic or racial background and their size. Crucial to the definition is low social and economic position and transmission of this status from generation to generation (van Amersfoort 1974). According to

this definition—based on official counts (of foreigners) and estimates (of allochtones having Dutch nationality)—the Dutch population of ethnic minorities consists of 380,000 Mediterranean nationals and their families; 250,000 immigrants from Surinam and 82,000 from the Netherlands Antilles, most of whom have Dutch nationality; 40,000 Moluccans and their descendants, who also have Dutch nationality; 39,000 officially recognized refugees (excluding asylum seekers); 3,500 Gypsies; and 30,000 (Dutch) caravan (trailer park) dwellers.²

Of course, this definition has an element of arbitrariness. For example, the nearly 40,000 Chinese—of whom only 8,000 have Chinese nationality—are not included (Central Bureau of Statistics 1992–93). There were substantial numbers of Chinese in the country before World War II, but they have never given the government any cause for concern. They constitute a closed, hard-working group with a strong family tradition and little crime. Recently their socioeconomic situation has become more vulnerable, and they have sought governmental support.

The last four groups on the list, including the Moluccans, are relatively small and have not been the subject of much systematic research. Thus, the “ethnic minorities” considered in this essay are Turkish residents, Moroccan residents, Surinamese residents, of whom more than 90 percent have Dutch nationality, and migrants from the Netherlands Antilles, who also have Dutch nationality.

Enumerating these groups is difficult (Muus 1991). Any objective count of ethnic minorities should indicate a person’s nationality, country of birth, and country of birth of at least one parent. Otherwise, increasing numbers of second-generation immigrants who have acquired Dutch nationality will not be registered as members of ethnic minorities in official population statistics or in other official surveys, such as the regular Labor Force Survey.³ Relying on self-identification reports becomes problematic as many in the second and third generations think of themselves as Dutch.

² Counts are based on several sources: official (state) bodies such as the Central Bureau of Statistics; the municipal registry offices, which register births, marriages, and deaths; and the Institute of Socioeconomic Studies. Registration is based on country of origin of the first and second generation, rather than nationality, and on self-identification by later generations.

³ The Dutch Central Bureau of Statistics registers only foreigners as a distinctive population category. Once persons have Dutch nationality, they are registered as nationals without mention of ethnic origin.

TABLE 1
Ethnic Minorities in the Four Largest Cities in the Netherlands,
January 1, 1993

	Total Inhabitants	Ethnic Minorities	Percent
Amsterdam	719,923	189,231	26.3
Rotterdam	596,116	132,424	22.2
The Hague	444,598	93,127	20.9
Utrecht	234,465	36,629	15.6
Total	1,995,102	451,411	22.6

SOURCES.—Central Bureau of Statistics, Municipal Registry Offices, and Muus (1993).

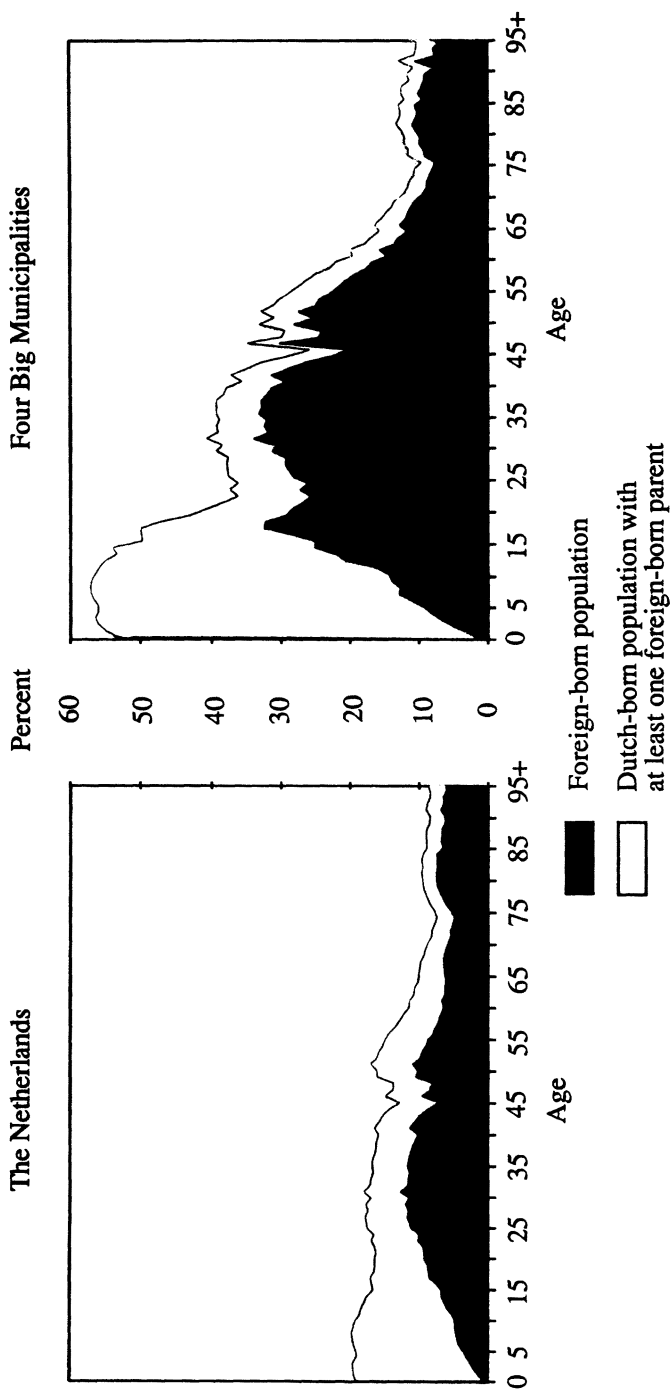
A. Population Data

In 1993, under a restrictive definition that required both parents to be born abroad, all target groups of ethnic minorities policy were estimated to total about 900,000, which is 6 percent of the total population (Muus 1993). When the definition is broadened to include people with one parent born abroad, 1,165,000 citizens in 1994, 7.6 percent of the population could be considered members of ethnic minorities.

However, ethnic minorities are concentrated in large cities. Aliens and ethnic groups make up 22.6 percent of the population in the four largest cities, although there are some differences in their distribution (see table 1).

The proportion born abroad is diminishing, while the proportion born in the Netherlands with at least one foreign-born parent is increasing. This is shown in figures 1*a* and 1*b* both for the whole country and for the four largest cities. The category “foreign-born” includes both nationals and nonnationals.

As figure 1*a* shows, for the country as a whole on January 1, 1992, most older minority group members had been born abroad, but a growing percentage of those under sixty-five were born in the Netherlands, in particular those from birth to age fifteen. In 1993, for example, 91 percent of Turkish children under ten were born in the Netherlands (Huls 1995). This shows several things. First, immigration has slowed, although there are still a considerable number of newcomers from fifteen to forty. Second, the proportion of ethnic minority members is growing, particularly in the large cities. The main reason is a



a

b

FIG. 1.—Foreign-born and Dutch-born population in the Netherlands with at least one foreign-born parent per 100 of the total population, by age, January 1, 1992. *a*, For the entire country. *b*, For the four largest cities. Source: Muus (1993), p. 29.

TABLE 2
Total Fertility Rates in the Netherlands per 1,000 Women
by Country of Nationality, 1978–92

	Dutch Nationals	Turkish	Moroccan	Surinamese*	Total
1978	1.54	4.97	7.37	2.33	1.58
1980	1.54	4.76	6.96	1.74	1.60
1982	1.43	3.73	6.28	1.73	1.50
1984	1.44	3.31	5.85	1.90	1.49
1986	1.53	2.92	5.21	1.95	1.55
1988	1.52	3.22	5.13	1.91	1.55
1990	1.59	3.09	4.71	1.89	1.60
1992	1.58	2.73	4.14	1.66	1.59

SOURCE.—Muus (1991).

* Live births to women born in Surinam.

high birthrate among minority groups compared to the Dutch population. By the year 2000, half of the large city population is expected to be composed of members of ethnic minorities.

Table 2 shows that birth rates of all groups, except Dutch nationals, have been decreasing gradually over the years. However, Moroccans still have the highest rate, followed by the Turks. The rate for the Surinamese closely approximates that of the Dutch population.

B. Education

Education levels for minority groups in 1991 for people aged fifteen to sixty-five are low: about half of the Moroccan men and one-third of the Turkish men have had only some years of primary education. The situation among the Surinamese and Antilleans is better, although their education levels remain considerably below that of the indigenous population. Even among those aged fifteen to twenty-four, a sizable proportion has not completed primary education. Among Moroccan girls, this is more than a quarter.

Among younger people, the situation is changing. This is especially true of those who attend Dutch schools. Members of ethnic minorities who receive secondary education in Holland are more likely to complete their education with a diploma: this is the case for 60 percent of the Turkish and Moroccans and 80 percent of Surinamese and Antilleans, compared to 87 percent of the indigenous population. Based on these figures and on participation in secondary education, estimates

can be made of the proportion of minority members aged fifteen to sixty-five who will obtain a diploma (see fig. 2).

Successful completion of secondary education decreases with age. Practically none of the older Moroccan and Turkish men have obtained a diploma. Of those aged fifteen to twenty-four, the percentage with diplomas is between 35 percent and 53 percent. A cohort study from the Dutch Central Bureau of Statistics (CBS) based on a sample of 20,000 students (Diederer 1995) compared the proportions of those leaving school in September 1994 after five years of secondary education by ethnic group. One-third of all pupils had left school since 1989. Thirty percent of the autochtone pupils and 46 percent of the allochtone pupils left school after five years of some form of secondary education, ranging from lower vocational training to grammar school: Moroccans—55 percent, Turks—47 percent, Surinamese—45 percent, Antilleans—47 percent, other—40 percent. Because the Surinamese group is the largest, its experience largely determined the school-leaving average. Ethnic minorities are more likely to participate in the lower forms of secondary education, and one in four leaves school without a diploma versus one in ten among the indigenous school population.

The participation of ethnic minorities in higher education is extremely limited. Counts of the Higher Education Inspectorate indicate that 0.6 percent of all registered students in higher vocational training institutions were Turkish or Moroccan and 1.3 percent were Surinamese or Antillean.⁴ Only 0.4 percent of all enrolled university students in 1989–90 were Turks or Moroccans. According to a CBS survey on Social Position and Use of Services (Central Bureau of Statistics 1991), 35 percent of Dutch males and females aged fifteen to twenty-four participate in higher education, compared to 22 percent of Antillean, 16 percent of Surinamese, 9 percent of Turkish, and 6 percent of Moroccan males of that age group. Participation of minority females in that age group is considerably lower than that of males, with the exception of Turkish females (8 percent).

Limited enrollment in higher education is, of course, related to limited participation in secondary education. The difference is largest for the Moroccans and smallest for the Antilleans. When members of these groups continue their education after primary school, they

⁴These institutions provide training for professions such as teaching, social work, nursing, and various technical professions.

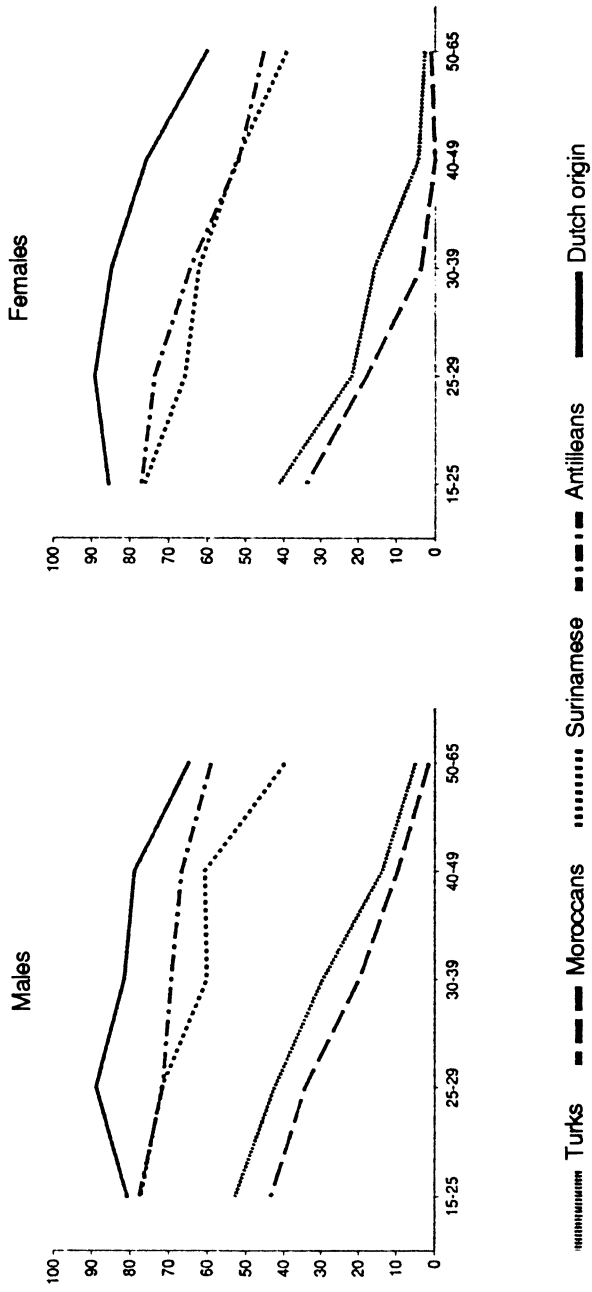


FIG. 2.—The number of diplomas obtained by males and females according to age and ethnic origin, in 1992, in percent. Sources: Erasmus University, Institute for Socio-Economic Studies (1991); Tesser (1993).

mostly select vocational training. More than half of the Moroccan and Turkish students opt for vocational training, against only a quarter of Dutch students. Moreover, whatever the level of education, minority students' results in school achievement and examination success are much worse than those of Dutch students. Differences in language abilities and other skills are evident from the time minority children enter primary school. It is as if the education system perpetuates disadvantaged starting positions demonstrated at age six.

The most important disadvantage is lack of mastery of Dutch. In some cases, 60 percent of total instruction time is completely lost on these students because they do not understand the explanations (Appel 1992). The average school achievement of Surinamese and Antilleans lies one standard deviation below that of Dutch students, while for Moroccan students the disadvantage is one and a half standard deviations, and for Turkish students, two. A second disadvantage is the low education level of minority students' parents. This is important because verbal interaction between parents and children functions as informal instruction: parents answer questions, explain problems, suggest solutions, give examples (Leseman 1989; Tesser 1993). If parent-child interactions are inadequate in this respect, the child is badly prepared for school. There are indications that the education level of parents is more important for the school achievement than is children's socioeconomic position or ethnic background (Meesters, Dronkers, and Schijf 1983), although this is a controversial issue because of contradictory research findings (Tesser 1993).

The schools do little to help minority students overcome learning difficulties, for example, by giving extra training to individual students or to small groups. Experiments have shown that much can be gained by such extra instruction and practice (Slavin and Madden 1989).

C. Employment

Dutch industry in the late 1950s experienced an acute shortage of unskilled labor, caused by an expansion of the service sector, which offered improved working conditions for Dutch workers. Unskilled laborers were recruited from the Mediterranean countries, which faced massive unemployment in agriculture because of mechanization. This was the origin of the influx of Turkish and Moroccan laborers.

The influx of the Surinamese was related to other factors. The first wave, in the sixties, was composed of skilled workers who feared deteriorating economic conditions in their country. The second wave, be-

tween 1975 and 1980, left from fear of cultural, social, and economic conditions after independence and included many persons of little or no schooling.

The oil crisis in 1973 put an end to recruitment of foreign workers, and labor immigration stopped. Furthermore, forced restructuring of many industries led to growing unemployment among labor migrants. Although most migrants planned to return to their homelands with some capital as soon as possible, and to stay in Holland only for a limited period, many were not able to realize their plans. The economic situation in their countries was not much better than in the host country. Many stayed on and arranged for their families to join them.

Although employment increased from 1984 on, the new jobs were for skilled workers. Unemployment among minorities remained high and even increased. This is illustrated in figure 3, which shows registered unemployment between 1988 and 1994 for all target groups of government policy, including Moroccans, Turks, and Surinamese.

Since 1989 there has been a slow improvement in the labor market position of ethnic minorities, but in 1992 the situation deteriorated again for all categories of minorities. The highest unemployment rate is to be found among the Moroccans. In 1991, the unemployment rate for Moroccans was six times as high as for the indigenous population. Among Turks it was five times as high, and among Surinamese and Antilleans four times as high. In 1992, one-third of the Turkish and Moroccan and one-quarter of the Surinamese population was unemployed.

As Tesser (1993, p. 73) shows in his report on the situation of ethnic minorities in the Netherlands in 1993, a number of interacting factors produce the high unemployment figures of minorities. It is difficult to evaluate each factor's contribution.

One factor is the changing economic and market situation. The demand for unskilled workers continues to decrease, and there is a change toward a more flexible organization of labor. This requires from workers more collaboration, more consultation, frequent adaptation to changes in the organization, more communication, and language skills. These changes have been accompanied by a general displacement of lower-skilled workers by higher skilled ones, which has been to the detriment of minorities. This probably explains why unemployment among Dutch workers declined between 1983 and 1989 but increased among minority workers. Employment possibilities for un-

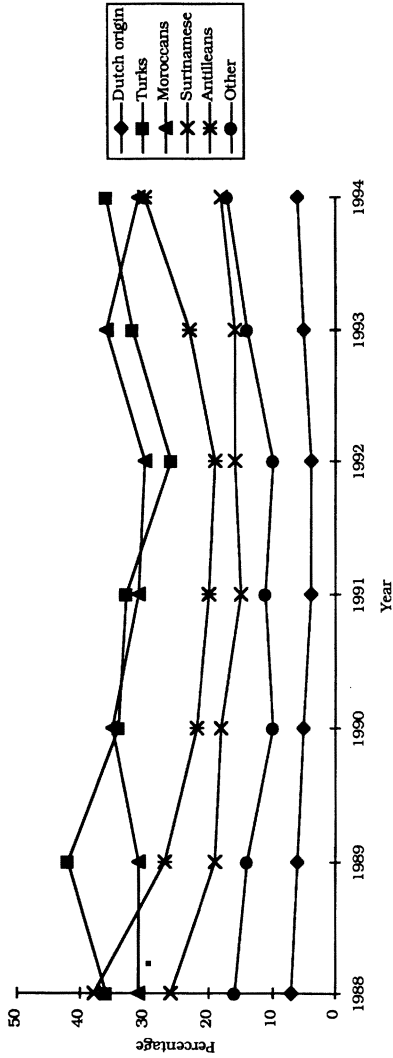


Fig. 3.—Registered unemployment by nationality and country of origin, 1988–94. Sources: Muus (1993), p. 34; Central Bureau of Statistics (1995), p. 70.

skilled workers in industry have never again regained the level of those in the sixties. In 1972, 80 percent of ethnic minority workers worked in industrial enterprises; in 1987, the figure was barely 50 percent. In addition, because of high Dutch payroll taxes, the relation between productivity and labor costs is unfavorable: unskilled labor is expensive. This, too, has contributed to a decrease in the types of jobs available for minorities.

An additional factor is that the minority population is growing about as fast as their labor participation is increasing. This is due both to continuing immigration and to relatively high birth rates.

Finally, low professional and language skills and direct and indirect discrimination are believed to cause unemployment. For example, there are twice as many nonworking among those who have only had primary education than at any other education level. Seventy-two percent of the Moroccans and 66 percent of the Turks aged fifteen to sixty-five in 1991 had achieved only primary education, against 1 percent of the Dutch, a difference likely to be strongly related to unemployment among minorities. However, according to the Labor Survey of 1990, unemployment of minority residents is higher than that of the Dutch at every education level. If minorities had the same distribution of education levels as the indigenous population, their unemployment rate in 1990 would have been 19 percent; it was in fact 23 percent (Kloek 1992; reported by Tesser 1993). The unemployment rate of the indigenous population at that time was 8 percent. Thus, only a quarter of the difference in unemployment rates between the two groups was explained by education differences. Other researchers (Niesing and Veenman 1990) have taken into account education, professional level, age, sex, local unemployment levels, and discrimination in personnel recruitment and selection. Logistic regression was used to calculate the effect of the first five factors on indigenous unemployment in 1988. Using those estimates, they calculated the expected unemployment of minority members. Table 3 shows the difference between the expected and observed unemployment rates of minority members and the Dutch workforce.

These five variables explain only a small part of high unemployment among minority members. Recruitment and selection of personnel appear to be very important factors. Minorities frequently search for jobs either through family and relatives or through agencies for temporary work. The employment agencies look for unskilled jobs to present to them. They seldom suggest higher skilled jobs, in response to prefer-

TABLE 3
Observed and Expected Unemployment
in the Minority and Dutch Workforce,
Based on Five Variables, 1988, in Percent

	Observed Unemployment	Expected Unemployment
Turks	38	17
Moroccans	38	16
Surinamese	33	15
Antilleans	35	14
Indigenous	12	12

SOURCE.—Niesing and Veenman (1990); Tesser (1993), p. 77.

NOTE.—See text for list of variables.

ences expressed by personnel officers charged to recruit workers. Widely publicized research on this subject (Meloan 1990) seems somewhat to have improved agencies' willingness to find jobs for minority workers. Questions on personnel managers' preferences showed that, when considering applicants with equal qualifications, 80 percent preferred indigenous to minority applicants; 20 percent would not accept minority members under any circumstances (van Beek and van Praag 1992). These findings, however, refer basically to low-skilled jobs. It is not improbable that minority members with higher qualifications speak better Dutch and might be perceived as more adaptable to organizational culture, more flexible, and better motivated. These and other social and normative criteria operate to the detriment of minorities because they form the basis of negative stereotypes about the productivity of minority workers. However, judgments and perceptions of the younger generations born in the Netherlands and who speak the language well are more positive.

To what extent similar stereotypes play a role in the operation of the criminal justice system is unclear. One obvious difference is that employers' attitudes concern anticipated future behavior, while the criminal justice system is generally reacting to concrete past criminal events.

D. Public Opinion and Ethnic Minorities

Since 1973 the European Commission has conducted public opinion surveys, called Eurobarometers, covering a number of different sub-

TABLE 4
Opinions on the Presence of Ethnic Minorities in Some Selected
European Countries in 1988, in Percent

	The Netherlands	West Germany	Belgium	France	Great Britain	Italy
Quality of education suffers	48	50	54	49	55	23
Unemployment among own people rises	41	58	73	58	66	67
Abuse of social security by ethnic minorities	37	41	74	65	56	29
Cause of crime and insecurity	24	35	63	51	40	38

SOURCE.—Dekker and van Praag (1990).

jects. A common questionnaire is administered to representative samples of the population of about 1,000 respondents, aged fifteen and over, in each country of the European Union. In the autumn of 1988 a great part of the Eurobarometer was devoted to questions on ethnic minorities (Eurobarometer 1989). It should be observed that opinion surveys have limited value (Dekker and van Praag 1990). Opinions and prejudice have probably little predictive value with respect to behavior: prejudiced people do not inevitably discriminate, while discrimination is not necessarily the result of prejudice. Discriminating behavior, treating someone unfairly according to irrelevant criteria, is based on power—the power of an employer, a landlord, a teacher, or a police officer. However, despite these limitations, the survey's findings give us some idea about how the general public perceives the presence of ethnic minorities in its country.

The questions in the survey referred to persons of different nationality, different race, different culture, different religion, and different social class. The following questions are of special relevance: "What are the consequences of the presence of large numbers of persons of different nationality and/or race in your country? Does the quality of education suffer? Does unemployment among your own people increase? Do they abuse social security provisions? Are they causing crime and insecurity?" (Dekker and van Praag 1990).

Table 4 shows that, compared to their immediate neighbors, the Dutch do not appear to be particularly xenophobic. The differences are especially marked when opinions are expressed on the rise of unemployment of "one's own people" and on the increase of crime and insecurity. Trying to establish some relationships, Dekker and van

Praag found that the explained variance resulting from standard socio-demographic variables (sex, age, social class, education, and urbanization) was not very high, ranging from 2.3 percent in Portugal to 13.2 percent in Great Britain, with the Netherlands 8.7 percent.⁵ However, the relationships were similar in all participating countries, the strongest correlations being for education and age: the lower the education level and the older the respondent, the more xenophobic attitudes are found.

Six years of rising unemployment and crime rates have occurred since then. Had the survey been conducted in 1995, the Dutch results would likely have been considerably less favorable. Ethnic minorities, including the growing influx of asylum seekers, have become an important political issue and media issue since 1988. Some Dutch papers pay disproportionate attention to crime by ethnic minorities, without it being clear whether they merely reflect popular attitudes or contribute to shaping those attitudes.

For example, the Dutch Demographic Institute conducted three surveys in 1983, 1986, and 1990 on "Attitudes and Opinions on Aspects of Population Issues," including migration, minorities policies, integration, and xenophobia (van den Brekel and Moors 1993). As table 5 shows, 42 percent of respondents believed that the presence of so many foreigners in the country led to more terrorism and criminality, a considerably higher percentage than was found in the Eurobarometer. Age and education of respondents again showed a strong relationship with xenophobia.

The available evidence suggests that intolerance toward persons of different nationality or race has increased over the years. In an effort to explain this phenomenon, Halman (1994) examined value orientations in modern European society. His observations are based on a comparative European Values Study (EVS), coordinated by the Universities of Louvain, Belgium, and Tilburg, the Netherlands, which took place in 1981 and 1990. The EVS examined individualization and modernization in the fields of religion, morality, society, politics, family, marriage, and sexuality (Halman and Vloet 1992). It found that tolerance is a characteristic of modern and individualized persons: "Tolerant people express modern values, they are less religious, less traditional, more progressive, more inclined to protest and more inter-

⁵ Explained variance in the Dutch study: age, 3.1 percent; education, 6.3 percent; and social class, 3.1 percent; all together, 8.7 percent.

TABLE 5
 Respondents Agreeing with the
 Proposition "The Large Number of
 Foreigners Leads to More Terrorism
 and Criminality," in Percent
 ($N = 1,500$)

Demographic Categories	Percent Agreeing
All respondents	42
Sex:	
Men	44
Women	40
Age:	
20–39	34
40–64	47
65–74	54
Education:	
High	23
Medium	40
Low	52
Urbanization:	
Four largest cities	36
50,000–100,000 population	43
Under 50,000 population	43

SOURCE.—van den Brekel and Moors (1993).

ested in politics" (Halman 1994, p. 33). These findings are confirmed by Dekker and Ester who concluded that xenophobia is inversely correlated with support for democracy and political interest (Dekker and Ester 1993).

How can one explain the decline in tolerance in Europe since the eighties? One hypothesis is that many people in European society feel threatened in what they perceive as their rightful interests: good jobs, quality education, and comfortable and affordable houses (Halman 1994). These groups are afraid of growing competition for jobs, houses, and social security benefits by foreigners. Moreover, low levels of confidence in politics and in the ability of existing institutions to cope with the problems of contemporary society go together with feelings of threat and insecurity (Halman 1994). From this perspective, the mixture of generalized feelings of insecurity and fear are projected on foreigners and minorities who are blamed for all of society's problems.

II. Crime and Victimization among Ethnic Minorities

Much debate has taken place in political circles and the civil service as to whether ethnicity should be recorded in official statistics, such as in the police and the judiciary records of the Central Bureau of Statistics, or in other regular government surveys. The arguments against focus on the need to preserve individuals' privacy and the wish to avoid stigmatization of ethnic groups. The Ministry of Justice, in particular, has strongly opposed recording of ethnicity data for these reasons. This is now official policy, and Dutch police and judicial statistics do not maintain data on ethnicity. The only exception is prison statistics, which give information on inmates' nationality or country of origin. As a result of these policies, I am unable to offer any national police, prosecutorial, or judicial statistics specifying the distributions of members of different ethnic categories. Similar policies exist in other countries such as Canada (Gabor 1994).⁶ Fortunately, there is some good research material providing information on police figures, self-report data, and victimization data.

A. Police Figures according to Ethnicity

At the request of the Ministry of Internal Affairs, research has been conducted on recorded crime of juvenile members of minority groups in the four largest Dutch cities (Etman, Mutsaers, and Werdmölder 1993). A majority of the Surinamese, half of the Moroccans, and more than one-third of the Turks and the Antilleans live in these cities.

The researchers consulted records maintained by the juvenile police. Ethnicity was routinely recorded by noting the country of birth of the juvenile and of one of his parents. Girls constitute only 14 percent of all arrested juveniles, and were omitted from the analysis. Although twelve years is the lower limit of criminal responsibility, which means that children under age twelve cannot (as a legal matter) commit offenses, the juvenile police gather information on children aged nine to twelve who commit delinquent acts.⁷ Thirteen thousand police con-

⁶ Gabor argues that statistics based on race and ethnicity should be collected. His arguments are that the public is entitled to this information, which will help to combat stereotyping minorities and prejudice, and that policy makers need the information to develop effective policy measures. I think the latter argument is valid but the former is not. There is no evidence that disclosing the facts has ever changed stereotypes and prejudice. The facts are simply not believed unless they confirm the stereotypes already held.

⁷ Status offenses in Holland—noncriminal acts related to juvenile status, such as truancy, incorrigibility, lack of supervision—are not defined as delinquent behavior. These behaviors may eventually lead to a civil order of youth protection, but they are *not* included in statistical data on delinquent behavior.

TABLE 6
 Proportions of Four Ethnic Groups among Apprehended Male
 Suspects, Aged 9–17, and in the Same Age Male Juvenile Population
 in the Four Largest Cities, 1988 and 1990, in Percent

Nationality	1988		1990	
	Suspects	Population	Suspects	Population
Dutch	32.0	66.0	28.0	58.0
Surinamese	23.0	11.0	18.0	12.0
Turkish	7.5	7.0	8.5	8.5
Moroccan	24.5	8.5	32.0	10.5
Other*	13.0	7.5	13.5	11.0

SOURCE.—Etman, Mutsaers, and Werdmölder (1993), p. 83.

NOTE.—All percentages sum to 100.0.

* Antilleans are included in "other."

tacts were recorded in police files in 1988 and 1990. Not all of these records deal with serious offenses. About half of reported cases resulted in an unofficial reprimand by the police and have no judicial consequences, while in somewhat less than half, an official report was sent to the prosecutor for examination.

Table 6 shows that in 1988 ethnic minorities made up one-third of the youth population in the four cities but were responsible for two-thirds of offenses known by the juvenile police. In 1990, they represented 40 percent of the population and were responsible for 70 percent of known offenses. However, there are large differences among the groups. Calculations (not shown in table 6) per 100 boys, aged nine to seventeen in the same age population, revealed that in 1990 the Turkish boys were not overrepresented among the apprehended boys (8 percent), nor were the Surinamese (11 percent), but the Moroccans were heavily overrepresented with 22.5 percent in the nine to seventeen age group and 30.5 percent in the twelve to seventeen age group. Recidivism rates are high (about 60 percent) but do not differ significantly among groups.

Since the mid-1980s, there has been growing concern in police circles and the judiciary about serious and violent crime among Antillean juveniles and young adults. That is why the Ministry of Justice asked for a study of this specific ethnic group, concerning both involvement in crime and possible causal factors. The study covers three large po-

TABLE 7
 Number of Recorded Minority Juveniles
 (12–24 Years Old) in Three Police
 Regions (Amsterdam, Rotterdam, and
 Tilburg) Related to the Same Age
 Population in 1990, in Percent

Ethnic Group	Population (<i>N</i> = 550,716)	Report to Prosecutor (<i>N</i> = 16,090)
Antillean*	1.0	11.5
Moroccan	3.0	9.5
Dutch	75.0	2.5
Surinamese	3.5	5.5
Turkish	3.5	3.5
Other	14.0	2.5
Total	100.0	2.9

SOURCE.—Van Hulst and Bos (1993), p. 62.

* Eighty-three percent of the Antillean group came from the island of Curaçao; 12 percent came from Aruba, the rest from the other four islands (Bonaire, Sint Maarten, Saba, and Sint Eustatius).

lice regions—including the cities of Amsterdam, Rotterdam, and Tilburg—and is based on official police reports that are sent to the prosecutor (van Hulst and Bos 1993). The age group involved is twelve to twenty-four, and the offenses covered are on the whole of a more serious nature than those in the earlier study. Moreover, the Antillean young people, including girls, are systematically compared to other ethnic groups.

Of all youths aged twelve to twenty-four in these three police regions, only 3 percent had a report sent to the prosecutor. However, as table 7 shows, two groups—the Antilleans and the Moroccans—are heavily overrepresented in recorded crime. The Surinamese are somewhat overrepresented. The Turks are not. All groups, with the exception of the Turks, have considerably higher proportions of recorded crime than the Dutch group.

Another recorded crime measure is the number of police reports and the number of offenses mentioned in the reports per individual offender (see table 8). Moroccan offenders have the highest number of reports to the prosecutor and the highest number of recorded offenses

TABLE 8
 Number of Police Reports and Number
 of Recorded Offenses per Individual
 Offender in the Three Police Regions
 (Amsterdam, Rotterdam, and Tilberg),
 1989–91

Ethnic Group	Number of Police Reports	Average Number of Offenses
Curaçao	1.91	2.38
Other Antillean	1.69	2.10
Moroccan	2.16	2.71
Dutch	1.60	1.95
Surinamese	1.66	2.09
Turkish	1.79	2.11
Other	1.53	1.77
Total	1.67	2.03

SOURCE.—Van Hulst and Bos (1993), p. 63.

per person, followed by offenders from Curaçao, the largest Antillean island. The latter have higher recorded crime figures than the other Antillean offenders. The lowest numbers of reports and offenses are found in the Dutch group, followed by the Turks, and the other Antillean offenders. These figures confirm the patterns shown in the first study, pointing to a difference in criminal involvement between the Moroccans and Antilleans and the remainder of the youth population.

The third major study combines information from the police with self-report data and victimization data. It is based on national representative samples of boys of three different ethnic groups—Surinamese, Turks, and Moroccans—aged twelve to seventeen and a control group of Dutch boys living in the same neighborhoods as members of ethnic minorities (Junger and Zeilstra 1989). The Turkish and Moroccan samples are drawn from police records, and the Surinamese sample is a subsample of a larger one drawn by the Central Bureau of Statistics.

Table 9 shows registered police information both on (unofficial) police contacts “ever” and “last year” and on recorded police contacts leading to an official report sent to the public prosecutor. Many police contacts of juveniles are dealt with informally, comparable to the English “no further action.” The police may send the juvenile home, rep-

TABLE 9
Police Contacts and Official Reports of Four Ethnic Groups,
in Percent

	Moroccan	Turks (Dutch)	Surinamese	Dutch Controls	<i>p</i>
Police contacts "ever"	33	23	23	15	
Police contacts "last year"	20	11	10	6	<.05
Official reports	15	8	6	6	<.05

SOURCE.—Junger and Zeilstra (1989), p. 40.

rimand him, or send him to a diversion project, all actions followed by dismissal of the case. When the offense is considered serious, an official report is made and sent to the prosecutor, who also has a number of sanctioning options other than adjudication.⁸ Sending a report to the prosecutor might be regarded as equivalent to the American definition of "arrest."

About twice as many Moroccans as the other ethnic groups had police contacts and more than twice as many had at least one official report. The Dutch boys had considerably fewer police contacts, whether "ever" or "last year," but there is little or no difference in the number of Dutch, Surinamese, and Turkish boys who have received an official report. This suggests that, although boys in all three ethnic groups have far more police contacts, especially at younger ages, than Dutch boys, this does not mean that they will all be officially recorded.⁹ In this respect there is little difference among Dutch, Surinamese, and Turkish boys.

However, a number of observations should be made. First, it is at ages twelve to thirteen and fourteen to fifteen that more minority boys than Dutch boys have police contacts. Dutch boys seem to start committing delinquent acts somewhat later. Second, ethnic groups are not homogeneous. For example, the Surinamese group consists of Surinamese Creoles, Hindustani, Javanese, and other Asian people. The

⁸ The prosecutor may reprimand a youngster in his office, send him a warning, impose mediation, impose restitution, or impose community service up to forty hours. All these "sanctions," if performed well, will be followed by dropping the charges.

⁹ Both Junger (1990) and Etman, Mutsaers, and Werdmolder (1993) found this. In the latter study, more than a quarter of the children coming into contact with the police were aged nine to thirteen, with the Turkish (36 percent) and Moroccans (28 percent) overrepresented and the Dutch (21 percent) underrepresented.

TABLE 10
Delinquency Profile by Ethnic Group Aged 12–24 in Three Police
Regions (Amsterdam, Rotterdam, and Tilburg), in Percent

Ethnic Group	Antillean	Moroccan	Surinamese	Turkish	Dutch
Public order and vandalism	6.6	7.3	8.2	11.8	17.7
Offenses:					
Property	61.0	61.3	53.0	47.9	48.5
Violent	16.3	15.8	19.6	14.0	10.4
Sexual	1.4	.3	1.7	1.5	1.1
Drug	2.3	3.7	2.8	3.8	1.2
Traffic	3.4	3.4	4.3	11.1	12.0
Other	9.0	8.2	10.4	9.9	9.1

SOURCE.—Van Hulst and Bos (1993), p. 68.

NOTE.—Percentages sum to 100.0.

study found large differences in police involvement between Creoles and the other groups, with the Creoles having many more contacts. Third, the number of boys getting an official report does not vary very much among most ethnic groups (except for the Moroccans), and Turkish and Surinamese boys have more police contacts than the Dutch boys. This could indicate two things: first, that because these children spend more time on the streets and at younger ages than Dutch children (Junger and Steehouwer 1990), they are more likely to have contact with the police; second, that the police pay more attention to ethnic minority kids, thus discovering more petty offenses, many of which are not serious enough to prosecute. Both these surmises might be correct.

1. *The Nature of Criminality.* There are group differences in the nature of offenses committed. Taking account of the nine to thirteen age group, and considering contacts including police disposals and official reports, minorities are overrepresented for petty property offenses. For a more accurate picture, different groups are compared in relation to reports transferred to the prosecutor, using the latest data available in three police regions, Amsterdam, Rotterdam, and Tilburg (van Hulst and Bos 1993).

The age composition of groups differs. Half of the Moroccans and 40 percent of the Turks are under eighteen, versus about one-third of the other groups. This may influence both offense patterns and offense seriousness. Unfortunately, table 10 cannot be disaggregated according

to age so that it is difficult to tell whether the high proportion of property offenses committed by the Moroccan group is related to their age composition. According to the police data in table 10, the major difference is that both Moroccans and Antilleans commit more property offenses than the other groups. Moreover, all ethnic offenders are more often recorded for violent offenses and drug offenses than are Dutch offenders, while the Dutch and the Turkish seem to have committed more traffic offenses than the others. Acquisitive crime appears to characterize Antillean, Moroccan, and Surinamese offenders, and in committing these offenses they more frequently use violence: compared to the Dutch group, three times as many Antilleans and twice as many from the other groups commit theft with violence. They also tend to commit these offenses in groups, which adds to the fear and insecurity of victims.

Earlier research on drug addiction in a group of young adult Moroccans showed that, compared to other addicted groups, the Moroccans committed more serious thefts, such as group thefts, theft with damage, or with burglary. Moreover, they were likelier to use violence while committing their offenses (Kaufman and Verbraeck 1986).

2. *A Special Offense—Street Robbery.* Two researchers in 1989 called attention to the increase and seriousness of street robbery in Amsterdam (Loef and Holla 1989). Research in the red-light district of the city showed that street robbery is a characteristic offense of recent, poor, and deprived migrants. Street robbery is an unsophisticated crime, easy to commit, requiring few skills or knowledge of the local criminal structure, and gives immediate returns.

Street robbery is a typical urban offense. Three-quarters of all street robberies reported to the police occur in cities of over 100,000 population, two-thirds in the four largest cities, and nearly half in Amsterdam. It is an offense that provokes much fear. In view of the increase in reported cases of street robbery, a large-scale study was undertaken of all cases reported to the police in Amsterdam and Utrecht in 1991. Ninety percent of all reports to the police have been analyzed, and half of all records of arrested suspects. Interviews were held with forty-four offenders and thirty-two victims (de Haan 1993).

Four thousand, five hundred street robberies were reported to the Amsterdam police in 1991. The most common offense was theft of money under the threat of violence; one-third was purse snatching from older women. In 40 percent of the cases no violence was used and in about one-third the robber was armed, generally with a knife. One-third of the victims were foreign tourists and two-thirds were

Dutch. Both offenders and victims were mainly men. Most robberies occurred in three places: the city center, the red-light district, and Amsterdam southeast, an agglomeration of public housing estates, populated in large majority by ethnic minorities. In 17 percent of all cases the victim was physically hurt, and in one-quarter of those cases (4.5 percent of all cases), he was seriously hurt. Street robbery is considered by offenders to be a low-status offense that gives little profit. For most of them it is a second-choice offense, mainly committed when one needs money badly and because it is easy to commit.

According to victims' reports, 85 percent of the offenders were non-white: about half were said to be "colored," one-third were classified as "North African," 3.5 percent as South European, 2 percent as Asian, and only 13.5 percent as "white." Comparison of these figures with the ethnic background of arrested suspects showed reasonable concordance: among the nonwhites most of the North Africans were of Moroccan origin, more than one-quarter were born in Surinam or the Antilles or had Surinamese parents, and the others came from fifty different countries. This does suggest that street robbery in the Netherlands is an offense committed mainly by foreigners and minorities.

De Haan distinguishes different motives for the offense: acquisitive crime serves to finance drug use, survival crime serves those who are illegal residents and have no regular income, recreational robbery is committed "just for the kick of it" mainly by offenders under eighteen, and property crime is committed purely for gains with an explicit element of planning.

This produces the following offender profiles based on more extensive records of those who had been taken to court in Amsterdam: acquisitive crime (35 percent), survival crime (25 percent), recreational robbery (20 percent), property crime (5 percent), and unclear motive (15 percent).

De Haan concludes that street robbery is mainly committed for survival (90 percent of the arrested suspects who were illegal migrants) or to sustain a drug habit (half of the legal-resident suspects). The general increase in street robberies is strongly related to migration and segregation of foreigners, unemployment, illegal residence in the country, and heroin consumption.

B. Self-Report Data

The self-report method is generally used successfully with juveniles and appears to have quite acceptable validity (Antilla and Jaakkola 1966; Gold 1970; Junger-Tas 1977; Hindelang, Hirschi, and Weiss

1981; Huizinga and Elliott 1986; Junger 1990; Junger-Tas, Klein, and Zhang 1992). There is some evidence that the method is less valid when used on adults, as was shown by comparing self-report data of a large adult sample with their recorded criminality (Veendrick 1976).

Self-report studies have been used to investigate the behavior of minority juveniles. Outcomes in a number of such studies suggest that minority juveniles are considerably less delinquent than the indigenous juvenile population (Junger-Tas 1977; Junger 1990; Terlouw and Susanne 1991; Terlouw and Bruinsma 1994). For example, Terlouw and Bruinsma (1994), in a Dutch survey of a national random sample of youth aged fourteen to twenty-one, found that 70.5 percent of Surinamese and 62.5 percent of Dutch youth reported having “ever” committed a delinquent act, against 37.5 percent of the Moroccans and 47 percent of the Turkish. Reported (soft) drug use was also much lower among Surinamese (7.8 percent), Moroccan (3.1 percent), and Turkish (2.1 percent) respondents than among Dutch young people (17.2 percent). Comparable outcomes have been found in an English survey (Bowling, Graham, and Ross 1994), suggesting lower delinquency rates among minorities than among the national youth population.¹⁰

Junger (1990) compared her respondents’ self-reports with their police records. A police record meant that the boy was believed to have committed at least one offense and had been in contact with the police. Junger found—as might be expected on the basis of the research literature—reasonable validity for the Dutch and the Surinamese boys, but quite unexpectedly, low validity for the Moroccan and Turkish respondents. As a result, she did not analyze self-report data of the latter two groups but only those of the Dutch and Surinamese boys. Interestingly, she found little difference in property offenses between the Dutch and the Creoles, but the Hindustani and Asians had much lower rates ($p < 0.001$). Similar differences were found for vandalism, while violence rates differed little among the groups. With respect to the “ever” prevalence of all self-reports taken together, the largest group of delinquents was to be found among Surinamese Creole boys (80 percent), followed by Dutch (68 percent), Hindustani (58 percent), and Asian boys (50 percent). A similar distribution was found with respect to the prevalence “last year.”

¹⁰ These three studies are part of the International Self-Report Delinquency Study, which is coordinated by the Scientific Research and Documentation Center, Dutch Ministry of Justice. Thirteen Western countries participate in the study, which is based on a common research instrument.

What are the reasons for these disparities in validity, which seem to be more widespread than one would expect? Junger (1990) showed that the stronger the bond with the original ethnic community, the more disparities. Boys who share values and norms condemning delinquency more often tend to conceal offenses and police contacts than do less prosocial boys. There is also a relation between disparities and insufficient mastery of the language of the host country; this may mean that some respondents have difficulties in understanding the meaning of the questions. Disparities are also related to the number of judicial contacts: the more official contacts with the system, the better the correspondence between self-report data and police records.

However, there may be additional explanations. Surveys in Belgium and Switzerland involving mostly southern European juveniles who were long-term residents and who were well integrated into the host country showed no difference in self-reported delinquency compared with indigenous youths (Junger-Tas 1976; Killias, Villetaz, and Rabasa 1994). Perhaps factors such as long-term residence in the host country, socioeconomic and cultural integration, and the absence of external visible differences between indigenous juveniles and immigrant juveniles influence the willingness of the latter to report offenses. In other words, the fewer the differences between indigenous youths and immigrant youths, the more alike they will be in their actual and reported behaviors. Surinamese juveniles in the Netherlands may be a case in point. Although visibly different from indigenous youths, the majority have Dutch citizenship, had Dutch education in their country of origin, speak the language, and are familiar with Dutch culture. In these respects, their situation is very different from that of Moroccans and Turks. Junger tested the hypothesis that fear of expulsion might cause immigrant juveniles to hide information on offending but found no evidence of such fears.

It is also possible that the disparities between self-reported and officially recorded offenses and police contacts result from discriminatory practices by the police. For example, police patrols pay more attention to members of minority groups, thereby increasing the number of contacts and inflating the number and seriousness of delinquent acts committed by them. This is not a plausible explanation of disparities in the Netherlands. It is not likely that the police would discriminate against Turkish and Moroccan juveniles but not Surinamese youth. Finally, the disparities might relate to such factors as different cultural values or to fear of the authorities.

C. Victimization of Ethnic Minorities

Between 1980–92 the CBS conducted biannual victimization surveys, including sixteen offenses, on a representative sample of 4,500–5,000 individual respondents aged fifteen and over and living in a household. The sample is stratified according to province and urbanization, with automatic selection of the largest cities. Respondents are randomly selected from postal system and telephone service registrations. A weighing procedure is used to adjust for household size and over- and underrepresentation of specific groups. This procedure does not correct for the nonrepresentation of institutionalized and homeless people, groups that have high victimization risks.

The CBS victimization surveys, which distinguish between Dutch citizens and foreigners, show that foreigners have considerably higher victimization rates than does the indigenous population.

A number of qualifications, however, must be made. First, the category “Dutch” includes all who have Dutch citizenship through naturalization and thus includes most Surinamese. Second, although the category “foreigners” does include some members of ethnic minority groups, such as the Turks and Moroccans, European Community citizens form the largest group of foreigners. Third, most foreigners live in the large cities where crime rates are higher than in the rest of the country. Moreover, members of ethnic minorities are generally of lower socioeconomic status and live in poor, relatively crime-ridden urban neighborhoods.

For all those reasons, some disparities in victimization rates may be expected when comparing the rates of the foreign population with those of the average Dutch population. Table 11 must therefore be viewed with some caution, and one must be tentative in drawing conclusions from these data. The overall pattern is for higher victimization rates for members of ethnic minorities.

Other research on victimization among ethnic minorities gives more details (Junger 1990; van Dijk and van Soomeren 1993). A small victimization survey was conducted in 1992 among 297 adult Surinamese, Turks, and Moroccans in Amsterdam and Rotterdam. The results are not necessarily representative for these groups because respondents were selected and interviewed on the streets. The study was meant to provide a “first impression” of minority victimization. About 75 percent of respondents were long-term residents (ten years or more). Two-thirds were men. Education and employment were somewhat above average for those groups. Results were compared with the stan-

TABLE 11
Victimization Rates of Dutch and Non-Dutch Residents in 1992, in Percent

	Dutch (<i>N</i> = 4,341)	Non-Dutch (<i>N</i> = 107)*
Bicycle theft	5.9	12.0
Car theft	.4	2.0†
Theft from car	3.7	5.7
Theft out of car	3.7	8.1
Vandalism	6.7	7.6
Theft of purse	2.5	4.4
Burglary	2.8	7.2
Other thefts	5.0	6.9
Harassment in own home	1.4	2.0
Harassment on the street	.7	.7
Threatened in own home	2.4	3.0
Threatened on the street	3.4	1.7
Hit and run offense	1.5	2.5
Total rate	34.8	47.4

SOURCE.—Central Bureau of Statistics (1992, 1993).

* The low number of non-Dutch respondents is related to a high level of nonresponse among minority members.

† Car theft Non-Dutch rate is from 1988.

standardized population survey on victimization, fear of crime, and police services—the “Politie-monitor”—which is regularly held in most Dutch cities (Geerlof and Schouten 1991; Geerlof et al. 1993). Comparisons were made with the police monitor’s results in Amsterdam and Rotterdam.

Table 12 shows considerable differences: the risk of becoming a victim of a property crime or a violent offense is much higher for members of minority groups than the average risk in Amsterdam and Rotterdam. The risk of becoming a victim of violence and vandalism is particularly high. Victimization of Moroccans has an especially violent character: this group suffers more from assault and violent purse snatching than from property offenses; among Surinamese and Turks, the pattern is reversed. This may be because much offending is intra-

TABLE 12

Victimization of Three Ethnic Groups of Respondents in Amsterdam and Rotterdam in 1992, in Percent, Compared with General Population Rates

	Surinamese (<i>N</i> = 100)	Turkish (<i>N</i> = 98)	Moroccan (<i>N</i> = 99)	Standardized General Population Rate
Property Offenses:				
Bicycle Theft	22	28	20	17
Auto theft	3	5	2	1
Theft from car	16	21	13	7
Vandalism of car	22	25	12	9
Theft of purse	19	14	9	5
Burglary	7	1	4	2
Other thefts	13	20	5	4
Total property	66	68	47	43
Violent Offenses:				
Purse snatching	3	6	9	2
Physical threats	13	12	11	7
Assault	2	7	29	2
Total violent	14	12	34	9

SOURCE.—Van Dijk and Soomeren (1993).

group: groups that have high offending rates usually have high victimization rates. From other victimization surveys, such as the biannual surveys conducted by the Central Bureau of Statistics from 1980 on, as well as the international survey (van Dijk and Mayhew 1992), we know that men and young people are more often victimized than are women and older persons. The survey found higher risks for those with more education (68 percent) than for those with lower education (55 percent). The latter are more frequently victims of violence than of property offenses.¹¹ Moreover, 60 percent of the respondents had been victimized more than once (by two to four offenses). However, it bears reiteration that these results are biased by comparison of victimization of mainly lower socioeconomic-status persons living in high-crime neighborhoods with that of a random sample of inhabitants of Amsterdam and Rotterdam. An average risk group is being compared to a high-risk group and this does not give an accurate picture.

¹¹ This group overlaps partly with the Moroccans, of whom 81 percent have only lower education, against 44 percent of the Turks and 26 percent of the Surinamese.

To remedy this, additional research was undertaken. A telephone victimization survey of Turks and Moroccans in four large and four medium-sized cities was complemented with face-to-face interviews. The three groups—including the Surinamese—were then compared with a matched group of Dutch citizens living in the same neighborhoods (van Dijk and van Soomeren 1994).

The first comparison showed that minority group members interviewed by telephone were better educated and had higher incomes than those who were interviewed face-to-face; thus the phone sample was not representative of ethnic groups in Holland. Moreover, they lived throughout the country while the face-to-face interviews were concentrated in the larger cities.

The second comparison showed no difference in victimization risk between the three ethnic groups and the Dutch group living in the same neighborhoods. The conclusion is that victimization risk and fear of crime are more strongly related to degree of urbanization and to neighborhood quality rather than to ethnic origin.

Research in England and Wales (Tuck and Southgate 1981) also shows that the degree of urbanization and type of home were more strongly related to victimization risk than ethnicity and that environmental factors were more important than ethnicity.

Junger's findings, although limited to juveniles, confirmed these conclusions for the Netherlands. The control group was composed of boys living in the same neighborhood or street as the minority groups. Dutch juveniles had most often been victims of property offenses (75 percent); Moroccan (60 percent) and Hindustani boys (59 percent), least often. The same is true for violent offenses: more Dutch boys (31 percent) than Turkish (21 percent), Creoles (22 percent), and Moroccans (15 percent) had been a victim of physical threats or assault. On the whole, however, differences are slight.

Factors related to victimization of ethnic minorities are length of residence in the country and age: the longer in the country and the higher the age, the higher the risk of becoming a victim both of property and violent offenses. Other factors are similar to all ethnic groups (see also van Dijk and Mayhew 1992). For example, how young people spend their leisure time is related to victimization risk. To the extent that they often spend their free evenings in discos and bars, the risk of becoming a victim of a property offense is tripled, and that of becoming a victim of violence is doubled. In other words, lifestyle is an important determinant factor of victimization probabilities.

With respect to fear of crime, ethnic minorities do not seem to be more fearful of becoming a victim than is the average Dutch citizen (van Dijk and van Soomeren 1993). Women and recent victims of violence have higher than average feelings of fear.

Do ethnic minorities feel discriminated against? They undoubtedly do. Fifty-five percent report having experienced discrimination by Dutch citizens or agencies. More Turks (87 percent) and Moroccans (45 percent) than Surinamese (32 percent) report such events. The most common perceptions of discrimination involve anonymous situations, such as in the street by young people, in bars or discos, and formal interactions between public officials, such as civil servants in their public function or police officers. Direct discrimination in the work or home environment seems to be rare. This may be because employees get to know each other at the workplace, and personal characteristics in the work situation are more important than ethnic stereotypes. One in three respondents reports avoiding going to certain places, such as specific bars and discos, shops and markets, in particular when these are outside their own neighborhood (van Dijk and van Soomeren 1993).

D. Summary

With respect to recorded crime, Moroccans and Antilleans are considerably overrepresented in the crime statistics. Moreover, they have the highest number of official records and of offenses per individual offender. Comparing the juveniles in these groups shows that they accrue official police records for having committed delinquent acts at an earlier age than Dutch juveniles.

Official records show more violence and group thefts among Moroccans and Antilleans than among the other groups. Finally, street robbery appears to be a typical offense of recently arrived, marginalized, and deprived migrants and of drug addicts.

Self-report data, on the contrary, show less involvement in crime among ethnic minorities than among Dutch juveniles. This is not the case for the Surinamese, who are better integrated into Dutch society and speak the language well, but it is true for Turks and Moroccans. There is some evidence that this possible underreporting is related to traditionalism, lack of knowledge of the Dutch language, and degree of involvement in offending. However, there is a need for more conclusive evidence.

Victimization rates of minorities are considerably higher than those

of the average citizen. This is true for all types of offenses but particularly so for violent offenses. However, controlling for neighborhood makes most of the differences disappear. Victimization of minority members seems to be related to age and length of residence in Holland. Lifestyle and leisure behavior are also related to victimization risk, but this is similar for Dutch persons.

III. Ethnic Minorities in the Criminal Justice System

All those who reside in The Netherlands are treated alike in like cases. Any distinction on the basis of religion, race, political conviction, sex, or sexual inclination is prohibited. (Article 1 of the Dutch Constitution)

The Netherlands constitution expresses the principle of equality before the law. Neither the police nor other officials should treat members of ethnic minorities, including foreigners, any different than Dutch citizens.

Two arguments can be raised to qualify this principle. First, Article 2 of the constitution states that the law—in particular the Aliens Act—regulates the admission and expulsion of foreigners; and second, the claim may always be made that cases are not alike (Kruyt 1986).

There is patently no legal basis for treating the Surinamese, most of whom have Dutch nationality, any differently than other Dutch citizens. However, foreigners may be expelled and returned to their home countries. This does not happen very often, but that this possibility exists means that foreigners may find themselves at a disadvantage compared to Dutch suspects with respect to pretrial detention, activities of the probation service, sentencing, and prison regime.

A. Expulsion

Three categories of foreigners can be expelled. First, illegal residents, who have by far the weakest legal position. Second, asylum seekers who lose their petitions for legal residence and as a consequence must leave. Third, criminal foreigners who have legal residence but lose it because of a criminal conviction (Aalberts and Dijkhoff 1992). When awaiting expulsion, foreigners are routinely held in “aliens custody.” They are detained either in police cells for a short time or in jail. Jail records for 1989–92 show that criminal foreigners formed

about 40 percent of all foreign detainees and illegals about 50 percent (Aalberts and Dijkhoff 1992).

Expulsion is a much harsher punishment than prison. There has been much debate among lawyers as to whether expulsion means that an offender is punished twice. This would violate the values underlying double jeopardy principles. However, the Council of State ruled (in 1978) that expulsion is not a criminal penalty but an administrative measure on the basis of the Aliens Act and in the interest of public order (Kruyt 1986). A foreigner can also be declared “undesirable.” The consequence is that he is not allowed to visit relatives in the Netherlands and, if apprehended, can receive a prison sentence of six months maximum. A foreigner may be declared “undesirable” when convicted of a crime incurring a prison sentence of three years or more.

Expulsion has serious consequences: the expellee may be completely uprooted and may lack skills to build a new existence in the country of origin; the same is true for family members, especially the children; expulsion leads to disparate processing in most phases of the justice process, but especially in the execution of a prison sentence; and the possibility of expulsion may lead to feelings of insecurity among legal residents (Swart 1978).

Expulsion is dependent on a number of factors, such as seriousness of the crime, length of the prison sentence, length of legal residence, bonds with the Netherlands, whether first or second generation, and risk of recidivism. The longer the residence, the smaller the risk of expulsion. Drug dealing practically always leads to expulsion. The probation service tends not to produce presentence reports for foreign suspects on the ground that “they will be expelled anyhow.” Absence of a presentence report may, however, lead to a higher sentence, which may later influence an expulsion decision.

The Aliens Act provides that minors cannot be expelled as long as they live with their legally resident families. Minors aged sixteen to eighteen who have committed a very serious crime may be transferred to adult court and sentenced to prison. They then run the risk of expulsion, although this can be enforced only after they become eighteen or if the offender does not return to live with his family after serving the sentence. This happens rarely.

Research has examined expulsion of foreigners who were residents for at least five years and what crimes they committed (Groenendijk 1987). There were seventy-four cases of expulsion in 1982 and 1984,

TABLE 13
Nature of Committed Offenses followed
by Expulsion, 1982 and 1984

	No. of Offenses
Drug offenses (sometimes combined with firearms offenses)	38
Manslaughter (attempted)	14
Murder	2
Serious assault	2
Theft with violence	5
Rape	3
Arson	3

SOURCE.—Groenendijk (1987), p. 134.

of which sixty-seven could be studied. With the exception of one woman, all were men aged between forty and fifty. More than half had been convicted for a drug offense, the others for offenses of violence (see table 13).

Half were sentenced to unconditional terms of two years or less and one-seventh to more than five years. In only one-third of cases did the records mention reconvictions. Two of three expelled offenders had not been convicted earlier for a similar serious offense. In two-thirds of cases the offender was also declared “undesirable” as an additional measure. This was related to the length of the prison sentence. However, one-third of these declarations were later withdrawn, in particular when offenders had families in Holland. Assistance by a lawyer was quite effective: in 28 percent of cases, assistance led to suspension of the expulsion procedure, and the foreigner could retain residence.

The research looked only at those cases where the decision was to expel the offender. It did not consider cases where the Ministry did *not* suspend legal residence. There is some information on such cases. They appear to be related to length of the prison sentence (under three years) and length of legal residence (over ten years). Offenders married to a Dutch woman were never expelled. In only half the cases was there a presentence report. This is unfortunate because offenders were more often successful in cases where such a report existed than when there was no such report. However, expelled offenders make up only 1 or 2 percent of offenders convicted of serious offenses. Nonetheless, the

mere possibility of expulsion results in unequal treatment in the justice system of legally resident foreigners compared with offenders with Dutch nationality.

B. The Police

A number of studies have explored the interactions between the police and ethnic minorities. Aalberts and Kamminga (1983) observed that interactions were often strained and that police officers tend to be rude to blacks. An older observation study found that in situations defined by the patrol officers as suspicious, blacks are stopped twice as often as whites (Junger-Tas and van der Zee-Nefkens 1977; Junger-Tas 1978). Other studies explored potential misconceptions due to miscommunication between members of ethnic minorities and police officers. For example, in a social-psychological experiment with 55 percent Dutch and 45 percent Surinamese persons, speech and gaze behaviors during questioning by the police were studied (Vrij and Winkel 1990; Vrij, Winkel, and Koppelaar 1991). Surinamese avoid eye contact more than Dutch men and are less “matter of fact” in expressing themselves. Both can lead to unfavorable reactions by the police. External validity questions can be raised about such experiments in which a property offense is faked, but the real question is not whether the police misinterpreted the speech or behavior of minorities or are prejudiced against minorities. The real question is whether police reports reflect the reality of committed offenses or merely reflect police preconceptions and prejudices.

In my own observation study, I found that differential stop-and-search procedures did not result in greater arrests of minority members compared with Dutch citizens. Other studies reached similar conclusions. An experimental study of a real life situation observed police reactions to an attempt of car theft (Willemse and Meyboom 1978). Sex, race, and tidiness were the independent variables. Although the police were less polite and respectful of minority suspects, arrests were triggered by concrete offending behavior (or attempts), and not by race or looks. A large-scale study in thirteen cities and towns on internal immigration control by the police confirmed these results (Aalberts 1990). Aliens have to carry identity documents, which must be produced when requested by the police. Although there have been complaints by ethnic minorities about these controls, the study concludes that the police mostly exercise their supervising and controlling func-

tion evenhandedly when they suspect that a crime has been committed by a minority member.

There is no active internal immigration control, and there are no raids on aliens. The main reason is that Dutch values and norms condemn prejudice and discrimination. Police need to establish good relationships with local communities, and chief constables use their discretion to give internal immigration control little priority. They have put limits on police powers and on coercion that may be used by officers.

Once an offender is detected, the police have several options. In the case of minors, the police may send them home, send them to diversion programs and dismiss the case, or send reports to the prosecutor. There is no evidence that police decisions at this stage of the procedure are influenced by suspects' ethnicity. Van der Hoeven, who found some selectivity in police contacts with minority members, concluded that there was no difference among ethnic groups in police decisions on dismissal or official arrest (van der Hoeven 1986). Veendrick and Jongman (1976) and Junger-Tas (1981) confirmed these findings.

Dutch research illustrates the discrepancy between attitudes and behavior or between verbal and overt behavior. Junger (1990) observes that a police officer on duty is confronted with powerful constraints derived from the police organization, the specific situation in which he finds himself, and the norms of the larger community, all of which oppose racial discrimination. International research also shows that police officers are trained to follow rules and procedures that do not take into account a person's personal characteristics (Reiss and Black 1965; Petersilia 1985).

C. Prosecution

Much research has analyzed sentencing patterns, but first the role of the public prosecutor should be considered. The public prosecutor has three decisions to make: whether the suspect will be held in custody; whether the case will be taken to court; and what sentence to demand. Controlling for the nature of the offense, even foreigners with fixed abode are more often remanded in custody than Dutch suspects, although less often than foreigners without fixed abode.

1. *Pretrial Detention.* Foreign suspects run a higher risk than Dutch offenders of being remanded in custody: in 1977, the risk was twice as great for foreign suspects (27 percent) as for Dutch suspects (13.5 percent) (Berghuis and Tigges 1981). This is often attributed to the higher number of foreigners without a fixed address and the related

risk that they will not appear at trial. A 1978 study showed that 34 percent of foreigner suspects had no fixed address (van der Werff and van der Zee-Nefkens 1978). There are likely two reasons for the pre-trial confinement pattern: either foreigners commit more serious offenses than Dutch offenders, or nationality differentially affects the probability of detention. Comparison of offense patterns for Dutch and foreign suspects shows only slight differences, mostly concerning infractions of the opium law. Proportionately more foreign arrestees are charged with drug offenses (12 percent) than are Dutch men (3 percent). They also tend to be somewhat more likely to be involved in violence. However, as these differences cannot explain the high number of pretrial detentions, it must be a question of differential policy.

The more serious the crime, the less the disparity in pretrial detention. The higher the maximum possible penalty, the less the disproportions. Four times as many foreigners as Dutch suspects are held pretrial when the maximum penalty is less than four years; when the maximum is four to six years, this proportion is three times as many, and with a maximum of six to nine years, it is two times as many.

It is in cases that are *not* very serious that the prosecutor decides more frequently on pretrial detention for foreigners than for Dutch offenders. However, there are large differences between courts (see Hood [1992] for England and Wales): in one district the prosecutor imposed pretrial detention in one of twenty-five cases of foreigners, in another, in three of five. This variation may partly be explained by the high numbers of nonresident foreigners in some court districts, such as Amsterdam. In 1977 pretrial detention was imposed on 59 percent of foreign suspects in Amsterdam.

The length of pretrial detention did not differ according to nationality, but, of course, if foreigners are detained for less serious cases than are Dutch suspects, this outcome adds to the inequality in treatment of the two groups.

2. *Dismissal Policy.* Although patterns differ somewhat for different offenses, charges are more likely to be dismissed against Dutch suspects than against minority suspects. Through 1985, charges against minority suspects were more likely to be dismissed, but that pattern reversed after 1985. One old but carefully executed study (van der Werff and van der Zee-Nefkens 1978) looked separately at dismissals and sentences demanded. Comparing judicial records of Dutch men and foreigners in 1974, the authors found higher dismissal rates for foreigners (53 percent vs. 44 percent). The crimes committed by

foreigners had higher maximum penalties, were more often committed with accomplices, more often involved property offenses, and were on average more serious than crimes of Dutch defendants. Moreover, foreign defendants were younger, less often married, more often unemployed, and more often first offenders.

The difference in charges dropped was especially marked among foreigners without fixed addresses (including tourists). Among these a certain number of dismissals were followed by expulsion.

These data must be placed in the context of a general increase in dismissals during the period 1970–85. This was due to a deliberate policy to relieve burdens on the judicial authorities who faced a sudden increase in petty crime. Later research (1976–81) confirmed van der Werff's findings of higher proportions of dismissals among foreigners than among Dutchmen (Frid, Maas, and Stuyling de Lange 1986). However, from 1985 on official policy was to reduce drastically the proportion of dismissals and this led to several changes.

A more recent study using 1985 data examined dismissals for Surinamese/Antilleans and Turkish/Moroccan suspects with fixed addresses (Maas and Stuyling de Lange 1989).¹² For property offenses, differences in the percentage of dismissals are slight, with the exception of simple theft and for public-order offenses, crimes against life, and simple assault. For vandalism, sex offenses, simple theft, hard drugs, and firearms offenses, Dutch suspects are more likely than Surinamese/Antilleans or Turkish/Moroccan suspects to receive dismissals. Controlling for reconvictions did not change this conclusion. Dutch suspects are more often dealt with by use of a "transaction," a fine imposed by the prosecutor, which, if paid, is followed by dropping the charges. This may be related to a higher number of persons pleading not guilty among ethnic minorities: pleading guilty is a precondition to a transaction.

3. *Sentences Demanded by the Prosecution.* Most studies do not examine this part of the process but pass on to the sentencing stage. This may be because the judge tends generally to follow the prosecutor's demand. In the Netherlands, the prosecutor plays a key role in penal proceedings and has a very powerful position. That is why it is of some interest to look at the penalties demanded by prosecutors.

The only relevant study is by van der Werff and van der Zee-

¹² It was impossible to disaggregate the data on Surinamese/Antilleans and Turkish/Moroccans, which is unfortunate because of differences in criminal involvement within these groups.

Nefkens (1978). They found that prosecutors more often demand an unconditional prison sentence for foreigners (58 percent) than in Dutch cases (38 percent), and they demand longer terms.

A stepwise regression analysis was performed including as independent variables *offense variables* (nature and seriousness of the offense, maximum penalty, attempted or completed act, criminal history, circumstances of the act, alcohol or drug use), *person-related variables* (age, nationality, social class, employment), and *process variables* (judicial investigation, pretrial detention, length of remand period, presence of presentence report, time lag between offense and case completion, court district). The nature of the penalty was the dependent variable.

Prosecutors tend more often to demand a prison sentence for defendants who are put on remand, are unemployed, and have committed an offense with a high maximum penalty. Explained variance was 40 percent. Much the greatest variance was explained by the occurrence of pretrial detention, followed by employment situation, and the maximum possible penalty for the offense. Including nationality adds little to the explained variance.

Pretrial detention thus appears to be the strongest predictor. There is some question why this is so. One reason may be that, according to Dutch Penal Law (Article 67a), pretrial detention is not to be ordered if the defendant is *not* likely to be sentenced to prison (i.e., if the offense is not serious enough). Thus prison sentences are likely to be demanded for those already in detention. A second reason may be that prosecutors both request pretrial detention and demand the sentence at trial; they are likely to stick to their original positions with respect to custody. A last explanation concerns prison sentences for young or first offenders. Pretrial detention is sometimes used as a “short sharp shock” punishment. The offender can be locked up immediately and, at trial, time served is transformed into a prison sentence of equal length.

Because most variance in the nature of the sentence is explained by pretrial detention, a second stepwise regression analysis was then conducted, excluding the process variables. This analysis indicated that *nationality* explained most of the variance in the nature of the penalty (total variance = 30 percent). Other factors were the *maximum possible penalty* (the longer the possible prison term, the higher the risk of a prison sentence), the *employment situation* (unemployed defendants face a higher risk of getting a prison sentence), the *value of stolen property*

(the higher the value or damage, the higher the risk of prison), the *criminal history* (the longer that history, the higher the risk of prison), and the *age* (the younger the defendant, the more often a prison sentence is demanded). When the analysis is repeated for those who were not remanded in custody, nationality continued to have some effect on the nature of the sentence demanded.

D. Sentencing

Judges tend to accept prosecutors' sentencing demands. In 80 percent of cases, the nature of the sentence is as proposed by the prosecutor (Slotboom et al. 1992). However, the length of the prison sentence corresponds only in half of cases. In general the sentence imposed by the judge is somewhat lighter than the prosecutor demands.

A stepwise regression analysis showed again that pretrial detention explained most (37 percent) of the total variance (47 percent). Eliminating the process variables, *nationality and unemployment* explained most of the variance in the nature of the sentence. And again, if those not remanded are considered separately, nationality plays a reduced role (16 percent of total explained variance).

The length of the unconditional part of the prison sentence does not depend on nationality. This is determined by the maximum authorized penalty, the nature of any violence used, the value of stolen goods, and whether the offense was completed or was an attempt. Thus in this study nationality affects the nature of the sentence but not its length. One explanation for the higher number of prison sentences meted out to foreigners, even to those not remanded in custody, is that more foreigners than Dutch defendants do not appear at the trial. This was the case for 41 percent of the foreigners versus 16 percent of the Dutch in van der Werff's and van der Zee-Nefkens's (1978) study. The apprehension that foreigners will not appear at the trial is also an explanation for the higher number of pretrial detentions imposed on them. A related negative consequence is that once in prison foreigners, compared with Dutch prisoners, are less likely to be placed in (semi-)open penal institutions or given weekend furloughs (Kruyt 1986). Among juveniles, minority juveniles are more often placed in an institution and are less often sentenced to alternative sanctions than Dutch juveniles, controlling for offense type (van der Laan 1988). The proportion of Dutch juveniles to Surinamese was 3:2, while the number of Turkish and Moroccan juveniles so punished was extremely small.

A later study, drawing samples from the years 1971–79 of Dutch,

Surinamese/Antillean, and guest workers,¹³ confirmed earlier findings (Timmerman, Bosma, and Jongman 1986). To simplify the analysis, only one offense, simple theft, was selected for comparison, and those who had been remanded in custody were eliminated. Controlling for recidivism, Surinamese first offenders were about four times as often sentenced to prison as Dutch first offenders. For Surinamese re-convicted offenders, this was twice as often. However, with respect to length of sentence or the amount of the fine, Dutch offenders were punished more severely. This was especially true for recidivists; in the case of first offenders there was no difference. Similar outcomes were found in the case of guest workers: first offenders run a higher risk of being sentenced to prison and for longer periods, but in the case of recidivists the Dutch are more severely punished, both in terms of sentence length and in the amount of the fine. Although the study controlled for recidivism, employment, civil status, court district, and nature of sentence, there was no control for appearance at the trial. This is unfortunate because many more Surinamese and guest workers than Dutch offenders do not appear at the trial, and we know that nonappearance leads to more severe sentences.

A more recent secondary analysis of national data examined sentencing patterns of Dutch, Surinamese/Antillean, and Turkish/Moroccan offenders sentenced in 1985 (Maas and Stuyling de Lange 1989). There was a greater proportion of first offenders among ethnic minorities than among Dutch offenders. This might be because minorities have not been residents in Holland for a very long time. Some might have committed crimes in their country of origin, but in most cases that would not be known. A second possibility is that reporting behavior by the public and selective attention by the police might also lead to more first offenders appearing in court.

Differences among ethnic groups in prison sentences are shown in figure 4. Among property offenses, differences are slight. Dutch and Turkish/Moroccan offenders are sentenced equally often to prison; Surinamese offenders somewhat more often. The largest differences involve crimes against life, simple assault, sexual offenses, hard drugs offenses, and firearms offenses. Similar outcomes are found for first offenders, but the differences are more pronounced and are apparent also for theft with violence. Confirming earlier findings, minority first of-

¹³ These are persons coming from the nine authorized "recruitment" countries, including Turkey, Morocco, Spain, Italy, Portugal, Yugoslavia, Greece, Tunisia, and the Cape Verdian Isles.

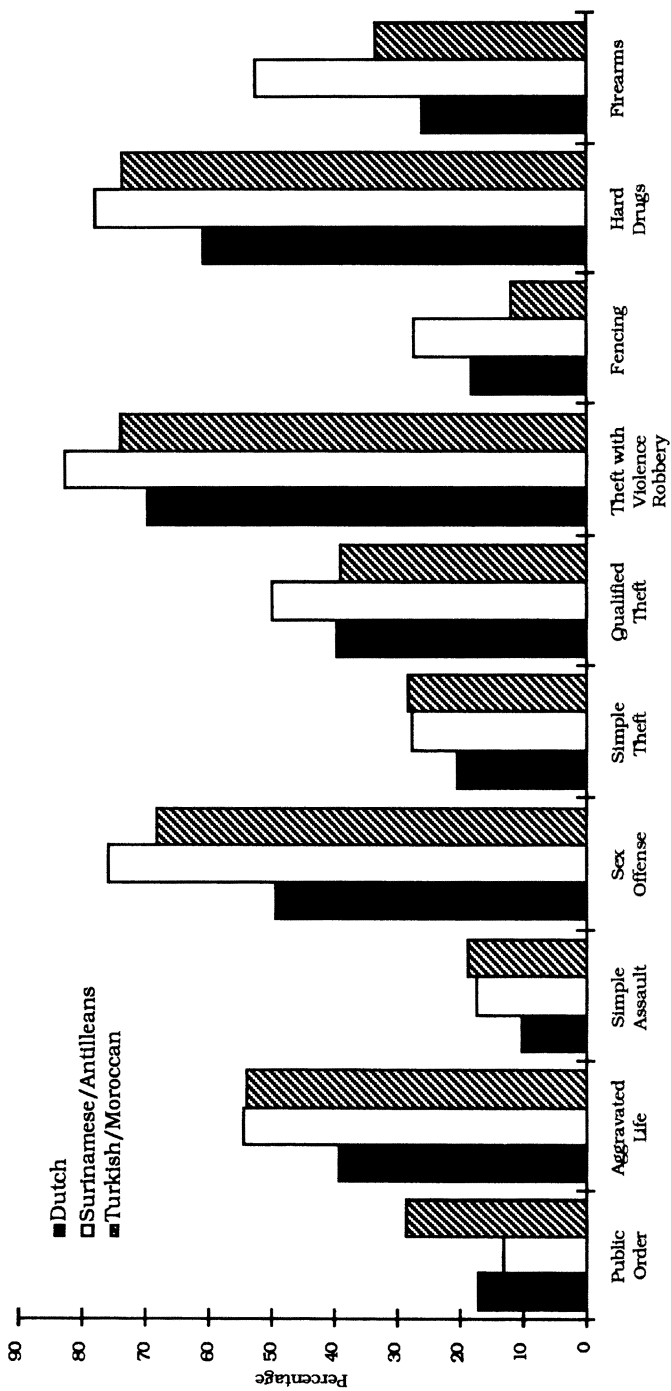


FIG. 4.—Unconditional prison sentences for first offenders according to offense and ethnic origin, 1985, in percent. Source: Maas and Stuyling de Lange (1989).

fenders were more often sentenced to unconditional prison than were Dutch first offenders.

The study just discussed has some shortcomings, most of which the authors acknowledge. First, the ethnic categories are very large, and important differences in criminal involvement may exist between groups, such as between Turkish and Moroccan offenders, that are included in the same category. Second, there may be considerable variation in offense seriousness within offense categories, which has not been taken into account. Third, employment situation, civil status, and nonappearance at the trial, which all affect sentencing, have not been analyzed. Another important missing variable is whether the defendant pled guilty. This variable has an effect on the way cases are dealt with by both prosecutor and judge, a feature also found in the United Kingdom (Hood 1992). However, despite weaknesses in the design of some of the studies and the age of some material, all studies point to more severe punishment—in terms of prison sentences—for members of ethnic minority groups than for Dutch offenders. This appears to result from many factors related to the specific situations of minorities. Minority status in itself seems to be related only weakly to sentencing, although an independent effect remains even when other variables have been controlled for.

IV. Discussion and Conclusions

This essay has two aims: first, to examine the question whether, and to what extent, the position of members of ethnic minorities in the justice system in the Netherlands is any different from that of the indigenous population; second, if this appears to be so, to try to offer some explanations for this situation. In order to investigate those two subjects, other questions had to be looked at, such as differences in criminal involvement, in demographic circumstances, and in socioeconomic participation.

The Netherlands has two main types of immigrants: those from ex-colonies of whom a large majority are Dutch citizens, and foreigners, recruited as unskilled workers, many of whom have become permanent residents. These groups differ in legal status, but their situations are in many respects similar.

The socioeconomic position of ethnic minorities is generally very weak. Most groups had a considerable “culture lag” with respect to the host country: some came from rural or mountainous regions and had very little education when arriving. When guest worker groups arrived,

there was full employment and a large market for unskilled labor. Most of the families had no “schooling” tradition, unlike, for example, Jewish and Asian immigrants in the United States and Europe. School achievement is low, although slowly improving, and frequently limited to vocational training. Major drawbacks are language problems and lack of learning skills, which are related to a general lack of verbal interactions and informal instruction by parents in the preschool period, as well as to insufficient additional instruction and support in the school system.

The employment situation is dramatic. This is to a great extent the consequence of the changing labor market. Unskilled work is rapidly disappearing: because of rapid social changes, such jobs have become expensive for employers who replace them with growing computerization. Available jobs require more education as well as adaptability, flexibility, and communication skills, qualities that, according to many employers, many members of minority groups do not possess. Although Dutch unskilled workers also suffer from relatively high unemployment rates, the economic situation hits ethnic minorities much harder, and unemployment among these groups is disproportionately higher.

Related to this are discriminatory attitudes and practices. Public opinion surveys indicate that large sections of the population consider that the presence of minority groups—be it resident migrants or asylum seekers—causes an increase in unemployment, terrorism, and crime. These attitudes were not so common in the 1960s and 1970s but have since spread. Moreover, they have practical consequences as is shown by the unfavorable employment situation of minorities. Research evidence documents both direct and indirect discrimination practices. Jobs are hard to get, but in the case of minorities agencies tend to look only for unskilled jobs, while employers express a preference for Dutch workers on the basis of stereotypes about the productivity of minority workers.

Similar tendencies are found in police behavior. Police officers tend to be less respectful of ethnic minority members. Some groups are susceptible to being stereotyped as potential offenders, which shows in the number of police stops in “suspect” situations. Moreover, the behavior of minority members when interrogated by the police, which is often different from that of indigenous persons in similar situations, is sometimes interpreted as negative and suspect. An important caveat is, however, that official police action is taken on the basis of objective criteria,

when there is concrete evidence of a committed or an attempted crime. There is little evidence that stops based on stereotypes often translate into arrests without valid bases. When there is no crime but only vague suspicions based on prejudice, the system cannot, and will not, handle the case. Prejudice and discriminatory attitudes may be more widespread than is expected or desirable, but they are not automatically translated into discriminatory acts.

Police figures and victimization data suggest that some minority groups do commit more and more serious crimes than Dutch offenders. In the case of the Moroccans, Antilleans, and some Surinamese subgroups, this seems to be related to their marginal socioeconomic position in Dutch society. This is shown by a typical minority and immigrant crime, street robbery, a crime typically committed for survival or to sustain a drug habit by persons who do not speak the language and have no marketable skills. More generally, members of some minority groups tend to commit more serious crimes, such as violent crimes and drug offenses.

However, the marginal position of minorities cannot be the only explanation for their higher criminal involvement. Criminal involvement among ethnic groups is strikingly different. Among Surinamese juveniles, for example, Hindustani and Asians have much lower involvement in delinquency than do others. The same seems to be true when Moroccan juveniles are compared with Turkish juveniles. One possible explanation may be found in differential family integration. Tight and supportive families tend to protect against delinquency (Hirschi 1969; Junger-Tas 1988). A second might be differential parental interest and support in making their children pursue secondary and higher education. A third might be group values that emphasize support for group members in social and economic life. For example, there are indications that some groups, such as the Turkish and the Chinese, give considerable (financial) support to group members in their efforts to improve their social and economic position (Werdmolder and Meel 1993).

Members of ethnic minorities are more often victims of crime than the average Dutch population, although it is not clear how much more often. This is related to the cities and the neighborhoods minorities disproportionately live in: poor, high-crime neighborhoods with few resources to combat crime. Moreover, as much offending is intragroup and as there is a relationship between offending and victimization, it is no surprise that high criminal involvement in specific groups goes together with high victimization rates in those same groups.

Finally, the available evidence shows that there is unequal treatment

in the criminal justice system. In the case of foreigners this is self-evidently related to the fact of the possibility of expulsion. This possibility has an unfavorable prejudicial effect on pretrial detention, sentencing, and prison regime.

All studies show that minority members are far more often remanded in custody than are Dutch suspects. This does not automatically indicate discrimination but may also be seen as a measure of prevention by the prosecution. Indeed, a greater number of minority than Dutch offenders have no fixed address and a larger percentage do not appear at trial. The result is that minority suspects are detained more frequently and for less serious offenses than are Dutch suspects. When minority offenders commit serious crimes, however, differences in treatment with Dutch serious offenders are considerably smaller.

Minority offenders are also sent more often to prison. This is partly because more of them have been remanded in custody and partly because more plead not guilty; both factors are related to more severe punishment.

The available evidence makes it clear that ethnic minorities and indigenous offenders are treated differently in the criminal justice system. However, the causes are not immediately evident. I think that it is the result of the interplay of different factors. One factor is the special laws and policies to which only minorities are subjected. A second is the higher involvement in crime of some minority groups and that they commit more serious offenses. A third is the counterproductive behavior of many minority members, once they find themselves in the system, which is partly based on ignorance of the Dutch criminal justice system and partly on different cultural values. A fourth is unfavorable generalizing stereotypes held by prosecutors and judges about minorities and their behavior and negative behavior evaluations and expectations. Exactly how these factors are interrelated and how much each contributes is difficult to say and may be disentangled by further research.

My hypothesis is that many of the inequalities noted in this essay are not primarily the result of any conscious discrimination—although this is not to be denied—but are largely the outcome of major drawbacks linked to the position of ethnic minorities as disadvantaged citizens and to specific policies and legislation, such as the Aliens Law.

What can be done? With respect to the socioeconomic situation, the government fears the rise of a growing underclass consisting mainly of ethnic minorities and living in separated ghettos in the large cities. In an effort to improve their position, different measures have been taken.

The legal position of minorities is reinforced by allowing legal resi-

dents to vote in local elections. Moreover, in order to encourage integration, the law allows double nationality, which has resulted in an increase in naturalizations of Moroccan and Turkish citizens. In an effort to make employers hire more minorities, parliament has adopted the Act "Stimulation Equal Employment Allochtones," requiring registration of the ethnic origins of employees and the presentation of plans to increase minority employment in organizations. There are pressures to introduce a system of contract compliance. Special budgets are allocated to schools with a large number of minority pupils and programs inspired by the American Head Start programs have been introduced. A considerable budget has been voted by parliament for what is called an "integral security policy" in the large cities, with special attention to minority juveniles and to the drug situation. These are all useful efforts, which ideally should reduce marginalization, improve integration in mainstream society, and reduce criminal involvement. However, to what extent these policies will have the effects sought is uncertain. Much will depend on their implementation.

I am less optimistic about efforts to alter preconceptions and stereotypes. Stereotypes are hard to fight and very resistant to empirical findings that refute them. The media could play a constructive role, and some do, for example, by regularly publishing success stories of minority members who succeed in business, local politics, or parliament. But, of course, this is not the rule. Considering the close parallel between the economic situation and discriminatory attitudes, the best way to end discrimination is economic growth, improved employment possibilities, cultural tolerance from the Dutch population, and educational achievement and cultural emancipation from the side of minorities. This will take considerable time.

Several measures should be taken with respect to the situation of minority offenders in the justice system. First, it remains necessary to educate police officers not only to stick to the facts and not let their personal feelings interfere but also to teach them the clues of social behavior of various groups so they can interpret behavior correctly. Second, even though some laws are effectively prejudicial to minorities, lawyers should be more alert in assisting their minority clients, who should be better informed about the operation of the Dutch criminal justice system so that their behaviors conform to the requirements of the system and the expectations of the judiciary. This might significantly improve their position and positively influence sentencing. Third, to the extent that the discretionary power of the judiciary is

great in the Netherlands and the probation service considerably more “control-minded” than it used to be, it should be possible for judges to sentence more minority members than hitherto to community service or intensive probation instead of prison.

Much of what has been suggested above is speculative. A number of fundamental questions remain unanswered. Many policy measures are based on hypotheses or incomplete knowledge. Although evaluation of these measures is imperative, more fundamental research also seems necessary because, without it, real understanding of the causes of success or failure of policy interventions remains difficult.

There is a need for research into the large differences among ethnic groups concerning their involvement in crime and in the criminal justice system. Compared to the indigenous population, some groups commit more crimes and are more frequently involved in criminal justice than might be expected on the basis of their proportion in the population, while other groups have lower involvement and still others show no distinctive pattern. It is an important question to learn both from theoretical and policy perspectives why this is so and what may cause these differences.

Basic questions need answers. What factors can be found in any country that might explain differences in participation in crime and in crime patterns among the ethnic groups living in that country? What factors might explain differential involvement in the criminal justice system? Is it just the crime pattern that explains differential involvement, or do other factors play a role? What factors account for the disparity in treatment at different levels of the criminal justice system of these groups? Finding the answers to these questions will help us a great deal in understanding what measures should be taken to combat crime and to combat decision making that impedes fair and equal justice and perpetuates social inequality.

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