

TTO

Textbook

Getting to Know Dutch Society



Getting to Know Dutch Society

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How to use this book

Introduction with challenging question or statement

Main question of the section

1.1 A definition of civics

Stranded on a remote island

Just imagine: you and 2,500 other passengers are on a cruise ship travelling through the Caribbean. Due to technical problems, the ship drops anchor near a remote and uninhabited island for a few days. The island is lush and beautiful, with waterfalls, tropical plants and exotic wildlife. Then the radio reports: a deadly and highly contagious virus is spreading rapidly around the world. Developing a vaccine may take a long time. You cannot return home. All of you, passengers and crew, will have to spend at least the next year on the island and the ship, and it may be even longer. No one knows if any assistance will be coming anytime soon. There are enough supplies for the next few weeks, but you will have to come up with solu-

tions for the long term. How will you gather food? And how will you divide it fairly? Where will you live? How will you take care of sick people? Will there be rules that everyone has to follow? If so, who sets the rules? And what happens to people who don't follow them?



In your opinion, what is the first step when you set up a new society?

In this section, we will be considering **What does civics teach you?**

Living together

Whether you're on a cruise ship or living with your family or housemates in the Netherlands, you always have to take other people into account. Rules and expectations exist anywhere that people interact with others – including your family. Do you eat meals together at the table, or does everyone just grab food from the refrigerator whenever they're hungry? Do you have to be home at a set time, or is that up to you? Similarly, there are rules for how people behave in a group of friends, at school, or at your work. Society as a whole is also based on rules and expectations.

Societal issues

The agreements that we make together in the

Netherlands ensure that 17 million people can live together in relative harmony. We do not always have the same preferences and interests, so clashes occur that demand a common solution. We refer to these situations as societal issues or problems.

This is not the same thing as personal problems. If your back is sore because you pulled a muscle playing sports, that is personal. Back pain is not a societal issue unless lots of people are struggling with it and the symptoms can be traced back to overworking. Or if there are long waiting lists to get X-rays or see a physical therapist.

When that happens, people call in sick and can't work, and that costs money. Employers have to pay someone else to replace the sick employees. Also, the government pays for most of the social benefits and medical care.

8 • What is civics?

This book focuses on four aspects of Dutch society, looking at the Netherlands as:

- a state governed by the rule of law;
- a parliamentary democracy;
- a pluralist society;
- a welfare state.

The method starts with a chapter that defines the concept of civics.

Textbook

Each section of the textbook consists of four or six pages, structured as follows:

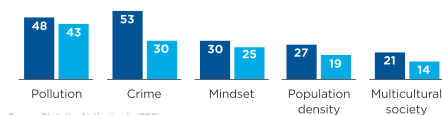
- An introduction based on a dilemma, which presents a challenging question or statement.

- The lesson material, focusing on a main question in each section.
- Sources featuring news stories, background information or infographics.
- A column on the right-hand page at the end of the section with a featured story.

Each chapter has **special features** with more references to add depth and context. Topics include artificial intelligence, religion, crime and punishment, and the relationship between media and politics.

How much are young people concerned about these themes?

■ 18 to 25 years of age ■ 25 and older, in %



Source: Statistics Netherlands (CBS)

SOURCE 1

A **societal issue** can be identified based on three criteria:

1. It has consequences for various groups in society.
 2. People have different opinions about the causes and how it should be addressed.
 3. It must be resolved through common action, and the government generally plays a role.
- Let's take a closer look at these criteria based on some examples.

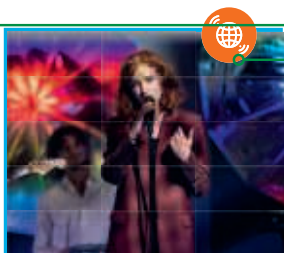
Consequences for groups

CO₂ emissions, traffic congestion, joblessness and refugee reception: different groups of people are involved in all these situations. These important issues are problems in today's society. When people flee from war in their own country, that obviously affects their lives, but also the countries that receive them, such as the Netherlands. In our society, it involves the municipality (gemeente) that arranges shelter, the people living around the asylum seekers centre, organisations that help refugees integrate into society, and political parties that want to welcome more or fewer refugees.

Different opinions

The different groups involved in an issue often also have different opinions about what causes the problem and how it should be addressed. The biggest differences of opinion are related to:

- **Political views.** Take traffic congestion: car owners might see wider motorways and more roads as the solution, while environmental activists focus on cheaper public transport.
- **Religious beliefs or ideology.** People who have religious beliefs often have different



Froukje's climate song goes viral

HILVERSUM - "Happy new year, de wereld staat in de fik en ik zou het willen blussen maar het vuur is groter dan ik," Froukje sings. "The world's on fire and I want to put it out but the fire is bigger than me." A group of music students were asked to write a New Year's song for a school assignment at the end of the year. Froukje was very passionate about global warming. "So much was being shared about the bushfires in Australia that I realised: people really are aware!" She grabbed her pen, got the band together, and wrote a song: 'Groter Dan Ik'. The final song wasn't cheerful, but that was exactly what made it so strong. It went viral and topped the charts on 5FM radio. How did she come up with it? Froukje says: "The climate problem is bigger than me, but not bigger than all of us."

SOURCE: NPO

SOURCE 2

A definition of civics - 9

Infographic (source) with background information or a summary of the lesson material

Concept

Symbol indicating that this source is a news report

Source containing news report or background information

To support bilingual learning, the Dutch term has also been included alongside some key words and concepts. These Dutch terms are displayed in a different font.

Key word

The special features for section 1.2 provide an extensive overview of **analysis questions**. These questions will help you analyse issues in society. They are especially helpful in preparing for a presentation, doing a practical assignment, or writing an essay or profile thesis. Some of these analysis questions will also be in your workbook.

A list of terms at the end of each chapter shows all the **concepts** displayed in the lesson material in bold blue text. The list of terms also includes the key concepts covered in 1.2. It does not include the terms in bold black text. These are **key words** that help you understand the text better.

Workbook

The workbook has various types of questions and assignments for each section. Some require close reading of the lesson material, but others present new references: news reports, short essays, cartoons, charts and tables.

You will also learn to take a critical look at current issues in society by analysing cases and dilemmas. You will often be asked to adopt a position and provide clear arguments to support it. Each chapter concludes with a 'Test what you know' assignment. You can work in groups or do the assignments on your own, as instructed by your teacher.



1. What is civics?

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Introduction

Civics is about how our society is structured and which challenges we face together. Examples include terrorism, pandemics, or extreme heat waves due to climate change. The purpose of civics is to teach critical thinking about issues like these. This first chapter gives you the tools you will need for the rest of the book.

What will you learn in this chapter?

The sections in this chapter will teach you:

- what civics is about and which topics will be covered;
- how to explore issues in society;
- how to check if sources and news reports are reliable;
- how to develop a substantiated opinion.

1.1 A definition of civics

Stranded on a remote island

Just imagine: you and 2,500 other passengers are on a cruise ship travelling through the Caribbean. Due to technical problems, the ship drops anchor near a remote and uninhabited island for a few days. The island is lush and beautiful, with waterfalls, tropical plants and exotic wildlife. Then the radio reports: a deadly and highly contagious virus is spreading rapidly around the world. Developing a vaccine may take a long time. You cannot return home. All of you, passengers and crew, will have to spend at least the next year on the island and the ship, and it may be even longer. No one knows if any assistance will be coming anytime soon.

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Societal issues

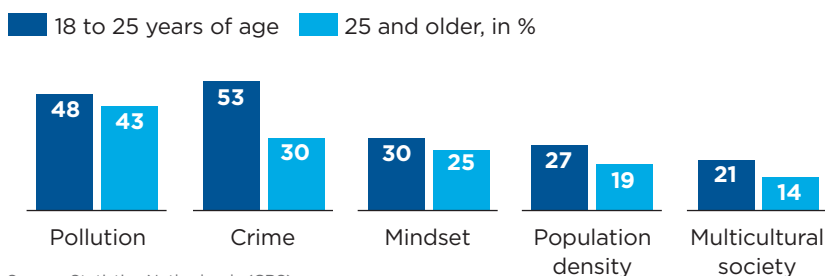
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How much are young people concerned about these themes?



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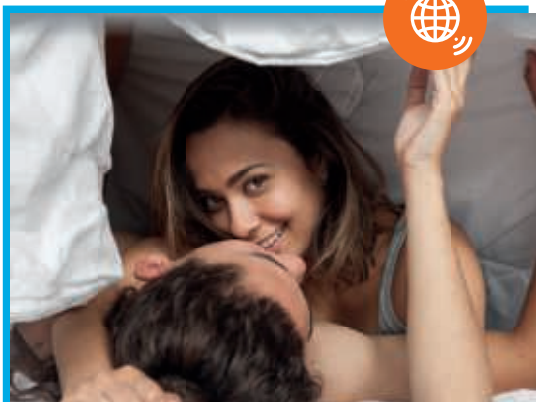


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SOURCE: NPO

SOURCE 2



Thumbs-up for sex

ALMERE – If the contestants on Big Brother want to sleep together, they first have to give a thumbs-up to one of the 115 cameras, to confirm that both contestants are consenting. In the Spanish edition of the reality TV show, one woman went to court, alleging that she had been raped on camera. “Partly for that reason, they decided last year on Big Brother in Sweden: if you want to have sex, give a thumbs-up to the camera first. We adopted that too,” says the producer of the Dutch edition, in which eight people spend 100 days together in a house in Almere.

SOURCE: RTL NIEUWS

SOURCE 3

opinions about abortion and euthanasia than people who do not believe in any religion.

- **Position in society.** An employer wants to pay low premiums for social insurance, while someone who doesn't have a job wants good unemployment benefits.

The government gets involved

In situations involving decisions that apply to everyone, many different opinions must be considered. In the Netherlands, we have placed these considerations in the hands of politicians. That is why a societal issue is often a **political problem**. Politicians look at an issue from various perspectives and often come up with a suite of solutions. In many cases, the end result is a **compromise**, *a solution in which everyone involved has to give a little to make it work*. Then the government is responsible for implementing these rules, regulations and laws. An example: reduced greenhouse gas emissions are needed to prevent extreme climate change.

The government signed the Climate Agreement, which sets target levels. The national authorities make companies and farmers reduce their CO₂ emissions.

Setup of the textbook

Using this method, we will be exploring Dutch society based on four themes. Each theme is showcased in a separate chapter and explores dilemmas and questions that are relevant in today's society.

A **dilemma** is a *difficult choice between two things that cannot be combined*, such as a healthy lifestyle and smoking tobacco, or a better environment and cheap plane tickets.

The four themes and chapters are:

- **The rule of law.** Living together in society means that everyone needs to follow certain rules. This chapter looks at justice, crime and punishment within a system. A relevant dilemma in a state under the rule of law: should the police have unrestricted permission to eavesdrop on phone conversations to increase public safety, or is our privacy more important?
- **Parliamentary democracy.** The political process is about things that affect us all eventually. Examples include education, vaccinations, road construction, crime and unemployment benefits. Politicians make decisions that affect your life too. How does that work? And what influence do you have?
- **Pluralist society.** Pluralist literally means having many forms. The Netherlands is con-



sidered a pluralist society, because the people living here have different lifestyles and cultural backgrounds. This chapter looks at your own cultures and the current cultural trends in the Netherlands. How do people from different backgrounds live together in harmony?

- **Welfare state.** In a welfare state, the government takes care of the people who live there, for example by providing good education, healthcare, social benefits and housing. When should people solve their own problems, and when should the government help them?

These four chapters are not completely separate topics. In fact, they are related in many ways. Some key concepts will return over and over, and you'll see that societal issues are never about one single theme on its own.

The importance of civics

Society is part of your daily life. When you go to school or work, visit the gym, go online or meet up with friends: everywhere we go, there are rules and expectations about how other people will behave. You can't just make them up as you go along, like on that remote island. That's why it's useful to know how society works. In civics, you will learn how to use logical arguments to express your opinion on all sorts of situations and issues. Civics also teaches you how to learn from people who have different opinions. You will also learn how to analyse and describe societal issues. This will help you gain a better understanding of the world around you.



"A severed spine wouldn't have led to a ban on texting"

Bereaved father **Michael Kulkens** is certain: if Tommy-Boy had severed his spine instead, there would be no ban on texting. "But he didn't have a severed spine," he says. "He was dead. And I'm his father. I had to do something."

Tommy-Boy was just 13 when he was hit by a car while cycling home from his sports club. The cause: Tommy-Boy was looking at his phone. Since that day, his father Michael has lobbied for a ban on texting in traffic. He set up a non-profit foundation to give presentations at schools about the dangers of distractions in traffic. His efforts were successful. In 2019, the Dutch government decided to prohibit phone use while cycling. Tommy-Boy is one of about 200 cyclists who die every year in this country. Distractions significantly increase the risk of an accident, and texting is especially distracting. Anyone caught cycling with a phone is now risking a 95-euro fine.

Michael Kulkens is pleased with the ban on texting. But people have to want to change. He's no exception: "You can get very good at not using your smartphone. But it's not easy, not even for me."

SOURCE: AD

SOURCE 4

1.2 Exploring society

Teenagers both happy and stressed?

"I have to keep my marks up so I can have a great career later. That really stresses me out at school," Jacob explains. Like nearly half of all 16-year-olds, schoolwork is stressful for him. One in three young people between the ages of 12 and 16 feel pressured to live up to expectations – their own or others. Jacob's father acknowledges that. "Young people are much busier than when I was young. Jacob is a high-ranking athlete and often doesn't come home until mid-evening. Then he does his homework, and it's midnight before you know it."

Jacob was one of thousands surveyed in a UNICEF youth study in the 41 wealthiest nations. Research results showed that the Netherlands is the best place for children to grow up. In most countries, slightly less than 80 per cent

of young people are satisfied with their lives. In the Netherlands, 90 per cent are satisfied. However, pressure to perform is very high at Dutch schools.

SOURCE: EENVANDAAG



Do you sometimes struggle with school stress and pressure to perform? How about your friends?

In civics, we look at all sorts of issues in society. This section teaches you how to explore the society you live in.

Civics uses key concepts and research questions to explore this topic. The five key concepts are:

- values and norms;
- interests;
- power;
- social inequality;
- social cohesion.

Values and norms

If you're on your moped and accidentally hit a parked car, leaving a big dent, would you leave a note with your phone number? That would depend on how important honesty is to you and whether you feel a sense of responsibility. These are examples of values.

A **value** is a starting point or principle that people consider important in their lives.

In our society, there are some values that almost all of us consider important, such as respect. Other values are generally associated with specific groups or situations. For example, independence in your work is a more important value to an independent entrepreneur than to people who are on a company's payroll.

Values lead to behavioural rules, and those rules are called norms. In other words, norms follow from values. If honesty (value) is important to you, then you will not steal (norm).

Norms are rules about how you are supposed to behave in a specific situation.

A norm is often imposed by your surroundings. Examples include not pushing ahead of others

in the supermarket queue, not putting your phone on your desk in class, or always being reachable online. Consciously and subconsciously, we monitor each other about following the norms. If your behaviour follows the norms, you will sometimes be rewarded: others will be pleased or think you're nice. If someone doesn't follow an expected norm, then people will often express criticism and tell them to behave. This is called **social control**, which is *the way in which people encourage or force others to follow the norms*.

Norms are sometimes codified rules, regulations or laws, such as in your school rules or the employment contract that you sign for your after-school job. Besides these **written rules**, there are also **unwritten rules**. These rules have not been recorded anywhere, but you probably already know them. Like the agreement not to belch at the dinner table. Most people don't appreciate it, so we avoid doing it. Rules like these are also known as common decency.

Interests

A person's values and norms are often related to their interests. A student might have different interests than a farmer. If the government lowers tuition fees for university, a student will benefit from that, but a farmer will not. On the other hand, farm subsidies are important to a farmer, but students do not have a direct interest in that funding.

An **interest** is *how a person can benefit from a situation*. This often involves financial benefits, but not always. For example, inspiring education is in the best interest of pupils, and clean air and healthy food are in everyone's best interest.

As the previous section explained, people can also have opposing interests. A clear example of **opposing interests** can be seen in the context of climate change. We all benefit from ensuring that Earth is a good place to live. Even that context can involve interests that are opposed, however.

To combat climate change, the government of the Netherlands wants to require Dutch farmers to lower nitrogen emissions. Suggestions include switching to a different kind of feed or reducing the number of animals on a farm. Some farmers are protesting these measures, because they are



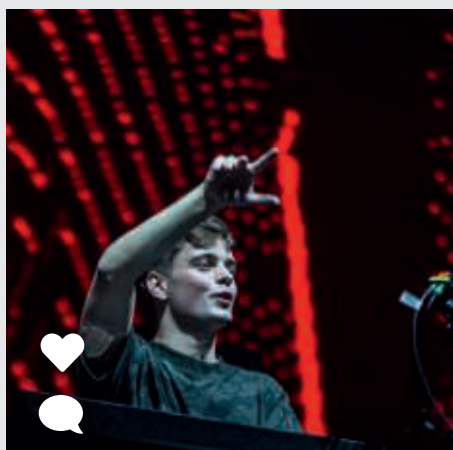
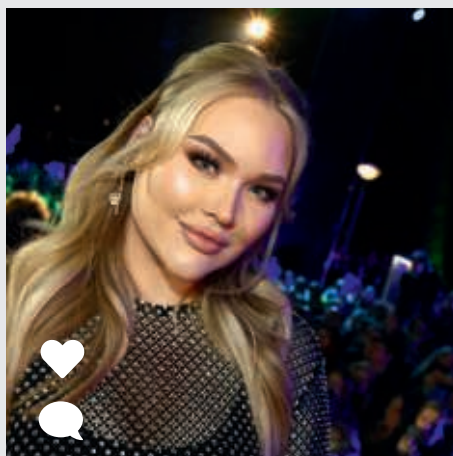
Famous influencers

Popular in the Netherlands:

Nikkie
de Jager

Martin
Garrix

Max
Verstappen



SOURCE 5



afraid of losing their farm as a result. They also believe that they are vitally important to the food supply in the Netherlands. These opposing interests between different groups often form the foundations of an issue in society.

Power

Another important concept in civics is power. **Power** can be defined as *the ability to influence how others think or act*. Power can be codified in rules and laws. Examples: a police officer arresting a suspect, a school suspending a pupil, or a mayor banning a football match. This is called **formal power**. Power that is not codified in rules is known as **informal power**. One example is influencers using their social media presence to showcase a cause, or pop stars and their audience.

People can exert power if they have access to **power resources**: *elements that can be used to influence the behaviour of others*. Examples of power resources include: knowledge, money, position, persuasiveness and allies or supporters. A doctor, for example, can make decisions about a patient's medical treatment based on education (= knowledge) and profession (= position). Or a famous influencer can use their position, power of persuasion and many followers to protest police brutality.

When power is accepted and acknowledged, it is referred to as **authority**, and can therefore be called **legitimised power**. *A manager with authority is a person who is taken seriously by the employees working at the company: someone they listen to.*

Social inequality

In our society, not everything is distributed fairly: some people have more money, knowledge or influence than others. In other words, there is **social inequality**. That means that *knowledge, income, status, power and political influence are unequally distributed in society*.

Here's how knowledge, income, status, power and political influence affect social inequality:

- **Knowledge.** Knowledge is developed through education and by reading a lot. People who are well educated have an easier time finding a job – and one that pays well – than people who are less well educated.
- **Income.** Each person's income is different, because some jobs pay more than others.

Is Florentine smarter than Destiny?

If a primary school pupil is named Florentine or Anna-Sophie, then the teacher probably has high expectations. That will benefit her progress in the classroom, because her teachers will challenge her more. Right from the start, she is likely to do better at school. Radboud University did a large-scale survey about names. This showed that teachers subconsciously have high expectations when they hear fancy first names. Too bad for Destiny and Kaylee, because their names have the opposite effect, according to the research results.

SOURCE: ALGEMEEN DAGBLAD

SOURCE 6

amir	2	brahim	ilke
anass		abdirahman	frank
kaoutar	2	freba	lotte
atty-jay	2	marja	nienke
arda	2	marwan	syrah
gino		lukasz	niek
			sterre
			chiel
			elke
			britte
			wes
			kars
			prien

People who have a higher income are often healthier than people living in poverty, and they have fewer problems.

- **Status.** A surgeon or a famous vlogger have a higher position in society than a cleaner or a train conductor. The difference in status has consequences for the attention and appreciation that a person receives, and how they are treated by others.
- **Political power and influence.** When it comes to the rules and laws in our country, some people have more influence than others. A government minister, for example, has more influence than a civil servant or a private citizen. Politicians are more likely to listen to the opinions of the bank manager than of a cleaner.

Social cohesion

The key concept of **social cohesion** is about how much people feel connected to others. Is there a strong sense of belonging within a group or society? Or are people living parallel, isolated lives and rarely interacting with others? Social cohesion is often strong in villages: everyone knows each other and are happy to help when problems arise. That sense of connection is often weaker in cities.

The concept of social cohesion is often used when we are talking about society as a whole. Some say that events like the football world championships or the national celebrations of the King's birthday are good for social cohesion, because they make people feel like they belong ("we are all Dutch"). Discrimination is bad for social cohesion, because it places groups in opposition. When social inequality is high, there is less social cohesion. We will come back to this concept in the chapters on the pluralist society and the welfare state.

Understanding the world

Now that you're familiar with the key concepts of civics, it will be easier to analyse issues in society. The research questions on the next pages will help you get started.



"It was just me and Guppy out there"

"When I was sailing around the world, it was just me and Guppy out there." Guppy is **Laura Dekker's** sailboat. When she was just 14, she left to spend a year sailing around the world – all alone. Her solo trip made her world-famous.

Before her departure in 2010, various organisations intervened to prevent a teenager from heading out into hazardous seas.

"At first, local media coverage focused on the negative aspects, like child protective services. Once I was off, my voyage was picked up by lots of foreign media. Instead of surprise, they expressed admiration," Laura Dekker explains.

She now lives in New Zealand with her partner and their young son. Laura launched a foundation to offer young people a chance to have similar experiences. At the end of 2020, she departed from the Netherlands with seven teenagers on board, heading out on a six-month sailing voyage. Laura: "The young people have to do everything themselves. Sailing, cooking, cleaning, all of it. That is hard for them, but I think it's very good. We live in a fairly easy society, where everything is arranged for them. They aren't taking a sailing course. They are learning life skills."

SOURCE: METRONIEUWS

SOURCE 7

Analysing issues in society

The media covers a wide range of topics. Some are complicated and can be difficult to understand. To figure out exactly how it all works, it can be helpful to take a systematic look at the situation. These pages provide questions that will help you research and analyse an issue.

Research questions

Description of the issue in society:

- What is this issue about, if you summarise it in one or two sentences?
- Why is this a problem? Who is affected?
- Which groups are involved in this issue and what is their role?

Role of the media:

- What are professional media (online or in newspapers and on TV and radio) reporting about this issue, and how?
- What do you see and hear about this issue on social media?
- Which opinions are getting a lot of attention? Which opinions do you hear less often?

Role of the government:

- Is the government needed to resolve this issue? If so, in what way?
- Are there rules or laws about this issue? If so, what are they?
- What position have the various political parties taken on this issue?

Compare:

- Is this issue also relevant in other countries? If so, which ones? And in what way?
- Is it a new issue, or has it happened before? How was it handled then?

Personal opinion:

- Which stakeholders do you particularly agree with on this issue?
- What solution or approach do you think would be best? Why?
- What is your own opinion on this issue in society?

Examples of issues in society:

- | | | |
|----------------------------|--------------------------------|----------------------------------|
| • obesity in young people | • traffic fatalities caused by | • racism during football matches |
| • gaming addiction | texting | • loneliness among the elderly |
| • shortage of organ donors | • bullying on social media | • floods due to climate change |



How to use these questions

Choose an issue in society that you want to explore. First answer all the **general research questions**. Now you have considered the topic from different sides. This makes it easier to substantiate your own position on the topic and to express your own opinion. Would you like to keep exploring the topic? Then use the **analysis questions** that look at the **key concepts** from 1.2. You can use this approach, for example, for a practical assignment or a formal essay.



Analysis questions

Interests

- What are the interests of the groups involved in this issue?
- What do they see as major causes?
- What approach or solution do the different groups want?

Values and norms

- What arguments do each group use to support their position?
- What values are a priority for each of the groups involved?
- Does the situation involve conflicting norms and values? Which ones are in opposition?

Power

- What resources do the groups have that give them power? Look at:
 - knowledge
 - money
 - position
 - persuasiveness
 - number of allies or supporters.
- Are the power resources distributed equally among the groups involved? What differences can you see?

Social inequality

- Is this issue related to social inequality in society? If so, how?
- What consequences does this issue have for social inequality?
- How can you tell? Look at:
 - knowledge
 - income
 - status
 - power and political influence.



Social cohesion

- Is this issue related to social cohesion in society? If so, how?
- How does this issue affect perceived social cohesion?
- How can you tell?

How to dig deeper

To answer the research questions, you need to look for reliable information. Useful sources include newspaper websites or journalistic news sites such as NOS.nl, RTLNieuws.nl and NU.nl. Also look for experts and reliable authorities that know a lot about your issue.

1.3 Media and fake news

“My mother thinks everything is a conspiracy”

Anna’s mother has very different ideas about how the world works. “That conspiracy theory that there’s supposedly a nanochip in the Covid-19 vaccine that the government can use to track you? My mother believes it. She believes the strangest things, and now she is talking to lots of people who agree with her. They find each other online. She doesn’t understand the filter bubble, that everything she sees on social media just confirms her assumptions.”

At first, Anna tried to talk to her mother, but has given up. “It always ends in an argument. Sometimes I just let her talk, when I can’t be bothered to confront her. She posts her far-fetched theories on Facebook. When people leave comments that she doesn’t like, she just gets insulted and blocks them.” Sometimes Anna comments too,

“when my mother shares another hoax that is definitely fake news.” Anna says: “She gets really mad when I do that, because I’m embarrassing her in front of others.”

SOURCE: RTL NIEUWS



How would you respond if your parents or friends believed in conspiracies that you consider ridiculous?

Not everything you see, hear or read is true – far from it. If you want to understand what’s going on the world, it’s important to have access to accurate information. Civics aims to teach you to take a critical look at information and assess whether sources are reliable. Fake news is an increasingly frequent problem. In this section, we will be focusing on the question: ***What is fake news and how can you tell?***

Fake news

Everyone has seen fake posts or photos at some point. But they aren’t always easy to recognise. **Fake news**, news based on things that are not true, is created to get attention or to make a joke. Sometimes it is used to earn money or is deliberately written to influence public opinion. It is even used to influence elections in democratic

countries. Examples include photos, but also posts, articles, podcasts or videos.

Fake news is often shocking, with sensational ‘clickbait’ headlines that entice people to click and share. An article that gets more clicks is more likely to show up in search results and be featured on social media.

Manipulation, propaganda, indoctrination

Fake news has been a hot topic recently because of the internet and social media. However, deliberately spreading incorrect information is not new. Fake news is a form of **manipulation**: *deliberately twisting or omitting facts, often without the reader or viewer being aware that it is happening*. Manipulation is sometimes used in advertising to convince you that you will be more successful if you buy a certain product.



Fake news can also serve a political purpose. One specific form of manipulation is **propaganda**. This means *deliberately providing information that only tells one side of the story in order to influence public opinion*.

Politicians have been using propaganda for centuries, for example to praise their own party's platform and make their opponents look bad. That often occurs in the presidential elections in the USA. Propaganda can also be more innocent, such as a campaign to combat obesity.

The most extreme form of manipulation is **indoctrination**. This involves *prolonged, systematic and compulsory exposure to one-sided views with the intention that people uncritically accept these views*. Indoctrination is common in dictatorships, such as in Iran and North Korea, where unrestricted internet and free media are unavailable and the government decides what the people are allowed to know.

The danger of fake news

Why is it important to recognise fake news? When you're buying a new phone, you want reliable information: what features does it have, and will it deliver good quality? As a private citizen in a democracy, you also need reliable information – so you can decide if you agree or disagree with proposed legislation, or who you want to vote for

in the next elections. If fake news is circulating, that creates a sense of unrest, for you and for society as a whole. People lose confidence in the government, or start rioting. Sometimes that is a deliberate tactic by the people who make fake news. That is called **polarisation**: *the process in which the contrasts between groups grow larger, increasingly positioning them in opposition to each other*. Supporters and opponents of 5G towers are a good example. When people are polarised, it is harder for them to live in harmony, which puts pressure on social cohesion.

Conspiracy theory

Fake news also contributes to the emergence of **conspiracy theories**. A conspiracy theory assumes that *specific events are the result of planned collusion between people or groups who have malicious intentions*. Most of these theories focus on the government, media, scientists, or 'the elite'. Conspiracy theorists claim that these

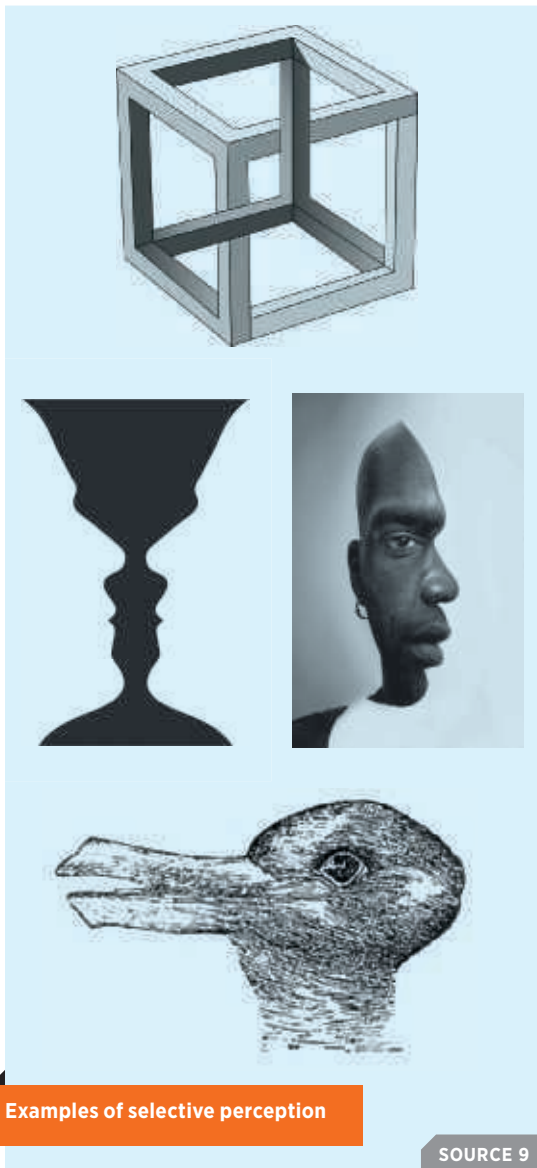


YouTube deletes Dutch rapper's account

AMSTERDAM - "My entire YouTube account has been deleted. Even all my own music on my channel. It's really a shame," Lange Frans posted on Twitter. YouTube stated that the videos uploaded by Lange Frans had violated the platform's rules on intimidation, threats and cyber-bullying. The Dutch rapper's channel included interviews with people who say that "the elite and political leaders belong to a network of child abusers."

SOURCE: NOS

SOURCE 8



Examples of selective perception

SOURCE 9

people are fundamentally wrong or deliberately withholding information. An example: the 5G network, which was rolled out around the same time that Covid-19 emerged. Some people now think that 5G causes the coronavirus, even though there is no evidence of any connection between the two.

Spotting fake news

How can you tell if something is fake news? Source 10 offers a checklist. To interpret information correctly, you have to be able to separate fact from opinion. Facts are **objective**, showing *what something truly is*. Opinions are **subjective**,

expressing *what someone thinks about something*. You can disagree about an opinion, but not about a fact.

Facts can be proven through investigation. Whether more exercise leads to healthier weight, for example, or whether alcohol poisoning among teenagers has declined since the age limit for buying alcohol was raised.

An opinion is personal: you might believe that alcohol makes people feel like partying, or that maintaining a healthy weight is an individual responsibility.

Professional news media, such as the NOS, RTL Nieuws, NU.nl or national newspapers, base their reporting on facts wherever possible. They follow the rules of journalism, so they present their news as independently and objectively as possible.

Filter bubble

When you use the checklist and follow professional news media, you can recognise fake news. Does that guarantee that the information you see online is objective? No. That is because of the **filter bubble**. This is what happens when websites filter their results based on your search history. The content is personalised using **algorithms** and **big data** (see pages 22 and 23).

Because of the filter bubble, two people who type exactly the same term into a search engine will access different information. When searching for information about “Egypt”, a person who recently booked a holiday will see tourist attractions. Someone who mainly visits news sites will see information about the political situation in that country at the top of the search results. A filter bubble can be useful, because it helps you find information tailored to your personal preferences. But the bubble also makes it harder to find different opinions or divergent sources of information. As a result, it's easy to assume that your opinions are correct.

Frame of reference

We are never objective about the information we perceive. A boxer watching an action movie responds differently than a pacifist: one sees an exciting fight sequence, while the other sees gratuitous violence. How you watch and evaluate something is related to your **frame of reference**:

the sum total of your knowledge, experiences, norms, values and habits. Your frame of reference is like a coloured filter over the information. That context means that you only perceive part of what is actually happening. This can also be described as **selective perception**: *a person sees only what they want to see*. In other words: you adapt the information so it fits within your frame of reference. Due to the filter bubble and selective perception, it is easy to develop a **bias**: *judging a thing or person without knowing anything about them*. For example: “You should hire employees who are older than 30, because young people are too easy-going about everything.” Bias can easily lead to discrimination. You will read more about that in the chapter on the pluralist society.

Checklist for fake news

Answer the following questions to see if a post is real or fake.



Who is it coming from?

Look up the author: is the person real and reliable?



What sources were used?

Check the links or sources that the post is based on.
Is this reliable information?



Is it current?

Check if the post and the sources are recent. Sometimes they are outdated.



What is the intention?

Why did the person who made it create the post? Is it a joke? Does the creator have something to gain from it?



What technology was used?

Is the audio real? Are the images real? Or could it be a deep fake?



What is your personal bias?

How is your own opinion influencing what you see?

SOURCE 10



“TikTok checks location every 30 seconds”

“The videos on TikTok mainly focus on what’s funny, and I like that,” says **Sam** (12). He’s not alone. With more than 3.5 million users, many young, TikTok is one of the most popular apps in the Netherlands.

The app is also widely criticised: TikTok collects a lot of data, and does so remarkably often. “They store data that makes me wonder: why do you want to know that?” says **Sanne Maasakkers**. Sanne is an ethical hacker who tests corporate internet security. NOS Stories hired her to investigate TikTok.

She saw that the app checks your location and what kind of phone you’re using every 30 seconds. “That is a lot more often than apps like Instagram.” TikTok uses that data to compile a profile for you. An algorithm decides what to show you, and who sees your videos. TikTok also requests a lot of permissions, including access to your camera, microphone and contacts. “TikTok requests 68 permissions in total, while Instagram only needs 31,” Sanne explains. According to TikTok, the app offers ways to guarantee your privacy, such as not approving permissions.

SOURCE: NOS STORIES

SOURCE 11

Artificial intelligence: opportunity or risk?

What will our future look like? No one knows for sure. We do know that artificial intelligence will play an increasingly major role in our society. Should we be excited about the opportunities it brings? Or anxious about the risks? Decide for yourself based on the following examples and dilemmas.

Self-driving cars

Settling into the driver's seat to watch a video while the car drives you to your destination? Sounds great. Experiments with autonomous vehicles are already taking place on the motorway, but driving is a lot more difficult on busy city streets. And difficult questions still need to be resolved. Who is responsible in the event of a collision: the self-driving car or the person behind the wheel? And if there is a collision, does the car choose to hit a person walking with a cane or a person pushing a baby in a pram?



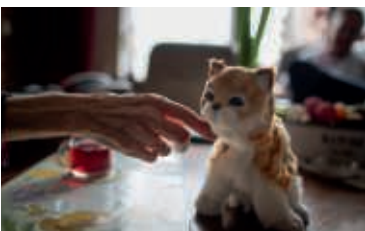
Human or robot?

This is Sophia. She is a 'social' robot from Hong Kong. She can have real conversations, display emotions, and interpret facial expressions. Sophia has appeared on talk shows and been featured on magazine covers. She says herself that "humans and robots can be good friends, even though they are different forms of sentience". Agree or disagree?



Robots in healthcare

Nursing homes and hospitals have personnel shortages. Using robots seems like a logical solution. Nursing homes already have special robotic cats that provide company for elderly people who are going senile. In hospitals, a care robot named Pepper assists nurses. Surgeons can already perform operations remotely thanks to surgical robots. Can robotic care replace human contact? And would you still use robots if it meant that lots of people would lose their jobs?





What is artificial intelligence anyway?

More and more, computers are used to make decisions or to perform tasks independently. In doing so, they imitate the human capacity for intelligent thought, and can learn from their mistakes. This is known as 'artificial intelligence'. It is based on massive amounts of data ('big data') and algorithms: mathematical formulas for analysing big data. Spotify and Netflix, for example, track what all their users listen to and watch. By linking this user history to previous choices or similar user profiles, they can suggest relevant music or films.



Augmented reality and enhanced intelligence

Get the best offers while shopping on your smart phone or smart glasses. Augmented reality is super convenient. But wouldn't it be even easier just to feed that extra information directly to your brain? A chip inside your head would make that possible. Disturbing? Tesla CEO Elon Musk doesn't think so. His company Neuralink has had a pig walking around with a chip in its brain since 2020. Musk wants to use this technology to cure diseases like Parkinson's and Alzheimer's. He also believes that it's the only way to outperform artificial intelligence. What do you think?

Wearables

Track your exercise, eating and sleeping habits and get personalised advice to improve your performance. Wearables – artificial intelligence that you can wear – make it possible. Using wearables can help you get a lot healthier. But what if your parents, employer, school or health insurer also wants access to your data?



Deep fakes

Deep fake software lets you make fake videos that look real. The technology originated in Hollywood film studios, but free downloads are increasingly easy to find. It can be used as a joke, or to make art. But a deep fake can also be used to make it look like a politician is inciting violence, simulate someone committing a crime, or create a falsified porn video as blackmail material. Can we still tell the difference between real and fake?

1.4 Critical thinking



“My impression was completely wrong”

Emy Demkes, a journalist with De Correspondent: “About four years ago, I moved into student housing in Amsterdam. I recall that my mother and I sorted through my overflowing wardrobe and filled two large bags with clothing that I never wore. I imagined how happy someone else would be with my G-Star Raw trousers, still in great condition. Dropping those bags into the textile collection bin felt good to me.

When I wrote a series of articles about the second-hand clothing trade, I discovered that my impression of clothing donations as a form of charity was completely wrong compared to the real story. The vast majority of all those donated clothes is not given away for free, but sold and traded. Distributed through a worldwide chain of collection services, sorters and traders, the

clothing often ends up at second-hand markets in countries across Africa, or in shops in Eastern Europe. With a price tag attached.

In short: donating your good trousers with the idea that you are helping someone is not actually how it works. In fact, discarding clothing that has nothing wrong with it is not sustainable at all, and we should really feel ashamed that we do it.” SOURCE: DE CORRESPONDENT



What topics have you changed your opinion about?

Civics is often about determining where you stand on a specific topic. Opinions can differ about almost all the topics you will encounter in this class. That can be difficult, since it also requires you to understand other people’s opinions. It is also interesting, however, because you will sometimes change your mind about things. In this section, we will be focusing on the question: ***How can critical thinking help you give a substantiated opinion?***

What is critical thinking?

Here’s a quick question for you. Sold together, a candle holder and a tea light cost 1.10 euros. The candle holder costs 1 euro more than the tea light. How much does the tea light cost: 5 cents or 10

cents? You probably answered 10 cents, and that is how most people respond – but that’s wrong. If the candle costs 5 cents and the holder costs 1.05, then the total price is 1.10 euros and the price difference is 1 euro. Why is it so easy to give the wrong answer? Because our brains choose the easiest route. You make countless decisions on autopilot every day. That’s convenient, because otherwise it would take hours to complete a simple task like preparing food or cycling to school. Your brain is programmed not to spend too much time and energy on those tasks.

The downside is that it takes your brain a lot of effort to process information that deviates from normal. Like finding something else for lunch if you run out of bread, or coming up with an alter-

native if there are roadworks on the route you usually take to school. This also plays a role in developing your opinion.

It is much easier to stick to **your first impression** than to check if it was correct. You will be likely to dismiss information that contradicts it. Like fabulous shoes that look great when you try them on in the store, but turn out to be a poor fit. An irritating classmate who unexpectedly offers to help you. Or the ban on laughing gas, which you might have considered silly at first, but ended up supporting after learning more about the risks.

The process of arriving at an opinion supported by logic and facts based on carefully considered information is called **critical thinking**. Basically, it is about your willingness to take a closer look at a topic and view it from various angles.

Why is critical thinking important?

Critical thinking is important for you, but also for society as a whole. Our society functions best when citizens really think about how they do their work, which products they buy, how they interact with others, and who they vote for. As we just saw, critical thinking is not something our brains do automatically, so we have to learn how. In civics, you will practise how to use critical thinking to examine your own opinion. This section covers four steps:

1. Learning to present an argument;
2. Using logical reasoning to analyse cause and effect;
3. Considering a topic from different angles;
4. Being willing to change position.

Learning to present an argument

Critical thinking starts by developing an initial opinion about an issue. An opinion is often expressed in **assertions**: *statements that formulate a position*. You use assertions every day, often without realising it. For example, in discussions at home: “I’m old enough to decide for myself” or “We don’t use our phones during meals”. In civics, this could involve government plans and policies: “Young people should be allowed to vote once they turn 16.” Other assertions are about values and norms: “A person who is very ill and in great pain always has the right to end their lives with dignity in the form of euthanasia, regardless of age.”

An opinion on a topic or assertion is supported by using arguments. An **argument** is *an explanation of why you have a specific opinion*. To come up with good arguments of your own, it can help to ask yourself some questions. Let’s take the assertion: “There should be a ban on coffee shops near schools.” Consider the following:

- Why is that a bad thing? Or is it necessary?
- What are the advantages or disadvantages?
- What underlying values play a role here?
- What are the consequences for the people involved?

Formulate your argument using **connecting words** such as therefore, so, since or because.

For example: “There should be a ban on coffee shops near schools, so pupils will be less tempted to buy drugs.” Or: “There should be a ban on coffee shops near schools, because drugs are harmful to young people.”



A good discussion

Five tips for having a good discussion:



Respect each other:

even if you don't agree.

Listen carefully to each other:

here's how to check: "So if I understand correctly, you are saying..."

Ask more questions:

for example: "Why do you think that? What is it based on? Can you give an example?"

Wait calmly:

do not respond until you know exactly what someone means.

Listen:

let each other finish.

SOURCE 12

Logical reasoning

The next step to shaping your own opinion is logical reasoning. That means looking at which fact logically leads to another fact. Let's say you are discussing the following assertion: "The government should create a DNA database for all private citizens." A supporting argument could be: "That will reduce crime." This sounds plausible, but you have not provided any substantiating evidence yet. In critical thinking, you have to show the steps that prove a **logical connection** between one thing and another. In this example, you have to show that a reduced crime rate is the

result of the DNA database. You could add a step by stating: "A DNA database makes it easier for the police to track down criminals."

Real life often cannot be simplified to one cause resulting in a specific effect. If you are late for school, you might tell your teacher that road-works forced you to take a different route. But other factors might also play a role: maybe you hit snooze an extra time, took a nice long shower, or had to double back because you forgot your gym bag.

You can come up with different explanations of **cause and effect** for any assertion. For example, a DNA database could also lead to less crime because it acts as a deterrent, making people less likely to commit a crime. Or it could reduce crime rates because it causes the police to focus more on detecting crime.

Considering a topic from different angles

In discussions, it is very easy to present a line of reasoning from your own point of view. When you consider someone else's position, you may gain a different perspective. Now you can come up with an overview of arguments supporting or opposing an assertion, regardless of your own personal opinion. As a result, you look beyond what you already knew and can understand why someone adopts a very different position.

Let's look at the assertion: "Parents should have access to their children's social media accounts." You probably do not agree. You could support your position by arguing that you have a right



Logical fallacies

An argument may sound good and understandable, but there may still be something wrong with it. Five common mistakes:



Hasty generalisation:

"My grandfather smoked every day and lived to be 98. Therefore, smoking is not unhealthy at all."

False analogy:

"Bankers should not get huge bonuses, because shopkeepers do not get them either."

Circular reasoning:

"I am the boss, because I am in charge."

Faulty relationship between cause and effect:

"Many elderly people who ride electric bikes have had accidents, so riding an electric bicycle is dangerous."

Invalid appeal to authority:

"Climate change is not a huge problem, because the CEO of Shell said it isn't all that serious."

SOURCE 13

to privacy. You could also assert that parental control has the effect of not teaching you to take responsibility.

Parents might have a different perspective. Safety is an important value to parents. They could argue that they want to protect their child from online bullying, grooming or problems sleeping. Understanding your parents' concerns may not change your opinion, but it can help you find better arguments to support your opinion or reach a compromise.

Being willing to change position

In critical thinking, you are looking for reliable information to base your arguments on. You also look at the relationship between causes and effects. If you can also look at the situation from a different perspective, you may question your earlier statements. That is good; it means that your brain is doing its job. You may even conclude that a topic is so complicated that you do not have a clear opinion about it – and that is also an achievement.



"Debating is an adrenaline rush"

Debating as a hobby? Great fun, say **Sander Blanckestein** (17) and **Tess Thomas** (15). They are both on the debate team at Haarlemmermeer Lyceum and go to championships.

Tess: "My school offers debating classes. A friend of mine was interested and encouraged me to join. I haven't stopped since, and I also debate competitively. Debating is an adrenaline rush. It's very exciting to stand up in front of a jury panel and take direct criticism from someone. But when it goes well, it feels fantastic." Debating is useful in everyday life, Tess says. "It taught me that no one is 100 per cent right. I know that in real life, I sometimes have to accept that someone else has a valid point too, like my parents."



Sander also got involved in debating through his school. "I learned how to speak well in front of a large group. It's also fun to hear other opinions and arguments about a different assertion, because you start thinking about that side too. The best part is convincing people that your plan and your arguments are better." And the fact that Sander and Tess get to meet lots of other people and visit other cities during debating competitions? They both agree that's an added bonus.

SOURCE: INTERVIEW BY UITGEVERIJ ESSENER

SOURCE 14

List of terms

What is civics?

The following key concepts were covered in this chapter:

1.1 A definition of civics

- societal issue
- compromise
- political problem
- dilemma
- the rule of law
- parliamentary democracy
- pluralist society
- welfare state

1.2 Exploring society

- value
- norm
- social control
- interest
- opposing interests
- power
- authority
- power resource
- social inequality
- social cohesion

1.3 Media and fake news

- fake news
- manipulation
- propaganda
- indoctrination
- polarisation
- conspiracy theory
- objective
- subjective
- filter bubble
- algorithm
- big data
- frame of reference
- selective perception
- bias

1.4 Critical thinking

- critical thinking
- assertion
- argument

The following key concepts from 1.2 were covered:

- values: (1.2), 1.3, 1.4
- norms: (1.2), 1.3, 1.4
- interests: 1.1, (1.2)
- power: (1.2)
- social inequality: (1.2)
- social cohesion: (1.2), 1.3





2. The rule of law

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Introduction

Terms like ‘the justice system’ and ‘the rule of law’ are common in news reporting. They are clearly very important. But what do these concepts actually involve? And what do they mean for you? This chapter covers how our legal system works. We will also look at crime: what happens if you do not follow the rules of the system?

What will you learn in this chapter?

The sections in this chapter will teach you:

- the advantages of living in a state governed by the rule of law;
- what our national constitution says and what that offers you;
- why we punish crimes;
- how to resolve conflicts through mediation and the courts.

2.1 What is a state governed by the rule of law?

Torture: yes or no?

Imagine the following scenario: a terrorist organisation has placed bombs in a number of busy locations in the Netherlands. The terrorists send a message to the national news channels, warning that the bombs will go off in 76 hours. The entire country is panicking. After a manhunt, the police arrest the leader of the organisation.

During interrogation, the man says he knows where the explosives are, but refuses to reveal the locations. Desperate, the police ask the judge for permission to use physical coercion on the terrorist leader, hoping that he will talk. The police propose the following method: do not give the prisoner anything to eat or drink, and pour a bucket of ice-cold water over him every

five minutes. If he still refuses to talk, they will punch him in the stomach, followed by electric shocks, starting at low voltage and moving up. In addition, his head will be held under water for several minutes.



Would the police be allowed to carry out these proposals if you were the judge?

Remember the situation on the island on page 8. Agreements had to be made on the island, such as where your waste is collected, and who intervenes if fights break out. These kinds of agreements or rules can be found everywhere that people live together. Rules are often about rights and obligations: what you are entitled to and what you have to do. For example, you have the right to get a good education and the obligation to go to school. In a state governed by the rule of law, these rights and obligations are defined in the laws. The central question of this section is: ***What is the rule of law?***

Why rules and laws are useful

Almost everyone can understand why rules are useful. Some are unwritten, such as letting passengers get off the train before you board. Other rules are written down, such as a code of conduct

at school, or the prohibition against theft in the Bible, Koran and Torah. Rules or norms often arise from customs, traditions and beliefs.

This chapter focuses on **legal standards**. *These are rules of conduct that the government has laid down in statutory laws and regulations.* The sum total of all these statutory rules is referred to as 'the law'. Legal standards provide a structure, so life in society can proceed in an orderly fashion. This is why we all cycle on the same side of the street, for example, and why you have to stop at a red light.

There are also legal standards that are linked to our shared values and norms in a society. The value of respect, for example, is linked to the norm that people should not punch each other during an argument. This is reflected in the laws against physical assault.

We believe that everyone should have the same opportunities, so employers are not allowed to discriminate on job applications. If you think you were rejected because of your age, gender, race, orientation or religion, you can go to court.

Areas of law

Within the overall concept of law, there are various areas of law. The most important distinction is the difference between public and private law. **Public law** governs the relationship between private citizens and public authorities (i.e. the government). This includes **criminal law**, which determines what behaviour is subject to punishment.

Private law or **civil law**, on the other hand, regulates how private entities interact with each other. Section 2.5 covers that area of law in more detail. Private law is about 'entities': not just real, living, individual people, but also an association or a company. In this context, we commonly use the term **legal entities** (rechtspersonen). Private law determines, for example, how to establish an association or club. Civil matters such as marriage, divorce and inheritance are also within this area of law. Private law is always about rights and obligations. If you rent a house, you have to pay your rent on time; in turn, the owner of the house has to make sure that the gas lines and electrical wiring are safe.

Justice

It is important that legal standards are aligned as closely as possible with *how private citizens understand the concepts of right and wrong*: our sense of **justice**. When they are, we are more likely to follow the rules. Examples include the prohibitions against theft or assault, which most people take for granted. Rules can conflict with our sense of justice (see source 1).

Sometimes society as a whole disagrees with the prevailing rules and demands change. It is sometimes said that the law is always evolving; laws change along with our views. One example is the recognition of same-sex marriages.

In 2001, the Netherlands became the first country in the world where gays and lesbians were allowed to get married. Another example is the #MeToo movement, in which many victims of sexual abuse spoke out. The discussion led to proposed legislation that redefined all forms of non-consensual sex as rape – not just in cases involving physical violence or the threat of violence.

There is a long history behind many of the rights and laws that we have today.

Origins of the rule of law

For many centuries, the people of Europe had hardly any rights. Kings were free to do whatever they pleased. People were arrested and locked away without any kind of trial. Public resistance



“I have a dream”

In the 1950s, public transport in the United States of America had segregated seats for white and black Americans. On 1 December 1955, a black woman named **Rosa Parks** refused to sit in the back of the bus. After her arrest, human rights activist **Martin Luther King Jr.** organised a major bus boycott. In his famous speech, King said: “I have a dream that one day ... my four little children will be judged not by the color of their skin, but by the content of their character.”

In 1965, racial segregation laws were abolished in the USA. More recently, Black Lives Matter protests around the world show that there is still a long way to go. These huge anti-racism demonstrations were in response to police brutality leading to the deaths of black Americans.



SOURCE 1

to these injustices grew in the eighteenth century, during the Enlightenment. Private citizens gained access to more knowledge and became more critical.

In France, this led to the French Revolution in 1789, when the people rose up and overthrew the government. Before the year ended, a document known as “the Declaration of the Rights of Man and of the Citizen” was drafted in France, with the aim of achieving a more just and happy society. In establishing the rights of each individual person, such as the right to liberty, property and safety, the concept of the rule of law was born.

The **rule of law** is a *legal system in which fundamental rights protect individuals from abuses*

of power and arbitrary violations. It is no longer possible to arrest and imprison people simply because a mayor or minister feels like it.

The following section takes a closer look at fundamental rights. You will also read about what a state governed by the rule of law needs in addition to a guarantee of fundamental rights.

Core tasks of the government

In a state governed by the rule of law, the government has two core tasks: law enforcement and legal protection. **Law enforcement** means that *the state must ensure that we obey the law*. If the law is not enforced, there is no point in having rules. To carry out its enforcement task, the government has more power than we do, and also has the sole right to use force. This is referred to as a state **monopoly on violence**. For example, police officers are allowed to use their truncheon or pepper spray on football supporters who are fighting. In extreme cases, the police are even permitted to shoot suspects. By enforcing the law, they ensure our protection and safety, as is appropriate in a state governed by the rule of law. However, the government also has to follow the rules laid down in the law. Police officers are not allowed to arrest you, read your emails, or search your home without a valid reason. In a state gov-



erned by the rule of law, suspects deserve protection too. For example, the Netherlands has a complete ban on torture, even when human lives are at stake, like in the scenario at the start of this section. For that reason, providing **legal protection** is another core task of the government: *laws protect us from abuses of power by the government*. That may sound strange: the government makes laws that protect private citizens from... the government itself? But that is exactly how it works. As individuals, we are relatively vulnerable when facing a government that is very powerful. That is why legal protection is needed.

Countries not governed by the rule of law

Not all countries have the rule of law – far from it. In an **authoritarian state**, a single person in power, or a small group of people, effectively decide what the rules are. Because they make the rules, they have the power to eliminate political opponents without trial and to deny rights and freedoms to the people. Such practices are seen in **dictatorships**, such as Saudi Arabia, North Korea and Turkmenistan. Also, countries such as Turkey, Russia and Poland do not always respect fundamental freedoms.



“If you talk too much, you’re done for”

Three Dutch teens, **Nando**, **Naomi** and **Laurens**, watch a video by BNNVARA about young people living in the dictatorship of North Korea. In that country, children are indoctrinated from an early age. The video shows footage of **Kim Fujong**, who defected from North Korea. He explains: “Citizens are not free on Saturdays. We had to meet with a group from school every week. You have to say critical things about other pupils and about yourself. This is how the regime controls you. There are also government spies in these so-called self-criticism sessions, but you never know who they are. If you say something wrong, you could even end up in a prison camp. In North Korea, we have a saying: ‘If you talk too much, you’re done for’.”

Laurens is taken aback by what he hears and sees: “The idea of criticising others seems very scary to me. I think that would make it much harder to trust people who are close to you.” The video also shows the teens that you cannot choose your own job in North Korea. The government decides what kind of work you do.

Nando says: “Really totally bizarre.” Laurens adds: “So what’s the point of life then? Are you living for the state?” Naomi: “Yeah, you just live until you die.”

SOURCE: BNNVARA

SOURCE 2

2.2 Conditions for a state governed by the rule of law

The blind judge

After high school, judge seemed like an interesting profession. I didn't see any major practical obstacles, because I can read everything," Sebastiaan Hermans says. Hermans was born with six per cent vision in one eye, and his other eye is prosthetic, offering no vision at all. He is the only vision-impaired judge in the Netherlands. His laptop is connected to a braille device for reading case files. He uses a very powerful magnifying glass to look at photos. Hermans says: "The only problem is that I can't quickly look something up. If necessary, I pause the court session briefly." Sometimes his blindness is an advantage. He once talked to a suspect who seemed "sympathetic". Afterwards, the

court clerk told him that she would have been too frightened to question the man, because his whole face was covered in tattoos. As Hermans puts it: "External appearances don't matter; it's about the facts. You cannot see if someone is telling the truth." SOURCE: NCB-BOND.NL, NRC



"It is easier for blind judges to arrive at a neutral ruling." What do you think of this assertion?

Good judges are very important in a state governed by the rule of law. They do not allow bias to guide their work, as Judge Hermans explains. They also ensure that everyone gets a fair trial. This is why independent judges are a prerequisite for a state governed by the rule of law. However, it takes more to protect citizens from abuses of power, arbitrary decisions, and injustice. That is what this next section will cover: ***What are the conditions required for a state governed by the rule of law and what exactly do they involve?***

Principles of the rule of law

The purpose of the rule of law is to ensure the **safety** of private citizens: to protect individuals against the power of the state and to ensure that people are treated **equally** and can live in **freedom**.

A state governed by the rule of law must meet at least these three conditions:

1. Fundamental rights are laid down in the constitution;
2. A separation of powers has been established;
3. The principle of legality applies.

Constitutional rights

The **constitution** is the most important document in our country. It defines *the fundamental rights of the inhabitants and how the state is organised*. **Fundamental rights** are the basic rights you need to live a life of basic human dignity. Because these rights should be guaranteed for every person all over the world, they are also referred to as **human rights**.

These rights are defined in constitutions, but also in international treaties and declarations, such as the Universal Declaration of Human Rights

(UDHR). Fundamental human rights are not the same as everyday rights, such as the right to claim warranty if your new laptop breaks down just two weeks after you bought it.

Fundamental rights can be grouped into two categories:

- **Classic fundamental rights**, such as the right to equal treatment, freedom of religion, freedom of expression and the right to bodily integrity. These rights must be guaranteed by the government. You can go to court to insist that these rights are respected.
- **Fundamental social rights**, such as the right to work, health care and housing. The government cannot guarantee these rights, but it must make an effort to ensure that they are provided. For example, the government is required to do its best to create enough jobs, but an unemployed person cannot go to court and demand a job.

Constitutional amendments

The Netherlands has had a constitution since 1798. The Dutch constitution has been amended several times in the past few centuries. In 1917, the right to vote was extended to all adult men, and was amended two years later to include women as well. Fundamental social rights were added in 1983.

Normal laws and regulations are changed regularly, such as when the government raised the minimum age for buying alcohol. We can also amend the constitution, but that is much more complicated. This process requires two rounds of voting, with elections in between. The first round

requires a simple majority of votes in Parliament; the second round requires a two-thirds majority.

Separation of powers

“Every man invested with power is apt to abuse it,” concluded the French philosopher Montesquieu (1689-1755). That is why he devised the principle of the separation of powers: **trias politica**. It means that no single person or body has absolute political power. The aim is to prevent abuses of power and injustices as much as possible.

This is how the trias politica has been implemented in the Netherlands:

- The **legislative branch** makes the laws that citizens and the government must follow, such as the Compulsory Education Act and all laws that are set out in the Criminal Code. This task is jointly assigned to Parliament and to the government. Usually, a minister presents a bill on behalf of the government. The proposed legislation must be approved by Parliament before entering into law.
- The **executive branch** handles implementation of laws that have been approved. The government is responsible for this. Ministers give orders to their civil servants; this is the title given to all the people who work for the government. For example, school attendance officers check whether schools, parents and pupils are complying with the Compulsory Education Act.
- The **judicial branch** makes decisions in conflicts and assesses whether someone has broken the law. That could be an ordinary cit-



Legislative branch



Executive branch



Judicial branch



Flowers laid outside the office of murder victim Derk Wiersum, a criminal defence lawyer who was shot and killed outside his own home. The investigation team believes that the lawyer was killed because he was representing the crown witness in the case against top criminal Ridouan Taghi. Many declaimed the killing as “an attack on the rule of law”.



izen, a CEO of a multinational, or a government minister. Everyone is equal under the law. Judges can also impose punishments. For example, parents who allow their children to skip school frequently could be fined.

The most important feature of the trias politica is that the three different state powers keep each other in check. Parliament checks whether ministers are implementing the laws properly. If school truancy spikes dramatically within a short time, the Minister of Education will have to respond to critical questions from Parliament. If a Dutch bill conflicts with European regulations, the court can call the minister and Parliament to order. We call this a system of **checks and balances**: each of the three branches is accountable to the other two.

The separation of powers may sound self-evident, but the situation in some countries is very different. Politicians and civil servants in authoritarian countries are checked less strictly, so they can abuse their power with impunity (without facing any consequences). Think of policemen who line their own pockets by issuing bogus traffic fines, or corrupt politicians who do favours for companies or families in exchange for bribes.

The judicial branch

One of the three state powers is examined here in more detail: the judicial branch, also known as the judiciary. As stated at the start of this section, neutral and independent judges ensure **fair and impartial justice** (eerlijke rechtspraak). This independent position also ensures that citizens are protected from the government: if the government is negligent or does something that violates the law, the court can intervene. One example is the lawsuit brought by Urgenda, an environmental activist group. Urgenda won the case, forcing the Dutch government to reduce CO₂ emissions by 25 per cent. An independent judiciary must also prevent people from pursuing **vigilante justice** (eigenrichting), by ensuring that offenders have a fair trial and get the punishment they deserve.

One factor that contributes to the independence of judges is their **lifetime appointment**. They cannot be dismissed if the government does not like their rulings. Moreover, everyone can check their work, since court hearings are usually public. To show their neutrality, they wear black robes, symbolising that the judge's background or personal opinions do not play any role in their rulings. If a judge appears biased, you can seek disqualification by making a **challenge** (wraeking). If the motion to disqualify is granted, a different judge will be appointed to preside over the case.



Stranded on a remote island

On that island in section 1.1, do you want the strongest person to make all the rules? Or would you prefer the rule of law? Here's what you need to arrange if you want a system governed by the rule of law:

- Write down the basic rights that every person on the island has.
- Divide the tasks of the governing council; you will need rule-makers, enforcers and judges.
- Working together, you also need to define rules for the governing council, so it cannot gain too much power.

SOURCE 3

Principle of legality

In some situations, the government is permitted to restrict our freedoms. If someone posts on Twitter that they are going to bomb a school, they are a threat to safety and can be arrested.

The government's powers are limited. These limits are based on the **principle of legality**: *the government is only allowed to restrict the freedoms of citizens if those restrictions have already been laid down in laws*. Moreover, in our democracy, laws are subject to approval by the democratically elected parliament. An example: the government proposed a ban on fireworks, and then a majority in the House of Representatives approved the measure.

Everything the government does has to have a **legal basis**. This establishes legal certainty, because everyone can check exactly what the government is and is not allowed to do. This principle is also reflected in the Criminal Code. Article 1(1) states that an act can only be punished if the law says that it is a criminal offence. Until 1993 no one could be convicted of computer hacking, since there was no law against hacking.



“We’re not living in a cowboy society”

THE HAGUE – The Minister of Justice and Security disapproves of vigilante citizens hunting down possible child abusers. “We’re not living in a cowboy society,” the minister said. ‘Paedophile hunters’ are thought to be behind the death of a 73-year-old man in Arnhem. A group of teenagers set him up online to meet a 15-year-old boy for sex. When the victim showed up, he was beaten severely and later died. “Punishment should be left to the courts, not to private citizens. You wouldn’t want to be falsely accused either.”

SOURCE: RTL NIEUWS, NU.NL

SOURCE 4



“Our whole house rocked up and down”

“It wasn’t safe anymore,” says **Kaithlynn**, talking about the house where she lived with her brother and parents. It had to be demolished because of the cracks caused by the many earthquakes in the province of Groningen due to natural gas extraction. Kaithlynn clearly recalls how it felt: “The whole house rocked up and down, like a crashing lorry. More cracks appeared with every quake, and the house was visibly sinking.”

Because the government determines how much natural gas is extracted in Groningen, the Dutch state is also liable for the damages, according to a court ruling. A member of Parliament said earlier: “This violates the fundamental rights of the people of Groningen, specifically their right to have a safe home.” Since then, the government has announced that it will stop drilling.

Kaithlynn is one of many children in Groningen who are anxious because of the tremors. Some lie awake at night terrified by the memories, just like their parents. Others suffer from stress and miss weeks of school. They, too, are therefore entitled to compensation, and could receive 1,600 euros or more. Kaithlynn’s father **Johnnie** has mixed feelings: “Money can’t make up for everything.”

SOURCE: NOS, METRONIEUWS.NL

SOURCE 5

2.3 Crime and investigation

Hidden cameras at youth hangout?

A group of boys aged 14 and 15 live in an Amsterdam neighbourhood. They have known each other for a very long time and got up to all sorts of things together. Many of the boys prefer hanging out on the streets to staying at home. Their parents have debts or are hardly ever at home. Some local residents are afraid of these teenagers. Petra, the public prosecutor, suspects that they may have committed burglaries, robberies and street muggings. Her suspicions do not lead anywhere on their own; she needs to collect proof. Petra takes her time to consider how to proceed. Maybe she could monitor the hangout corner in the apartment building with a hidden camera? The downside is that the camera would also record everyone else who lives there. After considering and consulting with her supe-

riors, Petra decides to do it anyway. The camera helps her find out more about their offences. Eventually, she has enough evidence to have the boys arrested. They are charged with various crimes, including burglary, theft, possession of stolen property, street robbery and threats.

SOURCE: TIENERSACHTERTRALIES.NL



Police and judicial authorities are not allowed to install a hidden camera without good reason. When do you think it should be permitted? And how should it be regulated?

The situation with the hidden camera shows that police and judicial authorities have to follow the rules, because their investigations could infringe on our rights. Camera surveillance, frisking and searches are only allowed if there are good and sufficient reasons. Even then, not everything is permitted. The next two sections will look at the area of law that you hear and read about most often: **criminal law**. Criminal law is about investigating and prosecuting criminal offences. This section will cover criminal investigation in the Netherlands, while the next section will look at adjudication: the legal process of taking a court case to trial.

The question in this section is: ***What rules should the police and judicial authorities follow when investigating crimes?***

Major and minor offences

All the rules and laws that apply in the Netherlands are recorded in codes of law. Most major and minor offences are listed in the **Criminal Code**.

Major offences are *serious crimes*, such as theft, assault and murder. Driving under the influence and hacking are also crimes. These are actions that we disapprove of, and are punishable by law in many countries.

Minor offences are *less serious crimes*, such as cycling without lights, public urination or vandalism. We do not approve of these actions, but they are not usually considered serious crimes. In the Netherlands, the maximum penalty for a major offence is life in prison. Minor offences carry a maximum sentence of one year behind bars. Another difference is that you will always

get a **criminal record** for major offences. Whether minor offences end up on your permanent record depends on the offence and on how severe your punishment is.

Crime and criminals

Crime is defined as *all the unlawful acts specified in the law*. Someone who has committed a crime is therefore technically a 'criminal'. However, that term is generally used for people who have made crime their profession. A person who has only committed a crime once in their life, for example shoplifting, is obviously not a career criminal. Crime is decreasing in the Netherlands. The total number of crime victims dropped by one-third in recent years. The falling crime rates do not apply to all criminal offences, however: cyber-crime has claimed more victims.

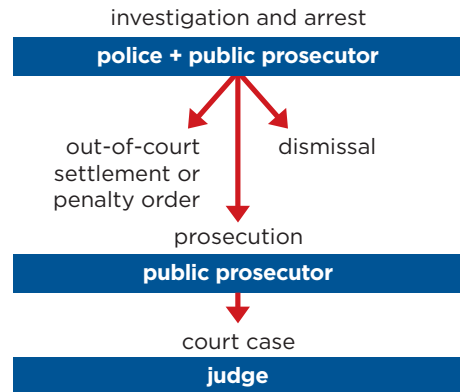
Investigating crimes

When a crime has been committed, there is a clearly defined procedure for what happens next.

1. The **police** collect information. They collect any physical evidence, interview witnesses and victims, arrest suspects and record all the details in a **police report**. The public prosecutor is in charge of the investigation and monitors to make sure that everything is done properly and fairly.
2. After an investigation is concluded, the **public prosecutor** has three options. The prosecutor can dismiss the case, resolve the matter directly, or take the case to court. As a private citizen, you cannot initiate criminal proceedings against a suspect. All prosecutors work



Criminal proceedings



SOURCE 6

for the Public Prosecution Service. This is the part of the judiciary that ensures that criminal offences are investigated and prosecuted. In other words, a public prosecutor does not work for the police.

We will first discuss what powers have been granted to the police, and then take a closer look at the public prosecutor.

Investigative powers of the police

The police cannot randomly detain or **frisk** you. This is only permitted if the police have a **reasonable suspicion** that you are breaking the law. Let's say a police officer out on patrol sees someone running out of a shop where alarms are blaring. Then and only then can the police use investigative powers, also known as **coercive measures**. At that point, that person is a **suspect**, because there is a *reasonable suspicion of guilt*. When **apprehended** (stopped or 'challenged') by the authorities, a suspect must show proof of identity, for example when taking the train without a valid ticket.

In such cases, the police can also issue a fine. When the police make an **arrest**, a suspect must go along to the police station for questioning. If police action severely infringes on fundamental human rights, additional requirements apply. Such action requires permission from a magistrate (*rechter-commissaris*) or the public



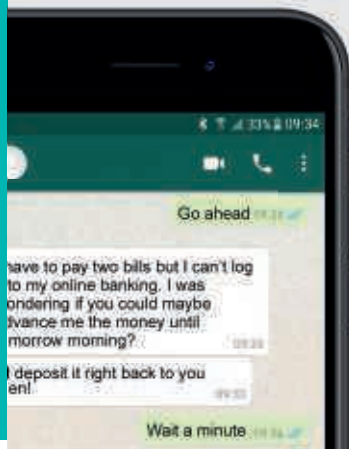
Massive spike in WhatsApp fraud

THE HAGUE – In just one year, the number of reports of fraud using WhatsApp have more than quadrupled. More than one in 10 people who reported fraud had actually been scammed; the total amount involved was 3.3 million euros.

WhatsApp fraud often starts with a message that a close friend or family member has a new phone number. For example: “Hi Dad, this is my new number. You can delete the old one.” This is usually followed by a request to transfer money due to an urgent problem. The person posing as a family member might

say that they lost their bank card and are standing in the shop. This is why such crimes are known as ‘friend fraud’.

SOURCE:
ALGEMEEN
DAGBLAD



SOURCE 7

- Holding a suspect for more than nine hours. The public prosecutor (or assistant public prosecutor) can authorise extending this period by another three days, a maximum of two times.
- **Infiltration** of criminal organisations. An undercover agent may not incite others to commit criminal offences. For example, if a drug trafficker offers one kilo of drugs, the infiltrator may not ask for more. In other words, solicitation, entrapment and incitement are not permitted.

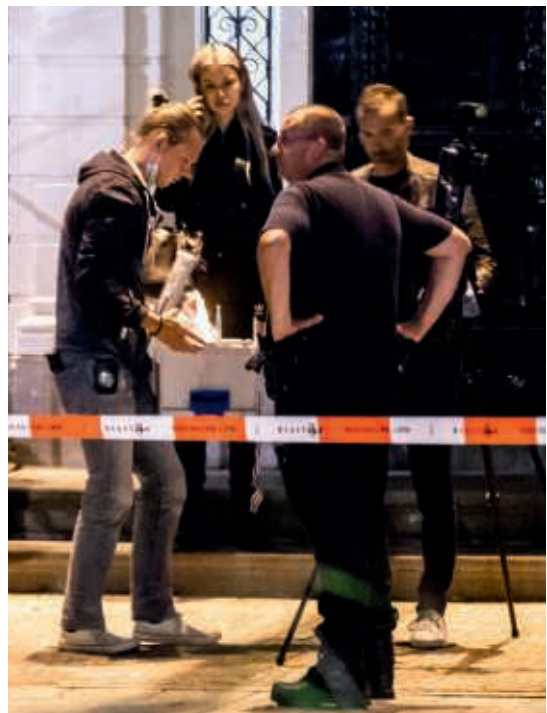
The rules and restrictions that apply in criminal law ensure that investigations are conducted fairly and that our rights and freedoms are not affected unnecessarily. Those same rules can also make it more difficult for the police and judicial authorities to do their jobs. How much power the police should have is therefore a matter of constant debate. Some people are in favour of broader powers to investigate crime, for example installing cameras with facial recognition on every street corner. Others believe that this infringes too strongly on our freedom and privacy.

Public prosecutor

Once the investigation by the public prosecutor and the police is concluded, the prosecutor decides what happens next. We will discuss three possibilities.

prosecutor leading the investigation. Permission is required for the following coercive measures:

- Entering a house. The police are only allowed to enter a person's home without authorisation if they have a reasonable suspicion that something bad is happening in the house. If the police want to search the house, they will also need a search warrant.
- Monitoring phone calls and internet traffic ('wiretap').
- **Preventive frisking**, i.e. searching a person without prior suspicion. This is only allowed in areas that involve security risks, such as entertainment venues, sports stadiums and airports. Permission is also required for any search that involves your body, not just your clothing.



Dismissal

In a number of cases, the public prosecutor can **dismiss** the case. This means *no further prosecution*. This happens, for example, if there is insufficient evidence, if the offence is minor, or if the prosecutor believes that the suspect has already been punished enough. One example is the thousandth pickpocket in Amsterdam. When she was caught by a special pickpocketing prevention team, they stuck a note saying “1000” on her. The story was headline news. The prosecutor felt that she had already been punished enough by the media attention and dismissed the case.

Settling out of court

In the case of minor offences such as vandalism and shoplifting, the public prosecutor can offer an **out-of-court settlement**. In that case, the suspect is required to pay a fine or do community service, and does not have to appear in court to face the charges. If a suspect rejects the settlement, the case will go to court.

In cases involving minor offences, the Public Prosecution Service can also opt for a **penalty order** (*strafbeschikking*) and then impose a punishment itself. A penalty order is similar to an out-of-court settlement; the difference is that a penalty order establishes that you are guilty. Essentially, the Public Prosecution Service takes on the role of the judge. If you do not agree with the penalty order, you must submit an objection in writing to have your case heard by the court.

Prosecution

The public prosecutor can also **prosecute**. That means sending the case file to the court and starting legal proceedings. Once the case goes to court, the suspect is referred to as the defendant. During the trial, the public prosecutor presents the case. Acting in the name of the community, they inform the judge about the criminal charges against the defendant and request a punishment. During a trial, the **judge** determines whether the defendant is guilty. If the judge considers that the defendant has been proven guilty, he can impose a punishment on the perpetrator. Until that time, **the presumption of innocence** applies: *you are innocent until the court has established that there is proof that you are guilty*. Section 2.4 covers court cases in more detail.



Beyoncé: “Heartbroken to see the senseless brutality”

First Rihanna and Kanye West, and then **Beyoncé**. On Instagram, the artists expressed their support for the thousands of youth demonstrating in Nigeria. They took to the streets in protest against the Special Anti-Robbery Squad (SARS), a police unit notorious for torture, theft and intimidation with impunity.

“I am heartbroken to see the senseless brutality taking place in Nigeria,” Beyoncé wrote. “To our Nigerian sisters and brothers: we stand by you.”



Efe Isibor, a Nigerian-Dutch man, joined a protest in The Hague against police brutality in the country where he was born. He goes back to Nigeria every year. “If you have some cash, drive a nice car, and you’re young, you’ll be pulled over for no reason. The cops threaten you. If you don’t have bribe money to buy your way free, they take you to an ATM.” It happened to Efe too. “I had the advantage that I’m from the Netherlands. They could tell by my phone settings. That made them think: Oh, he’s from Europe.” Efe gave the officers who pulled him over about 5 euros in local currency, and was not physically assaulted.

SOURCE: NRC

SOURCE 8

Why do people commit crimes?

Why do people commit crimes? Criminologists, psychologists and biologists try to find answers to that question. If you know where criminal behaviour comes from, it is easier to prevent crimes. You can also come up with more effective punishment or treatment for people who commit crimes. The following pages present various explanations for why crime happens. There is often more than one cause.

Affected By Our Environment?

According to **learned behaviour theory**, people who commit crimes are not fundamentally different from others. They do not have any deviant personality traits and have the same goals in life as anyone else. They have simply learned the wrong behaviour to achieve those goals. When young people have intensive contact with others who commit crimes, they are likely to start copying the same behaviour. Family, neighbourhood and friends play a defining role here.



According to **social bonding theory**, each of us is a criminal at heart, but most of us behave decently despite that. We do not commit crimes because we do not want to risk our social bonds: our attachments to family, friends, colleagues, etc. These relationships act as a brake on the criminal tendencies we all have. People who have few attachments, or none at all, are therefore more likely to commit crimes. Social bonding theory explains why many young offenders abandon crime permanently once they are in a serious relationship.

According to **self-control theory**, people who have limited self-control are more likely to commit crimes. Self-control is determined in early childhood. In fact, people who had relatively little discipline as children are more likely to be convicted of a crime 30 years later. Poor control of your emotions and urges not only boost tendencies towards criminal conduct, but also makes it more likely that you will engage in other forms of high-risk behaviour. Examples include smoking, alcohol and drug abuse, overeating, and eating unhealthy foods. That is why it is important to teach children self-control when they are young.

The Marshmallow Test is a famous self-control experiment from 1972.

Children are offered a marshmallow and can choose to eat it immediately or wait. If a child chooses to wait, they will be rewarded by getting two later.

The famous study suggests that children who leave the marshmallow until later have great self-control. Later in life, they are more successful and have fewer criminal tendencies. We now know that the results of this study are not entirely accurate.



Born To a Life OF CRIME?

According to the **sociobiological theory**, our behaviour is determined not only by parenting and culture, but also by hereditary factors. Many aggressive offenders have high testosterone levels, for example, and children who exhibit significantly antisocial behaviour are more likely to have a low heart rate. As a result, they feel less anxious and are less afraid of punishment. That is the biological explanation. However, scientists emphasise the interaction between biological factors and environmental factors, such as nutrition and culture. A child with high testosterone or a low heart rate is more likely to exhibit criminal behaviour when growing up in a violent family or unsafe neighbourhood.



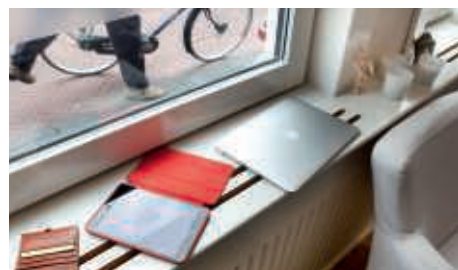
Italian prison doctor Lombroso (1835-1909) believed that it was possible to recognise criminals by their appearance. He claimed that they had an asymmetrical face, high cheekbones and a unibrow. We now know that physical appearance and criminal behaviour are unrelated.

Is Crime a Choice?



According to **anomie theory**, people are more likely to exhibit criminal behaviour if they are unable to achieve their life goals. In Western society, everyone wants to climb as high as they can on the social ladder. Some people discover that their opportunities are limited by their background, or because they did not finish school. Most will adjust their goals accordingly: "fine, then I won't buy a nice house or a fancy car." Others choose an alternative strategy to achieve wealth and status, for example through burglary, fraud and drug trafficking. The word 'anomie' means not according to the usual legal or ethical standards.

According to **rational choice theory**, "opportunity makes the thief". This theory assumes that everyone chooses their own best option in every situation. In doing so, a person rationally compares advantages and disadvantages: a cost-benefit analysis. This also applies to people who commit crimes. Before committing a crime, they consider what they will gain from it (benefits) in comparison to the possible negative consequences (costs). Negative consequences could include retaliation attempts, punishment, and loss of your job, friends and family. That means that it would be more appealing to commit a crime if there is very little chance of getting caught: opportunity makes the thief. This theory mainly explains crimes that involve money, such as theft, scams and fraud.



2.4 The justice system: courts and sentencing

Not manslaughter, still juvenile detention

Petra, the public prosecutor from the previous section, also charges the group of boys from Amsterdam with attempted manslaughter. The camera footage shows them tossing a heavy wooden beam over the railing of their flat. They dropped it exactly when they saw two police officers standing below them. One officer turned her head away just in time, so the wood only injured her cheek. That saved her life. During the court hearing, it turned out to be impossible to prove exactly who had tossed the beam. That was not captured in the camera footage. Petra does have a suspect in mind. She can see on the recordings that one of the boys was holding the beam. Still, he might have given it to someone else just before it was dropped.

The judge therefore acquits the boys of attempted manslaughter. He rules that enough evidence was presented to prove that they committed the other crimes. They receive sentences of up to 200 days in juvenile detention and must cooperate with compulsory care.

SOURCE: TIENERSACHTERTRALIES.NL



Do you think the judge was correct in acquitting the boys of attempted manslaughter? Or should he have held the whole group responsible and punished them all?

In this section, we will be focusing on the question: ***What forms of punishment do we use and what do we want to achieve?***

The government enforces the law in the Netherlands and must therefore intervene if people do not follow the rules. The police and the public prosecutors do this by tracking down criminal offenders and, in some cases, prosecuting them for their crimes. If the public prosecutor decides to prosecute, he acts “in the name of the community” (on behalf of society) and brings a criminal case to court. Victims of a crime cannot initiate criminal proceedings against a suspect themselves. For criminal cases that are complex or involve serious crimes, there is the **full-bench panel** (meervoudige strafkamer), which consists of

three judges. The court session in which judges hear the case is called the **hearing**.

Most hearings are open to the public, so you can follow them from the public gallery. That means anyone can monitor if court cases are fair and conducted according to the rules. This is in line with the concept that the rule of law protects us from abuses of power and arbitrary decisions. Some criminal cases do take place behind closed doors, for example if the suspect is a **minor** (under 18 years old).

What is the procedure for a court case?

Every suspect has the right to be represented by a **lawyer** immediately after the arrest. The lawyer checks that the police and the Public Prosecu-

tion Service are following the rules during the process of investigation and prosecution. They also defend the suspect if a case goes to trial. A person who cannot afford a lawyer is assigned legal counsel 'pro bono' and only has to pay a small contribution towards the legal fees.

Prior to the hearing, the defendant receives a summons to appear in court, also known as a **subpoena** (dagvaarding). This letter from the public prosecutor states the exact charges that you are accused of, and where and when the hearing will take place. Each trial consists of a number of predefined steps (see source 9). A trial can sometimes take months.

Appeal

If the person convicted of a crime or the public prosecutor disagrees with the verdict, they can appeal. If that happens, the case is then sent to the **court of appeal** (hoger gerechtshof) for another hearing. Even after that, it is still possible to appeal to the **Supreme Court** (Hoge Raad), the highest court in our country. If an appeal reaches that stage, the Supreme Court does not investigate the facts, but only reviews whether the law has been correctly applied. For example, the Supreme Court might check whether it was justified that the court of appeal did not hear a specific witness.

Why do we punish crimes?

In about 90 per cent of criminal cases, the judge decides that the defendant is guilty and then imposes a punishment. In deciding on the appropriate sentence, the judge must comply with the Criminal Code. Judges are not allowed to make up their own form of punishment. Corporal punishment, such as caning or chopping off a hand, is not permitted in the Netherlands. The death penalty is prohibited here, a fact that is even stated in the Constitution (Article 114). What do we want to achieve by imposing a punishment? It is usually a combination of goals:

- **Vengeance and retribution.** Crime should not be rewarded. For thousands of years, the principle of "an eye for an eye, a tooth for a tooth" has been seen as an important reason for punishing crimes. Even today, most people believe that there should be retribution (through the courts) for the suffering that one person has inflicted on another.

The hearing

Step 1 Opening

The judge checks the personal details of the defendant and states their rights.



Step 2 Charges

The public prosecutor reads out the criminal offences that the accused is charged with.

Step 3 Examination

The judge questions the defendant. The defendant's lawyer and the prosecutor can present exhibits and question witnesses and experts.



Step 4 Motion for verdict

The prosecutor attempts to demonstrate that the suspect is guilty and asks the judge to impose a specific punishment: the demands, also known as the 'motion for a directed verdict'.

Step 5 Defence

The lawyer presents arguments to defend the accused.



Step 6 Closing statement

At this point, the defendant can apologise to the victims, emphasise their innocence, or indicate any damages that would be incurred as a result of a possible sentence.

Step 7 Judgement

The judge explains whether the evidence presented has been sufficient to prove that the defendant committed the crime, states that the defendant is guilty or not guilty, and specifies the punishment imposed, if any.



SOURCE 9

- **Deterrence.** The prospect of punishment should deter people from criminal conduct. That works both ways. By punishing the perpetrator, we want to prevent them from repeating the crime in the future. Also, the punishment should discourage others from committing the same crime.
- **Prevention of vigilante justice.** In our state governed by the rule of law, the task of punishing criminals has been assigned to the courts, not to private citizens. Punishment therefore also prevents vigilante justice, in which victims or surviving family members

take the law into their own hands, for example to get revenge.

- **Resocialisation** (re-education). By imposing a punishment, we try to improve the behaviour of a criminal, so that they conform to the standards of society. For example, mandatory anti-aggression training might teach better self-control to violent offenders.
- **Public safety**. Especially in cases of serious crimes involving violence and/or sexual offences, long prison sentences aim to protect society from repeat offenders: as long as a perpetrator is in prison, they cannot commit new crimes.

Types of punishment

Judges can impose three types of principal penalties (hoofdstaffen). In the case of **custodial sentences** (gevangenisstraffen), the maximum sentence is life in prison. However, prisoners serving a life sentence can now petition for release after 25 years in prison. Experts review how the convicted person has developed over time, whether there is a risk of repeat offences, and any testimony presented by victims or surviving family members.

In the case of **community sentences** (taakstraffen), the judge can choose between community service and behavioural training for juvenile offenders. Behavioural training aims to keep people from becoming repeat offenders, for example by teaching self-control to an aggressive perpetrator. This option is not available for adults; they must perform community service, which involves doing useful work for society, such as cleaning public parks or spending a few days working with disabled people.

Finally, **financial penalties** can be imposed, and could amount to as much as 1 million euros. If the judge imposes **detention as a substitute penalty** to this fine, you will have to serve one day in prison for every 50 euros you do not pay towards your fine.

Besides the principal penalty, a perpetrator can also be sentenced to an **additional penalty**. This is often related to the crime that was committed. Examples include revoking of a driving licence, imposing a stadium ban or disqualifying a doctor from practising medicine. Sometimes part of the sentence is **conditional**. If the perpetrator com-

Prison sentences: facts and figures

Did you know that...

➡ **47%** commit another crime within two years.

➡ **7%** spend longer than **1 year** in prison.

➡ a cell is **5** by **2 metres**.

➡ one day in prison costs **265 euros**.

➡ **54%** are out again within **1 month**.



Source: Custodial Institutions Agency (DJI)

SOURCE 10

plies with certain conditions during the specified period (probation), they will not have to serve that part of the sentence.

Criminal justice measures

In addition to the sentence, the judge can also impose a '**criminal justice measure**' in reparation for the damage caused by the crime. An example might be paying compensation to the victim. A criminal justice measure could also have the aim of protecting public safety, as in the case of the Dutch system for compulsory detention under hospital orders: '**terbeschikkingstelling**' (TBS).

TBS

A judge imposes TBS if the perpetrator was mentally disturbed when they committed the crime. Suppose a man has a psychotic episode and attacks someone while he is delusional. The person who committed the crime is not considered fully accountable for their own actions ("non compos mentis"). In other words, they cannot be held responsible for their actions, or only in part. However, because they do pose a danger to themselves and their surroundings, the judge may decide to admit them to a mental health clinic for TBS. An important part of the treatment for prisoners remanded to compulsory detention is **going on leave**. The patient is not allowed to go on leave until sufficient progress has been made. At that point, they may, for example, go shopping under supervision, and might later go on unsupervised probationary leave. This process allows the prisoner to practise

living outside the clinic. The professionals supervising the case can monitor their behaviour and see if the treatment is working.

This aspect sometimes provokes heated debate, however, especially if a prisoner on leave from compulsory detention commits a crime during their probationary leave. Even so, it rarely goes wrong in actual practice. More than 99 per cent of all prisoners remanded to compulsory detention who are given leave do not escape. In addition, offenders who have received this form of treatment are less likely to re-offend than offenders who were held in prison.

The justice system for juvenile offenders

Children under the age of 12 who commit a criminal offence can be stopped, searched and questioned by the police. However, they will not be brought to court, because they are not considered criminally responsible for their actions. If the police file a care report, the judge can place the family under the supervision of youth care authorities, or place the children outside their home.

Young offenders between the ages of 12 and 17 are subject to **juvenile criminal law**. Minor offences such as petty theft and destruction of property are dealt with by assigning community service through a diversionary juvenile justice centre (“Halt Bureau”). A young offender who commits more serious crimes goes before the juvenile court. That court can impose juvenile detention for a period of no more than one year (for 12 to 15-year-olds) or two years (for 16 and 17-year-olds). While serving their sentence, they get an education and work on their return to society.

Young people between the ages of 16 and 23 are responsible for one-third of all crimes in the Netherlands. This group of offenders is subject to **adolescent criminal law**: the judge can choose whether to apply juvenile criminal law or adult criminal law. This is because not everyone develops at the same pace; some young people mature more quickly than others. The judge may take this into account.



No penalties for young perpetrators of fatal fire

Should criminal punishments be imposed on children who play with fireworks that set off fires? That was the difficult question that public prosecutor **Carlo Dronkers** had to answer. Two boys aged 12 and 13 had set off fireworks on an old bench in the hall of a residential building on New Year's Eve, just after midnight. The bench caught fire, causing smoke to spread rapidly through the building. A father and his son were trapped in the lift and died as a result. On New Year's Day, the police arrested the suspects, who lived in the same building. When removing them from the premises, the police covered them in clothing to conceal their identity. Dronkers explains, “In accordance with juvenile criminal law, we minimise exposure to publicity for under-aged suspects as much as possible.”

Because the boys were so young, the trial was conducted behind closed doors. As the prosecuting attorney, Dronkers demanded that they be sentenced to 60 hours of community service. The judge ruled that the boys had been proven guilty, but also stated that they “did not do it on purpose”. He deliberately did not impose any punishment, because this might make the boys “feel like criminals and set them on the wrong course”. Their parents had to pay as much as 90,000 euros in damages to the relatives. Carlo Dronkers says: “In the end, all parties could live with this verdict.”

SOURCE: DE VOLKSKRANT, DE GELDERLANDER

SOURCE 11

What is the best punishment?

The best punishment depends on what we want to achieve. Is the goal to make the person pay for their crime? Or is it to reduce crime? These pages look at prison sentences and community service. You will read different ideas and opinions about these principal penalties. There are also examples from other countries. What do you think?

Is community service useful?

"I see them on the job in those safety vests, but they're not working hard. Lounging around in the sun whistling at girls isn't punishment." Reader of De Telegraaf newspaper

"I had to take five weeks of unpaid leave from my job. I did all my community service hours in one go and got on with my life." Marco, repairs donated goods in a second-hand shop (sentenced to 100 hours for domestic violence)

Community service: facts and figures

Did you know that...

- ▶ you have to spend **1 day** in prison for every **2 hours** that you do not work.
- ▶ one day in prison costs **125 euros**.
- ▶ the maximum sentence for community service is **240 hours**.



Source: Dutch Probation Service



Are prison sentences useful?

"Places that have the death penalty see just as many murders as places without it. Just look at the USA." A Dutch judge

"You lose your hope of making your life better. Prisons are a training academy for crime." Rein Gerritsen, sentenced to 2.5 years in prison for armed bank robbery

"If you put a murderer behind bars, he cannot commit another murder." Joost Eerdmans, activist with Burgercomité tegen Onrecht

Prison sentences: facts and figures

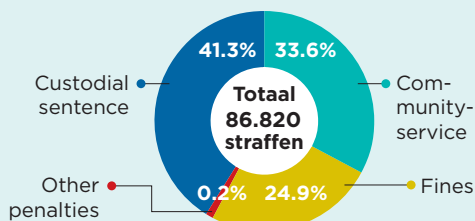
Did you know that...

- ▶ **47%** commit another crime within two years.
- ▶ **7%** spend longer than **1 year** in prison.
- ▶ a cell is **5** by **2 metres**.
- ▶ one day in prison costs **265 euros**.
- ▶ **54%** are out again within **1 month**.



Source: Custodial Institutions Agency (DJI)

What sentences do judges impose?



Source: Statistics Netherlands (CBS)

What sentences are imposed in other countries?



Prison without bars

"A prison that you'd kill to get into", one newspaper described the Norwegian island of Bastøy, where inmates live in cabins and work at small companies that produce food for the island. The guiding principle is that most criminals are able and willing to change, but need to be given responsibilities in order to do so. The guards are not armed. Even so, violence is rare. "If we have created a holiday camp for criminals here, so what? The point is to reduce the risk of reoffending," says prison warden Arne Kvernvik Nilsen. SOURCE: FORBES, REFORMATORISCH DAGBLAD



An unusual punishment: this girl in Indonesia is wearing a placard that says: "I promise to wear a face mask." She had not complied with the Covid measures and therefore had to "do public penance". The authorities then posted this photo on social media.



"Serving my sentence in comfort"

Jacob (28) has a flatscreen TV in his prison cell in California (USA), and occasionally leaves the prison to see his girlfriend. He was sentenced to three months in prison for drinking and driving: "I'm serving my sentence in comfort here. The food is good, the cellmates are nice." He does pay 150 dollars a night. Thousands are serving their sentence in a "pay to stay prison": a minimum-security facility mainly for white Americans who can afford it. Visitors are welcome and prisoners are allowed to leave for work for several hours a day. Prison warden **Dave Barr**: "People often say: 'A prison should be punishment, but yours is no big deal.' But this is a real prison. Just look at the barbed wire, the high walls and the prison uniforms. They really don't feel free here." SOURCE: NRC



In the overpopulated Quezon City jail in the city of Manila (Philippines), prisoners lie on the ground in close proximity. Some even sleep on staircases due to limited space.

2.5 Resolving conflicts

Student checked her phone too often

Deborah had poor marks, forgot her books, behaved badly, and checked her phone far too often during class. The student was expelled from her MBO programme. In summary proceedings, she demanded to be readmitted. She claimed the real issue was something else: “It’s just personal: I didn’t get along well with my mentor.”

Halfway through her second and final year of commercial school, she was advised not to continue the programme. Her lawyer argued that looking at her mobile phone too much was not a good reason: “There won’t be a single pupil left in school in the Randstad,” he said in court. “Are you serious?” the judge interrupted him. “Just put the phone away during class, and then it’s fine, right?” The lawyer then explained why

Deborah would like to finish her programme: “My client is planning to continue her studies.” The judge’s decision follows: the court finds that the school was justified in expelling the student.

SOURCE: ALGEMEEN DAGBLAD



What steps would you take if you were expelled from school and believed there was no good reason for your expulsion?

Crime often makes for exciting news. That is why criminal court cases get a lot of media attention. However, two out of three court cases are not about crimes, but about ‘normal’ conflicts between people. The question in this section is: ***How do you resolve a legal conflict if you can’t work it out yourself?***

Wherever people live in close proximity, conflicts sometimes arise. That does not have to be a problem, because you can usually solve it together. Are you really unable to work it out by mutual agreement? In a state governed by the rule of law, you can go to an independent judge to resolve it peacefully. However, a court case is usually a very big step that costs a lot of money. That is why we will first discuss two simpler ways to end a conflict: legal advice or mediation.

Legal advice

Have you ever read the ‘fine print’ in a contract, like from your phone provider? You can tell from the difficult words and complex sentences used in a contract that the law can be fairly complicated. Sometimes you need help to figure out exactly what rights you have and how to resolve legal problems. Anyone under 23 years old can go to a **Legal Advice Centre for Children and Adolescents** (Kinder- en Jongerenrechtswinkel) near them. Volunteers, often law students, give free legal advice. You might want to ask for help if you have a side job but are not sure if you’re getting paid enough. Or if your parents are divorced and you want to see your father or mother more often but do not know whether this is legally possible. The Legal Advice Centre for Children and Adolescents can also help you draft an offi-

cial letter to, for example, the family guardian, your school, an employer or a company. The people who work there can also join the conversation with the person you have a conflict with. Adults can get free legal advice at a regular **legal advice centre**, or from the **Legal Aid and Advice Centre** (Juridisch Loket).

Mediation

The legal advice centre may recommend a **mediator**. In mediation, the parties involved try to resolve their conflict themselves with the help of an independent mediator. Mediation is only an option if both parties agree to it. This form of conflict resolution is often seen in divorces. Because they have children together, the parents will have to deal with each other for many years to come. In such situations, it is good if they can come to a mutual agreement. Let's say you are over 18 and living on your own. Your neighbours play very loud music until very late every night. You asked them to stop several times, but you have not been able to work it out together. You decide to hire a mediator together. The legal

advice centre helps you find a mediator, and you agree with the neighbours that you will share the costs. After discussions with the mediator, you and your neighbours agree, for example, that they will turn down the music a bit from now on, and switch it off completely after 10 in the evening. In two-thirds of cases involving a conflict, mediation leads to a solution.

Going to court

It may be that the neighbours do not agree to mediation, or that mediation does not produce results. Then a **civil lawsuit** is still a possibility. You and your neighbours then present your **dispute** (geschil) to an independent judge. In most cases, you have to be at least 18 years old to do this. If you are younger, your parents or legal guardian can start a lawsuit on your behalf. The two parties in a civil lawsuit could be individuals, such as you and the neighbours, but could also be foundations or companies. Civil lawsuits are always about conflicts in which a claimant faces a defendant.

The **claimant** is the person who brings the case



"De Rijdende Rechter", a Dutch TV show involving a real judge who issues binding decisions in civil disputes outside the courtroom. In this episode, a fence is reinstalled by court order after a conflict between neighbours.



to court. The **defendant** is the person who must respond to the claim, and is therefore summoned to appear in court. In civil cases, the judge has to consider many aspects: not only Dutch laws, but also agreements in **international treaties** and decisions by European judges. An example of such an international agreement is the European right to compensation if your flight is delayed by more than three hours. In court cases, international agreements count more than national laws.

Civil proceedings

What is the procedure for a civil case? Let's return to the example of that dispute with the noisy neighbours, in which you took them to court. In this case, you are the claimant and the noisy neighbours are the defendants. You do not always have to hire a lawyer, but it is useful in complex cases. The case begins when you or your lawyer send the defendant a writ of **summons** (*dagvaarding*). This is a *written notice to a person that he has to appear in court*. This document also states your claim, for example, that there should be no loud noise after 10 in the evening and at weekends. The claim is accompanied by a motivation. For example, you might explain that

you always have to get up early, so you need to be able to sleep at night.

The judge reviews your claim and the **defence** presented by the defendant. The judge will often ask both parties to find a solution together first. If that does not work, the judge gives a **ruling** to end the conflict. Just as in criminal cases, both parties can still file an appeal after the ruling.

The judge's decision

The court can rule in favour of the claimant or the defendant. The decisions made by the judge depend on the type of conflict. In custody cases, the judge decides which parent the child will live with. If someone files a lawsuit because a gossip magazine printed blatant lies about them, the judge could order that the magazine be removed from stores. In the case against the neighbours, for example, they decide that they must stop making noise and that they will have to pay a sum of money every time they do make noise. This is called a **penalty payment**.

The judge may also order the neighbours to pay compensation for all your sleepless nights. This is called **immaterial damage**: emotional and physical damage. The judge may also impose compensation for any damage to your property,

for example if the neighbours destroyed something. This is called **property damage**.

Summary proceedings

In some cases, it is important to make a decision quickly. This could be relevant if an employer wants to ban a strike, or if someone wants to prevent an article from being published in a magazine.

In such cases, you can initiate **summary proceedings** (kort geding). This means *an accelerated and simplified procedure for urgent cases*. If necessary, summary proceedings can even take place over the weekend. In summary proceedings, the judge always gives a provisional ruling pending a final decision in the normal civil proceedings, known as the main action or the **proceedings on the merits** (bodemprocedure). In practice, however, summary proceedings are rarely followed by such normal proceedings, because the case has already been resolved by then.



Grandma required to delete Facebook photos

ARNHEM – A grandmother has been ordered by the court to remove all photos of her grandchildren from Facebook and Pinterest within 10 days. Her daughter – with whom she has had a falling-out – instituted summary proceedings against her. The mother does not want her children to be “showcased on social media”. The judge agrees with her, because parental consent is required before posting images of children under 16. If the grandmother does not delete the photos, she must pay a fine of 50 euros per day, up to a maximum of 1,000 euros.

SOURCE: DE TELEGRAAF

SOURCE 12



Attack victim Tim Hofman: “Injustice makes me furious”

In his popular YouTube series about anger, presenter **Tim Hofman** helps young people who are having problems with an organisation or person. He figures out exactly what legal aspects are involved, and then visits the other party. He helped Naomi and her little brother. In the summer, when they were 15 and 14, they had a holiday job at Jeugdvakantieland, an event in Ahoy Rotterdam.

They were not allowed to have any breaks during their six-hour working days, but the law states that everyone is entitled to a 30-minute break after working for 4.5 hours. Hofman looked up the woman who employed Naomi and her brother and confronted her: “How is it possible that you don’t know these rules?” The employer promised to follow the rules next year. Conflicts do sometime get out of hand, as Hofman noticed years ago in one of his most popular YouTube episodes. Tim represented Nijmegen students who complained about the poor condition of their homes. Their doors didn’t lock and the boiler was leaking. Tim went to their landlord’s office. He was badly beaten while he was there. He ended up in hospital with a broken jaw, a concussion and a neck injury, and spent months recovering at home. Hofman has no regrets: “Injustice still makes me furious.”

The people who committed the assault – the landlord (75) and his son (43) – were fined and ordered to do community service by the judge.

SOURCE: NOS

SOURCE 13

2.6 Beyond our borders

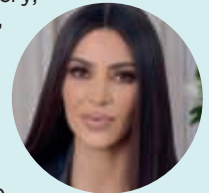
Kardashian calls prisoner just before execution

"I just spoke to Brandon, probably for the last time. It was the hardest phone call I've ever

made. He said that I shouldn't cry, because our fight isn't over yet,"

reality star and entrepreneur Kim Kardashian posted on Instagram. Some time ago, she had asked the US president to stop

Brandon's execution. Brandon, now 40 years old, was convicted as an accessory in the deaths of Todd and Stacie Bagley during a robbery in 1999. He was 18 years old at the time. More recently, that ruling was questioned; Brandon might not have been the shooter. In his final weeks in office, President Trump had Brandon put to death anyway. "Here in the United States we are executing someone who was 18 at the time of the crime and was not the shooter. So shameful," Kardashian described tearfully. Trump's successor, Joe Biden, opposes the death penalty. SOURCE: METRONIEUWS



In your opinion, can a country where the death penalty is carried out call itself a state under the rule of law?

This section looks at how investigation, courts and punishments are structured in other countries. That knowledge helps you to assess the situation in your own country: is our state governed by the rule of law well organised, or are there things that we should do differently? When we look at investigation, we will focus on a specific method: entrapment. On the topic of courts, we will focus on trial by jury. Under punishment, we will cover an exceptional sentence: the death penalty. In each case, the question to answer is: ***Are you in favour of introducing this in the Netherlands as well?***

Entrapment

How far can the police go in cracking down on crime? The rules for investigating crimes are less strict in many other countries. In the USA, for example, **entrapment** is an approved method of investigating criminal conduct in certain situations. This means that the police *incites a suspect to commit a crime that they may not have committed otherwise*. For example, an undercover police officer in the US is permitted to start a conversation with someone to see if they want to buy drugs. If you say yes, you will be arrested on the spot. Or the police might build fake websites offering child pornography

in order to identify buyers and sellers of illegal photos and videos.

The use of bait in the Netherlands

Entrapment is prohibited in the Netherlands. Police officers are not allowed to trick you into doing something illegal. Using **bait** to trap law-breakers is allowed, if a certain type of crime is frequent in a specific area and if 'normal' investigation methods have failed to produce a suspect. For example, the police can put a bicycle with a GPS transmitter at a location where a bike thief has been active for some time.

A few years ago, official approval was granted to use virtual teenagers as bait in investigations in the Netherlands. Police officers are allowed to

pose as minors online in order to track down child abusers. The method was not permitted until the new Computer Crime Act III. Before that, the police had not been able to use virtual decoys to convict suspects of online **grooming** (befriending children to gain access for sexual abuse). To accuse a suspect of that crime, a real minor had to have been approached by an adult for the purpose of sexual contact. Under the new law, it is sufficient if the person who is approached is only posing as a minor online. Methods using bait are fiercely debated; there is a fine line between entrapment and enticement.

Trial by jury

Belgium and France have professional judges, but also have trial by jury, similar to the USA. A **jury** is a group of citizens who decide on behalf of society whether or not a suspect is guilty. The procedure may vary between countries, but it often goes like this: a citizen receives a call for jury duty, followed by a screening. A check is done to see if you have a criminal record, if you can read and write, and whether you are impartial. For example, a juror may not be a friend or family member of the defendant, the victim or the victim's family. To avoid jury tampering, you are often not allowed to have contact with the outside world during the trial. For example, jurors may have to stay in a hotel during the trial and do not have to go to work. In most countries, if the jury determines that the defendant is guilty, then the judge chooses the punishment. In the USA, the jury also has a say about the punishment. The jury has to reach unanimous agreement to impose the most severe punishment: the death penalty.

The situation in the Netherlands

Jury trials were abolished in the Netherlands in 1813, but people regularly suggest starting to use juries again. The main argument supporting juries is that it makes the judicial process more democratic. In a democracy, citizens have a say in political decision-making, so why not in criminal trials as well?

Another argument is that it will give people more insight into how the law works and a better understanding of a court decision and the punishment imposed. Opponents fear that jurors

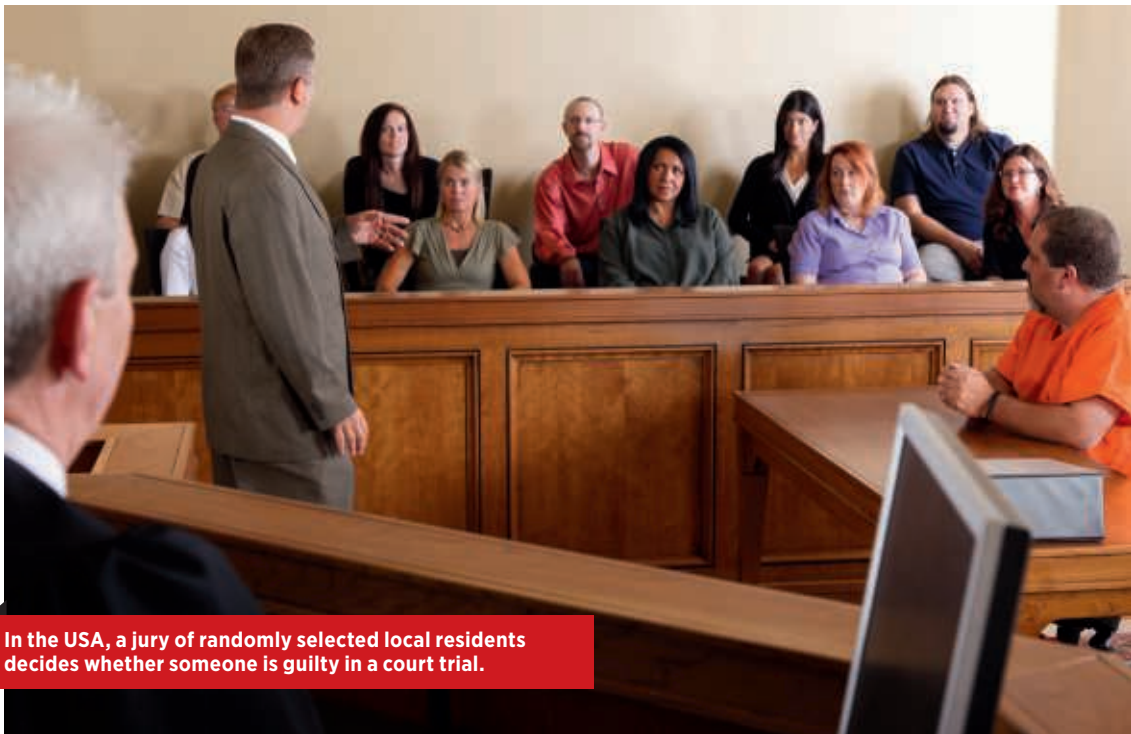


“Should decoy cops hold hands?”

AMSTERDAM – The use of decoy police officers in Amsterdam to address gay-bashing seems to be off the table for now. The Public Prosecution Service has notified the Mayor that this method will not be approved any time soon. It raises too many objections. Police officers pretending to be gay would come too close to incitement. Methods like these are not permitted if they would create a situation other than the normal circumstances, and therefore incite people to commit crime. “How far do we want to go in ‘dangling bait’? Should the decoy cops hold hands? Should they kiss?”, the public prosecutor explains.

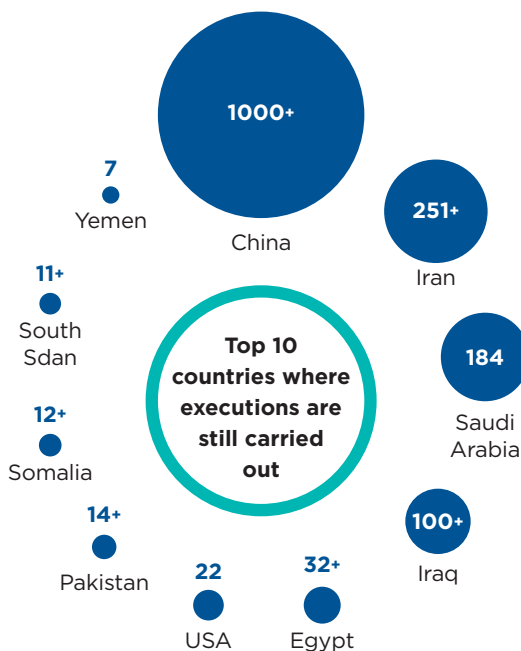
SOURCE: HET PAROOL

SOURCE 14



In the USA, a jury of randomly selected local residents decides whether someone is guilty in a court trial.

Death penalty – number of executions



This is the minimum number of executions according to calculations by Amnesty International. The actual number may be higher.

Source: Amnesty International, 2019

SOURCE 15

will be guided by emotions rather than facts, more so than professional judges. Also, they argue that ordinary citizens do not have enough legal knowledge and experience, so jury members are more likely than judges to reach a wrong decision.

Death penalty

The **death penalty** is still carried out in 20 countries around the world. There are big differences between those countries in terms of the crimes that carry a death sentence. The number of executions also varies widely. In China, almost 50 crimes are punishable by death; the USA only imposes the death penalty for murder or manslaughter.

Although there is no official data on China, Amnesty International reports “thousands of executions per year”. Several dozen executions take place every year in the US. The method also varies: some countries use lethal injection, while others use beheading, lethal gas, hanging or electrocution.

People who support the death penalty believe that it acts as a **deterrent** (afschrikmiddel). They also point out that this punishment ensures that

the convicted person will never commit a crime again. From a financial perspective, the death penalty is cheaper than a sentence of many years in prison.

People who are opposed to the death penalty believe that the state should not lower itself to the level of a murderer. In addition, once carried out, a death sentence is irrevocable (cannot be undone). There have been cases of people who were executed but later turned out to be innocent. Moreover, crime statistics show that the death penalty is not an effective deterrent. Crime rates in countries that have the death penalty are just as high as in countries that do not.

The severest punishment in the Netherlands

All of the countries in the European Union have abolished the death penalty. The EU prohibits its member states from performing executions. Belarus (non-EU) is the only country on the European continent that continues to carry out death sentences.

Our country abolished the death penalty in 1870, but the punishment persisted in the Dutch colonies for a long time. Executions also took place in the Netherlands after the Second World War, the last in 1952. In that post-war period, special temporary rules had been introduced for bringing war criminals and traitors to trial. These rules cannot be introduced again now. As of 1983, our constitution states: “The death penalty cannot be imposed” (Article 114). Polls also show that a majority of Dutch people are against it. One political party does support the death penalty: the SGP, a conservative Christian party.

Although the Netherlands, like most countries, does not have the death penalty, our severest punishment was exceptional for some time. Until a few years ago, **life imprisonment** really meant that you would be in prison until you died. That was in conflict with European law, because prisoners must always have the prospect of release. The law has now been changed: prisoners serving a life sentence can petition for release after 25 years in prison.



Sentenced by your fellow students

The USA has more than a thousand ‘Youth Courts’, where the judge, lawyers, court clerk and jury members are all young people aged 14 to 18. The jury only determines the punishment. That could be community service, a letter of apology, a meeting with a social worker, or behavioural training. Once the punishment imposed by the court is carried out, the police remove the minor offence from the permanent record.

In the Netherlands, various secondary schools have youth courts where the students decide what happens if someone has misbehaved or done something illegal. Pupils take on the roles of prosecutor, lawyer and judge. Unlike the USA, there is no jury.

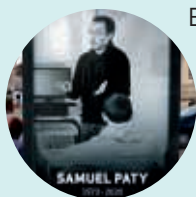
Chantal (16) was a youth judge and is happy that she had that experience: “I learned a lot about the legal system, which is useful regardless.” One of the cases was about animal abuse. A student had kicked a pigeon hard in the schoolyard. During the hearing, the boy showed that he clearly regretted his actions. Then his classmates announced his punishment: “You have to write a report about animal suffering, at least 750 words long. Because your kick was in response to a challenge, without considering your actions, you also need to include a paragraph about better impulse control.” Even the accused student was positive: “Other students understand you better than the school would.”

SOURCE: JONGERENRECHTBANKEN NEDERLAND

SOURCE 16

2.7 Challenges to the rule of law

Teacher receives threats, goes into hiding



Emmaus College in Rotterdam held a memorial for the murder of Samuel Paty, a secondary school teacher in France. The Frenchman had been murdered by a radicalised jihadist a few weeks earlier, after showing a satirical cartoon of the prophet Mohammed in his class. On the day of the memorial ceremony, a group of Muslim girls at Emmaus College objected to a cartoon that had been hanging in a classroom for years. The girls believed that the bearded man in the drawing represented the prophet Mohammed. A teacher explained that the cartoon did not depict the prophet, but a Muslim terrorist. Even so, the outcry quickly jumped from the classroom to the internet. “If this isn’t taken down very soon,” someone posted on Instagram, “we will be taking a different approach.” The teacher

who had the cartoon in his classroom went into hiding. “He should have known better than to hang up something like that, because there are a lot of Muslims at our school,” one student says in retrospect. Another student responds indignantly: “If you feel offended, you can ask the teacher to remove the drawing. You don’t have to send death threats!”

SOURCE: DE TELEGRAAF, HART VAN NEDERLAND



In your opinion, should satirical cartoons related to religion be banned?

Almost everyone sees the advantages of living in a state governed by the rule of law. You have a lot of freedom and safety, and there is much less injustice than in countries without the rule of law. As the first sections explained, this can largely be attributed to our fundamental rights. However, the rule of law is never ‘complete’. New situations and technological developments pose fresh challenges all the time.

This section will look at when our rights come under pressure. In each case, the question to answer is: ***In this situation, what is fair and preferable?*** We will look at two topics:

- **Conflicting fundamental rights**, where it

becomes necessary to decide which fundamental right is more important in a specific situation.

- **Digital technology** that can endanger our rights.

Conflicting fundamental rights

The rule of law is supposed to guarantee and protect fundamental rights. However, those rights sometimes clash. This leads to heated discussions and sometimes even lawsuits. It is always about figuring out which right takes precedence in that specific situation. Is that Article 1 of the Dutch Constitution, which gives us the right to

equal treatment and thus bans discrimination? Or is it the rights that Article 1 often clashes with: freedom of expression (Article 7), freedom to profess your religion (Article 6), or freedom of education (Article 23)? Let's take a closer look at those clashes.

Freedom of expression

The right to **freedom of expression** means that you can say what you think, but the Constitution also adds: "without prejudice to the responsibility of every person under the law". Basically, you are not allowed to make false accusations, and insults may also be punishable by law in exceptional cases. You are also not allowed to incite hatred and discrimination or call for violence.

But exactly when are you deliberately issuing insults, inciting hatred or discriminating? That is not always easy to determine. An example: in 2014, Dutch politician Geert Wilders asked a room full of supporters whether they wanted more or fewer Moroccans. Is that question covered by freedom of expression? Or is it insulting and inciting hatred and discrimination against Moroccans? We will come back to that.

Freedom to profess religion

In the Netherlands, we have **freedom to profess religion**: everyone is free to believe what they want and to spread their faith. Sometimes a religion has requirements that the Constitution does not allow. Another true example: in 2015, an entrepreneur refused an intern who openly expressed that he was gay. The Christian businessman argued that his religion disapproves of homosexual relationships. What counts more: the businessman's right to profess his religion, or the intern's right to equal treatment? We will come back to this too.

Freedom of education

Freedom of education means that anyone can set up a school and receive government funding, as long as you follow the quality requirements. As a result, the Netherlands has public schools and schools based on a religion or philosophy, known as private schools or 'special schools'. Some special schools ask parents to sign a statement. There was a huge outcry when people

learned about one sentence from a statement used by several Christian schools. It stated that "a homosexual lifestyle is contrary to God's Word and is rejected". Many people saw this as discrimination and believed that it made students feel unsafe, especially gay students. The Christian schools argued that they were simply exercising the constitutional right to freedom of education.

Who is right?

These types of clashes often lead to a lawsuit. People who believe that they have been wronged try to prove their case in court. The judge considers the different fundamental rights and determines which is most important in that particular situation. That happened in the examples mentioned above:

- Wilders was eventually acquitted of inciting discrimination, but convicted of group insult.
- The Christian businessman was fined for discrimination. He also had to pay 1,500 euros in damages to the rejected intern.
- The situation involving the Christian schools did not go to court. The Minister of Education did declare that the 'anti-gay declaration' was in conflict with equal treatment. The schools had to edit the text or risk a fine.

What about the Rotterdam teacher and Paty, the teacher murdered in France? Were they allowed to display the cartoons? Yes. Generally speaking, satirical cartoons are not punishable by law, even if they criticise believers or say negative things about a religion. They are considered illegal if



Call centre employee: “Rushing through number two”

Jerry spent years working in a call centre where every call was recorded and his breaks were logged down to the minute. He had a total of 20 minutes a day to use the toilet. Jerry says: “If you had to go number two, you really had to rush.” Six years later, he had had enough. Now he works in construction. “Liberating,” he calls it. “There’s a GPS in the company car, so my employer knows where I am. But no one penalises me for my choice of words, or because I smoked one cigarette too many. Now I’m living by my own schedule.”

SOURCE: DE VOLKSKRANT

SOURCE 17



they incite hatred, violence or discrimination against other population groups. However, that was not the case here. The judge had already established this in an earlier court case about the French cartoons. Paty’s murder was met with horrified responses from all over the world. No matter how shocking a text, drawing, video or statement may seem to some, violence is never an appropriate response. A democratic state governed by the rule of law offers many other non-violent ways to show your disapproval. Let’s look at the second topic that poses a major challenge to our rule of law: digital technology.

Digital technology

Digital tools can be useful, like household devices that you can easily control with your voice or an app, even from a distance. Sometimes their use also poses serious risks to our safety and our rights, as you already saw on pages 23-23. We will take a closer look at the use of digital technology by government bodies.

The government

The government increasingly uses smart technology in criminal investigations. For example, the police use drones to monitor protests, while smart cameras along the motorway can detect whether a driver is holding his phone. But things can go wrong, like unjustified parking fines (see source 20) or the childcare benefits scandal (see source 21). For years, the tax authorities investigated benefits fraud using **algorithms**: *mathematical formulas for analysing data quickly*.

When the scandal went public, it became apparent that the system was unfair and discriminatory. People who held a non-Dutch nationality were automatically flagged as fraudsters by the algorithm. This was a case of widespread discrimination by the government. Although the rule of law is supposed to ensure **justice**, the opposite happened here.

Companies

We have already mentioned smart cameras and drones that allow the police to track us. **Digital monitoring** is increasingly being used by companies as well. They use digital technology to monitor their workforce in order to improve service or check whether their employees are working hard enough. During the coronavirus pandemic, when many people had to work from home, many companies purchased monitoring software. These kinds of programs let an employer see when employees log on, how long they work, what they do on their computers, and how much time they spend answering emails. This is not only an invasion of **privacy**, but also causes stress to many employees, actually making them work less well.

What forms of monitoring are and are not allowed varies depending on the situation and the sector. For example, it is fine to use GPS to track a pizza courier or a parcel delivery driver, but not an office worker.

However, employees can insist that their organisation follows two general rules according to law:

1. Employees must be informed about the monitoring beforehand.
2. The organisation must have good arguments supported by serious reasons.

It's our move

Just because something is technically possible does not mean that we should do it. Amnesty International has recommended a mandatory 'human rights test' for all organisations that use algorithms, from the police to commercial companies. The test should reveal if human rights are in jeopardy and whether the algorithms will cause unjust situations.

What is preferable and fair in each type of situation? It is good to reconsider that question every time. In a democracy, everyone can have their say, so our politicians will make rules that we consider acceptable.



"Totally shocked by unjustified fine"

AMSTERDAM – Scanning cars with cameras to check if parking fees have been paid regularly lead to incorrect fines. It happened to Maritska: "I was totally shocked. €1,600 in fines, even though I had a parking permit!" She filed an objection and her parking tickets were waived. According to expert Max Heck, the links to the municipalities' parking registration systems sometimes go wrong. Those systems show if someone has a disabled parking card or a parking permit, like Maritska. But Heck says that there is another reason: "Those scanning cars don't always recognise unusual situations, such as when someone is still walking to the nearest parking meter, or unloading a car."

SOURCE: NOS

SOURCE 18



"It cost me 10 years of my life"

Parents of young children can claim childcare benefits. This is a government contribution that makes childcare affordable and helps more parents go back to work. Authorities take steps to prevent possible fraud with various social benefits. In 2019, it was discovered that the Dutch tax authorities had wrongly labelled thousands of parents as fraudsters and used inappropriately severe measures to investigate fraud. Many parents were accused of serious fraud for minor administrative errors. The fraud detection system was overly strict but not precise enough. And it turned out to be discriminatory. People with foreign last names were more likely to be accused of fraud.

As a result, thousands of innocent parents were driven deep into debt because they had to repay all the childcare benefits and were fined for fraud. Besides financial problems, many of the affected parents developed psychological and physical symptoms. The major errors made by the government agencies in the childcare benefits scandal eventually led the Rutte-III Cabinet to resign.

Dulce Gonçalves, mother of three, was one of the many parents affected by the scandal. She had to repay 100,000 euros. After years of struggle, her innocence has been acknowledged. However, she does not believe that getting back those wrongly claimed repayments can possibly make up for the devastation of the past years. "It cost me 10 years of my life. I don't know how they could compensate for that."

SOURCE: EENVANDAAG

SOURCE 19

List of terms

The rule of law

The following key concepts were covered in this chapter:

2.1 Law and justice

- legal standards
- public law
- criminal law
- civil law / private law
- legal entity
- justice
- the rule of law
- law enforcement
- legal protection
- monopoly of violence
- authoritarian state
- dictatorship

2.2 Conditions for a state governed by the rule of law

- constitution
- fundamental rights
- human rights
- classic fundamental rights
- fundamental social rights
- trias politica
- legislative branch
- executive branch
- judicial branch
- checks and balances
- challenge
- principle of legality
- legal certainty

2.3 Crime and investigation

- Criminal Code
- criminal offence
- major offence
- minor offence
- crime
- police
- public prosecutor
- frisking
- coercive measures
- suspect
- accused
- defendant
- apprehend
- stop
- arrest
- detain
- preventive frisking
- infiltration
- dismissal
- out-of-court settlement
- penalty order
- prosecute
- judge
- presumption of innocence

2.4 The justice system: courts and sentencing

- full-bench panel
- hearing
- lawyer
- court of appeal
- Supreme Court
- vengeance and retribution
- deterrence

- prevention of vigilante justice
- resocialisation
- public safety
- custodial sentence
- community sentence
- financial penalty
- detention as a substitute penalty
- additional penalty
- conditional
- criminal justice measure
- terbeschikkingstelling
- juvenile criminal law
- adolescent criminal law

2.5 Resolving conflicts

- mediation
- civil proceedings
- dispute
- claimant
- defendant
- writ of summons
- defence
- ruling
- penalty payment
- immaterial damage
- property damage
- summary proceedings
- proceedings on the merits

2.6 Beyond our borders

- entrapment
- bait
- grooming
- jury
- death penalty
- life imprisonment

2.7 Challenges to the rule of law

- freedom of expression
- freedom to profess religion
- freedom of education
- algorithm
- digital monitoring

The following key concepts from 1.2 were covered:

- values: 2.1, 2.4
- norms: 2.1
- power: 2.1, 2.2, 2.3, 2.4

TTO

Textbook

What is civics?

The rule of law

Parliamentary democracy

Pluralist society

Welfare state

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