

RESISTING ADMINISTRATIVE TOLERANCE IN THE
NETHERLANDS*A Rightist Backlash?*

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Representatives of rightist-conservative political groups have denounced the Dutch policy of administrative tolerance ('gedoogbeleid') as a left-libertarian excess. On the basis of a representative survey among the Dutch population (N = 1,892), we demonstrate, however, that such resistance is not typically 'rightist' or 'conservative'. Even though conservatives are more likely to oppose administrative tolerance as a general policy type, this is merely because they associate it with the toleration of illegal activities by marginal individuals. Whereas they do oppose the latter more than political progressives do, the latter are, for their part, more critical than conservatives about the toleration of illegal activities by official agencies.

Keywords: punitive turn, public opinion, political conservatism, Dutch 'gedoogbeleid', administrative tolerance

Introduction

Like most Western countries, the Netherlands has witnessed since the 1980s a backlash against the morally individualist and non-conformist values that characterized the so-called 'counter culture' of the 1960s and 1970s. The morally individualist values that were central to these decades have not disappeared since, but have become more widespread, as demonstrated by, for example, Inglehart's (1977; 1997) studies of a slowly-but-surely unfolding 'silent revolution'. Since the 1980s, however, as in most European countries, the Netherlands has also been witnessing the emergence of new rightist movements and parties. This emergence and electoral success of new-rightist parties has been mockingly referred to by Ignazi (1992; 2003) as a 'silent counter-revolution'. These new-rightist parties also emphasize cultural issues more than anything else—to do so from a right-authoritarian rather than a left-libertarian angle. Their aim is to restore social order that, according to them, has been lost because of processes of secularization and individualization.

This rightist-conservative backlash has meanwhile allegedly led to a so-called 'punitive turn' consisting of increases in punitive sentencing and the number of prisoners and to a decrease in the popularity of practices of rehabilitating convicts. Although this term suggests in many respects a more unequivocal trend than is actually justified (Braithwaite 2003; Matthews 2005; Mascini and Houtman 2006; Almond 2008; Almond and Colover 2010; De Koster *et al.* 2008; Van Bochove and Burgers 2010; Unnever *et al.* 2010), it is hardly contested either that public opinion and sentencing policies have

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become more punitive in many countries in many respects or that these developments are particularly supported in rightist-conservative circles (De Koster *et al.* 2008). The punitive turn has also transformed Dutch political culture, in the sense that demands for law enforcement and tightening of social control have moved to the foreground in recent years, which has caused an increase in societal and political polarization between leftist and rightist parties and within the public at large (Achterberg 2006; Houtman *et al.* 2008a; Houtman and Achterberg 2010).

Judging by what Dutch critics have maintained again and again since the new millennium, opinions about the policy of refraining from criminal or administrative prosecution of illegal activities, or administrative tolerance (*'gedoogbeleid'*), are also part of this politico-cultural polarization, because they typically hold that this type of policy is particularly embraced by those with leftist and progressive leanings. Critics usually portray the administrative tolerance of illegal activities as a manifestation of laxity and lack of vigour on the part of the state, through which it signals to the public that it is permissible to break the rules and consequently undermines its own legal authority. Because, as we will argue below, there are good reasons to doubt that resistance to administrative tolerance is actually exclusively a rightist matter, in this article, we investigate whether indeed the right opposes a policy of administrative tolerance, while the left is inclined to support it.

The Netherlands is a particularly suitable setting to answer this research question. This is not because *'gedogen'* is, in itself, a typically Dutch practice, since closely related practices can also be found, for example, in Germany, England and France, where they are referred to as *'behördliche Duldung'* (deliberately deciding not to prosecute), *'cautioning'* (warning instead of prosecuting) or *'forbearance'* (refraining from enforcement by administrative inspectorates), and *'classement sans suite'* (deciding not to prosecute), respectively (Huisman and Joubert 1998). However, unlike in some other countries, in the Netherlands, administrative tolerance is also formally acknowledged as a legitimate policy instrument by the government (Kamerstukken II 1996/7, 25 085, no. 1–2). It departs from a positive interpretation of the so-called opportunity principle: illegal activities ought to be prosecuted only when this is believed to serve a social interest (Huisman and Joubert 1998: 145). In other words, the Dutch government argues that it is not obliged, but qualified, to prosecute. The official acknowledgement of administrative tolerance as a legitimate policy instrument adds to its controversial nature in the Netherlands. As already mentioned, we will find out whether the often-heard assumption is tenable that rightist-conservatives tend to discredit practices of administrative tolerance while leftist-progressives tend to support them.

Resistance to the Policy of Administrative Tolerance

Rightist-conservative opposition to tolerating illegal practices

According to the Dutch historian Blom (cited by Righart 1995: 13), the turbulent sixties were an even more important breaking point than the occupation during the Second World War. Back then, middle-class youth voiced their discontents about a 'bourgeois', 'technocratic' and 'capitalistic' society, holding the individual in a suffocating grip. They demanded more freedom, more democracy and more space for identities that were deemed 'deviant' before (Roszak 1969; Zijderveld 1970; Inglehart 1977). Although

the political turbulence of the sixties has meanwhile by and large settled, ‘The cultural revolution ... had continuous, uninterrupted, and lasting consequences’ (Marwick 1998: 802; see also Righart 1995; Houtman 2008). The countercultural values have not disappeared, but have only become more widespread, rendering particularly traditional attitudes on the family, gender roles and (homo)sexuality an increasingly marginal existence in meanwhile massively secularized countries like the Netherlands (Middendorp 1991; Inglehart 1997). Consequently, in less than a quarter of a century, behaviour that was once understood as ‘repulsive’—homosexuality, divorce, cohabiting, unmarried motherhood, etc.—has become accepted among broad layers of the Dutch population (Duyvendak 2004; Houtman *et al.* 2008b).

Nonetheless, in recent decades, the values of the sixties have also come to be scrutinized more critically and are hence less often benevolently understood as ‘a new frankness, openness, and indeed honesty in personal relations and modes of expression’ (Marwick 1998: 18). Instead, ‘lack of self-discipline, ... self-righteousness, (and) ... anti-intellectualism’ are more and more often mentioned as ‘the least attractive features of the sixties generation’ (Bellah 1982: xi) and, in the Netherlands, its cultural-political inheritance is increasingly held responsible for a whole range of problems and abuses: ‘In contradistinction to the sixties, the discontent in democracy nowadays does not wear the mark of left-liberalism. On the contrary, the criticism focuses on the elite brought forth by the cultural revolution in those years’ (Scheffer 2002; see also De Jong 2000).¹ Roel Kuiper (CV-Koers 2002: 1), director of the Scientific Institute of the political party Christian Union, considers the increased emphasis on norms and values a reaction to “‘freedom-happiness” individualism and the debasement of society in general’ and he attributes these evils to the cultural revolution of the sixties: ‘Society has become freer, but less livable.’ ‘Shedding the burden of social control, provincialism, and “churchlike narrow-mindedness” has been accompanied with the loss of more fundamental notions as well’ (CV-Koers 2002: 1). The conservative Edmund Burke Society, a player no longer to be ignored in the contemporary political debate in the Netherlands, has also turned its back to the ‘one-sided education in assertiveness and defense of one’s personal interests, opinions, feelings, sentiments, and rights—the education that is the inheritance of the sixties and the seventies’ (Edmund Burke Society 2003: 29) and, hence, to the ‘revolution of the sixties, bringing us political correctness, multiculturalism, and postmodern value relativism’ (Edmund Burke Society 2003: 6).

Increased aggression in the public sphere and decreased respect for authorities are not seen as the only problematic inheritances of the permissive culture of the sixties, however (e.g. Van den Brink 2001). The same happens with the ‘unacceptable aberrations’ of an uncontrolled policy of tolerance, especially in the domain of soft drugs and the coffee shops that sell them (Uitermark 2004). According to Paul Scheffer (2002), ‘In the Netherlands, tolerating rule violations has transformed into a permanent state. ... and the sustained avoiding of rules undermines the faith in elementary principles of law. ... Administrative tolerance has reached a limit and renders society less free’ (Scheffer 2002: 8). The Edmund Burke Society states that ‘the legal force and the public prosecution must be freed of the soft mentality of the sixties that unfortunately seems to have these institutions in its grip’ (2003: 19). And Fred Teeven, former candidate of the rightist-populist party ‘Leefbaar Nederland’ and now member of parliament for the conservative party ‘VVD’, says that he particularly appreciated his former party as embodying a critique of the Dutch ‘permissive culture’, with its ‘political correctness’, ‘forest of

negotiation organs and consultancy commissions' and 'eternal administrative tolerance' (Hulshof and Verhey 2002: 54).

Although representatives of a wide range of rightist-conservative political groups and organizations hence understand the Dutch policy of administrative tolerance as an outgrowth of the left-libertarian revolution of the sixties, it remains to be seen whether resistance to this policy is actually exclusively a rightist matter. Isn't it likely that judgments on this policy depend strongly on what rule-breakings are actually tolerated? If so, no such thing as a 'general' resistance to 'the' policy of administrative tolerance that is part and parcel of a rightist-conservative desire of a more punitive climate exists. At least two things point in the direction of the latter possibility.

Content-dependent opposition to administrative tolerance

A more careful look at the public debate in the Netherlands reveals that it is not merely conservatives who denounce administrative tolerance. For example, the policy of administrative tolerance has been denounced in a political pamphlet by representatives of all young people's sections of the Dutch political parties—hence, by those of the left-wing political parties, too (Van der Ham *et al.* 2000), and the liberal intellectual Henk Hofland (2001) has criticized this policy as well. After leading social-democratic politicians had publicly denounced it, too, Bodelier (2001) even went so far as to request 'the last advocate of the Dutch "*gedoogcultuur*" to report him/herself' (Bodelier 2001: 1, reflection section).

A second clue that the disapproval of administrative tolerance is not necessarily, or solely, a rightist-conservative matter has to do with the ambivalence found among leftist and rightist opinion makers alike. Representatives of both make their opinion contingent upon the type of rule-breakings that is tolerated. For example, Maurice Koopman, a fierce opponent of administrative tolerance who featured as a candidate for the rightist-populist political party 'Leefbaar Nederland' for the parliamentary elections of 2002, has said, in an interview, that he had been overjoyed in the seventies with the policy of administrative tolerance towards soft drugs and abortion (Hulshof and Verhey 2002). Herman Vuisje (2010) has also converted from an advocate into an adversary of the Dutch culture of administrative tolerance. He has reproached those who believe that the leader of the Party for Freedom (PVV), Geert Wilders, ought not to be prosecuted for discrimination and insulting Muslims as a group for resorting to the same ideas about administrative tolerance 'that have caused the Netherlands all the kinds of problems in the last decades these very same people say they want to fight' (Vuisje 2010: 6). Similarly, philosopher of law and self-proclaimed advocate of this policy instrument, Gijs van Oenen, has, in an interview with Bodelier (2001), explicitly denounced 'market-oriented' administrative tolerance—that is, toleration of illegal activities that is legitimated by widely acknowledged considerations of economic utility. According to him, refraining from taking legal action against the growing number of flight movements at Schiphol Airport or against companies lacking the required permits would result in the legitimization of ever more rule violations to the detriment of the public interest (Van Oenen 2001).

In short, it yet remains to be seen whether progressives and conservatives oppose each other regarding the acceptability of administrative tolerance in general and of specific toleration practices in particular. Indeed, it seems quite likely that the occurrence of resistance to practices of tolerating non-compliance is dependent upon the political

position of the evaluator and the type of rule-breaking that is tolerated (see also Van der Meer 2000; Abrahams 2000).

In order to find out whether such is indeed the case, it is necessary to select several different practices of administrative tolerance that can be expected to be judged differently by leftist and rightist evaluators. Hence, we do not select such practices on the basis of their prominent presence in the public debate in the Netherlands in recent years (as in case of the soft drugs policy and enforcement of business licenses) but instead select them on theoretical grounds. Because an intuitive conception of 'left' and 'right' in terms of one's political party preference does not suffice for such a strategic selection, we opt for a more analytical two-dimensional conceptualization of conservatism versus progressiveness that has often been applied in political science.

Since Lipset (1959) proposed half a century ago that the working class is as progressive towards issues of economic distribution (egalitarian) as it is conservative when it comes to non-economic issues (authoritarian), numerous studies have confirmed the independence of both kinds of conservatism/progressiveness. This means that it is not at all exceptional that people are progressive in one respect and conservative in another (see, e.g. O'Kane 1970; Fleishman 1988; Middendorp 1991; Evans *et al.* 1996; Houtman 2003; Feldman 2003). *Economic* conservatism or progressiveness concerns the extent to which one favours a state that reduces the income inequality that results from the free market; *cultural* conservatism or progressiveness refers to the extent to which one deems deviations of established and dominant norms and values acceptable. In the economic sphere, those who support economic redistribution by the government are conceived of as progressive and those opting for a distribution based on the free market as conservative. In the cultural sphere, the progressive standpoint is represented by those who believe individuals should be free to follow their personal preferences and the conservative point of view by those who believe that deviations from established and dominant norms and values are unacceptable.

These two types of conservatism/progressiveness enable us to select four kinds of administrative tolerance that are expected to be supported or opposed by those who embody the four resulting ideological profiles. To investigate the possible differences in the toleration of administrative rule-breaking by economic conservatives and economic progressives, we chose examples of rule-breakings by two sets of actors: those in a weak economic position and those in a powerful economic position. In the former case, we have chosen the example of elderly unemployed people not fulfilling their obligation to apply for jobs. We deliberately have chosen *elderly* unemployed people because, in their case, the obligation to apply for jobs is more controversial than in the case of youth. The institutionally powerful economic actor is represented by the example of Schiphol Airport transgressing norms of noise pollution. Because toleration of non-fulfilment of the obligation to find work curbs the free market even further than the system of social security normally already does, while, in contrast, toleration of noise pollution entails a further liberation of the market, it is to be expected that judgments about these two types of toleration practices depend on economic conservatism/progressiveness. With respect to cultural conservatism/progressiveness, we distinguish between marginal individuals and official institutions—specifically, between aliens who reside illegally in the Netherlands and the police who eavesdrop on suspects without permission of the examining judge. The first conflicts with a forceful protection of the social order against deviant behaviour while the latter violates the rules protecting suspects of deviant behaviour.

In short, it is to be expected that economic conservatives oppose the toleration of the defiance of the obligation to apply for jobs more than economic progressives do, while the reverse might be true with respect to the toleration of noise pollution by Schiphol Airport. Moreover, we expect that cultural conservatives will oppose the toleration of illegal aliens more than cultural progressives do, while the reverse might be true with respect to the toleration of illegal eavesdropping by the police.

Research questions

The first research question we want to answer is whether a general and unconditional disapproval or support of administrative tolerance exists among the Dutch public at large. To the extent that it does, we will find strong correlations between opinions about the four specific types of practices distinguished above and between these four on the one hand and an ‘overall’ opinion about the general acceptability of toleration as a policy type on the other. To the extent that a general and unconditional disapproval or support of tolerating non-compliance does not prove to exist, so that some of the four opinions are hardly related to the general measure of approval, our findings will clarify what sorts of rule-breakings the Dutch especially think of when they express disapproval or support for administrative tolerance. Second, we study how the constituencies of conservative and progressive political parties evaluate administrative tolerance in general as well as the four specific applications of this policy instrument. Finally, we study whether cultural or economic conservatism/progressiveness have the expected influence on the latter evaluations.

Data and Measurement

Data

We analyse data that we collected in 2005 in the Netherlands by means of CentERdata’s panel (University of Tilburg), which is representative for the Dutch population aged 18 years and older. Panel members fill out questionnaires of social scientists on a regular basis by means of an internet connection made available by CentERdata. A total of 2,665 individuals were selected to participate in the study, 1,892 of whom completed the questionnaire, yielding a response rate of 71 per cent.

Measurement

To measure *administrative tolerance*, we used one general and four specific questions. Regarding the former, respondents were asked, ‘What is your attitude towards administrative tolerance in general?’, with the following response categories (frequencies in percentages are given in brackets): 1: very negative (6.2), 2: negative (37.2), 3: neither negative nor positive (42.7), 4: positive (11.0), 5: very positive (0.1), 6: I don’t know (2.8). With respect to the four specific practices of tolerating, respondents were asked, ‘What do you think of the following activities?’, with the response categories mentioned below (frequencies in brackets):

- (1) Tolering noise pollution by Schiphol airport: 1: very wrong (12.5), 2: wrong (37.9), 3: neither wrong nor right (26.7), 4: right (16.5), 5: very right (3.3), 6: I don’t know (3.1).

- (2) Tolerating illegal residence in the Netherlands: 1: very wrong (28.5), 2: wrong (44.3), 3: neither wrong nor right (17.1), 4: right (7.0), 5: very right (1.5), 6: I don't know (1.6).
- (3) Tolerating eavesdropping of suspects by the police without formal approval of the examining judge: 1: very wrong (12.3), 2: wrong (29.1), 3: neither wrong nor right (20.0), 4: right (26.3), 5: very right (10.7), 6: I don't know (1.6).
- (4) Tolerating unemployed citizens aged over 55 who defy their obligation to apply for jobs: 1: very wrong (5.7), 2: wrong (20.0), 3: neither wrong nor right (26.0), 4: right (31.7), 5: very right (13.8), 6: I don't know (2.9).

Political party preference was measured with a question into the political party that one would vote for if parliamentary elections would be held. Following Budge *et al.* (2001), we have coded the Christian Democrats (CDA) (13.2 per cent), the Orthodox Christians (SGP, ChristenUnie) (6.4 per cent), the Conservatives (VVD) (10.7 per cent) and the Rightist Populists (LPF, Groep Wilders) (5.3 per cent) as *conservative* and the Liberal Democrats (D66) (3.6 per cent), the Social Democrats (PvdA) (19.0 per cent), the Socialists (SP) (9.7 per cent) and the Greens (GroenLinks) (8.7 per cent) as *progressive*.²

Cultural conservatism/progressiveness was measured with seven items, selected from a short version of the classical F-scale (Adorno *et al.* 1950), that together constitute a reliable scale (Cronbach's $\alpha = 0.73$). We asked respondents to indicate whether they agreed (1: disagree strongly, 2: disagree, 3: neither disagree nor agree, 4: agree, 5: agree strongly, 6: don't know) with the following statements (the percentages 'agree (strongly)' and loadings on the first factor are given in brackets):

- (1) 'Because of the many opinions on good and bad, it is not clear what to do' (21.1; 0.71).
- (2) 'If people would talk less and work harder, everything would improve' (32.0; 0.65).
- (3) 'There are two kinds of people: strong and weak' (20.8; 0.64).
- (4) 'Most people prove to be disappointing once one gets to know them better' (10.9; 0.64).
- (5) 'Our social problems would largely be solved when we could expel criminals, anti-socials, and morons from society in one way or the other' (13.5; 0.59).
- (6) 'Because of fast changes, it is difficult to know what is good and bad' (25.4; 0.56).
- (7) 'What we need are less laws and institutions and more brave, tireless, and devoted leaders in whom the people can have confidence' (54.8; 0.54).

To measure *economic conservatism/progressiveness*, we used four items that were previously used by Houtman (2003) and that together constitute a reliable scale (Cronbach's $\alpha = 0.78$). Respondents were asked to what degree they agreed (1: strongly disagree, 2: disagree, 3: neither disagree nor agree, 4: agree, 5: strongly agree, 6: don't know) with the following statements (the percentages 'agree (strongly)' and loadings on the first factor are given in brackets):

- (1) 'The state should make social benefits higher' (25.6; 66.0).
- (2) 'Large income differences are unfair because in essence everyone is equal' (40.2; 86.2).
- (3) 'The state should interfere to reduce income differences' (47.3; 89.5).

- (4) ‘Companies should be obliged to allow their employees to share in the profits’ (56.7; 65.5).

Age, gender, net household income and *education* are included as controls because ‘available research suggests that females, the young, and the educated are generally most lenient with respect to deviance’ (Cullen *et al.* 1985: 312; see, however, Schwartz *et al.* 1993: 11; McCorkle 1993: 243). *Age* is measured in years, ranging from 18 through to 91, and 51.6 per cent of the respondents are *male* and 48.4 *female*. *Net household income* is measured in Euros per month. The highest completed *level of education* has been coded into six ordinal categories (percentages in brackets): 1: primary education (5.1), 2: lower secondary education (26.7), 3: higher secondary education (13.8), 4: intermediary tertiary education (20.4), 5: college (23.3), 6: university (10.7).

Disapproval of Administrative Tolerance Explained

Figure 1 shows that the Dutch are not opposed to administrative toleration in general to the same extent to as to specific administrative toleration practices. On average, the toleration of illegal aliens is resisted most ($M = 3.9$) while the toleration of elderly unemployed resisting their obligation to look for a job is resisted least ($M = 2.7$); the opposition to administrative tolerance in general ($M = 3.4$), as well as to the toleration of noise pollution by Schiphol Airport ($M = 3.4$) and eavesdropping by the police without consent of the examining judge ($M = 3.1$) fall in between the former two.

What exactly do the Dutch think of when their general opinion on administrative tolerance is asked for? Table 1 points out that they especially think of the toleration of individual citizens breaking rules and to a much lesser extent of the toleration of non-compliance by official agencies. People who disapprove of administrative tolerance particularly dislike toleration of illegal aliens ($r = 0.33$; $p < 0.001$) and elderly unemployed people refusing to fulfil their obligation to apply for jobs ($r = 0.35$; $p < 0.001$), while they much less resist the toleration of noise pollution by Schiphol Airport ($r = 0.16$; $p < 0.001$) and even less so of illegal eavesdropping by the police ($r = 0.04$; not significant). This means that someone who disapproves of administrative tolerance in general is just as likely to oppose as to support the toleration of illegal eavesdropping by the police. They hence do not evaluate the latter differently from proponents of administrative tolerance.

The remaining correlations confirm that opinions about tolerating illegal activities by official institutions differ fundamentally from those about illegal activities by marginal individuals. Opposition to toleration of illegal aliens is positively correlated with opposition of elderly unemployed people who defy their obligation to apply for jobs ($r = 0.15$; $p < 0.001$), while it is unrelated to tolerating noise pollution by Schiphol Airport ($r = 0.04$; not significant). Opponents of illegal aliens are even inclined to support instead of oppose illegal eavesdropping by the police ($r = -0.08$; $p < 0.001$). Moreover, those who disapprove of the toleration of elderly unemployed persons refusing to fulfil their obligation to apply for jobs dislike illegal residence of aliens more than toleration of Schiphol Airport causing noise pollution ($r = 0.15$; $p < 0.001$, respectively, $r = 0.10$; $p < 0.001$), while they are not even inclined to reject illegal eavesdropping by the police ($r = 0.06$; not significant). Finally, disapproval of Schiphol Airport causing noise pollution is strongly correlated with the rejection of illegal eavesdropping by the police ($r =$

0.29; $p < 0.001$). In short, the attitude of the Dutch towards tolerating illegal activities by individual citizens is more or less independent of their evaluation of toleration of illegal activities by official agencies and they especially think of the former kinds of toleration when they are asked to evaluate the policy of administrative tolerance in general.

Hence, Figure 2 indicates that no such thing exists as a general and unconditional conservative disapproval of administrative tolerance. Although, indeed, administrative tolerance in general, just like tolerating illegal aliens and elderly unemployed people refusing to fulfil their obligation to apply for jobs, is especially opposed by the constituencies of conservative parties (i.e. Christian Democrats, Conservatives, Orthodox Christians, Rightist-Populists), the toleration of noise pollution by Schiphol Airport and illegal eavesdropping by the police are particularly opposed by the progressive constituencies (i.e. Liberal Democrats, Social Democrats, Socialists, Greens). In Table 2, the results for the people with a preference for a conservative or progressive political party have been differentiated further into specific political parties. This shows that the two only exceptions to the general pattern both pertain to the elderly unemployed who defy their obligation to apply for jobs: the Rightist Populists dislike tolerating this slightly

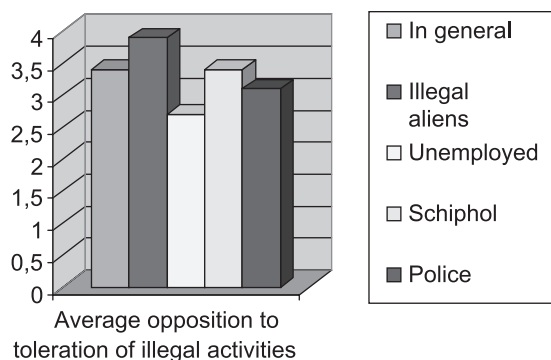


FIG. 1 Opposition to administrative tolerance in general, illegally residing aliens, elderly unemployed refusing to fulfil their obligation to look for a job, noise pollution by airport Schiphol and illegal eavesdropping by the police (Averages).

TABLE 1 Correlations between disapproval of administrative tolerance in general and of four specific types of tolerating illegal activities (N between brackets)

| | General | Illegally residing aliens | Not looking for jobs by elderly unemployed workers | Noise pollution by Schiphol airport | Eavesdropping by police |
|--|---------------|---------------------------|--|-------------------------------------|-------------------------|
| General | – | | | | |
| Illegally residing aliens | 0.33* (1,818) | – | | | |
| Not looking for jobs by elderly unemployed workers | 0.35* (1,795) | 0.15* (1,819) | – | | |
| Noise pollution by Schiphol airport | 0.16* (1,794) | 0.04 (1,816) | 0.10* (1,798) | – | |
| Eavesdropping by police | 0.04 (1,820) | –0.08* (1,841) | 0.06 (1,824) | 0.29* (1,816) | – |

* $p < 0.001$

less than average, while the constituency of the Liberal Democrats opposes this more than average. Apart from these two exceptions, however, disapproval of tolerating rule violations by marginal individuals is typical of the constituencies of conservative parties, while resistance to tolerating unlawful behaviour by official agencies is typical of these progressive ones.

Table 3 confirms that opposition to tolerating illegal activities is not necessarily strongest among conservatives. Although cultural and economic conservatives are most likely to oppose administrative tolerance in general as well as rule violations by marginal individuals (illegal aliens and elderly unemployed), cultural and economic progressives are most likely to denounce tolerating illegal activities by official agencies (Schiphol Airport and the police). This confirms that there is a general conservative opposition not so much to tolerating illegal activities, but rather to tolerating unlawful behaviour by marginal individuals, which has its counterpart in a general progressive dislike of toleration of rule breakings by official agencies.

Table 3 furthermore shows that cultural conservatism/progressiveness also influences the evaluation of the toleration of illegal activities pertaining to the economic domain (refusing to fulfil the obligation to apply for a job by elderly unemployed and causing noise pollution by Schiphol Airport), while economic conservatism/progressiveness

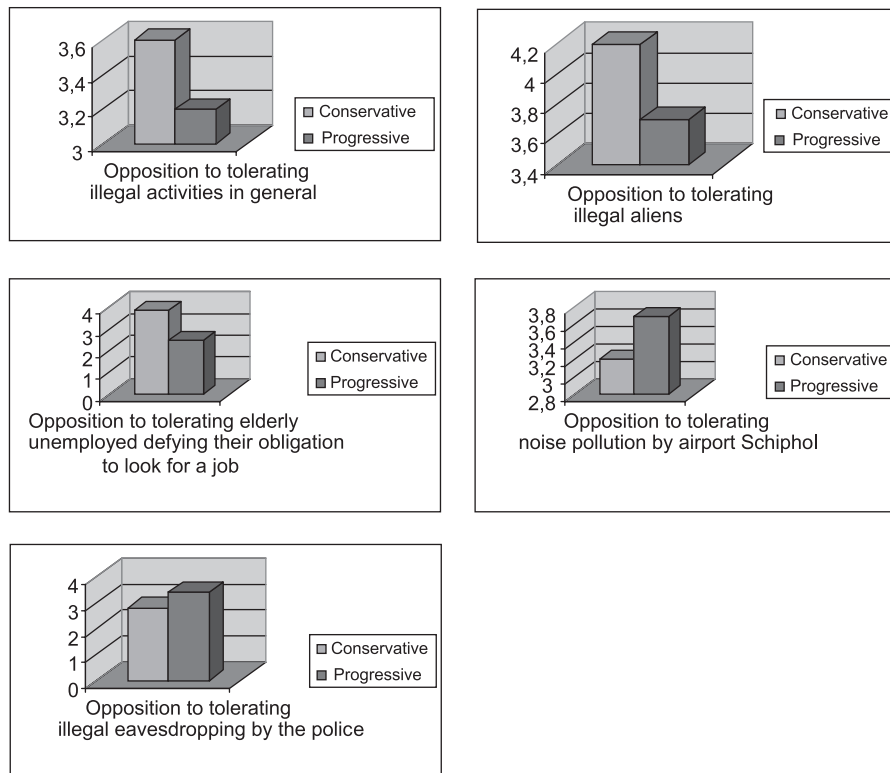


FIG. 2 Opposition to administrative tolerance in general and to tolerating different kinds of illegal activities explained by political party preference (averages controlled for age, gender, educational level, net household income)

also impacts on the toleration of illegal activities pertaining to the cultural domain (illegal residence in the Netherlands by aliens and illegal eavesdropping by the police). With the benefit of hindsight, it may be less surprising that cultural conservatism/progressiveness also influences evaluations of non-cultural rule breakings than that economic conservatism/progressiveness also influences evaluations of non-economic rule breakings, because the former, unlike its economic counterpart, refers to (in-)tolerance of breaking rules in general. Therefore, on second thoughts, it is illogical to expect evaluations of illegal activities pertaining to the economic domain to be exempt from being influenced by cultural conservatism/progressiveness.

It is more surprising that economic conservatism/progressiveness also influences evaluations of illegal activities pertaining to the cultural domain. The reason may be

TABLE 2 *Disapproval of administrative tolerance in general and of four specific types of tolerating illegal activities explained by political party preference (frequencies, means)*

| <i>Party preference</i> | <i>%</i> | <i>General</i> | <i>Illegally residing aliens</i> | <i>Not looking for jobs by elderly unemployed workers</i> | <i>Eavesdropping by police</i> | <i>Noise pollution by Schiphol airport</i> |
|--|----------|----------------|----------------------------------|---|--------------------------------|--|
| <i>Conservative</i> | | | | | | |
| Christian Democrats | 17.1 | 3.52 | 4.04 | 2.98 | 3.26 | 2.93 |
| Conservatives | 14.0 | 3.74 | 4.22 | 2.96 | 3.02 | 2.85 |
| Orthodox Christians | 8.4 | 3.79 | 4.00 | 2.83 | 3.39 | 2.79 |
| Rightist Populists | 6.8 | 3.58 | 4.53 | 2.71 | 3.09 | 2.58 |
| <i>Progressive</i> | | | | | | |
| Liberal Democrats | 4.7 | 3.29 | 3.72 | 2.90 | 3.48 | 3.26 |
| Social Democrats | 24.8 | 3.21 | 3.68 | 2.54 | 3.51 | 3.25 |
| Socialists | 12.8 | 3.26 | 3.84 | 2.39 | 3.78 | 3.50 |
| Greens | 11.4 | 3.26 | 3.46 | 2.64 | 4.02 | 3.67 |
| Total mean | | 3.41 | 3.90 | 2.72 | 3.45 | 3.13 |
| N | 100.0 | 1,417 | 1,429 | 1,412 | 1,409 | 1,428 |
| R ² (main effect party) ^a | | 6.9* | 9.2* | 3.5* | 8.6* | 6.9* |
| R ² (including covariates) ^b | | 12.2* | 10.7* | 5.3 * | 10.8* | 6.4* |

* $p < 0.001$

^aR² denotes the percentage of the differences in the dependent variable that can be attributed to party preference.

^bR² denotes the percentage of the differences in the dependent variable that can be attributed to party preference and four other independent variables, used as covariates (i.e. age, gender, educational level, net household income).

TABLE 3 *Disapproval of administrative tolerance in general and of tolerating four specific types of illegal activity explained*

| | <i>General</i> | <i>Illegally residing aliens</i> | <i>Not looking for jobs by elderly unemployed workers</i> | <i>Eavesdropping by police</i> | <i>Noise pollution by Schiphol airport</i> |
|---|----------------|----------------------------------|---|--------------------------------|--|
| <i>Cultural conservatism</i> | 0.09* | 0.17* | 0.09* | -0.28* | -0.22* |
| <i>Economic conservatism</i> | -0.15* | -0.17* | -0.14* | 0.12* | 0.19* |
| N | 1,756 | 1,773 | 1,757 | 1,773 | 1,750 |
| R ² (including control variables) ^a | 8.5 | 6.5 | 4.3 | 9.7 | 10.0 |

* $p < 0.001$

^aR² denotes the percentage of the differences in the dependent variable that can be attributed to party preference and four other independent variables, used as covariates (i.e. age, gender, educational level, net household income).

that both dimensions of conservatism are in fact less independent of each other than political scientists and political sociologists have typically tended to assume. Recent research has pointed out that, although the two are indeed almost independent among the Dutch population at large, they tend to go hand in hand among the higher-educated, while, among the lower-educated, their correlation is negative (Achterberg and Houtman 2009).

Be this as it may, it is clear that, to the extent that opposition to administrative tolerance is typically rightist or conservative, this is only because the Dutch especially think of tolerating illegal activities by marginal individuals when asked about administrative tolerance in general. This is confirmed by the circumstance that the effects of cultural and economic conservatism on resistance to administrative tolerance in general decrease after resistance to the four particular practices of tolerating illegal activities is statistically controlled for, with especially tolerating illegal activities by marginal individuals responsible for this decrease (see Table 4). In other words, conservatives are more likely to oppose administrative tolerance as a general policy type than progressives, because the Dutch particularly associate it with practices of tolerating illegal activities by marginal individuals that are opposed most strongly by conservatives.

Conclusion and Discussion

We have demonstrated that no such thing exists as a general and unconditional resistance to the Dutch policy of administrative tolerance. Even though conservatives are most likely to oppose administrative tolerance as a policy type, this is merely because they associate it with practices of tolerating illegal activities by marginal individuals. Whereas conservatives do oppose the latter more than political progressives do, the latter, for their part, are more critical than conservatives about tolerating illegal activities by official agencies. This means that while resistance to the policy of tolerating illegal activities by marginal individuals is indeed a manifestation of a more general conservative desire for a more punitive climate, the scope of the latter does not include opposition to tolerance of illegal activities by official agencies.

TABLE 4 *Disapproval of administrative tolerance in general explained by ideological embeddedness (model 1), tolerating four specific illegal activities (model 2) and both (model 3) (Betas)*

| | 1 | 2 | 3 |
|--|-------|-------|-------|
| <i>Ideological embeddedness</i> | | | |
| Cultural conservatism | 0.09* | – | 0.05 |
| Economic conservatism | 0.15* | – | 0.08* |
| <i>Disapproval of tolerating specific illegal activities</i> | | | |
| Illegally residing aliens | – | 0.29* | 0.26* |
| Not looking for a job by elderly unemployed workers | – | 0.27* | 0.25* |
| Eavesdropping by the police | – | 0.11* | 0.14* |
| Noise pollution by Schiphol airport | – | -0.00 | 0.01 |
| N | 1,756 | 1,729 | 1,669 |
| R ² (including control variables) ^a | 8.5 | 25.7 | 26.2 |

* $p < 0.001$.

^aR² denotes the percentage of the differences in the dependent variable that can be attributed to party preference and four other independent variables, used as covariates (i.e. age, gender, educational level, net household income).

Our study has at least two limitations connected to the four kinds of administrative tolerance we have focused on. First, we have selected these cases on theoretical grounds: toleration of rule breakings committed by individuals or institutional actors and toleration of violations of market regulations and of regulations concerning the social order. However, it cannot be ruled out that the four kinds of administrative tolerance differ in other respects as well. For example, possibly both kinds of tolerance pertaining to rule breakings by institutional actors (i.e. noise pollution by Schiphol Airport and illegal eavesdropping by the police) may be less controversial and hit fewer people directly than rule breakings by individuals (i.e. illegally residing aliens and elderly unemployed refusing to fulfil their obligation to look for a job). This may imply that the differences in the way progressives and conservatives evaluate the four kinds of tolerance are partly or mainly due to characteristics other than the ones we have ascribed them to. Second, since we have selected our cases on theoretical grounds, we have not included in our study the kinds of administrative tolerance that have dominated the public debate in the Netherlands. This has primarily revolved around the patient and indulgent enforcement of health, safety and environmental business regulations following particularly two recent national disasters (a fire in a bar in Volendam and an explosion of a fireworks factory in Enschede) as well as the administrative tolerance of the use and sale of soft drugs (Uitermark 2004). In both respects, further research into the legitimacy of other kinds of administrative tolerance is desirable.

However, these limitations of our study do not invalidate our main conclusion that the specific nature of the objects of a policy instrument play a major role for the latter's evaluated legitimacy. This is hardly acknowledged in the voluminous literature on the support of repression and rehabilitation, although some attention has been paid to how the level of abstraction of questions used affects their legitimacy. Several studies have established that the more concrete and the more detailed the crime cases that are evaluated by respondents in surveys, the less support for repression and the more for rehabilitation is found (Roberts and Stalans 1997; Cullen *et al.* 2000: 61; Hutton 2005: 246–50; De Keijser *et al.* 2006). This is, however, something very different from what we have found in this paper, namely that certain categories in the general population favour a particular kind of crime fighting for particular types of rule breaking only. Only one study that we know of, by Antonio *et al.* (2007), reports a similar finding, namely that economic conservatives who have a strong economic position themselves take a positive stance towards the repression of welfare fraud while they denounce the repression of tax fraud.

Further research into the influence of objects of enforcement and penalization on the support of these instruments by the public is of considerable scientific relevance. One could think, for instance, of studies of the differences in public opinion about measures against terrorism committed by animal liberation activists, rightist-extremists or radical Muslims; measures aimed at fighting property crime by drug addicts as compared to white-collar criminals; or application of the precautionary principle to nuclear energy production as compared to child protection. Such research is important, for two reasons. First, it will potentially contribute to awareness that, in the eyes of the public, policy instruments simply do not have such a thing as a 'general' legitimacy, but that their legitimacy is actually determined by the concrete purposes and groups they are aimed at. Second, such research is helpful at exposing blind spots in criminology, comparable with Sutherland's (1940; 1944) classical demonstration of criminologists' neglect of

white-collar crime, due to their unconscious adoption of official crime definitions pertaining to blue-collar criminality only. Pointing out such blind spots is all the more important because they can still be found even in the work of the most prominent criminologists. John Braithwaite (2003) has, for instance, argued that whereas David Garland (2001) observes a punitive turn that manifests itself in an increasingly repressive climate and an erosion of policies aimed at rehabilitation, he completely ignores with this a massive spread of a culture of ‘soft law’ (self-regulation, certification, informing, persuading and the like) in the fight against organizational criminality. This virtual opposite of Garland’s punitive turn is hence in fact selectively applied to powerful corporate actors. We think that research into how the legitimacy of judicial instruments depends on the groups and phenomena they are aimed at is vital for the correction of criminological myopia, probably caused by lack of distance between criminologists and their objects of study (see also Mascini and Houtman 2006).

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REFERENCES

- ABRAHAMS, F. (2000), ‘*Gedogen (Administrative Tolerance)*’, *NRC-Handelsblad*, 16 October.
- ACHTERBERG, P. (2006), *Considering Cultural Conflict: Class Politics and Cultural Politics in Western Societies*. Maastricht: Shaker.
- ACHTERBERG, P. and HOUTMAN, D. (2009), ‘Ideologically Illogical? Why Do the Lower-Educated Dutch Display so Little Value Coherence?’, *Social Forces*, 87: 1649–70.
- ADORNO, T. W., FRENKEL-BRUNSWIK, E., LEVINSON D. J. and SANDFORD, R. N. (1950), *The Authoritarian Personality*. New York: Harper and Brothers.
- ALMOND, P. (2008), ‘Public Perceptions of Work-Related Fatality Cases’, *British Journal of Criminology*, 48: 448–67.
- ALMOND, P. and COLOVER, S. (2010), ‘Mediating Punitiveness: Understanding Public Attitudes towards Work-Related Fatality Cases’, *European Journal of Criminology*, 7: 323–38.
- ANTONIO, T., KEMMERS, R., VEGTER, G., VAN DER VORST, L. and DE KOSTER, W. (2007), ‘*Economische belangen en repressie van fraude*’ [‘*Economic Interests and Repression of Fraud*’], paper presented at the *Dag van de Sociologie, Erasmus University Rotterdam*. The Netherlands, 31 May.
- BELLAH, R. N. (1982), in S. M. Tipton, ed., *Foreword* ‘*Getting Saved from the Sixties: Moral Meaning in Conversion and Cultural Change*’, ix–xi. Berkeley, CA: University of California Press.
- BODELIER, R. (2001), ‘Gedogen heeft toekomst’ [‘Administrative Tolerance Has a Future’], *De Volkskrant*, 8 September.
- BRAITHWAITE, J. (2003), ‘What’s Wrong with the Sociology of Punishment?’, *Theoretical Criminology*, 7: 5–28.
- BUDGE, I., KLINGEMANN, H.-D., VOLKENS, A., BARA, J. and TANENBAUM, E. (2001), *Mapping Policy Preferences: Estimates for Parties, Electors, and Governments 1945–1998*. New York: Oxford University Press.

- CULLEN, F. T., CLARK, G. A., CULLEN, J. B. and MATHERS, R. A. (1985), 'Attribution, Saliency, and Attitudes toward Criminal Sanctioning', *Criminal Justice and Behavior*, 12: 305–31.
- CULLEN, F. T., FISHER, B. S. and APPLGATE, B. K. (2000), 'Public Opinion about Punishment and Corrections', in M. Tonry, ed., *Crime and Justice: A Review of Research*, Vol. 27, 1–79. Chicago: The University of Chicago Press.
- CV-KOERS (2002), 'Aanzet tot verdieping' ['Initial Impetus to Reflection'], *CV-Koers*, 1 November.
- DE JONG, S. (2000), 'Hollandse taboes' ['Dutch Taboos'], *HP/De Tijd*, 29 September: 32–41.
- DE KEIJSER, J. W., VAN KOPPEN, P. J. and ELFFERS, H. (2006), 'Op de stoel van de rechter: oordeelt het publiek net zo als de strafrechter?' ['At the Chair of the Judge: Does the Public Sentence like a Criminal Judge?'], *Research Memoranda*, 2(2): Raad voor de Rechtspraak.
- DE KOSTER, W., VAN DER WAAL, J., ACHTERBERG, P. and HOUTMAN, D. (2008), 'The Rise of the Penal State: Neo-Liberalization or New Political Culture?', *British Journal of Criminology*, 48: 720–34.
- DUYVENDAK, J. W. (2004), *Een eensgezinde, vooruitstrevende natie: over de mythe van 'de' individualisering en de toekomst van de sociologie*, [A Consensual, Progressive Nation: On the Myth of "the" Individualization and the Future of Sociology]. Amsterdam: University of Amsterdam.
- EDMUND BURKE SOCIETY (2003), *De crisis in Nederland en het conservatieve antwoord* [The Crisis in the Netherlands and the Conservative Answer]. The Hague: Edmund Burke Stichting.
- EVANS, G., HEATH, A. F. and LALLJEE, M. (1996), 'Measuring Left–Right and Libertarian–Authoritarian Values in the British Electorate', *British Journal of Sociology*, 47: 93–112.
- FELDMAN, S. (2003), 'Values, Ideology, and the Structure of Political Attitudes', in D. O. Sears, ed., *Oxford Handbook of Political Psychology*, 477–510. Oxford: Oxford University Press.
- FLEISHMAN, J. A. (1988), 'Attitude Organization in the General Public: Evidence for a Bidimensional Structure', *Social Forces*, 67: 159–84.
- GARLAND, D. (2001), *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
- HOFLAND, H. J. A. (2001), 'De nevels van het gedogen' ['The Haze of Administrative Tolerance'], *NRC-Handelsblad*, 7 March.
- HOUTMAN, D. (2003), *Class and Politics in Contemporary Social Science: 'Marxism Lite' and Its Blind Spot for Culture*. New York: Aldine de Gruyter.
- (2008), *Op jacht naar de echte werkelijkheid: Dromen over authenticiteit in een wereld zonder fundamenteen*, [The Hunt for Real Reality: Dreams of Authenticity in a World without Foundations]. Amsterdam: Pallas Publications.
- HOUTMAN, D. and ACHTERBERG, P. (2010), 'Two Lefts and Two Rights: Class Voting and Cultural Voting in the Netherlands, 2002', *Sociologie*, 1, available online at <http://sociologie.revues.org/101>.
- HOUTMAN, D., ACHTERBERG, P. and DERKS, A. (2008a), *Farewell to the Leftist Working Class*. New Brunswick, NJ: Transaction.
- HOUTMAN, D., ACHTERBERG, P. and DUUVENDAK, J. W. (2008b), 'De verhitte politieke cultuur van een ontzuilde samenleving' ['The Heated Political Culture of a Depillarized Society'], in B. Snels and N. Thijssen, eds, *De grote kloof: verhitte politiek in tijden van verwarring*, 61–80. Amsterdam: Boom.

- HUISMAN, W. and JOUBERT, C. M. (1998), 'Gedogen: een typisch Nederlands verschijnsel?' ['Administrative Tolerance: A Typically Dutch Phenomenon?'], *RegelMaat*, 12: 145–52.
- HULSHOF, M. and VERHEY, E. (2002), "'Bestormers van het Binnenhof-kartel": Nagel, Teeven en Smalhout over hun grote ongenoegen' ["Assaulters of the Binnenhof Cartel": Nagel, Teeven and Smalhout on their Big Discontent'], *Vrij Nederland*, 63: 54–7.
- HUTTON, N. (2005), 'Beyond Populist Punitiveness?', *Punishment & Society*, 7: 243–58.
- IGNAZI, P. (1992), 'The Silent Counter-Revolution: Hypotheses on the Emergence of Extreme Right-Wing Parties in Europe', *European Journal of Political Research*, 22: 3–34.
- (2003), *Extreme Right Parties in Western Europe*. Oxford: Oxford University Press.
- INGLEHART, R. (1977), *The Silent Revolution: Changing Values and Political Styles among Western Publics*. Princeton, NJ: Princeton University Press.
- (1997), *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Countries*. Princeton, NJ: Princeton University Press.
- LIPSET, S. M. (1959), 'Democracy and Working-Class Authoritarianism', *American Sociological Review*, 24: 482–501.
- MARWICK, A. (1998), *The Sixties: Cultural Revolution in Britain, France, Italy, and the United States c. 1958–c. 1974*. New York: Oxford University Press.
- MASCINI, P. and HOUTMAN, D. (2006), 'Rehabilitation and Repression: Reassessing their Ideological Embeddedness', *British Journal of Criminology*, 46: 822–36.
- MATTHEWS, R. (2005), 'The Myth of Punitiveness', *Theoretical Criminology*, 9: 175–201.
- MCCORKLE, R. C. (1993), 'Research Note: Punish and Rehabilitate? Public Attitudes toward Six Common Crimes', *Crime and Delinquency*, 39: 240–52.
- MIDDENDORP, C. P. (1991), *Ideology in Dutch Politics: The Democratic System Reconsidered (1970–1985)*. Assen: Van Gorcum.
- O'KANE, J. (1970), 'Economic and Noneconomic Liberalism: Upward Mobility Potential, and Catholic Working Class Youth', *Social Forces*, 48: 499–506.
- RIGHART, H. (1995), *De eindeloze jaren zestig: Geschiedenis van een generatieconflict*, [*The Endless Sixties: History of a Generational Conflict*]. Amsterdam: Arbeiderspers.
- ROBERTS, J. V. and STALANS, L. J. (1997), *Public Opinion, Crime and Criminal Justice*. Boulder, CO: Westview Press.
- ROSZAK, T. (1969), *The Making of a Counter Culture: Reflections on the Technocratic Society and Its Youthful Opposition*. New York: Doubleday.
- SCHEFFER, P. (2002), 'De verloren jaren van Kok' ['The Lost Years of Prime Minister Kok'], *NRC-Handelsblad*, 2 March.
- SCHWARTZ, I. M., GUO, S. and KERBS, J. J. (1993), 'The Impact of Demographic Variables on Public Opinion Regarding Juvenile Justice: Implications for Public Policy', *Crime and Delinquency*, 39: 5–28.
- SUTHERLAND, E. H. (1940), 'White-Collar Criminality', *American Sociological Review*, 5: 1–12.
- (1944), 'Is "White-Collar Crime" Crime?', *American Sociological Review*, 10: 132–9.
- UITERMARK, J. (2004), 'The Origins and Future of the Dutch Approach towards Drugs', *Journal of Drug Issues*, 34: 511–32.
- UNNEVER, J. D., COCHRAN, J. K., CULLEN, F. T. and APPLGATE, B. (2010), 'The Pragmatic American: Attributions of Crime and the Hydraulic Relation Hypothesis', *Justice Quarterly*, 27: 431–57.
- VAN BOCHOVE, M. and BURGERS, J. (2010), 'Disciplining the Drifter', *British Journal of Criminology*, 50: 206–21.

- VAN DEN BRINK, G. (2001), *Geweld als uitdaging: de betekenis van agressief gedrag bij jongeren* [*Violence as a Challenge: The Significance of Aggressive Behavior of Youth*]. Utrecht: NIZW.
- VAN DER HAM, B., UITENTUIS, J., SCHUELER, L., VISSER, F., DE VETH, J., ZBORAY, S. and VAN VELDHUIZEN, G. (2000), 'Stop met het gedoogbeleid' ['Stop the Policy of Administrative Tolerance'], *NRC-Handelsblad*, 18 September.
- VAN DER MEER, J. (2000), 'De groene smeerolie van de samenleving' ['The Green Lubricant of Society'], *De Groene Amsterdammer*, 11 March.
- VAN OENEN, G. (2001), 'Gedogen is integraal onderdeel van de rechtsstaat' ['Administrative Tolerance is an Integral Part of the Law'], *NRC-Handelsblad*, 12 March.
- VUISJE, H. (2010), 'De oppositie tegen het proces-Wilders slaat door: Bevrijdende jaren-60-ideeën dienen nu rauw eigenbelang' ['The Opposition against the Wilders Trial Carries Too Far: Liberating 1960s Ideas Now Serve Naked Self-Interest'], *NRC-Handelsblad*, 13 October.
- ZIJDERVELD, A. C. (1970), *The Abstract Society: A Cultural Analysis of Our Time*. Garden City, Nj: Doubleday.