

Legal Constructions of Race in the Netherlands



SYLLABUS

VU Amsterdam Summer School

6-17 July, 2026

Any general questions for the Summer School support team? Contact amsterdamsummerschool@vu.nl.



Course Details

Title	Legal Constructions of Race in the Netherlands
Coordinator(s)	Alison Fischer
Other lecturers	NA
Form(s) of tuition	On campus and field trips
Approximate contact hours	46
Approximate self-study hours	38

Teaching staff (in order of appearance)

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Course description

Why does racial inequality remain a problem in modern society? Practices of ‘racial discrimination’ have been outlawed by both international and domestic law and equal treatment guaranteed by most state constitutions. All respected scientists agree that the concept of ‘race’ as it applies to humans has no support in biology or genetics but is instead a social construct. So why do racializing practices still exist? Why do they still make a difference in determining rates of wealth, education, health and political power in so many of the nations in which we live?

This course aims to tackle these different questions, using the Netherlands as a case study. Specifically, we will examine how ‘race’ has functioned as a legal concept throughout history, how laws regulating it changed from the colonial to the postcolonial, some say even post-racial, eras. By examining how race is enacted through laws in different eras and territories, we will get to the central question of why racialized inequality and discrimination persist.

While the course uses the Netherlands as a primary case study, it does so through a comparative lens, aimed at students from all over the world. The course will highlight similarities in legal constructions of race among European colonial powers and how those colonial practices influence international law in the postcolonial era, especially as it pertains to issues of human rights and migration. Decolonization and decolonial movements in Asia and Africa will provide important counterexamples to racializing practices in Europe. Finally, the history of legal constructions of race will be used to assess and evaluate the role of white supremacy in current populist movements across the world. All materials are in English.

The first half of the course will look at the legal invention of race, as developed through Dutch colonial practices in Asia, Africa and the Americas, and the institution of global chattel slavery. We will trace these legal developments through the rise of the concept of state citizenship and explore how that citizenship was exercised differently in the European territory of the Netherlands and in its colonial territories in the Caribbean and Southeast Asia. We will finish the week examining postcolonial migrations from former colonies to Europe.

The second week will begin with a brief digression to discuss the impact of World War II and independence movements across Asia and Africa on legal practices of racialization in Europe. We will then examine the creation of laws passed to combat racial discrimination, at both the international and domestic levels, and policies created to address social and economic inequalities in groups of people the Dutch government referred to as 'ethnic minorities'. We will evaluate how those laws have (or have not been) enforced in the intervening decades, and how they have impacted activism regarding racial inequality, from the 1980s through the Black Lives Matter movement of the 2020s.

Despite the word *law* in the title, the course takes an interdisciplinary approach, drawing on history, sociology and anthropology as well as law. The course will also take an intersectional approach to questions of racialized inequality and injustice, interrogating how issues of 'race' overlap with other social constructs like gender, sexual orientation, class and citizenship. We will assess the effectiveness of using domestic and international laws and courts to combat socially constructed inequalities and brainstorm strategies to pursue these goals in the future. We will draw on the people and resources in the Cities of Amsterdam and Rotterdam to bring our discussions to life.

Learning objectives

1. Define the concepts of social construction and legal construction.
2. Apply legal and social construction concepts to 'race' and other social concepts, for example gender, citizenship, class etc. Identify how these constructed identities intersect with each other to impact material realities of life (intersectionality).
3. Describe how different legal status of Dutch citizens from the former Dutch East Indies, Dutch Caribbean Islands and Suriname impacted migration and establishment of postcolonial communities in the Netherlands. Compare the Dutch case to other postcolonial nations.
4. Evaluate the role of legal constructions of race and citizenship in current controversies around migration, hate speech and criminal justice.
5. Evaluate the effectiveness of using courts to address historic and present-day disputes around racialized inequalities.
6. Integrate interdisciplinary sources and course experiences to suggest future paths for the above concepts and debates.

Assignments and Assessment

1. Final assessment: The *Unessay* (60% of final grade)

An unessay is the chance to demonstrate that students have achieved the learning goals through any medium of their choosing. At the beginning of the course, each student will define their specific

learning goal(s), related to the general goals of the course. This might be examining how the above concepts apply to a current event or controversy, or students' own personal or community histories. It might entail exploring how legal concepts are expressed through work of fiction, film or theater.

The form of the unessay might be a visual art or craft, like a painting, comic book, sculpture or collage; it may be a TikTok video or Instagram reel; it might be a game, a blog post, a podcast, short story or a poem. It might even be an actual essay, but then in a length, style and format up to the student. No one should panic if they don't have an idea right away; there will be lots of chances to brainstorm and get feedback from the teacher and fellow students. There will also be a rubric guiding final assessment, and a chance to reflect on the entire learning process.

The unessay will count for 60% of the final grade, broken down into choosing learning goal(s) (10%), project proposal (20%) (**due Friday 10 July**) and final product/presentation (30%). Final unessays will be **submitted/presented during the last class, Friday 17 July**.

For more information on unessays: University of Lethbridge (CA) professor, Daniel Paul O'Donnell describes it in his teaching blog, <https://people.uleth.ca/~daniel.odonnell/teaching/the-unessay>. University of Sussex Professor Victoria Grace Walden elaborates on the process here, <https://openpress.sussex.ac.uk/ideasforactivelearning/chapter/using-the-unessay/>.

2. Field trip reflections (20% of final grade)

- After each field trip, students will submit a short reflection paper (less than one page). The paper should relate the experience to your learning goals and may include questions raised as well as answered. (2x10%).

3. Community Feedback (10% of final grade)

- At the end of week one, students will present proposals for their unessay to the group; each student will provide written feedback to one another. (5%)
 - In-class assignment, Friday 11 July
- At the end of week two, students will present their final unessays to the group; each student will provide written feedback to the others (5%)
 - In-class assignment, Friday 17 July.

4. Final Reflection (10%)

- The unessay is meant to reflect a learning process, to that end, each student will have an opportunity to reflect on that process. Did they learn what they expected to? What if any were the challenges or surprises. What questions remain? This will be a short-essay (less than 1500 words). **Due one week after last class, Friday 24 July.**

Provisional reading list

All readings are available via open access or will be provided by lecturer. Please see Course schedule for readings for specific topics/sections. General context can be found in the following books, parts of which are included in the syllabus below.

Course Schedule

*Field trip schedule to be confirmed with availability of guides, costs, and museum openings.

Readings are front-loaded into the first week of the course to give context and background; in the second week, students can spend more time developing their unessay projects.

Week one: Origins/ Colonial Legal Constructions of Race and their afterlives.

- Mon, 6 July (VU Campus)
 - 10:00-11:30 – Introduction to Course and each other (mostly discussion)
 - 12:30-1500 – Foundational Theories and Dutch Context (interactive lecture)
 - Required Readings
 - Eduard Bonilla-Silva, 'More than Prejudice: Restatement, Reflections, and New Directions in Critical Race Theory,' *Sociology of Race and Ethnicity*, 1, 1 (2015), 73-87.
<https://doi.org/10.1177/2332649214557042>
 - Mathias Möschel, *Law, Lawyers and Race: Critical Race Theory from the United States to Europe*, London: Routledge (2014).
 - 'CRT's literature and main tenets', pp 41-42;
 - 'Transplanting CRT to Europe', pp 84-91 (optional historical factors, 97-109);
 - 'Towards a European CRT', pp 114-139.
 - Available as e-book via VU library
<https://vu.on.worldcat.org/oclc/900886717>.
 - Eve Darian-Smith, 'Precedents of Injustice: Thinking About History in Law and Society Scholarship,' in *Studies in Law, Politics and Society*, Austin Sarat (ed) (2007). [https://doi-org.vu-nl.idm.oclc.org/10.1016/S1059-4337\(07\)00003-8](https://doi-org.vu-nl.idm.oclc.org/10.1016/S1059-4337(07)00003-8)
- Tues, 7 July (VU Campus)
 - 09:30-12:30 – Creating Race in the Dutch Context – (interactive lecture)
 - Required Readings
 - Kwame Nimako, Amy Abdou and Glen Willemsen, 'Chattel Slavery and Racism: A Reflection on the Dutch Experience' in *Dutch Racism*, Philomena Essed and Isable Hoving (eds) (2014), pp 33-52. Available via VU library at <https://vu.on.worldcat.org/oclc/876730589>.
 - Alison Fischer, 'Colonial Constructions of Race (1596-1974)' in *Shadowboxing: Legal Mobilization and the Marginalization of Race in the Dutch Metropole, 1979-1999*. (PhD Dissertation, Leiden University, 2025). Available as 'Chapter Two' at <https://hdl.handle.net/1887/4261301>.
 - Optional Readings/Background

- Anton de Kom *We Slaves of Suriname* (Polity Press, originally published 1934; English translation, 2022).
- Karwan Fatah-Black and Matthias van Rossum, 'Slavery in a 'Slave Free Enclave'? Historical Links between the Dutch Republic, Empire and Slavery, 1580s-1860s,' *WerkstattGeschichte*, 66-67 (2015), 55-73. https://werkstattgeschichte.de/wp-content/uploads/2017/02/WG66_055-073_FATAH-BLACK_SLAVERY.pdf.
- Elena Zambelli and Betty de Hart (eds), *Regulating Interracialized Intimacies: Perspectives from Europe and Beyond* (Routledge, 2025), open access e-book at <https://www.taylorfrancis-com.vu-nl.idm.oclc.org/books/oa-edit/10.4324/b23393/regulating-interracialized-intimacies-betty-de-hart-elena-zambelli>.
- 14-16:00 – Workshop – Continuities and Questions from our own contexts and experiences
- Wed, 8 July (Field Trip): Amsterdam
 - 09:30-12:00 - Black Heritage Tour of Amsterdam*
 - Optional background reading: Dienke Hondius, *Slaver Heritage Guide Amsterdam* (LM Publishers, 2018), available VU library
 - Mapping Slavery website, mappingslavery.nl/?lang=en
- Thurs, 9 July (VU Campus)
 - 09:30-12:30 – Postcolonial migration and Dutch 'ethnic minority policies'
 - Required Readings
 - Esther Captain, 'Harmless Identities: Representations of Racial Consciousness among Three Generations of Indo-Europeans' in *Dutch Racism, Dutch Racism*, Philomena Essed and Isable Hoving (eds) (2014), pp 53-69. Available via VU library at <https://vu.on.worldcat.org/oclc/876730589>.
 - Guno Jones, 'Citizenship Violence and the Afterlives of Dutch Colonialism' *Small Axe: a journal of criticism*, v 27 n 1 (2023), 100-122. https://research.vu.nl/files/237321881/0270100_Citizenship_Violence_and_the_Afterlives_of_Dutch_Colonialism_Re_reading_Anton_de_Kom.pdf.
 - Karin de Vries and Thomas Spijkerboer, 'Race and the regulation of international migration. The ongoing impact of colonialism in the case law of The European Court of Human Rights,' *Netherlands Quarterly of Human Rights* 39(4), 291-307 (2021), <https://doi-org.vu-nl.idm.oclc.org/10.1177/09240519211053932> .
 - 14-16:00 – Workshop: unessay project proposals and feedback
 - Fri, 10 July: Rotterdam City trip.

- 10:00 meet at Fenix, Rotterdam (the art museum of migration) – explore museum for information and reflection
- 13:00 walking tour of Kattendrecht neighborhood, Rotterdam
- 1500: debrief and dismiss

Week two: Postcolonial transitions and erasures.

- Mon, 13 July (VU Campus)
 - 09:30-12:30 – Racism without racists? The long legacy of World War II (interactive lecture)
 - Required Readings
 - Barnor Hesse, 'Im/plausible deniability: racism's conceptual double bind,' *Social Identities* 10, n. 1 (2004) 9-29.
<https://doi.org/10.1080/1350463042000190976>
 - Hesse, Barnor (2011) 'Self-Fulfilling Prophecy: The Postracial Horizon' *South Atlantic Quarterly* 110, nr. 1, 155-178.
<https://doi.org/10.1215/00382876-2010-027>
 - Marc de Leeuw and Sonja van Wichelen, 'Institutionalizing the Muslim Other: *Naar Nederland* and the Violence of Culturalism,' in *Dutch Racism*. Available via VU library at <https://vu.on.worldcat.org/oclc/876730589>.
 - Optional/additional readings
 - Jessica de Abreu, 'Reclaiming Our Voices: The Anti-Black Pete Movemebt from a Black Woman's Perspective' in *Smash the Pillars*, Melissa Weiner and Anthonio Carmona Báez (eds) (Lexington Books, 2018). E-book available via VU library: <https://vu.on.worldcat.org/oclc/1037946173>.
 - 14-16:00 – Workshop and discussion – Should we have laws against 'racist' speech? Politics, populism and the freedom to offend.
- Tues, 14 July (VU Campus)
 - 09:30-12:30 – Laws and legal mobilizations against 'racial discrimination' (interactive lecture)
 - Required Readings
 - Chris Lorenz, 'Can a Criminal Event in the Past Disappear in a Garbage Bin in the Present? Dutch Colonial Memory and Human Rights: The Case of Rawagede,' in *Afterlives of Events: Perspectives on Mnemohistory*, Marek Tamm (ed). (Palgrave Macmillan UK, 2015). https://doi.org/10.1057/9781137470188_12.
 - Karen de Vries, 'Country report, non-discrimination: transposition and implementation at national level of Council Directives 2000/43 and 2000/78 : Netherlands 2025,' European Commission Report (2025), <https://data.europa.eu/doi/10.2838/0613145>.
 - 14-16:00 – Workshop & discussion: What should the role of courts and lawyers be when it comes to racialized inequalities?
 - Wed, 15 July (VU Campus)

- 09:30-12:30: workshop to discuss unessay project status; individual consultations with instructor as needed.
- Thurs, 16 July
 - 09:30-12:30: 'Looking back to move forward?' Final lecture and closing questions (interactive lecture)
 - Required Readings
 - Website of the Public Interest Law Project, <https://pilp.nu/en/> - look at their current and former cases and be prepared to discuss
 - Optional Readings
 - Quinsy Gario, 'On Agency and Belonging,' in Smash the Pillars, Melissa Weiner and Anthonio Carmona Báez (eds) (Lexington Books, 2018). E-book available via VU library: <https://vu.on.worldcat.org/oclc/1037946173>.
 - Afternoon self-study to finish the unessay projects
- Fri, 17 July:
 - 09:00-12:00 – morning session unessay presentations
 - 13:00-14:30 – afternoon session, unessay presentations and feedback

