

Administrative Punishment: The influence of ideology on local punitive administrative law in the Netherlands

**Master Thesis Public Administration
International and European Governance
Brecht Weerheijm BSc
S1853694
9-6-2020**

Supervisor: Dr. Andrei Poama

**Faculty of Governance and Global Affairs
Leiden University**



Cover image: A police officer and a municipal Handhaver of the city of The Hague on a joint patrol in Scheveningen (Handhaving Nederland, 2018)

Table of content

<i>I: Introduction & Research Question</i>	<i>Page 3</i>
<i>II: Theoretical Framework</i>	<i>Page 5</i>
<i>III: Methodology & Case selection</i>	<i>Page 16</i>
<i>IV: Data & Analysis</i>	<i>Page 18</i>
<i>V: Discussion</i>	<i>Page 31</i>
<i>VI: Conclusion</i>	<i>Page 34</i>
<i>VII: Bibliography</i>	<i>Page 38</i>
<i>VIII: Appendix</i>	<i>Page 43</i>

I: Introduction & Research Question¹

In recent years, a shift has taken place in the fight against criminal offenders in the Netherlands. Whereas previously the prevention and repression of crime was the sole authority of the police, prosecutors and courts, Dutch municipalities have recently gained more authority through administrative law to combat crime. For example, the *Wet Damocles*², was first introduced in 1999, but has been expanded in 2007 and 2019. Today, this means that mayors have the authority to close any building or residence that is suspected to be involved in either the production or sale of drugs. The presence of materials that could be used to produce drugs is also a sufficient reason to close a building or residence (Brouwer & Bruijn, 2019). Another example are the recent efforts by councils to outlaw the use of nitrous oxide, while abuse of this substance is not (yet) outlawed under national law (VNG, 2020).

This has resulted in a new situation, in which both the prosecutors, police, mayors and councils work together to restrict criminal activity through various measures, both in criminal and administrative law. Mayors have gained a new role as ‘crimefighter’ or ‘sheriff’ next to the role of ‘burger vader (citizens father)’. This shift has moved crime-fighting partially away from the neutrality of the prosecutor and police force and into the political sphere of mayor and council (Bastiaans & Karstens, 2019; 19-20). This raises the question if political ideology on a local level has influence on the way crime is fought through these administrative law measures. In this study, the focus will be on councilors and the influence of ideology on their policy position regarding administrative law.

The research question central in this paper is the following; “To what extent is the support of local politicians for the use of punitive administrative law on a municipal level influenced by political ideology?” To answer this question, a convenience sample based observational study was conducted. The hypotheses that arise from the research question are the following: Firstly, it is expected that a conservative political ideology leads to increased support for the use of local punitive administrative law (hypothesis I). Secondly, it is expected that a liberal political ideology leads to reduced support for the use of local punitive administrative law (hypothesis II). Finally, it is also possible that political ideology does not influence support for the use of local punitive administrative law (null hypothesis). The assumptions that a conservative ideology leads to increased support for punitive administrative law and a liberal will decrease support will be elaborated on and substantiated in the theoretical framework.

This thesis has both scientific and social relevance. Firstly, research into the role of ideology in local administrative law in the Netherlands has been conducted, however not with a focus on the

¹ I would like to thank Dr. Andrei Poama for supervising this research project. Without his countless suggestions for literature, methodology, structure and his expertise in this field, this study would not have been possible. I am also grateful for the comments provided by Annemarie van der Wilt BSc on the draft version of this text, that both improved the readability and quality of this study.

² The name of the law (literally Damocles’ law) is derived from the initial power of the law over coffee shops, with the law hanging like ‘the sword of Damocles’ over their existence. The law is officially article 13b of the *Opiumwet* (Bruijn, 2018; 143).

impact of ideological preferences. Previous research shows that mayors often tend to stick to pre-existing frameworks or specific circumstances when using punitive authority, but that ideology can play a decisive role in deciding to use punitive administrative authority as well (Bastiaans & Karstens, 2019). This finding makes clear that ideology can have an impact on the execution of punitive administrative law by mayors and thus shows why there is a need for research into the content of ideology that influences decision making that shapes mayoral authority.

More research into how councilors shape punitive administrative law is thus needed, as this could provide fundamental explanations on the ‘why’ question regarding the shift and blurring between administrative and criminal law. Secondly, society needs to be aware if their place of residence has influence on the way in which they are punished and if this is related to the dominant ideology in their local council. Furthermore, legislators on both the local and national level need to be aware of possible arbitrariness in the legal system due to ideological reasons, potentially undermining its impartiality. Thus, from a scientific viewpoint, research is needed to better understand the influence of ideology on decision making, while society needs to be aware of the possible influence of ideology on justice.

This thesis is structured as follows; this first section serves as an introduction. The next section will serve as a theoretical framework in which both the current state of the art in Dutch municipal punitive administrative law and criminal ideology will be discussed. This section will also include a conceptualization and operationalization of the most important concepts. The third section explains the methodology used in this paper, while in the fourth section the results will be analyzed. The fifth section discusses the most important findings, while the final sections serves as a conclusion highlighting the most important findings and their implications.

II: Theoretical Framework

II.A: Punitive administrative law

The purpose of this first subsection of the theoretical framework is to describe the core of administrative law in theory, and how the punitive aspect of administrative law differs from criminal law.

The main difference between administrative and criminal is that whereas administrative law aims to internalize the costs of behaviour (pay extra for actions that have negative externalities for society as a whole), criminal law is aimed not at the harm imposed by an action, but at blaming someone for an action and stigmatizing the defendant (Coffee, 1972; 1878)³. It is not about the costs of an action, but about the intent to risk others through your actions. Costs imposed on an offender through criminal law are therefore not related to the harm done, while in administrative law they are connected (Coffee, 1972; 1878). To briefly illustrate this difference with an example, consider domestic waste. Under administrative law, one has to pay for the excess waste one wishes to dump at the council recycle center, as this action creates a burden for society, since the waste needs to be recycled. Whereas if you decide to dump your waste in nature and get caught in the act, you will be punished because you are to blame, but the punishment does not necessarily need to be related in any way to the costs you have created for society to remove the waste you have dumped. In theory, paying a fine is thus *criminal* law, while paying for a public service is part of *administrative* law.

II.B: Punitive administrative law in the Netherlands

In this subsection, the main characteristic of punitive administrative law in the Netherlands will be discussed.

Within the Netherlands, the distinction between administrative and criminal law is legally defined. Criminal law can be found in the *Wetboek van Strafrecht* (Criminal Law Act), whereas the most basic form of administrative law can be found in the *Algemene Wet Bestuursrecht* (AWB, General Administrative Law Act) or more specialized acts, which also exists at a local level (Barkhuysen et al, 2014; 4-6 & Wettenbank, 1881/2019).

Punitive administrative law (that is, sanctions defined under administrative law that have a punitive dimension) constitutes just a small segment of all administrative law, but does have major policy and societal implication. For example, more than 8 million administrative fines were handed out for traffic violations in 2019 alone (CJIB, 2019), while the municipality of Amsterdam imposed 4.2 million euros worth of administrative fines on property owners for illegal renting, mostly through AirBnB in 2017 alone (Couzy, 2018).

³ This is not a universal way of thinking about criminal law. Different conceptions exist, such as Honderich (2006), who argued that punishment is about keeping people away from 'bad life' and that we must punish to ensure that people live a good life. Punishment (and thus criminal law) in this vision is thus instrumental towards the creation of a better society (Honderich, 2006; 206-210).

Another major characteristic when considering punitive administrative law is the role of courts in administrative law compared to criminal law. Unlike criminal law, an offender can go to court to argue against a sanction, but this only occurs after the sanction has already been imposed. The court then looks into the lawfulness of the sanction and thus not whether a sanction should be imposed in the first place. This in contrast to criminal law, where the sanction is imposed by a court after a legal process. Furthermore, in most cases, one must first issue an official objection against a decision. Only after this objection has been rejected can one appeal against a decision at an administrative law court (Barkhuysen et al, 2014; 161).

In general, three ‘punishments’ or sanctions exists in administrative law that do not require the intervention of a prosecutor or judge and can thus be imposed by a governmental agency when a lawful order has been broken. These are the administrative fine, the *last onder bestuursdwang* (Hereafter: LOB) and the *last onder dwangsom* (Hereafter: LOD). These will be be discussed in more detail below. An administrative sanction can be a reparative sanction or a repressive sanction. While the former is aimed at internalizing the damages, the latter is aimed at punishing the offender (Barkhuysen et al, 2014; 159-161). As discussed earlier, administrative law is (in theory) mostly concerned with internalizing the costs of an action, while criminal law intends to blame. As administrative sanctions are also used in the Netherlands to punish an offender, the blurring of both legal disciplines becomes apparent.

The first of the aforementioned sanctions is the *LOB*, which is in nature a sanction that is mostly related to reparations, as it gives the offender (that is, someone who violated a governmental regulation) the choice to either repair the damages that he or she inflicted (such a demolishing a building that was built without lawful permission when this was required) or having the agency whose regulation the offender violated repairing the damages at your cost (Barkhuysen et al, 2014; 163-167). The *LOD* is more punitive in nature compared to the *LOB*, although also aimed at repairing damages. The *LOD* requires an offender to do something within a certain time limit, that the offender has neglected to do up to that point but should have done in accordance to governmental regulations. If the deadline is not met, the defendant has to pay a daily fine until the offender has repaired the damages. Interestingly, this sanction can also be used against a government agency. When an agency fails to follow its own regulations, the agency can be ordered to pay a daily fine to the affected until the agency has fulfilled its obligations (Barkhuysen et al, 2014; 167-168). The last administrative sanction is the *bestuurlijke boete*, or administrative fine. This sanction is fully punitive in nature, as it is a fine imposed for violating a lawful order or government regulation. Unlike the other two sanctions, no reparation is needed. The fine is not related to the damages caused by the offender and is thus a punishment rather than a reparation (Barkhuysen et al, 2014; 169-170). The height of the fine is dependent on which regulation is violated, but can be very high. For example, violating the ‘animal law’ can result in fines between 500 to 820.000 euro’s, or even 10% of a firms revenue (NVWA). The level of punitiveness is thus dependent on both the violation and the enforcing agency.

In general, there are thus three general levels of punishment in Dutch administrative law; the *LOB* forces an offender to repair damages, while the *LOD* also requires reparation, but a daily fine is attached when an offender fails to comply. Lastly, the administrative fine requires no reparation and is thus only punitive.

II.C: Punitive administrative law in Dutch municipalities

The abovementioned sanctions can be imposed by any *bestuursorgaan*⁴ that has the mandate to create regulations in a certain policy area. This means that municipalities can impose all three types of sanctions in policy areas over which the municipality has jurisdiction. This implies that sanctions can relate to numerous policy areas; from building permits to social care, as these are all part of the municipalities jurisdiction. The execution of these sanctions is the authority of the local government, either the whole ‘college’ (mayor and aldermen) or only the mayor (Gemeentewet, 2020, art. 125). The mayor further has the responsibility for public order in municipalities (Gemeentewet, 2020, art. 172). Under administrative law, this responsibility includes wide-ranging authority, such as the right to impose restraining orders (Gemeentewet, 2020, art. 172a) or the closure of buildings (including houses) when public order is at risk (Gemeentewet, 2020, art. 174a). The latter can also be imposed on buildings (including houses) where drug trade is occurring or where drugs are located (*See introduction*) (Opiumwet, 2020, art. 13b). The closure of buildings can be regarded as a punishment and is thus part of municipal punitive administrative law in the Netherlands (Schaap, 2018). The mayor should however always inform the council about his or her actions (Gemeentewet, 2020, art. 180). Most public order related offences on the municipal level are included in the *Algemene Plaatselijke Verordening* (General Local Regulation or APV/GLR. This regulation is not named as such in Dutch local law, but does provide councils the authority to create any regulation that it deems necessary). The violation of local regulations can result in punitive sanctions which are included in the regulation and can include fines and prison sentences up to 3 months. However, offences that include prison sentences will be prosecuted under criminal, rather than administrative law (Gemeentewet, 2020, art. 150, 151 & 154). To illustrate the far-reaching administrative nature of council regulations, one can for example consider the infamous ban on profanities that numerous councils have adopted over the years. This ban authorizes the local government to punish certain profanities when uttered within the municipality, although it is considered unconstitutional by many (Oostveen, 2019, Van Beek, 2019 & Van Den Dikkenberg, 2019).

Another important note should be made regarding the position of the mayor, who have, as illustrated above, far reaching authority in the execution of administrative law. At the time of writing,

⁴ Literally ‘Administrative organ’. A *bestuursorgaan* under Dutch administrative law is any government agency that is a *legal person* established through public law. This thus includes for example mayors, but also independent governing agencies such as the Bureau of Statistics. It however excludes for example state-run enterprises, as these are not established by an act of public law. An exception is also made for parliament and some other agencies, such as courts and the intelligence services (Algemene Wet Bestuursrecht, 1992, art. 1.1).

mayors are still appointed by the monarch and not elected like council members. Multiple attempts have been made over the past decades to change the office of mayor to an elected position, with limited success. Currently, the royal appointment is no longer a constitutional requirement (which has been enshrined in the constitution for decades), but no ordinary laws presently exist to change the appointment procedure in practice. (Elzinga, 2018). With mayors being appointed rather than elected, the natural role of mayors is more impartial and less ideologically laden than that of councilors. With the possible future election of mayors, his or her executive authority will also become ideologized and come under more political pressure. Re-elections might also force mayors to act more in the interests of voters than in the interests of justice (Karsten et al, 2010; 40).

A number of conclusions can be drawn about punitive administrative law in the Netherlands. Firstly, administrative law is in theory concerned with reparation, but in practice it is also used to punish in the Netherlands. Secondly, the court system differs fundamentally when one is punished under administrative law. Thirdly, three general sanctions exist that can be used to punish an offender or force reparation. Fourthly, mayors have far reaching administrative authority in municipalities to punish violations of the public order and finally, councils have the authority to penalize numerous violations of their regulations.

II.D: Ideology and punishment

Because council are politically colored, we can expect ideology to play a role in the way councils set up their local regulations. As already mentioned in the introduction, ideology can play a role in the execution of local regulation⁵, so it is probable that ideology will also play a role in the formulation of these regulations. Crime fighting is not something that is in practice an objective and empirical pursuit of what methods works best to minimize the impact of crime. Rather, crime fighting is a cultural and ideological pursuit. Garland (2002) showed how in the decades that the western world shifted from modernism to postmodernism, culture and ideology was central in the way nations fought crime. The perspective shifted from a vision in which for example prisons were considered outdated and liberty was the main aim, to an era of mass incarnation and a search for renewed control over society (Garland, 2002; 193-196). According to Garland, penal solutions, such as prisons, are a quick way for governments to control the ‘outcasts’ of society, without the need to change the economic and structural reasons that create criminal behaviour in the first place (Garland, 2002; 199-200). Indeed, for some time in the Netherlands, scholars proposed the abolishment of punitive criminal justice altogether, often on humanitarian and moral grounds, a position uncommon today (Swaaningen, 2016; 139, 147-148).

⁵ Naturally, ideology is not the only factor that might influence the use of administrative law. For example, Bastiaans & Karstens (2019) found four different reasons why mayors might use the *Wet Damocles* (see introduction), for example on technical (such as pre-existing internal policy documents proscribing how and when to use the authority to evict) or situational (a situation that is unique and therefore necessary to deviate from policy guidelines) grounds (25-26).

This shows how crime fighting and punishment is indeed ideologically and morally driven and that ideology thus matters when one considers criminal justice. For this reason, this study aims to look into the ideological preferences behind crime and punishment and its influence on punitive administrative law. Ideology is a complicated concept, because of the many factors that might influence a person's ideology, such as morality, cognitive functions, biology and genetics. It remains unclear how these factors relate to each other in the process of shaping an individual's ideology (Feldman, 2013; 27-28). Dependent on the situation and framing of an issue, different parts of a person ideology are decisive in how a person for example votes. Decision making is thus influenced by a person's ideology and by the issue at hand (Feldman, 2013; 27-28). In this study, the conservative and liberal perspective on crime will be used as general ideological positions, with the issue at hand being crime. What exact part or parts of a person's ideology influences this decision falls outside of the scope of this study. In the next section, both approaches will be discussed.

II.E: Conservative political ideology and criminal behaviour

Conservative thinking regarding crime and punishment is centered around social order and the enforcement of this order. In the conservative vision, society is under threat and strong institutions are needed to enforce the 'true' societal order (Gerber & Jackson, 2015; 115-117). In the conservative vision, the world is a dangerous place and the moral cohesion in society has been lost. Therefore, the reason why people support punishment is because they are concerned about social values and not necessarily about actual crime (Tyler & Boeckmann, 1997; 237, 243). People thus do not support punishment of offenders because they feel unsafe in 'physical' terms, but because of unsafety in the realm of morality and social values. This feeling is mainly caused by the perceived decline in family values and an increase in diversity (Tyler & Boeckmann, 1997; 237, 243). This feeling of unsafety in turn leads to a very punitive position regarding crime; criminals are threatening the already weakened social order and bonds and should thus be punished to defend the social order. Furthermore, the weak social bonds mean that offenders cannot easily be rehabilitated into society, as society itself has weakened (Tyler & Boeckmann, 1997; 255-258). Only tough punishments can force offenders to change their behaviour, as these punishments are the only way to install fear into criminals and deter them from committing crimes (Gerber & Jackson, 2015; 115-117). If a society fails to impose these tough sanctions, this will encourage individuals with a criminal mindset to defy the institutions and continue committing crimes (Carroll et al, 1987; 108). Punishments furthermore help to keep the criminals off the street and keep the social order safe. In the conservative vision, criminals lack basic moral understanding and are thus unable to control their own behaviour. (Carroll et al, 1987; 108 & Scheingold, 1984; 135). Furthermore, conservatives tend to attribute crime to the individual suspect and neither to the social circumstances in which the crime was committed nor to possible economic inequalities (Carroll et al, 1987; 114)

In the conservative ideology, justice is realized through the principle/value of retributive justice. This vision of justice is formed by emotions of anger and outrage instead of sadness or sympathy. The main goal of retributive justice is to let the offender suffer from their crimes, whereas a more liberal approach (this will be discussed in the next section) focuses on separating the offender from the offence and thus attributing an offense more to the circumstances than to the offender (Gromet & Darley, 2011; 831-833). A –perhaps rather extreme- example of this in practice is the fact that conservatives are more likely to support the death penalty than liberals. This is typical of retributive justice: the offender needs to be punished for their wrongdoing and only the death of the offender can finally give victims closure. Researchers found a correlation of 0.47 between support for the death penalty and the ‘need for closure scale’, which includes many core conservative values, such as a preference for order (Jost et al, 2003; 360, 364). The conservative vision is thus a “belief in a just world where people get what they deserve” (Carroll et al, 1987; 116) and pays little to no attention to the circumstances of a crime.

A conservative mindset is not something that arises ‘out of the blue’; a number of factors can explain a conservative mindset, including dogmatism, striving for certainty by opposing change and a dominance of fear in one’s mindset. The dimension of fear is especially important in the context of punitiveness, as fear is an important factor in the striving for security and the retaining of traditional hierarchy. Criminal activity poses a threat to security and societal hierarchy, to which the fearful conservative will respond with harsh measures to restore the status quo (Jost et al, 2003; 366-369).

In short, a conservative ideology leads to a vision of crime and punishment that is mainly concerned with punishing to let the offender suffer for their acts and uses harsh punishments to make crime seem less appealing and to defend the social structure. A crime is attributed to the offender and is unrelated to the perpetrator's circumstances.

II.F: Liberal political ideology and criminal behaviour

The liberal framework regarding crime and punishment differs fundamentally from the conservative one. Instead of focusing on retributive justice, justice in the liberal view is conceptualized as restorative. Restorative justice should not be confused with rehabilitative justice. In liberal ideology, rehabilitative justice leads to victimization of the offender, as the offender becomes dependent on the state for his or her wellbeing (Cullen et al, 1983; 2-3). Whereas the conservative fully attributes the crime to the offender, the liberal separates the crime from the offender and tries to restore the damages incurred by the offender. This implicates that unlike in the conservative framework, an offender can re-integrate into society as the act was wrong but has been repaired and the individual offender can return to common daily life (Gromet & Darley, 2011; 831). Furthermore, liberals view a reparation of the damages done by offenders to the victim more satisfying than punishing the offender. Whereas the conservative thinks that one provides closure by punishing the offender and that this constitutes a satisfactory justice process, the liberal argues that one needs to look at the needs of the victim and the

damages suffered (Gromet & Darley, 2011; 851-853). In the liberal vision, crime is not necessarily attributed to the individual, but also to economic inequalities and the failure of society to provide welfare for all citizens. The circumstances are thus the cause for crime and this makes rehabilitation into society possible (Carroll et al, 1987; 116-117).

This can again be related to the death penalty; as mentioned earlier, conservatives are more likely to support the death penalty to make offenders pay for their crimes. It has been shown that liberals are less likely to support the death penalty, as again punishment is not related to crime itself, but more to the moral position of the individual (Tyler & Weber, 1982; 32-40). It seems that the liberal outlook on punishment is thus less aimed at deterrence and 'making the offender pay', but more concerned with restoration.

Another more general distinction between liberals and conservatives can also be made; as discussed above, conservatives often resist social change, whereas liberals are more likely to accept change and are thus less inclined to defend the status quo and support the harsh enforcement of the current social order as conservatives are (Jost et al, 2003; 342).

The circumstances in which crime is made possible can more generally be described as a lack in social support for an individual, which means that both society and the individual's network provide inadequate support to keep an individual on the right moral track. A lack of social support will result in increased crime, as individuals are less likely to reject crime if they do not receive adequate social support (Cullen, 1994; 529-547). American research further showed how lacking economic opportunities caused the increase in crime in the 1960's in major cities, highlighting the liberal notion that economic circumstances do indeed matter in determining whether the offender is responsible for a crime (Ohlin, 1965; 838-841, 843-846).

The liberal conception of crime and punishment can thus be summed up as trying to restore the damages done by the offender and is less committed to attributing the crime to the offender, while paying more attention to the circumstances in which the offense was committed.

In sum, the conservative vision sees a world and society that is under threat, where harsh punishments are needed to defend social order and in which the circumstances of the crime are not important, as the offender is responsible for the crime. The liberal vision however, sees crime as a symptom of a failing social network where punishment should serve to restore justice.

II.G: Moral Foundations

A different way of looking at ideology is through Moral Foundations theory. This novel approach, first proposed by Haidt and Joseph (2004), tries to identify the main moral foundations that underlie our personal morality. According to the theorists behind this approach, five main universal moral foundations can be identified: care/harm, fairness/cheating, loyalty/betrayal, authority/subversion and finally sanctity/degradation. These foundations point to the basic system that shapes the basis of

morality. Many of these foundations can be found in different cultures could thus be seen as universal (Moral Foundations, 2019 & Graham et al, 2009; 1030-1031). Without exploring this theory in great depth, one of the most important findings within moral foundations research in the context of this study, is that liberals tend to be more individual in their moral foundations. Four different studies with four distinct methods led to the conclusion that the care/harm and fairness/cheating foundations were more prominently featured among liberals, while conservatives' moral concerns are more evenly distributed. This suggests that liberals and conservatives base their moral judgements on a different configuration of the five prime moral foundations (Graham et al, 2009; 1040). The proponents of this theory provide a 30-question survey (the Moral Foundations Questionnaire or MFQ) to analyze the moral foundations of an individual (Graham et al, 2008). With the knowledge from previous research by Graham et al (2009), it is possible to include some of the MFQ questions into the present study. The Moral Foundations theory will be used for two separate purposes, firstly to see whether the expected differences between the moral foundations of conservatives and liberals also occur in the sample of this study and secondly to see whether moral foundations differ across the administrative and criminal law options in this study and thus whether they might illuminate the moral reasons why some respondents choose either the criminal or administrative law option.

II.H: Expectations

Based upon the previous subsections, a number of preliminary theoretical statements can be formulated. Firstly, Dutch administrative law allows for reparatory sanctions, such as the *last onder bestuursdwang*, but also includes many punitive measures. Secondly, on the local level, institutions have far-reaching authority, such as the mayor's public order responsibilities and the councils ability to penalize almost every violation of their own regulations. Thirdly, the court process of punitive administrative law and criminal law differs fundamentally. Based upon these theoretical conclusions and by combining both the theory regarding ideology and administrative law, some preliminary expectations can be formulated. Firstly, in criminal law, the defendant always has the right to a lawyer when the defendant is taken into custody (Judex, n.d.) while in an appeals procedure against a decision in administrative law a lawyer is not free, although one can ask for a subsidy under certain circumstances (Raad voor de Rechtsbijstand, n.d.). Crucially, the underlying assumption in a criminal case is that you are charged and thus need representation, while in administrative law case the defendant is the initiator of the case and thus assumed to be able to represent themselves (Algemene Wet Bestuursrecht, 1992, art. 2.2). A criminal case is further always free of procedural costs for the accused, while an offender might have to pay in an administrative law case (Rijksoverheid, n.d.). As discussed in the previous section, conservatives tend to attribute crimes to the individual, so it can be speculated that therefore conservative will prefer an administrative law procedure in which the responsibilities for a potential case are laid with the offender.

An additional factor is the willingness of the public to depart from judicial procedures. As shown in the previous sections, administrative law is less procedural, as initially no court case is needed as long as no appeal is made to the court. As people are willing to get rid of legal procedures that protect the defendant because of fears about dangerousness (Tyler & Boeckmann, 1997; 254, 258-259), it can be argued that respondents with a conservative ideology (as discussed, conservatives tend to view social order as being under threat and society as dangerous) will be more supportive of administrative than of criminal law procedures, as these are less centered around the defendant and give the defendant less rights.

Another difference can be found in the rights of the victim. Although obviously criminal law often deals with more serious cases with victims that are more affected, a restraining order issued by the mayor can be the result of violence and thus have victims. In criminal law, the victim can use his or her right to speak at the trial against the defendant when certain circumstances are met, such as in cases of stalking (Wetboek van Strafvordering, 1921, art. 51e). In administrative law, no such procedures exist and victims are not given the opportunity to voice their opinion. Liberals tend to view justice as restorative (as illustrated in the previous section)⁶ and thus might give their support for a procedure in which the victim can speak their mind and thus a criminal case instead of an administrative procedure.

It is therefore expected that conservatives will more strongly support administrative law procedures, as it more retributive than criminal law, less victim centered and has less procedural safeguards for the defendant. From these expectations, the following hypotheses arise;

Null hypothesis: Political ideology does not influence support for the employment of local punitive administrative law.

Hypothesis I: A conservative political ideology leads to increased support for the use of local punitive administrative law.

Hypothesis II: A liberal political ideology leads to reduced support for the use of local punitive administrative law.

It should be noted beforehand, that this study does not aim to provide normative or empirical answers to the question whether a liberal or conservative crime policy leads to less criminality. A large scale quantitative study looked into the effects of both municipal police expenditure (as an indication of conservative policy aimed at retributive justice) and municipal community building expenditure (as an indication of a more liberal policy, aimed at increasing social support) on crime levels in large number of American cities in the 1990's. The researchers found that both policies lead to a decline in crime levels. These findings might suggest that both conservative and liberal policies might be effective at

⁶ This is off-course a very limited notion of ideology and crime, as many more nuanced and in-between positions are possible.

countering crime and that thus both ideological approaches have their merits in the real world (Ren, Zhao & Lovrich, 2008).

II.I: Operationalization

To operationalize the concepts in the previous section, conservative and liberal ideology should be made measurable, just as support for punitive administrative law. To this end, a four-part survey was created. The survey was constructed in English but translated into Dutch and sent online as a Qualtrics survey to the (deputy) councilors through the municipalities council secretary. The English and Dutch version of the survey can be found in the appendix. Informed consent was asked and respondents had the possibility to exit the survey when not in agreement with the conditions of consent.

The first section of the survey served to identify the responses of the participants to the dependent variable, support for administrative law procedures. This was tested through the creation of three scenarios that asked the respondent to take on the role of mayor and decide whether in the scenarios they would pursue either an administrative or criminal punishments procedure. The three scenarios were all located on the boundary between criminal and administrative law, but were all cases that in theory would qualify as criminal law cases, as they were not about reparation but about punishment. The scenarios were followed by a comprehension check question to filter out respondents that either did not properly understand the questions or failed to carefully read the scenarios. This question also serves to see which scenario the respondents found the most difficult to answer and why. This provides more information, as it might illuminate situational rather than ideological concerns that influenced the decision making of the respondent.

Furthermore, an open-ended question was included in which the respondents were asked to generally describe their feeling regarding the authority of Dutch municipalities regarding crime. This question was included with the aim of illuminating the feeling towards local level punishment and to see whether respondents would name certain reasons that might better account for their answers than their ideology. More ideologically-laden responses could indicate that ideology, rather than for example situational reasons, are the main factor on which respondents based their judgement in the scenarios.

The second section of the survey was used to identify the general punitiveness of the respondents. This was done by asking the respondent three questions regarding their attitude towards punishments on a Likert scale. These questions were based on the survey used by Gerber & Jackson in their second study (2015, 126). These questions were chosen because in Gerber & Jackson's research (2015) they proved effective at measuring punitiveness and showed a relation between right-wing authoritarianism and punitiveness. This measure will make it possible to see if this conclusion also holds for the sample used and thus whether the conservatives in this sample are more punitive. In relation to the main subject of this study, the relation between ideology and criminal law, punitiveness may be an additional factor that explains the results of this study.

A third section was included to identify the ideology (and thus the main explanatory variable) of the respondents. This was measured through self-reporting on two scales and a number of statements on various issues. The scales were based upon the Dutch *Kieskompas* format and asked respondents to identify on a conservative-progressive scale on social issues and a right-left wing scale on economic issues (Kieskompas, n.d.). The statements questions were based upon the *Pew Ideological Consistency Scale* used to identify ideology (Pew Research Center, 2014). These were altered and some were dropped due to the different geographical context in which this survey took place. Finally, these questions were modified to a five-point Likert scale. The Likert scale differs from the original pew method that was structured as an agree-disagree option. The Likert scale was included to give the respondents more options and not to force them into extreme opinions that they might not really agree with.

This approach of both including self-reporting and issue based questions was included because this is a superior approach to identify the ideology of respondents (Caughey et al, 2016; 10). The main problem with only including self-reporting scales is that respondents can often interpret for example left/right wing differently (Caughey et al, 2016; 8): for a blue collar worker, “Left may still mean social welfare policies; to a young German college student it may mean environmental protection and issues of multiculturalism (Dalton, 2010; 105).” It is therefore important to also include policy-based questions to survey ideology properly (Caughey et al, 2016; 10), as the *Kieskompas* scales will leave too much room for interpretation.

The fourth section consisted of a number of questions of the Moral Foundations Questionnaire to identify the underlying moral convictions of the respondents. Not all thirty MFQ questions were included, as this would make the survey too long. Of each moral foundation, two questions from the MFQ were included. The expectation is that there would be certain consistency over the self reporting scale, the issue based questions and the MFQ questions (That is, that self-reporting liberals are both more liberal in the Pew issue based questions and supportive of the individual foundations, as Graham et al. (2008) found).

III: Methodology & Case selection

The method used in this study is a deductive observational study, aimed at testing theory on a convenience sample. In contrast to a true experiment, there is no random assignment to the treatment group, as the treatment (ideology) is a pre-existing condition of the respondents. Furthermore, experimental control is also limited, as the researcher has no control over who gets the treatment or possibilities to differentiate in incentives (Toshkov, 2018; 167-168).

The observational study was conducted through surveys, as described in the previous section, which allows for both quantitative observational results, as well as qualitative results through the open questions.

The data was analyzed through the creation of a database, in which the responses to the survey were ordered and the scores measured. The Likert scale and Moral Foundations questions were given numbered scores for ease of analysis, on a scale of 1 through 5. The scale questions used for self-reporting ideology were measured on a scale from -2 to +2, with -2 equaling 'liberal' and +2 'conservative'. The two open questions were ordered by coding the responses. The coding was achieved by breaking down the responses to the most core expressions. All different opinions given were given a code and every individual response was assigned the codes that were mentioned. As such, all responses could be summarized and added up to see how often something was mentioned by respondents. If respondents gave multiple expressions, they were assigned multiple codes. This coding structure was used for both open questions. The main benefit of this coding approach is that it allows to visualize which opinions were most frequently given by respondents and which less frequently. The downside however is that reducing the answers to open question to code leaves out some of the richer information. However, discussing every individual response in-depth would not give sufficient comparative information and may make the more general image less clear. In the analysis, a number of quotes are included to illustrate some of the codes more in-depth information. The policy options in the scenarios were reduced to 'administrative law option', 'criminal law option', 'administrative and criminal law option' and 'preventive option', depending on the specific scenario.

For the observations, a convenience sample was used of councilors from various municipalities. The chief clerks of 13 municipalities were approached, of which 7 were open to collaboration. Eventually, 35 councilors responded and filled in the survey. All the approached municipalities were located in the Randstad area of the Netherlands, specifically around the *Groene Hart* area. All municipalities have a population between 23.000 and 73.000.

Being a convenience sample, this sample is not a random sample of the entire target population (the target population begin all councilors in the Netherlands). The sample is thus not fully representative of the average councilor in the Netherlands (Toshkov, 2018; 185-186).

Apart from ideology and support for administrative law as criminal law, pre-existing crime rates were also measured as a possible confounder. The selected municipalities can be differentiated on their crime levels compared to the national average and where qualified as either low, average and

high crime municipalities compared to the national average. The data used for this part of the study was from 2018 (25 to 56,7 crimes for every 1000 inhabitants in this sample, compared to a national average of 45,6 crimes for every 1000 inhabitants) (CBS, 2019 & Algemeen Dagblad, 2019).

IV: Data & Analysis

IV.A: Responses & Introduction to the analysis

In total, 35 responses to the survey were received from seven different municipalities. Of these responses, 21 responses were complete responses (a success rate for finished surveys of 60%). The responses that were not completed, were not used in the analysis of this study. The response rate was low, as dozens of councilors were approached. This might partially be explained by the circumstances in which this study was conducted, namely the COVID-19 pandemic of 2020. The responses were gathered over a period of around six weeks in April and May of 2020.

As stated in the section regarding methodology, this study is a small-N observational study and not a true experiment. The limitations of this method are also apparent in the analysis. As the data on the dependent variable (support for punitive administrative law) was gathered on a nominal level with multiple policy options available, this study does not allow for regression analysis (Healey, 2015; 361-362). This also impacts the possibilities to check the significance of the findings of this study, as a different level of measurement of the dependent variable and a larger sample will be better suited for identifying whether the perceived relation between the dependent and independent variable has statistical significance. This study rather provides a first observation if the perceived effect is visible in a small sample and may thus give direction for further research (a more detailed discussion of the limitation of the study and recommendations for further research can be found in section VI.B & VI.C). The method used in this analysis is cross-tabulation, both for the quantitative questions and the qualitative open-ended questions. This strategy of using descriptive statistics allows for measuring the association between the different variables, but does neither allow for proving causal relations nor for generalization to the entire population (Healey, 2015; 8-9).

IV.B: Ideology

As discussed in the section regarding operationalization, the ideology of the respondents (the independent variable) was measured through both self-reporting scales and Likert scale questions on ideology (see appendix A for more details). On the first scale, respondents were asked to identify as either conservative or progressive. In total, 12 respondents identified themselves as progressive to some degree, while just 4 identified themselves as conservative. A further 5 identified as moderate. On the left-right wing scale, 9 respondents identified themselves as left-wing, 9 as right-wing and 5 as moderate. Finally, on the *Pew Ideological Consistency Scale* (Pew Research Center, 2014), 14 respondents were identified as being liberal to some extent, while 6 were identified as conservative and one as moderate. These numbers could suggest two different things. Firstly, it could be possible that the respondents are not ideologically consistent. Secondly, it could also be possible that the measurements used were not appropriate and unable to determine the 'true' ideology of the respondents. A better measurement tool might have led to more consistent results.

To determine the actual number of conservatives, liberals and moderates, all three questions were analyzed together. From this analysis, it appeared that 2 respondents scored as a different ideology on all three questions, and were for that reasons qualified as ‘moderate’. Of all respondents, 8 were consistent across all questions. All other respondents were identified as either liberal or conservative on two out of the three questions. This finally results in the following ideologies of respondents: 4 were identified as moderate, 10 as liberal and 7 as conservative. The results are summarized in Table I.

	<i>Con/Pro SI</i>	<i>LW/RW SI</i>	<i>Pew ICS</i>	<i>Combined total</i>
<i>Liberal</i>	12	9	14	10
<i>Conservative</i>	4	9	6	7
<i>Moderate</i>	5	5	1	4

Table I: Ideology of the respondents

IV.C: Punitiveness and ideology

The punitiveness of the respondents was also measured, through a three question Likert-scale questionnaire based on Gerber & Jackson’s second study (2015, 126). The scores of three questions were added up to analyze the punitiveness of the respondents. Overall, 4 respondents scored a ‘zero’ score, meaning not opposed and not supportive of punishments. 8 respondents scored more than zero, meaning that they had a punitive mindset. The final 9 respondents had a score less than zero, meaning that they have a non-punitive mindset. As the literature suggests, conservatives tend to have a more punitive mindset (Gerber & Jackson, 2015; 115-117). From this sample, this conclusion can be substantiated. Just one conservative had a non-punitive mindset, while also just one liberal had a punitive mindset. One interesting finding is that not one of the moderates had a non-punitive mindset. However, due to the small sample size of the moderates, no conclusions should be drawn from this.

	<i>Liberals</i>	<i>Conservatives</i>	<i>Moderates</i>
<i>Punitive mindset</i>	1	4	3
<i>Non-punitive mindset</i>	8	1	-
<i>‘zero’ score</i>	1	2	1

Table II: Punitiveness

IV.D: Ideology and Administrative law

This subsection gives an overview of the results concerning the expectations central in this study; the possible relation between administrative law and ideology. As discussed in the theoretical framework, the expectation is that a conservative ideology leads to more support for the use of administrative law in cases that would normally be considered criminal. As stated in the expectations section,

administrative and criminal law can both be punitive. However, punitive administrative law is procedurally more retributive and offers less rights for both the victim and the defendant. This part of the study was conducted through real-world cases in which a mayor needs to decide between the use of criminal or administrative law to counter criminal behaviour. The following tables provide a breakdown of the data for the various scenarios.

In scenario I, respondents had the choice to prosecute, evict or both prosecute and evict individuals suspected of operating an illegal cannabis plantation in their residence. This case was modeled on a real-life case (Schaap, 2018) and the residents included underage children with disabilities. In this scenario, only one respondent, a moderate, went for evicting alone under administrative law. All but two liberals decided to use criminal law only and thus not to evict the residents. Conservatives however were almost split between only criminally prosecuting the residents and both criminally prosecuting and evicting the residents. Except for the one moderate who opted to evict the residents, all other moderates decided to criminally prosecute the defendants. Two liberals chose to both evict and prosecute the residents, opposing the vast majority of their fellow liberals.

<i>Scenario I</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>	<i>Criminal and administrative law option</i>
<i>Liberals</i>	-	8	2
<i>Conservatives</i>	-	4	3
<i>Moderates</i>	1	3	-

Table III: Scenario I (cannabis plantation) choices and ideology

In the second scenario, respondents were asked to issue a restraining order. They were asked to choose between using the mayoral authority to issue a restraining order for a short term with direct effect, or to collaborate with the prosecutor to charge the defendant and have a judge issue a restraining order after a court case. The latter will not come into effect before the case is handled in court but could last for a longer period. As seen in Table IV, the differences between the various ideologies are in this case far less clear. Both moderates and conservatives were split amongst both option. Liberals were also split, but a majority opted for the criminal law option.

<i>Scenario II</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>
<i>Liberals</i>	3	7
<i>Conservatives</i>	4	3
<i>Moderates</i>	2	2

Table IV: Scenario II (restraining order) choices and ideology

In the last scenario, respondents were asked about their opinion in countering a wave of youth crime in their municipality. They were given the choice between two repressive approaches and one preventive approach. The two repressive approaches were split between an administrative law approach that included a change in the local regulations and the employment of a number of *Handhavers*⁷. The criminal law option was the increase police surveillance. The third option was prevention, which consisted of hiring youth workers. The results here are again diverse; although the theory suggests that conservatives favour a repressive approach, a number of conservatives opted for the prevention option. On the other hand, a couple of liberals also decided to take a repressive approach, and one liberal decided to take the enforcement into local hands by employing *Handhavers*.

<i>Scenario III</i>	<i>Administrative Law option</i>	<i>Criminal Law Option</i>	<i>'Prevention' option</i>
<i>Liberals</i>	1	2	7
<i>Conservatives</i>	2	2	3
<i>Moderates</i>	2	1	1

Table V: Scenario III (youth crime) choices and ideology

IV.E: Moral foundations and ideology

For the moral foundations part of this study, the average score of respondents on the various foundations was split down on an ideological level. As mentioned in the operationalization subsection, not the entire Moral Foundations Questionnaire was included in this survey, as the survey would become too long and complex, which could have negative impact on the number of respondents finishing the survey. Every respondent was given two different questions about each foundation, both on a five-point Likert scale. These scores were combined to give a score on a scale of 10, with a score of over five meaning that this is relevant foundations for the sub-group.

The data suggests that there are some clear differences between the different ideologies and their moral foundations. As seen Table VI, liberals score over half a point higher on the care foundation than conservatives, but are close to moderates. On the fairness foundation, the differences in scores are less clear, with all ideologies scoring between 7 and 8, with liberals and conservatives less than 0,2 point apart. The high scores do suggest that the fairness foundation is important for all respondents. On the loyalty foundation, only moderates found this relevant, while both liberals and conservatives had an average score of below 5, meaning that loyalty is not that relevant for both. When considering authority on the other hand, liberals rate this foundation as only being very slight

⁷ A Handhaver is a local civil servant authorized to enforce local regulations, just as police officers are authorized to enforce these regulations. Handhavers however cannot enforce non-local regulations such as national laws and thus have a limited local jurisdiction. Handhaver are also not armed with lethal weapons. A Handhaver is legally an Extraordinary Civil Service Detective, or BOA for short (Wettenbank, 2019).

relevant, whereas both conservatives and moderates do find this somewhat more relevant. The same goes for the sanctity foundation: whereas liberals find this irrelevant, conservatives do find this relevant and moderates agree with this to a very limited degree. Compared to what the findings by Graham et al. (2009; 1040) suggests (who found that scores among conservatives are more evenly distributed, liberals tend to rate the care and fairness foundation as more relevant), this sample follows this pattern to a very limited extent. Liberals do score higher on the care and fairness foundation, but not much higher than conservatives. More interesting are the differences between conservatives and liberals on the sanctity foundation, where the difference between the two ideologies is more obvious.

When considering the moderates, the sample size limits the usability of the data, which might explain why moderates do not score so differently on for example the loyalty and authority foundation. One might reasonably expect scores for moderates to be somewhere between liberals and conservatives, but the sample size makes it difficult to substantiate that expectation.

	<i>Care Foundation</i>	<i>Fairness Foundation</i>	<i>Loyalty Foundation</i>	<i>Authority Foundation</i>	<i>Sanctity Foundation</i>
<i>Liberal</i>	5,8	7,6	4,7	5,1	4,4
<i>Conservative</i>	5,29	7,43	4,7	5,85	6
<i>Moderate</i>	5,75	7	6,75	6,5	5,25

Table VI: Moral Foundations and ideology

IV.F: Moral foundations and Administrative law

In this subsection, the different scenarios are considered based upon the moral foundations questionnaire. The purpose is to determine if moral foundations might influence support for punitive administrative and criminal law. When considering the first scenario, it should be noted beforehand that just one respondent decided to only evict the family and with such limited data, no conclusions can be drawn. Similar to the comparison of this case with ideology, is that the criminal law option is pursued by respondents who on average score higher for care and fairness, thus a more liberal position. Interestingly, the loyalty foundation is viewed more relevant by the respondents that favored the criminal law option, while the sanctity foundation is slightly more relevant for the respondents that opted for eviction and prosecution. Because the criminal option and the option to both evict and prosecute differ in their punitiveness, one might expect that the more punishing option would maybe be accompanied by a higher score on the authority foundation. The difference however turned out to be present but minimal. Interesting is the high score for the eviction and prosecution option on the sanctity foundation.

<i>Scenario I</i>	<i>Care</i>	<i>Fairness</i>	<i>Loyalty</i>	<i>Authority</i>	<i>Sanctity</i>
-------------------	-------------	-----------------	----------------	------------------	-----------------

	<i>Foundation</i>	<i>Foundation</i>	<i>Foundation</i>	<i>Foundation</i>	<i>Foundation</i>
<i>Admin. Law option</i>	4	8	8	7	5
<i>Crim. Law option</i>	5,8	7,6	5,07	5,47	4,6
<i>Crim. & Admin. Law option</i>	5,4	6,8	4,6	5,8	6,6

Table VII: Scenario I (cannabis plantation) choices and moral foundations

In the second scenario, the differences in the scores between the administrative law and criminal law options are minimal, with all being less than 1 point apart. The most prominent difference can be found on the fairness foundation, where the supporters of the criminal law option score almost a point higher and regard fairness as very relevant. Apparently, in this scenario, the criminal law option is considered more attractive by respondent that are mainly concerned with fairness. It would be interesting if this pattern would have been visible in all cases, as this would suggest that the criminal law procedure is in fact viewed as being more fair than the punitive administrative law procedure. Still, the score for the respondents that opted for the administrative law option also found fairness relevant.

<i>Scenario II</i>	<i>Care Foundation</i>	<i>Fairness Foundation</i>	<i>Loyalty Foundation</i>	<i>Authority Foundation</i>	<i>Sanctity Foundation</i>
<i>Admin. Law option</i>	5,78	7	5,44	5,67	5,33
<i>Crim. Law option</i>	5,5	7,9	4,8	5,58	4,9

Table VIII: Scenario II (restraining order) choices and moral foundations

In the third and final scenario, the differences between the scores are again small, although the spread is slightly more prominent than in the second scenario. Interestingly, the most liberal option (the prevention option) was chosen by respondents with the lowest average score on the care foundation, although they did score high on the fairness foundation (although not quite as high as the respondents that picked the administrative law procedure). Another interesting observation is that the administrative law option is preferred by respondents with a high score on the authority foundation, whereas respondents that wanted more police presence, scored low on the authority foundation. This is an unexpected finding, as one would expect that more police surveillance is favoured by respondents that care about authority. Loyalty and sanctity also turned out to be relevant for the respondents that choose the administrative law option.

<i>Scenario III</i>	<i>Care Foundation</i>	<i>Fairness Foundation</i>	<i>Loyalty Foundation</i>	<i>Authority Foundation</i>	<i>Sanctity Foundation</i>
<i>Admin. Law option</i>	5,6	7,6	6	6,6	5,8
<i>Crim. Law option</i>	6	7	4,6	5	4,2
<i>Prevention option</i>	5,45	7,5	4,9	5,5	5,2

Table IX: Scenario III (youth crime) choices and moral foundations

IV.G: Pre-existing crime levels and Administrative law

To deepen theoretical understanding into the differing applications of administrative law, the results from the survey regarding the choice between administrative and criminal level are also analyzed on the level of pre-existing crime rates in the municipalities of the respondents. This possible confounder was included in the analysis, as previous research found that mayors often weigh situational concerns in their decision making (Bastiaans & Karstens, 2019). It is therefore likely that the support for certain measures is not only dependent on ideology, but also on circumstances, like the level of crime in a municipality. The crime levels are split into three levels; low crime (N=7), average crime (N=4) and high crime (N=10). These reflect the crime rates of the respondents municipalities compared to the national average of 45,6 crimes for every 1000 residents. When compared to the first scenario, a very even distribution can be witnessed. As already discussed, the administrative law option was fairly unpopular in this case, which is also reflected when compared with the pre-existing crime levels. The respondents from average crime municipalities overly choose the option to both prosecute and evict, which is surprising when compared to the other respondents from low and high crime municipalities. The sample size however limits the possibilities to draw conclusions from this fact.

<i>Scenario I</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>	<i>Criminal and administrative law option</i>
<i>Low Crime</i>	-	6	1
<i>Average Crime</i>	1	-	3
<i>High Crime</i>	-	9	1

Table X: Scenario I (cannabis plantation) choices and pre-existing crime rates

In the second scenario, the division between low and high crime is again quite similar and evenly distributed, with again the small group of respondents from average crime municipalities being not split among the options. The small sample size again matters here and thus no conclusions should be drawn.

<i>Scenario II</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>
<i>Low Crime</i>	4	3
<i>Average Crime</i>	-	4
<i>High Crime</i>	5	5

Table XI: Scenario II (restraining order) choices and pre-existing crime rates

More interesting than the previous scenarios when compared to pre-existing crime levels, is the third scenario (youth crime). In this scenario, clear differences can be seen in the selected policy option. While in low crime municipalities the preventive option is very popular, high crime municipalities are more supportive of punitive measures to counter youth crime. In low crime municipalities, both liberals and conservatives supported the preventive option, while in high crime municipalities the repressive option were popular among both conservatives and liberals. This would suggest that in this specific scenario, crime levels have a high explanatory value and that the presumption that this confounder could have influence on the outcome variable might be true

<i>Scenario III</i>	<i>Administrative Law option</i>	<i>Criminal Law Option</i>	<i>'Prevention' option</i>
<i>Low Crime</i>	-	1	6
<i>Average Crime</i>	1	-	3
<i>High Crime</i>	4	4	2

Table XII: Scenario III (youth crime) choices and pre-existing crime rates

To gain further understanding into the influence of crime in the municipality on the policy options, it is also possible to look at the perception of criminality instead of actual crime levels. To this end, data was gathered about the general perception of residents and the degree to which they felt occasionally unsafe inside their municipality. A limitations is that in not all municipalities data is gathered about safety perceptions. Therefore, sometimes other geographical areas were used in this section, such as police base teams. This leads to more inaccurate data, as base teams in more rural/suburban areas often have a jurisdiction of more than one municipality. As no data exists for the year 2018, the year 2019 was used instead. On average, 31,8% of the population of the netherlands feels occasionally unsafe (CBS, 2020). The municipalities of the respondents were grouped into three categories: Low perception of unsafety (<30%, N=4), moderate perception of unsafety (30% - 35%, N=13) and high perception of unsafety (35% >, N=4). In the first scenario, a vast majority of the respondents in the average perception municipalities went for the criminal law option. The most interesting observation is that in the high perception municipalities, all respondents choose the criminal law option, while in the low perception municipalities three-quarters choose the most punitive option. A speculation could

be that a low perception of crime leads to harsh repercussions for those who break the rules. However, this is mere speculation due to the sample size.

<i>Scenario I</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>	<i>Criminal and administrative law option</i>
<i>Low Perception</i>	-	1	3
<i>Average Perception</i>	1	10	2
<i>High Perception</i>	-	4	-

Table XIII: Scenario I (cannabis plantation) choices and perception of unsafety

In the second scenario, a very even distribution is visible, which leads to the thinking that crime perception is not much of a factor in this scenario. There is a clear split between the different options, independent of crime perception in the municipalities.

<i>Scenario II</i>	<i>Administrative Law option</i>	<i>Criminal Law option</i>
<i>Low Perception</i>	2	2
<i>Average Perception</i>	5	8
<i>High Perception</i>	2	2

Table XIV: Scenario II (restraining order) choices and perception of unsafety

In the third scenario, one interesting observation can be made. The prevention option is highly unpopular with respondents in a municipality that has a high perception of unsafety. Again, one may speculate that when there is a high feeling of unsafety, more liberal approaches to crime become less popular. This result is similar to what was found when scenario III was presented against actual crime rate. High crime (perception) may thus lead to a preference for punitive instead of preventive policies.

<i>Scenario III</i>	<i>Administrative Law option</i>	<i>Criminal Law Option</i>	<i>'Prevention' option</i>
<i>Low Perception</i>	1	2	2
<i>Average Perception</i>	2	2	9
<i>High Perception</i>	2	2	-

Table XV: Scenario III (youth crime) choices and perception of unsafety

IV.H: Open-ended question: What choice was most difficult?⁸

The first open-ended question asked in the survey was which choice the participants found the most difficult and why. When first considering the different scenarios, participants found the second scenario (restraining order) the least challenging. One participant noted that all scenarios were of similar difficulty, but no participant specifically pointed to the restraining order scenario. Most comments were made about the youth aspect, both in the youth crime case and the cannabis plantation. Many comments were made in the direction of ‘one can never do the right thing when children are involved’ (11 respondents mentioned the position of children in the family and the difficulty of dealing with such cases). Interestingly, the single respondent that opted solely for the administrative eviction, did also note a similar opinion. This was also mentioned by both of the liberal respondents that choose to both evict and prosecute;

“I feel responsible for both acting on the violation and the safety of the children. They are the main victim, as they are being put in harm's way by those who should protect them. Weed plantations can cause fires due to illegal wiring for electricity. By being tough on their parents, you might be able to offer them a second chance in a different place”

The third scenario (youth crime wave) also proved to be difficult for many respondents. Examples of comments include that prevention is the best possible way, but as crime is already occurring, repression is now the only solution and that repression sounds tempting, but that youth will eventually just grow up and sort themselves out. Another comment brought up that the choice for scenario III was difficult, as it is *a priori* impossible to state which approach would be the most successful. One (liberal) respondent considered all three possibilities and commented that he opted for the preventive approach as the more repressive approaches would limit civil liberties, although they would probably be more successful;

“Regarding the youth gang, more police patrols make little sense with limited capacity. More enforcement through the *GLR*⁹ is more effective, but has a negative impact on the liberty of citizens. This is not a desirable alternative. The last option thus remains, which will be better for society as a whole, although it is unlikely that the gang will be involved in this policy”

Another (conservative) respondent favoured a repressive approach, but noted that hiring extra *handhavers* for such a relatively small issue was excessive. Finally, one respondent stated that the best way of countering youth crime is to ‘go out there’ as councilor.

⁸ All quotations used in section IV.H & IV.I were translated and sometimes slightly edited and paraphrased to increase clarity for the reader. No compromises were made to the content of the quotes. Text between brackets was added to create logically structured sentences.

⁹ General Local Regulation or APV. See section II.A.

All responses were coded (see section III for the coding strategy used) in an attempt to summarize the most important comments made. Table XIII (see next page) summarizes these labels and presents the different labels against ideology.

	<i>Liberals</i>	<i>Conservatives</i>	<i>Moderates</i>
<i>How to deal with youth</i>	2	1	-
<i>How to deal with minors</i>	5	3	3
<i>Should crime be repressed or prevented</i>	4	1	-
<i>Effects on the social environment</i>	2	-	-
<i>How to deal with limited capacity</i>	-	1	-
<i>All scenarios were equally difficult</i>	-	1	-
<i>Act alone as council or leave to others</i>	-	-	1

Table XVI: Labels regarding difficulty and ideology

IV.I: Open-ended question: judgment of municipal authority regarding crime

The second open question consisted of an invitation to elaborate on the position of the municipality to counter crime and punish offenders. In this section, the most distinct comments will be presented and an general overview off all comments is provided.

The general nature of the comments made was that the role of municipalities is limited, while respondents disagreed whether this should remain this way or whether municipalities should get more authority on this issue. One respondent stated that as a municipality you can use your authority to a large degree, but that enforcement is costly and that the results of enforcement backfire, for example that you need to find a new residence for the family you evict in scenario I. Another respondent argued changing local regulations takes too much time to be an effective law enforcement mechanism and that the municipality thus relies on the extensive (emergency) powers of the mayor. A different respondent echoed this opinion by stating that mayor has far reaching, but a-political authority and that this necessarily distinction between politics and enforcement should remain in place. One liberal respondent for example stated the following;

“I think that the mayor should have far-reaching, but a-political, authority. The council should get regular updates and the mayor should share insights. Also, the council and mayor should collectively set the priorities for the mayor to act upon”

A number of respondents were very strict in their distinction between crime and violations. In their opinion, the task of the council is to set regulations and the mayor needs to enforce these regulation. However, according to these respondents, crime fighting should remain the task of police and prosecutors. These respondents were thus adamant that there should be a strict legal seperation of power, in which enforcement, prosecution and judgement is split. A conservative stated the following to highlight this point;

“(The authority of the municipality to counter crime) is good. There is a seperation of power for good reasons and it should remain that way”

A liberal respondent further added that the council should also focus on prevention;

“Punishments should be issued as much as possible by a judge. A worrying development is the lack of capacity that the police is suffering from. The council should pay more attention and free funds for prevention”

As discussed in the theoretical framework, local punitive administrative law has no such separation; local authorities both set up their own regulation, employ local enforcement officers and sometimes organize the punishment themselves. The expectation was that this approach would be most likely supported by conservatives, however both liberals and conservatives mentioned that power should be separated instead of concentrated.

Some respondents also argued that the task of the council is currently quite limited and that is sometimes feels that a municipality is powerless when dealing with serious crime. Others thought that crime fighting was not the task of the municipality and that this should remain that way.

Table XVII (see next page) summarizes the comments mentioned in labels and presents them against ideology.

	<i>Liberals</i>	<i>Conservatives</i>	<i>Moderates</i>
<i>Authority is limited</i>	6	2	2
<i>Enforcement is expensive</i>	-	-	1
<i>Not the task of the council</i>	-	1	-
<i>Situation is fine as it is</i>	1	3	1
<i>More authority needed</i>	3	1	1
<i>Power is (rightly) split</i>	3	2	-
<i>Distinction between crimes and violations</i>	2	1	-
<i>Capacity is limited</i>	1	-	-
<i>Mayor is most important, not council</i>	1	2	-
<i>Prevention should be priority</i>	2	-	-

Table XVII: Labels regarding judgement of authority and ideology

V: Discussion

In this section, the findings analyzed in the previous section will be considered in the light of the theoretical framework.

First, considering ideology, it is clear that many of the respondents were not ideologically consistent across all measurements. Some even scored as a different ideology for all three measurements. However, when the three measurements are taken together, there seems to be a more even distribution on ideology. Although when one would look more closely at the data, it would be possible to identify more moderate and more outspoken respondents on both side of the political spectrum. As already stated in the previous section, these differences in measurements could also have been caused by the measurements themselves, which might not be accurate enough to fully comprehend the ideology of the respondents. This could be a methodological limitation of this study. Another potential explanation is that the ideological spectrum in the Netherlands is less polarized than abroad and that a simple distinction between conservatives and liberals does not capture the true landscape of ideology in the Netherlands. Furthermore, the Netherlands is generally speaking a non-conservative country when considering social issues. In the European Union, the Netherlands is just behind two Scandinavian countries as the least conservative on social issues, according to survey data collected across the European Union over a number of years (Caughey et al, 2016; 23). This social progressivism might lead to a more liberal position on crime and thus makes it harder to distinguish between liberals and conservatives on this issue. This observation might serve as a direction for future research regarding the development of ideological measurement tools to use in a country-specific context.

However, it is clear from the data that the conservative respondents in this sample have a more punitive mindset than the liberals, which is in line with what was expected according to the theory.

Considering the different scenarios and ideology, a number of observations can be made. Firstly, regarding the first scenario, it is clear that only using the administrative law punishment was highly unpopular. However, more than half of the conservative respondents opted to choose for the combination of the eviction and criminal prosecution, while all liberals decided to choose the criminal option. This could be related to a preference for administrative law for conservatives, but a more satisfactory explanation might be found in punitiveness. As discussed before, conservatives in this sample are more punitive than liberals and thus opting for the policy that punishes the most makes sense from this perspective. As these conservatives opted for this ‘dual-punishment’ option, it is not possible to say that there is a conservative preference for administrative law from a procedural standpoint in this scenario.

Secondly, in the second scenario, a more even distribution is visible, with respondents with a similar ideology split between the administrative and criminal law options. In this case, it is again

clear that ideology is not the variable that influences the choice between criminal and administrative law. Other, more circumstantial factors are apparently at work that decisively decide which policy option respondents choose to go for.

Thirdly, considering the final scenario, the preventive scenario is considered by most liberals as the best policy option, while conservatives see all options as viable, although prevention is less prominent. Similar to the first scenario, punitiveness might be a better explanation than ideology. Although conservatives are more likely to go for the administrative law option, they are just as likely tempted to choose the criminal law option. As expected from the perspective of punitiveness, liberals opted for prevention instead of punishment, while conservatives opted for punishment.

When looking at the moral foundations dimension of this study, it seems that there are some subtle differences between ratings of the different foundations when compared to the criminal and administrative law options. It is however difficult to see any moral patterns arising from the data, as the scores vary across the different cases and options. It could be speculated that morality is not the defining factor in the choice between criminal and administrative law and that other factors should be considered instead. However, it is also clear that morality does matter at least to some extent. In that light, these findings might suggest a more diverse moral framework which might influence choices. This is certainly interesting, as earlier research points to a relation between conservatism, punitiveness and moral foundations (Silver & Silver, 2017; 267-268)

Some scenarios did however represent some interesting findings, although one should consider the limited sample size before drawing general conclusions. The first two scenarios show interesting differences on the fairness foundation, with respondents choosing for the criminal law procedure being more concerned with fairness. This was however not visible in the third scenario. This might be due to the scenario itself, that also included the very 'liberal' preventive option of hiring youth coaches. If this would have been a finding across all scenarios, it could have been concluded that fairness is better secured in criminal than in administrative law according to the respondents, in line with the expectations.

Considering the pre-existing crime levels in the municipalities and the responses to the survey questions, it can be concluded that the responses to the first scenario are evenly spread. The harsh 'double punitive' option of combined administrative and criminal law can be found in all types of municipalities and punitiveness in the first scenario is thus independent from the crime levels in the municipalities of the respondents. When considering the perception of crime, the 'double punitive' option was not found in municipalities with a high perception of crime. The meaning of this is however unclear due the sample size.

For the second scenario, the scores are again similarly diffusely distributed. This also holds for this scenario when looked at the perception of crime. More interesting however in this context, is the third

scenario. In this case, both crime-levels and perceptions of unsafety proved to be influential in the decision. The two punitive options are mainly chosen in municipalities with high crime levels, which indicates that high crime levels do have an impact on the punitiveness of respondents. As already discussed in the previous section, both conservatives, moderates and liberals opted for punitive methods in this case. Crime levels can thus influence the policy choice in some cases, which might mean that circumstantial factors are an important consideration for local politicians.

The open questions shed an interesting light on the response to the survey. Firstly, in the first open question, all ideologies pointed to the children involved in the first scenario as an important concern. This points again to situational concerns being important in decision making. Another question that a number of liberals asked, but which was less prominent amongst conservatives, was whether to prevent or repress crime. That liberals are conflicted by these questions, whereas conservatives have 'their mind made up' against points to the more punitive mindset of conservatives. Interestingly, only liberals pointed to the impact of the proposed measures on the social context.

The second open question brought more variety in answers, with interestingly many liberals stating that the authority of the council is limited, and with a number of them also stating that the authority of the municipality in the context of law enforcement should be expanded. On the other hand, a number of conservatives were of the opinion that the current arrangements were fine and thus an increase in authority is not needed. This is not in line with the expectations, as it seems that liberals want more punitive administrative authority on the local level, instead of conservatives. A limited number of respondents clearly separated administrative and criminal law in their answers, which may point to the fact that the distinction between both might not be clear for all councilors. Interestingly, only one respondent, a conservative, stated that law enforcement is not the task of the council, and was thus against local punitive administrative law. This is again at odds with what was theoretically expected. In line with the theory however, was that only liberals mentioned that prevention is key and that this should be the focus of local crime fighting. In short, it seems that a number of liberals want more authority to counter crime, both for prevention and repression, while most conservatives are of the opinion that the current arrangements are adequate.

VI: Conclusion

VI.A: Summary of findings

In the light of the data analysis and discussion, the hypotheses can now be discussed and some conclusions can be drawn. The first hypothesis (“A conservative political ideology leads to increased support for the use of local punitive administrative law”) cannot be supported on the basis of this study. Although conservatives tend to favour a more forceful response that might include punitive administrative law features, it is unclear whether this is motivated through a deeper understanding of the differences between administrative and criminal law. A solution to this could have been the inclusion of a manipulation check in the survey, to distinguish whether respondents are aware of the procedural and legal differences between criminal and punitive administrative law. This would have illuminated whether the respondents had the knowledge to actually distinguish between the different options.

The same also applies to the second hypothesis (“A liberal political ideology leads to reduced support for the use of local punitive administrative law”). Something that can however be stated is that conservatives overtly favour a more punitive approach to crime fighting. A speculation would be that the conservative mindset does not necessarily lead to more support for administrative law procedures over criminal procedures, but only insofar an administrative law procedure leads to more harsh punishment. To that extent, the null hypothesis (“Political ideology does not influence support for the use of local punitive administrative law”) might not be necessarily true, as ideology might define punitiveness. This in turn might influence the use of punitive administrative law, insofar that it may be more punitive in some cases. In that sense, ideology and the choice to use either criminal or administrative law may not be the result of the procedural differences (such as less rights for the defendant, less victim centered et cetera, *see section II.E*), but which form of justice is the more punitive in a certain case. However, the data from this sample also showed how crime levels can influence policy choices, so ideology is most likely only one of the factors that influence a policy choice.

Furthermore, the third scenario demonstrated a strong correlation between crime levels and support for punitive measures against youth crime. This shows, together with the findings regarding punitiveness, that it is possible to speculate that support for administrative law is dependent on the punitiveness and the local circumstances of respondents. This however requires further research and thus might form the hypothesis for new research.

Considering the moral foundations dimension of this study, no clear relation between moral foundations and administrative and criminal law can be found, although the sample in this study did show somewhat similar ideological moral convictions as the literature suggested.

Finally, the open questions present an image that is slightly at odds with the theory, with liberals pleading for more authority, while at the same time sticking to the separation of power and the need for preventive solutions. Conservatives tended to be content with the present situation and both

liberals and conservative paid ample attention to the circumstances of the crime. This strengthens the conclusion that ideology is only one of the drivers of the choice between administrative and criminal law.

VI.B: Limitations

This study suffers from a number of limitations that impact the validity and reliability of this research. Firstly, the small sample size of this study means that the external validity is low and that generalizing the results of this study is nearly impossible. The methodology of this study also limits the possibilities to generalize the results. As outlined in section IV.A, the analysis does not allow for drawing inferences to the entire population. It remains thus to be seen whether the conclusions drawn from this sample are also relevant on a larger scale. Secondly, this study does not account for local variations that might have influenced the results. A number of confounders can be theorized that might have had an influence on the respondents. For example, councilors might have had to deal with a wave of youth crime in their own municipality and have therefore become familiar with the different policy options and have preferences from practice, outside of their ideological background. Other confounders could have been negative experiences with restraining orders or issues with drug trade inside the municipality. All these real-world experiences might be decisive in choosing a certain policy option. The potential impact of local confounders is thus a major limitation of this study. Thirdly, this study distinguishes only conservative, liberal and 'moderate' ideology and does not account for more subtle ideological preferences. The at times inconsistent ideological preferences of the respondents, as discussed in the analysis section, already point to the presence of more subtle political ideologies, which is not surprising considering the diverse (and generally social non-conservative) political landscape in the Netherlands. Fourthly, the limited sample size also means that repeating this study on another sample of the target population might lead to very different results. Reliability is therefore low in this study. A fifth and final limitation concerns the methodology used for the moral foundations part of the survey. To limit the time needed to complete the survey, only a limited number of questions from the moral foundations questionnaire were included. Including all questions would have led to more substantial data.

VI.C: Recommendations for further research

Based on the conclusions and limitation of this study, a number of recommendations for further research can be made. Firstly, as one of the most fundamental limitations of this study is the small sample size, further large-N quantitative studies should be conducted to determine whether the conclusions drawn from this small sample study also apply to a larger scale and whether these results are significant. This research should ideally not only be limited to the Netherlands, in order to see whether the conclusions hold internationally. Secondly, research should be conducted on a more in-depth level, to determine the actual motivations behind the choice between administrative and

criminal law. This could help distinguish between held beliefs, such as ideology and confounders that remain undetected otherwise. Thirdly, research should also be conducted into the most important *bestuursorgaan* in the context of punitive administrative law on the local level: mayors. As mayors and local front-line staff are the main decision makers when it comes to the actual use of punitive administrative law, it would be interesting to study to what extent their ideology matters for the application of punitive administrative law in practice. A fourth recommendation is to study whether there is a relation between a punitive mindset and the use of punitive administrative law. A hypothesis for such a study could be: ‘a conservative political ideology leads to increased support for the use of local punitive administrative law insofar that it increases punishment’. Lastly, the relationship between administrative law, criminal law and moral foundations could be the subject of a separate study, without the limitations that were placed upon the moral foundations part of this study. This study should focus on the possible individual relation between morality and administrative and criminal justice, independent of ideology and punitiveness. This study would need to focus on the specific procedural differences between the two types of justice and see how these relate to morality.

VI.D Policy Implications

If the findings in this study are replicated on a larger scale and shown to be statistically significant, a number of policy implications arise. Firstly, given that conservatives are more punitive, as shown in literature and in this sample, this would mean that it is likely that more conservative councilors will strive for more punitive local regulations. In council with a conservative majority, this might for example lead to an increase in the number of local regulations of which violations can be punished with a fine. However, if national criminal law would increase in punitiveness, it is also possible that conservative councilors would aim for more prosecution through criminal law.

Secondly, council with a liberal majority will most likely free more budget for prevention, as support for more prevention became apparent in the open questions and in the theoretical framework.

Thirdly, the possible termination of the royal appointment and the calls made by respondents for more authority for mayors to counter crime suggest that the role of mayor will continue to become more prominent and political in crime-fighting. Coupled with the already powerful position of mayors, the role of mayors in future crime-fighting could be reconsidered. The question ought to be asked whether it is desirable to have one individual in such a powerful and political position, without proper checks and balances on his or her conduct. As stated in the theoretical framework, mayors only need to inform the council about enforcement action and most local punishments are handed out without an initial court case. Solutions to this issue could be to either hand over some mayoral authority to the more a-political position of the public prosecutor, or to build in more procedural guarantees into punitive administrative law to give defendants a stronger position, more alike to criminal law.

Fourthly, differences in local punitive administrative law can cause a very diverse ‘legal map’, with some violations punishable in one municipality but not in others. Indeed, a recent example includes differences in the enforcement and content emergency regulations issued by regional authorities to counter the COVID-19 pandemic (BNR, 2020 & Van Dinther, 2020). Again, the question should be asked whether such a trend towards decentralized justice is desirable and whether this does not create territorial judicial arbitrariness between different areas.

Finally, municipalities that are plagued by high crime statistics will probably increase their punitive administrative authority to lessen the impact of these crimes. The youth crime scenario in this study clearly showed how both conservatives and liberals in high-crime municipalities favoured a forceful response to organized crime. This trend is already visible in practice, with the municipality of Amsterdam adopting new local policies to counter drug trade, independent of national policies (Koops, 2019).

VII: Bibliography

- Algemeen Dagblad (2019) *AD Misdaadmeter 2019*. Retrieved on 1-3-2020, <https://www.ad.nl/binnenland/hoe-veilig-is-jouw-gemeente-bekijk-het-hier~a9240099/>
- Barkhuysen, T., Kruif, de, C., Ouden, den, W. & Schuurmans, Y.E. (2014) *Bestuursrecht in the Awb-tijdperk*. 7th edition. Deventer: Kluwer.
- Bastiaans, I. & Karstens, N. (2019) 'Eerder verbindend dan visionair' *Tijdschrift voor Veiligheid*, 18(1), 19-31
- Beek, van, M. (2019) *Het nieuwe vloekverbod van de gemeente Molenland gaat tegen de grondwet in*. Trouw. Retrieved on 2-4-2020, <https://www.trouw.nl/religie-filosofie/het-nieuwe-vloekverbod-van-de-gemeente-molenlanden-gaat-tegen-de-grondwet-in~b608afd7/>
- BNR (2020) *Gemeenten verschillen in handhaving corona-regels*. Retrieved on 2-6-2020, <https://www.bnr.nl/nieuws/juridisch/10408676/gemeenten-verschillen-in-handhaving-corona-regels>
- Brouwer, J. & Bruijn, M. (2019) 'Verruiming Wet Damocles: Op zoek naar de betekenis in het labrynt dat opiumwet heet.' *Nederlands Juristenblad*, 2019(14), 767.
- Bruijn, L. M. (2018) 'De ontwikkeling van de Wet Damocles: burgemeesters trekken zwaard in de strijd tegen drugs.' *Tijdschrift voor Bijzonder Strafrecht & Handhaving*, 4(3), 143-162
- Carroll, J., Perkwitz, W., Lurigio, A., & Weaver, F. (1987) 'Sentencing Goals, Causal Attributions, Ideology, and Personality.' *Journal of Personality and Social Psychology*, 52(1), 107-118.
- Caughey, D., O'grady, T., & Warshaw, C. (2019) 'Policy Ideology in European Mass Publics, 1981–2016.' *American Political Science Review*, 113(3), 674-693.
- Centraal Bureau voor Statistiek (2019) *Geregistreerde criminaliteit; soort misdrijf, regio*. Retrieved on 1-3-2020, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/83648NED/table?ts=1583068601225>
- Centraal Bureau voor Statistiek (2020) *(On)veiligheidsgevoel; regio*. Retrieved on 24-5-2020, <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/81877NED/table?ts=1590070732326>

CJIB (2019) *Overtredingen 2019 Wet administratiefrechtelijke handhaving verkeersvoorschriften (Wahv), ofwel Wet Mulde*. Retrieved on 18-5-2020,

https://www.cjib.nl/sites/default/files/1_overtredingenwahvtotaal2019.pdf

Coffee, J.C. (1992) 'Paradigms Lost: The Blurring of the Criminal and Civil Law Models - And What Can Be Done About It', *Yale Law Journal*, 101(8), 1875-1893

Couzy, M. (2018) *Record: 4,2 miljoen aan boetes voor woonfraude*. Het Parool. Retrieved on 18-5-2020, <https://www.parool.nl/nieuws/record-4-2-miljoen-aan-boetes-voor-woonfraude~b8a581f8/>

Cullen, F. T. (1994) 'Social support as an organizing concept for criminology: Presidential address to the academy of criminal justice sciences'. *Justice Quarterly*, 11(4), 527-560.

Cullen, F.T., Cullen, J.B. & Golden, K.M. (1983) 'Is child saving dead? Attitudes toward juvenile rehabilitation in Illinois', *Journal of Criminal Justice*, 11(1), 1-13.

Dalton, R.J. (2010) 'Left-Right Orientations, Context, and Voting Choices.' In: Anderson, C.J. & Dalton, R.J. (ed) *Citizens, Context, and Choice*. Oxford: University Press.

Dikkenberg, van den, R. (2019) *Het is aan de rechter om te oordelen over het vloekverbod*. VNG. Retrieved on 2-4-2020, <https://vng.nl/artikelen/het-is-aan-de-rechter-om-te-oordelen-over-het-vloekverbod>

Dinther, van, M. (2020) *Willekeur bij uitdelen coronaboetes: je spreekt af met twee vrienden in het park, mag dat?* De Volkskrant. Retrieved on 2-6-2020, <https://www.volkskrant.nl/nieuws-achtergrond/willekeur-bij-uitdelen-coronaboetes-je-spreekt-af-met-twee-vrienden-in-het-park-mag-dat~bc7aa19a/?referer=https%3A%2F%2Fwww.google.com%2F>

Elzinga, J. (2018) *Burger kan burgemeester voorlopig niet kiezen*. Binnenlands Bestuur. Retrieved on 24-5-2020, <https://www.binnenlandsbestuur.nl/bestuur-en-organisatie/opinie/columns/burger-kan-burgemeester-voorlopig-niet-kiezen.9599357.lynkx>

Feldman, S. (2013) 'Political Ideology' In: Huddy, L., Sears, D.O. & Levy, J.S. (Ed.) *The Oxford Handbook of Political Psychology*. 2nd edition. Oxford: University Press.

Haidt, J. & Joseph, C. (2004) 'Intuitive ethics: How innately prepared intuitions generate culturally variable virtues'. *Daedalus*, 133(4), 55-66.

Healey, J.F. (2015) *Statistics: A tool for social research*. Stamford (CT): Cengage Learning

Garland, D. (2002) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: University Press

Gemeentewet (2020) *Gemeentewet*. Retrieved on 3-3-2020, <https://wetten.overheid.nl/BWBR0005416/2020-01-01>

Gerber, M. & Jackson, J. (2015) 'Authority and punishment: on the ideological basis of punitive attitudes towards criminals'. *Psychiatry, Psychology and Law*. 23(1), 113-134.

Graham, J., Haidt, J., Nosek, B. A., Iyer, R., Koleva, S., & Ditto, P. H. (2008) *Broadening and mapping the moral domain: Development and Development and validation of the Moral Foundations Questionnaire*. Retrieved on 4-4-2020, <https://moralfoundations.org/questionnaires/>

Graham, J., Haidt, J., & Nosek, B. (2009) 'Liberals and Conservatives Rely on Different Sets of Moral Foundations.' *Journal of Personality and Social Psychology*, 96(5), 1029-1046.

Gromet, D., & Darley, J. (2011) 'Political Ideology and Reactions to Crime Victims: Preferences for Restorative and Punitive Responses.' *Journal of Empirical Legal Studies*, 8(4), 830-855.

Handhaving Nederland (2018) *Antwoorden op raadsvragen gemeente Den Haag*. Retrieved on 30-5-2020, <https://www.handhavingnl.nl/antwoorden-op-raadsvragen-gemeente-den-haag>

Honderich, T. (2006) *Punishment: The Supposed Justifications Revisited: Vol. Rev. ed.* London: Pluto Press.

Jost, J., Glaser, J., Kruglanski, A., & Sulloway, F. (2003) 'Political Conservatism as Motivated Social Cognition.' *Psychological Bulletin*, 129(3), 339-375.

Judex (n.d.) *Wanneer heeft een verdachte recht op een advocaat?* Retrieved on 2-2-2020, <https://www.judex.nl/rechtsgebied/strafrecht/de-verdachte/artikelen/wanneer-heeft-een-verdachte-recht-op-een-advocaat/>

Karsten, N., Schaap L. & Verheul, W.J. (2010) 'Stijlen van lokaal leiderschap; over burgemeesters, rolopvattingen en -verwachtingen', *Justitiële Verkenningen*, 2010(3), 31-44.

Kieskompas (n.d.) *Kieskompas tool*. Retrieved on 4-4-2020,
<https://www.kieskompas.nl/nl/kieskompas-tool/>

Koops, R. (2019) *Femke Halsema: 'Drugshandel moet lokaal zoveel mogelijk verstoord'* Het Parool. Retrieved on 2-6-2020, <https://www.parool.nl/amsterdam/femke-halsema-drugshandel-moet-lokaal-zoveel-mogelijk-verstoord~b20021bf/>

Moral Foundations (2019) *Moral Foundations Home*. Retrieved on 4-4-2020,
<https://moralfoundations.org/>

NVWA (n.d) *De hoogte van de bestuurlijke boete*. Retrieved on 1-6-2020, <https://www.nvwa.nl/over-de-nvwa/hoede-nvwa-werkt/toezicht-maatregelen-en-boetes/bestuurlijke-boete/de-hoogte-van-de-bestuurlijke-boete>

Ohlin, L. E. (1967). 'Effect of social change on crime and law enforcement.' *Notre Dame Lawyer*, 43(6), 834-846.

Oostveen, M. (2019) *Het komische van een vloekverbod is dat het grondwettelijk niet kan*. De Volkskrant. Retrieved on 4-2-2020, <https://www.volkskrant.nl/columns-opinie/het-komische-van-een-vloekverbod-is-dat-het-grondwettelijk-niet-kan~b3b48ad8/>

Opiumwet (2020) *Opiumwet*. Retrieved on 3-3-2020,
<https://wetten.overheid.nl/BWBR0001941/2020-01-01#Artikel13b>

Pew Research Center (2014) *Political Polarization in the American Public*. Retrieved on 4-4-2020,
<https://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/>

Raad voor de Rechtsbijstand (n.d.) *Wat is gesubsidieerde rechtsbijstand?* Retrieved on 2-2-2020,
<https://www.rechtsbijstand.nl/over-mediation-en-rechtsbijstand/wat-is-gesubsidieerde-rechtsbijstand/juridisch-probleem>

Ren, L., Zhao, J. & Lovrich, N.P. (2008) 'Liberal versus conservative public policies on crime: What was the comparative track record during the 1990s?' *Journal of Criminal Justice*, 36(2008) 316–325

Rijksoverheid (n.d.) *Wie betaald de kosten van een rechtszaak?* Retrieved on 2-4-2020, <https://www.rijksoverheid.nl/onderwerpen/rechtspraak-en-geschiedplossing/vraag-en-antwoord/wie-betaalt-de-kosten-van-een-rechtszaak>

Schaap, M. (2018) 'Het zwaard van Damocles: burgemeesters wil is wet', *Justitiele Verkenningen* 2018(4), 67-76

Scheingold, S. A. (1984) *The politics of law and order*. 2010 edition. New Orleans: Quid Pro Book

Silver, J. R., & Silver, E. (2017) 'Why Are Conservatives More Punitive Than Liberals? A Moral Foundations Approach'. *Law and Human Behavior*. Vol 41(3), 258-272

Swaaningen, van, R. (2016) 'Herman Bianchi' *Tijdschrift over Cultuur & Criminaliteit* 6(1), 137-151

Toshkov, D. (2016) *Research Design in Political Science*. London: Palgrave MacMillan

Tyler, T. R., & Boeckmann, R. J. (1997) 'Three strikes and you are out, but why? The psychology of public support for punishing rule breakers. (California)' *Law & Society Review*, 31(2), 237-265.

Tyler, T. R., & Weber, R. (1982) 'Support for the death penalty; instrumental response to crime, or symbolic attitude?' *Law & Society Review*, 17(1), 21-45.

VNG (2020) *Ledenbrief Lachgas*. Retrieved on 30-5-2020, https://vng.nl/sites/default/files/2020-05/20200514_ledenbrief_lachgas.pdf

Wettenbank (1991/2020) *Algemene Wet Bestuursrecht*. Retrieved on 2-4-2020, <https://wetten.overheid.nl/BWBR0005537/2020-04-01>

Wettenbank (2019) *Beleidsregels Buitengewoon Opsporingsambtenaar*. Retrieved on 5-5-2020, <https://wetten.overheid.nl/BWBR0039766/2019-11-30>

Wettenbank (1881/2019) *Wetboek van Strafrecht*. Retrieved on 2-3-2020, <https://wetten.overheid.nl/BWBR0001854/2019-12-15>

Wettenbank (1921/2020) *Wetboek van Strafvordering*. Retrieved on 2-4-2020, <https://wetten.overheid.nl/BWBR0001903/2020-01-01>

VIII: Appendix

VIII.A: Survey in English

Section I: Scenario's

Scenario 1: weed farm

On February 15, an anonymous call is received suggesting that there is a weed farm located in a house in your municipality. After additional research, the prosecutor gives the police authorization to enter the house. The police find 132 weed plants located in the attic of the residence. These plants are confiscated and destroyed. The residence is inhabited by a couple and their three underage children, two of whom have mental disabilities. As mayor, you are in touch with the prosecutor and together you decide what course should be followed. You have the following options;

A: Criminally prosecute the parents for operating an illegal weed farm, which will probably result in a criminal conviction.

B: Use article 13b of the *Opiumwet*, which allows the mayor to temporarily close a building associated with drug trade or production. This will mean that the house will be inaccessible for the residents for the coming three months.

C: Both criminally prosecute the parents and use article 13b to make their house inaccessible.

Scenario 2: restraining order

A restraining order in the Netherlands can both be issued by a judge and by the mayor. Consider the following situation. An individual has been harassing the staff of a takeaway restaurant in your municipality for some time now. The takeaway owner has contacted you, the mayor, for a restraining order against this individual. The individual has repeatedly tried to rob the takeaways delivery drivers, although he has not yet been successful. You have the following options;

A: As mayor, you can issue a restraining order against the potential robber. This restraining order will immediately come into effect for a maximum length of three months, but can be extended to a year.

B: You can also discuss the situation with the prosecutor or ask the takeaway owner to report a crime. This could lead to a criminal conviction for attempted robbery and furthermore, even when the judge issues no punishment for the crime committed, the judge can order a restraining order against the individual for up to 5 years.

Scenario 3: Youth crime

In recent months, a wave in youth crime has hit your municipality. Small groups of youth roam the streets and behave threatening towards residents. Occasionally crimes are committed by these groups,

but it is hard to determine who the main culprit is. Your staff has come up with the following suggestions on which course of action to take;

A: You can discuss the matter with the police commissioner. You want more police presence on the streets, with a focus on residential areas at night. However, you are aware that the police force is already overstretched and possibly unable to put sufficient officers on the street.

B: You can suggest to the council that the local regulation should be changed to make it possible to give fines to youths loitering the streets at night. Furthermore, you suggest to hire a number of *Handhavers* to enforce these new local regulations and give out fines.

C: You can suggest to the council to hire a number of youth coaches. These coaches will try to get into touch with these youths and change their behaviour.

Open question punitive administrative law

“Considering the scenarios discussed, in which of the scenarios was the choice between the various options the most complicated and why?” (Comprehension test)

"Considering the scenarios discussed and with your experience as a councilor, how would you judge the authority of the municipality and mayor to counter crime and punish offenders? Please elaborate your answer and feel free to include anything that comes to mind regarding this subject"

Part II: Punitiveness

To what extent do you agree with the following statements;

‘People who break the law should be given stiffer sentences’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘Offences against laws and norms in our society should be punished as severely as possible’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘The use of harsh punishment should be avoided whenever possible’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

Part III: Ideology

How would you identify yourself on social issues on the following scale:

-Conservative

-Moderately conservative

-Moderate

-Moderately progressive

-Progressive

How would you identify yourself on economic issues on the following scale:

- Left-wing
- Moderately left-wing
- Moderate
- Moderately right-wing
- Right-wing

To what extent do you agree with the following statements;

‘Government should get more credit for their work.’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘Regulations issued by the government are mostly harmful and unnecessarily for the economy.’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘The government is doing not enough to help the needy society.’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘Social inequalities of minority groups in the Netherlands are mainly caused by discrimination.’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘Profits made by corporations are mostly reasonable.’

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

‘More strict environmental laws will damage the economy too much.’-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

Part IV: Moral Foundations

When you decide whether something is right or wrong, to what extent are the following considerations relevant to your thinking? Please rate each statement using this scale:

[0] = not at all relevant (This consideration has nothing to do with my judgments of right and wrong)

[1] = not very relevant

[2] = slightly relevant

[3] = somewhat relevant

[4] = very relevant

[5] = extremely relevant (This is one of the most important factors when I judge right and wrong)

Whether or not someone suffered emotionally (care/harm foundation)

Whether or not someone acted unfairly (fairness/cheating foundation)

Whether or not someone showed a lack of loyalty (loyalty/betrayal foundation)

Whether or not someone conformed to the traditions of society (authority/subversion foundation)

Whether or not someone violated standards of purity and decency (sanctity/degradation foundation)

To what extent do you agree with the following statements;

Compassion for those who are suffering is the most crucial virtue (care/harm foundation)

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

Justice is the most important requirement for a society (fairness/cheating foundation)

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

It is more important to be a team player than to express oneself (loyalty/betrayal foundation)

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

Respect for authority is something all children need to learn (authority/subversion foundation)

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

I would call some acts wrong on the grounds that they are unnatural (sanctity/degradation foundation)

-agree, -mostly agree, -neither agree nor disagree, -mostly disagree, -disagree.

VIII.B: Survey in Dutch

Geacht raadslid,

Allereerst hartelijk dank voor uw medewerking aan dit onderzoek! Deze enquête bestaat uit zowel open- als meerkeuze vragen. De enquête zal enkele minuten in beslag nemen. Het is voor dit onderzoek naar bestuursrecht in de Nederlandse gemeente noodzakelijk om uw persoonlijke gegevens te verzamelen. Door aan dit onderzoek mee te werken gaat u akkoord met de volgende voorwaarden;

-Uw gegevens zullen anoniem gebruikt worden om de onderzoeksvraag te beantwoorden.

-In dit onderzoek wordt er buiten de gemeente waarin u actief bent, niet gevraagd naar andere op u herleidbare persoonsgegevens.

-Omwille van de bovenstaande voorwaarde is het niet mogelijk om naderhand uw gegevens alsnog te wissen, omdat het ook voor de onderzoeker niet mogelijk is om uw gegevens naar u te herleiden.

-Uw gegevens worden zowel tijdens als na afronding van dit onderzoek niet gedeeld buiten de Universiteit en zullen ook niet openbaar gepubliceerd worden.

Als u vragen of opmerkingen heeft, kunt u contact opnemen met de onderzoeker, via b.weerheijm@umail.leidenuniv.nl

Hartelijk dank voor uw medewerking!

Brecht Weerheijm BSc

-Ik ga akkoord met de voorwaarden

-Ik ga niet akkoord met de voorwaarden

Open vraag: Zou u allereerst aan kunnen geven in welke gemeente u politiek actief bent?

Deel I: Scenario's

In dit gedeelte worden u een drietal scenario's voorgelegd. U kunt telkens één van de opties kiezen. In de scenario's heeft u telkens de rol van burgemeester in uw gemeente.

Scenario 1: Wietplantage

Op 15 februari wordt er een anoniem telefoonbericht door de gemeente ontvangen. Deze melder geeft aan dat er in een huis in de gemeente een wietkwekerij zou zijn. Na aanvullend onderzoek door de politie blijkt hier inderdaad sprake van te zijn en na een inval worden er 132 wiet planten in de woning aangetroffen. Vanzelfsprekend wordt de illegale plantage ontmanteld en de wietplanten vernietigd. In de woning is een gezin woonachtig met drie minderjarige kinderen, waarvan twee een verstandelijke beperking hebben. Als burgemeester bent u in contact met de officier van justitie en u bepaalt samen wat voor koers u zult varen in dit dossier. U kunt kiezen uit de volgende mogelijkheden:

A: U besluit in overleg met de officier van justitie dat de volwassen bewoners strafrechtelijk vervolgd moeten worden. Dit leidt waarschijnlijk tot een veroordeling en een geld- of taakstraf.

B: U besluit artikel 13b van de opiumwet te gebruiken. Dit artikel maakt het voor u mogelijk om de woning voor de komende drie maanden te sluiten voor de bewoners.

C: U besluit de bewoners zowel strafrechtelijk te vervolgen als de woning te sluiten, zoals beschreven in de bovenstaande opties

Scenario 2: Gebiedsverbod

Een gebiedsverbod kan in Nederland zowel door de rechter als door de burgemeester worden opgelegd. Overweeg het volgende scenario; een individu valt al een tijd lang het bezorgpersoneel van een afhaalrestaurant lastig. De eigenaar van het restaurant heeft u, de burgemeester, gevraagd om een gebiedsverbod in te stellen tegen dit individu. Tot nu toe is het individu er nog niet in geslaagd een bezorger te beroven, maar hij heeft het wel geprobeerd. U heeft de volgende twee opties:

A: Als burgemeester kunt u gebiedsverbod opleggen aan de potentiële overvaller. Dit kan voor maximaal 3 maanden, maar kan verlengt worden tot maximaal een jaar.

B: U kunt met de officier van justitie overleggen om de persoon aan te klagen wegen een poging tot overval. Dit kan leiden tot een straf, maar de rechter kan daarnaast ook een gebiedsverbod geven. Deze kan maximaal 5 jaar gelden.

Scenario 3: Misdaad door jongeren

In de afgelopen maanden is er een plotselinge toename geweest in jeugdcriminaliteit. Een groep jongeren veroorzaakt overlast en heeft al een aantal overvallen gepleegd, maar het is lastig om de schuldige te vinden. U overlegt met uw ambtenaren en de volgende mogelijkheden worden u voorgelegd:

A: U kunt de politiechef vragen om meer intensief te patrouilleren in uw gemeente en vooral 's nachts in woonwijken. U weet echter de politie kampt met capaciteitsproblemen.

B: U kunt de gemeenteraad vragen om de Algemene Plaatselijke Verordening (APV) aan te passen. Met deze aanpassingen komt er een boete te staan op het 's nachts rondhangen in groepjes. Daarnaast neemt u een aantal Handhavers aan om samen met de politie dit verbod te gaan handhaven.

C: U kunt een aantal jeugdwerkers aannemen. Zij krijgen als taak om preventief op te treden tegen de groepen jongeren en de jeugd op het rechte pad te houden.

Open vraag: U kunt een aantal jeugdwerkers aannemen. Zij krijgen als taak om preventief op te treden tegen de groepen jongeren en de jeugd op het rechte pad te houden.

Open vraag: Als u de vorige vragen en uw kennis als raadslid overweegt, hoe beoordeelt u de autoriteit van de raad en college in het bestrijden van criminaliteit en het straffen van overtreders? Beantwoord alstublieft zo uitvoerig mogelijk, u mag alles wat u te binnen schiet rond dit onderwerp in uw antwoord meenemen.

Deel II: Punitiveness

Zou u aan kunnen geven in welke mate u het eens of oneens bent met de volgende stellingen?

'Mensen die de wet overtreden moeten harder gestraft worden'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Overtredingen tegen de wetten en normen van de samenleving zouden zo streng mogelijk gestraft moeten worden'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Het gebruik van strenge straffen zou zoveel mogelijk voorkomen moeten worden'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

Deel III: Ideologie

Hoe zou u zichzelf identificeren op de volgende schaal, als u denkt aan sociale vraagstukken?

-Conservatief, -vrij conservatief, -niet conservatief, maar ook niet progressief, -vrij progressief, -progressief

Hoe zou u zichzelf identificeren op de volgende schaal, als u denkt aan economische vraagstukken?

-Rechts, -matig rechts, -niet rechts, maar ook niet links, -mating links, links

Hoe zou u zichzelf identificeren op de volgende schaal, als u denkt aan economische vraagstukken?

'De overheid zou meer waardering moet krijgen voor haar werk'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Overheidsregulering is meestal onnodig en schadelijk voor de economie'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'De overheid doet onvoldoende om de zwakkere in de samenleving te ondersteunen'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'De sociaal ongelijke positie van minderheidsgroeperingen wordt voornamelijk veroorzaakt door discriminatie'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'De winst die gemaakt wordt door bedrijven is over het algemeen gesproken verantwoord'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Meer strikte milieuwetten zijn te schadelijk voor de economie om in te voeren'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

Deel IV: Moral Foundations

Wanneer u besluit of iets goed of slecht is, in welke mate zijn de volgende overwegingen dan van belang voor uw oordeel?

Of iemand emotioneel heeft geleden

-Helemaal niet relevant, -niet erg relevant, -enigszins relevant, -redelijk relevant, -erg relevant

Of iemand oneerlijk heeft gehandeld

-Helemaal niet relevant, -niet erg relevant, -enigszins relevant, -redelijk relevant, -erg relevant

Of iemand te weinig loyaliteit heeft getoond

-Helemaal niet relevant, -niet erg relevant, -enigszins relevant, -redelijk relevant, -erg relevant

Of iemand zich conformeerde aan de tradities van de maatschappij

-Helemaal niet relevant, -niet erg relevant, -enigszins relevant, -redelijk relevant, -erg relevant

Of iemand standaarden van puurheid en fatsoenlijkheid geschonden heeft

-Helemaal niet relevant, -niet erg relevant, -enigszins relevant, -redelijk relevant, -erg relevant

Zou u aan kunnen geven in welke mate u het eens of oneens bent met de volgende stellingen?

'Medeleven met degenen die lijden, is de belangrijkste deugd'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Rechtvaardigheid is de belangrijkste behoefte voor een maatschappij'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Het is belangrijker om een teamspeler te zijn dan om jezelf te uiten'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Respect voor autoriteit is iets dat alle kinderen moeten leren'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens

'Ik vind sommige daden slecht, omdat zij onnatuurlijk zijn'

-Oneens, -deels oneens, -niet eens, maar ook niet oneens, -deel eens, -eens