

Chapter 12: The Emergence of Democracy in the Kingdom of the Netherlands: from Republic to Kingdom, to Democracy

In contrast to the political development of the United Kingdom and the Scandinavian regions, the emergence of the Netherlands and Belgium, as independent parliamentary systems is relatively recent, and in many ways their institutional histories are more complicated than that of the long-standing kingdoms. This makes them very useful additions to the present study because the Netherlands and Belgian experience demonstrate that relatively peaceful transitions to democracy within parliamentary systems *are not dependent on a deeply rooted and long standing political culture, nor necessarily a Protestant phenomena* (Belgium was Catholic). Although, the area that we now call Belgium and the Netherlands have occasionally been under common rule during their long histories, including the first part of the period focused on in this book, 1815-1830, for the most part, they have very different histories over the past four hundred years, and thus their constitutional histories are discussed separately. This chapter provides an overview of the constitutional path of the Netherlands. Belgium's constitutional development is taken up in chapter xxx.

The pre 1800 political development of the Netherlands is of particular interest for several reasons. First the Netherlands has not always been a kingdom, as might be said of Denmark, England, and Sweden, or part of some other kingdom as might be said of Norway and Belgium. During its first two centuries of independence, the Netherlands was a decentralized republic with a weak central. The Dutch republic preceded the kingdom of the Netherlands was not a unitary state, but rather a complex federation of provinces and cities. The national government was administered by the Dutch Estates General and Stadholders rather than by sovereign kings or queens. Although the "House of Orange" played an important role in the founding of the Dutch Republic and as Stadholders, especially during times of military crisis, the kingdom of the Netherlands and the royal house of Orange was established only in 1815. Second, and somewhat surprisingly, although many of the Dutch political myths date from its republican period, the kingdom of the Netherlands that emerged in the early nineteenth century after two decades as a French protectorate was substantially new and substantially imposed from outside the Netherlands. The highly centralized

parliamentary monarchy established in 1815 was a consequence of the Vienna treaty which temporarily merged the northern and southern low countries and vested policy making power in a new Dutch king chosen from the Orange family.

Third, in spite of its relatively shallow historical roots as a kingdom, from 1815 on, the evolution of Dutch parliamentary practices and election rules parallels to an amazing degree those of the long-standing British, Danish, and Swedish monarchies. The Dutch case, thus, suggests that the path to democracy analyzed in this book is not somehow rooted in a long-standing political culture or very gradual evolutionary pressures within parliamentary systems, but rather is a consequence of new opportunities for constitutional exchange that emerged as a consequence of industrialization and ideological innovation. As in the other kingdoms, increases in commerce and industrialization helped to energize Dutch liberal and labor groups in a manner that gradually caused policy making authority to shift from the king to the parliament and caused members of parliament to be elected on the basis of increasingly broad suffrage.

1. The Emergence of the Dutch Republic: The Great Privilege

Recorded history in the low countries begins when the Roman Empire reached the place where the great central European river enters the North Sea. Julius Caesar brought all the remaining territory south of the main channel of the Rhine within the Roman Empire in 57 B. C., and those territories, including the southern Netherlands and Belgium, remained Roman for more than four hundred years, until the empire began to disintegrate along its frontiers in the early fifth century. Although the Romans did go North of the Rhine, their primary fortress cities and commercial centers were along its southern shores. (ref) In this respect, and in many others, the Rhine has played an important role in peoples of the low countries from our first knowledge of them. South of the Rhine the Latin and French influences were far stronger than in the North, where the Germanic and Frieslandic influences dominated.

The Rhine did not simply divided the Dutch from the Walloon and Flemish, it has also given both groups of lowlanders commercial and cultural ties with the rest of Europe that predate the Roman influences. The Rhine is central Europe's most important gateway to the North Sea and the Atlantic. The myriad of channels by which the Rhine reaches the sea also provides many convenient harbors for transshipping goods abroad. Fishing and commerce, consequently, were important from very early

times. The soft and flat delta lands also made expansion of these natural water ways relatively easy and, indeed, necessary to produce more arable (dry) land for agriculture. The abundance of natural water ways facilitated local trade and specialization by reducing transport costs. The end result was an intricate maze of canals which prior to the railroad were the most efficient method of transporting goods and people to market.

The marshy nature of the delta, however, created problems as it created commercial opportunities. Floods were commonplace, and dry land was scarce. The marshlands, consequently, isolated the coastland somewhat from the mainland, reduced its agricultural production, at the same time that it encouraged an independent political and economic culture to develop. Towns often built hills and dikes to protect themselves from floods. Villages often joined forces to drain marshland and build protective dikes, (ref), promoting the formation of voluntary regional associations. These efforts to cope with the Rhine delta, turn, generated a regional comparative advantage at flood control, drainage, commerce, and maritime enterprises.

By the time that the lowlands found themselves largely in the hands of the Duke of Burgundy in the early 15th century, the northern and southern Netherlands were among the most urbanized areas in Europe. Their fishing and commercial fleets were reputed to be the largest in the world, and their cities among the most prosperous, (Israel, 113-6; Barker, 23-25). Governance was largely in the hands of local town councils and noblemen. There was no national government, and no national organizations beyond those associated with the broader continental institutions provided by the church and Holy Roman Empire. Each of the separate provinces had its own parliament (the provincial estates), and the largest cities had their own town councils.

The first "national" government of the lowlands was established by the Philip the Good of the house of Burgundy when he called for a meeting of the estates general in 1464. Representatives from all of the regional governments assembled, mostly for the purposes of being advised by Philip, who was interested in centralizing control over his far flung properties. Even during the Burgundian period, however, the seventeen provinces of the low countries did not form a single autonomous polity, but rather

were parts of the Burgundy family of principalities, and the Burgundian estates general was not an independent center of policy making. It met only when called by Philip and only for as long as served Philip's purposes, as was often the case for parliaments during this period (Israel, 21-2).

In addition to the national assembly, the office of stadhouder (provincial governor) was created during the early Burgundian period to exert Burgundian authority over its Dutch provinces. The Stadhouders were initially chosen from the southern nobility who had the wealth, connections, and prestige to be effective representatives of Burgundian interests (Israel, 23).¹⁴¹ The stadhouders, as provincial governors, were important figures for many reasons. They normally had power of appointment (or at least agenda control) for major regional offices and served as arbitrators of major disputes within the Burgundian territories. In this manner, the "King and Council," although without a proper king, became the template for governance of the Rhine lowlands.

The power of the Burgundian stadhouders varied through time as the centralizing power of the Burgundian administration ebbed and flowed. In times where local provinces obtained greater autonomy, as in 1477, stadhouders were constrained by their respective provincial states generals which had veto power over new taxes and significant power over the implementation of new laws. At such times, the provincial estates general of the Burgundian period were also consulted, and occasionally exercised veto power, over the appointment of both stadhouders and bishops. On the other hand during periods of increasing centralization, stadhouders had substantial power to alter the membership of local town councils and provincial governments (Israel, 25-6).

Philip's properties were, subsequently, inherited by Charles the Bold in 1476 and by Mary in 1477, following the death of Charles in January 1477. Charles was killed in a battle with the Swiss near Nancy fought to overcome local resistance to Burgundian efforts to centralize political authority (Israel, 27). Shortly after coming to power, 1477, Mary found herself under attack by the French king who disputed her claim to the Burgundian territories. In desperation, she negotiated the *Great Privilege* in exchange for their help against France.

¹⁴¹ Also in addition to the States General was the National Assembly created by the 1581 declaration of independence. Its decision making procedures and representation were very similar to that of the States General. However, it met very infrequently and is therefore neglected the present overview (and also by my most historians).

The Great Privilege

The *Great Privilege* granted the provincial Burgundian estates veto power over new taxation and war and also gave the cities the right to refuse payment of taxes they had not voted for. And among other provisions, the privilege assured provincial courts priority over legal matters and allowed the Estates General in the Netherlands and their provincial counterparts to meet on their own accord (Barker, 39-40).¹⁴² The latter was very rare among the medieval compacts of the day. Most other national assemblies during this period met only at the pleasure of the local sovereign power. The self-calling provisions of the Great Privilege gave the provinces, cities, and their estates general considerable autonomy, and also the ability to resist usurpation of their powers of governance. On the other hand, the provisions for provincial veto and city nonpayment of central taxes, made coordinated activities very difficult to finance.

From this point on, the estates general became a significant player in the national politics of both Belgium and the Netherlands. Most of the veto powers and procedures, and even the location of governance (Den Haag), specified in the "Privilege" continued in place for the next three hundred years. Indeed, the representative Estates General established by Philip the Good in the mid-fifteenth century continue to this day in both countries, albeit in much modified form.

Independence for the Northern lowlands did not come for another century, although conflict between the provinces, the Estates General, and the centralizing proclivities of the Mary's Hapsburg successors made the Netherlands an unsettled place politically for most of that period. The eventual emergence of an independent

Netherlands can be attributed to these long-standing conflicts over the extent of local autonomy in combination with new religious tensions that emerged within Europe generally and within the lowlands in particular.¹⁴³

Shortly after issuing the Great Privilege, Mary married Emperor Maximilian, who dispatched German troops to the defense of her properties, and preserved much of the Burgundian properties, albeit now as part of the powerful Hapsburg family's territories. A series of marriages brought the Netherlands and Spanish crown together. Mary's son, Philip the handsome, married Joanna of Castile, and their son, Charles, subsequently inherited the Spanish throne (from Isabella and Ferdinand in 1516). It is for this reason that the pre-revolutionary Netherlands are often referred to as the *Spanish Netherlands*.

Charles V was born in the low countries, spoke Dutch (Flemish), and continued visiting the Netherlands even after assuming his more substantial position in Spain and subsequently in the Holy Roman Empire. The Netherlands was, of course, entirely Catholic at this point, and had been for centuries, but this was soon to change.¹⁴⁴ During, Charles V's reign as king and emperor, Lutheranism and Calvinism spread throughout Europe. Lutheranism and subsequently Calvinism found especially fertile grounds in the northern provinces of the Netherlands.

Protestantism was largely suppressed south of the Rhine by local authorities, although the cosmopolitan city of Antwerp was an important center of Calvinist thought.¹⁴⁵ In 1555 Protestantism was legitimized throughout northern Europe by the *Religious Peace of Augsburg* which allowed the 300 German princes to choose between

¹⁴² The Great Privilege also applied to most of the other principalities of the Burgundy domain, which at the time included parts of Northern Italy and Switzerland, as well as a large area of modern day France.

The Burgundian holdings were greatly diminished in number and importance when the French King, Louis XI, took over the main Burgundy holdings later in 1477. The Great Privilege increased support for Mary throughout Burgundy, but not enough to repel the French crown. Instead, the Burgundy holdings outside of France were rescued by Mary's marriage to Maximilian of the powerful Hapsburg dynasty. Maximilian sent his army into Belgium, winning an important victory over the French at Guinegate in 1479, and preserving the Netherlands as an autonomous region.

As a consequence of this very important marriage, the Burgundian Netherlands became the Hapsburg Netherlands and, subsequently, the Spanish Netherlands.

¹⁴³ Charles the bold was killed in 1477 during an attempt to retake Lorraine after a popular rebellion took place. Resistance to the centralizing efforts of Charles and Philip evidently extended throughout the Burgundian territories well before the Protestant reformation was underway. For example, the Hoeks party in Holland also launched military campaigns against Burgundian authority, but was defeated in 1483.

¹⁴⁴ Charles was born in Gent in 1500 and became the King of Spain at the age of 16. Charles also subsequently became emperor of the Holy Roman Empire through his grandfather Maximilian, in 1519. Thus, through little of his own doing, but as a consequence of a very good genealogical tree, Charles became the ruler of one of the largest Empires ever assembled!

He had the misfortune to be confronted with the great Protestant reformation during his entire time in office. (Luther's famous *95 Theses* were nailed to the church door in 1517.) Charles V ruled until 1556, when he abdicated and retired to a monastery in Yuste, Spain, turning the Hapsburg Empire over to his son Philip II.

¹⁴⁵ Calvin (1509-1564) himself was the son of a French attorney, educated in Paris, and lived in the French part of Geneva, Switzerland for much of his life. The French speaking elites of the southern

Lutheranism and Catholicism for themselves (and implicitly for their subjects). Augsburg, of course, did not end religious tensions in Europe, but it did allow Protestant princes to openly support, and indeed to impose, Protestant beliefs within their domains.

The treaty of Augsburg advanced Protestantism north of the Rhine than south of the Rhine, in part because the north was more closely linked to German nobles who declared themselves Lutheran. This was, for example, true within the Nassau family holdings which included the Barony of Breda. Local autonomy in religion was now combined with the traditional local autonomy in governance in most parts of the Holy Roman Empire under the Hapsburgs.

After his succession in 1555, Charles V's son and successor, Philip II, attempted to reverse the trend toward local autonomy, Protestantism, and tax resistance in the Netherlands, but in the end his brutal policies caused the Dutch resistance to increase rather than to decline. In 1566, Protestants throughout the Netherlands stormed catholic churches destroying images of Catholic saints. Philip sent an army to forcibly restore order, suppress Protestantism, and increase centralization. He also significantly raised taxes to fund the army. Both his secular and religious policies alienated many in the lowlands, who lost or came to fear losing wealth, power, and/or life in the near future. By bringing the inquisition to the Netherlands, Philip II

increased popular resistance within Protestant stronghold in the North. By executing eighty "rebellious" nobles in the south in 1568, he made it clear that he was not interested in compromise. By forcing a ten percent sales tax through the Estates General in 1569, he rankled pragmatic businessmen and farmers who would otherwise not have been interested in politics or civil war.

In the end, a military force raised by the Northern principalities and especially by Willem the Silent of Orange-Nassau family, succeeded in pushing the Spanish Army out of the north, and temporarily out of the southern lowlands.¹⁴⁶

In 1579, the seven northern provinces met in Utrecht and formally created a mutual defense alliance against Spain. Two years later, the same provinces declared independence from the Spanish crown. This declaration of independence created a new country, the Dutch Republic, consisting largely of the Burgundian territories north of the Rhine.¹⁴⁷ Although, the Dutch Republic was not formally recognized for nearly a hundred years by the Peace of Muenster in 1648, the republic was functionally independent for the entire period.¹⁴⁸ The provinces south of the Rhine, which now largely comprise Belgium, were retaken by the Spanish forces, and subsequently remained part of the Hapsburg domains until the French revolution.

The treaty of Utrecht created a formal military alliance and instituted national military service for all males between the ages of 18 and 65, but it also created an new

lowlands would have found his writings much more accessible and congenial than Luther's German.

¹⁴⁶ Willem the Silent, who became Willem I the first stadhouder of the Netherlands, was the acknowledged leader of the Dutch revolt, and is often referred to as the father of the country. Willem I was himself a complex and interesting figure. He was a favorite of Charles V, who had appointed Willem to the office of Stadhouder to represent Hapsburg interests in the Netherlands. He clearly did this well enough to please Charles. However, Willem subsequently defended the autonomy of the Dutch provinces against Philip II's effort to centralize Hapsburg authority and to crush Protestantism in the low countries. At first he did this peacefully through his office of stadhouder and later through open warfare.

Willem was a member of a Lutheran family, although he was himself an avowed catholic. William's highest noble title, "the Prince of Orange" was derived from his family's control of a principality in Catholic France. In 1573, however, he converted to Calvinism. The conversion to Protestantism allowed him to lead and energize most of the religious and secular groups that opposed Spanish rule of the Netherlands. Both England and France, had at various times supported the Dutch revolt in the intervening years, as had various Lutheran princes from Germany. The political convenience of his conversion suggests that William's religious beliefs were a bit flexible at the margin, and served practical ends perhaps more than spiritual ones.

William's leadership of the Dutch resistance clearly attracted the ire of Philip who formally posted a 25,000 crown reward for William's assassination in 1580. [When that deed was done in 1584, however, Philip refused to pay the assassin's family (Barker, 107-9).]

¹⁴⁷ Formal Dutch independence was not obtained until the treaty of Muenster negotiated at Westphalia in 1648, and wars continued intermittently for the ensuing 80 year period. Administrative autonomy at the national level, however, began for all practical purposes with the Union of Utrecht. National government based on the Estates General and the offices of Stadhouders) continued in place until the French sponsored Batavian republic and kingdom of the Netherlands were established toward the end of the 18th century.

¹⁴⁸ The Peace of Muenster ended the 80 year war with Spain, with both the Holy Roman Empire and the Spanish crown recognizing the independence of the Dutch Republic. The treaty also protected Dutch trade in the Dutch East and West Indies and reduced Antwerp's access to foreign markets, which promoted the commercial interests of Amsterdam.

Muenster also provided for catholic worship in the Netherlands, although this provision was widely neglected in the North. Before independence Protestant gatherings were formally banned but took place informally in "secret" churches. After independence, catholic worship was formally banned but took place informally in "secret" churches. (It bears noting that even this modest level of religious tolerance was unusual in Europe at the time.) Formal Catholic organizations did not "openly" return to the Netherlands until 1853.

national government that reflected Burgundian institutions and long standing Dutch interest in local autonomy. Article 1 united the seven provinces as if a single province, but also assured the provinces and cities their historic privileges. Article 2 permanently bound the provinces together in a mutual defense alliance. Article 9 affirmed the core procedures of the Great Privilege, which had been much contested by the Hapsburgs. It specified that new general taxes and declarations of war and peace required the unanimous consent of the provinces. Other national policies would be determined by majority of provincial votes. Article 13 provided for religious tolerance in accordance with the pacification of Gent. The provinces were free to regulate religious matters, provided that everyone remained free to exercise their religion. Articles 9, 16 and 21 specified that the stadhouders were to arbitrate differences between the provinces on matters of general interest and on matters of constitutional law (Barker, 99-100; Rietbergen, p. 84).

After the declaration of independence, stadhouders were appointed by the provincial governments.¹⁴⁹ Given the autonomy of the provinces, one might have expected each province to appoint its own stadthouder. However, rather than seven stadhouders as might have been expected, the provinces often agreed in their assessment of the most appropriate person for the job, and this person normally also was responsible for provincial defense. Thus, only one or two persons held those offices of stadthouder and general at a given time throughout the Netherlands, and both were generally chosen from the Orange-Nassau family. The wealth, prestige, and leadership of the Orange-Nassau family clearly made them the first family of the Netherlands and the natural choice for stadhouders, although they lacked the sovereign authority possessed by the royal families of the long-standing kingdoms of Europe during this period.¹⁵⁰

2. The Government of the Dutch Republic 1581 - 1795

For the next two hundred years the government of the Republic remained essentially a treaty organization—an alliance worked out by the Union of Utrecht in 1579. In practice, the seven provincial assemblies were sovereign. The provincial estates generals, in turn, were composed of representatives of the city governments and from the countryside. Normally, the countryside was represented by the local nobility and the cities by persons appointed by their respective town councils (vroedschap) of "wise men." The specifics varied somewhat by province, but in many cases the urban representatives dominated deliberations at the provincial level. For example, in Holland, the cities appointed eight of the nine members of the provincial estates general (Barker, xxxx). This allowed the major city elites, especially that of Amsterdam, to have considerable power over the provincial governments and, thereby, over national governments.¹⁵¹ The Utrecht treaty in combination with the Great Privilege meant that the main locus of Dutch political power remained in cities, especially in the major urban centers of Holland. Although the treaty did not require unanimity on all matters, it did require it on matters of public finance which made centralize policies very difficult to adopt except in times of great crisis.

Partly as a consequence of this unanimity, such crises were commonplace during two centuries of the republican rule. The war with Spain drug on for eight decades with period major engagements, and the Spanish war was soon replaced with British and French conflicts. So the Estates General played an ongoing and important role in raising taxes (from the member states) to fund and oversee military operations for most of the Republican period. About 90 percent of the Dutch republic's budget went for national defense during the eighty years war (Ferguson, p. 41). The control of public policies by local urban commercial elites together with a mobile and well trained work force doubtless contributed to Dutch prosperity. However, it also implied that

¹⁴⁹ The Dutch declaration of independence was promulgated in 1584 as the "Act of Abjuration." Prior to that time the Dutch has resisted the agents of Philip rather than Philip, himself. One of the noteworthy parts of that long documents is an early statement of popular sovereignty: "The people were not created by God for the sake of the Prince, and only to submit to his commands, whether pious or impious, right or wrong, and to serve him as slaves, but on the contrary, the Prince was made for the good of the people...and for that reason may be rejected or deposed."

¹⁵⁰ The appellations "Orange" and "Prince" are taken from a French territory and title (Prince) acquired through marriage in 1515. The Orange title, Prince, being more prestigious than the Nassau titles (which included Baron and Count) became part of the Nassau legacy. The Nassau family already had substantial holdings in the lowlands, and had served as provincial Stadhouders in the fifteenth century.

¹⁵¹ The sovereign provinces that could vote in the States General were Holland, Zeeland, Utrecht, Friesland, Groningen, Overijssel and Gelderland. Holland was the most populous and wealthiest of the seven, and consequently the most powerful of the seven. The states of Brabant, Vlaanderen and Linburg were governed by the States-General as spoils of war for many years. Drenthe could not vote in the States General, but exercised a degree of provincial sovereignty. (Bekking, p. 84)

the provinces were inclined to free ride on the provision of national public goods, including national defense. Both tended to exacerbate the military crises of the next two hundred years (Barker, 181-2, 364-5, 379-83).

The provincial estates generally exercised dominant power over government finance and law. Within Holland, for example, commercial interests dominated political as well as economic life, and there was often conflict between Orangist and commercial interests in which the Hollanders had their way. Indeed, there were substantial periods during which provinces would not appoint a Stadhouder at all. The most important responsibility of the Republic's stadhouders was normally running the Dutch army, which was often the main enterprise of the Dutch national government, and often a matter of life and death for the republic.¹⁵² The stadhoudership was, thus, a very important position even if it was neither sovereign nor the main locus of policy making within the Netherlands.¹⁵³

There were often disagreements between Stadhouder and the national States General on matters of foreign policy, military expenditure, and with respect to war and peace. These reflected to a significant extent institutional induced differences in their interests. As leaders of the nation, stadhouders had an encompassing interest in national unity, centralization, and development. As leaders of the Army, Stadhouders were especially interested in military expenditures and less interested in spending money on the Navy. The provincial members of the States General largely represented local political and commercial interests. As agents of the local elites, provincial governments were thus, less interested in national policies, generally opposed to national taxation, but inclined to favor profitable naval and capital projects over than army salaries. The States General, thus, tended to be more interested in decentralized power and in peace than Stadhouders, partly because they believed that war was costly

and bad for commerce, and partly because war increased the power and prestige of the stadhouder(s).

As a result, peace treaties were often accepted over the objection of the Stadhouder and military budgets were smaller than the Stadhouders desired. For example, the twelve year truce of 1609 was adopted by the Estates General over the objection of stadhouder Prince Maurice (Rietbergen, p. 80). On the other hand, the rapidly growth of wealth generated by local tax competition and international commerce attracted the interest of the Dutch neighbors, which were poorly defended during times of peace.

In terms of the king and council model, the government of the Dutch republic can be regarded as an intermediate case, where both king (stadhouder) and council (States General) played a substantial role in policy making. The States General's power of the purse and appointment gave them somewhat greater power than the stadhouder, except during times of military crisis when they deferred to the House of Orange. On the other hand, the central government itself had relatively little regulatory or taxing power, that being left primarily in the hands of the provincial and city governments. During times of great military threat, Stadhouder power generally increased. During times of peace, Stadhouder power generally declined.¹⁵⁴

Political power at the national level fluctuated between the States General and the Stadhouder, but policy making authority within the Dutch republic remained highly decentralized. Votes were counted in the various regional and national assemblies, although those who held office were not elected in the modern sense. There were no popular elections, nor was there much ideological competition within the Dutch assemblies, although there were clearly many factions within the various parliaments. Parliamentary decisionmaking took place among well-organized provincial economic

¹⁵² Formally, the office of Stadhouder and that of captain general of the army were formally different posts, but routinely held by the same person.

¹⁵³ Towards the end of the republican era, the position of stadhouder was formally made a hereditary position. Willem IV became the first hereditary stadhouder of all the provinces in 1747. He was shortly thereafter succeeded by his son, Willem V, who served as the last stadhouder of the Republic, 1751-1795. Bekking, p. 160)

¹⁵⁴ In 1688, stadhouder Willem III was invited by opponents of King James II to overthrow James II or at least to return England to its medieval constitution partly because of his marriage to Mary Stuart, but also because of his control over the Dutch army. After leading the successful invasion and inducing James II to flee to France, Willem III threatened to withdraw the Dutch army if he was not granted sovereignty along with his wife. Parliament appreciated the value of the Dutch army, and thus, began the reign of "William" and Mary, the only time in English history when sovereignty was shared between man and wife.

Even as King of England, the long-standing stadhouder preference for the Dutch army over the Dutch navy continued to influence military policies. In the ensuing war against France, Willem used the Dutch army on land and the British navy on the sea. The later left the British navy the unchallenged leader on the world's oceans, which in the long run ran counter to Dutch commercial interests abroad.

and political elites without democratic institutions, but with input from leading commoners and nobles. The political decision making processes of the Dutch republic were decentralized rather than democratic.

3. **The French Period 1795-1814: the Batavian Republic, First Kingdom, and French Empire**

The polar cases of the king and council template were briefly visited during the period from 1795-1814 as the two century old republic was replaced by new more centralized systems of governance. A mass political movement, the Patriot movement emerged in the second half of the 18th century which pressed for constitutional reform, essentially the creation of liberal democratic political and economic institutions. English political theorists such as Locke, Price, and Priestley were often quoted. In 1795, with a bit of help from the French army which induced Willem V to leave for England on January 18, a milder Dutch counterpart to the French revolution took place.

After Willem V's departure, the States General called for elections to a constitutional assembly in January 1796. Election to the constitutional assembly was loosely based on universal male suffrage. All men over twenty, in favor of popular sovereignty, and not on poor relief could vote for representatives to the constitutional assembly. This was very broad suffrage for its day.

A constitutional assembly was duly elected and undertook the design of a new federal constitution. Unfortunately, the commission's proposed federal constitution was rejected in the referendum which followed in August 1797. In January 1798, the French ambassador took over the constitutional assembly and dictated a unitary constitution with separation of church and state, broad male suffrage, and abolition of guilds, feudal duties, and the slave trade. The French proposal for a unitary state was accepted in a referendum in April 1798.

The Batavian Republic established with the assistance of the French ambassador lasted less than a decade. It was substantially reformed in 1801 to concentrate executive

power in a small committee, and reformed again to centralize executive power in a single person in 1805.

Later in 1805, the first kingdom of the Netherlands was established by Napoleon who appointed his brother Louis to be king. Finally, the Netherlands became part of the French empire with the annexation of the Netherlands by Napoleon, 1810-13. Clearly, none of these constitutional designs were as flexible or durable as those of the old Republic.

The defeat of Napoleon in 1813 also brought the end of French sponsored institutions, although several enduring institutional reforms did take place during the period of French intervention. The most important result of the French period from a constitutional perspective was the end of the long-standing Dutch tradition of decentralized political power. Town councils were democratized, local tolls and tariffs reduced, and education reforms were adopted by the central government rather than by the local governments themselves. By the end of the French period, the national government's authority applied to areas well beyond the foreign policy and national defense, and political power was substantially more centralized in national government than it had been before.

Dutch governance in the period prior to 1815 is relevant for the main project of this book for several reasons. First, it clearly demonstrates that the lowlands did not have a long history of parliamentary monarchy, nor was it obviously oriented toward monarchy, but rather oriented toward republicanism and perhaps decentralization. Second, the Netherlands did not choose to have a strong central government, but found itself with one after the period of French intervention. Third, the first instance of Dutch monarchy was imposed from outside by France, the second was instigated partly by Willem VI in 1814, and partly imposed by the Vienna conference of 1815. Thus, Willem VI became Willem I upon his accession to the crown.¹⁵⁵

Fourth, it is clear that the liberalism has deep roots in the Netherlands both in terms of ideology and political activities. Its first constitution included many liberal

¹⁵⁵ Willem VI/I had arrived in the Netherlands from England in 1813 and established a constitutional monarchy with the advice and consent of some 500 Dutch notables by 1814. The 1814 "draft" had a unicameral parliament appointed by regional governments. The capital was to be in Amsterdam. Prince Willem I was inaugurated by the new States General on March 15, 1814. However, the new Orangist constitution was substantially revised in the following year.

At that time, it was by no means clear at the time that the Kingdom of the Netherlands would include the former Hapsburg territories to the south—what became Belgium in 1830. Many evidently believed that those lands would revert to Austria. Willem I, however, lobbied for their merger with the North, and was successful. On July 31, 1814, he and his government took over the administration of the South.

features including explicit protections for religious freedom and a relatively powerful confederal legislature. Because of these deep roots and fairly broad support, liberal tides in the Netherlands are more subtle than in most countries. Here one can see the evolution of Liberal ideas in the nineteenth century more clearly than in other countries. The press for less restrictive trade, better education, hard work, and participatory politics continued to be a press for restrictive trade, better education, religious tolerance, and participatory politics, but the goals became broader and increasingly liberal in modern terms during the course of the 19th century.

4. **The New Kingdom of the Netherlands: 1815-1848**

In the wake of Napoleon's defeat, the great powers determined both the boundaries and broad outlines of governance for several countries in Europe, including those of the Netherlands in 1815.¹⁵⁶ A series of agreements negotiated during 1814 concluded that the Netherlands was to be a parliamentary monarchy including territory north and south of the Rhine—essentially the Republic plus the old Hapsburg territories (what is now Belgium). The North and South were to be equal parts of a unitary state, the details of which were to be worked out by the new Netherlands estates general and king (Kossmann, p. 109-11). A constitutional commission with twelve member from the north and twelve from the south undertook the task of designing the new constitution. Negotiations between northern and southern representatives established a new bicameral estates general with the first chamber based on nobility and royal appointments for life, and the second being indirectly selected by provincial governments. Although similar to the British system, this was a compromise between the long-standing northern and southern practices prior to the French intervention. The north with its republican history lacked a proper nobility, although it certainly had elite families. Willem I, after March 16, king rather than prince or stadthouder, solved this problem by elevating his most prominent supporters to the new Dutch nobility.

The lower chamber was composed of 55 members from the North and 55 members from the South elected by their respective provincial governments (Rietbergen, p. 124). The provincial governments represented the three estates, the nobility, the towns, and the rural class. Representatives for the town and country were indirectly elected by urban administrators and county electoral colleges. One third of the members of the second chamber stood for election every year (Van Raalte, 2).

Suffrage rules for the urban administrators and for the county electoral colleges were based on tax payments and were substantially more restrictive than under the former Batavian rules. Only about 80,000 Dutchmen and 60,000 Belgians were entitled to vote out of populations of approximately 2.4 and 3.4 millions respectively (Kossmann, p. 113, and Maddison, table A-3A).

Although equal representation in the second chamber was consistent with the Vienna mandate for equal participation in the new unified national government, Southern liberals naturally felt a bit shortchanged by this particular compromise given that the south (Walloons and Flemish) outnumbered the north (Dutch) by nearly fifty percent. Amendments to the constitution had to be approved by the second chamber supplemented by a meeting of the provincial states and the king, which prevented the king from simply adopting new constitutional provisions by fiat. (However, no formal provision for constitutional review was provided for.)

The bicameral parliament had formal power to veto proposed budgets, and did intervene on budgetary matters. However, until 1840, budgets were normally proposed only once every ten years, which left day-to-day governance almost completely in the hands of the king and his ministers.¹⁵⁷ The king's appointment of the members of the first chamber and his control of ongoing government policies gave King Willem I considerable control over the public policy, and he and his ministers ruled by royal decree for much of his reign (Rietbergen, 124; Van Raalte, 2).

¹⁵⁶ In addition to creating a new Kingdom of the Netherlands, the Vienna Congress placed Norway and Sweden under a common crown, transferring Norway from Denmark to Sweden; placed formerly Swedish Finland and part of Poland under the Russian crown; created a confederation of Germany to replace the Holy Roman Empire; and shifted parts of Spain and Italy to the Austrian crown, partly to compensate Austria for the loss of its Belgian territories.

The Vienna conference also encouraged the great powers to continue their alliance, which indirectly created a pan-European diplomatic forum, the Concert of Europe. Both the alliance and Concert helped to reduce European tensions during the remainder of the 19th century.

¹⁵⁷ The fundamental law called for all routine peacetime expenditures to be part of decennial budget. Of course, the king and parliament occasionally disagreed about what was routine. Extraordinary budgets were approved for one year at a time (Van Raalte, 2).

Belgian Secession of 1830

A variety of policies implemented by Willem over the course of fifteen years had alienated large parts of the south. Dutch was gradually introduced as the official language of the Southern courts and government (1819). Although Dutch (Flemish) was widely spoken in the south, the southern elites were largely trained in French schools and often from French speaking households. The new civil service became predominantly Dutch; which excluded substantial parts of the Belgian elite from government service.¹⁵⁸ A system of public primary schools was established in the South which competed with the long-standing Catholic system, which now had to be certified by governmental authorities. In 1825 all Latin schools founded without government permission were closed (Kossmann, p. 127). These policies evidently did increase literacy in the south, but also increased catholic reservations about union with the north.

By actively trying to "bring the south into the north," Willem raised suspicions among lay Catholics and French speaking elites that their power and wealth was threatened by the new regime. Many intellectuals and businessmen in the south believed that they were being held back by "northern" policies, using the normal hyperbole of political advocates against the Kingdom. By 1829 a Belgian petition movement was gaining momentum in which petitions advocating freedom of education, free press, and personal liberty were distributed by politically active groups, signed by hundreds of thousands, and presented to the States General. The king and his ministers essentially ignored the petitions; since, by constitutional law, such documents were irrelevant and, moreover, would have reduced their power by reinterpreting the existing constitution.

In 1830, an economic downturn, whether a consequence of discriminatory government policies favoring the North or international economic shocks, produced large numbers of bankruptcies, falling wage rates, and unemployment in the South,

which further increased discontent. By the end of 1831, a series of working class riots, resistance by liberal and catholic interest groups, and mistakes by Willem and his ministers lead to southern secession. Willem objected to the secession both militarily and diplomatically, but the secession was sanctioned by the French and British. In 1831, a new Belgian constitutional monarchy was formed under Leopold I, a Bavarian Duke who had fought against Napoleon—although Willem did not acknowledge the new kingdom until 1838. The secession of the southern provinces returned the new Kingdom of the Netherlands to the boundaries of the old Dutch republic.

The subsequent path of constitutional reform in Belgium is taken up in chapter is surprisingly similar to that of the Netherlands. Many of these same forces that lead to the Belgian secession and the new Belgian constitution were soon to lead to major revisions of the Dutch constitution.

Reforms of 1840: Ministerial Responsibility and the Rule of Law

In 1839, Willem finally acknowledged the secession of Belgium, which required revisions to the 1815 constitution. Obviously, the southern provinces no longer required representation. The constitution of 1815 prevented the king from modifying the constitution by decree, which gave the parliament a chance to renegotiate some of the fundamental rules of governance.¹⁵⁹ The same liberal tide that was sweeping through much of Europe was also affecting Dutch political thought, and several proposals for constitutional reform had already been made and rejected. The second chamber threatened to veto the new version of the budget unless some recognition of ministerial responsibility were incorporated into the constitution (Van Raalte, 4). Constitutional discussions took place for two years, and in September 1840, the required meeting of the second chamber augmented by representatives of the provincial states took place. The basic structure of government and method of

¹⁵⁸ During the Burgundian period, all residents of the Netherlands territories had been referred to as *Belge* in French or as *Belga* in Latin—however, by 1830, the term *Belge* indicated residents of the southern Netherlands alone (Kossmann, 118).

¹⁵⁹ The second chamber had also recently vetoed the king's proposed ten year budget, it being the continuation of a long series of royal budgets running large deficits. Budgets had often been rejected by parliament, as in 1819, but largely by the negative votes of southern members. The fiscal problems faced by the king increased the parliament's bargaining power over constitutional reform.

The king had previously been able to finance his programs from colonial receipts which were treated as household income rather than state finances to be reviewed by parliament. The Belgian secession had shifted the full burden of the Netherlands debt back on the northern provinces, increasing tax burdens throughout the kingdom. It is ironic that a substantial portion of the debt had been accumulated to fund projects in the South (Kossmann, p.162-4, 182).

selecting members of the State's General was left largely in place, but substantial changes in budgetary policy and ministerial responsibility were adopted.

Amendments required the king, the first and second chamber, and the provincial states to approve any amendments adopted. Both the king and the first chamber were generally opposed to constitutional change. Most of the amendments were adopted by supermajorities, which were not required constitutionally, but clearly indicate a consensus among the elites represented in government in 1840.

The constitutional revisions shifted the balance of power somewhat from the King to the Parliament. For example, after the reforms of 1840, cabinet ministers could be prosecuted if they were suspected of violating ordinary or constitutional law. Moreover, every future decree by the king had to be countersigned by a minister. Previously, both the king and his "servants" were above the law, and there was nothing that the States General or the courts could do if the king or his ministers stepped well beyond constitutional law or ordinary legislation. Now the responsible minister could be fined, jailed or worse, which clearly made ministers somewhat more responsive to parliament than before, thereby reducing the king's power of decree. The amendments also eliminated the ten year budgetary cycle and required that all departments submit two year budgets.

These were nontrivial reductions in the King's authority, and both increased his need for support within Parliament. Indeed, Willem I abdicated shortly after the reforms were adopted, partly to pursue an unpopular marriage and partly because the reforms meant that the era of royal governance had ended (Kossmann, 180; Van Raalt, 4). His son, Willem II, took the throne in October of 1840.¹⁶⁰

5. **The Rise of Parliament: Thorbecke's Constitutional Reforms of 1848**

Pressures for further reform persisted, of course, although they were not broadly supported within parliament. For example, in 1839, a professor of history at Leiden

university, wrote *Comment upon the Constitution*, a book criticizing the current form of the Dutch constitution. In his book, Professor Thorbecke declared himself in favor of constitutional government, broader suffrage, and parliamentary appointment of ministers. A second edition was published in 1841-3 taking account of the 1840 reforms advanced similar arguments. Shortly thereafter, as a member of the second chamber in 1844, he proposed that this program of constitutional reform be adopted by the government. Perhaps, unsurprisingly, his proposal was rejected, as many other proposals for constitutional reform had been rejected over the years.

Shortly after the February Revolution of 1848 took place in Paris, King Willem II became very interested in constitutional reform. The king's new interest in constitutional reform is often attributed to the revolutionary tide that swept across much of Europe in 1848, especially in Paris and Bonn, although little of this directly affected the Netherlands, which remained interested but relatively calm. There were no large scale riots or take overs of government buildings in the Netherlands, although the Kingdom like much of Europe was in economic distress. Some 16% of the Dutch population was on poor relief, which suggests that a welfare state was already present in the Netherlands. Liberals and moderates pressed for economic and administrative reforms, while Catholics pressed for more religious freedom (Kossmann, 183-8). Thus, it is clear that although pressures for reform were mounting, the King's hand was not forced.

Perhaps the King had become persuaded that the tide of liberal reform was inevitable in the long run, and sought to control its course in the Netherlands. Liberal proposals for constitutional reform had been nearly constantly on the royal door step since 1815. Moreover, this was not the first time that a Dutch King favored constitutional reform.¹⁶¹ At most, the events of 1848 may have focused attention on constitutional matters and lead Willem II to accept the need for broader reforms than his father had accepted in 1840. The crown submitted 27 bills revising the Dutch

¹⁶⁰ Willem II had had a rather non-Dutch childhood. During the French period, he lived in Berlin where he received a Prussian military education, and England where he attended Oxford University. He served in the British army in 1811 at the age of 19 as aide de camp of the Duke of Wellington. He married Anna in 1816, the sister of the Czar of Russia.

¹⁶¹ On March 16, in an oft-quoted conversation, Willem II reported to a group of diplomats from the major powers that "from being very conservative, he had in the course of twenty-four hours become very liberal." This is not to say that the king had prior to 1848 been unalterably opposed to institutional reform, rather this statement was used to introduce his new strategy for maintaining the position of the House of Orange, which he went on to describe in some detail at the same meeting (Van Raalte, 16).

Eighteen years earlier, in September 1830, Willem had proposed substantial institutional reforms as a means of reducing opposition in Belgium. After negotiating with Belgian liberals, he had proposed to his father that Belgium be granted a "separate administration" as possible method of reducing opposition to the Orange Crown. The emergency session of the Estates General called by Willem I subsequently voted in favor of such reforms, but they were too little, and too late (Kossmann, 153). This experience also doubtless influenced the king's thoughts and decisions in 1848.

constitution to parliament. However, his proposals found little support in parliament and his ministers resigned (Van Raalte, 5).

In pursuit of more viable proposals, Willem II appointed a constitutional commission headed by Professor Johan Thorbecke on March 17, and solicited a new cabinet under the leadership of Count Schimmelpenninck. Schimmelpenninck agreed to lead the reform cabinet under three conditions: that he could select the other members of the cabinet, that the new cabinet would review the proposed reforms of the Thorbecke commission, and that the king would accept significant constitutional reforms. To advance his interests in constitutional reform, the King accepted what many regard to be the first ministerial government in Dutch history (Van Raalte, 17).

Given Thorbecke's published work and his proposals while in the second chamber, the constitutional commission's recommendations were predictable. They would be more substantial than those adopted in 1840, but not as radical as many outside parliament favored. Thorbecke did not believe in radical reform, but rather in evolutionary reform. And, predictably, his major reforms were modest relative to the French, American or even Dutch constitutional experiments of the late eighteenth century. On the other hand, his reforms had to be adopted constitutionally, which required broad support among Dutch elites. He accomplished this with three carefully crafted series of reforms, which were submitted for approval on April 11.

First, Thorbecke proposed a major reform of the bicameral States General. The new States General would consist of two elected chambers. The new first chamber would have thirty nine members and be indirectly elected by the provincial governments, and the new second chamber would have fifty members and be directly elected in single member districts under a restricted suffrage (Van Raalte, 57). In effect the old first chamber was eliminated, the old second chamber was promoted to the first, and a new directly elected second chamber was created. Suffrage was determined by tax qualifications (*cens*) in both provincial and national elections. Members of the second chamber would serve four year terms, and elections for half the members would be held every two years. Members of the first chamber would serve for nine years; and elections for a third would be held every three years. Budgets were to be annual rather than biannual. Sessions of both chambers were to be open to the public (Van Raalte, 5-6).

Although the elections had far more direct consequences for governance under the proposed 1848 constitution than under the current one, the electorate would be slightly *reduced* rather than expanded. Suffrage for both provincial and national elections were, however, placed on the same footing, which made the representatives of provincial governments entirely elective for the first time. The election law of 1850 granted suffrage to those paying sufficient taxes, as was commonplace throughout Europe in the nineteenth century. The new more uniform "*cen*" reduced the franchise from perhaps 90,000 to 75,000 out of a population of three million Netherlanders (Kossmann, 194). Moreover, eligibility for membership in the two chambers were restricted. To be eligible for membership in the first chamber, an individual had to belong to the highest category of tax payer, which made about 1 in three thousand tax payers eligible for membership in the first chamber (Van Raalte, 5).

Second, the principle of ministerial responsibility was taken a step farther than in the 1840 reforms. Thorbecke proposed that parliament would be able to dismiss ministers as well as punish them for illegal or unconstitutional actions. The king's other prerogatives were left unchanged, except that the Dutch colonies were no longer treated as the king's royal property. The king remained free to appoint his ministers, to dismiss parliament, and call for new elections for each chamber.

Third, freedom of assembly, worship, and the press were guaranteed by the new constitution, as was funding for public education. The former assured Catholic support for the new constitution, and the later reduced opposition from conservative Protestants and increased support among moderates (Kossmann, 291).

Overall, the reforms subtly shifted policy making power from the King to the parliament, slightly changed the membership of the Parliament, and moderately expanded civil liberties, and did so in a manner that made the reforms acceptable to majorities in the first and second chamber. The elimination of the old chamber of appointed lifetime peers diminished the King's influence within parliament, insofar as the Dutch peers had been chosen in large part because of their loyalty to Orange interests. The ability of parliament to dismiss ministers meant that the ministers were no long entirely agents of the crown. In fact, they became increasingly responsible to parliament of the next two decades, a new entirely elected parliament. On the other hand, the king retained more power under the 1848 constitution than his stadhouder forebears had possessed in the days of the Dutch Republic. Netherlands remained a

kingdom and the king could both appoint governments and dismiss the parliament. Willem II could live with this.

King Willem II's support for the reforms together with that of moderate, liberals and Catholics in Parliament were sufficient to pass the Thorbecke constitution. The king pressed the first chamber peers into accepting elections, which was made far easier by the fact that the eligibility rules for the new first chamber implied that a majority of the current peers would be "reelected." Liberals, moderates, and Catholics, with the Kings support, provided majorities for the Thorbecke proposals in the second chamber, which in turn were accepted by the King. Although a reform rather than a revolution, the 1848 amendments were major reforms, and formally adopted through constitutional means. After 1848, the Kingdom of the Netherlands had an elected parliament and a parliament with substantial power over public policy for the first time.¹⁶²

Willem II, himself, never experienced the effects of the 1848 reforms. Shortly after swearing in the new Thorbecke cabinet in 1849, he died unexpectedly, and his son, who was far less favorably predisposed to reform, acceded to the crown as King Willem III.

The Gradual Emergence of Cabinet Governance

As might be expected in constitutional exchange, as opposed to revolution, the change in parliament had relatively small immediate effects on the overall power of the Dutch political elites, although it did change the distribution of power among those groups and the king. Between 1848 and 1877, there were 100 different cabinet ministers; 81 of which came from noble or patrician families. Of the 410 men who became members of parliament during that time more than a third were from families with noble titles. Most of the other members and ministers were from the successful business and professional strata of Dutch life. The latter had played a role in the old Dutch republic and in the provincial governments, but had been less influential in the Kingdom. The overwhelming majority of the new parliaments had law degrees or training in the law (Kossmann, 273-4).

Suffrage was far from universal, and the division of power between the king, his cabinet, and the parliament was far from self-evident in 1848. Suffrage would gradually expand as the economy expanded in the next four decades before the next reforms of the written constitution. The relationship between the king, the executive cabinet, and parliament would also evolve slowly over the rest of the 19th century.

The 1848 constitution continued the Crown's power of appointment, but formally made each minister responsible to both the king and the parliament. The latter implied that the king would have to choose ministers with parliament in mind, and that the ministers appointed had to be faithfully execute parliamentary legislation if they were to continue in office. Although parliament could dismiss individual ministers for nonperformance, it was not clear how far their authority over the cabinet extended. For the first twenty years, the cabinets continued to serve at the pleasure of the king, including the two Thorbecke cabinets in 1849 and 1862. For example, in 1853, Thorbecke dutifully resigned when the King (and much of the country) openly disapproved of his liberal policy with respect to Catholics, although his ministry continued to have majority support in the second chamber (Van Raalte, 18). This suggests that Thorbecke believed that the king's power of appointment and dismissal was not significantly reduced by his constitutional reforms.

On the other hand, there were practical limits to the King's power of appointment under the new budgetary arrangements. The power of the purse granted to the second chamber in the constitutions of 1840 and extended in 1848 allowed parliament to exercise veto power over the policies of ministers and their ministries—albeit, always subject to the veto of the national electorate. The importance of parliamentary support for ministers became very evident in 1868, when parliament vetoed the proposed budget of the Foreign Affairs Ministry over a policy dispute about Luxembourg.

The cabinet offered to resign, but the King refused their resignations, arguing that parliament had unconstitutionally interfered in the governments policy, as he had on other occasions. The King devolved parliament, and campaigned for a new

¹⁶² The constitutional and national assemblies of the Batavian Republic 1796-1805 was also elected and on the basis of broader suffrage rules (although Orangists and federalists were initially excluded). Thus, it could be said that for the second time in Dutch history, the Netherlands had an elected parliament. However, the Batavian Republic was not fully independent insofar as it was subject to French monitoring and intervention (Kossmann, 91-7; Rietbergen, 118-9). It also bears noting that the authority of the new parliament, although larger than it had ever been within the Kingdom of the Netherlands, remained below that of the Dutch Republic's Estates General for several more decades, although it now determined the authority of the provincial governments rather than vice versa (Van Raalte, 6).

"pro-crown" parliament. However, the electorate selected a parliament that affirmed parliament's right to criticize and to sanction both ministers and their ministries. The newly elected parliament again vetoed the proposed budget of the recalcitrant ministry of foreign affairs. Finally, the King reluctantly accepted the resignation of his cabinet, and appointed a new cabinet that was more respectful of parliamentary criticism and advice (Van Raalte, 20). After 1868, the crown routinely deferred to the electorate and chose ministers from the major parties in the parliament.

Dutch Liberalism

Significant liberal reforms were adopted by the first of the new governments. Policy making power was decentralized somewhat in the municipality laws of 1850 and 1851, and local excise taxes were replaced with direct taxes. Policies protecting Dutch shipping were eliminated. Internal and external protectionism was dismantled as tariffs were reduced in 1854 and export duties eliminated in 1862. Textile and agricultural production expanded. In 1860, the rail network begun under Willem I was extended. New canals and dikes were built. International trade expanded rapidly, partly due to free trade regimes adopted in the Netherlands and elsewhere, increasing by 179 percent in the 1850-1873 period (Kossmann, 264-5). New "higher burgher schools" were introduced by Thorbecke in 1863 (Kossmann, 414), which focused on science and modern languages. Slavery was abolished in 1863 (Rietbergen, 134).

The most difficult and controversial of the liberal reforms turned out to be expansion of religious tolerance to Catholics. This was guaranteed by the constitution of 1848, but not fully implemented until 1853, when the Catholic church established bishoprics in Utrecht, Haarlem, Breda, Roermond, and 's-Hertogenbosch. A section of the Protestant community responded with petitions and sermons predicting a new inquisition, censorship, tyranny and so forth—in short a return to the days before the Dutch revolt nearly three centuries earlier. Although not all Protestants were so outraged, the king's response was to ask Thorbecke to resign as Prime Minister and he did so (Kossmann, 278, 282). The liberal majority of the second chamber, however, pressed on with liberal reforms under new leadership. (Thorbecke did not regain the Prime Ministership until 1862.)

The governments produced under the 1848 constitution, alternated between liberals and conservative opponents, with liberals holding power a bit more often than conservatives. As noted in other chapters, liberals were not a narrow party but a fairly

broad party that shared interests in reducing special privileges in commerce, politics, and society at large. If they shared a sense of the direction of improvement, they did not share a clear vision of the end that those policies should achieve. What might be called "right of center" liberals sought equal economic opportunity, suffrage of "competent" persons, and very little more. What might be called "left of center" liberals also pressed for equal protection of the law, but broad suffrage, major education reform, child labor laws, and shift of tax burdens from excise to income taxation. The latter were not socialists, and their policies by today's standards would seem rather tame policies that most modern conservatives would be pleased with, but these 19th century "radicals" were increasingly influential within liberal circles in the Netherlands towards the end of the 19th century.

Dutch Suffrage Movements, and the Expansion of Suffrage in 1887 and 1894

Among liberals there are always a few proponents of universal male suffrage, and always many more who favor expanded suffrage. Examples of Dutch proponents of suffrage reform extend back into the sixteenth century. The mere existence of a suffrage movement is, however, not sufficient to generate suffrage reform. In order to affect public policy, a suffrage movement has to include individuals which the power to make reforms, or be able to influence such persons. It is clear that suffrage reform was not central to the early liberal movement. Liberals did not generally believe in universal suffrage, but rather that appropriately qualified (independent and thoughtful) men should all be able to vote. Thorbecke's 1850 election law based suffrage on direct tax payments and set relatively lower thresholds for the countryside than for urban areas. This law was similar to others in Europe at the time and was adopted by a relatively liberal government. It enfranchised about 75,000 men, about ten percent of the adult males, somewhat less than could vote for the previous constitution's indirectly elected members of parliament (Kossmann, 194).

A tax based suffrage law tends to cause the electorate to increase as economic growth takes place and as taxes are raised for other purposes. By 1887, the electorate had increased to 122,000 persons, about 14 percent of adult males (Kossmann, 351). However, if reforms were not adopted, interest in suffrage reform was expanded rapidly during the first forty years under the 1948 constitution.

Liberal opinion on suffrage was never homogeneous, but the center of the movement became increasingly concerned with suffrage expansion and education reform, in addition to the old economic agenda Liberals began to think that universal suffrage would be the end of a gradual transition as education and economic opportunity expanded and more and more people qualified as independent, thoughtful voters.

Suffrage itself, became an issue upon which a variety of non-conservative groups could agree, and new political organizations devoted to suffrage reform were created. In 1876 an association called the Algemeen Stemrecht (universal franchise) was created by the Dutch left. In 1879, the Comite voor Algemeen Stemrecht was founded by left of center liberals. Other groups by socialists, labor unions, and liberals were founded in 1880, 1881, and 1882. These groups launched persuasive campaigns aimed at a broad cross section of the existing and potential electorate. Intellectuals wrote books that predicted near utopian results from universal franchise. If revolutionary theorists are to be believed, the existence of such mass movements should induce immediate changes in the directions sought. However, ever universal suffrage was not obtained for thirty more years. Although a great deal of energy in support of universal suffrage was evident, suffrage reform continued to take the liberal path of modest reforms through time.

Consistent with the model developed above, these reforms reflected changes in the beliefs of pivotal voters and pivotal members of parliament—as well as a bit of political pragmatism on the part of parties who expected to benefit from reform. Although many liberals had long supported universal suffrage, most did not believe that the poor and relatively uneducated were capable of exercising the franchise with sufficient competence to be given the vote. Insofar as liberals controlled a large block of seats in parliaments, it was they and their conservative opponents who actually determined whether new suffrage laws would be adopted rather than the suffrage movements, per se. Nonetheless, it was clear that the liberal sense of sufficient competence was influenced by the efforts of suffrage groups, especially those organized by "left of center" liberals, who were active in liberal politics.

In 1887, the 1848 constitution was modified by a conservative government to eliminate the 20 guilder tax payment threshold, and suffrage was granted to all men of age 23 or older that showed "signs of capability and prosperity," with the latter to be defined by parliament. The standard of capability chosen, approximately doubled the electorate from 14 to 28 percent of the electorate (Kossmann, 350).¹⁶³ Suffrage was further expanded by a Liberal government in 1896 by Von Houton who carefully defined "capability" in terms of education, savings, tax payments, and other measures of a man's ability to vote rationally and independently. Suffrage doubled again, to about 47 percent of the male population, and rose to 60 percent by 1910 as education and wealth expanded and as election laws were reinterpreted (Kossmann, 361).

The Major Reforms of 1917-22: Proportional Representation and Universal Suffrage

The Netherlands remained neutral during world war I, which allowed it to focus on domestic issues at a time when national unity was high. This allowed a major package of reforms to the constitution to be adopted. Male suffrage was made essentially universal and the first past the post election process was replaced with a proportional representation system. The school funding provisions of the 1848 constitution were simultaneously modified to allow full funding of "free" schools by the federal government. All three part of this package of reforms were necessary to secure passage. Without proportional representation, the smaller parties feared being eliminated from parliament, particularly if the parties of labor and the left became more powerful as expected. Without the educational reform, the conservative religious parties would have preferred the existing pattern of suffrage which gave them considerable representation in government. If the left did assume power, they would be unlikely to favor educational support for the religious schools, on the other hand they were unlikely to take power unless suffrage was expanded. Together the package persuaded sufficient numbers of liberals and conservatives that new constitutional arrangements would advance their interests, and the reforms were adopted.

The first priority of constitutional reform was universal male suffrage, which had long been liberal and socialist aims. Liberals demanded proportional representations a

¹⁶³ Conservatives expected to benefit, and did, from an increased turnout of middle class religious voters. Catholic and Protestant political parties were from 1888 on often partners in government, as old controversies were forgotten. Together they passed an education reform bill in 1889, long opposed by liberals, that allowed free schools (religious schools) to pass on one third of their costs to the national government (Kossmann, 354).

method for saving seats for the liberal parties, of which there were three during W.W.I: the left VDB liberal democratic union began in 1891 (which subsequently joined the Social Democrats in 1946), the middle Liberal Union, which was the main liberal party 1884, and the right of center Union of Free Liberals, who left the Liberal Union in 1894 (and subsequently rejoined the LU in 1921). The left of center liberals in the VDB worked with the social democrats for universal suffrage. Liberals did, as expected lose seats after 1917 expansion of suffrage, indeed liberals had temporarily lost ground with nearly every increase in suffrage. In this case, Liberals went from 40 to 15 seats, and never regained control of government. (Such electoral effects affirm that Liberal interests in suffrage reform tended to be ideological rather than pragmatic.)

The logic of universal suffrage was extended to include women in 1922, as woman's suffrage was added to that of men. If men were all competent to vote, surely woman were as well.

Perhaps, surprisingly, the new electoral rules benefited religious parties more than social democrats or socialists. The religious parties attracted most of the votes of the newly enfranchised, although the social democrats became a large minority party. Coalitions of religious parties, consequently, determined most cabinets and thereby dominated the next forty years of public policy formation. Social Democrats became largest party after 1960, but only after the second war did they routinely form governments. In contemporary Netherlands, Social democrats alternate with Christian democrats as "first" party. For example, in, 2002, the CDA had its best finish since 50s.¹⁶⁴

The number of parties in parliament increased as a consequence of the new PR system. The parties of the left did become more important, as left of center liberals and blue-collar voters opted for social democrats and Christian democrat parties. As in other countries, the liberal parties that had done so much to advance the interests of ordinary persons was a much diminished party after universal suffrage was achieved. Liberals generally occupied the third largest block of seats in parliament, and played a role in several coalition governments. Their lasting effects, however, were in constitutional developments and political issues. In effect the liberal movement of the 19th century created the mainstream politics of the 20th century; a politics that increasingly takes democracy, equal protection of the law, and relatively open markets

as constitutional in nature, and so not contested in ordinary politics. In effect, the left of center liberals became the median voters of the new electorate.

6. **Engines of Dutch Reform: Interests and Economic Development 1815-1920**

Overall, it seems clear that the Dutch transition to democracy reflected opportunities for constitutional exchange that emerged during the course of the 19th century. As in Sweden there were three major constitutional regimes: the first established the new Kingdom of the Netherlands, with a relatively powerful king and relatively weak and narrow parliament. The second established an electoral basis for governance by replacing the noble chamber with a directly elected chamber in the 1848 constitution. The new constitution also shifted power from the king to parliament by giving it a stronger power of the purse and indirect control over ministers. far weaker king, and the third after W.W.I with a very weak king (or queen) and a far stronger parliament grounded in universal suffrage and proportional representation.

The shifts in authority were peaceful and lawful, although public debate was often intense and emotional. The crown retained nontrivial power, but the shift from king to crown was very much in line with that of other industrializing monarchies. Domestic policies were liberalized: internal and external barriers to trade were reduced or eliminated, taxes reformed, public education programs created and extended. Cabinets became creatures of parliament rather than the of the crown, and political parties became better organized and disciplined—although less so in the Netherlands than elsewhere, because of the very low threshold for representation in the directly elected chamber. Industrialization took place on a somewhat more modest scale in the Netherlands than elsewhere; however, commerce expanded as international and Rhinish trade increased from the industrializing efforts of others and colonization.

The transition to universal suffrage was gradual, as in most other successful democratic transitions, which is consistent with a model of constitutional exchange in a setting where suffrage norms among pivotal voters gradually change through time. Interest groups played a role in this transition, but evidently largely through persuasion and negotiation rather than through credible threats of armed conflict or revolution. The transition to parliamentary rule was faster than the transition to universal suffrage, reflecting parliament's enhanced power of the purse and ability to dismiss cabinet

¹⁶⁴ This overview of political developments is largely from an interview with Inke Secker of the University of Leiden's law school.

ministers in the 1848 constitution, as well as shifts in the theory of governance from royal to popular sovereignty that took place during the middle of the 19th century.

Perhaps surprisingly, the republican and relatively liberal past of the Netherlands played relatively little role in the constitutional developments of the 19th century. The Netherlands did not return to its confederal structure with strong cities and provinces. The office of Stadhouder was not recreated or reinvented. Earlier liberal successes during the republic meant that the Netherlands began the 19th century with relatively more open trade, religious and intellectual tolerance, and a relatively more organized liberal movement than elsewhere. But, the major influences were, as in other long standing kingdoms, the new economic and political associations that pressed for more open economic and political laws. These movements did have considerable ideological components—as the final press for universal suffrage demonstrates—but were also driven by other economic and partisan political interests, as elsewhere. More open trade and more open politics tends to benefit a broad cross section of the public, but some much more than others. These interests as well as ideology played important roles in constitutional bargains worked out in the Netherlands during the 19th and early 20th centuries.

Dutch Constitutional Time Line

Date	Constitutional or Political Event	Reference
	Roman empire reaches southern edge of the rhine in what came to be called the Netherlands--populated by batavians/celts/etc A series of fortress cities and trading posts established--many of which remain today	
100?	Myth of the batavian uprising against the Romans	
1450	Estates General Created for most of the Netherlands by the Burgandy provinces	
1477 ?	Mary's letter of preference, grants estates general the right to meet as they wish/eg without being called by the king	
1579	Union of Utrecht alliance of protestant provincial governments formalized	J. Sap p. 15
1581	Federation of Seven United Provinces	Michelin, p. 50
1650-1672	Statholderless Period in Holland: local elections for town councils (vroedschap)	
1672-1702	Statholdership Restablished, William III	
1702-1747	Statdholderless period	Michelin, p.50
	French period: provinces abolished than reestablished	
1798	Batavian Constitution: Liberal Precursor to Constitutional Period: calls for freedom of press and association, freedom of religion, independence of judges, Separation of Church and State, had a unicameral parliament, broader suffrage than in 1848, only lasted 3 years	J. Sap, p. 39, 42, 43
1810	Netherlands becomes part of France	
1813	Acceptance of Soveignty by William of Orange, after British and Prussian campaign against French who wanted the Netherlands to remain a republic	J. Sap, p. 39
	2/3 both chambers for ammendment	J. Sap, p. 98 van der Meer

1814/15	Modern Constitutional Period Begins: William IV the last Statdholder becomes King William	J. Sap, p. 32, 36 Michelin, p. 50
	Bicameral Parliament with Nobels and Commoners represented, Constitutional Monarchy with most power in hands of king, constitution as a contract Actually first chamber regional based, it just turned out that the nobels controlled local councils and so were elected (Institutional conservatism: continuity of institutions very important part of Dutch political outlook.)	J. Sap, p. Fritz Van der Meer (public admin. historian)
	Second national constitution, Belgians wanted bicameralism so that thier aristocracy would have seats in the first chamber, parliament reborn in 1814, a handful of me wrote it with little consultation, constitutional convention for ammendment parliament requires two readings separated by an election then grand chamber including special members decided with 3/4 vote.	Ineke Secker, historian of parliament,
	Provincial powers more real during this period , now have little power. Social dems now oppose bicameralism , but members of first chamber feel important. Not professionals, know people better, less political, so can judge more independently--but really are picked by parties. Modern first chamberdoes not often directly use its veto power. In period prior to 1918 first chamber was elected for 9 years (1/3 voted every 3 years) and dominated by CDems, but second chamber elected for 4 years dominated by Libs.	w.p.secker@law.leidenuniv.nl 071 527 7720 office
	In 1917, first chamber went to six-year terms, elected every 3 years, and then in 1980 went to four-year terms In 1922, composition of first chamber changes a bit, woman's suffrage granted. Religion-based voting continued.	Inke Seeker
		check with Inke Seeker for actual date, could be 1922
1830	Belgium Secedes, secure independence in 1931 with its own constitution, finalized in 1939, which causes constitutional issues to be revisited	J. Sap, p. 109
1840	Constitution Revised (at William's Death)	
1844	Thorbecke (a Lutherin, Professor in Leyden) proposes 9 revisions shortly after coronation of William II, but they fail to receive a majority in the lower house.	J. Sap. p. 110
1848	A new round of proposals, King William II fears revolution allows consideration of more extensive constitutional revisions to go forward, cabinet resigns, a constitutional commission (of 5 headed by Thorebeck) is created on March 17.	J. Sap, p.2, 110
	King appointed new members in the first chamber who would support the new constitution (Had been riots in Amsterdam but no real threat of revolution. Man in street not interested in constitutional reform. Mostly upper middle class and liberals)	J. Sap, p. 111 Inke Secker
1848	Johan Rudolph Thorbecke writes new Dutch Constitution: a great compromise between patriots and house of orange, between king and parliamentary advocates (not based on popular sovereignty)	J. Sap, p.2 J. Sap, p. 33, 80
	second chamber is to be directly elected with only about 10 percent of the male voters enfranchised lower chamber controls the budget freedom of education	J. Sap, p. J. Sap, p. 35

1848	The constitution provides for (1) introduction of direct elections for the lower chamber (by richest 10.3% of male pop > 23), provincial states and local councils (2) inviolability of the monarch and ministerial responsibility (3) rights of amendment (4) rights of parliamentary enquiry (5) ability of Crown to dissolve parliament (6) annual scrutiny of all budgets (7) abolition of all privileges deriving from rank and status (8) the end of government by Royal Decree (9) important questions to be regulated by law Legislative power rests with the King and the Estates General, implementation by the king. Every act by the King required the cooperation of ministers Amendment process requires 2/3 majorities in both houses. Majority rule on first reading, then second reading with 2/3 vote. Second chamber has right of amendment First chamber can only take or leave First chamber now more directly elected still a "chamber of reflection" so nobility becomes less important	J. Sap, p. 112-3 J. Sap, p. 32 Inke Secker	1917,1922	Major Constitutional Reform Universal Male Suffrage, Proportional Representation for second chamber First chamber still indirectly elected by provincial councils no minimum threshold for chamber seat liberal cabinet put in place, election law change educational passification with confessional party who (benefited from the changes/middle class - labor)	J. Sap, p. 32 van der Meer
				1922, Woman Suffrage	Inke Secker van der Meer
			1938, 1946, 1948, 1953, 1963, 1972	Minor Constitutional Reforms	J. Sap, p. 32
			1940-1946	Occupation, government flees, no election until 1946 first social democrats in government after WW1 distance between party elites and average voters more libertarian/left post 1970	Van der Meer Van der Meer
1848	Freedom of press and right of petition	J. Sap, p. 113		Provinces become more important with urbanization 20k work for provinces vs 110k for fed	Van der Meer
1848	Recommendations similar to those of 1944 accepted by the king November 3, and then by a majority in the lower house.	J. Sap, p. 112		Cities mostly funded centrally, municipal funds (earmarked, distributed by formula, few requirements on how they are spent)	Van der Meer
1849	King William II dies, followed by William III, Thorbecke becomes a minister and implements the reforms, organically, but has poor relations with the new King threatens Thorbecke with the gallows	J. Sap, p. 114, 115			
1853	Liberal party loses election, and Thorbecke is again an ordinary citizen Catholic bishops come back to the Netherlands for the first time in 200 years under new freedom of religious organizations to have own leaders allowed under 1848 constitution, and religious parties gain seats	Van der Meer Inke Secker	1983, 1995	Major Constitutional Reform Still no judicial review Article 120 Terms of first chamber reduced First chamber 75 (part-timers, senior statesmen and professors, party elites) second chamber 150	J. Sap, p. 32, 118 J. Sap, p. 124 Van der Meer
1868	Parliamentary power becomes more extensive Foundation of Parliamentary Democracy, ministers answerable to parliament as well as the king	J. Sap, p. 36 Van der Meer		Confessional Party Purple Coalition Liberals and Social Dem coalition Liberal Conservative Coalition at present	
1870	Liberal Party founded	J. Sap, p. 36		10 parties at present 4 years cycles Elections for first chamber in different years (first chamber rarely use veto power, feel a bit less legitimate, although more independent minded and experienced.)	
1869-1879	Anti Revolutionary Party (conservative) founded by Kuyper	J. Sap, p. 35		Coalitions fairly stable, only 1 gov in 25 years fell before its time	
1880	controversy over public education content/by gov/liberal confessional			new populous party 26 soc dem and libs halved greens have 10 but shrunk in last round	
1884	Constitution Revised --	J. Sap, p. 32		King had until 1883 commander in chief, Asks persons to form government, substantial influence	
1887	Constitutional Reform: Expansion of suffrage, by Liberals--suffrage expansion to 27% --followed by new bill in 1894 to to about 50% of male voters. Socialist Parties started in the 1880s although did not have any power / firmly linked to labor / social democratic movement intended to get better labor conditions. First national unions began around 1900, big strike in 1903. Afterward gov tried to reduce power of unions but failed. Closely related to the christian democratic and social dem parties. Catholic parties were forced to pay more attention to labor by Pope enciclique 1891 (Rerum Novarum, new things) because otherwise the socialists (atheist) would get their votes. (40% catholic)	Inke Secker Inke Secker		Formally President, Council of States, an advisory body regarding policy, have say on all major policy reforms that are published, senior people legal experts and politicians, lifetime appointments (70) Highest legal body in the NL (more support for queen having more power than the parliament)	
1891	Many Religious Parties organized re education	Van der Meer			
1890	DSAP Elites for Social Democrats Gradual Extensive	Van der Meer			
1891	Special meeting of Antirevolutionary Party to address labor issues. Kuyper (ARP) (ARP is now part of the christian democratic party Christian Democratic Appeal along with catholic and other christian party)				
1910	roughly 30-40 male suffrage	van der Meer			