

## **Chapter 15: Constitutional Reform in the Netherlands: from Republic, to Kingdom, to Parliamentary Democracy**

In contrast to the ancient kingdoms of the United Kingdom and Sweden, the constitutional monarchy of the Netherlands is a relatively recent innovation. This makes the lowland kingdom a very useful addition to the present study, because it demonstrates that relatively peaceful transitions to democracy within parliamentary systems do not require a long history of negotiations between kings and their parliaments, nor a deeply rooted or long-standing political culture. The first half of chapter 15 provides a short history of the Dutch republic and the origin of the kingdom of the Netherlands. The second half of the chapter focuses on its nineteenth-century transition to parliamentary democracy.

The Netherlands has not always been a kingdom, as might be said of Denmark, England, and Sweden, nor part of some other kingdom, as might be said of Norway and Belgium. From the late sixteenth century until the late eighteenth century, the *Republiek der Verenigde Nederlanden* (United Provinces of the Netherlands) was a relatively liberal federation of seven sovereign provinces. Its territories consisted of the northern lowlands of the Rhine, and its national policies were jointly selected by a committee of provincial representatives and a *stadhouder*, who was more than a prime minister or president, but less than a king.

The Dutch republic played a relatively important role in the early Enlightenment and in the constitutional developments of the United Kingdom and United States. Its scholars included such influential men as Grotius, Spinoza, La Court, and Mandeville. Many well known scholars from other less tolerant countries spent time in the Netherlands in the seventeenth century and many others published their books and pamphlets at Dutch printing houses. Descartes spent two decades working in the Dutch republic. John Locke spent many years in the Netherlands as a political refugee, where he completed his very influential work on governance and religious tolerance. William III, King of England, was *stadhouder* (Willem III) for much of the Netherlands for many years before obtaining the British crown. The Dutch republic's confederal government was used as a model during American constitutional deliberations in 1787 (Riker 1957, Congleton 2008).

The *Koninkrijk der Nederlanden* (the Kingdom of the Netherlands) was established in 1815 as part of the reorganization of Europe worked out by the great powers in Vienna following their victory over Napoleon and his French army. Among many other adjustments to political geography, the Vienna Congress reestablished the Netherlands as an independent country and merged the northern

and southern Rhinish lowlands into a single country that included the territories of present-day Netherlands and Belgium. Although the House of Orange had played an important role in the founding of the Dutch republic and its governance for most of the previous two centuries, Willem I's accession to the new Dutch crown was largely a consequence of international, rather than domestic events.

In spite of its relatively short experience as a kingdom, the evolution of Dutch parliamentary practices in the nineteenth century closely parallels those of the long-standing British and Swedish monarchies. As in the other kingdoms, increases in commerce and industrialization helped to energize politically active commercial, liberal, and labor groups. Constitutional bargaining and a series of agreements caused policymaking authority to shift gradually from the king to the parliament and more or less also simultaneously caused members of parliament to be elected on the basis of increasingly broad suffrage. The Dutch case demonstrates that the path to democracy analyzed in this book is not somehow rooted in a deep evolutionary pressures within constitutional monarchies, but rather is a consequence of new opportunities for constitutional exchange that emerged in the nineteenth century.<sup>292</sup>

### **A. Setting the Stage: The Emergence of the Dutch Republic**

Recorded history in the low countries begins when the Roman Empire reached the place where the great central European river (the Rhine) 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.. Those territories, including the southern Netherlands and Belgium, remained Roman for more than 400 years, until the empire began to disintegrate along its frontiers in the early fifth century. The Romans did go north of the Rhine, but their primary fortress cities and commercial centers were along its southern shores. Consequently, Latin and French influences are far stronger south of the Rhine (in present-day Belgium) than in the North, where Germanic and Frieslandic influences dominate. In this respect and many others, the Rhine played an important role for peoples of the low countries, from our first knowledge of them.

The Rhine did not only divide the future Dutch from the future Belgians, the geography and geology of the Rhine also created commercial and cultural ties with Germanic Europe that predate the Roman influences. The Rhine is central Europe's most important gateway to the North Sea and

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<sup>292</sup> Belgium seceded from the Netherlands in 1830, established its own constitutional monarchy, and followed a similar peaceful transition to parliamentary democracy during the next 80 years, thereby demonstrating that peaceful transitions in non-Protestant countries were also possible. The state religion of Belgium is Catholicism.

the Atlantic. Its large delta includes many channels through which the Rhine reaches the sea, which provides many potential harbors for transshipping goods to other parts of Northern Europe, including England and Scandinavia. The soft and flat delta lands made expansion of the natural waterways relatively easy and, indeed, necessary to produce more arable (dry) land for agriculture. An intricate maze of canals gradually developed, which were the most efficient method of transporting goods and people to market in the centuries before invention of the steam engine. Fishing and commerce were important economic activities for the Rhinish lowlands from very early times.

The marshy nature of the delta and its relatively long coastline with the North Sea, however, created problems as well as commercial opportunities. Floods were commonplace, and dry land was scarce. The marshlands isolated the coast somewhat from the mainland and reduced its agricultural productivity at the same time that commerce and fishing encouraged independent political and economic communities to develop. Towns often built hills and dikes to protect themselves from floods and storm tides. Villages and towns often joined forces to build protective larger dikes to protect settlements and existing farms and to drain marshland to create new farmland, promoting the formation of loose regional associations. These collective efforts to cope with the Rhine delta, in turn, produced specialized knowledge of flood control, drainage, and maritime enterprises.

By the time the lowlands found themselves (largely) in the hands of the Duke of Burgundy in the early fifteenth century (see below), the northern and southern Netherlands were among the most urbanized areas of Europe. Their fishing and commercial fleets were among the largest in the world, and their cities among the most prosperous (Israel 1998: 113–16; Barker 1906: 23–25).

Governance at that time was largely in the hands of local town councils and noblemen, as was true of much of continental Europe in that period. There was no national or regional government and no national organizations beyond those associated with the broader continental institutions provided by the Catholic church and Holy Roman Empire. Most of the separate provinces had their own parliament (provincial estates), and most towns had their own mayors and town councils. The 17 provinces of the low countries did not form a single autonomous polity or administrative area, although many belonged to the Burgundy family of duchies, which were more or less centered on the Rhine.

The first regional government of the lowlands was established by Philip the Good of the House of Burgundy when he called for a meeting of the States General in 1464. Representatives from all of the provincial and town governments assembled, mostly for the purpose of being advised by Philip, who was attempting to centralize control over his far-flung properties. It met when called by Philip

and only for as long as the meeting advanced Philip's purposes (Israel 1998: 21–22). In this respect, the Burgundian States General was similar to other parliaments during this time period. It was a consultative body with very little policymaking authority.

In addition to the States General, the Burgundy family also created the office of *stadhouder* (provincial governor). The Burgundian *stadhouders* for the Rhine's lowlands were initially chosen from the southern (Belgian) nobility who had the wealth, connections, prestige, and education to be effective representatives of Burgundian interests (Israel 1998: 23). The *stadhouders* 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, a somewhat unusual form of the "king and council" template, with an assembly of local governments and governor, became the regional government of the Rhine's lowlands. The power of the Burgundian *stadhouders* varied through time as the centralizing efforts of the Burgundian administration ebbed and flowed. During times when local provinces obtained greater autonomy, as in 1477, *stadhouders* were constrained by their respective provincial parliaments, which had veto power over new taxes and significant power over the creation and implementation of new laws. During such times, the provincial parliaments of the Burgundian period were routinely consulted about laws and appointments, and occasionally vetoed particular Burgundy appointments of both *stadhouders* and bishops. During periods of increased centralization, the formal authority of *stadhouders* increased, and they used their power of arbitration and appointment to advance Burgundian interests in the provincial governments and town councils (Israel 1998: 25–26).

### *The Great Privilege*

It was marriage and inheritance law that produced most empires in Europe during the late Middle Ages, rather than military prowess, although this process was not without problems. Philip's properties were inherited by Charles the Bold in 1476 and, subsequently, by Mary in 1477, following the death of Charles in January 1477 in a battle with the Swiss, who opposed Burgundian efforts to further centralize political authority (Israel 1998: 27). Shortly after coming to power, Mary found herself under attack by the French king, who disputed her claim to the Burgundian territories. Women could not always inherit noble titles and lands. In desperation, Mary negotiated the Great Privilege with her provincial governments in exchange for their help in the conflict with the French king.

The Great Privilege granted Burgundian towns and provinces veto power over new taxation and war and also gave the cities the right to refuse payment of taxes for which they had not voted. The privilege also granted provincial courts priority on legal matters and allowed the States General in the Netherlands and their provincial counterparts to meet on their own accord (Barker 1906: 39–40). This authority was very rare among the medieval compacts of the day. Most other national assemblies met only when called by the local sovereign (normally a baron or count in the English terminology). The self-calling provisions of the Great Privilege gave the provinces, cities, and regional parliaments considerable autonomy, which of course, increased their ability to resist usurpation of their powers of governance.<sup>293</sup> From that point on, the States General became a significant player in the public policies of Belgium and the Netherlands.

Many of the veto powers and procedures and even the location of governance (Den Haag), specified in the privilege continued in place for several hundred years. Indeed, it could be said that the representative States General established by Philip the Good in the mid-fifteenth century continues to this day in both the Netherlands and Belgium, albeit in much modified form.

### *The Habsburgs and the “Spanish Netherlands”*

Support for Mary against the king of France increased after issuing the Great Privilege, but it was not sufficient to turn back the French army. Fortunately, Mary was betrothed to an important member of the Habsburg family, a man who would become the emperor of the Holy Roman Empire. Maximilian sent German troops to Mary’s defense. The success of the German troops prevented many of the Burgundian properties from coming under the control of the French king. Instead, they became part of the powerful Habsburg family’s even greater territories.

A subsequent series of marriages brought the German and Spanish crowns to a single head. Mary’s son, Philip the Handsome, married Joanna of Castile, and their son Charles subsequently

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<sup>293</sup> The Great Privilege 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 Burgundian holdings later in 1477. Many other holdings of Burgundy (outside of France) were rescued by Mary’s marriage to Duke Maximilian of the powerful Habsburg dynasty (who later became the Holy Roman Emperor Maximilian I). In one intervention, Maximilian sent his army into Belgium., winning an important victory over the French at Guinigate in 1479, which preserved the Netherlands as an autonomous region.

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.<sup>294</sup> The same young man, Charles, 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 V became the ruler of one of the largest empires ever assembled, an Empire that included much of Europe and South America.<sup>295</sup>

Conflict among the provinces, the States General, and the centralizing proclivities of Charles V and his Habsburg successors made the Rhine's lowlands a contentious place for the next 60 years. Centralization required weakening the Great Privilege, because the Great Privilege made regional governance very difficult to finance in the former Burgundian territories. In 1517, Luther's famous *95 Theses* were "nailed" to the Wittenberg church door at essentially same time that Charles obtained the Spanish and German crowns.<sup>296</sup> This and other protests against Catholic practices (and corruption) greatly intensified the long-standing decentralization conflicts throughout much of Europe. The eventual Dutch revolt was largely a consequence of conflict between local elites and the Habsburgs regarding the extent of local control over taxes, appointments, and religious practices.<sup>297</sup>

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<sup>294</sup> The Habsburg family held numerous duchies throughout Europe, but their main holdings were centered around present-day Austria. For much of this period, politics was a family affair rather than a national one, but as national states emerged, the leader of the Habsburgs was often referred to the kings of Austria, and subsequently the emperor of Austria. After the Dutch revolt the part of the lowlands that remained in Habsburg control (present-day Belgium) came to be called the Austrian Netherlands.

<sup>295</sup> Charles V was born in Ghent in 1500 and became the king of Spain at the age of 16. Charles V ruled until 1556, when he abdicated and retired to a monastery in Yuste, Spain, turning the Habsburg territories over to his son Philip II. Charles V was born in the low countries, spoke Dutch (Flemish), and continued visiting the Netherlands even after assuming his position in Spain and subsequently the Holy Roman Empire.

<sup>296</sup> This is the mythic version of events. There are no eyewitness accounts of this famous event, and most scholars now believe that it never actually happened. Rather, Luther evidently mailed or presented a letter to the archbishop of Mainz and Magdeburg in October 1517, objecting to various church practices (particularly the recent increase in sales of indulgences) and also presented his 95 theses, which reinterpreted biblical texts. This letter and other works came to the attention of church authorities in Rome, who insisted that he recant, but Luther refused. He was declared an outlaw in 1521 and was hunted by troops of Charles V for many years.

<sup>297</sup> Resistance to the centralizing efforts of the House of Burgundy is evidently extended throughout the Burgundian territories well before the Protestant Reformation was under way. For example, the Hoeksken party in Holland launched military campaigns against Burgundian authority, but was defeated in 1483. Indeed, Charles the Bold was killed in 1477 during an attempt to retake Lorraine after a popular rebellion took place.

The Habsburg territories had been Catholic for centuries, but the new Protestant doctrines stressing independence from the centralized religious authority of Rome were very appealing for those already favoring decentralization, as well as for those Christians who questioned various aspects of Catholic religious practices. Such views were common in the Holy Roman Empire and northern Habsburg domains. Lutheran and Calvinist doctrines, consequently, found many supporters in the lowland territories, especially in the provinces north of the Rhine's main channel. Religious and centralization conflicts intensified and were often bloody in Northern Europe.

To reduce the losses from conflict, negotiations took place. As a consequence, in 1555 Protestantism was legitimized within the Holy Roman Empire by the "Religious Peace of Augsburg," which allowed the 300 German dukes and barons to choose between Lutheranism and Catholicism for themselves (and implicitly for all of their subjects). The Augsburg treaty did not end religious tensions in Europe, but did allow Protestant princes and barons to openly support and impose Protestant beliefs within their domains. Local autonomy in religion was now combined with traditional local political autonomy throughout much of the Holy Roman Empire.

The treaty of Augsburg advanced Protestantism in the north more than south of the Rhine, because the leading families of the north were closely linked to German noble families (or held German titles themselves) who largely declared themselves Lutheran. This was, for example, true of the Nassau family, which ruled the Barony of Breda, a province in the center of the Rhinish lowlands.<sup>298</sup>

Charles V's son and successor, Philip II attempted to reverse the trend toward local autonomy after he assumed the Spanish crown in 1556 by aggressively suppressing local tax resistance and Protestantism.<sup>299</sup> Partly in response to these policies, in 1566 Protestants throughout the Netherlands stormed Catholic churches destroying images of Catholic saints. Philip II sent an army to restore order and to increase his control of appointments and policymaking in the Rhine's lowlands. As a consequence, Protestant doctrines and their supporting organizations were largely

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<sup>298</sup> The Orange territory with its associated rank of prince was inherited by the Dutch Nassau's Willem I from a somewhat distant French branch of the family in 1544. Willem was appointed *stadhouder* of several of the major lowland provinces (Holland, Zeeland, and Utrecht) by Philip II in 1559 at the age of 26.

<sup>299</sup> Charles V abdicated in 1558, and the Habsburg properties were divided between Charles V's brother and his son. Austria and other properties in the Holy Roman Empire went to Charles' brother Ferdinand I. Spain, Naples, Burgundy, and the Netherlands to his son Felipe (Philip II). The Spanish branch of the family died out in 1700, and produced the war of Spanish succession (1701–14).

suppressed south of the Rhine by local authorities, although the cosmopolitan city of Antwerp remained an important center of Calvinist thought.<sup>300</sup>

By bringing the Spanish inquisition to the Netherlands, Philip II increased resistance to Spanish rule among Protestants throughout the lowlands. His execution of 80 “rebellious” nobles in the south in 1568 further alienated the aristocracy, and made it clear that Philip II was not interested in compromise. By forcing a 10 percent sales tax through the States General in 1569, the last in a long series of Habsburg tax increases to finance the suppression of Protestants, Philip II also alienated pragmatic businessmen and farmers who would otherwise not have been interested in politics or civil war. It was clear that Philip II would not defer to local aristocratic families or respect long-standing rights and privileges.

*The Treaty of Utrecht, the Act of Abjuration, and the Founding of the United Provinces of the Netherlands*

In 1579 the seven northern provinces met in Utrecht and formally created a mutual defense alliance against Spain. The treaty could be said to have formalized military relationships among the provinces that had already successfully resisted the Spanish for a decade, but it also provided the basis for future policy decisions.<sup>301</sup> The treaty of Utrecht created a formal military alliance and instituted national military service for all males between the ages of 18 and 65. It also created a new 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, and 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 Habsburgs. 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 a majority of provincial votes. Article 13 provided for religious tolerance in accordance with the pacification of Ghent (recently negotiated in 1576). The provinces were free to regulate religious matters, provided that everyone remained free to exercise their religion. Articles 9, 16, and 21

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<sup>300</sup> 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 lowlands would have found his writings much more accessible and congenial than Luther’s German.

<sup>301</sup> Open warfare with the Habsburgs had occurred for at least a decade. For example, the important Spanish siege of Leiden occurred in 1573–74.



specified that the *stadhouders* were to arbitrate differences among the provinces on matters of general interest and on matters of constitutional law (Barker 1906: 99–100; Rietbergen 2002: 84).

Negotiations with the Spanish continued to be fruitless, and thus on July 26, 1581, the States General adopted the Dutch declaration of independence (the Act of Abjuration). The line of reasoning developed in this pre-Enlightenment document is surprisingly similar to that developed by Locke a century later and also that crafted by the committee of Jefferson, Adams, and Franklin in Philadelphia two centuries later (Congleton 2008). The Dutch declaration espouses a theory of limited government, includes a list of grievances, and mentions the natural and ancient rights of man.<sup>302</sup> The Act of Abjuration uses the “necessity” of escaping from tyranny as its justification for secession:

As it is apparent to all that **a prince is constituted by God to be ruler of a people, to defend them from oppression and violence as the shepherd his sheep;** and whereas God did not create the people slaves to their prince, to obey his commands, whether right or wrong, but rather the prince for the sake of the subjects (without which he could be no prince), to govern them according to equity, to love and support them as a father his children or a shepherd his flock, and even at the hazard of life to defend and preserve them. And **when he does not behave thus, but, on the contrary, oppresses them, seeking opportunities to infringe their ancient customs and privileges, exacting from them slavish compliance, then he is no longer a prince, but a tyrant,** and the subjects are to consider him in no other view...

All these considerations **give us more than sufficient reason to renounce the king of Spain,** and seek some other powerful and more gracious prince to take us under his protection; and, more especially, as these countries have been for these twenty years abandoned to disturbance and oppression by their king, during which time the inhabitants were not treated as subjects, but enemies, enslaved forcibly by their own governors...

So, **having no hope of reconciliation, and finding no other remedy, we have, agreeable to the law of nature in our own defense, and for maintaining the rights, privileges, and liberties of our countrymen, wives, and children,** and latest posterity from being enslaved by the Spaniards, been constrained to renounce allegiance to the king of Spain, and pursue such methods as appear to us most likely to secure our ancient liberties and privileges.

The first and third excerpts develop an early theory of natural rights and of limited governance a century before Locke’s *Two Treatises on Government* was published in 1689.

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<sup>302</sup> The translation of the Act of Abjuration is taken from Thatcher (1907: 189-97) as modified by Jerome S. Arkenberg, <http://www.fordham.edu/halsall/mod/1581dutch.html>.

The second of the three excerpts demonstrates that the Dutch were initially reluctant to form a completely republican government without a prince or king at the helm. However, no king or queen accepted the proffered throne—most likely because of the military and economic costs associated with doing so. At the time of the Dutch revolt, the Habsburgs were the most powerful family in Europe, and Dutch success was by no means assured.<sup>303</sup> Instead, existing Burgundian institutions were modified to serve as a national government.

The military force raised by the northern principalities and led by Willem the Silent (of the Orange-Nassau family) succeeded in pushing the Spanish Army out of the north, and temporarily from much of the southern lowlands.<sup>304</sup> The southern half of the Rhinish lowlands (Belgium) was subsequently subdued by the Spanish and remained in Habsburgian hands for another two centuries, but a new independent republic was established in the northern half of the Rhine's delta.

## **B. The Government of the Dutch Republic 1581–1795**

The successful and somewhat fortunate Dutch war of secession allowed the procedures specified by the Union of Utrecht and its Act of Abjuration to become the constitutional core of

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<sup>303</sup> Nonetheless, England and France often supported the Dutch revolt, along with a number of Lutheran princes from Germany.

<sup>304</sup> Willem the Silent is widely acknowledged to be the leader of the Dutch revolt and is often referred to as the father of the country. He is often referred to as Willem I, the first stadhouder of the Netherlands, 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 Habsburg interests in the Netherlands. However, Willem defended the autonomy of the Dutch provinces against Charles V's son (Philip II), who attempted to centralize authority and crush Protestantism in the low countries. At first he did this peacefully through his office as stadhouder and, after his lands were confiscated by Charles V, through open warfare.

Willem was a member of a Lutheran family, although he was himself an avowed Catholic—until he joined the Dutch revolt. In 1573, 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. The political convenience of his conversion suggests that Willem's religious beliefs were a bit flexible at the margin and served practical, perhaps more than spiritual ends.

William's leadership of the Dutch resistance clearly attracted the attention of Philip II, who posted a 25,000-crown reward for William's assassination in 1580. When Willem was assassinated in 1584, however, Philip refused to pay the assassin's family (Barker 1906: 107-109). William's highest noble title, "the Prince of Orange" was derived from his family's control of a principality in Catholic France.

national governance in the United Provinces of the Netherlands for the next 200 years.<sup>305</sup> The government of the United Provinces, consequently, remained a loose confederation, as described by the Union of Utrecht in 1579, essentially a treaty organization with a weak central government. In practice, the seven provincial assemblies were sovereign. The treaty of Utrecht did not require unanimity on all matters, but did require it on matters of public finance, which made nationwide projects difficult to adopt and implement.

The governing assemblies of the provinces included representatives of the city governments and from the countryside. The countryside was normally represented by the local nobility and the cities by persons appointed by their respective town councils (*vroedschap*, “wise men”). The specifics varied somewhat by province, but in many cases the urban representatives dominated deliberations at the provincial level. In Holland, the wealthiest province, the cities appointed eight of the nine members of the provincial states general (Barker 1906). This allowed the major city elites, especially Amsterdam, to have considerable control of provincial governments and, thereby, the national government.<sup>306</sup>

The provincial assemblies and city governments had essentially complete control of local government finance, public services, and regulation. Many local posts were elective or appointed by elected bodies, although with a limited franchise, as was common in local governments at this time. In combination with the Great Privilege, the Utrecht treaty favored those represented in the city governments, especially the major urban centers of Holland.

After the declaration of independence, *stadhouders* were appointed by the provincial governments, rather than the Habsburg court. Given the autonomy of the provinces, one might have expected each province to appoint its own *stadhouder*. 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. Thus, only one or two persons held the office of *stadhouder* at a time, and the same person(s) was (were) normally appointed captain general of the Dutch army throughout the

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<sup>305</sup> Also, in addition to the States General, a National Assembly was created by the 1581 declaration of independence. Its decisionmaking procedures and representation were very similar to that of the States General. However, it met very infrequently and is therefore neglected in the present overview (and also by most historians).

<sup>306</sup> 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: 84).

Netherlands. (The navy was normally controlled by the other person[s].) The *stadhouders* were generally chosen from the Orange-Nassau family, in part because they had often been appointed *stadhouders* in Burgundian and Habsburg times, in part because the family had played important roles in the war of succession, but also because their wealth and past influence over appointments created a base of support within the provincial assemblies. The wealth and prestige of the Orange-Nassau family clearly made them the first family of the Netherlands, although they had less control over public policy than the sovereign families of Europe had at this time.

There were often disagreements between *stadhouders* and the national States General on matters of foreign policy, military expenditure, and regarding war and peace. These reflected to a significant extent institutionally induced differences in their interests. As leaders of the nation, *stadhouders* had a more encompassing interest in national unity, centralization, and development. As leaders of the army, *stadhouders* were especially interested in military expenditures, although less interested in spending money on the navy. The provincial members of the States General represented local political and commercial interests. As agents of the local elites, provincial governments were less interested in national policies, generally opposed to national taxation, and more inclined to support profitable naval and capital projects, rather than army salaries (which might well be used to increase centralization). The States General, thus, tended to be more interested in decentralized power and 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 normally smaller than the *stadhouders* desired. For example, the 12-year truce of 1609 was adopted by the States General over the objection of *stadhouder* Prince Maurice (Rietbergen 2002: 80). The States 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 national budget went for national defense during this period, much of it for the 80-year war with Spain (Ferguson 2002: 41). Within Holland, commercial interests dominated political as well as economic life, and there was often conflict between Orangist and commercial interests in which the merchants normally had their way. Indeed, there were substantial periods during which provinces would not appoint a *stadhouder* at all.<sup>307</sup>

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<sup>307</sup> The title "Prince of Orange" is taken from an ancient French territory and title (prince) acquired through inheritance in 1515. The title was more prestigious than other Nassau titles (which

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The most important responsibility of the republic's *stadhouders* was normally running the Dutch army. Paying for that army was often the main enterprise of the Dutch national government; in several cases, national defense was a matter of life and death for the republic.<sup>308</sup> At such times, the *stadhouder* was a very important man, even if he was neither sovereign, nor the main locus of policymaking within the Netherlands.<sup>309</sup>

### *Beneficial and Problematic Effects of Decentralization*

The control of public policies by local urban commercial elites together with a mobile and well-trained work force doubtlessly contributed to Dutch prosperity. Contemporary mercantilist theories and practices were less binding in the Netherlands than in other European countries, because of its orientation toward international trade and because its decentralized governance generated competition among localities for the large inflows of new capital and labor, which favored relatively open internal and external trade networks. Together these produced rapid economic growth, which encouraged further immigration by increasing economic opportunities for immigrants relative to those available elsewhere in Europe. The population of the United Provinces grew rapidly and commerce expanded as innovators, capitalists, craftsmen, and scholars converged on the Netherlands. Amsterdam became a metropolis, and many other towns became cities. New universities, newsletters, journals, and printing companies were founded.

Economics was not the only reason for the influx of persons and capital into the Netherlands. If not a liberal state in the modern sense, the United Provinces was a relatively safe haven for nonconformist religious and political ideas. As evidence of early Dutch liberalism, consider this pre-Enlightenment passage in praise of rationality taken from a piece written by the Dutchman Jacob Hendrix in 1582:

“A **free mind**, in which an unrestricted intellect governs, **can see and observe ... what is honest, profitable, righteous, lawful**, proper, possible, feasible, and necessary ... the mind inflamed by the fire of passion **cannot** judge rightly in private nor in common matters” (Van Gelderen 1993: 169).

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included baron and count) and became part of the Nassau family legacy, even after the province was taken over by the French king in 1672. The Nassau family already had substantial holdings in the Rhine's lowlands and had served as provincial *stadhouders* in the fifteenth century.

<sup>308</sup> The offices of *stadhouder* and captain general of the army were formally different posts, but routinely held by the same person.

<sup>309</sup> Toward 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 from 1751–95 (Rietbergen 2002: 160).

The influence of such ideas, however, was largely a consequence of its decentralized political institutions, rather than widespread liberalism or tolerance *per se*.<sup>310</sup>

Although the Union of Utrecht called for religious tolerance, as did many of the republic's early political leaders, tolerance was not always supported by provincial and urban governments. Local autonomy, however, implied that a place could nearly always be found in the Netherlands where nonconforming intellectual perspectives and religious practices would not be contested by local authorities. As a consequence, thousands of Protestants and other nonconformists from the southern provinces (Belgium) moved to the Netherlands in the late sixteenth and early seventeenth centuries. A similar immigration from throughout Europe followed, including thousands of Huguenots from France and several hundred English Puritans.

Unfortunately for the Republic, the rapid growth of wealth generated by its internal tax competition, relatively free trade policies, and tolerance of political and religious nonconformists attracted the interest of the Dutch neighbors. Moreover, its borders and coastline were normally poorly defended during times of peace, because provincial autonomy allowed the provinces to free ride on the provision of national public goods, including national defense. These tended to exacerbate the military crises of the next 200 years (Barker 1906: 181–82, 364–65, and 379–83). A low-level war with Spain dragged on for 80 years, with periodic major engagements, and the Spanish war was soon replaced with British and French conflicts.

After the death of Willem II in 1650, the office of stadhouder was left empty for 22 years.<sup>311</sup> A new stadhouder was finally appointed in 1672 during a time of grave military threat. The French were repelled, but the risk from France and its English ally was not eliminated. Subsequent, Dutch geopolitical strategy played a pivotal role in English history, as noted above in chapters 12 and 13. After securing permission to invade England from the States General, Willem III led a successful invasion of that country, which induced James II to flee to France. Negotiations with the Parliament in 1689, Willem III became the king of England (as William III) and held the offices of stadhouder and King of England until his death in 1702.<sup>312</sup>

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<sup>310</sup> See Israel (2002) and Van Bunge (2003) for careful surveys of Dutch contributions to the European enlightenment.

<sup>311</sup> Willem II's son, Willem III, was born the week after his death. Willem III was only 22 when he was appointed stadhouder for the other provinces in 1672. Two of the seven provinces had appointed stadhouders during this period, Groningen and Friesland.

<sup>312</sup> More details are provided in chapters 12 and 13. Willem III had been invited to intervene in English politics by several prominent members of parliament. The Glorious Revolution is more important for English than for Dutch constitutional developments.

Even as king of England, the long-standing *stadhouder* preference for the Dutch army over the Dutch navy continued to influence Willem/William III's military policies. In the ensuing war against France, Willem used the Dutch army on land and the British navy on the sea. The latter made the British navy the unchallenged leader on the world's oceans, which in the long run undermined Dutch commercial international interests and promoted British ones.

### *An Intermediate Form of the king and Council Template*

In terms of the king and council model, the government of the Dutch republic was an intermediate case, in which both king (*stadhouder*) and council (States General) had significant roles in policymaking during most of the two centuries of the Republic. The division of authority shifted for various reasons, but international considerations were among the most important factors. The States General's power of the purse and appointment gave them somewhat greater bargaining power than the *stadhouder* during times of peace and prosperity. During times of military crisis, deference to the *stadhouder*-captain-general was commonplace. Consequently, during times of peace, *stadhouder* influence on public policy generally declined (indeed no *stadhouders* might be appointed), and during times of military crisis *stadhouder* influence generally increased.

The political decisionmaking processes of the Dutch republic were decentralized, rather than democratic. The supermajority and unanimity rules of the republic's central government reduced its ability to "impose" taxes and regulations on the provinces. Consequently, most fiscal and regulatory decisions were made at the provincial and city government level. Public policies were adopted by well-organized provincial economic and political elites within somewhat representative local and national institutions. Votes were counted in the various regional and national assemblies, although those who held office were not broadly elected in the modern sense. There were no popular elections. In many cases, city councilors served for life and their replacements were selected by the remaining city council members. Nor was there much ideological competition within the Dutch assemblies, although there were many factions within the various parliaments and town councils.

Most historical accounts suggest that centralization tended to increase somewhat during the second half of the second century of the republic, and partly for this reason, ideological competition also emerged between Dutch liberals and conservatives at the national level.

The supermajority provisions of its national policymaking system, while preserving considerable decentralization, also made the republic a fairly rigid system of governance in which each of its component parts were difficult to reform. Indeed, at the end of the republican period, there were true revolutionary pressures, as the pro-reform "patriots" pressed for liberal constitutional changes

that would change the basis of representation within the local and national assemblies, while the anti-reform “Orangists” successfully defeated their proposed reforms in the assemblies (and once or twice on the battlefield).

### **C. Revolutionary Times, 1795–1814: the Batavian Republic, First Kingdom, and the French Empire**

The polar cases of the king and council template were briefly visited by the Dutch during 1795–1814 as the two-century-old republic was replaced by a new more centralized system of governance in the course of two decades of exogenous political shocks.

A large loosely organized more or less liberal political movement emerged in the second half of the eighteenth century. The patriot movement began as a series of loosely affiliated reading societies that debated and pressed for constitutional reform. Many members of the patriot movement quoted and referred to such English political theorists as Locke, Price, and Priestley in their pamphlets and arguments for reform. In the second half of the eighteenth century, a few patriot groups acquired arms and trained in military operations, for example, the *Free Corp* (Israel 1998: 1136). Thomas Jefferson occasionally met with leaders of the patriot movement during his tour of office in Paris.

However, both peaceful and revolutionary efforts were largely unsuccessful, until the French army provided additional support, shortly after the French Revolution. In 1795, with help of the French army, the patriots induced Willem V to leave for England on January 18, and a mild Dutch counterpart to the French Revolution took place. Although much less bloodshed was involved, the patriot revolution also demonstrated the difficulty of radically reforming political institutions.

After Willem V's departure, the patriots organized a constitutional convention to write a new national constitution and found a new government, the Batavian Republic. The States General called for elections to a constitutional assembly in January 1796. Elections to the constitutional assembly were based on essentially universal male suffrage. All men older than 20, *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.

Constructing an acceptable new constitution at the special assembly required much negotiation and bargaining, but finally a federal constitution with sufficient support emerged from the assembly. As required for those espousing popular sovereignty, the proposed design was placed before the public in a direct referendum. Unfortunately, the constitution was rejected in the referendum of August 1797. The constitutional assembly resumed meetings and negotiations, and several more months of fruitless constitutional renegotiation followed. Finally, in January 1798, the French



ambassador assumed the leadership of 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. This French proposal for a unitary state was accepted in a referendum in April 1798.

Although the Batavian Republic was somewhat more stable and much more humane than its French counterpart of that period, its constitution was revised several times for the benefit of the new Dutch rulers. For example, in 1801 it was substantially reformed to concentrate executive power in a small committee. Two years later, it was reformed again to further centralize executive power in a single person in 1805. Later in 1805, the Batavian Republic was replaced by the first Kingdom of the Netherlands, as Napoleon appointed his brother Louis to be king. In 1810 the Netherlands became part of the French empire with the annexation of the Netherlands by Napoleon. Evidently, none of the new constitutional designs were as stable or effective as those of the old decentralized Republic.

#### **D. The Congress of Vienna and the kingdom of the Netherlands**

After the great powers had defeated Napoleon in 1813, a Congress was held in Vienna to redraw the map of European governance with an eye to major power interests and to the future security and political stability of Europe. The great powers (England, Prussia, Russia, and France) agreed to merge many small polities into larger ones, ending the independence of many long-standing polities and creating new ones. The Holy Roman Empire was replaced by the German Confederation. Bavaria was elevated to a kingdom. Switzerland was reestablished. Venice lost its six-century-long independence and became part of the Habsburg domains. A new Kingdom of the Netherlands was established in the former territories of the Dutch republic and the former Habsburg lowlands to the south of the Rhine.<sup>313</sup>

Within the new Netherlands, the initial constitution for the new monarchy was written by supporters of the House of Orange and was based partly on old Dutch federal designs, partly on British ideas, and partly on liberal and Belgian compromises. This document was subsequently revised to take account of Belgian interests, as described in the next section. Many reforms from the

<sup>313</sup> The Vienna Congress also placed Norway and Sweden under a common crown, transferring Norway from Denmark to Sweden; formally placed “Swedish Finland” and part of Poland under the Russian sovereign; and shifted parts of Spain and Italy to the Austrian Sovereign, partly to compensate the Habsburgs for the loss of their 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 nineteenth century.

Batavian and French period were kept, including the new royal office and the end of the long-standing Dutch tradition of decentralized political power. Mayors, for example, continued to be appointed by the national government. Town council members were to be elected, but local tolls and tariffs were reduced and educational reforms were imposed by the central government, rather than by the local governments themselves.

The new Kingdom of the Netherlands based on the king and council template continues until today, although the boundaries of the new kingdom and the division of authority between the king and parliament proved to be less stable than the constitutional monarchy itself.

### *Relevance of Early Dutch History for the Nineteenth Century*

Dutch governance in the period before 1815 is significant for several reasons. Unlike the British and Swedish cases, the lowlands did not have a long history of parliamentary monarchy. Government before the nineteenth century was not oriented toward monarchy, but rather toward decentralization. The Netherlands did not have a strong central government, but found itself with one after the period of French intervention. The Dutch monarchy was initially imposed by France and more or less re-imposed by the Vienna conference of 1815, albeit with the support of the Orange family and its many supporters. Willem VI became Willem I on March 16, 1815, the first king of the Netherlands rather than its sixth *stadhouder*.

The period before 1815 demonstrates that economic and political liberalism in the Netherlands is far older than the kingdom. The republic's founding constitution included many liberal features, including a theory of limited government, explicit protections for religious freedom, and a relatively powerful confederal legislature. Its early intelligentsia included many prominent liberals, such as Grotius, Descartes, La Court, and Mandeville. The Netherlands also had long history of relatively open markets (largely because of its decentralization). Its prosperity and much of its wealth was already largely market based, because of its location at the mouth of the Rhine. Its presses published the ideas of many European liberals who could not publish their work elsewhere. In the last two decades of the republic, a substantial and well-organized minority pressed for less restrictive trade, more open politics, and educational reform. However, these reforms could not be adopted under the standing political institutions of the Dutch republic.

The reforms were briefly adopted only after those institutions were overturned, when the French army came to the aid of the Dutch liberals. French support for Dutch liberals, however, proved short lived, and a new more centralized government was subsequently imposed by the French and ratified by the great powers.

## **E. The Kingdom of the Netherlands: 1815–48**

The Netherlands was now a constitutional monarchy with a hereditary sovereign. The new kingdom's territory included the lands ruled by the old republic, plus the old Habsburg territories south of the Rhine (what is now Belgium).<sup>314</sup> The new national government's authority extended to matters well beyond foreign policy and national defense, and policymaking authority was substantially more centralized in the new national government than it had been before. The new government was based on the bicameral model that had emerged in England, which Montesquieu had recommended in his widely read chapters about constitutions that preserve liberty (1752, Book XI).

According to the terms worked out between the House of Orange and the great powers in Vienna, the North, and South were to be equal parts in a new unitary state, the details of which were to be worked out by the new Netherlands' States General and King (Kossman 1978: 109–11). A constitutional commission with 12 members from the north and 12 from the south undertook the task of refining the new constitution. Negotiations between northern and southern representatives established a new bicameral States General with the first chamber based on nobility and royal appointments for life, and the second indirectly selected by provincial governments. The north with its confederal history lacked a proper nobility, although it had elite families. The ability to appoint members to the first chamber gave Willem I more control of the upper chamber, and Willem I predictably "solved" the problem of northern peers by elevating his most prominent supporters to the new Dutch nobility.

The second chamber reflected Dutch experience with the States General during the republic. It was a federal chamber composed of 55 members from the North and 55 members from the South, each elected by their respective provincial governments (Rietbergen 2002: 124). The provincial governments were modeled after the French system and represented the three medieval estates, the

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<sup>314</sup> 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 Habsburg 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.

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 1959: 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 short-lived Batavian Republic. Only about 80,000 Dutchmen and 60,000 Belgians were entitled to vote out of populations of about 2.4 million and 3.4 million respectively (Kossman: 113; Maddison 2003: table A-3A).

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 10 years*, which left day-to-day governance almost completely in the hands of the king and his ministers.<sup>315</sup> The king's appointment of the members of the first chamber, together with his control of ongoing government policies, gave King Willem I considerable control over public policy. To a considerable degree, he and his ministers ruled by royal decree for most of his reign (Rietbergen 2002: 124, Van Raalte 1959: 2).

Amendments to the constitution had to be approved by majorities in the first and second chambers, and formally accepted at a meeting of the provincial states and by the king. The former prevented the king from simply adopting new constitutional provisions by fiat, and the latter protected the king from usurpation by the parliament. (No formal provision for constitutional review was provided.)

The new constitutional monarchy was initially a king-dominated form of the king and council template, as common in Europe at that time. The specific character of the new parliament was a compromise between the Orangists and southern practices before the French intervention, given the mandates of the Congress of Vienna. Equal representation in the second chamber was consistent with the Vienna mandate for equal participation in the new unified national government; however, the south naturally felt shortchanged by this compromise. Those living south of the Rhine (Walloons and Flemish) outnumbered those from the north (Dutch) by more than 30 percent.

### *Belgian Secession of 1830*

A variety of policies implemented by Willem I during his first 15 years further alienated the south. Dutch was gradually introduced as the official language of the Southern courts and

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<sup>315</sup> The fundamental law called for all routine peacetime expenditures to be part of a decennial budget. Of course, the king and parliament occasionally disagreed about what was routine. Extraordinary budgets were approved one year at a time (Van Raalte 1959: 2).

government (1819). The language of civil service and governance became predominantly Dutch; which excluded large parts of the Belgian elite from government service. Although Dutch (Flemish) was widely spoken in the south, the southern elites were largely from French-speaking households and trained at French schools. A new 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 (Kossman 1978: 127). These policies increased literacy in the south, but also increased Catholic reservations about the new 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 lifestyles and wealth were 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 critics. A liberal Belgian petition movement gained momentum in the late 1820s, which advocated freedom of education, a free press, and personal liberty. Petitions 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, because by constitutional law, such documents were irrelevant, and taking formal account of them would have implicitly changed the constitution. A right to petition would have provided direct participation for citizens and politically active groups, rather than the indirect one allowed by the constitution.

In 1830 an economic downturn 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 demonstrations, resistance by liberal and Catholic interest groups, and mistakes by Willem I and his ministers led 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.<sup>316</sup>

Many of the same considerations that led to the Belgian secession and to a new relatively liberal Belgian constitution were soon to induce major reforms of the Dutch constitution.

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<sup>316</sup> During the Burgundian period, all residents of the territories of the Netherlands 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 (Kossman 1978: 118).

*Reforms of 1840: Ministerial Responsibility and the Rule of Law*

In 1839 Willem formally acknowledged the secession of Belgium, which required revising the 1815 constitution, because 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 procedures of governance.<sup>317</sup> The same liberal tide that was sweeping through much of Europe was also affecting policy debates inside and outside the parliament, and several liberal proposals for reform of the constitution had already been made and rejected. The second chamber threatened to veto the current budget proposal unless some recognition of ministerial responsibility was incorporated into the constitution (Van Raalte 1959: 4).

Amendments required the king, the first and second chamber, and the provinces (states) to approve any proposed changes. Constitutional negotiations took place for two years. Both the king and the first chamber were initially opposed to constitutional reforms beyond those necessary to take account of the Belgian secession. However, there were new constitutional gains to trade, in part because of changes in the composition of the first and second chamber. Belgian interests no longer had to be taken into account. In the end, several new amendments were adopted by supermajorities in both chambers, which demonstrated a consensus for constitutional reform among the elites represented in government in September 1840.<sup>318</sup>

The basic structure of government and method of selecting members of the State's General was left largely in place, but changes in budgetary policy and ministerial responsibility were adopted. After the reforms of 1840, cabinet ministers could be prosecuted if they were suspected of violating ordinary or constitutional law. In addition, 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 beyond

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<sup>317</sup> The second chamber had also recently vetoed the king's proposed 10-year budget, which was a 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 (Kossman 1978: 162–64, 182).

<sup>318</sup> The amendments included approval of a meeting of the second chamber augmented by representatives of the provincial states.

constitutional law or ordinary legislation. Now the responsible minister could be fined, jailed or worse, which made ministers more responsive to parliament (and the constitution) than before, and indirectly reduced the king's power of decree. The reforms also eliminated the 10-year budgetary cycle and required that all departments submit two-year budgets.

Both reforms increased the king's need for ongoing 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 in the Netherlands had ended (Kossman 1978: 180; Van Raalte 1959: 4). His son, Willem II, took the throne in October 1840.<sup>319</sup>

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

In 1839 a professor of history at Leiden University, wrote *Comment upon the Constitution*, a book criticizing the 1815 form of the Dutch constitution. In his book, Professor Johan Thorbecke argued in favor of broader suffrage, the parliamentary appointment of ministers, and other liberal reforms. A second edition was published in 1843 that took account of the 1840 amendments, but advanced similar arguments. Thorbecke's work was typical of liberal books, pamphlets, and newspaper articles that addressed constitutional issues at that time. Thorbecke, however, was not simply an academic theorist, but also a respected member of the second chamber of the parliament. In 1844, Thorbecke proposed a series of constitutional reforms. His proposals were rejected, as many other proposals for liberal reforms had been rejected over the years. Liberal proposals for constitutional reform had been nearly constantly on the royal door step since 1815, and essentially all had been rejected. It is not easy to find constitutional gains to trade.

A few years later, King Willem II also became interested in constitutional reform. On March 16 1848, 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 24 hours become very liberal." This statement was used to introduce his new strategy of constitutional reform as a method of maintaining the position of the House of Orange, which he described in some detail at the same meeting (Van Raalte 1959: 16). The king's new interest in liberal constitutional reform is often

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<sup>319</sup> 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 in 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.

attributed to the demonstrations that swept across much of Europe in 1848, especially in Paris and Bonn.<sup>320</sup> These events surely influenced his constitutional strategy somewhat, although it was not the first time that he had proposed constitutional reforms, and it bears noting that demonstrations in the Netherlands were not especially widespread.<sup>321</sup>

The king's hand was not forced, but it seems clear that Willem II now believed that some liberal reforms were unavoidable and sought to control their course. In early 1848 the king's ministers submitted 27 bills revising the Dutch constitution to parliament. However, liberals and moderates in the second chamber favored more liberal economic and administrative reforms than proposed by the king's ministers, while Catholics wanted more religious freedom than proposed (Kossman 1978: 183–88). After their proposals were rejected by parliament, the royal ministers resigned (Van Raalte 1959: 5).

In pursuit of more viable proposals, Willem II appointed a constitutional commission headed by Professor Thorbecke on March 17 and solicited a new cabinet under the leadership of Count Schimmelpenninck. Count Schimmelpenninck agreed to lead the reform cabinet under three conditions: (i) that he could select the other members of the cabinet, (ii) that the new cabinet would review the proposed reforms of the Thorbecke commission, and (iii) 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 1959: 17).

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<sup>320</sup> In 1848 a series of large, but mostly peaceful, demonstrations favoring constitutional reform took place in many parts of Europe. For the most part, the demonstrations were illegal, and in this sense revolutionary, a term often used by historians to describe the events of 1848, although there was little bloodshed. There was, however, little evidence of revolution in the Netherlands. The Kingdom of the Netherlands, like much of Europe, was in economic distress, but there were no large-scale riots or takeovers of government buildings in the Netherlands. Some 16 percent of the Dutch population were on poor relief, which suggests that a welfare state was already present in the Netherlands and may have reduced the urgency of those suffering from economic distress. Peaceful demonstrations, nonetheless, made it clear that support for liberal reforms was rising in the Netherlands, as in other European countries, particularly among the middle class.

<sup>321</sup> Eighteen years earlier, Willem II had proposed to his father that Belgium be granted a “separate administration” as a possible method of reducing Belgian opposition to the Orange sovereign, after negotiating with Belgian liberals. An emergency session of the States General was called by Willem I, which voted in favor of such reforms, but they were too little and too late to overcome pressures for Belgian secession (Kossman 1978: 153). This experience without doubt also influenced Willem II's thoughts and decisions in 1848.



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. Moreover, his reforms had to be adopted constitutionally, which required broad support among Dutch elites and the king. Thus, predictably, his proposed 1848 reforms were modest, relative to the French or Dutch constitutional experiments of the late eighteenth century.

Thorbecke submitted three carefully crafted series of reforms for approval on April 11. First, he proposed a major reform of the bicameral States General. In effect, the old first chamber of nobles would be eliminated. The confederal second chamber would become the new first chamber. A new, directly elected chamber would become the new "second" chamber. The federal chamber of the States General would have 39 members and be indirectly elected by the provincial governments. The new second chamber would have 50 members and be directly elected from single-member districts under restricted suffrage (Van Raalte 1959: 57). 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. A third of its members would stand for election every three years. Budgets were to be annual, rather than biannual. Sessions of both chambers were to be open to the public (Van Raalte 1959: 5–6).

Although the elections would determine essentially all of the members of parliament, the electorate would actually be slightly *reduced*, rather than expanded. Suffrage was determined by relatively high tax qualifications in provincial and national elections. Suffrage for provincial and national elections were also placed on the same footing. The new more uniform tax requirement reduced the franchise from perhaps 90,000 to 75,000 out of a population of three million (Kossman 1978: 194). Moreover, eligibility for seats in the two chambers was still restricted to Dutch elites. For example, to be eligible for membership in the first chamber, an individual had to belong to the highest category of taxpayer, which made about a 1,000 taxpayers eligible for seats in the first chamber (Van Raalte 1959: 5). Such rules helped to secure support from the first chamber, many of whom would expect to be elected to a seat in the new first chamber.

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

non-parliament based income and colonial authority). The king remained free to appoint his ministers, veto legislation, dismiss parliament, declare war, elevate persons to the nobility, and call for new elections for each chamber. Royal income was increased and guaranteed (by section 2).

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 in the second chamber, because it meant that the Catholic Church would be free to organize bishoprics for the first time since the sixteenth century. Support for public education reduced opposition from conservative Protestants and increased support among moderates (Kossman 1978: 291), because tax revenues would support education in church-run schools as well as secular ones.<sup>322</sup>

Overall, Thorbecke's proposed constitutional reforms shifted additional policymaking authority from the king to the parliament, slightly changed the membership of the Parliament, and moderately expanded civil liberties. It did so in a manner that made the reforms acceptable to majorities in the first and second chamber. The eligibility rules for the new first chamber implied that a majority of the current peers would be "re-elected."

The king's authority and influence were reduced somewhat, but by no means eliminated, while his personal budget was increased. The ability of parliament to dismiss ministers meant that the ministers were no longer entirely agents of the sovereign. Indeed, ministers became increasingly responsible to parliament during the next two decades, as new bargaining equilibria emerged under the new constitutional circumstances. The elimination of the old chamber of appointed lifetime peers diminished the king's influence within parliament, because the Dutch peers had been chosen in large part because of their loyalty to Orange interests. Nonetheless, the king retained far more control of public policy under the 1848 constitution than his *stadhouder* forebears had possessed in the days of the Dutch republic. Netherlands remained a kingdom; the king could veto laws, appoint governments, and dismiss the parliament.

Willem II found this very moderate shift of authority to be an acceptable compromise with politically active liberals. The king pressed the first chamber peers into accepting elections. Liberals,

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<sup>322</sup> Constitutionally protected rights are scattered throughout the 1848 constitution, including rights of due process (articles 151 and 156), the requirement of warrants to enter private property or read personal mail (articles 158 and 159), freedom of association (article 9), freedom of the press (article 7), and freedom of religion and religious association (articles 167, 168, and 169). The new constitution also included central government responsibility for poor relief (article 193) and reformed local and provincial governance. For example, town governments would consist of a locally elected council, whose president would be selected from among those elected by the king (Article 143).

moderates, and Catholics, with the king's support, provided majorities for the Thorbecke proposals in the second chamber, which in turn were accepted by the king.

In this manner, negotiation and bargaining, rather than revolution or pressing revolutionary threats, produced a major reform of the constitution of the kingdom of the Netherlands. Royal authority was clearly diminished by these reforms, although it was not initially obvious that a major shift in that authority would be generated by the new joint control of the ministry. Thorbecke's amendments were formally adopted through constitutional procedures.<sup>323</sup> After 1848 the kingdom of the Netherlands had an elected parliament with significant authority over public policy for the first time.<sup>324</sup>

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

### **G. The Gradual Emergence of Cabinet Governance, 1848–68**

The governments elected under the 1848 constitution alternated between liberals and conservatives; with liberals holding power a bit more often than conservatives. The 1848 reforms were not a liberal “revolution” or coup, but rather a bargain worked out among all politically active groups. Suffrage was far from universal, although it would gradually expand as the economy expanded in the decades before the next series of constitutional amendments were adopted.

As might be expected from a process of constitutional negotiation and exchange, the reforms had relatively small, short-term effects on the authority of the Dutch political elites, although it did affect the distribution of policymaking authority among those groups and between the parliament and the king. Between 1848 and 1877, more than a third of the 410 men who became members of parliament were from families with noble titles. Of the 100 different cabinet ministers, 81 came from

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<sup>323</sup> An English version of the 1848 Dutch constitution (with its modest revisions adopted in 1887 is available in Dodd (1909: 79-120).

<sup>324</sup> The constitutional and national assemblies of the Batavian Republic (1796–1805) were 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 in that it was subject to French monitoring and intervention (Kossman 1978: 91–97; Rietbergen 2002: 118–19). 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 States General of the United Republic for several more decades, although the new constitution determined the authority of the provincial governments, rather than the reverse (Van Raalte 1959: 6).

noble or patrician families. 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 men elected to the new parliaments had law degrees or training in the law. It was clearly an elite government (Kossman 1978: 273–74).

Although parliament could dismiss individual ministers for nonperformance, it was not clear how far their authority over the cabinet extended. For the first 20 years after the 1848 reforms, cabinet ministers continued to serve at the pleasure of the king, including the two Thorbecke cabinets of 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 1959: 18). This suggests that Thorbecke believed that the king's power of appointment and dismissal was not significantly reduced by the 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—as long as a particular parliament could maintain electoral majorities. 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 on Luxembourg. The cabinet offered to resign, but the king refused their resignations, arguing that parliament had unconstitutionally interfered in the government's execution of foreign policy. The king called for new parliamentary elections and campaigned for a new pro-sovereign parliament. However, the electorate selected a parliament that supported parliament's right to criticize and sanction ministers and their policies. The newly elected parliament again vetoed the proposed budget of the recalcitrant ministry of foreign affairs.

The king reluctantly accepted the resignation of his cabinet and appointed a new cabinet that was more respectful of parliamentary advice (Van Raalte 1959: 20). After 1868 the sovereign routinely chose ministers from the major parties in the parliament.

The relationship between the king, the executive cabinet, and parliament evolved slowly during the rest of the nineteenth century, as parliamentary control of the cabinet increased and the authority of its prime minister increased relative to that of the king. The 1848 constitution implied that the king had to choose ministers with parliament in mind, both because reliable majorities in the two

chambers were necessary to maintain government finances and because ministers could be removed by parliament. The latter implied that the ministers appointed had to execute parliamentary legislation faithfully, if they were to continue in office.

### *Dutch Liberalism in the Nineteenth Century*

As noted above, the liberal movement in the nineteenth century can be traced back to the days of the Dutch republic and beyond. However, that period also demonstrated that liberal ideas by themselves are not sufficient to induce reforms. Political activities require real persons to move ideas forward, broad support within government, and institutions that are flexible enough that constitutional bargaining is possible.

Nineteenth-century Dutch liberals were not Cartesian system builders, but rather were generally skeptical of such all-encompassing theories. They were evolutionists, while being skeptical of evolutionary theorists (Kossman 1978: 259–64, Stuurman 1989). Their opponents for most of the century were conservatives whose loyalties were not to an ancient kingdom and church, but rather to religious and cultural norms from the past. Conservatives were also broadly skeptical of the usefulness of further political liberalization. There was not a unified Dutch conservative party in the mid nineteenth century, but rather a loose antireform coalition that was basically satisfied with the status quo (Von der Dunk 1978, Kossman 1978: 275–77).

The groups referred to as “liberals” in the Netherlands did not always agree about the end that reforms should achieve or cooperate their persuasive campaigns. What might be called “right of center” liberals sought reductions in trade barriers, suffrage of “competent” persons, and very little more. Centrist liberals pressed for educational reform, the abolishment of slavery, and a somewhat greater extension of suffrage, largely because of a more generous notion of competence. “Left of center” liberals (radicals) supported very broad suffrage, major educational reform, child labor laws, and a shift of tax instruments from excise to income taxation. In the late nineteenth century, such “radical liberals” were increasingly influential within liberal groups in the Netherlands, as elsewhere, and liberal thought drifted to the left, in this sense, as the nineteenth century progressed. Economic and ideological trends favored the more “radical” liberal ideas, as each generation’s “radicals” became the next generation’s conservatives. (Dutch left liberals were not socialists, and their policies by today’s standards would seem rather tame.)

In mid-century, Thorbecke was by far the most important Dutch liberal, because he was simultaneously an important liberal theorist and three times the prime minister, in addition to being the author of the 1848 constitutional reforms.

### *Political Parties*

Political parties during most of the century were loose affiliations of persons and small groups who could agree on the merits of particular reforms and reformers. Suffrage was very narrow, and it was not until it expanded toward the end of the century that modern disciplined political parties emerged. In 1878 the Calvinist anti-revolutionary party was founded. The Liberal Union was founded in 1885. The Social Democratic Labor party was founded in 1894.

The new parties were formally organized, but their members remained open to new alignments and organizations. For example, the most conservative members of the anti-revolutionary party broke away in the 1890s to found the Christian Historical Union party. A few years later, the Liberal Union split into centrist liberals and the right-of-center Union of Free Liberals (which subsequently rejoined the Liberal Union in 1921). The left of center radicals left the Liberal Union in 1891 to form the Liberal Democratic Union (VDB). The left-of-center liberals in the VDB worked with the Social Democrats for universal suffrage. (The VDB subsequently joined the Social Democrats in 1946.) A similar split occurred among Social Democrats and Marxists in the first part of the twentieth century (Van Raalte 1959: 10; Kossman 1978: 338–47, 515; Skillen and Carlson-Thies 1982; Sap 2000: 35–37; and Rietbergen 2002: 134.)

Most voters, of course, were not driven entirely by liberal ideological considerations, but rather influenced by them at the margin, as suggested by the models developed above. Dutch voters and much of the political and intellectual spectrum in the nineteenth century were pragmatists with a disposition for or against liberal reform. As in other countries, the center of gravity in Dutch liberalism shifted toward ever increasingly open politics and markets, while conservative groups came to include past liberals who thought that reforms had gone far enough, as well as economic interest groups opposing free trade. The liberal magazine *De Gids* (the guide) was founded in 1837 and played an important role as a forum for ideas, criticism, and advocates for reform(s). The *Gids* was challenged in 1874 by the new more radical *Vragen des Tijds* (Issues of the Day).

### *Liberal Policy Reforms*

Significant liberal policy reforms were adopted during Thorbecke's first and second periods of office. Policymaking 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. New higher burgher schools, which focused on science and modern languages, were introduced by Thorbecke in 1863 (Kossman 1978: 414).<sup>325</sup> Slavery was abolished in 1863 (Rietbergen 2002: 134).

In 1860 the rail network begun under Willem I was extended. New canals and dikes were built. International trade expanded rapidly, partly because of the free trade regimes adopted in the Netherlands and elsewhere and also because of the increased income associated with new production technologies and more open markets. Foreign trade increased by 179 percent in the 1850–73 period. The increased exports were initially largely agricultural, but cloth and clothing followed as the factory approach was more broadly applied. Textile and agricultural production expanded. The Dutch population grew rapidly in the second half of the twentieth century (Kossman 1978: 264–65).

The most difficult and controversial of the initial round of liberal reforms turned out to be the expansion of freedom of association to include religious organizations for Catholics and Jews.<sup>326</sup> 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 Hertogenbosch. A subset 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 outraged, the king's response was to ask Thorbecke to resign as prime minister and he did so (Kossman 1978: 282). The liberal majority of the second chamber, however, pressed on with liberal reforms under new leadership. (Thorbecke did not regain the prime minister's office until 1862.)

### *Suffrage Movements*

Support for universal suffrage was not new—Dutch proponents of universal suffrage reform extend back into the sixteenth century—but *relatively few enfranchised Dutchman favored it* in the early

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<sup>325</sup> By all accounts the educational reforms and those that followed in the 1870s were very successful, as most graduates of the higher burgher schools went on to university training. Indeed, four won Nobel prizes in the early 1900s (Willink 1991).

<sup>326</sup> Jews and Catholics had long been worshipping in the Netherlands, but privately in “secret” churches, rather than openly, as had the Protestants before the success of the Dutch war of secession. Catholics were elected to the second chamber and provided important support for Thorbecke's constitutional reforms in exchange for his support for extended rights to organize churches (Kossman 1978: 193, 278–79).

nineteenth century. Early nineteenth-century liberals did not generally support universal suffrage, but rather argued that appropriately qualified (independent and thoughtful) men should all be able to vote. Thorbecke's 1850 election law based the privilege of voting on direct tax payments with high thresholds for suffrage, although the lower thresholds for the countryside were somewhat lower than for urban areas. This law was similar to many others in Europe at the time and was adopted by a relatively liberal government. It enfranchised about 75,000 men, about 10 percent of the adult males, somewhat less than could vote for the previous constitution's indirectly elected members of parliament (Kossman 1978: 194). From the perspective of the twenty-first century, Thorbecke's failure to extend suffrage further seems odd, indeed outrageous, but it should be kept in mind that universal suffrage had never been used to select a national government, except very briefly during the period of the French Revolution, where the results were not widely admired.

Politically active liberal groups, however, focused most of their energy on suffrage expansion and educational reform during the second half of the nineteenth century. Although suffrage was initially very restricted, it was still the case that many members of parliament represented persons with an interest in suffrage reform.

The breadth of suffrage considered to be "reasonable" gradually expanded during the second half of the nineteenth century. Educational reforms had increased literacy and rising income associated with economic development had increased economic independence. Suffrage expanded somewhat as taxes were raised for various purposes. Suffrage also expanded as personal income increased and more individual tax payments satisfied the qualification thresholds. Consequently, many liberals began to think that universal suffrage would emerge gradually as education and economic opportunity expanded and more and more people qualified as independent, thoughtful voters.

Suffrage expansion was an issue upon which a variety of liberal groups could agree, and several 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. A woman's suffrage league was founded in 1894.

Political parties founded in the same period also pressed for suffrage expansion. By the century's end, Social Democrats, radical liberals, liberals, and a good many conservatives pressed for



universal suffrage. Intellectuals wrote books that predicted near utopian results from universal franchise. If sociological political theorists are to be believed, the existence of such mass movements should induce rapid changes to suffrage law. However, universal suffrage was not obtained for nearly two generations.

### *Suffrage Reform in 1887 and 1894*

The electorate under tax-based suffrage laws tends 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 (Kossman 1978: 351).

A new round of constitutional negotiations was launched when a conservative government commission proposed a series of 12 constitutional amendments in 1883. These could not generate the required level of support, and the proposals were withdrawn, revised, and resubmitted in 1885. Again there was too little support, and after a year of negotiations, new elections were called in June 1886. The result was a small liberal majority in the second chamber and a new round of negotiations. Finally, in 1887, a package of 11 provisions were passed, including suffrage reform, a slight change in the size of the two chambers, and a provision for subsidizing Catholic Church schools (Blok 1912: 504-06). New elections were called, as required by the amendment procedures adopted in 1848, and the required support obtained in the (largely) reelected parliament.

The new suffrage laws eliminated the 20-guilder tax payment threshold, and suffrage was granted to all male heads of household aged 23 or older, who showed “signs of fitness and social well-being,” with the fitness to be defined by parliament through new election laws. The standard of fitness chosen, approximately doubled the electorate from 14 to 28 percent of the electorate (Kossman 1978: 350, Ogg 1918: 226, Blok 1912: 505).

Conservatives expected to benefit (and did) from an increased turnout of middle-class religious voters. Catholic and Protestant political parties after 1888 were often partners in government, as old religious controversies on doctrine were put aside for shared policy objectives, especially subsidies for religious schools. Together they passed an educational 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 (Kossman 1978: 354).

Debate over election law continued and various proposals were made to further extend suffrage by left liberals. In 1893 Tak van Poortvliet proposed allowing all persons who could read and write and who were self-supporting to be eligible to vote. That proposal, however, was too large of an expansion for moderate liberals and conservatives at that time, and so it was withdrawn. A few years

later, suffrage reform was taken up again, but this time more successfully by a coalition of moderate liberals and conservatives. Von Houton's 1896 reforms of Dutch election law redefined "fitness" in terms of tax payments (1 guilder), savings, rental payments, income, residency, and other measures of a man's ability to vote rationally and independently. Suffrage doubled again to about 47 percent of the male population.

Consistent with the models 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 left liberals had long supported universal suffrage, moderate liberals did not believe that poor and relatively uneducated citizens were capable of exercising the franchise with sufficient competence to be given the vote. Moderate and right-of-center liberals controlled the largest block of seats in the late nineteenth century parliaments, and so it was they (and their religious party opponents) who actually determined whether new suffrage laws would be adopted, rather than left liberals, the suffrage movement, or unenfranchised voters.

Suffrage continued to increase gradually, reaching 60 percent by 1910 as education and wealth expanded and as election laws were reinterpreted (Kossman 1978: 361, Ogg 1918: 527–30, Blok 1912: 509). The consequence of electoral reform was not "capture" by one of the main political coalitions, as government continued shifting among conservative, liberal, and left-liberal coalitions.

## **H. Constitutional Reforms of 1917–22: PR and Universal Suffrage**

The Netherlands remained neutral during World War I, which allowed it to focus on constitutional issues at a time when interests in national security were high. The gradual expansion of suffrage had gradually allowed the Social Democratic party (SDAP) to become a significant party in parliament. The elections of 1913 returned 18 Social Democrats, 37 Liberals, and 45 Conservatives to the second chamber. The left-liberal coalition had adopted platforms that favored universal male suffrage and a new social security system. The Social Democrats, however, refused to participate in government with the liberals, and as a compromise a "non-partisan" cabinet was accepted under the leadership of van der Linden.

In 1915 prime minister van der Linden initiated a new round of constitutional bargaining with the three major parties-coalitions. Three major reforms were negotiated and adopted through normal legislative and constitutional procedures in 1917. Male suffrage was made essentially universal. The first-past-the-post election process was replaced with a PR system. The

school-funding provisions of the 1848 constitution were modified to allow full funding of “free” (religious) schools by the federal government.

All three parts of the package of reforms were necessary to secure the support necessary to amend the constitution. Without PR, the smaller parties feared being eliminated from parliament when universal suffrage was adopted. Without the educational funding guarantees, the conservative religious parties feared that expanding suffrage would end taxpayer support for religious schools. (The secular left had routinely opposed financial support for the religious schools.) On the other hand, the Social Democrats were unlikely to have significant control over public policy unless suffrage was expanded. The guaranteed funding for religious schools and PR persuaded a sufficient number of liberals and conservatives that new constitutional arrangements would advance their political and cultural interests (Kossman 1978: 555, van Raalte 1959: 20–23, Lijphart 1968: 98–104).

Although there was a good deal of consensus about universal male suffrage in the Netherlands during the early twentieth century, there were partisan interests to be advanced and defended as well. Liberals insisted on PR as a method for saving seats for the three liberal parties that held seats during World War I. Liberals did, as expected, lose seats after the 1917 expansion of suffrage. The 1918 elections supported 17 parties in the second chamber, although the number of liberal members of parliament fell from 40 to 15 seats. Indeed, Dutch liberal parties had temporarily lost ground with nearly every increase in suffrage. Such electoral effects suggest that liberal interests in suffrage reform tend to be ideological, rather than partisan, although partisan interests affected their decisions on how suffrage would be expanded (Kossman 1978: 556-57).

The logic of universal suffrage was extended to include women in 1922, as essentially universal women’s suffrage was added to that of men. If men were all competent to vote, surely women were as well. The parties of the left became relatively more important after universal suffrage was adopted, but they did not immediately become the dominant party, as in Sweden. The new male and female blue-collar voters split for the most part between Christian Democratic and Social Democratic parties, but the religious parties initially attracted more votes from the newly enfranchised. In the end, the new electoral rules benefited the religious parties, the conservatives, more than social democrats, liberals, or socialists, although the Social Democrats became a large minority party. In 1918, 1922, and 1925, center-right coalitions of the religious parties formed the government.

Indeed, coalitions of religious parties formed governing coalitions for several decades after universal suffrage was adopted. Social Democrats were routinely invited to majority coalitions

formed by the larger parties only after World War II and became the largest party only in 1960. In contemporary Netherlands, Social Democrats alternate with Christian Democrats as the “first” parties in left- and right-of-center coalition governments. In 2002 the Christian Democrats had their best finish since the 1950s.

## **I. Conclusions: Interests, Economic Development, and Reform 1815–1920**

The Dutch transition to democracy reflected opportunities for constitutional exchange that emerged during the course of the nineteenth century. As in Sweden, there were three major periods of reform. The first in 1813–16 established the new Kingdom of the Netherlands, with a relatively powerful king and relatively weak and narrow parliament. The second from 1840–1848 created an electoral basis for governance by replacing the noble chamber with a directly elected chamber. The third from 1917–1922 adopted universal suffrage and proportional representation. Although the Netherlands remained formally a constitutional monarchy, control over public policy gradually shifted to the parliament during the nineteenth century. Both constitutional reforms and suffrage reforms were peacefully and lawfully adopted using preexisting constitutional procedures, although public debate was often intense and emotional. Political, economic, and civil privileges were gradually eliminated. Public education was given greater support. The political and economic system became more inclusive and competitive.

Thorbecke’s 1848 constitutional reforms formally shifted power from the king to parliament by giving it a stronger power of the purse and indirect control over ministers. Most of the subsequent shifts of authority from the king to the parliament were informal shifts in bargaining equilibria. In the context of the nineteenth century, parliament’s control over annual tax authority allowed it to obtain greater control over cabinet officials and legislation. The sovereign had formal authority to dismiss ministers, but support from majorities in elected parliaments was difficult to obtain without deferring to leaders of majority coalitions. Cabinets were thus increasingly populated by leaders of major political parties in parliament, because their support became increasingly necessary for passing budgets. Political parties became somewhat better organized and disciplined (although perhaps less so in the Netherlands than elsewhere).

As in England, the transition to parliamentary rule was faster than the transition to universal suffrage. Suffrage reform after 1848 reflected ideological shifts and partisan interests within parliament. The qualifications for suffrage and for elected office were revised several times in the late nineteenth century, often as parts of a broader constitutional bargain. There were several factors

that contributed to suffrage expansion. The electorate tended to increase as economic growth expanded, although fairly slowly. Liberal theories of qualification also shifted somewhat during the nineteenth century. As the middle class expanded, a suffrage movement emerged that conducted long persuasive campaigns to extend suffrage. For the most part, their arguments suggested that persons who were not presently allowed to vote were actually able to cast meaningful votes. As such arguments gained support among those already entitled to vote, tax thresholds for suffrage were lowered and supplemented by other criteria, often as part of larger constitutional bargains. The final constitutional bargain required to reach universal suffrage was complex and included a shift to proportional representation as well as reforms of educational funding.

As predicted by the theory of constitutional reform developed in part I, Dutch constitutional reforms tended to be incremental and shaped by preexisting institutions and interests. Their king and council template allowed such reforms to take place through constitutional bargaining within parliament and between the king and parliament. The constitutional compromises (bargains) worked out were not one-dimensional affairs, but reflected bargaining among several groups across several issues at a time, and the reforms were incremental rather than revolutionary. A trend toward parliamentary democracy emerged when trends in opportunities for constitutional gains to trade arose. Liberalism became more widespread, organizational costs fell, and economic interests shifted in the nineteenth century.

Although commercial interests have always been important in Dutch politics, industrialization took place on a somewhat more modest scale in the Netherlands than elsewhere. Commerce and specialization, nonetheless, increased in the Netherlands, because of the expanding agricultural output and industrialization of its international trading partners. Commercial interests in internal and external free trade and tax reform affected public policies and constitutional bargains during the nineteenth century, but less so in the early twentieth centuries when ideological issues (voting rights and religious school finance) dominated. Interest groups played a role in the Dutch transition, but largely through persuasive campaigns, policy proposals, and coalitional politics, rather than through credible threats to overthrow the government.

Perhaps surprisingly, the relatively liberal republican past of the Netherlands played relatively little role in the constitutional developments of the nineteenth century. Earlier liberal successes during the republic meant that the Netherlands began the nineteenth century with relatively more open trade, relatively greater religious and intellectual tolerance, and a relatively more organized liberal movement than elsewhere, but it did not produce a legacy of political institutions. The

Netherlands did not return to its confederal structure with strong cities and provinces, and a weak central government. The office of *stadhouder* was not recreated or reinvented. Although it may be argued that its two centuries as a republic gave the Netherlands a head start on economic liberalism, the pattern of nineteenth century reform was quite similar to that of other constitutional monarchies affected by liberal tides. Tariffs were reduced during the first half of the nineteenth century and remaining medieval town and guild privileges were eliminated.

The procedures for selecting members of parliament and for adopting new laws worked out from 1848–1922 remain the core of modern Dutch politics today. In that respect, the liberal movement of the nineteenth century arguably created the mainstream Dutch politics of the twentieth century. However, as in many other countries, the liberal parties that had done so much to advance the interests of ordinary persons in the nineteenth century were diminished parties after universal suffrage was achieved. They did not disappear and their ideas remained important, but the parties, themselves, were less pivotal for the policy reforms of the twentieth century than they had been in the nineteenth.

**Table 15: Major Constitutional Developments in the History of the Netherlands**

Year	Constitutional or Political Event
58 BC	Roman empire reaches southern edge of the Rhine in what came to be called the Netherlands, a series of fortress cities and trading posts established, many of which remain today.
1450	States General created for most of the Netherlands by the Burgundy provinces.
1477	Mary's letter of preference grants States General the right to veto taxes and meet as they wish, i.e., without being called by a king or queen.
1579	Union of Utrecht formalized the alliance of Protestant provincial governments and provides constitutional foundations for collective decisions by the Seven United Provinces. Provinces have
1581	the right to appoint their own stadhouders, and a different stadhouder is appointed in the north than in the south, although both are from the House of Orange.
1650–72	First stadhouder-less period in Holland and several other southern provinces.
1672–02	Office of stadhouder reestablished, Willem III takes office and drives the French out.
1702–47	Second stadhouder-less period: after Willem III's death in 1702, no stadhouder is appointed in the south.
1747	Office of stadhouder reestablished, Willem IV is from the Friesland line of the House of Orange and is the first stadhouder for all of the Netherlands. Willem IV drives the French out.
1793	The French declare war on stadhouder Willem V, who flees to England in 1795
1798–1801	Batavian constitution has a unicameral parliament elected under broader suffrage than in 1848. It calls for freedom of press and association, freedom of religion, independence of judges, and separation of church and state. It also formally eliminates guild privileges and feudal duties.
1801-06	Napoleon replaces the Batavian constitution with a more authoritarian system, with R. J. Schimmelpenninck at its head.
1806-10	Kingdom of the Netherlands created with Louis Bonaparte as king (Napoleon's brother).
1810	Netherlands temporarily becomes part of France.
1813-16	Kingdom of the Netherlands established, a new constitution is drafted with a bicameral parliament with a more or less noble chamber and a federal chamber. Its territories include present-day Belgium,
1830	Belgium secedes and secures independence in 1831. Its new constitution is finalized in 1839 and causes constitutional issues to be revisited in the Netherlands.
1840	Constitution reforms increase parliament's power of the purse (after Willem I acknowledges Belgian secession).
1844	Thorbecke (a law professor at the University of Leiden) proposes nine constitutional reforms shortly after coronation of Willem II, but they fail to receive a majority in the lower house.
	Willem II proposes constitutional reforms, but these fail, and his cabinet resigns.
1848	A new constitutional commission is created on March 17 (headed by Johan Rudolph Thorbecke). Peaceful demonstrations take place in Amsterdam for constitutional reforms.
1848	Thorbecke proposes major reforms of the Dutch constitution: a compromise between liberals and House of Orange supporters is reached, with support of King Willem II.
	Parliament is reformed. The new first chamber is a federal chamber (essentially the existing second chamber) The new second chamber is to be directly elected by about 10 percent of male adults; it controls the budget.
	Before 1918 first chamber is elected for nine years (one-third of members elected every three years). The second chamber is elected for four years (and increasingly dominated by liberals).

*Perfecting Parliament*

- 1848 Freedom of press, association, and right of petition established through legislation.
- 1849 King Willem II dies, Willem III becomes king, and Thorbecke becomes prime minister. He has poor relations with the new king who threatens Thorbecke with the gallows.  
Thorbecke resigns at Willem III's request after Protestant protest the return of Catholic bishops to the Netherlands for the first time in 200 years (under the new freedom of association rules).  
1853 Religious parties gain seats in the next election.
- 1868 Parliamentary power becomes more extensive as a consequence of bargaining over the budget; ministers now clearly require significant parliamentary support as well as support by the king
- 1870 A Liberal Party is founded.
- 1869 Anti-Revolutionary Party (conservative coalition) is founded by Kuyper
- 1880 New "socialist" parties started in the 1880s, although they did not have significant representation in parliament. They are firmly linked to the labor and social democratic movements.  
Parliamentary reforms: expansion of male suffrage to 27 percent. First chamber to include 50  
1887-94 members and second chamber 100 members. Reforms in 1894 extend suffrage to about 50 percent of male voters.
- 1891 Special meeting of Anti-Revolutionary Party (conservatives) to address labor issues.  
Catholic parties are encouraged to pay more attention to labor by Pope encyclical 1891.  
1900 First national unions are organized and a major strike occurs in 1903. In response, the government tries to reduce the power of unions, but fails. There are Christian and secular unions closely related to the Christian Democratic and Social Democratic parties
- 1917–22 Major constitutional reforms adopted in a complex constitutional exchange.  
Universal male suffrage, PR for second chamber, first chamber remains indirectly elected by provincial councils, but with no minimum wealth threshold for chamber seats. First chamber to have six-year terms, with half elected every three years (in 1980 went to four-year terms).  
Educational funding for religious schools is adopted in exchange for support of other parliamentary reforms.
- 1922 Women's suffrage is adopted. Support for religion-based parties increases.
- 1938-72 Minor constitutional reforms.
- 1940–46 German occupation, government flees, no election until 1946  
Major constitutional reforms: royal authority is formally reduced and the bill of rights is extended.
- 1983 However, ministers are still formally appointed by royal decree and chambers may still be dissolved by royal decree. The first chamber has 75 members and the second 150 members.