

Figureheads of State?

The Changing Face of the Monarchy in Belgium and the Netherlands

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[R I E N E M M E R Y]



Queen Beatrix's
Christmas Speech 2010.
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'King Albert refuses to accept Di Rupo's resignation', 'Queen Beatrix appoints a new coalition-forming adviser': recent headlines like these imply that the royal heads of state in Belgium and the Netherlands still exercise considerable political authority. And anyone who reads either country's constitution might be astonished at the apparent extent of the monarch's role in the legislature and the executive. It is a role that is debated with clockwork regularity in some sections of the political world and public opinion, because the Belgian and Dutch monarchies have indeed retained a certain measure of influence within the government. However, it is difficult to assess the precise extent of royal involvement. The monarch is not a president who can give interviews, talk publicly about politics, or become involved in public debate. This policy of discretion, which characterises the current function of the monarchy in the Low Countries, has important historical roots.

Political and public role

Both Belgium and the Netherlands are *constitutional* monarchies. A constitutional monarchy differs from absolute monarchy in that the sovereign's political and public role is rooted in the constitution, whereas in an absolute monarchy all powers are ultimately subject to the personal authority of the ruler. Although this form of government is mainly reminiscent of the *ancien régime* and Louis XIV's dictum '*L'état, c'est moi*', absolutist regimes still exist to this day, though mainly in tiny states such as Brunei or Swaziland. But constitutional monarchies too come in all shapes and sizes. In some countries the sovereign still exercises considerable personal authority (Jordan, Morocco), while in others the monarchy has effectively been reduced to a ceremonial role with no real political power (Sweden).

Today in Belgium and the Netherlands the heads of state have a dual role. On the one hand they are actors in the political process, while on the other they have a broader symbolic role in society. The most important aspect of the political

Crown Prince
Willem-Alexander in
Afghanistan 2009-2010.
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role of the Dutch and Belgian monarchs is their inviolability, which is assured by the principle of ministerial responsibility. That does not mean that the monarch can do whatever he or she likes without being held responsible for their actions. On the contrary: every public act of the head of state is 'covered' by a minister who takes political responsibility, to ensure that the head of state does not act at cross-purposes with his government. This is most clearly apparent in the daily routine of signing laws and royal decrees, which is always done by the monarch and a government minister (the countersigner). The 1990 crisis in Belgium, when for reasons of conscience King Baudouin refused to sign the law legalising abortion, has been the only exception to this practice. The solution which was found at the time was for the King to proclaim that he was temporarily unable to rule and authorise the cabinet to ratify the abortion legislation. The parallels with the controversy surrounding his father and predecessor Leopold III's headstrong behaviour during and after the Second World War led to this episode being referred to subsequently as the 'little Royal Question'.

The current sovereigns, Albert and Beatrix, are regularly in contact with their prime minister or minister-president and sporadically with other political leaders and representatives of the economic, social, cultural, military and scientific worlds. Today, in 2010, the monarch no longer plays an active role but acts as a political mediator, a role comparable to what in the eighteenth century Adam Smith termed an 'impartial spectator'. The website of the Belgian monarchy puts it like this: 'In the political domain, the King's action does not consist in exercising personal power without the cooperation of ministers. The King interacts with players in the political arena by asking questions, expressing opinions, making suggestions, warning and giving encouragement. His perspective is that of continuity, long-term objectives, and major projects in which the country and the State must engage. The King exerts his influence through dialogue with all those involved in the political decision-making.'

In both Belgium and the Netherlands the head of state is probably most active during the process of government formation. He can refuse or accept the resignation of a government. If a new government has to be formed, he holds consultations and appoints the leader of one of the major parties to form a



Queen Wilhelmina on her
bike in 1939.
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government (a *formateur*). In recent years, as forming coalitions has become more difficult, it has become usual to start with an *informateur*, an adviser to the crown who investigates which coalitions are possible and recommends a likely *formateur*. The *formateur* then sets about forming a government, drawing up an agreement with his coalition partners and agreeing a legislative programme. In Belgium the procedure is often so long-drawn-out that the Palace has introduced new posts such as a 'royal scout', a '*preformateur*', and even an 'elucidator' to defuse what can sometimes be tense political situations. Government formation is often tied up with wider political issues, of which in Belgium the most important is that of constitutional reform. However, in spite of this close involvement in the process of government formation the monarch may never impose his or her wishes or preferences – for instance for a specific coalition – on the political parties. Nor does the head of state play any part in choosing ministers or secretaries of state, only in swearing them in. In the Belgian

constitutional reforms of 1993 the appointment of ministers and the dissolution of Parliament by the Crown were subjected to even stricter conditions, and the role of Parliament was increased.

The most visible activities of King Albert and Queen Beatrix are concerned with their wider social and public duties. The Dutch Royal House describes its role as 'cohesive, representative and encouraging'. It involves state visits abroad, receiving foreign heads of state and of government, bestowing patronage on certain organisations, conferring honours and titles of nobility, attending all manner of gatherings, celebrations and commemorations ... all of it with the aim of supporting 'positive initiatives in society' and contributing to 'social stability, continuity and progress in the country'. Audiences and visits to schools, museums or factories serve mainly to keep the monarch informed and provide him or her 'with a clear picture of the situation of the country – ongoing projects, problems, people who are suffering, their grievances, their demands and their hopes'. In addition, after national calamities (floods, mining disasters) or triumphs (Olympic medals) the monarch shares in the mourning or the celebrations. Finally, the monarch can also function as a last resort, an



King Leopold II on the beach in Ostend., ca. 1890.

ombudsman, for those who feel trapped in impossible bureaucratic situations. The symbolic and ceremonial role of the head of state is often said to be their most important function, and it has certainly increased in importance since the nineteenth century.

Belgium vs. the Netherlands

The big difference between the Belgian and Dutch monarchies is that the Belgian monarchy is recent and was chosen. When the Southern Netherlands (modern Belgium) broke away from the United Kingdom of the Netherlands in 1830, it was in large part because of the authoritarian behaviour of the Dutch King William I, who imposed a conservative constitution on the South by means of the notorious 'Dutch Arithmetic' (which overrode a Belgian majority against

the constitution by counting all abstentions and non-voters as being in favour). Nevertheless, the Belgian National Congress voted to make their brand-new Belgium a monarchy, albeit a rather 'republican monarchy' with a more limited role for the head of state. Furthermore, the Dutch royal house of Oranje-Nassau was legally barred from ever holding power in Belgium by forbidding any marriage between the Belgian and Dutch royal houses, a decision that was only revoked a few years ago. When Leopold I accepted the Belgian throne, after reading through the constitution he remarked: 'Gentlemen, you have dealt harshly with royalty when it was not there to defend itself.' The comment reveals the strong liberal-democratic leanings of those who drew up the constitution.

Ever since the Burgundian era Belgium has had a long tradition of local or supra-national hereditary monarchy, but the dynasty established in 1831 was the country's first *national* monarchy. The Belgian royal house is not descended from an earlier absolutist ancestor, with its kings gradually having to give up more and more of their powers. The Dutch House of Oranje-Nassau, by contrast, has a tradition that goes back to the late Middle Ages. For two centuries before William I became King of both Netherlands after the Congress of

King Albert II
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Vienna in 1815, his ancestors had been Stadtholders in the Dutch provinces. Under the Habsburgs the Stadtholder had been a provincial governor with vice-regal powers, but during the Republic the Estates succeeded in reining back the Stadtholder's political role until by the eighteenth century his function was mainly military. William I, on the other hand, took sovereign political decisions on legislation and the appointment of ministers until his abdication. Only then, in 1840, was the ministerial countersignature introduced into the Netherlands. The spectre of revolution that swept through Europe in 1848 induced William II to make concessions to the liberal opposition and set up a committee headed by the politician and lawyer J.R. Thorbecke to revise the constitution. Since this constitutional reform the Dutch head of state too is inviolable and unaccountable, and government ministers answer to Parliament for the monarch's actions.

Of course, the role of the Crown in Belgium and the Netherlands has evolved further since the constitutions of 1831 and 1848. There has been a shift of power

away from Parliament to the government, and within Government a shift from royal to ministerial power. In both countries supreme command of the army lies with the Crown, and at their coronation both monarchs swear to defend their national territory; in practice, though, it is the generals who control all military matters. Belgium's Leopold III was the last king to attempt to exercise a personal supreme command, and this contributed in large part to his abdication after the 'Royal Question'.

There have always been differences, large and small, between the Belgian and Dutch monarchies. In contrast to the Netherlands, which throughout the twentieth century had only queens (Wilhelmina (1890-1948), Juliana (1948-1980) and Beatrix (1980-)), in Belgium the so-called Salic law which excludes women from the succession was only repealed in the 1990s. In the Netherlands, the Queen chairs the Council of State, the highest advisory organ of the government, though its day-to-day work is left to a vice-chairman. On 'Prinsjesdag' [Prince's Day], which is specified in the constitution as the third Tuesday in September, the parliamentary year begins and the Queen delivers the Speech from the Throne. This is not a personal address but a statement of the government's policies for the coming political year. In Belgium, the Speech from the Throne fell into disuse after the reigns of Leopold II and Albert I in the late nineteenth and early twentieth century. Furthermore, the symbolic role of the Belgian king has become more important because of the country's progressive federalisation. The head of state is increasingly seen as a unifying factor for the different linguistic communities.

So there are striking similarities and fairly minor differences between the Belgian and Dutch monarchies. Observers sometimes whisper that the biggest difference is one of style, with the Belgian royal house labouring under a more old fashioned public image. Nevertheless, over the course of their history the two monarchies have evolved in much the same direction.

The monarchy's future

Monarchies do not have to be eternal or unchanging. As recently as 2008 the Nepalese monarchy was abolished, Bhutan changed from an absolute to a parliamentary monarchy, and the Grand Duke of Luxembourg lost a large part of his political power. Although recent polls show that monarchy as a constitutional form still enjoys widespread support in both Belgium and the Netherlands, that does not mean it is never questioned. In the past, financial and amorous scandals have given rise to sharp criticism of the royal houses. In 2009 there were even anonymous death threats against the Belgian Dowager, Queen Fabiola, as well as a failed attack on the Dutch royal family in Apeldoorn, which cost eight people their lives.

Radical republican parties are only to be found at the extremes of the political spectrum, even though almost all the traditional Belgian and Dutch political parties number some republican activists among their supporters. In recent years, many Belgian and Dutch politicians and academics have come to believe that a reduction in the power of the monarchy is inevitable, if only because the duties of the head of state, as defined in the constitution, no longer bear much relation to the real world. It is generally envisaged that the monarchy will develop into a Swedish-style ceremonial institution, in which the king or queen

Crown Prince Philippe
as a fighter pilot.



no longer has any political role and retains only ceremonial and representative duties. The sovereign remains the head of state but no longer takes any part in government, no longer appoints ministers and no longer signs legislation. He or she is reduced to a 'figurehead of state'.

The long-drawn-out and difficult coalition negotiations of recent years have also played an important part in the debate. On the one hand they do nothing to improve the standing of the monarchy, since serious political crises automatically damage the prestige of the head of state as the guarantor of stability. And because circumstances push the head of state into the foreground, he or she is more vulnerable to criticism. The Dutch negotiations of 2010 were a striking illustration of this. Queen Beatrix came under fire because she turned too frequently for advice to her long-term political confidants such as Ruud Lubbers and Herman Tjeenk Willink. She was accused of obstructing the formation of a right-wing coalition between the Liberals (VVD), Christian Democrats (CDA) and Geert Wilders' anti-Islam party (PVV). When, during a parliamentary debate and without consulting Beatrix, the three parties expressed their intention of continuing their negotiations, the Dutch press even spoke of a 'republican moment'. Incidentally, the Queen reacted promptly, holding a discussion with the Liberal leader Mark Rutte and then re-appointing the Social Democrat Tjeenk Willink as interim adviser or *informateur*.

On the other hand, there are just as many commentators who argue that to form a viable coalition *without* an 'impartial spectator' would certainly be even more difficult. In Belgium particularly it is often said that a mediator who stands outside or above the communities can still be extremely useful. Yet in the negotiations in 2010 King Albert was accused of favouritism towards certain parties and politicians, especially by the N-VA, the Flemish nationalist and republican party who were the big winners in the election. Since the Second World War a paradoxical situation has developed in both Belgium and the Netherlands, with the traditionally republican Left finding itself increasingly obliged to defend the monarchy.

What might be a decisive factor in the debate on the monarchy is the fact that both royal houses face a succession issue in the near future. Beatrix and Albert are both well into their 70s and their heirs Willem-Alexander (Netherlands) and Philippe (Belgium) are not the most popular members of their families. The popularity of both princes has even declined in recent years. In Belgian political circles people have made no secret of their doubts about Philippe's qualities as the future king following some controversial statements that he made in interviews. In the middle of the latest government formation there was a rumour that the protracted negotiations had frustrated a plan for Albert to abdicate in favour of his son. And after a change of power it would only take a few indiscretions for the debate on the monarchy to flare up again with great intensity.

Hardcore royalists need not despair, however. Paradoxically, it is entirely possible that restricting the powers of the Crown will prove to be the best life insurance for the Belgian and Dutch royal houses. After all, a symbolic monarchy with a ceremonial 'figurehead of state' would prevent any possible conflict with the often capricious political system. ■

www.monarchie.be
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