PDF hosted at the Radboud Repository of the Radboud University Nijmegen

The following full text is a publisher's version.

For additional information about this publication click this link. http://hdl.handle.net/2066/101582

Please be advised that this information was generated on 2017-07-16 and may be subject to change.
Crisis of Democracy or Creative Reform?
Dutch Debates on the Repression of Parliamentary Representatives and Political Parties, 1933-1940

Joris Gijsenbergh

One of the most studied crises of democracy occurred in the two decades following the First World War. The phrase “crisis of democracy” was coined in the interwar period, but has been used most by scholars who have come on the scene since 1945; they eagerly adopted the phrase because to them it symbolized the demise of the democratic principle in the 1920s and 1930s. After all, they argued, many democracies were replaced by dictatorships, and even in countries where the democratic system survived it was fiercely criticized. That view of the dark fate of democracy in the interwar period has been aptly summarized by historian Mark Mazower: “Triumphant in 1918, it [democracy] was virtually extinct twenty years on.”

Although that general argument is sound, a number of recent studies have rightly claimed that the “crisis of democracy” thesis tends to ignore two important characteristics of interwar debates on democracy: the pluriformity of the critique and the contested nature of the concept of “democracy”. Therefore, this essay argues, it might be time to focus

---

Crisis of Democracy or Democratic Reform?

on those two overlooked aspects and to reconsider the appreciation of democracy in those dynamic decades. 

First, the points of criticism that were aimed against the democratic system in the interwar years differed and sometimes even contradicted each other. That has been recognized by many authors, but has mainly strengthened the traditional conclusion that democracy was under attack from all sides. However, as more and more scholars have recently stressed, it could also be argued that there was no consensus among the critics of democracy, which suggests that there was no single, uniform crisis of democracy.

Second, and more importantly, democracy is an essentially contested concept, meaning different things to different people and changing in meaning over time. During the interwar period not only was the democratic ideal contested, the concrete form that democracy should take was also under dispute. Many critics did not want to abolish democratic rule, but instead tried to reform it radically. Their attempts led, in the words of historians Tom Buchanan and Martin Conway, to “many contesting

2 In 2002, the European History Quarterly dedicated a themed issue to a new, less straightforward perspective on democracy. Its authors urged historians to “demonstrate that democracy is not a single model but a political practice in a state of continual evolution”. Buchanan, Tom C. and Conway, Martin, “The Politics of Democracy in Twentieth Century Europe: Introduction”, European History Quarterly, Vol. 32, No. 1, 2002, pp. 7-12, here p. 12. In the Netherlands, a national research programme was begun in 2006 to focus on the contested nature of the concept of “democracy”.


definitions of democracy”. What one commentator considered to be an improvement of democracy could seem to be democracy’s ruin to another. As a result, it is virtually impossible to make a clear distinction between anti-democrats and defenders of democracy. There was an important middle ground, which has nevertheless been ignored by many previous scholars.

An example from the 1930s might serve to illustrate the tension between conceptions of democracy. After he had fled Nazi Germany in 1933, the German philosopher and political scientist Karl Loewenstein advocated the repression of anti-democrats. In his view, European democracies should be saved by turning “liberal democracy” into “disciplined democracy”. In 1938 he rejoiced:

Democracy, fighting fire with fire, begins to become militant. Liberal democracy, style 1900, slowly gives way to “disciplined” or even “authoritarian” democracy of the postwar depression pattern. Critics of such trends may contend that the cure for which it is intended to serve, may easily become a disease which ultimately will destroy what is essential in democratic values. Such objectors are evidently under the delusion that democracy is a stationary and unchangeable form of government.

The quotation shows that conceptions of democracy can differ radically. Liberal democracy or parliamentary democracy, as it was also often styled, was based on the ideals of freedom and the sovereignty of the people. Its laws and institutions guaranteed citizens independence from the state and influence over their own government. Correspondingly, an independent and critical parliament was the most central democratic element. Disciplined democracy, on the other hand, curtailed

---

6 The political scientist Capoccia is a recent example of the tenacious scholarly tendency to create a dichotomy between opponents and advocates of democracy and to ignore attempts to redefine it. Although Capoccia admits that “democracy” is a contested concept, he regards that as a potential obstacle to comparative research instead of as an interesting new perspective. He tries to circumvent the difficulty by arguing (unconvincingly) that in interwar Europe the meaning of “democracy” was much more clearly defined than in the following decades: “From the point of view of the political actors involved, the distinction between the two fronts, democratic and antidemocratic, even discounting the newness of the challenges and all of the ambiguities that characterized party politics, was certainly clearer than it is now. As a consequence, the stake of the struggle between democrats and those holding antidemocratic beliefs, namely the persistence of democratic institutions, was relatively clear as well.” Capoccia, Defending Democracy, p. 235.
citizens’ liberties by enforcing a sense of responsibility for an orderly society and by adopting – in the words of Loewenstein – “restraining and preventive methods in government and constitutional law, and legislation against political extremism”.9 The emphasis on self-restraint diminished the ability of parliamentarians and citizens to criticize and influence government decision-making. A Dutch politician warned voters in 1933: “Citizens too, have a duty. Universal suffrage falsely suggests that everyone has the right to judge for himself.”10 Nevertheless, disciplined democracy regarded the translation of the people’s will into policy as its main goal, provided that its inhabitants respected the national interest. In that respect, it differed from a third “repertoire of democracy”11 in the 1930s, which was ignored by Loewenstein. “Essential democracy” was a moral principle instead of a practical voting arrangement, and its key components were liberty and equality, which were deemed even more important than the representation of the people. Because those values had to be defended at all costs, essential democracy contained repressive measures against anti-democrats, but respected the liberties of all supporters of democracy.12 Those three conceptions of democracy clashed with each other during the interwar period, as will become clear in this essay. The quotation from Loewenstein shows that the nature of democracy was fiercely debated, and while Loewenstein regarded himself as a defender and reformer of democracy, his opponents accused him of dismantling the democratic system. Again it becomes clear that a dividing line between anti-democrats and democrats cannot be drawn easily.

Focusing on the two neglected elements of democratic debate in the interwar period seriously undermines the traditional view of the “crisis of democracy”. This term usually denotes the principal rejection and demise of democracy, but that characterization of the interwar political climate is incomplete. In addition to anti-democratic attacks and the threat of its own collapse, democracy faced a struggle on many fronts for its definition; or redefinition. It would be too drastic to discard the expression “crisis of democracy” altogether, but its meaning should be extended. The term should encompass both the possible downfall and

---

11 A repertoire of democracy is a certain form of a democratic system, which is based on a specific ideological foundation and consists of a set of institutions, measures, symbols, and ideas.
the creative renewal of the democratic system. After all, the word “crisis” can refer to a critical stage in which changes in either direction are imminent, as has been stressed in the introduction to this volume. Since “democracy” is a complicated concept, the “crisis of democracy” of the 1920s and 1930s was more complicated and had more facets than has often been suggested.

In order to illustrate the point, this essay will concentrate on Dutch discussions between 1933 and 1940 about the repression of extremist parliamentary representatives and political parties. A close examination of a few specific debates will shed light on both the appreciation of the ideal of democracy and the confrontation between rivaling repertoires of democratic elements. Like many other parliamentary democracies, the Netherlands was confronted with politicians of the extreme left and the extreme right who sat in the legislative assemblies and wanted to abolish parliamentary rule, sometimes even styling themselves “true democrats” in the process. In response, the Dutch government and parliament considered reforming their democracy in order to curb the so-called “revolutionaries”. The subsequent debates over reform reveal the views on the character and limits of democracy.

First of all, the discussions showed how Dutch politicians themselves perceived the “crisis of democracy” and make clear whether they felt that democracy was worth fighting for. Therefore, the first question which will be answered in the following analysis is whether the Dutch measures were meant to save democracy. Even in a time of “crisis of democracy”, the democratic system still had its supporters, but, on the other hand, fighting extremism was not necessarily the same as protecting democracy. The repressive measures proposed might also have been meant to protect law and order from radical politics. After all, communists, fascists and national socialists not only attacked parliamentary democracy, but also posed a threat to other aspects of bourgeois liberal society.

Second, the debate about the suppression of extremism shows what the prevailing definitions of democracy were and where the boundaries of democracy were drawn. It becomes clear not only which persons and parties were excluded from the democratic system, it also brings to the surface clashes between different conceptions of democracy. In order to curb political extremism and correct “the flaws of democracy”, some politicians suggested stretching democracy’s limits by adding repressive measures to curtail democratic rights. That idea aroused considerable debate, because other commentators abhorred the thought of changes to

---

the existing democracy, sensing that repressive measures would destroy the whole democratic system. That leads us to the second question which will be posed here: were the anti-extremist measures deemed democratic or undemocratic by Dutch politicians? Put differently, which conflicting definitions of democracy can be identified?

This case study explores a side of the interwar debates on democracy that has received scant scholarly attention. At first glance, Dutch historiography seems to have escaped some of the flaws of the traditional literature on the interwar “crisis of democracy”. Following Anthonius A. de Jonge, most authors have made a distinction between a “major crisis of democracy” (fundamental anti-democratic critique) and a “minor crisis of democracy” (democratic doubts about the adequacy of the parliamentary system).\(^{14}\) In doing so, they at least show that the crisis of democracy was pluriform. However, de Jonge’s rigid, normative distinction also has an important drawback, for it is based on a narrow, ahistorical definition of parliamentary democracy and leaves no room for a “grey area” between major and minor crises where people sought alternative forms of democracy, instead of alternatives to it. Therefore, it is time to discard the black-and-white view and rather to analyse the intricacy of Dutch attitudes to democracy in the 1930s.\(^{15}\)

Parliamentary Democracy under Pressure

Compared with other polities, such as Italy, Germany, and Portugal, Dutch democracy seemed to fare relatively well in the 1920s and 1930s. The process of democratization, which had started in the nineteenth century and consisted of broadening the suffrage, successfully ended in 1917 and 1919, when all male and female citizens respectively received the right to vote. The large majority of those voters faithfully supported the established parties, which meant that communists, fascists, and national socialists could not obtain more than a tiny fraction of the seats in parliament. As a result, the parliamentary system could survive relatively unscathed until the German invasion in May 1940.

\(^{14}\) Jonge, Anthonius A. de, Crisis en critiek der democratie. Anti-democratische stromingen en de daarin levende denkbeelden over de staat in Nederland tussen de wereldoorlogen, Assen, van Gorcum, 1968, p. 6. This work has dominated views on the Dutch “crisis of democracy” in the interwar period for decades.

\(^{15}\) Dunk, “De partijen”; and Vossen, Koen P.S.S., Vrij vissen in het Vondelpark. Kleine politieke partijen in Nederland 1918-1940, Amsterdam, Wereldbibliotheek, 2003. These authors, among others, have argued that de Jonge’s dichotomy is too rigid, but they have not yet provided a thorough analysis of the contesting Dutch definitions of democracy.
Nevertheless, Dutch politicians and other commentators frequently discussed the "crisis of democracy". They used this phrase to refer both to the fall of foreign democracies and to the domestic situation. Despite outward appearances, Dutch parliamentary democracy endured considerable strain, as parliamentarians and the parliamentary institution were the targets of criticism from many sides, which led to grave uncertainty about the future of the political system.

 Shortly after the adoption of universal suffrage, a perceived lack of eminent statesmen aroused concern. Some commentators felt that parliament was increasingly occupied by mediocre representatives of single-issue groups. Many others blamed the established political parties which seemed to have gained more power. Despite this difference in alleged causes, commentators all feared that parliamentarians were unable to fulfill their noble task: defending the national interest. At the end of the 1920s and the beginning of the 1930s, complaints about the lack of wise politicians evolved into a call for strong leaders. According to some, the representation of the people's will had become less important than the execution of effective policy. That was a view propagated by right-wing extremists, but it also attracted conservative liberal and confessional politicians. Many of them had never been thrilled with universal suffrage and "the rule of the ignorant masses", and were worried about declining national unity. At the other end of the political spectrum, communists accused professional politicians of corruption and the suppression of the working people.

 In addition to representatives being criticized, parliament itself received criticism. Critics especially targeted its inefficient and slow procedures, and once again the commentators can be divided into different groups. Some of them lamented the loss of parliamentary power because of the institution's inability to take measures into its own hands. They also regretted the waning confidence of the people in their representatives. Other critics feared that their inefficient parliament hindered the government in the implementation of its policy. Another dreaded result of parliamentary inefficiency, according to many politi-

16. Bonger, Problemen der demokratie, p. 85, and Snethlage, Jacob Leonard, Democra- tie en dictatuur, Arnhem, van Loghum Slaterus, 1933. An advertisement in the latter book even suggests that the "crisis of democracy" was a very popular theme among people who were interested in social and political issues.

Crisis of Democracy or Democratic Reform?

cians, was that law and order might not be upheld. Parliament even seemed unable to restore order within its own ranks, as long as extremist parliamentarians damaged the dignity of the legislative assembly with their uncivilized political style and attacks on the political system.\textsuperscript{18}

In short, Dutch public debate in the interwar period was characterized by a plethora of different and contrasting practical and ideological objections to parliamentary democracy. There was no consensus on what was wrong with the existing political system, and the only thing the commentators agreed upon was the need for change. Attempts to reorganize and reform parliamentary democracy in the 1930s, however, would lead only to more disagreements and discussions.

Law, Order, and Parliamentary Dignity

At the beginning of the 1930s, the Dutch authorities grew increasingly anxious about the economic crisis and its unsettling influences on society. They feared that citizens would be attracted to extremist movements and would be prone to violent and unruly behaviour. In 1934, the head of the intelligence service warned police chiefs about “the increasing dissatisfaction and despondency, which is apparent in large parts of the populace and which will continue to grow”.\textsuperscript{19} Since the previous year especially, such fears seemed to be justified. Sailors on a naval vessel had mutinied, many workers had gone on strike, extremist organizations had held frequent demonstrations, and radical parties had won some votes in parliamentary elections at the expense of mainstream parties. Moreover, membership of the new Nationaal-Socialistische Beweging (NSB) increased rapidly. Although the Dutch national-socialist organization had not participated in the elections and at first seemed more civilized than the dreaded communists, its growth increased the establishment’s worries, especially after Hitler had come to power in Germany.\textsuperscript{20}

In response, the third confessional cabinet of Charles Ruijs de Beerenbrouck and its successor, Hendrik Colijn’s second, confessional-liberal cabinet took many anti-extremist measures in 1933 and 1934.

\textsuperscript{18} Aerts, Het aanzien van de politie, pp. 27-28; and Koole, “Le culte de l’incompétence”, pp. 48-50.

\textsuperscript{19} The remarks are contained in the minutes of a meeting between the intelligence service and police chiefs held on 23 November 1934. See Rapportage van de Centrale Inlichtingendienst, 1919-1940, document 15449a, p. 2, http://www.inghist.nl/Onderzoek/Projecten/RapportenCentraleInlichtingendienst1919-1940.

which were intended to help maintain law and order. Examples included a ban on civil servants joining radical organizations, a watchful eye being placed on demonstrations, and a stricter law against agitation and slander. While the government prepared those steps, the parliamentary leaders of the liberal (LSP and VDB), Protestant (ARP and CHU), and Catholic (RKSP) coalition parties decided that parliament had to take action too. They suggested tightening the rules regarding parliamentary speeches, by expanding the grounds on which the chairman of the lower house could force representatives to amend their statements and choose more acceptable expressions. Speeches considered subversive or insulting to the Crown, government, or parliament would be prohibited, erased from the parliamentary record, and could even lead to the temporary exclusion from the assembly of the speaker concerned.21

The aim of the suggestion was twofold. First, it was intended to prevent parliamentarians from causing agitation by exploiting their freedom from prosecution for statements made while in office. Such abuse of their legal immunities was deemed unacceptable, especially once the government began demanding a more compliant attitude of its citizens. Second, the measure was intended to protect parliamentary dignity by prohibiting unsuitable vocabulary. In other words, its purpose was to uphold the rule of law and to protect democracy against its enemies and its own “flaws”.22 The large majority of parliamentarians used both arguments in support of the suggestion. Even the social democratic SDAP, which was distrusted by the establishment early in the 1930s and which was hard-hit by the repressive measures, agreed to “prevent the destruction of parliamentary democracy by the abuse of parliamentary rights”.23

Because almost every party desired stricter parliamentary rules, the suggestion did not lead to a fundamental debate on the limits of democracy. That topic was broached only by left-wing extremists angry about the loss of their “democratic rights and liberties” to criticize the gov-

---

21 Blom, Muiterij op de Zeven Provinciën, pp. 126-132.
22 The full names of the parties were Liberale Staatspartij “De Vrijheidsbond” (LSP, conservative liberal), Vrijzinnig-Democratische Bond (VDB, progressive liberal), Anti-Revolutionaire Partij (ARP, Protestant), Christelijk-Historische Unie (CHU, Protestant), and Roomsch-Katholieke Staatspartij (RKSP, Catholic).
24 Handelingen Tweede Kamer (hereafter, HTK) 1933-1934, bijlage 231, No. 3, p. 2.
25 HTK 1933-1934, p. 1124. The full name of the social democratic party was the Sociaal-Democratische Arbeiderspartij (SDAP).
Although they rejected parliamentary democracy as a matter of principle and strove for a "proletarian democracy", communist and radical socialist parliamentarians called the measure a step towards "the demolition of democracy". Their accusation was virtually ignored by the rest of parliament and even ridiculed by Dolf Joekes (VDB), a progressive liberal representative who called the left-wing extremists the real enemies of democracy. Clearly, complaints made by a small minority of revolutionaries were not taken seriously.

Despite MPs refusal to talk at length about the democratic nature of the new parliamentary regulations, their debate sheds some light on the way the majority of parliament looked at democracy. The supporters of the measure who quickly dismissed the extremists’ objections argued that the stricter rules did not curtail the liberties of parliamentarians. Instead they consolidated an existing informal parliamentary code, which had been binding all along. As a result, it was argued, the measure did not threaten the democratic system. It can be deduced that, to most parliamentarians, democracy was based on freedom and on a dignified attitude among representatives. Parliament, they believed, should adopt an autonomous and critical stance towards the government, but should do so with respect. That view of the parliamentary system already existed in the nineteenth century, but it was felt that the aspect of respect needed more emphasis now that parliament had to deal with radical representatives intent on ignoring decorum. As a result, stringent parliamentary rules were seen as an important and justifiable addition to the existing repertoire of parliamentary democracy.

**Permanent Exclusion of “Revolutionary Representatives”**

Two days before parliament adopted its internal code of ethics, in February 1934, the minister of justice Josef van Schaik installed an advisory committee which was tasked to prepare the next step in the repression of the so-called revolutionary representatives. This Koolen Committee studied the possibility of permanently excluding from national and local legislative bodies representatives who endeavoured to change the political system by using or encouraging illegal means. The

---

26 HTK 1933-1934, pp. 1217, 1227. This stance was taken by the Communistische Partij Holland (CPH) and the Revolutionair Socialistische Arbeiderspartij (RSAP).

27 HTK 1933-1934, p. 1221.

28 HTK 1933-1934, pp. 1223-1224.

prime minister Hendrik Colijn appointed Dyonisius A.P.N. Koolen and six legal experts at the request of the same liberal and confessional parties that had pleaded for stricter parliamentary rules. Those parties felt that more had to be done to nip extremism in the bud. In their eyes, prohibiting an insulting or inflammatory speech, erasing the speech from the parliamentary record, and even temporarily excluding the speaker from the assembly would not deter radical representatives from uttering revolutionary rhetoric.30

The desire to take new measures to discourage and punish political extremism suggests that the permanent exclusion of "revolutionary representatives" was intended to save democracy, as was the increase in the chairman's disciplinary powers. Indeed, most authors argue that protection of democracy was the main goal of the measure,31 and that seems to be corroborated by the statements of some of its advocates. For example, the first parliamentarian to suggest that course of action, the conservative liberal Hendrik J. Knottenbelt (LSP), explicitly wanted to preserve the "prestige and efficiency of the representative assemblies",32 and during the election campaign of 1933 the leader of the Protestant ARP, Hendrik Colijn, stressed the need to protect the ailing parliamentary democracy by drastically reforming it. After warning that the parliamentary system was in danger of collapsing under its "own flaws" and its enemies, he claimed: "There is only one way to prevent this from happening. And that is the proper implementation of constitutional-parliamentary relations. A government that really governs. A parliament that pleads for the people's interests and that monitors, but does not take the place of, the government."33

And yet, a closer look shows that stricter repression was also often motivated by the desire to restore law and order. To some, that was an even more important argument than the defence of democracy. Many supporters of repressive measures regarded the rule of law as more than an aspect of democracy, considering it to be an ideal in itself which they valued even more than the democratic system. Colijn, for example, explained in his electoral speech that he opposed advocates of dictatorship and revolution because otherwise "either the people's liberties will

---

30 The request was made by the LSP, VDB, ARP, CHU, and RKSP. Eskes, Johannes A.O., Repressie van politieke bewegingen in Nederland. Een juridisch-historische studie over het Nederlandse publiekrechtelijke verenigingsrecht gedurende het tijdvak 1798-1988, Zwolle, Tjeenk Willink, 1988, pp. 148-155.
31 Eskes, Repressie, p. 153; and Bootsma and Hoetink, Over lijken, pp. 22-23.
33 Colijn, Hendrikus, "Wankelen noch weifelen", in Geen vergeefs woord. Verzamellede deputatenredevoeringen, Kampen, Kok, 1951, pp. 308-321, here pp. 318-319. This is the text of an electoral speech given on 9 March 1933.
be sacrificed to order, or – which would be even worse – order and freedom will succumb to chaos".34 Once Colijn had become prime minister, he made clear that "the government cannot repress any party solely because it pursues another form of government than we have now; it can act only when an organization disrupts the peace, wishes to attack the current form of government with illegal means, or assaults the authorities".35 That implies that the cabinet did not consider democracy to be unassailable and accepted criticism of the democratic system as long as the rule of law was respected. Colijn’s defence of democracy was probably a means to achieve an orderly society. His support for repressive measures against extremist representatives was based more on the urge to maintain order than on the wish to protect democracy. The same ambiguous argument was used by the Koolen Committee. One of the reasons it mentioned taking action against radical representatives was the damage they might inflict on the stature of the representative institutions. However, the committee called that a “secondary danger”. The argument it used most frequently was the need to uphold the legal order.36 All in all, protection of democracy was often seen as a means to an end or as an added advantage, instead of as the main goal of the repression of “revolutionary representatives”.

After four months of deliberation, the Koolen Committee concluded that “persons who do not belong in representative assemblies should be actively barred from them”.37 Exclusion should not be based on the ideology of the party involved, but on the question whether the individual politician had used or propagated illegal action to realize his political ideals. Therefore, the committee argued that a representative who

34 Colijn, “Wankelen noch weifelen”, p. 315. Two weeks earlier, on 21 February 1933, Colijn had been even more explicit in his appreciation of law and order: “It is not inconceivable that order will have to be maintained at the expense of freedom, because it would be worse if order and freedom should both perish”. Cited in Van Kaam, Ben, Parade der mannenbroeders. Flitsen uit het protestantse leven in de jaren 1918-1938, Wageningen, Zomer & Keuning, 1964. Colijn’s biographer, Herman Langeveld, suggests that the Protestant leader cared more for an orderly, disciplined society than for parliamentary democracy. According to Langeveld, the only reason why Colijn had defended this political system in March was to dispel fears that he sympathized with fascism. Langeveld, Herman, Schipper naast God Hendrikus Colijn, 1869-1944. Deel 2, 1933-1944, Amsterdam, Balans, 2004, pp. 32-35.

35 HTK 1933-1934, p. 288.

36 Koolen, D.A.P.N., Verslag van de staatscommissie, ingesteld bij Koninklijk Besluit van 12 februari 1934, nr. 62 (Lidmaatschap van de vertegenwoordigende lichamen), The Hague, 1934, pp. 19-21. The report of the Koolen Committee was published on 16 June 1934.

37 Minutes of the meetings of the Koolen Committee, 31 March 1934, p. 2, National Archief (hereafter, NA), Archief Van Schaik 2.21.151, inv. No. 66.
conducted or verbally supported unlawful behaviour should permanently lose his membership of the legislative assembly. Furthermore, certain violations of the law by representatives, whether inside or outside the legislative organs, should automatically lead to the loss of suffrage.\textsuperscript{38}

Both the committee and Colijn’s cabinet realized that those recommendations might be controversial, particularly because punishing those who encouraged illegal deeds or expressed the wish to perform them was not as straightforward as it might have seemed. In the interwar period many political groups peacefully propagated a radical break with the existing society and type of regime, so it could not easily be determined whether such action was illegal. It could be labelled “potentially illegal”, but that would not be an objective, clear-cut option, as committee member Jan Donner remarked.\textsuperscript{39} The government, too, called the exclusion of representatives a “very delicate subject”, since it could affect “one of the most important civic rights, full suffrage, as well as the character of the representative bodies and the position of its members”.\textsuperscript{40}

Therefore, the Koolen Committee felt the need to state unambiguously that its advice was not undemocratic. Its report read: “it is not the intention to hinder the normal workings of our parliamentary constitutional system nor to force the development of our public institutions in an unnatural direction.”\textsuperscript{41} That is very illuminating, not only because it sheds light on the committee’s view of the essence of democracy, but also because it shows that the committee’s members expected that others might not share their perspective. They apparently took their potential opponents seriously, otherwise they would not have taken the trouble to try to convince them.

The committee’s report implicitly acknowledged that its suggestions might be regarded as dangers to the parliamentary system, as they seemed to curtail freedom of speech and to diminish “the prerogative of the representative body to inspect critically all aspects of government policy”. Nevertheless, the report insisted that that impression was wrong and that repression of “revolutionary representatives” was indeed democratic.\textsuperscript{42} The committee members justified their assertion by redefining the concept of “popular representation”. During their meetings, they admitted that the exclusion of representatives would be a violation of fundamental democratic rights, if one adhered to the traditional view

\textsuperscript{18} Koolen, \textit{Verslag van de staatscommissie}, pp. 13-18, 21-22.
\textsuperscript{38} Minutes of the meetings of the Koolen Committee, 17 March 1934, pp. 4-5.
\textsuperscript{39} \textit{HTK} 1933-1934, bijlage A, I. 4, p. 32.
\textsuperscript{40} Koolen, \textit{Verslag van de staatscommissie}, p. 22.
\textsuperscript{41} Koolen, \textit{Verslag van de staatscommissie}, pp. 7, 22.
that parliament was “an institution that must completely reflect existing political opinions”. However, they discarded that definition and instead argued that legislative bodies had a responsibility to “pursue the national interest on the basis of the existing legal order”. Politicians who refused to do so did not deserve the right to sit in parliament and criticize the government. As a result, democracy was entitled to repress representatives who attacked the political system by illegal means. In order to avoid “political decisions”, the decision to exclude representatives should be taken not by the government but by an objective judiciary.

From that line of argument, it can be gleaned that the Koolen Committee shifted slightly the traditional boundaries of democracy. To some extent, it stuck to parliamentary democracy, which was based on freedom of speech, made the government accountable to parliament, and valued the *trias politica*. But the committee’s repertoire of democracy also contained a responsible representative body and repressive measures against politicians who lacked self-restraint. This interpretation of democracy closely resembled Loewenstein’s disciplined democracy.

The advice of Koolen and his collaborators was not codified in law, because Colijn’s cabinet felt that such far-reaching steps would require a reform of the constitution. That does not imply that the government disagreed with the committee’s proposals, nor its view on democracy, as the legal historian Johannes Eskes suggested in 1988. On the contrary, several Protestant and Catholic ministers had defended a similar conception of democracy, even when they remarked that the exclusion of representatives was controversial. When van Schaik installed the Koolen Committee, for example, he stated:

> The government that recognizes its responsibility does not fear criticism of its policy by the representatives of the people, even if it can sometimes be sharp. [...] But if that criticism degenerates into serving revolutionary goals or using revolutionary methods, it is destructive and dangerous for the law-

---

43 Minutes of the meetings of the Koolen Committee, 17 March 1934, pp. 6-8, 21 April 1934, pp. 11-12; and Koolen, *Verslag van de staatscommissie*, pp. 19-20.

44 Minutes of the meetings of the Koolen Committee, 17 March 1934, p. 13; and Koolen, *Verslag van de staatscommissie*, p. 23.

45 Eskes, *Repressie*, pp. 187-190. Eskes argues that Colijn’s second cabinet did not act on the committee’s advice. In doing so, he neglects the fact that the proposals of the committee were nevertheless probably welcomed by the government (or at least by the confessional ministers) and that they were never completely discarded. That can be deduced from statements made by several ministers. See Koolen, *Verslag van de staatscommissie*, p. 6; Colijn, “Wankelen noch weifelen”, pp. 314-315, 319; and *HTK* 1934-1935, p. 225.
ful and healthy development of public institutions and therefore cannot be tolerated in an orderly state.46

Colijn had gone even further in his electoral speech in March 1933. Parliament was tasked with vocalizing the people’s interests, but should not act as “a millstone around the neck of a powerful administration”. Only under a strong government “will there be order and discipline in addition to an appropriate measure of freedom”.47 Even though the cabinet decided not to follow the committee’s advice, in the second half of 1934, it did not reject the repression of “revolutionary representatives”. It merely postponed it to a constitutional reform that was scheduled for the near future.48

Constitutional Reform and Clashing Conceptions of Democracy

Within a year of Colijn’s second cabinet taking office, around the time when the Koolen Committee was publishing its report, it started to consider amendments to the constitution. The liberal and confessional ministers felt that rigorous measures were needed to curb extremism, restore order to society, and respond to the criticism levelled at the existing democratic system.49 Their determination became even stronger in the following years, especially when the national socialists (NSB) scored an alarming victory in the provincial elections of 1935, the first elections in which the NSB participated. Because radical changes in voter preferences were rare in Dutch politics, the establishment was shocked. The only reason why the constitution had not immediately been revised was that the procedure required new parliamentary elections, which would not be held until 1937.50

In the course of 1935, the prime minister Hendrik Colijn, minister of the interior Jacob A. de Wilde, and minister of justice van Schaik discussed a number of possible amendments. At the top of their list stood the exclusion of “revolutionary representatives”. The ministers copied the advice of Koolen’s committee: representatives who used or propagated illegal means to achieve their political goals would perma-

---

46 Koolen, Verslag van de staatscommissie, p. 6.
Crisis of Democracy or Democratic Reform?

nently lose their membership of the legislature. Colijn, de Wilde, and van Schaik went even further. In order to prevent radical parties from replacing the banned representative with another transgressor, his seat should remain vacant for the duration of the parliamentary term. Moreover, the ministers confirmed that illegal acts and utterances were always punishable, regardless of whether the representative had conducted them in or out of office.51

Before the proposal was introduced to parliament, it was discussed by an advisory committee of legal experts and the leaders of the six largest political parties, presided over by ministers de Wilde and van Schaik. After vehement debates between January and June 1936, the majority of the committee’s members endorsed government proposals on how to deal with extremist representatives. At the beginning of 1937, the proposals for constitutional reform were discussed in parliament, where the exclusion of radical politicians was both criticized and applauded. Following the elections, the new representatives passed final judgement on changes to the constitution. Ultimately, the repression of “revolutionary representatives” was rejected, because the proponents failed to muster the required two-thirds majority.52

During the procedures, the form and limits of democracy became the topic of intense debate, both in the De Wilde Committee and in parliament. At least three contrasting definitions of democracy clashed with each other during the discussions; nor was there even any consensus on the questions of whether democracy should be defended against extremism, and whether the ban on radical politicians could be seen as part of that attempt.

That disagreement on the objective of the amendments has been overlooked by previous historians, who assumed that the constitutional reform had been an “indirect attempt to get the extremist parties under control and to force them into a democratic mould”.53 Many committee members and parliamentarians did indeed regard the exclusion of “revolutionary representatives” as a way of defending democracy. Social democrats in particular, along with progressive and conservative

52 Oud, Pieter J., Het jongste verleden. Parlementaire geschiedenis van Nederland, 1918-1940, Deel V, 1933-1937, Assen, Van Gorcum, 1950, p. 442; and Wilde, J.A. de, Verslag van de staatscommissie, ingesteld bij Koninklijk Besluit van 24 januari 1936, nr. 41, aan welke is opgedragen de voorbereiding van eene partieele herziening van de grondwet, The Hague, 1936, pp. 10-12. This report was published 8 June 1936.
53 Eskes, Repressie, p. 218.
liberals, considered democracy to be – in the words of committee member, parliamentarian, and SDAP leader Johan W. Albarda – an “absolute norm” that should be protected against extremists.\textsuperscript{54} Some Protestant parliamentarians seemed to agree, because they argued that the parliamentary system was at stake.\textsuperscript{55}

The government, on the other hand, never mentioned the protection of democracy as an objective. Instead, it told parliament that its proposals were meant to maintain law and order.\textsuperscript{56} Van Schaik even explicitly denied that the ban on radical representatives had anything to do with the salvation of democracy: “Alarda regards it [the exclusion of extremists] as a means to avert anti-democratic dangers. However, the proposal of the government is free from all democratic and anti-democratic blemishes.”\textsuperscript{57} Only after several parliamentarians had wrongly assumed that the government’s plans were meant to safeguard democracy was de Wilde forced to declare that the government did wish to prevent the demise of the parliamentary system. Nevertheless, he adamantly refused to equate that with the protection of democracy: “It has become clear that the majority of the members of parliament favours the preservation of the parliamentary system. Some have called this the defence of democracy; I prefer the term ‘parliamentary system’.”\textsuperscript{58} The minister alluded to a system in which “the legislative work is performed by a government in collaboration with parliament”.\textsuperscript{59} That implies that de Wilde regarded the protection of parliament mainly as a means to get legislation passed, instead of as a goal in itself. Later in his speech, he even made absolutely clear that he did not regard democracy as an unassailable ideal. He rejected a social democratic counterproposal to outlaw all anti-democrats, by asking rhetorically: “Where would we be, if we should use democracy as our only criterion for deciding whether a party should be allowed?”\textsuperscript{60}

\textsuperscript{54} Albarda denoted democracy as an “absolute norm” during a meeting of the committee. Minutes of the meetings of the De Wilde Committee, 3 April 1936, 3, 16. Other references to the defence of democracy can be found in parliamentary documents and debates. \textit{HTK} 1936-1937, bijlage 105, No. 1, p. 18, pp. 1408-1409, 1414, 1420.

\textsuperscript{55} \textit{HTK} 1936-1937, pp. 1411, 1427-1428. The Protestant parties that took this view were the ARP and the orthodox Staatkundig Gereformeerd Partij (SGP).

\textsuperscript{56} The documents sent by the cabinet to parliament did not contain any references to the protection of democracy. \textit{HTK} 1935-1936, bijlage 477, No. 11, p. 9, and \textit{HTK} 1935-1936, bijlage 105, No. 2, pp. 27-29, 41-43.

\textsuperscript{57} Minutes of the meetings of the De Wilde Committee, 3 April 1936, p. 13.

\textsuperscript{58} \textit{HTK} 1936-1937, p. 1430.

\textsuperscript{59} \textit{Ibid.}

\textsuperscript{60} \textit{HTK} 1936-1937, p. 1432.
The debates on the exclusion of "revolutionary representatives" confirmed the assumption of the Koolen Committee that not everyone was convinced of the democratic acceptability of the measure. Though theoretically willing to take steps to protect democracy, a substantial minority of critics on the De Wilde Committee and in parliament were convinced that the government proposal would "harm democratic thought". Unlike the discussions on the disciplinary powers of the chairman of the lower house in 1934, in the present debate the extremists were not the only ones who rejected the cabinet's suggestion as undemocratic. Their perspective on and definition of parliamentary democracy were shared by the social democratic SDAP and even by the progressive liberal coalition party VDB.

Those parties objected to the perceived risk of arbitrariness and the "clause concerning the vacant parliamentary seat". In their view, legal instruments for the exclusion of radical politicians could be manipulated by the political elite in order to strengthen its position. "This reeks of a coup d'état!", the social democratic jurist and committee member George van den Bergh exclaimed. And, critics argued, even if the banned representative were really guilty of illegal intentions, the provision that his parliamentary seat should remain vacant until the next election would be detrimental to his party and voters, who might be blameless.

Such complaints were motivated partly by extremist and social democrat fears that they themselves might become the targets of the repressive measure, since the authorities suspected them of revolutionary intentions. In 1936, the intelligence service assumed that "When social democrats make a stand for democracy, as in our country, they of course do so because they want to establish socialism through democracy."

---

61 Both the social democrats (SDAP) and progressive liberals (VDB) in parliament approvingly cited these words of a Professor of Constitutional Law. HTK 1936-1937, pp. 1414, 1420.
63 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 17-18. See also the following footnote.
64 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 4, 6-7, 9-10, 16-18, 21-23; see the minority report of the opponents of the government proposals on the De Wilde Committee, in Wilde, Verslag van de staatscommissie, pp. 37-39; HTK 1936-1937, bijlage 105, No. 1, p. 19; and HTK 1936-1937, pp. 1409-1411, 1414-1416, 1419-1420, 1422, 1424.
That suspicion was unwarranted, because as early as 1933 SDAP leaders had declared that their party had left its revolutionary past behind and that “to the SDAP, democracy is not only a principle and a means, but also one of its goals”.66 Therefore, the social democrats also frequently objected to the exclusion of “revolutionary representatives” because they too felt that the measure “conflicts with the essence of the democratic constitutional state”.67

To social democrats and progressive liberals, democracy was a way to ensure that the people could influence politics. On the De Wilde Committee and in parliament they often referred to the sovereignty of the people as democracy’s main ideological pillar. Sometimes responsibility too was mentioned as a democratic foundation, especially by the VDB, but it was not emphasized as much as it had been by the Koolen Committee. Critics of the cabinet probably downplayed that aspect because it reminded them of the government’s line of argument. Other frequently mentioned democratic values were legal certainty, freedom of political thought, and the exclusion of arbitrariness.68 Because critics believed that every political group had the right to be represented, the core element of their form of democracy was a parliament that should “reflect the political views of the people”.69 As a result, even extremists were entitled to seats in parliament. Their admittance had the additional advantage, it was argued, of its being a democratic “safety valve” which would prevent radicalization.70 Social democrats and progressive liberals were confident that democracy was capable of protecting itself against subversive elements, since the people kept a watchful eye on its politicians. Parliamentary democracy had no need nor place for any other defence mechanisms: “Democracy has stronger weapons than


69 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 21-23. See also HTK 1936-1937, bijlage 105, No. 1, p. 19.

70 HTK 1936-1937, pp. 1415-1416. See also Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 16, 21-23.
Crisis of Democracy or Democratic Reform?

clever and vague legal constructions. The strongest weapons of democracy are transparency and freedom of speech.\(^{71}\)

Although most conservative liberal, Protestant, and Catholic advocates of the exclusion of "revolutionary representatives" did not feel that they were defending democracy, they were not prepared to acknowledge that they were endangering democracy either. Now that the charge was supported by larger parties, including one of the parties in government, they could not ignore the allegation, as they had done in 1934, so they contended, in the De Wilde Committee, in parliament, and in cabinet, that actually their proposals were very democratic. In doing so, they defended a conception of democracy that differed significantly from their critics' ideas of parliamentary democracy.

The proponents of the amendments agreed with their adversaries that democracy was a means to guarantee the people's involvement in politics and policymaking. Both groups regarded the sovereignty of the people as a cornerstone of the democratic system. However, in the eyes of the government and its supporters, democracy also relied on the dignified and responsible behaviour of both politicians and citizens. Reint H. de Vos van Steenwijk, a conservative liberal member of the De Wilde Committee, summarized their view: "according to democratic thought, every party should be able to express its principles, provided that it does so in a legal way".\(^{72}\) That assertion was accompanied by a view on the role of parliament which deviated from the social democratic and progressive liberal perspective. In the words of Anne Anema, a Protestant jurist, committee member, and senator: "parliament is no longer merely a representation of the people, but is also a constructive element in our form of government".\(^{73}\) By stressing that there was no scope within democracy for irresponsible and destructive criticism, the advocates of the government's plans justified their claim that it was democratic to repress the use and support of illegal means of political struggle. Anema continued: "Therefore, not all political groups are entitled to a seat in parliament, as van den Bergh has suggested, but only those groups that are willing to conduct constructive tasks. Groups

\(^{71}\) HTK 1936-1937, p. 1414. See also pp. 1411, 1419, 1427; HTK 1936-1937, bijlage 105, No. 1, p. 19, and Minutes of the meetings of the De Wilde Committee, 3 April 1936, p. 4.

\(^{72}\) Minutes of the meetings of the De Wilde Committee, 3 April 1936, p. 6. See also Wilde, Verslag van de staatscommissie, pp. 10-11; HTK 1935-1936, bijlage 477, No. 11, p. 9; and HTK 1936-1937, p. 1430.

\(^{73}\) Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 10-15. See also HTK 1936-1937, p. 1430.
that refuse to do so do not belong in parliament." The risk that their exclusion and their seat being declared vacant as a result would hurt citizens was also deemed justifiable in a democracy. To van Schaik it was clear that "if a group of voters abuses its power, it is legitimate to correct that abuse." Evidently, the government and its conservative liberal, Protestant, and Catholic supporters did not adhere to the parliamentary democracy of their critics, but embraced the same repertoire of disciplined democracy as the Koolen Committee and Colijn's second cabinet had done.

Parliamentary democracy and disciplined democracy were not the only two repertoires that clashed in the discussions on the reform of the constitution. A third repertoire of democracy entered into public debate in September 1936, when the social democrat van den Bergh proposed an alternative way to curb extremism. In his inaugural speech as Professor of Constitutional Law, he claimed that democracy had the right to prohibit parties that aimed at its destruction. In contrast to the government's plans, he suggested that political organizations should be banned because of their anti-democratic principles, even if they restricted themselves to legal means to implement those principles. That suggestion had already been briefly discussed several months earlier in the De Wilde Committee, when Albarda had launched a similar proposal. Van den Bergh's plan aroused controversy during the parliamentary debates on constitutional reform in 1937.

During those debates, both the desirability and the democratic nature of the prohibition of anti-democrats were discussed. Van den Bergh felt that party bans based on ideology were acceptable in a democratic state, but realized that not everyone would agree. By claiming that "democracy is allowed to adopt the weapons of dictatorship for one single goal: defence against dictatorship", he admitted that his proposal added a new element to the current repertoire of democracy. Furthermore, van den Bergh's argument shows that his idea of democracy had an ideological

---

74 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 13-15, 18. See also HTK 1936-1937, pp. 1408-1409, 1411-1412, 1419, 1427-1428, 1430-1431 (original emphasis).
75 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 10-13, 23. See also Wilde, Verslag van de staatscommissie, p. 11; HTK 1936-1937, bijlage 105, No. 2, p. 41; and HTK 1936-1937, pp. 1408-1409, 1432.
76 Bergh, George van den, De democratische Staat en de niet-democratische partijen, Amsterdam, De Arbeiderspers, 1936.
77 Minutes of the meetings of the De Wilde Committee, 3 April 1936, pp. 3-4, 16-17; HTK 1936-1937, bijlage 105, No. 1, p. 18, and HTK 1936-1937, pp. 1409, 1413-1414, 1432.
foundation different from parliamentary democracy and disciplined democracy. The social democratic professor acknowledged that, at first glance, democracy seemed to be obliged to respect everyone’s freedom of thought and legal equality, to be tolerant towards dissenters, and to guarantee the people’s influence on policy. And yet, van den Bergh argued, that was not the essence of the democratic arrangement. Democracy was obliged to grant those privileges only to citizens who allowed others to enjoy the same rights. His line of reasoning was based on the idea that democracy was an unassailable moral principle, instead of a political system aimed at executing the popular will. The two ideological pillars of democracy, freedom and equality, were deemed so important that their adversaries could be denied access to democratic privileges: “In this state, where the principles of *spiritual freedom* and *legal egalitarianism* are sacrosanct, all societal and political views should be tested against these principles.” In practice, that meant equality being partly sacrificed, as Albarda acknowledged in the De Wilde Committee: “in a democratic state, democratic and anti-democratic movements do not deserve equal rights: the democratic principle forbids even a majority to violate the democratic rights of the people.”

Van den Bergh’s contemporaries were aware too that his counter-proposal introduced a new interpretation of democracy. A progressive liberal journalist who supported his perspective called it “essential democracy”, because it referred to core democratic principles. In an effort to convince sceptics of the democratic nature of that view, he wrote that “In the past too, terms have changed their meaning over time. This is certainly the case with the term ‘democracy’.” The SDAP did not need to be persuaded. Although the social democrats on the De Wilde Committee and in parliament defended parliamentary democracy against the exclusion of “revolutionary representatives”, their statements also implicitly referred to aspects of essential democracy. For example, social democratic parliamentarians argued that “democracy has the moral right to protect itself against its enemies” and implied that, in

---

81 Minutes of the meetings of the De Wilde Committee, 3 April 1936, p. 3.
future, parliamentarians might be willing to stock “the arsenal of democracy” with precautions against anti-democrats.\textsuperscript{83}

Other commentators rejected van den Bergh’s view of democracy. The progressive liberals held on to parliamentary democracy and opposed all measures that might endanger the sovereignty of the people. They felt that “in our country everyone is and ought to be completely free to pursue a form of government and a legal order that deviate from the ones in which we currently live”.\textsuperscript{84} The most vehement opponent of essential democracy was de Wilde. As noted above, he did not share van den Bergh’s view that anti-democratic principles should be the criterion for repression. That implies that de Wilde did not regard democracy as unassailable, although that did not stop him from rejecting Van den Bergh’s counterproposal as “very undemocratic”.\textsuperscript{85} In de Wilde’s view, repudiating democracy was “everyone’s right”. All citizens who obeyed the law, even anti-democrats, were equally entitled to the democratic rights of representation, freedom of expression and thought, and protection against arbitrariness. Despite the fact that de Wilde and van den Bergh both wanted to repress extremism, the minister felt there was a fundamental difference between van den Bergh’s essential democracy and his own disciplined democracy.\textsuperscript{86}

At the start of the parliamentary debates on constitutional reform in October 1936, a number of parliamentarians had predicted that reaching agreement would be complicated by the fact that “there is no concrete idea, let alone a substantial consensus, on the fundamental constitutional changes that are needed to preserve, guarantee, or strengthen the [democratic character of our form of government]”.\textsuperscript{87} During the final parliamentary debate on the constitutional reform, early in 1937, that prediction came true. The government’s proposal to exclude “revolutionary representatives” fell short of the mandatory two-thirds majority in parliament because the extremist, social democratic, and progressive liberal parties rejected disciplined democracy.\textsuperscript{88} Van den Bergh’s party bans too foundered as a result of the fundamental disagreement on what democracy was and what democracy should be.

\textsuperscript{83} HTK 1936-1937, bijlage 105, No. 1, p. 18, and HTK 1936-1937, pp. 1409, 1413-1414.
\textsuperscript{84} HTK 1936-1937, p. 1419. See also Minutes of the meetings of the De Wilde Committee, 3 April 1936, 6, 9, 21-22; Wilde, Verslag van de staatscommissie, p. 37, and HTK 1936-1937, bijlage 105, No. 1, p. 19.
\textsuperscript{85} HTK 1936-1937, p. 1432.
\textsuperscript{86} HTK 1936-1937, pp. 1430, 1432.
\textsuperscript{87} HTK 1936-1937, bijlage 105, No. 1, p. 1.
\textsuperscript{88} Eskes, Repressie, pp. 238-239, 243-244.
“Striking at the Roots”

The failure to exclude “revolutionary representatives” was a grave disappointment to the new government. Despite the fact that the national socialists gained far fewer votes than expected in the parliamentary elections of 1937, the presence of both right- and left-wing extremist organizations in the public arena instilled fear in Colijn’s confessional cabinet. The new minister of justice Carel M.J.F. Goseling therefore proposed to “strike at the roots” of the problem. The debate about the repression of extremism and the limits of democracy continued.

Instead of barring politicians from representative assemblies, which had proved to be unfeasible, Goseling suggested banning extremist organizations altogether. Unlike Van den Bergh, Goseling rejected preventive checks based on the ideology of a political party. Instead, the minister argued that organizations that had disturbed public order (i.e., that had broken the law, had offended against common decency, or had hindered citizens in the exercise of their rights) should be declared illegal by the judiciary. Such a law had been included in the Penal Code since 1855, but Goseling wanted to widen the scope of its enforcement. Both individual members and organizations should be liable to penalties. Furthermore, not only an association’s stated goals but also its acts, whether conscious or unintended, should be liable to provoke a ban. The minister concluded that police officers should be granted free access to public meetings and that foreigners should be barred from Dutch organizations.

Goseling had harboured these thoughts for years. From November 1933 to October 1936, he had headed a research committee of the Catholic party that studied the desirability of changes to the form of government, including a new law on association. After the committee had suggested restricting the right of association and assembly, Goseling repeatedly voiced that opinion in parliament. The government refused to consider his proposal as long as the exclusion of “revolutionary representatives” was under debate, but as soon as that measure had

---

89 Colijn’s second cabinet (1933-1935) had fallen in the summer of 1935 and been reconstituted as Colijn’s third cabinet (1935-1937). The administration that took office in June 1937 was Colijn’s fourth cabinet.
91 HTK 1937-1938, bijlage 475, No. 3, pp. 2-6, and HTK 1938-1939, bijlage 42, No. 12, pp. 16-18.
been rejected by parliament and Goseling had become a minister, party bans then had a real chance of being codified in law.\textsuperscript{92}

When Goseling introduced his bill in parliament in May 1938, his main argument was that the outdated act of 1855 was inadequate to deal with the increased importance of political associations. In addition, he stated that the "mental confusion" of the 1930s had increased the need to revise the law, but he declined to emphasize that motive in order to avoid the impression that his proposal was an ad hoc measure. Nevertheless, the minister also hinted at a wish to save democracy. He cautiously implied that his proposal was aimed at the protection of the people’s liberties against freedom-abusing national socialists.\textsuperscript{93} In the report of his committee, Goseling had even explicitly voiced an ambition to "restore and purify the appropriate task and function of popular representation in the democratic parliamentary state".\textsuperscript{94}

The Goseling Committee argued that it was democratic to withhold freedom of association and assembly from parties that posed a threat to the common good: "Even in parliamentary democracy there is room for this norm and this criterion."\textsuperscript{95} Although the committee members often used the term "parliamentary democracy", they defended a repertoire that closely resembled disciplined democracy. In their eyes, democracy was a political system that consisted of a parliament and government collaborating for the common good. The people decided what was in their best interests, but had a duty to pursue also the national interest in "organized cooperation" with the authorities. Political organizations played a key role in the arrangement, the committee argued: "Political parties are the means to effectuate the people’s influence on the state. They do so by giving direction to political thoughts and by contributing to the composition of the representative body."\textsuperscript{96}

Two ideological foundations of this democratic system, often mentioned by the committee, were the sovereignty of the people and freedom of association and assembly.\textsuperscript{97} But, according to Goseling, that was not all: "Lately, it has become increasingly clear that freedom must be
accompanied by an appropriate responsibility." He added that political parties were especially obliged to serve the public interest, since they channelled the people’s will. That made it justifiable, in Goseling’s eyes, to ban parties which irresponsibly threatened public order and common decency. All in all, Goseling and his committee respected individual freedom of thought, but felt that democracy should not grant any organization unbridled freedom to disseminate “indecent” beliefs. To the minister, that was an important principle, since it prohibited extremists from endangering the liberties of the general public. In the firm conviction that democratic society should be “both free and orderly”, Goseling incited parliament “to relinquish a little freedom, on behalf of Freedom”.

Unsurprisingly, Goseling’s view of democracy sparked a lively debate in February 1939 when his bill was discussed in parliament. The SDAP in particular remained unconvinced by the minister’s line of reasoning. According to the party’s leader Albarda, repression of freedom of association and assembly did not strike at the roots of extremism, but hacked away “one of the fundamental pillars of democracy”. Once again, the social democrats defended traditional parliamentary democracy, although their devotion to democratic ideals also reminds us of essential democracy. Above all, Albarda stated, citizens should be able to participate freely in the political arena. In that case, it meant the inalienable freedom to form political organizations. Albarda’s repertoire of democracy left no room for repressive measures, because the risk of their arbitrary use might frighten associations into submission. Instead, the social democrats relied on democracy’s “inner strength” to defend itself against its adversaries. Albarda therefore urged his fellow parliamentarians “to refrain from the destruction of principal democratic institutions”.

The liberal and Protestant parties felt that the SDAP had overreacted. Yet they themselves did not respond enthusiastically to Goseling’s proposal. The LSP, VDB, ARP, and CHU regretted his suggestion to restrict freedom, because – in the words of the progressive liberal Joekes –

102 HTK 1938-1939, pp. 1313-1317, 1330-1331.
103 HTK 1938-1939, p. 1317.
the right of association and meeting was of “major importance to democratic society”.

Nevertheless, they did not share Albarda’s conclusion that democracy should remain untouchable. On the contrary, in principle they agreed with the minister that the exceptional situation called for drastic measures. Their main argument was that freedom, though important, should be bound by responsibility. The conservative liberal Willem C. Wendelaar eloquently articulated this basic assumption of disciplined democracy:

Liberalism preaches tolerance towards all people with other beliefs, and of course we should honour that tolerance, especially with respect to political adversaries, regardless of their deviating principles and terminology. But there is a limit; yes, there is a point at which I proudly call myself intolerant [...]. The circumstances require serious measures and demand that sacred cows are not spared, not even my own sacred cows.

However, agreement on the fact that things had to change did not automatically entail a uniform view of how far the changes should go. Despite their concurrence on the principles of disciplined democracy and shared relief that the minister had rejected preventive checks by arbitrary authorities, the liberals and Protestants differed in their opinions about the question of whether Goseling’s party bans should be added to the repertoire of disciplined democracy. In the end, the conservative and progressive liberals decided that the government’s proposal went too far on some accounts and voted against it. The Protestants, on the other hand, reluctantly supported the bill as an unavoidable emergency measure. Since the Catholics too backed their minister, the proposal was passed by a small majority.

With approval having been gained in May 1939 for Goseling’s proposal that the government should be able to ban parties, the attempts to exclude extremist politicians and parties permanently from political life that had been made since 1934 were finally translated into legislation. Nevertheless, the victory for the advocates of such strict measures did not last long. Goseling’s law was rarely enforced and the authorities took hardly any new steps against extremism. A substantial proportion of MPs still clamoured for more repressive measures, especially now that radicalism within the Netherlands might be exacerbated by mounting international tensions and might threaten the neutrality of the Neth-

\textsuperscript{104} HTK 1938-1939, pp. 1303, 1307, 1317-1322.


\textsuperscript{106} HTK 1938-1939, pp. 1310, 1317-1320, 1322-1324, 1367. The bill was approved by 50 votes to 38.
erlands. Colijn’s cabinet might have been willing to answer those calls but it fell just a month after Goseling’s law was enacted.\textsuperscript{107} By contrast, its centre-left successor, which consisted of Catholics, Protestants, progressive liberals, and social democrats, hesitated to restrict the people’s liberties. The prime minister Dirk de Geer declared that he would respond to further repression only “in the utmost emergency”,\textsuperscript{108} and it was not until three weeks before the German invasion of the Netherlands in May 1940 that the cabinet proclaimed martial law for the entire country; even then, it barely used its new disciplinary powers. The government feared that firm measures might jeopardize the harmony within its own ranks and within Dutch society, and realized that the repression of extremism was a hotly disputed issue, capable of arousing widely divergent views concerning the limits and forms of democracy.\textsuperscript{109}

**Conclusion**

In 1983 the historian Hermann W. von der Dunk argued that the stability of the Dutch political system in the 1930s had mainly been the result of a lack of consensus within the national elite as to what were the crucial flaws and most desirable reforms of the existing parliamentary democracy. He argued that all political parties were dissatisfied with the form of government as it then was and defended it against extremists only because they could not agree on an alternative polity.\textsuperscript{110}

The case study presented here both confirms and complements Von der Dunk’s hypothesis. The fight against political extremism should not be seen solely as a conservative defence of parliamentary democracy, as Von der Dunk has suggested, but also as an effort to reform the democratic system quite radically. Nevertheless, attempts to introduce repressive measures into a democratic system often failed because participants in the debates did indeed fundamentally disagree on what democracy was and what it should be. Their concepts of democracy diverged to such an extent that compromises were virtually impossible to reach. Moreover, Von der Dunk has rightly noted that criticism of democracy varied widely. For example, complaints about the poor performance of representative institutions contradicted the criticism that parliament had grown too strong and hindered effective government.

\textsuperscript{107} Eskes, Repressie, pp. 279–283.
\textsuperscript{108} *HTK 1939–1940*, p. 157.
\textsuperscript{110} Dunk, “De partijen”, pp. 47, 55-59.
The disagreement about the nature of democracy was even more profound than Von der Dunk assumed. To begin with, not all advocates of the repression of extremism styled themselves saviours of democracy. Social democrats and liberals often talked about the need to protect the democratic system, but many confessional initiators of repressive measures mentioned the preservation of law and order as their main goal instead. A well-ordered society was their first priority, while the protection of democracy was a means to that end or an added advantage. Apparently, not everyone regarded democracy as an unassailable ideal that had to be defended at all costs.

More importantly, the participants in the debates on repressive measures interpreted democracy in completely different ways. Not only did they pursue contrasting political ideals, as Von der Dunk has stated, they disagreed also on the practical limits to the democratic system. At least three conflicting repertoires of democracy can be discerned. The traditional parliamentary democracy was seen as an arrangement to ensure that the sovereign will of the people was effected. The most important means to that end was a critical, independent, and dignified parliament that represented all political beliefs in society. In addition, parliamentary democracy consisted of freedom of association, speech, and political thought, and safeguards against arbitrariness. The only acceptable defence mechanism against radical politicians was public accountability. The social democrats, who gradually distanced themselves from their revolutionary past in the course of the 1930s, were the most vocal advocates of that repertoire of democracy. They were often joined by progressive liberals, although they sometimes showed sympathy for a more disciplined form of democracy. The left-wing and right-wing extremists also defined democracy as parliamentary rule, although without supporting it.

As the threat from extremism increased in the 1930s, disciplined democracy garnered more support than parliamentary democracy. Although Loewenstein’s term “disciplined democracy” was not used in the Netherlands, the label characterizes a liberal, Protestant, and Catholic view of democracy rooted in the traditional parliamentary form of government, but which also developed new elements in response to the extremist menace. Like parliamentary democracy, disciplined democracy denoted a political system aimed at the implementation of the popular will and was based on the sovereignty of the people. However, the addition of responsibility as an ideological foundation had far-reaching consequences for politicians and citizens alike. Parliament retained its right to criticize the cabinet, but also gained the duty to contribute to the execution of government policy. It became primarily a legislative body, instead of a representative organ. Voters, in turn, were required to put
the national interest before their individual preferences. Although citizens could still freely control their rulers, the authorities also objectively saw to it that the freedom of citizens and their representatives was tempered by responsibility. That therefore made repressive measures, such as the permanent exclusion of “revolutionary representatives” and the restriction of the freedom of association and assembly, democratic.

Essential democracy also entailed party bans, which led Loewenstein to the incorrect belief that van den Bergh and his mainly social democratic supporters adhered to disciplined democracy. However, Dutch commentators have emphasized the ideological and practical differences between disciplined and essential democracy. Instead of a political system, the latter conception regarded democracy as a moral principle, based on freedom and — to a lesser extent — equality. In their view, democracy was an absolute norm that had to be defended against its enemies. As a result, the grounds on which a party could be banned differed too. Whereas disciplined democracy outlawed organizations because of their irresponsibility, essential democracy banished parties based on their anti-democratic beliefs. In other words, disciplined democracy repressed the liberties of all citizens while essential democracy pre-emptively sacrificed the right of anti-democrats to equal treatment in order to protect freedom.

During the discussions about the repression of extremist politicians and parties, those three repertoires of democracy frequently clashed. Sometimes the differences between the perspectives were gradual. For example, disciplined democracy was developed from parliamentary democracy and some commentators (notably progressive liberals) hovered between the two. Moreover, the repertoires of disciplined democracy and essential democracy both contained the element of party bans, despite their dissimilar ideological backgrounds and practical differences. In most cases, however, conceptions of democracy contrasted markedly. Considering the vehemence with which the debaters defended their definition of democracy and attacked other repertoires, it is likely that each group was convinced that it adhered to the true form of democracy. Clearly, Dutch interwar politics were characterized by contrasting genuine interpretations of democracy.

Of course, the conflicts between various repertoires of democracy were also partly rhetorical. Labelling a political opponent as undemocratic was an effective way of discrediting him and his proposals, which suggests that not all references to the “true character of democracy” were heartfelt. However, that does not make them less interesting. On the contrary, the fact that accusing someone of undemocratic behaviour

was a viable political strategy sheds more light on the appreciation of democracy as a political ideal. Apparently, most Dutch interwar politicians attached enough value to democracy to use it as an argument for or against certain policies and to categorically deny that they themselves were undemocratic. In the 1930s, democracy was not deemed unassailable, but neither was it seen as irrelevant. It could be criticized, adapted, and even rejected, but not ignored.

This case study has demonstrated not only the Dutch appreciation and interpretation of democracy in the interwar period, but also shows that the traditional view of the "crisis of democracy" needs to be modified. The point is not that there was no crisis at all. Democracy was indeed forced into a defensive position and many contemporaries experienced the strain on the democratic system as an urgent problem. However, the crisis was a lot more complicated than the traditional idea of a uniform dichotomous struggle between fierce anti-democrats and staunch defenders of democracy. Democracy experienced a crisis during the interwar period in the sense that it had reached a critical stage, where it was confronted with both destructive attacks and creative attempts at reform.

There was no single crisis of democracy, because critics were divided on the flaws of the democratic system. Even de Jonge's distinction between the principal rejection of democracy (the "major crisis") and complaints about the practical shortcomings of the democratic system (the "minor crisis") does not capture the pluriform nature of the critique that democracy endured, nor did the politicians who shielded democracy from its own flaws and extremist attacks form a unified camp. They could not agree whether the democratic ideal deserved a principled defence. Most importantly, the division between critics and defenders of democracy was blurred. Critical commentators could support democracy in principle in one form or another, while the defence of one variety of democracy might go hand in hand with the rejection of another repertoire. Because politicians and jurists used contrasting definitions of democracy, they could not reach a consensus on the dividing line between advocates and opponents of the democratic system. If historians insist on creating a dichotomy between democracy's champions and its enemies based on their own anachronistic definition, they will ignore the overlap between groups where people tried to redefine democracy. The idea that criticism equals crisis in its traditional, destructive sense corresponds with the post-Second-World-War notion that democracy is unassailable, but does not chime with interwar conceptions of democracy.

In the 1920s and 1930s, democracy managed not only to cope with the threat of an existential crisis, but also with an identity crisis. Both
the value and content of democracy were disputed. Many people con-
sciously and imaginatively sought ways to adapt the democratic system,
and their active search for the redefinition of a contested concept makes
the interwar period a good example of a “creative crisis of democracy”.
Although the focal term for this volume is just as much a scholarly
construction as the traditional historiographic distinction between anti-
democrats and democrats, it at least shows consideration for the differ-
ing perceptions of democracy among historical actors. The amalgam of
varying criticism and resourceful renewal of democracy, which proba-
bly characterized many European polities, merits more attention. By
studying this neglected aspect of the struggle within democracy, schol-
ars will achieve a better understanding of the malleable and sustainable
nature of the concept, and the complexity of democratic politics in the
interwar years.