7 Aristocratic populism

The Belgian Senate and the language of democracy, 1848–1893

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Introduction

The Belgian Revolution of 1830 is often depicted as a conservative or ‘stolen’ revolution (Verschaffel & Rietbergen 2006). Triggered by social, ideological and religious revolt against an autocratic monarch, it employed the language of popular sovereignty in its first phase. During the constitutional debates, however – so the traditional storyline goes – the vested and new élites took power and replaced the language of popular sovereignty with that of national sovereignty and patriotism. According to this latter discourse, it was not the actual Belgian people who had taken power during the revolution but the Belgian nation – being a metaphysical entity encompassing past, present and future generations. Such a trans-historical nation could by definition not rule itself and therefore had to be represented by its élites. Hence, still according to that same narrative, conservative elements, such as censitary suffrage and bicameralism, had to be introduced in the institutional architecture of the new state. They would help to defend the age-old and venerable ‘nation’ against the short-sighted and self-interested ‘people’.

Recently, scholars have unmasked this traditional view as a postwar invention. Based on the ideas of the interwar French constitutionalist Raymond Carré de Malberg, it is supposed to have been generalised by his Ghent colleague André Mast in the wake of the 1950 referendum about the fate of Leopold III. By presenting national instead of popular sovereignty as the foundation of the Belgian state, he tried to delegitimise referendums as a political tool. In reality, as scholars such as Raf Geenens and Stefan Sottiaux argue, the founding fathers of the Belgian state hardly made a distinction between ‘the nation’ and ‘the people’. Hence, even if they wrote in the constitution that ‘all powers emanate from the nation’, they did not exclude popular sovereignty (Geenens & Sottiaux 2015; Clement & Van de Putte 2018). Democratic values were not, according to these scholars, hijacked for conservative purposes. Much rather, they present the Belgian constitution of 1831 as a hybrid compromise between several ideologies that were not as distinct from one another as they would later be imagined to be.

My own research has revealed that ‘popular sovereignty’ was a central concept in the discourse of members of the nineteenth-century Belgian House of Representatives. Liberals and conservatives alike stressed that they acted in the name

of the people in Parliament, and a common reproach in parliamentary discussions was that the opponent had ‘betrayed popular sovereignty’. The difference with Dutch parliamentary culture, where the notion of popular sovereignty was viewed as a haunting spectre rather than an ideal to be strived for throughout the nineteenth century, turned out to be considerable (Beyen & Te Velde 2016).

Even if the founding fathers had the intention of keeping the threatening notion of ‘popular sovereignty’ at bay, they do not seem to have been successful. At least, such was the case in the House of Representatives. Was the situation different when we look at the Senate? At first glance, there are reasons to expect that it was. When looking at the institutional architecture of this upper chamber, it appears as an aristocratic antithesis of the (relatively) democratic House of Representatives. To be sure, the Senate was never meant to be a house for hereditary aristocrats alone; rather, it was supposed to represent aristocracy in the ancient Greek sense of the word, i.e. ‘the rule of the best’. As the defenders of the vested interests of the countryside, however, noblemen were readily counted among these ‘aristocrats’ in the broader sense of the word.

The difference between the two chambers was found first of all in the conditions of eligibility. While in the House of Representatives these conditions were limited to sex (male) and age (25 years or older), the age threshold was higher (40) for election to the Senate, and candidates had to pay at least 1,000 florins (or 2,116 francs) in taxes. The constitution also stipulated a minimum rate of one candidate for every 6,000 inhabitants. In provinces where this minimum was not reached, those who paid the highest taxes below 1,000 florins would be added to the list of eligible candidates. In the lived reality of nineteenth-century Belgium, it turned out that candidates from the less wealthy strata often had to be added to the list. Even so, this stipulation contributed to a considerable (albeit slowly decreasing) over-representation of noblemen in the Belgian Senate throughout the nineteenth century (Stengers 2017; Stengers 1975).

On the other hand, the compromise of 1831 also introduced a ‘democratic’ element in the composition of the Belgian Senate. If its members by definition belonged to the highest strata of society, its electorate was exactly the same as that of the House of Representatives. In order to receive a vote, one had ‘only’ to be a man 25 years or older and pay 100 francs or more in taxes. Seen from the perspective of suffrage, the Belgian Senate undoubtedly was one of the most democratic upper chambers of its era.

This duality of the Senate’s composition raises interesting questions with regard to the political language it engendered. Was it primarily an ‘aristocratic’ – and therefore conservative – language or did it leave room for democratic aspects? Where did the Belgian senators situate the source of sovereignty, if they did so at all – in the monarch, in a metahistorical ‘nation’, in the actual ‘people’, or in a mixture of all these sources?

Attempts to answer these questions in generalising ways are hampered by the fact that the Belgian Senate’s proceedings have not been digitised in a searchable way, as has been done for the House of Representatives. Hence, quantitative and longitudinal assessments of the occurrence of terms such as ‘(popular)

sovereignty' are very hard to make. Therefore, I focus on specific debates, occurring in two periods of intense democratisation (1848 and 1893). Even then, I do not analyse the entire debates but opt for a microhistorical and hermeneutical analysis of specific passages. More specifically, I single out passages in which senators reflected on the identity and the role of their institution in the constitutional architecture in Belgium. Although I pay attention both to frequently recurring tropes and interventions that go against the grain, most will belong to the latter category. Rather than trying to reconstruct 'the' political language of the nineteenth-century Belgian Senate, I want to explore its limits: which discursive positions could be taken without being ostracised by the other members of the assembly? By quoting extensively from the proceedings, I try to bring the hitherto underexplored language of the Senate back to life in its richness and complexity.

1848: the voice of the people in the Senate

The revolutionary wave that travelled through large parts of Europe in 1848 left Belgium relatively untouched. This relative stability is most often explained by the fact that the Belgian government took some democratising measures (cf. Luykx 1977; Reynebeau 2003). The most important of these was the lowering of the franchise to its constitutional minimum of 20 florins (or 42 francs). By doing so, the government tried to prevent revolutionary movements in favour of greater democracy. Hence, even if this measure widened the electorate of both the House and the Senate considerably, it was more inspired by a form of 'preventative conservatism' than by a spirit of democracy (Girvin 1994). It should not come as a surprise, then, that the aristocratic Senate supported the measure with a large majority of twenty-six to seven (Luykx 1977). Moreover, in the discourse surrounding this electoral reform, senators tended to stress that it gave them the opportunity to play the moderating role that the constitution had assigned to their institution. The president of the Senate, the Tournai liberal Augustin Dumon-Dumortier, did so in a very elaborate way after the reform had been accepted. It is worthwhile to quote him extensively, since his words expressed feelings that seem to have been common among the senators at that time:

The Senate, sirs, does not have the most brilliant role to play in the legislature. But it does have a role, and a very important one at that. One starts to recognise that, and soon it will be recognised everywhere, in all the constitutional countries where there is no moderating power, one will see that the governments will be at pains to sit down and move forward. We will always play our role of moderating and pacifying power with the same devotion. If the government and the other chamber have taken the initiative for great measures that have saved the country and that have made it pass the crisis that agitates all of Europe, one will never forget that we have taken part very actively in those measures by voting on them with a patriotic enthusiasm, that patriotism will never fail from the Senate's part. *L'Union fait la Force* [the official motto of Belgium]; we will stay united, we will stay

strong, and we will defend the country's interests as we have done always since the day we were created.

(Sénat de Belgique 1848, 27 June, p. 4)

Defending electoral reform was therefore wrapped not in the language of democracy but in that of patriotism and moderation. Should these terms simply be viewed as euphemisms for a defence of the monarchy and the aristocracy against the masses? The ensuing discussions about the address of the Senate as a reply to the throne speech made clear that they cannot simply be dismissed as such. In this address, as it was drafted by a special commission, paternalistic language was used about the need 'to search the necessary means to improve and to elevate the condition of the labour class'. It was stressed that this result could be reached not with the help of 'dangerous utopias' but only 'by moralising the working population, [. . .] by uplifting trade and industry, [. . .] by applying the arms that do not find an occupation to the improvement of the uncultivated lands'. 'The good practical sense and the feelings of philanthropy [*sentiments de philanthropie*] of our co-citizens', the address continued, 'will help the government to find the means to procure this interesting part of our population with the moral and material well-being that is the object of our studies' (Sénat de Belgique 1848, 28 June, p. 7). If some kind of social policy was advocated in the address, it did not seem to give a voice, let alone agency, to the people.

In the discussion about the commission's draft, however, a more active political role was assigned to the people. That was especially the case in the interventions by Alexandre de Royer de Woldre (also known as De Royer de Dour, 1795–1852), a baron from the Walloon city of Mons who had sat in the Senate since 1844, serving as its secretary between 1848 and 1850, and who leaned towards the liberal party. As a member of the commission that had drafted the address, he had inserted a passage pleading for a rationalisation of the civic guard, which would facilitate a reduction of expenses for the army. Since other members of the commission considered this an attack on the army – and, hence, indirectly on the king – the passage was removed from the draft that was presented to the plenary session. Not only did De Royer de Woldre protest vehemently against this removal but he also pleaded for the insertion of an amendment aiming at a 'social revision' of the functionaries' pensions as they were prescribed by a law of 1844. According to De Royer de Woldre, these pensions were an excessively heavy burden on the treasury, at the expense of the taxpayers.

Interestingly, this aristocrat justified his amendment by references to his voters and to 'the people' in general. Being a liberal, he expressed 'the most perfect confidence in the [Liberal] Cabinet' and especially in the minister of the Interior, but he immediately added that 'there is something more pressing than the intentions of the Cabinet, it is the voice of the people that has stigmatised this retirement pension law and that imperatively requires its revision'. This reference to 'the voice of the people' (*la voix du peuple*) in order to legitimise his own political behaviour was clearly taken from the language of popular sovereignty – a language De Royer de Woldre may have learnt while serving in Napoléon's armies

in 1813–1814 (cf. Mathieu 1910). Nonetheless, he used the terms ‘people’ and ‘nation’ synonymously, which became clear when he further dissected this ‘voice of the people’:

That cry is unanimous in the nation. It has not been produced in the chambers, but it is unanimous in the country and I have to declare it, I have behind me 1500 voters who have sent me to this House in order to require the suppression of this law, and who will approve of my words.

(Sénat de Belgique 1848, 28 June, p. 11)

This passage not only discursively interweaves ‘the people’, ‘the nation’ and ‘the voters’ into one homogeneous entity but also creates a dichotomy between this entity and ‘the chambers’. As such, it contains the seeds of what would later become known as the language of populism. De Royer de Woldre seems to have understood that it was somehow unacceptable for an aristocrat to use such language in an aristocratic assembly. He was eager to add on 28 June 1848 that he had ‘not accepted an imperative mandate’ and that he ‘would not have accepted it if it had been offered to me’. In doing so, he took his distance from the Rousseauist notion that members of an assembly should be accountable at each moment to their constituents and defended the autonomy of the representative. In spite of this autonomy, listening to the people/the nation was, he believed, the representative’s primary task:

I have understood the wish of the nation, I have understood the hardship under which the nation has sighed for some time, and it is necessary that this hardship disappears, it is necessary that this enormous expense that the people supports is alleviated.

The representative’s autonomy, therefore, should be defended more against the throne and the cabinet than against ‘the people’. Precisely that autonomous position *vis-à-vis* the king should be the point of departure for any address to the throne:

if we can only insert in the address the paraphrase of the throne speech, then we should not discuss at all – we should limit ourselves to returning phrases and bringing them under the eyes of the throne. An address, however, is something else – it is the expression of the people, the expression of the country that mounts to the Throne, and if you can neither talk of the army nor of taxes, then to what is your address reduced?

If De Royer de Woldre persisted on 28 June 1848 ‘in demanding the maintenance in the address of the paragraph proposed by the commission’, it was due to his desire

to maintain for the Senate the right to say to the Crown (while observing the rules from which an assembly of this high stature should never deviate) what the people want; what the intimate thought of this assembly is.

Undoubtedly, De Royer de Woldre's insistence on the need to listen to the voice of the people was rather exceptional. Nonetheless, his position was defended by another Walloon aristocrat in the Senate, Camille baron de Tornaco from Huy (near Liege, 1807–1880). Like De Royer de Woldre, who was twelve years older, De Tornaco sided with the liberals. And like De Royer de Woldre, he stressed that he did not want to act against the king or the cabinet when he tried to maintain or insert certain passages in the address to the throne. On the contrary, he claimed on 29 June 1848:

We have fulfilled a duty, that I will continue to fulfil very strictly towards the Cabinet. When one wants to preserve a king, one has to tell him the truth. When one wants to preserve a Cabinet, one owes it the truth, too.

This duty resided precisely in 'observing facts' and in 'reminding the power [*le pouvoir*] of the situation of the country'. In this respect, he found the executive in dire need of assistance:

The bit of experience that I have amassed with these matters since the voters sent me to parliament, has proven to me that ministers often tend to have certain illusions with regard to the situation of the taxpayers; each year, we have seen an increase of the expenses, in spite of the incessant protests by the members of parliament, in spite of – and I remind you of this in honour of the Senate – the wishes expressed each year in this hall.

(Sénat de Belgique 1848, 29 June, p. 16)

With words like these, De Tornaco seemed to follow De Royer de Woldre in his aristocratic populism: both legislative chambers had to make the voice of the people heard towards the king and the cabinet. The difference between both seemed to reside primarily in their assessment of the degree to which Parliament lived up to this task. De Royer de Woldre was rather negative about it: he believed that Parliament, as it actually operated (except for himself), sided with the authorities rather than the people. De Tornaco, for his part, did not see such a gap between the theory and the practice of parliamentary politics.

Even if De Royer de Woldre and De Tornaco were unable to alter the text of the address, their references to the voice of the people seem not to have aroused indignation. Far from being dominant, the language of democracy was accepted in the Senate – even if the word democracy was probably never used in a positive way.

1893: searching for legitimacy with the people

In the second half of the 1880s, social tensions in Belgian society resulted in large protest movements. The driving force behind them was the young but burgeoning socialist party (the 'Belgian Labourers' Party'). Apart from social laws, this party also claimed to advocate political democratisation. In 1893, a political majority in the House of Representatives changed the constitution in such a way

that a complicated, qualified form of universal male suffrage could indeed be introduced. All adult men received a vote for the legislative election; a second one was allotted to men who paid certain amounts of taxes. A third vote would even be given to people who possessed a university degree or a certificate of higher secondary education *or* who occupied professional positions that required such a form of schooling (Luykx 1977).

Unlike that of 1848, the 1893 reform also implied a fundamental transformation of the Senate. On the one hand, the electorate was no longer identical to that of the House of Representatives. On the other hand, the eligibility conditions for the senators were slightly lowered. In a complex set of electoral rules, two kinds of senators were created. The first group of senators, who amounted to slightly more than half of the Senate, were directly elected by the same plural system of universal male suffrage as the one applied to the House of Representatives (except that the voters had to be 30 years old instead of 25). For this category, the censitary eligibility conditions were lowered from 2,116 to 1,200 francs in taxes, and the minimum eligibility rate was lowered from 1/6,000 to 1/5,000 of the population. For the second group of senators, each provincial council assigned, without any eligibility conditions, two to four senators. This measure was not primarily introduced to strengthen the representation of regional interests in the Senate. Instead, it aimed at counterbalancing the democratisation of the eligibility conditions with a form of indirect election (as it existed in the Netherlands and France).

Although these measures did contribute to a certain degree of democratisation of the Senate's composition (the rate of noblemen decreasing from 51 per cent in 1892 to 45 per cent in 1894), it also enlarged the difference with the House of Representatives, where, after 1893, even members of the lower middle classes made their entrance (Libon & Nandrin 2017). Unavoidably, this duality was reflected in the self-representation and self-assessment of the senators. On the one hand, there was a certain pride in the fact that the Senate had once again played its moderating role by contributing to this solution. According to Charles de Coninck de Merckem (1836–1896), a Catholic West-Flemish politician who had recently become a baron, the upper chamber had 'proved, once again, its utility, the necessity of its existence by looking for and finding a satisfactory solution for the complex and difficult question of the revision of the constitution'. Since the Senate had taken 'a remarkable part in these debates', he expressed the hope 'that from now on its use and its existence will not be subjected to doubt anymore' (*Sénat de Belgique* 1893, 2 Sept., p. 664).

Unlike in 1848, the word 'democracy' was used positively (if only rarely) in these acts of self-glorification. The president of the Senate, Henri t'Kint de Roodenbeke de Naeyer (1817–1900), the Catholic baron of the East-Flemish town of Eeclo (Terlinden 1930), looked back at the passing of the constitutional reform in the following terms:

May God protect our dear Fatherland! May it, under the roof of stable institutions and under the aegis of a national Dynasty that justly becomes more popular every day, offer to the world the example of a nation that is able to

govern itself, by reconciling the preservation of order and peace with the wise and well-reflected deployment of democracy!

(Sénat de Belgique 1893, 17 Oct., p. 2)

Implicitly, t'Kint de Roodenbeke de Naeyer associated the Senate with 'the preservation of order and peace', leaving 'the well-reflected deployment of democracy' to the House of Representatives. He did not, however, present the Senate as a bulwark against democracy.

If this self-complacent assessment of the Senate's role dominated after the vote of the constitutional reform, some of the senators during the debates had pleaded for more radical transformations of their own institution. The liberal Théophile Finet (1837–1910), representing the city of Arlon in the south of the Belgian Ardennes, was afraid that the maintenance of censitary eligibility qualifications would fatally diminish the legitimacy of the Senate in the eyes of the Belgian population:

But look in which situation the Senate of censitaries will find itself if a conflict with the Chamber arises, and particularly if a question of either taxes, or military substitution, or heritage, or questions directly or indirectly related to individual fortune are at stake. The Senate may be perfectly right in the facts, but the electoral mass, composed of proletarians, will tell it's wrong.

It will say: these are the rich ones, the censitaries, they do not want what the popular Chamber wants. And public opinion will say the Senate is wrong only because it will be composed of censitaries, and that will be the cause of its weakness.

[. . .]

Obviously, a censitary generally is conservative. But being rich does not suffice to exert prestige on public opinion, and what the Senate needs is a moral prestige that will make the country accept its decisions.

(Sénat de Belgique 1893, 2 Sept., p. 644)

In order to strengthen his case against the censitary qualifications, Finet stressed that these had been 'excluded from all the Senates that have a more or less democratic character: it exists neither in France, nor in the United States, nor in Switzerland'. By presenting these countries as models, he implied that he considered democracy as a model for Belgium too. If the role of the Senate was to play a moderating role in this democracy, it could only do so if it was democratically legitimised. Unsurprisingly, this argument was used by a non-aristocratic senator, who, as a son of a labourer, had become an internationally active industrialist (cf. Syndicat d'Initiative de Jambes 2019).

Another industrialist-senator of non-noble descent, Finet's Liberal colleague from Charleroi (Hainaut), Emile Van den Dooren (1826–1909), made the same diagnosis but was even more pessimistic about the consequences of the Senate's choice not to promote a more radical transformation. In order to show that it had been 'a great mistake not to have increased to a very large degree the number

of eligibles to the Senate', he referred to the fact that his own constituency had only thirty-five eligible candidates for a population of 333,000 inhabitants. 'Maintaining such a privilege', he added, 'equals preparing the disappearance of the Senate'. Without mentioning the author (which was probably not necessary in a highly literate company such as the Senate), he referred to a fable of De La Fontaine to depict the consequences of this conservative decision: 'We have invited the people to a feast, but we serve it universal suffrage "in a narrow-necked vessel"'. It will only be able to enjoy it by overthrowing it and breaking it' (Sénat de Belgique 1893, 2 Sept., p. 644). In other words, the constitutional reform did not contain, according to Van den Dooren, a sufficient degree of democracy to prevent a revolution from taking place. Precisely because he did not want to contribute to such a state of affairs, he abstained from the vote.

Conclusion

It is impossible to say whether Belgian political history would have followed a different course if no Senate had been created. The dominant line of discourse within the nineteenth-century Senate was that it had played its constitutional role in an exemplary way. More precisely, there was a strong belief that the upper chamber had made an important contribution to the smooth adaptation of parliamentary institutions to the democratisation of society and hence to the success story of the Belgian state. Especially in times of accelerating democratisation, the Senate was needed to maintain law and order – such was the general view.

In this discourse, the Senate presented itself as a corrective against the 'rule of the mob' and not as the antithesis of democracy. Even if the word 'democracy' was seldom used in a positive way until the last decades of the nineteenth century, it was not unusual for senators to situate ultimate sovereignty in 'the people' rather than in the monarch or in transcendent forces. The Senate was all but immune to the language of popular sovereignty that prevailed in the Chamber of Representatives. This can at least partly be explained by the fact that, by the end of the century, a considerable portion of senators had been members of that latter house before they were elected to the Senate (Libon & Nandrin 2017).

The language of some senators could even be stamped as 'populist' in the sense that they defended the primacy of the people against the elites, the aristocracy and the king. The framing of this language, however, seems to have changed throughout the period. During the revolutionary wave of 1848, listening to 'the voice of the people' (a notion that was used in abstract and homogenising ways) was presented as a duty of the senators, in order to resist the royal prerogatives. It remains to be investigated whether this language was used primarily by those senators who had come to maturity during the French revolutionary and/or the Napoléonic period.

Forty-five years later, during the debates about the constitutional reform of 1893, this voice of the people seemed to have grown so loud that listening to it had become less of a duty than a necessity. By insufficiently democratising itself (by actually opening its doors to 'the people' – the *demos*), some senators of non-noble descent asserted that the Senate would threaten its own existence in a democratic world. In doing so, it would betray its own conservative duty of

maintaining and defending the traditional structures of society. Democratising itself was cast as a conservative duty in this discourse; conservatism, as a duty of the elites to the sovereign people. Combining these two duties was considered to be at the heart of the Senate's mission. In its self-perception, it remained deeply aristocratic and conservative, in the sense that it had to guarantee the 'rule' (*kratos* in ancient Greek) of the best citizens (*aristoi* in ancient Greek) in order to safeguard (*conservare* in Latin) the traditional structures of society. This function could only be exerted, however, at the grace of the sovereign people (*populus* in Latin). A refusal to listen to the voice of the latter would provoke revolution and ultimately the fall of the elites. Only populism and democracy, so it seemed, could save aristocratic conservatism in nineteenth-century Belgian political culture.

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