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Ministers van Staat: onbekend en bemind; van podium naar de coulissen?

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Summary

Ministers of State. Unknown and desired; from stage to the wings?

Chapter 1

In the Netherlands, the title of Minister of State is granted to a select set of senior politicians and administrators, generally towards the end of their career. They are appointed by the monarch, acting on a proposal by the cabinet. In this capacity, they are then asked to perform certain activities or to carry out specific tasks. Both the content of the Minister of State role itself and the appointment process are quite vague. Nevertheless, this exclusive ministerial title has considerable social status.

Problem description

The aim of this research study is to provide insight into the title of Minister of State. The problem description is as follows:

What *development* has taken place in the role of Minister of State; what has the legal and political *significance* of the Minister of State been; and *what* can be said about the present-day role of Minister of State, in the Netherlands and in various other countries?

The study is historical-systematic and legal in nature, and makes use of literature and source research. In view of the fragmented availability of source material relating to the Minister of State, a large amount of data on the Ministers of State appointed between 1815 and 2023 was also collected and analysed. The current Ministers of State were another important source of information in building up a picture of the precise content of this exclusive ministerial post. Several Ministers of State were contacted and interviewed for this purpose. From the scientific viewpoint, this contributed to learning more about the role and institution of Minister of State.

Chapter 2

Chapter 2 investigates the development of the Minister of State from a historical perspective. The research shows that the title Minister of State (*Minister van Staat* or *Staatsminister*) in the Netherlands dates back to 1805-1806, when the Kingdom of Holland was ruled by a French monarch. In fact, the roots of the Minister of State lie even

deeper, and originate in the government system of France: the position of *Ministre d'État* existed there as early as the reign of Louis XIV.

At the beginning of the nineteenth century, Ministers of State in the Netherlands were in charge of departments. It was William I who, in around 1815, created a distinction between regular ministers (for a specific political area) and Ministers of State, as ministers without portfolio. They served as 'senior advisers' to the king.

In the period between 1842 and 1850, the advisory task of Ministers of State reached something of a high point, when they were given a seat in the cabinet. However, the Constitution of 1848 and the introduction of 'ministerial responsibility' resulted in Ministers of State, who were not 'real' ministers, being deprived of this seat. Since that time, Minister of State is a purely honorary title.

Chapter 3

In Chapter 3 the various appointments as Minister of State are studied for each monarch. Analysis of these appointments reveals the recurring theme that they are an expression of gratitude: a recognition of services rendered to the nation; and moreover, an accolade of great honour, because the title of Minister of State is held in high regard.

In addition, it is possible to identify other underlying or specific reasons for appointing someone as a Minister of State. William I in particular used the award of this title as more than just a token of thanks. It was a strategic means to make use of an individual's experience and could serve to gain the support of groups of people in the new kingdom. Parallel to the appointments as a Minister of State, William I also pursued a nobility policy, both within and outside the set of appointees, aimed at exerting further influence in society through these royal decrees, in order to achieve his goals. After William I, the instrumental function of the Minister of State post immediately diminished.

However, Ministers of State were still utilised to provide the monarch with counsel or advice on complex or sensitive issues. William II appointed many of his confidants and close friends as Ministers of State. In the period after 1848, conferring this title was a way for the king to continue to exert influence, despite his power having been reduced with the introduction of ministerial responsibility. This was especially true of William III. From 1848, awarding the title of Minister of State acquired a more symbolic meaning. Although Ministers of State could still act as advisers to the government (and hence no longer exclusively to the king), the underlying, strategic purpose of an appointment had been lost. The title of Minister of State, and its conferral, thus shifted progressively from being an instrument of influence or control to being an instrument of reward. It increasingly served to 'simply' thank the recipients for their efforts. This does not mean, however, that the specific type of monarch no longer played a part in the appointments. For instance, Wilhelmina had more confidence in the independent opinion of Ministers of State than in the 'regular' ministers, because

she saw the latter as ‘merely’ transient. Juliana appointed the fewest Ministers of State in absolute terms, and was more inclined to seek advice from people in her own personal and social circle than from Ministers of State. Beatrix, on the other hand, felt the need to be advised by people who could give their opinion as frankly and neutrally as possible, and therefore turned to the Ministers of State for counsel.

Chapter 4

Chapter 4 examines the present-day role of Minister of State. The research reveals that neither the process surrounding the award of this title nor the content of the role is transparent. It is not clear how someone becomes a Minister of State, what they must have done for this and what they subsequently actually do.

The monarch and the prime minister together play an important and decisive part in the appointment process. The prime minister has a leading role and proposes candidates to the king, while the king is also emphatically involved in the process.

An official profile of the Minister of State has never been formulated, but this study found that there are a number of general principles or informal criteria regarding who may be eligible for appointment. These principles or criteria can serve as a normative framework for appointments as Minister of State. Candidates must be *politicians and administrators* who:

- have a broad and excellent service record in public administration. Government ministers are often appointed, especially former prime ministers and ministers of Foreign Affairs. An exception can be found in the appointments of former vice-presidents of the Council of State, who had not necessarily been a minister but had served as an important and neutral adviser to the monarch;
- no longer actively fulfil another primary position;
- are distanced from current politics but are often still active within public life;
- satisfy the criterion that ‘it is beyond all doubt’ that the potential candidate is eligible to be appointed as a Minister of State.

The activities performed by a Minister of State in the Netherlands are mainly ceremonial in nature. From time to time, the government or monarch may call upon the Minister of State to ‘accomplish a specific task’. Ministers of State are also often asked to go abroad (alone or with others) to represent the Netherlands, for example on a state visit or at a head of state’s inauguration, a funeral or a mission. Ministers of State do not have an official position or function, and do not receive a salary. They also have no specific powers and are not required to render account to parliament.

Chapter 5

In Chapter 5 a comparative legal study is made of whether other countries also have a Minister of State and what parallels and differences can be seen in relation to this title in the Netherlands. The research shows that only Belgium has a Minister of State similar to the role in the Netherlands. It should be noted, however, that in Belgium it is even more an honorary title than here. In the other countries that were studied, the Minister of State was often found to be an ordinary, 'regular' minister, who is also granted further specific powers.

Chapter 6

Chapter 6 brings together the findings of the research study and presents the conclusions that were drawn. The study reveals that the Minister of State role at the present time is quite exceptional. On the one hand, Ministers of State are not real ministers, while on the other hand, they are held in high regard. The role is thus not confined to an honorary title, especially because a Minister of State may still be required to fulfil various activities. Confirmation is therefore found for the hypothesis stated in Chapter 1, that this exclusive ministerial post involves more than just an honorary title.

The legal significance of the Minister of State title was brief and limited. In the period between 1815 and 1848, a Minister of State was initially a minister *with* a portfolio, and then *without* portfolio. The political and diplomatic significance is greater and took shape in the period after 1848, when the role of a Minister of State was to act as a neutral adviser or representative of the government.

The research study additionally gave insight into the unwritten criteria regarding who may be eligible for appointment as a Minister of State. More clarity was also obtained with respect to the process of appointment, and in particular the role of the monarch and prime minister in this.

Although the Minister of State role is historically and politically derived from France, in the Netherlands it is an 'invented tradition'.