The Netherlands in the constellation of the eighteenth-century Western revolutions

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In the constellation of the eighteenth-century revolutions, the French events have always occupied a dominant position. Consequently the other European upheavals have been considered as being provoked or strongly influenced by France. Yet, the Dutch revolutions in the 1780s and 1790s provide some important nuances to this interpretation. Before the French took over the Bastille, there was already a Dutch revolution with devoted Patriots, speaking about rights of man and constitutions. The Patriots had to flee abroad in 1787. In 1795, thanks to the French Army, they were able to return to their drawing boards, eager to think anew their government and society. This paper investigates how they did it and whether the American and French precedents were so influential after all in the construction of the Batavian Republic.

Keywords: Dutch Revolution; Dutch Patriots; Batavian Republic; French Revolution; American Revolution; constitution; representative democracy; Bill of Rights; codification; civil code; Natural rights; primary schools; national monuments; national museum; national heroes

In the history of eighteenth-century revolutions, the French upheaval is too often presented as the universal model par excellence. This is particularly true of French writings, but also of European revolutionary studies. Only some of them have paid any attention to the precedents abroad, and most of the time, to tackle just a few political issues of the American Revolution – at the expense of its legal or cultural achievements. In this context, the Corsican revolution of the 1750s is not even mentioned, despite the fact it attracted wide attention at the time. Furthermore, the European revolutions from the 1790s are usually described as strictly French-oriented and the ‘new’ nations as ‘sister republics’. But these so-called sisters would be the sisters of one another, and not sisters to France, which would be accorded the role of the supreme mother.

Since the groundbreaking studies of Robert Palmer and Jacques Godechot, who had to rely on secondary works and not on (inter)national archives, and therefore had some problem distinguishing the national specificity of each European revolution, the historiography of these sister republics had shed light on new topics. Apart from Simon Schama’s famous Patriots and Liberators in the Netherlands, which was inspired by the Dutch historian Cornelis de Wit, and as such, took over the latter’s views on the linear evolution from revolutionary republicanism to nineteenth-century liberalism, making no distinction between republicanism, democracy and liberalism, some scholars have recently

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investigated anew their own revolution from innovative viewpoints.\textsuperscript{8} This shift occurred in the 1990s, when political culture became the big issue.\textsuperscript{9} In the Netherlands, Niek van Sas and Wyger Velema are in the vanguard of this turning point and thanks to their work, the Patriot sociability and political thought are far better known than before.\textsuperscript{10} Until then, Dutch historians had long refused to believe that their countrymen might have wished to overthrow their ‘legitimate’ government. Like the Swiss scholars, they were convinced that the revolutionary radicalism they encountered in their country was nothing more than a French export.\textsuperscript{11} This in turn confirmed French historians in their ‘francocentric’ contentions, namely that the sister republics would have nicely ‘adopted the French mould’ without any change and any shame.\textsuperscript{12} It is thus not surprising that their (partisan) terminology follows the French one. The radicals are labelled ‘Jacobins’ and the moderates ‘Girondins’, although the latter are anything but moderate, and one may also wonder if the Dutch radicals can be called ‘Jacobins’. That foreign categories might be different because of a distinctive social and political culture is an issue not considered by these authors. The consequence of these global comparisons is that the revolutions abroad are not placed within their own context and are not regarded as genuinely revolutionary events: either the sister republic is moderate or conservative, because it does not look like the French precedent, or it fits the French mould so well that it has lost all its originality. The conclusion is the same. There would be only one universal Revolution in the Western world: the French one.\textsuperscript{13}

Nothing is less true, as I aim to demonstrate for the Dutch case – and accordingly for America. In order to do so, I will advance a brief description of the Patriot Revolution of the 1780s and of the Patriot exile in France after 1787; then I will address Batavian politics of the 1790s: first to examine the political issues around a new government and its constitution and second, to consider the legal and cultural institutions to be enforced which were necessary to make things work. Indeed, I want to argue that it is not enough to study revolutionary political discourse and institutions without taking into account the legal and cultural reforms, since a revolution without these reforms would not transform the whole society – and thus would not be a true revolution.\textsuperscript{14}

**A first revolution: the Dutch Patriots**

During the 1780s, the Dutch people experienced a provincial and municipal revolution that had its roots in the defeat inflicted by Britain on their country in the Fourth Anglo-Dutch war. Indeed, some months after this defeat, in the fall 1781, the baron Patriot, Johan Derk van der Capellen tot den Pol, published a pamphlet called ‘To the People of the Netherlands’ to castigate the Stadholder – Willem V, prince of Orange – and denounced his treason.\textsuperscript{15} As executive, Willem V had always encouraged an alliance with Great Britain and neglected to modernise the navy on behalf of a standing army. According to him, the great danger came from the European continent – from France, especially – and not from the sea. The Fourth Anglo-Dutch War contradicted these views and convinced part of the Dutch population that Britain was their sole foe. Obviously, this interpretation was shared by the American agent in The Hague, John Adams, who was in the Netherlands to ask support for the American cause. To be sure, the Patriot revolution related to American events, not only because of the propaganda of John Adams, who tried to get a loan from the Amsterdam capital markets and published texts urging the Dutch to recognise the United States as a sovereign state, but also because the Dutch merchants, regents and bankers wished to close a commercial alliance with the New World in the hope of recovering from the crisis that undermined national prosperity since the middle of the eighteenth century.\textsuperscript{16}
Van der Capellen tot den Pol’s pamphlet, in which the baron championed popular sovereignty and reminded the Dutch of their natural and civil rights, was inspired by the essay of Richard Price on civil liberty which Van der Capellen had translated as early as 1776. This pamphlet was followed by a flood of protests against the Stadholder and the perfidy of Albion. In every town and village, successive disturbances soon occurred asking for reforms. Protests were followed by petitions demanding the recognition of Adams as US ambassador. In the spring 1782, some provinces had already agreed to do so, and at the end of the year, the old Republic of the United Provinces concluded a treaty of friendship and commerce with the new Republic of America. In the meantime, the Patriot Revolution was extending throughout the other provinces. The scenario was everywhere the same, if not at the same time: the people sent petitions to their municipal council, asking for popular elections and a citizen committee, which would examine municipal expenses and taxation policy. They demanded the abolition of mandatory labour service (a last survival of feudalism), freedom of the press, and the right to bear arms and to hunt. They organised noisy demonstrations in front of town halls, until they got what they asked for. The process is obvious: what began as a patriotic reaction against the defeat became slowly but surely a demand for more rights, a free government and an actual representation – instead of a virtual one.

The question arises whether these political claims had something to do with the American Revolution. After all, newspapers such as the Gazette de Leyde, the Politique hollandais or the Spectateur américain had already published the Declaration of Independence and some abstracts from the American state bills of rights. Since 1781, publications in French about the state constitutions had been translated into Dutch, as were the books of Raynal and Mably. Furthermore, the Gazette de Leyde was the first in Europe to have published some French translations of American texts – as early as August 1776. The editor, Jean Luzac, was a friend of John Adams and also brought out texts, in which the latter tried to explain why the American Revolution was legitimate. With these publications, some new or new-formulated notions were introduced: representative democracy, popular government and sovereignty, the right to resist oppression, citizen militias, town meetings, regular elections, natural rights, and the neutrality of the state in religious matters. Answering the question above would thus not be so difficult if one looks at the changes brought in towns or provinces by the Patriots.

In different towns, the Patriots seized power and elected new municipal councils. They devised new municipal or provincial constitutions, called in Dutch ‘regulations’, and based on popular sovereignty. The first to act so was a town in the province of Overijssel – the very province where Van der Capellen was sitting in the Assembly. In 1782, Deventer had already created a committee of elected citizens and in 1786, enacted a constitution with a bill of rights as preamble. Yet, this bill strangely resembles that of Massachusetts. It proclaims the natural equality of men, the sovereignty of the people and their right to self-government, the right to resist oppression, the common good and so on. Another Overijssel town, Zwolle, followed Deventer a year later and adopted almost the same principles of government, with an important distinction: it did not include any natural rights of man. Both however did not intend to break off with their federal past and the municipal structure. The regulations or constitutions addressed the people of Deventer and Zwolle, and not a Dutch nation – despite Van der Capellen’s appeal to the ‘People of the Netherlands’ – and they did not consider abolishing guilds and nobility either. To find a less local regulation, one has to go to Utrecht, where for the first time, a province revolutionised its old constitution and celebrated its first elected regents sworn into office with a great festival and popular militias from the whole country. But even in Utrecht, the
regulation draft remained provincial and it did not include a declaration of rights. The only
rights invoked here were the ancient, historical ones.28 Elsewhere however, some Patriots
were thinking about national reforms and natural rights.

An anonymous text called Constitutional Restoration for the Dutch State appeared in
1784 and was the first one to claim the necessity of reforming the nation as a whole. This
text refers openly to the United States, but first to compare the American Revolution with
the Dutch revolt of the sixteenth century against Spain: like their ancestors, the American
people had risen up against the despotism of a foreign king and created a federal republic,
based on the sovereignty of the People. Did the authors understand how innovative was
the American initiative? This is probable, since they demanded a popular government by
representation, based on natural liberty and equality.29 They asked for a fixed and written
constitution, regular elections, a proper separation of powers, regents’ subordination to the
people, and, once again, a committee of citizens to control the representatives and their
policy. The electoral system remained a selective one and the corporate bodies were still
maintained.30 On the other hand, it proclaimed the need for a uniform codification of the
laws31 and a public education, and more than other texts before, it was pleading for
equality of religion and for separation of church and state – quoting here explicitly the
American precedent.32 The rural population was also included in the constitution and
would get a proper representation. Like the other drafts however, it did not aim at
centralisation but still championed federalism. Thanks to the United States, the option was
still not outdated.

One year later, another anonymous text was published, which Schama has labelled as
very progressive.33 But this Leiden draft devised by the militias of Holland for their own
province was not intended to be enforced as a regulation. It was just a working draft
for later reforms. It did not even propose to establish religious equality or to provide
for representation in the countryside.34 It was in a way less open, for it suggested that only
native representatives with experience and property should be eligible. Foreigners and
ordinary people were not welcome. Moreover, the citizen committee that was put in
charge of controlling provincial or municipal taxation and expenses and of receiving
petitions and grievances, would also have to maintain ‘ancient rights and privileges’
(article X). Nevertheless, the text also proclaimed natural liberty and some fundamental
civil rights. As in many Patriot regulations, old and modern topics were intertwined, as
were historical and natural rights.35 However, the Constitutional Restoration looks more
progressive than this text and above all more open to foreign precedents and modern
concepts, although the Leiden Draft may seem more accessible because of the 20 articles
published at the end.

Be that as it may, all Dutch drafts were advocating a representative democracy and not
a direct popular government as in some Swiss cantons.36 Their authors were aware that the
Netherlands was a commercial country with an inequality of riches, where factual equality
was impossible to achieve. It is why most of the Patriot drafts introduced a selective and
indirect elective system.37 Their ‘democratic’ content is lying in the fact that all authorities
would be regularly elected and controlled by a committee of elected citizens that also had
the task of protecting the civil rights of fellow citizens.38 All these drafts however suggest
that the representative self-government was in the air long before the French Revolution,
and that the idea of ‘no taxation without representation’ had gained ground in the
Netherlands some years before it did so in France.39

But it also becomes clear that in the mean time the Dutch aimed at reforming their own
republicanism. Not only did they want the people to bear arms and to choose their
representatives, but they also championed their right to have a free government filled with
virtuous citizens. Apart from the references to actual representation, free government and regular elections, however, only the Constitutional Restoration and the Deventer’s bill of rights reveal an actual American influence. In other towns and provinces, human rights are limited to civil rights, such as liberty of expression and freedom of the press, and liberty to submit petitions and to bear arms. These liberties were described as a heritage of the Union of Utrecht from 1579 that would have been distorted.40

On the other hand, the 1784 doctoral thesis of Schimmelpenninck did confirm that the American constitutions were not unknown among lawyers and intellectual elites and, above all, could be strategically used. To be sure, Schimmelpenninck quoted not only the usual French and British philosophers, or even Machiavelli, but first and foremost the Constitution of Massachusetts, where he found a confirmation of his own ideas about self-government.41 Strikingly enough, the inspiration he was looking for in America concerned the nature and the form of popular government and popular elections, and not especially the natural rights of man. As the authors of the other texts mentioned above, however, Schimmelpenninck believed in the natural equality of men, which would have as a consequence that each independent citizen should get the right to participate in government, via elections and representation. According to him, popular government would lead to true republican liberty and consequently to the happiness and prosperity of the common wealth. Thus, what the Patriots were looking for in the American constitutions was first and foremost a constitutional construction that would bring political and civil liberty to the Dutch people, without providing factional disorder or resulting in demagogy.42

The Patriots did not have enough time to improve their first constitutional drafts. Amsterdam, for instance, had its draft ready just before the invasion of the Prussians in the autumn of 1787. The Prussians put the Prince of Orange back in power and repressed the Patriots. Twenty thousand of them took the road to exile. Some 4000 found refuge in France; the others set out for the Austrian Netherlands or the German states. The Patriots’ revolution was over. But for five years, they had experimented with new politics and representative democracy, and while they still appealed to historical liberties and privileges, they started calling for natural rights, as did the Constitutional Restoration. They had also elected their representatives and militia leaders, written political petitions and opened patriotic societies, published political newspapers and prints, organised mass demonstrations and borne arms for the safety of the fatherland. A new democratic and republican culture was born, even though the old order was not entirely overthrown. Indeed, the federal structure and the correlative historical rights were maintained, as were the liberties and privileges of the Protestant Church and of the corporate bodies. Even the office of Stadholder had not been called into question.43

The Patriots in France

During the following years, the Dutch Patriots in exile in France had to face first the prerevolutionary disturbances and then the Revolution itself. All that time, they were obsessed by one idea: going back home and carrying on where they had left off. The consequence was that they had to convince their protectors they were following the same path to liberty so that France would support them. Their constitutional drafts made in France thus are anything but original. Most of them were inspired by the Parisian situation. So, in the fall of 1791, an influential Patriot, Johan Valckenaer, drew up a draft for his country, where for the first time he envisaged the enforcement of a centralised state – ‘quite a nice idea’, he wrote. He did more: he promoted a constitutional monarchy – as France had become. The
Patriots who were still in Holland were less enthusiastic. They claimed that a king was not better than a Stadholder. With a king, they said, a nation gets an expensive court, dangerous familial alliances and expenses, and luxury, which are disastrous for the prosperity of a country and for its manners. But at the same time, they recognised that the Union of Utrecht was outdated. It could no longer be reformed: it had to be entirely destroyed. That had never been said before.

All Patriots’ drafts planned or written during the French Revolution were adapted to the French situation and as such can be regarded as opportunistic. They betray almost nothing of the true aspirations of their authors, even though some innovative claims can be heard. The French Revolution indeed did refine their expectations and experiences about what to do or not to achieve their goals, but it also allowed them to better understand and appreciate some new principles, such as national unity, individual voting, representation without binding mandate and abolition of corporate bodies. When they returned to the Netherlands in January 1795, they had altogether more precise ideas about the reforms to enforce in their country and about the measures to avoid, if they wanted to steer clear of the tragedies encountered by France and to achieve a peaceful revolution in their country.

Conversely, the Dutch exiles, together with Swiss and American Patriots, had some influence on the French revolutionary process before and just after the fall of the Bastille. This influence is not often mentioned by historians. It seems unjustified, when one is aware that American agents were at that time in Paris, and that they had regular contacts and discussions with the ‘liberal’ aristocracy, such as La Fayette, La Rochefoucauld and Condorcet, the same men who would be the first in 1789 to present a declaration draft to the National Assembly. Meanwhile Dutch Patriots had been working with Mirabeau, Brissot and the Swiss refugees Dumont and Du Roveray. In 1788, they published extracts of the *Leiden Draft* in a French newspaper and a text on the Netherlands and their Stadholder, including a bill of rights that looked very much like those of Virginia and Massachusetts. In the spring 1788, Mirabeau was also contemplating a revolution in the Netherlands. And if the publicist Cerisier was to be believed, other plans were in the frame for an intervention in that country. Before the French Revolution, there were already revolutionary activities among the Parisian elites and a general conviction that reforms were soon to be implemented.

Thus, on the one hand, there were intensive discussions about democratic principles and written declarations or constitutions between foreign Patriots and French elites, but, on the other hand, the French rank and file were gradually politicised by the reforms the successive ministers of Louis XVI tried unsuccessfully to enforce. The publication of the royal accounts by Necker, for instance, had made public what had always been a mystery of state. Public opinion began to be involved in this mystery. In the notes of Sieyès, who was to become the Revolution’s ‘Great Priest’, it is easy to discover the preoccupations of the 1770s and 1780s: municipal and provincial assemblies that would be elected, or feudal privileges that would be abolished. To be sure, Sieyès ideas had been provoked by the disputes between the king’s ministers and the parliaments about these provincial assemblies and the reforms to be enforced to restore royal finances. In his notes, Sieyès already expressed his hatred for an unproductive aristocracy and an absolute monarchy. Two years before the fall of the Bastille, politicisation had already swept through the French minds and this unrest would only increase with the redaction of the *Cahiers de Doléances* and the national elections for the Estates General. Obviously, this politicisation process is deeply embedded in heterogeneous origins, and foreign influence was only one of them. Another was the publicity given to royal finance by
Necker and to the planned reforms by the parliaments. The rumours about the Assembly of notables which was sitting in Paris during the winter and spring 1787 were another impetus towards an acceleration of the process. The time seemed to be ripe for change.54

Even though French and Dutch Patriots conceived of a revolution in the Netherlands, they did not intend to provoke one in France. The French just wanted reforms to be enforced and awaited some progressive laws – like elections in provincial assemblies and a bill of rights to protect French liberties.55 Illustrative of these tremendous aspirations is the copy of the Declaration of Independence that since 1783, La Fayette displayed in the entry hall of his house with an empty frame hanging beside, that was ‘waiting for the declaration of Rights of France’.56 In 1788, Jefferson too was certain that a declaration would be proclaimed and he certainly encouraged his French friends to ask for it. Although an enthusiastic admirer of the American Revolution, the philosopher and scientist Condorcet was satisfied with the French monarchy at that time and only hoped for a well-ordered and equitable society to emerge.57 Jefferson who was then in Paris did not expect violent events to occur in France either. Even as late as February 1789, he noted that if the French disturbances resembled a revolution, they were running rather ‘smoothly’.58 The precise role of European and American Patriots in the revolutionary process is thus difficult to measure. But there certainly was one, as is suggested by the very fact that the French had their declaration ready in the third week of August 1789 – only a few weeks after the fall of the Bastille. In America and in the Netherlands, Patriots had needed some months or some years to draw one up. Massachusetts for example had to present its text twice, before it was accepted by the town meetings – in 1780.59 Yet, in France, it took only a few weeks to have a draft ready, because some Patriots in Paris, at least, had worked out their draft late 1788 and early 1789. Another evidence of American influence could be discerned in the discussions of December 1787 between French ‘liberals’ and American agents about the new Federal Constitution that was published in September 1787.60 Although they did not approve all its provisions, these ‘liberals’ were ever more convinced that France too needed a written constitution. As is well known, when Louis XVI called the meeting of the States General, he did not intend to give a new government to France. He only wished to reform taxes and to reduce state expenses. In early July 1789,61 however, the self-proclaimed National Assembly decided to enforce a written constitution, based on natural rights. Without the American precedent and the international networks, could these men have dared to compel such a plan? The question has to be asked, even if it is difficult to give a definitive answer.62 The fact is that by demanding continuously constitutional reforms and a free government, British dissenters, American revolutionaries and European refugees had made of them a consistent and general ambition, even in Old Regime France.

The Batavian Revolution and its political institutions

In January 1795, the Dutch Patriots were able to ‘liberate’ their country with the help of the French Army. They took command in most of the towns and replaced the regents with ‘reliable’ citizens. In Amsterdam, four of them drew up a declaration of rights for the province of Holland.63 They did it in less than a week. For the first time in the Dutch Republic, a bill proclaimed the universal, natural rights of man in a way that recalled the American and French declarations (Figure 2). Old references had all disappeared and the style had been greatly improved. The bill was accepted by the Provincial Estates at the end of the month. This seems to be a further evidence that precedents entailed emulation rather than imitation, and, furthermore, that they accelerated the process.64 Other provinces
followed and took this text as a model for their own. At first sight, this bill looks like the French and American precedents. It proclaimed the natural equality of man, from which would derive freedom, safety, property and resistance to oppression. It also provided such civil rights as freedom of the press and of expression. New, or at least newly formulated, is the right to ask government for explanation and account about public affairs, and the right to be heard by the authorities. In this bill, natural rights are not restrained by law and nobody has to obey for fear of being punished – as in France. To be sure, ‘law’ is only mentioned twice. Instead, the People had more power and influence. It is sovereign and as such, has the right to control or to change government. The aim recalls the Patriots’ appeal of the 1780s. Indeed, if the text was better formulated than the Patriots’, its constitutional principles were not so different, apart from the pre-eminence of universal human rights.

This first provincial text would be followed by four drafts produced by the first National Assembly, which started its meetings in March 1796. The very fact that the Dutch legislators kept working on their bill of rights suggests that they did not intend to borrow one from France – or from America. Each time, the draft was discussed in the Assembly and corrections were made. It had to be more perfect than those preceding. Finally, the first Constitution of 1797 took over a draft drawn up by the third committee put in charge of this purpose. It would function as its preamble. For a majority of legislators, a bill of rights indeed was judged necessary at the beginning of the constitution to explain the content to the people; for others, the bill had to be seen as a social contract binding two equal partners: the representatives and the people, and as the touchstone to judge government laws. Finally, there was a third party, that still doubted if a bill was really imperative, because it was necessarily imperfect and incomplete, and hence it might be wrongly interpreted by the people. At last, the National Assembly decided that a declaration was indispensable. Furthermore, the 1797 Constitution proclaimed three fundamental rights under the banner: Equality, Liberty, Brotherhood. Neither in America nor in France was brotherhood mentioned as a fundamental principle in the bill or in the constitution. The Batavian Constitution of 1797 was the first to adopt this triad that was also the motto of the Dutch National Assembly since 1796. It is only one among far more Dutch novelties.

In spite of the rather democratic content of this constitution, it was rejected by the people in August 1797. Radicals and conservatives alike had worked out an impressive propaganda to that purpose. For the former, the draft was still too federalist, and for the latter, it was too democratic. Even the Reformed Church had vehemently protested against the absence of provisions concerning its incomes and asked for rejection. The legislators accepted the popular refusal and did not try to fiddle the outcome. One can rightly doubt that this scenario would have been thinkable in France. However, new elections brought new legislators to power and the National Assembly got down to work on a more satisfactory draft. Although more radicals were included, the moderates, or more accurately, the federalists tried to put a brake on the discussions about a centralised government or the amalgamation of provincial debts. Some months passed and the federalists still resisted. So far France had been quite passive and awaited the Dutch to achieve their own draft. But the Batavian Revolution was now almost three years old and still had no constitution and no fixed government. This explains why the Parisian Directory decided to support the radicals’ plan to overthrow the federalists and to let the former propose a new constitution. For this purpose, they sent a new ambassador – the radical Charles Delacroix. The coup happened during the night of 21–22 January 1798, thanks to the French general Joubert, and Daendels, Joubert’s Dutch counterpart. Twenty-two
legislators were arrested and put in custody, and some 20 others resigned the next day to express their disapproval. Freed from opposition, the rump assembly drew up in a few weeks a text that would become the first constitution of the Netherlands — this time as a unitary nation, and no longer as a federation.

Like the 1797 Constitution, this text includes a declaration of fundamental rights (eight articles) and political and civil principles (64 articles). First of all, one article mentions that the social compact does not suppress the natural rights of man, so long as they do not encroach upon others’ rights. This right had been suppressed in France under the 1795 Constitution. The primary assemblies gain more power and are asked to establish a list of candidates, among whom the electors were to choose. Moreover, they received the right to ask for amendments. The elective system is still indirect, but the fact that the people had the right to draw up their own list provided a ‘direct’ popular influence — they choose first those who were to be their candidates. In the primary assemblies all men over 20 who paid a tax on coffee and tea would be allowed to vote.

Another great difference with France is that there is only one duty and not several as in the French constitution of 1795. More important still, the people could control their government and the representatives were responsible before the people. Finally, it is explicitly told that each power and each authority are always temporary. The declaration also paid attention to social rights — and to the right of the people to be educated and to receive relief. It promised to be thrifty with public finance, to enforce a uniform codification and create cultural institutions promoting public education and general enlightenment. It insisted thus not only on the rights and duties of man, but also on the government’s obligations. Furthermore, all rights were proclaimed in the preamble — and not in the constitution itself as in 1795 France — while the formulation was positive — and not negative as in France (Figure 1).

To be sure, the 1798 Constitution could have been more democratic, if France had not intervened. By order of the French Directory, the legislator Daunou indeed had sent a draft to the Dutch, where he reminded them that popular societies had to be closed and to be replaced by constitutional circles — which would only be convened at election time. The judiciary had to be less powerful, the executive should work with ministers and not with committees and the legislative should be divided. Apart from national unity and nationalised finances, which were also Dutch radicals’ aims, this was all that France wanted to impose on the sister republic. Daunou did not even protest against social rights and poor relief. He did not complain either about the very fact that the Dutch had rejected juries and the justices of the peace. It seemed that in France too, these two institutions no longer enjoyed official support. Daunou’s comments do indeed speak volumes about the priorities and fears of the French Directory: first, the fear of popular influence and the distrust of the judiciary and second, the need to return power into wealthy hands and to strengthen the executive. French society was no longer — if it ever was — a direct democracy, but one dependent on well-to-do and grounded on representation. The people first had to be educated and republicanised, before they could have access to full citizenship. Strikingly enough, Daunou also appreciated some Dutch institutions, like the division in electoral districts and the drawing of lots to settle the voting. This is why he would introduce them in the constitution he drafted for the newly created Roman Republic — also in 1798.

During the constitutional debates from 1796–98, foreign models were certainly invoked by the Dutch legislators. First among these were the French constitutions. A few evoked the Constituante of 1791, but to condemn the idea of a single legislative body that would have far too much power; only three or four representatives were lyrical about the Jacobin text of June 1793. Apart from the radical leaders, most of them indeed preferred
the 1795 text, because it provided a bicameral system that checked enthusiasm and helped avoid bad laws. But even this model had to be improved on. How? That was the problem. Each legislator thought he knew better than the others. To be sure, there were in Holland as many factions as elsewhere. Sémonville, ambassador of France during the Consulate, even said that there were more factions in the Netherlands than in any other country. This could be true, since a few Patriots were fans of Rousseau and of Robespierre, but many others preferred to quote Montesquieu and to plead for the protection of individual rights against a tyrannical majority: unitarists Van Hooff and Hahn, who here recalled James Madison’s argumentation on behalf of the minorities. The federalists were not all ‘fundamentalist’ and most of them first and foremost wanted to preserve the province they were coming from. Among these men, some accepted national unity, but rejected nationalised finances and amalgamation of debts. The radicals too were divided: some can be called liberal, like Van Hooff, since he wanted to protect the minority against the majority, others championed the general will and state power, like the radical leader, Pieter Vreede, who dreamed of a centralised republic and an authoritarian government. Willem Ockerse, one of the constitution makers, favoured a centralised nation, but was eager to defend the rights of the people and to educate them so that they might become mature and enjoy their full political and civil liberties. To be sure, there were federalists who were radical, and unitarists who were moderate, liberal, authoritarian or pragmatic.87 At that time, there was no clear-cut partisanship and no party discipline, but just individuals who nurtured their hobbyhorse.88

Meanwhile, the American constitutions were still not on the agenda. Like the French, the Dutch legislators did not appreciate their checks and balances, because they did not understand why the diverse bodies would have to fulfil different tasks, so that the separation of powers would have been illusory.89 The American moment would come later, in 1800–1801, when the Dutch rethought their government and tried to find a compromise between the French Consulate and a popular government. Most of the ‘Americanists’ however were federalists, as was Gerard Dumbar, who wanted to give the provinces back their prerogatives and to check the central power. The Ambassador in France, Rutger Jan Schimmelpenninck, who had been longer inspired by America, was still fond of the new Republic. During the 1800s, he championed first and foremost the presidency. Confronted with the Consulate, he opted for a popular but strong president and a centralised constitution which would only concede domestic administration to the provinces. Hence, between these two supporters of American Constitutionalism, there were more than nuances.90

These discussions and decisions are the best evidence that the Batavian Revolution had the liberty to choose its own political institutions, albeit within limits, that from time to time were stipulated by France. But within these limits, there was enough liberty to grant the Dutch a ‘national’ government, all the more since it would be enforced in a Dutch context. This was the case until 1805, when Bonaparte peremptorily put Schimmelpenninck in power as an omnipotent president, under the older name of Grand Pensionary; one year later when he made Holland a monarchy under his brother Louis.91 Finally he annexed the country to the French Empire in 1810. At that point, national liberty and independence completely vanished.

The Batavian Revolution and the codification

In the revolutionary era, political institutions aimed at implementing a well-balanced and equitable government for all, grounded on human rights. But to make it work, legal and cultural institutions had to be reformed and adapted to the new principles. Civil and criminal codification was one of them. The French Revolution already had set up a humanised
justice, when it changed the criminal laws in 1791. America had done the same in the 1780s, without feeling obliged to codify. There, the Common Law was simply Americanised. It was enough to suppress inhumane punishment and to modernise justice. France scored a great success with its code, and this may seem strange to historians who define the French Revolution as mere Terror. Yet, even during the revolutionary government of 1793–4, the reformed justice functioned and remained humane. Juries did their work, and quite well. Furthermore, and as in America, during their punishment, criminals had to be re-educated and thereafter re-inserted in society. This Enlightened ideology, inspired by the Italian Cesare Beccaria, would be maintained until the Napoleonic criminal code from 1811. Meanwhile, the French had been working on a civil code. Some laws were enforced from September 1792 onwards, which allowed divorce and introduced equality between boys and girls, old and young, illegitimate and legitimate children.

In the Netherlands too, the Patriots were planning to codify. As early as 1784, the Constitutional Restoration for the Netherlands had put it on its agenda. The Batavian Revolution revived this idea and, late in 1798, two committees were nominated, whose members were all professional jurists. From 1798 up to 1805, they tried to elaborate texts that would satisfy everyone, but Professor Hendrik Cras, the committee head, was a federalist and did not wish to suppress the ancient laws, customs and traditions. Beside the divisions inside the committees about legal majority, woman’s rights or divorce, one thing is striking: their point of reference was quite different from the politicians. The Dutch jurists referred to Grotius, Filangieri, Beccaria and Burlamaqui, and not to France where a new committee was trying to complete the civil code. And when the Dutch invoked France and its codification draft, they rejected it as superficial and thoughtless. But neither England nor America presented an alternative. The Dutch found the British jury, for instance, far too advantageous to the criminal and preferred to keep their own judges, who had a universal reputation. Would these have to retire and give way to popular dabbler? The professional jurists thought it extremely dangerous. They had the same negative opinion about the justices of the peace.

Over time, federalism raised its ‘ugly head’ again and most of the provinces refused uniform codification. Thus when the committees finally presented their drafts in 1805, they were simply thrown overboard. Codification would return to the stage in 1806, when Louis Bonaparte became King of Holland. In three years and thanks to his authoritarianism, he was able to finish what the Dutch had only begun. His codification is a mishmash of Dutch ideals and French ideas and the result of a compromise. In spite of Napoleon, who had ordered that his own code should be enforced in the ‘brother kingdom’, the Dutch struggled stubbornly to maintain their new texts that were respectful of their traditions. If they succeeded for a while, it was because of the help they got from their ‘national’ king: Louis or better still, Lodewijk.

In the codification too, the Netherlands never intended to bend beneath French pressure and searched for a Dutch golden mean, adapted to their so-called national character and harmonised with the enlightened spirit of their time. Yet, just as in La Fontaine’s fable, they would soon be the lamb fighting against the wolf. In 1810, when Napoleon annexed the country, he asked no one what the nation wished, but imposed the French legislation – legal, criminal and civil.

Cultural institutions and national education
While the codification attempted to form good citizens and to reinforce the social and private ties broken by the revolutionary disturbances, public education promised to forge
a nation of virtuous republicans. The Western revolutions mentioned here were all three worried about the disintegration of old society and anxious to reconstruct a new one that would be better and more egalitarian and consequently uniform — even in Federal America. This reconstruction would partly be the task of education. Two sorts were involved: schools for children and patriotic societies for adults, while the public space was intended to improve the formation of loyal republicans. In America, a public school for all children had been an unfulfilled dream, since the particular states and their inhabitants did not want to pay for it or to constrain their citizens. In France, the Convention had set up an elementary education that would be paid for by the government, but had not the means to achieve its programme. In 1795, there were only 6831 elementary schools instead of the necessary 23,125 and even those that were open were not always in good running order. Masters and books were missing. Private schools were competing with public ones. During the Directory, the legislators temporarily gave up on elementary education and concentrated on the secondary schools, the so-called ‘central schools’ for the better-off, and on the National Institute for the intellectual elites of France.

The Netherlands had other priorities because of the crisis experienced since the 1750s. An important private society had opened its doors in 1784: the Maatschappij tot het nut van het Algemeen. This ‘Society for the General Good’, which had expanded throughout the country, tried to ameliorate national education and was launching competitions for better courses, schoolbooks and schoolmasters. When the Batavian Revolution broke out, the Society was put in charge of planning a reform programme for elementary schools. After many discussions about the place of religion in a public school system, the National Assembly voted a law establishing a free education for all children — poor and rich, boys and girls, and Protestant, Catholic and Jewish. Even though Christian morality was put on the agenda, the official Reformed Church no longer played a role. Schoolmasters would be inspected and would take an exam. Schoolbooks would be uniform and courses classical and egalitarian. This reform was introduced in 1801 with some exceptions and perfected in April 1806, under Schimmelpenninck’s government. During the Empire, Napoleon’s officials would admire this system and try to import it to France. Indeed, in 1810, in the Dutch departments, all children were peacefully learning similar matters and reading similar books in clean and well-ordered schools with three grades of instruction. It was a great success, one of the long-lasting achievements of the Batavian Revolution.

Republican education for older people was less successful. Popular societies and clubs were closed as early as March 1798. The 1798 Constitution, it is true, proposed that public festivals be organised and revolutionary events regularly celebrated. It also proposed that national arts be promoted. Yet, among the festivals that were performed, few had a real popular success and could not be compared with the American 4th of July festivities or the French July 14th national day. The only ones that did have some success were the spontaneous dances and festivities from January to June 1795 and perhaps, the festival for the Peace of Amiens in 1802 that promised a world without war. However, the successive governments had insufficient money to spend on festivities. They preferred to invest their modest income in elementary schools. For the same reason, the Dutch did not build any revolutionary monument. In 1799, after they had defeated the Anglo-Russian coalition at Castricum, there was a plan to commemorate the victory with an obelisk. The plan was delayed because of a new coup in 1801. After this date, it never came back on the agenda. Meanwhile, a National Gallery had been opened in The Hague, where the Dutch could admire the portraits of their national heroes. But while the American states were commissioning splendid statues of Franklin, Washington or La Fayette by the most eminent European artists of the time, in the Netherlands the heroes of the National Gallery
dated from the sixteenth and seventeenth century. They were republicans who had fought against the Stadholder (Oldenbarneveldt, the brothers De Witt or even Grotius) or against the British (De Ruyter, Tromp). In this republican temple of national memory, influential Patriots as Van der Capellen tot den Pol or Pieter Paulus were missing. Thus, long before the Restoration, revolutionary actors were already excluded from the Dutch pantheon. This can in part be explained by the very fact that the Dutch government was unable to finance fine arts. Furthermore, this task had always been a municipal assignment. Also, the Dutch artists were not accustomed to producing historical and political paintings or national monuments, and, besides, political art was well represented in prints. A lot of prints indeed were published to be sold separately or as book illustrations. They are the only visual legacy of the Batavian Revolution. Not only were prints produced in large numbers, but they were accessible to all. As illustrations, they also were published in some schoolbooks and might have had an impact on children’s imagination.

The cultural institutions of the Batavian Revolution thus differed from the American and French. The public space was not as ‘republican’ as in the other two countries. Obviously, since the sixteenth century, Dutch space was republican, but the Batavian Revolution brought no change and no improvement, except in the churches where there was no longer a distinction between ranks. Still, there was no monument to the Founding Fathers or to the victories, and no statue of Van der Capellen. There was no splendid town either that would celebrate the post-revolutionary order, like the new capital of Washington, where neoclassical public buildings were just about to be constructed. Like France, the Netherlands used old palaces for the national assembly and museum. But unlike France, there was neither a consistent monumental policy, nor national competitions for revolutionary pictures or statues, nor a need for national festivals. Instead, there were hundreds of children educated as good citizens (with manners) and loyal republicans (with patriotism). And this priority was deeply embedded in the Patriot Revolution. That was the sole promise left for a better future.

However, at the end of the eighteenth-century revolutions, only America was still proud of its Founding Fathers. France disowned most of hers – Mirabeau was thrown out of the Pantheon as Marat later would be, whereas the Netherlands had almost forgotten that they had a Van der Capellen, Paulus, Gogel, Daendels, Schimmelpenninck or De Winter. France was ashamed of her revolutionary heroes, but Holland indifferent. Perhaps this was because in the Low Countries nobody had the right to be or feel superior to others. In a virtuous republic, all men and women have to be equal. Obviously, this is only one side of the picture. Better is to conclude that the Dutch did not feel at all comfortable with their revolution. Not only had their intense political struggles convinced them that the Stadholder was not the actual cause of their problems, but the French interventions – although they did not always have the effect France intended them to have – were becoming evermore oppressive. In 1805 and probably some years earlier, the Batavian Revolution was already discredited. By that time, the Dutch only tried to save what they could save and looked back with nostalgia to their glorious past: the revolt against Spain which they had won without any foreign help.

An original native revolution

It has become clear that there was a Batavian Revolution, with revolutionary issues and outcomes and that it was typically Dutch, even though the French intervened many times and imposed some political features like a unitary state with national finances; a weak judiciary and the closing of political clubs. Some of these changes were desired by the
Dutch radicals anyway, especially the unitary state, despite the fact that it entailed a further regression of local politics and of democracy. As early as March–May 1798, the Dutch radical government was indeed controlling popular newspapers and clubs. Primary assemblies were purged and local political bodies were nominated by the central government and submitted to the laws coming from The Hague. These measures were taken by the Dutch radicals themselves and were not imposed by France. The same is true for the following governments from June 1798 or from September 1801, which were free to do what they wanted in their domestic policies, so long as they fulfilled the provisions of the 1795 Treaty and helped the ‘mother republic’ with their money and navy. Yet, as far as popular influence and agency were concerned, this policy was not at all democratic and rather repressive. What survived were elections and a written constitution, while the 1801 Constitution no longer proclaimed the natural rights of man.

In cultural and codification issues, however, France did not play a part at all, until 1806 (Louis Bonaparte) and until 1810 (Napoleon). Moreover, France itself was interested by some Dutch achievements, including - as noted above - electoral districts, the drawing of lots and the primary schools, but under the Directory (1795–99), the French legislators also expressed explicitly their admiration for Dutch art, as the only one worthy of republicans. They stimulated French artists to copy these fantastic imitators of nature and humanity and to represent ordinary people, familial pictures, moral scenes and peaceful landscapes. History painting was not deprecated, but had to be subordinated to high politics. In their private and social life, the French ought to adopt a civil morality that the legislators discerned in Dutch painting. These admiring glances and priorities suggest that the Directory was anxious to moralise French society – or as its legislators said, to ‘republicanise’ its citizens – and to restrict politics to an elite. In other words, they were eager to improve French manners and republican virtue. The same evolution can also be discovered in the discussions about funeral institutions. Indeed, the French government was not exclusively liberal or ‘bourgeois’, as has often been argued. Republican patriotism remained on the agenda.

Conclusion
Interpreting eighteenth-century revolutions is far more complex than has been mentioned by most historians. One of their mistakes is to search for similar structures or cultures and to interpret the European upheavals in the exclusive light of the French Revolution, whereas each revolutionary event is part of a cultural configuration and a specific context, with their own features. A Protestant and commercial country like the federal republic of the United Provinces necessarily had other experiences and expectations than a centralised absolute or baroque monarchy, with a feudal past and a Catholic rural population – not forgetting a tradition of intolerance. There could be in the Netherlands no Jacobinism, for instance, because the federal structure and culture made it impossible. There could be no dramatic religious problems, because all sects were tolerated, although they did not have the same rights. Moreover, the official Church had no estates to be seized as in France. There could be no seigniorial counterrevolution either, because there was no real feudal system and no arrogant nobility with privileges. In a way, the problem might have been the opposite: were there enough reliable citizens to support the revolution, since urban mechanics, peasants and Jews were traditionally Orangist? The Batavian Revolution had to seduce these people and it was not easy in a country where there was no money and no ‘national lands’. With the 1798 Constitution, which sent the people back home and
convened them only at election time, there was no intensive political sociability and popular involvement possible either.\textsuperscript{118}

The final failure of the Batavian Revolution certainly does not mean that there were no actual revolutions in the Netherlands or that their outcomes were fruitless.\textsuperscript{119} Not only did primary education for all children survive, but also one of the first national museums in Europe,\textsuperscript{120} while national unity was no longer being called into question. This was an extremely important achievement for a two-centuries-old federal republic such as the United Provinces, which during the revolutionary years had discovered that they formed a nation. The full abolition of corporate bodies would also be achieved between 1808 and 1818 and would definitively give way to a modern society of individuals. Meanwhile, Dutch republicanism had once and for all disintegrated and was to be replaced by (monarchic) constitutionalism.\textsuperscript{121}

Indeed, when the Prince of Orange returned to his country in 1813 and later was proclaimed King of the Netherlands, he had first to enforce a written constitution and to become a constitutional monarch.\textsuperscript{122} This was the only way for him to be accepted as a legitimate sovereign. National codification remained on the agenda as did national unity, and while the Dutch Constitution of 1814 omitted to mention fundamental rights, they were brought to the fore, when a new draft had to be drawn up in 1815, because Belgium had been ceded to the Dutch. At that time, the Belgian subjects of His Majesty William I, who had been Frenchified since 1795, exhorted their new king to give them back the civil rights Napoleon had so long trampled underfoot: first of all, freedom of expression and of the press.

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Figure 1. \textit{The Convention} (between 1795–98): Bakker (del.) and K.F. Bendorp (sculp.) (private collection). An ordinary Dutch citizen is invited by Liberty to take place on the national throne, provided he always abides by the rights of man and popular sovereignty.
They demanded even more: the revolutionary and Napoleonic codification including juries and justices of the peace.\textsuperscript{123} Eighteenth-century revolutions had not been in vain!\textsuperscript{124}

All this is also evidence that the revolutionary world of the 1780s–1800s was one of intense interactions and exchanges within the Western world, in which not only great countries like France, but also little ones like the Netherlands would fulfil a stimulating function. In the first stage, the Patriot Revolution updated in a continental European context the notions of self-government, actual representation, citizen militias and republican liberty. In the second stage, the Batavian Revolution also had a role to play, even if only on technical topics, such as electoral districts and drawing of lots, and on cultural ones, such as republican arts and primary education, while the Dutch kept reminding Europe of their antecedence in legal issues. This was in itself ‘much in little’, as Robert Palmer would put it.\textsuperscript{125}

\textbf{Notes}

1. Let me first thank the three referees and Wyger Velema for their useful suggestions and comments, and Peter Campbell and Michael Rowe for helping me with the English version.
2. The universal character of the French Revolution however derived more from its strategic position on the European continent and from its huge demography than from its principles that are no more universal than others. America too had a universal impact, as has been recently asserted by Armitage, *The Declaration of Independence*.


4. For a short survey of Corsica, Jourdan, *La Révolution batave*, 38. Thanks to James Boswell, Paoli’s achievements were diffused throughout Europe.


8. A good illustration is given by the volume edited by Santing, *Repubbliche Sorelle*.


13. Until Gordon Wood, and because of scholars like Hanna Arendt, the American Revolution was described as moderate, and exclusively political. French scholars also doubted its universalism. The French upheaval would have been the exception because social and political changes took place at the same time. Wood explains very well that in the eighteenth century, social problems were seen as originating in bad political structures that needed to be modified. To change these structures was also to change the society. Wood, *The Radicalism of the American Revolution*, 4–8.

14. On revolutionary theory, see my critical analysis of Goldstone, *Revolution and Rebellion in the Early Modern World* and Skocpol, *States and Social Revolutions* in *La Révolution, une exception française?* 294–300 and 312–52. I argue there in favour of a study of the process with attention to the divergences – against approaches which focus on the origins or on the similarities.


17. In 1774, Van der Capellen had translated *A Discourse on Government in Relation to Militias* from Andrew Fletcher (1698), then in 1776 *Observations on Civil Liberty and the Principles of Government* from Richard Price; in 1783, he did the same for *An Essay on the First Principles of Government* by Joseph Priestley. He also knew and quoted Francis Hutcheson’s works. These English and Scottish influences have to be noted, since they also inspired the American revolutionaries, whereas Price and Priestley in turn were to be inspired by the American Revolution.

18. During four years, Van der Capellen was excluded from the political arena because of his attacks on the Stadholder and on feudal rights. He had been suspended in 1778 from the Estates of Overijssel where he was a member of the *Ridderschap* – the nobility. He came back in the forefront with the pamphlet ‘To the People of the Netherlands’, which treated the problems as a national issue, and no longer as a provincial one. He did more: as early as 1781, he asked for a citizens’ militia (explicitly mentioning America, but also inspired by Fletcher) and for regular
elections (as in America – and as Price asked for), Te Brake, Regents and Rebels, 47–9. See also Van der Capellen tot den Pol, Aan het Volk van Nederland, 64, 67–8 and 88.


20. The Politique Hollandais was published by Antoine-Marie Cerisier, a French writer exiled in the Netherlands; the Spectateur Américain by Joseph Mandrillon, a French merchant living in Amsterdam. The Gazette de Leyde belonged to Jean Luzac, who was a Patriot and a supporter of the insurgents. On these men, see Schulte Nordholt, The Dutch Republic and American Independence.


23. The right to resist oppression was older as were citizen militias, but the very fact that Patriots asked for them suggests that they did no longer exist or were no longer effective. See Van Gelderen, The Political Thought of the Dutch Revolt, 62–3, 134–8, 158–64, 279.

24. On natural rights of man as belonging to individuals and no longer to corporate bodies, Haakonssen, ‘From Natural Law to the Rights of Man: a European Perspective on American Debates,’ 19–61. On conceptual change, Ball, Farr and Hanson, eds. Political Innovation and Conceptual Change.

25. Te Brake, Regents and Rebels, 50.

26. This revolutionary text is quoted in Te Brake, Regents and Rebels 97. The first article proclaimed: ‘All men are born equally free and independent and all government or authority in Civil Society originates in the will of the People.’ It also postulated the right of revolution against arbitrary authority, the right of majority rule, the ‘inalienable’ right of freedom of expression and the press, the right to petition for redress of grievances, the right of free and open debate and deliberation in government, the right of the citizens to remove unworthy regents, the obligation to bear arms and so on.

27. Concept-reglement van Regeering voor de stad Zwolle. In this draft, only civil rights are mentioned alongside political principles.

28. The 1784 Utrecht draft was very traditional, since it invoked the old rights and privileges of the Utrecht people, and restricted elections to the militias – the only citizens considered to be free republicans. Obviously, the regulation was trying to limit the Stadholder’s power in favour of the regents and not of the people. Two years later however, a radical uprising brought some change to it. Concept-reglement op de regeeringsbestelling van de provincie Utrecht. Van Sas, De metamorfose of Nederland, 232–4 and Klein, Patriots Republikanisme, 266–73.


30. Grondwtige Herstelling, I, 214–18. The corporate bodies were still considered the best bastion against misuse of power, and indirect election mixed with drawing of lots was considered more democratic.

31. Grondwtige Herstelling, I, 259. The desire to have a national and uniform codification did not come from America, that had none, but from Prussia, where Frederick II was busy drafting one. Van den Berg, The Politics of European Codification.

32. Grondwtige herstelling, I, 226.

33. Against Schama’s interpretation, see Klein and Rosendaal, ‘Democratie in context,’ 71–100. The authors have published the original text (Delft and Leiden versions), 92–100.

34. On Dutch villages, Nieuwenhuis, ‘Keeshonden en Prinsmannen.’

35. Klein has challenged the interpretation of I.L. Leeb in Patriots Republicanisme (p. 253) and was able to conclude that old and new overlapped. It was a time of conceptual change with all its contradictions and uncertainties. See also Velema, Republicans, 139–57.

36. Grondwtige Herstelling, I, 165. On the problems met by the authors, see Velema, Republicans, 179–92.

37. See also Concept-reglement van regeering der Stad Haarlem. The elective system of Haarlem was more progressive. It was not limited to the militias. Every man aged 18 years, living in the town for one year and six weeks and paying a tax, could vote if he was not a relief recipient and not Jewish. The ‘Jewish nation’ was still excluded.
38. The process thus accelerated between 1784 and 1787, suggesting a growing impact of American constitutionalism and an increasing Dutch radicalism. See also, Velema, Republicans, 179–200.

39. No taxation without representation, because of the role given to the Committee of citizens, which first task was to control municipal finance and taxation. See for France Jourdan, ‘Les Assemblées des notables et les témoins étrangers de séjour à Paris (1786–1789).’

40. Pieter Vreede, who was to become the radical leader of the Batavian Revolution, wrote in 1783 that the Republic was no longer a free government, but he still did not ask for the destruction of the 1579 Union. Vreede, Waermond en Vrijhart. See also Velema, Republicans, 152–4, who draws other conclusions than I do. A similar contention can be supported about conceptual change in America. Hutson, ‘The Bill of Rights and the American Revolutionary Experience,’ 62–97.

41. Schimmelpenninck, Verhandeling over eene wel ingerigte volksregeering, 7–8, 11, 13, 21–2 and 84. Apart from America, he also quoted Priestley, Price, Hutcheson and Northcote. Then, he assumed that civil society in a free commonwealth must be grounded on natural equality. On the separation of powers and on popular influence in the elections, he quoted Montesquieu, but, like Priestley, he did not share Rousseau’s refusal of representation.

42. Schimmelpenninck, Verhandeling over eene wel ingerigte volksregeering, 51.

43. They did not want to get rid of the prince, but to suppress some of his prerogatives, such as the arbitrary nominations in the provincial estates and municipal administration.


45. Between 1791 and 1793, the Dutch refugees in France wrote at least eight short constitutional drafts. In 1792, the regents’ draft was still rather elitist; in 1793, it became more open. But, since the fall of 1791, the influential Patriot, Valckenaer, championed the suppression of corporate bodies and the enforcement of national and individual elections, while he was also asking for religious equality. Jourdan, La Révolution batave, 63–72.

46. For some references, see note 2. On the Netherlands, Rosendaal, Bataven! 242–54.


49. That can be followed in the Correspondence of Thomas Jefferson and of the British ambassador, John Frederick Dorset. Jourdan, ‘Les Assemblées de notables et les témoins étrangers.’


51. Archives Nationales, Paris, 284 AP 3. In these notes written between 1770 and 1780, Sieyès was working on a constitution that would give great power to the towns. But one has to wait until September 1789 before Sieyès pronounced its famous discourse on actual representation, whereas this problem had already been raised by the Dutch in the 1780s.

52. Grateau, Les Cahiers de Doléances.


57. Whatmore, Republicanism and the French Revolution, 66–8. Like Turgot, Condorcet believed that a good education and a selective representation were enough to bring happiness to the French. The only republicans at that time were Jacques-Pierre Brissot and Étienne Clavière (ibid., 78–9).

58. Jefferson, XIV, 583. See also 531.


60. Adams, The Paris Years of Thomas Jefferson, 265. The Spanish minister in Paris noted that Jefferson’s place was at that time the meeting point of the radicals.
61. On 7 July 1789 Talleyrand already asked for a constitution. *Archives Parlementaires*, VIII, 28.

62. See n. 2. Etienne Dumont, a Swiss refugee, for instance, believed that France was following America on this issue. Dumont, *Souvenirs sur Mirabeau*, 97.

63. In this committee there were Pieter Paulus, the great man of the Batavian Revolution and Jacob Hahn, a radical who progressively became liberal. The other two were less influential. The texts are published by Goslinga, *De rechten van de mens en van de burger*.

64. See also Jourdan, ‘The ‘Alien Origins’ of the French Revolution,’ 185–205.

65. As we saw, this formulation was already adopted in the 1780s, but also by some American state bills (Declaration of Independence, the Virginia Bill or that of Pennsylvania).

66. Like the Huguenots, the Dutch had already invoked this right during their Revolt against Spain. Van Gelderen, *The Political Thought of the Dutch Revolt*. A rather astonishing article for a Protestant country is number 5: ‘Every citizen is free to revere or not revere God as he likes it.’ It shows very well, that by 1795, Dutch Patriots had distanced themselves from the official Reformed Church. To highlight their Calvinism is misleading.

67. The other drafts were made in 1797 as a preamble to the Constitution – three drafts which were corrected and one at last that would preface the Constitution. The fifth draft was the one made for the 1798 Constitution, devised by the second National Assembly. Thereafter, in 1801, 1805 and 1806, the preamble contained no longer natural rights, only civil rights: Jourdan, *La Révolution batave*, 103–41. The texts have been published by De Gou, *Het Plan van Constitutie van 1796*; De Gou, *Het Ontwerp van Constitutie van 1797. De Staatsregeling van 1798*. Will be quoted henceforth as De Gou, 1796, 1797 or 1798.

68. Van Sas, ‘Mensenrechten in 1795,’ 10–14. According to the moderate Patriot Swildens, the Dutch declaration had to be a model for 1795 France.


70. This motto was an idea of the radical deputy Hahn. See the official paper, *Dagverhaal*, 1796–7. The text in facsimile can be found in De Gou, 1797, vol. 3. In France, brotherhood was used to end a letter in the expression: ‘Salut et Fraternité’.

71. This Constitution was quite democratic as far as the rights of men were concerned. But the radicals criticised the franchise for the election of electors, the fact that after the elections the people could not control their representatives. They said that the executive and the judiciary had too much power, the revision was too far away and, last but not least, Holland was divided in four departments and thus weaker, while the other provinces remained unchanged. De Gou, 1798, I, 492–500. On the Reformed Church and a petition signed by 10% of the overall population, Schutte, ‘Gereformeerden en de Nederlandse revolutie in de achttiende eeuw,’ 511–12.

72. The first Constitution in 1791 was implemented without a popular vote. The text of 1793 was accepted by the people, but never enforced; and the third one generated numerous protests because of the two-thirds law that entailed that two thirds of the representatives ought to have been sitting in the Convention. The French electorate refused to elect these men and the National Assembly itself had to nominate the missing percentage. This was quite illegal. Ozouf, ‘Les décrets des deux-tiers ou les leçons de l’histoire,’ 193–4.


74. See also Poell, ‘The Democratic Paradox.’

75. The headline made clear that the natural rights of the citizen had to be proclaimed so that they would protect the people against a corrupt government. It is however surprising that this constitution no longer explicitly invoked natural liberty and equality, in contrast with the first one of 1797. That was not a suggestion from the French, since Daunou’s draft still mentioned both. De Gou, 1798, I, 440–1.

76. The way the Dutch called their ‘bill of rights’ is notable. It seems that they wanted to distance themselves from France. In America, some publicists or politicians preferred to call the bill of rights a declaration or to highlight the fact that these rights were fundamental principles: ‘the fundamentals are contained in a bill of rights’, quoted by Hutson, ‘The Bill of Rights,’ 75–6. Some preferred to avoid the term ‘bill of rights’, because it reminded them of the British one.

77. Compared with the 1797 Constitution, the time limit was not changed – still every five years – but instead of 25,000 citizens, 15,000 could ask for amendments. De Gou, 1798, II, 160.

78. To pay a tax on coffee and tea, one had to earn more than 300 guilders a year. It included thus craftsmen and ship’s carpenters, and only excluded the very poor. For the second-degree
elections, the 1797 franchise had been abolished. On this problem, see my working paper ‘Amsterdam en revolution (1795–1798): un jacobinisme batave?’

79. No one is a good citizen, if he is not a good father, a good husband, a good son and so on. De Gou, 1798, II, 100–4. This article speaks volumes about the evolution in France and in Holland toward a republican-liberal government that stimulates republican patriotism and civil manners, instead of civic virtue as did the Jacobins. I came to this conclusion in La Révolution batave, 440–2, after studying the French Directory’s cultural policy. This confirms the interpretations of Kalyvas and Katznelson, Liberal Beginnings.

80. For more information about this constitution, La Révolution batave, 126–33. With negative formulation, I mean: ‘none is . . . ’, ‘nobody’, instead of ‘each’. The negative formulation has a repressive character, the positive, a permissive one.

81. The drafts of the democrats Ockerse and Konijnenburg have been published by De Gou, 1798, I, 175–8 (Konijnenburg) and II, 315–34 (Ockerse). They were far more democratic, since they aimed at giving more direct influence to the people.

82. Several Dutch legislators also wanted a separation of powers and two houses. Only the radicals under Pieter Vreede were asking for a unique legislative body. De Gou, 1798, I, 496–500 and in French, 510–13.

83. If there was a direct democracy in France, it happened between 1789 and 1793, for in the fall 1793, the popular societies and sections had to close their doors on behalf of the Jacobins. See also Genty, L’apprentissage de la citoyenneté.

84. Daunou became the constitution maker of the French Directory. In 1797–98, he corrected the Swiss constitution, the Dutch text and drew up the Constitution of Rome. In 1799, he also corrected the constitution Sieyès wanted to impose Bonaparte. See Papiers Daunou, Bibliothèque nationale de France, Manuscrits, Naf, 21.891; AN AF III-71 (corrections by Daunou of the Roman Constitution) and Taillandier, Documents historiques sur P.C.F. Daunou.

85. These discussions are published by De Gou, 1796, 1797 and 1798. One also can read the official paper, the Dagverhaal. The first series (until January 1798) had been published on the Internet.

86. Interesting also is the fact that the Dutch radicals quote Rabaud Saint-Etienne and Condorcet and never Robespierre or any Jacobins – apart from the Federalist Coert van Beyma and the Unitarist Ploos van Amstel. Moderates preferred to invoke Sieyès and Boissy d’Anglas. Thus, it is difficult to discover in the Dutch National Assembly the radical Spinozism Jonathan Israel sees everywhere in Dutch political thought. See his ‘Failed Enlightenment’: Spinoza’s legacy and the Netherlands.’

87. I would call the Minister of Public Finance, Isaac Gogel, a pragmatic ‘democrat’, because he wanted human rights to be protected against law, but he wished politics to stay in professional hands. He is the darling of Simon Schama, because of his patriotic involvement and his faithfulness to republican principles: Schama, Patriots and Liberators 653–4.


89. De Gou, 1797, I, 418–19. They condemned the very fact that each body can intervene by another. One legislator even said that the American system was ‘an imperium in imperio’. On the distinction between division or separation of powers and checks and balances, the illuminating article of Manin, ‘Frontières, freins et contrepoids,’ 255–92.


91. King Louis Bonaparte, however, wanted to be a national and constitutional king. For this reason, he followed fairly well the advice of his ministers and Council of State and carried out a non-democratic, but national policy. For a recent book on Louis and his policy, Van der Burg, Nederland onder Franse invloed and Jourdan, ed., Louis Bonaparte.


94. Allen, Les tribunaux criminels sous la Révolution; Berger, La justice pénale sous la Révolution.

95. Political crimes, however, were seen as high treason and punishable by death, not only in France, but also in America and in the Netherlands, although there were only three death
sentences for political crimes during the Batavian period. On repression in France: Brown, *Ending the French Revolution*. On the Dutch criminal law, the sources published by Moorman van Kappen, *De Ontwerpen Lijstrafelijk wetboek*.


98. Huussen, I, 171, p. 186. See also the review attributed to Professor Cras in *Nieuwe Konst-en Letterbode*.


100. Van Dapperen, *De vrederechter in Nederland*; Van Boven, *De rechterlijke instellingen in discussie*.


102. Obviously, education was one of the keynotes of the Enlightenment, since Addison and Steele’s *Spectator* and the Scottish philosophers; Porter, *Enlightenment. Britain and the Creation of the Modern World*. On education in the Netherlands and in Germany which had a great influence on the Dutch, see Baggerman and Dekker, *Child of the Enlightenment*.


105. The best survey of this period is still Woloch, *The New Regime*. The Directory intended to have schoolmasters educated in these secondary schools. In primary schools, they had already introduced a genuine republican schoolbook. This makes clear that they did not forget public education, but had not the means to do more. AN F17-1341a-b and AN F 17 1339.


112. During the Patriot revolution, some rich Patriots from Amsterdam had commissioned a monument to the memory of Van der Capellen. This monument would be made by an Italian sculptor, Ceracchi. The sculptor was busy and had already been paid, but in 1795, nobody seems to have been aware of this commission. Desportes, ‘Ceracchi’s Design for a Monument.’

113. See Van Sas, *De metamorfose van Nederland*, 30–1, 86–94. For Van Sas, revolutionary political passion was replaced by a new sentimental feeling about Fatherland and a desire for unity and harmony during the years around 1800.


116. Proof that unity is not synonymous with democracy. However, the franchise was broad and there were other rights, like that of petition and social rights. But, while championing freedom of expression, the radicals tried to muzzle the liberty of the press. A similar evolution can be found in France, as is well known and even in America; Levy, *Freedom of Speech and Press*.

118. During the national festivals or the funeral festivities around dead generals as such as Hoche, or as can be heard in the Conseil des Cinq Cents. Jourdan, *La Révolution batave*, 346–59. See also, Livesey, *Making Democracy*, who puts too much stress on commercial republicanism and Jainchill, *Reimagining Politics after the Terror*, who puts too much stress on classical republicanism.


120. On the birth of national museums in Europe, see *Napoleon’s Legacy*, and especially Jourdan, ‘A National Tragedy during the French Restoration,’ 125–35.
121. Velema, Republicans, 201–13. For another interpretation with similar outcomes, Jourdan, La Révolution batave, 440–44.

122. To be sure, Napoleon also knew that he needed a written constitution to be accepted by the French. He also granted his brothers’ kingdoms a constitutional text – in Spain, Westphalia, and the Netherlands. See Jourdan, ‘The First Empire in the context of the Age of Revolutions. A contest between two national representations’, in Broers, ed., The Napoleonic Empire and the New European Political Culture.

123. The discussions and constitutions can be found in Colenbrander, Ontstaan der Grondwet. William did not accept to enforce the jury, but the justice of the peace was maintained, together with the Civil Code – until 1838.

124. The same happened in France, where Louis XVIII had to maintain some civil and legal rights and enact a written constitution. Contrary to Prussia and Italy, where the princes forgot what they had promised when frightened by Napoleon: a written constitution.


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Bibliography


*Concept-reglement op de regeeringsbestelling van de provincie Utrecht*. Utrecht, 1784.

*Concept-reglement van Regeering voor de stad Zwolle*. Uitgebracht door de burgercommitteerden. Zwolle, 1787.

*Concept-reglement van regeering der Stadt Haarlem*. Haarlem, 1787.


Fletcher, Andrew. *A Discourse on Government in Relation to Militias*. Edinburgh, 1698.


Mandrin, Joseph. *Le Spectateur Américain.* Amsterdam, 1784.


