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Regentenwerk : vergaderen in de Staten-Generaal en de Tweede Kamer, 1750-1850

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Summary

Dutch revisionist historians of the Revolutionary Era have emphasized the sense of rupture surrounding the year 1800. The Batavian revolutionaries, together with French Revolutionary and Napoleonic armies, caused a clear break between the ancien régime of the Dutch Republic, which had lasted from 1576 until 1795, and the 19th-century Kingdom of the Netherlands. Modern constitutions replaced the decentralized government system of the Dutch Republic with a unitary state from 1798 onwards. When the Dutch regained their independence after the fall of Napoleon in 1813, the new state did not turn the clock back to 1795. In that respect, the Netherlands has been studied as a fine example of Reinhart Koselleck's concept of *Sattelzeit*. Continuities, such as the name States General for the bicameral parliament, were merely invented traditions to hide the new institutions of the Restoration state. Notwithstanding obvious evidence of discontinuity, in political practice there was more continuity in the Netherlands during the transitional period from the 18th to the 19th century than historians have assumed.

351

Despite the constitutional and the supposedly era-defining cultural shifts, the practice of meeting of the supreme national political body continued. This PhD thesis has studied the meeting practice of the Dutch States General to address the role of tradition and culture in times of political and institutional transition in the first half of the 19th century. The restoration of the States General raises questions that concern the core values of the new unitary state. What had happened to the provincial mandate of deputies, the foundation of the

meeting practice before 1795? How did the States General translate their relationship with the House of Orange from the stadtholderate to the constitutional monarchy? What did the presence of Members of Parliament from the Southern Netherlands mean for the old practices? Could former deputies to the States General function as MPs? Did they encounter continuity in procedures, or did they establish it whenever they thought it was lacking?

352 The formative years of the Second Chamber have long had a dubious reputation among historians. Its parliamentary politics have been studied in light of the liberal revision of the constitution in 1848. From that perspective, the early Second Chamber fell short in terms of parliamentary power and was seen as a delaying element or precursor to the later liberal reforms. At the same time, historians have already nuanced the idea of clean political ruptures following the regime changes since the abolition of the Dutch Republic in 1795. The Restoration States General was neither an entirely new institution, nor was it an exact copy of its historical namesake. Instead, since 1815, the Restoration States General combined old elements – such as its name – with undeniably new elements, such as bicameralism, public debates of the Second Chamber and elected members who represented both the northern and southern provinces of the Low Countries. Now is the time to judge the Second Chamber on its own terms. In order to grasp the composite political culture of the Restoration States General, it is necessary to understand which early modern elements of the States General survived the regime changes, why those elements survived, and what the consequences were of this continuity of practices for the way political power was wielded in the Second Chamber.

Tradition played a central role in the Second Chamber. Since the Restoration States General combined old and new elements, it was less self-evident what the institutional tradition entailed. MPs, ministers and the king had to actively negotiate and decide what they believed was the appropriate course of action in the States General. Therefore, both the use of tradition and the appeal to tradition involved an active and conscious decision, rather than a passive adherence to past practices. As the poet T.S. Eliot wrote in his influential

essay 'Tradition and the Individual Talent', tradition 'cannot be inherited, and if you want it you must obtain it by great labour.' This *activity* of decision-making based on tradition has shown the importance of continuity of early modern political practices in the Second Chamber.

In the ancien régime, political legitimacy rested in the past. The further back in time a claim to power could be verified, the more prestige it granted the people who derived their power from that claim. Hence, continuity was a prerequisite for political legitimacy in the ancien régime, whereas change was regarded with suspicion. If something changed in the political sphere, great effort was taken to cover this up by hiding the change under the cloak of restoration of the old order. When the early modern States General took control of the government of the Dutch Republic, replacing the Habsburg overlord, they did so by arranging their meeting according to practices dating back to Burgundian rule. Based on the old footing, the States General could take a new turn.

353

This PhD thesis has identified three conditions that contributed to the continuity of early modern meeting practices in the Second Chamber. Firstly, the Batavian French parliaments played the role of catalyst in the transmission of meeting practices from the early modern to the Restoration States General. Symbolically, the Batavians *appealed* to the enclosed, hierarchical and opaque meeting practice as the point of departure for their public, egalitarian and transparent procedure. Yet, at the same time, pragmatism urged Batavians to *use* the archives, secretary office, committee system and diplomatic ceremonies to speed up their constitutional work. After 1801, even the old regents could return to public offices because stadtholder William v had released them from his service. That is why the Restoration regime could incorporate both the composite elite of notables and a combination of early modern and modern meeting practices.

The constitutions of 1814 and 1815 were a second condition. Even though the text proclaimed continuity by restoring the 'States General' and the 'Provincial States', the institutional reforms of the Batavians and the French were also kept in place. No committee member wished to return to the institutional structure of the Dutch Republic.

The results were constitutions that left much room for either modern or early modern interpretation. The States General was given very few directions on how to fulfill its task as legislator: everyday practice would determine its power limits and course of action. The vague constitution articles gave MPs the opportunity to smuggle old meeting practices into the new parliament. That is why the meeting practice of the Second Chamber could still rely on the personal connections so characteristic for the government of the Dutch Republic.

354 A third and final condition was the ability to adapt, of both members and practices. A meeting practice that could not be adapted to the new circumstances changed into a relic from the past, while an adaptable practice became a tradition that could be transmitted to the next generation. The States General, as restored in 1814, was the best example of this condition. Designed by the constitution committee, this unicameral meeting represented the essence of the idea behind the Restoration. The most important reforms of the Batavian Revolution were kept in place: the States General represented the entire Dutch people, rather than the assembly of delegates on behalf of seven sovereign Provincial States. In 1814, the States General would share its legislative power with the sovereign, William Frederik (later known as William I), the son of the last Orange stadtholder. National laws and equality before the law replaced the resolutions of the old States General that had supported local privileges and customs for centuries. Rules of procedure based on the hierarchy of the sovereign Provincial States also belonged to the past. At the same time, however, important elements of the old meeting practice were present. The meeting convened behind closed doors in one of its old rooms at the Binnenhof. And although the provinces were no longer sovereign, members and committees were still appointed on provincial basis. Initially, members sat around the meeting table according to the old provincial hierarchy. The rules of procedure allowed the president to adopt a bill without a plenary discussion or a round of votes. In short, the restored States General turned onto a new path based on the old footing.

Nevertheless, this reincarnation of the old States General did not survive its first constitutional change in 1815. This was good news for

the meeting tradition, since adaption and transmission of a tradition requires challengers. These challengers ensured that the relevance of a tradition was discussed and that adaptation occurred if deemed necessary for transmission, and so these challengers have prevented tradition from becoming a passive adherence to past practices. Understanding tradition as an activity – both debatable and adaptable –, as this study has done, has brought the continuity of various elements in the Second Chamber to the fore.

Since the early modern States General was the highest government body of the Dutch Republic, it made sense for its 19th-century parliamentary namesake to also double-act as legislative as well as governing body. The old States General had dominated the legislative procedure in the Dutch Republic, and hence the Second Chamber focused its procedure on its legislative task in a way that supported the government. In both meetings various parties fought for control over the content of laws. Prior to 1795, the Provincial States and the stadtholder tried to dictate resolutions, whereas after 1815, the king and his ministers wished that the Second Chamber would simply approve all their bills rather than thoroughly amend them. The rules of procedure of both meetings served this power play: members derived prestige from a limited and stable set of rules, while at the same time members could claim authority vis-à-vis the stadtholder and the king by enforcing them to play the power game in their meeting according to their rules.

355

The legislative attitude of the States General had consequences for what function the plenary session could have. Plenary sessions had a different purpose than modern observers would expect. In the old States General a culture of negotiation had been developed, rather than a debating culture, because the search for consensus among the provinces had been the prime goal of the legislative process. Members had to treat each other with respect, and they did this by adopting a sober and timid conversational tone, preferably expressed in small-scale and enclosed sessions. The arrival of public meetings in the Second Chamber and members from the former Austrian Netherlands meant that the relevance of this negotiation culture was thor-

oughly tried. Plenary sessions of the Second Chamber were public and took place either in the former ballroom of the stadtholder at the Binnenhof or in a magnificent palace in Brussels. According to king William I, the arrangement and lavish decoration of the meeting hall in Brussels should have made clear to the members that parliament assembled under royal custody. Yet, the housing tradition of the States General proved resilient because a meeting room had to be fit for purpose in the first place, and representative only in the second. Although the royal throne took symbolic precedence over the members, they did not want their physically subdued place in parliament to translate into a diminished share in legislative power. The MPs from the Southern Netherlands entered the meeting hall with a different view of their representative task than that held by their Northern colleagues. Southern members preferred public meetings where they could thoroughly question the ministers. Rhetorically gifted speakers voiced the people's wishes. Northern MPs, on the other hand, experienced difficulties with noisy dissent vented in public meetings. They still strove to find common ground because they were convinced that the government would take their remarks seriously only if these had been discussed calmly and preferably behind closed doors.

Bilingualism and the governing principles of the king sharpened the opposing mores in the Second Chamber. William I hated criticism, no matter how politely it had been formulated. Most MPs spoke or could read French, but this could not be said for the Dutch language. Yet, the government chose Dutch as the official language of communication. Bilingualism hampered the conversation between members and further enhanced style differences in the Second Chamber. Nevertheless, the Southern MPs contributed to the transmission of the negotiation culture. They encouraged their Northern colleagues to stick to the Northern mores when they could have adopted a different practice. That is how the confidential relationship that Northern members wished to establish between the Chamber and the government could take over the function of provincial consensus so central in the old States General.

The Provincial States were another player that inventively vied for

power in the Second Chamber. This is striking because their influence at the national level was supposed to have ended. Compared to their sovereign status in the Dutch Republic, the constitution had drastically reduced the provincial sphere of influence. According to William I, the Provincial States were meant to act as colleges that elected government-minded members for the Second Chamber. The priority of the Provincial States, however, was to use elections to serve their provincial interest. William I found out that he could not single-handedly dictate the composition of the Second Chamber, without granting the provinces favors in return. This is how the provinces succeeded in translating their new function into the old situation. Both before and after 1795, the provincial delegation to the States General served to bring the provincial interest to the attention of the highest government institution.

357

Provincial power affected the position of MPs. Their position resembled that of a deputy to the States General because members depended on their home province for their election. For that reason, MPs had to take the wishes of their province into account. Although the constitution determined that members of the Second Chamber were representatives of the entire Dutch people, if they wished to retain their seat, they had to vie either for royal or provincial favor.

As various parties wished to influence the content of laws, each party was interested in assuring the majority before a decision was taken. Both before and after 1795, the legislative process focused on discreetly preparing the decisive plenary session. William I challenged this tradition by prohibiting direct contact between the Second Chamber and his ministers. The Second Chamber responded with its own instruments: the president, the *Kamerafdelingen*, the plenary session's form and the rules of procedure all grew into power instruments in the legislative process. As a result, the old legislative practice appeared on the surface even more prominently. Behind the scenes the ministers and the king worked hard to persuade MPs and to make sure that the president started the voting procedure when a bill's majority was assured. Each bill had to be newly negotiated, which made legislating in the States General a matter of hard labor. Persuasion in the backrooms thus remained an indispensable instru-

ment for whoever wanted to influence decisions of the States General after 1815.

358 The separation of the United Kingdom of the Netherlands resulted in forceful appeals to the confidential relationship between the States General and the Oranges. Public meetings prior to and shortly after 1830 saw Northern MPs appeal to the tradition to legitimize their votes during this regime change. Notwithstanding these appeals, William I also tainted the traditional bond his family had built with the States General, which predominantly figured during ceremonies and rituals. Strictly speaking, the stadtholders had been servants of the Provincial States, and William I did everything he could to subvert this power balance. MPs had to be inventive to oppose government policy because the king had prohibited the States General from contacting his ministers directly. Besides the procedural instruments they used the Addresses of Thanks for this purpose. In this Address, MPs replied to the King's Speech at the annual opening of the States General. Lacking direct contact with the ministers, the ritual of the Address of Thanks offered MPs an annual stage where they could point William I to the right power balance between the Second Chamber, the king and the ministers.

Of course, there were outspoken carriers of tradition among all these challengers of tradition. The career of the regent Van Lynden van Hoevelaken demonstrates how a former deputy could find his way between all these various interests in Restoration politics. The former deputies were outnumbered in the States General, although Van Lynden was certainly not the only member of the old elite to continue his career in office after the Restoration. Van Lynden served the new state as member of the constitution committee, president of the Second Chamber, MP and member of the Council of State, but also as member of a noble family and lord of Hoevelaken. Through his eyes we have seen which elements of the regents' tradition were transmitted and which were not. Traditional sense of class determined his political sense of duty, even though birthright could no longer legitimate his public actions as it had done before 1795. In fulfilling his public offices, Van Lynden continued to feel responsible for his family, his province and his country. As member of the con-

stitution committee he actively tried to weave the principles of government in the Dutch Republic into the articles of the new constitution. On crucial matters, however – such as public meetings for the Second Chamber, equality before the law, and the right to petition – Van Lynden could not convince his colleagues to support his cause. A public parliament and civil equality were accomplishments of the Batavian Republic that the regent tradition had to adapt to.

Yet, the authority of personal relations and status were some of the most important elements of the regents' tradition that was transmitted from the governing culture in the old States General. The Batavian officials had successfully adopted from the regents the use of family connections for distributing offices. As a result, both the old and new elite vied for offices in the Restoration government system. Just as his father, stadtholder William v, had done, king William I profited from the competition among the internally divided notables by creating liaisons of trust with old and new elite families alike. William I tried to discipline his network of favorites together with his secretaries of state Falck and De Mey van Streefkerk. Members of the Second Chamber who lost the favor of their family, the Provincial States or the king risked losing their seat. For MPs, an involuntary departure from the Second Chamber was a matter of honor since they derived prestige from this position. As had been the case before 1795, a commission in the States General was prestigious, since favor, family and fortune alone determined membership of the Second Chamber.

359

What does the continuity of these early modern meeting practices mean for our view on the politics of the Restoration in the Netherlands? On paper the Restoration States General might have started out as inventing tradition, but in parliamentary practices there was actually remarkable continuity as this study has shown. Both in the Dutch Republic and in the United Kingdom of the Netherlands the States General had to vie for power. Wielding power was never self-evident; it was rather an exchange between national, provincial and personal interests. As a meeting, the States General had the government of the country as its first and foremost priority. In the early

decades of the 19th century this resulted in a second blossoming of early modern practices that small groups of regents had used to govern the Dutch Republic until 1795. You could also call it the modern appearance of early modern practices. This governmental meeting practice of the States General was characterized by sobriety, consensus-driven legislation, and calm negotiations, and these characteristics had to go hand in hand with the utmost respect for personal relations, the provinces and the House of Orange.

360 To the States General, the act of meeting was about the distribution of power, and that is why authority was never self-evident. On the contrary, a long line of early modern and modern faction and regime changes dictated this power struggle. Viewed from this lineage of ruptures, the Sattelzeit appears to have been much more of a regular century in Dutch political history, rather than a century that posed a clear break between ancien régime and modern politics. The frequent power rotations also shaped the meeting practice of the States General. In a sense, they gave rhythm to the developments in this institution as these changes led the States General to develop a tenacious institutional culture that could withstand changes of personnel. On the one hand, the States General was stronger than its members, but at the same time the perseverance of its institutional culture depended on past, present and future users. For that reason, the meeting practice had to allow the States General to take a new turn based on the old footing. In short, regime changes led to continuity in the way the States General competed for power with other parties in the Dutch Republic and in the United Kingdom of the Netherlands.

Historians have characterized the politics of the Restoration as lacking in color and principles because there was little enthusiasm for ideological innovation among the government elite. The moment has come to assign principles to Restoration politics based on the meeting practice of the States General. Judgments that have focused on missing elements presupposed that serious political principles have to be based on abstract and future-oriented ideology, which then directs political decision-making. The lack of principles supposedly led to MPs being indecisive in their choice between tradition

and innovation. This research, however, has demonstrated that regents' principles from the Dutch Republic also determined how power was wielded and brought politics to life. Furthermore, the choice to use a tradition or appeal to it did not automatically exclude political innovation, as this could be done only if the tradition was relevant in the context of the new state. Thus, the continuity of meeting practices from the old States General reveals Restoration politics as principled traditional politics.

Meeting in the States General and in the newly established Second Chamber was the work of regents. The story of regents actively shaping the meeting tradition has to be added to the historiography of the Dutch Restoration. By focusing on the continuity of meeting practices, this study demonstrates that the Second Chamber wielded power in a way liberal politicians would come to dismiss as arrogant and authoritarian in the second half of the 19th century. Up until the 1840s, however, this political practice was regarded as legitimate in the Second Chamber. Therefore, liberals did not have to invent the Second Chamber in 1848, they merely had to adapt its meeting practice to the power balance between parliament, crown and people that met liberal standards of good politics.

361

The result of this study is a more nuanced view on the dichotomy between the 18th and 19th centuries in Dutch political history. Regarding 1800 as a seismic shift in politics and society at large has masked the continuities that accompanied the political innovations of the Batavian revolution. It could very well be the case that the classical periodization masks other continuities and changes. The division between the early modern and Restoration States General could be maintained thanks to a sharp division between the Dutch Republic and the United Kingdom of the Netherlands. This division was supported by a homogeneous image of the Dutch Republic. Perhaps the absence of ruptures such as the Batavian and French regime changes prior to 1795 masks the fact that the States General changed significantly between 1576 and 1795. Therefore, future research could show that the 16th- and 17th-century States General had actually less in common with each other than its 18th- and 19th-century namesake.

Last but not least, this study of the continuity of early modern meeting practices in the Restoration States General calls for future research into how other European Restoration parliaments dealt with their early modern heritage. In order to avoid anachronistic and teleological explanations, this study had to pay sufficient attention to the changed Dutch political context. As a result, it could pay less attention to comparable international developments, which can be found in Nordic parliaments, for example. It was striking to notice that the Restoration States General explicitly distanced itself from English and French parliamentary practices, two parliaments that are generally known to have functioned as models. Rules of procedure inspired by either French or English examples had no place in the Second Chamber and the same was true for the different oratory cultures in these respective countries. International observers noted that behavior of Dutch MPs could not be dissected according to foreign norms. What they witnessed was a parliament that in its behavior prioritized its legislative task, which resulted in a governmental parliamentary practice rather than a representative or deliberative practice. By no means was the Second Chamber unique in that its early modern heritage determined its Restoration meeting practice, but the continuity of practices from the States General did give the Second Chamber a distinct parliamentary practice compared to its European neighbors.