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## **Democratie in kinderschoenen : twee referenda: Nederlanders stemmen over hun eerste grondwet, 1797-1798**

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## ABSTRACT

### *First Steps in Dutch Democracy*

#### *Two referenda: The Dutch vote on their first constitution, 1797-1798*

In 1797 and 1798 the first steps were taken in the Netherlands towards the development of a democratic system. In 1796-1797 for the first time a written Constitution was drafted for the Batavian Republic, as the Netherlands was called at the time. This Constitution was in 1797 submitted in a national referendum for a vote of the people, but it was rejected. A new draft was written and again submitted the following year. This time the Constitution was adopted.

As there were very few precedents for the exercise of popular sovereignty, many questions arise concerning these referenda. Just who were 'the people' who could cast a vote in these referenda? How were the votes cast and how were they counted? In a country with unpaved roads, houses without house numbers, streets without official names, towns and villages without registration of inhabitants, the organizational challenges were daunting.

Over 400,000 eligible voters had to be reached either verbally or in written form. Facilities for 3,750 meeting places on a single day for citizens who would vote had to be located. More than 10,000 citizens were needed to act as tellers. Around 2,000 local administrators had to be found to organize the voting in their city or village. For publicity only in 1797 8,000 placards had to be printed and distributed all over the country. All these numbers indicate the daunting challenges to organize these referenda over 200 years ago.

Very little is known about these referenda. Neither historians nor political scientists have given much attention to these referenda and what they meant for the founding of democracy in the country. It was therefore not possible to rely upon published literature to find the answer to the questions just mentioned. Instead, extensive archival research has been necessary in order to understand how these first steps in democracy were taken.

This archival research was also necessary simply to determine the results of these referenda. At the time the results of the referenda were published only at the national level and for the nine provinces. This has made analysis of the results extremely difficult, for example, to determine who participated in the referenda. Through the archival research it has been possible to produce a dataset of results for 948 geographical units in the country. This research has also made it possible to make corrections to the inaccuracies found in the published results. However, most importantly, it has made it possible to conduct statistical

analysis to answer the central research question of this dissertation: *Based on the voting results of two referendums, how much public support was there for a written and democratic constitution, whose goal was to reform both the State and society?* This goal was to found the political system on the basis of popular sovereignty.

In holding a referendum, it is first necessary to determine who will have the right to cast a vote. The two referenda were organized according to certain rules in a formal set of regulations. At least two pamphlets were issued pleading for the right of women to vote, but with very little discussion the decision was made that men over 20 years of age who were able to support themselves would have the right to vote. Political involvement was thus not limited to the upper class. On paper, at least, there was nearly universal male suffrage, although in the cities as many as 25 per cent of men were not able to support themselves. This generous attribution of voting simply fell into the laps of Dutch male citizens. They did not have to fight for it as they, and women, would have to do in the early twentieth century.

One particular feature that clearly shows the differences with modern times is the call for citizens to attend a ‘primary assembly’, which was the first element in the electoral system. Local administrators were charged with the organization of 3,760 assemblies and the communication with the citizens. These assemblies of the voters were held in churches, town halls, schools, universities, inns, and in some places in Jewish synagogues. In the eyes of many eighteenth-century citizens, the primary assembly was an essential part of democracy, a characteristic feature of this ‘early democracy’.

There was no register of eligible voters in 1797, leaving it up to the local authorities to determine who would receive an invitation to attend the assembly. It is therefore almost impossible to determine the size of the electorate in 1797. Based on figures from later referenda in 1801 and 1802, the Batavian Republic is estimated to have had 417.000 eligible voters, approximately 22% of the total population. Eligible voters were the men of 20 years and older. However, an average of 15% and in some cities more than 25% of men in this age category were not qualified because for at least part of the year they were dependent on benefits from welfare institutions.

The regulations concerning the conduct of the assemblies specified that one assembly should be held for approximately every 500 inhabitants. This meant that in many smaller municipalities, a single assembly was sufficient, but in large cities many assemblies had to be organized. This posed substantial logistical challenges, for whereas in a smaller municipality the courthouse, town hall, school or local church could serve as the meeting place, it was

seldom a problem to organize an assembly. However, in a city such as Amsterdam 433 sites were needed.

In most provinces, voters received a written convocation from a messenger from the municipal authorities. However, in the northeastern provinces of Friesland, Groningen, Drenthe and Overijssel, the authorities were so weak that they could only have the village crier or minister of the Reformed Church announce the convocation in a public setting. As many as twenty-five thousand copies of the text of the constitution were printed by the state printer in The Hague and distributed by coach and barge throughout the country. The logistical challenges were immense. After the distribution there was extensive discussion throughout the country concerning the provisions in the constitution.

The primary assembly was conducted by three to five tellers, who were initially selected by the municipal authorities in 1797, and in 1798 by those present in the assembly. Anonymous voting was not guaranteed. In many towns and villages, particularly outside the province of Holland, especially in 1797 and sporadically in 1798, voting was done 'openly'. Citizens wrote their votes on a ballot in the presence of tellers. Although there was a ballot box, a vote could be revealed by opening the folded corner of the ballot, below which was the serial number of the voter. Next to the serial number and name of the voter, tellers wrote down 'Yes' or 'No' on a list. Within a primary assembly, the citizens all knew each other's votes for those on the outside the voting was secret. This created a 'collective' secret ballot.

On Tuesday, August 8, 1797 almost 137,000 men (roughly 33% of the eligible voters) attended their local assembly to cast votes. Several weeks were necessary to collect the votes within the municipalities and provinces, which were then sent to The Hague. On the last day of August, the first unofficial results were announced at the last meeting of the first National Assembly. The official results were declared in the second National Assembly on September 13, 1797. The draft constitution was overwhelmingly rejected, with only 27,941 for and 109,000 against.

Since a constitution was necessary for the establishment of the new political system, the second assembly was faced with the task of writing a new draft. In the discussions in both 1797 and 1798, the overriding question was whether the new Batavian Republic was to be a federal union or a unitary state. In 1798, the proponents of a unitary state excluded their opponents from the National Assembly and in the local council chambers. They dominated the new Constitutive Assembly and direct a new commission to draw up a draft of a constitution for a unitary state.

To ensure the adoption of this second draft, measures were taken to eliminate opponents from voting in the new referendum. Municipal authorities were required to draw up a register of eligible voters. In order to be eligible, a voter had to sign a statement, which translated into modern English reads: “I declare my unwavering aversion to the regime of the Stadholder, federalism, the aristocracy, and anarchy.” This declaration was an attempt to purge the primary assemblies by excluding political rivals and opposition against a new unitary state. In only a few days, maximally two weeks, the municipal authorities had to obtain the written statements of over 150,000 individuals. In principle, only those who had participated in the previous assemblies were to be allowed to sign the statement. In some municipalities, this information could be obtained from the tellers, but in most cases there was no way of knowing exactly who had participated.

In 1797, members of the military were not eligible to vote, but in order to ensure that the draft would be approved in 1798, military personnel were allowed to vote. They did not participate in one of the assemblies, but cast their votes in a muster supervised by their commanding officers. The members of the navy cast their votes in a meeting on their ships.

Once again 25,000 copies of the text were distributed. Newspapers prepared extra editions, but this time there was little public discussion of the provisions in the text. Signing the declaration of “unwavering aversion” by eligible voters, a statement of loyalty, was the main objective for all local authorities. On Monday, April 23, 1798 the assemblies were held and the results were sent to The Hague as in the year before. This went much faster because only a week later, on May 1, the results were published. Given the restrictions on eligible voters, it is not so surprising that the new draft was approved overwhelmingly. Including the military vote, 155,860 (93%) yes votes were cast, with only 11,688 (7%) against. Once again, approximately 33% (excluding the military) of eligible voters cast a vote.

For two centuries it has been impossible to draw any conclusions concerning these results, other than that in 1797 the referendum was soundly defeated and in 1798 it was overwhelmingly approved. The reason for this is that the results of both referenda were only published for the national level and for the nine provinces. To investigate the central research question of this dissertation it was therefore necessary to painstakingly reconstruct the results at lower levels of administration. Years of searching through more than 150 archives, scattered around the Netherlands, were necessary to compile new data that allowed for statistical research.

Five datasets have been drafted containing 948 cities, villages and rural districts. (It was impossible to collect the results of all 3,760 primary assemblies, because de data have been lost in most cities of Holland, especially in Amsterdam). The description of these datasets with this 948 units is as follows: (1) the results of two referenda in absolute numbers; (2) the results of two referenda with the number of yes and no votes in percentages; (3) the results of the two referenda converted to exactly 500 inhabitants; (4) the number of voters that had signed the declaration of ‘unwavering aversion’ in April 1798; (5) the number of apparently eligible voters in 1801-1805.

As a by-product of this archival research, it was possible (and necessary) to make corrections to the results as published. In some cases, mistakes in addition were found. In others, results that arrived in The Hague too late due to the problems of communication in the eighteenth century and were not included in the published results, have been added to the those results.

The new datasets provided the opportunity for more nuanced description and analysis. First new basic results can be presented. In 1797 all nine provinces rejected the draft, but now it has been concluded that in 210 cities and villages the majority of the voters accepted the draft of the constitution, including large cities as Dordrecht and Middelburg (and their countryside) and also much smaller cities throughout the country. In 685 cities and villages however the draft was rejected. In 11 villages, with a low turnout, there was a tie in number of votes. In only 42 villages did no one vote, even if there were tellers waiting for them. With the numbers of the apparently eligible voters of 1801-1805 it is possible to calculate the participation in nine provinces. Only in Batavian Brabant did a majority of the voters (57%) participate in de primary assemblies and reject the draft with an overwhelming majority (98%). The lowest level of participation was in the province of Groningen (15%), with almost a majority for the draft (46% of the votes).

In 1798 all nine provinces accepted the new draft, but now it has been concluded that almost all cities and villages (906 of 948) did as well. Only 31 villages rejected the constitution, in 2 villages there was a tie in number of votes and only in 9 villages did people not vote or were the results lost. An overwhelming majority in Batavian Brabant accepted the new draft with a majority of voters participating in primary assemblies (turnout 75%). In 15 villages in this province, however, the voters rejected the constitution (14% of the votes). Groningen had yet the lowest level of participation, at again 15%, but now almost all voters accepted the new draft of the constitution.

With these new datasets it became possible to examine the degree of participation in these referenda. With the numbers of the apparently eligible voters of 1801-1805 it was possible to calculate the participation in nine provinces, but it was impossible to do that with the same numbers for all 948 cities, villages and rural districts because lack of data, doubt of the quality of data or notorious bad data.

So the results for all 948 research units have been calculated per 500 inhabitants, because a primary assembly was held for each 500 inhabitants and the census survey of 1795-96 is reliable. (Although this is the best option for examining results, it has the disadvantage that the number of eligible voters was not equal in each group of 500. This may have a minor impact on the results.) The percentage of participants per 500 inhabitants in 948 research units was collapsed into four categories and these are presented in maps of the country for the two referenda.

The detailed comparison of the referendum results of 1797 with those of 1798 in 948 cities, villages and rural districts shows that the turnout for both referenda did not differ greatly. Maps, tables and box-and-whiskers plots show definite similarities but at the same time reveal differences among the cities, villages and regions. The major differences in turnout between the nine provinces were already known from official publications of the results in 1797 and 1798, but now the maps shows the differences between 948 cities, villages and rural districts.

When the turnout numbers for 1797 and 1798 are compared across these 948 units, a strong correlation ( $r=.73$ ;  $\rho=.80$ ) emerges. Cities and villages with a high level in attendance in 1797 have in general a high level in 1798; cities and villages with a low level in 1797 have also a low level in attendance in 1798. At the provincial level the correlations ranged between very strong ( $r=.80$ ;  $\rho=.85$ ) in Holland and weak ( $r=.32$ ;  $\rho=.56$ ) in Zeeland.

A question in the limited literature over the referenda has been whether there was a relationship between the level of 'no' votes in 1797 and 'yes' votes in 1798. Did no-voting in 1797 convert to yes-voting in 1798? A first indication of this relationship is found by comparing these results across the various units. At the national level the correlation is strong ( $r=.66$ ;  $\rho=.69$ ), while the correlations at the provincial level varied between very weak for Groningen ( $r=.18$ ;  $\rho=.30$ ) and Zeeland ( $r=.20$ ;  $\rho=.34$ ), but strong for Holland ( $r=.78$ ;  $\rho=.77$ ). It may be concluded that there is relation between no-voting in 1797 and yes-voting in 1798, but only at the level of the 948 research units, but with significant local and regional



differences. However, with the collected *aggregate* voting results of these two referenda it is impossible to say anything about the voting behavior of individual voters.

One hypothesis has been that the ‘yes’ voters in 1797 were excluded or did not participate in 1798. There is little indication in these data to support this conclusion. There is no correlation between the percentage of ‘yes’ votes in 1797 and the turnout in 1798 ( $r=.006$ ) across the full 948 research units. The ‘yes’ votes of 1797 were probably not so much in agreement with the contents of the draft constitution as with the conviction that the Batavian Republic needed a constitution and that the current draft constitution was the most viable solution. It is then understandable that they were also able to vote ‘yes’ for the new draft in 1798. But again, this outcome and this possible motive say nothing about the voting behavior of an individual voter.

Finally, an explanation is given, or at least established empirically, for the rise in absolute numbers in turnout in 1798 (139,495 without the military) compared with that of 1797 (136,937) despite the purging of the primary assemblies. Until now, most historians have not provided a clear or adequate explanation for this rise. The mobilization of the electorate is presented here as the most important explanation. A few days before the referendum, voters were required to sign the statement of ‘unwavering aversion’ to the administration of the Stadholder, federalism, the aristocracy, and anarchy’ in order to be eligible to vote in the primary assemblies of April 23, 1798. In particular, those citizens who were dependent on the government for their position, their office and their pension felt it would be beneficial to have access to the primary assembly. In addition to such predominantly opportunistic reasons, there are also examples of citizens who signed the statement for more idealistic and political reasons.

When comparing turnout figures from 1797 with those of 1798, particular consideration has been given to the purging of primary assemblies, which has received a great deal of negative attention in the literature. As the national turnout of 33% shows, both in 1797 and in 1798, the purges apparently had limited influence on the turnout. At the local level there are places where purges did affect the outcome, because in 1798 far fewer citizens voted than in 1797. In Holland this mainly concerns Amsterdam, Rotterdam, Weesp and Schiedam. There are, however, regions where the purges had no visible impact. In Batavian Brabant, for example, but also in Twente, many *more* citizens went to primary assemblies in 1798 than in 1797. In other parts of the Republic, particularly the rural areas in Friesland, Drenthe and the Veluwe, it has been established, or at least made plausible, that the decline in turnout can be

attributed to the number of citizens who did not participate in primary assemblies, probably because they did not agree with the state of affairs.

Finally the voting results are examined along two cleavages structures found in the Batavian Republic. First, major distinctions existed between cities and rural districts, not only physical, but also economical as political. The two drafts of the Constitution broke up economic and political differences: the rural districts obtained the same rights as the cities. With the datasets it is possible to make a distinction between cities and rural areas in order to analyze voting behavior. In qualify as cities, units had to satisfy at least one of four criteria: 1) having city and political rights in the *Ancient Regime*, 2) existence of city walls or enclosing canals, 3) functioning as a center of economic activity, as evidenced, for example, a market, 4) being a center of administration, communication and education. The Batavian Republic was quite urbanized for this period, with 43% of the population living in the 102 cities that satisfied at least one of these criteria. The remainders of the units were classified as rural. As even these rural areas were not totally isolated and possessed local authorities that could conduct the referenda, and with almost no serious tensions with neighboring cities it is perhaps not so surprising that the turnout between the cities and rural areas did not differ greatly.

This conclusion at the national level is not supported by analysis of the various provinces, where differences are found. These differences, however, are not so much due to the urban-rural dichotomy, but to the differences in religious composition.

Secondly, in the Batavian Republic there existed a strong distinction between Catholics and Protestants. Before 1795 Catholics and other denominations were tolerated, but without many political and religious rights. The first declaration of human rights in 1795 gave them hope for a better position in the Dutch society. So the question is whether there was a relationship between turnout in 1797 and 1798 and religious preference. A census in 1809 provided the results of the religious composition of all local communities in the Netherlands at that time. These data provide the possibility to analyze the religious composition for 948 research units in 1797-1798. In the Batavian Republic 66% of the population was Protestant and 31% was Catholic. Four provinces were predominantly Protestant, one province predominantly Catholic and four provinces had a mixed religious composition.

An indication of the relationship between religion and turnout is found by comparing these data. The percentages of Protestants and Catholics per 500 inhabitants across 948

research units are compared with the turnout percentages per 500 inhabitants for each of the two referenda.

In 1797 a reasonably strong positive correlation with turnout emerges for Catholics ( $r = .58$ ) and an even strong negative correlation emerge for Protestants ( $r = -.58$ ) at the national level. In 1798 the correlation is much stronger ( $r = .76$  for Catholics and  $r = -.75$  for Protestants). In general, the higher a percentage Catholics in one of the 948 research units, the more higher the attendance; the higher a percentage Protestants, the lower the attendance. This is a general trend, however, with great local and regional differences. Even in provinces with a mixed religious composition the correlations shows large differences. A strong correlation existed in Holland also in 1797 ( $r = .70$  for Catholics and  $r = -.72$  for Protestants) and a little bit stronger in 1798 ( $r = .75$  for Catholics and  $r = -.75$  for Protestants). In Utrecht, Gelderland and Overijssel the correlations are not as strong as in Holland. Only in 1798 is the correlation strong in the provinces of Gelderland and Overijssel. These outcomes shows the cleavages between Catholics versus Protestant and the results of a polarization between Augustus 1797 and April 1798, especially in parts of Gelderland and Overijssel.

With the datasets of aggregate voting results for 948 research units it is almost impossible to conclude something for religiously-mixed cities, villages and rural districts. So the further analyses have concentrated on regions, almost overwhelming Catholic (85% or more of the population) or almost predominantly Protestant (85% or more of the population). One of the clearest results of the analysis was that, turnout behavior in the countryside and small cities were related predominately to the religious persuasion of the region. In Catholic regions on the periphery of the Republic (especially Batavian Brabant), many more citizens participated in primary assemblies than in the predominantly Protestant rural areas (a belt from Zeeland, the southern parts of Holland, the regions between great rivers in the southern part of Gelderland, the Veluwe, the IJssel-delta in Overijssel, Friesland and Groningen).

The two drafts of the Constitution both incorporated reforms that would end inequality between religious communities. Equality and freedom gave citizens the right to practice their religion of choice. Citizens could no longer be excluded from political and societal functions on the basis of their religious beliefs. For Catholic citizens and communities yearning for this equality, the drafts offered an incentive to participate in the referenda. For Protestant citizens and communities that lost their religious and political privileges, without knowing exactly how things would unfold, waiting and *not* participating was probably the most rational response.

However, within the 31 major cities with more than 5.000 inhabitants, a very weak or no relationship was found between religious preference and participation.

Religious preferences are important to understand the turnout by two referenda in 948 research units, but only as a partial explanation. The possibilities to analyze voting behavior on behalf of aggregate data are modest. Above all, the results of the two referenda show a deeply divided society of religious minorities.

At the end of the eighteenth century, the organization of not one but two referenda on a draft constitution was an extraordinary venture. Together with elections to the National Assembly, these were the first experiments in electoral democracy at the national level in the Netherlands. Citizens became acquainted with the way in which democracy could be put into practice, in a country that had had little experience with such phenomenon.