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## The Union of Utrecht: its Genesis and Consequences

In the former chapter-hall of the cathedral serving now as auditorium for the University of Utrecht, the Union of Utrecht was founded on 23rd January 1579. Before discussing the functioning of the federal system of the Republic of the United Provinces I shall devote some attention to the formation of the Union resulting in the federal incorporation of the seven provinces into the Republic of the United Netherlands. The young Pieter Paulus, who in the years 1775 - 1777 published a commentary on the Union which has since become famous, described it as *the Bulwark of our Liberty, the joyous Mother of so many blessings, the Cultivator of the prestige of this Republic at the principal courts of Europe, and as base of that Pyramid, to which eminent men have compared this State*<sup>1</sup>.

### I

The event which took place in the former chapter-hall on 23rd January provides, however, despite the forceful chiming of the cathedral bells, a considerably less impressive picture, being otherwise in perfect harmony with the most salient feature of the revolt i.e. the civil war aspect. Of the Netherlands provinces only three signed the Union treaty on that day: Holland, Zeeland and Utrecht (I leave aside here the Groningen Countryside and the representatives of the nobles of Gelderland, who, by the way, had exceeded their authority). The smallest province of the three, Utrecht, moreover decided to join only after strong pressure whereby violence was not eschewed (the city of Amersfoort, which continued to oppose the Union, had to be conquered weeks later, in March by military force). Thus there were but two provinces — Holland and the closely aligned Zeeland — which signed the Union treaty *con amore* four hundred years ago. Particularly the maritime province of

<sup>1</sup> P. Paulus, *Verklaring der Unie van Utrecht*, I, Utrecht, 1775, p. 176.

Holland assumed a key position in the formation and later consolidation of the Union. It was not without good reason that people in Gelderland spoke of the *Hollandsche Union*. It therefore seems to me desirable to take a closer look at the situation in Holland.

The revolt against the Spanish regime which in 1572 got under way in Holland and Zeeland after the conquest of Den Briel was certainly no spontaneous popular revolt. Besides to the prestige of the Prince of Orange, who was recognized as stadholder again in July and the intense loathing of the Spanish soldiery, who regarded all Dutchmen, whether Roman Catholic or Protestant, as heretical scum, the success of the rebellious movement must, in large measure, be attributed to the actions of the vehemently anti-Catholic *watergeuzen* (sea-beggars) and to the return of the Protestant exiles, who collectively formed the hard core of the resistance (to the bitter end) against the tyranny of the Duke of Alva. The economic situation, too, was a factor of importance in this crisis. As a result of the stagnation of shipping and trade the material plight of the lower classes of the population became so desperate that many from these milieux opted, in the hope of a better future, for the side of the activists.

Particularly interesting was the attitude of the political elite, the regents, recruited from the upper layer of the dominant Holland merchant and entrepreneurial class. Also after the capture of Den Briel their loyalty to the legitimate authorities initially left nothing to be desired. Thus they vigorously supported the king's stadholder, the count of Bossu, in the taking of military measures against the "pirates" (the sea-beggars). When in the following months the prospects for the revolt, however, appeared to be exceedingly favourable (it was expected that France would declare war on Spain) the majority of them, bowing to the revolutionary conditions, joined<sup>2</sup>. The majority of the Holland regents were not only able to maintain themselves in office but they were also able to strengthen their position of power in the county considerably, especially after they had succeeded, with the assistance of the Prince of Orange, in bringing the recalcitrant sea-beggars within the legitimate provincial jurisdiction in January 1573<sup>3</sup>. In the Estates of Holland controlled by them henceforth rested not only the legislative power but also a large measure of the executive power of the province. There is therefore no doubt that the Holland regent class, which would moreover put an end some years later to the political influence of the guilds and the civic militias, was the principal beneficiary of the revolt.

The life and death struggle against the Spanish enemy had disastrous

<sup>2</sup> Cf. J. C. Boogman, *De overgang van Gouda, Dordrecht, Leiden en Delft in de zomer van het jaar 1572*, *Tijdschrift voor Geschiedenis*, LVII (1942).

<sup>3</sup> Many Hollanders were indeed also of the opinion that the sea-beggars were too much Netherlands minded and too little pro-Holland in their sentiments.

consequences for the Catholics, who were suspected of colluding with this enemy. In the spring of 1573 the Estates of Holland prohibited the public worship of Roman Catholicism (freedom of conscience was otherwise maintained). Did that mean the conversion to orthodox Calvinism? This question must certainly be answered in the negative. The Holland regents should largely be classed with the fairly numerous grouping which voiced objections to both the rigid contra-reformatory Catholicism according to the model of Trent and the strict Calvinism of Geneva<sup>4</sup>. Especially as a result of the enormous pressure of the political conditions the greater part of the Holland political elite opted for Protestantism in 1573.

The religious system which many regents had in mind was that of a broad Protestant national church, not too rigid in matters of dogma, closely aligned with the State and thus subject to government supervision. It is quite plausible that it was above all the Church of England which served as model in this regard. Those in authority in Holland aspired to some form of "nationalization" of the Church rather than its Calvinization. Their attitude towards this question was certainly to a large extent determined by the then almost universally accepted conviction that the co-existence of several churches within one state could not but have disastrous consequences, particularly in the political sphere. Some decades later, in 1616, Hugo Grotius would point admonishingly in this regard to *the dissolution of the unity of the State, hostility of province against province, hatred of Cities for Cities, factions within the Cities themselves, yea, partisanship even right within the homes*<sup>5</sup>.

The political elite in Holland revealed themselves, in the crisis years of 1572 and 1573, as masters in the art of compromise and accommodation. Under the influence of the powerful Holland regent and merchant class a strong tendency towards compromise and accommodation, an often amazing virtuosity in the effecting of compromises, would later in the Dutch Republic become a characteristic feature of the entire political system. This time-honoured Holland virtue or vice (if you prefer to polarize) would in any event still continue to be held in high regard long after the demise of that remarkable old Republic "of persuasion" — even right up to the 1960s.

To the Netherlands resistance movement against the Spanish government system, new, highly promising perspectives seemed to open in 1576 when the survival of Spanish rule in the Netherlands appeared to be seriously threatened by the sudden death of Governor-General Requesens and a large-scale mutiny by the badly-paid, half-famished

<sup>4</sup> J. J. Woltjer has in particular drawn the attention to this middle group. See especially his *Friesland in Hervormingstijd*, Leiden 1962. See also J. C. Boogman, *De overgang*, o.c., p. 111.

<sup>5</sup> Cf. G. Brandt, *Historie der Reformatie*, II, Amsterdam 1674, p. 345 ff.

Spanish soldiers. The Prince of Orange, of course, profited immensely from these circumstances. The Pacification of Ghent, the peace concluded on 8th November between the rebellious provinces of Holland and Zeeland and the remaining provinces, up to that time loyal and royalist, constituted a great triumph to the prince. Indeed his political ideal was directed above all towards the unity of the Netherlands and their common struggle against the Spaniards. In terms of the agreement concluded in Ghent all Netherlands provinces would henceforth co-operate closely in order to achieve a two-fold aim: maintenance of the privileges (that is to say, rejection of royal absolutism) and the driving out of the Spanish soldiery. On the question of religion a definitive accord would later, after the expulsion of the Spanish troops, be reached by an extraordinary meeting of the States General, which was composed of the representatives of the provinces. Until that time the edicts against the heretics, the Protestants, would remain suspended. That, therefore, meant the acceptance, at least the provisional acceptance, of the principle of freedom of conscience. In Holland and Zeeland the situation with regard to religious matters would for the time being remain unchanged. The Reformed (Calvinist) Church therefore continued to enjoy its monopoly there. In all other provinces the absolute power of Roman Catholicism was, however, to remain intact<sup>6</sup>.

A logical consequence of the Pacification of Ghent, which was not recognized by the king, was the formation in Brussels the following year of a General Union of all Netherlands provinces. Of this General Union system William of Orange was to become not only the inspiration but also the actual leader. This Union, however, turned out to be a complete failure. The corporate sense at the local and provincial levels proved to prevail so absolutely over the Netherlands national consciousness that in practice very little came of the decisions and initiatives taken by the central government in Brussels<sup>7</sup>. That provincialism is certainly quite understandable and therefore should not be disqualified as particularism. In the 16th century, too, the Burgundian or, if you like, Netherlands "state" indeed still largely exhibited the character of a personal union of small highly independent states. If, as we know, the later Dutch Republic was to find itself in a complete impasse in the 18th century as a result of the predominance of provincial interests, then we have to realize that the General Union of two centuries before could not have been viable — except in extremely favourable circumstances.

William of Orange and his supporters, however, had to cope with

<sup>6</sup> Cf. M. Baele, *De pacificatie van Gent in 1576: Hoop en twijfel in de Nederlanden*, Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden, XCI (1976) pp. 369 ff.

<sup>7</sup> Cf. G. Malengreau, *L'esprit particulariste et la révolution des Pays-Bas au XVle siècle, 1578 - 1584*, Louvain 1936.

extremely unfavourable circumstances. Here we have above all to think of the religious antagonisms, which after the Pacification continuously escalated in virtually all provinces outside Holland and Zeeland and here and there even assumed the character of a religious war. The fact of the matter is that the Calvinists and their adherents were more and more openly and purposefully bent on letting what they termed the "true Christian faith" take the place of what they called "papal idolatry". In many cities in the South they were able to achieve substantial successes, thanks especially to their co-operation with the guilds which were already so powerful there and which tried to strengthen their position of power at the expense of the *poorterij*, the more prominent citizens. Particularly in the Flemish capital, Ghent, the Calvinist and democratic guild tendencies proved to be virtually indissolubly linked. In the same city, coming increasingly to control the political situation in the whole of the county of Flanders, it turned out that often very rough conditions prevailed. The Calvinist minority (perhaps 30% of the population), which was able to control the armed force, terrorized the Catholics there and robbed them of their churches<sup>8</sup>.

A reaction from the side of the Catholics, who were moreover more conservative in outlook, was of course inevitable. They rightly argued that the fanatical actions of the Calvinists were totally at variance with the Pacification of Ghent. Particularly in the Walloon provinces: Artois, Hainaut and Walloon Flanders, where a Catholic, conservative nobility called the tune, the Calvinist violations of the Ghent accord were abhorred. In the autumn of 1578 it even came to the outbreak of a formal civil war, in which Walloon and Ghent troops were arraigned one against another. In this civil war there was moreover manifested an unmistakable class contradiction: the nobility (largely the Walloon one) over against the guild democracy of Ghent and other cities. Alexander Farnese, prince of Parma, the new royal Governor-General, who was no less gifted as political tactician than as general, masterly exploited the antagonisms within the camp of the Dutch rebels. The end of the matter was the voluntary subjection of the Walloon provinces to the authority of the king in May 1579.

William of Orange tried with everything in his power to bridge over the ecclesiastical contradictions in order thus to arrest the process of political disintegration already at work. It would, however, turn out to be a question of fighting a losing battle. To the Prince of Orange it was very painful that he, with all his pleas for moderation and tolerance, was increasingly forfeiting the confidence of the most militant Calvinists.

<sup>8</sup> Cf. A. Despretz, *De instauratie der Gentse calvinistische republiek (1577 - 1579)*, Handelingen der Maatschappij voor Geschiedenis en Oudheidkunde te Gent, Nieuwe reeks, XVII (Gent, 1963).

For the support of this grouping, which was the most implacably opposed to the king of Spain and his cohorts, he could by no means afford to lose. Particularly the Ghent Calvinists, who had been covertly supported by the prince at the time of their *coup d'état* in 1577, now turned more and more away from the man who (in the words of Dathenus) *made the State his God*<sup>9</sup>.

The motion concerning religious peace, introduced at the instigation of the Prince of Orange in the States General on 8th July 1578, can be regarded as a desperate attempt on the part of the prince to save the national cause by getting the principle of toleration accepted in the matter of public worship. In anticipation of the definitive decision of a general Church convocation, the Reformed public worship would be allowed in addition to the Roman Catholic, and vice versa, in the bigger cities if at least a hundred families were to make a request for it; at the same time the church buildings would be divided fairly between the two denominations. In smaller towns the freedom of public worship could be introduced if the majority of the inhabitants so wished.

I have spoken of a desperate attempt and I therefore make so bold as to doubt whether the Prince of Orange, with all his idealism a genuine realist all the same, cherished high hopes for his motion. It was indeed defeated, which, in the light of the opinions prevalent at the time, may by no means be considered as surprising. The Peace of Religion was often used by the Calvinists to gain possession of one or more church buildings. If they, however, had sufficient power at their disposal to control the situation, then all churches were seized and requests on the part of the Catholics for the implementation of the Peace of Religion were met with refusal. It is quite obvious that by such a line of conduct the united front of the resistance against the Spaniards could not but break up. We need, of course, to reflect in this regard that the majority of Calvinists were most deeply convinced that God demanded of them to fight with the Roman Church, the realm of the Antichrist, by all possible means. If the revolutionary reformation of the Calvinists<sup>10</sup> was admittedly a disintegrating factor on the one hand, on the other these very Calvinists were as a rule the most fervent and principled resistance fighters. It was, accordingly, in their circles, too, that a supra-provincial, broad Netherlands national feeling was most noticeable.

In Holland and Zeeland the Estates did not in any way whatsoever give the religious peace advocated by their stadtholder a chance. The political reasons involved here have already been dealt with above.

<sup>9</sup> Cf. P. Geyl, *Geschiedenis van de Nederlandse Stam*, I, Amsterdam-Antwerpen 1948, p. 259.

<sup>10</sup> Cf. H. A. E. van Gelder, *Revolutionnaire Reformatie — De vestiging van de Gereformeerde Kerk in de Nederlandse gewesten, gedurende de eerste jaren van de opstand tegen Filips II, 1575 - 1585*, Amsterdam 1943.

It goes without saying of course that also in the provinces under Catholic control the principle of toleration did not get any chance to take root either. In the Catholic view likewise it was not permissible to serve God and the Devil (the toleration of the Reformed public worship) at the same time.

Thus the Generality system found itself in a complete crisis at the end of the year 1578. The Walloon political leaders increasingly turned their backs upon the General Union which ignored, according to them, its foundation, the Pacification of Ghent, and which consequently ran the risk of falling into the grip of fanatical heretics such as those in Ghent, where the Catholics had become the victims of a Calvinist terrorist regime. The risk of the Walloons reconciling themselves with the king, if possible on the basis of the Pacification of Ghent, therefore appeared to be very real indeed. Hardly less real seemed the possibility of other Catholic provinces following suit. It was in this context of a revolutionary reformation and a threatening political disintegration that the founding of the Union of Utrecht was to take place.

Plans to achieve a closer union, a form of co-operation between a few provinces, already date from 1576<sup>11</sup>. In Holland, where the Prince of Orange as well as the Estates regarded a military backing in the rear on the east side as highly desirable (partly because of the bitter experiences of 1572), the primary aim was to conclude a military alliance with Gelderland, which with its four large rivers was considered of the greatest importance to the defence of Holland and which accordingly was called Holland's bulwark (*propugnaculum*). In Gelderland and the other eastern and northeastern provinces it turned out that there was, however, very little enthusiasm for being elevated to a military bulwark of the so much wealthier and more powerful province of Holland. Besides, the Estates of these Catholic provinces wanted to maintain the *status quo* in religious matters so that they were also on that account opposed to a close relationship with the heretical Holland. Thus the question of a closer union dragged on until the late spring of 1578. The military situation which compelled the eastern provinces to realize how much they were dependent on support from Holland, then forced them to be more accommodating. That situation (the Upper Quarter of Gelderland threatened by Parma and the shipping traffic on the Yssel obstructed because Deventer and Kampen were occupied by royalist troops, who moreover pillaged the surrounding countryside) induced the even so very Catholic Gelderland to accept as stadtholder the Calvinist Jan of Nassau, a younger brother of William of Orange. The new stad-

<sup>11</sup> On the genesis of the Closer Union see in particular Leo Delfos, *Die Anfänge der Utrechter Union 1577 - 1587. Ein Beitrag zur Geschichte der niederländischen Erhebung, insbesondere zu deren Verfassungsgeschichte*, Historische Studien, Heft 375 (Berlin, 1941).

holder was to set about the task of realizing a closer union with uncommon verve and energy.

The Nassau count was a somewhat stubborn, dogmatic person who spoke his mind freely and who moreover could at times let himself go uncontrollably. He was furthermore a man of rather strong Reformed convictions who more than once exhibited a Calvinist crusading mentality. Jan of Nassau had come to Holland in August 1577 so as to support his eldest brother. As a matter of fact he had already incurred heavy financial sacrifices because of his brother's perilous military adventures in 1568 and 1572, which far exceeded the resources of his Nassau territory. Before the Prince of Orange departed in September 1577 for the South, where he would become the *de facto* leader of the General Union in Brussels and subsequently in Antwerp, he had made a serious attempt to get his brother Jan, whose character was so different to his own but whom he trusted fully, appointed as his representative in Holland and Zeeland and later possibly in Utrecht as well. The towns of Holland nevertheless did not accede to this wish of their stadtholder. They presumably preferred, in political matters, to look after their own interests and therefore did not have any need whatsoever for a lieutenant-stadtholder. Besides, it is entirely understandable that in the circles of the merchants and regents of Holland a person like Jan of Nassau with his strict Calvinist convictions and his German-patriotic views could hardly have been considered *persona grata*<sup>12</sup>. Later, in May 1578, Prince William succeeded, however, in having his brother appointed as stadtholder of Gelderland.

With fervent enthusiasm the new stadtholder took up the cudgels in his province for the cause of the revolt and for that of the true faith, two sacred issues in his eyes and moreover linked, according to him, indissolubly to each other. In his Catholic province Count Jan acted in fact as an anti-Catholic party-leader. Thus in a letter to a supporter he undisguisedly stated that he felt himself in solidarity with *die Religionsverwanten und welche es mit dem Vaterlandt treulich und wol meinen* (the co-religionists and true Patriots)<sup>13</sup>. The behaviour of the Nassau leader was not only partisan but often also brusque and high-handed. The court of Gelderland, a veritable hot-bed of pro-Spanish intrigues, he arbitrarily deposed, an unconstitutional act of course. Wherever he

<sup>12</sup> Cf. A. Duch, *Zur Beurteilung der Utrechter Union*, Archiv für Reformations-Geschichte, XLII (1952) pp. 186, 187. See also A. E. M. Janssen, *Het verdeelde huis, Prins Willem van Oranje en graaf Jan van Nassau bij de totstandkoming vande Unie van Utrecht*, in: S. Groenveld and H. L. Ph. Leeuwenberg eds., *De Unie van Utrecht. Wording en werking van een verbond en een verbondsakte*, Den Haag 1979.

<sup>13</sup> G. Groen van Prinsterer (ed.), *Archives ou Correspondance inédite de la maison d'Orange-Nassau*, prem. ser., VI, Leide 1839, p. 432.

was able to, he supported Calvinist attempts to take possession of churches, unlawfully if need be. In this regard he gave free rein to his troops, Holland troops, when they committed acts of violence directed against the Catholics. The Estates of Gelderland, overwhelmingly Catholic and conservative, did not fail to express their opposition to the exorbitant novelties of their stadholder. Thus they stubbornly resisted his attempt to introduce the Peace of Religion into Gelderland, whereby they, of course, appealed to the Pacification of Ghent. This continuous reference to the Ghent agreement irritated the easily inflammable stadholder considerably. In a scene that has since become famous he angrily shouted at the Gelderland representatives at an Estates meeting at Arnhem in September: *Anoint and rub Yourselves with the Pacification of Ghent*<sup>14</sup>.

With unabated zeal and energy Jan of Nassau worked at the realization of a closer union. In these efforts he met with stubborn opposition not only in Gelderland but in the other eastern and northeastern provinces as well, an opposition directed particularly against his Calvinist missionary spirit. But he was, however, never daunted by all this. His plans about union were first of all aimed at the establishment of a closer union between "contiguous and neighbouring provinces" such as Holland, Zeeland and Utrecht, as well as Gelderland, Overijssel, Drenthe, Friesland and Groningen. In the second place, however, he also had in mind the admission of Brabant and Flanders<sup>15</sup>.

The endeavours of the Gelderland stadholder to bring about a bigger closer union were shared by his brother and were probably also inspired by him. When in the summer of 1578 the General Union seemed about to fall victim to a disintegration process that could not be arrested, the Prince of Orange cherished the hope that the closer union, on whose creation people in the north were working, would be able to serve as a foundation and at the same time as a starting-point for a renewed efficacious General Union. He otherwise kept himself for the most part strictly in the background in order not to give offence, as leader of the General Union, to the Walloons whose separatist tendencies had in any case been strengthened by the rumours about the formation of the heretical closer union in the North<sup>16</sup>.

On the settlement of the equally fundamental as vexed question of religion the prince did indeed try to exert influence. The draft for a union drawn up in consultation with his adherent, the Utrecht *landsadvocaat* (Grand Pensionary), Floris Thin, entailed a settlement of the religious question in the spirit of the Peace of Religion advocated by

<sup>14</sup> L. Delfos, *Anfänge*, o.c., p. 102.

<sup>15</sup> Ibidem, p. 93.

<sup>16</sup> Cf. A. Duch, *Zur Beurteilung*, o.c., p. 188.

him. Neither Jan of Nassau nor the Hollanders and Zealanders wanted, however, to assent to this and they succeeded in the end to force through a settlement more in line with their own views. According to the famous clause 13 of the definitive Union text the provinces would, to be sure, be allowed to 'follow the rules set down in the Peace of Religion', but the essence of the clause was that each province was permitted to conduct its religious affairs according to its own wishes, provided that freedom of conscience was retained. That meant therefore a licence to follow, if desired, the example set in 1573 by Holland and Zealand. As we now know, the further development would indeed proceed along the lines followed by Holland and Zealand. Clauses 14 and 15, relating to the alimony of refugee clergy and monks and nuns who had deserted their monasteries, were also to be edited in an expressly anti-Catholic spirit. Even if it would not be right to characterize the Union document as Calvinist in its totality, the three above-mentioned clauses did evidently give it a certain anti-Catholic, Reformed flavour. Ghent in any event regarded the Union as a Calvinist alliance and was therefore over-eager to join it.

I cannot here go deeper into the negotiations and deliberations preceding the signing of the definitive text nor into the various drafts which were then under discussion. Neither can there be any question of analysing seriously here the terms of the Union treaty. It has already repeatedly been concluded that it must first of all be considered as a close and permanent defensive alliance: *vis-à-vis* the outside world the united provinces would act "as if they constituted only a single province". For the rest, for example in matters of religion already touched upon, the text of the Union made allowance for a large measure of provincial autonomy. Thus the unitary element in the Holland-Zealand union of 1576 was in any case considerably stronger. The Union of Utrecht certainly did not mean a break with the General Union. Its members regarded their federation as a closer union within the wider context of the Union of 1577.

After 23rd January, which only witnessed a very small number of admissions, the other areas in the North (except the city of Groningen) joined the Closer Union. These admissions proceeded very laboriously in many cases and not without the necessary pressures. Overijssel and the Quarter of Zutphen only more or less joined well over a year later. It appeared that they were not prepared for a formal admission. A part, a considerable part, of the South also joined. Ghent, whose enthusiasm, as we have seen, almost knew no bounds, signed already on 4th February 1579 and that example was followed — gradually and under considerable pressure on the part of Ghent — by the other "members" of Flanders. Of the Brabant towns, Antwerp, Breda and Lier became members.

It certainly seems to me worth while to examine more closely the Prince of Orange's reaction to the formation of the Union of Utrecht. Since the appearance of an important article by the Leyden historian, P. J. Blok, in 1920<sup>17</sup>, it has generally been taken for granted that the prince was totally opposed to the alliance formed in Utrecht and that he reluctantly joined only on 3rd May 1579 because he simply had no other choice. When the Utrecht burgomaster Van Leyden visited him in Antwerp at the end of February he was told by the prince that he (William of Orange) had hoped for the formation of a sound union but that the one established (the Union of Utrecht) was no good<sup>18</sup>. In the opinion of the prince a closer union should be more closely aligned with the General Union and be more in accord with the Pacification of Ghent. A settlement of the religious question ought to be based on the Peace of Religion. At the same time he considered a stronger union, with a more powerful central authority, desirable. William of Orange had indeed had a draft for a new general union worked out by the Council of State along these lines. Nothing, however, came of this draft, which was presented to the States General on 11th April, as a result of the fierce opposition against it on the part of the Closer Unionists. These proved to be of the opinion that a union "founded on a religious peace" or "mixed with it" would be "wholly unstable"<sup>19</sup>.

The generally accepted view of the prince's attitude in all this seems to me too unnuanced. If one were to accept it unquestioningly then one would also have to assume that the Prince of Orange had been a sincere idealist of the most naive kind. At the same time it should not be forgotten that the Holland regents were not the only people in the Netherlands to give due considerations to varying political circumstances. For it was particularly William of Orange himself who had had his brother appointed as stadtholder of Gelderland and whom he had specifically charged with the task of founding a closer union. Would the prince not have realized that a union established by his brother would at the very least have assumed a somewhat Calvinist character? And did he not know his Holland and Zeeland "realists" well enough to have realized that they were absolutely opposed to a settlement of the religious question based on the Peace of Religion? Was not the prince seemingly serving two masters at the same time<sup>20</sup>. As leader of the General Union he had to keep himself aloof from the plans to establish a parti-

<sup>17</sup> P. J. Blok, *Oranje en de Unie van Utrecht*, *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, Vth series, VII (1920).

<sup>18</sup> P. J. Blok, *Brief van den Utrechtschen burgemeester Aernt Dircksz. van Leyden over zijne zending naar den Prins van Oranje* (Antwerpen, 26 Febr. 1579), *Bijdragen en Mededeelingen van het Historisch Genootschap*, XLI (1920).

<sup>19</sup> P. J. Blok, *Oranje en de Unie*, o.c., p. 12.

<sup>20</sup> See also A. Duch, *Zur Beurteilung*, o.c., p. 188.

cularistic union. During the critical months at the beginning of 1579 he moreover wanted to make a final desperate attempt to save the General Union and to check Walloon separatism in particular. He accordingly devoted himself to the finding of a solution in the spirit of the Pacification and the Peace of Religion, a solution he as a matter of fact also personally favoured. That had of course to lead to a rejection of the Union of Utrecht. On the other hand, the Prince of Orange must have realized, however, that the solution just mentioned had only a very limited chance of success. If it did indeed turn out to be impossible, then he was, in my opinion, prepared to accept the other, Calvinist and Holland, solution, that of the Union of Utrecht, for he wished to continue the struggle against the Spanish king at all costs. When it became absolutely clear that the Walloons would reconcile themselves with the king on terms favourable to them, the prince took his, not in any way surprising, turn and joined the Union of Utrecht on 3rd May 1579. Precisely two weeks later the three Walloon provinces would reach their agreement with Parma as representative of Philip II. The prince must no doubt have realized that the development would now probably proceed along the lines of a Calvinization (at least to a certain extent) of all Netherlands provinces. This process would indeed get fully under way in future and would probably also have been completed if the advance of Parma had not, as far as the South is concerned, put an end to it.

Between the General Union and the Union of Utrecht there was considerable tension initially because the relation between the two was not well-defined. The government of the General Union occupied itself in the main with the South and at the same time retained the leadership in the field of foreign policy. The governing body of the Closer Union concerned itself exclusively with the North, in particular with matters of defence. Accordingly, the southern members of the Union of Utrecht were not much more than honorary external members. Even a city such as Ghent never made its financial contribution, its so-called "quote", to the treasury of the Closer Union<sup>21</sup>.

In the winter of 1579/80 the relationship between the Generality and the Closer Union improved considerably. Partly through the intermediary of the Prince of Orange, the States General came to accept the Union of Utrecht as one of the foundations of the Generality<sup>22</sup>. After the conquest of the South by Parma the Generality and the Closer Union were fused into one. Thus the Union of Utrecht became the only legal foundation, the constitution as it was termed, of the Republic of the North.

<sup>21</sup> *Ibidem*, p. 189, 192. See also P. L. Muller, *De Staat der Vereenigde Nederlanden in de jaren zijner wording 1572 - 1594*, 2nd ed., Haarlem 1878, p. 252.

<sup>22</sup> A. Duch, *Zur Beurteilung*, o.c. 8, 196.

Precisely because of its extremely loose federal cohesion, the union system provided the powerful maritime province of Holland every opportunity to establish its supremacy. Considering the situation prevailing at the time that does seem to have been the best solution. While Holland (together with Zeeland) had continued to assume a separate position in the General Union system, in which the centre of gravity traditionally lay in Flanders and Brabant, and had joined that Union more as ally than as member, in the Closer Union it was, for understandable reasons, content with a legal position similar to that of the other members.

That the North was not lost to the cause of the revolt, that the Closer Union was at least to maintain itself, was mainly due to Holland. In explanation of the decisive role played by this province, I should particularly like to point to the fact that Holland, with its numerous towns<sup>23</sup>, economically primarily concerned with maritime trade and fishing, was, as regards social structure, far more homogeneous than Brabant and Flanders and, accordingly, much less exposed to dissension and civil war. In the industrial cities of the South the class contradictions were far more pronounced than in the commercial cities of Holland and Zeeland. I have already drawn attention to the fact that Parma's military successes in the South can partly be explained by the sharp contrast, which also shows unmistakably the character of a class contradiction, between the Walloon nobility and the guild democracy of Ghent and other cities<sup>24</sup>. In Holland the fanatical agitation of the radical Flemish Calvinists would later be denigratingly described as '*fla n d r i s e r e n*'.

## II

The Dutch Republic, which was based on the Union of Utrecht and in which the province of Holland assumed such a dominant position, would play an important and — in many respects — unique role in the 17th century. This remarkable political structure bore conservative as well as modern features. On the one hand, the political system of the Republic can be considered as a — for that matter undoubtedly unique and new — variant of the late-mediaeval constitutional state. On the other hand, it was precisely in the Republic that the "common good" (*bonum publicum*) was no longer regarded as opposed to the interests of the individual citizens, but was in fact brought into a close positive align-

<sup>23</sup> Since the outbreak of the Revolt in the 1570's the towns had 18 votes at their command in the Estates of Holland, whereas there was only one vote for the nobility.

<sup>24</sup> Cf. J. C. Boogman, *Charles Wilson, Koningin Elizabeth en de Opstand, Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden*, LXXXVII (1972) p. 96.

ment with, and founded on, those very interests. In this view the state was regarded as a function of society, a conception which differed widely from that which prevailed in the Europe of royal absolutism<sup>25</sup>. The loose federal system certainly provided cities and provinces ample opportunities for seriously promoting the essential interests of their own citizens and subjects.

If we want to analyse a political system or parts of it, constitutions and other important legal provisions and regulations often have only a rather limited significance. This is certainly very evident in the case of the Union of Utrecht. As we have already seen, the Union should first and foremost be considered as a close alliance "for all eternity" of a number of Netherlands provinces; it moreover bore the stamp of the specific political situation that prevailed at the close of the 1570s so much that, as legal foundation of a federal system which was to remain in force for more than two hundred years, it could not but fall seriously short of the expectations. Of the 26 clauses of this "constitution" more than half were never actually put into practice, either wholly or in part. The "allies", i.e. the Netherlands provinces which had formed the Union, however, never effected the necessary expunctions and amendments. They apparently preferred to ignore completely a large number of clauses and provisions. Thus nothing came of the formation of militias as envisaged by clause 8. It is otherwise quite understandable that a commonwealth in which the rich province of Holland with its dominant merchant class so much called the tune, would have preferred its army composed of mercenaries, drawn mostly from abroad, rather than of armed citizens. To mention but one further example: clause 5, which laid down a number of Generality taxes (the levying of excise duties on an equal footing in all provinces), in fact remained a dead letter as well. Already in 1583, the "allies" reverted to the old well-tried system of quotas: each province retained its own tax system and yearly paid a fixed percentage of the Generality expenditures; since 1616 Holland's quota amounted to well over 58%. In this case, too, the non-compliance of a Union stipulation is all too understandable: there were such differences among the provinces as regards material prosperity (the wealthy province of Holland of course assumed a unique position) that the levying of the general consumption duties favoured by Holland did not turn out to be practicable<sup>26</sup>.

It is thus not in the least surprising that the federal system which was to be fully realized in the Republic was only to a very limited extent based upon the text of the Union of Utrecht. An important organ

<sup>25</sup> Cf. J. C. Boogman, *De raison d'état-politicus Johan de Witt*, Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden, XC (1975) p. 380 - 384.

<sup>26</sup> Cf. P. Paulus, *Verklaring*, o.c., I, p. 408.

like the States General, for example, did not have its juridical foundation in clause 19 of that text, but is to be regarded as the natural continuation of the States General according to the General Union system of 1577<sup>27</sup>. Only very few of the provisions of the Union treaty can be considered as true constituent elements of the government system of the Republic. So, clause 1 imposed upon the allies the obligation to stand together in defence of one another's privileges. In clause 9 it was stipulated that the allies would generally act upon the basis of a majority decision except in the case of the declaration of war, the making of a truce, the conclusion of peace and the imposition of financial burdens on behalf of the Generality, in which instances unanimity was required; we must mention that at the conclusion of the peace with Spain the unanimity was not taken too seriously: three provinces, Zealand, Friesland and Utrecht, were outvoted at the time. By clause 10 the separate provinces were prohibited from concluding offensive or defensive alliances with foreign powers—other, less far-reaching agreements in the field of international relations were thus not considered as inadmissible. Clause 13 left the settlement of the religious issues, as we have already seen, to the provincial authorities. Generally speaking, therefore, not too much weight was attached to the literal text of the Union. Thus the Council of State declared in 1659 in no uncertain terms that the Union text ought to be interpreted in accordance with *de experientie ende opgevolghde practicquen* (experience and practices followed)<sup>28</sup>.

The conclusion that the true significance of the Union of Utrecht has been much overrated appears to be obvious but seems to me nonetheless incorrect. As a constitution, the Union, it is true, did not mean very much; on the other hand, it was of exceedingly great positive significance as a sign, as a symbol of the federal co-operation of the Dutch provinces. Many Dutchmen, not least of all the orthodox Calvinists, gradually came to view the Union document as an almost sacred text, drawn up by wise forefathers, who could be considered as the legendary founders of a Protestant commonwealth which with God's help had freed itself from the spiritual and worldly tyranny of Rome and of Madrid and which was soon able with God's blessing to rejoice in an unparalleled prosperity, power and prestige.

With the passage of time the sacred, or if you like, mythical character of the Union came to be accentuated more strongly. The so clearly evident sacred respect for the wisdom of the forefathers can also of

<sup>27</sup> R. Fruin, *Geschiedenis der staatsinstellingen in Nederland tot den val der Republiek*, H. T. Colenbrander ed., 'sGravenhage 1901, p. 388.

<sup>28</sup> A. Th. van Deursen, *Tussen eenheid en zelfstandigheid. De toepassing van de Unie als fundamentele wet*, in: S. Groenveld and H. L. Leeuwenberg eds., *De Unie van Utrecht*, o.c., p. 152.

course be related to the traditionalist view prevalent up to the middle of the 18th century: the past was regarded as the principal source of political inspiration. With how much enthusiasm people, including the then "progressives" who stood outside the Reformed tradition, participated in the cult of the Union of Utrecht during the last decades of the *ancien régime*, may be gauged from the quotation given at the beginning of this lecture. Thus the Union myth became a fundamental ideological foundation of the principle of federal unity and at the same time of a gradually developing supra-provincial national consciousness. This myth most certainly fulfilled a real need: it functioned as a very necessary counterbalance to the local and provincial feelings of solidarity which remained so uncommonly forceful and vital, in fact even continued to prevail, until the very end of the old Republic (I shall revert to this later). Besides, let us not forget that the advocates of local autonomy and provincial sovereignty could equally well appeal to the Union of Utrecht. For in terms of clause 1 it had as a principal aim: maintenance of the privileges.

Up to about the middle of the 17th century, the belief in the durability of the "éternal" league founded in 1579 at times left quite a good deal to be desired. Apparently the Union was viewed so much as a military alliance against the Spaniards that doubt came to be raised as to its survival once the ending of the war against the Spanish king appeared to come into sight. Thus the States General insisted in the spring of 1607 that the Union be renewed and if possible strengthened by a revision. The matter was then allowed to rest when it turned out that only a truce could be agreed upon<sup>29</sup>.

When in the 1640s it finally began to look as though the endless war with Spain would be ended by a definitive peace it seemed that the survival of the Union was at stake as well. Rumours were then circulating that the Holland regents, who so vigorously called for the conclusion of peace, wished to withdraw from the Union after the ending of the war. It even appeared that foreign diplomats in The Hague were of the opinion that after restoration of peace the Republic would burst asunder like a soapbubble<sup>30</sup>. When the negotiations with the Spaniards entered a decisive phase in the autumn of 1646, it was Zeeland which openly expressed the concern that *on the occasion of peace the Union was in considerable danger of becoming crumpled up and perhaps dissolved*<sup>31</sup>. In order to induce the Zeelanders to give up their opposition

<sup>29</sup> H. T. Colenbrander, *Uit de geschiedenis der Unie*, Historie en Leven III (Amsterdam 1915 - 1920) p. 88.

<sup>30</sup> J. H. Kluiver, *De Republiek na het bestand 1621 - 1650*, in: *Algemene Geschiedenis der Nederlanden*, VI, Haarlem 1979, p. 365.

<sup>31</sup> H. T. Colenbrander, *Historie en Leven*, III, 93.

to the peace negotiations. Holland, with the other provinces, agreed to promise solemnly in the States General that the Union would be maintained after the conclusion of peace as well; on the same occasion the "allies" also made solemn declarations in respect of the *Militie* (standing army) and the maintenance of the "Christian Reformed Religion", as it was affirmed in orthodox Calvinist spirit at the Synod of Dordt (1619). After the conclusion of peace (1648) and the sudden death of the stadtholder William II (1650), solemn declarations with regard to those three points (Union, religion and *militie*) were once more made at the so-called *Grote Vergadering* (Grand Assembly) in the Hague (1651).

On the question of the continuance of the Union, the Hollanders were therefore quite outspoken in 1646 and 1651. It turned out, however, that they felt no need for a proposal, which Groningen introduced in the States General in October 1663, to let the deputies to the Generality take on oath to the Union and religion, so that the motion stood no chance at all. On that occasion it was stated by Holland that a valid, workable text of the Union should first be drawn up before people were asked to swear oaths. For the Union text contained several provisions which were never put into practice; besides, there were also a few clauses with which some provinces were not prepared to comply<sup>32</sup>. That was hitting the nail on the head. This reaction on the part of Holland once again shows very clearly that it was fully realized that the Utrecht "constitution" should not be taken all too seriously and certainly not too literally.

At the time of the conclusion of the Westphalian peace treaty there was otherwise no real danger at all of Holland withdrawing from the Union. The Hollanders of course became very irritated when the so much weaker "allies" dared to adopt an obstructionist attitude towards a policy which was aimed at the furtherance of essential Holland interests. The irritation was then expressed in vehement criticism of the shortsighted "allies" and sometimes in denigrating opinions about the Union, that oppressive bond, from which the powerful maritime province should really free itself. Thus it was with the most deep indignation that baron van der Capellen of Gelderland made mention of the equally scandalous as insulting utterances of some Amsterdammers. These had given him to understand that the Union of Utrecht had served its time now that the peace with Spain was concluded. They had moreover deeply wounded the pride of this Gelderland patriot with their remark that Gelderland, Overijssel and the other small provinces were in fact territories conquered by Holland. Van der Capellen was nonetheless convinced that the overbearing Hollanders certainly had no intention

<sup>32</sup> *Ibidem*, III, 95.

of allowing the matter to come to a formal break with their "allies". A closer union of the six, to which other areas would possibly be admitted, could perhaps one day turn itself against Holland.<sup>33</sup>

Van der Capellen was undoubtedly right. The overwhelming majority of the Holland authorities was for that matter also apparently convinced that the pointer of the scales of Holland's interest in respect of the Union was clearly moving towards the credit side. The outer provinces might at times be somewhat obstructionist, it is true; however, resolutions of the Estates of Holland were far more frequently converted into Generality resolutions without too much difficulty. One can still add here that the strategic *propugnaculum* motive, which played such an important role at the time of the foundation of the Union, remained in force later as well.

One formidable obstacle to possible separatist tendencies of the Hollanders still deserves special mention. I am referring here to the attitude of the orthodox Calvinists. The relation between this important grouping and the Holland political elite, in which the principled Republican, anti-Orangist "Loevestein faction" called the tune, left so much to be desired that the primary consideration of the political leaders of Holland was not to allow the conflicts with the strict Reformed group to escalate. For this reason, if for no other, they could not afford to pursue a separatist policy: such a policy would meet with such fierce Calvinist opposition that the very survival of the anti-Orangist estates-regime in Holland could be jeopardized by it. Indeed, we have already seen that, particularly in Calvinist circles, the Union of Utrecht was held in high regard as the foundation of national solidarity and the unity of the Dutch provinces.

The privileged Reformed Church, closely aligned with the government, might very well have been subjected to the supervision of the provincial (and local) public authorities; in many respects, however, it can in fact be regarded as the national Church of the Dutch Republic. In any event, this was the opinion subscribed to by the most dedicated church-members. The Church doctrine officially recognized in all provinces for that matter also bore a national character: it was laid down at the famous national Synod of Dordt. The same can be said of the recruitment of the local ministers: in the matter of the appointment of a good preacher of the Gospel the local and provincial boundaries were simply ignored. Let us furthermore bear in mind that the struggle against Spain was seen in Calvinist perspective as primarily a religious struggle, at the command of God, directed at the liberation of all Dutchmen from the Roman Catholic-Spanish yoke. The Dutch nation was moreover viewed in its totality as a chosen people in Calvinist circles: the Republic

<sup>33</sup> Alexander van der Capellen, *Gedenkschriften*, 2 vols., Utrecht 1777 - 1778, II, p. 281.

prospering through God's grace was to many Reformed Dutchmen a second Israel.<sup>34</sup>

A man like Johan de Witt, the famous Grand Pensionary of the province of Holland, likewise regarded the common religion as an extremely important foundation of the Dutch commonwealth. In a well-known passage from De Witt's *Deductie* (Declaration) of the Estates of Holland (1654) we read:

*Have not the Seven Provinces of our time one and the same interest in their own preservation, one and the same fear of all foreign powers; are they not through mutual alliances and marriages, both of regents and citizens, through associations, companies, brotherhoods, both of commerce and of other interests, intercourse, reciprocal possession of goods, customs and other ways so bound one to another, yea, so woven and knit one to another that it is well-nigh impossible without excessive violence, which without eminent leaders does not come about, to sunder one from another; have they not a continual coming together, or assembly of delegates or representatives, which we call the meeting of the States General, through which all weighty business of war by sea and land, conducted with common harmony, confederations and treaties with other kings, republics, princes and potentates is undertaken? Have they not common colleges of subordinate direction, for affairs at sea, for the conquests and other matters? And, above all, are not their hearts and souls united and bound in one by the spiritual and divine bond of one and the same religion?*<sup>35</sup>

There is no doubt that De Witt was not an extreme Hollandist like the Leyden textile manufacturer, Pieter de la Court, the author of the *Interest van Holland* published in 1662; for him the Republic had a real and solid significance, as may also for instance be seen in the phrase he so often chose to use: *het algemeene lieve vaderlandt* (our dear, common fatherland). But this does not detract from the fact that he regarded the Republic in the first place as an extension of Holland, as the rich, powerful central province of Holland provided with a fringe area.<sup>36</sup> The political elite in the other provinces subscribed to a similar view insofar as their opinions about the Union and the "dear, common fatherland" were also generally determined in high measure by their own diverse interests and their own provincial sense of community.

What about the political structure of this remarkable union of the

<sup>34</sup> Cf. G. Groenhuis, *De Predikanten — De sociale positie van de gereformeerde predikanten in de Republiek der Verenigde Nederlanden voor ± 1700*, Historische Studies, XXXIII (Groningen, 1977), pp. 77-107.

<sup>35</sup> *Deductie ofte Declaratie van de Heeren Staten van Hollandt ende West-Vriesland* (1654) II, ch. IV, para. 15.

<sup>36</sup> J. C. Boogman, *De raison d'état-politicus Johan de Witt*, o.c., p. 392.

seven Dutch provinces? Was it a federal state or a confederation of states? At first it does appear as though the Dutch Republic must be considered as a federal state. There was, in addition to the in so many respects "national" Church, indeed also an army of the Union, of "the State", with as head a supreme commander: the captain-general of the Union. The captain-generalship (as well as the captain-admiralship) was, beginning with Frederik Hendrik, fulfilled by the princes of Orange, stadholders of Holland and some of (and later all) the other provinces.

The Orange stadholders are to be considered as an undeniably unifying element, which seemed to fit surprisingly well into the political framework of a federal state. The semi-monarchical and at the same time unifying character of the stadholdership of the Orange princes was further accentuated when William IV became stadholder of all provinces in 1747 and the stadholdership of the Oranges was subsequently declared hereditary in all provinces in the male and female line. The States General likewise elevated the captain-generalship and the captain-admiralship to a hereditary position of the princes of Orange.

Foreign policy was a matter of the Generality as well, falling within the jurisdiction of "Their High Mightinesses", the States General. Consequently this august body appointed the State's diplomatic representatives and issued them with instructions. In respect of foreign countries, the Republic moreover had common import and export duties, the so-called convoy and licence duties. In this regard it makes a much more modern impression than the so much more centralized French monarchy.

However, when we examine this apparently so federal regime more closely, it soon becomes clear that it also comprised very definite features of a confederation of states. That is, of course, not in the least surprising. Nor should we forget that the Dutch republic originated in a revolt which was to a large extent caused by aversion and resistance to royal absolutism and centralism.

Thus it is therefore also easily accounted for that the power and competence of the Council of State, which was to act as central government, were considerably curtailed soon after the establishment of the Republic in the 1580s and the supra-provincial federal authority came to reside in the States General<sup>37</sup>. That body, in which both an insignificant province like Overijssel and the powerful province of Holland equally possessed only one vote, was as a rule, however, more an exponent of provincial interests than a truly supra-provincial authority: it must above all be regarded as an assembly of envoys sent by the "allies" to the Hague.

<sup>37</sup> See in particular A. Th. van Deursen, *De Raad van State en de Generaleit (1590 - 1606)*, *Bijdragen voor de Geschiedenis der Nederlanden*, XIX (1964).

During the initial period, when the modern conception of the one and indivisible sovereignty had not become universally accepted yet, a certain measure of sovereignty was still accorded the States General — even though it was generally agreed that in the main the sovereignty resided in the provinces, that is to say, in the provincial Estates. After the political crisis of 1615, the thesis of the sovereignty residing exclusively in the provinces came, however, to be accepted more and more widely. Particularly from that time onwards one could indeed put forward a juridical defence in favour of the thesis of a true confederation of states by basing the real governmental functions of the Generality on mere delegation by the sovereign provinces.

The warp of the federal elements in the system of government was in fact interwoven with an unmistakably confederal woof. Thus, with regard to the Union army, there developed a close bond between the provincial authorities and the section of the army directly paid by them in respect of the appointment of officers, the taking of oaths as well as in matters like the movement of troops and the garrisoning of soldiers within the provinces (as a matter of fact the town authorities were also involved particularly with reference to the latter two issues). The position as regards the navy of "the State" was no different. In the five boards of admiralty, which fell under the ultimate competence of the States General and which were charged with the maintenance of the fleet under their authority, provincial and town interests often predominated, as we shall see later.

The provinces, in particular Holland, had enormous influence over the conduct of foreign affairs as well. What did not square so well with a truly federal form of government was, from the first, the significant fact that it was not the greffier, the director of the chancery of the States General, who served as actual Minister for Foreign Affairs, but (especially during the two so-called stadtholderless periods: 1650 - 1672 and 1702 - 1747) the highest official of Holland, its Grand Pensionary<sup>38</sup>. And although the appointment of diplomats fell formally within the competence of the States General, these appointments were actually made by the province who paid for them. This state of affairs amounted in practice to the fact that the rich province of Holland paid for the ambassadors except for one or two; the expenditure for the embassy in London was traditionally paid for by Zeeland. Although the actual appointment of diplomats was therefore largely a matter for Holland, within that province it was "the big city" of Amsterdam which in fact possessed the effective appointing power for a number of posts (especially Paris, the Scandinavian countries, and the Hanseatic

<sup>38</sup> Cf. M. A. M. Franken, *Coenraad van Beuningen's politieke en diplomatieke aktiviteiten in de jaren 1667 - 1684*, Groningen 1966, first chapter.

cities)<sup>39</sup>. In the light of the above-mentioned, it can hardly be surprising to us to learn that the Dutch diplomats were also in the habit of corresponding with their own provincial authorities and the governments of their home towns about affairs concerning foreign policy.

With regard to the question of tariff policy, too, the "particularistic" nature proved by and large to be stronger than the federal doctrine. Thus the collection of the convoy and licence duties in the ports mentioned previously was usually in a deplorable state. Each admiralty tried to favour the province and in particular the town in which it was stationed. By deliberately conniving at evasive practices, the boards of admiralty sought to stimulate the shipping-traffic to their own harbours as much as possible — at the expense of other Dutch ports. Especially the Zealanders, whose province fell economically far behind compared Holland, became past-masters in the art of dodging import and export duties: an estimate of the number of evasion in the 18th century has been put at no less than 80%<sup>40</sup>. Clause 18 of the Union, which among other things prohibited the provincial authorities from imposing heavier taxes on inhabitants of other provinces than on their own subjects, likewise remained a dead letter. The provinces (indeed the towns as well), which all had their own system of taxation, deliberately aimed at favouring their own subjects as much as possible: goods from other provinces were as a rule more heavily taxed than their own products, while transit duties — equally contrary to clause 18 — were also imposed<sup>41</sup>.

Although most provinces undoubtedly formed a stronger unity than the Generality, it is nevertheless true that the provincial rulers often had great difficulty in restraining the urge for independence on the part of quarters and towns. In many of the towns there was clear evidence of city-state tendencies both in the political and in the economic spheres. For someone like Grand Pensionary Johan de Witt, it proved to be a difficult task *to avoid [...] that the bond of the whole body of Holland and West Friesland and the authority of the Estates do not fall into decay and the individual members become altogether independent of the united body*<sup>42</sup>.

The union between Holland and Zeeland formed in 1576 in many respects still retained the character of a league of towns and also later Holland continued to show features of a league of city-states. These

<sup>39</sup> J. Aalbers, *De Republiek en de vrede van Europa 1713 - 1733* (to be published in 1980).

<sup>40</sup> J. de Vries, *De ontduiking der convoeien en licenten in de Republiek tijdens de achttiende eeuw*, Tijdschrift voor Geschiedenis, LXXI (1958), p. 358 ff.

<sup>41</sup> R. Fruin, *Geschiedenis der Staatsinstellingen*, o.c., p. 387.

<sup>42</sup> *Brieven van Johan de Witt*, II, Werken van het Historisch Genootschap, 3d series, XXV (1909) p. 397.

"city-states" could often take up very recalcitrant and arbitrary positions. For their aim was to stimulate their own town interests at all costs, if necessary at the expense of the other towns of the province. Thus it was a fairly common practice for the government of a Holland town to encourage a certain laxity in respect of the collection of the provincial duties in its town; in this way it was hoped to strengthen the competitive position of the urban enterprises and at the same time to make more attractive the settlement in the town of able businessmen and labourers from elsewhere<sup>43</sup>. With regard to the right to follow a profession or trade, the local residents were generally speaking otherwise clearly favoured through the guild regulations. Finally, I should like to note in this connection that the importance of the town within the government system of the Republic is furthermore evident from the great weight which was attached to urban citizenship. By acquiring the citizenship of a town one also became a subject of the province concerned. It was only after the demise of the old Republic in 1795 that a national Dutch citizenship was introduced<sup>44</sup>.

Must we now conclude, on the basis of the foregoing, that the Republic of the United Netherlands was not a federal state but a confederation of states? This conclusion does not seem justified either. When we compare the federal structure of the Republic with that of the Swiss Confederacy or with that of the 19th-century German Confederation, what stands out is how much stronger the federal character was in the case of the Dutch "State". It goes without saying that, in this case too, the intractable historical reality proves not to lend itself to being squeezed into the straitjacket of a theoretical model: the Dutch Republic must undoubtedly be considered as a *mixtum compositum*: a confederation of states with some essential features of a federal state. The Dutch "confederative federation" was one of the hegemonic kind. Just as Prussia called the tune in Bismarck's German federal state, so in the case of the Dutch Republic the province of Holland assumed a dominant position. Very appropriately, it has been remarked that the Republic consisted of Holland and six allies<sup>45</sup>. Buzanval, who was French ambassador at The Hague about 1600, observed already that Holland was *la meilleure pièce du harnois, et le reste ne sont qu'accessoires et comme frontières*<sup>46</sup>. It is therefore quite understandable that

<sup>43</sup> Aalbers, *De Republiek en de vrede*, o.c.

<sup>44</sup> Cf. S. J. van Geuns, *Proeve eener geschiedenis van de toelating en vestiging van vreemdelingen in Nederland tot het jaar 1795*, Schoonhoven 1853, p. 290 - 292.

<sup>45</sup> See H. Wansink, *Holland and Six Allies: the Republic of the Seven United Provinces*, in: J. S. Bromley and E. H. Kossmann eds., *Britain and the Netherlands*, IV, The Hague 1971.

<sup>46</sup> Cf. G. W. Vreede, *Lettres et négociations de Paul Choart, seigneur de Buzanval, ambassadeur ordinaire de Henri IV en Hollande et de François d'Aerssen*,

already soon after the foundation of the Republic the word Holland became, in practically all languages, the usual (*paris pro toto*) designation for the whole of the United Provinces. In this regard, a highly typical instance is the mistake made by the French king, Henry IV, when he once gave Oldenbarneveldt, the *advocaet* (Grand Pensionary) of Holland, the title of "advocat général des Sieurs Estats Généraulx des Provinces Unies des Pays-Bas"<sup>47</sup>. It was of course an obvious choice when not Utrecht but The Hague became the seat of the States General in 1588.

The loose federal form of government afforded Holland, as we have already seen, good opportunities to assert its natural ascendancy. Important in this respect was of course the cardinal fact that the wealthy maritime province was as a rule better able to fulfil its heavy financial commitments to the Generality than the other provinces. It moreover turned out that Holland was sometimes prepared to come to the aid of the admiralties financially and to make advances to other provinces on their quotas owed to the Generality. Holland's federal-mindedness had its firm base in the material interests of the province: with a view to the huge worldwide economic interests it was precisely this very province, this global commercial centre, which profited by a sound and efficient functioning of the Generality system. Therefore Holland's political leaders, men like Oldenbarneveldt and De Witt, could hardly avoid playing a leading role on the „national stage”. Indeed, De Witt in particular, became, as a permanent member of the delegation of the Estates of Holland to the States General, the driving force of the *besognes* (committees) of the States General. These *besognes*, which had long been mere advisory committees, acquired — above all through his participation — more and more the character of government organs.

The tendency of the spokesmen of Holland's political elite to regard the Republic as their own dominant province, enlarged by a few appendages, could not but evoke opposition on the part of the so much weaker outer provinces. These consequently often sought support from the House of Orange in order to counterbalance what was felt by them to be the oppressive preponderance of Holland. When Holland's ruling class, however, was united and was also willing to make financial sacrifices, the hegemonic province generally succeeded in having its resolutions approved by the States General. However, if there was discord in Holland, if there were groups, factions or towns which vigorously opposed one another, then it was possible for an anti-Holland coalition

*agent des Provinces Unies en France (1598, 1599), suivis de quelques pièces diplomatiques concernant les années 1593 - 1596 et 1602 - 1606*, Leiden 1846, p. 129.

<sup>47</sup> S. P. Haak, ed., *Johan van Oldenbarneveldt. Bescheiden betreffende zijn staatkundig beleid en zijn familie, I, 1570 - 1601*, Rijks Geschiedkundige Publicationen, LXXX ('s-Gravenhage, 1934), pp. 370, 371.

to impose its will upon the powerful province. A most striking instance in this regard is the downfall of Oldenbarneveldt and his party in 1618. That downfall and the concomitant decapitation of the *advocaet* (Grand Pensionary) must primarily be attributed to the fact that powerfull cities like Amsterdam and Dordrecht had chosen the side of Oldenbarneveldt's opponents, stadholder prince Maurits and his adherents<sup>48</sup>.

Vehement contradictions and serious conflicts between the House of Orange and the Holland regents were practically inevitable: on the one hand, the Estates of Holland regarded themselves as sovereign and the stadholder as formally their servant and subject; on the other, this "servant", who in fact assumed a semi-monarchical position, possessed influence over the composition of the sovereign Estates through the powers invested in him in respect of the election of town governments and councils.

In addition, there were the fundamental contradictions in the field of foreign policy. Once Holland had won commercial hegemony, the Estates of the province strove as far as possible to maintain the *status quo*. Peace and quiet and commerce had become the watchwords of Holland's policy. All this implied respect for international law (*pacta sunt servanda*) as well. The pacifism of the Hollanders, not idealistic but utilitarian, went hand in hand with, in theory at least, a policy of abstention and non-commitment and a tendency to isolationism. This was also due to a certain apprehensiveness about falling victim to the aspirations and machinations of vainglorious, bellicose and expansionist potentates. The political elite of Holland showed an utter distaste for territorial expansion; indeed, there are occasional signs within that circle of a certain tendency towards territorial contraction.

In contrast with the maritime commercial Holland tradition<sup>49</sup>, the princes of Orange, who in case of conflicts used to be backed by the more insignificant land provinces, the orthodox Calvinists and the, partly foreign, officers of the hired army, were more representative of the current monarchical-continental element. Especially in the period 1625 - 1650 they aspired to a monarchical position and strove for territorial expansion.

The siding of Orange with the outer provinces against Holland always took place under the banner of the federal union ideal. As a defence against this tactic the Hollanders were wont to appeal to the principle of absolute provincial sovereignty. In this view, the "State" was

<sup>48</sup> Cf. J. C. Boogman, *De terechtstelling van Johan van Oldenbarneveldt*, in: *Vaderlands Verleden in Veelvoud*, Den Haag 1975, p. 230.

<sup>49</sup> Cf. J. C. Boogman, *Die holländische Tradition in der niederländischen Geschichte*, Westfälische Forschungen, XV (1962).

therefore regarded as merely a confederation of seven sovereign provinces. Declarations of this nature need not be taken all too seriously; for they formed too much an element of a political defence strategy and ideology. The policy of Holland in normal circumstances can in any event better be characterized as Generality policy, as federal policy rather than as "particularism". It was precisely the land provinces which were more afflicted with this latter phenomenon. Their co-operation with the princes of Orange was generally indeed determined far more by their own provincial interests than by federal ideals or feelings of loyalty and attachment to the House of Orange. Geyl's thesis that the representatives of Zeeland and of the land provinces in the States General at the time of Frederik Hendrik were "yes-men", creatures of the prince<sup>50</sup>, therefore seems difficult to maintain: the vast majority of them were no princely lackeys but genuine provincialists, who, however, joined forces with the Oranges when they deemed it desirable with a view to the furtherance of their own provincial interests<sup>51</sup>.

One should otherwise bear in mind that the anti-Holland coalition of Orange with Zeeland and the land provinces was more exception than rule. Particularly the so-called stadholderless periods naturally often provided Holland with good opportunities to assert its ascendancy and to fulfil its natural role as federal co-ordinator and stimulator. As a matter of fact, the princes of Orange were also, with a view to their own interests, usually (especially after the political crisis in the middle of the 17th century) prudent enough to give due consideration to the interests and wishes of the hegemonic province.

We have already remarked that the form of government of the Republic provided urban and provincial authorities with highly favourable opportunities to promote seriously the real interests of their citizens and we have also seen that in the United Provinces the State was already at an early stage regarded as a function of society. Although the political power in the Republic was the monopoly of a political and social elite, it used generally, at any rate in the 16th and 17th centuries and especially in Holland, to come up for the material interests of the burghers, in particular of the merchants as far as Holland is concerned. The innumerable pamphlets which were published also show to what extent there existed an interest in public affaires among broad layers of the population, at least in the towns. And when we compare the foreign policy of the Republic with that of the monarchies, it will indeed become apparent to us that in the case of the United Provinces

<sup>50</sup> Cf. P. Geyl, *Geschiedenis van de Nederlandse Stam*, o.c. p. 443.

<sup>51</sup> Cf. F. J. L. van Dulm, *Het Besogne van de gedeputeerden te velde 1625 - 1647* (unpublished graduate student essay, Utrecht, 1978).

the issue of *secretesse*, the secrecy in respect of important affairs of state was handled in the most deplorable manner; but can we, with regard to the policy itself, deny that the Dutch foreign policy, based as it was on a consistent furtherance of economic and, in particular, commercial interests, by and large made a more rational and coherent impression than the at times rather capricious policy of many of the courts? In the Dutch case we have to do with an interesting modern variant of *raison d'état* politics<sup>52</sup>.

There is, however, a reverse side to the medal as well. Because towns, quarters and provinces did everything in their power to further their own interests, the federal system often functioned rather badly. Very often it proved to be exceptionally difficult to arrive at a decision: so many interests had to be taken into consideration; there were so many sovereign or semi-sovereign official bodies which had to give their approval that in many cases it is little short of a wonder that any decision was taken at all. By means of a tactic of compromise and accommodation it was often possible to keep the machinery of the federal state going. Especially later, in the 18th century, it would, however, repeatedly prove to be impossible — in case of major clashes of interests — to solve important problems. Particularly at this time there emerged the deleterious effects of the absence of proper arbitration regulations and of a decision-making procedure, which would lay down binding majority decisions also in matters involving financial consequences.

The impasse into which the federal system got itself in the 18th century cannot in the first instance be attributed to constitutional and procedural flaws. For these were already present in the 17th century. Yet the federal system continued to function then — albeit often with great difficulty. As an explanation of the federal relapse in the 18th century, one should undoubtedly point to factors of an economic and financial-fiscal nature. Particularly many towns in Holland suffered as a result of the economic stagnation in the 18th century. Under the heavy pressure of the unfavourable economic circumstances, the town governments of Holland were then more than ever before bent above all on the safeguarding of their own town interests. All this led naturally to an intensification of the differences and rivalries between the towns, which in turn had as consequence that the Estates assembly of Holland fell victim to dissension and powerlessness. This process of disintegration was greatly stimulated by difficulties and conflicts in the financial and fiscal spheres.

As a result of the wars waged by the Republic, especially the public debt of Holland, which had to bear the lion's share of the financial

<sup>52</sup> Cf. J. C. Boogman, *De raison d'état-politicus Johan de Witt*, o.c.

burdens of the Generality and whose population was moreover taxed more heavily than the inhabitants of the other provinces, increased enormously. The War of the Spanish Succession in particular had brought Holland to the edge of the financial precipice: after the war the province had to spend about 70% of its annual revenue on the necessary expenditures relating to its public debt. After the peace of Utrecht, the attempts at financial reconstruction, however, led to much domestic discord, especially between Amsterdam, which proportionately bore too little a share of the provincial burdens, and a coalition of other Holland towns. The disastrous consequence of these violent differences was that the hegemonic province, particularly in the years before 1730, did not prove to be capable of fulfilling its traditional role as leader. Because of the antagonisms and conflicts within the ranks of the "allies", an urgent need for strong leadership on the part of Holland was, however, also felt in these years<sup>53</sup>.

There was undoubtedly a close connection between the problems sketched above and the phenomenon of war. In addition, an even more important direct relation has to be noted between the phenomenon of war and the functioning of the federal system of the United Provinces. We are referring here to the cardinal fact that the federal system of the Republic only functioned reasonably well under the pressure of war or the threat of war. Once this pressure fell away in a long period of peace, once the steam was off the kettle, so to speak, then the federal machinery could not function properly and the danger of political stagnation and disintegration turned out to be very real indeed. During the years 1713 - 1795, an outstanding example of a period of real peace for the Republic, in which it was forced by financial needs alone to pursue a policy of neutrality and noncommitment, all this was to become all too sadly true. The course of events outlined here also had an undeniably paradoxical element: the Dutch Republic, which owed its existence in large measure to armed resistance and war, began in course of time, especially under pressure of Holland, to pursue a policy of peace and political neutrality and non-commitment. The practical implementation of such a policy now proved to have such a disintegrating effect politically that attempts at constitutional reforms like those of Simon van Slingelandt, Grand Pensionary (1727 - 1736), were doomed to failure<sup>54</sup>. At the close of the century, the formerly so glorious Republic would prove to have outlived itself and the same can be said of its "constitution", so revered by many, the Union of Utrecht.

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<sup>53</sup> See J. Aalbers, *Holland's Financial Problems (1713 - 1733) and the Wars against Louis XIV*, in: A. C. Duke and C. A. Tamse, eds., *Britain and the Netherlands, Vol. VI, War and Society*, The Hague 1977.

<sup>54</sup> *Ibidem*.

## III

The reputation of the Union of Utrecht underwent a surprisingly rapid decline at the end of the 18th century. In the troubled years of the 1780s, the anti-Orangist and anti-oligarchic reformist Patriots showed themselves to be still convinced supporters of a federal system, in conformity indeed with the ideas of Montesquieu and especially those of Rousseau. This is all the more remarkable because in the Patriotic movement, which can also be considered as an emancipation movement of the land provinces against the predominance of maritime and commercial Holland, there was manifested very clearly a supra-provincial, even nationalistic, Dutch consciousness. We have, however, seen already that also within the circles of the Patriots the Union of Utrecht was highly regarded. It is true that they did wish to reform and strengthen the Generality system, but the starting-point of any reforms should be the Union of Utrecht, that "masterpiece of statecraft"<sup>55</sup>.

When a French military invasion in 1795 put an end to the old Republic, which was subsequently transformed into the Batavian Republic, the federalist progressives of the 1780s, however, turned out in the main to have become passionate champions of the idea of a unitary state. The catastrophe of 1787, the Orangist restoration as a result of the intervention of a Prussian army, had apparently affected the federal convictions of many Patriots seriously. And then of course there was the French example: particularly many Patriots, who had taken refuge in France, became convinced of the excellence of the ideal of a unitary State which appeared to have been realized there. After the revolution of 1795 the Dutch radicals, in any event, did not show any appreciation whatsoever of the old federal system. With regard to the Union of Utrecht, they likewise felt only profound contempt: in their eyes it was "the Gothic monstrosity, the hideous constitutional abortion"<sup>56</sup>.

The National Assembly, which was elected very democratically (apart from the exclusion of the Orangists), indeed adopted a principled resolution in December 1796, notwithstanding the opposition of the federalist "party", that "Absolute Unity and Indivisibility" would form the foundation of the constitution to be drawn up for the Dutch nation. Its acceptance undoubtedly entailed a clear victory for the unitarists over the federalists. However, it has to be pointed out emphatically

<sup>55</sup> See G. J. Schutte, *Van grondslag tot breidel der vrijheid. Opvattingen over de Unie van Utrecht in het laatste kwart van de achttiende eeuw*, in: S. Groenveld and H.L. Leeuwenberg eds., *Die Unie van Utrecht*, o.c., p. 204. See also E. J. van Himbergen, *Grondwettige Herstelling*, Kleio, XIX (1978) p. 266.

<sup>56</sup> Cf. P. Geyl, *De Bataafse Revolutie*, in: *Vaderlands Verleden in Veelvoud*, o.c., p. 424.

that the radicals, who were also called Jacobins or democrats, were only able to be victorious thanks to the support of a third "party": the moderates.

While the unitarists as well as the federalists drew their largest support from the outer provinces, the moderates constituted a typically Holland grouping. They are in particular to be considered as the exponents of the Holland bourgeoisie, especially of the big merchants, the bankers and, in their wake, the rentiers. The highly realistic opinions of the moderates on economic and political issues fitted perfectly well into the old Holland commercial tradition. Their preference for the unitary state (in fact just like their aversion to the extreme centralism of the radical unitarists) was first and foremost based on the interests of Holland. In the preceding period these interests had often suffered so much as a result of the stagnation and disintegration of the federal system of government that they were of the opinion that serious consideration ought to be given to the introduction — as a trial — of a not too extreme form of a unitary system. In this way the promotion of essential Holland interests would probably be served better than under the *ancien régime*. Van de Spiegel, the last Grand Pensionary of the old order (1787 - 1795), had, for that matter, already remarked once that Holland would have to develop into the Generality (*Il faut que la Hollande devienne la Généralité*)<sup>57</sup>.

Underlying the unitarianism of the Holland moderates was at the same time the conviction that the unitary state would provide Holland in particular with definite concrete advantages in financial and fiscal spheres. While Holland's debt amounted to 455 million guilders, the total debt of the remaining provinces only came to 155 millions. Amalgamation of the provincial debts, a logical consequence of the foundation of a unitary state, would thus greatly benefit Holland. As a matter of fact that province would equally have profited by the introduction of a general uniform system of taxation: in Holland the taxes amounted annually to more than 25 guilders per head of the population, in Gelderland to 8 guilders and in Overijssel to 6.7. With the support of radical collaborators the moderates in Holland indeed succeeded in achieving their aims in the financial and fiscal fields<sup>58</sup>. Holland's preponderance, accordingly, proved to be decisive in a period of revolutionary commotion as well.

The transformation from a federation into a unitary state naturally marks a significant caesura in the political development of the Netherlands. History, however, continued to play a role in this case as well: federal traditions proved to be more tenacious than the radicals had

<sup>57</sup> H. Wansink, *Holland and Six Allies*, o.c., p. 145.

<sup>58</sup> Cf. E. H. Kossmann, *The Crisis of the Dutch State 1780 - 1813: Nationalism, Federalism, Unitarism*, in: *Britain and the Netherlands*, o.c., IV, pp. 171 - 175.

bargained for. Their extreme centralist regime, established with French assistance in 1798, had therefore to be replaced three years later by a far less centralizing system of government. This change no doubt fits well into the total context of the Dutch political development which, in comparison with that of other European countries, shows a large measure of continuity. That the Dutch "revolution" was so much more moderate than the French revolution, and that a radical regime like that of 1798 was unable to maintain itself, is therefore understandable enough. The fact is that the revolution in France, much more than the revolution in the Netherlands had been a social revolution: the bourgeoisie in the Dutch Republic during the *ancien régime* had enjoyed infinitely more opportunities for development than in France. In the Republic the issue at stake was above all one of political reforms: of the very necessary strengthening of the central organs of state, which had been urged for generations, and of the integration of the bourgeoisie into the political elite, the desirability of which had already been advocated in the 17th century.<sup>59</sup>

Politically, the *ancien régime* in the Northern Netherlands contrasted favourably with France insofar as there were proportionately more persons with practical administrative experience in the Dutch Republic than in the French monarchy. Thus the representatives of the French Convention, in their reports about the recently liberated, or conquered, Republic were more than once struck by the considerable number of individuals available there who had experience in the management of public affairs.<sup>60</sup> It is plausible that an extreme centralist regime such as that of 1798 was also on that account out of harmony with the situation in the Northern Netherlands.

In 1813, three years after the annexation of their country by Napoleonic France, the Dutch "shook off the French yoke". After their liberation the slogan *als vanouds* (as of old) became a magical creed among Dutchmen. A complete restoration, however, was not wanted. The unitary state, that hard-won bequest from the Batavian period, had to be maintained, although it was to be placed under the sovereignty of an enlightened prince of the venerable House of Orange. This enlightened prince, William I, who soon became king of the United Kingdom of the Netherlands, the erstwhile United Provinces united with the former Southern Netherlands (Belgium), had too much sympathy for the enlightened absolutist and Napoleonic principles of government for there to have been any question under his rule of a reasonable degree of local and provincial autonomy.

After the separation of Belgium in the 1830s, liberal reforms of the

<sup>59</sup> Cf. P. Geyl, *Napoleon. Voor en tegen in de Franse geschiedschrijving*, Utrecht 1946, p. 378.

<sup>60</sup> P. Geyl, *De Bataafse Revolutie*, o.c., p. 426.

state were introduced during the reign of William II (1840 - 1849) in 1848, the year of revolution in Europe. Both in the famous revision of the constitution in 1848 and in the further legal settlement of the provincial and municipal issues in subsequent years, the liberal leader, Thorbecke, played a prominent role. During his first term of office (1849 - 1853), Thorbecke, in the act relating to the provinces and in the municipal act, put his views about the organic relation between the whole and the parts brilliantly into practice: the provinces as well as the municipalities were granted a reasonable measure of autonomy and the provincial and municipal representative bodies and administrations thus gained a more independent position vis-à-vis the central government. Both the Constitution of 1848 and Thorbecke's organic laws would prove to be an excellent point of departure for the subsequent constitutional development<sup>61</sup>. It seems to me fairly certain that in Thorbecke's reforms of the state the principles of autonomy and self-government, based in part on the old federal Dutch tradition, acted as a sound counterbalance to excessive centralist tendencies. In this way favourable conditions were undoubtedly created for a reasonably harmonious further development. Thus the old order of the Union of Utrecht appears to have left traces even up to the present.

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<sup>61</sup> See J. C. Boogman, *J. R. Thorbecke. Challenge and Response*, in: *Acta Historiac Neerlandicae. Studies on the History of the Netherlands*, VII (The Hague, 1974), pp. 128, 141.