

Patriot Proposals for a new constitution for the Republic, 1793

Introduction: When the Patriots attempted to reform the constitution of the Dutch Republic in a more democratic fashion, inspired by the example of the American Revolution and radical Enlightenment ideas, political repression was imposed by the traditional oligarchy with the help of Prussian troops. Leading Patriots were forced into exile and many ended up in Paris during the French Revolution of 1789. In 1793 two leading Patriots, the nobleman Robert Jasper Capellen and a wealthy banker, Batlthezar Elias Abbema, drew up a plan for a new constitution for the Republic to be developed by a National Convention of the Batavians, the name of a Germanic tribe, which the Republic had popularized as the founder of the Netherlands. Their plans not only envisioned a democratic state with ministerial responsibility, but also a unitary state that would abandon the autonomy of the traditional provinces. The Batavian Republic, created in 1795 with the help of a French revolutionary army used some of these ideas in its constitution. Napoleonic France formally abolished the Batavian Republic in 1806. The excerpts below are from "Schets tot grondslag eener nieuwe constitutie voor de Republiek der Bataven," in *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840*, ed. H. T. Colenbrander (The Hague, 1905), Vol. I, pp. 107-111. Translated from the Dutch by Herbert H. Rowen, ed., *The Low Countries in Early Modern Times: A Documentary History* (New York, 1972), pp. 255-59.

First Article: on Sovereignty

According to the immutable first principles of the rights of man, and of freedom and equality, the Batavian people must be recognized as the sole and only legitimate sovereign.

Life, personal freedom, and possessions stand under the protection of the whole people.

Since it is impossible for all the people to meet in a single body to deliberate upon its interests, it naturally follows that its power must be exercised by representatives, and that the people themselves must elect these representatives freely and for a definite time.

Each citizen who has reached the age of eighteen years completed; who has an independent livelihood from his possessions, his abilities, or the work of his hands, and therefore has an essential interest in the general welfare, must have the right to cast his vote in the elections and the deliberations of the primary or fundamental assemblies; this right must not be granted, on the contrary, to servants or those who have been driven by their poverty to the unfortunate necessity of living on public charity, for such persons cannot be considered as being fully independent.

Each citizen, whatever his religious persuasion, who has received the majority of votes

according to the established procedures, shall be eligible for all public offices.

Second Article: on the Form of Government

The Republic must be one and indivisible.

The supreme power entrusted by the people to their representatives shall rest in a National Assembly, consisting of deputies from the various departments freely chosen by the people.

The first Assembly shall draw up the constitution of the Republic in all its parts.

When the National Assembly shall have completed this work, it shall present this constitution as a whole to the people to be examined in their fundamental assemblies, and the people will then themselves decide by virtue of their sovereignty the form of government which will be judged to be most suited for maintaining their natural rights and their freedom and independence.

When the constitution shall have been ratified in this way by the majority of the people, no change shall be permitted to be made in it during the period of six years; but after the expiry of such time, the National Assembly shall again review all points and deliberate upon the changes which experience shall have taught to be necessary for the general happiness.

All the changes in the fundamental laws of the constitution must in turn require new ratification by the sovereign people themselves according to the same procedure followed for the constitution itself.

The National Assembly shall be renewed every two years by new elections of representatives. No citizens shall be reelected to it except after an interval of two years.

The National Assemblies which shall follow that which has made the constitution shall have the legislative power in all matters resulting from the fundamental principles of the constitution.

They shall principally keep a watchful eye upon the executive power; they shall pay particular attention to public administration, finances, peace, war, treaties, commerce, and in general all aspects of sovereignty.

Regulatory and administrative laws shall receive their force and effect from the approval of the Executive Council, which shall promulgate them.

The National Assembly shall determine annually the manner, quantity, and distribution of public taxation.

No war shall be declared which is not defensive, because offensive wars are in conflict with the justice of a free people. In the event of war the Executive Council shall be required to present a reasoned proposal in favor of its declaration to the National Assembly, which shall decide upon it by decree.

Treaties of peace, alliance, and commerce shall be decided in the same way by the National Assembly upon the basis of a reasoned proposal of the Executive Council, but the treaties shall not enter into force before they have been proposed to the people gathered in primary assemblies and approved by a majority of votes.

The Republic shall be divided into departments, the departments into districts, the districts into municipalities or urban Assemblies. The colonies in Asia, Africa, the continent of America and the islands [in the West Indies] shall be admitted in the same manner to representation in the National Assembly. The number of departments, including the colonies, shall not be higher than twenty-four.

The representation of each department shall be determined by its size and population: provided, that a single department shall not be able to send more than five nor less than three deputies to the National Assembly, so that the number of deliberating members shall not be over one hundred.

Third Article: on the Different Religious Persuasions

All religions shall be permitted; and whenever a specified number of citizens shall meet at one place, the national treasury shall pay the costs of whatever ministry they shall choose or accept.

No one may be excluded from public offices because of his religious convictions.

Fourth Article: on the Executive Power

The executive power shall be subject to and dependent upon the Legislative Power of the National Assembly, which shall choose the ministers individually by vote.

The ministers shall be responsible individually and as a group. The executive power shall

consist in seven ministers, who shall meet each day and keep a watchful eye upon each other.

All constitutional laws ratified by the people shall be promulgated and applied by the Executive Council and by each of its members in his department.

The regulatory laws of the National Assembly shall be examined in the Executive Council, which shall have the right to present its observations upon them to the said Assembly; but if a law contains nothing which is contrary to the constitution, and if the Legislative Assembly persists in its decision, then the Executive Council shall be obligated to promulgate and apply it.

In case of hostile attack or war preparations from the side of other peoples, the Executive Council shall present a reasoned proposal for war to the National Assembly.

The same shall be done with regard to proposals for treaties of peace, alliance, and commerce.

The Executive Council shall likewise examine all general and particular matters which the National Assembly shall put into its hands, whether to transmit its opinions thereon or to issue a reasoned report. ,

The Minister of Foreign Affairs shall maintain all political relations with free peoples, friends, and allies; and since the Batavian people by their situation and relations are principally a trading people, he shall devote himself principally to promoting the commercial interests of the people with other trading peoples.

He shall have the nomination of all agents sent abroad in the name of the nation.

The Minister of Justice shall have supervision over all courts, judges in criminal cases, as well as juries for the examination of the charge and the verdict.

No death sentence shall be executed before he has signed it and given his order.

He shall have the nomination of all judges trying capital crimes.

In case the National Assembly which shall establish the new constitution shall not be able to complete the work of preparing a new code of civil and criminal law (which is most necessary because of the present differences in civil law and the arbitrary element in criminal laws), he shall busy himself without delay with bringing the law code into order, so that the second National Assembly can adopt these laws which are so necessary for the general welfare.

The Minister of the Navy shall have the administration and supervision of the maintenance, repair, construction, and equipment of the warships of the Republic, to the end that a formidable fleet shall always be ready in order to be able to protect vigorously commerce and colonies, which are rich sources of national prosperity. He shall be responsible for the supplies for the ships and their crews. He shall name the officers, including the ships' captains.

The Minister of War shall have administration over the regular army, the volunteers, and the national guards; over fortifications, inundations, and arsenals; over the arming, clothing, and equipment of the troops; over the quartering, payment, and discipline of the armed forces. He shall have the nomination to military posts up to the grade of colonel, but following the rules on promotion which shall be determined later.

The Minister of Colonies shall maintain a continuous correspondence with all colonial administrations and keep a watchful eye over them; he shall provide the necessary supplies for the military forces and other public establishments in the colonies which are paid out of the national treasury. He shall examine all requests made to him for assistance, and work in this respect in combination with the Minister of War and the Minister of the Navy, so far as each is specially involved; in general he will have charge of all matters concerning the interests and affairs of the Colonies. He shall furthermore have the nomination to all representative posts of the nation in the colonies.

The Minister of Finances shall have supervision over the collection of public taxation, 'which the National Assembly will determine annually; he shall issue payment orders for all expenditures defined by law; he shall draft and propose taxes which are least burdensome in meeting the public needs, as well as for payment of the interest and installments of the capital of the national debt; in general he shall be responsible for everything relating to the finances of the state.

The Minister of Internal Affairs shall maintain a continuous correspondence with all the internal administrations of the departments of the Republic; he shall have supervision over the dispatch of all laws; he shall have the superior administration over dikes, sluices, marshes, reclamations, peat-digging, and over the mints, posts, stage-coaches, ships, and canal-boats; over public education, national property, public foundations, and buildings.

Each minister shall be held to account for the funds given to him for the maintenance of his department, and they must organize their offices in the least costly way and that most suitable for a rapid dispatch of business.

Each minister shall individually give an account annually to the Assembly of the Executive Council, which shall then give a general report to the National Assembly.