

Rensselaerswijck Seminar X

“A New Netherland *Hutspot*”

September 1987

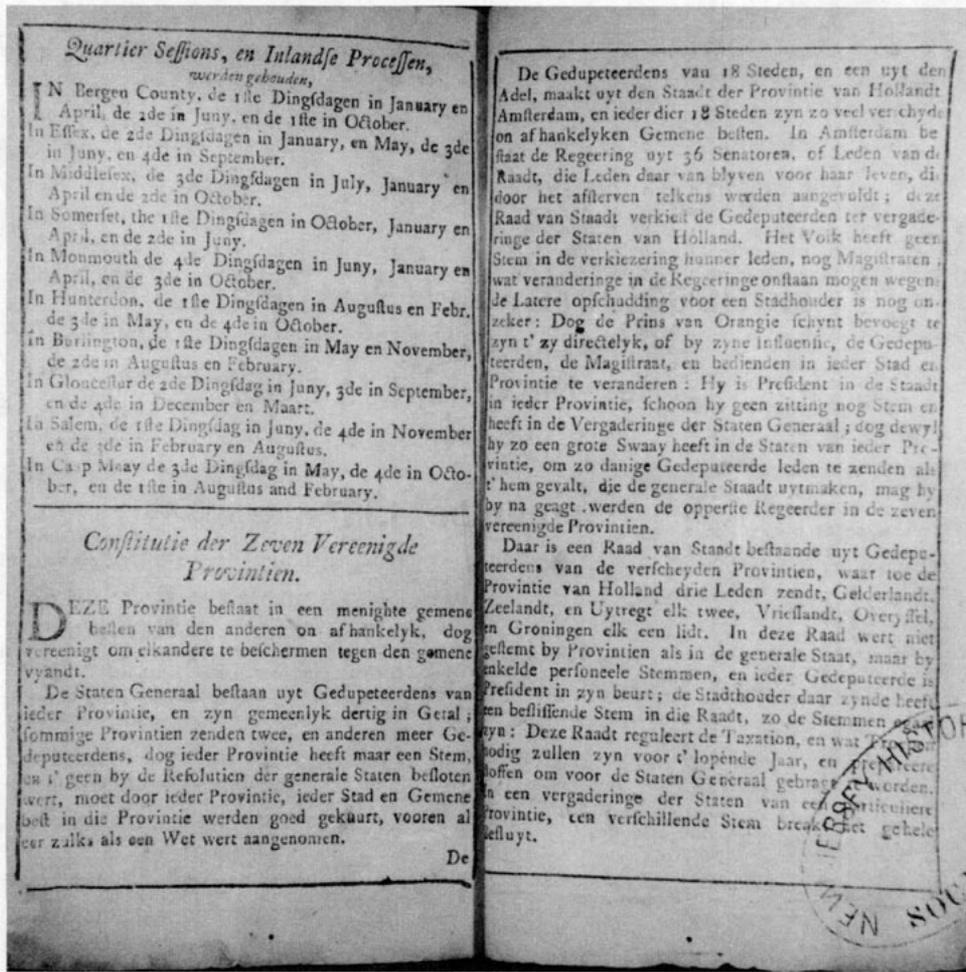


Fig. 72. Title page of *De Americaanse Almanack* (1754)
Courtesy of the New Jersey Historical Society, Newark, New Jersey.

The Dutch–American Connection: The Impact of The Dutch Example on American Constitutional Beginnings

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Reprinted from Stephen L. Schechter and Richard B. Bernstein, *New York and the Union: Contributions to the American Constitutional Experience* (Albany, NY: New York State Commission on the Bicentennial of the U.S. Constitution, 1990): 22–28.

From time to time, colonial governors and administrators in North America considered proposals for unification, primarily for defensive purposes. They looked to Europe for inspiration, finding in the Union of Utrecht a model that had served to regularize the confederation known as the United Provinces of the Netherlands.

The Dutch impact on eighteenth-century America has often been told in terms of Knickerbockers and other Hudson Valley provincialisms, but the true heart of the matter lies in the critical political and economic forces by which The Netherlands affected the American scene. Foremost were the traditions of union and liberty, symbolized by the Union of Utrecht, the *de facto* Dutch constitution. Emerging most clearly at the time of the French and Indian War in the 1750s, the Dutch example, as it was often called, continued its positive impact through the period of the Continental Congresses, helping to shape the Articles of Confederation. As the American constitutional debates of 1787 took shape, the Dutch–American comparisons took on new and more critical forms.

On the tenth of September, 1787, the Committee of Style and Arrangement was working in Philadelphia to put the final touches on the newly drafted Constitution. Thomas Jefferson was in Paris attending to the international political and fiscal affairs of the new nation. To America's representative in The Netherlands, Charles W.F. Dumas, Jefferson wrote: "Happy for us, that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions."¹ Though Jefferson's view proved overly optimistic in the long run, he was well aware of the history of the Dutch constitution the Union of Utrecht and he hoped for as much for the newly shaped American constitution.

Much earlier, the Union of Utrecht had been a symbol to many Americans, first of unity, and then of unity and

liberty. An abbreviated Dutch text of the Union had been reprinted in *De Americaanse Almanak* for 1754, the only surviving relic of a series of forty or fifty New York Dutch almanacs.² The author of the articles began: "These provinces, that is, the Dutch provinces, consist of a group of commonwealths independent of one another, though united to protect one another against the common enemy."

The bloody and unsettling French and Indian War was at hand. The Hudson River Valley was a major passage between the British and the French colonies to the north. Albany, in the middle, was a major center for Indian trade and other Indian affairs. No American colonists were more pressingly aware of the threat of French and Indian warfare than the Dutch of the upper river valley. The almanac's article describing a defensive union against a common enemy spoke directly to their condition. What was most needed among the disparate colonies was just such a union, one which would respect their prevailing independence and yet provide protection against the common enemy. The timely reminder of the Union of Utrecht must have been welcome to many of the New World Dutch settlers.

The Dutch example, however, was by no means limited to the once-Dutch middle colonies, but was a topic of conversation among their Anglo-American neighbors, as well. In a Boston sermon in 1754, Pastor Jonathan Mayhew observed,

No one that is not an absolute stranger to French ambition, to their policy, to their injustice, to their perfidiousness, can be in any doubt what they aspire at . . . Their late conduct may well alarm us; especially considering our disunion, or at least want of a sufficient bond of union, amongst ourselves; an inconvenience which, it is to be hoped, we shall not always labour under. And

whenever all our scattered rays shall be drawn to a point and proper focus, they can scarce fail to consume and burn up these enemies of our peace, how faintly soever they may strike at present. What *union* can do, we need only, look toward those Provinces, which are distinguished by the name of the United, to know."³

Though the significance of the Union of Utrecht was as clear, in a general way, to most Dutch-Americans of the mid-eighteenth century as the Declaration of Independence is to most Americans now, the story of Dutch union and of the Dutch struggle for liberty was familiar to any well-read colonist, regardless of national origin. Sir William Temple's *Observations upon the United Provinces of the Netherlands* was a most popular book in the colonies, having passed through numerous editions and translations. (In fact, it may well be the source of the account in *De Americaanse Almanak*.) Though first published in 1673 when Britain and The Netherlands were at war, no book in English detailed the Dutch political scene as adequately. Temple had served as envoy to the United Provinces, and he wrote with understanding and with considerable objectivity. In 1750, when Benjamin Franklin was recommending a course of study for the Philadelphia Academy (now the University of Pennsylvania), Sir William Temple was among the foremost authors cited. Indeed, it appears to have been Temple's work which informed much of Franklin's thinking as he prepared for the Albany Congress of 1754.

That congress was the most significant intercolonial meeting held in the American colonies up to that time. It opened to everyone the question of union, which only later was to eventuate in independence as well as union. The concrete idea of union does not appear to have been

widely discussed prior to the congress, but the seeds of union-thinking were widely scattered as a result of the plan which was formulated. No person was as crucial to that elusive-but-hoped-for union as was Benjamin Franklin. In May of 1754, Franklin's famous political cartoon of the "Join or Die" snake spread his ideas throughout the colonies more rapidly than any words could have done. Franklin arrived in Albany in early June with the draft of a plan. "Short Hints," he called it, which he hoped could be developed into a commonly acceptable document of agreement.⁴

The Dutch political example which influenced the discussions at Albany must surely have been reinforced by the setting; most of the city's architecture was more reminiscent of Amsterdam than of Boston or Philadelphia, and a large portion of the population regularly conversed in Dutch. In fact, the English Indian agent, Thomas Pownall, complained that all the Indian negotiations were first conducted in Dutch and then had to be translated into English.

Franklin's "Short Hints" were soon elaborated into a document called "the committee's Short Hints." There are many parallels between this document and the Union of Utrecht. Like the Union of Utrecht, it proposed that "the Several Colonies may each enjoy its own Constitution, Laws, Liberties and Privileges as so many Separate Corporations in one Common Wealth." A Grand Council was proposed to fill the place of the Dutch States General, and a President General to fill that of the king's regent. All of the Albany documents, from Franklin's "Short Hints" to the final Albany Plan, explicitly recog-



Fig. 73. Benjamin Franklin, "Join or Die" woodcut, published May 9, 1754, in the Pennsylvania Gazette. Courtesy of the Library Company of Philadelphia.

nized the royal authority of the British king. Indeed, the original 1579 preface to the Union of Utrecht had stated: “. . . the deputies of the aforesaid provinces . . . have decreed and concluded the following Points and Articles, without thereby in any way desiring to secede from the Holy Roman Empire.”⁵ A Dutch declaration of independence did, however, follow two years later. The Albany committee’s “Short Hints” noted: “Perticular Colonies not to Declare Warr.” The Union of Utrecht required “Peace and War not to be made without the consent of all the Provinces.” Other technical points of comparison can be made, but far more fundamental than passing analogies was the psychological impact of the Union of Utrecht and its function as a symbol of union among diverse and independent bodies. In fact, though the existence of the Union was well known, the content of the document was little known and even less understood. It is significant that eighteenth-century Americans usually referred to the country as the United Provinces, and only occasionally as The Netherlands. Historically, it is also important to keep in mind the fact that the Union of Utrecht, like the Albany Plan of Union, was not originally conceived as a constitution of fundamental law, but as a means of regularizing a confederation based on pressing historical exigencies.

The Albany Plan was never ratified, in spite of the efforts of Franklin in Pennsylvania and the Livingstons in New York. At that time, young William Livingston led the pro-union struggle and probably stood behind the weekly New York newspaper, the *Instructor*. In the first issue, articles were solicited; but, it noted, “no controversy of any kind shall have admittance.”⁶ Then, the journal’s own editorials proceeded to argue for union.

“The only expedient . . . is, that all the Colonies appertaining to the Crown of Great Britain on the Northern Continent of America, be united under a legal, regular, and firm establishment . . . A coalition, or union of this nature . . . will, in all probability, lay a sure and lasting foundation of dominion, strength, and trade. . . .”

Tradition says that the British found the Albany Plan too radical, and the more radical colonists felt that it did not go far enough. Though there is some truth in that observation, reasons both more complex, and at times more mundane, also accounted for its failure to gain acceptance. Its long-term impact, nonetheless, was of great importance to the colonies as their problems shifted from the French government, which had been driven from Canada by the French and Indian War, to the British government, which was increasingly more insensitive to the development of colonial power and identity. The next American congress was the Stamp Act Congress in 1765,

called to protest taxation without representation—coincidentally, one of the original causes of the Dutch revolution two centuries earlier.

Though the Albany Plan of Union was never effected, Franklin never lost sight of the Dutch example. Writing in 1768 to alert the English to American restiveness, he noted:

Threescore years did the oppressed United Provinces maintain a war in defence of their liberties against the then powerful kingdom of Spain . . . which was finally obliged to acknowledge their independency in a formal treaty . . . and with a broken strength that has never since been recovered.⁷

A decade later, when in France seeking European support for the Revolution, Franklin wrote on behalf of the American commissioners to their agent in The Hague, “. . . in the love of liberty, and bravery in the defence of it, Holland has been our example. We hope circumstances and constitutions, in many respects so similar, may produce mutual benevolence. . . .”⁸ The Dutch constitution to which he referred was the Union of Utrecht. The American constitution was the Articles of Confederation, though it would be 1781 before it was signed by Maryland, the last of the states to ratify.

Franklin’s constitutional comparison was not news to the Dutch, at least not to all of them. In The Netherlands, an eager young lawyer, Pieter Paulus, was in the midst of writing a three-volume study of the Union of Utrecht in a country then undergoing deep political problems. Paulus had a deep interest in tracing connections between the Utrecht Union and American events. Volume one had been published in 1775 and volume two in 1776. As he was writing the third volume, published in 1777, he received a draft copy of the American Articles of Confederation. Paulus wrote:

The Union of Utrecht, I must admit, is for the time in which it was constructed, one of the best sets of fundamental laws which human wisdom could frame. . . . I cannot imagine that the wisdom of our forefathers, in the framing of the Utrecht Union, could ever be seen more clearly or impartially than that a powerful posterity of freeborn [American] children are persuaded by it, as they realize that the Mother, who earlier had sought freedom herself . . . designed that each member of society and all civil companies have a natural and inseparable right. Now, I say, the English colonies in North America, after the passage of about two centuries, have vowed to venture all and undergo everything to make themselves totally independent from Great Britain. . . . As concerns the object of the matter, the reaching of that intention, it has been necessary to come to the same decision, concerning the same fundamental law which our forebears two hundred years ago approved as the most useful. So that some will not consider these remarks hyperbole, I include their *Articles of Confederation and Perpetual Union* in their entirety [in Dutch translation].⁹

Paulus drew some comparisons between the historical situations in the sixteenth and eighteenth centuries. He admitted that "the American Union, *in some respects*, appears to be argued somewhat neater." He noted certain differences, due to structural forms of government arising from the hereditary "stadtholder," the Dutch chief of state. Indeed, that and other of Paulus' observations were later echoed and elaborated in the American debates in 1787.

It is of interest that one of the conspicuous divergences between Paulus' text and the final American text is in Article XIII, the article which most frequently evoked comparison with the Dutch example when opened to debate by the Continental Congress. The printed text simply reads: "In determining questions, each State shall have one vote." Paulus' text modifies it to read: "Each state shall have one vote in determining all differences in the general congress." The debates in Congress clearly reveal the intention of the Article to allow just one vote on all matters, not only those over which differences arose. The Reverend Dr. John Witherspoon of New Jersey, arguing for one vote for each state regardless of size, several times cited the Dutch model as a positive example validating the procedure. Pennsylvania's Dr. Benjamin Rush, on the other hand, found the Dutch procedure lacking, thus strengthening his case for proportional representation in the vote. "The decay of the liberties of the Dutch republic proceeded from three causes," he wrote, "1. the perfect unanimity requisite on all occasions. 2. their obligation to consult their constituents. 3. their voting by provinces."¹⁰ That Witherspoon's evaluations were overly optimistic in appraising Dutch success and that Rush's historical observations were inaccurate, to say the least, is not really the matter at hand. The fact of importance is the

repeated references to the Dutch example.

As one examines the influence of the United Provinces, first in the Albany Congress and later in the Continental Congresses, one is led to a clear affirmation of its symbolic impact on the debates in 1754 and again in 1776. Dutch union and then Dutch liberty became measuring rods for the colonists. It is the positive effect of the imagined Dutch political paradigm that emerges initially and most importantly. The negative aspects of the then-current Dutch political scene first began to enter the discussion in the congressional debates of 1776. Eleven years later, those negative evaluations gained prominence in the constitutional debates of 1787, most accessibly for modern readers in *The Federalist No. 20*, in which "Publius" (in this case, James Madison) drew extensively on discussions of the Union of Utrecht by Sir William Temple and French *philosophes*. By that time, the symbolic value of the aged and faltering Union of Utrecht was weakened by a more realistic assessment of Dutch political difficulties; indeed, such was the analysis presented by *The Federalist No. 20* in drawing parallels between the defects of the Union of Utrecht and those of the Articles of Confederation.¹¹

The Dutch example, as Franklin had called it, had served its practical and polemical purposes. By 1787, American independence had been won and her government established. The Dutch financial support which had undergirded the American Revolution was next called upon to support the young republic.¹² Millions of very tangible Dutch guilders, which made the United States fiscally viable, took the place of the idealized symbol of the United Provinces. Both had been in turn indispensable, first to the thirteen colonies and then to the thirteen states as they struggled to become a new nation.

Notes

¹Thomas Jefferson, *The Papers* (Princeton: Princeton University Press, 1955), XII: 113. Letter to C.W.F. Dumas, 10 September 1787.

²Thomas More, *De Americaanse Almanak voor . . . 1754* ([Nieuw York: de Nieuwe Druckery in de Bever Straat, 1753]), [18]–[19].

Almanacs in colonial times were far more than guides to the weather and the times of sunrise and sunset. These popular little booklets often provided information on the meetings of the provincial courts, religious and political verse, and even timely essays we would now liken to newspaper op-eds. Among New York's eighteenth century almanacs, at least forty or fifty were published in the Dutch language. Time has robbed us of all but one, an imperfect copy of *De Americaanse Almanak for 1754*, by chance a precious relic of America's constitutional past. On page 18 the pseudonymous editor, Thomas More, included an article entitled, in translation, "The Constitution of the Seven United Provinces," that is, the United Provinces of The Netherlands. The constitution was, of course, the Union of Utrecht. (Since the writing of this paper, an interesting fragment of *De Americaanse Almanak for 1760* has turned up in the private collection of Michael Zinman. It includes small Dutch maps of Fort Duchesne and Quebec).

³Jonathan Mayhew, *A Sermon Preach'd in the Audience of His Excellency William Shirley* (Boston: Samuel Kneeland, 1754), 34–35.

⁴Benjamin Franklin, *The Papers* (New Haven: Yale University Press, 1962), v: 361–64.

⁵"The Union of Utrecht" in *The Low Countries in Early Modern Times*, edited and translated by Herbert H. Rowen (New York: Walker and Company, 1972), 70.

⁶*The Instructor*, v. 1, no. 1 (New York: J. Parker and W. Weyman, 1755).

⁷Benjamin Franklin, *The Papers* (New Haven: Yale University Press, 1972), xv: 191.

⁸Benjamin Franklin, *The Writings* (New York: Macmillan Company, 1906), VII: 139–40. Letter to C.W.F. Dumas, 10 April 1778.

⁹Pieter Paulus, *Verklaring der Unie van Utrecht* (Utrecht: J. van Schoonhoven, 1777), III: 240–52.

A note should be added concerning Paulus' text of the American Articles. He writes that they were signed on 4 October 1776, but nothing official was signed then. The first draft, the so-called John Dickenson draft, was presented to Congress on 12 July. Debate followed, changes were made and a modified draft was approved for private printing on 20 August. Pressing matters of the war itself then consumed the time of Congress. It was not until April of 1777 that discussions on the Confederation were again enjoined, and then largely under the pressure

of those who realized that support from Europeans for the American cause would not be forthcoming as long as the newly-declared united states were not in fact united, that is federated or confederated. of the drafts of 12 July and 20 August 1776, only eighty copies each were printed and copies were considered secret documents. No member was "to disclose either directly or indirectly, the contents of the said confederation." Paulus' copy is most like the draft of 20 August, though his text gives occasional evidences of paraphrase. The most likely conjecture, therefore, is that Paulus had acquired a manuscript copy of the 20 August version which incorporated certain emendations. Perhaps it or its covering letter was dated 4 October 1776. Unfortunately, the identity of Paulus' American correspondent is unknown.

¹⁰*Journals of the Continental Congress*, (Washington: Government Printing Office, 1906), VI: 1104–5.

¹¹*The Federalist*, edited with introduction and notes by Jacob E. Cooke (Middletown, CT: Wesleyan University Press, 1961), 124–29.

¹²The loans came from bankers and business men who were members of the Dutch Patriot movement, an anti-monarchical group who rejoiced in America's rejection of the British crown. Jefferson encouraged their politics while soliciting their loans. As he wrote at the time to George Washington: "There is not a crowned head in Europe whose talents or merit would entitle him to be elected a vestryman by the people of any parish in America." Among the earliest Dutch Patriots to support the Americans was Jean de Neufville whose business activities, both through the Caribbean island of St. Eustatius and directly with New England, helped keep the Americans supplied during the Revolution. In 1782 De Neufville sent a circular letter to his friends in America, in part regarding his imminent retirement and in part to comment on the successful conclusion of the Dutch-American Treaty of Amity and Commerce, America's oldest still effectual foreign treaty. He wrote: ". . . I could not but think it the duty of my Country to make the cause of America her own; for where could oppressed freedom, more naturally look for succour, than from a Republick that had so long, and so hard struggled to secure her own Liberty?" My own share in those troubles, he added, "affords me the most pleasing reflections, on considering how abundant and sweet will be the fruits of that Union to every Individual of both Republicks." With the changing political situation in Europe De Neufville, like several other Dutch Patriots, found it wise, in time, to move to America. The old Dutch regions of New York state proved especially attractive. De Neufville, who moved to Albany, died there in December of 1796, just forty odd years after *De Americaanse Almanak* had published *The Union of Utrecht*.