

## Introduction

The commemoration of the formation of the Union of Utrecht, four hundred years ago on 23 January 1579, was celebrated by many different events. One of these, certainly not the least important to historians, was the holding of an international congress in Utrecht and Zeist on 8, 9 and 10 May 1979, organized by the Dutch Historical Association. This Association had decided to select a theme which fitted well in the framework of the Union celebrations: federalism, history and current significance of a form of government. For the Union of Utrecht constituted the legal foundation, even the constitution, it is claimed, of the Republic of the United Netherlands, and that commonwealth can undoubtedly be regarded as a very interesting example of a federal form of government.

As is evident from the formulation of the congress theme the intention of the organizers was that attention should be given not only to federal and regional structures and tendencies in the past but also in the contemporary world. Historical phenomena needed (necessarily) to be viewed in present-day perspective, current problems ought if possible to be seen in historical perspective. There is no doubt that the prevailing view today, at least in the Western World, is to a great extent characterized by a growing dislike of the modern Leviathan, the highly centralized, bureaucratic welfare State. It seems to me that the speakers at the congress have generally been successful in doing justice to the historical aspect (in contemporary perspective) as well as to the problems of today (in historical perspective).

The papers read to the congress have been incorporated, though largely in a more expanded form, into this book. It contains essays on the problems of unitarism versus federalism, confederalism and regionalism in a number of States: Belgium, France, Germany, Great Britain, the Netherlands, the Soviet Union, Spain, Switzerland and the USA. In general it would seem to me to be a reasonable choice, although a contribution on Italy for example would certainly also have been appropriate here. A study of Yugoslavian and Canadian federalism would for that matter have meant an even more welcome addition. Because we deliberately wanted to limit ourselves to a number of separate States we were ob-

ligned to leave out larger complexes such as the Arab World, Africa, South America (the federal principle there was as a matter of fact largely adapted from the USA) as well as Europe.

It is otherwise quite certain that the studies published in this book contain a good many facts and conclusions, by which especially the advocates of a close federation of European States can profit. I am thinking here above all of the need for a supra-national feeling of solidarity, of an ideology, in this case therefore a distinctive European ideology; of common economic interests, a factor which is difficult to overrate; of the uncommon tenacity of historical traditions interwoven with a multitude of feelings and interests, owing to which the formation of a greater political unity could at times only be realized by violent means; of the threat (real or largely imaginary) from a common enemy, a threat which in some cases has brought about an unmistakably positive, unifying effect; of the problem of the diversity of languages and the economic and social contradictions as a rule indissolubly linked with it; of the decisive role that was sometimes played by a hegemonic State or province; finally of the problem of sovereignty and the control over own financial resources. A European federal system functioning adequately appears to be a political ideal which for quite a number of reasons ought to be realized. A good many European idealists, however, sometimes show a tendency, certainly in the Netherlands, to underestimate greatly the counteracting factors, of which the basis is formed by centuries-old national traditions. History, also the history that is being presented in this book, might, we hope, induce them to adopt a somewhat more realistic attitude.

In the papers published here we are confronted with a large variety of federal and regional aspirations and ambitions. In the discussions, which were at times interesting and lively as well, it, too, proved to be difficult to arrive at clear, historically well-grounded definitions. Indeed, the very terminology in use in various countries reveals a good deal of divergency. Thus the federalists in the USA were biased in favour of a strengthening of the central governmental authority, while the Swiss and Dutch federalists stood in the breach, if not for sovereignty, then certainly for the greatest possible independence of cantons and provinces respectively. During the discussions the idea was put forward that the word 'federalism' itself was only a vague general term, in a sense even a rather meaningless abstraction. It was concluded that we ought to take into account very seriously a wide variety of specific conditions and circumstances peculiar to specific periods and countries.

On the other hand, we are confronted time and again with a general outlook, a universal mental attitude, however much based on material interests, which proved to be, to quite a considerable extent, the same in all the cases we discussed: the natural tendency of people to make their own decisions about their

own local and regional issues. Nowadays, this attitude is manifesting itself rather strongly. We may even conclude that we are dealing here with an important factor in the present political situation in a great number of, particularly Western, countries. I am referring here, of course, to the growing dislike of the modern bureaucratic welfare State, already mentioned.

The clear distinction between federal and confederal, between a federal State and a confederation of States, which is posited in so many law and history textbooks turned out to be a useful theoretical tool, it is true, but certainly not a conceptual panacea: the intractable historical reality proved not always to lend itself to being squeezed into the straitjacket of a theoretical model. The Dutch Republic for example must undoubtedly be considered as a *mixtum compositum*: a confederation of States with some essential features of a federal State.

During the discussion sessions the question was also raised whether particular political currents and ideologies did not exhibit greater affinity to federal tendencies than others. Thus among conservatives a certain predilection for federalist solutions was observed, while a centralist anti-federalist line of development was noted to be running from the Enlightenment through liberalism to socialism and communism. Statements like these certainly do contain a core of truth. And yet they ought to be qualified considerably. To begin with, it can be remarked that prominent figures like the overtly anti-centralists Montesquieu and Rousseau must also be regarded as belonging to the Enlightenment. Within the ranks of the European liberals there was likewise, especially in the first half of the nineteenth century, a by no means unimportant current which, following in the steps of Montesquieu in particular, was opposed to a strongly centralist political system. If we consider the socialists, we can indeed note, especially among the social democrats, unmistakably centralist tendencies. The present dirigiste, highly regulated western welfare State, with its powerful armies of civil servants and welfare officers, undoubtedly finds its most devoted supporters in social democratic circles. The opposition against it comes, however, not only from the Right but equally from the side of Leftist radical socialists, among whom many of the younger generation. These Leftist radicals, among whose ideals one can very often also detect romantic conservative traits, are able to point to an impressive libertarian-anarchistic tradition in European socialism. The 'utopian' socialist Proudhon, that staunch champion of federalism, can be considered as one of their most prominent spiritual ancestors.

Again and again it becomes apparent that we must be on our guard against generalizations. With the changing circumstances, above all those of an economic nature, the views of groups tend to change substantially as well. Thus the conservatives generally adopted a highly reserved attitude towards the phenomenon of the modern unitary State at a time when an agrarian elite dominated in

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their circles. When conservative parties, however, began to align themselves more and more with the interests of big industry many conservatives became advocates of a powerful unitary State.

There is no doubt whatsoever that a subject such as federalism can only be adequately dealt with if it is studied in conjunction with the entire historical development (in the economic, social and political spheres). This naturally confronts the student of federalism with a complex and therefore laborious task. It seems to me that the authors of the studies assembled in this book have in the main been aware of this problem. We accordingly trust that this collection of essays will prove to be an admittedly humble but still real contribution to the history of that problematic and fascinating phenomenon: federalism.

J.C. Boogman,  
Chairman of the  
Congress Committee

# The Union of Utrecht: its Genesis and Consequences

J. C. BOOGMAN

In the hall where we are now assembled, the former chapter-hall of the cathedral, which has been serving for a long time now as auditorium for the University of Utrecht, the Union of Utrecht was founded on 23rd January 1579. Our congress on federalism has been organized, as you know, within the context of the commemoration of the establishment of the Union four hundred years ago. It therefore seemed to me desirable, at the outset, to devote some attention to the origin of the league that was formed in this particular hall 'for all eternity'. Next, in the second part of my lecture, the functioning of the federal system of the Republic of the United Netherlands will be discussed. It seems to me all the more justified to devote some attention to the formation of the Union as it constituted the foundation of the federal incorporation of the seven provinces into the Republic of the United Netherlands. The young Pieter Paulus, who in the years 1775-77 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 this hall on 23rd January 1579 provides, however, despite the forceful chiming of the cathedral bells, a considerably less impressive picture (a picture which was otherwise in perfect harmony with the most salient feature of the revolt: 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,

1. Pieter Paulus, *Verklaring der Unie van Utrecht*, I (Utrecht, 1775) 176.