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The Myth of Individual Suffrage: The Voting Rights of Men, Women, and Households in the Netherlands in the Nineteenth Century[1)]

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Abstract

The history of suffrage in the Netherlands between 1795 and 1917 is typically viewed through the lens of present-day liberal-individual political thought. Consequently, Dutch suffrage in the nineteenth century is mostly regarded as essentially individual, meaning that individuals were granted the right to vote and habitually exercised it. However, this ignores the fact that the family, or household, still formed the basis of the natural order of society. Paying taxes was an important requirement to qualify as a voter and in principle, the tax assessment was imposed on the household, not on the individual. If a family paid the minimum amount of taxes required, the head of the family had the right to vote. This was relevant for the suffrage of women, since they could also run a household, such as a widow or an unmarried woman living on her own. Indeed, until 1850, these women were frequently granted the right to vote as head of the family, although

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1) This contribution is a translated and revised version of Peter A.J. van den Berg/Ron de Jong, 'Een Gordiaanse knoop. Mannenkiesrecht, vrouwenkiesrecht en gezinskiesrecht tussen 1795 en 1917' in: *Pro Memorie. Bijdragen tot de rechtsgeschiedenis der Nederlanden* 20/2 (2018), 179-213. See also Peter A.J. van den Berg/Ron de Jong, 'Vrouwenkiesrecht tussen individueel kiesrecht en gezinshoofdenkiesrecht, 1815-1919' in: *Historica. Tijdschrift voor Gendergeschiedenis* 42/2 (1919), 12-16.

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3) Ron de Jong was a senior researcher at the *Kiesraad*, the Dutch Electoral Council. He was not only an excellent historian who wrote extensively on Dutch electoral history, but also an amiable and honest person. He died on 10 August 2022. I dedicate this contribution to his memory.

they could not always exercise it. To use this right, she had to authorise her eldest son. The fact that some women could vote until 1850 is also often ignored in Dutch historiography. In this article, we argue that these two issues, household suffrage and suffrage for women, were closely related. Essentially, universal suffrage for women was not possible in an electoral system based on the household, since the household was typically headed by a man. This conundrum was only solved in 1917, when universal male suffrage was granted on an individual basis and the decision was made to grant voting rights to women in the near future.

1. Introduction

Antony Black, emeritus professor in the history of political thought at the University of Dundee, argues that in the liberal-individual interpretation of the history of democracy that dominates Anglo-American political thought, the 'people' (*demos*) to whom 'power' (*kratos*) is ascribed is conceived as an 'aggregate of unrelated individuals'.[4] According to Black, this is unfortunate, since it results in the neglect of the role of 'communities' in this history. He shows that in medieval and renaissance Europe, communal thought was essential to the development of democracy, which started in the cities. There, the concept of corporate liberty had become dominant, meaning that individual freedom was achieved by belonging to a particular group.[5] Communities could be territorial, such as regions, cities and villages, but also functional, such as guilds or universities. The property-owning family, the 'household', represented by its (usually male) head, constituted the basic unit of this communal democracy.[6]

After the French Revolution of 1789, and in its wake the Dutch 'Batavian' Revolution of 1795, intermediate authorities became suspect, because they were seen as detrimental to the nation-state.[7] It was argued that 'the people' should only be represented at the national level, without any function for subnational

4) A. Black, 'Communal democracy and its history' in: *Political Studies* 45 (1997), 5-20 (5).
5) Black, 'Communal democracy'. 9.
6) Black, 'Communal democracy'. 6-7 and 17.
7) Peter A.J. van den Berg, *Politics of European codification. A History of the unification of law in France, Prussia, the Austrian Monarchy and the Netherlands* (Groningen 2007), 32-33, 150-151 and 168.

communities as intermediary bodies. The disempowerment of these bodies resulted in a more direct role for the individual as political actor. The fact that provisions in the French and Dutch revolutionary constitutions concerning voting rights address 'citizens' seems to confirm this.[8)]

However, as with the history of democracy in medieval and renaissance Europe, we should not interpret these revolutionary developments and their nineteenth century aftermath through the lens of present-day liberal-individual political thought. For most of those living in nineteenth century Europe, the family still formed the basis of the natural order of society, not the individual.[9)] The organisation of voting rights had to be aligned with this order, meaning that the head of the family cast the vote to represent all family members.[10)] In fact, it is more likely that suffrage was not individual, but communal for much of the nineteenth century. For this reason, we review the right to vote in the Netherlands in the period from 1795 to 1917. We try to establish the basis on which the right to vote was granted: was suffrage individual or communal and based on the family?

The answer to this question is relevant, because it can help correct persistent incorrect views in Dutch historiography. The first issue concerns the development of the voting rights of women. It is generally held that the history of Dutch women's suffrage begins as late as 1883 with a ruling of the *Hoge Raad*, the Supreme Court of the Netherlands.[11)] In this ruling, the *Hoge Raad* thwarted the attempt of Aletta Jacobs to be included in the electoral roll of the city of

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8) See, for example, Chapter 1, Section 2, Article 2 French Constitution of 1791, and Articles 10-12 *Acte van Staatsregeling* of the Dutch Constitution of 1798.

9) The same is true for many non-European countries such as Japan, where the *Ie* was a central institution. Peter A.J. van den Berg, 'Equality of men and women in Article 24 of the Japanese Constitution (1947): the role of Beate Sirota (1923-2012) and beyond' in: *Osaka University Law Review* 69 (2022), 23-49 (26 and 29-30).

10) Again, this also applies to Japan, where various politicians pleaded for household suffrage in the early 1920s. H.S. Quigley, 'The new Japanese Electoral Law' in: *The American Political Science Review* 20/2 (May 1926), 392-395 (395). E.G. Griffin, 'The universal suffrage issue in Japanese politics, 1918-25' in: *The Journal of Asian Studies* 31/2 (1972), 275-290 (283 and 285).

11) See, for example, P.E.M.S. Lokin-Sassen, 'Aletta Jacobs en het vrouwenkiesrecht' in: *Groninger Opmerkingen en Mededelingen* 34 (2017), 81-119. D.W.J.M. Pessers, '100 jaar na de zaak Aletta Jacobs' in: *Nederlands Juristenblad* 1983, 663-664.

Amsterdam.[12] The Court argued that although the Constitution of 1848 did not require voters to be male, it was unlikely that its drafters intended to grant women the right to vote. According to the Court, introducing voting rights for women would have implied a change in the existing situation and would therefore have been made expressly. However, the view that 1883 signalled the beginning of the history of Dutch women's suffrage not only ignores the discussions held in the Batavian era about women's suffrage, but also overlooks the fact that between 1815 and 1850, many widows had the right to vote.

This omission is the result of misjudging the reality that in most of the nineteenth century, a system of communal, or household, suffrage was in place. Admittedly, this system relegated women to the background, since the man was legally the head of the family. However, the system did not necessarily exclude women. If their husband had died (widows) or if they were unmarried and lived independently, thus constituting their own household, voting rights could be granted to them if they met the other (usually property) requirements.

Note that the voting rights of these women were usually exercised by men; a widow could transfer her right to one of her adult sons who did not meet the census requirements himself. Failing to make an analytical distinction between the foundation of the right to vote and the exercise thereof has contributed to the misinterpretation of the voting system of the nineteenth century. Thus, we argue that although the exercise of voting rights was individual and reserved for men, the system used to grant these rights was based on 'households' until 1917.

The second issue concerns the way nineteenth century liberals viewed communal suffrage. It is often assumed that the liberal view of suffrage has always been individual and that communal suffrage was mainly defended by members of denominational political parties, mostly catholic or protestant. This fits the present-day liberal-individual interpretation of the development of democracy. However, this dichotomy between liberals and denominational parties did not arise until the beginning of the twentieth century. Before then, not only did the practice

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12) *Hoge Raad* 18 May 1883, published in *Weekblad van het Regt* nr. 4917 (7 August 1883). Lokin-Sassen, 'Aletta Jacobs', 100-102. R. de Lange, '"Kent iemand nog eene gehoorzame vrouw?" Sam. van Houten en het begin van de strijd om het vrouwenkiesrecht' in: *Recht en kritiek* 10/3 (1984), 284-292 (284-286). J. Blok/B. Tanja/M. van Tilburg, 'De vrouwenkiesrechtbeweging in Nederland' in: J. Blok/B. Tanja/M. van Tilburg/W. Fritschy/M. Kingmans/J. Poelstra (eds.), *Vrouwen, kiesrecht en arbeid in Nederland, 1889-1919* (Groningen 1977), 23-103 (55-56). M. Bosch, *Een onwrikbaar geloof in rechtvaardigheid. Aletta Jacobs 1854-1929* (Amersfoort 2005), 174.

of granting suffrage have strong organic characteristics, there were also many proponents of communal suffrage among the Batavian revolutionaries and nineteenth-century liberals. This is understandable, because in the Batavian Revolution and in most of the nineteenth century, the communal view of representation was commonplace. Only in the beginning of the twentieth century did most liberals embrace individual suffrage. Herein, the fight for voting rights for women played an important role because married women, a substantially large group, could not easily be fitted into a system of 'household' suffrage.

Thus, to properly answer the question, we must look beyond the provisions of the constitutions and consider electoral acts and electoral practice. As mentioned, the right to vote often had an individual character in the constitutional provisions. However, when the electoral act elaborated on this right, the focus shifted towards household suffrage, while in practice, the right to vote ended up almost exclusively with the heads of families. This created the confusing situation that while the voting system had all the features of a communal democracy in practice, it cannot be considered one. This is because the constitutional provisions only recognised an individual right to vote. This conundrum was only solved in 1917 with the introduction of universal male suffrage, since thereby, the right to vote became an individual right in all respects.

2. Preceding the revolutions: voting rights for women and household suffrage during the *Ancien régime*

At the time of the *Ancien régime*, most parts of the Republic lacked a substantial democracy, although there were some exceptions such as Friesland.[13] The somewhat democratic form of government there could predominantly be found in rural areas. In the cities, the administration was in the hands of a few important families, while other citizens had almost no influence.[14] The basis for the participation of the rural population can be traced to the ownership of real estate, specifically in a farmstead with attached voting rights, also known as a 'voting farmstead'. Based on this form of census suffrage, in around 1740, approximately one in ten inhabitants of the countryside were granted the right to

13) C.J. Guibal, *Democratie en oligarchie in Friesland tijdens de Republiek* (Assen 1934), 77. The same applied to Drenthe. P. Brood, 'Bestuur en rechtspraak in Hoogeveen voor 1795' in: F. Keverling Buisman/M.A.W. Gerding/L. Huizing/H. Janssens/J. Wattel (eds.), *Hoogeveen, oorsprong en ontwikkeling 1625-1813* (Hoogeveen 1983), 25.

14) Guibal, *Democratie en oligarchie,* 85.

vote for the delegation to the Provincial States, among other things.[15)]

In principle, women could also participate in this Frisian democracy, as long as they were the owner of a voting farmstead.[16)] In 1792, the Frisian jurist Petrus Wierdsma (1729-1811) stated unequivocally that women were also admitted to the right to vote.[17)] The fact that many women were registered as voters in the stemkohieren (voting assessment books) confirms this.[18)] However, married women were restricted in the exercise of their right to vote, since they were under the guardianship of their husbands. In this case, the husband exercised the right to vote, albeit on behalf of his spouse. This was indicated when the right to vote was registered and the vote cast.[19)] In addition, if a woman lost her right to vote, such as by not adhering to the required religion, her husband would not be able to exercise that right.

Importantly, Wierdsma emphasised that this restriction in the exercise of the right to vote only applied to married women. According to him, it was certain that unmarried women and widows who owned voting property could vote in person if they wanted.[20)] He even argued that women could vote for others as authorised representatives.[21)] A provision of the legislative regulation of the right to vote in Friesland seems to confirm this, since it stipulates that *tutrices* (female guardians) could exercise the right to vote on behalf of their pupils.[22)]

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15) Guibal, *Democratie en oligarchie,* 77.

16) *Tegenwoordige staat der Verenigde Nederlanden* 16: *Friesland* (Amsterdam 1789), 4.

17) P. Wierdsma, *Verhandeling over het stemrecht in Friesland* (Leeuwarden 1792), 52. However, they were excluded from the right to stand as a candidate. Wierdsma, *Verhandeling*, 161 and 165.

18) The *stemkohieren* are published digitally at Allefriezen.nl/zoeken/persons, search term 'stemkohieren'.

19) See the report of the votes in Drachten of 8 June 1723 for a new *grietman*, a local official with judicial and administrative competences, where Gosuinus Theodorus baron van Coehoorn is listed in no. 6 as entitled to vote '*nomine uxoris*' (in the name of the spouse), *Tresoar* (Leeuwarden), *Toegang* 247, *inv.nr.* 134.

20) Wierdsma, *Verhandeling*, 130. Incidentally, at the end of the nineteenth century, this was not always acknowledged. According to D.J.A. van Harinxma thoe Slooten, *Paper on the right to vote in Friesland in the 17th and 18th century* (Leiden 1894), 19, women should vote either through their husbands or procuration. He presented no evidence for this claim.

21) Wierdsma, *Verhandeling*, 130.

22) Article 29, Title 19, Book 4, printed in *Statuten, ordonnantien, reglementen, en costumen van rechte van Vriesland* (Leeuwarden 1770), 372.

Note though that in practice, women probably did not cast their vote in person, but were instead represented by a plenipotentiary.[23] However, this is not indicative of the position of women, since most men also chose not to cast their vote themselves, instead authorising someone to do it for them.[24]

The granting of the right to vote to some groups of women in Friesland was related to the fact that as elsewhere in the Republic, a right to vote per household was assumed.[25] This right was then exercised by the head of that household, so one could speak of a form of household suffrage. A fully individually conceived personal right to vote, as we know today, was not commonplace.[26] Remember that even in the natural law theory of the influential philosopher and lawyer-scholar Samuel Pufendorf (1632-1694), the family, not the individual, was considered the basic unit in society.[27]

3. The first year of the Batavian Revolution (1795)

In January 1795, Dutch revolutionaries succeeded in ousting the old regime with the help of the French. Almost a year later, on 30 December 1795, the government of the Dutch Republic (the *Staten-Generaal*, or Estates-General) issued a regulation, the *Reglement voor de Nationale Vergadering*, which dealt with the composition and competence of a National Assembly that was to convene from March 1796 onwards. The main task of this Assembly was to create a new constitution. Interestingly, this *Reglement* described the persons eligible to vote

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23) See the report of 8 June 1723 for the votes in Drachten for a new *grietman*. This shows that Anna van Scheltinga, widow of Haersma, entitled to vote '*pro se et nomine liberorum*' (for herself and in the name of her children), cast her vote by proxy. *Tresoar* (Leeuwarden), *Toegang* 247, *inv.nr*. 134.

24) The report of the votes in Drachten of 8 June 1723 for a new *grietman* shows that Cornet Wilhelmus ten Oever, entitled to vote as the husband of and therefore guardian of his wife, cast his vote by proxy. *Tresoar* (Leeuwarden), *Toegang* 247, inv.nr. 134.

25) This also applied to the province of Drenthe. Brood, 'Bestuur en rechtspraak', 25.

26) It may therefore be misleading to define an electoral system as 'the set of rules indicating the means by which the individual can influence the composition of a representative body', C.B. Wels, 'Stemmen en kiezen 1795-1922' in: *Tijdschrift voor geschiedenis* 92 (1979), 313-332 (313). See also *Ibidem*, 315.

27) P.C. Westerman, *The disintegration of natural law theory: Aquinas to Finnis* (Leiden 1997), 210.

using the concept of '*burger*' (citizen).[28] This concept referred in principle to male persons, the feminine variant being '*burgeres*', but this interpretation was not always obvious, creating some ambiguity about the position of women.[29] Thus, despite fierce opposition, the French revolutionaries removed the term *citoyen* (citizen) from the 1791 Constitution and replaced it with '*homme*' (male person) in 1793 to disenfranchise women.[30]

Likely, this decision to explicitly exclude women from the right to vote was known in the Netherlands, since many Dutch revolutionaries had spent their exile in France. Therefore, the vagueness of the *Reglement voor de Nationale Vergadering* seems to have been a conscious choice, probably the expression of awkwardness. The exclusion of women was not as self-evident in the Netherlands as is sometimes claimed.[31] This is logical, for women often played an important role in political protests during the *Ancien régime*.[32] Indeed, the local electoral regulations drawn up throughout the Republic in the revolutionary year of 1795 show some initial uncertainty regarding female suffrage. Although it is clear from most municipal regulations that it was not customary to grant the right to vote to

28) Art. 9 *Reglement voor de Nationale Vergadering*.

29) See for the use of the concept '*burgeres*' during the Batavian Revolution: M. Everard/M. Aerts, 'De burgeres: geschiedenis van een politiek begrip' in: J.J. Kloek/K. Tilmans (eds.), *Burger* (=Reeks Nederlandse begripsgeschiedenis 4) (Amsterdam 2002), 173-229 (184-202).

30) Chapter 1, Section 2, Art. 2 French Constitution of 1791 and Art. 4 *Acte constitutionnel* of the French Constitution of 1793. S. Desan, 'Reconstituting the social after the Terror: family, property and the law in popular politics' in: *Past and Present* 164/1 (1999), 81-121.

31) Wels, 'Stemmen en kiezen', 315. T.J. Veen, 'Het volk, de leden van de maatschappij en de ingezetenen van de Republiek. Opmerkingen over het democratisch gehalte van de Bataafse Staatsregeling van 1798' in: O. Moorman van Kappen/E.C. Coppens (eds.), *De Staatsregeling voor het Bataafse Volk van 1798* (Nijmegen 2001), 9-33 (15). M. Prak, 'Burghers into citizens: urban and national citizenship in the Netherlands during the revolutionary era (c. 1800)' in: *Theory and Society* 26/4 (August 1997), 403-420 (412).

32) See the literature mentioned in P.A.J. van den Berg, 'Op zoek naar de stemmer. Toekenning en uitoefening van het stemrecht tussen 1795 en 1840' in: F. de Beaufort/P.A.J. van den Berg/R. de Jong/H. van der Kolk/P. van Schie, *Tussen geschiktheid en grondrecht. De ontwikkeling van het Nederlandse kiesrecht vanaf 1795* (Amsterdam 2018), 21-107 (29).

women, as mentioned, Friesland was a notable exception.[33)]

For example, Leeuwarden and Dokkum granted the right to vote to 'widows and unmarried women' in regulations adopted on 27 March and 8 April 1795, respectively.[34)] Elections were held at the beginning of April 1795 based on these regulations. Unfortunately, due to the lack of the relevant archives, it is not possible to determine whether women participated in the election. The new provincial board of Friesland initially also seemed to be considering the possibility of women's suffrage. On 18 March 1795, the committee charged with drafting a plan to convene the people of Friesland sent a letter to all municipalities to draw up lists of all persons entitled to vote.[35)] Four groups of persons were designated in that letter to be eligible for the right to vote, including 'all unmarried persons and widows' of twenty years or older as the second group. However, in the final bylaw adopted on 30 May 1795, this group was no longer included. The right to vote was explicitly limited to *manspersonen* (male persons).[36)]

There was also uncertainty about the exact role of women in elections in other places in Friesland. For example, an undated draft of regulations for the city of Harlingen proposed limiting the right to vote to citizens 'of the male sex' (*van de mannelijke sexe*).[37)] However, a regulation was also issued in Harlingen for the election of new court members on 14 April 1796. Article 4 of this regulation

33) Women were excluded, for example, in Amsterdam, Leiden, Groningen, Haarlem, and The Hague. See for Amsterdam: *Reglement ter verkiezing van de Municipaliteit der stad Amsterdam* (11 April 1795), published in *Jaarboeken der Bataafsche Republiek* (Amsterdam 1797, hereinafter *JBR*) 2, 297-307 (p. 297: only a '*mannelyk ingezeeten*' (male resident)). See for Leiden: *Publicatie van de Provisioneele Raad der Gemeente van Leyden* (20 April 1795), published in *JBR* 2, 374-376 (p. 374: only *manspersonen* (male persons)). This was repeated in *Nadere publicatie van den Raad der Gemeente van Leyden* (5 May 1795), published in *JBR* 3, 33-36 (on p. 33). See for Groningen: *Plan tot oproeping van het volk der stad Groningen* (draft), published in *NNJ* 30/5, 4186-4202 (p. 4190: only a '*mannelyk ingezeeten*' (male resident)). See for Haarlem: Article 1 *Reglement op het bestuur der stad Haarlem* (18 August 1795): only '*manspersonen*' (male persons). The draft of this *Reglement* is published in *Nieuwe Nederlandsche Jaerboeken* (Amsterdam 1795, hereinafter *NNJ*) 30/6, 4597-4633. See for The Hague: *Publicatie tot Oproeping der Gemeente* (22 October 1795), published in *NNJ* 30/8, 6064-6067 (p. 6066: excluding '*vrouwen en kinderen*' (women and children)).

34) Leeuwarden: *NNJ* 30/3, 2371 (Art. 4). Dokkum: *NNJ* 30/4, 3347 (Art. 2).

35) I have consulted the letter sent to the city council of Dokkum, *Streekarchief Noordoost Fryslân* (Dokkum), *Toegang* 001, *inv.nr*. 89 (*ingekomen stukken*). I am grateful to Tjeerd Jongsma of this *Streekarchief* for drawing my attention to this letter.

36) *NNJ* 30/4, 3316.

37) *Tresoar* (Leeuwarden), *Toegang* 8, *inv.nr*. 187.

stipulated that 'widows and unmarried women' were to be included among the eligible voters.[38)]

The decision at the provincial level to grant the right to vote exclusively to men was sometimes followed at a local level. It can be inferred from Articles 1 and 2 of the regulation for the election of a new court for the municipality of Tietjerksteradeel, adopted on 20 March 1796 that only 'male persons' had the right to vote.[39)] However, the choice of the provincial government was not adopted everywhere. At this stage of the revolution, local communities cherished their autonomy from Frisian provincial authority.[40)] Several cities including Leeuwarden retained the right of women to vote in 1796. This autonomy ended with the *coup d'état* of January 1798 and the resulting centralist *Staatsregeling* of 1798.

The uncertainty about the position of women was related to the fact that even after the revolution of 1795, the household was still considered the basic unit of society and therefore of the political nation. This was aligned with the social reality, where the household continued to play a crucial socio-economic role until industrialisation.[41)] Consequently, the idea of household suffrage was never distant in the revolutionary era. This is evidenced by the views of the French playwright and political activist Olympe de Gouges (1748-1793), an ardent advocate of women's rights.[42)] She argued that 'the people' did not consist of abstract individuals, but of families or unions between men and women. She therefore seemed to limit the exercise of political rights by women to those who were economically independent.[43)] After all, matrimonial law stipulated that the man was the head of the family and acted for all its members. A similar view was expressed in the Netherlands by Pieter Paulus (1753-1796), the first president of

38) *Tresoar* (Leeuwarden), *Toegang* 8, *inv.nr*. 187.

39) *Tresoar* (Leeuwarden), *Toegang* 8, *inv.nr*. 187.

40) J.R. Kuiper, 'Jacobijnen en sansculotten in Friesland. De volkssociëteit van Leeuwarden en de Bataafse Revolutie' in: *De Vrije Fries* 69 (1989), 57-76 (58). J.R. Kuiper, *Een revolutie ontrafeld. Politiek in Friesland 1795-1798* (Franeker 2002), 71.

41) J. Bohstedt, 'The myth of the feminine food riot: women as proto-citizens in English community politics, 1790-1810' in: H.B. Applewhite/D.G. Levy (eds.), *Women and politics in the Age of Democratic Revolution* (Ann Arbor, MI 1990), 21-22 and 51-52. See also J.L. Polasky, 'Women in revolutionary Brussels: "The source of our greatest strength"' in: Applewhite/Levy (eds.), *Women and politics*, 147-162 (156).

42) M. Gunning, *Gewaande rechten. Het denken over vrouwen en gelijkheid van Thomas van Aquino tot de Bataafsche Constitutie* (Zwolle 1991), 249.

43) She was therefore less radical than her contemporary, the Dutch feminist Etta Palm-Aelders (1743-1799). J. Vega, 'Feminist republicanism. Etta Palm-Aelders on justice, virtue and men' in: *History of European Ideas* 11 (1989), 333-351.

the National Assembly.[44)]

Indeed, the idea of household suffrage was present in most electoral regulations from the first year of the revolution, both in Friesland and elsewhere in the Republic. For example, the Amsterdam regulations required that the voter was 'competent to decide his own affairs'.[45)] As such, it was in principle necessary for a voter to run an independent household. This is why an exception was made in Article 4 for men still living with their parents: they were granted the right to vote, provided they were married.[46)]

In Amsterdam, the terminology seems to indicate that only a man could be head of a family. However, a circular dated 18 March 1795 of the Frisian committee charged with formulating election regulations was more gender neutral. It stated that the right to vote would be granted to people able to earn their own living.[47)] This meant that a voter had to be the head of a household or an independent bachelor living alone. The explanatory memorandum noted that children living with their parents did not qualify, even if they had reached the required age of twenty years. The Frisian circular of March 18, 1795 also excluded *dienstbaren* (servants), probably because they usually lived with the family they served. In Dokkum, the household principle was made explicit by stipulating that *dienstbaren* who lived with 'their masters and mistresses' (*meesters en vrouwen*) could not vote.[48)] Interestingly, this implied that women could be the head of a household in this Frisian city. In several other cities elsewhere in the Republic, servants were also denied the right to vote.[49)] Finally, noteworthy is that some cities, one could only qualify as a voter if one paid a minimum amount of

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44) J. Kloek/W. Mijnhart, *1800. Blauwdrukken voor een samenleving* (The Hague 2001), 255.

45) *JBR* 3, 40-41 ('*tot het besturen van zyner eigen zaken bevoegd*'). The regulations of the province of Friesland and City of Groningen required voters to be the 'head of a household'. Friesland: *NNJ* 30/4, 3316 (Art. 1) and Groningen (city): *NNJ* 30/5, 4190 (Art. 1).

46) In Zutphen and Groningen, adult children who lived with their parents were also given the right to vote, provided that the required costs had been paid for them. Zutphen: *NNJ* 30/8, 6040 (Art. 2). Groningen: *NNJ* 30/5, 4190-4191 (Art. 2).

47) *Streekarchief Noordoost Fryslân* (Dokkum), *Toegang* 001, *inv.nr.* 89 (*ingekomen stukken*): '*hun eigen brood winnen*' (earn their own bread).

48) *NNJ* 30/4, 3347 (Art. 5).

49) See for Haarlem: Art. 2 *Reglement op het Bestuur der stad Haarlem* (18 August 1795), excluding '*huiselyke bedienden*'. See for Leiden: *JBR* 2, 374, excluding '*dienstboden*'. This was repeated in *JBR* 3, 33. See for The Hague: *NNJ* 30/8, 6065, excluding '*domesticquen*'. See for Utrecht: R.E. de Bruin, 'Democratie in Utrecht 1795-1798' in: *Tijdschrift voor Geschiedenis* 92 (1979), 377-390. Remarkably, the *Reglement voor de Nationale Vergadering* (December 1795) did not exclude servants.

'head tax' (*hoofdgeld*).[50] This referred to the taxes owed by the head of household based on the number of family members over the age of sixteen years and size of the domestic staff. Obviously, there was a close connection between the tax and electoral systems, as both were based on heads of households, not on individuals.[51]

The explanatory memorandum to the electoral regulations of Haarlem shows the reason for the exclusion of servants: since they were dependent on a household, their freedom was restricted.[52] Following this argument, the system of household suffrage could easily lead to the exclusion of women. Essentially, matrimonial law specified the man as the head of the household.[53] The woman was under his guardianship and therefore not independent. For convenience, most politicians including most revolutionaries of 1795 assumed that women were not supposed to run an independent household. This is evident in the Declaration of the Rights and Duties of the Citizens of the City of Utrecht of 25 April 1795.[54] Article 2 of this declaration stated that although women were human beings, they could not be included in the category of 'citizens', because they were 'under the supervision and protection of men'. Thus, the right to vote was reserved for men.[55]

However, household suffrage did not necessarily result in the exclusion of women, as some women ran their own households. Presumably, the number of such households may have been considerable in the cities of the seventeenth and

50) See for Leeuwarden: *NNJ* 30/3, 2371 (Art. 4). See for Groningen: *NNJ* 30/5, 4190 (Article 1).

51) The *Regeringsreglement* of Zutphen also shows this connection: see *NNJ* 30/8, 6040 (Articles 1-2).

52) *NNJ* 30/6, 4571: '*meer of min in hunne vryheid beknot*'. In the province of Friesland, those who were under any kind of custody, such as servants and persons dependent on food aid, were excluded, *NNJ* 30/4, 3317 (Art. 5(1)).

53) See for the legal position of married women in the Netherlands: E.K.E. von Bóné, 'De vertegenwoordiging van de vrouw in de familieraad en haar positie in voogdijzaken in de negentiende eeuw' in: R. Pieterman/C.J.H. Jansen/G.E. van Maanen/E. Poortenga/T.J. Veen/W.J. Witteveen (eds.), *Bijdragen tot de rechtsgeschiedenis van de negentiende eeuw* (Arnhem 1994), 127-138 (129-130). B. Bakker-Nort, *Schets van de rechtspositie der getrouwde vrouw in Duitschland, Zwitserland, Engeland, Frankrijk en Nederland* (The Hague 1914), 194-251.

54) See the *Korte Verklaring van Rechten en Plichten van burgers, in betrekking tot Burgers* (Utrecht 1795).

55) De Bruin, 'Democratie in Utrecht', 378. See also R.E. de Bruin, *Burgers op het kussen. Volkssoevereinteit en bestuurssamenstelling in de stad Utrecht, 1795-1813* (Zutphen 1986), 118.

eighteenth centuries, because of the surplus of women partly caused by the importance of seafaring.[56] In Leeuwarden and Dokkum, it was recognised that women could be the head of a household. Consequently, women were not categorically excluded from the right to vote in these two Frisian cities. There, the right to vote was granted to '*huisvaders*' (housefathers, or family men) or '*huiszittende personen/huiszittend zijnde*' (persons who resided in a house), the second category being gender neutral.[57] The same provision expressly stated that 'widows or unmarried women who live on their own, constituting an own household', were included and had the right to vote.[58]

However, it was also stipulated that these women did not have to appear in person, but were allowed to vote using a ballot enclosed in an envelope, in the same way as men who were not able to go to the polling station.[59] While these women were not supposed to join the men in the voting process, they were not prohibited from doing so. Note that this distinction between the right to vote and exercise of this vote was probably aligned with standard practice in Friesland before the Batavian Revolution. As mentioned, widows and unmarried women were allowed to use their right to vote in person, but usually left this to a man.

Granting the right to vote to widows and unmarried women in their capacity as head of a household in some Frisian cities had an interesting parallel in the American state of New Jersey.[60] Until the American Revolution of 1776, the right to vote was limited there to 'freeholders', namely owners of real estate. However, after gaining independence, the New Jersey Constitution of 1776 gave the right to vote to 'all inhabitants'. Although the terminology seemed to imply individual suffrage, it was more likely based on a system of households, like in Friesland. Notably, constitutional provision on suffrage was the result of numerous petitions for allowing 'householders', i.e. heads of a household, to vote.[61] Presumably, the drafters only intended this for men, because women were denied the right to vote

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56) A. Schmidt, '"Ontbloot van alle winsten"? Armoede en overlevingsstrategieën van gebroken gezinnen in Holland, 1600-1800' in: *Leidschrift – Historisch Tijdschrift* 3/2 (2008), 119-137 (121-122).

57) Leeuwarden: *NNJ* 30/3, 2371 (Art. 4). Dokkum: *NNJ* 30/4, 3347 (Art. 1).

58) Leeuwarden: *NNJ* 30/3, 2371 (Art. 4). Dokkum: *NNJ* 30/4, 3347 (Art. 2).

59) Leeuwarden: *NNJ* 30/3, 2374 (Art. 16). Dokkum: *NNJ* 30/4, 3349 (Art. 19).

60) E.R. Turner, 'Women's suffrage in New Jersey: 1790-1807' in: *Smith College Studies in History* 1/4 (July 1916), 165-187.

61) Turner, 'Women's suffrage', 166.

almost everywhere in the United States.[62] However, women were not explicitly excluded in New Jersey.

In 1790, the new electoral law exploited this vagueness by stipulating that women could also qualify to vote, provided they met all requirements. This may have been due to the influence of Quakers, who favoured equality between men and women and accepted women's political participation. There is ample evidence that at least since 1797, significant numbers of women had participated in elections. However, it also became clear that a system of household suffrage was in place, since in principle, only widows and unmarried women were allowed to vote.[63] It was generally accepted that married women could not vote. The participation of these few women in the electoral process did not last long. Soon, many argued that women should not interfere in political affairs, leading to an amendment of the electoral law in 1807 that abolished the right to vote for women.

4. The road to the *Staatsregeling* of 1798 and beyond (1796-1813)

4.1 Women's suffrage

Like the *Reglement voor de Nationale Vergadering* of 1795, the first official draft of a constitution, the *Plan van Constitutie* of 1796, still used the ambiguous concept of *burger* (citizen) in its provisions on the electoral system.[64] However, when the *Plan* was discussed in the National Assembly from 10 January 1797 onwards, it soon became clear that there was little enthusiasm in the Assembly for granting women the right to vote.[65] On 11 January 1797, Jacob George Hieronymus Hahn (1761-1822), a fierce revolutionary, noted that in his opinion, giving women the right to vote was neither in their interest nor in that of the common good.[66]

On 12 January 1797, when the question regarding the scope of the concept of 'citizen' in the electoral provisions of the *Plan van Constitutie* arose, the answer of the President of the Assembly was short and clear: 'Women are not citizens entitled to vote'.[67] Nevertheless, the electoral provisions in the draft Constitution

62) R.J. Dinkin, *Voting in provincial America. A study of elections in the thirteen colonies, 1689-1776* (Westport, CT 1977), 29-30.
63) Turner, 'Women's suffrage', 174.
64) Articles 3 and 9 *Plan van Constitutie* 1796.
65) Van den Berg, 'Op zoek naar de stemmer', 45-46.
66) L. de Gou, *Het Ontwerp van Constitutie van 1797* 1 (The Hague 1983), 180.
67) De Gou, *Het Ontwerp van Constitutie* 1, 182.

adopted by the Assembly on 30 May 1797, known as the *Ontwerp van Constitutie* (hereinafter: *Ontwerp*), still did not explicitly exclude women.[68] However, there were some indications that women were not qualified to vote according to the *Ontwerp*. For example, Article 14 stipulated that he ('*hy*') who registered in the voting register thus acknowledged that he belonged to 'none other than the Batavian Nation'.[69]

In the Constitution of 1798 (known as the *Staatsregeling* 1798) adopted on 23 April and issued on 1 May 1798, the vague wording of the electoral provisions was retained.[70] However, presumably, women were again denied the right to vote.[71] A draft constitution likely drawn up by Willem Anthony Ockerse (1760-1826), who was closely involved in the January 1798 *coup d'état* and drafting of the *Staatsregeling* 1798, stated that women, minors, and the mentally disabled were excluded from the right to vote.[72] The final *Staatsregeling* 1798 did not include this provision, but the first addendum to it revealed that the elector had to be a '*man*' (male person).[73]

On 8 July 1799, a session of the Representative Assembly (known as *Vertegenwoordigend Lichaam*, or Representative Body) elected according to the *Staatsregeling* 1798 confirmed that the constitution excluded women from the right to vote. The Representative Body had received three petitions from Batavian women, but in response, the president noted that these petitions could not be discussed. He argued that pursuant to the Constitution, women were not entitled to

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68) See Articles 8-15 *Ontwerp van Constitutie* 1797, which also use the ambiguous concept of '*burger*' (citizen).

69) See also Article 8 (c) *Ontwerp van Constitutie* 1797, easing the electoral requirements for foreigners married to a Dutch woman. A similar provision was included in Article 10 (3) of the *Plan van Constitutie* of 1796.

70) Article 10 *Acte van Staatsregeling*. The *Staatsregeling* 1798 consisted of three parts, the *Algemene Beginselen* (General Provisions), *Burgerlijke en Staatkundige Grondregels* (Civil and Political Principles), and the separately numbered *Acte van Staatsregeling* (Covenant of Constitution).

71) Van den Berg, 'Op zoek naar de stemmer', 47.

72) L. de Gou, *De Staatsregeling van 1798. Bronnen voor de totstandkoming* 2 (The Hague 1990), 332 (Article 37). See also the letter of Boudewijn van Rees (ca. 1750-1825) to a member of the second constitutional committee, in which he explicitly noted that women were not entitled to vote. L. de Gou, *De Staatsregeling van 1798. Bronnen voor de totstandkoming* 1 (The Hague 1988), 412. Van Rees was involved in a plan to revise the fiscal system at the request of this committee.

73) See Article 5 of the *Reglement*, *letter* A.

vote and were therefore not allowed to raise issues concerning 'state affairs'.[74]

The *Staatsregelingen* (constitutions) of 1801 and 1805 also used ambiguous terms such as '*burger*' (citizen), with the result that women were again not explicitly excluded.[75] However, it is again assumed that women were not entitled to vote. For example, the Proclamation of 14 September 1801, which announced the referendum on the new constitution (the *Staatsregeling* 1801), shows that only '*manspersonen*' (male persons) were allowed to vote.[76]

A few years later, it became clear that the influential Isaac Jan Alexander Gogel (1765-1821), the Minister of Finance from 1798 to 1801, also opposed granting women the right to vote.[77] In 1804, he wrote drafts for a constitution in which he included a provision restricting registering as a Batavian citizen to 'male persons', thus excluding women from the right to vote.[78] He also suggested including an article stating that wives, widows, and minors should enjoy the prerogatives of citizenship for which it was not required to be male.[79] Interestingly, widows were mentioned separately, thereby excluding them from the right to vote.

After 1805, French influence in the Netherlands increased. In 1806, the Kingdom of Holland was created with Louis Napoleon (1778-1846), brother of the French emperor, as its monarch. The criteria for voting rights were then no longer regulated in the new constitution, but instead in an act published on 17 April 1807.[80] Article 2 of this law referred to '*manspersonen*' (male persons). After the annexation of the Netherlands into the French Empire on 1 January 1811, this exclusion of women was maintained. The French Constitution of 1799, which took effect in the Netherlands on the same date, granted the right to vote to '*hommes*'

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74) *Dagverhaal der Handelingen van het Vertegenwoordigend Lichaam des Bataafschen Volk* 5 (The Hague 1799), 339-340.

75) Articles 24-25 *Staatsregeling* 1801. Article 12 *Staatsregeling* 1805.

76) L. de Gou, *De Staatsregeling van 1801. Bronnen voor de totstandkoming* (The Hague 1995), 274.

77) L. de Gou, *De Staatsregeling van 1805 en de Constitutie van 1806. Bronnen voor de totstandkoming* (The Hague 1997), 122 (Art. 3) and 128 (Art. 30). About Gogel, see: J. Postma, 'Alexander Gogel: bouwer van de eenheidsstaat' in: *Pro Memorie. Bijdragen tot de rechtsgeschiedenis der Nederlanden* 12/1 (2010), 56-86.

78) De Gou, *De Staatsregeling van 1805*, 122 (Art. 3).

79) De Gou, *De Staatsregeling van 1805*, 129 (Art. 33).

80) *Wet en reglement over de vereischten tot het stemregt, en de wijze van benoeming van de leden van het Wetgevend Ligchaam*, printed in: *Verzameling van Placaaten* 10 (Franeker/ Leeuwarden 1807), 505-509.

with the intention to deny women the right to vote. As such, the word '*hommes*' was correctly translated into Dutch as *mannen* (male persons).[81)]

It is often suggested that the revolutions in the Netherlands and France represented the promising beginning of women's emancipation that like the revolution itself, was subsequently smothered by the Napoleonic reaction. In 1996, the Belgian historian and political scientist Verbruggen wrote that 'the hope for equal treatment of men and women that had been aroused by the French Revolution was soon dashed with the arrival of Napoleon'.[82)] Although this view seems obvious, the above shows that it is inaccurate.[83)] The majority of revolutionaries opposed the political participation of women, resulting in their exclusion from the right to vote, albeit often implicitly.

This conclusion demands an explanation. The revolutionaries emphasised the Declaration of Human Rights, which could be argued, also applied to women. This argument was made by P.B.v. W., whose identity is unknown, in a pamphlet published in the Frisian city of Harlingen.[84)] This anonymous author argued that natural law gave no reason to exclude women from political participation. He accepted that in a civilised world, other laws could exist in addition to those of nature, but believed that these should not violate the laws of nature. Since nature had given women the same intellectual capabilities as men, women should have the same rights. In his view, subordinating women to men because they were weaker than men could be construed as despotism.

Some delegates in the National Assembly adhered to similar natural law theories. In January 1797, during the debate on the electoral system of the *Plan van Constitutie* (1796), Pieter Vreede (1750-1837), a radical revolutionary from Leiden, opposed limiting the right to vote to property-owning persons. He argued that human beings were born with rights that should not be taken from them.[85)]

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81) The Dutch version of the French Constitution of 1799 is printed next to the French version in: *Verzameling der Fransche Wetten* 1 (Amsterdam 1811), 2-39.

82) P. Verbruggen, '"Een vrouw, een stem". Een tentoonstelling over vrouw en kiesrecht' in: *Brood en Rozen. Tijdschrift voor de Geschiedenis van de Sociale Bewegingen* 1/1 (1996), 61-63 (61).

83) M. Schwegman, 'Strijd om de openbaarheid: sekse, cultuur en politiek in Nederland', in: D. W. Fokkema/F. Grijzenhout (eds.), *Rekenschap: 1650-2000* (The Hague 2001), 145-176 (147-149).

84) The text of this pamphlet is printed as an appendix to J. Vega, 'Het beeld der Vryheid; is het niet uwe zuster?' in: S. Sevenhuijsen/J. Bussemaker/K. Davis/J. Outshoorn/J. Zipper (eds.), *Socialisties-Feministiese Teksten* 11, (Baarn 1989), 89-111.

85) De Gou, *Het Ontwerp van Constitutie* 1, 189 (session of 12 January 1797).

This likely also applied to women, since he denied in March 1797, during a discussion on his proposal to enlarge the influence of the population on the election of their representatives, ever arguing that it was allowed to deprive women of their rights because they were weaker.[86)] More than a year later, as co-editor of a revolutionary journal, he accepted an article in which doubts were raised about the exclusion of women from political participation.[87)] According to the author of this article, it was strange that women were ignored when it came to politics, as they were also human beings with equal rights.

However, most revolutionaries were unconvinced by the arguments of the aforementioned anonymous author and maintained their negative attitude towards women's political rights. Although they also used the natural law discourse, the consequences of this discourse could be ambiguous.[88)] The anonymous author emphasised that the rights in the state of nature were universal and inalienable. However, this position was only held by a few radical revolutionaries such as Vreede. The majority had abandoned such an uncompromising view on human rights. They argued that with the conclusion of a social contract, men had departed from the state of nature and established a society. In this society, the laws issued by the people, in this case the sovereign, would prevail above all others.[89)] This is illustrated by the remarks of Egbert Johan Greve (1754-1811) in the National Assembly on 13 January 1797 in response to a question about whether a declaration of loyalty could be demanded as a condition for granting voting rights.[90)] Greve argued that the 'people' were sovereign and thus had the indisputable right to demand a statement concerning political views from any individual about to influence the government of the state. According to Greve, one

86) De Gou, *Het Ontwerp van Constitutie* 1, 599 (session of 13 March 1797). Van den Berg, 'Op zoek naar de stemmer', 46.

87) *De Revolutionaire Vraagal, of zwaager van den politiken Bliksem* 14 (July 1798), 105-110 (105). Gunning, *Gewaande rechten*, 271.

88) See for the ambivalence of natural law: P.A.J. van den Berg, 'E pluribus unum? Some remarks on the future of "regional legal" systems of private law in the European Union from a historical perspective' in: *Rechtskultur. European Journal of Legal History* 9: *Against Unification of Law* (2021), 115-137 (123).

89) P.A.J. van den Berg, 'Patriotisme, vrijheid en mensenrechten aan het eind van de achttiende eeuw: Jacob van Manen Adrz. (1752-1822) en de Staatsregeling van 1798' in: Moorman van Kappen/Coppens (eds.), *De Staatsregeling voor het Bataafse Volk*, 62-71.

90) *Dagverhaal* 1, 563. See also *Dagverhaal* 1, 525, where a similar position is taken by members Jacob Hendrik Floh (1776-1830) and Johan Frederik Rudolph van Hooff (1755-1816).

should not confuse 'human rights' with 'citizen rights'. In this view, it was possible to limit suffrage to those deemed appropriate in the interest of society.[91] The right to political participation was not an inalienable fundamental right, and therefore could be denied to certain categories of persons such as women.

The refusal of most revolutionaries to grant women the right to vote was also related to the importance the revolutionaries attached to the duty to take up arms. Following Jean-Jacques Rousseau (1712-1778), the patriots had embraced the classical ideal of the politically and militarily active citizen. Aligned with this, they revived a tradition of the Dutch Republic during the *Ancien régime* and organised themselves in a militia. This resulted in a close link between military service and political participation, as evident in the debates in the National Assembly.[92] Although some members emphasised that the ability to bear arms did not imply the capability to vote wisely, the majority supported connecting the granting of voting rights to the obligation to perform military duties. For example, in the *Ontwerp van Constitutie* of 1797, the age required for the right to vote was reduced to twenty years for those who had been a member of a militia for at least one year.[93]

The importance of the duty of men to take up arms was the result of changes in the division of labour between men and women.[94] At the end of the eighteenth century, the role of women in the family became increasingly important. This was presented as a public duty, since women were supposed to raise children to be good citizens.[95] In this way, they could still be considered 'citizens' contributing to the public good without having to be granted political rights. The militia were also organised in a way allowing women to perform 'public' duties from home. While men performed military exercises, women were responsible for manufacturing elements like banners and contributing financially to the corps.

In addition, the aversion of the revolutionaries towards the guilds is noteworthy. Although the family was still accepted as an organisational unit, all

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91) Van den Berg, 'Op zoek naar de stemmer', 49-50.

92) De Gou, *Het Ontwerp van Constitutie* 1, 179.

93) Art. 8(a) *Ontwerp* 1797. Art. 24 *Staatsregeling* 1801. De Gou, *De Staatsregeling van 1801*, 146 and 183 (Art. 14(a)). The link between military service and voting rights was also implemented on a local level. In Dokkum, for example, adult sons who had taken up arms were granted the right to vote even if they lived with their parents and did, therefore, not qualify as a head of a household. *NNJ* 30/4, 3347 (Art. 3). The same applied to the province of Friesland, *NNJ* 30/4, 3316 (Art. 3).

94) Kloek/Mijnhart, *1800. Blauwdrukken*, 243 and 257-259.

95) Kloek/Mijnhart, *1800. Blauwdrukken*, 251-253.

other intermediary bodies were viewed with suspicion as possible competitors of the nation. Moreover, guilds were seen as an obstacle to economic development, which was considered of great importance for the power of the Republic. There was a commitment to free trade, at least as far as the interior was concerned. This development was not favourable for women, because they had certain roles in the old guild structures, which they now had lost access to.[96] Paradoxically, the liberals' arguments for free trade and individual representation in around 1800 led to the denial of women's right to political participation.[97] As such, the exclusion of women was a consequence of modernity. This explanation is supported by the fact that after 1813, with the partial return to the ideology of the *Ancien régime*, widows and unmarried women regained the right to vote. This period is addressed in section 5.

In conclusion, Vreede was in the minority in term of his views on women's rights. This may explain why he did not fight for women's suffrage in the National Assembly. He and his allies did not want to engage in a battle they could not win.[98] Moreover, there were other points of contention they considered more important, such as the degree of government centralisation and extent of popular influence.

4.2 Household suffrage

In the course of the Batavian Revolution, women were excluded from political participation, which was especially detrimental to widows and other unmarried women. Unlike during the *Ancien régime*, they were now denied suffrage. However, the system of household suffrage was not abandoned after 1795. It occasionally surfaced in discussions in the National Assembly, such as in the session of 12 January 1797. In this session, Bernardus Nieuhoff (1747-1831) defended the proposal to grant the right to vote to married men, even if they had not reached the required age of 22 years.[99] Nieuhoff argued that a married man was the father of a household and should therefore be considered an active citizen

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96) Polasky, 'Women in Revolutionary Brussels', 156. L.K. Kerber, '"I have don ... much to carrey on the warr": women and the shaping of republican ideology after the American Revolution' in: Applewhite/Levy (eds.), *Women and politics*, 229-230.

97) Polasky, 'Women in revolutionary Brussels', 158.

98) M. Gunning, 'Twee honderd jaar geleden: De "rechten van de arme vrouwen misdeeld"' in: *Nederlands Juristenblad*, 1996, 356-358. O. Moorman van Kappen, 'Een tyrannieke daad?' in: *Nederlands Juristenblad* 1996, 721.

99) De Gou, *Het Ontwerp van Constitutie* 1, 181.

able to vote. The proposal was adopted.[100)]

A few years later, the principle of household suffrage was explicated by Gerhard Dumbar (1743-1802), an influential publicist from Deventer. His draft constitution, formulated around 1801, contained a provision stating that 'in every household there can be no more than one person who votes'.[101)]

The system of household suffrage also emerged if political participation was made dependent on a census requirement. This was the case in the *Plan van Constitutie* (1796), the draft constitution discussed in the National Assembly in 1797.[102)] Although the *Plan*, like most other (draft) constitutions from the Batavian era, did not contain a census requirement with regard to voters, the proposed electoral system was stepped. This means that voters did not directly elect representatives, but instead chose electors to perform this task. The *Plan* of 1796 included a census requirement for these electors. In this context, the final sentence of Article 50 *Plan* of 1796 established that 'the property of a woman qualifies the man'.[103)]

Interestingly, the *Plan* of 1796 also addressed the situation of a household headed by a widow.[104)] In this case, a son who was part of the household could qualify as an elector because of her property. Note that it was not the widow who qualified, but the son. The fact that only one son could qualify also indicates that a system of household suffrage was in place.[105)]

A majority in the National Assembly agreed to a property requirement for electors and adopted the provision that a widow's property could qualify her son.[106)] The reasoning in support of this provision shows again the centrality of the household. It was argued that a sufficiently well-off 'household' was so

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100) See also Art. 8(a) *Ontwerp van Constitutie* 1797. The first constitutional committee had already proposed to make an exception for married people, but by setting the age limit for them at twenty years, see Art. 10(1) *Plan van Constitutie* 1796.

101) De Gou, *De Staatsregeling van 1801*, 324 (Art. 96). Note that an exception was made for 'someone who lived with another household without belonging to it'.

102) Since neither the *Reglement voor de Nationale Vergadering* 1795 nor the *Staatsregeling* 1798 made the right to political participation dependent on a census requirement, the issue did not surface there.

103) This addition was missing in the first version of that provision. It was added at the meeting of 14 September 1796. L. de Gou, *Het Plan van Constitutie van 1796* (The Hague 1975), 243 and 407.

104) Article 51 *Plan van Constitutie* 1796.

105) De Gou, *Het Plan van Constitutie*, 243-244.

106) Art. 61 *Ontwerp van Constitutie* 1797. De Gou, *Het Plan van Constitutie*, 391.

important to the Republic that it should not be excluded from political participation because of the death of the father if there was a son who was part of the household and otherwise met the conditions.[107] This son would take the place of his deceased father.

5. A period of restoration: 1813-1848

After the defeat of Napoleon, the Netherlands regained its independence and became a monarchy. Although some achievements of the Batavian era were retained, such as the centralisation of state institutions and unification of weights and measures, the new political system had hallmarks of a return to the political ideology of the *Ancien regime*. Popular sovereignty was not the foundation of the new regime, and the system of representation was not based on a population understood as consisting of autonomous and equal individuals.[108] The Constitution of 1814 granted a central role to the representative bodies of the individual provinces, the Provincial Estates, which consisted of representatives of the three 'estates': the nobility, cities, and countryside. Members of the Dutch parliament (the *Staten-Generaal*, or Estates-General) were elected by these Provincial Estates, meaning they were only indirectly chosen by the electorate.[109]

The two constitutions were silent about the requirements to qualify for the right to vote. They only stipulated that suffrage in the cities would be regulated in municipal regulations and that of the countryside in provincial regulations.[110] In terms of the competence and exercise of the right to vote, these regulations were almost uniform. Residents who met the census requirements were eligible for the right to vote. The census included an assessment of personal and land taxes. Local variation was only rarely allowed.[111]

Based on municipal and provincial law, the historian Lodewijk Blok concludes

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107) De Gou, *Het Ontwerp van Constitutie* 1, 358.

108) G. van Nifterik, 'On the idea of democracy in the Dutch Constitution Committees of 1814 and 1815' in: *Parliaments, Estates and Representation* 31 (2011), 17-32.

109) See Art. 56 *Grondwet* 1814. The Constitution of 1815 introduced a bicameral parliament consisting of an Upper House (*Eerste Kamer*, or First Chamber), whose members were appointed by the king, and a Lower House (*Tweede Kamer*, or Second Chamber), whose members were elected by the Provincial Estates. See Artt. 78-80 *Grondwet* 1815.

110) See Artt. 77-81 *Grondwe*t 1814 and Artt. 131-134 *Grondwet* 1815.

111) Only Friesland had its own regulation until 1824. However, the requirements regarding the census varied considerably.

that the right to vote was limited to men.[112] However, this view is incorrect. As in the previous period, a system of household suffrage was in place, although this was not explicitly mentioned in the legislation. The stated aim of the government was to extend the right to vote as much as possible 'to all well-to-do citizens, to all heads of households'.[113] Moreover, neither the Constitutions of 1814 and 1815 nor the provincial and municipal laws explicitly excluded women from political participation. Thus, in principle, women could also qualify as voters if they headed a household.

Indeed, the municipal and provincial regulations actually granted the right to vote to widows, which means they regained some ground lost in the revolutionary era. Presumably, Blok's mistake was caused by the fact that he does not distinguish between granting the right to vote and exercising it. Since the exercise of voting rights was reserved for men, a widow had to transfer her right to an adult son. She could never exercise it herself. For example, the city regulations of The Hague stated that 'widows, who were also mothers, were obliged to designate a son if she wanted her right to be exercised'.[114] However, she retained the right itself and could therefore change or withdraw the designation of the son. Because the municipal regulations were almost uniform, the situation in other cities did not differ from that in The Hague. For example, in Weert, widows could transfer their vote in the same way as in The Hague.[115]

Women who had not transferred their right to vote were excluded from exercising it and thus ultimately removed from the electoral roll. This did not mean they were deprived of the right to vote. The reason for the deletion was that the final electoral roll was used to check who was allowed to exercise the right to vote in a specific election. The fact that in 1822 ten widows were mentioned on the electoral roll of Weert and fifteen in the electoral roll of 1830 of the same city proves that women were participating in municipal elections.[116]

The provincial laws regulating the right to vote in rural areas had similar

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112) L. Blok, *Stemmen en kiezen. Het kiesstelsel in Nederland in de periode 1814-1850* (Groningen 1987), 125. Lokin-Sassen, 'Aletta Jacobs', 82-83, also believes that women could not vote in this period.

113) Blok, *Stemmen en kiezen*, 118.

114) *Dagblad van 's Gravenhage*, 23 July 1841, 1.

115) J. Bongaarts, 'Kiesrecht voor vrouwen in Weert 1815-1994' in: *Weert in woord en beeld. Jaarboek voor Weert 1999* (Weert 1999), 33-46 (34-35).

116) Bongaarts, 'Kiesrecht voor vrouwen', 34-35.

provisions as in The Hague and Weert. For example, the regulations of the province of Holland from 1825 stipulated that widows who wanted their right to be exercised had to authorise a son to do this and notify the local government of this decision.[117] These regulations also stated that a man who was not entitled to vote based on his own tax assessment, but who was married to a woman who did meet the census, could also be authorised to exercise the right to vote or become an elector.[118] Noteworthy is that the tax assessment of the married woman was not added to that of her husband, but that the right to vote was granted to the married woman herself. However, the husband was the only one allowed to exercise it. Notably, there was an important difference between the position of the widow and that of the married woman. The widow decided for herself whether her right to vote would be exercised by her son or not. The married woman did not have this choice. Rather, her husband decided whether to use his wife's voting right.

In conclusion, the family formed the basis of the right to vote between 1815 and 1848. The legislator gave the right to vote to the heads of important households deemed to have an interest in maintaining the social order. These heads of household were typically male, but if the man had died, his widow became the head of the family and was granted the right to vote. However, the exercise of this right was reserved for men.

6. The Constitution of 1848 and the new Electoral Act (*Kieswet*) of 1850

The period of restoration ended in 1848, a year of revolutions in Europe, when a new Constitution was created under the guidance of the liberal politician Johan Rudolph Thorbecke (1798-1872). Similar to the revolutionaries of the Batavian Era, Thorbecke was convinced that popular sovereignty should be the leading

117) *Reglement provincie Holland*, printed in: *Bijvoegsel tot het Staatsblad* 12/1, 59.

118) *Reglement provincie Holland*, 59. A similar provision was included in the municipal regulations of The Hague. See *Dagblad van 's Gravenhage*, 23 July 1841. For an example of a husband who qualified based on his wife's tax assessment, see: *Gemeentearchief 's-Gravenhage* (The Hague), *Archief stadsbestuur* (1811) 1816-1851, *inv.nr*. 737 (*Ingekomen stukken betreffende de verkiezingen van de Tweede Kamer, provinciale Staten en de Gemeenteraad* 1848-1849).

principle of his time.[119] This return to Batavian ideals necessitated a major reform of the electoral system, and Article 77 of the Constitution of 1848 stipulated that a new national electoral act should be prepared.

Since it took time before the new electoral act would be ready, electoral practice remained unchanged for two years. The Constitution of 1848 included a provisional electoral regulation, which stipulated that the members of the Lower House (*Tweede Kamer*, or Second Chamber) were elected by adult Dutch residents who met the census requirements.[120] Since this regulation did not exclude women, widows participated in the first direct elections held under the regime of the Constitution of 1848 in November 1848. The following two examples illustrate this. First, the widow A. Keijzer from The Hague wrote to the mayor asking to transfer her voting right to her son Bertus Adrianus Keijzer.[121] She had enclosed her tax assessment to prove this right. As it was before 1848, the widow was able to determine whether her son would exercise her right or not. The second example is from the electoral roll of the municipality of Loosduinen from 1848.[122] Behind the name of voter no. 34 on this list, it explains that he had been designated by his mother, the widow N. van der Spek, to exercise her voting right.

However, the political participation of women did not last long in the new political environment. In May 1849, Minister of the Interior Jacobus Mattheüs de Kempenaer (1793-1870) submitted a bill for an electoral act as required by the Constitution of 1848.[123] Regarding the position of widows, this bill was consistent with existing practice. It included a provision stating that a widow who met the

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119) Peter A.J. van den Berg, 'We, the people! Democratisation and the delineation of citizenship in the Netherlands, 1795-1922' in: *Osaka University Law Review* 58 (2011), 73-91 (84). See for the link between the revolutionary ideology of the late eighteenth century and early nineteenth-century liberal ideas also: Peter A.J. van den Berg, 'Liberalism, modern constitutionalism and nation building in the Belgian Constitution of 1831: a comparative perspective' in: *Giornale di Storia Costituzionale* 35/1 (2018), 49-68 (50-52).

120) Art. 2 *Voorlopig Kiesreglement*, included in the Constitution of 1848 as Art. 7 *Additionnele Artikelen*.

121) *Gemeentearchief 's-Gravenhage*, *Archief stadsbestuur* (1811) 1816-1851, *inv.nr*. 737 (*Ingekomen stukken betreffende de verkiezingen van de Tweede Kamer, provinciale Staten en de Gemeenteraad* 1848-1849).

122) *Gemeentearchief 's-Gravenhage*, *Archief stadsbestuur* (1811) 1816-1851, *inv.nr*. 737 (*Ingekomen stukken betreffende de verkiezingen van de Tweede Kamer, provinciale Staten en de Gemeenteraad* 1848-1849).

123) De Kempenaer had been a member of the committee that drafted the Constitution of 1848, headed by Thorbecke. He is considered an ally of Thorbecke until 1849, when he became more conservative.

census requirements could transfer her right to vote to one of her sons, provided that he met the other requirements.[124] It was explicitly stated that she was not obliged to do so and could revoke an authorisation at any time. However, the same provision showed that the position of married women would deteriorate if the bill passed. It was proposed that her tax assessment be added to that of her husband, which meant she no longer was granted voting rights herself.

On 30 June 1849, a committee of the Lower House issued a report on the bill, which was even more unfavourable to women. There was support for the proposal concerning married women, but the suggestion to grant voting rights to widows was rejected.[125] The committee considered it unacceptable that a widow could arbitrarily deny her son his suffrage, as the right to vote should not depend on the whim of a woman. Thus, practice as it had existed for several decades was dismissed as absurd. The committee suggested applying the system concerning married women to widows as well, meaning that her tax assessment would be added to that of one of her sons.

Interestingly, the committee concluded its evaluation of the proposed provision concerning widows by stating that 'political rights are attached to a person, not to the possession of property'.[126] Suddenly, the right to vote was individual. However, this statement was at odds with the proposal to attribute the tax assessment of the wife or widow to the husband or son, respectively.[127] If the right to vote was really individual, others' assets should not be considered regarding whether someone qualifies to vote. Obviously, the committee wanted to exclude prosperous households from political participation, but only if this was possible without women having a say in it. De Kempenaer's bill was not discussed further because of the fall of the government.

On 2 May 1850, Thorbecke, who had succeeded De Kempenaer as Minister of the Interior, submitted a new bill concerning the electoral system. This bill included a provision stipulating that the husband was supposed to pay the tax assessment of his wife and children, which was aligned with the stranded bill of De Kempenaer.[128] In this context, Gerardus Wouter Verweij Mejan (1797-1850)

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124) *Kamerstukken* II, 1849, XXIX, No 2 (Article 2, p. 48 (last two sentences)).

125) *Kamerstukken* II, 1849, XXIX, No. 5, p. 100.

126) *Kamerstukken* II, 1849, XXIX, No. 5, p. 100.

127) Incidentally, it was also at odds with the proposal to add the tax assessments of children to that of the father, which was included in the same provision.

128) *Kamerstukken* II, 1849-1850, XXVII, no. 2, p. 241 (Article 3).

remarked on the nature of voting rights.[129] According to him, the right to vote was in principle a personal capacity and therefore, voters had to meet the census requirements on their own. In his view, an exception to this principle was already made in the proposed provision by adding the tax assessments of the woman and children to that of the husband/father. However, he did not want this exception to also apply to couples who were not married in community of property.

The majority of the Lower House did not accept his criticism and adopted the provision unaltered. This may indicate that there a system of household suffrage remained in place, although there was no explicit reference to it. Another fact seems to confirm this. The Dutch Civil Code of 1838 stipulated that the husband was the head of the marital union and that he controlled both the property they held in community and that belonging to the wife if there was a marriage contract to the effect of the latter.[130] However, the man could not count the personal assets of his wife or his children as his own. The tax assessments concerning these assets were written in their name and not in that of the husband. Aligned with this, the Electoral Act of 1850 stipulated that the man was 'supposed' to pay those assessments, not that he was personally charged for them. According to this Electoral Act, the tax assessments of the husband, wife, and children were added to determine the right to vote, which is consistent with a system of household suffrage.

The proposal on widow's suffrage disappeared in Thorbecke's draft. Remarkably, the report of the committee of the Lower House on the bill, issued on 17 May 1850, shows that a significant minority objected, arguing that it would be undesirable if wealthy households with adult children were not represented in, for example, the city council after their father had died.[131] However, the committee agreed that voting rights should not be left to the whim of the widow and suggested including an adapted version of the proposal on widow's suffrage in De Kempenaer's bill. Thorbecke only referred to the objections that had been raised against this proposal in 1849 and rejected this suggestion.[132]

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129) *Handelingen* II, session of 12 June 1850, p. 4-5. The lawyer and banker Verweij Mejan was a 'pragmatic liberal', who usually operated independently as an MP.

130) Articles 160 and 163 Dutch Civil Code 1838. M. Braun, 'Gelijk recht voor allen! Feministische strijd tegen maritale macht' in: *De eerste feministische golf. Jaarboek voor vrouwengeschiedenis* 6 (Nijmegen 1985), 138-161.

131) *Kamerstukken* II, 1849-1850, XXVII, no. 5, p. 322.

132) *Kamerstukken* II, 1849-1850, XXVII, no. 6, p. 348.

7. Revision of the Constitution in 1887

In the discussions on the Electoral Act of 1850, two competing concepts of voting rights were present, 'individual suffrage' and 'household suffrage'. However, these concepts were not explicitly used, resulting in vagueness regarding the foundation of the right to vote.

Clarity regarding women's suffrage was also lacking. Although the position of married women had deteriorated with the introduction of the Electoral Act of 1850 and widows had been excluded, women were still not denied voting rights as such. This changed in 1887, when with little debate, a provision was adopted limiting suffrage to male citizens.[133] This amendment was probably expedited by the actions of Aletta Jacobs, resulting in a ruling of the *Hoge Raad* (Supreme Court) of 1883. As mentioned, the *Hoge Raad* decided in this ruling that according to the spirit of the Constitution of 1848, women did not have voting rights. Interestingly, the court failed to recognise that some women, widows who met the requirements of the census, did have the right to vote in the first elections under the Constitution of 1848, although they were not allowed to exercise this right themselves.

In the early 1880s, the system of household suffrage had become increasingly popular and discussions focused on proposals on how to establish such a system. This also applied to some progressive liberals such as Sam van Houten (1837-1930), who had previously endorsed a system of individual suffrage in a memorandum submitted on 22 April 1877 to the Lower House.[134] In the memorandum, he pleaded for universal suffrage for all male citizens who had completed primary school and did not receive income support. According to him, this was the best way to create a representation of the people as a whole, not just of property.

In 1884, Van Houten changed his view and presented a constitutional amendment that would introduce a system of household suffrage.[135] He argued that society was not a conglomerate of a mass of individuals, but 'an organic community' of which the *families* are the constituent units. Interestingly, his proposal was favourable to women. He considered it a logical consequence of an

133) Article 80 *Grondwet* 1887. F. de Beaufort/P. van Schie, *De liberale strijd voor vrouwenkiesrecht* (Amsterdam 2019), 47.

134) *Kamerstukken* II, 1876-1877, 140, no. 8, *Nota* A, p. 97-98.

135) *Kamerstukken* II, 1883-1884, 256, no. 3, p. 8. De Lange, '"Kent iemand nog eene gehoorzame vrouw?", 286 and 289.

electoral system based on this organic approach that a woman should be granted the right to vote if she was the head of a household. Three years later, he reiterated that he was in favour of universal suffrage, but against personal suffrage, because he regarded the family as the basic unit of society. He favoured a 'universal suffrage of the heads of families'.[136)]

In March 1885, the government headed by Prime Minister Jan Heemskerk Azn. (1818-1897) submitted a proposal for constitutional revision concerning the electoral system. Heemskerk was a pragmatic liberal when he became an MP in 1860, but turned conservative over the years. The revision aimed at granting the right to vote to male heads of households, provided they lived in a house that represented a certain rental value, which was established by law.[137)] However, the government proposals did not consistently implement the system of household suffrage. Men who rented a room in a boarding house and were thus not head of a family were included, while all female heads of a household were denied voting rights.[138)]

The system of household suffrage proposed by the government received substantial support in the Lower House. Unsurprisingly, members of the denominational parties favoured this system, for example, Alexander Frederik de Savornin Lohman (1837-1924), who belonged to the *Anti-Revolutionaire Partij* (ARP), a party based on an anti-revolutionary ideology.[139)] De Savornin Lohman rejected the system of universal suffrage, stating that the household was 'indestructible'. Consequently, the household should not be represented by more than one person, because all members thereof, who lived together, were represented when one was granted the right to vote.

The liberals also supported the system of household suffrage, for example, the progressive liberal Bernardus Hermanus Heldt (1841-1914). Heldt endorsed the views of De Savornin Lohman, emphasising that he did not want all citizens to have the right to represent themselves.[140)] Heldt wanted to extend the right to vote

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136) *Handelingen* II, session of 17 March 1887, p. 1188.

137) A.R. Arntzenius, *Handelingen over de herziening der Grondwet 1887* 2 (The Hague 1884), 31. Interestingly, the voter could be either the owner or tenant of the property.

138) Arntzenius, *Handelingen* 2, 40 and 49. This was related to the tax system, which focused on the owner, main tenant, or main occupant of a house. Single wealthy men were often sub-tenants of a floor, so they were not taxed. A.R. Arntzenius, *Handelingen over de herziening der Grondwet 1887* 3 (The Hague 1886), 49.

139) *Handelingen* II, session of 22 March 1887, p. 1245.

140) *Handelingen* II, session of 22 March 1887, p. 1247.

to widows and unmarried women living independently, like his ally Van Houten. To that end, he tabled an amendment that was not only supported by several other liberals, but also by De Savornin Lohman.[141)]

Despite the substantial support for the system of household suffrage in the Lower House, it was not adopted in the Constitution of 1887. According to De Savornin Lohman, there was sufficient support for the principle of household suffrage, but it proved too difficult to reach agreement on the precise elaboration.[142)] However, one element of the government proposal did end up in the new constitution. It stated that the members of the Lower House be elected by male citizens.[143)] For the first time since 1813, women were explicitly denied the right to vote.

8. The Electoral Act (*Kieswet*) of 1896

The revision of the constitution in 1887 necessitated a new electoral act to implement the new requirements as formulated in this constitution. These requirements were vague: 'capability' and 'prosperity'. In September 1892, Johannes Pieter Roetert Tak van Poortvliet (1839-1904), Minister of the Interior, submitted a bill to this effect. According to the bill, it was necessary to be able read and write to fulfil the requirement of 'capacity'.[144)] For 'prosperity', the bill stipulated that one should provide for one's own maintenance and for that of a family. The bill did not include additional welfare requirements.

In the explanatory memoranda, Tak van Poortvliet, a progressive liberal, wrote that he did not want to introduce a system of household suffrage, because being a family man did not sufficiently prove capacity and prosperity.[145)] He also pointed out that the Constitution of 1887 deliberately did not allow for the introduction of such a system.[146)] However, his implementation of the second requirement certainly bordered on a system of household suffrage.

Understandably, the bill was favourably received by members of the ARP, since this party had embraced the system of household suffrage in its *Program van*

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141) *Handelingen* II, session of 22 March 1887, p. 1249.

142) A.R. Arntzenius, *Handelingen over de herziening der Grondwet 1887* 6 (The Hague 1887), 353-354.

143) Article 80 *Grondwet* 1887. Lokin-Sassen, 'Aletta Jacobs', 104.

144) *Kamerstukken II*, 1892-1893, 57, no. 2, p. 1 (Articles 3-4).

145) *Kamerstukken II*, 1892-1893, 57, no. 5, p. 20.

146) *Kamerstukken II*, 1892-1893, 57, no. 8, p. 99.

Actie (Programme of Action) of 1888.[147] Initially, only men were eligible, but this limitation was removed in 1891. Since then, the anti-revolutionaries also proposed allowing women to qualify for voting rights, although this would require changing the constitution. Outside parliament, Abraham Kuyper (1837-1920), founder of the ARP, lauded the bill of Tak van Poortvliet in *De Standaard*, a daily newspaper that he had founded.[148] According to Kuyper, the Constitution of 1887 was based on the wrong principle, namely on individual voting rights, but he was content that the bill nevertheless came close to introducing household suffrage.[149]

In the Lower House, some anti-revolutionary members tried to increase the importance of the family in the Tak van Poortvliet draft.[150] Jan van Alphen (1829-1911) and Æneas Mackay (1838-1909) proposed amending it to reflect that a head of a household should provide for himself and his family. However, Mackay emphasised that the amendment did not seek to introduce a system of household suffrage, since it was clear from the last revision of the constitution that there was no majority for this in parliament. He only wanted to give the head of the family a first place in the electorate, because the family was the foundation of the state. Note that single men were also eligible provided they had access to a room that could be heated.

Furthermore, Mackay argued that the system of suffrage presently in place was already *de facto* based on the household. According to him, only a few voters were not head of a family.[151] He was supported by colleague Alexander van Dedem (1838-1931), also from the ARP, who stated that the right to vote was exercised almost exclusively by the head of the household.[152]

Tak van Poortvliet's bill was not passed, because there was too much opposition. The government dissolved the Lower House and elections followed in which the opponents of the bill, including Van Houten, who had grown more conservative on the issue of suffrage, won the majority. On 21 June 1895, the new

147) A. van Kessel, '"Wat het zwaarst weegt". De confessionelen en de parlementaire strijd om actief kiesrecht voor vrouwen' in: S. van Bijsterveld/H. van der Streek (eds.), *Wat komen jullie hier doen? Vrouwenkiesrecht tussen geloof, politiek en samenleving, 1883-2018* (Nijmegen 2018), 89-120 (90).

148) *De Standaard*, 31 August and 23 September 1892.

149) In 1893, Kuyper argued that the Constitution of 1887 should be revised to allow the introduction of household suffrage. On that occasion, he also suggested that widows be given the right to vote. *De Standaard*, 3 May 1893.

150) *Handelingen* II, session of 20 February 1894, p. 754-757.

151) *Handelingen* II, session of 20 February 1894, p. 757.

152) *Handelingen* II, session of 28 February 1894, p. 867.

government, with Van Houten as Minister of the Interior, submitted another draft.[153] It was adopted by parliament and became law in 1896.

The bill still included many elements that made it similar to a system of household suffrage. As in Tak van Poortvliet's draft, the husband was still supposed to pay the taxes of his wife and children.[154] The same provision proposed counting the tax assessment of a widow for her eldest son who belonged to her household. This son was then considered the representative of the family.[155] This would reintroduce a type of widow's suffrage. However, this proposal differed from the pre-1850 system, in which the right to vote was granted to the widow, although she could not exercise the right herself.[156] If she wanted to exercise the right, she had to authorise her son to that end. According to Van Houten's draft, a widow did not have the voting right herself, a scheme consistent with the fact that the Constitution of 1887 excluded women from suffrage.[157]

Van Houten defended the proposal concerning widows, arguing that since the family assets were used to pay taxes, it was irrelevant that the tax assessment was not in the name of the son.[158] Obviously, Van Houten focused on the family assets and not on the individual assets of the man. He emphasised that when granting the right to vote, who had generated the assets was not investigated.[159]

However, as in 1849 when De Kempenaer's draft Electoral Act was discussed, there was opposition to widows' suffrage.[160] Mackay (ARP) stated that he favoured the system of household suffrage, but objected to the transfer of the tax assessment of a widow to her son. He emphasised that the position of the son differed from that of a husband, because the latter was the head of the household. If the husband died, the widow became the new head, not the son. Therefore, the son should qualify for voting rights himself. De Savornin Lohman (ARP) agreed and submitted an amendment to remove the system of widow's suffrage from the bill.

Kuyper, who had been elected in the Lower House in 1894, supported the

153) *Kamerstukken* II, 1894-1895, 200, no. 2.

154) *Kamerstukken* II, 1894-1895, 200, no. 2, p. 1 (Article 2).

155) *Kamerstukken* II, 1894-1895, 200, no. 3, p. 31.

156) Interestingly, the system that Van Houten suggested in 1884 was closer to the pre-1850 system.

157) The draft of Van Houten resembled in this respect the proposal of the committee in the report of 17 May 1850 on Thorbecke's draft Electoral Act.

158) *Kamerstukken* II, 1895-1896, 27, no. 2, p. 45.

159) *Handelingen* II, session of 2 June 1896, p. 1267.

160) *Handelingen* II, session of 29 May 1896, p. 1258-1262.

proposed system of widow's suffrage because it strengthened the system of household suffrage.[161] Consequently, he criticised De Savornin Lohman's amendment, although he also belonged to the ARP.[162] He argued that for the sake of consistency, De Savornin Lohman should change the provision that men were supposed to pay the tax assessments of their wives to prevent its application in the case they were married on a prenuptial agreement or if a de facto legal separation had taken place. After all, it was also the woman who qualified in these situations, not the man. De Savornin Lohman responded that even when husband and wife managed their assets separately, they still jointly contributed to the household, thereby supporting Van Houten's view that the granting of the right to vote focused on family income.[163] De Savornin Lohman's amendment was adopted by a vote of 52 to 26, meaning that widows remained disenfranchised.[164]

It is important that Van Houten's draft also included elements that resembled individual suffrage. First, it stipulated that anyone who had paid a minimum amount of one guilder in national taxes obtained the right to vote.[165] This was not new, but since income tax had recently been introduced, it became easier for single men to get on the electoral roll. Second, it included a provision introducing a new category of wage voters.[166] All men who had earned a certain wage for a certain period could obtain the right to vote on application. Interestingly, the question was raised whether the wages earned by wives and sons that were part of the household could be added to the wages of the male head of the household, like with the tax assessments. Van Houten answered this question negatively, arguing that this right to vote was intended to be personal.[167] This new element clearly espoused the principle of individual suffrage. However, a few years later, the legislator brought this element into agreement with the system of household suffrage by allowing wage voters to add the income of other family members to their income.[168]

In conclusion, the Constitution of 1887 labelled the right to vote as an

161) *Handelingen* II, session of 29 May 1896, p. 1256.
162) *Handelingen* II, session 2 June 1896, p. 1270.
163) *Handelingen* II, session 2 June 1896, p. 1270.
164) *Handelingen* II, session of 2 June 1896, p. 1272.
165) *Kamerstukken* II, 1894-1895, 200, no. 2, p. 1 (Article 1(a)).
166) *Kamerstukken* II, 1894-1895, 200, no. 2, p. 1 (Article 1(b) sub 2).
167) *Handelingen* II, session of 2 June 1896, p. 1267.
168) F. de Beaufort/P. van Schie, 'Van toekenning tot uitsluiting. Finale kiesrechtuitbreiding en ervaring tussen 1897 en 1948' in: De Beaufort *et al*. (eds.), *Tussen geschiktheid en grondrecht*, 201-286 (212).

individual right, but most participants in the parliamentary debates on the drafts of Tak van Poortvliet and Van Houten nevertheless accepted that a system of household suffrage was in place in practice. Although the constitution did not strictly allow for this, the family assets formed the basis for the right to vote, and all family members could contribute to these assets.

9. Revision of the constitution in 1917: individual and women's suffrage

Meanwhile, support for women's suffrage was slowly growing. At the end of 1892, the *Radicale Bond* (Radical League), a progressive liberal party, advocated for voting rights for women in its programme, while another liberal party, the *Liberaal Democratische Bond* (Liberal Democratic League, or VDB), followed this example in 1901. The *Sociaal Democratische Arbeiders Partij* (Social Democratic Labour Party, or SDAP) started campaigning for universal women's suffrage in 1897.

Other liberal parties such as the *Liberale Unie* (Liberal Union) and *Bond van Vrije Liberalen* (League of Free Liberals, or BVL) opposed voting rights for women a little longer based on their preference for an organic system of suffrage. In 1903, a committee from the *Liberale Unie* refused to give married women the right to vote, because they were already represented by their husbands. Five years later, this view was contested at a general meeting for violating the individualistic principle embraced by the *Unie*. However, a motion for universal women's suffrage was defeated by 31 to 29 votes.[169)]

In 1913, three liberal parties, the VDB, *Liberale Unie*, and BVL, entered the elections in an alliance known as the *vrijzinnige concentratie* (liberal concentration) with a joint programme. The programme advocated for universal male suffrage. Some hesitance concerning women's suffrage was clear. Some argued there was no need for women's suffrage, and others that the introduction should take place in steps.[170)] However, it included a proposal to remove the constitutional obstacle for women's voting rights. Interestingly, the organic view of suffrage was not utilised. The liberals had abandoned the system of household suffrage as a result of their pursuit of universal suffrage. In the programme, they described the system as an artificial restriction of universal male suffrage. The fact that an increasing number of progressive liberals favoured women's suffrage also

169) De Beaufort/Van Schie, 'Van toekenning tot uitsluiting', 235-236.

170) F.J.W. Drion, 'Het kiesrecht' in: *Propaganda boek voor de vrijzinnige concentratie 1913* (s. l. s.a.), 11-19 (16 and 18).

contributed to their embrace of the principle of individual suffrage. Suffrage for married women could not be realised within an organic system unless the man was replaced by the woman as head of the household or unless man and woman were seen equally as heads of the family. However, these positions were not supported.

Due to the abovementioned developments in the liberal and social democratic parties, the proponents of a system of household suffrage in the early twentieth century belonged almost exclusively to denominational political parties.

In 1908, the *Algemeene Bond van Roomsch-Katholieke Kiesvereenigingen* (National Union of Catholic Electoral Associations) spoke out in favour of a system of household suffrage.[171] However, household suffrage was particularly popular in the ARP. Its frontrunner, Kuyper, elaborated thereon as member of the Heemskerk committee, which was appointed by the government to prepare the revision of the constitution. In a minority memorandum attached to the report of this committee in 1912, Kuyper argued that not every member of society was represented in a system of individual suffrage, because the voters only represented themselves.[172] According to Kuyper, this differed in a system of household suffrage, since the head of a family represented all other members of the family. Household suffrage was also supported in several official documents of the ARP. In October 1907, for example, the ARP adopted a resolution stating that the principle of individual suffrage as included in the Constitution should be replaced by the organic principle.[173] In 1916, this proposal was adopted in its party manifesto.[174]

Most members of the ARP opposed women's suffrage, as did most members of the other denominational political parties.[175] Regarding widows' suffrage, there was initially some uncertainty within the ARP. At least Kuyper was inconsistent in this respect, sometimes arguing against and sometimes in favour of it.[176] In the minority memorandum of 1912, he left the matter open, stating it could be settled

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171) Van Kessel, '"*Wat het zwaarst weegt*"', 92.

172) *Verslag der grondwetscommissie ingesteld bij Koninklijk Besluit van 24 maart 1910* (The Hague 1912), memorandum of Kuyper, p. 2.

173) P.A. Diepenhorst, *Onze strijd in de Staten-Generaal* 2 (Amsterdam 1929), 256-257.

174) Diepenhorst, *Onze strijd*, 257.

175) De Beaufort/Van Schie, 'Van toekenning tot uitsluiting', 236.

176) In the session of the Heemskerk committee of 10 September 1910, he favoured it, although he suggested that someone else should exercise her right. Van Kessel, '"*Wat het zwaarst weegt*"', 94. However, in the session of 14 September 1911, he opposed it. De Beaufort/Van Schie, 'Van toekenning tot uitsluiting', 236.

later.[177] Four years later, in the official party programme of 2 November 1916, it was accepted that widows could also count as heads of household and be granted the right to vote.[178]

With the constitutional revision of 1917, the principle of organic suffrage was no longer relevant. This revision implied a trade-off, in which most denominational political parties resigned themselves to the introduction of universal individual male suffrage, thus abandoning the system of household suffrage.[179] In turn, the principle of financial equality of state education and denominational education was entrenched in the constitution, meaning that denominational schools received the same funding as state schools. With the adoption of universal male suffrage, the right to vote had become truly individual, supplanting organic suffrage. This eliminated an important impediment for universal women's suffrage. Indeed, the provision of the 1887 Constitution that expressly limited suffrage to male citizens was removed in the 1917 constitutional revision.[180] However, it would take the threat of a revolution to realise women's suffrage in the Electoral Act of 1919.[181]

10. Conclusion

The idea that the right to vote in the Netherlands before 1917 was an individual right is commonly accepted. Both contemporaries and later authors believe that voting rights were granted to individuals.[182] This contribution contests this view. Admittedly, based on the text of the constitutions of the nineteenth century, Dutch suffrage appears to have been individual. Individual voters elected the members of the Lower House, Provincial Councils, and municipal councils. However, the individual character of suffrage disappeared in the elaboration of the criteria of the right to vote in the electoral legislation. Again it turned out that in practice, the family formed the basis of the right to vote, with the exercise reserved for the male head or eldest son.

The right to vote was based on the household for several reasons. In the

177) *Verslag der grondwetscommissie*, memorandum of Kuyper, p. 3.
178) Diepenhorst, *Onze strijd*, 256-257.
179) Van Kessel, '"*Wat het zwaarst weegt*"', 100-102.
180) Blok/Tanja/Van Tilburg, 'De vrouwenkiesrechtbeweging in Nederland', 96.
181) De Beaufort/Van Schie, *De liberale strijd*, 112-116.
182) See for a recent example: S. van Bijsterveld/H. van der Streek, 'Inleiding. Over vrouwen die wisten wat ze kwamen doen' in: Van Bijsterveld/Van der Streek (eds.), *Wat komen jullie hier doen?*, 14.

nineteenth century, the family was still the basic socio-economic unit of society and thus also of the political nation. Aligned with this, tax legislation also focused on families. Marriage law, as laid down in the Civil Code of 1838, was similarly based on families led by a head of household. Contrary to what historians often claim, organic theories were not an exclusive feature of denominational political parties. There were also many liberal supporters of the idea that the family formed the basis of society and that the right to vote should be based on it. It took much longer for the radical individualism of the French Revolution to influence the majority of politicians and society more generally.

Household suffrage complicated the issue of women's voting rights. After all, on what grounds could a widow who was head of a family be denied the right to vote? Indeed, in the period before 1850, widows were regularly granted voting rights. This was the case in Friesland at the time of the *Ancien régime*, in the first year of the Batavian Revolution, and during the reigns of King William I (1772-1843) and King William II (1792-1849). Nevertheless, its exercise was always reserved for men, a practice that went back to before the Batavian Revolution. Presumably, it was generally believed that women should not appear physically in the public political space. The solution was that in the many versions of widow's suffrage, the exercise of the right to vote was transferred to the son.

In a system of family suffrage as practised during the first half of the nineteenth century, the granting of the right to vote to women as head of a family must be distinguished from the exercise of this right. After 1850, this distinction was usually not recognised, resulting in the belief that women did not have voting rights in the previous period. The ruling of the *Hoge Raad* of 1883, which argued that the Constitution of 1848 denied women the right to vote, can likely be traced back to this misconception. However, the Constitution did not expressly prohibit women’s suffrage; it allowed several hundred, perhaps even several thousand, of women to participate in the first elections after its proclamation. Unfortunately, this misconception exists to this day.

The fight for women’s suffrage provoked the liberal and social democratic political parties to abandon the system of household suffrage and embrace individual voting rights. Essentially, universal male suffrage could be consistent with household suffrage, but not universal suffrage that included women, since only one person could be the head of the family. The denominational parties retained to an organic system of suffrage longer, but the support thereof also decreased in these circles. This was partly the result of the fact that it proved difficult to implement a principled system of family suffrage. Often, single men

were also granted the right to vote, thereby diluting the principle. In addition, the denominational parties were willing to accept universal male suffrage in exchange for the constitutional entrenchment of equal funding for state and denominational schools. Since universal male suffrage was based on the principle of individual voting rights, the organic principle was no longer an obstacle to extending suffrage to women.