1 Senates and bicameralism in revolutionary Europe (c. 1795–1800)

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Introduction

This chapter explores the concept of bicameralism and the idea of a senate in the constitutional debates and (draft) constitutions of the most important revolutionary states on the European continent at the turn of the eighteenth century. Although this volume deals with senates in smaller states, it is, for a proper understanding of the paths that were taken in such small states, indispensable to start with the constitutional debate that took place in France after the Reign of Terror. In the first section I will analyse a particular moment in this debate that marks the transition away from unicameralism but, as I will argue, not quite towards bicameralism.

In the second section of this chapter, I will move on to show how the French constitution of Year III and the programmatic text accompanying it shaped the constitutions of the so-called Sister Republics. One of the most durable of the Sister Republics was the Batavian Republic, which was founded in 1795 and comprised the territories of the early modern Dutch Republic. In the Batavian Republic, the constitutional debate about the organisation of legislature was more complex and better documented than in the other Sister Republics, so I will discuss this debate separately in the third section. The examples provided in this chapter demonstrate that, in the Age of Revolution, the idea of bicameralism still had the potential to develop in very different directions and that in the minds of the revolutionary generation, the concept of a senate, while usually associated with mature age and experience, was not necessarily linked to the functions commonly performed by upper houses in modern bicameral systems.

France

In the summer of 1794, the French Reign of Terror came to an end with the fall of the Committee of Public Safety (*Comité de Salut Public*) led by Robespierre. In the years that followed – the period we know as the Thermidorean Reaction – the dominant explanation of how the Terror had come about was that the national convention (*Convention Nationale*) had made a rash and impulsive decision by giving a few of its members – Robespierre *cum suis* – too much power (Gueniffey 2000). In the eyes of the Thermidoreans, the situation had escalated because there

had been no constitution since the summer of 1792. A new constitution had been presented and approved in 1793, but it was never implemented.

In April 1795, eleven members of the national convention – which, for the time being, continued to exist – were given the task of adapting the 1793 constitution in such a way that it could be put into effect. In June 1795, this committee presented a draft constitution during a plenary session of the convention. Committee member Pierre Daunou had been the principal architect of the draft, but the report with which the draft was introduced had been written by Daunou's fellow member François-Antoine de Boissy d'Anglas, who also read it in the convention (Boissy d'Anglas 1795; cf. Jainchill 2008; Bozec 1996).

The committee started out by stating that it had attempted to keep the good elements of the 1793 constitution but that it had come to the conclusion that this was impossible (Boissy d'Anglas 1795; cf. Morabito 1996). The committee had therefore decided to write an entirely new draft, which it had tried to do in such a way that there would never be a second Terror. The committee had devoted much attention reforming the legislature, in particular. Boissy d'Anglas reminded his colleagues in the Convention that no one knew better than they what could happen with a system consisting of just one assembly: 'You know well to what a point the audacity of some wretches, the usurped popularity of a demagogue, and the continual sport of factions may mislead an assembly without reins or counterpoise' (Boissy d'Anglas quoted in *Plan of the New Constitution 1795*, p. 4).

The committee had therefore deemed it necessary to split the legislature into two assemblies, which would each represent a different power. The Council of Five Hundred (*Conseil des Cinq-Cents*) would propose legislation; the Council of Elders (*Conseil des Anciens*), consisting of 250 members, would reject or approve laws proposed by the Council of Five Hundred. The committee defended the choice for two legislative councils, which had been weighed and found wanting in earlier phases of the French Revolution, by pointing to the constitutions of the various American States (Boissy d'Anglas 1795; Jourdan 2008).

The Thermidorean constitutional committee had conceived of this new legislature within a classical republican framework. Its main source of inspiration was a French adaptation of the political treatise *A defence of the constitutions of government of the United States of America*, written in 1787 by John Adams (cf. Gauchet 1995). This adaptation was produced by Lamare (Adams 1792), about whom little is known. Adams had interpreted the constitutions of the various American states in the light of the theory of mixed government, which prescribed that the ideal type of government consisted of democratic, aristocratic, and monarchical elements that kept each other in balance (cf. Walsh 1915; Richard 1995). To Adams, the first two elements in the American state constitutions were represented by the two assemblies of the legislature. The indispensable third element, in Adams's eyes, was an independent executive power – the state governor in the case of the American states. In one of the first sentences of his *Defence*, Adams introduced the expression 'checks and balances', by which he meant the totality of constitutional mechanisms of control through which the various powers in a mixed government were kept in place (cf. Wootton 2006).

In the United States, the concept of checks and balances had, in the following years, become a popular way to describe the American version of mixed government. Apart from this, Adams's *Defence* had not met with much enthusiasm from the framers of the US federal constitution, who convened in Philadelphia around the time of its publication. The problem was that Adams's explanation of the theory of mixed government did not remind Americans of their state constitutions as much as it reminded them of the hated political system of the British monarchy from which they had only recently freed themselves. The fact that Adams considered the senate to be the aristocratic element in the state constitutions made Americans think of the privileged position the House of Lords held within British society (cf. Wood 1969; Rakove 1997).

The leading framers also had the system of mixed government in mind, but to them, the three elements of this system were not represented by the two assemblies of the legislature and the president but by Congress as a whole, the courts, and the president respectively. Thus, the framers combined mixed government with the three powers – legislative, executive, and judicial – that, in the second half of the eighteenth century, were usually associated with the work of Montesquieu. Their checks and balances primarily consisted of the presidential veto over the decisions of Congress, the principle of judicial review, and the right of Congress to exert control over certain presidential competences (Gwyn 1965; Vile 1967; Manin 1994).

The Thermidorean constitutional committee, by contrast, went along with Adams's view on the system of checks and balances. The committee was aware of the possible negative associations this view could invoke. It tried to tackle potential criticism by stating that the Council of Elders should be considered an aristocratic body in the functional sense of the word, not in the social sense (Boissy d'Anglas 1795). Quoting the French adaptation of Adams's *Defence*, Boissy d'Anglas said in the convention 'that there is no good government, no stable constitution, without the balance of the three powers' (the two powers of the legislature and the executive power) (Boissy d'Anglas 1795, p. 46). The three powers that were identified by the committee represented three different functions: proposing, ratifying, and executing legislation.

For the French, this new orientation on a text that was produced at the margins of the American constitutional debate meant a radical break with previous theoretical underpinnings of their constitutional framework. Rousseau and Sieyès, until that moment the most influential theorists of the French Revolution, were both indebted to a tradition of monarchical thinkers, such as Bodin and Hobbes, who had rejected the theory of mixed government in their works (Manin 1994; Richard 1995). The Thermidoreans tried to explain the Terror by resorting to a theory that had been made famous by Polybius in classical antiquity. In their eyes, the national convention founded in 1792 had had too many characteristics of direct democracy and, as the theory of mixed government predicted, France had therefore fallen into a state of anarchy on which Robespierre had been able to build his reign of terror (Boissy d'Anglas 1795). To avoid this happening in the future, the balance between the three powers now needed to be determined by the

constitution. Next to the two legislative powers that made up the legislature, the constitutional committee envisioned an executive that did not consist of a single person – as it did in the United States – but of an institution with five members, called the directory (*Directoire*) (Boissy d’Anglas 1795).

The executive did not have a veto in the French draft constitution, which was different from what Adams had advocated, nor could it exert influence on the legislative process in any other way. As some contemporaries observed, the constitutional committee had dressed its constitution in the language of mixed government, but, in reality, the very essence of this theory, namely the mechanisms of control with which the different powers could keep each other in balance, could only be found in the legislative veto that was given to the Council of Elders. The committee had, in fact, opted for a form of separation of powers under the guise of a system of mixed government and checks and balances (Troper 1980; Gueniffey 1993; Jainchill 2008).

The ambiguity of the committee’s position becomes clearer when we compare Boissy d’Anglas’s report to the draft constitution itself (*Constitution de la République française* 1795). The chapter on the legislature was called ‘Legislative Power’ (*Pouvoir législative*) in the singular form, while the plural form would have been more consistent with the idea of two legislative powers. Moreover, the draft constitution also contained chapters called ‘Executive Power’ (*Pouvoir executive*) and ‘Judiciary Power’ (*Pouvoir judiciaire*), which suggests a more Montesquieuan understanding of the separation of powers. We may thus conclude that Daunou, the main author of the draft, and Boissy d’Anglas, the author of the committee report, represented two different intellectual strands within the constitutional committee.

In any event, the national convention adhered to the committee’s line of reasoning and accepted the system of checks and balances as the underlying principle on which the new constitution should be based. The new constitution, which created a Legislative Body (*Corps législatif*) consisting of two councils, was adopted by the convention on 22 August 1795. The first session of the two councils took place two months later (Lyons 1975; Woronoff 1984).

The Sister Republics

The constitution of Year III, as the French constitution of the year 1795 has become known, became an important point of reference in the various smaller republics within the French revolutionary sphere of influence, which are often called the Sister Republics (cf. Oddens, Rutjes & Jacobs 2015). These republics produced and in most cases adopted constitutions of their own. The constitutions of the Cisalpine Republic (founded in 1797 in present-day northern Italy), the Roman Republic (founded in 1798 in present-day central Italy), and the Helvetic Republic (founded in 1798 in present-day Switzerland) were imposed by French invaders after little or no constitutional debate, even if native constitutional thinkers were occasionally involved in framing the draft constitutions (cf. Zaghi 1992; Formica 1994; Armando 2000; Böning 1998; Giuntella 1954; Montalcini & Alberti 1917; Holenstein 2015; Baumann 2013).

Nevertheless, the chapters in these constitutions that deal with the legislature show both similarities and differences with respect to the French model that are worth considering (cf. Archivio delle Costituzioni Storiche 2006; *Entwurf der helvetischen Staatsverfassung* 1798). All three constitutions establish a legislature consisting of two assemblies: a larger assembly proposing laws and a smaller assembly sanctioning them. The Roman and Cisalpine constitutions, like the French constitution, call their legislature ‘Legislative Body’ (*Corpo legislativo*), while the Helvetic constitution opts for ‘Legislative Power’ (*Pouvoir législative, gesetzgebende Gewalt*). In all three constitutions, the two assemblies of the legislative branch are called, as they were in France, ‘councils’ rather than ‘chambers’ or ‘houses’. In France, as we have seen, the use of ‘council’ implied a system in which the two assemblies of the legislature were understood to be separate powers. The formulation of the first articles of both the Roman constitution (*‘Il potere legislativo è esercitato da due consigli distinti e indipendenti l’uno dall’altro’*) and the Helvetic constitution (*‘Le pouvoir législatif est exercé par deux conseils distincts, séparés, indépendants l’un de l’autre’*) suggests that this interpretation applied here as well.

The titles given to the councils vary. In the Cisalpine constitution, the two councils are called the Great Council (*Gran Consiglio*) and the Council of Elders (*Consiglio dei Seniori*). The Roman constitution opts for Tribune (*Tribunato*) and Senate (*Senato*), while the Helvetic constitution establishes the Great Council (*Grand Conseil, Große Rath*) and the Senate (*Sénat, Senat*). This nomenclature seems to have been partly inspired by classical antiquity (in the Roman case) and the early modern old regime (both Italian republics such as Venice and Genova and the cities of the Swiss confederation had legislative institutions that were called Great Council). The name change was unavoidable for the lower chambers, as they had fewer members than the French Council of Five Hundred. As for the upper chambers, the various alternatives are obviously close to the French title in an etymological sense, because the original Latin *senatus* translates as ‘assembly of elders’.

Were the members of the various upper chambers in fact envisioned to be older or more experienced than those of the lower chambers? In the French and Cisalpine constitution, (male) citizens would have to be over 40 and 30 respectively to be eligible; in the Roman Republic, this was 35 and 25 respectively. According to the Helvetic constitution, members of the great council would have to be over 25; members of the Senate, over 30. On top of that, however, to be eligible for the Senate, citizens would have to be former members of the Helvetic Directory (comparable to the French *Directoire*), the great council, or one of the executive or judicial state institutions, and they would have to be married or widowed.

There are also Sister Republics where constitutions were drafted more independently from France. One such republic was the short-lived Parthenopean or Neapolitan Republic (founded in 1799 in the former Kingdom of Naples) (cf. Battaglini 1992; Rao 1994). In the latter republic, which has been called the most autonomous of the Italian Sister Republics, a constitutional committee produced a draft constitution (Ferrari 2015). This draft was never put into effect, because

King Ferdinand VI was restored to power after six months, but it is worthwhile considering it because it is accompanied by a report written by Mario Pagano (1799), the principal author of the draft, in which the committee's choices are accounted for. Pagano lauded the constitution of Year III, and the Neapolitan draft generally follows the French model, but there is a significant difference with regard to the legislature in particular.

Pagano wrote that his committee had maintained the French idea of a legislature consisting of two parts because it slowed down the legislative process and gave laws their necessary maturity. The committee had come to the conclusion, however, that it was better to attribute the function of proposing laws to a small body of older men than to a larger assembly of younger men. In doing so, the committee had not only followed the example of the ancient republics but also thought of a number of reasons itself. In larger assemblies, discussions tended to get side-tracked and lost in details. As for the proper age of the members, proposing laws required 'cool analysis' rather than 'bold genius'. Sanctioning laws, on the other hand, was something that could best be done by assemblies consisting of many members because that meant that draft legislation would be considered from all possible sides. Therefore, the committee proposed a legislature in which a senate (*Senato*) of fifty members proposed legislation, while a council (*Consiglio*) of 120 members was given the legislative veto. Members of the council needed to be over 30, but members of the senate needed to be over 40, married or widowed, and former members of the departmental government or the judiciary.

The most durable of the Sister Republics proved to be the Batavian Republic, which replaced the Republic of the Seven United Provinces after the invasion of a combined army of French troops and Dutch exiles in January 1795. Unlike their counterparts in most other Sister Republics, the Dutch revolutionaries were allowed relatively more leeway to conduct their own process of constitution-building by the French *République mère* (cf. Oddens 2012b; Rutjes 2012a; Gri-jzenhout, Van Sas & Velema 2013). Until 1801, the French intervened no more than a few times. As we will see in the next section, however, one of these interventions in particular had important consequences for the way the legislature was to be organised.

The Batavian Republic

Between 1796 and 1798, a national assembly (*Nationale Vergadering*) of 126 members convened in The Hague. This deliberative assembly, which had legislative, executive, and constituent powers, served as a provisional governing body that was from the outset supposed to be replaced by a new legislature after the ratification of a written constitution (cf. Oddens 2012b). After it had been constituted, the national assembly selected, in accordance with what it had been instructed, a committee of twenty-one members to frame a draft constitution.

None of the members of the national assembly had any doubt that the specific circumstances of the Batavian Republic required a new and original constitution. Their constitutional thinking was shaped not only by the recent developments in

France but also by their own history and the history of other ancient and modern republics. However, with regard to the particular question of how the legislative branch of government was to be organised, there were considerably fewer examples they deemed legitimate. As children of the Enlightenment, the members of the national assembly were prepared to seriously consider only examples grounded in ‘experience’ (*ondervinding*). From ancient history, the Batavian revolutionaries did not know of any cases of representative government (cf. *Dagverhaal* 1796–1798, Vol. 4; Rutjes 2012b). In the more recent past, there was, of course, the example of British Parliament, but the Batavian revolutionaries had read Thomas Paine carefully enough to be convinced that true representative government could not exist in a monarchical state. The very word ‘parliament’ said enough for them: this suggested a talking shop without real power, a consultative assembly of sorts that could not make any legitimate claim towards exercising the sovereignty of the people (*Dagverhaal* 1796–1798, Vol. 4).

The only kind of experience that the members of the national assembly deemed relevant pertained to representative government in free republics, such as their own. This brought their possible examples down to two: the United States of America and France. Of these, the United States was known to the Batavians as a republic that had prospered from the very moment it was founded and that was not torn by internal discord. Yet in the Dutch constitutional debate, the American model played only a minor role (cf. Rowen 1977; Schulte Nordholt 1988; Oddens 2012a). This was primarily due to the greater geographical distance, which meant the Batavians had only a superficial knowledge of the American political realities (Jourdan 2008). Moreover and somewhat paradoxically, the French example held more weight for the Batavians precisely because the revolution in France had recovered from a major crisis, and in the United States, at least as far as they could see, the political system had never been seriously tested. So it happened that the experience of the French Reign of Terror was very much present in the Batavian debate. The fundamental issue in this debate was the question of to which extent the French precedent was actually applicable to the Batavian situation.

One of the questions taken up by the Batavian constitutional committee was whether the legislature would consist of one or two assemblies. Both in the committee and in the plenum of the national assembly – which subsequently discussed the committee’s draft constitution – two positions emerged. The majority position was in favour of two assemblies. The principal argument for dividing the legislative branch into two assemblies was the argument, by now familiar to us, that in a legislature consisting of a single assembly, abuse of power would be unavoidable: demagogues would inevitably capture such a Parliament, and the result would be either despotism or anarchy (*Dagverhaal* 1796–1798, Vol. 3). This argument seems to have been directly inspired by the report of the French constitutional committee, written by Boissy d’Anglas, which was referred to explicitly (Oddens 2012b).

The mostly radical Batavian deputies, who argued against two assemblies, did not fear an anarchical or despotic legislative branch as much as they feared an all-too-powerful executive who could divide, conquer, and dominate a weak

legislature. Moreover, they feared that two independently elected assemblies would lead to class distinction: the *esprit de corps* that would develop in each of the two assemblies would spill over into society at large, making the egalitarian Batavian Republic a second Great Britain, with its Commons and Lords (De Gou 1975).

The radicals also thought it wrong to follow the French example in this respect. While in France it had proved necessary to split the legislature because of the passionate national character of the French and because a large country such as France required a large legislative body with many members, the phlegmatic character of the Dutch and the fact that the Batavian Republic was a far less populous country made a legislature consisting of a single assembly the preferable option (*Dagverhaal*, Vol. 3, pp. 677–679). The moderate deputies were not convinced by the national character argument. As one deputy put it: ‘All humans are humans; they all have the same passions’ (*Dagverhaal*, Vol. 4, p. 721).

The advocates of the two-assembly system won the first battle in the constitutional debate: the constitution that was drafted by the national assembly contained a plan for a legislature with two ‘chambers’ that were called great chamber (*Grote Kamer*) and chamber of elders (*Kamer der Oudsten*) (De Gou 1983–1985). The war over the legislature, however, was not yet won. The draft constitution was subjected to a plebiscite and rejected by an overwhelming majority of the eligible voters in the summer of 1797 (cf. De Jong 2018). A new national assembly was elected, which nominated a new constitutional committee. This committee considered a new variant in which parliamentary debates would first take place in two separate assemblies, after which these assemblies would be merged for a final debate and vote. The majority of the committee, however, was now in favour of a unicameral legislature (De Gou 1988–1990).

The second constitutional committee would never present a full draft constitution to the second national assembly, as an impatient radical minority in the assembly staged – with the assent of the French envoy in The Hague and the generals commanding the French-Batavian military troops in the Batavian Republic – a parliamentary coup in an attempt to force a breakthrough in the deadlocked constitutional process in January 1798. They deposed their most important political opponents in the national assembly and renamed the remaining rump parliament the ‘constituent assembly’ (*Constituerende Vergadering*). They also created a provisional executive (*Intermediair Uitvoerend Bewind*) modelled after the French directory and instituted a new constitutional committee.

This third committee, which now consisted wholly of radicals, tended even more strongly towards a single assembly than the previous one had, but it now found the directory in its way. In exchange for its support of the coup, the French Government demanded a say in the drafting of the constitution and provided the committee with a list of demands they wanted to be respected, probably drawn up by French Director La Révellière-Lépeaux. Aided by the total French ignorance of the Dutch language, the committee got away with taking much less notice of these demands than the French Government would have wished, but it proved impossible to ignore the demands of two legislative assemblies: an attempt to

adopt the compromise that had been considered by the second committee earlier was blocked by the French envoy. Thus, the third constitutional committee of the Batavian Republic ultimately settled for a legislature with two assemblies in the draft constitution that was again subjected to and this time ratified by the people on 23 April 1798. The radical regime that was responsible for this constitution was overthrown by a counter-coup the following June, but the more moderate regime that assumed power through this coup decided to maintain the constitution, so the new 'Representative Body' (*Vertegenwoordigend Lichaam*) stipulated by the constitution was constituted on 31 July 1798.

The system that had finally been adopted had certain elements in common with its counterparts in France and other Sister Republics, but it also had a number of distinctive features. The names featured in the first draft constitution – the great chamber and chamber of elders – were abandoned for the more neutral 'first chamber' (*Eerste Kamer*) and 'second chamber' (*Tweede Kamer*), which were intended to eliminate any suggestion of the two chambers representing different social classes. The function of approving or rejecting draft legislation was – in contrast to the modern Dutch Parliament, where the first chamber is the upper chamber – fulfilled by the second chamber.

Furthermore, the first and the second chambers were not elected independently of one another. The constitution established an electoral system that divided the Batavian Republic into districts. The number of districts depended on the size of the population: one district per twenty thousand inhabitants. At the time of the first elections, there were ninety-four districts, each of which elected a deputy for the Representative Body. Every year, elections were held in a third of the districts, replacing a third of the deputies. While this element was also present in the French constitutions of 1793 and 1795, an innovative feature was that every year after the elections had taken place and the new deputies had assumed office, all deputies convened in a joint session and elected thirty members for the second chamber, leaving the remaining members to constitute the first chamber (*Staatsregeling voor het Bataafsche Volk* 1798).

This particular legislative system was designed by a constitutional committee that had not wanted two assemblies in the first place and that considered this variant, which was believed to avoid the formation of *esprit de corps* in either of the chambers, the lesser of two evils. The fact that the members of the second chamber were to be elected by their peers and not chosen by ballot implies some notion of a *chambre de réflexion*, but the age difference between the members of the two assemblies stipulated by the constitutions of all the other republics discussed earlier was absent in the Batavian Republic. In practice, the thirty deputies who were elected members of the second chamber during the joint session of 31 July 1798 turned out to be neither older nor better educated nor more experienced than those deputies who, as a result, were to constitute the first chamber.

The first constitutional Parliament of the Netherlands, which existed for thirty-eight months, has hardly been studied by historians, so it is difficult to assess how well it functioned (Oddens 2015). What is clear is that, at least according to part of the new political establishment, it did not function well enough, because

on 17 September the representative body was disbanded in another coup d'état. This coup was preceded by a conflict between the legislature and the executive about revision of the constitution. While the present constitution stipulated that revisions could not be made before 1804, three of the five members of the ruling 'Executive Government' (*Uitvoerend Bewind*) had nevertheless commissioned the drafting of a new constitution. The main argument used by advocates of constitutional revision was that, over the past three years, discord in Parliament had obstructed the legislative process (Alkemade 2014). While they did not so much attack the bicameral system as such, the new constitution that was eventually implemented after the coup had a single assembly of only thirty-five members, called 'Legislative Body' (*Wetgevend Lichaam*). This assembly actually functioned as an upper chamber, as it could only approve or reject proposed legislation; the executive power had been given the exclusive right of initiative (*Staatsregeling des Bataafschcn volks* 1801). The Netherlands would henceforth remain without a bicameral system until the creation of the States-General of the United Kingdom of the Netherlands in 1815 (Oddens 2015).

Conclusion

While all the constitutions discussed in this chapter established legislatures consisting of two assemblies, I have in most cases refrained from calling them bicameral. To the constitutional committee that was responsible for the drafting of the French constitution of Year III – or at least to the author of the influential programmatic text that accompanied this constitution – the two assemblies of the legislature represented two different powers in a constitutional system of checks and balances. The assemblies were not called 'chambers' but 'councils': in this interpretation, the two assemblies were seen not as two chambers of the same legislative edifice but as entirely separate institutions. Given that the legislative assemblies were also called 'councils' in the constitutions of most of the other Sister Republics and that it was stressed even more than in France that they were 'distinct, separate and independent from one another', this seems to have been the leading interpretation throughout the French sphere of influence from 1795 onwards.

Another common feature in the constitutions of most of the revolutionary republics was that one of the two councils was more limited in number and reserved for older, more experienced men. These councils were called 'Council of Elders' or 'Senate', which etymologically comes down to the same thing. In most cases these councils were vested with the power of sanctioning legislation, but in one of the discussed constitutions, that of the Parthenopean or Neapolitan Republic, the smaller, more experienced council was attributed the function of drafting and proposing legislation.

In both respects, the Batavian Republic is the exception. In the Dutch debates leading to the draft constitution of 1797, the word 'council' had been considered for the legislative assemblies, but a majority of the members of the national assembly ultimately opted for the word 'Chamber' precisely because they felt that 'council' implied two legislative bodies that were fully separate from one another,

which was something they – unlike the French – did not desire (*Dagverhaal*, Vol. 4; Oddens 2012b). One might argue, therefore, that the Batavians were the only revolutionaries in continental Europe who, at some point in their constitution-making process, envisioned a bicameral legislature in the present-day sense of one institution with two branches.

In subsequent debates, the choice for ‘Chamber’ was always maintained, but the initial plan to create a ‘Chamber of Elders’, which can still be found in the 1797 draft constitution, was never realised. This plan was abandoned in the Batavian Republic because a radical minority in the national assembly did not want a bicameral legislature at all. When these radicals assumed power with French support and drafted the constitution that was to be adopted in 1798, they saw themselves forced to give in to the French demand of two assemblies, but they were careful not to allow any social differentiation between the ‘first chamber’ and the ‘second chamber’ – neither in title nor in composition nor even in the way the members of both chambers were elected by the people.

The late eighteenth-century revolutions gave rise to the construction of a first generation of parliamentary systems on the European continent. Politicians and intellectuals assigned with the framing of constitutions considered political writings and existing foreign models, but their understanding of these examples was coloured by their own political experiences and by the constitutional history of their state or its predecessors. Their constitution-building process was further shaped by internal political struggles and by varying degrees of foreign intervention. These dynamics resulted in a number of outcomes that might appear quite similar to each other in comparison to later generations of parliamentary systems but on closer inspection have significant differences with regard to the organisation of the legislature, its nomenclature, and its place within the constitutional balance of power.

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