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SCANDAL, POLITICS AND PATRONAGE:
CORRUPTION AND PUBLIC VALUES IN THE NETHERLANDS
(1650-1747)

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VRIJE UNIVERSITEIT

SCANDAL, POLITICS AND PATRONAGE:
CORRUPTION AND PUBLIC VALUES IN THE NETHERLANDS
(1650-1747)

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad Doctor aan
de Vrije Universiteit Amsterdam,
op gezag van de rector magnificus
prof.dr. F.A. van der Duyn Schouten,
in het openbaar te verdedigen
ten overstaan van de promotiecommissie
van de faculteit der Sociale Wetenschappen
op donderdag 5 september 2013 om 11.45 uur
in de aula van de universiteit,
De Boelelaan 1105

door
Michel Petrus Hoenderboom
geboren te Winterswijk

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“Onvrijheid allerwegen. De industrie was altijd al onvrij geweest. Alleen aan een universiteit kon je werken als een cultuurdrager: voor je plezier, omdat het je roeping was. Vroeger tenminste.”

Professor Doctor Rufus Dingelam

Willem Frederik Hermans, *Onder professoren*

PREFACE AND ACKNOWLEDGEMENTS

A beginning Ph.D. student does not really know what he is getting himself into. You have certain expectations for the years to come, but quickly realize that things do not always go the way you want them to go. A Ph.D. student needs to go with the flow, accept setbacks and sometimes set new goals. As a result of other activities, such as teaching, writing articles, attending conferences and attending classes it is sometimes difficult to keep focus. One is easily distracted by all kinds of interesting things, especially as the starting researcher is under the impression that he has loads of time to finish his project. Yet I can honestly say that I am very grateful for all the “distractions” that I encountered during my years as a researcher at the VU University Amsterdam.

I learned to value the lectures which I gave in my courses as I noticed what a joy it can be to have some social interaction next to my solitary archival research. I very much enjoyed my discussions with the students and they served as a welcome distraction from writing and doing research. I also realized that a possible future after completing my Ph.D could include more than solely an academic career, but possibly also a career in teaching. I am therefore very grateful for all the experiences I gained during my Ph.D. research.

Firstly, I would like to thank my supervisors Pieter Wagenaar and Leo Huberts for their support and guidance during my research. Pieter has always been a major influence while writing my thesis. Of greatest importance were his essential comments and advice on the content of my research. I very much enjoyed our discussions on all facets of administrative history or the history of public administration. Secondly, Pieter has always been able to motivate me, even when I was going through a bad research patch. I would like to thank Leo for his support during my years of research. As a specialist in the field of integrity of governance I am grateful to him for sharing his

considerable knowledge for my research project. I hope to have at least furthered your interest in the historical aspects of corruption and integrity of governance.

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Michel Hoenderboom

The Hague

March 31, 2013

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1 CONSTRUCTING CORRUPTION

1.1. Introduction

In the early modern Dutch Republic it was not uncommon for magistrates to bestow offices upon friends and family, something which would be inconceivable in present-day administration. Something which was common practice in the seventeenth-century would now be perceived as a corrupt act. This example shows how administrative practices are by no means universal and unchanging, but are constantly contested and subject to change. The same applies to administrative values which tell us something about the importance of ethics in public administration. Yet the historical origins, meanings and interpretations of values underlying public administration are often neglected within public administration research. In order to better understand the ethical foundations of present day administration it is therefore necessary to investigate the development of administrative values through time (Dekker, 1986; Van Klaveren, 1989b). Caiden stresses that it is important to understand one's past, as "what is considered right or wrong varies from place to place and from one time to another. What at one time was considered natural, acceptable, and even necessary (...) is later seen as wrong" (Caiden, 2005: 281). Similarly, Van Wart argues that "the values (...) change during the lives or evolution of individuals, organizations, countries, and civilizations" (Van Wart, 1998: 6). Finally, Hood argues that "debates about how best to do public management tend to throw up the same fundamental ideas in different times and places" (Caldwell, 1955: 458; Hood, 2000: 16). These authors stress the importance of a historical perspective in order to better understand contemporary ideas on public management and ethics in public administration.

Considerable research is already being carried out into administrative ethics with regard to present day Dutch administration, as evidenced by the research group "Integrity of Governance" of the VU University Amsterdam. The NWO¹ project "Under Construction: The Genesis of Public Value Systems" can be of added value as it focuses on the history and development of administrative values in the Netherlands by means of research into relevant corruption scandals in the period 1650-1950. The

¹ The Netherlands Organisation for Scientific Research (Nederlandse Organisatie voor Wetenschappelijk Onderzoek) is responsible for the promotion and funding of research at universities and institutes through subsidies.

project's point of departure is closely related to the fact that explicit debate on public values is often lacking, whereby values remain implicit. Yet what is *unacceptable* is often spelt out. Corruption scandals can therefore serve as a way to trace shifts in administrative values as well as offer insight into the problem of the mutual incompatibility of values underlying administration. Questions regarding legitimacy, accountability and the moral grounding of power in the Netherlands from 1650 to 1950 are therefore at the core of the NWO project "Under Construction". The project's added value is the combination of a theoretical social science perspective with practical historical research into administrative values. Relatively little research has been carried out into the use of theoretical models to explain shifting or changing definitions of corruption, yet crises and scandals can considerably redefine what is regarded as abuse of public office, the so-called "symbolic dimension" of corruption (Girling, 1997; Gronbeck, 1989). In order to substantiate, correct and complement existing ideas and conceptions, the project's focus is to reconstruct thinking on values within government as well as to study "value-laden" thought on the normative contours of public administration to explain shifting conceptions of public administration. My subproject within the project, "Corruption and public Values in the Netherlands (1650-1747)", has focused on the relevant administrative values in the Dutch Republic. The aim is to gain a better understanding of the historical origins and evolution of values underpinning early modern Dutch administration. The entire project consists of three subprojects which have been carried out by three Ph.D candidates, Toon Kerkhoff (focussing on the years 1747-1850), Ronald Kroeze (1850-1950) and I.

The project focuses on one fundamental issue: *How are values established as moral groundings for administrative behaviour, and how do these change over time?*. This issue originates with the presupposition that the moral justification of public power through a coherent set of values can both legitimate and delegitimize administrative behaviour. Yet it remains unclear why certain values become dominant in both theory and praxis.

In order to go deeper into this issue, this chapter presents an approach to locating and observing values underlying administration in a historical context, as well as to interpreting the development of administrative values through time. The following chapter will offer an overview of the major political developments in the Dutch Republic, its institutional structure and relevant moral authorities. In order to form a notion of the relevant administrative values, I will then turn to five corruption scandals from the period 1650-1747, specifically the scandals concerning Andries Hessel van

Dinther and Cornelis de Witt (1637-1672), Lodewijk Huygens (1672-1686), Jacob van Zuijlen van Nijeveldt (1676-1695), Gerard Burchard van Rechteren (1719-1724) and Cornelis Schrevelius and Johan van den Bergh (1722-1747). In the concluding chapter, I will further elaborate on corruption and administrative values in the Dutch Republic (1650-1747). However, firstly and foremost it is necessary to go further into the methodology to locate and observe administrative values in a historical context. This approach will also elucidate how I carried out my research, selected the five corruption scandals and examined the relevant administrative values.

1.2. Discourses of corruption

There are several approaches to studying corruption (De Graaf, Von Maravić, & Wagenaar, 2010), but most approaches have their limitations, especially because they are difficult to apply to a historical context. In essence their use for historical research can be explained by making a distinction between universalistic theories of corruption and particularistic theories. Universalistic theories favor a clear and unambiguous definition of corruption that has the same meaning all over the world and through time. Economists, lawyers and organization scientists will often use these theories for their research. Particularistic theories of corruption, however, are mainly used by historians and anthropologists and focus on change and diversity with regard to thought and views on corruption within a certain population (Wagenaar, 2011). Several particularistic approaches will be discussed in this paragraph, such as the Weberian ideal-typical, the structural-functionalist and the postmodern-constructivist approaches. A short overview will be given of relevant theoretical approaches to corruption and the possible (dis)advantages of each approach for historical research into corruption and the underlying administrative values. It should be noted that the overview of different approaches builds on earlier research done by Hoetjes (Hoetjes, 1977, 1982).

Before going further into particularistic theories of corruption, several universalistic theories will be discussed. First, the *rationality and economy approach* employs an economic point of view for political processes in which corrupt public officials are regarded as rational utility maximizers who will choose the economically most profitable course of action. Also, this approach assumes a modern public-private distinction which makes it difficult to conceptualize in a historical context (Hoetjes,

1977: 57-59; Rose-Ackerman, 1978: 4; 2010: 47-63; Wagenaar, Van der Meij, & Van der Heijden, 2005: 10).

An important variant of the rationality and economy approach is *principal-agent theory*, which presupposes conditions of incomplete or asymmetric information whereby an agent (such as a bureaucratic official) possesses an information advantage over his principal (for instance a legislative authority). This advantage can be used for the bureaucrat's or his clients' interests, contrary to his principal's interests. Although the agent should obey his principal, the latter is often insufficiently capable of controlling the actions of his agent. In administration, political corruption therefore ensues when the bureaucratic official violates his official duties through favoring clients for material rewards. As bureaucrats possess knowledge and expertise that legislative authorities lack, they can use their discretionary freedom in the carrying out of laws and regulations for their own and their clients' interests (Klitgaard, 1988: xii-xiii). Yet principal-agent theory does not seem to be able to explain political corruption outside formal, office-centered relationships. For historical research into corruption, legal rules of office are not always available. Besides this, it is not always clear who was the "principal" or the "agent". In a historical context a power broker could be a principal *as well* as an agent.

Adherents of the *ecological approach* consider in what kind of environment corruption comes into being. The focus is not on the characteristics of the phenomenon itself (the various shapes corruption can assume), but on the outside world, the environment in which it occurs. Hoetjes favors an ecological approach to corruption in which he, as Huberts states, not only deals with the environment. Huberts derives a set of causes from Hoetjes' work: besides political, economic and social factors, individual and personal factors and informal group factors within the organization and the formal organization also play a considerable role. However, as most historians are not looking for ways to improve the shortcomings of administration, the ecological approach is possibly not the most suitable (Hoetjes, 1977: 60-63; 1982: 69-76; Huberts, 2010: 150-151; Wagenaar, et al., 2005: 10).

A *criminological-behavioral approach* focuses on the motives and circumstances of corruption, whereby corruption is regarded as deviant behavior (Huisman & Vande Walle, 2010: 115-145). This approach is of limited use in situations in which certain administrative acts were not considered criminal but came to be regarded as such.

Besides universalistic theories there are several particularistic theories of corruption which could be useful for historical research into corruption and

administrative values. In a *Weberian ideal-typical approach*, corruption (i.e. the violation of rules) is attributed to the insufficient modernization and rationalization of the public service. Critics of the Weberian approach argue that the validity of this approach is limited to the West, and other parts of the world should not necessarily develop in a similar way nor approach corruption in a similar way. The Weberian approach also fails to take into account a possible reversion into patrimonialism, which I will further elaborate upon later in this chapter. Critics also point out that even a highly developed (Western) society such as the United States of America still suffers from endemic corruption (Hoetjes, 1977: 53-55; Liu, 1959: 207-226; Rubinstein, 1983: 55-86; Rubinstein & Von Maravić, 2010: 21-35; Wagenaar, et al., 2005: 10-12).

In the *structural-functionalist approach* society is viewed as a collection of coherent systems in which every societal phenomenon has a function. The key question therefore is what function corruption serves in a society. Corruption can serve as a way to reduce resentment against laws and officials, thereby preventing political disturbances, or to connect those with political power with those who do possess wealth, but lack influence. Of course, anyone who looks for the function of a societal phenomenon will always find one (Hoetjes, 1977: 55-57; 1982: 67-69; McFarlane, 1996: 41-63; Wagenaar, et al., 2005: 12-13).

A postmodern-constructivist approach focuses on the way corruption is constructed in discourse. Haller and Shore, for instance, offer an array of case studies on corruption in different cultural and institutional contexts in countries such as the United States, India, Bolivia and Romania (De Graaf, Wagenaar, & Hoenderboom, 2010; Haller & Shore, 2005; Sissener, 2001; Tänzler, 2007). This approach is also promising for research into political corruption in a historical context as it is possible to follow a discourse back in history in order to better understand current systems of understanding. Several historical studies have recently been published in which corruption is regarded as a social construct, such as a recent supplement of the *Historische Zeitschrift* (Engels, 2008; Engels, Fahrmeir, & Nützenadel, 2009; Hoenderboom & Kerkhoff, 2008; Kreike & Jordan, 2004; Kroeze, 2008).

Finally, Niklas Luhmann's *theory of social systems* divides society into separate self-referential value systems. These systems are “autopoietic”, meaning self-producing, in the sense that they “produce and reproduce the elements they consist of with the help of the elements they consist of” (Brans & Rossbach, 1997: 425). Being

self-referential, social systems such as the scientific, legal, political or economic system evolve according to their internal dynamics while employing “binary codes”, true or false, legal or illegal or good or bad, for certain standardized responses. For example, responses within the legal system depend on whether or not certain actions are legal or illegal. Corruption ensues when these social systems start to overlap, for example when values from the legal system penetrate the economic system or the political system. However, these separate self-referential value systems were not characteristic of *early* modern society. Instead, boundaries were blurred and social standing was a deciding factor in judging whether administrative actions were allowed or unwanted. Yet societal change and the transition from early modern to modern society resulted in a shift in mode of differentiation from vertical stratification (i.e. social standing as the decisive factor in judging corruption) to horizontal functional systems, in which corruption ensued when self-referential value systems (such as the legal, economic and political system) started to overlap (Brans & Roszbach, 1997: 425; Hiller, 2010: 64-82; Luhmann, 1980: 162; 1985: 24). To a certain extent, this approach seems useful for historical research into corruption and public values. I will further elaborate on Luhmann’s theory in the course of my thesis.

In summary, most approaches to studying corruption are difficult to conceptualize in a historical context. All these approaches have their limitations for research into corruption in a historical context, be it that they are limited to Western administrations, solely focus on economic motives, underestimate an individual’s irrational behaviour, are based on a clear public-private divide, cannot explain corruption outside formal office-centered relationships, assume a clear distinction between principal and agent or cannot explain why an administrative act *became* criminal. A postmodern-constructivist approach, which considers corruption a social construct, seems most promising as using this approach, it is possible to follow the traces of a discourse back in history in order to gain a better understanding of current administration. In addition, this approach does not entail a definition, but tries to find changing definitions of corruption through time.

1.3. Definitions of political corruption

Closely related to the aforementioned approaches are the standards to be found in definitions of political corruption. Almost all theories of corruption addressed in the previous paragraph are based on a definition of corruption. These definitions of

corruption will now be discussed in order to explain why historical research into corruption requires an approach that *does not* use a definition. Again I will largely build upon Hoetjes while discussing the different standards (Hoetjes, 1977, 1982). Similar to most approaches, many standards on corruption are also difficult to conceptualize in a historical context. Plato, Machiavelli or Montesquieu considered political corruption to be the “corruption of the body politic”, a point of view which was to have a long history in political philosophy and polemics. Corruption was regarded as the decay of the moral and political order (Dobel, 1978: 958-959). Modern conceptions of political corruption tend to be more narrow, because they focus on the transgressions of individual office holders instead of wider notions of corruption as the decay of whole societies (Johnston, 1996: 322; Moodie, 1989: 873).

Heidenheimer distinguishes three basic concepts from the variety of definitions regarding corruption “public-office-centered”, “market-centered” and “public-interest centered”, which all have a behavioral emphasis. The first category is related to a modern notion of office (Weberian), regarding the violation of rules, the second to an economical modern public-private notion and the third is strongly connected to the general interest (Heidenheimer, 1989b: 8-11).

Scott elaborates on three criteria to establish standards of corrupt behavior: the public interest, public opinion and legal norms. As he considers the first two to be ambiguous, Scott prefers the “public-office-centered” approach defining corruption as “behaviour which deviates from the formal duties of a public role (elective or appointive) because of private-regarding (personal, close family, private clique) wealth or status gains, or violates rules against the exercise of certain types of private-regarding influence.” (Nye, 1967: 417-427; Scott, 1972: 4). Yet normative issues which are not captured in legal rules are not taken into account. Clear formal rules or clearly defined public roles are not always available. Not everything which is legal is also regarded as ethical. Finally, among cultures, legal standards can differ considerably.

Public opinion is another standard often found in definitions of political corruption. Congruence between moral condemnation by the elite and the masses determines whether something is corrupt as well as the severity of the corrupt act (Heidenheimer, 1989a: 161). The advantage of this standard is that moral and social standards on corruption are also taken into account. However, it remains difficult to define “public opinion” as differences between the elite and the masses can be

considerable, especially regarding views on corruption, which are also subject to change.

Friedrich and Van Klaveren consider corruption to be the misuse of public office for private purposes, as if the public office were a private business. Private benefits outweigh public interests (Friedrich, 1966: 74; Heidenheimer, 1989b: 3; Van Klaveren, 1989a: 25-28). This definition of political corruption is related to the *rationality and economy approach* and seems useful when formal legal standards are not available. Unfortunately, a clear public-private distinction is not always evident in historical context. The same applies to the notion of “public interest” because this term has different meanings throughout history (Rutgers, 2003a; Wagenaar, 2003)?

Considerable criticism is aimed against the idea of a single standard because the (sole) usage of formal norms seems to rule out historical comparisons. A possible solution could be to make possible comparisons across cultural and temporal boundaries through a historical contextual approach to administrative values. In this context, Anechiarico and Jacobs describe corruption as “a social, legal, and political concept laden with ambiguity and bristling with controversy” and acknowledge that “conceptions about what is corrupt are constantly evolving” (Anechiarico & Jacobs, 1996: 16; Mény & De Sousa, 2001: 2828; Moodie, 1989: 873; Moynihan, 2009: 813-821; Scott, 1972: 6). Although corruption encompasses more than legal standards, Anechiarico and Jacobs also acknowledge that a standard such as public opinion is too vague, since people's views about moral and ethical behaviour differ considerably (Anechiarico & Jacobs, 1996: 3). Using Scott's and Heidenheimer's culturally bound, relatively narrow definitions seems very problematic for historical research into corruption. A one-sided focus on formal-legal standards will result in the exclusion of other relevant perspectives on corruption and administrative values, such as everyday political practice. Additionally, research into shifting conceptions of corruption over an extensive period of time requires an open mind. Perceptions of corrupt behavior evolve over centuries, but can also differ in a single case study. Shifting conceptions are also visible in the fact that in the early modern period, authors wrote about, for instance, *kuiperijen* or *knoeierijen*, when referring to corruption. Consequently, what kind of approach seems viable for research into corruption in a historical context?

1.4. Towards a neo-classical approach

As already mentioned in paragraph 1.2, a postmodern-constructivist approach focuses

on the way corruption is constructed in discourse. Studies of corruption in different cultural, institutional and historical contexts, in which corruption is regarded as a social construct, seem promising. Through the use of a constructivist approach, research can be done into corruption discourse in a historical context in order to better understand current systems of understanding.

Michael Johnston's *neo-classical approach* offers some resemblances to this post-modern strand. Johnston considers corruption to be: "the abuse, according to the legal or social standards constituting a society's system of public order, of a public role or resource for private benefit" (Johnston, 1996: 331). Paradoxically, this is not so much a definition, but rather an approach by which to find contemporary definitions and understandings of corruption. The emphasis that Johnston puts on the importance of social values has its benefits for research into historical values underlying public administration. The legal perspective is supplemented with research into social standards that often remain implicit (Johnston, 1996: 331). Johnston's approach thereby widens the scope of historical research as it makes use of several perspectives. Corruption is not only viewed as a formal-legal issue, but also a moral one. Furthermore, narrow modern notions of corrupt behaviour (individual offences) are combined with broader classical concerns about the moral health of whole societies, hence Johnston's "neo-classical" approach (Johnston, 1996: 331). Although Johnston admits that this broad focus would not yield precise categories of behavior, attention is directed at the interplay between formal institutions and social values, thereby focusing on society as a whole (Johnston, 1996: 326-327). Through his neo-classical approach, "corruption" is used in such a way as to make research possible into (the development of) values in early modern administration as well as into the way "corruption" was constructed in discourse. Thus, it is useful for historical research into corruption since it emphasizes the contextual nature of corruption as administrative values change in time and place.

Difficulties remain when defining values underlying public administration as well as finding them in a historical context. The comparison between different periods and levels of administration is complex (Scott, 1972: 6). As already mentioned in the preceding paragraph, concepts of corruption are constantly changing over the centuries. Grasping these developments in Dutch public administration proves to be a complicated affair, especially for the early modern period due to a lack of relevant sources. A focus

on corruption scandals could circumvent these difficulties, because only during times of upheaval were relevant documents written about what bad – and therefore also good – government consisted of. As a consequence, historical research into corruption entails thorough archival research.

Johnston remarked that the social and political fragmentation of societies led to the idea that they are arenas of contest among individuals, groups and their interests (Johnston, 1996: 322). Within these arenas concepts acquire their meaning in the clash over boundaries (public versus private, state versus society, politics and administration) (Johnston, 1996: 333; Moodie, 1989: 879). Conflicts can produce new standards regarding reprehensible behavior within public administration. The interaction and possible frictions between formal institutions and social values lead to the requirement that rules will need to be effective to have any legitimacy and acceptance. Existing values regarding political behavior are therefore by no means rigid, but constantly changing. This is why research into scandals is so important (Johnston, 1996: 329).

Some brief remarks still need to be made about the scandals analyzed in historical research and their importance. First, one needs to keep in mind that not all deviant behavior becomes a scandal and not all individuals involved in scandals are punished. In addition, it remains difficult to differentiate between a scandal and random corrupt practices. However, authors have proposed several criteria to make this distinction. Sherman considered three elements for behavior to become a scandal: outrage and anger, surprise regarding the deviance and betrayal of social trust (Sherman, 1989: 888). He described a scandal as “a social reaction to the violation of socially invested trust in an institutional role.” (Sherman, 1989: 887-888). Moodie also summed up three major requirements for a scandal to occur: an informer or exposé, channels to communicate the message and an audience to label the information as scandalous (Moodie, 1989: 879). Corruption scandals are closely related to political crises, which could be considered as structural reactions (social backgrounds) or as isolated incidents. Nonetheless, a limitation of the focus on scandals is the fact that often only what is regarded as undesirable becomes visible during clashes over boundaries (public versus private, state versus society, politics and administration). These clashes serve as a way to distill administrative standards from what is considered unwanted or inappropriate. In examining the construction of “corruption”, Johnston’s focus on conflicts makes it possible to research values on public administration, but where do we need to look to find them in historical data?

1.5. Sources of values

Within the subproject, research is carried out from four angles, of which the theoretical-methodological justification is again based on work by Hoetjes (1977, 1982). Hoetjes acknowledges that there is not a single source or perspective containing universally valid principles clearly defining the concept of corruption and distinguishes several “sources of social values”. Firstly, the application of law in corruption cases encompasses research into legal documents to better understand arguments in judging presumed offenders. It is therefore necessary to inquire into the legal system of the time, including the applicable legal codes at the local, provincial, and “confederal” levels of the Dutch Republic. The law is an easily accessible source through which international comparisons can also be made. However, a disadvantage of legal sources is the fact that formal rules almost always differ from the actual administrative standards in a society. In addition, it should also be noted that the law can also be applied as a weapon during a political conflict.

A second source of values is public opinion on corruption focusing on for instance pamphlets, newspapers, periodicals and mass media (radio, television, internet). The pamphlet literature of the period 1650-1750 is especially interesting. Research into public opinion serves as a way to gain insight into the actual societal standards, but one needs to take into account that due to the scarcity of available sources it remains difficult to investigate the public opinion of the early modern era. It is also complicated to define public opinion, since differences between societal groups, especially regarding their outlook on corruption, are considerable. Pollmann and Spicer (2007: 1) challenge Habermas’ periodization of the emergence of a public sphere in the early eighteenth-century: “a growing number of early modern historians have begun to challenge this periodization, offering arguments for the importance of ‘public opinion’ and perhaps even the existence of a ‘public sphere’ in sixteenth- and seventeenth-century Europe, well before the advent of coffee houses or the emergence of newspapers as a forum for debate’. A similar argument with regard to Habermas’ periodization is used by Bloemendal & Van Dixhoorn who define “public opinion” as “a complex of beliefs about social, political, moral, religious and other public matters, one that can be found in larger or smaller segments of society and which originates and

is expressed in a variety of ways” (Bloemendal & Van Dixhoorn, 2011: 5). The conclusion of the aforementioned scholars about the existence of a “public sphere” in sixteenth- and seventeenth-century Europe is interesting given the fact that the focus in this research will be on pamphlets published in the corruption scandals in the period 1650-1750.

The “codes of the shop floor” also serve as a way to gain insight into societal standards, since they concentrate on the everyday rules by which public administration was (supposed to be) conducted. The “shop floor” refers to a variety of sources, such as informer reports, eyewitness accounts, autobiographies and egodocuments (diaries, letters). Research focuses on civil servants between 1650-1750 and people in contact with officials. The practices concerning gift exchange, the difference between a gift or a bribe and public and private will be examined.

Finally, public rectitude as defined by moral authorities, “the best opinion and morality of the time”, will be considered in relation to public values, entailing commentaries on classical writings (consider Cicero), writings on philosophical ethics and moral theology as well as handbooks on etiquette, political philosophy and theory. Yet, the question remains whether corruption in public administration was an issue at all among moral authorities, and if so, what their definition was of corruption and what their views were on the social implications of corruption. One needs to take into account as well that these high ethical standards are the views of the authors of these writings. Therefore, one needs to question to what degree these norms are actually visible in society, or specifically in corruption scandals (Hoetjes, 1977: 12-16; 1982; Wagenaar, et al., 2005: 6-9).

1.6 Case study selection

Hoetjes’ sources of social values actually serve as a heuristic tool which can be used to find relevant archival material concerning corruption and administrative values from a historical perspective. Hoetjes’ fourfold approach is therefore of added value as it focuses on and thereby limits the amount of research material to be processed. For the period 1650-1747 the availability of archival material from these four sources serves as an important criterion for selecting relevant corruption scandals. Ideally, representative scandals offer archival documents about the law in corruption cases, public opinion, moral authorities and the “codes of the shop floor”. As every source offers archival material with a very distinctive view of corruption, using all four sources will give more

depth to the analysis of corruption scandals and offer better insight into the relevant administrative values or changes in values. It should be noted that the focus of this research will be on the relevant values found *in* the corruption scandals. Therefore, case material that follows from these four sources of values will be taken into account. Emphasis will not be on relevant public values which one can find outside these scandals, such as best-opinion by relevant lawyers, philosophers and theologians for the period 1650-1747. Therefore, those moral authorities (i.e. best-opinion) will be discussed that are found in the case studies.

In order to obtain an overview of available corruption cases, registers of criminal sentences of the Provincial Court of Holland, Zeeland and West-Friesland were consulted.² In addition, attention was directed to the availability of source material on public opinion, more specific pamphlets on corruption from the Knuttel Collection (Knuttel, 1978). These two sources of values, the availability of court cases and pamphlets on corruption, served as point of departure for the selection of cases and were eventually supplemented by source material regarding the “codes of the shop-floor” and moral authorities.

The chronological delimitation is based on the fact that the period 1650-1747 can be regarded as a distinct period. The political consolidation of the Dutch Republic as a result of the Peace of Münster (1648) and the Grand Assembly (1651) can serve as a starting point. The end of this period is based on Reinhart Koselleck’s (Koselleck, 1972) notion of the *Sattelzeit* (1750-1850), a transition period between early modern and modern society. This period before and after the French Revolution was characterized by considerable political, institutional and societal changes, whereas the preceding period (1650-1747) can best be described as “The ancien régime in optima forma”, a period in which these fundamental changes did not yet take place. Four distinct time periods can be discerned within the period 1650-1747; the First Stadtholderless Period (1650-1672) characterized by “True Freedom” and regent rule; the Stadtholderate of William III (1672-1702), which was riddled by corruption scandals, such as the trials of Huygens, Van Banchem and Van Zuijlen van Nijvelt; the Second Stadtholderless Period (1702-1747) and the period of stadtholder William IV

² National Archives [NA], Records Provincial Court of Holland [PC], acc. nr. 3.03.01.01, Chronologisch register op de criminele papieren, 1572-1810 (2 parts), acc. nr. 3.03.01.01.

(1747-1751). The years 1672 and 1747 were characterized by considerable political upheaval. Question is whether political tensions in these years influenced the emergence of corruption scandals. For each distinct time period at least one scandal has been selected in order to give a good representation of the period 1650-1747.

A geographical delimitation is necessary for several reasons. First, the institutional fragmentation of the Dutch Republic resulted in provincial sovereignty and the center of government at the local level of administration. As a consequence, different types of administration existed. Often a Western and an Eastern (and sometimes a Southern) model of government (Gabriëls, 1983: 9-13; 1985: 37-63; Prak, 2006: 74-106) are distinguished (which will be discussed later). Four out of five cases focus on the province of Holland (i.e. the Western model), also because of the availability of relevant corruption scandals which occurred in this province. The chronological register of criminal papers of the Provincial Court of Holland, Zeeland and West-Friesland was crucial in selecting cases, in combination with the availability of pamphlets on corruption. Only a fifth scandal did not occur in this province and is an anomaly in the sense that the scandal occurred outside the Dutch Republic, in the Austrian Netherlands, although the consequences of this scandal were felt on the Generality and provincial level of the administration in the Dutch Republic. A second reason to focus on the province of Holland is the fact that it was the most important province of the Dutch Republic. This province was the most powerful politically and economically, its financial contribution considerable compared to the other provinces. As a result Holland's vote was often decisive in matters of war and peace.

A topical delimitation leads to a focus on corruption scandals and the (development of) public values in the local administration of the cities of Gorinchem, Rotterdam, Leiden, Doornik and the *baljuwschap* of Beijerland. Research has been limited to five case studies, due to time and resource constraints, but the total number of usable case studies was not very much higher.

1.7 Existing historical work

Next to the selection of case studies, it is necessary to give an overview (albeit not exhaustive) of existing historical work on corruption and administrative ethics. This overview also serves as a way to show the added value of the NWO project "Under Construction: The Genesis of Public Value Systems". Existing literature consists of case studies on corruption or studies of corruption as part of wider explorations, such as

patronage and gift giving (compare Kerkhoff, 2013: 32).

For instance, Japikse (1907) focuses on a notorious corruption scandal concerning Cornelisch Musch, *griffier* of the Estates-General and De Bruin (1991) discusses several legal trials concerning treason regarding affairs of state and corresponding with the enemy in the Dutch Republic (1600-1750). These corruption scandals are interesting, but focus on the Generality level of the administration or affairs of state, whereas the project “Under Construction” puts the local administration first. Huiskamp (1991) also focuses on a local corruption case in the eighteenth-century *Meerij* of ‘s-Hertogenbosch. Hell (2000) discusses a case study in Amsterdam.

Other studies of corruption are part of wider explorations such as patronage, gift giving, crime, punishment, the legal system or the practice of composition, meaning the payment to a legal officer by a delinquent to avoid criminal prosecution or sentence (Faber, 1988; Hovy, 1980). Egmond (2001) focuses on corruption, legal protection and inequality before the law. Several studies on patronage discuss corruption, consider Gabriëls on the Stadtholderate in the second half of the eighteenth-century (Gabriëls, 1990) or Janssen on patronage under Willem Frederik van Nassau (1613-1664) (Janssen, 2005a) and the public and private roles of the stadtholder in the Dutch Republic (Janssen, 2005b: 47-67). Blockmans (1985) deals with corruption, patronage and state-building in the Burgundian and Habsburg Netherlands. Corruption can also be related to the culture of gift giving, consider Huiskamp on gift giving and corruption in the early modern period. Thoen focuses on gift exchange in seventeenth-century Holland (Huiskamp, 1995; Thoen, 2007). Finally, literature about the municipal political theory which warned against the dangers of discord and self-interest (and the importance of harmony in the administration) can also offer insight into early modern corruption (Pollmann, 2007; Van der Plaat, 2003).

The NWO project “Under Construction” tries to offer a new perspective by combining historical research into corruption and public values with a social science approach. An overview of relevant theories to study corruption from a historical perspective is offered by Wagenaar, Van der Meij and Van der Heijden (2005). Wagenaar and Van der Meij (Wagenaar & Van der Meij, 2005) use a social science approach in their case study of the scandal of *baljuw* Johan van Banchem, applying Fred Riggs’ so-called “prismatic model”. Existing research into bureaucratization can also be of added value. Knevel (2001) does not use a social science approach for his research

into officials in The Hague, who are caught between self-interest and the interest of the state. Other research into bureaucratization, which will be discussed in the next paragraph, does use a social science approach and can be used for further research into administrative ethics and (the development of) public values.

1.8 Administrative history and the legitimization of administration

Hoetjes' sources of social values and Johnston's neo-classical approach seem to be of added value for research into administrative history and values. However, we can also benefit from Max Weber's theory of the different phases of administrative development (i.e. traditional, patrimonial and bureaucratic authority and administration) for a better understanding of changing public values (Raadschelders, 1990: 236; Van Braam, 1980: 21). As part of his theory, Weber also distinguishes three types of legitimate authority, based on charismatic, traditional and rational-legal grounds. Charismatic domination rests on the sanctity, heroism or exemplary character of an individual and the normative framework or order set out by this individual. Traditional authority is based upon age-old customs and the ensuing exercise of authority, whereas rational-legal authority rests on the legality of a legally established impersonal order and the ensuing legal authority to issue commands (Weber, 1978: 215).

With respect to the modern bureaucracy, legitimate authority is based on rational-legal grounds and trust in the correct execution of laws. The ideal-typical characteristics of bureaucratization can serve to better understand institutional changes (Raadschelders, 1998: 112-114). These characteristics have already been applied by several Dutch scholars to analyze historical reform in public administration (Raadschelders, 1990; Van Braam, 1977; Wagenaar, 1999). These scholars do not actually focus on the corrupt behaviour of officials, but their research can be of added value for a better understanding of public values in a historical context. Kerkhoff (2009) does focus on public values, when he uses Weber's characteristics of bureaucratization for research into organizational reform in the system of taxation in Holland around 1750 and also attempts to provide a historical perspective on the link between organizational reform and ethical change in public tax administration.

Van Braam not only elaborates on the characteristics of the bureaucratic organization, but also brings forward some additions (Kerkhoff, 2009: 7; Raadschelders & Rutgers, 1996: 97; Van Braam, 1977: 459). In his study on bureaucratization in the

administration of Westzaandam during the Republic, Van Braam regards bureaucracy as a form of organization of state administration, encompassing a collection of organizational characteristics, in line with Max Weber's ideal-typical concept of bureaucracy. Twenty dimensions of the Weberian bureaucratic organization are discerned, the first eight referring to the structure and functioning of administration, and the other dimensions to characteristics of administrative officials. I will briefly go further into several characteristics evident in a Weberian bureaucracy:

i continuous administrative activity,

ii formal rules and procedures, meaning abstract laws and administrative regulations,

iii clear and specialized offices with clear job descriptions through jurisdictional delimitation, iv hierarchical organization, entailing an office hierarchy with a system of supervision of higher offices over lower offices, the authority to give commands is delimited by rules,

v use of written documents, including the preservation of original or draft documents,

vi adequate supply of means,

vii non-ownership of office, with a devotion to impersonal and functional purposes (*Amtstreue*) in return for a secure existence, entailing a separation of office from the private sphere,

viii procedures of rational discipline and control,

ix office held by individual officials,

x who are subordinate, and,

xi appointed, by a superior authority, and

xii knowledgeable, who have expertise, being persons qualified under general rules, through a course of training, examination and specialization,

xiii assigned by contractual agreement,

xiv in a secure tenured position, holding office for life,

xv who fulfill their office as their main or only job, whereby official activity demands the full working capacity of an official for long period of time, although the length of working hours may be limited,

xvi work in a career system,

xvii rewarded with a regular salary and pension, meaning financial security in old age,

xviii rewarded according to rank, with a system of salary levels in which lower offices are less well paid than higher offices,

xix promoted according to seniority, or possibly by means of a system of examinations, xx and work under formal protection of their office (Van Braam, 1977: 457-483; Weber, 1978: 956-963).

Yet besides a legally established impersonal order, administration can also rest upon age-old traditions and the ensuing exercise of authority, for instance through the Weberian ideal type of patrimonialism.

Julia Adams uses patrimonialism to explain processes and mechanisms of stability and change in the Dutch Republic. Although the Dutch state lacked a monarch, Adams still describes it as a “patriarchal patrimonial formation” and introduces gender analysis to theories of state building (Adams, 2005: 2-3). Adams uses feminist theory and an enriched Weberian concept of patrimonial power which she describes as “*that characteristic form of rule in which a ruler (such as a monarch or a lesser lord or stadholder, literally “stateholder”)* and the corporations that the ruler recognizes or sponsors jointly do politics and share the prerogatives of sovereignty” (Adams, 2005: 3-4). Adams uses the term “familial state” to emphasize the interconnection between paternal political rule and the various arrangements among family heads that influenced evolving political organizations and economic flows (Adams, 2005: 3-4).

Adams inserts patrimonialism into theories of state building, but this ideal type can also be applied to research into the ethical aspects of administration. Susanne Schattenberg (2009: 204-205, 207-208, 225-227), for instance, examines patronage in nineteenth-century Russian provincial administration. Interestingly, she opposes historians who solely use the Western modern bureaucracy as *the* standard to understand contemporary corruption. Schattenberg is of the opinion that the existence of an institutional and value framework which is put forward premised on the idea of progress and modernization theory, should at least have been tested. She criticizes the fact that the Weberian ideal type of the modern public servant is used as a kind of quality test to assess Russian officials, who as a consequence fail miserably. They did not possess professional training and did not have clearly defined competencies, nor did they refer to laws and regulations. Schattenberg therefore warns against corruption research which solely attempts to portray history as *Defizitgeschichte*, as a deviation from norms. Instead of observing and describing the phenomena, what is explained is only what was not there or did not function. Taking Schattenberg’s warning into account, corruption in a historical context should not be solely examined from the perspective of the modern bureaucracy. Patrimonialism, with its emphasis on tradition, could also be used for

research into the history of corruption. Consequently, the Weberian ideal type of patrimonialism and the patrimonial official could therefore not only serve as a framework to better understand nineteenth-century Russian corruption, but could also be applied to research into administrative values in the seventeenth and eighteenth-century Dutch Republic. An evaluation of early modern administration should therefore not be solely premised on the observance of rational-legal values.

Similar to Schattenberg, Von Thiessen emphasizes that historical corruption should not be solely studied from a bureaucratic perspective, as conflicting standards (bureaucratic versus patrimonial “face-to-face” standards or so-called *Normenkonkurrenz*) were characteristic of early modern administration. The existence of two conflicting systems of values, based on legal-rational and on traditional grounds, was characteristic of the early modern period. According to Von Thiessen, the roles of office holder and family member were closely intertwined during this period, whereas clear criteria for interpreting corruption were lacking. Secrecy, the extent of favors and the balance of power between factions were often decisive. Accusations of corruption could be used as a political tool. In addition, corruption was not only regarded as an individual offense, but also a disease of the political body. Von Thiessen then focuses on two case studies concerning two favorites of a ruler, the Duke de Lerma in Habsburg Spain and the Duke of Buckingham in England, under James I and Charles I. Both men managed to obtain considerable power, regarded by many to be a breach of political practice. The ensuing accusations of corruption targeted unbridled enrichment and the favoring of family members and clients. Yet Von Thiessen argues that while in Spain criticism was aimed at the favorite, his family and clients and exceptional powers, in England critics also attempted to undermine the legitimacy of the monarchy and the system of government. The English debate was also harmful for tolerance with regard to conflicting norms, contrary to Spain where the *Normenkonkurrenz* was not challenged (on the venality of office in Spain: Swart, 1980: 19-20; Von Thiessen, 2009: 92, 94, 97-100).

With this in mind, it is necessary not only to discuss the characteristics of the bureaucracy, but also of the patrimonial ideal type (Weber, 1978: 1006-1069), which will be put in a wider perspective through a comparison with the modern bureaucracy (Weber, 1978: 956-1005). Max Weber describes the patrimonial state as “when the

prince organizes his political power over extrapatrimonial areas and political subjects – which is not discretionary and not enforced by physical coercion – just like the exercise of his patriarchal power” (Weber, 1978: 1013). It concerns the political domination of one master over other masters who are not under the patriarchal power of the first master, which leads to authority relations which are structurally the same because they only differ in degree and content. Two of the most important political powers of the ruler are his military and judicial authority, which can be exercised without any restraint (Weber, 1978: 1013). Max Weber considers patrimonial domination to be a differentiated form of patriarchal power which developed on the basis of the “*oikos*”, the communal form of household differentiation. Therefore, many of the character traits of patriarchalism can also be applied to the ideal type of patrimonialism (Weber, 1978: 1010). Several characteristics of patrimonialism will now be discussed briefly.

Within the patrimonial ideal type obedience is based on a strict personal loyalty. Stability and an everyday character are closely related to personal authority, although Weber also mentions that these character traits are a part of an impersonal bureaucracy (Weber, 1978: 1006). Between ruler and subject there therefore exists a dependency relationship based on loyalty and fidelity. Although the relationship is originally based on a one-sided domination, this soon develops into a relationship based on reciprocity, which is soon regarded as a custom as a result of social recognition (Weber, 1978: 1010).

Both patrimonialism as well as the modern bureaucracy stress the importance of a subject’s compliance with norms. However, contrary to bureaucracy with its focus on compliance with rational and abstract legal norms, patrimonialism stresses adherence to tradition, and is, as Max Weber puts it “the belief in the inviolability of that which has existed from time out of mind” (Weber, 1978: 1006). Patrimonial regulations are nothing more than the subjective rights and privileges of individuals originating from the favor of the ruler. In essence this is applicable to all public norms within the patrimonial state. Norms do not serve an impersonal purpose, and office and public authority only promoted the ruler and patrimonial office holders (Weber, 1978: 1031). Patrimonialism is legally unstable, but stable through the restriction of personal authority by tradition, whereas the modern bureaucracy is based on impersonal and objective rules with legal guarantees against arbitrariness (Weber, 1978: 979). Yet combining authority based on personal subjection with a compliance with norms based on tradition has some consequences for the limits of a ruler’s power and his desirable behavior. On the one side he has discretionary freedom without restraint, which is only

limited by tradition (custom) or by competing powers (Weber, 1978: 1006-1007). On the other hand, a possible violation of these customs could result in disapproval and dissatisfaction among the subjects. In a sense, the restriction of discretionary freedom through traditional norms serves as an effective protection against arbitrary violations for subjects who have no formal rights, thereby restraining the ruler. As a result, a ruler's powers are only legitimate insofar as they abide by established traditions (Weber, 1978: 1008, 1020).

In essence there are actions which are bound to specific traditions and actions which are entirely free of specific rules. The commands of a person of authority are therefore legitimized by either traditions which determine the content of a command and which are considered valid and cannot be ignored without endangering a master's traditional status, or by a master's discretionary freedom which tradition leaves open. This freedom is closely related to the notion that obligations of personal obedience are in essence unlimited. Within his discretion, a master can do as he pleases and likes, especially in return for gifts, although considerations of ethical common sense or equity are not entirely out of the picture (Weber, 1978: 227). A ruler's personal discretion, his favor or disfavor therefore mattered. The same can be said of the relation between officials and the ruled. The former have a discretionary freedom similar to that of the ruler, although they also need to adhere to the requirements of tradition and take into account the ruler's interest in his subjects' compliance, as well as their ongoing economic capacity to support him (Weber, 1978: 1030).

In a modern bureaucracy, office holding does not lead to the ownership of an income source, but guarantees a secure existence in return for the acceptance of a specific duty of fealty to the purpose of the office (*Amtstreue*). Modern loyalty does not establish a relationship to a person, but rather to impersonal and functional purposes. This distinction could be regarded as the essential difference between the modern bureaucracy and patrimonialism (Weber, 1978: 959). The patrimonial ruler tends to view his powers as personal property, similar to patriarchal power and property (Weber, 1978: 1022). Contrary to the modern bureaucracy, there does not exist a separation between the private and the public sphere. Political administration is viewed as an entirely personal affair of the ruler, who looks upon power as his personal property to be used through the imposition of fees or contributions (Weber, 1978: 1028-1029). That the public sphere was closely interwoven with the private is also reflected in Weber's

statement that “The separation of official and private matters, of official and private property and powers was carried through more or less only in the arbitrary type of patrimonialism; the separation disappeared with increasing prebendalization and appropriation.” (Weber, 1978: 1041). Weber distinguished between the patrimonial state leaning more towards an arbitrary pattern (often found in the Orient) or to a stereotyped pattern (mostly found in the Occident) (Weber, 1978: 1040). Another distinction Weber makes is between “pure patrimonialism” and the “estate-type” of patrimonialism. In the former type, a complete separation exists between the functionary and the means of carrying out this function. Within the estate-type of patrimonialism, the functionary who exercises governing power, has personal control, fully or at least an important part, of the means of administration. Consequently, the functionary has independent rights (Weber, 1978: 234). Consequently, Weber states: “We shall speak of the estate-type division of powers (*ständische Gewaltenteilung*) when organized groups of persons privileged by appropriated seigneurial powers conclude compromises with their ruler” (Weber, 1978: 237). Another characteristic of patrimonialism is that most offices do have some substantive purpose and task but do not have clearly determined boundaries. As a consequence, limitations mainly emanate from the competing economic interests of different officials. Yet as long as tradition and well-established rights of individuals are not a factor in administration, official acts are entirely discretionary, whereby a ruler and his officials can make ad hoc decisions and demand arbitrary compensation (Weber, 1978: 1029-1030).

Restraint by the ruler is sometimes desirable, because his maintenance is dependent upon the basic attitudes and the morale of his subjects. His own economic interests could be severely damaged by a possible disregard for the traditional distribution of duties and rights (Weber, 1978: 1011-1012). The amount of tributes a ruler can extract from his subjects is largely defined by tradition, although his prestige, the effectiveness of his administration and the availability of loyal troops can result in possibilities for unusual or new tributes (Weber, 1978: 1015). Any possible resistance by the subjects within traditional authority only emanates from failure to observe the traditional limits of his power. As Weber states: “Opposition is not directed against the system as such – it is a case of ‘traditionalist’ revolution.” Especially the regime of favorites, characteristic for patrimonial rule, was often the driving force for traditionalist revolutions (Weber, 1978: 227-228). Yet political subjects in a patrimonial state are obligated to materially maintain the ruler by, for instance, at first providing gifts or support in specific situations (Weber, 1978: 1014). One can also think of traditional and

fixed services and taxes which need to be rendered (Weber, 1978: 1020). In addition, it is important to consider corporations, guilds and other vocational groups which are responsible for rendering specific services or contributions through its members (Weber, 1978: 1023). In the modern bureaucracy, rank would form the basis of a regular salary for the official (Weber, 1978: 963).

Next to his military power, the ruler needs an administration to enforce his demands through a body of patrimonial officials. Contrary to a bureaucracy, there is no professional organization. Often patrimonial officials form a closed status group distinct from those who are ruled. Offices are monopolized, fixed rules set and services and fees delimited. Only through their consent are new members able to become part of the corporate group which the ruler has to accept and deal with, whereas the bureaucratic official is appointed by a superior authority. In some cases patrimonial officials amass so much power that they are even able to demand that the ruler choose new policy-making officials from their mandatory proposals. As a result it is not a surprise that the ruler attempts to curtail the influence of the officials and gain influence opposite the monopolies by appointing hereditary personal dependents or aliens who are totally dependent upon his benevolence (Weber, 1978: 960, 985, 1025-1027). A ruler will probably attempt to retain his influence in local affairs through economic and social dependents (i.e. property-less persons). Yet local honoratiore, often a cohesive interest group with officials who are not dependent upon the benevolence of a Lord, since any personal loyalty to the ruler is absent, attempt to curtail a ruler's attempts to strengthen his influence in local affairs by asserting their own privileges and traditional rights (Weber, 1978: 1040). These local honoratiore can only be eliminated by the ruler by replacing them with his own administrative organization with a similar authority over the local population. Of course, to achieve this a considerable military and administrative apparatus is necessary, and the ruler can also expect severe resistance by local honoratiore who occupy local offices (Weber, 1978: 1055, 1058).

When the patrimonial official does not find himself in the vicinity of the ruler, the latter's direct control is limited or absent. This is especially the case in a large administration, where the patrimonial official has left the intimate sphere of the ruler. Often benefices in kind (often also implying a definitive right to office), fee benefices or landed benefices (assigning office or service land) are granted to patrimonial officials. Fee benefices are fees which the ruler or his representative can expect for official acts.

He also emphasizes that these fees further remove the official from the ruler, because this type of benefice is based on revenues of an extrapatrimonial origin. These benefices can be subject to purely commercial transactions, such as the sale of offices or the trade in benefices. Fee benefices can be granted to favorites, who in turn can appoint a deputy to perform the duties on their behalf. Fee benefices are also bestowed upon individuals in exchange for a lump sum or fixed lease. As a result the lease or purchase becomes a patrimonial possession with hereditability or alienability. An official's benefice can come into the hands of another individual in return for a compensation, whereby the official can even propose the possible successor, since the fee benefice is his by right. A body of officials can do the same in the common interest of their fellow colleagues by setting conditions for transferring the benefice to an outsider. Finally, a ruler can also interfere by posing guidelines for the transfer of the benefice, as it is he who has granted the benefice, although originally not for life, because grants are revocable before they become a right of the official (Weber, 1978: 1031-1033). Any possibility for bribery or corruption varies from case to case. A good example is the lease of offices, in which the office holder has an interest in earning back the investment he made, possibly through extortion (Weber, 1978: 240).

Key to the appropriation of benefices and "jurisdictional" delimitation (among competitors for sources of fee income) in the patrimonial state is typification and not rationalization. The appropriation of benefices is geared towards protecting an official's right to office and not aimed at ensuring a modern legal idea of judicial independence and impartiality in the interest of the ruled. A consequence of the appropriation of offices is the possible curtailment of a ruler's power, which can even lead to resistance by patrimonial officials to attempts to rationalize the administration (Weber, 1978: 1038). In the relationship between official and ruler, the *de facto* exercise of an official's rights remains decisive for their relative strength. A weak central authority can even lead to new conventions which reduce its power. The personal ability of the ruler is therefore very important in maintaining his always unstable nominal power (Weber, 1978: 1042).

Patrimonial officials are selected on the basis of personal trust and not on technical qualifications (Weber, 1978: 1030). Rationalized specialized knowledge is not a prerequisite. Although administration does require experience and possibly some concrete skills (such as writing), the position of a patrimonial official is mainly judged by his social prestige, family ties, honor and status. Prestige involves the capacity of an official to maintain a certain style of life desirable for a status group of notables. The

reputation of his family matters greatly. As a result most local offices are often appropriated by the property-owning and land-owning classes (Weber, 1978: 1040).

To a certain extent, patrimonial officials find themselves in a somewhat precarious position possibly leading to conflicts. On the one hand, disregard for the traditional customs can lead to serious opposition while a violation of the ruler's powers can be regarded as disobedience. The latter is very dangerous given that an official derives his position from his personal submission to the ruler, which demands unconditional loyalty. Of course it becomes even more complicated when tradition overlaps with a ruler's judicial rights. As already mentioned, patrimonial offices lack clearly defined boundaries or a jurisdiction (to speak in bureaucratic terms) (Weber, 1978: 1030).

To sum up, as Schattenberg (2009: 225-227) has done, patrimonial administration differs from its rational-legal equivalent in several important respects. The most important differences are personal versus impersonal administration ("*Dienerehre*" versus "*Dienstehre*"), the absence of technical qualifications for office, and the fact that officials do not take example from laws and regulations. An administrator's main task is to maintain calm and harmony in government (which is often in contradiction with upholding the law), as was the practice in nineteenth-century Russian provincial administration. For that purpose, it is necessary to enter into personal relationships with the local elite as well as with the subordinates of one's predecessor. Several concepts which are closely related to the patrimonial ideal type require some explanation here, as they will regularly be referred to in the following chapters. Within patrimonialism, personal relationships are important in order to maintain harmony in government. Patrimonial administration can therefore best be described as a face-to-face administration, in which interpersonal skills matter and face-to-face values, which differ considerably from the applicable legal standards, are usually decisive for judging administrative behaviour. The public and private are closely intertwined because a clear public-private dichotomy is lacking. As a consequence, an official's administrative actions are closely related to his personality or character traits. An official's corrupt acts could result in the highlighting of his reprehensible personality traits, whereas praiseworthy traits would be emphasized in case of proper administration. Two other concepts are also very important. Von Thiessen states: "*Für die Frühe Neuzeit hingegen*

ist meines Erachtens die Parallelität von Normen, und damit Normenkonkurrenz der - nicht konfliktfreie – Normalfall“ (Von Thiessen, 2009: 94). “Parallelität von Normen” refers to the fact that within patrimonialism (and the early modern era for that matter), instead of a dominant value system, value pluralism (i.e. co-existing value systems) is characteristic. Yet co-existing values can also compete and conflict with each other, hence the concept of “Normenkonkurrenz”, which Van Thiessen rightly describes as common for the early modern era.

In conclusion, it is necessary to return to the project’s fundamental issue: “how are values established as moral groundings for administrative behaviour, and how do these change over time?”. In order to elucidate this issue, Johnston’s neo-classical approach and Hoetjes’ sources of social values are supplemented by Weber’s theory on the legitimization of administration, which characterizes legitimate authority based on charismatic, traditional or legal-rational grounds. Keeping in mind the main differences between the Weberian ideal types of the bureaucracy and patrimonialism, a hypothesis based on Weber’s ideas on the legitimization of administration is appropriate: “*A development from patrimonial administration to a more bureaucratic administration is already visible in the Dutch Republic in the period 1650-1747*”.

A second hypothesis is closely related to the question whether it would be more appropriate to speak of value systems instead of value sources (i.e. Hoetjes), in line with Niklas Luhmann’s theory of social systems which assumes that society is divided into separate self-referential value systems whereby political corruption ensues when systems start to overlap. Although not discussing Luhmann’s theory in its entirety, part of it may be helpful in explaining early modern corruption and public values, more specific the coming into being of separate self-referential value systems in early modern Dutch administration. Consequently, a second hypothesis states: “*A shift to Luhmann’s theory of social systems, which divides society into separate self-referential value systems, is already applicable to and visible in early modern Dutch administration (1650-1747)*”. Research into Dutch administrative history can contribute to confirming or disproving this hypothesis.

Although Weber’s theory is rather abstract, in the following chapters the patrimonial ideal type will be applied to several corruption scandals within the Dutch Republic between 1648 and 1747. The neo-classical approach will be applied to five scandals which have been selected from the years 1660, 1676, 1690, 1720 and 1747. After all, it was only during scandals that transgressions surfaced which could tell us

something about the underlying administrative standards. Each corruption scandal will be investigated with the help of the relevant sources of social values (insofar as these are available for each case), the law, public opinion, moral authorities and the codes of the shop floor. Attention will be drawn to the underlying administrative values in early modern Dutch administration as well as the possible development of these values through time. However, before we turn to the relevant corruption scandals, it is desirable to describe the Dutch Republic between 1650 and 1750. The focus will be on the Republic's institutional structure as well as its political culture.

THE DUTCH REPUBLIC (1650-1750): POLITICAL IDEAL VERSUS ADMINISTRATIVE PRACTICE

2.1. Introduction

From 1720 onwards, Adolf Hendrik, Count van Rechteren devoted himself to the rehabilitation of his younger brother, Gerard Burchard van Rechteren, suspended Governor of Doornik (*Tournai* in French). The latter had been accused of corruption and suspended by the Council of State from his office, losing the accompanying pay for a period of one year and he was also obliged to repay a twofold of two sums he had received unlawfully. Not only the honour of the Governor was at stake, but also the dignity of the family Van Rechteren. It was therefore not that strange that the influential Count, one of the most prominent magistrates in the province of Overijssel, intervened on his brother's behalf. A tug-of-war ensued between the Count and his brother on the one side and the Council of State on the other hand, in which eventually the Estates General and the provinces were also included. After the Governor's sentencing by the Council of State in 1720, the conflict dragged on until Gerard Burchard was offered a new position as Governor of Breda, which he took up in 1724. The Count Van Rechteren's initial reaction to the offer for his younger brother was somewhat reserved. After years of bickering, the Count stressed the importance of much-needed unity (*eenigheijt*) and firmness (*cordaetheijt*) among the regents who needed to treat each other in a rightful (*naer recht*) and fair (*billickheijt*) manner, setting aside their own interests. The Count furthermore stressed that he was a member of a family whose honour (*eere*) was not for sale and which put aside its own interest for the sake of the laws and freedom of the fatherland³.

Apparently a political ideal of harmony, unity and devotion to the public interest was important for a regent who had been involved in considerable conflict for several years. It seemed that political ideal and administrative practice differed considerably, yet regents engaged in everyday politics still referred to this ideal. What

³ Papers regarding Gerard Burchard van Rechteren [GBR], Historisch Centrum Overijssel [HCO], Records House Archive Almelo [HA], access number [acc. nr.] 214.1, inventory number [inv. nr.] 496.

was the relationship between political ideal and administrative practice? For this we first need to take a closer look at the institutional fragmentation of the Dutch Republic and the struggle for power and office, after which we will go further into the aforementioned political ideal. The complicated relationship between ideal and administrative practice will be preceded by an overview of the major political developments in the Dutch Republic in the period 1650-1750, and more specifically, in the first stadtholderless period (1650-1672), the stadtholderate of William III (1672-1702), the second stadtholderless period (1702-1747) and the stadtholderate of William IV (1747-1751).

2.2. Political developments

2.2.1. The first stadtholderless period, 1650-1672

The Peace of Münster of 1648 marked the end of the Eighty Years' War whereby the Dutch Republic was formally recognized by the Spanish King, its independence no longer disputed. Stadtholder Frederik Hendrik had died in March 1647 and was succeeded by his son, William II. The new Stadtholder's political views differed considerably from the views of the party which had brought about peace. Instead of praising the newfound peace, William II wished to resume the war against Spain, and an issue concerning the reduction of the army eventually resulted in a considerable conflict between the Stadtholder and the most powerful of the Dutch provinces, Holland. Since William enjoyed the support of the six other provinces, he ultimately resorted to a coup d'état and advanced on Amsterdam with a considerable force, and the city ultimately gave in to his demands with regard to the proposed cuts on defense. The Stadtholder's bold actions were successful, but also resulted in the province of Holland becoming his fiercest enemy. Yet the sudden death of William II in November 1650, when he was only 24 years old, would bring about considerable change within the Dutch Republic.

With William's coup d'état in mind, the province of Holland abolished the office of Stadtholder with its accompanying powers. In total, five provinces decided to leave vacant the offices of Stadtholder and Captain general, which was made easy by the fact that William's son was born after William's death. The era that followed, the first stadtholderless period (1650-1672), was characterized by regent rule, the 'True Freedom', meaning that the regents did not have to share their power with anyone. Besides the fact that the regents were no longer curtailed by a Stadtholder, they also wished to emphasize that their political powers were not subordinate to a higher entity of the Union. In 1653 the office of Grand Pensionary of Holland was bestowed upon

Dordrecht Pensionary Johan de Witt, who would act as the actual head of government for almost twenty years thanks to his talents, the importance of his office and the power of the province of Holland.

The Habsburgs had aspirations for European hegemony which came to an end with the rise of other European superpowers such as France and England in the second half of the seventeenth-century, after domestic troubles and revolution came to an end. The Dutch Republic had also attained considerable prestige, although its prosperity was founded on a less solid basis than other European powers as a result of its small territory and population and an eastern border which was difficult to defend. Grand Pensionary De Witt's foreign policy was based on three goals: security, independence and unobstructed progress of trade and shipping. Yet considerable opposition would come from economic rivals France and England, who wished to further their own interests in trade and industry, if necessary by force and to the disadvantage of the United Provinces. The First Anglo-Dutch War (1652-1654) ended with the Treaty of Westminster (1654), which also contained a secret clause, the Act of Seclusion: with Charles II exiled and William III of Orange's relation to the house of Stuart, the English republican government demanded that William be excluded from the office of Stadtholder. After the refusal of Dutch negotiators to comply with this demand, De Witt concluded the Act of Seclusion on behalf of the province of Holland which promised never to elevate a Prince of Orange to the office of Stadtholder again. A second Anglo-Dutch War (1665-1667) would end with the Peace of Breda (1667). Although the Dutch Republic had concluded an alliance with France in 1662, the French invasion of the Spanish Netherlands in 1667 and the ensuing War of Devolution (1667-1668), were to be regarded as a warning from France for the Dutch Republic. From the end of the 1660's the Republic's pursuit of international peace within western Europe resulted in a system of balance of power, in which France, England, and the Dutch Republic formed part of differing alliances. Within this international context, De Witt's focus was on the promotion of prosperity and a strong navy, although finances to maintain a strong army were lacking.

Besides the changing international constellation, memories of William II's coup d'état had faded. With the Perpetual Edict of 1667, the province of Holland permanently abolished the office of Stadtholder, and other provinces declared the offices of Stadtholder and Captain general to be irreconcilable. Yet the influence of

William II's son, William III, grew after he was appointed member of the Council of State. Many regents pondered the possible re-establishment of the stadtholderate, next to which political contrasts between Orangists and supporters of the States Party had never wholly disappeared. In addition to possible domestic troubles, the Dutch Republic was badly equipped for war: the army was not prepared and fortifications in the east were badly maintained. War became imminent as a result of the Treaty of Dover (1670), an alliance between England and France, which was directed against the Dutch Republic. In February 1672, William III was appointed Captain general for one campaign. Two months later, war ensued (Blok, 1977-1983; Boogman, 1975: 379-407; Carter, 1975; De Nijs & Beukers, 2002; Frijhoff & Spies, 1999; Geyl & Pomerans, 2001; Groenveld, 1967; Israel, 2001: 659-676, 771-816, 817-876; Japikse, 1900, 1915; Kernkamp, 1943; Panhuysen, 2005; Rowen, 1978; Van Deursen, 1993: 118-180; 2005: 264-309; Van Winter, 1949-1950: 27-65).

2.2.2. *Stadtholder William III, 1672-1702*

The Disaster Year began with a declaration of war by England (25 March 1672), France (6 April 1672) and eventually the Elector of Cologne and the Bishop of Münster. The Dutch *Waterlinie*, water-based defenses for the protection of the Dutch Republic's heartland in times of crisis, proved to be inadequate in the first weeks of the war. Luckily French forces did not advance any further. However, the provinces of Gelderland, Utrecht and Overijssel were overrun and occupied, quite an extraordinary feat taking into account the fact that the siege of a single city usually took up much more time. The Bishop of Münster was unsuccessful in his siege of the city of Groningen.

Regent rule and especially Grand Pensionary Johan de Witt were blamed, and the call to appoint William III of Orange as Stadtholder became stronger and stronger. In July 1672, William was elevated to the office of Stadtholder of Holland and Zeeland, and his temporary appointment as Captain general was made permanent. William was given the one-time authority to replace regents in Holland and Zeeland, leading to a political purge among the regents of Holland where about 130 regents were forced to give up their offices. As a result of the growing influence of William, the Grand Pensionary's position had become untenable. On 4 August 1672, Johan de Witt tendered his resignation, and his brother Cornelis was eventually arrested and accused of being an accessory to a conspiracy against the Prince of Orange. On 20 August 1672, the brothers De Witt were brutally murdered by the population of The Hague. The domestic

power vacuum was quickly filled as William assumed full control, supported by the new Grand Pensionary, Caspar Fagel (and later Anthonie Heinsius). This support was crucial in order to obtain Holland's cooperation in policy-making, as Holland was the most powerful province.

William also assumed control over foreign policy. Internationally he became the leader of a coalition against French expansion. For some 30 years, the Prince of Orange devoted his energies to combating French hegemony in Europe. The Quadruple Alliance of 1673 included Spain, the Emperor, the Duke of Lorraine and the United Provinces. Peace with England was concluded in February 1674, quickly followed by peace with Münster and Cologne. In 1678, France and the Dutch Republic signed a peace agreement, one of several treaties of the Peace of Nijmegen.

The withdrawal of enemy forces consolidated the Stadtholder's powers in domestic affairs. In the province of Holland, William already exercised considerable control over city government through his power to appoint Burgomasters and Aldermen from double numbers presented to him. After the provinces of Utrecht, Overijssel and Gelderland had been returned to the Dutch Republic, William III imposed government regulations entailing full control of the appointment of magistrates in administrative colleges. In Zeeland, the House of Orange had been influential of old. Only Friesland and Groningen were somewhat problematic as they appointed their own Stadtholder from the house of Nassau-Dietz.

William III married Mary Stuart, daughter of James II of England, who acceded to the throne in February 1685. The protestant William was considered an alternative to James' Catholic rule, eventually leading to James' deposition in the Glorious Revolution of 1688. William and Mary were crowned King and Queen of England. French expansion continued in peacetime. The Nine Years' War, in which France waged war against a European-wide coalition including the Dutch Republic, ended with the Treaty of Ryswick (1697), whereby the Dutch Republic obtained the right to garrison a number of fortified cities along the French border, the so-called barrier cities. King-stadtholder William III died in 1702 without leaving a male successor. In 1700, Charles II of Spain had also died, childless, and was succeeded by Philip of Anjou, grandson of Louis XIV. In support of this grandson, French troops invaded the Spanish Netherlands. The War of the Spanish Succession (1702-1713) was about to erupt (Blok, 1977-1983; Carter, 1975; De Nijs & Beukers, 2002; Den Tex,

1982; Groenveld, 1991: 213-245; Israel, 2001: 877-888, 889-952; 1991; Japikse, 1930-1933; Price, 1988: 67-78; Rietbergen, 1988: 51-87; Roorda, 1961; 1980: 17-28; Sonnino, 1988; Symcox, 1976: 179-212; Troost, 1991: 299-344; 2001; Van der Bijl, 1986b: 155-182; Van Deursen, 1993: 118-180; 2005: 310-353).

2.2.3. The second stadtholderless period, 1702-1747

After the death of William III in 1702, domestic troubles ensued in which middle classes and regents, who had been excluded from participation in government, agitated against the Stadtholder's system of appointment and its clients. While the transition in government was reasonably unproblematic in Holland, the other four provinces which abolished the stadtholderate, Zeeland, Utrecht, Gelderland and Overijssel, met with difficulties. Utrecht, Overijssel and Gelderland were quick to abolish the government regulations imposed by William III. Calls by the middle classes in the eastern provinces for more influence in administration would ultimately turn out to be unsuccessful and regent rule without a Stadtholder again prevailed. The "True Freedom" with its republican form of government was restored and ushered in a new era, the second stadtholderless period (1702-1747). Only the provinces of Friesland and Groningen retained their Stadtholder, Johan Willem Friso of Nassau-Dietz, and both provinces pleaded for the recognition of their Stadtholder as Prince of Orange, as he had been designated heir to William III's goods and rights. Yet Johan Willem Friso's untimely death in 1711 would leave a void, despite a son being born six weeks after his death, the later Stadtholder William IV (1747-1751).

In 1701, French troops had already invaded the Spanish Netherlands, leading to the retreat of Dutch garrisons from the barrier cities. In the War of the Spanish Succession (1702-1713), which began two months after the death of William III, the Dutch Republic in alliance with Great Britain, Austria and Prussia waged war against France and its ally Bourbon Spain. The Republic's point of view in the conflict was largely determined by the interests of the province of Holland. Its regents and elite merchants were striving for the obtainment or restoration of favorable trade conditions, strategic safety and the curtailment of France's power. After the Peace of Utrecht (1713), Philip V remained King of Spain, while the Southern Netherlands were assigned to the Emperor and from then on called the 'Austrian Netherlands'. Through the Treaty of Antwerp (1715), the Emperor and the Dutch Republic became jointly responsible for the defense of the Austrian Netherlands, and the Dutch were again allowed to garrison

several barrier cities along the French border. Yet the war had burdened the Dutch Republic with an enormous public debt.

From the middle of the 1720's, regent rule came under increasing pressure due to a revival of orangism, a decline of overseas trade and international tensions. The crisis in Dutch trade and industry, especially in Holland's urban economies, resulted in social and political frustration among the population of Holland. Regent rule was blamed and became ever more vulnerable. Internationally the Dutch Republic lost much of its prestige, as its days as a European superpower were over. In the War of the Austrian Succession (1740-1748), European coalitions formed around rulers with competing claims to the imperial title of Holy Roman Emperor. The Dutch Republic's lingering domestic problems were supplemented by international troubles (Blok, 1977-1983; Browning, 1994; Carter, 1975; De Jongste, 1980-1981a: 44-59; De Nijs & Beukers, 2002; Geikie & Montgomery, 1968; Houtman-de Smedt, 1991: 317-408; Israel, 2001: 1061-1100; Kooijmans, 1993: 11-23; Rogier, 1975: 292-311; Van Deursen, 1993: 118-180; Vrielink, 1981: 1-46; Wertheim & Wertheim-Gijse Weenink, 1976).

2.2.4. Stadtholder William IV, 1747-1751

In April 1747, a small French force invaded States-Flanders in the Dutch Republic. In spite of its small scale, the invasion triggered considerable public unrest and outrage. The middle class and regents excluded from participation in government, blamed regent rule. Restoration of the stadtholderate was inevitable and around the middle of May, William IV became Stadtholder of all provinces of the Union. The new Stadtholder increased his influence in local and provincial appointments through the introduction of new government regulations in Utrecht, Gelderland and Overijssel, and Groningen and Friesland adopted similar rules. The demands of the middle class for political influence in city administration were often linked to calls for political reform to tackle corruption among the regents. Yet William IV would eventually oppose most demands of both moderate and radical reformers, and thus regent rule was preserved. Attacks on tax farmers in Friesland in May 1748 ushered in a new phase of revolt and were the beginning of a popular movement in Holland in the summer and fall of 1748 against the suffocating taxes, those levying them (i.e. tax farmers) and the patricians who profited from them. According to Israel, the Orangist Revolution of 1747-1751 ultimately

resulted in a union of seven sovereign allies which resembled a constitutional monarchy without a crowned sovereign. Stadtholder William IV gained considerable power, but would die unexpectedly in October 1751, only 40 years old (Blok, 1977-1983; Carter, 1975; De Jongste, 1980-1981a: 44-59; 1980-1981b: 73-91; 1984; 1992: 32-59; De Nijs & Beukers, 2002; De Voogt, 1914; Israel, 2001: 1173-1186; Prak, 1991: 365-393; Schutte, 1991: 269-316; Van Deursen, 1993: 118-180).

2.3. Institutional fragmentation

2.3.1. *Introduction*

The Dutch Republic's institutional structure remained largely unchanged until 1795, despite its institutions differing considerably from the provisions set out in the Union of Utrecht (1579), usually regarded as the founding document of the Dutch Republic (Israel, 2001: 305). Any centralizing tendencies which had been in play during Habsburg rule largely disappeared after 1581. As a consequence, the center of power was not to be found in central government. The administrative apparatus of the Generality would remain relatively small during the early modern era. Foreign powers were not dealing with the diplomats of a centralized state under a single monarch. On the contrary, they were dealing with seven sovereign provinces, although in practice the province of Holland remained the most powerful, regularly overshadowing the other provinces. Within the provinces, sovereignty rested with the provincial Estates, usually representations of the cities as well as the nobility, with a considerable difference in composition between the East and West, and sometimes rural districts. Within this decentralized administration, which had been reaffirmed by the Grand Gathering of 1651, local government formed the center of regent power. As a result of the Republic's institutional structure, conflicts could usually be reduced to tensions between the local, provincial and central levels of administration. According to Frijhoff and Spies, corporate interests such as those of the guilds would clash with broader provincial interests, and tensions between provincial and central government would also regularly surface. This propensity for conflict was part of everyday administration. In order to better understand these tensions in government it is desirable to further elaborate on the different levels of Dutch administration, local, provincial and central (Boels, 1993; De Bruin, 1999: 16-38; Fockema Andreae, 1978; Frijhoff & Spies, 1999: 56, 95; Fruin, Colenbrander, & Schöffner, 1980; Groenveld & Wagenaar, 2011; Price, 1994: 221-234; Van Deursen, 1980: 350-387).

2.3.2. *Local government*

As a result of the considerable institutional variations, it would be impossible to examine in detail all particularities of local administration in the different provinces. Jos Gabriëls was the first to distinguish between different models of local government, an Eastern and a Western model, a distinction which was eventually copied by different authors, after which Maarten Prak eventually introduced a third, southern Dutch model (Gabriëls, 1983: 9-13; 1985: 37-63; Prak, 2006: 74-106). This account of local administration will therefore be limited in scope and focus on the Western model of local government in the province Holland, and more specifically on city administration. Although every city in the Dutch Republic had its own customs, privileges and statutes, two main administrative bodies could be discerned within local government, the “council” and the “magistracy”. According to Van Nierop, the councils in the eastern provinces (Eastern model), often called the “Sworn Community” or “Sworn Council” (*Gezworene Gemeente*), were no less oligarchic than the councils in the western provinces (Western model), which were usually called *Vroedschap* or *Raad*, the biggest difference being that the councils in the east were made up of a representation of the citizenry (Fockema Andreae, 1978: 70; Gabriëls, 1983: 9-13; 1985: 37-67; Groenveld & Wagenaar, 2011: 98; Van Nierop, 1997: 276, 279).

In the cities of Holland, the city council could often be regarded as the center of local administration and a stepping stone for an aspiring magistrate who wished to embark upon a successful administrative career. Originally an electoral college, the council dealt with the most important policy issues of the city as well as the yearly election of magistrates (Burgomasters and Aldermen) from its own ranks. The eventual decision regarding vacancies was made by the provincial Estates on the basis of a nomination by the city council of two names for each vacancy, unless the provincial Estates had appointed a Stadtholder who was given the authority to decide upon the appointment. Vacant seats within the council were usually allocated through co-optation. Council members were appointed for life, and the city council’s size could differ per city. The Burgomasters, most or all Aldermen, and sometimes the *schout*, stayed on as members of the city council while fulfilling their office (Groenveld & Wagenaar, 2011: 98-99; Price, 1994: 20-24; Van Nierop, 1997: 276-277).

Besides the council, the Magistracy (*Magistraat* or *Gerecht*) consisted of a provincial representative, the *baljuw* or *schout*, several Burgomasters and the Aldermen. The *baljuw* represented provincial government, and served as Chief of police, Public Prosecutor and President of the local court of justice. Next to judicial responsibilities, he also had some administrative duties. The number of Aldermen varied, usually seven, nine or eleven, and they were administrators and Justices at the same time. The Aldermen dealt with the bestowal of many city offices, the administration of justice (together with the *baljuw* or *schout*) and the passing of by-laws together with the Burgomasters. Finally, the Burgomasters, usually two to four, were responsible for everyday administration, the bestowal of a number of considerable city offices, the supervision of finances and the passing of by-laws together with the Aldermen. In contrast to the office of Council man, these offices were only filled for a limited period of time. While carrying out the duties of an Alderman or Burgomaster, a magistrate stayed on as council member, and he could also be re-elected as Burgomaster or Alderman (Fockema Andreae, 1978: 47-48; Groenveld & Wagenaar, 2011: 98-99; Price, 1994: 26-29; Van Nierop, 1997: 276).

In some provinces (Holland, Zeeland, Utrecht), administration in the countryside showed similarities to city administration. In other provinces, administration was based on a more simple design, without permanent institutions, using only mandates. Usually nobility and the patriciate retained a strong influence on public life in the country (Fockema Andreae, 1978: 70; Groenveld & Wagenaar, 2011: 101-102; Van Deursen, 1980: 381-382). In the province of Holland the administration in the countryside was divided up into *ambachten*, under the responsibility of a *schout*. Above almost all *ambachten* one could find a distinguished gentleman who was given *ambachtsheerlijkheid*. The latter term referred to a complex of rights, but was also applied to the area where these rights were in force. Cities also obtained *ambachten* and even villages now and then bought their own *heerlijkheid*. The other *ambachten* remained in possession of the Estates. In those cases the province took care of the administration.

In the *ambacht* the *ambachtsheer* appointed a *schout*, who carried out administration together with the *ambachtsbewaarders*, *gezworenen* or burgomasters. Under his direction aldermen administered justice. With the members of the dyke board (*heemraden*) the *schout* discussed issues concerning watermanagement. Aldermen in an *ambacht* never possessed "high jurisdiction". *Halsmisdrijven* (capital crimes) which were committed, were tried in *baljuwschappen*, regional clusters of *ambachten* and

small cities. Such high jurisdiction was given to higher valued rural units, the *hoge heerlijkheden*. On behalf of the *landsheer* a *baljuw* acted, who had similar authority as the *schout* and aldermen in the big cities. Contrary to a lot of cities, the rural districts had no access to the provincial administration. Formally they were represented by the *ridderschap* (representations of the nobility) (Groenveld & Wagenaar, 2011: 101; Nobel, 2012: 31).

2.3.3. Provincial government

At the provincial level the seven sovereign provinces consisted of the duchy of Gelre, the county of Holland, the county of Zeeland, the former prince bishopric of Utrecht, the seigniories of Friesland and Overijssel, and finally the province of Groningen. As a fully autonomous province, Drenthe did not have a vote in the Estates General and usually joined Groningen (Fockema Andreae, 1978: 40-70, 71-72; Frijhoff & Spies, 1999: 84). The provincial Estates were considered the bearers of provincial sovereignty and as such had a wide array of responsibilities. Boels mentions the judiciary, finances, taxation, education, the economy, water management, transport and culture. Yet as a result of institutional fragmentation, decision-making was complicated. Within the provincial Estates one could find the voting cities, whose delegates were restricted in their freedom of movement through command and consultation, always having to consult their colleagues in the voting city before being able to take a clear stand in voting matters. In addition to the city, representations of the nobility, the countryside, as well as the provincial quarters in the East could sometimes also play their part in decision-making (Boels, 1993: 22-23). In the western model, in use in Holland, Zeeland and Utrecht, meetings were held according to estate, whereas the eastern provinces were composed of geographical quarters (Groenveld & Wagenaar, 2011: 108). The balance of power between the cities and the nobility differed per province. Whereas the first estate had largely disappeared in most provinces, the second and third Estates were represented by the nobility and the cities. In the provinces of Friesland, Groningen and Drenthe, rural freeholders were also included. The city formed the center of regent rule. The nobility was considered to represent the countryside. In the wealthy and urbanized provinces of Holland and Zeeland, the cities formed a majority. In Holland, the most powerful province, eighteen cities held one vote each whereas the nobility had to content itself with one vote. In the provinces of Gelderland, Utrecht, Groningen and

Overijssel, the influence of the cities and nobility was more evenly balanced. In Friesland, the nobility lacked a vote in the provincial Estates. Instead the four votes were divided between the three rural districts which possessed one vote each and the eleven cities which had to content themselves with the fourth vote (Aalbers & Prak, 1987; Fockema Andreae, 1978: 69-70; Frijhoff & Spies, 1999: 90; Price, 1994: 226-228; 1995; Van Deursen, 1980: 382-383; Van Nierop, 1990; 1997: 275). The provincial Estates of Holland and West-Friesland only convened several times a year. In order to deal with daily administration, small governing bodies were therefore installed in Holland and Zeeland called the *Gecommitteerde Raden*⁴, and in the other provinces called the *Gedeputeerde Staten*. These colleges dealt with the daily administration of matters of finance, the levying of taxes and military issues. As the province's daily administration these bodies operated under the formal instructions of the provincial Estates. With regard to the checking of financial accounts and the administration of domains, the provinces usually employed a Chamber of Accounts. Almost all provinces had a provincial court which served as a court of appeals in civil cases as well as Judge for many special cases, including criminal cases. Only the provinces of Holland and Zeeland had a second court next to the provincial court, the High Court of Holland, Zeeland and West-Friesland. The other provinces only offered the possibility of revision of the provincial courts' sentences. Especially worth mentioning is the office of Grand Pensionary of Holland. A Grand Pensionary (such as Johan de Witt) could act as the de facto leader of the Dutch Republic through his talents, the importance of his office and the power of the province of Holland (Fockema Andreae, 1978: 43-51, 70; Groenveld & Wagenaar, 2011: 104-108; Israel, 2001: 308-309; Price, 1994: 123-133, 149-153; Van Deursen, 1980: 387).

2.3.4. *The Stadtholder*

After the accounts of local and provincial administration, it is necessary to elaborate on the office of *Stadtholder*. After the renunciation of Philip II, the Stadtholders were no longer the substitutes of the sovereign. From then on, the provincial Estates decided whether or not to appoint a Stadtholder, whose position was rather ambiguous. The Stadtholders were appointed by and were formally subordinate to the provincial Estates, but could exercise considerable political influence through the bestowal of local offices and positions to magistrates who in their turn considered themselves the bearers of

⁴ In Holland two colleges were installed, one in the Northern Quarter, one in the Southern Quarter.

provincial sovereignty. In cases of emergency, a Stadtholder could even change the composition of the city council. The Estates General could appoint the Stadtholder as Captain general and Admiral general of the Union, and thus as supreme Commander of army and fleet. The Stadtholder also served as a member of the Council of State, the administrative body responsible for army and warfare. However, it was the Estates which decided over war and peace, and they kept their hands on the purse strings. After 1589, no Stadtholders were appointed who did not belong to the House of Nassau. In 1675, the stadtholderate was declared hereditary in the male line and it took until 1747 before all provinces were united under one and the same Stadtholder (Boels, 1993: 20; Fockema Andreae, 1978: 6-11; Frijhoff & Spies, 1999: 96-99; Groenveld & Wagenaar, 2011: 106; Israel, 2001: 329-335; Prak, 1989: 28-53; Price, 1994: 134-148, 247-259; Van Deursen, 1980: 354-361).

2.3.5. *The Generality*

As a result of provincial sovereignty and the concentration of regent power in the cities, central administration (or the *Generality*) was relatively small in the early modern Dutch Republic. Representatives of the provincial assemblies of the Estates were delegated to the most important administrative body, the Estates General, which was both a legislative as well as an executive body, dealing with foreign policy, the finances of the Union (including the coinage of money), defense, the Generality Lands and the overseas territories, the Dutch East India Company and the Dutch West India Company. Although most tasks were carried out by subordinate bodies, the Estates General served as the executive body in foreign affairs. According to Groenveld and Wagenaar, the Generality did not possess sovereignty, but only delegated authorities, and was therefore intergovernmental, although sometimes with supranational traits. As a consequence of provincial sovereignty, every province cast its own vote. Yet the province of Holland regularly used its powerful position to look after its interests to the disadvantage of the other provinces. The Registrar of the Estates General could be very influential (Boels, 1993: 22-23; Fockema Andreae, 1978: 5, 11-17, 71-93; Frijhoff & Spies, 1999: 94-95; Groenveld & Wagenaar, 2011: 110; Israel, 2001: 306; Price, 1994: 211-215, 235-246; Van Deursen, 1980: 350-354).

The Council of State was the most important subordinate body responsible for the maintenance of the army, supervision of the Union's finances and the levying of

taxes in the Generality Lands. In contrast to the sovereign provinces, these lands did not have a vote in the Estates General as they were under the direct control of the Generality, which had eventually assumed formal sovereignty in these lands after the renunciation of Philip II. The Council of State was also responsible for the administration of justice regarding offences against the Generality. The offices of Treasurer-general and Secretary of the Council of State were held in high regard (Boels, 1993: 23; Fockema Andreae, 1978: 19-22, 71-93; Groenveld & Wagenaar, 2011: 110-113; Israel, 2001: 322, 325; Price, 1994: 215-217; Van Deursen, 1980: 366-369).

The five colleges of the Admiralty were Union bodies and as such responsible for the equipment and financing of the fleet, the duties upon the in- and outgoing goods and the adjudication of offences. A fixed number of members came from the college's own jurisdiction and the remaining members were from the other colleges' jurisdictions. An effective supervision by the Generality was difficult as a result of the location of the five colleges of the Admiralty in the sea provinces. Especially these administrative bodies had a bad reputation and were regularly associated with financial maladministration (Boels, 1993: 23-24; Fockema Andreae, 1978: 26-29; Groenveld & Wagenaar, 2011: 111; Israel, 2001: 324-325; Price, 1994: 218-219; Van Deursen, 1980: 372-374).

Finally, the Chamber of Coinage and the Chamber of Accounts were relatively small Generality bodies. The latter body was made up of fourteen provincial representatives and was responsible for the calculation of the income and expenditures of the Generality, the drawing up of the budget, and when requested, rendering account before the Estates General or the Council of State. The Chamber of Coinage supervised the coinage of money as well as the adjudication of offences which violated the edicts concerning coinage (Boels, 1993: 23; Fockema Andreae, 1978: 22-24; Groenveld & Wagenaar, 2011: 111; Israel, 2001: 322-324; Price, 1994: 217-218).

2.4. Power and position

The aforementioned institutions at the different levels of administration offered a variety of offices and positions. With the center of regent power located in the city, local government primarily centered around the bestowal of office in city and provincial administration and the Generality. Within the Dutch Republic, patronage served as a way to link the lower and higher echelons of society. Patronage can best be described as a system of informal contracts between persons of unequal status, which imposed

reciprocal obligations upon each of these persons. Through the bestowal of office, regents not only befriended their peers or family members, but also entered into relationships with the middle and lower social strata of urban society. Patronage was therefore essential for establishing and maintaining a regent's power (Boels, 1993: 28-29; De Jong, 1987: 34). Next to the maintenance of one's family relations and clientele and the importance of a proper marriage, wealth was usually a prerequisite for office holding, the thought being that wealthy administrators would be less prone to corruption. Because a regent was the natural head of society, his skills and talent were of lesser importance; social standing, relations and prestige were decisive for a magistrate aspiring to a seat in the city council, often regarded as the stepping stone for an administrative career (Aalbers & Prak, 1987; Boels, 1993: 20; De Jong, 1987; Duijvendak & De Jong, 1993; Kooijmans, 1997). Yet there were prerequisites for aspiring magistrates, such as a minimum age to fulfill a certain position, religion, character and (again) wealth. Kinship could be a limitation to obtain office. If an older brother had already obtained a seat in the city council, a younger brother was sometimes forced to content himself with another position, possibly one of the subaltern offices (which will be discussed below). A solution could be to marry a woman from another city and obtain a seat in that city's council. Within local government, conflict and strife centered around the bestowal of office in local and provincial administration or the Generality. Although local government's primary task was to preserve harmony and unity in administration, the equal distribution of offices often came to nothing, regularly leading to conflicts between local factions. In order to further the cooperation between the regents, "contracts of correspondence" were agreed which often arranged in detail for a longer period of time which offices would be bestowed upon whom and for which period of time. It is possible that these contracts of correspondence were intended to further harmony in local administration, but they could just as well result in strife. Often the smallest possible majority tried to exclude the remaining councilmen, who had to content themselves with the lesser offices. In such cases discontent could easily surface. However, contracts of correspondence were also agreed which included all members of the city council. For instance, in the city of Leiden at the beginning of the eighteenth-century, two "columns" (or factions) divided the available offices among their members (Boels, 1993: 20-21; De Jong, 1987: 56-57; Price, 1994: 25-26; Roorda, 1961: 53; Swart, 1980: 68-78; Van Nierop, 1997: 273).

As factions vied with each other for lucrative offices in local and provincial administration as well as the Generality, a closer look at these offices is desirable. We will largely follow Vries' distinction between "regent offices" (*regentenambten*), the "subservient offices" (*dienende ambten*), the "work offices" (*arbeidsambten*) and the "remaining offices" (*overige ambten*), of which the first two categories are of particular interest. The aforementioned offices of *baljuw*, Burgomaster and Alderman would fall under the category of regent offices, which were filled by regents who had an active part in the Republic's administration. Vries classifies these offices as "magistrate offices" (*magistraatsambten*), a subdivision of the regent offices, since only members of the city council were eligible for these positions. However, city offices were not bestowed solely upon members of the city council, but could also be bestowed upon the middle and lower echelons of the citizenry. Within the category of regent offices, Vries therefore not only distinguishes the magistrate offices, but also the "subaltern offices", characterized as those offices at the disposal of the city council. These could also be bestowed upon individuals who were not (yet) a member of the city council. Vries gives several examples of these subaltern offices: Treasurer, Master builder, Regent of the orphanage, Supervisor of the Latin School, Peacemaker, Regent of the old men's home and Commissioner of the bank of exchange. Similar to the offices which formed part of the Magistracy, these positions were of a temporary nature only. Finally, within the regent offices, one could distinguish the outer offices (*buitenambten*), which were available at the provincial and Generality level. Offices such as delegate to the provincial Estates' daily administration or the Estates General brought considerable pay and were held in high regard. Usually these positions rotated every three years. Vries also distinguishes the category of the "subservient offices", which were usually not intended for regents, but for *dienende* officials who were supposed to loyally and punctually fulfill their duties. These positions were allocated for life, with the exception of the pensionaries, who had to request a continuation. Within this category we can also recognize the later professional public servants. The category of subservient offices was somewhat ambiguous. Although most offices were not filled by regents, the office of "Minister" formed an exception to this rule. This position could be of interest to, for instance, the younger son of a regent, as a seat in the city council was intended for the eldest son. Vries mentions several offices of interest for younger sons, such as Pensionary, Secretary or Registrar. Vries also states that the distinction between the office of Minister, although in principle of lower rank, and the regent offices eventually grew blurred. The Pensionary would eventually become an influential member of the

city council in the eighteenth-century (Boels, 1993: 24-25; De Jong, 1987: 39; Van Deursen, 1980: 361-366; Vries, 1977: 329-331, 333, 348).

2.5. A harmonious society

For many people, from members of the seventeenth- and eighteenth-century republic to modern day Dutch citizens, a negative image of the Dutch Republic's political system prevailed. The Republic's decentralized administrative structure with its center of politics in city administration was often regarded as an anomaly within Europe. According to contemporaries, the Republic's institutional fragmentation would only result in dissension and faction strife, because most argued from a seventeenth-century standpoint in which the absolute monarchy and politics of centralization formed the frame of reference. In the Dutch Republic, idealization of the political system through the classical principles of harmony was therefore of utmost importance. This ideal of harmony differed from actual administrative practice, with tensions between and within the local, provincial and central levels of administration. De Bruin argues that a slightly more positive image of the Republic's political system emerged after the blurring of nationalistic, religious and party sentiments, as well as a shift in attention from the formal to the actual state of affairs within early modern Dutch administration. Yet despite the Republic's institutional fragmentation, centralizing tendencies were not entirely absent. The authority of the province of Holland and the Stadtholder, the necessities of war or the threat of war and the role of commissions on the provincial and national level, resulted in a concentration of power and improved decision-making. According to De Bruin, the Dutch Republic was not really the anomaly in Europe as has often been stressed. He argues that with regard to the seventeenth and eighteenth-centuries, decentralization and privatization were just as characteristic of European states as centralization and bureaucratization. However, De Bruin also acknowledges that the decision-making process in the Dutch Republic remained slow and difficult as a consequence of conflicts of interest and differences of opinion. The ideal of harmony therefore served as a compensation for everyday administration taking into consideration the delicate balance between provincial and local administration as well as government and population. The risk of chaos and anarchy constantly lied in wait

(De Bruin, 1999: 16-38), as described in several works on citizenry and rebellion (Boone & Prak, 2005; Dekker, 1982; Prak, 1991).

Society's corporate structure and the preservation of harmony were closely related. In the city, the center of regent power, many corporations or "interest communities" (as Frijhoff and Spies call them) could be discerned, ranging from the subdivision of a city's population into citizens, inhabitants and strangers to the different guilds and the local neighborhoods. An individual's identity was closely related to his being part of various corporations. The local beer brewer identified himself with the guild he was a part of, but also with the neighborhood which he lived in and whose honor had to be upheld at all costs. As interests differed and every guild, neighborhood or citizen laid claim to rights and privileges, local government's most important task was to find a consensus among these different interest communities. Closely related to finding consensus were administrative values such as harmony, unity and friendship, which were constantly propagated through all kinds of channels, such as pamphlets, poems, songs and mottos. The constant emphasis on maintaining harmony and unity was not that strange if we take into account the information in the preceding paragraph on the Republic's institutional structure and the different levels of administration where conflicts always lay in wait, especially regarding the bestowal of office. Frijhoff and Spies describe the Dutch Republic as a battleground, where local factions vied for lucrative positions. The ideal of harmony was also represented in the Republic's motto "*Concordia res parvae crescunt*". After all, discord and strife endangered the future of the Dutch Republic. Self-interest was therefore undesirable, since administration should be directed towards the "common good", a highly ambiguous concept on which we will expand in coming sections (Frijhoff & Spies, 1999: 33-34, 56, 178, 219).

Despite a multitude of administrative bodies within local government, discussion and finding consensus were not a goal in themselves. According to Pollmann, early modern societies lacked an understanding of the political functionality of discord, contrary to modern-day democracies. Discord would only result in a loss of honor, and it was also a sign of irrationality. Similar to Frijhoff and Spies, Pollmann emphasizes the close connection between disunity and self-interest, which were considered harmful for the *res publica*. Ideas about the dangers of discord and self-interest were not typically Dutch, but formed part of a municipal political theory which could be found in cities all over Europe. Pollmann's article builds on research into the norms and values of the mediaeval and early modern European city as well as

mediaeval political thought, which is also of great value for this chapter (Pollmann, 2007: 137-138, 143-145).

Pollmann states that the human community was considered a body, a *corpus*, just as the Christian community was represented by the body of Christ. The authorities were represented by the head, and the limbs were considered to reflect the citizenry. A healthy society was only guaranteed through the harmonious cooperation of all different body parts, in which there could be only one head. A body with two heads was considered unnatural, as only discord and disunity would ensue (Pollmann, 2007: 143-144, 146), which was a viewpoint touched on by many (De Smaele & Tollebeek, 2002: 16-19; Kantorowicz, 1997: x, 7; Quillet, 1988: 539-542). Similarly, Van Eijnatten discusses the significance of the idea of religious unity for social and political thought (Van Eijnatten, 2003).

Pollmann also refers to Isenmann, who states that “peace” formed one of the central values in city life all over Europe. In the first place, peace, in the sense of “peace and justice”, meant peace as maintained by law. Isenmann states, “Peace upheld by law and the absence of violence provided ‘security’ (*securitas*) and protection against unlawful violence; this in turn led to a state of ‘tranquility’ (*tranquillitas*)” (Isenmann, 1997: 189). Yet peace was more than simply an external peace, as it also referred to leading a virtuous life, in line with Aristotelian and Christian thought. In line with Frijhoff and Spies and Pollman, Isenmann emphasizes the close relationship between peace and the “common good”, which as a concept meant peace upheld by law, but also referred to the state of peace, including notions such as economic growth and material prosperity. Yet it should be noted that in early modern days, “the common good” was a highly ambiguous concept. The “common good” legitimized local administration's policies and actions, but in administrative practice in the Dutch Republic, the “common good” could mean anything from the city's or the province's interest to the interest of a local faction in the city council. Accusations of corruption against rival magistrates were easy to make by claiming they had not acted in the interest of the “common good”. Isenmann rightly describes the municipal order as fragile, because the cooperation of the citizenry, guilds and other associations were required to preserve harmony. Harmony as a political ideal was emphasized again and again to remind administrators of their responsibilities, not only in the Dutch Republic, but all over Europe (Friedrichs, 2000; Isenmann, 1997: 189-190; Von Friedeburg, 2002: 131-136).

2.6. Moral authorities

These kinds of ideas on the importance of harmony could be traced back to Christian tradition as well as to classical authors such as Aristotle, Xenophon, Tacitus, Cicero, Sallust and Livy. Classical traditions were held in high regard in the early modern Dutch Republic and served as a way to warn the humanistic elite of the dangers of dissension and strife and to stress the importance of harmony within government. Local administrators who formed part of this elite were first and foremost expected to administer for the benefit of the common good. This view was propagated by a variety of moral authorities, most of whom are touched upon by Pollmann in her article on harmony as a municipal ideal in early modern administration, which can be considered the principal work on the importance of harmony in the Dutch Republic. Several thinkers are of interest, such as Simon Stevin (1548-1620), Hugo Grotius (1583-1645), Lieuwe van Aitzema (1600-1669), Pieter de la Court (1618-1685) and Johan de la Court (1622-1660) and Lieven de Beaufort (1675-1730). For most of these thinkers, Aristotle's "Politics" served as a guideline for their own writings. For Aristotle (384BC-322BC), a citizen's interest was similar to the interest of the *polis*, since pursuing one's self-interest would only lead to tyranny and the ultimate ruin of the city-state. Liberty and a stable society were only ensured through citizens leading virtuous lives for the benefit of the public good. "Virtue" was therefore a central value in political theory, as only virtuous citizens would be of service to the entire community. Within administration, preference was given to affluent administrators, as these magistrates would be less inclined to enrich themselves, since corruption was closely related to the pursuit of self-interest instead of the interest of the community as a whole (Aristotle, 2009; Frijhoff & Spies, 1999: 333; Pollmann, 2007: 145-146, 148; Skinner, 1978: 175-176).

Many early modern thinkers held similar ideas. Simon Stevin focused on the rights and duties of the inhabitants of a civic society, who were supposed to dedicate themselves to the common good to ensure general prosperity and a peaceful coexistence. Thus in the provincial Estates, delegates should not look solely after the interests of their own town or village, but also take into account the interests of the community as a whole. For Stevin, a city which pursued only its own interests would eventually gain a shameful reputation and have to deal with hostile neighbors. Stevin argued that self-interest would ultimately result in the city's demise (Pollmann, 2007: 142-144; Stevin, 2001: 7, 9, 37, 63, 81, 83, 166, 179, 182). Thus for the benefit of the

common good, administration should focus on the preservation of harmony. What mattered most for Lieuwe van Aitzema was not so much the form of government as the unity and harmony of the country. For Van Aitzema, tolerance was a core value for the conservation of societal harmony in the fragile early modern state (Van der Plaats, 2003: 193-195, 225). Other thinkers had a rather grim view of man, arguing that self-interest often reigned supreme. Pieter de la Court did not believe that an individual's passions could be bridled through reason and virtue. Only through necessity and the fear of harm would particular interests be brought into harmony with the common good. (Pollmann, 2007: 146; Van der Bijl, 1986a: 72-73; Velema, 2002: 12-19).

2.7. Conclusion

Within the Dutch Republic a fragmented institutional structure resulted in provincial sovereignty and local administration forming the center of regent power. As a consequence the Generality remained relatively small and of limited relevance. In essence, the Dutch Republic was a battleground in which conflicts could be reduced to tensions between and within the local, provincial and central levels of administration. These tensions were also visible in decision-making, which generally remained a slow and difficult process, both among the provinces as well as within the provinces where cities, the countryside, representations of the nobility and provincial quarters could have diverging interests. Local administration centered around power and position, the bestowal and appropriation of office in local and provincial colleges and the Generality. Although local administration's primary task was to preserve harmony and unity, factions regularly clashed with each other with respect to lucrative offices, sometimes excluding a rival faction through a contract of correspondence. Local and provincial levels and the Generality functioned by means of patronage, a system of informal contracts between persons of unequal status which imposed reciprocal obligations. Patronage served as a way to establish and maintain a regent's power, not only by befriending fellow magistrates, but also by entering into relationships with the middle and lower social strata.

The idealization of the political system through principles of harmony as well as its legitimization through a fictitious past, were employed to compensate for actual administrative practice. Harmony was also at the center of a municipal ideal, in which

any understanding of the political functionality of discord was lacking. Within the virtuous town community, disunity was usually associated with the pursuit of self-interest and therefore frowned upon. Early modern thinkers based their ideas on classical authors such as Aristotle and Christian tradition, in which harmony and a stable society were connected with devoting one's energies to the benefit of the common good. Yet within the Dutch Republic, "the common good" remained a highly ambiguous concept which could refer to local and provincial interests, and also to the interests of a local faction in the city council. To conclude, we will now turn to actual administrative practice in the Dutch Republic and focus on five corruption scandals which have been selected from circa 1660, 1676, 1690, 1720 and 1747. The aim is to investigate the relevant underlying administrative values as well as the possible development of these values through time. As stated in the introduction, this will be done by means of Johnston's "neo-classical approach", Hoetjes' "sources of social values": the law, public opinion, moral authorities and the "codes of the shop floor", the Weberian ideal types of patrimonialism and bureaucracy and, finally, Luhmann's theory of social systems.

3 ANDRIES HESSEL VAN DINTHER AND CORNELIS DE WITT: A CLASH OF CULTURES (1637-1672)

3.1. Introduction

The era (1650-1672) that followed after the death of Stadtholder Willem II in 1650 is often described as the period of “True Freedom”, which referred to the struggle of the cities of Holland for self-determination in the Middle Ages through which many cities eventually managed to obtain privileges from their sovereign. The brothers Johan and Cornelis de Witt were the personification of this administration. The new stadtholderless administration leaned on the authority of the regents, who Johan de Witt claimed were essential in ensuring a peaceful and respectable society. Propagating an administration of many also led to an increase of power of the chair of the provincial administration, Grand Pensionary Johan de Witt of Holland. This was at the same time the great paradox of the “True Freedom”. Although Johan de Witt envisaged an impersonal and impartial administration based on the foundations of immortal assemblies and colleges, in reality this administration was highly dependent upon personal leadership. The differences between theory and practice, between bureaucratic and face-to-face standards, were therefore considerable. In practice the Grand Pensionary built his powerful position through patronage, making as many people dependent upon him as possible. Personal contacts, friends and family were crucial in the seventeenth-century for career advancement or to help in case of financial setbacks. Services in return greatly mattered in order to maintain one's network. In practice, patronage was inevitable, but the Grand Pensionary guarded himself against possible accusations emanating from ostentation and dynastic pomp. A French ambassador who had become familiar with the greed of the Dutch regents stated that he had only encountered four people who had not fallen for his advances, among them Johan and Cornelis de Witt (Panhuisen, 2005: 12, 159, 161, 166-170, 198-201). Johan de Witt strictly adhered to the legal standards against accepting gifts. A hare, a wild boar, oranges, a copy of a theological work or a print of a Dutch war hero, everything was refused or sent back. Even a christening gift for his daughter Elizabeth from her godmother was refused, although a more modest gift would be accepted. His

instructions and the oath he had taken restrained him from accepting anything. As he stated, “A very strict law, which for good reasons I enforce against myself with even greater strictness, and to which I took an oath, absolutely forbids me to do it” (op. cit. Rowen, 1978: 168-169). The question remains whether Johan de Witt only refused these gifts to prevent possible accusations of corruption, or if he did not always appreciate the consequences of accepting these gifts, since they entailed a certain reciprocity and an obligation to perform future services in return (Janssen, 2005a: 210).

Grand Pensionary De Witt asserted that an administration led by one man lacked all responsible exercise of authority through representatives or assemblies. There was also no remedy against maladministration, other than a popular uprising. Only the republican “True Freedom” could guarantee sound administration, as power was shared by those that were most fit to govern through their family lineage, background and schooling. For De Witt, spreading influence, consultation and consensus were the best guarantees against maladministration, corruption and abuse of power (Israel, 2001: 791). Shortly after the death of the Stadtholder, the Estates General issued an edict (1 July 1651) against presenting or accepting forbidden gifts, regardless of their nature. The ban represented the republican ideal of personal and virtuous dedication to the common good, propagating soberness and a “True Freedom” in state affairs (Frijhoff & Spies, 1999: 36). However, a republican administration was also not free of corruption. Scandals focused on the excessive behaviour of a magistrate on the “shop floor” of local administration, which sometimes resulted in criminal cases before the provincial court. Legal standards could come into play after relationships and the power balance in local administration had been seriously disrupted. Yet political behaviour was not constantly compared to the content of edicts and decrees, since an unambiguous standard on “corruption” did not exist (Huiskamp, 1995: 29-30). Many magistrates who had been appointed under Stadtholders Frederik Hendrik and Willem II were also able to retain their positions even though rumours surfaced about their corrupt practices. Andries Hessel van Dinther was one of those controversial administrators. The Hessel van Dinther scandal serves as a way to illustrate how relevant values can be located within early modern administration. This scandal elucidates what was considered (un)desirable behavior for a high-ranking local administrator. Especially during moments of crisis, such as corruption scandals, implicit values underlying public administration become explicit.

3.2. The conduct of Andries Hessel van Dinther, *baljuw* of Beijerland

Hessel van Dinther, *baljuw* of Beijerland, had acquired his power and position during the period of Stadtholder Frederik Hendrik. Within his jurisdiction, the *baljuwschap* de Beijerlanden, one could find the places of Oud-Beijerland, Nieuw-Beijerland and Zuid-Beijerland (Nobel, 2012: 144). Hessel van Dinther was appointed as *baljuw* on 6 August 1637, which time he promised and swore to comply with his instructions. However, things turned out otherwise. Hessel van Dinther's behaviour towards the inhabitants of Beijerland was notorious. As a result people claimed the *baljuw* boasted that he was the "Count of Beijerland", who disregarded the law. This self-given title was an indication of the way the *baljuw* dealt with Beijerland's inhabitants. Eventually, the Provincial Court of Holland, Zeeland and West-Friesland decided to send two Commissioners, assisted by a Secretary, to gather information in Hessel van Dinther's jurisdiction. Things looked grim for Hessel van Dinther⁵.

Many cases of maladministration are found in the extensive legal files. For instance, inhabitants of Beijerland who were ruined by the *baljuw*, already recorded his abuses in notarial deeds before the *baljuw* faced his legal troubles. It was not only the inhabitants who seemed to be dissatisfied with the *baljuw*; tensions within the administration would also surface. The relationship between the *baljuw* and his Aldermen became strained. In the middle of winter, Hessel van Dinther refused to allow Alderman Isaacq Boot to sit with him in the fore-cabin of a ship although it was very cold. Conflict also arose between the *baljuw* and the Aldermen with regard to the administration of justice, which seemed to be strained, according to one testimony in which it was stated that the Aldermen simply were not able to administer justice in clear conscience (*goet gemoet ofte goed conscientie*) together with the *baljuw*, who was nothing more than a rogue⁶. In order to cover up his abuses Hessel van Dinther was able to use his influence as a high ranking magistrate to obtain an attestation from the same (former) Aldermen in 1655. Apparently the latter were not at all displeased with Hessel van Dinther's conduct as *baljuw* and Dike warden. On the contrary, the *baljuw* had always behaved in a reasonable manner (*redelickheyt*) and respected a majority vote. He

⁵ Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5260.17/ 5259.17.

⁶ Papers regarding Andries Hessel van Dinther, 2-19-1660, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

had never used violence or extortion to further his goals⁷. Perhaps the Aldermen wished to create the appearance that harmony and unity had always been maintained as dissension in local administration could also lead to a loss of their honour.

The position of *baljuw* offered considerable freedom, and thus Hessel van Dinther could act at his own discretion. This however did not mean that ethical common sense was entirely out of the picture, something of which Hessel did not seem fully aware. The *baljuw* abused the possibility of “composition” of criminal offences. “Composition” meant the payment to a legal officer by a delinquent to avoid criminal prosecution or sentence. Considered a normal practice, composition was a lucrative business which could quickly turn into extortion, as accusations of violation of ordinances were easy to make, and the accused, either guilty or innocent, were often more than willing to pay in order to avoid criminal prosecution. Besides that, composition was not allowed for certain crimes such as manslaughter (Hovy, 1980: 413). Yet Hessel van Dinther falsely accused people of contravening the edicts and ordinances, and also was known to threaten them with banishment or imprisonment. Van Dinther used the practice of composition for extortion of inhabitants, but even if he had not done this, he remained vulnerable to accusations that he *did* commit these abuses. After all, it was easy to interpret a composition as extortion. In January 1652, Maerten Ghijsen Oomsoon, living in Oud-Beijerland, was one of the unfortunate victims. Under false pretences of possible employment, Hessel van Dinther had lured him to a tavern, but after arrival the *baljuw* quickly accused Ghijsen of smuggling a half cask of beer. Although Ghijsen strenuously denied the accusations, claiming to be innocent and not willing to confess, the *baljuw* decided to imprison him in the coldest of winter without the prospect of any help or council from outside. Ghijsen was eventually released but was obliged to pay the costs of his incarceration, amounting to approximately 80 guilders⁸.

Misuse of composition was also visible in the case of Willem Huygen and his wife, who had been run over by a horseman. His wife was killed on the spot and Willem was forced to remain in bed for six weeks, his life in jeopardy. It was said that the *baljuw* knew who had run over the couple and had enjoyed 1500 guilders by way of compensation without informing the victim. It seemed the incident focused on the composition of manslaughter by the *baljuw*, something which was not allowed. Yet Hessel van Dinther was not hesitant to keep up appearances. Willem Huygen was

⁷ Papers regarding Andries Hessel van Dinther, 10-8-1655, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

⁸ Papers regarding Andries Hessel van Dinther, 1-6-1655, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

summoned several times by the *baljuw* to tell him who had perpetrated the crime. Huygen deemed it wise to respond naively that the *baljuw* probably knew this better than he did, out of fear of possible repercussions⁹.

Other cases show that the *baljuw* did not hesitate to use force against citizens to get his own way or bully someone for mere pleasure. A witness, who claimed to be a man of honour, testified that after the *baljuw* pulled a supposed offender into his house, a dismayed crowd gathered in front of the house, afraid that the detainee would be abused. After all, citizen's honour was at stake and possibly also the honour of the neighborhood where the detainee lived. Hessel van Dinther also did not hesitate to use physical force in the case of Cornelis Pieters Baers. Baers was of the opinion that his brother had died as a result of kicking by the *baljuw*, after the brother had been compelled to pay a fine of 30 guilders. Jan Roelants Lathouwer was another unfortunate victim who, because the *baljuw* hated him, was extorted and robbed whenever possible. He testified that the *baljuw* employed a mentally handicapped man to harass all the *baljuw* was unkindly disposed towards. Hessel looked on in pleasure and did not intervene as the man he used grabbed an armful of stones, which he threw at the unlucky Lathouwer¹⁰.

Adultery was also a focal point in this scandal, as *baljuw* Hessel van Dinther was accused of seducing married women. Several testimonies deal with possible adulterous behaviour. Justices interrogated several witnesses as they investigated what the baillif had done with a certain woman when he was sitting behind a tree with her. This accusation was notable because a *baljuw* was expected to prosecute adultery within his jurisdiction¹¹.

The *baljuw's* relationship with Gillis Pandelaert, *rentmeester* of the Beijerlanden, was especially strained. Not only did Hessel van Dinther behave very violently in the *rentmeester's* house, but out of revengefulness (*wraeckgiericheijt*) the *baljuw* showed his passions and wrath as he stabbed to death the *rentmeester's* greyhound. He falsely accused the *rentmeester* of default concerning real estate taxes. The *baljuw's* arrogance (*hoochmoedigen geest*) made him look upon the *rentmeester* as

⁹ Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

¹⁰ Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

¹¹ Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

a servant instead of his equal, and always attempted to undermine his authority¹². Was there a difference of opinion regarding competencies between a servant who had to directly explain himself to the Estates (the *rentmeester*), and a *baljuw*, who, despite being a servant as well, had more freedom of movement with respect to the Estates?

In addition, property was also in danger due to Van Dinther's lack of scruples. A wife complained that the *baljuw* had taken her husband's house, resulting in legal action before the Provincial Court and the High Court. She had also heard that Hessel van Dinther threatened her husband on a daily basis, saying that he would beat him with a cane or even kill him. Through intimidation the *baljuw* even attempted to influence possible witnesses, boasting that if he was removed from office, he would kill three or four men¹³. Eventually the Commissioners of the Provincial Court, while gathering information in Beijerland, deemed it necessary to forbid the *baljuw* from intervening directly or indirectly in the judicial inquiry. Hessel van Dinther was told to refrain from intimidating witnesses, and from summoning them in order to force them to retract their testimonies¹⁴.

Hessel van Dinther's defense shows how the *baljuw* attempted to portray himself, since he knew very well not to refer to personal interests in his defense before the provincial court. Often he stated that he was not able to answer the Judges' questions or had to look in his books or had no knowledge or requested more time to answer. The *baljuw* said that he was not guilty of extortion¹⁵. Yet the accusations against Andries Hessel van Dinther would have legal consequences. On 5 November 1660 the Provincial Court of Holland, Zeeland and West-Friesland pronounced its verdict. Hessel van Dinther was provisionally suspended as *baljuw* of Beijerland. The verdict was a serious blow to Hessel's reputation, and the suspension could also have consequences for his family's prestige and status. His reinstatement was therefore of the utmost importance¹⁶. The successor who would stand in for Hessel van Dinther as *baljuw* of Beijerland was Cornelis de Witt, older brother of the influential Grand Pensionary of Holland, Johan de Witt.

¹² Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

¹³ Papers regarding Andries Hessel van Dinther, 4-29-?, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5259.17.

¹⁴ Papers regarding Andries Hessel van Dinther, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5260.17.

¹⁵ Papers regarding Andries Hessel van Dinther, 7-20-1656/ 11-6-1656/ 12-8-1656, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5260.17.

¹⁶ Papers regarding Andries Hessel van Dinther, 11-5-1660, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5260.17.

3.3. Cornelis de Witt's rise

As an administrator, Cornelis de Witt had to take into consideration the rules of the game. De Witt was the eldest son and would eventually follow in the footsteps of his father and take over many of his positions in and around the city of Dordrecht, such as Colonel of the civic militia or regent of the old people's homes for men and women. However, being the eldest son of a regent could become problematic as the son had to wait until his father had made his exit before any career advancement would become possible. For Cornelis de Witt the prospects were more promising: in 1649 his father had reached the age of 60. In 1648 Cornelis had already been appointed as Alderman, a member of the city court (Panhuisen, 2005: 75). In 1652 he was appointed member of the Admiralty of the Meuse in Rotterdam for three years, which was a respectable career choice considering his father still barred any possibility of advancement in Dordrecht. The earnings of a member of the Admiralty were ten times that of an Alderman, between 1500 and 2500 guilders per year (Panhuisen, 2005: 123). Yet his younger brother Johan would soon overtake him careerwise. When Johan was already Pensionary of Dordrecht, the death of Adriaan Pauw in 1653 elevated him to the most influential position in the province of Holland, that of Grand Pensionary. Although Cornelis was the oldest son, his career looked meagre when compared to his younger brother, who had quickly made a career for himself. As a result, his traditional position as his father's successor and future head of the family was not self-evident anymore. Secondly, his position as member of the Admiralty was only temporary. Cornelis was therefore obliged to look for a new position. In November 1653 the *ruwaard* of Putten, Salomon van Schoonhoven passed away and Cornelis was quick to express his interest in the office, a month before the province's daily administration would convene for discussing a possible successor. His influential brother was probably of great help in seeing that Cornelis obtained the office. It was an eminent position with an aristocratic dash which gave the bearer the right to wear a foil on his hip. The *ruwaard* acted as the legal officer of the island of Putten. Yet obtaining the position would eventually turn out to be complicated. In order for Cornelis to obtain the office of *ruwaard*, his father Jacob de Witt was forced to set aside his own ambitions for some time as Jacob aspired to a more calm environment by fulfilling the position of Master of accounts in the Chamber of Accounts. At the same time, Nicolaas Ruysch, the influential Registrar of the Estates

General, lobbied for the position of Master of accounts on behalf of his father-in-law, William Paets of Leiden, whereby a bargain had to be made. Cornelis was promised the office of *ruwaard* of Putten, but his father had to give up his ambitions to become Master of accounts. Additionally, great endeavours were needed to win over the cities of Holland in supporting the nomination of Cornelis de Witt. Ultimately, Cornelis was appointed as *ruwaard* of Putten in 1654. The small city of Geervliet would become his residence for a substantial part of the year (Panhuisen, 2005: 176-179; Rowen, 1978: 155).

Next to the Land of Putten where Cornelis was *ruwaard* lay the jurisdiction of Beijerland where the position of *baljuw* had become vacant in 1660. Some years before, Andries Hessel van Dinther had run into legal troubles as a consequence of his tarnished reputation. The *ruwaard* of Putten seized the opportunity to further expand his influence. In two letters to his brother the Grand Pensionary, dated 20 April and 16 May 1658, Cornelis de Witt already showed his interest in obtaining the position of *baljuw* of Beijerland. On 20 April he requested Johan's assistance to convince people that he should be given the office. Furthermore, the *ruwaard* of Putten hoped his brother would recommend that their father do the same. Cornelis de Witt's requests showed how patronage and family relations were crucial in obtaining office. Again we see the contrast between the theory of administration and actual administrative practice. The ideal of an impartial and impersonal administration was simply unattainable. If De Witt was able to become the new *baljuw* of Beijerland, this would not only reflect on him, but also the entire family. Yet Cornelis de Witt had a formidable opponent for the position. Cornelis van Beveren, Lord (*heer*, although not a noble title) of Strevelshoek¹⁷, was applying for the position on behalf of his son Willem van Beveren, the *baljuw* of Strijen (Fruin & Japikse, 1919-1922: 253; Rowen, 1978: 166-167). On 16 May 1658 Cornelis de Witt requested that his brother inform him when a decision concerning the vacant position of *baljuw* of Beijerland would be taken. Again the *ruwaard* of Putten warned against the considerable efforts made by Cornelis van Beveren. He therefore deemed it wise to win over the Master of accounts, Paulus Teding van Berkhout. In exchange for Teding van Berkhout's backing one of his cousins would receive support for a place in the auditing office. Of course the verdict of the Provincial Court concerning Andries Hessel van Dinther needed to arrive before the proposal would be disclosed (Fruin & Japikse, 1919-1922: 253; Rowen, 1978: 166-167). Eventually

¹⁷ Although *heer* of Strevelshoek was not a noble title Cornelis van Beveren (1591-1663) was knighted by Louis XIII of France in 1635. However, this did not make him a Dutch nobleman.

Cornelis de Witt had to wait for approximately two more years. On 24 October 1660 he again asked his brother about the progress in the case of the *baljuw* of Beijerland, Andries Hessel van Dinther (Fruin & Japikse, 1919-1922: 16). This time the ambitious magistrate did not have to wait long for an answer. On 11 November 1660, six days after the provisional suspension of Andries Hessel van Dinther, Cornelis de Witt wrote that he would await the decision concerning the appeal of Hessel van Dinther before the High Court of Holland, Zeeland and West-Friesland. In the meantime the *ruwaard* of Putten hoped that it would not be inconvenient if he reported himself in Beijerland to provisionally fulfil the office of *baljuw*, based on the provisional deed given him by the Provincial Court, in order to prevent any occasion for displeasure (Fruin & Japikse, 1919-1922: 18).

3.4. The accusations against Cornelis de Witt

Yet Andries Hessel van Dinther would not content himself with the loss of his office, as a letter from 14 April 1661 shows. Cornelis de Witt had been approached by a lawyer named Oyens, who had asked if De Witt would be willing to influence his friends to bring about the reinstatement of Hessel van Dinther as *baljuw* of Beijerland. If successful, Oyens promised De Witt a considerable compensation. The provisional *baljuw* of Beijerland refused the offer. In order to uphold his as well as his family's reputation, he requested that his brother Johan make sure that no false rumours would be spread claiming that he had received the compensation offered by Oyens (Fruin & Japikse, 1919-1922: 55).

Although gifts were usually offered without obligation, they often implied a certain need for reciprocity, a service in return. Therefore, the practice of gift-giving was highly ambiguous. Yet gifts (especially gifts of money) with a one-time character which were intended for a specific defined service in return, were often associated with corruption. The perception of these differed from the perception of gifts which were offered to continue already existing ties and relations (Janssen, 2005a: 210-211). In her study on gifts in sixteenth-century France, Davis focuses on the nature of political reciprocity and examines how to distinguish good from bad gifts. What constituted bribery? According to Davis, one "had to decide by context and performance whether the gift was a good one or a bad one". Davis comes up with several standards in order to

distinguish gift-giving from bribery. A bribe did not engender gratitude, lacked any freedom of movement and was tied to its solicited return. Again we see the close relationship between the bribe and the explicit service in return. Davis also stresses that coercion could be detrimental to gift relations, leading to mistrust and strife (Davis, 2000: 142, 147-148, 151). Kettering's study on gift-giving and patronage in early modern France focuses on three conditions for gift-giving. First, there was the obligation to reciprocate through giving and receiving, as part of a compulsory mutual exchange in which a patron's material generosity was returned by a client's loyalty. A lack of reciprocity could result in a break of the patron-client bond. Secondly, the giving and receiving of gifts needed to create and maintain a personal bond. Thirdly, the rules and language of courtesy which created the fiction that gifts were given freely without compensation, thereby concealing the compulsory reciprocity of the patron-client relationship. The language of courtesy also served as a recognition of the social inequality between patron and client. Kettering then distinguishes gifts from bribes, which she describes as "the bestowal of money or favors on an individual in a position of authority in order to influence his conduct". Although bribes also conveyed the myth of freely given gifts in order to conceal the attempt to influence an individual's behavior for personal gain, there were considerable differences between patronage and bribery. According to Kettering, gift-giving formed part of an ongoing relationship, a personal bond dictated by the rules of courtesy. In contrast to bribery, the terms and conditions of the patron-client exchange were not explicit, whereas bribery consisted of a one-time only, single exchange for a specific purpose with the explicit expectation of a service in return. Kettering further emphasizes that the bribe did not create a personal bond and did not require the language of courtesy. Yet repeated bribery could develop into a patron-client relationship. An indication of this was a change in language. Kettering acknowledges that it is sometimes difficult to discern bribes from patronage. For Kettering, reciprocity and the duration of a relationship served as a way to make the distinction (Kettering, 1988: 131-151).

If the scholars cited above are right, it was therefore not so strange that Cornelis de Witt reacted indignantly to Oyens' offer. However, Andries Hessel van Dintther was not willing to acquiesce in his own misfortune. After Hessel's attempt to buy back the office of *baljuw* of Beijerland failed, he unscrupulously switched to Plan B. In 1662 Hessel van Dintther filed a complaint against his successor Cornelis de Witt before the same Provincial Court that had provisionally suspended him some two years before. Surprisingly, most of the accusations of abuses against Cornelis de Witt were of

a similar nature as those for which Hessel van Dinther had been suspended in November 1660. Hessel van Dinther had a good understanding of the kind of behaviour that was deemed desirable or undesirable in order to accuse his successor. Hessel had not referred to personal interests in his own defense, but had appealed to a “public morality”, which he expected to further his cause: an acquittal. The accusations he made against De Witt did not correspond to the values he emphasized in his own defense. Yet it must be said that Cornelis de Witt's legal files were only a fraction of that of his predecessor. Keen on finding abuses that could be related to his successor, the suspended *baljuw* had been travelling the lands of De Witt, who was not only acting *baljuw* of Beijerland, but also *ruwaard* of Putten. In 1662 Hessel van Dinther was of the opinion that he had amassed sufficient material to try his luck before the Provincial Court. Perhaps he would be able to get his position back through the legal channel¹⁸?

Andries Hessel van Dinther not only focused on the dealings of Cornelis de Witt as *ruwaard* of Putten and provisional *baljuw* of Beijerland, but also on the comportment of De Witt's substitutes. De Witt's involvement with the administration of justice in Beijerland was only marginal, even in criminal cases. Most of the work was handed over to two substitutes, who Hessel van Dinther described as “ignorant country bumpkins, and more cut out for extortion than for lawfulness (*rechtmaticheijt*)”. The reality was that Cornelis de Witt had farmed out his provisional duties to his substitutes, from whom he received a sum of all they were able to collect, apart from certain revenues that were solely reserved for the provisional *baljuw* of Beijerland. Through the Secretary of Oud-Beijerland, De Witt apparently refused to hand out extracts of verdicts before the convicted person had paid his fine, in spite of the cases being open for appeal. The *ruwaard* of Putten or his substitutes were also accused of asking for more than the statutes allowed while imposing fines. A certain Van Weijn was eventually ordered to pay 50 guilders for a simple fist fight, which was much more than the ordinances dictated. In bad faith and for his own profit, De Witt did not observe the ordinance. Apparently Cornelis de Witt also did not respect the traditional rights of inhabitants. He had withheld justice for the poor as the *ruwaard* appropriated money from the charges and fines of the tax farmers as well as the 40th and 20th charge. A part of the fines was normally intended for charity. De Witt and his Justices also made

¹⁸ Papers regarding Cornelis de Witt, 10-12-1662, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5270.19.

statutes that directly contravened all other statutes and ordinances of all courts of justice¹⁹.

In general Andries Hessel van Dinther attempted to portray Cornelis de Witt as a magistrate who misused or neglected his judicial responsibilities. For instance, Hessel claimed that De Witt had extorted over 100 guilders from a certain De Wael with respect to the misuse of a half cask. His successor threatened to incarcerate De Wael in spite of the latter claiming he had no knowledge of the half cask. Sufficient evidence was lacking, while the fine for such an offense was only 50 guilders. In another case, around October 1662, a manslaughter had been committed in Nieuw-Beijerland. The perpetrator had not yet been summoned by Cornelis de Witt, contrary to his sworn instructions. Neglecting his responsibilities as *ruwaard* of Putten he had not convoked the local court for almost two years, contrary to all ordinances he and his Justices had drawn up. As a consequence, citizens who wished to appeal to the local court were forced to pay considerable fees to convoke an extraordinary session of the local court. Therefore, unprecedented expenses had to be paid by parties seeking justice²⁰. Whereas others were sometimes forced to pay a considerable amount, the *ruwaard* of Putten was never ordered to pay the costs, even if he was wrong and had not been able to prove his claim while the defendant was right and innocent. The latter had to pay the excessive costs and undergo the unbearable procedures. As a consequence Hessel van Dinther argued that decent procedures were lacking. Other examples of De Witt's misbehaviour followed. With knowledge of the Minister Steenwyck, the *ruwaard* of Putten *ad perpetuum schandalum et memoriam* presented the body of a beheaded man to the anatomical theatre and the local surgeons in Delft, although he and some Justices had promised that the criminal would receive a proper burial. In the dissection room the body was stretched out and dissected while the corpse was holding a knife in the hand that the criminal had committed his murder with. Finally, one complaint focused on De Witt's substitute Coomans. Coomans was described by Hessel van Dinther as a rough person whom De Witt depended on for the collection and payment of fines. Hessel claimed that an Alderman of the local court accused Coomans of demanding too high of pay and compensations, as Coomans was only entitled to half and was thereby going against established practices. As a result Coomans tormented the inhabitants with high fines and compensations. According to Hessel van Dinther, the substitute countered by insulting the Alderman and threatening to hit him with his fist, using all sorts of rude

¹⁹ Papers regarding Cornelis de Witt, 10-14-1662, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5270.19.

²⁰ Papers regarding Cornelis de Witt, 11-24-1662, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5270.19.

words and stating that he must have it in order to pay De Witt. During another altercation Coomans apparently abused the Secretary in the local court and in the presence of the Aldermen of Oud-Beijerland threatened to hit him because the Alderman was not willing to follow Coomans' wishes. According to Hessel, Standing in court Coomans made clear that he would have hit him in the face if they had been outside. He even challenged the Secretary to go outside with him. Andries Hessel van Dinther requested permission from the Provincial Court to show many other cruel acts committed by Cornelis de Witt²¹.

In general, accusations against *baljuws* and *ruwaards* were relatively easy to make as a result of the way they were paid. These magistrates did not receive an annual remuneration for their services from the city or province. Rather, they were largely dependent on the fines imposed for civil or criminal offences, of which they received their share. As a consequence, abuse of their right to impose fines in order to increase income was not uncommon and led to many corruption scandals and court cases. An administrator's discretionary freedom was therefore to be used discretely. However, as accusations were easy to make, prudence was desirable while judging the allegations. A magistrate could also be innocent. At first glance it would seem that things were not in Cornelis de Witt's favor. However, the *ruwaard* of Putten had the advantage that the accuser was none other than Andries Hessel van Dinther. His predecessor as *baljuw* was keen on reinstatement as *baljuw* of Beijerland. Secondly, the Justices of the Provincial Court were familiar with Hessel's reputation as he had been provisionally suspended from office some two years before. His bad standing seriously diminished Hessel van Dinther's chances of any legal success, whereas his own legal record was considerable compared to Cornelis de Witt's. Secondly, the latter could rely on a relationship within the Provincial Court, who could be of help even if the accusations were well-founded (Panhuyzen, 2005: 220-222). Cornelis de Witt was probably well informed about the accusations made against him thanks to his relationship with Cornelis Fannius who served as a Justice in the Provincial Court. The *ruwaard* of Putten sent several documents to the Court that confirmed his good reputation, fully confident that the Justices would be satisfied. Yet in order to be entirely sure of his situation De Witt eventually added an attestation from a friendly regent from Schiedam, who declared that

²¹ Papers regarding Cornelis de Witt, 10-11-1662, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5270.19.

the accuser's sole intention was to diminish his successor's honour and reputation (Panhuyzen, 2005: 220-221).

Most accusations lacked a solid foundation. It also seemed that the accusations against Hessel van Dinther focused on his abuse of power, whereas De Witt was mainly accused of absenteeism. As De Witt had many responsibilities and was regularly absent, much of the work was done by his substitutes (also: Panhuysen, 2005: 222). During Hessel van Dinther's attempt to buy back his office, Cornelis de Witt was keen to protect his reputation and to suppress all false rumours concerning his comportment.

On 25 September 1658 in a letter to his brother, Cornelis de Witt wrote that he had always fulfilled the office of *ruwaard* of Putten in a good manner. Without bragging he was able to say that during the fulfilment of his office he had been able to take away the abuses and disturbances committed by vagabonds and other citizens of the land of Putten, or that he had at least succeeded in substantially regulating and improving the circumstances. Preservation of harmony and stability within his jurisdiction had been his main goal; rooting out discord and unrest (Fruin & Japikse, 1919-1922: 258). This was also reflected in a placard the *ruwaard* and Justices of Putten enacted in 1664 concerning (knife) fighting²².

3.5. Conclusion

As his status and honour were at stake, Hessel van Dinther was keen to regain the office of *baljuw* of Beijerland. However, several testimonies had shown the *baljuw* in a bad light, including the Aldermen stating they could not work with Hessel van Dinther with a clear conscience. He had, for example, enjoyed employing a mentally handicapped person to bully the inhabitants of Beijerland. Constantly creating discord, the citizens within his jurisdiction were left to the mercy of his discretion. This is exactly where things seemed to go wrong for Andries Hessel van Dinther as he apparently did not adhere to established customs (i.e. the codes of the shop floor), eventually leading to his suspension as *baljuw* of Beijerland and accusations of abuse of power, extortion and adultery.

Not only did Andries Hessel van Dinther have to abide by the codes of the shop floor, the same codes were also of the utmost importance for Cornelis de Witt as a

²² Papers regarding Cornelis de Witt, 9-18-1664, NA, Judicial Archives Land of Putten [LoP], acc. nr. 3.03.08.327, inv. nr. 12.

ruwaard of Putten and successor of Hessel van Dinther as *baljuw* of Beijerland. The preservation of harmony was key in local administration. Cornelis de Witt therefore stressed the importance of stability and harmony within his jurisdictions. For instance, as *ruwaard* of Putten he issued a placard to further constrain all possible disruptions. In a letter to his brother he emphasized his good standing, stating that he had considerably curtailed all abuses within his jurisdiction. Cornelis de Witt was vigilant for possible accusations of abuse of his discretionary freedom. A magistrate's restraint mattered as maintenance of his position was dependent on the morale and attitude of his subjects.

Cornelis de Witt made considerable efforts to avoid accusations of abuse after Hessel van Dinther's attempt to buy back his office. Cornelis reacted indignantly and even requested that his brother prevent the spread of false rumours which could possibly tarnish his or his family's reputation. Until Andries Hessel van Dinther made his accusations against De Witt, the latter seemed not to have succumbed to the excess of his accuser, although the accusation of absenteeism did not seem to be entirely unfounded. Yet the *ruwaard* of Putten and *baljuw* of Beijerland was fully aware that his personal actions were closely connected with the integrity of his future administration. After all, the private and the public were closely intertwined.

While legal officers were keen to adhere to "the codes of the shop floor", legal standards were only of limited relevance in actual administration. Only after harmony and stability within Hessel van Dinther's jurisdiction were seriously disrupted did legal standards come into play. A court case followed. In legal documents Hessel van Dinther was described as boastful, revengeful, violent, hot-blooded, wrathful, false, arrogant and hateful. These values clearly show how criticism about the *baljuw's* actions concentrated on Hessel's reprehensible character traits. The public and private were closely intertwined. However, what is striking is that Hessel van Dinther seemed to possess a certain sense for the kind of comportment which was or was not desirable or expected from a high ranking magistrate. After all, he was well aware not to refer to personal interests in his defense before the provincial court, but to portray himself in a favourable way by referring to "public morality". He thereby implicitly displayed a sense of what was right and what was wrong for a *baljuw* or *ruwaard* while fulfilling his office. For instance, he had been able to obtain attestations in which he was described as reasonable, honest and good. In his defense he emphasized that he was innocent and ignorant about many accusations. He further stressed the importance of accountability

for sums received. However, Hessel van Dinther was accused of not adhering to the desirable behaviour expected of him. There was also a sharp contrast between his defense and the accusations he made against his successor, Cornelis de Witt, in an attempt to regain his office. Yet it was not strange that Hessel van Dinther made accusations of corruption against his successor for which he had been provisionally suspended himself. Often appearances were against legal officers. Hessel van Dinther portrayed Cornelis de Witt as deceitful, unjust, wrong, excessive, indecent and roguish. The accusations denouncing De Witt's absenteeism were perhaps not wholly unjustified. Other incriminations were closely related to the actions of his substitutes, especially Coomans. De Witt was often absent, whereby the substitutes had to do most of the work. Hessel van Dinther described these substitutes as ignorant, rude and unlawful. He claimed that Coomans had a tendency towards disruption and rude behaviour, even in a local court of law.

In conclusion, it remains difficult to generalize about corruption and the relevant administrative values in the first stadtholderless period on a single case study. Yet Jonathan Israel does hint that after 1650 there seemed to be a tendency to combat corruption among administrators combined with a more modern view on public morality, which sensitized public opinion on this subject. As a result, Israel argues, the Grand Pensionary (as well as his brother Cornelis de Witt) could profit from their reputation as upright and honourable administrators (Israel, 2001: 912). Eventually Cornelis de Witt was able to follow in his father's footsteps. He became a Burgomaster of Dordrecht (1666-1667) and also obtained considerable offices on the provincial and "national" level, such as in Holland's daily administration (1663-1665, 1669-1671), Field deputy on behalf of the Estates General (1665, 1668), Deputy at sea (1667, 1672), Curator of the university of Leiden (1667) as well as Envoy of the Estates General in Brussels (1672). Cornelis de Witt would even become a war hero during the Second Anglo-Dutch War. As a Deputy at sea he was one of the leaders in the famous voyage to the English docks near Chatham where the enemy ships would be destroyed or captured. His status as a war hero also made him an equal of his younger brother Johan, the Grand Pensionary (Panhuysen, 2005: 331-339, 343). Yet in the Disaster Year (1672) the war hero would eventually become a black sheep, together with his brother. The French and English declarations of war on April 1672 were soon followed by those of the Archbishop of Cologne and the Bishop of Munster. As a consequence the territory of the Republic was attacked by four enemies. The English were to attack the west flank, the French would invade from the south or the east, through the territory of Cologne and

Munster. The turmoil would be the beginning of the end for the brothers de Witt and the “True Freedom”. All obstacles to present William the offices of Stadtholder and Captain general were removed and power was once again concentrated in the hands of one person. Cornelis de Witt was accused by a certain Willem Tichelaar of plotting an attempted murder against the newly appointed Stadtholder. Tichelaar had been sentenced by default by De Witt some two years before for insulting the *schout* of Piershil. Cornelis de Witt was put under arrest. He and his brother Johan would eventually find a gruesome end. Murdered by a mob, their bodies were awfully mutilated and parts were cut off as souvenirs or even sold (Panhuysen, 2005: 401, 431, 440-445, 458-461). Things would fare different for Andries Hessel van Dinther. In 1672 he was able to express his gratitude for his reinstatement as *baljuw* and Dike warden of Beijerland and requested the Provincial Court to return his case files, more specifically the books of the local court where he passed his judgements upon the citizens of his jurisdiction. The Provincial Court granted Hessel van Dinther's request²³. Contrary to De Witt, Coomans' career continued after 1672. In the *heerlijkheid* Cromstrijen (neighbouring Oud-Beijerland), he was appointed *schout* and *rentmeester* in 1673 (Nobel, 2012: 71, 193-194).

²³ Papers regarding Andries Hessel van Dinther, 6-15-1672/ 11-11-1672, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5295.31.

4 *LODEWIJK HUYGENS, DROST OF GORINCHEM, (UN)FIT TO ADMINISTER (1672-1686)*

4.1. Administration and office in Gorinchem

The year 1672 not only brought about the reinstatement of Hessel van Dinther, but also the appointment of Lodewijk Huygens (1631 – 1699) as *drost* of Gorinchem, an office which Huygens would hold up to and including 1685. Stadtholder William II had died in 1650 and the largely autonomous provinces were not keen to appoint a successor as they now possessed the power to appoint their own magistrates. The town of Gorinchem was located in a far-off corner of the province of Holland where power struggles concerning the bestowal of office were felt as in many other cities in Holland. After the influential *drost* of Gorinchem, Jacob van Passenrode, had died in 1652, the Estates of Holland appointed Carel van Zijl as the new *drost* of Gorinchem the following year. Yet as a consequence of the political upheaval of 1672, Van Zijl eventually lost this position. The turmoil which ensued from the French invasion of the Dutch Republic resulted in the appointment of a new Stadtholder, William III (1672 – 1702) (De Wit, 1981: 4, 6). As the Stadtholder depended upon representatives to look after his interests in local administration, in 1672 the office of *drost* of Gorinchem was awarded to Lodewijk Huygens (1631 – 1699), son of the poet and diplomat Constantijn Huygens (1596 – 1687). Groenveld tells us in detail of Constantijn senior's efforts to obtain and secure considerable positions for his sons. As a former Secretary to the Princes of Orange, Huygens sr. had been on the lookout for lucrative offices for a considerable time. As *drost* of Gorinchem, Lodewijk Huygens could rely on friends in high places as his brother Constantijn jr. fulfilled a position in the Prince's chancery (Groenveld, 1988; Roorda, 1961: 217).

The local officers who had been appointed by the Stadtholder enjoyed considerable freedom and power to do as they pleased, whereby their actions were often associated with extortion and abuse of office. The notable scandal surrounding Lodewijk Huygens is only one of several corruption scandals which came to the forefront during William III's rule (Israel, 2001: 912-913). As a local administrator and representative of William III, Huygens found himself in a delicate position, requiring a

lot of tact, sensibility and political insight. After all, the division of power in the Dutch Republic was complex. Lodewijk Huygens had to justify his actions not only to the Gorinchem magistrates but also to his patron, the Stadtholder. He therefore had to take into account both levels of administration, whereby his intermediary position was a vulnerable one. As *drost* he needed to be careful not to undertake any harmful activities which could expose him to attacks from his fellow magistrates and could also cause a fall from grace with his patron. After all, as the Stadtholder's favorite in Gorinchem Lodewijk Huygens was expected to look after William's local interests and establish his influence over the local factions. An important task for Huygens was to recruit as many supporters for the Stadtholder's policies as possible (Roorda, 1961: 246).

As *drost* Lodewijk Huygens had to take a multitude of opinions of local administrators into account. The Gorinchem city council was the center of the local government, consisting of Council men who were on the council for life. New Council members were nominated through co-optation, unless a Stadtholder was in power who would appoint the *drost* who then looked after the Stadtholder's interests in Gorinchem. The *drost* would advise the Stadtholder concerning vacancies in the city council and the nomination of Council members for local and provincial offices. If a Stadtholder was lacking, the magistrates would divide the offices among themselves. Almost every Council member had already been an Alderman (on several occasions) before being appointed a member of the city council. After joining the council the magistrates often stayed on as Aldermen involved in the administration of justice, together with the *schout*. Membership of the city council served as a way to obtain a multitude of other positions, such as Commander of the civic guard, Curator of the Latin School, Member of the dike board (the *drost* was also the Dike warden of the Land of Arkel) and regent of four of the five Hospitals or Almshouses. However, membership of the council was not a prerequisite to obtain these offices; it *was* a prerequisite for obtaining the influential office of Burgomaster, an office which was usually held for a period of two years. The Burgomaster was responsible for the everyday administration of the city, including financial matters. Rank and seniority mattered greatly in deciding who would be nominated for this position. Often a retired Burgomaster would become President-alderman for a period of a year, after which he would once again become a Burgomaster. The Burgomasters also attended the assemblies of the Estates of Holland, often accompanied by one or more Council men, to look after the interests of the city and deliberate on issues concerning the province of Holland or the Republic. The delegates often varied, as offices rotated, but the city of Gorinchem was always

informed of all issues through the Pensionary who was charged with attending all relevant matters in The Hague. The Estates also sent their representatives to the colleges of state, such as the Council of State, the Estates General and the Chamber of Audit. Positions in these colleges were in high demand because of the considerable remunerations. These offices were often divided among the cities by rotation, whereby a city such as Gorinchem sometimes had to wait for three years before a magistrate could be nominated. Other offices that were much sought after were the membership of the Admiralty of the Meuse and the Estates' daily administration in the Southern Quarter. Finally, the regents fulfilled positions in the levying of provincial and local taxes (De Wit, 1981: 4-5). One can imagine that conflict about the bestowal of these offices was inevitable, especially when the *drost* of Gorinchem was not able to maintain harmony in the local political arena.

4.2. Turmoil and legal issues

Lodewijk Huygens was credited with many commendable traits in the official document containing his appointment as *drost* of Gorinchem. Yet some clarification seems in place here as the “values” mentioned should not be regarded as references to his actual personality. On the contrary, in the course of this case study it will become clear that Huygens substantially deviated from these references, which probably only formed part of the formal procedure to appoint a magistrate to office. Yet the references on how to comport himself as *drost* do tell us something about the kind of behavior which was expected of a magistrate like Huygens. Personal virtues such as usefulness (*nutheijt*), capability (*bequaemheijt*), wisdom (*wijsheijt*) and experience (*ervarentheijt*) were held in high regard. The *drost* should also be pious (*vromigheijt*), loyal (*getrouwigheijt*) and diligent (*goede ernstigheijt*)²⁴.

In 1672 the Gorinchem town council accepted a resolution (which was renewed in 1675), whereby its members were not allowed to request the Stadtholder to intervene on their behalf in the appointment of relations to lucrative offices. The resolution intended to prevent all unlawful means in obtaining a seat in the city council.

²⁴ Papers regarding Lodewijk Huygens, 09-20-1672, National Archives [NA], Records Provincial Court of Holland [PC], acc. nr. 3.03.01.01, inv. nr. 5316.23.

Only the *drost*, Lodewijk Huygens, should have the authority to appoint people to much sought after positions. As a consequence, the *drost* of Gorinchem, who was also the Dike warden of the nearby Land of Arkel, was awarded the sole power to recommend and appoint an aspiring magistrate to office. Through the fear of a possible rejection by the Stadtholder all opposition was silenced²⁵. However, the resolution and the *drost's* powerful position would eventually turn out to be detrimental to Huygens' popularity.

The atmosphere in the local administration would quickly deteriorate. Aspiring magistrates were more than willing to pay considerable amounts of money or hand over gifts in order to obtain lucrative offices. As a result of his all-powerful position, Huygens was the right person to direct one's attention to. For instance, aspiring members of the town council, such as Schilthouwer, De Bont and Van Burgharen, offered Lodewijk Huygens hundreds of guilders to obtain membership on the council. It must be said that the practice of giving gifts was not uncommon in the seventeenth-century. However, compared to what was morally or socially acceptable at the time, Huygens' demands turned out to be extravagant. The mother of magistrate Van der Meulen was one of the unfortunate victims. In order to arrest a debtor who had to repay money to his mother, her son had deemed it wise to use people in service of the city, although without the *drost's* permission. As a consequence the magistrate's mother was extorted for 315 guilders. Another telling incident occurred at a time when peat was in high demand in Gorinchem and therefore sold at a high price. Nevertheless, Huygens decided upon taking considerable amounts of peat from the communal reserves of the Land of Arkel for his personal use without providing any kind of compensation²⁶.

Huygens' actions plunged the administration of Gorinchem into turmoil, whereby former allies would eventually become enemies. One of his former supporters and fellow magistrate, Jacob van der Ulft, aspired to become a member of the Admiralty of the Meuse, a lucrative office. Yet Van der Ulft would miss out on the position apparently due to objections made by the *drost*. Two factions formed around the former allies, both vying to recruit supporters. In the autumn of 1675 both groups were totally alienated from each other. As Huygens' faction lacked the one vote necessary to obtain the majority in the town council, the *drost* called upon his brother for help. Constantijn jr., who was Secretary to Stadtholder William III, provided his brother with a controversial document from the Prince's chancellery, written by Van der Ulft and

²⁵ (Knuttel, 1978: microfiche [mf.] 11414, 1676; papers regarding Lodewijk Huygens, 11-14-1672/3-16-1675, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5316.23).

²⁶ (Knuttel, 1978: mf. 11414, 1676).

containing derogatory remarks about the Stadtholder. Another member of the town council, Jacob Erckelens, was also implicated. The latter was pressured by the *drost* to change his allegiance (De Wit, 1981: 22).

Huygens' enemies petitioned the Provincial Court of Holland regarding the *drost's* political dealings, which had resulted in consternation among the populace as well as considerable unrest and discord among the magistrates. Lodewijk Huygens clearly had only contempt and disrespect for local administration. Peace (*ruste*), unity (*eenigheijt*) and respect (*respect*) for administration were at stake, whereas the *drost* of Gorinchem ignored rules and regulations²⁷. Huygens' actions were a clear violation of the Edict of Amnesty. During the "Disaster Year" (1672) supporters of the Prince had clashed vehemently with those of Grand Pensionary De Witt. Yet individuals who had been implicated in the political upheaval were eventually safeguarded by the Edict against possible harmful consequences. The Edict involved a protection from prosecution for any harmful remarks made against William III. The petition to the Provincial Court eventually resulted in a decree of impunity for Huygens' accusers. Attention was drawn to Huygens' misconduct, whereas Van der Ulft and his supporters got off scot-free. The Provincial Court eventually weakened the proceedings against Huygens as it feared that its decision would disproportionately favor the *drost's* opponents (De Wit, 1981: 22). In the local administration the strife between both factions continued. The power struggle also surfaced in various pamphlets. In a letter to the States of Holland, Lodewijk Huygens' abuses, dirty tricks, corruption, extortion, insatiable avarice and haughtiness were considered to be the causes of the *drost's* maladministration and the "considerable disadvantages to justice, 'administration' and finance"²⁸. Of course Huygens' faction claimed the accusations to be false and malicious as they were only meant to further harm the *drost's* already tarnished reputation. The excesses which were brought forward were solely created by Huygens' accusers²⁹.

A sentence by the Provincial Court would eventually follow in 1676. The accusations against Huygens resulted in his provisional suspension, which had already been imposed beforehand, but the court decided that the suspension would be annulled

²⁷ Papers regarding Lodewijk Huygens, 1675, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5316.23.

²⁸ (Knuttel, 1978: mf. 11415, 1676).

²⁹ (Knuttel, 1978: mf. 11416, 1676).

as soon as the *drost* complied with the demands set forth in the sentence. One of the main points of consideration in the court case focused on whether or not Huygens could return as *drost* of Gorinchem if he mended his ways. Despite Huygens' maladministration the court was of the opinion that the verdict made it sufficiently clear that the *drost* had fulfilled his office in a disgraceful way, whereby it was deemed acceptable to annul Huygens' provisional suspension under the conditions set forth in the verdict (which will be discussed in the next paragraph)³⁰. Yet Lodewijk Huygens was not able to immediately return to Gorinchem. Several magistrates complained to the Estates of Holland and West-Friesland about Huygens' return as *drost* of Gorinchem as many abuses had not yet been discovered and taken into account. Others demanded exactly the opposite as they hoped for a quick return³¹. Despite protest by the Provincial Court, which argued that an appeal was not possible, the Estates instructed the Public Prosecutor to appeal to the High Court. People who had profited from the decree of impunity should also be prosecuted³². The case was brought before the High Court of Holland, Zeeland and West-Friesland. Only in April 1678 did the High Court pass a provisional sentence that the deferment of the Provincial Court's sentence should be annulled³³.

Huygens had exercised patience and awaited the High Court's verdict, but the pleasure of his reinstatement was short-lived. On 8 April 1678 the Estates refused the *drost* entrance to the Burgomasters' meeting room and participation in meetings of the town council after a complaint by the *drost*'s enemies. The Stadtholder stood up for his local representative, reversed the decision and stressed that Huygens should be present at gatherings regarding city affairs, although he should refrain from attending meetings on affairs of state (De Wit, 1981: 23)³⁴. The pamphlet war continued. Huygens' opponents argued that the *drost* had escaped his just punishment, whereby he was able to continue his "reign" in the city of Gorinchem. Opponents denounced Huygens' flaws, such as his insatiable avarice, his oppression of the good, the protection of villains and

³⁰ (Knuttel, 1978: mf. 11414, 1676).

³¹ Papers regarding Lodewijk Huygens, 7-9-1676/ 7-11-1676/ 9-15-1676, NA, Estates of Holland and West-Friesland [EH], acc. nr. 3.01.04.01, inv. nr. 109.

³² Papers regarding Lodewijk Huygens, 9-17-1676, NA, EH, acc. nr. 3.01.04.01, inv. nr. 109.

³³ Papers regarding Lodewijk Huygens, 4-2-1678, High Court of Holland, Zeeland and West-Friesland [HC], acc. nr. 3.03.02, inv. nr. 902.

³⁴ (Knuttel, 1978: mf. 12224, 1684, folio [f.] 6; also papers regarding Lodewijk Huygens, 4-8-1678, NA, EH, acc. nr. 3.01.04.01, inv. nr. 111).

the lack of justice. The officer had also violated the edicts and ordinances³⁵. Conflicts remained numerous and were always ready to erupt.

In the Huygens scandal both factions committed similar abuses. The *drost's* adversaries were also accused of transgressions, most notably Van der Ulft, who would ultimately have to give up his position as leader of the opposition. What had happened to Huygens' most notable opponent? After being accused of financial abuses Van der Ulft had deemed it wise to flee to The Hague. This magistrate had served as Collector of the city's finances and had apparently embezzled thousands of guilders. The former leader was quickly captured and taken back to Gorinchem, where he was imprisoned. The city of Gorinchem and the Provincial Court quarreled about the jurisdiction to prosecute Van der Ulft, whereupon the Provincial Court decided to take more drastic measures. The court instructed a provincial *deurwaarder* and his helpers to proceed to Gorinchem where they attempted to take the magistrate Van der Staal hostage in order to exchange him for the wanted Van der Ulft. Although this attempt was thwarted, it was condoned by the *drost* who knew about the operation. As Van der Ulft had run into legal troubles, Van der Staal succeeded him and became Huygens main opponent in Gorinchem (De Wit, 1981: 24-25). The problems Van der Ulft encountered were not only characteristic of the Dutch Republic, they also were found abroad. Similar to Jacob van der Ulft's troubles as Collector of the city's finances, it was acceptable in seventeenth-century English administration for Treasurers, Receivers and Paymasters to use cash balances for their own advantage between the moment of receipt and disbursement or payment, an indication of the close relationship between public and private. Aylmer acknowledges that there was a fine line between dishonesty and incompetence while judging improper conduct, next to which political strife could also play an important part in accusations of corruption (Aylmer, 2002: 113-117).

The appointment of officers in the civic militia also caused considerable conflict as both factions wished to nominate their own candidates. Through patronage and the bestowal of office, magistrates were able to establish and maintain their power in the local administration. It was therefore not that strange that in Gorinchem the nomination of candidates had resulted in considerable strife between both factions. On 28 April 1684 Huygens' faction had already appointed its own candidates for the vacant

³⁵ (Knuttel, 1978: mf. 12224, 1684).

offices when the *drost*'s opponents entered the town council's chamber, where they were informed that the election had already taken place earlier in the day. A fight ensued and things got out of hand when both factions came to blows. A wig was grabbed from the head of one magistrate and threats were uttered that the encounter would become even more physical³⁶. In the same year another telling conflict ensued from the sale of the city's cannon, whereby the Burgomasters Van der Staal and Borman tried to settle all financial claims citizens had against the city, yet without the knowledge of the Council men. As a consequence, the ongoing strife spread throughout the city as the *drost*'s adversaries tried to persuade the public of their common cause. The infighting caused considerable agitation, especially after the sale was prevented by Huygens, as it was considered to be harmful to the city³⁷.

In an effort to get rid of the *drost*, Van der Staal tried to gain the support of the Stadtholder by voting in favor of the expansion of the army during an assembly of the Estates of Holland in May. On 31 July 1684 Van der Staal and a companion made their way to the Stadtholder to inform him of the disorder the city had been thrown into, at the instigation of Huygens, of course. In order to restore order, William, susceptible to the magistrates' arguments, decided to send the regiment of the Count of Horn to Gorinchem. Both Burgomasters used their suddenly acquired power to achieve their political objectives (i.e., to get rid of Huygens) by military means. The *drost* was imprisoned in his own house, whereby convocations of the city council were prevented. The actions of Huygens' enemies were described as unheard of, exorbitant, dangerous and audacious. As soon as the Stadtholder realized what their true motives were he immediately ended the military intervention³⁸.

The two factions constantly quarreled about vacant positions, in which the majority of the city council eventually supported Lodewijk Huygens while the Burgomasters and their adherents vehemently opposed the *drost*. Both factions regularly appealed to the Estates of Holland and West-Friesland for help. As the Council men complained in May 1685 about the Burgomasters who refused to convene the city council to discuss the vacant positions for the Estates' daily administration and the Admiralty, the latter were quick to strike back. The (majority of the) Council men were accused of concluding a contract of correspondence concerning the bestowal of vacant offices from 1685 through 1688 concerning positions in the Council of State, the

³⁶ (Knuttel, 1978: mf. 12374, 1685, f. 33-34).

³⁷ (Knuttel, 1978: mf. 12221, 1684; mf. 12222, 1684).

³⁸ (Knuttel, 1978: mf. 12222, 1684).

Estates' daily administration and the Admiralty of the Meuse, thereby excluding Huygens' adversaries. The Burgomasters also claimed that a decision concerning the vacant positions would have been made if only the Council men would have acted in harmony (*harmonie*) and confidence (*confidentie*) with the Burgomasters. Instead the Council men had separately and secretly agreed a contract for the bestowal of these offices³⁹. The Council men denied all accusations; they were free (*vrij*) and unattached (*ongebonden*)⁴⁰.

The ongoing attacks ultimately led to Huygens' fall from the Stadtholder's grace. William III had come to the conclusion that Lodewijk Huygens' position was no longer tenable. By way of compensation, the former *drost* was appointed member of the Gorinchem town council and the Admiralty of the Meuse in 1686 (De Wit, 1981: 31)⁴¹. As Lodewijk Huygens had "voluntarily" given up his office of *drost* of Gorinchem, François Doubleth was appointed as his successor in February 1686⁴². On the one hand this was an obvious demotion for Huygens. On the other hand one could also consider it a final act of goodwill by the Stadtholder, who made sure that Huygens was not in want of an office. His appointment as member of the Admiralty of the Meuse was probably intended to allow Huygens from losing face.

4.3. A legal perspective

The Provincial Court's sentence of 1676 elucidates a variety of administrative values to be found in the legal codes and rules thought to apply to the Huygens case. In its final sentence the Provincial Court felt that Huygens should have acted with more caution (*circospectie*). The court also stated that Huygens should have acted with more judgement concerning the note written by Van der Ulft as well as the renewal of the resolution (according to which it was forbidden to directly apply to the Stadtholder for office). He should have abstained from accepting gifts from persons seeking a place on the city council, despite these events taking place before the resolution of the States of 26 March 1675. Huygens was sentenced to repay all the money received as well as to

³⁹ Papers regarding Lodewijk Huygens, 5-17-1685, NA, EH, acc. nr. 3.01.04.01, inv. nr. 118.

⁴⁰ Papers regarding Lodewijk Huygens, 6-6-1685, NA, EH, acc. nr. 3.01.04.01, inv. nr. 118.

⁴¹ Papers regarding Lodewijk Huygens, 2-13-1686, NA, EH, acc. nr. 3.01.04.01, inv. nr 119.

⁴² Papers regarding Lodewijk Huygens, 2-21-1686/ 2-23-1686, NA, EH, acc. nr. 3.01.04.01, inv. nr. 119.

pay an additional fine of six thousand guilders and all legal costs. Payment would end the provisional suspension whereby Lodewijk Huygens could calmly and peacefully carry out the office of *drost* of Gorinchem. The *drost* stated that he had not been aware of any malicious intent to commit unlawfulness or wickedness. If he had done anything wrong it was not out of malice but solely out of rashness, ignorance and inexperience as an officer in an unfamiliar city. As a consequence he had been entirely dependent upon the advice of local magistrates. These magistrates had misled him in regard to administration in the city whereby his actions had been contrary to the proper way of the administration of justice. Lodewijk Huygens deemed it wise to avoid a long-term trial and requested the court to be received in submission, which involved an agreement to settle disputes through arbitration. Huygen's request was granted⁴³.

The examination of the *drost* focused on a variety of points, for instance his finances and the emoluments not accounted for in his financial administration. Accusations of abuse and corruption were closely related to the practice of composition, which I already discussed in the previous chapter. In the Huygens case composition turned into extortion. It was easy for the *drost* to use threats of legal consequences as a way to extract payment from anyone who had been (justly or unjustly) incriminated. During the examination the *drost* was therefore asked if he had illegally appropriated fines that had been imposed on inhabitants⁴⁴.

The court's verdict seems to have been in accordance with the relevant legal codes, for instance the edict issued during the Grand Assembly of the provinces on 1 July 1651. At the provincial and local level oaths and resolutions were clear: obtaining office by offering money or gifts was not allowed (Knevel, 2001: 146). As the rules regarding gift exchange intended to strengthen political ties were stringent, the Estates of several provinces promised to carry out the resolutions and verdicts against perpetrators of the edict mentioned above and to uphold these in a strict manner. An "Oath of Purification" intended to guarantee that office holders would abide (Huiskamp, 1995: 29). On 26 March 1675 the Estates of Holland and West-Friesland issued a similar resolution which included an oath of office that magistrates were required to take. The furnishing (or receiving) of money for the positions of Burgomaster, Alderman, member of the town council or any other political office was deemed detrimental to the welfare of the state and could eventually lead to its downfall. The

⁴³ Sentence regarding Lodewijk Huygens, 07-03-1676, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5312.17.

⁴⁴ Papers regarding Lodewijk Huygens, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5316.23.

Estates of Holland hoped that this evil would be curbed through the fear of perjury and God's all-seeing Eye⁴⁵.

4.4. A public scandal

The scandal was not solely restricted to the magistrates of Gorinchem but also mentioned in many pamphlets, which, strikingly, were not written by outsiders but by members of the rivaling factions in Gorinchem. Was there a difference between the arguments expressed in pamphlets and arguments which should be kept private? The fact that magistrates decided to publish these pamphlets can tell us something about the political climate at the time and the preconditions for political authority. Harms (2011: 254-256) argues that by blackening their opponents name, magistrates could legitimize their own political role opposite the public. On the one side the pamphlet as a medium lead to more and more inventive manipulation of the media and on the other hand greater information supply and participation of the public in public discussion.

One could argue that in the Huygens case the arguments presented in the pamphlets were reflections or expressions of what both factions *expected the public to consider* reprehensible behavior. The pamphlets tell us something about what these officials *would like the public to believe* concerning the admissibility or undesirability of their own behavior. The public debate on the *drost's* transgressions served as a way to influence and enlarge their share of supporters. For that reason we should not disregard the arguments expounded in these sources. Furthermore, the arguments expressed in pamphlets were read by and to a wider audience than just those directly involved in the scandal, although it remains difficult to investigate exactly how the pamphlets were received and used in the seventeenth-century. What is obvious is that many of the accusations being hurled back and forth were largely caused by the political infighting in the city of Gorinchem. Both factions probably used “the common interest” (a vague and ambiguous notion) to further their own interests. Yet we can identify some sound arguments regarding Huygens’ behavior and transgressions from the pamphlets.

⁴⁵ Papers regarding Lodewijk Huygens 03-26-1675, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5317.25; also papers regarding Lodewijk Huygens, 3-20-1675/ 3-26-1675, NA, EH, acc. nr. 3.01.04.01, inv. nr. 108.

Both factions had more in common than they wished to acknowledge as they seemed to argue from (commonly) shared assumptions about *incapability*, focusing on maladministration and corrupt practices, with the intention of inflicting damage to each other. Huygens' adversaries focused on his avarice, haughtiness and abuses as they appealed to the Estates of Holland⁴⁶. Huygens' adherents used a twofold approach in their defense. First, they argued that the *drost's* accusers had themselves committed similar crimes⁴⁷. Secondly, Huygens' supporters attempted to justify the accepted gifts by saying that these had been given on a voluntary basis by the Gorinchem magistrates. For instance, the gifts of the gentlemen Schilthouder and De Bont were pure generosity, given without preceding promises or contracts⁴⁸. Other pamphlets labeled Huygens' actions as "criminal" as he had failed to look after the interests of the community. An example was the fact that the *drost* had been stealing peat, which was actually intended for the common land⁴⁹.

Not only a notion such as "common interest" was difficult to interpret. Views on the furnishing (or receiving) of money for office were also highly ambiguous. On the one hand Huygens' faction attempted to justify the gifts received. On the other hand its opponents were accused of committing the same excesses themselves, whereby the *drost's* faction implicitly admitted its own flaws. The pamphleteers did not explicitly condemn the practice of gift exchange, but they were aware that certain practices would not be condoned by the public. Both parties only used their extravagances to denounce their adversary. This way of reasoning is also visible in the argument of Huygens' supporters who claimed that the gifts had been given on a voluntary basis without preceding promises or contracts. As long as the gift did not entail a specific service in return (for instance obtaining an office), it was acceptable. Yet the all-powerful position of the *drost* to appoint persons to office resulted in set boundaries being violated. The newly-established political relations resulted in considerable infighting between both factions as they attempted to uphold or change the balance of power. In this struggle, public opinion served as a way to gain support or injure the opposing faction.

⁴⁶ (Knuttel, 1978: mf. 11415, 1676).

⁴⁷ (Knuttel, 1978: mf. 11414, 1676).

⁴⁸ (Knuttel, 1978: mf. 11416, 1676).

⁴⁹ (Knuttel, 1978: mf. 11415, 1676, f. 15-16).

4.5. “The shop floor”

Much like today the Huygens scandal involved rank, position and office. The importance of respect for local traditions was also visible in the scandal concerning Matthäus Enzlin who served as Counselor to the autocratic Duke of Württemberg (ruler from 1593 to 1608). The Duke preferred to skirt the traditional privileges of the Estates, not only using the lawyer Enzlin for negotiations with the Estates, but also for diplomatic and financial affairs. With regard to the Duke's affairs constituted officeholders should have been consulted instead of personal friends. Yet these arguments were highly problematic as patronage was at the basis of a political system in which the public and private were closely intertwined. Asch acknowledges the existence of conflicting moral codes, on the one hand public consultation and the common good, and on the other friendship, mutual loyalty and personal devotion to the Prince. Enzlin both profited from this tension and experienced the drawback as he became vulnerable for accusations of corruption (Asch, 1999: 96-108; on the venality of office in the German Empire: Swart, 1980: 89-96).

As an outsider to the Gorinchem political arena, Lodewijk Huygens had considerable difficulty grasping these rules of local administration. A resolution even gave Huygens the sole power to appoint persons to office, whereby Council men were no longer allowed to importune the Stadtholder for help in obtaining office. Huygens' choices and policies were decisive as local magistrates did not dare to oppose the *drost* out of fear to fall from the Stadtholder's grace⁵⁰. As a consequence of his vulnerable intermediary position, the *drost* had to befriend the Stadtholder as well as the local magistrates. Yet Huygens' arbitrariness resulted in the appointment of his supporters to important (and often financially lucrative) offices and the exclusion of a considerable part of the city's ruling elite from influential positions. Through a contract of correspondence Huygens' faction attempted to divide all vacant offices among its members. Burgomaster Erckelens was one of the unfortunate victims, whom we already encountered earlier in this research. Erckelens wished to retain an office involving the supervision over the dykes and deemed it wise to pay 200 guilders. However, Lodewijk Huygens decided otherwise and distributed the powers of this position over three

⁵⁰ (Knuttel, 1978: mf. 11414, 1676).

separate people, whereby Erckelens was allowed to keep only part of his responsibilities. This is exactly where things went wrong for Huygens in his dealings with the local elite. The *drost* had violated the time-honored customs as other administrative bodies should have had a vote in the allocation of this office⁵¹. It was not the rotation of office that people seemed to object to. Rather, complaints were uttered about the (outright) abuse of established traditions. Customs regarding the appointment into office should be respected.

In early modern administration the exchange of gifts was generally accepted among the ruling elite. Huiskamp concludes that in local administration it was not the gift itself that was considered inappropriate and corrupt, but the measure in which the gift transgressed the clearly defined boundaries of the public domain. Gifts were only considered objectionable when these boundaries were threatened (Huiskamp, 1995: 50). Yet these boundaries were often unclear. For instance, the dividing line between non-binding gifts and gifts entailing a specific service in return was vague and difficult to distinguish. Harding argues that with regard to patronage the principle of reciprocity within an ongoing relationship of loyalty was decisive for the legitimacy of awards. One way to discern between corrupt gifts and legitimate gifts was the continued respect for these relationships based on loyalty. Similar to Kettering, Harding acknowledges that the distinction between a bribe and a gift was rather ambiguous. Bribes within an ongoing relationship of loyalty and protection were often considered legitimate. In the Dutch Republic Lodewijk Huygens, *drost* of Gorinchem, had not been able to make a proper assessment of practices concerning gift-giving. Similarly, Harding stresses that a capable administrator should possess the ability to balance all different criteria with regard to acceptable standards for awards (Harding, 1981: 47-64; also on the venality of office in France: Swart, 1980: 5-18). Next to the practices surrounding gift-giving, the possibilities for local magistrates to obtain office were also not unlimited. An aspiring magistrate's unsuitability could be a hindrance for an administrative career as well as a father who was already a member of the town council. In the Dutch Republic the bestowal of office was founded on principles of seniority and rotation, and a departure from these principles could cause considerable unrest among the magistrates (De Witte van Citters, 1873). According to Roorda, the comparative balance regarding the rotation of offices served as a way to prevent an unbridled struggle for power between rivaling factions (Roorda, 1961: 49).

⁵¹ (Knuttel, 1978: mf. 11414, 1676).

As already mentioned above, opinions on gift exchange or appropriation of funds were highly ambiguous. The leaders of the two rivaling factions, Huygens and Van der Ulft, used the city's finances or vacant offices to receive or appropriate considerable sums of money. As long as most magistrates were able to profit from these acts as well these practices were condoned, whereby harmony in local administration was preserved. Yet an office holder who solely favored his own supporters and excluded all others ran the risk that adversaries could use accusations of maladministration against him in a case of political strife. This is exactly what happened in the Huygens case. His political dealings and transgressions disturbed the peace in Gorinchem, leading to accusations of corruption against the *drost*. Not only the disproportionate power shift after 1672, but also the infringements on several magistrates' senses of correct political practice contributed to these reproaches.

The *drost's* legal defense not only gives us an insight into his own standards of conduct and his own thoughts about what was actually expected of him, but also provides us with a better understanding of the everyday rules and administrative standards. Before the Provincial Court the *drost* denied all accusations brought against him by the Public Prosecutor. He had not abused the practice of composition and denied having used any of his public income to his own advantage. Yet the *drost* did remain unclear about what he spent it on⁵². Regarding one of the main accusations, the furnishing of gifts and money in exchange for position, Huygens simply denied having taken any oath concerning the matter, either at the beginning of his position or afterwards. He did not consider the acceptance of gifts to be at odds with his position as *drost*⁵³. The *drost's* argument was not that strange. The exchange of gifts was an accepted practice among the political elite. Complaints about such practices only arose when harmony had been seriously disrupted in the local administration. It seems that Huygens did not have a good appreciation of the administrative situation in Gorinchem.

Other legal documents also give us further insight into the standards of the shop floor (as well as the relevant legal standards). Jacob van Sundert testified that he had never agreed any contract with the *drost* of Gorinchem concerning a compensation for a seat in the Gorinchem city council. Van Sundert also never received a promise from the *drost* that he would recommend Van Sundert to the Stadtholder. Gifts had only

⁵² Papers regarding Lodewijk Huygens, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5316.23.

⁵³ Papers regarding Lodewijk Huygens, 11-14-1675, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5316.23.

been presented to the *drost* on a voluntary (*vrywillige*) basis as simple gratuities without a preceding convention⁵⁴. This again shows that the dividing line between non-binding gifts and gifts entailing a specific service in return was difficult to establish.

Huygens' defense was not solely made up of legal arguments. The *drost's* excuses were not only visible in legal documents, but also in arguments brought forward by his father. Constantijn Huygens sr. appealed to William III in a letter on behalf of his troubled son. The Stadtholder's assistance was requested in solving Lodewijk's troubles in Gorinchem. The appeal gives us good insight into the attempts to solve the matter in an informal way. His father attempted to convince the Stadtholder that Lodewijk's problems should be attributed to the calumnies of his opponents. Huygens sr. was convinced that the Stadtholder would be able to end all strife by obliging the factions to come to an agreement with the help of persons of honor (*honneur*) and respect (*respect*). At the same time, Huygens sr. blamed his son's inexperience as the family's honor was at stake. He suggested that Lodewijk still had to learn to "play the game" - something he obviously was not very good at yet (Huygens, 1911-1917: letter# 6998, 12-18-1675). Family relations considerably complicated matters. According to Roorda, Constantijn sr. was aware that suspicions against Lodewijk Huygens could have serious consequences for his elder brother Constantijn jr. Allegations against Constantijn jr. would be easier to make if his younger brother Lodewijk was found guilty of abuses (Roorda, 1984a: 104). In another letter Huygens sr. appealed to the family's reputation, hopeful that the Stadtholder would put an end to all animosities and promote concord (*concorde*). This would be beneficial for the good of the city and the service to the state (Huygens, 1911-1917: letter# 7000, 12-24-1675). If Lodewijk Huygens had made any mistakes it was only through imprudence and not through any intention to do anything illicit (Huygens, 1911-1917: letter# 7013, 3-4-1676). The appeal to inexperience and imprudence is understandable when one considers that Lodewijk had limited administrative experience due to the absence of a suitable (junior) position in the first Stadtholderless period. His limited skills would ultimately harm his administrative career.

⁵⁴ Papers regarding Lodewijk Huygens, 12-30-1675, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5308.21.

4.6. Conclusion

Although Dutch office holders were bound by legal strictures at a relatively early stage (through a modern, non-Aristotelian, individual notion of corruption), legal standards were only of limited relevance in actual administration (Dekker, 1994: 14). The legal standards differed considerably from the ideas set out in everyday administration and public opinion. Huiskamp refers to the univocal meaning of corruption on a formal-legal level, to be found in the ordinances of local and central authorities, but acknowledges that an unambiguous standard concerning corruption did not exist (Huiskamp, 1995: 29-30). In the Huygens case the relevant legal standards were found in the Provincial Court's sentence, which referred to the applicable decrees, regulations and oaths of office. The court was of the opinion that the *drost* should have employed more caution and judgment while fulfilling his office of *drost* of Gorinchem, whereby no court proceedings would have been necessary. Huygens had requested the Provincial Court to be received in submission and emphasized his rashness, inexperience and ignorance. It was a sensible choice in order to avoid a harsher punishment. The *drost* was punished lightly, he only had to pay a considerable fine and return the money received, but was able to retain his position.

In the pamphlet war both factions seemed to argue from the same set of values, as they accused each other of committing similar crimes. The assumptions in the pamphlets on (im)proper behaviour were rather ambiguous as much of what was being said emanated from the political strife in Gorinchem. One of the main accusations against Huygens was that he was not acting in the interest of the community, as his actions were harmful for “justice, administration and finances”.

As the legal rules only had limited relevance in actual everyday administration, and the opinions expressed in pamphlets were highly ambiguous, the shop floor serves as a way to see motives and opinions for what they really were. The codes of the shop floor were somewhat implicit and included rules for the reception of gifts and principles of rotation and seniority for the bestowal of office. Preserving peace, unity and harmony in the political arena and respect for administration were of the utmost importance. Unrest and discord should be prevented at all cost. As long as the *drost* of Gorinchem was able to maintain the balance of power, much was allowed (or condoned) in everyday administration.

Yet Lodewijk Huygens flouted local customs, despite the fact that the adherence to tradition served as the only effective protection against possible abuse. As already mentioned above, legal standards on corruption only had limited practical relevance in daily administration. Huygens lacked the necessary skill and tact to survive as a public official in the local administration. Many examples of abuse, corruption, excess and extortion are found in the Huygens case. The *drost* was accused of accepting gifts from aspiring magistrates in exchange for a seat in the town council, although the latter claimed they had not made any preceding contract or convention⁵⁵. They were free and unattached. Gifts were an essential part of social intercourse and the acceptance of gifts *in itself* was not an issue. Despite the fact that edicts and resolutions prohibited the furnishing of money for office, legal standards were of limited relevance on the shop floor. Many magistrates regularly committed themselves to “selling” and “buying” positions in everyday practice. The main reason why these practices were put to the test in this scandal was Huygens’ disregard of the old customs of Gorinchem and the exclusion of a considerable part of the local elite from obtaining office. Harmony and the status quo in the Gorinchem administration were seriously disrupted. Huygens treated his office of *drost* of Gorinchem as his personal right to do as he pleased, especially in return for gifts, without paying any attention to ethical common sense. As long as every magistrate was able to profit from these practices these excesses were often condoned, regardless of legal rules and ethics. Yet the *drost* did not recognize this. On the shop floor Huygens’ arbitrary and excessive actions were no longer tolerated. It was not so much the disproportionate power shift of the “Disaster Year” (1672), but particularly the infringements on several magistrates’ ideas on “capable administration” which resulted in the accusations of corruption against Lodewijk Huygens.

In seventeenth-century Gorinchem Huygens was a political outsider appointed by a patron who was “far away” in The Hague. As a result, the *drost* found himself in a precarious position as he not only had to remain on good terms with the local magistrates, but also had to obey his patron, the Stadtholder. Personal submission and unconditional loyalty to William were therefore of the utmost importance. In order to satisfy the Stadtholder as well as local magistrates the preservation of harmony was key. Unfortunately, as an outsider the new *drost* had other expectations regarding the everyday rules by which the Gorinchem administration should be conducted. This not only resulted in turmoil in local administration, but also led to a fall from the

⁵⁵ (Knuttel, 1978: mf. 11415, 1676).

Stadtholder's grace. The dependency relationship between the Stadtholder and the *drost*, which was based on reciprocity, was disrupted as the *drost* had not sufficiently looked after William's interests in the city. Furthermore, holding office was closely related to a magistrate's personal virtues. The newly appointed *drost* was expected to be useful, capable, wise, experienced, pious, loyal and diligent. Huygens avarice and haughtiness were frowned upon. The public and the private were closely intertwined. Whether or not a magistrate acquitted himself adequately of his task depended on his personal traits rather than on abstract (legal) notions of integrity. Lodewijk Huygens would eventually pay dearly for the absence of a suitable (junior) position in the first Stadtholderless period, leading to limited administrative experience as a newly appointed *drost*, a lack of essential skills and tact ultimately resulted in the *drost's* downfall.

5 REVOLT IN ROTTERDAM, THE CASE OF JACOB VAN ZUIJLEN VAN NIJEVELT (1676-1695)

5.1. Administration and office in Rotterdam

In 1672, the “Disaster Year”, the Dutch Republic was attacked by France, England, the Elector of Cologne and the Bishop of Münster. Jacob van Zuijlen van Nijeveld had been chased away from Lingem by the French, after which he begged for an office everywhere. As Stadtholder William III was dependent upon local “representatives” who looked after the Prince's interests in local administration, similar to the appointment of Lodewijk Huygens as *drost* of Gorinchem in 1672, Van Zuijlen van Nijeveld was appointed as the new *baljuw* and *schout* of Rotterdam. In 1676, he arrived in the city with his wife and children in a shabby state (Roorda, 1984b: 77). After his appointment as *baljuw* Van Zuijlen also managed to obtain a seat on the city council as well as the position of City secretary for his son Arnout (Hazewinkel, 1940: 248). However, his growing influence in the city was often associated with (accusations of) abuse and corruption, ultimately leading to legal consequences for the *baljuw*. The corruption scandal concerning Jacob van Zuijlen van Nijeveld serves as another interesting way to make explicit the implicit underlying administrative values. Yet before we turn to the causes of Van Zuijlen's troubles as *baljuw* of Rotterdam, it is necessary to give a short account of administration in early modern Rotterdam.

The city council was the center of local administration, consisting of 24 members. It decided on the bestowal of the so-called “small offices”, consisting, among others, of the offices of the two Treasurers (responsible for the city's finances) or the “Peacemakers”, judicial officials responsible for the adjudication of civil cases under 600 guilders. Other dignitaries, called the “Officers of the government”, owed their positions to a college consisting of the Burgomasters, *baljuw* or *schout* and Aldermen. “Officers of the government” consisted of, for instance, the officers of the civic guard or the regents of the six Hospitals or Almshouses. The most distinguished office was that of Burgomaster. The election of Burgomasters and Aldermen was done by an electoral college of five (earlier seven) Council members by drawing white and black beans from a bag, in which as many beans were put as Council members present. These *boonheren*

would then draw double numbers for the new Burgomasters and Aldermen, from which the Stadtholder - or if no Stadtholder was in office the city council - would elect the new office holders by a blind drawing of lots. Since 1637 there were four Burgomasters. Their responsibilities comprised all ordinary matters regarding civil administration, such as the administration of the city's goods, its income, and the city's prosperity and protection. The Aldermen dealt with, among other things, the adjudication of criminal cases and civil cases (for amounts higher than 600 guilders), as well as smaller civil cases in appeal. The *baljuw* was, in modern terms, the Public Prosecutor as well as the head of "police", and consequently fulfilled a powerful position in the city. This office therefore required an upright personality, even more so because his instruction awarded him a fixed share of fines imposed. The *baljuw* was obliged to lay the possible settlement (composition) of cases before the Aldermen, who decided whether or not the case could be settled. Yet reality often differed from formal rules and procedures. In practice the *baljuw* regularly settled cases without any interference from the Aldermen, whereby suspects were dependent on the arbitrariness of the *baljuw* (Hazewinkel, 1940: 210, 213-214, 247). These issues also played a major role in the corruption scandal concerning Jacob van Zuijlen van Nijeveld. Accusations focused, amongst others, on his abuse of the practice of composition in criminal cases. What had gone wrong with the *baljuw* of Rotterdam? In order to answer this question we need to focus on the troubles which had befallen Van Zuijlen van Nijeveld after the trial of Cornelis Kosterman.

5.2. Conflict

The writer Ericus Walten gave an account of what had happened in Rotterdam concerning the capture, examination and beheading of Cornelis Kosterman. He also wrote about the causes of the ensuing perilous uprising and the plundering of two houses. During the night of 28 to 29 August 1690, Cornelis Kosterman, inhabitant of Rotterdam and wine trader, was on watch near city hall. At around ten o' clock Kosterman and three other members of the civic guard, two cadets and the drummer Hermanus van den Berg, went to the house of wine merchant Leendert Pieterse to buy some wine which was to be paid for by the newly arrived cadets. Yet while returning the group was noticed by the brothers Pieter, Elias and Jan van der Steen, tax farmers of

the wine excise, who were accompanied by two *deurwaarders*⁵⁶ and two “police informers”. The group that was caught smuggling was eventually caught up with and the keg of wine pulled off of the shoulder of the drummer. In the fight that ensued one of the “police informers”, Anthony Kerry, was fatally wounded by a thrust of Cornelis Kosterman's foil. Although he was warned by several citizens and had sufficient time to escape the city, Kosterman was eventually apprehended by Jacob van Zuijlen van Nijeveld, *baljuw* of Rotterdam⁵⁷. After being confronted with several depositions Kosterman finally confessed his crime. The manslaughter led to a conviction by the local court (of Aldermen), after the demand by *baljuw* Van Zuijlen van Nijeveld of death by decapitation, confiscation of all goods as well as payment of legal costs⁵⁸.

On Saturday, September 16 Kosterman was beheaded. The decapitation was clumsy, leading to bitterness among the populace and offering the enemies of Van Zuijlen possibilities to incite further discord. Several seditious talks within the considerable following of Kosterman interpreted the sentence in an unfavorable manner, in order to fuel an uproar and ruin Van Zuijlen van Nijeveld. A multitude of rumors were also spread. For instance, assertions were made that Kosterman's uncle was on bad terms with Van Zuijlen van Nijeveld, who had sworn to take revenge on him or those close to him. Another rumor claimed that it had been too dark during the night of the disastrous event, whereby the tax farmers and their servants were simply not able to give truthful testimony⁵⁹. In vain Kosterman's family attempted to obtain a pardon. As a consequence Jacob van Zuijlen van Nijeveld was very unpopular. In the eyes of many citizens he exploited his power of handing out fines and settling breaches of the law for financial compensation. Secondly, for many tax evasion was not considered a crime, whereby individuals such as Cornelis Kosterman had some sympathy within the population. Finally, many believed that Kosterman was innocent and another person had delivered the fatal thrust. As a result a crowd caused a stir after the execution at the house of one of the tax farmers of the wines which blew over. The next evening the

⁵⁶ The *deurwaarder* was an official in service of a court of justice or the tax authorities/ tax farmers and responsible for serving a writ upon somebody as well as the performing of sales under execution.

⁵⁷ (Knuttel, 1978: microfiche [mf.] 13650, 1691, f. 1-2).

⁵⁸ Sentence Cornelis Kosterman, 9-16-1690, National Archives [NA], Records Provincial Court of Holland [PC], acc. nr. 3.03.01.01, inv. nr. 5984.

⁵⁹ (Knuttel, 1978: mf. 13650, 1691, f. 9, 11-16, 18-19).

situation deteriorated when a crowd gathered in front of the house of tax farmer Pieter Van der Steen and started to plunder it. Several soldiers of the civic guard were on watch at the house but did not intervene. During the plundering some participants apparently proposed to go to the house of *baljuw* Van Zuijlen, yet Van Zuijlen was temporarily spared. The news of the plundering would soon reach The Hague, and the Estates' daily administration decided to send a commission and troops to the city, although only a part of the troops were allowed to enter the city. *Baljuw* Van Zuijlen was commissioned to institute an inquiry into the participants of the riots. Although calm had temporarily returned, on the morning of 5 October a pamphlet was placarded on the bourse, in which Van Zuijlen was called a "hypocritical atheist". Apparently the pamphlet was quite successful in arousing negative sentiments towards the *baljuw*, as many came to read the pamphlet. At 1 o'clock in the afternoon or a bit later Van Zuijlen returned from The Hague. Soon afterwards an angry crowd assembled in front of the house of the *baljuw*. Despite the fact that eventually all soldiers were sent to the house of the *baljuw*, there was an encounter between the soldiers and the crowd. Several participants were killed and some ten soldiers were wounded. Artillery was taken from the city ramparts and the house of the *baljuw* came under fire. Yet during the night the soldiers withdrew and the civic guard did not take any action. Jacob van Zuijlen van Nijeveld fled the city together with his two sons, disguised as soldiers. At 6 o'clock in the morning the rioters took advantage of this situation and started to plunder the property. This lasted the entire next day. The garden of the *baljuw*, situated outside the city, was also plundered. The plundering eventually lasted until 10 o'clock in the evening. The same day the Estates' daily administration again decided to send a commission to Rotterdam as well as six regiments of soldiers. Again the local administration declined to accept the soldiers in the city and they were quartered in the surrounding countryside. A firmer approach was required. On 9 October the Provincial Court decided to send a commission to the city with a double assignment. First, information should be gathered concerning the participants in the two plundering incidents. Secondly, the commission should investigate whether Jacob van Zuijlen had abused his power as *baljuw*. A lengthy affair would follow, but when things looked grim for the *baljuw* Stadtholder William III decided to intervene by appointing his own commission to investigate the case. Ultimately Van Zuijlen was able to return to Rotterdam (Dekker, 1981: 193-196; Fockema Andreae, 1949; Hazewinkel, 1940; Kalff, 1911; Mees Azn., 1869; Unger, 1894; Van der Schoor, 1999).

5.3. Legal consequences

The Provincial Court stated in a resolution, dated 6 October 1690, that it had taken account of the plundering and destruction of the house of Jacob van Zuijlen van Nijevelt, and it also emphasized the numerous complaints that had been presented against the *baljuw*. The court therefore deemed it desirable to notify Zuijlen to appear at the Provincial Court, which wanted to question him “about issues concerning his office and person”⁶⁰. The Provincial Court also decided to send a commission to Rotterdam not only to investigate the (agitators of the) uprising in Rotterdam, but also to further investigate the complaints about possible abuses by the *baljuw*⁶¹. The presence of the Commissioners, however, was not deemed (to be) very desirable by the Rotterdam magistrates. Quickly a conflict ensued between the local administration and the commission about supplying the latter with the relevant documents concerning the Kosterman case, possible documents to be found under the rubble of Van Zuijlen's house as well as the criminal roll. According to the Rotterdam administration the presence of the Commissioners would only lead to further turmoil within the city. Secondly, the city referred to its privileges, thereby making it clear that any outside influence was regarded as unwanted⁶².

In a letter to William III Jacob van Zuijlen van Nijevelt tried to convince the Stadtholder of his side of the story. As *baljuw* he had only done his duty by prosecuting an offence as serious as manslaughter. The trial against Kosterman had been conducted in a fair and lawful manner from the beginning to the end. Yet friends of Kosterman and other persons with private interests had tried to start the rumor among the populace that Kosterman, although convicted, was an innocent man. This rumor was strengthened by the story that it had in fact been the drummer who had committed the manslaughter. Combined with the general dislike of the tax farmers and the fact that the smuggling of some wine was generally considered admissible, dissatisfaction turned against (the house of) tax farmer Van der Steen and later Van Zuijlen, the Aldermen, and other

⁶⁰ Papers regarding Rotterdam, 10-6-1690, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

⁶¹ Papers regarding Rotterdam, 10-8-1690, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

⁶² Papers regarding Rotterdam, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

magistrates. According to the *baljuw*, many delinquents who had been corrected by him or had had to pay fines were envious of his position and more than willing to participate in the revolt. His house came under fire of cannon, filled with powder and grapeshot, for which affluent persons had provided the funding. Secondly, the militia that guarded the house was pulled back leaving Van Zuijlen at the mercy of the agitators, necessitating the fleeing of the *baljuw* and his family from the city. All this was solely the result of contravention of taxation rules and the *baljuw* doing his duty of prosecuting a criminal who had killed one of the tax farmer's assistants. It was therefore a surprise for Van Zuijlen that the Provincial Court issued a resolution to arrest and detain the *baljuw* on the same day he had fled Rotterdam and arrived in The Hague. He stressed that it was contrary to law and practice that an arrest warrant was issued without proper attestation taken against him. Van Zuijlen also agitated against the commission that was sent by the Provincial Court as it did not investigate the sedition in the city, but in general solely concentrated on affairs mentioned by an irritated populace which were disadvantageous for the *baljuw*. Van Zuijlen therefore clearly accused the commission and the court of being prejudiced. Zuijlen had become very worried about the functioning of the Provincial Court. Testimonies that were given by people with ill intentions towards the *baljuw* were not aimed at uncovering the truth but possibly at discharging themselves from their role in the sedition. As Zuijlen's ruin lay in the hands of the Provincial Court he therefore asked William III (as Stadtholder of Holland) to have his trial led by any other "neutral Judge" available⁶³. A reaction to the Stadtholder in an attempt to refute Van Zuijlen's letter would soon follow, arguing for instance that witnesses had been interrogated according to the rules. It would turn out to be ineffective⁶⁴.

On 6 March 1691 the Estates of Holland and West-Friesland issued a resolution requesting and authorizing William III (as Stadtholder of the province of Holland) to gather information concerning the causes of the revolt, the diminution of the respect (*respect*) and authority of the Rotterdam administration and the obedience (*obedientie, hoorsaemheijt*) of the citizens. The Stadtholder was authorized to take appropriate measures to restore the respect for and authority of local administration as well as to restore peace among the population⁶⁵. Rotterdam had balanced on the edge of a civil war and an army had been sent to restore order. The suppression of uprisings was

⁶³ Papers regarding Rotterdam, 3-12-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

⁶⁴ Papers regarding Rotterdam, 3-14-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

⁶⁵ Papers regarding Rotterdam, 3-6-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

a military matter. It was therefore not that strange that William III, as supreme Commander of army and navy, interfered in the conflict. As a result the Stadtholder decided to send his own commission to Rotterdam, represented by the gentlemen Rosenboom, Lier and Van Hogendorp in order to gather information regarding the disturbances of 1690⁶⁶. Questioning was rather critical, for instance, concerning the role of several Burgomasters during the riots and the plundering and destruction of the house of the *baljuw*. Burgomasters Van Zoelen, Schepers and Dane and Van de Velde were asked whether they had offered Van Zuylen possible positions in The Hague, already before the disturbances of October 1690, on the premise that he would give up his office of *baljuw*. Wasn't this offer made as a result of dissatisfaction with the way Van Zuijlen van Nijeveld fulfilled his office? Most of the questions of the commission clearly seemed to be in defense of Van Zuijlen and possibly as compensation for the rather harmful interrogations of the *baljuw* by the commission of the provincial court. For instance, what orders did the Burgomasters take against the plundering? Did the *baljuw* Van Zuijlen van Nijeveld not depict that extreme confusion should be expected, because no soldiers had been requested from The Hague? Didn't the Burgomasters decline this? Didn't 3 companies of horsemen arrive at night, having advanced only 15 minutes from the city? Yet didn't the Burgomasters express that the assistance of horsemen was not necessary, whereby Van Nijeveld went to Van Zoelen to complain? Many similar questions were posed. Burgomaster Van Zoelen, for instance, was also questioned about his offer to the *baljuw*, two to three days before the plundering of his house, to renounce his office in exchange for a position in the Estates' daily administration. And why did Burgomaster Schepers eventually present a decision of the Burgomasters ordering a major to retreat with his men at a time when the *baljuw's* house was being shot at with a cannon by the rioters? Did Van Zuijlen van Nijeveld not vehemently protest against this decision, whereby Burgomaster Schepers assured him that his house and goods would be taken care of, as his own safety was more important at that moment⁶⁷? It seemed that the commission of William III tried to exonerate Van Zuijlen by all means possible and blame his opponents.

⁶⁶ Papers regarding Rotterdam, 10-3-1692, Gemeentearchief Rotterdam [GA], Oud Archief van de Stad Rotterdam [OSA], acc. nr. 1.01, inv. nr. 1151.

⁶⁷ Papers regarding Rotterdam, 3-19-1691, GA, OSA, acc. nr. 1.01, inv. nr. 1151.

Jacob van Zuijlen's wishes were granted concerning his request for another "neutral Judge". On 16 March 1691 the Estates of Holland decided to place the legal proceedings against the deposed *baljuw* under the jurisdiction of the High Court of Holland, Zeeland and West-Friesland (instead of the Provincial Court). Behind the scenes the influence of the Stadtholder therefore seemed to be considerable⁶⁸. As William III foresaw many points of difference and disputes he decided that it would be in the best interest of justice to transfer the trial. The Estates of Holland acquiesced⁶⁹. The dossier of the High Court consisted of a multitude of testimonies. Many of the depositions that were already held by the Commissioners of the Provincial Court, shortly after the uprising against Van Zuijlen van Nijeveld, were eventually inserted into the legal dossier of the High Court. Often the statements were shown to the witnesses by the High Court in order to confirm their earlier depositions. First of all it is interesting to place these testimonies in a broader perspective by focusing on the instructions by which the *baljuw* and *schout* of Rotterdam needed to abide. This document was also inserted into the legal files of the High Court. Article two expected the *baljuw* to carry out his offices in an honest (*eerlijcker*) fashion and abide by the instruction in a punctual (*punctuelijcke*) manner, and article three demanded him to properly respect (*behoorlijk te respecteren*) the Burgomasters, Aldermen and Council men of the city as well as its laws, privileges, customs and usages. According to article 14 the *baljuw* should employ all his diligence (*vlijt*) to apprehend, prosecute and punish all delinquents and criminals within the jurisdiction of the city. The next article demanded that the *baljuw*, his deputies or servants put a person under arrest before the Aldermen at their next meeting or within three working days, in order to be examined by the *baljuw* or the Aldermen. Article 18 made clear that the *baljuw* was only allowed to summon citizens in person after showing his information to the Aldermen and receiving a document of consent. A copy of the notice of summons (and consent) should also be handed over to the person in question. In case the *baljuw* judged that apprehension and imprisonment were necessary he also needed to notify the Burgomasters. Article 27 obliged the *baljuw* to inform the city council every year on the 1st of November and properly account for all circumstances concerning crimes committed and criminal fines imposed, the cases of composition, also regarding adultery. According to article 30 Van Zuijlen was not allowed to interfere in the election of Burgomasters, Aldermen and

⁶⁸ Papers regarding Rotterdam, 3-20-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5984.

⁶⁹ Papers regarding Rotterdam, 3-16-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

councilmen⁷⁰. Ultimately an alteration was made to the instruction. Van Zuijlen was allowed to fulfill the position of Council member next to his office of *baljuw*. Article 30 in which was stated that it was not allowed to interfere in the election of Burgomasters, Aldermen and Council men, was crossed of the instruction⁷¹.

The dossier contained a deposition by Emmanuel van Welsenen, Deputy secretary of the city of Rotterdam, from 2 October 1690, about which he was heard by the High Court. He declared that the “criminal roll” was in private storage of the *baljuw* in a small closed cupboard in the Aldermen's chamber, to which only he had access. Sometimes the roll was taken to Zuijlen's house and eventually returned to the town hall. On the roll all persons were summoned, after consent by the Aldermen, for criminal offences, such as the violation of public order or being found with a prostitute. A possible incarceration could be prevented through composition, i.e. the payment of a considerable sum, whereby the Deputy secretary proclaimed that only few were absolved without payment. Not only was examination of the roll by other persons prevented by the *baljuw*, extracts of condemnations were also not made⁷². On 27 October 1691 Dirck Groothuijsen reaffirmed his testimony before the commission of the Provincial Court of 17 October 1690. He stated that in March of 1680 he had been summoned to the house of *baljuw* Van Zuijlen van Nijeveldt, arriving at seven o'clock in the evening. The *baljuw* accused Groothuijsen of an extramarital affair in 1672, having fathered an illegitimate child. Although Groothuijsen claimed that he was innocent, a woman eventually entered the room and accused him of having fathered a child. The bailliff threatened that he would only let him go after several (financial) promises were made. An agreement was made whereby Groothuijsen would have to pay 500 ducats⁷³ as well as furnish that woman and another woman with 200 guilders, as they had reported Groothuijsen to the *baljuw*. Eventually 125 guilders were paid, but Groothuijsen was also obligated to provide for the child⁷⁴. Robbert Wood was also heard on his earlier testimonies on 12 January 1692. As a citizen of Rotterdam he was

⁷⁰ Papers regarding Rotterdam, 12-30-1676, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁷¹ Papers regarding Rotterdam, 8-29-1685, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁷² Papers regarding Rotterdam, 10-2-1690, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁷³ A *ducaton* or *dukaton* was a silver coin worth 63 *stuivers*. 20 *stuivers* made up a guilder. A *ducaton* was therefore fl. 3,15.

⁷⁴ Papers regarding Rotterdam, 10-27-1691 (10-17-1690), NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

taken away from the stock exchange by the *baljuw* and his aides, imprisoned and accused of having correspondence with James II, former King of England. Although convinced of his innocence Wood would remain incarcerated for ten days without any access to his wife or children and without the possibility to write. Through these harsh procedures Van Zuijlen had apparently attempted to persuade Wood to agree with composition. The prospect of increasing costs as a result of the ongoing incarceration for himself as well as his creditors, led to Wood eventually giving in. He managed to find one of his creditors, a merchant in the city, willing to pay for his release and take over the responsibility on his own name. Wood described his arrest and incarceration and the procedures as disgraceful, improper and tyrannical. Although one of his creditors had been willing to help, other creditors initiated legal proceedings against him, ultimately leading to his ruin. All of his belongings, worth an estimated 2000 guilders, were sold in a scandalous and indecent manner, only yielding 600 guilders of which his creditors merely received half. The other 300 guilders, Wood was informed, went to the payment of the costs resulting from his arrest⁷⁵.

While Wood was at a disadvantage, several magistrates deemed it wise to follow Van Zuijlen blindly in administrative affairs. Dirck Rogiers Ramsden had already testified on 20 October 1690, where he declared that several days after the destruction of the house of the *baljuw*, he read two incriminating documents. One was signed by the deceased Burgomaster Groeninx and the other by the incumbent Alderman and Council member (and namesake) Groeninx in favor of the *baljuw*. Both magistrates solemnly promised to always blindly follow the sentiment of Van Zuijlen in all governmental affairs. Ramsden swore to have read a letter that the *baljuw* had the word and written promise of the Groeninx magistrates, but also that of the magistrates Vedthuijsen and Elsevier. Van Zuijlen had even demanded additional financial assurance from Burgomaster Groeninx in the form of a bond of four thousand guilders at the expense of the King of England⁷⁶. In a copy of this document Ægidius Groeninx stated that it was of his own accord and sincerity (*opregtigheijt*) that he had voluntarily (*willig*) obliged himself to always blindly follow the sentiment of Burgomaster Roosmale and Jacob van Zuijlen van Nijevelt concerning the bestowal of seats in the city council and other offices. In exchange Groeninx was of course promised the nomination for the vacant seat in the city council. If one or both should die, he promised to remain loyal to the other and also “correspond” with those members that were a part

⁷⁵ Papers regarding Rotterdam, 1-16-1692 (10-12/14-1690), NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁷⁶ Papers regarding Rotterdam, 10-20-1690, NA, PC, acc. nr. 3.03.01.01, inv. 5356.

of the faction of both gentlemen. The document also mentioned the four thousand guilders Groeninckx had to put in as additional financial assurance⁷⁷. A similar copy existed in the legal files of Vastardus Groeninckx. It is interesting to compare these allegations with the formal oath new Council men were obliged to take. A new Council man solemnly declared, in order to be elected, nominated or recommended, not to make any promise by himself or others nor to give any gifts or presents to any persons in or outside of government, directly or indirectly⁷⁸.

On 25-27 April 1691 the High Court interrogated Van Zuijlen van Nijvelt on various points. The *baljuw* stated that the criminal roll sometimes rested with himself and sometimes with the Secretary. On the roll all persons were registered who had been summoned, with some exceptions when the Aldermen deemed that this was not necessary. Van Zuijlen also declared that he had never summoned anyone without the explicit consent of the Aldermen. It was the “ordinary Secretary” who wielded his pen on the roll or during his absence one of the Aldermen. It was also not his responsibility to furnish extracts or copies of criminal verdicts. Again, this was in the hands of the Aldermen. For the same reason it was also not in his power to incarcerate anyone in the city for fines imposed. Van Zuijlen stated that the Burgomasters held the oath of purification for the members of the city council. He was aware of the content of the oath, which stated that it was not allowed to give money, or promise to do so. If a Council member discovered such practices it was his duty to report this to the most senior Burgomaster. However, the *baljuw* was not aware of any documents pertaining to the acceptance of empty seats in the city council by the magistrates Vedthuijsen, Elsevier and Ægidius and Vastardus Groeninckx. Only if such documents were shown to him, he would be able to further comment on this. The *baljuw* denied the allegations of Dirck Groothuijsen, but admitted that the latter had been accused of fathering a child with a married woman, whereupon the case was eventually settled by the payment of a fine. He did not have any knowledge of the 125 guilders given to a certain woman. On several other occasions Van Zuijlen tried to refute the allegations or claimed to have no recollection of the events. In other instances he claimed the accusations to be untrue. Van Zuijlen countered that in certain cases he could not have received the alleged amount, because this would have been excessive. The *baljuw* stated that it was not

⁷⁷ Papers regarding Rotterdam, 11-21-1687, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁷⁸ Papers regarding Rotterdam, 12-8-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

possible that he had received 100 ducats for such a simple offence as pulling a knife. He also claimed that 100 ducats for a fight would simply have been excessive and would only have been possible with the explicit consent of the Aldermen. Van Zuijlen van Nijeveldt had never accused anyone of adultery without acquiring proper information nor received any fine without a conviction. Concerning the case against Robbert Wood the *baljuw* acknowledged that Wood had been accused of correspondence with James, the former King of England, and had been incarcerated, but only by order of the Aldermen. After the case had been examined, to his knowledge, no further legal proceedings were taken. Any possible issues concerning the “civil arrest” did not concern him⁷⁹.

The Public Prosecutor indicted Van Zuijlen on a multitude of counts, the first of which was the usurpation of the authority of the Aldermen as well as the violation of the procedures concerning litigation. Secondly, he was indicted on the usurpation of the civil and religious administration in Rotterdam by committing perjury and inciting others. Those that were introduced to the city council by the power and influence of the *baljuw* were not too conscientious (*conscientieus*) and sincere (*oprechtigh*) and were forced to follow him blindly and without contradiction. Van Zuijlen gave preference to his supporters. On several counts the *baljuw* was accused of extortion through secretly settling (composition) cases of adultery and usurping the authority of the Aldermen⁸⁰. The Public Prosecutor eventually demanded in his statement of claim that Van Zuijlen should be removed from his office of Council member of Rotterdam, as he was considered infamous and perjured and ineligible to fulfill any offices in Holland, Zeeland and Friesland in the future. The *baljuw* also should repay what he had enjoyed or received through vexation and extortion fourfold. Finally he should receive a corporal punishment, all his goods should be confiscated and Van Zuijlen should be banned⁸¹.

Van Zuijlen countered in his statement of defense that in his offices he had conducted himself as a devout (*vroom*), loyal (*getrouw*) and honest (*eerlijck*) *baljuw* and magistrate. However, he had the misfortune of encountering some evil-minded people who attempted to discredit him through fictitious slander because he had some influence in government. As a result the inhabitants as well as the gentlemen of the Provincial Court had developed a negative image of his conduct. Despite earlier complaints before

⁷⁹ Papers regarding Rotterdam, 4-25/26/27-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁸⁰ Papers regarding Rotterdam, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁸¹ Papers regarding Rotterdam, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

the Provincial Court he had never been condemned by the Provincial Court or the High Court. The false accusations by his enemies were untrue. He had not sold vacant offices for money and enjoyed thousands each year. He also did not keep brothels with the intention of catching married men with prostitutes. Van Zuijlen also denied having accepted money from beggars so that they would be tolerated in the city. He also had not settled sodomy cases. The *baljuw* had never extorted individuals for large sums of money. He also stressed that he had not used any authority over the Aldermen through which justice was harmed. Van Zuijlen also had not demanded any written documents from aspiring magistrates who wished to occupy vacant seats in the city council, in which they promised to blindly follow the sentiments of the *baljuw*. The *baljuw* stressed that he had never tolerated anyone in Rotterdam who had been formally banished from the city⁸².

Jacob van Zuijlen van Nijeveld also managed to obtain testimonies in his own support. Several Aldermen and former Aldermen certified, at the request of Van Zuylen van Nyevelt, that the latter had never excluded any lawyers or attorneys from the court room by treating them in a hostile fashion. An exclusion only took place in a proper (*Behoorlijke*) way and with full consent (*met kennis*) of the signatories of the document. Among other things they also testified that Van Zuijlen was moderate in reaching an agreement concerning breaches against the statutes (such as pulling a knife), although the statutes had offered him the possibility to come to many more agreements⁸³. In another document Aldermen Jacob Beijer, Hendrick Gevers, Vastardus Groeninckx, Paulus Scheffens, Jacob van Heel and Johan Steenlack also certified (again at the request of Van Zuijlen) that the *baljuw* had acted in accordance with the rules concerning the criminal roll. Nobody had been summoned by the *baljuw* without the explicit consent of the Aldermen who had been thoroughly informed by Van Zuijlen on the backgrounds of each case. Some criminal cases had not been registered in the criminal roll, because the Aldermen had been residing elsewhere or the case had been settled between the *baljuw* and the accused⁸⁴.

On 27 May 1692 the High Court passed its judgment. Unfortunately any insight into the court's reasoning which had resulted in this verdict is lacking. Without

⁸² Papers regarding Rotterdam, 7-25-1691, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5356.

⁸³ Papers regarding Rotterdam, 11-?-1691, NA, PC, acc. nr. 3.03.01.01, inv. 5357.

⁸⁴ Papers regarding Rotterdam, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5357.

any explanation of motives the High Court decided to acquit Jacob van Zuijlen van Nijeveld and compensate all legal costs (*De Hooge Raad ... doende recht, ontseyt den eyscher sijnen eysch en conclusie op en jegens den verweerder gedaen ende genomen ende compenseert de kosten van den processe om redenen*) (Hazewinkel, 1940: 259)⁸⁵.

5.4. A turnabout for local administration

From the legal aspects of the Van Zuijlen van Nijeveld scandal I will now turn to the “codes of the shop floor”, the everyday rules of administration. Some two years before the High Court passed its judgment, the city council decided on 6 October 1690 to not allow Jacob van Zuijlen van Nijeveld to continue as *baljuw* of Rotterdam, because he had not properly requested a continuation according to the requirements set out in the resolution of 3 September 1685 and the instruction. As a result the offices of *baljuw* and *schout* were declared vacant⁸⁶. Was there relief in the local administration that it had gotten rid of Jacob van Zuijlen van Nijeveld? Rudolf Dekker wondered whether the revolt following the Kosterman trial was a spontaneous movement or a conspiracy. In 1690 there was considerable disunity within the Rotterdam patriciate and the *baljuw* had a considerable opponent in Rotterdam in the form of Burgomaster Pieter de Mey. A considerable number of magistrates aimed for the departure of Van Zuijlen and an attempt had already been made by kicking the *baljuw* upstairs by offering him a membership of the Estates' daily administration. Yet after thorough research Dekker concluded that there was insufficient proof for a conspiracy theory (Dekker, 1981: 197, 204). In a letter, dated 10 October 1690, the Burgomasters of Rotterdam tried to convince Stadtholder Wiliam III that they had employed all their energy, affection (*affectie*) and courage (*durf*) as if their own houses were threatened by possible destruction by the rioters. As loyal (*getrouw*) and obedient (*dienstbereijde*) servants they would not refrain from using their diligence (*vlijt*) and carefulness (*sorgvuldig.h*) to restore proper peace (*behoorl stilte*) within the city. The question remains whether their intentions to protect the *baljuw's* house had been sincere⁸⁷. Many opponents of Van Zuijlen van Nijeveld were not driven by noble motives. The accusations against the *baljuw* can be placed in a broader perspective by focusing on the fact that corruption

⁸⁵ Papers regarding Rotterdam, 5-27-1692, NA, Records High Court of Holland, Zeeland and West-Friesland [HC], acc. nr. 3.03.02, inv. nr. 784.

⁸⁶ Papers regarding Rotterdam, 10-6-1690, NA, PC, acc. nr. 3.03.01.01, inv. nr. 5357.

⁸⁷ Papers regarding Rotterdam, 10-10-1690, GA, OSA, acc. nr. 1.01, inv. nr. 1151.

and abuse of power were also not uncommon among the enemies of Van Zuijlen. Johannes Borstius, the printer of Bernard Mandeville's pamphlet "hypocritical atheist", was caught in 1676 stealing money from the orphanage while being one of its regents. His fellow regents denounced his way of life, full of squandering, feasting, binging and gambling. Burgomaster Adriaen Boon even went further by getting his six year old son the office of messenger to Antwerpen. Of course the elder Boon would fill in for his son, yielding him an estimated 1.500 guilders a year (Van der Schoor, 1999: 281).

Although their authenticity was challenged by Van Zuijlen, the two documents of Ægidius and Vastardus Groeninckx show that a correspondence was formed between several Council members, in order to obtain a decisive vote in political matters as well as the allocation of offices (Unger, 1894: 4). It was somewhat surprising that these documents formed a part of the legal files. In a comparable case from Schoonhoven (1676) local administration was successful in arguing that the court had no jurisdiction in the matter as it was a purely "political issue" (Wagenaar, 2008). How the correspondence in Rotterdam was arranged before 1690 remains unclear, just as if Van Zuijlen was able to restore the correspondence after his return. Only after the death of the Stadtholder (in 1702) did the magistrates (in 1704) become less secretive as printed documents were disclosed on the organization of the correspondence (Unger, 1894: 11). It would however soon become clear that it was the Stadtholder who really determined what happened regarding the appointment of magistrates in Rotterdam. After examination of the information taken by Hubert Roosenboom and Diderik van Hoogendorp, William III decided in a letter dated 6 October 1692 that it was time to restore order in Rotterdam, end the disobedience of its citizens and re-establish the respect (*respect*) for and the authority of administration. On the basis of the resolution of the Estates of Holland and West-Friesland of March 6th, William was authorized to take such actions concerning the government and the citizens of Rotterdam as he deemed necessary in the "common interest" of the province and the city in particular. The eventual consequences of the troubles exactly two years before would prove to be disastrous for several members of the city council. Magistrates Herman van Zoelen, Bartholomeus van der Velde, Pieter de Mey, Jacob Muis de Brauw, Adriaan Boon and Samuel Beyer would lose their position in the council, and their seats (as well as the seat of the deceased Vastardus Groeninckx) would be taken over by Johan Steenlak, Marinus Groeninckx, Laurens Backer, Dirk Meesters, Elias de Ruuk, Gregorius van

Teylingen and Johan van der Hoeven. William's letter clearly stated that the discharged Council men should not be regarded as infamous and unsuitable as they would still be admissible to the city council and other city offices whenever William III would deem this consistent with the peace (*rust*) of the city and the interest of the city and province. Yet the role of the majority of the unlucky magistrates in city government would of course be over. The Stadtholder further strengthened his position in the city by appointing Isaac Vethuyse, Johan van Heel, Jan Steenlak and Marinus Groeninx as Burgomasters, next to which Jan van der Linden, Pieter Baldæus, Elias de Ruuk, Guiliam Bidloo, Thomas van Naarsen, Jan van der Hoeven and Laurens Backer were appointed as Aldermen. Finally, Secretary, Pensionary and Captain of the civic guard Bastiaan Schepers was dismissed from his positions⁸⁸. Why were these specific magistrates dismissed? Of five we know the possible causes, Van Zoelen had compared the *baljuw* with a pig, his enemy De Mey with a tyrant in front of the entire council, the two famous documents were brought to Boon, where Pensionary Schepers had read them out aloud. Muys de Brauw had been the successor of Van Zuijlen as *baljuw* (Mees Azn., 1869: 105).

Yet William III was not finished writing on 6 October 1692, not by chance exactly two years after the perilous uprising in Rotterdam. In a second letter written from his residence “Het Loo” the Stadtholder focused on the problems that had befallen the tax farmer Van der Steen and *baljuw* Van Zuijlen van Nijeveld as both their houses had been plundered and Van Zuijlen's house even knocked down. William III expected full compensation for both concerning all damages done and felt that Van Nijeveld should be indemnified for all damages done to his honor (*eer*) as well as his goods⁸⁹. A resolution from the Rotterdam city council would soon follow on 23 and 24 October 1692 concerning the reinstatement of and the compensation for Jacob van Zuijlen van Nijeveld. On the 23rd the town council issued a statement that it had reached an agreement with Van Zuijlen. All differences between the council and Van Zuijlen regarding the non-request of continuation of his position as *baljuw* and *schout* were solved. Van Zuijlen would retain all his rights and continue in both offices on the same instruction as at the time when he was forced to leave the city as a result of the sedition. Concerning the compensation for all damages suffered the Council men considered many things, including the value of his partly destroyed house and garden as well as the

⁸⁸ Papers regarding Rotterdam, 10-6-1692, NA, Family Archives Van Zuijlen van Nijeveld [FAZN], acc. nr. 2.21.179.02, inv. nr. 28.

⁸⁹ Papers regarding Rotterdam, 10-6-1692, NA, FAZN, acc. nr. 2.21.179.02, inv. nr. 28.

contents of the house, such as linens, jewels, gold, silver, porcelain, paintings, his library and all other (household) furniture. Van Zuijlen also received a reimbursement for loss of earnings, missing income from his office as well as missing the use of his house and garden, his excessive travel expenses, legal costs and other inconveniences he had endured. He would also receive a sum of cash money between 1400 and 1500 guilders. All reimbursements would ultimately amount to a total sum of 150.000 guilders supplemented by an additional sum of 2000 guilders for the purchase of horses and a carriage, totaling 152.000 guilders⁹⁰.

Yet Van Zuijlen's revenge would have further consequences. His total domination of the Rotterdam administration would lead to a declaration by the Burgomasters on 10 February 1693 ousting several citizens from Rotterdam for their questionable role in the riots against Van Zuijlen van Nijeveld. Merchant Dirck Rogiers Ramsden, lawyer Johan Elsacker, Doctor Michael de Mandeville and printer and bookseller Johannes Borstius were instructed to leave the city within 72 hours and not to return⁹¹. Ramsden had testified harmfully against the *baljuw* and Elsacker had pleaded for postponement of Kosterman's case. Borstius had presumably sold incriminating pamphlets in his shop. The role of Mandeville will be further elaborated on in the next section (Hazewinkel, 1940: 262). Van Zuijlen's sons would obtain lucrative offices. His son Aarnout was one of the Secretaries, but managed to obtain the office of Dike warden of Schieland. On 5 June 1693 he was also appointed a Council member despite the fact that he was born in Lingen, whereby he formally could not have obtained this office. Seven days later, the 12th of June, 23 year old son Herman was appointed Secretary taking the place of his brother, despite the fact that the instruction required a minimum age of 25 (Mees Azn., 1869: 108).

In a document handed over to the Grand Pensionary of Holland, Heinsius, several magistrates complained about the continuing abuses by Van Zuijlen van Nijeveld after the changes made within city government in October 1692. Van Zuijlen had taken full control of the local administration, thereby excluding many senior (*oude*) magistrates and friends of the Stadtholder, who had always been diligent (*iever*) and loyal (*trouw*) to William III, "country" and church. They were excluded from proper communication (*behoorlijke communicatie*) within administration. More importantly,

⁹⁰ Papers regarding Rotterdam, 10-23/24-1692, NA, FAZN, acc. nr. 2.21.179.02, inv. nr. 28.

⁹¹ Papers regarding Rotterdam, 2-10-1693, NA, FAZN, 2.21.179.02, inv. nr. 28.

after the disasters that happened to Van Zuijlen and his family, more specific the plundering and destruction of their house, the former should have acted with more prudence (*voorsichtiger*). He should have tried to regain the love (*liefde*) and affection (*toegenegenetheijt*) of his fellow magistrates as well as the citizens of Rotterdam. Yet Van Zuijlen's ambitions had only increased as he used the name and goodness (*goetheijt*) of the Stadtholder in an improper manner and for his own good. The author then turned to the excessive compensation Van Zuijlen had received after his reinstatement, emphasizing the dependence of the newly appointed Burgomasters on Van Zuijlen as the former stated that the compensation for the *baljuw* was a sign of his great modesty (*bescheijdenheijt*) and reasonableness (*Raissonabel*). Good magistrates, who would have acted according to their oath and duty, would have attempted to persuade the *baljuw* to accept a more reasonable and convenient compensation⁹². Yet Jacob van Zuijlen van Nijeveld's return was short-lived. He would die in 1695. After the death of Van Zuijlen, Bentinck, the Earl of Portland, replied to the Rotterdam magistrates, on behalf of the Stadtholder, that it was William's wish that the vacant seat in the city council should be taken up by Zuijlen's eldest son. Bentinck furthermore stressed not to abandon the family of the deceased, to the hate of its enemies, but to treat them as if there had never been any conflict with their father⁹³.

5.5. A public scandal

As early as 1685 Jacob van Zuijlen van Nijeveld's ways were under serious scrutiny. In a pamphlet (in rhyme) named "The *baljuw* of Rotterdam in his shirt" written by "Hieronimo Francolino" the *baljuw's* acts were described as dirty tricks. He was compared to the monstrous Emperor Nero and depicted as a violator of women, an oppressor of orphans and widows and a plague and a cancer for the community. Van Zuijlen was a scoundrel with a quick understanding of double-crossing, a deceiver and an instigator of disputes, who was known for his vices⁹⁴. In the pamphlet Van Zuijlen was also accused of suffering from syphilis (Dekker, 1994: 11). The pamphlet's title was explained in another pamphlet. Apparently there were many people who were able to point out his whores and brothels in Rotterdam, The Hague and Schiedam. After coming home sick from one of these establishments his wife deemed it necessary to

⁹² Papers regarding Rotterdam, GA, OSA, acc. nr. 1.01, inv. nr. 1151.

⁹³ Papers regarding Rotterdam, GA, OSA, acc. nr. 1.01, inv. nr. 1151.

⁹⁴ (Knuttel, 1978: mf. 12421A, 1685).

consult a physician. As his visit leaked out and created major upheaval amongst the faithful, Van Zuijlen was eventually “honored” with the title “the *baljuw* in the shirt”⁹⁵.

Some thirty pamphlets have been found from the uprising of October 1690, partly published and partly in writing. Some pamphleteers clearly were educated men as they used Latin mottos. Dekker asserts that they must have been members of the Rotterdam elite. On the other hand there were also more popular “street songs” to be sung according to a commonly known tune. The pamphlet “hypocritical atheist” that ignited the riots of 5 October 1690 is usually attributed to the English author of Dutch descent Bernard Mandeville (1670-1733). Dekker cites several testimonies that point in this direction. Bernard's father, Michael Mandeville owed his office of Alderman of Schieland to the protection of the faction around Burgomaster De Mey. He therefore clearly belonged to the opponents of Jacob van Zuijlen van Nijeveldt. Both father and son probably realized in 1690 that lucrative offices were to be divided. The downfall of the *baljuw* could also result in the ruin of several of his supporters, such as Aldermen, Secretaries and even Council members. Although only one printed copy of “hypocritical atheist” has been preserved, it had a large circulation. Two witnesses pointed to Johannes Borstius, printer, publisher and bookseller, as the printer of the pamphlet, as they had seen him placard it. In the pamphlet Van Zuijlen is described as a “hypocritical atheist” as a reference to his religious views. The *baljuw* was a supporter of the orthodox movement within the Reformed Church. Since 1690 he was even an elder. Yet according to many of his opponents his piety was only a front (Dekker, 1994: 6-11, 15). Apart from being a hypocritical atheist Van Zuijlen was also described as a lover of prostitutes, a tyrannical lover of money, a creature from hell and a disturber of peace. Van Zuijlen was also a violator of the law as he had abused justice⁹⁶.

Another pamphlet from 1690 celebrated the downfall (although things would eventually turn out otherwise) of Jacob van Zuijlen van Nijeveldt, the “Prince” of Rotterdam. The escape of Van Zuijlen, his wife and sons was mocked, as they had to leave all their goods in the hands of the plunderers and leave the city in disguise. The pamphleteer described the *baljuw's* wife as mean. Zuijlen himself was portrayed as being afraid in the face of peril. His arrogance had led to his fall⁹⁷. In another pamphlet

⁹⁵ (Knuttel, 1978: mf. 13528, 1690).

⁹⁶ Papers regarding Rotterdam, NA, FAZN, acc. nr. 2.21.179.02, inv. nr. 28.

⁹⁷ (Knuttel, 1978: mf. 13531, 1690).

documents and evidence were gathered to clarify the life and the actions of Jacob van Zuijlen van Nijeveld. It was published shortly after the uprising in Rotterdam and the ensuing threats against several Aldermen, more specifically against the *baljuw* of Rotterdam. The author, “Jacob van Lingen” therefore wondered what had caused this animosity against Van Zuijlen. A dangerous fire had been smoldering for a long time, the fire was eventually kindled by the apprehension, legal proceedings, execution and death of Cornelis Kosterman. The hate against the *baljuw* had been justified as an honest citizen of good reputation had been killed. The pamphleteer asserted that Cornelis Kosterman's uncle, an Alderman of several years, had accused Jacob van Zuijlen of adultery. As a consequence the latter had sworn to take revenge on him or his family. Secondly, he claimed that Kosterman had only made a confession as a result of his fear for the rack and the executioner. Further attacks focused on Zuijlen van Nijeveld's way of life and conduct, the administration of justice, church and the city. He was, for instance, accused of lewdness. It was common knowledge that Van Zuijlen visited one of his “girlfriends” when he was drunk for three to four hours, to not create any scandal for his family. Next several documents were inserted in the pamphlet to show Van Zuijlen in a bad light. For instance, the *baljuw* was accused of largely keeping the money of the Roman Catholic churches and other fines in his own pockets instead of accounting for it against the poor relief, which would then only receive money when Van Zuijlen deemed this fit. According to the author it was therefore not unexpected that the citizens of Rotterdam had turned against Jacob van Zuijlen van Nijeveld. Van Zuijlen's administration should be reflected upon in an impartial way as he had administered justice for so many years as a “godless rogue” and as an insatiable monster. Instead of adversity and injustice the true interests of the city or province should be promoted and virtue (*deugd*) awarded⁹⁸. These accusations were often cliché as they are always to be found in pamphlets against *baljuws*, who could easily be accused of abuses as a consequence of, for instance, the practice of composition (Dekker, 1994). It seems that the problems with the *baljuw* of Rotterdam were very similar to the Huygens case. Jacob van Zuijlen van Nijeveld had developed himself into the “King of Rotterdam”, something Stadtholder William III had probably hoped for. Yet as a consequence the system of seniority and rotation of office suffered. Discontent in local administration ensued.

⁹⁸ (Knuttel, 1978: mf. 13528, 1690).

The writer Ericus Walten compiled his own account of the events in Rotterdam and referred to earlier published works in which he tried to disprove the rumors and lies and reveal the truth. The author stated that several published documents concerning the Kosterman case, such as the sentence and minutes of the Aldermen, had been falsified and spread throughout the city. This was probably done to influence the sentiment in favor of Kosterman and show Van Zuijlen in a bad light⁹⁹. He further claimed the sentence to be just as it was clear that the convict was guilty. Several seditious talks within the considerable following of Kosterman only attempted to interpret the sentence in an unfavorable manner¹⁰⁰. Walten also attempted to convince his readers that the riots had not been a spontaneous movement and show the true circumstances. Most of the plunderers had only been instruments in the hands of a small group of ringleaders, who tried to convince the mob that Kosterman had been executed although he was innocent. Revenge was therefore necessary to prevent God's plagues over the city and province (Dekker, 1981: 196-197). A reaction to the pamphlet by Ericus Walten would soon follow. It was surprising that there were still people willing to defend the legal proceedings of Jacob van Zuijlen van Nijeveldt against Cornelis Kosterman, without attempting to defend the *baljuw's* own actions as honest (*eerlijck*), lawful (*rechtmatig*) and fair (*billijk*). The pamphleteer especially wondered how Zuijlen's dealings concerning appointments on the city council could be justified, referring to the illegal oaths of purification both Groeninckx magistrates had to take. Through dirty tricks and under the cover of hypocrisy Van Zuylen had only attempted to fill his pockets and increase his authority¹⁰¹. A reaction to the last pamphlet would follow in the form of a "letter of a gentleman from Amsterdam to a gentleman in The Hague concerning several remarks about the copies of two oaths". The two copies of the oaths of Ægidius Groeninckx and Vastardus Groeninckx which were sold in public in the center of Amsterdam, were solely intended to arouse more unruly behavior and convince its readers of the genuineness of the rumors against Jacob van Zuijlen van Nijeveldt. The author did not understand why people with knowledge of these oaths had not applied more diligence in making these documents public in the interest of the Republic and the city of Rotterdam in particular. Instead the oaths had been kept back from the people,

⁹⁹ (Knuttel, 1978: mf. 13650, 1691).

¹⁰⁰ (Knuttel, 1978: mf. 13650, 1691, f. 11, 12).

¹⁰¹ (Knuttel, 1978: mf. 13651, 1691, f. 3, 5).

although the consequences could be serious and even lead to the downfall of the Republic. The documents with the oaths were described as criminal and godless¹⁰². No one should subject himself to the judgment of another concerning the bestowal of offices or the formation of factions within government, even without an oath. The danger would be that offices would be given to unworthy people. The person that made the promise to blindly subject himself would commit to disloyalty and perjury¹⁰³. In order to protect the holy name of the Lord it should have been the duty of the *baljuw* to prevent all abuses related to the oath. As he had not adhered to his duty Van Zuijlen had committed an offence of the highest degree by accepting both oaths and demanding blind subjection of fellow magistrates to his judgment. His behavior was a clear violation of the laws and privileges of the city and province. Both Ægidius and Vastardus Groeninckx had broken their loyalty to the province and more specifically the city. As certain qualities were demanded of a Council member, disloyalty and subjection to another magistrates' judgment were unsound, godless and perjured. No one would subject himself voluntarily (*vrijwillig*) and without necessity to such unbearable conditions, to remain good (*goed*) and loyal (*getrouw*) towards Jacob van Zuijlen van Nijeveldt. Only disloyalty would result from such blind subjection¹⁰⁴.

Several legal documents, already discussed earlier in the section on the legal proceedings, were also published and distributed among interested readers, for example the statement of claim of the Public Prosecutor against Jacob van Zuijlen van Nijeveldt. Many of the accusations against the *baljuw* were therefore deliberately made public¹⁰⁵. Of course Van Zuijlen also attempted to garner support by publishing his own statement of defense¹⁰⁶. It was not uncommon in the early modern era to publish legal documents as this occurred in other (corruption) cases as well. This topic is discussed extensively by Le Bailly who traces the printed sentences of the courts of justice in the Dutch Republic, both on the “national”, provincial and local level, analyzing the external and internal characteristic features. Le Bailly concludes that printed sentences were a popular genre in the seventeenth-century, emphasizing the close connection between the subject of the printed sentence and the political context. Government institutions used the pamphlets to convey a message to the public, although not all sentences were

¹⁰² (Knuttel, 1978: mf. 13652, 1691, f. 3, 4).

¹⁰³ (Knuttel, 1978: mf. 13652, 1691, f. 7).

¹⁰⁴ (Knuttel, 1978: mf. 13652, 1691, f. 13, 14, 15, 17).

¹⁰⁵ (Knuttel, 1978: mf. 13653, 1691; Knuttel, 1978: mf. 13654, 1691).

¹⁰⁶ (Knuttel, 1978: mf. 13655, 1691).

printed. Similarly, in the Van Zuijlen scandal the two opposing parties printed legal documents to further their cause in a volatile political arena (Le Bailly, 2010: 389-407).

The death of Jacob van Zuijlen van Nijeveldt would lead to new pamphlets denouncing the *baljuw's* cruelty. His passing away brought about many frustrations concerning actions taken after his reinstatement, especially his unprecedented cruelty against the legitimate government. Many distinguished regents were ousted from government and replaced by “common citizens”. Other citizens were even expelled from Rotterdam. Of course the excessive compensation Zuijlen received was also mentioned. To substantiate the story the two letters of William III and the resolution of the city council (wherein several citizens were expelled and a considerable compensation was awarded) were also inserted. Three alternative epitaphs tried to “summarize” Zuijlen's administrative career and his personal life. The deceased was again described as an arch enemy of virtue, and a destroyer of the law. Zuijlen was also depicted as disgraceful, avaricious and arrogant. The *baljuw* made money his idol and considered everything ungodly as a virtue¹⁰⁷. In many pamphlets the vices of Van Zuijlen van Nijeveldt were emphasized. His “public” sins, such as his corruption, are closely connected to his private sins, such as his presumed sexual escapades. Many of the satirical poems are therefore a reflection of the close relationship between personal and public virtues (Dekker, 1994: 12-13). During the early modern era the public and the private sphere were closely intertwined as there was no clear distinction between the two. This intermingling is also of importance with regard to the relevant administrative values. The portrayal of the *baljuw* in pamphlets tells us something about the ethics which were relevant in those days. The quality of an administrator was dependent upon his personal virtues, i.e. the cardinal virtues of prudence (*prudentia*), justice (*iustitia*), restraint or temperance (*temperantia*) and courage or fortitude (*fortitudo*).

5.6. Conclusion

Similar to the scandals concerning Hessel van Dinther and Huygens, Jacob van Zuijlen van Nijeveldt's actions resulted in accusations of abuse and corruption, leading to a

¹⁰⁷ (Knuttel, 1978: mf. 14189, 1695; other examples of similar epitaphs are Knuttel, 1978: mf. 14190, 1695; Knuttel, 1978: mf. 14191, 1695; Knuttel, 1978: mf. 14192, 1695; Knuttel, 1978: mf. 14193, 1695; Knuttel, 1978: mf. 14194, 1695).

disruption of harmony in local administration. This disruption was mainly due to Van Zuijlen van Nijeveld behaving like the “King of Rotterdam”, by not adhering to established practices and traditions, for instance with regard to seniority and rotation of office. Despite the fact that within patrimonialism the *baljuw's* discretionary freedom was considerable to do as he pleased in Rotterdam, his personal discretion did matter as common sense was not entirely out of the picture. In a legally unstable society (such as the Dutch Republic) the most effective protection against abuse of office was a compliance to norms, not so much an adherence to rational and abstract legal norms as to established traditions. As a consequence it was of the utmost importance for Jacob van Zuijlen van Nijeveld to “play by the rules”.

This is where things went wrong for Van Zuijlen van Nijeveld in the local administration. Stadtholder William III had probably hoped that the *baljuw*, as his representative in Rotterdam, would expand his sphere of influence in the city and look after his interests. However, the *baljuw* overplayed his hand and did not abide by the “codes of the shop floor”. His personal ability to maintain an unstable nominal power mattered. Yet as a result of Van Zuijlen treating his powers as his personal property, the system of seniority and rotation of office suffered. Van Zuijlen was accused of usurpation of civil and religious administration by committing perjury. Complaints arose about Council men who were not too conscientious or sincere as they were forced to blindly follow the *baljuw's* sentiment, even if they stated they had voluntarily obliged themselves to do so. The risk was that offices were given to unworthy people who would commit to disloyalty and perjury through blind obedience. The *baljuw* was accused of extortion through secretly settling cases of adultery by way of composition. Dissatisfaction within local administration ensued as harmony and stability had been seriously disrupted. Administrative values such as the peace of the city, the respect and authority of administration as well as the obedience of the populace were emphasized. Van Zuijlen van Nijeveld abused his judicial authority, especially concerning the practice of composition of criminal offences, at which he showed no restraint. And the *baljuw's* restraint mattered, in his own interest. After all, his economic interests could be damaged by his disregard for the traditional distribution of duties and rights. The “Kosterman uprising” of 1690 forced Van Zuijlen to flee the city, and he was deposed from his office of *baljuw* of Rotterdam. A costly affair for Van Zuijlen van Nijeveld, who had to miss the income from his offices in Rotterdam, had to endure the destruction of his house and goods, and even faced legal consequences. As a representative of the Stadtholder in Rotterdam Jacob van Zuijlen van Nijeveld found himself in a precarious

position as possible conflict lied in wait. As office holder he should not only disregard traditional (local) customs (what had happened), but he should also remain on good terms with the Stadtholder as disobedience was frowned upon and personal submission and unconditional loyalty demanded. However, his maladministration did not lead to a loss of support by William III, who selected his office holders on the basis of personal trust and social prestige and not so much on “technical qualifications”.

Only after Van Zuijlen had not adhered to the codes of the shop floor whereby harmony in local administration had been disrupted, legal standards came into play. The Stadtholder probably interfered in the legal proceedings after a request by Van Zuijlen van Nijeveld for a “neutral Judge” as the *baljuw* had lost all confidence in the Provincial Court of Holland, Zeeland and West-Friesland. By transferring the case William III wished to prevent (future) differences and disputes. Harmony was all that mattered. Although it was highly irregular for the High Court of Holland, Zeeland and West-Friesland to administer justice in the first instance to a *baljuw* who had been accused of abuse of power (the Provincial Court had competence in such cases), this deviation does show how a lack of clearly defined boundaries is characteristic for the early modern period. Ultimately, Van Zuijlen van Nijeveld was able to return after his acquittal by the High Court. As one's social prestige was of the utmost importance the Stadtholder emphasized that the *baljuw* should be indemnified for all damages done to his honor as well as his goods. Complaints resurfaced after Van Zuijlen van Nijeveld's return as many senior magistrates had been excluded although they had always been diligent and loyal to the Stadtholder. The unfortunate ones were also excluded from proper communication within the local administration. The excessive compensation the *baljuw* received was also frowned upon, although the Burgomasters stated that the compensation was a sign of the *baljuw's* modesty and reasonableness.

Similar to the Huygens scandal the pamphlets were ambiguous as much of what was being said emanated from the political strife in Rotterdam. The absence of a clear private-public distinction clearly emerged from the flood of pamphlets which were a reaction to the uprising in Rotterdam. Satirical poems showed the close relationship between personal and public virtues as the *baljuw's* abuse of power was closely related to his private sins. His personal virtues as an administrator were closely connected to the aforementioned cardinal virtues. Although Van Zuijlen van Nijeveld attempted to portray himself as devout, loyal and honest in his statement of defense, the pamphlets

described him in an entirely different manner. He was a violator of women, a lover of prostitutes, an instigator of disputes who was known for his vice, and a hypocritical atheist.

6 GERARD BURCHARD VAN RECHTEREN, GOVERNOR OF DOORNIK: A STRUGGLE FOR REHABILITATION (1719-1724)

6.1. Introduction

The death of Stadtholder William III in 1702 resulted in a restoration of the “True Freedom”, the republican form of government with its rule by regents. In the province of Holland, the transition within government was reasonably unproblematic, contrary to four other provinces which had decided to abolish the stadtholderate in 1702. Especially in the province of Gelderland conflicts (the so-called *plooierijen*) surfaced between supporters and opponents of the restoration of the state of affairs which was in force before 1672. In the Dutch Republic the Second Stadtholderless Era would last up to 1747 (Israel, 2001: 1061-1062, 1064). Between 1659 and 1701 the Southern Netherlands had been subjected to the strategic and economic paternalism of the United Provinces. The Spanish crown openly acknowledged its impotence to defend the Southern Netherlands against France without Dutch help. During the War of the Spanish Succession (1702-1713) the Dutch Republic participated as a European superpower. In May 1702 the Republic, in alliance with Great Britain, Austria and Prussia, declared war upon France and its ally, Bourbon Spain. Charles II, the last Habsburg King of Spain, had died in 1700 and left the throne of Spain and the Spanish Empire in Europe and North and South America to the grandson of Louis XIV, who became Philip V of Spain. Philip was supported by France in consolidating his power in Spain and the Spanish Empire. In 1701 French troops entered the Southern Netherlands whereby the Dutch were forced to withdraw their forces from the barrier cities. There was no longer a buffer between France and the Dutch Republic. Through war the Dutch regents and elite merchants intended to depose Philip V from the Spanish throne, restore the favourable conditions for Dutch trade in Spanish America which had been in force before 1700, reintroduce the limitations on shipping on the Scheldt, attain strategic safety, contain France's power and force Louis XIV to moderate the French trade tariffs. Amsterdam merchants were convinced that the Dutch trade system of the last decades could only survive if these goals were attained. The Estates of Holland did not only attempt to turn the Southern Netherlands into a “conquered country” for economic gain,

they also attempted to curtail a future Habsburg political rule by introducing a new, more extensive barrier, which would create a combined Dutch-Habsburg influence. In the first Barrier Treaty of October 1709 between the Dutch Republic and Great Britain the Dutch guaranteed the protestant succession to the throne of Great Britain in exchange for the British guarantee of a Dutch barrier in the south comprising a considerable number of cities and forts. A second Barrier Treaty between the Dutch and British of January 1713 reduced the strong places designed for the barrier. For a couple of years (until 1710) Louis XIV had attempted to break open the coalition by offering a separate lucrative peace to the Dutch Republic. After these attempts failed Louis turned to Great Britain. During the formal negotiations between the powers at the peace conference of Utrecht in 1712 it came to light that France and Great Britain had concluded a secret agreement. The agreement led to bitter disappointment in the Republic and Austria, which attempted to continue the war against France. Nevertheless, the Republic was eventually forced to accept the Peace of Utrecht (1713) as elaborated by Great Britain and France. At the end of the war Philip V retained the throne of Spain. The Southern Netherlands were assigned to the Holy Roman Emperor, Charles VI (1685-1740), although with restrictions to satisfy the Dutch and British. From then on the southern provinces were known as the “Austrian Netherlands”. As a consequence of the Austrian-Dutch Treaty of Antwerp (also known as the Third Barrier Treaty) of November 1715 the Emperor accepted the obligations Spain had entered into at the Treaty of Munster (1648), including the closing off of the Scheldt for shipping and the tariff list of 1680. The agreement would form the basis for continued Dutch dominance in trade for decades to come. Another vital issue that was settled was the restoration of the zone of barrier cities with Dutch troops. At the Treaty of Antwerp the Emperor and the Republic agreed to a mutual responsibility for the defense of the Austrian Netherlands. The Dutch eventually did not get as many barrier cities as they had hoped for. The barrier of 1715 stretched from Veurne (Furnes) in the east, via Fort Knokke, Ieper (Ypres), Waasten (Warneton), Menen (Menin) and Doornik (Tournai) to Namen (Namur). In these cities the Estates General had the right to appoint the military Commanders, but they were not allowed to establish the public exercise of the Dutch Reformed faith. The Republic was allocated a financial contribution of 1.250.000 guilders for the maintenance of the barrier cities, to be raised by the Austrian Netherlands. The first Governor of the Austrian Netherlands was Prince Eugene of Savoye (1716-1725). As he was absent most of the time, affairs were looked after by Eugene's substitute and Minister plenipotentiary, the authoritarian Hercule-Louis

Turinetti, Marquis of Prié. However, the Barrier Treaty was unpopular as people were of the opinion that the Emperor had set aside the interests of the Southern Netherlands for his own political and dynastic goals. The conditions concerning the Scheldt and the tariffs as well as the financial contribution to the Dutch Republic led to considerable dissatisfaction. In addition the region quickly had enough of the Dutch and Austrian garrisons. Finally, the Marquis of Prié made considerable fiscal demands, according to the instructions from Vienna (Israel, 2001: 1070-1083; Van Nimwegen, 2002a: 147-175; 2002b: 11-36).

6.2. Increasing tensions

6.2.1. *Resolutions of the Estates General*

Gerard (or Gerrit) Burchard Baron van Rechteren (1663-1738) would eventually become a Governor of one of the barrier cities, Doornik. He was *Heer* of Noorddeurningen and became a member of the political representation of the nobility of Overijssel in 1711. He was a Lieutenant general of the cavalry, as well as Governor of Doornik (1719) and Breda (1724-1734)¹⁰⁸. Yet his short stint as Governor of Doornik would eventually lead to considerable upheaval. A case history is necessary to explain what went wrong. On 2 August 1710 the Estates General issued a resolution concerning the pay and extra earnings of Commanders and officers of the barrier cities. The Commander of Doornik would receive ten thousand guilders a year as well as free housing. The Majors as well as two “Undermajors” would enjoy 2500 guilders a year. The Commander of the citadel of Doornik would receive 2500 guilders, whereas the Majors as well as one “Undermajor” would receive 1200 guilders. The resolution clearly stated that this pay excluded all other possible ways of income Commanders, officers and their servants would have a claim to, based on what previous Commanders, *Lieutenants du roij* or officers of the military staff of the city and citadel had enjoyed or what had until then been in practice. Commanders, Majors or their servants were not allowed to profit at the expense of the cities, nor the surrounding villages, places or countryside, whether in the form of money or any other name or pretext, especially not under the name of pay, recognitions, correspondence, new years, dinner service,

¹⁰⁸ GBR, HCO, HA, acc. nr. 214.1, pp. xlv t/m xlvi.

furniture, wine or wine-money, oats, hay or other profits or emoluments. Violation of these rules could result in a removal from office as well as prosecution. As the state took responsibility for military pay, all sums previously paid by the city of Doornik to the Governor and other officers and servants of the military staff should henceforth be handed over to the state¹⁰⁹. The Estates General had assigned higher pay to the Governors, Commanders and Majors of the barrier cities as compared with the cities within the Republic in order to prevent them from receiving anything next to their pay at the expense of the cities or the surrounding countryside. An important reason was the fact that the barrier cities belonged to a different sovereign whereas the Estates General only possessed the mere right of occupation. In the cities within the Republic's borders these restrictions were not in force. Here Governors, Commanders and Majors *were* allowed to accept gifts next to their pay¹¹⁰.

6.2.2. *Appointment as Governor of Doornik*

On 7 January 1719 Gerard Burchard Baron van Rechteren took his oath as Governor of Doornik in the Estates General's assembly. Although a formal document of the Estates General, it spoke of the appointment of a competent (*bequaem*) and qualified (*gequalificeert*) person as Commander and Governor of Doornik. The new Governor was expected to diligently and rigorously (*neerstelyk en scherpelyck*) uphold the placards, regulations and ordinances, and was obliged to inform the Estates General and the Council of State of all defects and abuses he would not be able to remedy through his authority. Van Rechteren was not allowed to meddle in local government, religion or justice or other matters which did not have any direct relationship with the command and defense of the city and castle of Doornik as well as the conservation of the garrison, but which were reserved for the Emperor as sovereign, the Estates or city administration. Van Rechteren should also, when requested, vigorously (*vygerlyck*) assist in the execution of orders of *magistraat* and Estates. Further, the Governor should be content with his military pay without accepting gifts or presents through servants or others, even if former Governors or officers of the garrison had enjoyed such gifts under past administrations or if such practices were still in use there or elsewhere. The Governor was also (through servants or others) not allowed to enjoy benefits at the expense of the surrounding villages or places, belonging to the aforementioned city or

¹⁰⁹ GBR, 8-2-1710, National Archives [NA], Records Estates General [EG], acc. nr. 1.01.03, inv.nr. 3371; also GBR, 5-17-1714, NA, EG, acc. nr. 1.01.03, inv. nr. 3382.

¹¹⁰ (Knuttel, 1978: mf. 16475, 1720).

province, regardless of the name or pretext under which they were made, in conformity with the resolution of the Estates General of 2 August 1710. Baron van Rechteren should acquit himself of his position in a good (*wel*) and faithful (*getrouwelyck*) manner on the basis of an appropriate oath of loyalty (*getrouwigheid*) and obedience (*gehoorsaamheid*). A copy of the resolution was handed to the newly appointed Governor. Gerard Burchard van Rechteren should therefore have had knowledge of the legal standards concerning what was and was not acceptable as Governor of Doornik¹¹¹.

6.2.3. *Complaints*

Yet something had gone wrong in Doornik. In a letter of 20 May 1719 the Provost marshal and Jurors of Doornik complained to the Council of State about the disorder and violence, the frequent excesses and abuses committed by the soldiers of the garrison of Doornik, which were detrimental for the levying of taxes on brandy and tobacco. These taxes were one of the main sources of income for the city of Doornik, which therefore found it considerably difficult to pay its commitments to the sovereign. During the night bands of soldiers with fire arms and sabers wandered about, attacking the tax farmers and their servants outside of the city while the latter were trying to do their work. As a consequence they were forced to defend themselves. Conflict seemed unavoidable. During the night of 17 to 18 May 1719 several servants, while attempting to prevent smuggling, were attacked outside of the city by a group of seven or eight armed soldiers who violated their restrictions to go out. The servants defended themselves whereby several soldiers were injured. One of the injured eventually died, although the Provost marshal and Jurors stated that the tax farmer's servants were not to blame as they had only defended themselves while doing their work. The Provost marshal and the Jurors also included several documents to substantiate how the soldiers were continually disrupting the tax farmer's duties. Provost and Jurors feared the incident would be the initial step towards further conflict and therefore requested the Council of State to take swift and effective action. Stability and harmony in the city of Doornik had been seriously disrupted¹¹². In two letters the Provost marshal and the Jurors also complained to the Emperor and requested harsher punishment for the

¹¹¹ GBR, 1-6/7-17919, HCO, HA, acc. nr. 214.1, inv. nr. 490.

¹¹² GBR, 5-20-1719, NA, Council of State [CoS], acc. nr., 1.01.19, inv. nr. 740.

smugglers, a request which was granted. Not only were the city taxes one of the most important means of income, they also served to pay Doornik's subsidies to the Emperor¹¹³. The Council of State addressed the city administration of Doornik to take the necessary steps against the excess of the tax farmers and their servants. It hoped that proper justice would be administered. Action should also be taken against the soldiers who (against all orders) spent their nights outside the city walls¹¹⁴. The Governor General-major Van Rechteren informed the Council of State in September 1719 that the tax farmers had been acquitted by the city administration. Unanimously the Governor and his high-ranking officers were of the opinion that the verdict did not meet the Council of State's intention. The Governor had therefore acted according to his duty by provisionally arresting the tax farmers' servants. He requested the Council of State to authorize several impartial people to examine the legal files and how the local administration had been able to pronounce the aforementioned sentence. The Governor found himself in a precarious position. On the one hand he wished to lessen the agitation amongst his soldiers, but on the other hand he also needed to be on good terms with his superior, the Council of State. He hoped the Council of State would take over the legal case or at least appoint Justices whom the Council would deem appropriate, as had been the practice when the city of Doornik had been under French domination. At the same time the city administration complained about the apprehension of the servants and requested their immediate release¹¹⁵. The Council of State quickly came to the conclusion that the Provost marshal and jurymen were the competent Justices for judging the tax farmers' servants. The Council of State was therefore surprised that the Governor had used his authority to apprehend the servants although the latter had been absolved by competent Justices. The Governor should therefore compensate the servants and take proper care to maintain the city's taxes as well as prevent all disorder the city was burdened by lately. It should also be investigated whether appeal or revision of the criminal sentences of the Provost marshal and his jurymen were possible or not¹¹⁶. Yet Governor Van Rechteren refused to release the detainees and hoped the Council of State would not hold this decision against him. He sincerely declared that if he slipped up this was not out of malevolence but solely out of ignorance¹¹⁷. Van

¹¹³ (Knüttel, 1978: mf. 16574, 1722).

¹¹⁴ GBR, 5-26-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 199.

¹¹⁵ GBR, 9-22-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

¹¹⁶ GBR, 9-25-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

¹¹⁷ GBR, 10-3-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

Rechteren wished to wait for the judgment of the Estates General concerning the matter. Jurisdiction in the matter seemed to become blurred¹¹⁸. The Council of State described the Governor's behavior as strange and unexpected as it should be his duty to obey the Council's resolution to release the detainees. In case of further disobedience, Gerard Burchard van Rechteren could be charged in any way the Council saw fit. The Council of State was also unhappy with Van Rechteren appealing to the Estates General to further his cause. After all, jurisdiction in this matter was solely reserved to the Council of State, whereas the Estates General had (until then) not received any information concerning the issue, which was not part of the Estates General responsibilities. Van Rechteren and his adherents had even dared to address the provincial Estates. The Council of State therefore wished to emphasize that all communication in the matter should be directed to the Council¹¹⁹.

6.2.4. *An investigation*

Government attorney Simon Schaap reported in December 1719 to the Council of State on his commission to take information in Doornik, in compliance with the resolutions of the Council of 31 October 1719 and 7 November 1719. The tax farmers of the excises on tobacco, brandy and gin had given considerable gifts of money to the Governor and the high ranking officers to guarantee the successful levying of taxes. Yet when the tax farmers realized that their gifts did not have the desired effect, and tax evasion and smuggling even increased, they ceased giving the gifts. The relationship between the Governor and the tax farmers was based on reciprocity, and the gifts had not resulted in the desired assistance in the levying of taxes. As a result the relationship between the garrison and the tax farmers had quickly deteriorated. Since then the soldiers of the garrison of Doornik as well as the citadel had been allowed to go out of the city in great numbers, returning in the evening in groups of ten, twenty or thirty with their swords, sabres and sticks, which did not occur before. The ensuing disorder had prevented the tax farmers from doing their work, which eventually resulted in a serious incident in which a soldier had been killed. The tax farmer's servants were tried, but eventually acquitted by the local court on 13 September 1719. However, Governor Van Rechteren

¹¹⁸ GBR, 10-4-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

¹¹⁹ GBR, 10-6-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

was not willing to resign himself to this unfavourable outcome. On 17 September 1719 ten tax farmer's servants returned to the city of Doornik where they were arrested at the instigation of Governor Van Rechteren. One of the servants was given strokes with a stick by Captain lieutenant De Vassy, who was of the opinion that the arrest was going at a slow pace. The servants were imprisoned for 21 days under miserable circumstances, their quarters were dark and underground, and it was humid and stinky. Although the detainees received only water and bread, wives and relatives were not allowed to bring beer, broth or other necessities as the servants were treated as only the most hardened criminals were. During their imprisonment Governor Van Rechteren commissioned two Adjutants, the Judge advocate Laqueman and Colonel Van Vrybergen to interrogate the detainees in a menacing way, even threatening them with the hangman in order to obtain information on who had shot the soldier. The two Adjutants eventually had to inform the Governor that no confession had been obtained from the tax farmer's servants. Government attorney Schaap even added documents to his report that showed how Governor Van Rechteren did not wish the farmer's servants to examine the soldiers outside the city. In case of a suspicion of smuggling brandy, tobacco or gin the servants should escort the suspected soldiers to the nearest sentry post where they could perform their examination. Carrying out their work therefore became an impossible task. A multitude of other incidents between the tax farmers and the soldiers were reported by Simon Schaap¹²⁰.

6.3. Legal consequences

6.3.1. *Charges*

After examination of Simon Schaap's report the Council of State pressed charges against the Governor of Doornik, Gerard Burchard van Rechteren, Colonel Van Vrybergen, Judge advocate Nicolaas Laqueman and Captain Vassy. Colonel Doijs was summoned to give testimony of all matters in the information taken that directly concerned his person¹²¹.

Governor Van Rechteren requested to be excused of coming over to The Hague on 25 January 1720 to hear the demand of Simon Schaap. First of all, he had no idea why he was required to come over. Government attorney Schaap had taken his

¹²⁰ GBR, 12-7-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 743.

¹²¹ GBR, 12-16-1719/ 12-28-1719, NA, CoS, acc. nr. 1.01.19, inv. nr. 200.

information from people responsible for public affairs who were not able to account for their actions and therefore tried to put the blame with the officers and the militia. Perhaps the Council of State could send over the documents containing the accusations? Van Rechteren was confident not a single article would be found containing the truth. All his actions had been in accordance with his oath, otherwise he was willing to give up his position as Governor of Doornik. The Governor did not know anyone within the military staff who had done anything violating oath or duty, as long as he had resided in Doornik. The city administration only filed these complaints out of self-interest. Yet the Governor was forced to comply with the Council of State's resolution and appear in person in The Hague, although a delay of several days was eventually granted to him¹²².

6.3.2. *Interrogations*

Gerard Burchard van Rechteren was interrogated by Justices of the Council of State. The Governor had not been very cooperative towards the tax farmers and their servants in their attempts to curtail the smuggling in and around Doornik. Did the defendant not give orders that no one was allowed to access the city walls after the shutting of the city gates without his special permission, whereby the tax farmers and servants were prevented from accessing the walls without Van Rechteren's permission? The Governor responded. When tax farmers' servants reported themselves to the watch with a request to access the city walls, access should be granted as long as the servants were accompanied by one or two men from the watch. It could be possible that the servants had been denied access to the warehouses or such places. The interrogations eventually turned to the acceptance of gifts and presents next to the Governor's pay. Van Rechteren acknowledged that it was not allowed to receive anything, no matter under what name or pretext, next to his pay. The Governor was asked if he had received a sum of money from two tax farmers for the excises on tobacco and brandy, and how much? He responded that after becoming Governor of Doornik two persons welcomed him and wished to recommend themselves. The men turned out to be tax farmers who offered the defendant a gift of 100 *ducatoons*¹²³. The tax farmers stated that they had also given the gift to Van Rechteren's predecessor, General Murray. The new Governor first

¹²² GBR, 1-11-1720/ 1-22-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 201.

¹²³ A *ducaton* or *dukaton* was a silver coin worth 63 *stuivers*. 20 *stuivers* made up a guilder. A *ducaton* was therefore fl. 3,15.

refused the gifts but stated he would educate himself on the matter. After finding out his predecessor had indeed accepted the gift he had taken the sum of money. Van Rechteren also acknowledged having received a gift from the city administration in the form of two bonds or ordinances worth 3800 guilders. The city administration had also given the gift to Van Rechteren's predecessors, Governors Albemarle and Murray. For what purpose did the defendant receive the sums: giving support to the tax farmers during the collection of taxes? The governor stated they were simply welcoming gifts¹²⁴.

On 23 January 1720 Colonel Doijs was interrogated by the Council of State. Although it was strictly forbidden for Governors, Commanders and Majors of the barrier cities to receive gifts or recognitions, Colonel Doijs had not adhered to the Council of State's resolutions. He acknowledged a merchant interested in taking on the lease of the city taxes had approached him at the end of 1716 or the beginning of 1717 and offered the military staff a gift of four to five thousand guilders, as had been the practice (*als na gewoonte*). Doijs did not take the gift but replied he could not accept the gift without the knowledge of his superiors. Commander Lieutenant general Murray had answered that there was no hindrance for Doijs to accept as long as it was given on a voluntary (*vrijwillig*) basis and no one was extorted. Doijs had eventually received more than two thousand guilders without being able to name the exact amount, half of which was for the Governor and a quarter for him and the "Undermajors". Doijs had understood that he was not allowed to receive anything from the city administration or the surrounding countryside, but he deemed it acceptable to receive something with knowledge (*met kennis*) of his Governor which was offered by private people on a voluntary (*vrijwillig en ongevraagd*) basis¹²⁵.

6.3.3. Sentencing

In March 1720 the Council of State sentenced Gerard Burchard van Rechteren, Adriaan van Vrybergen, Nicolaas Laqueman and Evert Jan de Vassy. Governor Van Rechteren had exorbitantly abused his military power. He was suspended from his office as Governor of the city and citadel of Doornik as well as the accompanying pay for the period of a year. Van Rechteren should also repay a twofold of both sums he had received of one hundred silver *ducats* and three thousand eight hundred guilders for the benefit of the state. He was further sentenced to repay all legal costs made.

¹²⁴ GBR, NA, EG, acc. nr. 1.01.06, inv. nr. 12548.502.

¹²⁵ GBR, 1-23-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 1872.

In 1714 or 1715 Colonel Van Vrybergen, Commander of the citadel of Doornik, had accepted a gift of burgundy next to his pay, which entailed a violation of the Estates General's resolutions of 1710. The Colonel had abused his military power and willfully neglected his duty. Further he had intentionally distorted and taunted the orders of the Council of State. As a consequence Colonel Van Vrybergen was suspended from his office as Commander of the citadel of Doornik and the accompanying pay for a period of two years. He also had to make amends worth three hundred guilders for the benefit of the state and pay all legal fees.

Judge advocate Laqueman received a harsh punishment as he had neglected his duty. After fulfilling his office for ten years the Council of State deported him from his office of Judge advocate.

De Vassy's punishment was relatively mild. As a Captain lieutenant in the regiment of Colonel Van Vrybergen he had confessed before the Council of State that he had commanded the main guard in September 1719 in Doornik. When ten servants of the tax farmers of the excises on tobacco and brandy were brought before him, he was given the order to bring the apprehended to the Provost marshal, but had given one of the servants two strokes of the cane. Secondly, De Vassy confessed to leaving Doornik without written permission, solely countering that he had been given verbal permission by the Governor and his Colonel. The Captain lieutenant was sentenced on 30 March 1720 to a detention of six weeks in the citadel of Doornik, the loss of his military pay for a period of three months on behalf of the poor of Doornik as well as payment of all legal fees¹²⁶.

Colonel Doijs erred on the side of caution and requested the Council of State to be received in submission. He was accused of receiving gifts on two occasions from the tax farmers for the prevention of smuggling and tax evasion. The petitioner stated he had always tried to precisely conform to the Estates General's and Council of State's commands. He understood that his commission entailed a ban on receiving anything at the expense of the cities, villages or other places, but was also of the opinion the ban did not include voluntary gifts (*vrijwillige offertes*) given by the tax farmers or other private persons (*particuliere mensen*). However, Doijs had considered the matter and was afraid he had possibly done something against the Council of State's intention. The

¹²⁶ (GBR, 3-22/ 28/ 29/ 30-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 2534; Knuttel, 1978: microfiche [mf.] 16472, 1720).

request to be received in submission was granted. On the basis of his confession Doijs was sentenced to a two month suspension with confiscation of his pay as well payment of six hundred guilders, double the sum he received (as his share) from the approximately two thousand three hundred guilders given by the tax farmers to the military staff at the end of 1716 or the beginning of 1717. Of this sum he had given half to the Governor, a quarter to the Commander, and kept the remainder for himself and the “Undermajors”¹²⁷. However, the convictions were only the initial steps towards an all out public scandal. Governor Van Rechteren's family ties would play an important role.

6.4. A public scandal

6.4.1. *Adolf Hendrik, Count van Rechteren*

Gerard van Rechteren's elder brother, Adolf Hendrik van Rechteren (1656-1731), was one of the most influential people in the province of Overijssel. Since 1674 he was *Heer* of Almelo and became a member of the knighthood¹²⁸ of Overijssel in 1680. Adolf Hendrik was able to make a career for himself; he was a member of the Admiralty of the Meuse (1681-1684), a deputy in the Estates General (1693-1731, with an interruption of circa 14 years), *drost* of Vollenhove (1701-1705) and *drost* of Salland (1705-1731). The *drost* of Salland was considered the most powerful magistrate of Overijssel, who also presided over the provincial Estates. Adolf Hendrik was furthermore Extraordinary envoy to the Archbishop-Elector of Mainz (1701), Field deputy (1702-1703, 1708) and Extraordinary envoy to the German courts and *Kreitsen* and the Emperor in Vienna (1705-1712). In 1705 he was even made a Count of the Holy Roman Empire (Graswinckel, 1958: 95-121; for more information on the Rechteren family: Streng, 2007; also concerning Adolf Hendrik van Rechteren: Trompetter, 2007)¹²⁹.

¹²⁷ GBR, 3-30-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 201.

¹²⁸ In the Dutch Republic the ‘knighthood’ (*Ridderschap*) was the college in which the noblemen of a province assembled.

¹²⁹ GBR, HCO, HA, acc. nr. 214.1, pp. xiii t/m xiv, lv t/m lvi.

6.4.2. *A plea for help*

In several letters Gerard Burchard appealed to his influential brother for help in order to overturn the sentence, proclaiming his innocence. Family ties mattered greatly. Not only the Governor's reputation was at stake, the family honour should also be maintained. The Governor denied any wrongdoing by apprehending the tax farmers' servants as he had immediately informed the Council of State of the arrests and the Council had not given any indication that the Governor had exceeded his authority. Gerard Burchard further claimed to have always believed that appeal was possible regarding sentences of the city administration of Doornik. The Governor had even sent three attestations of lawyers to the Council of State to support this. Gerard van Rechteren hoped that the *drost* of Salland would not have any disappointment over the matter, although he feared that the memorial of the Council of State was powerful enough. He ended his letter to his brother by emphasizing that he had never to his knowledge done anything against the oath or duty of the service¹³⁰. The Governor hoped that his brother the *drost* of Salland would use his influence to find more friends to achieve justice in his case. In his correspondence with his brother Gerard Burchard showed his views on the acceptability of small gifts and presents for the Governor and high-ranking officers within Doornik. He hoped these practices would stay intact as they had been given for many years and were of value for the maintenance of three inhabitants of Doornik, who were employed as servants by the Governor. Gerard Van Rechteren had further served campaigns as a Colonel and Major general without ever having received a sum of money¹³¹. When the Governor took his oath in the Estates General some of the gentlemen had even asked if a gift should be enclosed and for how much, showing that it had not been the Estates General intention to use the instruction as a way to ban the welcome gift¹³². Furthermore, the gift had always from days of old (*van out heen*) been given to the new Governors of Doornik, Gerard Burchard van Rechteren was therefore no exception to an already established practice, he only referred to a tradition¹³³.

¹³⁰ GBR, 5-12-1720, HCO, HA, acc. nr. 214.1, inv. nr. 225.

¹³¹ GBR, 5-11-1720, HCO, HA, acc. nr. 214.1, inv. nr. 225.

¹³² GBR, 5-14-1720, HCO, HA, acc. nr. 214.1, inv. nr. 225.

¹³³ GBR, 2-13-1721, HCO, HA, acc. nr. 214.1, inv. nr. 225.

6.4.3. *A conflict develops*

Adolf Hendrik, Count Van Rechteren was quick to stand up for his younger brother's as well as his family's interests. The Count wrote a memorial to the Estates General which was not only handed over on 11 April 1720, but also made public, published and distributed in the form of pamphlets. The Count complained that his brother had not been given a proper defense. By suspending the Governor from his office and pay he had been treated in an unlawful and unprecedented way. If only impartial (*onpartydig*) persons could pronounce an impartial sentence it would become clear that the Council's sole objective had been to rob the Governor of his honor (*eere*) and reputation (*goede naem en faem*) and to remove him from office.

Count Van Rechteren argued that the unlawful sentence was not only detrimental for the Governor and his family, it was also an infringement on the authority of the Estates General. Against its instruction and the foundations of administration the Council had incompetently appropriated the case, whereby the Estates General (which represented the sovereignty of the seven United Provinces) had been excluded. The case of Gerard Burchard van Rechteren should have been held before the delegates of the Estates General and the Council of State or before its competent Judge.

The Council would not be able to prove that anyone had complaints against the Governor's command in Doornik. It would also not be proven that Governor Van Rechteren had not assisted the tax farmers in their duties or turned a blind eye to the smuggling by the soldiers. The opposite was true. One should only look at the various orders which had been issued against smuggling from time to time. Count Van Rechteren also wished to justify the apprehension of the tax farmers' servants after they had been acquitted by the city administration. Governor Van Rechteren feared considerable disaster would ensue if the servants would return in the city unpunished and the soldiers got wind of it. He had therefore taken the advice of all the regiment's Commanders as well as three lawyers, who had told him that an appeal of the sentence was possible. Count Van Rechteren could also explain why his brother had not adhered to the Council of State's order to directly release the servants. The Governor of Doornik had received a letter from the Estates General, which stated that the city administration of Doornik had filed a complaint. The Estates General therefore ordered the Governor to report on the matter. However, at the same time he had also received a letter from the Council of State containing an order to release the tax farmers' servants. As the Governor did not wish to violate his respect for the Estates General, he deemed it best not to release the servants. The Governor of Doornik had therefore not been

disobedient, but a man of honor (*eere*), character (*caracter*), experience (*experientie*), and someone who understood his trade (*die zijn ambacht verstaet*).

His brother, Gerard Burchard van Rechteren, had not received the 100 *ducatoons* and 3800 guilders by means of exaction or vexation, but as a *bien venu* along the same lines the former Commanders had received it, including Lieutenant general Murray who had been the last Governor of Doornik. This is where the Count Van Rechteren drew the line, a magistrate could accept a gift as long as he had not asked for it. Acceptance of the *bien venu* was therefore not at variance with his brother's instruction, as these *bien venus* were offered to and accepted by all newly appointed Governors. They could therefore not be regarded as a corruption. The Governor had also acted in good faith (*goede trouwe*) as he thought he was allowed to receive the *bien venus*. After all, no one would be foolish enough to receive a forbidden gift offered by various public persons in the presence of so many witnesses. Consequently, the Count also draws a second line: a gift should not be offered secretly. Appeal in his brother's case should therefore be admitted¹³⁴.

The Council of State reacted to Adolf Hendrik's memorial of 11 April 1720 in a letter to all provinces stressing the importance of honour (*eer*) and esteem (*aansien*) for administration and justice. The province of Overijssel was requested to contain its subject, the Count Van Rechteren, who had offended administration and justice by writing and publishing his memorial¹³⁵. In a letter to the Estates General concerning Adolf Hendrik's memorial of 11 April the Council also stressed that the honour (*eer*) of the Council had been wronged. It was surprising that a regent of note (*aansien*) and distinguished (*gedistingueerde*) birth attempted to mislead and win the favour of the ignorant. Count van Rechteren had wronged the honour of administration and justice in general in an unprecedented way. The Council of State hoped the Estates General would influence the Estates of Overijssel to clarify to its subject, Count Van Rechteren, that no private person, let alone a regent, could blacken and discredit the Council. Besides that the Council also wished to prevent any complaints or reprisals from the Marquis of Prié to whom the city administration of Doornik had also written regarding the excess and disorder of the garrison and the ensuing problems with the collection of the city taxes. As already mentioned in the beginning of this chapter, the Council also elaborated on

¹³⁴ (Knuttel, 1978: mf. 16473, 1720).

¹³⁵ GBR, 5-7-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 533.

the acceptability of gifts in its letter to the Estates General. The latter had assigned higher pay to the Governors, Commanders and Majors of the barrier cities as compared with the cities within the Republic. For example, while the Governor of Doornik received a pay of 8000¹³⁶ guilders, the Governor of Maastricht only received 3000 guilders. The Estates General had awarded the higher pay in order to prevent the Governors, Commanders and Majors of the barrier cities from receiving anything next to their pay at the expense of the cities or the surrounding countryside. After all, the barrier cities belonged to a different sovereign whereas the Estates General only possessed the mere right of occupation. Governor Van Rechteren could therefore not use the excuse that he had solely followed the example of his predecessors by accepting these gifts. However, in the cities within the Republic's borders these restrictions were not enforced. Here Governors, Commanders and Majors were allowed to accept gifts next to their pay. Standards therefore differed depending on location and context¹³⁷.

In May 1720 the Count Van Rechteren's brother, Governor Van Rechteren, complained to the Estates General about his sentence and requested a complete redress. He hoped the sentence would not be executed until the Estates General would have decided upon his request¹³⁸. The delegates of the province of Gelderland were willing to (provisionally) suspend the execution of Governor Van Rechteren's sentence pending a decision by the Estates General. Yet not all provinces were of the same opinion. The delegates of the province of Holland and West Friesland had been instructed by the provincial Estates to oppose any (provisional) suspension of civil or criminal sentences which had been pronounced by colleges or Justices of the state. The province of Overijssel should still give its opinion on the subject¹³⁹. As *drost* of Salland the Count Van Rechteren was one of the most influential administrators of Overijssel. It was therefore no surprise that the province eventually declared itself in favour of a (provisional) suspension of Governor Van Rechteren's sentence¹⁴⁰.

The Count repeated many of his arguments from the memorial of 11 April 1720 in two new letters to the Estates General, dated 22 May 1720 and 30 September 1720, which were also published and distributed as pamphlets. From these pamphlets it

¹³⁶ The resolution of the Estates General of 2 August 1710 allocated a pay of 10.000 guilders to the Commander of Doornik. The 8000 guilders therefore seems to be a discrepancy.

¹³⁷ (Knuttel, 1978: mf. 16475, 1720; GBR, 5-7-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 201; also GBR, 5-10-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3400).

¹³⁸ GBR, 5-24-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3400.

¹³⁹ GBR, 5-25-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3400.

¹⁴⁰ GBR, 7-2-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3401.

becomes clear that the Van Rechteren's were publicly trying to defend their family honour. The accusations against his brother the Governor of Doornik were used by the city administration (magistraat) as an excuse to obtain a remission on its payment arrears. By blaming the garrison and the military staff the administration hoped one third of their arrears would be cancelled, although it was the sole cause of all financial troubles. The Count also complained that the Council of State had turned an ordinary trial into an extraordinary trial, whereby the defendant (his brother) could not present his side of the argument opposite the charges of the prosecutor. The Count van Rechteren further elaborated on the acceptability of the Governor's *bien venus*. These were not contrary to the genuine sense and intention of the Governor's instruction. Some of the Council of State's Justices had even acted against their own conscience by passing sentence in Governor Van Rechteren's case. After the Estates General had the honor of favoring the Governor with the government of Doornik, he had arrived in The Hague to take his oath. While in The Hague the newly appointed Governor had dinner with several gentlemen from the Estates General and the Council of State who not only congratulated him with his appointment, but also told him that a fine *bien venu* would be in store for him. Some persons from the Council therefore attempted to criminalize an ordinary and known case, which was unprecedented and unjust. In this way one could run down all honest (*eerlyke*) individuals¹⁴¹.

The Count Van Rechteren's letter of 30 September 1720 led to differing opinions in the Estates General. The province of Gelderland and Overijssel agreed with the requested (provisional) suspension and revision of the Governor's sentence, whereas the province of Holland and West Friesland was completely against it and stated the Count's letter should not be taken into consideration, probably because the issue did not concern him but solely his younger brother, the Governor¹⁴². The provincial Estates of Holland also took action and banned the Count's pamphlets of 22 May and 30 September within its province¹⁴³.

The Council of State was not too happy with Count Van Rechteren's letters to the Estates General of 22 May and 30 September 1720 in which the invectives and calumnies of his earlier memorial were not only repeated, but even new ones added. The

¹⁴¹ (Knuttel, 1978: mf. 16476, 1720).

¹⁴² GBR, 10-4-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3401.

¹⁴³ (Knuttel, 1978: mf. 16477/ 16478, 1720).

honour and esteem of the Council of State were at stake, which wished to deliberate which measures were necessary to oppose the excessive behaviour of the Count as well as to obtain a befitting reparation and satisfaction¹⁴⁴. The Council of State was willing to do everything that was expected from determined (*cordaat*) and honourable (*eerlievende*) regents to look after the dignity (*waerdigheid*) of the Council¹⁴⁵. On 25 October the Council of State complained in a letter to all provinces (with the exception of Holland) about their silence on the subject whereby the Count was able to continue in his excessiveness¹⁴⁶. As Holland had been the only province to look after the honour and esteem of the Council of State, the latter wished to show Holland the Council was able to stand up for itself, as demanded by its honour (*eer*) and duty (*pligt*), by appearing in its entirety in the Estates General's assembly to stress its interests. The Council emphasized that the abuses of regents, who had forgotten their honour (*eer*) and oath, should be sentenced by the appropriate Judge¹⁴⁷. Reactions to the Council's appearance in the Estates General were as expected. Again, only the province of Holland and West Friesland was willing to stand up for the honour (*eere*), esteem (*aensien*) and respect (*respect*) of the Council of State. The entire state and the welfare of the Republic were dependent on the dignity (*waerdigheijd*) of justice. The Count's repulsive, improper and illegal ways should be vigorously opposed¹⁴⁸. In December the province of Groningen finally gave its opinion on the matter. The esteem of the Council of State was at stake and a proper satisfaction by Count Van Rechteren desired¹⁴⁹.

Yet Adolf Hendrik van Rechteren persisted in his efforts to win over the delegates of the Estates General as evidenced by a letter of 20 November 1720, which was also published as a pamphlet¹⁵⁰. In a letter to Gelderland, Utrecht, Zeeland and Overijssel the Council of State in January 1721 again lamented the offensive writings of the Count, but wished to emphasize that the affairs of Count van Rechteren had nothing in common with Governor Van Rechteren's case. Deliberations on the possibility of revision of verdicts of the Council of State were of no relevance for Count van Rechteren or his younger brother as the latter was not looking for revision and was not

¹⁴⁴ GBR, 10-15-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 533; also GBR, 10-15-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 202.

¹⁴⁵ GBR, 10-24-1720, NA, CoS, 1.01.19, inv. nr. 202.

¹⁴⁶ GBR, 10-25-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 533.

¹⁴⁷ (Knuttel, 1978: 16479, 1720; GBR, 10-25-1720, NA, CoS, acc. nr. 1.01.19, inv. nr. 533).

¹⁴⁸ GBR, 10-26-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3401.

¹⁴⁹ GBR, 12-19-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3401.

¹⁵⁰ (Knuttel, 1978: mf. 16480, 1720).

even able to request a revision. It had long been established that no revision of the Council's sentences was possible if justice had been administered on confession in an extraordinary trial. General major Van Rechteren therefore did not request a revision but solely redress in an unprecedented way. Plans for revision of the Council of State's sentences were under discussion, already before the summoning of Governor Van Rechteren, but a decision on the plans had not been taken as a result of slowness of several provinces. The Council of State could not be blamed for the slow decision-making process¹⁵¹. Governor Van Rechteren requested the Estates General to be considered diligent during the deliberations about the possibility of redress of his sentence. The province of Zeeland considered the Governor provisionally diligent, whereas Overijssel consented to his request¹⁵².

6.4.4. *An international dimension*

Extraordinary envoy Hamel Bruijninx reported on 4 December 1720 that news of the scandal had even reached the Emperor's court in Vienna. Copies of Count Van Rechteren's letter of 22 May 1720 had fallen in the hands of several imperial and foreign Ministers. The Envoy left it up to the Estates General to consider the possible effect of the dissemination of the Count's letter and how all prejudice could be taken away. An extract of Hamel Bruijninx' letter should be sent to all provinces (with the exception of Holland and Friesland which had already made a pronouncement on the matter), with the request to finally reflect on the bad impressions of the administration inside and outside the Republic as a result of Count Van Rechteren's letters. The deputies of the individual provinces should finally resolve on the matter according to reason (*reden en billijkheid*) in order to maintain the authority of the government, the esteem (*aensien*) of the Council of State and respect (*ontzag*) for justice¹⁵³.

6.4.5. *A problematic execution*

It should be no surprise that the execution of Governor Van Rechteren's sentence was problematic. Simon Schaap first requested permission to seize the pieces of furniture

¹⁵¹ GBR, 1-17-1721, NA, CoS, acc. nr. 1.01.19, inv. nr. 533; also GBR, 1-17-1721, NA, CoS, acc. nr. 1.01.19, inv. nr. 203.

¹⁵² GBR, 3-19-1721/ 4-18-1721/ 4-26-1721, NA, EG, acc. nr. 1.01.03, inv. nr. 3403.

¹⁵³ GBR, 12-16-1720, NA, EG, acc. nr. 1.01.03, inv. nr. 3401.

and goods of Colonel Van Vrybergen. The outstanding pay of Governor Van Rechteren and Colonel Van Vrybergen would also be deducted¹⁵⁴. On 13 May 1721 the Council of State also authorized the seizure of pieces of furniture and goods in Governor Van Rechteren's house in Doornik¹⁵⁵. Through a letter the Governor attempted to suspend the seizure of his goods in Doornik by addressing the Estates General. Again Gelderland and Overijssel wished to grant the suspension, whereas Holland was completely against it¹⁵⁶. As the proceeds of the sale of Van Rechteren's furniture and goods were not sufficient, Simon Schaap had to look for other means to satisfy the fine set out in the Council's sentence. He asked the Council of State if the Governor's share in the farming of the grassland at Doornik could be turned over to him. The Council granted his request¹⁵⁷. Schaap also took another course to execute the sentence. He requested the payment of an outstanding amount of four thousand guilders, which Governor Van Rechteren was entitled to because of his regiment of cavalry which should be paid for by the province of Zeeland¹⁵⁸.

In August 1721 Count Van Rechteren's wished to submit three bonds to the Registrar's office to pay for the sentence in case a judgement would be passed that the sentence should be executed¹⁵⁹. The Count's "offer" was not in any way an admission of guilt on behalf of his brother. Beforehand the Council of State had already decided to authorize the seizure of the Governor's pieces of furniture and goods in Doornik, possibly foreseeing a lingering conflict.

6.4.6. The use of moral authorities

On 2 August 1721 Adolf Hendrik van Rechteren presented a memorial to the provincial Estates of Overijssel to promote his brother's interests. Again the memorial was made public through pamphlets. Although most arguments resembled earlier pamphlets, this time Count Van Rechteren also referred to moral authorities to further his brother's and his family's cause. Why did the Count use these sources? Discourse had become entirely juridical, whereby the Van Rechterens' "shop floor" arguments were no longer valid. No longer was Count Van Rechteren able to defend his brother on the basis of "honour and

¹⁵⁴ GBR, 3-3-1721, NA, CoS, acc. nr. 1.01.19, inv. nr. 203.

¹⁵⁵ GBR, 5-13-1721, NA, CoS, acc. nr. 1.01.19, inv. nr. 203.

¹⁵⁶ GBR, 6-10-1721, NA, EG, acc. nr. 1.01.03, inv. nr. 3403.

¹⁵⁷ GBR, 11-26-1721, NA, CoS, acc. nr. 1.01.19, inv. nr. 204.

¹⁵⁸ GBR, 5-7-1722, NA, CoS, acc. nr. 1.01.19, inv. nr. 205.

¹⁵⁹ (Knuttel, 1978: mf. 16544, 1721; GBR, 8-5-1721, NA, EG, acc. nr. 1.01.03, inv. nr. 3404).

reputation arguments”. As a consequence they turned to moral authorities (“best opinion”) to further their cause. For the Count these moral authorities were not necessarily a benchmark to assess his brother's actions as Governor of Doornik. He mainly used them for opportunistic reasons. For instance, the Count used scriptural passages stating that when Christ stood before Caiaphas to proclaim his innocence and was beaten by one of Caiaphas' servants, he said “If I said something wrong testify as to what is wrong. But if I spoke the truth, why did you strike me?”¹⁶⁰. Count Van Rechteren also referred to the bible to warn those who turn away justice [*geregtigheid*] from the just as the Lord detested those that damned the just, and called the good evil. Even God, who is all-knowing, and for that reason knew that Adam had sinned, was willing to hear Adam out before he condemned him. For the same reason Governor Van Rechteren should also be able to tell his side of the story¹⁶¹. The provincial court of Holland, Zeeland and West Friesland quickly banned the Count's writings in September 1721¹⁶².

In a similar pamphlet to the provincial Estates, abundantly provided with appendixes, the Count continued his use of moral authorities to further his brother's cause. Count Van Rechteren referred to Vertot¹⁶³ and his book on the resolutions of the Roman Republic, where it is stated that the appeals are the supports of freedom. The Count also argued that his brother was forced to acquiesce in a sentence, without an indictment or defense, which was contrary to all divine and civil laws. The sentence was drawn up by the Government attorney with consent of the Council of State, and consequently by a party *and* a justice, of which Cicero said in his oration for P. Quintius “*Quid hoc iniquius aut indignius dici aut commemorari potest, quam qui hoc iudicio partes accusatoris obtinet contra me sit dicturus 2*”. More references to antiquity followed. When under the Roman Republic the Decemvirate¹⁶⁴ was incited by Appius¹⁶⁵

¹⁶⁰ John 18: 23.

¹⁶¹ (Knuttel, 1978: mf. 16544, 1721).

¹⁶² (Knuttel, 1978: mf. 16545, 1721).

¹⁶³ René Aubert de Vertot (1655-1735), French historian.

¹⁶⁴ *Decemviri* (Lat., = Ten Men), in ancient Rome administrative colleges with varying responsibilities, such as the *Decemviri legibus scribundis* ('for the writing of laws, 451-449 BC), a college of ten legislators who possessed all political power for the duration of their duties, ruling out the normal magistracy. From this stemmed the Law of the Twelve Tables (*Leges XII Tabularum*). The *Decemviri sacris faciundis* were responsible for keeping (on the Capitoline Hill) and consulting (in times of distress, at the instigation of the

domineering behavior to assume the highest authority from the then administration, people of honor (*eer*) had risen and said they had not thrown off the yoke of a tyrant to be saddled up with that of ten others. The Count praised the Romans as honorable (*loflyke*) forefathers and did not wish to give up his freedom (*vryheyt*) and that which was dear to him to a few members of the Council of State, who could then dispose of it at will, without the possibility of redress from such a despotic power¹⁶⁶.

6.4.7. *The conflict continues*

The conflict continued well into 1724. In a letter of 9 June 1724 the Council of State complained to the province of Overijssel about its subject Count Van Rechteren. The Count had not ceased his attempts to obtain justice in his brother's case who was seriously damaged by the verdict of the Council of State. The Count also complained that all his attempts to obtain redress for his brother in the last four years had been fruitless. He solemnly claimed that during the last assembly of the noble order and cities he was credibly told that the Council of State had not pronounced its sentence in a plenary assembly but in the clerk's office in the presence of only a few of the Justices and some individuals unqualified to administer justice. The Council of State was tired of the fruitless efforts of the Count Van Rechteren to obtain appeal or revision for his brother. Again justice and honour (*eere*) were at stake as the Council of State appealed to the rightfulness (*regmatigheid*) of the provincial Estates of Overijssel to oblige Count Van Rechteren to make amends for his atrocious accusations or to point out the people whom he had credibly heard made the accusations. The Council of State was of the opinion that it acted moderately (*gemaatigheid*) by not requesting any other reparation¹⁶⁷. Count Van Rechteren argued that he was not in conflict with the Council

Senate) the Sibylline Books. The *Decemviri litibus iudicandis* (for the adjudication of disputes) passed judgment in trials concerning free or slave status. 'decemviri.' (Microsoft® Encarta® Encarta Winkler Prins 2007 [dvd]. Redmond, WA: Microsoft Corporation, 2006).

¹⁶⁵ *Appius Claudius* (5th Century BC), Roman magistrate, is chronicled as a *Consul* in 471 and 451 BC. The first consulate is also attributed to his father, for which pleads the circumstance that the Consul of 471 served as an enemy and the Consul of 451 as a friend of the plebeians. In 450 he brought about the appointment, under his leadership, of the *decemviri legibus scribundis* (ten men, responsible for the writing of laws, who drew up the Law of the Twelve Tables. When Claudius started behaving as a tyrant and, among others, attempted to assault a young woman named Virginia sexually, a rebellion ensued after which Claudius committed suicide ('Appius Claudius [5de eeuw v.C.].' Microsoft® Encarta® Encarta Winkler Prins 2007 [dvd]. Redmond, WA: Microsoft Corporation, 2006).

¹⁶⁶ (Knuttel, 1978: mf. 16574, 1722).

¹⁶⁷ GBR, 6-9-1724, NA, CoS, acc. 1.01.19, inv. nr. 533.

of State in its entirety but solely with one of its members as well as the senior administrators who had no vote. The matter was therefore of a private nature not including the Council of State as a college. The Council of State was not willing to resign itself to the accusations whereby a member of the Council, two senior administrators and the advocate who had acted as fiscal at the request of the Council, were accused of having exceeded their offices considerably by administering justice in the clerk's office in an unprecedented and unlawful way. The Council wished to disprove the accusations that its members and senior administrators had sinned against rules and regulations while in office. Over and over again the Council of State had refuted the Count's arguments. It therefore left unanswered whether or not Count Van Rechteren's latest writing contained anything substantial¹⁶⁸.

6.5. Conclusion

What does this corruption scandal tell us about the relevant administrative values? The resolutions of the Estates General of 1710 and 1714 led to a salary raise, whilst banning all other ways of income for the Governors of the barrier cities, whatever the name or pretext, even if former Governors or military staff had enjoyed such gifts or if such practices still existed. A violation of the resolutions could lead to a removal from office. Under patrimonialism political subjects were obliged to materially maintain rulers, for instance through gifts. Yet in Doornik the acceptance of gifts by the Governor in the form of furniture, wine, oats or hay was no longer allowed. The Council of State explained that Governors, Commanders and Majors of the barrier cities should content themselves with their considerably higher pay, as compared to the military staff of the cities *within* the borders of the Dutch Republic. In Doornik the Republic only possessed the mere right of occupation, as the barrier cities belonged to a different sovereign (i.e. the Emperor). Governors, Commanders and Majors of the barrier cities were therefore no longer allowed to profit from the city or the surrounding countryside next to their pay. Standards therefore varied depending on one's post. Because of the considerably higher pay the Estates General's resolutions resulted in Governor Van Rechteren losing

¹⁶⁸ GBR, 6-20-1724, NA, CoS, acc. nr. 1.01.19, inv. nr. 533; also GBR, 6-20-1724, NA, CoS, acc. nr. 1.01.19, inv. nr. 560.

some rights and privileges, which his predecessors had possessed as Governor of Doornik. However, Van Rechteren had been aware of these new limitations. When he took his oath in the Estates General's assembly he had committed himself to abide by the resolution of 1710. A copy of the resolution had even been handed over to him. Yet Governor Van Rechteren did not abide by the resolution, eventually leading to accusations of corruption and a court case before the Council of State. This corruption scandal was preceded by tumultuous events in the city of Doornik, more specifically tensions between tax farmers and soldiers.

The Council of State stressed that proper justice should be administered in the tax farmers' servants encounter with soldiers of the garrison of Doornik. Despite Governor Van Rechteren's complaints the Council concluded that the Provost marshal and the jurymen of Doornik had been the competent Justices for judging the servants. Governor Van Rechteren hoped impartial persons could examine the legal files and the sentence and refused to release the detainees, despite the fact that they had already been acquitted by the city administration. He sincerely declared that if he had slipped up this was not out of malevolence but solely out of ignorance. The Council of State stated it was the Governor's duty to obey its resolution. Personal loyalty and fidelity towards the Council of State were at stake. Gerard Burchard van Rechteren found himself in a precarious position and a possible conflict lied in wait. On the one hand the Governor should maintain harmony in Doornik, not disregard local traditions and remain on good terms with the local administration. On the other hand Van Rechteren should not disobey the Council of State. Personal submission and unconditional loyalty to his superior mattered greatly.

Yet the Governor had manoeuvred himself into a vulnerable position. What had gone wrong? Harmony and stability on the "shop floor" had been seriously disrupted. The dependency relationship between the Governor (and his military staff) and the tax farmers was based on reciprocity. In exchange for the tax farmers' gifts the Governor and his officers (as well as the garrison) were expected to assist in the levying of taxes and the prevention of smuggling, for instance by the soldiers. Citizens who were caught smuggling would be brought before the local court, but soldiers who committed themselves to the same crime would be court-martialled. As a consequence local judicial authorities had no jurisdiction over the garrison. Gifts were therefore presented to the Governor in order to obtain his cooperation in the prevention of smuggling among his soldiers. However, the gifts did not have the desired result. Smuggling and tax evasion remained considerable as a result of which the tax farmers

did not present further gifts to the Governor and the military staff. Governor Van Rechteren had not adhered to the traditional expectations of the tax farmers. Not only the relationship between the garrison and the tax farmers deteriorated. The city taxes were one of the most important means of income for the local administration. As the tax revenues decreased the city administration was no longer able to pay its subsidies to its sovereign (the Emperor), creating further tensions between local administration and the garrison. Although Governor Van Rechteren called the gifts *bien venus* and “welcoming gifts”, he should have understood that they implied getting something in return. Gifts were an essential part of social intercourse, but at the same time highly ambiguous. Although many gifts were offered without obligation, they often contained an implied expectation of reciprocity. As a consequence it was difficult to distinguish a gift from a bribe. Gifts of money were often considered controversial, especially if they had a one-time character and were intended for a precisely defined service in return (for instance in exchange for office) (Janssen, 2005a: 209-212). A Governor's personal ability to have a good appreciation of gifts presented therefore mattered in order to maintain his unstable nominal power. Yet Van Rechteren in essence undermined his own authority. An office holder's skills and tact therefore mattered. After all, his economic interests could be damaged by his possible disregard for the traditional distribution of duties and rights. On the shop floor this is what happened with Governor Van Rechteren. As a consequence he did not receive further gifts from the tax farmers.

Yet the scandal comprised more than a disruption of harmony in local administration in Doornik. There was also a visible clash between patrimonial and legal-rational administration, between bureaucratic (impersonal) values and “face-to-face” (personal) values, which differs considerably from the preceding scandals concerning Hessel van Dinther, Huygens and Van Zuijlen van Nijeveld. The Estates General intended the legal rules (concerning the acceptability of gifts next to one's pay) to have effect in actual everyday administration (the shop floor level), whereas Count Van Rechteren and his brother the Governor still relied on “face-to-face” values on the shop floor level of local administration. There is a considerable difference with the scandal regarding Lodewijk Huygens, which also contained a provincial resolution (1675) prohibiting the furnishing (or receiving) of money in exchange for office. The resolution in the Van Rechteren scandal was specifically aimed at the Governor of Doornik, whereas the resolution in the Huygens case was of a more general nature. A

copy of the resolution had even been handed over to the Governor. Decisive was the considerable higher pay for Governor Van Rechteren as compared to his colleagues within the borders of the Dutch Republic. It seemed the Estates General (and the Council of State) were serious in their attempt to actually enforce the legal standards on the shop floor level of administration, where “face-to-face” standards had until then been decisive in assessing proper administration. Although the Estates General's resolution was only in force in the barrier cities, one needs to wonder why bureaucratic standards were suddenly applied? Was the intention to actually enforce legal standards on the shop floor level based on pragmatic or rational considerations? The Council of State explained that Doornik belonged to a different sovereign (the Emperor) whereby the Estates General had forbidden its Governor from enjoying gifts at the expense of the city or the surrounding countryside. It seemed that pragmatic considerations had been the main catalyst for a change in administrative values, whereby the Governor of Doornik was expected to fulfill his office in an independent and impersonal way as set out in formal (legal) rules and procedures, detached from local administration and its “face-to-face” practices concerning the furnishing (and receiving) of gifts to strengthen relationships. In the preceding three corruption scandals as well as in the greater part of the early modern period corruption had a univocal meaning on a formal-legal level, whereas administrative behaviour was not constantly compared with the content of edicts or decrees. As a consequence a real unambiguous standard on corruption did not exist (Huiskamp, 1995: 29-30). The Van Rechteren scandal differs from other cases as legal standards penetrated into the shop floor level of everyday administration, whereby *Parallelität von Normen* turned into *Normenkonkurrenz*. Legal standards not only penetrated the shop floor, they also became dominant.

A court case followed. The interrogations show how the Governor's ideas on administration were still firmly ingrained in patrimonial face-to-face values. Governor Van Rechteren stated everything could be explained through his good oath. Within the military staff no one had done anything against his oath or duty, whereas the magistrate only acted out of self-interest. The gifts Van Rechteren had received were *bien venus*, merely welcoming gifts. Was this really the Governor's perception of these gifts and was he not aware that reciprocity required him to perform something in return? Colonel Doijs requested to be received in submission, afraid he had possibly done something wrong. The Council of State granted his request. However, during the interrogations Colonel Doijs stated he had only acted as had been the practice. As long as the gifts were offered on a voluntary basis and by private persons, with knowledge of the

Governor and without extortion, Doijs regarded them as acceptable. And yes, face-to-face standards were not necessarily in conflict with these gifts, but as a result of the turmoil in Doornik legal standards had come into play. Doijs' views did not match the standards regarding gifts as expounded in the resolutions of the Estates General. Sentencing followed. Van Rechteren was convicted for exorbitantly abusing his military power. Commander Van Vrybergen abused his military power and wilfully neglected his duty. He also intentionally distorted and taunted the orders of the Council of State. Judge advocate Laqueman had neglected his duty.

In the Governor's plea for help to his brother, we find further information on the Governor and Count Van Rechteren's views on the relevant administrative values, which resembled the traditional face-to-face values. To the Governor's knowledge he had never done anything against oath or duty of the service. He also urged his brother to find more friends to achieve justice. After all, it had not been the Estates General's intention to ban the welcoming gift, which had been given to all new Governors from days of old. Governor Van Rechteren's plea eventually resulted in the scandal becoming a public scandal as the *drost* of Salland decided to interfere on his brother's behalf. In the patrimonial ideal type some experience and (possibly) some concrete skills were required, but an official was mainly judged by his social prestige, family ties, honour and status. These values were also central to the Count Van Rechteren's defense in the pamphlet war that erupted between him and the Council of State. The Count claimed that the Council only wished to rob the Governor of his honour and reputation, despite the Governor issuing many orders against smuggling. He had not been disobedient, but a man of honour, character and experience. The gifts the Governor had received were *bien venus*, which were not obtained by means of exaction or vexation and should therefore not be regarded as corruption. Governor Van Rechteren had also been in good faith when he received the *bien venu*. Patrimonialism did not entail a clear public-private divide. Count Van Rechteren's defense therefore focused on the reprehensible or praiseworthy *personal* character traits of his brother. Yet the Estates General and the Council of State set new and more modern standards as they no longer listened to the "honour and reputation" arguments of the Count, but applied bureaucratic standards in local administration. Instead of face-to-face values, legal standards should have effect in everyday administration, even before the outbreak of strife in the local political arena.

The Count also argued that the Governor had not been given a proper defense, because an ordinary trial had been turned into an extraordinary one. As a consequence he was treated in an unlawful and unprecedented manner. Impartial people were needed who could pronounce an impartial sentence. Revision or appeal of the sentence was therefore needed. To obtain this goal the Count argued that the Council of State had passed a sentence which was an infraction to the high authority of the Estates General. Under the patrimonial ideal type clearly defined jurisdictional boundaries were often lacking. The Count wished to exploit this to obtain a revision or appeal. In later pamphlets the Count turned to moral authorities to further his brother's interests. One could argue that Count Van Rechteren was no longer able to refer to "honour and reputation accounts" to counter his brother's adversaries. Discourse had become entirely juridical, whereby the Count possibly turned to moral authorities to further his brother's cause. Yet these authorities were not regarded as objective moral beacons, but were first and foremost employed for opportunistic reasons.

The (rational-legal) legitimacy of the Council of State was at stake. The Council therefore argued that the Count offended justice through his offensive, exorbitant and excessive behaviour, damaging the honour and esteem of the Council. It was surprised by the behaviour of a regent of note and distinguished birth, which was not acceptable for any private person, let alone a regent. Appeals to longstanding traditions concerning gift-giving were without avail. Legal standards had replaced traditional practices on the shop floor level. Gifts constituted a breach of the rules (the Estates General's resolutions) and were simply no longer allowed in the barrier cities as they belonged to a different sovereign. Standards and values therefore differed depending upon one's post within or outside the Republic's borders. Revision had never been possible in an extraordinary trial based on a confession. The Count therefore only sought redress in an unprecedented way based on frivolous means. A befitting reparation and satisfaction were needed. The Council had only done its duty and was willing to do everything expected from determined and honourable regents to look after the dignity of the Council. The Council argued it had even acted moderately by not requesting any other reparations. The national power play between the provinces concerning the suspension and revision of the Governor's sentence was eventually decisive. The province of Holland was willing to stand up for the Council of State's legitimacy and defended its honour, esteem and respect. According to the Council the Count's repulsive, improper and illegal ways should be opposed, next to which his attempt to create a jurisdictional conflict about the competent Judge for his brother had

not led to an actual revision or appeal. What is most striking is the Council of State's sole use of legal standards to determine the relevant administrative values, whereas the Count Van Rechteren as well as his brother adhered to the codes of the shop floor by appealing to (family) honour and reputation. Yet the Count's efforts were to no avail. As already mentioned, discourse had become entirely juridical.

The Van Rechteren scandal is also interesting with regard to possible theoretical approaches to study administrative values from a historical perspective. Whereas Hoetjes (1977: 12-16) refers to "sources of social values" one should wonder if it would be more appropriate to speak of value systems in this case, in line with Niklas Luhmann's *system theory approach*, which assumes that society is divided into separate self-referential value systems whereby political corruption ensues when systems start to overlap. Early modern society was characterized by blurred boundaries and the absence of separate value systems (such as the legal or political system). Social standing was decisive to assess whether something was allowed or not. Yet one could argue that the Van Rechteren scandal was a first example of the change in mode of differentiation from vertical stratification (i.e. social standing being decisive to judge corruption) to horizontal functional systems, whereby corruption ensued when value systems started to overlap (Brans & Rossbach, 1997: 419-439; Luhmann, 1980: 162; 1985: 24). This seems to be the case as the Van Rechterens' appeal to the honour and esteem (i.e. social standing) of the Governor turned out to be fruitless. Instead, in the Van Rechteren scandal corruption ensued after legal standards penetrated the "shop floor level", replacing the traditional face-to-face administrative standards completely. There had always been legal standards, but in the Van Rechteren case these standards became dominant, which is exactly what Luhmann predicts. Corruption ensued after value systems (legal system versus traditional "codes of the shop floor") started to overlap. However, it should be noted that the "shop floor" is not an actual "system" in Luhmann's theory.

How did things turn out for Gerard Burchard van Rechteren, suspended Governor of Doornik? Adolf Hendrik van Rechteren eventually reacted in a letter on the offer for his younger brother to become the new Governor of Breda. He stressed the importance of much-needed unity (*eenigheijt*) and firmness (*cordaetheijt*) among regents who should treat each other in a rightful (*naer recht*) and fair (*billickheijt*) manner, setting aside their own interests and weaknesses. The *drost* of Salland was

reserved. His brother had been seeking redress for three years already and the impression should not be given that the Governor, by accepting the position without mentioning his wish for redress, acquiesced in the sentence by the Council of State. Gerard Burchard should not be conceived as someone who was simply happy to continue his career as a Governor. No longer did the Governor wish to make his honor (*eere*), goods, and blood dependent upon a court of law. Further, the Council of State was made up of people who did not flinch about abusing “holy justice” as well as the foundations of government, leading to injustice. What guarantee was there that the Council would not abuse the Governor again while stationed in Breda? Clarity regarding the possibility of appeal or redress of sentences of the Council of State was therefore of the utmost importance. It should be clear that the Governor’s adversaries were dealing with a family whose honor (*eere*) was not for sale and which put aside its own interest for the laws and freedom of the fatherland¹⁶⁹. Nevertheless, in 1723 Gerard Burchard Baron Van Rechteren decided to accept the position of Governor of Breda¹⁷⁰. In 1727 he was even promoted to the rank of Lieutenant general of the cavalry (Graswinckel, 1958: 120).

¹⁶⁹ GBR, HCO, HA, acc. nr. 214.1, inv. nr. 496.

¹⁷⁰ GBR, 4-12-1723, NA, EG, acc. nr. 1.01.03, inv. nr. 3409.

7 CORNELIS SCHREVELIUS VERSUS JOHAN VAN DEN BERGH (1722-1747)

7.1. Administration and office in Leiden

As in other cities in the province of Holland in Leiden government in the eighteenth-century was organized around the city council, which in Leiden was called the “Council of forty” (from here on referred to as “the council”). An elaborate network, stemming from the council, took care of all the relevant affairs in the city as well as the provincial and national colleges in which Leiden was represented. For an aspiring magistrate, membership on the council was the stepping-stone to all sorts of activities that were politically or financially attractive. The council, comprising 40 members who were appointed for life, formed the foundation of city government, from which the *schout*, four Burgomasters and eight Aldermen were selected, together called the *gerecht*. The more important decisions on city affairs were dealt with by the council, but for the remainder it mainly focused on provincial and national affairs. Legal issues were the responsibility of the *schout* and Aldermen, while the everyday leadership of city government partly rested with the *gerecht*, but mainly with the Burgomasters (Prak, 1985: 30, 31-32). Strict rules of rank and seniority were crucial in the election of magistrates, although often results were already fixed before a vote was recorded. A magistrate could make a career for himself through a fixed series of offices, under normal circumstances eventually being promoted to the office of Burgomaster. Membership on the city council was the first step. The order of seniority determined admission to the office of Alderman. Again rank and order of entrance were eventually decisive to becoming a Burgomaster. This system of seniority was in practice during most of the eighteenth-century and often political reality adhered to these rules. Yet when a magistrate or a minority of the city council was excluded from or slighted in the order of accession to lucrative offices, strife could ensue (Prak, 1985: 41). These problems were often closely related to the so-called “contracts of correspondence”, which were used as agreements between magistrates in the allocation of offices. Through rotation and everlasting calendars for the distribution of these offices (as well as trade in these positions) peace in a city’s government should be guaranteed (De Jongste, 1980-1981a: 48). Yet it was not uncommon that a small majority would

exclude the remaining councilmen from the contract of correspondence. The outcasts' careers could suffer considerably as a consequence of an exclusion, often leading to scandals on which occasion such practices were associated with accusations of corruption. These scandals are ideal for making explicit the implicit values underlying early modern public administration as they further research into political corruption in a “neo-classical” way.

The aforementioned contracts of correspondence were also used in Leiden to guarantee smooth proceedings during the election of new magistrates. On the 5th of September 1702 the magistrates of Leiden entered into a new contract, after the death of Stadtholder William III, (in practice) the most powerful magistrate of the province of Holland. The Stadtholder had a considerable influence in the appointment of city magistrates. Yet a successor was only appointed in 1747. The Leiden agreement of 1702 therefore regulated the election of magistrates, ensuring friendship (*Vriendschap*) and unity (*eenigheid*) between the regents, bringing an end to unrest, differences and animosity within the government. Harmony (*harmonie*) would be conducive to the well-being of the city. Two “columns” (factions) stood central in the new contract, their mutual cooperation should ensure stability within the city and its surroundings. An example was the election of the Aldermen, where both columns should have an equal vote¹⁷¹. The contract of 1702 was eventually terminated as a result of the tensions between the Leiden magistrates. Nevertheless, during two decades the contract of 1702 ensured peace and stability within the administration as the order of appointment was respected. Moreover, the contract of 1702 led to appointments that were not necessarily politically motivated. There were still differences of opinion, but acquired offices could not be taken away anymore as a result of undesirable political standpoints (Prak, 1985: 86). On the 23rd of February 1722 Cornelis Schrevelius and his companions were excluded by a majority of the city council as a new contract was agreed. The old contract had become invalid and troubles and estrangement between the regents lied in wait. The esteem and honour (*Aensien ende Achtbaerheid*) of government were at stake. Ironically, in the new agreement the intention was formulated to preserve the common interest (*gemeene zaake*) and unity (*eendracht*) of government. Yet only 24 (eventually 26) members of the council would join the new contract. Concerning the succession in the council, preference was of course given to the best

¹⁷¹ Papers regarding Leiden, 9-5-1702, Van Mieris 1759: 169-171, Regional Archives Leiden (RAL), Bibliotheek Leiden en Omgeving (LB) 264.

(*beste*) and most qualified (*gequalificeerste*) persons, more specific those whose ancestors and distinguished relations had already been a member of government, or those related (*vermaechschapt*) to these persons¹⁷². The new contract lasted from 1722 to 1747. The biggest difference with the preceding contract was of course the fact that only part of the city council was included and that columns were lacking. The initial 24 stood united against an excluded minority (among which was Cornelis Schrevelius). The majority had to act in harmony as internal strife could lead to the loss of political power. The exclusion from administrative and political influence would seriously harm the careers of the outcasts. After 1723 members of the minority lost the opportunity to obtain lucrative offices. Thanks to the rise of the new Stadtholder William IV in 1747 these excluded magistrates were able to make a modest return in the Leiden political arena (Prak, 1985: 86-88).

7.2. The ambitions of Johan van den Bergh in 1725

Next to the offices in the city of Leiden members of the council also had several duties outside the city walls. Without elaborating too much on the various offices one is relevant for this case. The city of Leiden and the surrounding villages formed a part of the dike board of Rijnland. The dike board had several lucrative offices for which Leiden citizens could be taken into consideration. Leiden magistrates fulfilled the position of Secretary of Rijnland during the entire eighteenth-century and the position of *rentmeester* for 27 years (1733-1760). Between 1725 and 1751 even the highest office of the dike board, that of *baljuw-dijkgraaf*, was fulfilled by a Burgomaster of Leiden, Johan van den Bergh. The obtainment of this office by Van den Bergh would eventually result in serious strife between him and Cornelis Schrevelius in 1747 on which we will further elaborate later (Prak, 1985: 37). Johan van den Bergh (1664-1755) descended from a family of Leiden magistrates. His father and grandfather had both been members of the city council. Van den Bergh became a member of the council in 1693 and would retain his seat for 55 years. A prosperous career would follow, as several times (from 1702) he would be appointed Burgomaster of Leiden. Besides that Van den Bergh would be appointed as deputy of the Council of State in 1704 and would eventually

¹⁷² Papers regarding Leiden, 2-23-1722, Van Mieris 1759: 172-175, RAL, LB 264.

even become one of the most influential administrators in the Southern Netherlands, where he was appointed in 1707 (Druyvesteyn, 1983: 106-118). In 1725 the powerful magistrate wished to expand his influence as the position of *baljuw-dijkgraaf* of Rijnland became vacant because the former reeve, Wigbold van der Does, had died in the spring. The office of *baljuw-dijkgraaf* possibly yielded up to 15.000 guilders a year, which made the position a lucrative one and much sought after (Prak, 1985: 90)¹⁷³. Traditionally the reeve came from the ranks of the Holland nobility, which also had its own candidate. The city of Leiden therefore needed to propose a strong candidate, Johan van den Bergh. In an effort to win support for the candidateship of Van den Bergh a delegation from Leiden visited the cities of Holland in June 1725. After all, the States of Holland (wherein the cities were represented) would eventually make the decision (Prak, 1985: 90).

As the Leiden party minutely gave an account of their undertaking, we are excellently informed. The delegation was appointed on the 31st of May 1725 and consisted of Burgomaster Johan van den Bergh, town councilmen Petrus Cunæus and Aegidius van der Marck and Pensionary Pieter Marcus. The gentlemen departed on the 1st of June and visited several cities in the northern and southern parts of the province of Holland. After arriving in Amsterdam, the party continued to the northern cities of Enkhuizen, Medemblik, Hoorn, Alkmaar, Edam, Monnikendam, Purmerend, back to Amsterdam, eventually followed by a visit to Haarlem. After returning and reporting in Leiden on the 8th of June the delegation continued its journey through the southern part of Holland. First the delegates arrived in Delft, and continued to Schiedam, Rotterdam, Dordrecht, Schoonhoven and Gouda, eventually returning to Leiden where the delegation reported about its “dealings” on June 12th. Ultimately the cities of Briel and Gorinchem were visited on June 30th and the 1st of July, the party returned to Leiden on July 2nd. At times the answers of the local magistrates were friendly but evasive or a service was asked in return, at other times hopeful because concrete promises were made to support Van den Bergh's candidacy. Visits to two cities were especially relevant for this case study. According to Pieter Marcus' accounts, the delegation arrived in Haarlem on Thursday the 7th of June and was greeted by Burgomaster Sijlvius, who would be the representative of Haarlem at the assembly of the States of Holland in July where the crucial vote would take place. The Burgomaster gave the delegation many expressions of sympathy so that the travelling party was fully satisfied

¹⁷³ Papers regarding Leiden, 6-29-1726, RAL, LB 15032.

about the promises made (and probably confident of the vote of Haarlem). Secondly, the party conversed with Burgomaster Witte, who said that the Burgomasters had not yet deliberated about their preference for the new *baljuw-dijkgraaf* of Rijnland, a similar response as Burgomaster Sijlvius, yet he also showed an inclination towards the requests of the delegation. Afterwards, several other magistrates were called upon. The city of Gouda was visited on the 10th and 11th of June. Although the magistrate Van Bleskensgraaf was not available on the 10th, the day after the delegates did manage to speak to the influential Burgomaster Van Eijck who would be the Gouda representative during the vote by the States of Holland. According to the accounts, Van Eijck reacted very favorably to the requests for support by the Leiden party, whereby the delegation was convinced of having the vote of Gouda (Van Maanen, 1997: 25-26; 2000: 97-106)¹⁷⁴. Van den Bergh was lucky that Leiden had joined twelve other cities in a correspondence, so that the Holland nobility (which traditionally held this position) remained only a minority. The journey through Holland was therefore important to convince these cities to support Van den Bergh's candidacy (Prak, 1985: 90). Eventually Van den Bergh managed to obtain the lucrative office. On the 21st of July 1725 he assumed office as the new *baljuw-dijkgraaf* of Rijnland (Van Maanen, 2000: 105). Although formal language, the resolution of the Estates of Holland and West-Friesland described Johan van den Bergh as a competent (*bequaam*) and qualified (*sufficient*) successor, someone who was faithful (*getrouwheijt*) and possessed the necessary capacity (*kwaliteit*) and experience (*ervarentheijt*). He was further characterized as diligent (*naarstig*), persevering (*ernstigheijt*) and wise (*wijsheijt*)¹⁷⁵. Yet Van den Bergh's success in 1725 would result in considerable strife in 1747, some 22 years later.

7.3. Honoured or broken promises?

On the 22nd of August 1747 Cornelis Schrevelius, a member of the minority of the Leiden council and frustrated after years of exclusion from the political arena, published

¹⁷⁴ Papers regarding Leiden, 6-12-1725, 501 A Sa (Stadsarchief Leiden) 1574-1816, 5455.

¹⁷⁵ Papers regarding Leiden, 7-13-1725, 501 A Sa (Stadsarchief Leiden) 1574-1816, 5455.

a pamphlet about the troubles that had befallen him after 1722¹⁷⁶. In the pamphlet's title Van den Bergh was accused of godless behaviour. After the death of Wigbold van der Does, Van den Bergh intended to become his successor as the new *baljuw-dijkgraaf* of Rijnland. Yet Schrevelius had a different account of Johan van den Bergh's tour past the cities of Holland, which was made at the expense of the city of Leiden, although Van den Bergh should have paid for the tour as only this would have been reasonable. Schrevelius claimed that when the Leiden delegation arrived in Haarlem Van den Bergh had apparently spoken with Burgomaster Hendrik Witte, a close friend of Cornelis Schrevelius. Apparently Witte was willing to support Van den Bergh's undertaking to become the new *baljuw-dijkgraaf* as long as the latter would also honour some wishes of the Haarlem Burgomaster. Witte asked for the return of friendliness (*vriendelykheit*) within the Leiden administration as well as the reinstatement of two of his close friends in the contract of correspondence, the magistrates Van Thol and Cornelis Schrevelius. Van den Bergh replied he considered Van Thol to be a fine gentleman and Cornelis Schrevelius was a cousin of his wife. According to Schrevelius Johan van den Bergh therefore agreed with these arrangements and swore an oath to God to reinstate the two gentlemen. In an attempt to further Van den Bergh's chances, Witte managed to change the preference of the Burgomasters of the city of Haarlem in favour of Johan van den Bergh. The pamphlet stated that Witte even attempted to influence the vote in the nearby city of Gouda. An Envoy was sent to the magistrate Van Bleskensgraaff as he had the most influence among the magistrates of Gouda. Cornelis Schrevelius solemnly declared these facts were told him by Hendrik Witte on several occasions. Eventually, on the 21st of July 1725, Van den Bergh became the new *baljuw-dijkgraaf* of Rijnland¹⁷⁷. In September 1727 three people were to be nominated, one of whom would be chosen as the new *schout* of Leiden on the 10th of November. The nomination for this office was usually made on the 10th of September. Since 1669 the *schout* fulfilled his position for a period of three years after which he would not be eligible for re-election for six years. From a nomination of three names the States or the Stadtholder chose the new *schout*, who took office on the 10th of November (Prak, 1985: 40). Schrevelius claimed that Van den Bergh was not only indebted to him but also to his cousin, Rynier Roosenboom, who was of the opinion that it was time for Johan van den Bergh to honour the promises made to Hendrik Witte. The influential Van den Bergh

¹⁷⁶ (Knuttel, 1978: microfiche [mf.] 17783, 8-22-1747; also papers regarding Leiden, 1747, RAL, LB 687 and RAL, LB 707).

¹⁷⁷ (Knuttel, 1978: mf. 17783, 8-22-1747, folio [f.] 3-5).

was expected to choose the magistrate that Roosenboom suggested to him as the potential new *schout*. Schrevelius argued that Van den Bergh had solemnly promised to respect Roosenboom's request. Of course Cornelis Schrevelius would be the chosen one. Yet Cornelis Schrevelius stated that he soon found out that Johan van den Bergh was not a man to keep his word. The latter would turn out to be disloyal. He had even committed perjury¹⁷⁸. The second day after cousin Roosenboom had informed Van den Bergh about his preferred candidate, Schrevelius' sister, married to Jan van Teijlingen, came to visit asking for advice. Van Teijlingen's uncle Johan van den Bergh had also offered the position of *schout* to Schrevelius' brother-in-law. According to Schrevelius' sister her husband had his doubts about accepting the position. *Schout* Van Teijlingen would not be able to fulfil the office of Burgomaster. He therefore ran the risk that younger magistrates could become Burgomaster before he did. Schrevelius' response was evasive. He did not want to give his sister any advice, because if he advised her husband to take the position his brother-in-law could miss the possibility of becoming a Burgomaster. If he advised her not to take the position his brother-in-law ran the risk of not obtaining any office at all if none of the incumbent (or former) Burgomasters passed away. Schrevelius' sister thanked him for the advice, but after a couple of days Jan van Teijlingen decided in favor of the offer. Yet both magistrates, Cornelis Schrevelius and Jan van Teijlingen would eventually miss out on this lucrative office. According to Schrevelius, Johan van den Bergh had duped them both. Schrevelius was not reinstated as a member of the correspondence (the majority of the council) nor was he nominated as the new *schout*. Fellow magistrate Van der Mark was appointed the new *schout* in November 1727. Van den Bergh had broken his precious oath to Cornelis Schrevelius and Jan van Teijlingen. Schrevelius had never seen these dirty tricks in anyone with an honest (*eerlyk*) drop of blood in his veins. Schrevelius had been treated roguishly, whereas Van den Bergh had given his soul to the devil. The latter had lost his honor (*eer*) and decency (*fatzoen*). Whether Van den Bergh had been good or evil was up to God's just judgment¹⁷⁹.

A pamphlet by Schrevelius' adversaries quickly followed¹⁸⁰. They claimed that the magistrate's assertions were unfounded and published with the sole intent to arouse

¹⁷⁸ (Knuttel, 1978: mf. 17783, 8-22-1747, f. 5).

¹⁷⁹ (Knuttel, 1978: mf. 17783, 8-22-1747, f. 7-8).

¹⁸⁰ (Knuttel, 1978: mf. 17786, 1747; also papers regarding Leiden, 1747, RAL, LB 712).

an unchristian hatred towards Johan van den Bergh. Schrevelius did not love the truth (*waarheit*) and had no regard for the “grey hairs” (*gryze haaren*) of an honest (*eerlyk*) regent. Van den Bergh had never made a promise to Reinier Roosenboom to appoint his cousin Cornelis Schrevelius as the new *schout*. First, several inaccuracies in Schrevelius’ account were pointed out. His cousin Reinier Roosenboom, for instance, had already deceased on the 22nd of November 1725! The discussions between Roosenboom and Schrevelius in August 1727 could therefore not have taken place, because Roosenboom had already been dead for two years¹⁸¹. Secondly, a promise of Van den Bergh to Roosenboom could also not have been made earlier. The latest term for the position of *schout* had taken effect on the 10th of November 1724 when Willem van Zanen was appointed. Burgomaster Van den Bergh, then, could not have made an earlier promise to Roosenboom to appoint Schrevelius as the new *schout*, as this promise resulted from the untrue commitment of the magistrate Witte of Haarlem to support Van den Bergh in his quest to become *baljuw-dijkgraaf* of Rijnland and this office had only become vacant in 1725¹⁸². Apart from the factual inaccuracies, Schrevelius’ opponents stated that Johan van den Bergh had not been able to make any promise, as in 1727 he had to take six other (former) Burgomasters and members of the correspondence into consideration, who were more senior members of the council than himself. With so many magistrates of equal authority (*egale autoriteit*), how could he have made the promise of the position of *schout* to Schrevelius’ brother-in-law Jan van Teijlingen? After all, the latter had already been an Alderman three times and was a member of the correspondence himself. Observing rank and order of seniority (*na de rang*) were the foundations of politics and key in preserving harmony in local administration. Van Teijlingen should have known this. Van den Bergh was portrayed as a sensible man (*verstandig man*) and Van Teijlingen as a man of judgement (*man van oordeel*)¹⁸³. Inaccuracies also existed regarding Schrevelius’ account of the tour of Van den Bergh, Van der Mark and Pensionary Marcus to the cities of Holland. For Marcus, as already expounded above, had written his own account of the visits the Leiden delegation had made to several magistrates during its tour and this account differed greatly from the accusations of Cornelis Schrevelius. Firstly, after arriving in Haarlem on the 7th of June the travellers spoke to Burgomaster Sylvius who would be present at the vote of the States of Holland. He was inclined towards Van den Bergh’s ambitions to

¹⁸¹ (Knuttel, 1978: mf. 17786, 1747, f. 4-5).

¹⁸² (Knuttel, 1978: mf. 17786, 1747, f. 6).

¹⁸³ (Knuttel, 1978: mf. 17786, 1747, f. 7).

become *baljuw-dijkgraaf* of Rijnland. Only afterwards was Burgomaster Witte visited who stated that the Burgomasters had not yet deliberated about the subject, yet he was also sympathetic towards Van den Bergh's intentions¹⁸⁴. Many other discrepancies existed. According to Schrevelius' accounts, Hendrik Witte had said to Van den Bergh that the travelling party had only encountered evasive answers during their visits in the north of Holland with the result that Van den Bergh would not become the new *baljuw-dijkgraaf*. Yet Marcus' reports show a contrasting picture, the deputation had received positive reactions in Alkmaar, Hoorn and Monnikendam. Yet another example of Schrevelius' incorrectness and the improbability of his assertion that Hendrik Witte of Haarlem had demanded the reinstatement of Van Thol and Schrevelius in exchange for his support for Van den Bergh. For the latter it would have been impossible to reinstate the two Leiden magistrates. After all, this would have resulted in a serious disruption of the existing correspondence in Leiden! Witte also knew the importance of a correspondence as a similar contract existed in Haarlem. A man of honour (*eer*) and honesty (*honettiteit*), who respected the law, would not make up these falsehoods and portray Witte in such a negative fashion¹⁸⁵. Another falsehood of Schrevelius was his account of Pensionary Fabricius' visit to Gouda to speak to the magistrate Van Bleskensgraaf, according to Schrevelius the most influential, in order to influence the vote of Gouda on behalf of Van den Bergh. In reality the Leiden deputation had already been in Gouda on the 11th of June, about which Marcus' account stated that they had spoken to Burgomaster Van der Eyk, whose answer was very favourable to Johan van den Bergh's ambitions. Van der Eyk would be the Gouda delegate at the assembly of the States of Holland in July. Therefore, there was no logical explanation for Fabricius' visit to Van Bleskensgraaf in Gouda to obtain the vote of this city. As Van der Eyk would have the deciding vote, why try to influence the magistrate Van Bleskensgraaff¹⁸⁶? So what really happened according to Van den Bergh and his supporters? After the gentlemen Van den Bergh, Van der Mark and Marcus had ended their visit to Haarlem no relevant promises had been made between Johan van den Bergh and Hendrik Witte. Shortly after his return to Leiden Abraham Musquettier, who offered him the vote of Haarlem, called upon Van den Bergh. Van den Bergh eventually

¹⁸⁴ (Knuttel, 1978: mf. 17786, 1747, f. 13-14).

¹⁸⁵ (Knuttel, 1978: mf. 17786, 1747, f. 15-17).

¹⁸⁶ (Knuttel, 1978: mf. 17786, 1747, f. 18).

accepted whereby Musquettier noted that Hendrik Witte should be credited for this favor. When afterwards Van den Bergh spoke to Witte and expressed his gratitude, the latter asked whether Van den Bergh could not reinstate his good friend Van Thol in the existing correspondence. Van den Bergh answered that he would only consider Witte's request if he would do something in return: reinstate his own friend Arent de Raadt, former Burgomaster of Haarlem, in the correspondence of Haarlem. As Witte said that this was not possible Van den Bergh reacted that he could also not adhere to Witte's request. Cornelis Schrevelius, stated the pamphleteer, was not even mentioned. The honour (*eer*) of an honest (*eerlyk*), old (*oud*) and dignified (*waardig*) regent should be protected¹⁸⁷.

As a consequence Schrevelius' expectations to obtain the office of *schout* seemed to be in vain. His assertions in 1747 do not seem to have been very convincing. Since 1722 he belonged to the minority in the council and its members were effectively barred from obtaining positions within the administration. It remains unclear whether or not Johan van den Bergh really made his promise to Schrevelius' cousin Roosenboom, but even if such a promise was made Schrevelius should not have attached great value to it. He should have known that his chances of being accepted in the correspondence were very limited. His brother-in-law Jan van Teijlingen also missed out on the office of *schout* and only became a Burgomaster (for the first time) in 1732 (Prak, 1985: 45). The pamphlet strife of 1747 between Schrevelius and Van den Bergh was still firmly established on the existing practices of contracts of correspondence, seniority and rotation of office in order to ensure the stability of a city's administration. Neither Schrevelius nor Van den Bergh considered these practices to be unethical. Not observing a promise, however, could have serious consequences (although in this case study probably no actual promise was made). An upright magistrate should at least be trustworthy and respect his commitments. One of the main arguments of Van den Bergh was therefore that he could not have made a promise in 1727 to Schrevelius or his brother-in-law Van Teijlingen, because he had to take into account several other senior members of his correspondence.

¹⁸⁷ (Knuttel, 1978: mf. 17786, 1747, f. 20-22; also Knuttel, 1978: mf. 17785, 1747, wherein Schrevelius' claims are denounced as lies, solely intended to create new disturbances within the Leiden administration).

7.4. For the benefit of the “common good”

A “neo-classical” perspective on how political corruption is constructed gives us the opportunity to not only look at wrongful individual behaviour of two Leiden magistrates. One should also consider broader processes of consent, influence and authority. At the time Cornelis Schrevelius and Johan van den Bergh were quarrelling, a French invasion resulted in considerable unrest and upheaval in the Dutch Republic. On the 30th of April 1747 the Leiden administration declared itself in support of the speedy appointment of the Prince of Orange (from the Frisian branch of the dynasty) as the new Stadtholder of Holland. On the 3rd of May the Prince's appointment was a fact¹⁸⁸. Discontent surfaced on a number of subjects, most notably concerning decades of economic decline and the exclusion of many from participation in government. The ruling magistrates were criticized, as they would bar Stadtholder William IV from initiating redress. In 1748 the crisis continued, in part as a result of unrest in the towns of Holland against the suffocating taxes, the behaviour of those levying them and the patricians that profited most from them. The delegation of sovereignty to the ruling oligarchy and obedience to patrician authority were challenged. For the first time questions were raised (Schama, 1987: 600-601). Reformers used the discontent and ensuing agitation to further their own interests. Moderate reformers were critical towards the ruling oligarchy, and advocated an end to the abuses associated with the bestowal of office, the handing over to the state of the lucrative postal services and restoration of the rights of the guilds. Affluent burghers, excluded by the oligarchy from participation in government, also demanded political influence. Radical representatives were in favor of the removal of the entire old clique of magistrates (De Jongste, 1980-1981b: 82-83). Often public opinion was manipulated in favor of consolidating the Stadtholder's powers. An image of continual abuse within the oligarchy was created by the periodical press, which accused the magistrates of nepotism and venality. The “welfare and order” of the country were at stake. The fulfilment of an office should be in the interest of the people and was not to be used for self-interest, for instance the increase of personal wealth or power or the advancement of family members. The press therefore closely linked the decline of the Dutch state (politically and economically) to

¹⁸⁸ Papers regarding Leiden, 4-30-1747, 3-5-1747, RAL, LB 787.

accusations of corruption, which were a standard topic in 18th century political discourse (Schama, 1977: 47-48).

In essence a countergovernment consisting of middle class figures had formed in Leiden which targeted the ruling oligarchy. As a consequence the Leiden magistrates would not escape their share of the criticism. In a document from 1748 a comparison was made between some old charters and privileges of Leiden and the contemporary state of affairs of government. A writer asserted that if these writings would find imitation in other cities they could be of service to the Stadtholder to redress the ingrained patterns of abuse within the oligarchy. For it would be an unbearable task for the Stadtholder to research all particularities of the finances for the benefit of the inhabitants of every city. Magistrates that would forget their duty to appoint administrators that were useful (*nutte*), competent (*bekwame*) and sensible (*verstandige*), that would not govern for the common good (*gemeen profyt*) of the city and its citizens, were condemned. Lamentable were instances where senior local administrators were appointed not capable of writing a proper letter, formulate a document or deduction, or direct a treasury (Bijleveld, 1908: 145-150)¹⁸⁹. Why was an office (Treasurer in the Treasurer's office), with only a moderate reward until 1735, eventually given to a young man, related (*geparenteerd*) to the ruling oligarchy and only half capable of fulfilling the position? These abuses were linked to excessive awards and the limited practical relevance of many positions. Were there no competent (*bekwame*) inhabitants who would content themselves with less pay and who would act in the interest of the citizens according to their oath and duty? Superfluous offices should also be abolished¹⁹⁰. Many offices in Leiden were also awarded to strangers and inhabitants of other cities of Holland, people hardly known in the city of Leiden but related (*vermaagtschap*) to one of the Burgomasters. As a result many honest (*braaf*) citizens of Leiden were ignored for these positions, although they were described as good and desirable with regard to their ability (*bequaamheid*), good behaviour (*goed gedrag*), wealth (*Rykdom*) and possessions (*bezittingen*)¹⁹¹. The appointment or reinstatement of a magistrate should be based on whether or not the candidate was sensible (*verstandige*), honest (*eerlyke*), capable (*bekwame*), friendly (*vriendelyke*) and devout (*godvrugtige*). An exam as well as submission of written documents should be the criteria to assess a (senior) local administrator's capability to fulfil a position.

¹⁸⁹ Papers regarding Leiden, 1748, RAL, LB 773 f. 7.

¹⁹⁰ Papers regarding Leiden, 1748, RAL, LB 773 f. 24-25.

¹⁹¹ Papers regarding Leiden, 1748, RAL, LB 728 f. 13.

Considerable or modest offices should only be awarded to those that were citizens of the city and that fulfilled the position in person (*perzoonlyk waarnemen*)¹⁹². Complaints were uttered about the abuses related to “composition”, from which the *schout* profited immensely. It was therefore not that strange that Cornelis Schrevelius wished to obtain this lucrative position. Fines as a result of the composition of criminal offenses were divided according to the following distributive code: one-third for the *schout*, one-third for the informer and one-third for the poor. The question was raised whether composition was beneficial to justice. The writer stated that this was not the case. Offenders' behaviour would only deteriorate in the future as long as they had the possibility to buy off a criminal prosecution. It would be better if an offender had to repent in public; the possible fear for scandal would deter anyone from committing crime. This would also be beneficial for the common good (i.e. the city of Leiden). In the current system only the *schout* really profited, who was additionally tempted to appropriate the proceeds of composition formally assigned to the poor¹⁹³. The civil unrest of 1748 against taxes also resulted in criticism of the Leiden administrators. The magistrates of Leiden were condemned for not paying taxes, shifting the burden to the citizens of Leiden. Although only minor offences, in a pamphlet from 1748 an extensive list was published of all the magistrates who had acquired large quantities of wheat and rye without paying any taxes. Johan van den Bergh was also implicated (Noordam, 1980: 87-98)¹⁹⁴. In Leiden the call for redress was immense, as an author proclaimed: "Reformation! Reformation! Because we perish."¹⁹⁵

Therefore, as Johan van den Bergh and Cornelis Schrevelius were bickering in 1747 about whether or not the former had made a promise to Schrevelius to reinstate him as a member of the correspondence as well as to get him the office of *schout*, reform in the Leiden administration seemed to be very wanted. For the quarrelling magistrates a correspondence, rotation and everlasting calendars for the distribution of offices were self-evident. Yet in the same year new developments were at hand. One specific proposal for reform could be very useful to place the conflict between Cornelis Schrevelius and Johan van den Bergh in a broader perspective: the public auctioning of

¹⁹² Papers regarding Leiden, 1748, RAL, LB 773 f. 30-31.

¹⁹³ Papers regarding Leiden, 1748, RAL, LB 773 f. 26.

¹⁹⁴ (Knuttel, 1978: mf. 18169, 1748, f. 5-6, 7-8; also papers regarding Leiden, 1748, RAL, LB 774).

¹⁹⁵ Papers regarding Leiden, 1748, RAL, LB 773 f. 8.

offices for the benefit of the “common good”, whereby the revenues would not fall into the pockets of the ruling magistrates. This would generate income for the treasury on a daily basis! The “common good” in this meaning usually referred to the well-being of the city or the province and almost never the Republic as a whole.

Where did this proposal originate? The Dutch Republic was confronted with serious problems as its' citizens were weighed down by a high burden of taxation, the sometimes malicious levying of these taxes and rising costs of living. As a consequence, in 1747 and 1748 general popular dissatisfaction and protest turned against the government and ruling (city) elites (Israel, 2001: 1173-1186). In 1747 supporters of the Stadtholder proposed to publicly auction the city offices for the benefit of the “common good”. The proceeds would fall to the common means instead of the already affluent magistrates. The ruling oligarchy realized these proposals would mean nothing less than an intentional attack on its position. In 1747 Schrevelius and Van den Bergh still considered the contracts of correspondence as the foundations of local administration. Yet what had been self-evident was suddenly questioned. At the end of September 1747 Rotterdam supporters of the Stadtholder submitted a petition to their city council with the sole request to publicly auction the city offices. These petitioners had also played an important role in the elevation of the Prince of Orange to the office of Stadtholder and they had close contacts with the court. The court tried to use the petitioners to contain the movement for redress within acceptable boundaries (De Jongste, 1980-1981b: 77-78). Similar proposals were made in a pamphlet (from 1748) concerning the city of Leiden. The proceeds from these offices would benefit the common good (in this case most likely the city of Leiden). The pamphleteer also called upon every city in the province of Holland to adopt the new proposals, thereby widening the scope of the common good to include the entire province of Holland. The Burgomasters of Amsterdam served as an example to show the abuses associated with practices surrounding the bestowal of office. The lucrative postal services and other positions brought in generous incomes of 60.000 or 70.000 guilders, apart from the interests the Burgomasters received from their considerable fortunes. If the postal services and offices would be employed for the benefit of the common good (*welzyn en behoud van het Land*), the Province's debts could finally be paid¹⁹⁶. By way of a special commission William IV reacted to the proposals of the petitioners. The Stadtholder was not averse to possible convenient arrangements, but he would not accept a system entailing the public

¹⁹⁶ (Knuttel, 1978: mf. 18169, 1748, f. 29-31).

auctioning of city offices. The Prince's negative reaction to the latter proposal led to the failure of similar initiatives in other cities such as Haarlem and Gouda. The turmoil of the autumn of 1747 did however put pressure on the magistrates. On the 11th of November the States of Holland agreed on a provisional arrangement regarding the problems surrounding office: fulfilment of an office in person, a prohibition on any payment by an office holder from his salary to his predecessor, and the obligation for city councils to exactly state the existing offices in a city as well as their related incomes. The system of the rotation of offices was therefore not affected, but its rules became stricter. Yet in practice most magistrates used every possibility to circumvent the restrictions, for instance regarding the compilation of the list of a city's offices. Often city councils regarded the imposed restrictions as an unacceptable interference with local city affairs. In the summer of 1748 only the city of Purmerend had complied with the demands set forth in the imposed regulations (De Jongste, 1980-1981b: 78)¹⁹⁷.

Eventually most of the reformer's proposals turned out to be unsuccessful. The contradictions within the movement were considerable, resulting in bickering and strife. Secondly, it proved to be a wrong decision for the reformers to put their trust in the new Stadtholder. The Stadtholder's troops eventually suppressed the insurrections in Leiden and Rotterdam. The desired purge of the regents, as advocated by the reformists, did not occur. In Amsterdam those that were removed from office were often replaced by like-minded people, with similar social backgrounds (Schama, 1977: 53). The Stadtholder had too much regard for the established order, leading to only minor changes to the system. "Revolutionary" changes were not carried through (De Jongste, 1980-1981b: 84).

7.5. Conclusion

Corruption scandals serve as a way to make explicit the implicit values underlying political corruption. The conflict between Schrevelius and Van den Bergh as well as the calls for reform of 1747 also serve to emphasize the importance of context in interpreting political corruption in the early modern Dutch Republic. In 1747 multiple coexisting, and sometimes conflicting, standards of correct ethical conduct surfaced.

¹⁹⁷ Also papers regarding Leiden, 11-11-1747, RAL, LB 787.

Different values concerning the bestowal of office clashed with each other. On the one hand there was the conflict between Schrevelius and Van den Bergh (with a focus on wrongful individual behaviour) and on the other hand the reform movement of the same year (with a broader notion of political corruption and a focus on the political system). Perceptions on political corruption therefore differed considerably.

In his infamous pamphlet Schrevelius claimed that Van den Bergh had broken his oath to him as well as to his brother-in-law Van Teylingen, because on the 10th of November 1727 their fellow magistrate Van der Mark was appointed the new *schout*. Schrevelius stated that he had never seen such a rogue and such horrible actions. He had never witnessed a comparable feat by any man with an “honest drop of blood in his veins”. According to Schrevelius it almost seemed as if Van den Bergh did not expect to be punished for his behaviour in the afterlife¹⁹⁸! It is interesting to see what Schrevelius and Van den Bergh considered unethical in this conflict. Schrevelius mainly referred to the fact that the promises of reinstatement as a member of the correspondence and the prospect of becoming the new *schout* had not been adhered to. Oaths and promises mattered greatly and should be respected. Not keeping one's word or promise was what was considered unethical and unwanted by Schrevelius. An upright magistrate should be trustworthy and at least respect his commitments. Personal loyalty and fidelity mattered as (dependency) relationships were based on reciprocity and goodwill. Harmony and stability in local administration could be disrupted as a consequence of promises not adhered to. Administrative values such as friendship, unity, harmony, rank and order of seniority therefore served to prevent unrest, differences and animosity. Both magistrates' modes of thought were still firmly ingrained in the existing practices on the bestowal of office according to which administration should be carried out by those most suitable for the position, i.e. preferably those whose ancestors or relations already had been members of the administration. For Schrevelius and Van den Bergh the contracts of correspondence served as the foundations of local administration. The Leiden magistrates handled the offices as their “personal property”, as they should be bestowed on people of their own class, often sons and family members. The selection of (patrimonial) officials was therefore largely based on personal trust and not on technical qualifications. An (aspiring) magistrate was mainly judged upon his social prestige, family ties, honour and status in order to obtain office. Local administration therefore stressed values such as kinship, esteem, honour, decency, honesty, dignity and “grey

¹⁹⁸ (Knuttel, 1978: mf. 17783, 1747, f. 8).

hairs”. In essence Johan van den Bergh resembled his opponent as he used similar arguments. He claimed he could not have made any promise to Schrevelius or his brother-in-law Van Teijlingen. After all, in 1727 he also had to consider six other, more senior members of the correspondence. He therefore agreed with Schrevelius on the question whether promises should be honoured, but emphasized he did not have discretionary freedom to make promises as he pleased and therefore could never have made such promises.

As discussed earlier, the practices concerning the appointment of magistrates ultimately remained intact after 1748. Rank and seniority remained decisive criteria and plans for the rotation of offices showed much regularity until 1780 (Prak, 1985: 100). Van den Bergh and Schrevelius' ideas and administrative values were seemingly not yet outdated. Yet in 1747 the sovereignty of the magistrates and obedience to patrician authority were challenged for the first time, for instance through calls for reform within the periodical press, which intentionally created an image of continual abuses within the oligarchy to further the interests of the newly appointed Stadtholder. According to Maarten Prak the complaints which were uttered against the regents were mainly aimed at their transgressions, whereas the foundations of the system were not really affected. He also states that although indignation existed concerning the magistrates as they used their positions for pecuniary gain, these complaints were precisely an argument for a government of the affluent as only an impoverished regent would be tempted toward corruption (Prak, 1985: 94)¹⁹⁹. A nuance seems desirable here. Although the proposals for reform failed, this does not mean we cannot speak of changing or shifting values from a “neo-classical” perspective. Reformist criticism was aimed at the selection of officials primarily based on personal trust, social prestige, status and family ties. In 1747 reformers emphasized the importance of technical qualifications for office, including experience and concrete skills such as reading, writing and calculating. Usefulness, capability and ability to serve the common good mattered. Face-to-face values concerning the bestowal of office were therefore challenged by new standards (i.e. technical qualifications) similar to Weber's characteristic of the bureaucratic official, who should be knowledgeable and have expertise. No longer should the magistrates of Leiden be able to treat all offices as their “personal property”, similar to

¹⁹⁹ Also papers regarding Leiden, 1748, RAL, LB 774, 7, 9.

the Weberian bureaucratic characteristic of non-ownership of office. *Normenkonkurrenz* (face-to-face versus bureaucratic) is very recognizable in this case study. Although practices concerning the bestowal of office remained intact for decades to come, ideas that these practices were no longer tenable did arise from 1747 onwards. After all, attitudes and assumptions concerning administration or an official's desirable conduct, qualities and characteristics do not change overnight. Similar calls for reform would resurface in the second half of the century and influence the political debate, for instance during the (failed) Patriot Revolution of 1787 and the (successful) Batavian Revolution of 1795. For radical reformers in 1747 it truly was *the system* through which offices were allocated that was not acceptable or ethical anymore.

How did things eventually turn out for the two quarrelling magistrates? Johan van den Bergh, already an old man, eventually resigned as a result of the 1748 tax revolt. Yet *he* could look back upon a long and successful career (Prak, 1985: 95). Cornelis Schrevelius was regarded as a problem. In 1747 he had written his infamous pamphlet against Van den Bergh. Schrevelius, as a member of the minority in the council, was even considered as one of the possible agitators of the tax riots of 1748. By (possibly) doing so he actually not only attempted to overthrow the incumbent administration of which he so longed to become a respected member; he also unconsciously undermined his own views on the proper way to govern, as his mode of thought was still firmly ingrained in the existing value system on the desirable way to administer. Eventually a plan was devised to get rid of him. His son could become a member of the council if Schrevelius would renounce his own seat. His second son was also offered an office in one of the city seigniories. Schrevelius, sidetracked and already 72 years old, wisely accepted (Prak, 1985: 102-103).

8 *CORRUPTION AND ADMINISTRATIVE VALUES IN THE DUTCH REPUBLIC (1650-1747)*

Corruption and administrative values have attracted considerable attention in recent times, for instance as a result of the corrupt practices of government officials “breaking the rules”. These scandals not only create upheaval and indignation in the media and the public at large, but are also of interest for academics as scandals tell us something about the ethical aspects of administration, what a present day administrator is allowed to do and what is not allowed, when actions are contrary to all rules, leading to corruption or at least accusations of corruption. For a better understanding of the ethical aspects of administration a historical approach is interesting as it offers the possibility to research the development of values through time. After all, corruption scandals have occurred throughout history and are therefore not only relevant for research into contemporary administration but also for historical research into administrative values in The Netherlands. For historians a focus on scandal is interesting as it serves as a way to make explicit values which usually remain implicit, as only during upheaval it is publicly spelled out what is (not) allowed and what values matter. Yet public values can also change. In order to better understand the development, change and context dependency of values through time the NWO project “Under Construction: The Genesis of Public Value Systems” therefore focuses on corruption and public values in The Netherlands in the period 1650-1950. These three centuries have been divided up into three parts, my subproject focusing on the relevant administrative values in the Dutch Republic, specifically the period 1650-1747, the next two centuries being researched by two other Ph.D. students, Toon Kerkhoff and Ronald Kroeze.

For a better understanding of the foundations of the NWO project “Under Construction” it is necessary to give more information on several central concepts, the project’s research question, theory and methodology. The “Under Construction” project hinges upon one central question: “*how are values established as moral groundings for administrative behaviour, and how do these change over time?*”. The point of departure is the argument that historical corruption can best be tackled as a social construct. A focus on the contextual nature of corruption can be of use for historical research, as values change in time and place. Michael Johnston's “neo-classical approach” is promising as it considers corruption to be “the abuse, according to the legal or social standards constituting a society’s system of public order, of a public role or resource for

private benefit” (Johnston, 1996: 331). Instead of a definition, it is rather an approach by which contemporary definitions and understandings of corruption can be found. The added value of the “neo-classical approach” lies in the fact that this approach is receptive to every definition imaginable, not only Aristotelian (with a focus on the political cycle of governments in a society with basic forms of government and the degenerate forms of each of these governments) or World Bank definitions (with a focus on the abuse of public office for private gain). Corruption is not only regarded as a formal-legal issue, but also as a moral issue. Secondly, the focus is not only on individual transgressions, but also on the “moral framework” of whole societies. Within the “neo-classical” approach corruption scandals are of vital importance as administrative values acquire their meaning during the clash over boundaries, public versus private, politics versus administration, state versus society. Conflicts can result in new standards regarding reprehensible behavior within administration. Another advantage is that for the early modern era relevant documents about transgressions are available from which we can distill “positive” public values, which are difficult to find. As already mentioned, Johnston is not using a definition of corruption, but also does not offer a theory from which hypotheses can be derived. As a result his approach has been supplemented with Max Weber’s theory (1978), which argues that modern Western administration has gone through three phases of administrative development. The first two phases, traditional and patrimonial administration are all about personal relations. The third phase, the bureaucratic ideal type, reflects a legal-rational, professional, transparent and impersonal administration. While using Weber’s theory it is important to keep in mind, in line with Susanne Schattenberg (2009), that corruption research should not attempt to portray Dutch administrative history as a *Defizitgeschichte*, as a deviation from norms with the modern bureaucracy as the sole perspective. The patrimonial ideal type within the development of Western administration can also be of considerable use for the early modern era to better understand values as the moral groundings of administrative behavior and the change of values over time. Finally, the relevance of Niklas Luhmann’s theory of social systems for historical research into public values will be discussed. This theory argues that modern society is divided into separate self-referential value systems. Corruption ensues when these systems start to overlap, for instance when values from the legal system penetrate the political system. Although Luhmann’s theory of social systems is not central to my research it does offer some interesting insights into possible alternatives for historical research into public

values. Luhmann's theory will be discussed more extensively after this in the comparison of the corruption scandals from the period 1650-1747.

In order to answer how values are established as moral groundings for administrative behavior and how they change over time, it is necessary to study the primary sources. Ben Hoetjes' "sources of social values" serves as a heuristical tool to deal with the multitude of archival material available (Hoetjes, 1977, 1982). Four sources of values can be distinguished. Firstly, the application of law in corruption scandals, as reflected in the legal files of trials. Secondly, the nature and formation of public opinion in corruption scandals focuses on (for instance) the pamphlet literature of the time. Thirdly, the codes of the "shop floor" or in other words the everyday rules by which local administration was (supposed to be) conducted. Fourthly, moral authorities (or "the best opinion or morality of the time"), encompassing political philosophy, theology or books on etiquette.

Before turning to actual research I would like to discuss several expectations with regard to the establishment of values as moral groundings for administrative behavior and the development of values over time. Two hypotheses elucidate the project's fundamental issue. I will first turn to the hypothesis based on Weber's theory on Western administrative development, which states: *"A development from patrimonial administration to a more bureaucratic administration is already visible in the Dutch Republic in the period 1650-1747"*. I expect to see change *and* continuity with regard to the relevant administrative values which are closely related to the development of patrimonial administration to a more bureaucratic administration. Patrimonialism is a "face-to-face" administration in which personal relations are key, stressing values such as the preservation of harmony and stability. Trust is therefore very important as promises between magistrates need to be honored. On the contrary, bureaucratic administration reflects other basic values such as administering in a rational, independent, transparent and impersonal manner. I argue that to a certain extent a shift in values is already visible in the Dutch Republic in the period 1650-1747. Secondly, I have some expectations with respect to the usefulness of another theory in order to find values and better understand the change of values over time. Several particularistic theories can be used to study corruption and public values from a historical perspective.

Whereas I am using a “neo-classical” approach to corruption combined with Max Weber’s theory on administrative development, another theory also seems promising. As already mentioned, Niklas Luhmann’s theory of social systems (Brans & Roszbach, 1997; Luhmann, 1980, 1985) argues that modern society is divided into separate self-referential value systems. Social systems such as the scientific, legal, political or economic system are “autopoietic”, meaning self-producing, and evolve according to their internal dynamics while employing “binary codes”, true or false, legal or illegal or good or bad, for certain standardized responses. For example, responses within the legal system depend on whether or not certain actions are legal or illegal. Corruption ensues when these systems start to overlap, for example when values from the legal system penetrate the economic system or the political system. According to Luhmann separate self-referential value systems were not characteristic for the early modern era. Instead, boundaries were blurred and social standing decisive to assess what was (not) allowed within everyday administration. Yet societal change (i.e. the transition from early modern to modern society) resulted in a shift in mode of differentiation from vertical stratification (i.e. social standing as the decisive factor to judge corruption) to horizontal functional systems, whereby corruption ensued when self-referential value systems (such as the legal, economic and political system) started to overlap. I have therefore come up with the following hypothesis: *“Luhmann’s theory of social systems, which divides society into separate self-referential value systems, is already applicable to and visible in early modern Dutch administration (1650-1747)”*.

In order to gain further insight into values as the moral groundings for administrative behavior and the development of public values in the period 1650-1747, it is necessary to focus on the nature of as well as the similarities and differences between the corruption scandals I have examined. The scandals have been researched with the help of Michael Johnston’s “neo-classical” approach supplemented by Max Weber’s theory on the development of Western administration, particularly his ideal types of patrimonialism and the rational-legal bureaucracy. The corruption scandals will be discussed with the help of Hoetjes “sources of social values”, the law in corruption cases, public opinion, public rectitude and the “codes of the shop floor”.

Three corruption scandals, concerning Andries Hessel van Dinther, *baljuw* of Beijerland, Lodewijk Huygens, *drost* of Gorinchem and Jacob van Zuijlen van Nijeveld, *baljuw* of Rotterdam, resemble each other. Before turning to a discussion of these scandals on the basis of Hoetjes’ “sources of social values”, it is necessary to go further

into the main actors, events as well as the outcomes of these corruption scandals. Hessel van Dinther was appointed *baljuw* of Beijerland in 1637, but as a magistrate he would encounter considerable problems in local administration. His relationship with his Aldermen seemed to be strained, for instance, with regard to the administration of justice. The *baljuw* abused the possibility of composition of criminal offences, meaning the payment to a legal officer by a suspect in order to avoid prosecution. This practice could quickly turn into extortion as accusations of violations of edicts were easy to make. Hessel van Dinther was also accused of adulterous behaviour, a notable accusation as that was not only illegal, but also because it was his duty to prosecute adultery in his jurisdiction. The *baljuw*'s actions in Beijerland eventually resulted in legal consequences. In 1660 Hessel van Dinther was provisionally suspended as *baljuw* of Beijerland. Cornelis de Witt, brother of the influential Grand Pensionary Johan de Witt, would stand in for Hessel van Dinther. Only in 1672 was Andries Hessel van Dinther reinstated as *baljuw* and Dike warden of Beijerland, after the downfall of the brothers De Witt.

Lodewijk Huygens was appointed *drost* of Gorinchem in 1672, an office he would hold through 1685. Through a resolution Huygens was awarded sole power to appoint people to much sought after positions. The *drost* abused his powerful position by receiving money or gifts from aspiring magistrates wishing to obtain a seat on the town council. Huygens demands were often extravagant exceeding what was morally or socially acceptable. The *drost* also abused the possibility of composition of criminal offences and did not flinch about dividing an office up into three parts for personal gain, contrary to established traditions. After a provisional suspension and a sentence by the Provincial Court of Holland, Zeeland and West-Friesland in 1676, the *drost* was eventually able to return to Gorinchem in 1678, following a favorable sentence by the High Court. However, strife in local administration continued. Factions constantly quarreled about, for instance, the appointment of officers in the local militia or vacant positions in the Estates' daily administration and the Admiralty. A pamphlet war would eventually bring the conflict into the limelight. The ongoing unrest resulted in Huygens' fall from Stadtholder William III's grace. By way of compensation the former *drost* was appointed member of the Gorinchem town council and the Admiralty of the Meuse in 1686.

Jacob van Zuijlen van Nijvelt was appointed *baljuw* of Rotterdam in 1676. His growing influence in the city was often associated with abuse and corruption, ultimately leading to legal consequences. Similar to Hessel van Dinther and Huygens, the *baljuw* of Rotterdam was accused of misusing the practice of composition in criminal cases, whereas fellow magistrates had supposedly signed documents to always follow blindly the sentiment of the *baljuw* in all government affairs, including the bestowal of seats in the city council and other offices. Local magistrates became part of the *baljuw's* faction or “correspondence”, the remaining regents being excluded as a result of which the system of seniority and rotation of office suffered, similar to the Huygens scandal. A pamphlet war ensued, in which the *baljuw* was accused of being a whoremonger. The “Kosterman uprising” of 1690, following the beheading of a citizen of Rotterdam, had resulted in Van Zuijlen fleeing the city. An investigation would follow into complaints about possible abuses by the *baljuw*, leading to a case before the Provincial Court which was eventually transferred to the High Court (as Stadtholder William III intervened). The High Court decided to acquit the *baljuw* in 1692 and compensate all legal costs. Van Zuijlen was reinstated and able to return to Rotterdam, receiving a considerable compensation for damages done. After his return adversaries would lose their seat in the town council and be excluded from political influence. Yet the *baljuw's* return would be short-lived. He died in 1695.

Turning to an analysis of the three scandals by means of Hoetjes’ “sources of social values” the “codes of the shop floor” show that a magistrate’s main task was to preserve peace, unity and harmony in local administration. Unrest and discord had to be prevented at all times. Yet this is where things went wrong for Andries Hessel van Dinther, Lodewijk Huygens and Jacob van Zuijlen van Nijvelt. As legal officers they had not abided by established patrimonial traditions, for instance with regard to the bestowal, rotation and seniority of office. Huygens and Van Zuijlen found themselves in a precarious position as patronage was at the core of early modern administration. On the one hand they had to remain on good terms with the local magistrates, but on the other hand personal submission and unconditional loyalty towards their patron, Stadtholder William III, were required. Losing favor with the Stadtholder could mean the end of a magistrate’s career. A capable administrator was also required to deal with all particularities surrounding gift-giving in the Dutch Republic. Although gifts formed an intrinsic part of social reality, they were also highly ambiguous, especially in relation to the bestowal of office. In order to judge the appropriateness of a gift it mattered

whether a gift was given on a voluntary basis or a preceding contract, was part of a longstanding relationship or given on a one-time basis implying a specific service in return (for instance a seat on the town council). Lodewijk Huygens sometimes misjudged the acceptability of certain gifts and sums of money. Another possible explanation for the disruption of harmony is not related to the actions of these administrators, but to the fact that these men were outsiders and were thwarted by the local regents. These regents appealed to (existing?) local privileges and called themselves free and unattached and considered the *baljuw*, *drost* or *ruwaard* to be an outsider. This line of argumentation is visible in the cases of Cornelis de Witt (and his substitute Coomans), Huygens (an outsider in Gorinchem) and Van Zuijlen van Nijeveld (who had a citizen of Rotterdam beheaded). To treat administrators from higher bodies impolitely, is a theme that is characteristic of early modern administrative culture. Therefore, not only errors of judgement which resulted in turmoil serve as a possible explanation for a disruption of harmony in the local administration. Perhaps these men did not take part in the local “harmony” (Groenveld, 2004: 31-55). A final possibility that needs to be taken into account, is the political situation surrounding some of the corruption scandals. As a result of the political turmoil of 1672, regents that lost power and influence could have felt resentment towards men like Huygens and Van Zuijlen van Nijeveld.

Although in all three scandals a univocal meaning of corruption existed on a formal-legal level, legal standards were only of limited relevance in everyday administration. As a consequence there was no unambiguous standard on corruption. Legal standards only came into play after harmony and unity in local administration had been seriously disrupted on account of magistrates not adhering to the “codes of the shop floor”. All three, Hessel van Dinther, Huygens and Van Zuijlen van Nijeveld, eventually faced legal consequences in the form of provisional suspensions, repayment of money received and fines, although Van Zuijlen van Nijeveld eventually received a considerable compensation for damages done to his honor and goods.

The pamphlets published by local factions only seemed to contain accusations the quarelling factions expected the public to consider reprehensible behavior. Opinion makers formed part of the elite that was embroiled in the corruption scandals. Yet pamphlets were meant to appeal to a larger audience in order to convince readers to support a local faction or to turn against the other faction. From the pamphlet wars we

can conclude that the public and private were closely intertwined, accusations of corruption often focused on a legal officer's reprehensible character traits, with which the accusers wished to show that an officer was unfit for the fulfillment of office. In case factions referred to moral authorities they did so for opportunistic reasons instead of using "the best opinion and morality of the time" as a benchmark to assess administrative actions.

The three corruption scandals seem to fit neatly within Weber's patrimonial ideal type. Patrimonial administration was a "face-to-face" administration, in which officials did not refer to laws and regulations. Their main task was the preservation of a harmonious administration with respect for local traditions and customs. However, there were also bureaucratic standards to be found in laws and regulations. As such *Normenkonkurrenz* and *Parallelität von Normen* were characteristic for the early modern era, in which legal-rational bureaucratic standards did exist next to but could also conflict with patrimonial "face-to-face" standards. *Normenkonkurrenz* was also visible in the scandals concerning Hessel van Dinther, Huygens and Van Zuijlen van Nijeveld. Harmony was key in the Dutch Republic, with its institutional fragmentation, provincial sovereignty and the center of power in the local administration. Although the local administration's primary task was to preserve harmony and unity, faction strife regularly resulted in discord and unrest. The idealization of the political system through principles of harmony served as a compensation for everyday political reality. Only *after* harmony had been disrupted did legal standards come into play.

Not every scandal reflects the patrimonial ideal type. Elements of Weber's bureaucratic ideal type are visible in two later corruption scandals. Although not representative for the entire Dutch Republic, consider the scandal concerning Gerard Burchard van Rechteren (1719-1724), Governor of Doornik, a barrier city in the Austrian Netherlands. In 1710 the Estates General issued a resolution concerning the pay of Commanders and officers of the barrier cities. In 1719 Gerard van Rechteren was appointed Governor of Doornik, but as a result of the resolution he was no longer allowed to enjoy gifts and other ways of income next to his pay. However, Van Rechteren violated the resolution by receiving "welcoming gifts" (sums of money) upon arrival. A disruption of the harmony in the local administration in the form of tension between the garrison and the tax farmers of the excises on tobacco, brandy and gin, resulted in accusations of corruption and a court case before the Council of State. In 1720 Governor Van Rechteren was suspended from his office as Governor of Doornik and the

accompanying pay for the period of a year. He was also sentenced to repay a twofold of sums received. A lengthy affair would follow in which the Governor's brother, Count Van Rechteren, would stand up for the Governor's honour and reputation by publishing pamphlets on his behalf. The efforts of the Van Rechterens' would be of no avail. In 1723 Gerard van Rechteren decided to accept the position of Governor of Breda.

Hoetjes' sources of social values offer some interesting perspectives with regard to the Van Rechteren scandal. In the barrier city of Doornik tensions ensued between the garrison on the one side and the tax farmers and local administration on the other hand. Accusations of corruption focused on Van Rechteren receiving "welcoming gifts" as the Governor should have understood that the gifts implied a certain reciprocity and a future service in return (i.e. the prevention of smuggling among his soldiers). In assessing proper administration the Count Van Rechteren and his brother the Governor still relied on patrimonial "face-to-face" values on the shop floor level of local administration. The Van Rechteren family honour and reputation were at stake. Yet this case no longer fit neatly within the patrimonial ideal type. This scandal also differs from the preceding three corruption scandals as the *Normenkonkurrenz*, which was characteristic for the early modern period, was challenged (or entirely pushed aside) as legal standards (i.e. the Estates General's resolution of 1710) penetrated into the shop floor level of everyday administration. Bureaucratic values pushed aside the patrimonial "face-to-face" values. In line with legal-rational administration the Governor of Doornik was expected to fulfill his office in an independent and impersonal way as set out in formal rules and procedures. Van Rechteren should refrain from taking part in "face-to-face" practices concerning the furnishing (and receiving) of gifts to strengthen relationships. In the Van Rechteren scandal legal standards became completely dominant, something the Van Rechterens still needed to get used to. This corruption scandal also tells us something about the applicability of Luhmann's theory of social systems for historical research into public values. I will go further into this in the section discussing the hypothesis based on Luhmann's theory.

Another corruption scandal from 1747 also shows that the patrimonial ideal type becomes increasingly less applicable in early modern administration. The conflict centers around Cornelis Schrevelius and Johan van den Bergh, two Leiden magistrates. This corruption scandal shows the existence of coexisting and conflicting standards of

correct ethical conduct, i.e. bureaucratic versus patrimonial values. On the one side there was the conflict between Schrevelius and Van den Bergh (with a focus on wrongful individual behaviour), about whether or not Van den Bergh had promised to reinstate Schrevelius in the contract of correspondence in Leiden (i.e. the dominant faction in the town council) as well as to choose him as *schout* of Leiden. On the other hand there was the reform movement of 1747 (with a broader notion of political corruption and a focus on the political system), challenging the sovereignty of the magistrates and obedience to patrician authority as well as the way officials were selected. Both Schrevelius and Van den Bergh were still firmly ingrained in patrimonial “face-to-face” administration. The selection of patrimonial officials was largely based on personal trust, family ties, social prestige and not so much on an aspiring magistrate's technical qualifications. As a result, values such as kinship, esteem, honor, decency, honesty, dignity and “grey hairs” were emphasized. As a result of economic and political factors the sovereignty of the magistrates and obedience to patrician authority were challenged in 1747. Calls for reform and the creation by the periodical press of an image of continual abuses within the oligarchy resulted in shifting administrative values. Interestingly, opinion makers no longer formed part of the elite, but of the middle classes. One could therefore speak of the emergence of a new kind of “public opinion” in this 1747 scandal, which is not visible in the preceding scandals. Criticism was aimed at the patrimonial selection of officials based on personal trust and family ties. Thus “face-to-face” values concerning the bestowal of office were challenged by bureaucratic standards, according to which an official should be knowledgeable and have expertise. Similar to the first three scandals, *Parallelität von Normen* and *Normenkonkurrenz* are very recognizable in this case, the only difference being that the Leiden magistrates were still ingrained in patrimonial values whereas the reformers perhaps wished to introduce new administrative values as the grounding for administrative actions. In other words, one group wanted something, the other group wanted something else, but no one wanted both value systems at the same time.

Concluding, it is necessary to return to the project's fundamental issue: “*how are values established as moral groundings for administrative behaviour, and how do these change over time?*”. Do changes occur steadily or as a result of far-reaching events such as corruption scandals? The focus of this research has been on scandals as Michael Johnston's “neo-classical approach” argues that concepts acquire their meaning in the clash over boundaries. Another reason to focus on scandals is the availability of archival

sources. This can be especially useful for the early modern era where sources are not always at one's disposal. I argue that scandals can both serve as a confirmation of the status quo (existing administrative values which have not been adhered to, such as the preservation of harmony), as well as a catalyst for or at least proof of administrative change. Archival research seems to support Johnston's neo-classical approach, in the sense that conflicts, more specific corruption scandals, could lead to administrative concepts (including administrative values) acquiring a different or entirely new meaning in the Dutch Republic in the period 1650-1747.

In order to research public values and the change of values over time Michael Johnston's "neo-classical approach" was supplemented by Max Weber's theory on administrative development. A hypothesis based on Weber's theory stated that "*A development from patrimonial administration to a more bureaucratic administration is already visible in the Dutch Republic in the period 1650-1747*". With regard to this hypothesis I argue that to a certain extent there is a development from a patrimonial to a more bureaucratic administration. Particularly the Van Rechteren scandal resulted in new or shifting public values with respect to the taking of gifts and the discharge of office. Whereas patrimonial administration stresses values characteristic for a "face-to-face" administration, trust, seniority, grey hairs, harmony and stability, new administrative values resembled Weber's ideal type of the bureaucracy. Magistrates were supposed to administer in an independent, transparent and impersonal manner without accepting gifts. In the Van Rechteren scandal we see a new development towards a distinction between a public and private sphere in which it was no longer allowed for an official to receive gifts from citizens. In this scandal harmony was no longer decisive for judging administrative behavior, contrary to earlier scandals. Instead, independent and impersonal government would, in the long run, serve as the new grounding for government. A change in values was also visible in 1747 when reformers argued that the selection of officials should be based upon technical qualifications instead of birth and family relations. Similar ideas were shared about administration in general.

The Van Rechteren scandal also shows that the "*Parallelität von Normen*" which was characteristic for the early modern era was challenged for the first time. "*Parallelität von Normen*" meaning that values could exist next to each other, but could also conflict with each other (i.e. *Normenkonkurrenz*). In the Dutch Republic magistrates were supposed to adhere to (what Hoetjes called) the "codes of the shop

floor”, the everyday rules by which local administration should be conducted. Harmony was the key value. Legal-rational standards only came into play after harmony in local administration had been disrupted and accusations of corruption had resulted in criminal proceedings. Legal standards existed next to the “shop floor codes” and they could also conflict. This did not mean that legal standards were “less ethical”, they were just as important for our understanding of administrative values. However, in the long run the *“Parallelität von Normen”* was challenged, especially in the period 1750-1850. Legal-rational standards would become dominant in assessing ethical behavior, replacing the traditional face-to-face standards which had been decisive for so long. The Van Rechteren scandal of 1720 can be regarded as a precursor of things to come.

The Van Rechteren scandal also tells us something about the applicability of another interesting theory for historical research into corruption and public values, Luhmann's theory of social systems, which assumes the coming into being of separate self-referential, autopoietic value systems. The aforementioned hypothesis argued: *“Luhmann's theory of social systems, which divides society into separate self-referential value systems, is already applicable to and visible in early modern Dutch administration (1650-1747)”*. The Van Rechteren scandal shows that in this case it is not only possible, in line with Hoetjes, to speak of “sources of values”, but also of “value systems”. In line with Luhmann's *system theory approach* one could argue that in the Van Rechteren scandal corruption ensued after legal standards (which had become self-referential) penetrated the shop floor level, replacing the traditional “face-to-face” administrative standards. The influence of social descent and hierarchy as *the* criteria to judge corruption diminished, although Van Rechteren's subordinates were still punished more severely than the Governor. As a consequence the “honor and reputation” defense of Count Van Rechteren and his brother the Governor turned out to be fruitless. As early modern society was not characterized by separate self-referential value systems, but by blurred boundaries, social standing was important in judging which actions were (un)ethical. In the transition from early modern to modern society there was a shift in mode of differentiation from vertical stratification (social descent being decisive) to horizontal systems, in which corruption came into being when systems started to overlap.

Ongoing research into integrity of governance will offer further insight into the ethical aspects of administration. While research in the Netherlands and internationally often

focuses on gaining a better understanding of integrity in present day administration, it is also important to draw attention to (the development of) public values from a historical perspective. The NWO research project “Under Construction. The Genesis of Public Value Systems” has attempted to fill this void regarding corruption and public values in the Netherlands in the period 1650-1950. Hopefully this research will offer more insight into integrity of governance for the seventeenth and the first part of the eighteenth-century. What tasks still lie ahead of us? First there should be international comparative research into corruption and public values in a historical perspective. This can be done through new research projects leading to new volumes, articles and international conferences. Research in other countries I have become acquainted with through visits to international conferences shows that future opportunities are plentiful.

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SAMENVATTING

SUMMARY IN DUTCH

CORRUPTIE EN PUBLIEKE WAARDEN IN DE NEDERLANDSE REPUBLIEK (1650-1747)

Corruptie en publieke waarden krijgen de laatste tijd veel aandacht door schandalen in het openbaar bestuur, die uiteindelijk weer leiden tot onrust en verontwaardiging in de media en bij het grote publiek. Schandalen zijn echter ook interessant voor wetenschappers omdat ze ons iets vertellen over de ethische aspecten van het openbaar bestuur. Kwesties gaan over wat een bestuurder wel of niet mag doen, wat in strijd is met de regels en wat leidt tot corruptie of in ieder geval beschuldigingen van corruptie. Voor een beter begrip van dit soort kwesties is een historische invalshoek interessant, omdat hierdoor de ontwikkeling van waarden door de tijd heen onderzocht kan worden. Corruptieschandalen zijn tenslotte van alle tijden en daarom niet alleen van belang voor het onderzoek naar hedendaags bestuur, maar ook voor historisch onderzoek naar publieke waarden in Nederland. Voor de historicus zijn schandalen interessant omdat ze dienen als middel om waarden die meestal impliciet blijven, expliciet te maken. Als gevolg van onrust en conflict wordt namelijk nadrukkelijk uiteengezet wat er (niet) is toegestaan en welke waarden van belang zijn. Publieke waarden kunnen echter ook veranderen. Om een beter inzicht te krijgen in de ontwikkeling, verandering en de contextafhankelijkheid van waarden richt het NWO-project *“Under Construction: The Genesis of Public Value Systems”* zich daarom op corruptie en publieke waarden in Nederland in de periode 1650-1950, waarbij mijn deelproject zich richt op de relevante publieke waarden in de Nederlandse Republiek, met name de periode 1650-1747. De twee daaropvolgende eeuwen worden onderzocht door twee andere promovendi, Toon Kerkhoff en Ronald Kroeze.

Voor een beter begrip van de uitgangspunten van het NWO-project “Under Construction” is het noodzakelijk om aandacht te besteden aan een aantal centrale concepten, de onderzoeksvraag, theorie en methodologie. Het “Under Construction” project richt zich op de beantwoording van de volgende centrale vraag: *“Hoe vestigen waarden zich als de morele grondslag voor bestuurlijk handelen, en hoe veranderen zij door de tijd heen?”*. Uitgangspunt is dat corruptie vanuit historisch perspectief het best

kan worden benaderd als een sociaal construct. Een focus op de contextuele aard van corruptie kan van nut zijn voor historisch onderzoek, aangezien waarden veranderen door de tijd heen en per plaats kunnen verschillen. Michael Johnston's "neo-klassieke benadering" is dan ook veelbelovend omdat zij corruptie beschouwt als "*the abuse, according to the legal or social standards constituting a society's system of public order, of a public role or resource for private benefit*" (Johnston, 1996: 331). In plaats van een definitie is dit eerder een "benadering" waarmee definities en interpretaties van corruptie door de tijd heen gevonden kunnen worden. De toegevoegde waarde van de "neo-klassieke benadering" ligt in het feit dat deze benadering open staat voor elke denkbare definitie van corruptie, waaronder de klassieke notie van corruptie als cyclisch proces (bijvoorbeeld de ontaarding van monarchie in tirannie) of de definitie van de Wereldbank (met een focus op misbruik van het publieke ambt voor privaat gewin). Corruptie wordt niet alleen beschouwd als een formeel-juridische kwestie, maar ook als een morele kwestie. Daarnaast ligt het accent niet alleen op individuele overtredingen, maar ook op de corruptie van het politieke systeem. Voor het onderzoek naar corruptie is de "neo-klassieke benadering" van belang omdat waarden betekenis krijgen door botsende grenzen, publiek versus privaat, politiek versus bestuur, staat versus samenleving. Conflicten kunnen leiden tot nieuwe normen met betrekking tot laakbaar gedrag binnen het bestuur. Een tweede voordeel van de focus op corruptieschandalen is dat voor de vroegmoderne tijd relevante documenten beschikbaar zijn waaruit we "positieve" publieke waarden kunnen destilleren die moeilijk te vinden zijn. Zoals reeds aangegeven maakt Johnston geen gebruik van een definitie van corruptie, maar biedt hij tevens geen theorie waaruit hypothesen kunnen worden afgeleid. Als gevolg hiervan is zijn benadering aangevuld met de theorie van Max Weber (1978), die stelt dat het moderne westerse bestuur door drie fasen van administratieve ontwikkeling is gegaan. Tijdens de eerste twee fasen, traditioneel en patrimoniaal bestuur, staan persoonlijke relaties centraal. De derde fase, de bureaucratie, is een weerspiegeling van een legaal-rationeel, professioneel, transparant en onpersoonlijk bestuur. Bij het gebruik van Weber's theorie is het belangrijk om in gedachten te houden, in lijn met Susanne Schattenberg (2009), dat corruptieonderzoek niet moet proberen de Nederlandse bestuursgeschiedenis af te schilderen als een *Defizitgeschichte*, als een afwijking van normen waarbij de moderne bureaucratie maatgevend is. Het moet in zijn eigenheid begrepen worden, en daarbij kan het patrimoniale ideaaltype dus van groot nut zijn voor een beter begrip van de vroegmoderne tijd, waarden als morele grondslag van bestuurlijk handelen en de verandering van waarden door de tijd heen. Ten slotte zal de

relevantie van Niklas Luhmann's theorie van sociale systemen voor historisch onderzoek naar publieke waarden worden besproken. Deze theorie stelt dat de moderne samenleving is verdeeld in afzonderlijke, zelf-referentiële waardesystemen. Corruptie ontstaat wanneer deze systemen overlappen bijvoorbeeld wanneer de waarden van het juridisch systeem het politieke systeem binnendringen. Hoewel Luhmann's theorie van sociale systemen niet centraal staat in mijn onderzoek biedt het een aantal interessante inzichten in mogelijke alternatieven voor het historisch onderzoek naar publieke waarden. Luhmann's theorie zal dan ook uitgebreid besproken worden bij het vergelijken van de corruptieschandalen uit de periode 1650-1747.

Voor de beantwoording van de vraag hoe waarden worden vastgesteld als morele grondslag voor bestuurlijk handelen en hoe ze door de tijd veranderen, is het noodzakelijk om de primaire bronnen te bestuderen. Ben Hoetjes' "bronnen van sociale waarden" dienen daarbij als heuristisch instrument om grip te krijgen op de veelheid aan beschikbaar archiefmateriaal (Hoetjes, 1977, 1982). Vier bronnen van waarden kunnen worden onderscheiden. Ten eerste de toepassing van het recht in corruptieschandalen, te vinden in onder andere rechtsdossiers. Ten tweede richt de publieke opinie in corruptieschandalen zich op (bijvoorbeeld) de pamfletliteratuur van de vroegmoderne tijd. Ten derde de "codes of the shop floor", of met andere woorden de alledaagse regels waar lokale bestuurders zich op de werkvloer aan dienden te houden. Ten vierde "morele autoriteiten" waarbij gedacht kan worden aan politieke filosofie, theologie of boeken over etiquette. Met behulp van deze "bronnen van sociale waarden" zijn vijf corruptieschandalen geselecteerd uit de periode 1650-1747, waarbij de keuze van schandalen is gebaseerd op de aanwezigheid van alle vier de bronnen. Indien dit niet mogelijk was, heb ik schandalen gekozen welke zoveel mogelijk "bronnen van sociale waarden" bevatten.

Alvorens in te gaan op het eigenlijke onderzoek wil ik een aantal verwachtingen uitspreken met betrekking tot de vaststelling van waarden als morele grondslag voor bestuurlijk handelen en de ontwikkeling van waarden door de tijd heen. Twee hypothesen verduidelijken de fundamentele kwestie van het project. Ik zal eerst ingaan op een hypothese gebaseerd op de theorie van Weber over de ontwikkeling van het moderne westers bestuur, welke stelt: *"Een ontwikkeling van een patrimoniaal bestuur naar een meer bureaucratisch bestuur is reeds zichtbaar in de Nederlandse Republiek in de periode 1650-1747"*. Ik verwacht verandering en continuïteit te zien

met betrekking tot de relevante publieke waarden welke nauw gerelateerd zijn aan de ontwikkeling van een patrimoniaal naar een meer bureaucratische bestuur. Patrimonialisme is een “*face-to-face*” bestuur’ waarin persoonlijke relaties het belangrijkste zijn, met een nadruk op waarden zoals harmonie en stabiliteit. Vertrouwen is daarom erg belangrijk, omdat beloften tussen bestuurders moeten worden gehonoreerd. De bureaucratie weerspiegelt andere fundamentele waarden, zoals besturen op een rationele, onafhankelijke, transparante en onpersoonlijke wijze. Ik betoog dat een verschuiving van waarden tot op zekere hoogte reeds zichtbaar is in de Nederlandse Republiek in de periode 1650-1747. Daar waar ik een “neo-klassieke benadering” van corruptie gebruik, in combinatie met de theorie van Max Weber over bestuurlijke ontwikkeling, lijkt een andere theorie ook veelbelovend. Niklas Luhmann's theorie van sociale systemen (Brans & Rossbach, 1997; Luhmann, 1980, 1985) stelt dat de moderne samenleving is opgedeeld in afzonderlijke, zelf-referentiële waardesystemen. Sociale systemen, zoals het wetenschappelijke, juridische, politieke of economische systeem zijn “autopoietisch”, wat betekent dat ze zelfproducerend zijn en evolueren op basis van hun interne dynamiek, gebruikmakend van “binaire codes” zoals waar of onwaar, legaal of illegaal of goed of slecht voor bepaalde standaardreacties. Reacties binnen het wettelijke systeem hangen bijvoorbeeld af van het wel of niet legaal zijn van een bepaalde handelswijze. Corruptie ontstaat wanneer deze systemen beginnen te overlappen bijvoorbeeld wanneer de waarden van het juridisch systeem het economische systeem of het politieke systeem binnendringen. Volgens Luhmann waren deze afzonderlijke, zelf-referentiële waardesystemen niet kenmerkend voor de vroegmoderne tijd. In plaats daarvan waren de grenzen onscherp en was sociale status doorslaggevend om te beoordelen wat er (niet) toegestaan was binnen het dagelijks bestuur. Veranderingen in de samenleving (dat wil zeggen de overgang van de vroegmoderne naar de moderne) resulteerden echter in een verschuiving in de wijze van differentiatie van verticale stratificatie (dat wil zeggen sociale status als de beslissende factor om te oordelen over corruptie) naar horizontale functionele systemen, waarbij corruptie ontstond wanneer zelf-referentiële waardesystemen (zoals het juridische, economische en politieke systeem) begonnen te overlappen. De volgende hypothese stelt dan ook: “*Een verschuiving naar Luhmann's theorie van sociale systemen, welke de maatschappij opdeelt in afzonderlijke zelf-referentiële waardesystemen, is reeds toepasbaar op en zichtbaar in het vroegmoderne Nederlandse bestuur (1650-1747)*”.

Om nader inzicht te krijgen in de rol van waarden als morele grondslag voor bestuurlijk handelen en de ontwikkeling van publieke waarden in de periode 1650-1747,

is het nodig aandacht te besteden aan de aard van en de overeenkomsten en verschillen tussen de onderzochte corruptieschandalen. Voor dit onderzoek is gebruik gemaakt van Michael Johnston's "neo-klassieke" benadering" aangevuld met de theorie van Max Weber over de ontwikkeling van het moderne westerse bestuur, met name zijn ideaaltypen van patrimonialisme en de legaal-rationele bureaucratie. De corruptieschandalen zullen worden besproken aan de hand van Hoetjes' "bronnen van sociale waarden", het recht, de publieke opinie, morele autoriteiten en de "codes of the shop floor".

De corruptieschandalen aangaande Andries Hessel van Dinther, baljuw van Beijerland, Lodewijk Huygens, drost van Gorinchem en Jacob van Zuijlen van Nijeveld, baljuw van Rotterdam, lijken sterk op elkaar. Alvorens deze schandalen te bespreken aan de hand van Hoetjes' "bronnen van sociale waarden" dient nader ingegaan te worden op de belangrijkste actoren, gebeurtenissen en uitkomsten van deze corruptieschandalen. Hessel van Dinther werd benoemd tot baljuw van Beijerland in 1637, maar als magistraat zou hij grote problemen ondervinden in het lokale bestuur. Zijn omgang met de schepenen was moeizaam, bijvoorbeeld ten aanzien van de rechtspraak. De baljuw maakte misbruik van de mogelijkheid van "compositie" van strafbare feiten, waarbij een verdachte door middel van betaling vervolging kon voorkomen. Compositie kon echter gemakkelijk ontaarden in afpersing aangezien beschuldigingen van overtredingen van edicten gemakkelijk te maken waren. Hessel van Dinther werd ook beschuldigd van overspelig gedrag, een opmerkelijke beschuldiging aangezien het zijn plicht was om overspel te vervolgen binnen zijn rechtsgebied. Het handelen van de baljuw in Beijerland had uiteindelijk juridische gevolgen. In 1660 werd Hessel van Dinther voorlopig geschorst als baljuw van Beijerland. Cornelis de Witt, de broer van de invloedrijke raadspensionaris Johan de Witt, zou de plaats van Hessel van Dinther innemen. Pas in 1672 werd Andries Hessel van Dinther weer hersteld als baljuw en dijkgraaf van Beijerland, na de val van de gebroeders De Witt.

In 1672 werd Lodewijk Huygens benoemd als drost van Gorinchem, een ambt dat hij zou vervullen tot en met 1685. Door middel van een resolutie verwierf Huygens als enige de bevoegdheid om mensen te benoemen in gewilde posities. De drost maakte echter misbruik van zijn macht door geld of geschenken te ontvangen van magistraten die een zetel in de vroedschap wensten te verwerven. Huygens' eisen waren vaak

buitensporig en meer dan wat moreel of sociaal aanvaardbaar was. De drost misbruikte ook de mogelijkheid van compositie van strafbare feiten en aarzelde niet om een ambt in drieën op te delen om er zelf meer aan te verdienen, hoewel dit in strijd was met bestaande tradities. Na een voorlopige schorsing en een uitspraak in 1676 van het Hof van Holland, Zeeland en West-Friesland, kon de drost uiteindelijk in 1678 naar Gorinchem terugkeren na een gunstig vonnis van de Hoge Raad. De strijd in het lokale bestuur duurde echter voort. Facties ruzieden voortdurend over de benoeming van officieren in de lokale schutterij of vacante ambten in de Gecommitteerde Raden of de Admiraliteit. Een pamflettenoorlog bracht het conflict uiteindelijk in de schijnwerpers. Door voortdurende onrust geraakte Huygens uit de gratie van stadhouder Willem III. Bij wijze van compensatie werd de voormalige drost in 1686 benoemd tot lid van de vroedschap van Gorinchem en de Admiraliteit van de Maze.

Jacob van Zuijlen van Nijeveldt werd in 1676 benoemd tot baljuw van Rotterdam. Zijn groeiende invloed in de stad ging veelal samen met beschuldigingen van misbruik en corruptie, welke uiteindelijk leidden tot een rechtszaak. Net als bij Hessel van Dinther en Huygens, werd de baljuw van Rotterdam beschuldigd van misbruik van compositie van strafzaken, waarnaast medebestuurders gedwongen werden om documenten te ondertekenen waarin zijn aangaven altijd blindelings het sentiment van de baljuw te volgen in bestuurlijke kwesties, waaronder het toekennen van zetels in de vroedschap en andere ambten. Lokale magistraten maakten deel uit van de factie van de baljuw en sloten een “contract van correspondentie”, terwijl de overige regenten werden uitgesloten van lucratieve posities. Als gevolg werden anciënniteit en toerbeurt bij de vergeving van ambten genegeerd, vergelijkbaar met de Huygens casus. Een pamflettenoorlog volgde waarbij de baljuw werd beschuldigd een hoerenloper te zijn. Het “Kostermanoproer” van 1690, als gevolg van de onthoofding van een Rotterdams burger, leidde tot de vlucht van Van Zuijlen uit de stad. Een onderzoek volgde naar aanleiding van klachten over mogelijk machtsmisbruik door de baljuw, wat uiteindelijk leidde tot een zaak voor het Hof, waarna de kwestie werd overgedragen aan de Hoge Raad (vanwege de tussenkomst van stadhouder Willem III). De Hoge Raad besloot de baljuw in 1692 vrij te spreken en alle proceskosten te vergoeden. Van Zuijlen werd hersteld in zijn ambt en was in staat om terug te keren naar Rotterdam, waarnaast de baljuw tevens een aanzienlijke vergoeding zou ontvangen voor geleden schade. Na zijn terugkeer raakten tegenstanders hun zetel in de vroedschap kwijt en werden uitgesloten van politieke invloed. De terugkeer van de baljuw was echter van korte duur. Hij zou in 1695 overlijden.

Wanneer we de drie schandalen aan een nadere analyse onderwerpen aan de hand van Hoetjes' "bronnen van sociale waarden" tonen de "codes of the shop floor" aan dat een magistraat als voornaamste taak had om de rust, eenheid en harmonie te bewaren in het lokale bestuur. Onrust en onenigheid moesten te allen tijde voorkomen worden, maar dit is waar het mis ging voor Andries Hessel van Dinther, Lodewijk Huygens en Jacob van Zuijlen van Nijeveld. Als bestuurders hielden zij zich niet patrimoniale tradities, bijvoorbeeld ten aanzien toerbeurt en anciënniteit bij de vergeving van ambten. Huygens en Van Zuijlen bevonden zich in een kwetsbare positie. Aan de ene kant moesten ze op goede voet staan met de lokale bestuurders, maar aan de andere kant waren nederigheid en onvoorwaardelijke loyaliteit vereist ten opzichte van hun patroon, stadhouder Willem III. Wanneer een magistraat namelijk uit de gratie van de stadhouder geraakte, betekende dit veelal het einde van zijn carrière. Geschiktheid als bestuurder was ook vereist voor het begrijpen van de ongeschreven regels omtrent het geven van geschenken in de Nederlandse Republiek. Hoewel cadeaus een intrinsiek onderdeel vormden van de vroegmoderne maatschappij, waren ze ook zeer dubbelzinnig, vooral met betrekking tot het verlenen van ambten. Of een geschenk werd gegeven op basis van vrijwilligheid of een voorafgaande overeenkomst, deel uitmaakte van een langdurige relatie of eenmalig werd gegeven voor een specifieke wederdienst (bijvoorbeeld een zetel in de vroedschap), al deze omstandigheden telden mee bij het bepalen of een geschenk acceptabel was. Lodewijk Huygens maakte soms inschattingsfouten bij het aanvaarden van geld en geschenken.

Een andere mogelijke verklaring voor de verstoring van de harmonie is niet gerelateerd aan de acties van deze bestuurders, maar aan het feit dat deze mannen buitenstaanders waren en werden gedwarsboomd door de lokale regenten. Deze regenten deden een beroep op (bestaande?) lokale privileges, noemden zichzelf vrij en ongebonden en beschouwden de baljuw, drost of ruwaard als een buitenstaander. Deze lijn van argumentatie is zichtbaar in de zaak van Cornelis de Witt (en zijn plaatsvervanger Coomans), Huygens (een buitenstaander in Gorinchem) en Van Zuijlen van Nijeveld (welke een burger van Rotterdam had onthoofd). Het onbeleefd omgaan met bestuurders afkomstig van hogere lichamen, is een thema dat kenmerkend is voor de vroegmoderne bestuurscultuur. Daarom zijn niet alleen inschattingsfouten die resulteerden in onrust een mogelijke verklaring voor een verstoring van de harmonie in het lokale bestuur. Misschien namen deze mannen geen deel aan de lokale "harmonie".

Een laatste mogelijkheid waar rekening mee moet worden gehouden, is de politieke situatie rond enkele corruptieschandalen. Als gevolg van de politieke onrust van 1672 konden regenten, die macht en invloed verloren hadden, wrok gekoesterd hebben jegens mannen als Huygens en Van Zuijlen van Nijeveld.

Hoewel er een eenduidige betekenis van corruptie bestond op formeel-juridisch niveau, waren wettelijke normen slechts van beperkt belang in het dagelijks bestuur. Als gevolg bestond er dan ook geen eenduidige standaard van corruptie. Wettelijke normen speelden pas een rol nadat de harmonie en eenheid in het lokaal bestuur ernstig waren verstoord, doordat magistraten zich niet aan de “codes of the shop floor” hadden gehouden. Als bestuurders werden Hessel van Dinther, Huygens en Van Zuijlen van Nijeveld uiteindelijk geconfronteerd met juridische gevolgen in de vorm van voorlopige schorsingen, terugbetaling van ontvangen geld en boetes, hoewel Van Zuijlen van Nijeveld uiteindelijk een aanzienlijke schadevergoeding ontving als gevolg van aantasting van zijn eer en goederen.

De pamfletten die werden gepubliceerd door de lokale facties leken alleen maar beschuldigingen te bevatten waarvan van de ruziënde groepen verwachtten dat het publiek deze als laakbaar gedrag zou beschouwen. De opiniemakers maakten deel uit van de elite die was verwickeld in de corruptieschandalen. Pamfletten dienden echter wel een groter publiek aan te spreken. Uit de pamflettenstrijd kunnen we concluderen dat publiek en privaat nauw met elkaar waren verweven, aangezien beschuldigingen van corruptie vaak gericht waren op de laakbare karaktertrekken van een bestuurder. Hiermee wilden beschuldigers laten zien dat een drost, ruwaard of baljuw ongeschikt was voor de uitoefening van zijn ambt. In het geval dat facties verwezen naar morele autoriteiten deden ze dat vooral om opportunistische redenen in plaats van het aanhalen van deze autoriteiten als maatstaf voor het beoordelen van eigen bestuurlijk handelen.

De drie corruptieschandalen lijken mooi te passen binnen Weber's ideaaltype van patrimoniaal bestuur. Patrimonialisme was een “face-to-face” bestuur, waarin magistraten niet verwezen naar wetten en regelgeving. Hun voornaamste taak was het behouden van harmonieus bestuur met respect voor lokale tradities en gebruiken. In wet- en regelgeving waren echter ook bureaucratische normen terug te vinden. “*Normenkonkurrenz*” en “*Parallelität von Normen*” waren dan ook kenmerkend voor de vroegmoderne tijd, waarin legaal-rationele bureaucratische normen bestonden naast, maar ook konden botsen met patrimoniale “face-to-face” normen. *Normenkonkurrenz* was ook zichtbaar in de schandalen van Hessel van Dinther, Huygens en Van Zuijlen van Nijeveld. Harmonie speelde een sleutelrol in de Nederlandse Republiek, met zijn

institutionele fragmentatie, provinciale soevereiniteit en lokaal bestuur als centrum van de macht. Hoewel de voornaamste taak van lokale bestuurders het bewaren van harmonie en eenheid was, leidde de factiestrijd regelmatig tot verdeeldheid en onrust. De idealisering van het politieke systeem door middel van het principe van harmonie diende als compensatie voor de alledaagse politieke realiteit. Pas *nadat* de harmonie was verstoord kwamen wettelijke normen in het spel.

Niet elk schandaal was echter een afspiegeling van het patrimoniale ideaaltype. Elementen van Weber's bureaucratische ideaaltype zijn zichtbaar in twee latere corruptieschandalen. Hoewel niet representatief voor de gehele Nederlandse Republiek, biedt het schandaal omtrent Gerard Burchard van Rechteren (1719-1724) een nieuw perspectief. In 1710 vaardigden de Staten-Generaal een resolutie uit met betrekking tot het inkomen van bevelhebbers en officieren van de barrièresteden. In 1719 werd Gerard van Rechteren benoemd tot gouverneur van Doornik, een barrièrestad in de Oostenrijkse Nederlanden, maar als gevolg van voornoemde resolutie was het hem niet langer toegestaan om giften en andere inkomsten naast zijn traktement te genieten. Van Rechteren overtrad de resolutie echter door "welkomstgeschenken" (geldsommen) aan te nemen na zijn aanstelling als gouverneur. Nadat de harmonie in het lokaal bestuur ernstig verstoord was als gevolg van spanningen tussen het garnizoen en de pachters van de accijnzen op tabak, brandewijn en jenever, leidden daaropvolgende beschuldigingen van corruptie tot een rechtszaak voor de Raad van State. In 1720 werd Van Rechteren geschorst als gouverneur van Doornik en het bijbehorende traktement voor de periode van een jaar. Hij werd ook veroordeeld tot het terugbetalen van een tweevoud van door hem ontvangen bedragen. Een langdurige zaak zou volgen waarin de broer van de gouverneur, de graaf Van Rechteren, zou opkomen voor de eer en reputatie van de gouverneur door het publiceren van pamfletten. De inspanningen van de Van Rechterens zouden nutteloos blijken. In 1723 besloot Gerard van Rechteren om de positie van gouverneur van Breda te accepteren.

Hoetjes' "bronnen van sociale waarden" bieden nieuwe inzichten met betrekking tot het Van Rechteren schandaal. In de barrièrestad Doornik ontstonden spanningen tussen enerzijds het garnizoen en anderzijds de belastingpachters en lokale overheid. Beschuldigingen van corruptie richtten zich op het ontvangen van "welkomstgeschenken" door Van Rechteren, maar de gouverneur had behoren te begrijpen dat de giften een zekere wederkerigheid en een toekomstig wederdienst (dat

wil zeggen het voorkomen van smokkel onder zijn soldaten) met zich meebrachten. Om vast te stellen of er sprake was van goed bestuur of wanbestuur deden de graaf Van Rechteren en zijn broer nog steeds een beroep op patrimoniale “face-to-face” waarden om het handelen van de gouverneur in Doornik te rechtvaardigen. De familie-eer en reputatie van de Van Rechterens stond op het spel. Toch past dit corruptieschandaal niet meer goed binnen het patrimoniale ideaaltype. Het Van Rechteren schandaal verschilt ook van de voorgaande drie casussen aangezien de *Normenkonkurrenz*, welke kenmerkend was voor de vroegmoderne periode werd uitgedaagd (of geheel terzijde geschoven) doordat wettelijke normen (dat wil zeggen de resolutie uit 1710 van de Staten-Generaal) doordrongen tot de werkvloer van het alledaags bestuur. Als gevolg werden patrimoniale “face-to-face” waarden door bureaucratische waarden opzij geschoven. In overeenstemming met legaal-rationeel bestuur werd van de gouverneur van Doornik verwacht dat hij zijn ambt zou vervullen op een onafhankelijke en onpersoonlijke wijze zoals beschreven in formele regels en procedures. Van Rechteren diende zich te onthouden van “face-to-face” praktijken met betrekking tot het geven (en ontvangen) van giften om relaties te onderhouden. In het Van Rechteren schandaal werden wettelijke normen volledig dominant, iets waar de Van Rechterens nog aan moesten wennen. Dit corruptieschandaal vertelt ons ook iets over de toepasbaarheid van Niklas Luhmann’s theorie van sociale systemen voor historisch onderzoek naar publieke waarden. Ik zal in een latere paragraaf hier nader op ingaan.

Een ander corruptieschandaal uit 1747 laat ook zien dat het patrimoniale ideaaltype steeds minder toepasbaar werd in het vroegmoderne bestuur. Het schandaal draaide om een conflict tussen Cornelis Schrevelius en Johan van den Bergh, twee Leidse magistraten. In dit conflict waren naast elkaar bestaande en conflicterende normen van juist ethisch handelen zichtbaar, te weten bureaucratische versus patrimoniale waarden. Aan de ene kant was er het conflict tussen Schrevelius en Van den Bergh (met een focus op onrechtmatig individueel handelen) over de vraag of Van den Bergh had beloofd om Schrevelius te herstellen in het contract van correspondentie in Leiden (dat wil zeggen de dominante factie in de vroedschap), waarnaast hem tevens het schoutambt was toegezegd. Aan de andere kant was er de hervormingsbeweging van 1747 (met een bredere notie van politieke corruptie en een focus op het politieke *systeem*), waarbij de regentenheerschappij werd betwist evenals de manier waarop magistraten werden geselecteerd. Zowel Schrevelius als Van den Bergh maakten nog deel uit van het patrimoniale “face-to-face” bestuur waarbij de selectie van bestuurders grotendeels was gebaseerd op persoonlijk vertrouwen, familiebanden, sociaal prestige

en niet zozeer op de technische kwalificaties. Als gevolg hiervan werden publieke waarden als verwantschap, respect, eer, fatsoen, eerlijkheid, waardigheid en “grijze haren” benadrukt. In 1747 leidden economische en politieke factoren echter tot kritiek op de regentenheerschappij en de gehoorzaamheid aan patricisch gezag. De roep om hervorming en het creëren door de periodieke pers van een beeld van voortdurende misstanden binnen de oligarchie, leidden tot een verschuiving van publieke waarden. Interessant is dat opiniemakers niet langer deel uitmaakten van de elite, maar van de middenklasse. Men zou dan ook kunnen spreken van de opkomst van een nieuw soort “publieke opinie” in dit schandaal, iets wat niet zichtbaar was in de voorgaande schandalen. Kritiek was gericht tegen de patrimoniale selectie van magistraten op basis van persoonlijk vertrouwen en familiebanden. Aldus werden “face-to-face” waarden ten aanzien van het vergeven van ambten uitgedaagd door bureaucratische normen, volgens welke een magistraat deskundig zou moeten zijn. Net als bij de eerste drie schandalen zijn “*Parallelität von Normen*” en “*Normenkonkurrenz*” duidelijk zichtbaar in deze casus. Het enige verschil is dat de Leidse magistraten nog steeds patrimoniale waarden aanhingen, terwijl de hervormers mogelijk nieuwe publieke waarden wilden introduceren als grondslag voor bestuurlijk handelen. Met andere woorden, één groep wilde iets, een andere groep wilde iets anders, maar niet langer wilde men twee waardesystemen op hetzelfde moment.

Ter afsluiting is het nodig terug te keren naar de centrale vraag van het “Under Construction” project: “*Hoe vestigen waarden zich als de morele grondslag voor bestuurlijk handelen, en hoe veranderen zij door de tijd heen?*”. Vindt verandering gestaag plaats of is zij het resultaat van ingrijpende gebeurtenissen, zoals corruptieschandalen? Het een hoeft het ander natuurlijk niet uit te sluiten. Aandacht ging in dit onderzoek uit naar corruptieschandalen aangezien Michael Johnston's “neo-klassieke benadering” stelt dat concepten hun betekenis krijgen in de strijd over grenzen. Een andere reden voor de aandacht voor schandalen is de beschikbaarheid van archiefmateriaal. Waar over werd getwist is namelijk relevant materiaal beschikbaar. Dit is met name van belang voor onderzoek naar het vroegmoderne bestuur waar bronnen niet altijd beschikbaar zijn. Ik betoog dat schandalen zowel kunnen dienen als bevestiging van de status quo (bestaande publieke waarden die niet zijn nageleefd), maar tevens ter bevestiging van de verschuiving van publieke waarden. Archiefonderzoek lijkt het nut van Johnston's neo-klassieke benadering als “heuristisch

handvat” te ondersteunen, in die zin dat conflict en meer specifiek corruptieschandalen kunnen dienen als middel voor het vinden en zichtbaar maken van verschuivende publieke waarden in de Nederlandse Republiek in de periode 1650-1747.

Michael Johnston's “neo-klassieke benadering” werd aangevuld met de theorie van Max Weber over bestuurlijke ontwikkeling. Een hypothese gebaseerd op Weber's theorie stelde dat: *“Een ontwikkeling van een patrimoniaal bestuur naar een meer bureaucratisch bestuur is reeds zichtbaar in de Nederlandse Republiek in de periode 1650-1747”*. Ten aanzien van deze hypothese wil ik benadrukken dat er tot op zekere hoogte een ontwikkeling *was* van een patrimoniaal naar een meer bureaucratisch bestuur. Met name het Van Rechteren schandaal toonde nieuwe of veranderende publieke waarden aan met betrekking tot het aanvaarden van giften en de vervulling van een ambt. Terwijl patrimoniaal bestuur waarden benadrukte welke kenmerkend zijn voor een “face-to-face” bestuur, zoals vertrouwen, anciënniteit, grijze haren, harmonie en stabiliteit, vertoonden nieuwe publieke waarden overeenkomst met Weber's ideaaltype van de bureaucratie. Magistraten moesten op een onafhankelijke, transparante en onpersoonlijke wijze besturen, zonder geschenken aan te nemen. In het Van Rechteren schandaal zien we een eerste ontwikkeling naar een onderscheid tussen een publieke en private sfeer waarin het niet langer toegestaan was voor een magistraat om giften van burgers te ontvangen. In dit schandaal was harmonie was niet langer maatgevend voor de beoordeling van bestuurlijk gedrag, in tegenstelling tot eerdere schandalen. In plaats daarvan zou onafhankelijk en onpersoonlijk bestuur op de lange termijn dienen als de nieuwe grondslag voor bestuurlijk handelen. Een verandering van waarden was ook zichtbaar in 1747 toen hervormers betoogden dat de selectie van magistraten plaats diende te vinden op basis van kwalificaties in plaats van familierelaties. Vergelijkbare ideeën werden naar voren gebracht ten aanzien van bestuur in het algemeen.

Het Van Rechteren schandaal toont ook aan dat de *“Parallelität von Normen”* die kenmerkend was voor de vroegmoderne tijd, voor de eerste keer werd uitgedaagd. *“Parallelität von Normen”* betekent in essentie dat waarden naast elkaar kunnen bestaan, maar ook met elkaar kunnen botsen (*Normenkonkurrenz*). In de Nederlandse Republiek dienden magistraten zich te houden aan de “codes of the shop floor”, de alledaagse regels volgens welke bestuurd diende te worden. Harmonie was de voornaamste publiek waarde. Legaal-rationele normen speelden pas een rol nadat de harmonie in het lokale bestuur was verstoord en beschuldigingen van corruptie hadden geleid tot rechtsvervolgning. Rechtsnormen bestonden naast de “codes of the shop floor”,

maar beide konden ook met elkaar botsen. Rechtsnormen waren niet “minder ethisch”, ze waren net zo belangrijk voor ons begrip van publieke waarden. Op de lange termijn kwam de *“Parallelität von Normen”* onder druk te staan, met name in de periode 1750-1850. Legaal-rationele normen zouden dominant worden bij het beoordelen van bestuurlijk acties, ter vervanging van de traditionele “face-to-face” normen die lange tijd maatgevend waren geweest.

Het Van Rechteren schandaal vertelt ons ook iets over de bruikbaarheid van een andere theorie voor historisch onderzoek naar corruptie en publieke waarden, namelijk Niklas Luhmann's theorie van sociale systemen, die uitgaat van het ontstaan van afzonderlijke, zelf-referentiële, autopoietische waardesystemen. De voornoemde hypothese stelde: *“Luhmann's theorie van sociale systemen, welke de maatschappij opdeelt in afzonderlijke zelf-referentiële waardesystemen, is reeds toepasbaar op en zichtbaar in het vroegmoderne Nederlandse bestuur (1650-1747)”*. Het Van Rechteren schandaal toont aan dat in dit geval het niet alleen mogelijk is om te spreken van “bronnen van waarden” (Hoetjes), maar ook van “waardesystemen”. In overeenstemming met Luhmann's theorie van sociale systemen zou men kunnen stellen dat in het Van Rechteren schandaal corruptie ontstond nadat rechtsnormen (welke zelf-referentieel waren geworden) tot de werkvloer doordrongen, ter vervanging van de traditionele “face-to-face” waarden. De invloed van sociale afkomst en hiërarchie als *de* criteria ter beoordeling van corruptie nam af, hoewel Van Rechteren's ondergeschikten nog steeds strenger werden gestraft dan de gouverneur. Als gevolg zou het beroep van de graaf Van Rechteren en zijn broer op hun eer en goede naam vruchteloos blijken. Aangezien de vroegmoderne samenleving niet werd gekenmerkt door afzonderlijke zelf-referentiële waardesystemen, maar door vage grenzen, was sociale status doorslaggevend bij het beoordelen of bestuurlijk handelen (on)ethisch was. Ten aanzien van de overgang van de vroegmoderne naar de moderne samenleving was er (in ieder geval in de Van Rechteren casus) een verschuiving zichtbaar in de wijze van differentiatie van verticale stratificatie (sociale afkomst is doorslaggevend) naar horizontale systemen, waarbij corruptie ontstond nadat waardesystemen overlaptten.

Lopend onderzoek naar integriteit van het bestuur biedt verder inzicht in de ethische aspecten van het Nederlands bestuur. Hoewel de meerderheid van Nederlands en internationaal onderzoek is gericht op het verkrijgen van een beter begrip van integriteit in het hedendaags bestuur dient een historisch perspectief niet te worden

genegeerd. Het NWO-onderzoeksproject “Under Construction. The Genesis of Public Value Systems” heeft geprobeerd om deze “leegte” te vullen ten aanzien van corruptie en publieke waarden in Nederland in de periode 1650-1950. Hopelijk zal dit onderzoek meer inzicht bieden in integriteit van bestuur in de zeventiende en het eerste deel van de achttiende eeuw. Welke taken liggen nog voor ons? Ten eerste internationaal vergelijkend onderzoek naar corruptie en publieke waarden in een historisch perspectief, wat bereikt kan worden door middel van nieuwe onderzoeksprojecten die leiden tot nieuwe boeken, artikelen en bijdragen aan internationale congressen. Door middel van het bezoeken van internationale conferenties heb ik kennis mogen maken met onderzoek in andere landen, waaruit blijkt dat de kansen voor zo’n toekomst talrijk zijn.

ABOUT THE AUTHOR

Michel Hoenderboom (1978) studied law at the universities of Tilburg and Iowa (USA), obtaining a Master's degree in Dutch Law, with a specialization in criminal law, from Tilburg University in 2001. Michel then obtained a Master's degree in political history from the Radboud University Nijmegen in 2005. In 2006 he joined the VU University Amsterdam as a Ph.D candidate in the Department of Governance Studies, obtaining his Ph.D from this university in 2013.

Michel's research forms a part of the NWO project “Under Construction: The Genesis of Public Value Systems”. This project focuses on the history and development of administrative values in the Netherlands by means of research into relevant corruption scandals in the period 1650-1950. Aim is to gain a better understanding of the historical origins and evolution of values underpinning Dutch public administration. The project consists of three subprojects which are carried out by three Ph.D candidates, Michel Hoenderboom (1650-1747), Toon Kerkhoff (1747-1850) and Ronald Kroeze (1850-1950).