Jan Jozef Raepsaet (1750-1832)'s conservative view of constitutional monarchy
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Jan Joseph Raepsaet (1750-1832)’s conservative view of constitutional monarchy

KUL, Hollands College
29 September 2016

Prof. dr. F. Dhondt
From the People to the Public. The Significance of Public Opinion, Press and Propaganda from 1750 to 1850.

An age of change

- Paradoxes of the Ancien Régime
- Paradoxes of Restoration Constitutions
  - “entrepreneurs, from enlightened despots to constitutionalists” (LD)
  - same generation, changing intellectual references?
  - reception of the French experience
  - legal training, appropriation of discourse

INTRODUCING THE MAN
Man of learning, man of power

1772


SIEU

UN SUJET TRES-DANGEREUX, ET QUI EXCITE A LA REBELLION PAR DE SOURDES MENES

From the History of the Press:
The Establishment of a Freedom
From and Propaganda from 1750 to 1850

Press and Propaganda from 1750 to 1850

The Significance of Public Opinion,
Raepsaet as ideologue and political leader

- Flemish 'constitution'
- Clergy
- Nobility
- Third Estate, "Villes, Pays et Châtellenies"
- Cities, Four Members
- Countyside, Châtellenies
- "Décarbonée dans une infinité de cités particulières"
- Revolt against Joseph II (1787)
- Jus retransmit, feudal law, central synodalique
- Tentative codification (1790)
Raepsaet and Revolution

- Destruction of religious and civil freedom
- Substituted “la licence à la morale, la bassesse à l’honneur, la charlatannerie aux talents, la perfidie à la sincérité, l’insulte à la commiseration, le luxe à l’aisance, et les concussions à l’inéquité”

Press and Propaganda from 1750 to 1850

From the People to the Public.
Raepsaet and 'Restauration'

"...un peuple, tel que les Belges, ennemi juré de toute nouveauté, n'oublie pas que depuis tant de siècles sa pécule heureux, content et riche à l'ombre de ses lois, réglementant [...] qu'il d'entre le succès que l'a poussée, que s'en donne la France depuis vingt ans?"

[a people as the Belgians, sworn enemy of any innovation whatever, does not forget that it has lived happily, satisfied and rich, under the protection of its laws [...] What has been the success of all these constitutions the French have adopted for the last 20 years?]

Raepsaet and 'Restauration'

"Le consentement des états ne suffit pas seul dans l'espèce; il est de principe que tout engagement doit la répugner de la même manière qu'il a été consenté, et tant donc que la cession des Pays-Bas concerne encore le consentement de toutes les puissances qui ont concouru aux traités de Ryswyk, Rastadt, Utrecht, Bade et Anvers, à celui des barrières"

[The consent of the estates is not enough in this case; every obligation should be terminated in the same way it has been contracted. The cession of the Low Countries should thus be agreed to by all powers that concluded the treaties of Rijswijk, Rastatt, Utrecht, Baden and Antwerp, the Barrier Treaty.]

Principes du droit public
Pratique, relative à l'aliénation des souverainetés et spécialement de celle des provinces belges
Back to the future?

- 1814 and 1706

"Donner à notre royaume la consideration et l'influence dans la Balance de l'Europe"

- One or two?
  - 1 Dec 1813: William I "sovereign Prince"
  - 15 Feb 1814: Provisionary Government in Brussels
  - 29 Mar 1814: Constitution adopted in the North

- International context: Castlereagh, Napoleon
  - 21 Jun 1814: 8 articles (London)
  - 1 Aug 1814: William I proclams his sovereignty in Brussels
  - 1 Oct 1814: Congress of Vienna
  - 1 Mar 1815: Napoleon gone adieu
  - 16 Mar 1815: William "King"

L'amalgame

- LOIS ET
- RECHERCHES
- DES INAUGURATIONS

- PRINCE SOUTIEN
- RÉSISTANCE HABITATRICE, DE LA BRUXELLES. 1816-1818.
Consent

CASE: EXTERNAL RELATIONS IN THE 1815 CONSTITUTION

From the People to the Public.

The Significance of Public Opinion,

Press and Propaganda from 1750 to 1850

Discussions in the Constitutional Committee
Similarly, the right to conclude alliances and treaties, and to ratify them, is conferred on the King. He will notify these actions to both Chambers of the States-General, as soon as he judges that the interest and security of the Kingdom allow for this. In case treaties and alliances, concluded in peacetime, contain any cession or exchange of a part of the Kingdom’s territory or of its possessions in other parts of the world, the King will not be able to ratify them, outside the case where he would have obtained the approbation of the States-General.

Napoleonic William of Orange

‘Hier zoude de Koning genoodzaakt worden iets te doen, namelijk de oorlog voort te zetten. En zoozoal ik adminteer, dat de Koning genoodzaakt kan worden iets te doen tegen z’n zins, dan is hij niet meer Chef van het gouvernement, dan kan ik geen Koning meer, noch Koninkriek, noch Koninkrijke woordighed.”

The King would be forced to do something, namely carry on the war. And as soon as I admit, that the King can be forced to do anything against his will, he would not be the Chief of Government any more.

In that case, I would know neither King, nor Kingdom, nor Royal dignity

(Quetelet, meeting of 12 May 1815, Van Maaenen, Aantekeningen, p. 40)
Raepsaet’s Doctrinal Allegations

"Le Prince ou le Souverain [...] n’étant naturellement pas l’Administrateur & non le Propriétaire de l’Etat ; au Qualité de Chef de la Nation, de Souverain, ne lui donne par elle-même le droit d’aller en..."

"The Prince or Sovereign [...] is by nature but the Administrator, and not the Owner of the State. His quality as Chief of the Nation, or Sovereign, does not confer on itself the right to..."

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Raepsaet’s Doctrinal Allegations

"...would have pretended that the Corpus could have the right..."