

Two Early Dutch Translations of the United States Constitution: Public Meaning in a Transnational Context

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In the spring of 1788, rival Federal and anti-Federal committees in Albany debated the merits of the new national Constitution as they anticipated the upcoming state ratification session. Six states had already ratified the Constitution, but three more were needed. Near Albany, the anti-Federalists were the stronger of the two parties, but by providing a Dutch translation of the Constitution, the local Federalist Committee hoped to gain support from the Dutch-speaking population in the region, and turn the tide toward defense of the new proposed law of the land. The Albany Federalist Committee called on Lambertus De Ronde, a 68-year old minister of the Dutch Reformed Church, who was then living 20 miles away in the village of Schaghticoke, to be a translator.

Across the ocean, and 5 years later, a Dutch legal scholar, Gerhard Dumbar, finished a second Dutch translation of the United States Constitution. Although Dumbar had access to De Ronde's translation, he found it wanting and made little use of it. In fact, Dumbar dismissed De Ronde's work: "The translation of the new Constitution, which has also come into our hands, cannot come into consideration. It has been little distributed and is also flawed in its execution."¹ By rejecting De Ronde's translation out of hand, Dumbar likewise rejected the view that a common person was capable of understanding the meaning of the text. Dumbar felt

1. Dumbar, translation of "De overzetting van de nieuwe Constitutie, welke wy ook in handen gehad hebben, kan niet in aanmerking komen. Dezelve is weinig verspreid geworden, en tevens gebrekkig uitgevoerd." Dumbar, *De Oude en Nieuw Constitutie*, vol. 1 (Amsterdam: J. A. Crajenschot, 1793), vii.

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instead that his own legal education and language training was necessary for a proper interpretation. This foreshadowed a present legal debate about legal interpretative methods. In interpreting the Constitution, should we consider its popular meaning at the time or how it was understood by trained lawyers?²

Efforts to develop an originalist understanding of the Constitution have sometimes been criticized for using scant evidence of how terms were actually used and understood. For example, Saul Cornell has argued that originalists tend to merely scour dictionaries for evidence without “doing genuine historical research.”³ He charges the field with “law office history” instead of scholarly history. In response, originalists have endeavored to aggregate more sources and evidence of original meaning. One popular collection is William Baude and Jud Campbell’s “Early American Constitutional History” source guide.⁴ Early translations of the Constitution, seen as commentaries on public and legal understanding of the text, can be useful sources for adding to this debate.

Indeed, to the extent that one is interested in what “Joe the Ploughman” believed about the Constitution, Lambertus De Ronde provides one of the best examples of common interpretation available.⁵ By looking at the variations between DeRonde and Dumbar’s translations, it is clear that there was variation and disagreement about what the text of the Constitution meant even at the time that it was enacted. There were also various reading publics and cultures that could diverge in their interpretations. Although the meaning of the text was bounded by plausible interpretations of the English language, its precise contours were disputed and constructed by members of the public at the time.

This present study contributes and contextualizes untapped primary sources concerning a subset of the public’s understanding of the Constitution, and it expands the study of the Constitution geographically,

2. The public meaning originalists argue that we should read the Constitution “according to how the words of the document would have been understood by a competent and reasonable speaker of the language at the time of the document’s enactment. John O. McGinnis and Michael B. Rappaport, *Originalism and the Good Constitution* (Cambridge, MA: Harvard University Press, 2013), 123. Larry Kramer, in his book *The People Themselves: Popular Constitutionalism and Judicial Review* (2004), argues that throughout history, the people, not the courts, have had a say in what the Constitution means.

3. Saul Cornell, “The People’s Constitution vs. The Lawyer’s Constitution: Popular Constitutionalism and the Original Debate over Originalism,” *Yale Journal of Law & the Humanities* 23 (2013): 295–337, quote at 297–98.

4. William Baude and Jud Campbell, “Early American Constitutional History: A Source Guide,” 2018. <http://ssrn.com/abstract=2718777> (accessed June 6, 2019).

5. Mark Killenbeck, “The Original? Public? Meaning of ‘Commerce,’” *Journal of Constitutional Law* 16 (2013): 289–327.

following in the footsteps of scholars such as Bernard Bailyn, David Armitage, and Daniel Hulsebosch, who have developed an international perspective on the writing of the founding documents.⁶ Adding Dutch-language primary sources to this transnational perspective on constitution making allows us to identify the importance of the “contact zone”: what Mary Louise Pratt identified as the heterogenous social space where cultures clash.⁷ In opposition to the Anglocentric perspective of research on this period, a study of upstate New York shows that the Dutch there were struggling to develop understanding of legal terms with references to legal traditions in a British and Dutch environment. By recognizing which words mattered to them, and which words they fought about in the translations, we can better understand of the struggles over meaning and the fluidity of language in the period. Words were coined, split, and redefined. Terms migrated internationally as global vocabulary developed.

Leaving legal debates to lawyers, this article makes no normative claim about modern constitutional interpretation, although it does aim to contribute to the historical turn in legal scholarship, in which historical scholarship may be used for current ends. Discovering and interpreting new primary sources on the Constitution adds new perspectives to sometimes stale legal debates, and it grounds them in historical context.⁸ The two early Dutch translations of the United States Constitution hint, however, at where some of the original confusion and disagreement about the text of the Constitution might have been. Where the texts differ indicates areas of highest concern for interpretation, whereas areas of general agreement demonstrate where the public meaning and legal interpretation might have been close to the same. In addition to historical and legal arguments, implications for political theory abound. What does it mean for a translation of the constitution to be “flawed” or for a contemporary interpretation to be incorrect? If it is incorrect, then according to what standard? What does it tell us about Constitutional interpretation and authority, if a flawed translation impacted New York’s state ratification procedure? Does the

6. David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2008); Bernard Bailyn, “American Constitutionalism, Atlantic Dimensions” (Pamphlet, The Institute of United States Studies, University of London, 2002); Daniel J. Hulsebosch, “Constitutional-making in the Shadow of Empire,” *American Journal of Legal History* 56 (2016): 84–91, specifically 89; and Daniel J. Hulsebosch, *Constituting Empire: New York and the Transformation of Constitutionalism in the Atlantic World, 1664–1830* (Chapel Hill: University of North Carolina Press, 2005).

7. Mary Louise Pratt, “Arts of the Contact Zone,” *Profession* (1991): 33–40.

8. G. Edward White, “The Arrival of History in Constitutional Scholarship,” *Virginia Law Review* 88 (2002): 485–633.

translation itself have any authority? These are questions that we can and should ponder, but not in isolation, and always informed by historical evidence.

De Ronde's Translation

In a 2016 article in the journal *Constitutional Commentary*, my coauthors and I presented De Ronde's 1788 translation alongside an anonymous and contemporary German translation of the United States Constitution.⁹ Prior to this, no scholar had proffered an analysis of De Ronde's translation, and indeed few historians appear to have even been aware of the translation. Earlier claims about the wide influence of the translation are dubious.¹⁰

To the Federal Committee of Albany, De Ronde may have been a natural choice for a translator. He certainly could read and speak English, and he had published works in both English and Dutch.¹¹ He was a patriot and a Federalist, a man of standing who—born in the Netherlands—spoke Dutch without the New York patois. De Ronde also wanted to be a bridge builder between cultures. Yet, although De Ronde's English was competent, it was far from elegant. De Ronde's style in his own works was to impress with long, powerful sentences and an extensive religious vocabulary, and indeed, his language was in some ways and at certain times rather impressive. But imprecise word choice combined with the sermonic quality could make it difficult to read.

De Ronde's translation of 1788 was no isolated academic exercise, but emerged as part of a public debate concerning the ratification of the Constitution. Essentially every newspaper in the country printed the Constitution in the fall of the 1787 (there was, however, at the time no Dutch-language newspaper in the United States). It was unprecedented that all Americans would read the same text. Allen Rutland explains that

9. Christina Mulligan, Michael Douma, Hans Lind, and Brian Patrick Quinn, "Founding-Era Translations of the U.S. Constitution," *Constitutional Commentary* 3 (2016): 1–54. Response pieces in the same issue came from Sanford Levinson and Jack Balkin.

10. Nicoline Van Der Sijjs, *Cookies, Coleslaw, and Stoops: The Influence of Dutch on The North American Languages* (Amsterdam: Amsterdam University Press, 2009). This error is picked up and carried forward in other scholarship; for example, Jan Noordegraaf, "Waar komt Leeg Duits vandaan?" *Trefwoord, Tijdschrift voor Lexicografie*, 2010, www.frsyke-akademy.nl (July 21, 2016); William Elliot Griffis, *The Story of New Netherland, the Dutch in America* (Boston: Houghton Mifflin Co., 1909), 2; John Pershing Luidens, "The Americanization of the Dutch Reformed Church" (PhD diss., The University of Oklahoma, 1969), 302–4.

11. Lambertus De Ronde, *The True Spiritual Religion, or Delightful Service of the Lord* (New York: John Holt, 1767).

“Nothing similar to this had ever occurred before and has never happened since—a whole nation invited, and even encouraged to read the entire Constitution.”¹² In Albany, the *Hudson Weekly Gazette* printed the first half of the Constitution in its September 27, 1787 issue, and printed the second part in the following issue on October 4. By the time De Ronde sat down to translate the Constitution in the spring of 1788, the public had been fed a steady diet of Federalist and anti-Federalist essays for 6–8 months.¹³ Dumbar’s translation, made 5 years later, was inspired by similar revolutionary currents in the Netherlands. Dumbar, a supporter of Madison, saw in the United States Constitution a valuable plan for a federal republic, which could be useful in his own country.

De Ronde’s Dutch translation of the United States Constitution appeared first as a 4-page broadside, without his name attached to it, and then sometime later on as a 32-page pamphlet. The undated broadside contained a complete text of the translation, but the font was small and difficult to read. Both publications were sponsored by the Federal Committee of Albany, but whereas the broadside was published by Johannis Babcock and Co., the pamphlet was published by Charles R. Webster.¹⁴ At least one of the two texts must have appeared in print before the end of April, 1788, as a publication of the Albany Federal Committee, dated in the month of April, 1788, appealed to the transparency and democratic character of their cause by boasting that they had “at their own expense, circulated many thousand copies of the New Constitution, in three different

12. Robert Allen Rutland, “The First Great Newspaper Debate: The Constitutional Crisis of 1787–88,” *Proceedings of the American Antiquarian Society* 97 (1987): 43–58, at 48.

13. A broadside of the Federalist Committee of Albany, dated May 26, 1788, proposes that support for the new Constitution would promote national union, common cause, and happiness, whereas opposition to it would suggest a divided and miserable country. This sort of simple appeal indicates that debates could be rather base. John Carter Brown Library, Broadside 04991, “Sir on ths Last Tuesday in April next, it becomes our dutyc to give our votes for members of the state convention. . .”

14. The first was printed for the Federal Committee by Johannis Babcock and Co., No. 47 State Street, Albany. According to a later bibliographer, John Babcock only printed in Albany between February 11 and April 21, 1788. Also, the “John Babcock & Co” imprint only appeared on his newspaper on April 14, 1788. Because the name ‘Babcock and Co’ is featured on the translation print, one could reason that Babcock must have printed De Ronde’s translation in the week of April 14–21, 1788. The broadside, the rarer of the two documents, was titled “Artykelen, die geaccordeerd zyn by de Foedderale Conventive der Vereenigde Staaten Van Noord Amerika; zyn Excellentie, George Washington, Esq. President. [Albany]: Gedrucht voor de Foedderale Committie by Johannis Babcock en Co., No. 47, Staate-Straat, Albany”; Douglas C. McMurtrie, *University of the State of New York Bulletin*, *New York State Library Bibliography Bulletin* 80: A Check List of Eighteenth Century Albany Imprint, No. 1155, Albany, NY, January 2, 1939, 21.

languages, with no other view than that every man may judge for himself. . . .”¹⁵

A close analysis of two separate printings of the De Ronde translations demonstrates that De Ronde was busy editing the translation and changing words even after its first publication. Scores of editorial changes, in sum, represent De Ronde’s attempt to improve his translation and make the text more appealing and understandable to his audience. It appears that De Ronde’s commitment to the project was significant, but his first translation was rushed for political expediency and his understanding of legal language was evolving.

There are a number of good reasons from the text alone to conclude that broadside translation was the original translation, and that the 32 page pamphlet was a derivative, much-edited copy. First of all, many more errors and uncommon spellings appear on the original broadside and were corrected in the pamphlet. Unusual words in the broadside were also replaced in the pamphlet with words that De Ronde’s audience would more easily recognize. This meant, in many cases, substituting Dutch words out and using the original English text or a Dutch cognate. One clear example is how De Ronde edited the spelling of the word ‘Federal’ in between the first and second printing. An advertisement in *The Albany Journal* of February 2, 1788, spelled the “Fœderal Constitution” with the “œ” ligature, and De Ronde may have been using an English copy of the Constitution that used this spelling.¹⁶ De Ronde also used this ligature in the words “Fœderal Conventie” (Federal Convention) and “Fœderal Committee” in the broadside print, but not in the pamphlet, where the term “Federal Conventie” does not appear, but “Federal Committee” does.

As one might expect, there are many textual errors in De Ronde’s translation. Because of the short time frame in which the work was likely proposed and could have been executed, the translation was likely made in haste, and it was intended not primarily as an authoritative text, but rather as both a symbolic and practical political tool. It was symbolic in the sense that the Federalists were saying that all New Yorkers, regardless of the language they spoke, should have access to the text of the Constitution. And it was practical because it did very likely influence some Dutch-speaking voters. At the same time, its great political importance was most likely in its

15. *An Impartial Address to the Citizens of the City and County of Albany, or the 35 Anti-Federal Objections Refuted, by the Federal Committee of the City of Albany* Printed by Charles R. Webster at his Free Press, No. 36 State Street, near the English Church, Albany (Readex: America’s Historical Imprints, 1788).

16. *The Albany Journal*, Albany, New York, February 9, 1788, 3; *ibid.*, March 8, 1788, 3.

symbolic appeal to the Dutch New Yorkers, because most literate Dutch persons in the state could probably read English as well as Dutch.

De Ronde was working in a tense atmosphere and time was of the essence. Although the New York State ratifying convention would ultimately meet in Poughkeepsie on June 17, 1788, it was originally scheduled to meet on April 29, 1788. On February 28, anti-Federalists in Ulster County, New York, had publicly burned a copy of the new Constitution.¹⁷ Debates in Albany were fierce and publications from the Federalists and anti-Federalists appeared en masse in March and April, 1788. The *Albany Journal* printed mostly Federalist columns, primarily the writings of “Fabius.” It also reported on the events of the New York State Convention and announced ratification at other state conventions. The *Hudson Weekly Gazette* also covered the news for the city, but provided a more mixed content of Federalist and anti-Federalist contributors, including authors such as “Centinel,” “Fabius,” “Justice,” and “A Citizen.” Broad­sides, handbills, and the like also joined the fray. The extent and viciousness of the debate in upstate New York could be seen most clearly after the ratification. On July 26, 1788, New York ratified the Constitution by a vote of 30 to 27, making it the eleventh state to join the union. Parades celebrating the ratification of the Constitution had been common in other states, and the Albany Federalists set aside August 8, 1788, as a day of celebrating the new Constitution in their city. The jubilee was a day-long affair, with a parade, a play, toasts, and a firearm salute. Enraged anti-Federalists faced off against the procession and, according to a contemporary newspaper, assaulted it.¹⁸

Many of the changes between the broadside and the pamphlet concern punctuation, spelling, or capitalization. For example, both Dutch-language versions open with a letter from George Washington. In the broadside (hereafter “B”) version of this letter, De Ronde uses the Dutch “over te geven,” and in the pamphlet (hereafter “P”) version, the equivalent English cognate “submitteeren” (submit) is used. The Dutch word for “political,” “politicke” (B) becomes “politijke” (P). The lower-case “verenigde staten” (B) becomes the upper-case “Vereenigde Staaten” (P) (United States), now with an extra vowel. De Ronde has *chief justice*, *adjournen* (to adjourn), *adjournment*, *yeas en nays*, *writ van habeus corpus*, *ballot*, and *departments*, in italics in the broadsides, but not in the pamphlet, as if to note that these no longer need to be indicated as foreign loan words, but are merely part of the Dutch American vocabulary. For the

17. Also *The Federal Herald* (Claxton and Babcock 47 State Street) began in 1788. March 2, 1788 is the publication date for Volume 1, Number 4.

18. Joel Munsell, *Annals of Albany*, Vol. 1 (Albany, NY: J. Munsell, 1850), 330–35.

pamphlet, he also removed hyphens between words, and seems to have modernized some spellings. De Ronde's capitalization rules, however, remain fairly inconsistent throughout both texts.

In addition to such minor edits, De Ronde also switched out entire words, sometimes introducing significant changes in the meaning of the text. In the broadside, De Ronde gives the word "impeachment" with no further comment, but in the pamphlet he adds in brackets "[of aanklaachte]" (or complaint), a slight demonstration that De Ronde is working to aid the reader's comprehension of unfamiliar terms while also keeping the original English or using a Dutch equivalent.

In Article 1, Section 2, De Ronde changes "gerant" (B) to "getaxt" (P) (taxed). "Gerant" appears to be a Dutch word loaned from French, a noun meaning someone who is a responsible owner or host. If this is correct, and "gerant" is not merely a typo, then De Ronde may have been signaling that Indians are not subject to tax because they are not responsible members of the market society. This word was likely rare enough to confuse readers, so he changed it to the colloquial "getaxt" in his second version.

The original English text of the first sentence of Article 1 Section 6 of the United States Constitution reads "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." In his original broadside translation, however, De Ronde completely omits this sentence, although he put it back in, in translation, for the pamphlet. One might read this as an indication that De Ronde, a Federalist, did not want his Dutch readers to think that members of new national government would be paid from a common national treasury. However, the more likely explanation of this omission is that it is a typesetting error, because the broadside text is also missing the article and section headings here that are otherwise found throughout the text.

In Article 1, Section 7, Clause 3, (which concerns the legislative override of the President's veto), De Ronde initially includes the lines "zal die door hem goedgekeurt worden" (B) ("shall be approved by him" in the original English), but omits this phrase in the pamphlet translation. In essence, De Ronde has omitted the presidential stamp required for laws to become bills, and only concentrates on the over-ride power to make laws that the president does not agree to.

In Article 1, Section 8, De Ronde first uses "werven" (B) and then "rijzen" (P) for "raising" armies. His first choice "werven" means to recruit, particularly on a voluntary basis. De Ronde's second choice "rijzen" loses this sense of voluntarism and suggests that the nation has a right to raise an army by unspecified means.

In Article 1, Section 10, De Ronde first uses “buitერი, of regt van weder-neming” (B) (privateering, or right of taking back) for “letters of marque and reprisal.” But then in the pamphlet translation, De Ronde changes this to letters of “zelfs verdediging, or van wederneemig” (self-defense, or taking back.) This indicates that De Ronde had trouble finding the exact meaning of letters of marque and reprisal, and that it was a difficult term to translate. Perhaps, as well, he wanted to distance the translation from any discussion of piracy or privateering.

Between the two printings of his translation, De Ronde made many changes to the text of Article 1, but made few changes to the rest of the text of his translation. That is, except for a few changes in spelling and punctuation, Articles 2–7 are almost identical in the Dutch broadside and in what must be assumed to be a later pamphlet. What might account for this pattern of edits? Perhaps De Ronde was particularly concerned with editing Article 1 and was rather satisfied with his work on the rest of the Constitution. Perhaps he tired of making further edits or was satisfied that the latter part of the Constitution was more understandable than the opening? One thing seems clear. DeRonde was not a lawyer, and he was not trained in the political language of his country, but he felt confident enough to provide a translation.¹⁹

Gerhard Dumbar (1743–1802)

The translation of the United States Constitution made by Gerhard Dumbar in the Netherlands in 1793 provides an excellent contrast and point of comparison for understanding the language in De Ronde’s translation from 1788.

Gerhard Dumbar’s translation of the United States Constitution appeared in a three-volume, 800-page work published in 1793, 1794, and 1796. As Dumbar explained, this was neither purely a book of translations, nor a commentary thereon, but a mix of the two. It included translations of the United States Articles of Confederation, and a translation of the “artikelen der Nieuwe Constitutie” (articles of the New Constitution), as well as historical chapters, largely drawing on David Ramsey’s *History of the American Revolution* (1789).²⁰

19. The inventory of De Ronde’s estate tells us that he owned 328 books at the time of his death, but this included essentially no works on politics, history, or law. Rensselaer County Historical Society, Rensselaer County Surrogate Court records, inventory of the estate of Lambert DeRonde, February 16, 1796.

20. Gerhard Dumbar, *De oude en nieuwe Constitutie der Vereengide Staten van Amerika, uit de beste schriften in haare gronden outvouwd*, 3 vols (Amsterdam: J.A. Crajenschot,

Although Dumbar's translation of the United States Constitution was once well read in The Netherlands, it has been difficult to find in the United States, and today it appears in only a few searchable databases. The publication was listed in a Sabin's *Directory of Books* as early as 1871, but it has to this day has received essentially no attention from American scholars.²¹

Gerhard Dumbar was a moderately influential member of the Dutch Patriots, a pro-Enlightenment, antimonarchist political faction. He was known as a civil servant, a historian, and a legal scholar. Born September 2, 1743, he was a generation younger than De Ronde. Dumbar was the son of a lawyer, and studied constitutional law at the University of Utrecht, where he received a master's degree in law in 1764. After graduation, he returned home to Deventer and took over his father's legal practice from 1764 to 1770. Thereafter, he held administrative positions in the city government. In 1787 a ruling by Stadhouder Willem V removed all Patriots from their administrative functions, so Dumbar was put out of work. This gave him time, however, to write his work on the United States. In 1795, as the Patriots came to power in the new Batavian Republic, Dumbar resumed his former administrative position. When the French took over The Netherlands in 1796, Dumbar pushed for an American model of national assembly (which he preferred to the French-inspired one) and for a Constitution based on the American example. He was jailed by his political opposition for a short time in 1798. Before his death in 1802, he wrote a 1900 page legal history of the province of Overijssel. Influenced by Adam Smith's *Wealth of Nations*, Dumbar saw wealth deriving from the work of the people, and political corruption as its antithesis. For this reason, he was critical of heavy taxation.²²

1793–1796), 220. Dumbar also included a translation of an anthology of the Federalist Papers, one of his primary sources of constitutional interpretation. Dumbar's book became the authoritative Dutch explanation of the American Revolution. Dutch historian Joris Oddens also credits Dumbar with introducing Madison's theory of faction in the Netherlands. Joris Oddens, "No Extended Sphere: The Batavian Understanding of the American Constitution and the Problem of Faction," *Early American Studies* 10 (2012): 382–414.

21. *Constitutie voor de Vereenigde Staeten van Amerika*, Den 17, September, Dordrecht, 1787, 8 vo. listed in Joseph Sabin, *Dictionary of Books Relating to America, from its Discovery to the Present Time*, Vol. IV (New York: J. Sabin & Sons, 1871), 454. Johan Luzac published the United States Constitution (not in translation) in the *Gazette de Leyde* in November 1787.

22. G.J. Mecking, "Mr. Gerhard Dumbar, een verlicht historicus?" *Overijsselse Historische Bijdragen. Verslagen en mededelingen van de vereeniging tot beoefening van Overijsselsch regt en geschiedenis* 100 (1985): 167–93. Other writings about Dumbar

Because Dumbar provides significant commentary, his translation is particularly unique and useful for demonstrating how a European might have interpreted the United States Constitution. Dumbar is also openly in support of the Constitution. He calls it the “improved” Constitution, to distinguish it from the Articles of Confederation. He spent the last 20 years of his life championing the American constitutional model for the Dutch political scene. Other sources of comparison for understanding DeRonde and Dumbar’s choice of language include Herman van Bracht’s 1781 Dutch translations of the United States Declaration of Independence, the state Constitutions, and the Articles of Confederation. For those interested in the Articles of Confederation, more work could be done to compare van Bracht and Dumbar’s translations.²³

Dumbar was not an American, of course, and he was not in America, nor was he writing for Americans. To the extent that we care about De Ronde’s translation having any kind of interpretative weight, Dumbar provides a useful contrast of other translations that De Ronde could have made, but did not, giving us a more direct contrast to grapple with. We no longer have to ask, “Why did he say X?” but we can also ask, “Why did he say X and not Y (as Dumbar did).”

Comparing the Translations

The translator’s choice of words reflects his own language patterns, his understanding of the original text, and perhaps the common or public meaning of the constitution. A second key to consider is that the audience

include: Marie-Anne van Wijnen, “Eenheid naar buiten, federalisme naar binnen: Gerhard Dumbar (1743–1802), pleitbezorger van de Amerikaanse constitutie,” *Overijsselse Historische Bijdragen* 104 (1989): 89–129, as well as C. W. van der Pot, “De Twee Dumbar’s (1680–1744, 1743–1802),” in T. J. de Vries et al., *Overijsselse Portretten: Jubileumbundel, Uitgegeventer Gelegenheid van de Viering van het Honderdjarig Bestaan van de Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis* (Zwolle: Erven Tijl, 1958), 129–42, only available in Dutch libraries (via worldcat).

23. Herman van Bracht’s *Verzamelingen van de Constitutiën der Vereenigde Onafhankelijke Staaten van Amerika benevens de Acte van Onafhankelijkheid, de Artijkelen van Confederatie, en de Tractaaten Tusschen Zijne Allerkristelijkste Majesteit en de Vereenigde Amerikaansche Staaten*, Vol. 1 (Dordrecht: Frederik Wanner, 1781). A second volume appeared in 1782. Van Bracht’s name does not appear on the book. Van Bracht (1729–1817) worked from a print copy of *The Constitutions of the Several Independent States of America* (Philadelphia: Francis Bailey, 1781), borrowed from John Adams. John Adams to Jean Luzac, Amsterdam, December 13, 1781. See also: Herman van Bracht to John Adams, Dordrecht, January 26, 1782 and April 30, 1782, in *Founding Families: Digital Editions of the Papers of the Winthrops and the Adamses*, ed. C. James Taylor (Boston: Massachusetts Historical Society, 2016).

plays a role in mediating the language the translator chooses. That is to say, only some of the differences in the text of the two translations can be ascribed to the personal knowledge and speech patterns of the translators. The differences in the translation are quite wide, not only in content, but in style. This reinforces the point that each translator will choose a different form or construction of a sentence, and it highlights the distance between the Dutch American language with its Anglicizations and old-fashioned Dutch diction and spelling, and the modernizing late eighteenth-century Dutch.

De Ronde choose to keep American legal and governmental terms whenever possible, probably because his audience was more familiar with these terms in English than in Dutch, and because these were the words they would need to be acquainted with if they were to understand the political situation in the country. In this way, De Ronde translates the “House of Representatives” as the “Huis van Representatives” whereas Dumbar uses “Huis van Representanten.” Neither uses the Dutch term “vertegenwoordiger” for representatives, because this word was not common in eighteenth-century Dutch political language. To represent, “vertegenwoordigen” originally meant a physical or visual representation, and was apparently in not commonly used in eighteenth-century Dutch for political representation. Likewise, De Ronde uses “legislature” when Dumbar uses “wetgevende magt” or “lawmaking power” (Table 1).

Sometimes when these words might be completely new to his Dutch American audience, De Ronde slips in a slight additional change. Although he uses the English word “impeachments,” he adds before it the word “zogenaamde” (so-called), although this is truly an addition to the original text. There is no “so-called impeachments” text in the Constitution. In general, however, De Ronde is willing to let the language stand without any additional commentary. Dumbar, however, feels free to add his own explanations for a Dutch audience. Because the Dutch language did not have a word for “impeachment” of a political figure, Dumbar created a term “action of hindrance” using the archaic “belet” (hindrance) as a noun formed from the Dutch verb “beletten” (to hinder). In another instance, De Ronde used the original text “Yeas and Nays” but added in brackets: “de stemmen voor en tegen” (the votes for and against.). In an extensive footnote, Dumbar explains the term “empeachment” for his readers.²⁴ The reason behind the impeachment clause, Dumbar explains, is because “the framers of the Constitution were convinced that the sovereign meeting of the servants of the state must be prevented from doing evil,

24. Translation of Dumbar, 223–24.

Table 1. Word choice in competing Dutch translations of the U.S. Constitution.

De Ronde	Dumbar	U.S. Constitution
Representatives	Representanten	
Legislature	Wetgevende magt	Lawmaking power
Executive authority	Uitvoerende magt	Executing power
Impeachments	Actien van belet	Actions of hindrance
Indictment	Crimineele beschuldiging	Criminal accusation
Taxen, tollen	Belastingen, imposten	Taxes, tolls
Hooge court	Geregtshof	Supreme Court

however, they understood that placing the power of civil punishment in the hands of the same could be dangerous.”²⁵

Sometimes both DeRonde and Dumbar use the original English word, but they treat it differently. For example, De Ronde uses the English “senator” but then pluralizes it in the English manner: “senators.” Dumbar also uses “senator” for the singular, but uses “senatoren” for the plural. Dumbar and De Ronde also both use the English “Congress” and “Senate” (sometimes spelled in the Dutch manner as Senaat) throughout. Sometimes Dumbar uses the original when DeRonde translates it. For example, Dumbar keeps the word “Quorum” when DeRonde uses “meerderheid” or “majority.” De Ronde’s form of “republicke” for “Republican” is interesting and probably unique. Whereas Dumbar, who was influenced by the Enlightenment, was quite familiar with the idea of Republicanism, De Ronde may have found “Republican” a strange term. His translation “republicke” is as odd as one writing in English “republic-ish” or “like a republic” when “Republican” was available. This may indicate that he was not familiar with the contemporary Dutch form of the word.

Comparison of the two translations may be useful for contributing to debates on interpreting certain clauses of the Constitution. For example, in the Three-Fifths Clause, the original language includes the line “including those bound to service.” This word “to service” De Ronde turns into a verb, so that he speaks of persons who are bound to serve for a term of years. Dumbar, however, treats “service” as a noun so that the count of free persons in each state includes those bound to service (“dienstbaarheid”). Given that DeRonde was a slaveholder, this is an interesting turn of the phrase. He does not refer to slaves by that name, but as a category

25. Dumbar, 236. Translation of “de instellers van deze Constitutie, schoon overtuigd dat de souvereine Vergadering de Dienaar van den Staat moest kunnen beletten kwaad te doen, eger tevens begrepen dat de eigenlyke lyfstraflyke regtsoeffening in derzelve haden gevaarlyk zoude kunnen worden. . .”

of people who are serving others. As in the original text, De Ronde and Dumbar omit any use of the term “slave,” which was the accepted meaning of the term “all other persons.”

Dumbar was also quite aware that the Three-Fifths Clause related to slaves. In his translation of the Articles of Confederation, Article VIII, Dumbar explains that taxes paid to the national government would come from all of the states equally based on the number of white inhabitants, quoting the Law of New York, 6th Session, Chapter 5, from 1783 and from the 8th Session, Chapter LXIII from 1785, Dumbar explains that the Congress attempted to change this to read “an equal number of white and other free citizens and denizens including those bound to slavery for a term of years, and three-fifths of all other persons not including Indians or others who did not pay tax.”²⁶

In the Commerce Clause, where De Ronde uses “koopmanschap,” to speak of commerce as specifically being an activity of merchants, or “koopmanen,” Dumbar uses a much more common word, “koophandel,” for “commerce.” Dumbar also says “between the several states” rather than “among the several states.” This might again reinforce the idea that De Ronde thought that commerce was something specifically referring to merchants, not to everyday people in the marketplace. Dumbar and van Bracht, meanwhile, both use “koophandel,” their translations of the Articles of Confederation.

DeRonde is confused about the nature of a felony and does not understand the legal history of the term. Dumbar also struggles with the term “felony,” but has more background reading to draw on. In his translation of the Articles of Confederation, Dumbar explains in a footnote his understanding of the term, essentially equating it to a crime worthy of corporal punishment.²⁷ For a third point of comparison, Van Bracht’s translation of the Articles of Confederation also struggles here. For the original “treason, felony, or other high misdemeanor,” van Bracht uses “hoog verraad, doodwaardige misdaden of zwaare misdaden” (“high treason, crimes worthy of death, or severe crimes”).²⁸ In general, then, all three Dutch contemporaries found “felony” to be a difficult word to interpret, indicating that it was not a commonly understood term.

Dumbar also provides footnote explanations for “indictment,” “quorum,” “bill of attainder” “militia,” and “habeus corpus.” To explain habeus

26. Dumbar, 30–31.

27. Dumbar, fn 22–23.

28. Van Bracht, *Verzamelingen van de Constitutiën*, 198.

corpus, he cites Gerhard Friedrich August Wendeborn, a German historian of England.²⁹

Where De Ronde struggles with “letters of mark and reprisal,” Dumbar is aware of the term and uses “brieven van marque of schaêverhaling” in his translation of the Articles of Confederation.³⁰ Van Bracht, in his translation of the Articles of Confederation, uses “brieven van Marque of Represailles.”³¹ This may indicate that the term was generally understood in a European context (or at least in The Netherlands), but was not common in De Ronde’s New York.

Conclusion

New sources on original public meaning can help us better understand historical context, but it is not clear if they can help us settle normative debates about legal interpretation today. Scholars with a stake in arguments about original meaning, however, may find support for their own views in De Ronde’s and Dumbar’s translation. The two translators disagreed not just about meaning but also about the source of authority of interpretation. That they used different language as well shows that language was developing in different contexts. Moving from the Anglosphere to the Dutch world in some ways complicates the picture in the late 1780s. At the same time, such sources indicate where common understanding and conflicts about interpretation lay.

If the Constitution was the people’s Constitution, we must consider De Ronde’s text carefully for what it can reveal to us about the popular understanding of the document. But if we take the view that the original meaning of the Constitution is essentially that which educated lawyers of the time would give it, based on the interpretative rules used to understand legal documents, then Dumbar’s 1793 text might shine more light on the problem. Yet, this also creates a meta-problem: even during the founding, there was disagreement over whether it was the people’s Constitution or a lawyer’s Constitution. Perhaps we could discount Dumbar’s view given that he was somewhat culturally separated from the American project. But this creates an additional problem, because Dumbar was exceptionally well read

29. Gerhard Friedrich August Wendeborn, *Der Zustand des Staat, der Religion, der Gelehrsamkeit un der Kunst in Grosbritannien gegen das Ende des achtzehnten Jahrhunderts* (Berlin: C. Spener, 1785), which also appeared in English as *A View of England Towards the Close of the Eighteenth Century* (London: G.G.J. and J. Robinson, 1791).

30. Dumbar, 28.

31. Van Bracht, *Verzamelingen van de Constitutiën*, 202.

and particularly well informed in English historical jurisprudence. He certainly understood many aspects of the law and of legal language better than many American lawyers of the time. For originalists such as John McGinnis and Michael Rappaport, if there is a conflict between how a lawyer and how a member of the public would understand a phrase or word, the lawyer's interpretation should prevail. But considering foreign interpretations, must we also add the proviso that the relevant lawyer should be an American, enmeshed culturally in the new nation, and engaged in the public debates at the time?³²

With so few sources about what common people understood about the Constitution, it is important to use these translations as a window into the struggles of a small faction in the ratification struggle. But, at the same time, we must treat the translations as cultural artifacts, recognizing the various motivations and backgrounds of the translators. Although Dumbar, and to a lesser extent De Ronde, both aimed for accuracy, the two sought intelligibility and readability over exactness. Perhaps this is, then, the crux of the problem with interpreting Founding Era documents: language might not always accurately represent intention, and two people could interpret a text in different ways. Even translations could not avoid being commentaries about texts. In the efforts to understand new language, diverse meanings and interpretations developed. Constitutions did not always help nail down meaning but could complicate it.

These two early translations of the United States Constitution occurred at a multilingual moment in New York, and in a transnational, trans-Atlantic milieu. De Ronde's translation was made quickly, and De Ronde was no language purist. Instead, he acted quickly in a urgent appeal before the vote on ratification. He was familiar with some American legal concepts, as was his audience, but many terms in the Constitution were new, and required explanation. As he sought explanations for new words, he edited his text. As is clear from his biographical background, De Ronde's language was a mixture of old-fashioned ecclesiastic and common Dutch, with some home-grown Americanisms. His was a language that lacked words for some enlightenment concepts, but was gaining them all the while. Although De Ronde and Dumbar both supported the Constitution, they had different motivations, and produced different translations that would appeal to their own audiences. As revolutions occurred on both sides of the Atlantic, constitutional language flowed across borders. Dumbar, drawing on his legal education and understanding of British legal heritage, dismissed De Ronde's actual experiences, and called for a new interpretation of the Constitution that would be more legible for

32. McGinnis and Rappaport, *Originalism and the Good Constitution*, 130.

educated members of his own country. In the process, DeRonde and Dumbear produced two different texts, both drawing from the same source, but diverging in a variety of places in style and content.