Introduction: Printing Privileges in the Early Modern Low Countries

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The new technology of the printing press, which radically transformed the early modern media landscape, found fertile ground in the urban landscape of north-western Europe, and particularly in the Low Countries, which quickly became an important centre of the early modern printing trade. Initially settling around religious centres, such as the Prince-Bishopric of Utrecht and the towns of Zwolle and Deventer, the epicentre of Netherlandish printing activity soon shifted to Antwerp, where a highly advanced industry developed that would have a major impact on the production of knowledge in the sixteenth century.[1] Antwerp developed a print culture that eagerly adopted new techniques and new organisational models, inspired by humanist ideas, but also by the stories that circulated in the mercantile port city, the images made by painters, and the practices of the Chamber of Rhetoricians.[2] These rapid developments were enabled partly because of the close relationship that existed between printers and the political authorities, as reflected in, for example, the affiliation of typographers and printmakers to existing guilds as well as the increasing production of legal texts.

The early modern 'printing revolution' was closely linked to the religious struggle between Catholics and Protestants after the Reformation, a struggle that also played out in pamphlets and other printed materials.[3] While in the Catholic world this led to the imposition of a new system of pre- and post-publication censorship of books, overseen by the state and the Inquisition, the discursive control of printed materials in Protestant regions

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2 Van der Stock, *Printing Images*; Stijnman, *Engraving and Etching*, 75-79.
3 The idea of an early modern printing revolution was popularised by Eisenstein, *The Printing Press*. See also Baron, Lindquist, and Shevlin, *Agent of Change*. It has also been criticised from various quarters. The details of this debate are beyond the scope of this introduction; for an initial introduction to the issues at stake, see Eisenstein, 'An Unacknowledged Revolution'; Johns, 'How to Acknowledge a Revolution'. We use the term 'printing revolution' here simply as a period designation to indicate the increased circulation of printed material. Rather than attributing an abstract power to the printed word, we aim to understand the cultural history of print culture.

was more fragmented. This led eventually to a different development of the printing industry in the northern and southern Netherlands, which became particularly apparent after the de facto secession of the northern provinces into a separate republic around the year 1585. While the southern Netherlands continued to play an important role in Europe's knowledge infrastructure and – not least because of Plantin's famous printing house – in the circulation of knowledge in the Habsburg Empire and its colonies, the printing industry in the northern provinces gained rapid pace after the Siege of Antwerp, triggered by the movement of human and economic capital from the southern cities to the north. The newly established, predominantly Protestant Dutch Republic soon became known as the new 'bookshop of the world', where people owned more volumes per capita than anywhere else in Europe, and where literacy rates were unusually high.[4]

As the printing industry grew in the sixteenth century, the authorities came under increasing pressure to regulate it. One of the strategies used to do so was through the use of 'printing privileges', a practice which followed on swiftly from the introduction of the printing press. Printing privileges granted the exclusive right to print, sell, and distribute printed matter for a specified period of time (ranging from a few months to several decades). Early modern privileges are for this reason often seen as one of the precursors of modern copyright, which also provides protection against illegal reproduction. However, the nature of early modern legal privilege – 'cum privilegio' – was very different from its modern variety, which is largely governed by international treaties. Whereas today a copyright arises when a work deemed sufficiently original is fixed in a tangible medium, in the early modern period similar rights were not universal, and one had to petition for a privilege with the highest authority of a particular jurisdiction to obtain legal protection. The scope of a privilege was therefore by definition local and, unlike today, there was also no standard time limit for exercising the right. Although certain customs and standard formulations did emerge, it was ultimately left to the discretion of the authorities to determine how long the privileged object should be protected against piracy. These decisions were made on a case-by-case basis and depended on the subject of the petition. And, unlike today, those who held rights were not necessarily the authors who produced the original work, but mainly the printers and booksellers who took care of its publication.[5] In all cases, those who claimed a privilege argued that they were personally involved in the

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4 Pettegree and der Weduwen, *The Bookshop of the World*.
5 Geerdink, 'Literair Auteurs'. Even today, the author of an original work is not always the owner of intellectual property rights (e.g., under the us work for hire doctrine), and an idea need not be embodied in a tangible medium of expression anywhere in the world. There are, of course, a whole range of other differences that are beyond the scope of this introduction, including regional differences such as the distinction between Anglo-Saxon copyright (where, for example, work for hire is relevant) and the idea of authors' rights often associated with the continental legal tradition, where the focus is more on moral rights guaranteeing, for example, the 'right of identification' and the 'right to integrity' of a work. Such subtle refinements and debates were almost entirely absent in the early modern period (although there was a parallel discussion of libel and the protection of good name). Finally, there were various 'customs' by which printers tried to protect themselves against piracy, such as an unwritten right to reprint the work of a copycat, or through the organisation of professional groups, for example in the form of guilds that regulated copyrights. While all of these issues are of course relevant, and to some extent interlinked with the subject under discussion, this special issue places particular emphasis on the many ways in which the juridical strategy of attaining printing privileges had an impact beyond economic or legal domains.

production of a work, and wanted to protect their labour and economic investment in the production of a printed product. These printed products might include not only books and pamphlets, but also loose images (such as woodcuts, engravings, and etchings), globes, and anything else that could be produced on a printing press.

The first printing privileges followed the advent of the printing press itself with almost indecent haste, and, initially at least, it was primarily in the Italian peninsula that such privileges were actively employed as regulatory devices.[6] The Republic of Venice was at the forefront; as the leader in book production below the Alps, it granted no fewer than 3,400 privileges between 1470 and 1570.[7] But the use of privileges to assert the exclusive owner-ship of printed works also became common elsewhere in Europe in the sixteenth century, for example in the Holy Roman Empire, England, and France.[8] In these regions, the Italian practice seems to have served as a model. The first French privilege, for example, was granted in 1498 to the humanist Janus Lascaris, who had recently arrived at the French court from Italy.[9] And when the Antwerp printer Claes de Greve was granted a six-year printing priv-ilege in the Habsburg-controlled Duchy of Brabant in 1511, he could already argue that printers in Paris, Venice, and Lyon had received similar dispensations, which, according to De Greve, had undoubtedly contributed to the general welfare of those regions.[10]

The use of exclusive rights to protect printed matter was thus not new in the sixteenth-century Low Countries: what was new was their manner of adoption in a new political context. Initially, the Council of Brabant took the lead in granting privileges (with occasional advice from the Queen Regent), but in 1531 the newly reorganised Privy Council joined in, issuing privileges that provided protection throughout the provinces of the Low Countries (figs. 1-2). This reorganisation of the privilege system took place one year after the first publication of the Augsburg Confession (1530). Indeed, the intensifica-tion of the practice of creating property rights in new editions through privileges cannot be separated from the ongoing political efforts to impose punishment and a notion of accountability against the background of the Reformation. In 1546, for example, as part of a wider package of censorship measures, Charles V made it compulsory for publishers to print the content of the privilege (stating the duration, the holder, and the issuing author-ity) at the beginning of a book. In 1561, Margaret of Parma added a warning not to add dedicatory epistles, prologues, marginal additions, or the like in any way to a work after a privilege had been granted.[11] The use of the printing privilege in the Habsburg Netherlands

6 The literature on history is too vast to list. For a first overview, see Keller-Rahbé, *Privilèges de librairie*. The website www.copyrighthistory.org also provides a wealth of information on various aspects of the history of copyright.

7 Nuovo, 'Book Privileges', 27.

8 For a brief overview of the introduction of copyright in different territories, see Armstrong, *Before Copy-right*, 59-73; Scott, *Becoming Property*, 19-62; Witcombe, *Copyright in the Renaissance*, 326-343. In each of these regions, the system of privileges had its own particularities, but as time went on, a European system could be discerned more and more clearly. The ERC project *Before Copyright* (ERC, BE4COPY, 101042034) is currently investigating the evolution of printing privileges from a long-term and international perspective.

9 The link between France and Italy may be due to the dual role of Louis XII as King of France and Duke of Milan in 1499: Armstrong, *Before Copyright*, 118-119.

10 Verheyden, 'Drukkersoctrooien', 204.

11 Machiels, *Privilege*, 104-105.

Fig. 1 Privilege granted by the Privy Council to Christopher Plantin for the Breviarium Romanum, *1568 (O.S.), Antwerp, Museum Plantin-Moretus, Arch. 1179, no. 94.*

was thus linked to other elements of the regulation of the book trade, even if it was clearly not the same as, for example, approbations or other forms of authorisation by secular and ecclesiastical authorities.[12] Incidentally, printing privileges were not the only way to combat piracy: there were various customs by which printers tried to protect themselves, such as an unwritten right to reprint the work of a copycat, or through the organisation of professional groups, for example in the form of guilds that regulated the right to copy.[13] However, printing privileges were unique in the sense that they were constructed around a public law discourse in which property rights were used to regulate temporary monopolies over creative work.

When the northern provinces broke away from the Habsburg Empire, they adopted the practice of granting printing privileges as it had existed before. The States of Holland had already begun to grant privileges for the protection of printed works within their provinces

12 Moreover, the focus of the censorship system was clearly on the printed word rather than the printed image, and there is no evidence to date that images were ever subject to compulsory licensing.

13 Unlike a privilege, the right to copy was a property right used exclusively by printers. This right was known and used throughout Europe, but was particularly important in Britain, where it was administered by the Stationers' Company. For the British system and its relationship to the rise of copyright, see Deazley, *On the Origin of the Right to Copy*.

*Fig. 2 Ten-year privilege granted by the Privy Council to Gerard Mercator for his world map (*mappa universalis*), 1569, Antwerp, Museum Plantin-Moretus, Arch. 1179, no. 103.*

as early as 1579, but it was mainly the States-General that took on the task of granting printing privileges in the first decades of the existence of the Dutch Republic.[14] This situation would continue until the middle of the 1640s, when the States of Holland took over the main responsibility for the granting of privileges.[15] As in the Southern Netherlands, the granting of printing privileges continued to have its own history in the Dutch Republic, and was continually adapted and refined according to local circumstances before the general system was abolished in 1796 and replaced by a modern form of author's rights inspired by the French Revolution. An important factor in all this was the growing influence of the

14 See also Buning's essay in this volume for further details on the introduction of printing privileges in the northern Netherlands.
15 In some cases, getting a so-called *attache* was also required from individual provinces, which meant that the provincial authorities guaranteed and consented to the use of a privilege in their area: Schriks, *Het kopijrecht*, 66-67.

guilds, which from the end of the seventeenth century were required to give their consent before privileges could be granted. The abolition of the system of printing privileges in the Dutch Republic went hand in hand with the abolition of these guilds. It was only during the First French Empire (and especially during the existence of the United Kingdom of the Netherlands, in 1815-1830) that, after centuries of separation, legislation against printing piracy began to develop again in the northern and southern provinces in a unified manner.

Despite their importance for the regulation of the printing industry in the Low Countries, printing privileges, whether in the northern or the southern Netherlands, have thus far escaped systematic research. This special issue addresses this lacuna by putting printing privileges on the map as a research topic in its own right, serving as an impetus for further research in the field. In particular, we want to highlight the dialogical nature of privileges for printed materials, showing how they both forged connections and created boundaries between discursive communities in the seventeenth century.

So far, the study of printing privileges in the Low Countries has mainly been the preserve of archivists and book historians. As a result, there are some excellent inventories and archival guides for the Habsburg Netherlands.[16] Privileges in the southern provinces have also been carefully analysed by Stijn Van Rossum in the context of the business practices of the Verdussen family, by Renaud Adam in the context of the relationship between government and printers, and of course in the context of studies of individual publications, authors, or printmakers.[17] For the northern provinces there are also many separate publications on specific cases of printed texts and images.[18] But it is above all the work of the book historians Cornelis Kruseman, Isabella van Eeghen (for the province of Holland), Paul Hoftijzer, and, more recently, the dissertation by the legal scholar Chris Schriks that has shaped the perception of printing privileges in the Dutch Republic.[19] Because of their disciplinary approach, they place particular emphasis on the interests of printers and view printing privileges primarily as a means of protecting economic investments. Instead, this special issue moves beyond the economic realm to consider printing privileges from a variety of perspectives, including their relationship to the forging of communities, state control and censorship, and the shaping of ideas about counterfeiting and originality, authorship, and the public domain.

Our aim in producing this special issue is to provide an insight into the different ways in which printing privileges can be studied. In particular, we want to bridge different disciplines and perspectives: from art history to book history, from diplomatic and cultural history to legal history. Our focus is on the Habsburg Netherlands and the Dutch Republic between c. 1550 and 1700, with some articles focusing on a particular geographical area or

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16 Baelde, 'Drukkersoctrooien'; Machiels, *Privilege*; Verheyden, 'Drukkersoctrooien'.

17 Van Rossem, *Het gevecht met de boeken*; Adam, 'Printing for Central Authorities'; Landtsheer, 'An Author and His Printer'; Van Hout (ed.), *Copyright Rubens*; Hunter (ed.), *Printed Images*; Rijks, 'Barbé Affair'.

18 Orenstein, 'Sleeping Caps'; Buning, 'Privileging the Common Good'; Fuks, 'De twee Bijbelvertalingen'; Grabowsky, 'Op de goede beterschap'; Groenveld, 'The Dutch Republic'; Groenveld and Hartog, 'Twee musici, twee stromingen'; Salman, *Populair drukwerk*, esp. 44-47, 80-85, 148-149, 166-167.

19 Van Eeghen, *De Amsterdamse boekhandel*, v.1, 193-236; Van Eeghen, 'Leidse professoren'; Hoftijzer, 'Nederlandse boekverkopersprivileges'; Hoftijzer, 'A Sickle'; Hoftijzer, 'Boekverkopersprivileges in de achttiende eeuw'; Kruseman, *Aanteekeningen*, 340-354; Schriks, *Het kopijrecht*.

time period, while others take a bird's-eye view of the whole territory of the Low Countries and the whole century.

First, Marlise Rijks examines printing privileges as one of the approaches on which printmakers relied to deal with the problem of copying imagery. Their responses were rooted, she argues, in both technological possibilities and art theory. She shows that by looking at art theoretical concepts such as 'invention' and 'skill', it is possible to better understand the rise and importance of printing privileges in the context of printmaking. The printing press made copying in the visual arts problematic in a way that it had not been before and now some copies came to be seen as unreliable forgeries. Jacqueline Hylkema also examines forgeries, but from a cultural-historical perspective and through the study of book collections in the Dutch Republic. Hylkema distinguishes between two types of forgery: the counterfeit, which is the pirated copy of an existing publication, and the 'creative forgery', which refers to the creation of a new work that is fake but to be taken as authentic. By considering the printing privilege in terms of both types of forgery, she comes to the conclusion that 'authority' was a crucial element within the system of privilege distribution in the Dutch Republic, particularly in terms of the sense of reliability that privileges bestowed on publications.

Kristof Selleslach's essay continues the study of the reliability of privilege, but places it in the context of book history and economic circulation, emphasising the publisher's perspective. By carefully comparing the paratexts of dozens of books with archival documents in the Plantin-Moretus archive, he shows that the Plantin printing house abused privilege summaries to manipulate the market. This aspect of market manipulation, and the role of paratexts in it, is also emphasised in Nina Geerdink's article on the importance of privileges for the psalter market in the Dutch Republic. Geerdink argues that privileges played an important role in the maintenance of religious communities, and concludes that this was particularly relevant when it came to books published with the aim of playing a formal role within those communities.

Books that enjoyed a wide distribution are also the focus of Stef van Gompel's essay, which highlights the partial suppression of the use of privileges in the market for Bibles and schoolbooks in the Dutch Republic. Van Gompel adopts a long-term legal-historical perspective, considering the role of privileges in relation to early modern notions of the public domain and their relevance to contemporary debates. In particular, he shows that the early modern Dutch state was not only aware of the impact of privileges on the circulation of knowledge but actively employed them to manipulate the market. This argument is further developed by Marius Buning, who situates printing privileges in a triangular field between the interests of the state, the author, and the publisher. He shows that by taking state interests as seriously as patronage practices, it is possible to better understand why a particular work was or was not granted a privilege. Privileges, Buning argues, were a form of soft power machinery with great relevance for international relations. In the final contribution to this issue, Nina Lamal complements this aspect by examining the use of privileges in the international marketplace. By focusing on privilege as a connecting element between political entities, she shows that there was an emergent layer of actors who were important in the dissemination and shaping of printed knowledge, such as ambassadors, agents, and other intermediaries.

Taken together, the various essays show that printing privileges are not only interesting as possible precursors of modern copyright, but also because they can provide insights and answers to questions in adjacent fields of study. Rather than considering printing privileges solely from a legal-economic perspective, the essays in this volume show how the law created a new order in the organisation of knowledge categories. It should be noted that the Low Countries did not occupy an exceptional position in this respect, but fitted into the broader palette of a European development that was redrawing the boundaries of property rights. This system was not determined by technological innovations per se (after all, the invention of the printing press was, by 1600, merely an echo from the past), but by the socio-historical circumstances of the time. If for no other reason, historians have as great a role to play as lawyers in exploring the antecedents of exclusive ownership of creative works. Conversely, with this special issue, we hope to show that the use of printing privileges as an analytical lens can also inform the study of the history of the Low Countries in new and exciting ways.

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