

Burgersdijk's *Institutionum Logicarum* and the Freedom to Print Books of the Dutch School Order

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Abstract

After the States of Holland passed the School Order of 1625, which listed the schoolbooks which were to be used in the Latin schools, they refused to grant privileges protecting the books that were being prepared for this purpose. In 1626, however, the States-General granted a privilege to one of the books of the School Order, Burgersdijk's *Institutionum Logicarum*. While it is often reported that this privilege was subsequently invalidated by the States of Holland, because it did not match their policy that anyone was allowed to print and publish copies of official textbooks, this article establishes that Burgersdijk's privilege actually endured until the mid-seventeenth century. It was prolonged on two occasions by the States-General, the second time even with endorsement by the States of Holland through an *attache*. This means that the persistent myth about the supposed absence of privileges for Dutch schoolbooks is not entirely correct. There was obviously a need to protect some textbooks, a need the Dutch authorities also recognised. This included schoolbooks to which new elements (such as notes or indexes) were added and schoolbooks for which there was also a market outside the Latin schools, as was clearly the case for Burgersdijk's *Institutionum Logicarum*.

Keywords: schoolbooks, printing privileges, Dutch School Order, Franco Burgersdijk

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In 1625, the States of Holland adopted a School Order, which introduced a fixed lecturing program with prescribed textbooks to improve the quality of and bring unity to the educational programme at Latin schools. In the wake of the introduction of this School Order, controversy arose around the granting of printing privileges for the official schoolbooks that were being prepared by professors at Leiden University as part of these new educational instructions. In 1626, Franco Burgersdijk (1590-1635), professor of philosophy in Leiden, obtained such a privilege from the States-General for the preparation of the *Institutionum Logicarum*, a book that the School Order prescribed for the higher classes of the Latin schools. Under pressure from the cities of Holland, which detested the idea of Leiden publishers obtaining a monopoly to print the official schoolbooks, the States of Holland responded with an order that the 1626 privilege of Burgersdijk had no force, and they generally proclaimed that no printing privileges could be obtained for the textbooks prescribed by the School Order.

The controversy around Burgersdijk's privilege of 1626 has been well documented, but little has been written about the subsequent issuance or denial of printing privileges and copyright on schoolbooks. While it is commonly understood, as Van Eeghen has noted, that 'it was an unwritten law in the seventeenth century that no privilege was granted on the more official schoolbooks', it is incorrect to assume that privileges for schoolbooks were entirely banned.¹ In fact, this article shows that in practice the 1626 privilege of Burgersdijk was not rendered invalid, but was even prolonged by the States-General on two occasions, in 1632 and in 1645, the last time even with official approval (a so-called *attache*) by the States of Holland.

Only later, in 1715, would the States of Holland officially adopt a policy which allowed no petitioning for privileges or patents on schoolbooks, except on newly added notes or indexes. Following the abolition of the privilege system at the end of the eighteenth century, the Dutch authorities continued this practice of not conferring any legal monopoly

¹ Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226: 'Het was in de 17de eeuw een ongeschreven wet, dat op het meer officiële schoolgoed geen privilege werd verleend.' Unless otherwise noted, all translations are the author's. I would like to thank Willemien van Dijk, Myrthe Bleeker, and Marius Buning for their help with the transcription of some of the hand-written primary sources. Any errors are my own.

on official schoolbooks. In the nineteenth century, this evolved into a general exemption from copyright for all schoolbooks, regardless of whether they were prescribed by public authority.

The 1625 Dutch School Order

The introduction of the 1625 School Order by the States of Holland can be understood as a part of the resentment that existed in the Dutch Republic about the state of education in Latin schools. Each city had its own Latin school, with its own, unique teaching programme.² Each rector of a Latin school determined which textbooks should be used in his school and what was taught in each class. As a consequence, pupils who moved from one city to another frequently encountered difficulties in adapting to the educational programme at their new school. Since Latin schools prepared pupils for university education, professors also complained about the quality and quantity of the knowledge that their students had acquired in the Latin schools, which varied greatly from one student to the next, and which sometimes was too poor to allow them to follow university courses in Latin. Representatives of the Reformed Church also expressed the opinion that the training of preachers lacked the required foundation.³ At the same time, the authorities in the newly formed Dutch Republic felt an urge to give the educational system a clearly Reformed signature, an ambition that necessitated the purifying of all Latin schools from Catholic teaching materials and textbooks that had hitherto dominated the market for schoolbooks.⁴

Attempts to reorganise and improve the education at the Latin schools had been ongoing for decades, but with little success. This was partly a result of the state organisation of the Dutch Republic. The regional semi-independence of its seven provinces presented a real stumbling block to the creation of a national regulation of the Latin schools. The States-General was repeatedly requested to take action to regulate the Latin schools. Calls were made to reform education at various provincial synods between 1581 and 1623, but they were always left unanswered by the States-General.⁵ Neither was this reform organised from the bottom up. Competition between the cities of Holland, which also enjoyed great autonomy within the Dutch Republic, made it impossible to establish uniformity in the school system, because the rectors at Latin schools in the different cities would never voluntarily agree on the lessons to be taught and the books to be used, and they would always be protected by the magistrates of their city.⁶

² In 1650, every town of any respective size in the Dutch Republic had a Latin school. See Fortgens, *Schola Latina*, for a history of these schools.

³ For a full overview of the events leading up to and the arguments supporting the Dutch School Order, see Kuiper, *De Hollandse 'Schoolordre'*, 32-57.

⁴ Buning, 'Fashioning Cosmology', perfectly demonstrates this in respect of the choices Burgersdijk made when editing the text of *De Sphaera* as part of the newly adopted School Order.

⁵ Kuiper, *De Hollandse 'Schoolordre'*, 39-41, 52, discusses three events – the synods of South Holland in 1622, 1623, and 1624 – at which attempts were made to urge the States-General to establish a regulation for the Latin schools for the entire Dutch Republic, but which all failed.

⁶ See the 1624 address by the Rector and the Senate of Leiden University to the States of Holland, in Kuiper, *De Hollandse 'Schoolordre'*, 48-51.

In 1624, the States of Holland, by far the most powerful province in the Republic, finally took the matter into their own hands.⁷ Following an address by the Rector and the Senate of Leiden University, they instructed the Curators of Leiden University to draft a proposal for a universal school programme for the Latin schools.⁸ For this purpose, a working group was set up consisting of six professors of the Leiden University and some deputies of the synods of North and South Holland, who discussed the draft they produced with rectors from various Latin schools in Holland.⁹ The trilogue discussions between Leiden professors, church officials, and rectors from different cities ensured that the Leiden proposal received broad support.¹⁰ It was eventually approved by a committee appointed by the States of Holland, and on 1 October 1625, the School Order was adopted.¹¹

The School Order set out the curriculum of classes meticulously, providing a detailed schedule of the subjects to be studied and textbooks to be used on each day (Monday morning through Saturday afternoon) in each class (classes six to one) of the Latin schools.¹² The States of Holland announced that the School Order was to be implemented as soon as possible, on pain of 'arbitrary correction', and at the latest before Easter the following year.¹³ However, there was much work to do to implement it on time, in particular because the prescribed textbooks were not yet ready. Immediately after issuing the School Order, therefore, the States of Holland commissioned several Leiden professors to edit and correct the existing schoolbooks to make them fit for use in the Latin schools. As this took longer than expected, the introduction of the School Order was postponed until when the books were ready, at the end of 1626.¹⁴

The Refusal to Grant Privileges for Official Schoolbooks

As a result of the School Order, complete new sets of schoolbooks were being produced over the course of 1626.¹⁵ Because the correction and editing of textbooks was a

7 Tonckens, 'De *Grammatica Latina* van Vossius', 73-75, notes that the cities and States of Holland also had an interest to take action, as they sought to prevent education at the Latin schools coming under too strict ecclesiastical influence. However, Kuiper, *De Hollandse 'Schoolordre'*, 55, doubts whether the unity between the cities in establishing the School Order merely served to exclude the church.

8 *Register van Holland en Westvriesland*, 371 (27 September 1624); Kuiper, *De Hollandse 'Schoolordre'*, 52-54.

9 To this end, a meeting was convened on 4 April 1625 with the following Leiden professors: Antonius Walaeus (1573-1639), Antonius Thysius (1565-1640), Petrus Cunaeus (1586-1638), Daniel Heinsius (1580-1655), Gerardus Johannes Vossius (1577-1649), and Burgersdijk, who was specifically added because he was supposed to prepare the *Logica*: Slee, *Diarium Everardi Bronchorstii*, 188.

10 Kuiper, *De Hollandse 'Schoolordre'*, 55.

11 *Register van Holland en Westvriesland*, 549, 559-565.

12 The Hague, National Archives (hereafter NA), States of Holland (hereafter SvH) 1369B, School Order for the Latin schools, 1 October 1626. The text of the School Order can be found in *Register van Holland en Westvriesland*, 559-565, and in Kuiper, *De Hollandse 'Schoolordre'*, 5-25.

13 *Register van Holland en Westvriesland*, 549; 'Resolutions concerning the Dutch School Order'. Easter was mentioned as the final date for implementation because the school year officially started after this holiday, so in fact the School Order was supposed to be introduced at the latest in the new school year. See Kuiper, *De Hollandse 'Schoolordre'*, 86, n. 2.

14 *Register van Holland en Westvriesland*, 663; 'Resolutions concerning the Dutch School Order'.

15 No less than twenty-three schoolbooks were produced in the context of the School Order. See the list of books in Seters, 'De historische achtergrond', 102-104.

time-consuming and laborious task, the University of Leiden, where the revision took place, sought ways to protect the books against unauthorised reprinting and dissemination by others. One common way of securing such protection was by obtaining a privilege (*octroy*) from the authorities proclaiming that, within their jurisdiction at least, no one may print and sell a given book, or have it printed elsewhere and import it for sale, against the will of the privilege holder. Such a proscription would remain in force for a limited time (on average, seven to eight years) and any breach was subject to a penalty specified in the privilege.¹⁶

On 20 December 1625, however, any prospect of obtaining a printing privilege from the States of Holland vanished like mist before the sun. That day, the assembly deliberated upon a request, undoubtedly made by representatives from Leiden, 'to have done the first edition of the books of the School Order, revised and addressed by the deputies of the Senate of the University, in Leiden, so that the first copies may be printed perfectly'.¹⁷ This request was denied, because most delegates – who represented the cities of Holland – objected to Leiden receiving a monopoly to print the newly introduced schoolbooks. Instead, the States ordered that 'all members should remain free to do so', namely to print said books, which by default precluded the States of Holland from granting privileges to any of the books of the School Order.¹⁸

The decision to issue no privileges for official schoolbooks was reiterated in a resolution of the States of Holland of 8 April 1626. Again, the delegates to the States from Leiden requested that the authorities in Holland 'grant the professors (who corrected the books) patent for some years to have the books printed at Leiden, so that these would be printed well and correctly for the first time'.¹⁹ However, the States of Holland responded that the books should be 'pulled from the hands of the aforementioned professors [...] and sent to the cities and town as soon as possible', while reinforcing their decision that copies of the books may be printed in accordance with the resolution of 20 December 1625, by anyone and without privilege.²⁰ Instead, it was suggested that the labour of the Leiden professors who had made the corrections be honoured by providing them with 'a fair compensation for their trouble'.²¹

16 On the nature of such printing privileges, see Schriks, *Het kopijrecht*, 52-55; Buning, 'Privileging the Common Good'; Hoftijzer, 'Nederlandse boekverkopersprivileges in de zeventiende en achttiende eeuw'.

17 *Register van Holland en Westvriesland*, 607: 'Om den eersten Druk van de Boeken van de Schoolordre, by de Gedeputeerden van den Senaat van de Universiteyt gerevideert ende geadresseert, te moogen doen doen binnen Leyden, op dat de eerste Exemplaren perfect moogen werden gedrukt'. See also 'Resolutions concerning the Dutch School Order'.

18 *Register van Holland en Westvriesland*, 607: 'moeten aan alle de Leeden vry gelaaten werden'. See also 'Resolutions concerning the Dutch School Order'.

19 *Register van Holland en Westvriesland*, 663: 'Of men de Professoren (de Boeken gecorrigeert hebbende) soude moogen toestaan Octroy voor eenige jaaren, om de Boeken tot Leyden te doen drukken, op dat se wel en correct souden moogen worden gedrukt voor de eerste reyse.' See also 'Resolutions concerning the Dutch School Order'.

20 *Register van Holland en Westvriesland*, 663-664: 'De gecorrigeerde Exemplaren te ligten uyt handen van de voornoemde Professoren, en ordre te stellen, dat deselve in conformiteyt van de Resolutie van den 20 December moogen worden gedrukt, en met den eersten aan de Steeden en Plaatsen gesonden.' See also 'Resolutions concerning the Dutch School Order'.

21 *Register van Holland en Westvriesland*, 664: 'in de reedelykheyd voor haar moeyte een recompense te moogen doen'. See also 'Resolutions concerning the Dutch School Order'.

This payment would come on top of the compensation of printers for the first publication of the ordered schoolbooks. The latter would eventually be paid by the cities of Holland.

Against the background of these resolutions, it will come as no surprise that the States-General's grant on 20 January 1626 of a seven-year privilege for Franco Burgersdijk's *Institutionum Logicarum*, a compendium on logic prescribed by the School Order, caused quite a stir.²² Indeed, when Burgersdijk presented his new book to the States of Holland on 23-24 September 1626, the assembly responded sternly, pointing out that as the privilege he had obtained ran contrary to the resolution of 20 December 1625, it should be understood to have no force. Burgersdijk was instead granted 150 guilders by way of consolation.²³ In his book's dedicatory letter, dated 15 September 1626, Burgersdijk called explicitly upon the delegates to the States of Holland to kindly tolerate his book to be protected by their patronage, which seems to be a call to honour the privilege as granted by the States-General.²⁴ However, the members of the assembly – i.e., the cities of Holland – were unconvinced, and refused to accept the privilege.

Burgersdijk was less than impressed, and within a week, he had convinced the assembly of the damage his business would incur if the privilege under whose auspices he had printed his *Institutionum Logicarum* were to be revoked. On 1 October 1626, the States of Holland accepted that Burgersdijk could enjoy his privilege for one more year 'in order to get rid of his copies in the meantime, at the price as the lords delegates of the States will deem appropriate, and will not be permitted to have more printed'.²⁵ This ruling implies that the assembly had not actually reconsidered its position, and still excluded the books of the School Order from being granted a printing privilege. It merely tolerated the continued existence of this single privilege for one year to allow Burgersdijk to sell copies of his book already printed. Burgersdijk was explicitly denied the exclusivity to print additional copies under this privilege. The States of Holland still stood firmly by their earlier decision of 20 December 1625 to allow free competition in the printing of official schoolbooks.

Some Further Reflections on Privileges for Schoolbooks

The controversy around the granting of printing privileges for the books produced in the context of the Dutch School Order reveals a remarkable political power struggle between the States-General, the States of Holland, and the cities of Holland. For obvious economic reasons, the cities of Holland, in particular those with large printing and publishing industries such as Amsterdam, opposed the grant of a Leiden monopoly to print the official schoolbooks. As these schoolbooks were imposed by the States, their printing – especially of their first edition – would be too lucrative to end up in the hands of the printers of one city alone. Moreover, it was the cities themselves that, in the end, would have to purchase

22 NA, States-General (hereafter SG) 51 and SG 3185, Resolution 20 January 1626.

23 *Register van Holland en Westvriesland*, 751; 'Resolutions concerning the Dutch School Order'.

24 Burgersdijk, *Institutionum Logicarum Libri duo* (1626), Dedication.

25 *Register van Holland en Westvriesland*, 758: 'Om middelertyd sijn Exemplaaren hem quyt te maaken, ten pryse als de Heeren Gecommitteerde Raaden sullen goedvinden, ende geen meer moogen doen drukken.' See also 'Resolutions concerning the Dutch School Order'.

the schoolbooks, so they were anxious not to pay excessive prices.²⁶ Accordingly, when the issue arose before the States of Holland, most of the cities represented at the assembly were opposed. They were particularly averse to giving the States of Holland the power to issue printing privileges, because such provincial monopolies could harm the self-governance of the cities of Holland, which enjoyed great autonomy.²⁷

Following on from the controversy surrounding a potential print monopoly remaining in Leiden, it remains a remarkable fact that all of the new schoolbooks written in the context of the School Order would end up being printed in Leiden.²⁸ One plausible explanation is that these textbooks were revised by Leiden professors, who most certainly had strong connections with the printers in their town. Furthermore, as Van Seters explains, printing in Leiden had the advantage that the books could be corrected accurately and fast, which made it easier to have them finished on schedule.²⁹

For the other cities in Holland to accept all these books being printed in Leiden it was presumably necessary to ensure that the Leiden printers did not benefit from the sometimes inflated prices a printing monopoly allowed. This means that the printing costs needed to be kept within limits. The States of Holland controlled these costs by centralising them. The printers were paid by the receiver-general, Joachim van Mierop (?-1643), and the individual cities would pay their share based on the quantity of books they each received in the general distribution.³⁰ To this end, the Leiden professors prepared a declaration of expenses, specifying all schoolbooks with print run, price, and number of copies to be sent to each city in Holland. The declaration, signed by Burgersdijk, indicated a total cost of 4,604 guilders, 14 *stuivers* and 10 *penningen*.³¹ After the costs and their allocation between the cities were read aloud in the assembly, all cities agreed to each pay their quota.³² In addition, the States of Holland agreed to compensate the Leiden professors who had carried out the correction and revision of the schoolbooks to the tune of two thousand guilders, to be distributed *pro rata*.³³

Since all printing costs had been paid, and the professors fairly compensated for their trouble, there was no real need to grant the schoolbooks any further protection by means of a privilege.³⁴ This explains why no official schoolbook (other than Burgersdijk's *Institutionum Logicarum*) was published under privilege.³⁵ Having paid all expenses, the States of

²⁶ Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226, notes that Amsterdam, which would receive 16 percent of all schoolbooks, must have had an important voice in rejecting the Leiden printing monopoly, also because granting such monopoly to Leiden would have severe effects on Amsterdam printers.

²⁷ Tonckens, 'De *Grammatica Latina* van Vossius', 84-86.

²⁸ Kuiper, *De Hollandse 'Schoolordre'*, 55, 86.

²⁹ Seters, 'De historische achtergrond', 92.

³⁰ *Register van Holland en Westvriesland*, 798, Resolution 4 December 1626.

³¹ NA, SvH 1369B, Declaration of costs for printing schoolbooks for the Latin schools, 21 November 1626, also transcribed in Seters, 'De historische achtergrond', 99-102.

³² *Register van Holland en Westvriesland*, 798-799, Resolution 5 December 1626.

³³ *Register van Holland en Westvriesland*, 780-781, Resolution 19 November 1626.

³⁴ In fact this made the School Order a very lucrative business for printers and revisors, inspiring other authors around the same period to request the States of Holland to 'introduce at the Dutch schools an order as was made for the Latin schools'. See Montanus van Delft, *Bericht van een nieuwe konst*, Dedication.

³⁵ Seters, 'De historische achtergrond', 104, notes that Burgersdijk's *Institutionum Logicarum* is the only book in his inventory of all books issued under the Dutch School Order that is marked 'cum privilegio'.

Holland may also have considered themselves to be the ‘owners’ of the schoolbooks, making it hard for them to accept the States-General’s decision to grant a privilege to Burgersdijk.³⁶

The reason why Burgersdijk made such fierce attempts to protect his book by a privilege can only be assumed. Undoubtedly, his *Institutionum Logicarum* was a valuable book to which he devoted considerable time and effort. It was by far the heftiest of the School Order books, and also by far the most expensive.³⁷ But this alone does not explain why he needed a privilege.³⁸ Unlike most other books of the School Order, at least the elementary books aimed at the lower classes, there may have been a profitable market for Burgersdijk’s *Institutionum Logicarum* outside the Latin schools.³⁹ Written as a textbook for the highest class of the Latin schools, his manual might also have been useful for students who had started at university but lacked the necessary knowledge of logic.⁴⁰ Indeed, as Krop observes, Burgersdijk’s manuals, which were also published in Cambridge, ‘lingered in the curriculum of the British universities well into the eighteenth century’.⁴¹ It is very likely, therefore, that Burgersdijk planned additional print runs of his book to sell to university students, and wished to protect his investment by way of a printing privilege.⁴²

Furthermore, the privilege that Burgersdijk obtained from the States-General also served to protect his book in the other provinces of the Dutch Republic where the School Order was not applicable. The books of the School Order were distributed to twenty-one Latin schools in twenty cities in the States of Holland, but in other provinces there were many more Latin schools that would certainly have benefited from the newly produced schoolbooks.⁴³

Muddy Waters: The Continuation of Burgersdijk’s Privilege

The School Order prescribed that Keckermann’s *Logica*, as revised by Burgersdijk, be taught in the highest class of the Latin schools (class one). For the revision, Burgersdijk was explicitly instructed ‘to pay more attention to utility than to subtleties and to discuss the prominent and evident parts and arguments of authors who wrote about the *Logica*, leaving out anything that would never have occurred to them’.⁴⁴ However, to prepare pupils

³⁶ Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226.

³⁷ Seters, ‘De historische achtergrond’, 102–103.

³⁸ After all, he too received compensation (even twice) and the costs of printing were covered.

³⁹ Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226.

⁴⁰ In 1626, many university students may have lagged behind, given the state of education at the Latin schools. This was one of the main reasons for introducing the School Order in the first place.

⁴¹ Krop, ‘Burgersdijk, Franco’, 541. See also Ashworth, *Language and Logic*, 18, who notes that Burgersdijk’s book was also used at Oxford University.

⁴² Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226, suggests that Burgersdijk must have had more copies of his book printed, presumably also for sale to his own students.

⁴³ See Frijhoff and Spies, 1650. *Bevochten eendracht*, 246, who calculate on the basis of Witsenburg’s catalogue of Latin schools that in 1650 there existed ninety-two larger and smaller Latin schools in the Dutch Republic.

⁴⁴ *Register van Holland en Westvriesland*, 564: ‘In logicis autem magis usum quam argutias spectari volumus; autoresque in quibus Logices usus ostendendus, retexantur non in ea, quae nunquam ipsi in mentem venerunt, sed in partes & argumenta eminentia atque evidentia.’

for understanding rhetoric and studying the Logica, the School Order already required pupils in class three to be given an oral explanation of some of its technical terms, such as *genus* and *species*, *causa* and *causatum*, *subjectum* and *adjectum*, and to teach pupils in class two every other day the *Logicae Rudimenta*, to be drawn from the book on Logica prescribed for class one.⁴⁵

Accordingly, Burgersdijk not only wrote the *Institutionum Logicarum* as a textbook for class one, but he also wrote a *Synopsis* of this book to be used in the lower classes. Although no copies of the first edition of the *Synopsis* have survived, it must have been ready together with the *Institutionum Logicarum* in 1626. This follows from Burgersdijk's dedication of the book to the delegates of the States of Holland on 15 September 1626, in which he indicates that he 'has selected from these Institutiones a Synopsis, which should be given to the beginners'.⁴⁶ Also, both the 'Logica & Compendium Burgersdicii' are listed amongst the books to be distributed to the Latin schools in a declaration dated 21 November 1626.⁴⁷

An inventory of copies that have survived shows that between 1626 and the mid-seventeenth century, Burgersdijk's Logica was printed and reprinted in the Dutch Republic on multiple occasions. It is unknown whether the textbook and synopsis were always issued in pairs, but the copies I could trace include the 1626 first edition (*Institutionum Logicarum*), a reprint of 1632 (*Synopsis*), a second edition of 1634 (*Institutionum Logicarum*), and a new edition of 1645 (*Institutionum Logicarum* and *Synopsis*). All these copies are marked 'cum privilegio' and all were printed in Leiden by Abraham Commelin (1597-after 1652).

The front matter of the 1626 edition of the *Institutionum Logicarum* contains an extract of the privilege granted to Burgersdijk on 20 January 1626 (fig. 1). Issued under the presidency of Sweder van Haersolte tot de Haerst (1582-1643), deputy from the province of Overijssel, and signed by the registrar of the States-General, Johan van Goch (1580-1637), it prohibits anyone from printing books of the *Institutionum Logicarum* in the provinces of the Dutch Republic without authorisation, from printing them elsewhere, importing them, or having them for sale for a period of seven years, under pain of the penalties expressed in the privilege document. It was entirely common that printing privileges were imprinted in the book and, while this particular privilege had caused no little controversy in the States of Holland, this would not erase it from the printed copies, at least for the first edition.⁴⁸

Interestingly, however, the 1632 reprint of the *Synopsis* includes the same privilege, except that it refers to '*Logicarum Institutionum Synopsis, sive Rudimenta Logica*' instead of '*Institutionum Logicarum Libros*'.⁴⁹ Even though the privilege granted to Burgersdijk in the registers of the States-General (long thought to be missing) clearly mentions the

45 *Register van Holland en Westvriesland*, 562-563.

46 Burgersdijk, *Institutionum Logicarum Libri duo* (1626), Dedication: 'Etut etiam tironibus consulerem, ex hisce Institutionibus, Synopsis excerpseri, quæ incipientibus tradenda sit.'

47 NA, SvH 1369B, Declaration of costs for printing schoolbooks for the Latin schools, 21 November 1626; Seters, 'De historische achtergrond', 99-102.

48 Most likely the copies of the book had already been printed at the time the controversy arose, as it was in response to the presentation of the book to the States of Holland that the privilege was disputed.

49 Burgersdijk, *Institutionum Logicarum Synopsis* (1632), front pages.

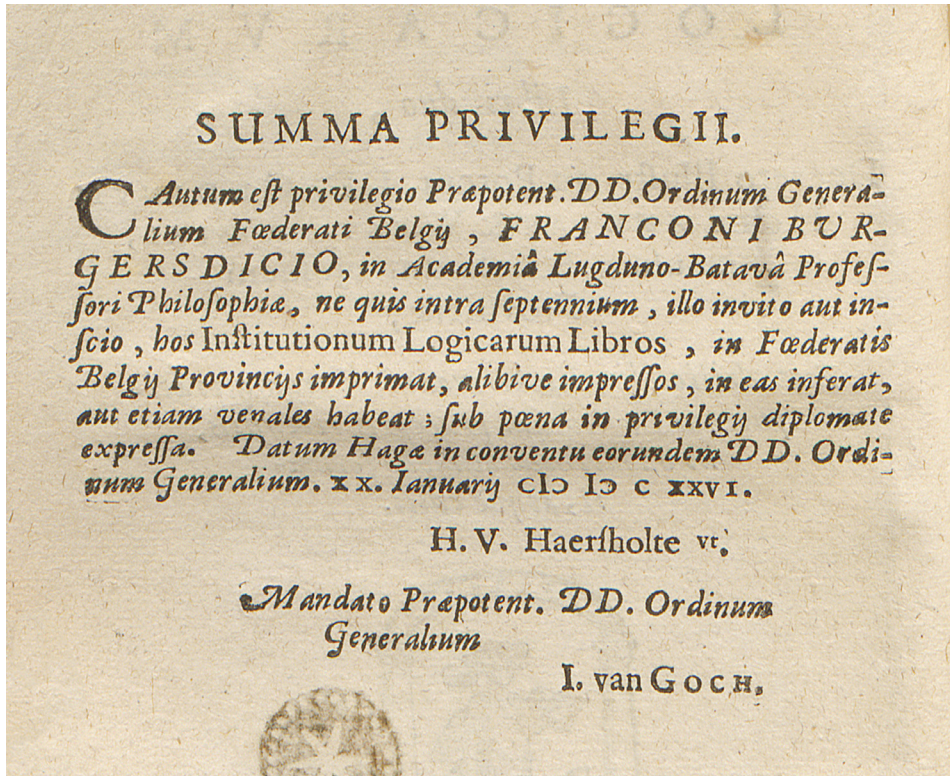


Fig. 1 Privilege imprinted in Burgersdici, *Institutionum Logicarum Libri duo* (Leiden 1626). Allard Pierson, University of Amsterdam, O 60-2769.

Institutionum Logicarum as the object of protection, the privilege was apparently deemed to cover not only the textbook, but also its abridged version, the synopsis.⁵⁰

More remarkable is that, despite clear and direct orders from the States of Holland not to print additional copies of his *Institutionum Logicarum* under the privilege that he obtained from the States-General, Burgersdijk still had this privilege included in his 1632 reprint of the synopsis.⁵¹ This suggests that the privilege had lost none of its force. In fact, as Van Eeghen rightly notes in her book, it is quite unlikely that the States of Holland could invalidate a privilege granted by the States-General.⁵² At most, therefore, the resolution

⁵⁰ NA, SG 51 and SG 3185, Resolution 20 January 1626. Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 193-194, 201, and 226, states that she could not trace the privilege of Franco Burgersdijk in the records, but this may be because she wrongly dates it on 8 January 1626.

⁵¹ Buning, 'Fashioning Cosmology', 367, n. 27, notes that 'printers did not always adhere to the state regulations', referring to the imprint of the 1626 privilege in Burgersdici, *Institutionum Logicarum Synopsis* (1645), which he indicates 'had by then long lost its legal validity'. However, as will be seen below, this privilege in fact was prolonged and therefore was still active.

⁵² Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 226.

of 1 October 1626 implies that the States of Holland would disregard the privilege and possibly refuse to enforce it if people within this province printed the book without Burgersdijk's authorisation. For all other means, and certainly in other Dutch provinces, the privilege remained in force and, in 1632, it logically was still valid, because the seven-year term had not yet ended.

That Burgersdijk's privilege had never been invalidated can also be deduced from the fact that on 24 September 1632, well before its expiry date, the States-General prolonged it for another five years, this time in the name of Abraham Commelin.⁵³ Such extension would obviously not have occurred had the privilege been nullified before. A copy of the continuation of the privilege and its transfer to Commelin was imprinted in the front pages of the 1634 edition of the *Institutionum Logicarum*, below the 1626 privilege granted to Burgersdijk (fig. 2).⁵⁴ The prolongation was issued under the presidency of Adriaen Ploos van Amstel (1585-1639), deputy from the province of Utrecht, and signed by Cornelis Musch (1592/1593-1650), the registrar of the States-General.

But this was not the only occasion that the privilege on Burgersdijk's *Institutionum Logicarum* was extended. On 27 May 1645, the States-General again granted Commelin a prolongation of the printing privilege for five years, this time on condition that he request and obtain *attache* in those provinces that he desired to use or exercise it.⁵⁵ Around this period, the Dutch provinces began issuing *attaches* to approve the validity of a privilege of the States-General in their territories.⁵⁶ The States of Holland in particular refused to accept privileges of the States-General without *attache*.⁵⁷ The States-General, realising they should not disparage the autonomy of the provinces, accepted this, although the requirement to obtain *attache* inevitably undermined the value of their privileges.⁵⁸ Given all earlier attempts to protect the *Institutionum Logicarum*, for Commelin the prospect of a privilege from the States-General may have looked more promising, even if he still needed an *attache* from the provincial authorities to secure protection.

Importantly, only few weeks later, Commelin would acquire such an *attache* from the States of Holland (fig. 3).⁵⁹ This demonstrates that the States of Holland had not only taken note of the privilege of the States-General, but also recognised it and agreed to its enforceability.⁶⁰ This comes as some surprise, considering the active hostility against the issuing of printing privileges for books of the School Order they had demonstrated two decades earlier.

The 1645 edition of Burgersdijk's *Institutionum Logicarum* also contains an imprint of the continued privilege in the front pages (fig. 4). After repeating Burgersdijk's privilege of

53 NA, SG 57 and SG 3191, Resolution 24 September 1632.

54 Note that the date of prolongation of the privilege is wrong; this should be 24 September 1632.

55 NA, SG 90, SG 3204, and SG 3251, Resolution 27 May 1645.

56 Van Eeghen, *De Amsterdamsche Boekhandel*, v.1, 26, 200-201; Hoftijzer, 'Nederlandse boekverkopersprivileges in de achttiende eeuw', 164-165; Schriks, *Het kopijrecht*, 66-67.

57 Aitzema, *Saken van Staet en Oorlogh*, II, 551.

58 See Van Eeghen, *De Amsterdamsche Boekhandel*, v.1, 26, who reports that fewer and fewer privileges were requested from the States-General, with almost zero applications in the eighteenth century.

59 NA, SvH 1602, Resolution 11 July 1645.

60 See Schriks, *Het kopijrecht*, 66-67.

SVMMA PRIVILEGII.

CAutum est privilegio Præpotent. DD, Ordinum Generalium Fœderati Belgij, FRANCONI BVRGERSDICIO, in Academiâ Lugduno-Bata-vâ Professori Philosophiæ, ne quis intra septennium, illo invito aut incio, hos *Institutionum Logicarum Libros*, in Fœderatis Belgij Provincijs imprimat, alibi impressos, in eas inferat, aut etiam venales habeat, sub pœna in privilegij diplomate expressa. Datum Hagæ in conventu eorundem DD. Ordinum Generalium. xx. Januarij. clō Iō c xxvi.

H. V. Haerfholte vt.

Mandato Præpotent. DD. Ordinum Generalium.

J. van GOCH.

Hoc privilegium à Præpotent. DD. Ordinibus Generalibus Fœderati Belgij, ABRAHAMO COMMELINO, in quinquennium prorogatum est, vetitumque similiter, ne quis prædictum librum in Fœderato Belgio invito Commelino imprimat, alibi que impressam, in illud inferat, aut venalem habeat, sub pœna in privilegij diplomate expressa. Datum Hagæ in conventu DD. Ordinum Generalium xxiv, Septemb. clō Iō c xxxi ii.

A Ploos vt.

Mandato præpot. DD. Ordinum Generalium.

Cornelius Musch.

Fig. 2 Privilege imprinted in Burgersdici, Institutionum Logicarum Libri duo (Leiden 1634). Allard Pierson, University of Amsterdam, O 60-3423.

1645

De Staten van Goecant ende Vrijen Landen Holland
 Ghevoert van de Gheveerde Staten der Provincie
 Noordvlandt van den 11 den dach van July anno
 1645. In den Naem van Abraham Commelin
 Zedelvrouwe tot haren continueerent
 op den 11 den dach van July 1632 den heer Jacobus Meo. ingesien
 Wilkent, om alles, privet nu van noeg des hert van byt jaris
 binnens des Willems de Noordvlandt gheschreeven lantschap
 Stads ende hert van, die te moeges hertdichs ende Wille
 hertdichs beide den dach van Titel is Institutiones Logicae
 Wilschickende om tot het voorsz octroy te goeges jaris Ed.
 Groot Meo. heb den luttare in begerende forme, hert
 de goeges hertdichs hert van Staten van Goecant ende Vrijen Landen
 den dach van octroy gheschreeven ende den dach van
 gheschreeven ende gheschreeven, Gheveerde jaris Ed. Groot Meo.
 vreeschende ende gheschreeven, by des dach van voorsz Abraham
 Commelin van de hert van noeg byt jaris Commelin jaris
 accorde, ende met hert van noeg ander binnens des
 gheschreeven sal moeges hertdichs ende Wille oock lantschap hertdichs
 ende Wille gheschreeven beide gheschreeven Institutiones Logicae
 met dach van noeg ende den dach van noeg hert
 send moeges vreeschende, hert van, beide binnens des voorsz hert van
 van byt jaris int gheschreeven ende met gheschreeven hert
 hertdichs noeg dach van hertdichs ende Wille hert van
 oock vreeschende nagedruct ende voorsz gheschreeven hertdichs
 noeg dach van noeg om vreeschende ende Wille hert van hertdichs
 sende vreeschende van vreeschende Abraham Commelin of hert van
 ende vreeschende by des voorsz octroy vreeschende ende Wille
 gheschreeven, de jaris Ed. Groot Meo. vreeschende hertdichs
 dat dach van hertdichs hertdichs gheschreeven ende gheschreeven
 hertdichs vreeschende nagedruct, Gheschreeven jaris ende
 t hert van hertdichs hertdichs hertdichs 11 den dach van July anno 1645
 ende Wille

Fig. 3 Attache granted by the States of Holland to Abraham Commelin, 11 July 1645. The Hague, Nationaal Archief, States of Holland 1602.

S U M M A P R I V I L E G I I .

CAutum est privilegio Præpotent. D.D. Ordinum Generalium Fœderati Belgii, FRANCONI BVRGERS DICIO, in Academia Lugduno-Batava Professori Philosophia, ne quis intra septennium, illo invito aut inscio, hos Institutionum Logicarum Libros, in Fœderatis Belgii Provinciis imprimat, alibive impressos, in eas inferat, aut etiam venales habeat; sub pœna in privilegii diplomate expressa. Datum Haga in conventu eorundem DD. Ordinum Generalium xx. Ianuarii **CLD ID C XXVI.**

Hoc Privilegium à D. F. BVRGERS DICIO translatum est in ABRAHAMVM COMMELINVM, & à Præpot. DD. Ord. ei prorogatum ad diem xxvij. Maji 1645. ac nunc renovatum ut ex sequentibus patet.

H. V. Harsholte vt.

Mandato Præpotent. DD. Ordinum Generalium

J. van G O C H.

Concessum est à Præpot. DD. Ord. Gener. Fœderati Belgii, confirmatumque ab Ord. Holl. & West-Fris. (quod vulgò *Attache* vocant) ABRAHAMO COMMELINO, ut ille solus prædictum librum in Fœderato Belgio imprimat, vetitumque est, ne ab alio, vel imprimatur, vel alibi impressus in Provincias Belgii inferatur, sub pœna in privilegii diplomate expressa. Datum Hagæ in Conventu DD. Ordin. General. xx i i. Maji. **CLD ID C XLV.**

I O H. van REEDE. vt.

Mandato Præpot. DD. Ord. Gener.

CORNELIUS MUSCH.

Et in Conventu Ord. Holl. & West-Fris. 11. Iulii
eorundemque Mandato,

HERBERTVS VAN BEAUMONT.

Fig. 4 Privilege imprinted in Burgersdici, Institutionum Logicarum Libri duo (Leiden 1645). Allard Pierson, University of Amsterdam, OK 62-8971 (1).

1626 and its transfer to Commelin, it states that by order of 27 May 1645, under the presidency of Johan van Reede, Lord of Renswoude (1593-1682), the privilege was extended and renewed by the States-General, as confirmed by *attache* from the States of Holland of 11 July 1645. The document is signed by Cornelis Musch, registrar of the States-General, and Herbert van Beaumont (1607-1679), registrar of the States of Holland. The 1645 edition of the *Synopsis*, by contrast, is also marked *cum privilegio*, but only contains an imprint of the original 1626 privilege granted to Burgersdijk.⁶¹

The reason why the States of Holland authorised the extension of the privilege, despite their earlier opposition, is unknown, but it seems that by 1645 the debate had cooled somewhat. Since it was two decades ago that the School Order was adopted and that the States of Holland had incurred the costs of commissioning and printing the schoolbooks, their sense of ownership over the textbooks might perhaps have abated. This does not mean that they readily accepted privileges for official schoolbooks, but they may have sanctioned them on occasion, as in this case, because it concerned a newly improved edition.⁶²

Indeed, looking at both the 1634 and 1645 versions of the *Institutionum Logicarum*, it is clear that these were newly worked editions. The second edition of 1634 contains multiple corrections by Burgersdijk.⁶³ After the preface to the reader, Burgersdijk explains that after he was commissioned to produce his *Logica* for use in the Latin schools eight years ago, he had taken notes of any inconsistencies and inaccuracies in the text in the hope that they might be of use in the production of a new edition one day. Burgersdijk also added some further examples that he took from his classes, transposed a few theorems, made some freer amendments in the commentaries, and placed the quotations in the context of the commentaries.⁶⁴ He also indicated that the initiative for issuing a new edition of his *Logica* came from the printer Abraham Commelin, not the States of Holland.⁶⁵ This suggests that Commelin assumed the financial risks of issuing a new edition, which may well explain why he asked for a prolonged privilege to be transferred to him. The new edition of 1645 is also marked with an indication that it contains many corrections compared with the previous edition, without explaining what changes were made and by whom.⁶⁶ Since Burgersdijk had passed away in 1635, Commelin probably initiated this new edition, too, explaining why he requested for yet another extension of the privilege that year.

Despite the extension of the privilege in 1645, translations of the *Institutionum Logicarum* and *Synopsis* into Dutch were published in Amsterdam in 1646.⁶⁷ This implies that the privilege that Commelin obtained did not give him the right to prohibit others from

61 Burgersdijk, *Institutionum Logicarum Synopsis* (1645), front pages.

62 This seems to anticipate the norm that would emerge in the course of the seventeenth and early eighteenth century that occasionally protection could be extended to official schoolbooks, but only and exclusively if it concerned new improvements and extensions thereof.

63 Burgersdijk, *Institutionum Logicarum* (1634), title page: 'Editio secunda, ab Autore multis locis emendata' ('Second edition, corrected by the author on multiple locations').

64 Burgersdijk, *Institutionum Logicarum* (1634), Ad Eumdem.

65 Burgersdijk, *Institutionum Logicarum* (1634), Ad Eumdem.

66 Burgersdijk, *Institutionum Logicarum* (1645). The title page reads 'EDITIO NOVA – Prioribus longe correctior' ('NEW EDITION – considerably changed compared to the former').

67 Burgersdijk, *Institutio Logica* (1646); Burgersdijk, *Kort Be-ghrijp*. On these translations, see Dibbets, 'Kóks Burgersdijkvertalingen'.

making and selling translations of these books. Indeed, looking at the *attache* issued, he only enjoyed a five-year monopoly to reprint and publish the books in whole or in part (not in large or small size, as these words were explicitly crossed out) in the province of Holland.⁶⁸

Further Bans on Conferring a Monopoly on Schoolbooks

In the course of the seventeenth century the norm that anyone was free to print the officially prescribed schoolbooks became more widely accepted, although limited protection could be extended to new editions of schoolbooks. In their Fixed and Indissoluble Contract of 1660, members of the guild of printers and booksellers in Leiden agreed between themselves that:

All church books, older authors, scholastica, and the like, which until today have been publicly printed and by each and everyone indiscriminately, will for now, as regards the text, remain public, and may be printed by each of us, in such formats and in such manners as each of us may deem appropriate and necessary. However, all new improvements and extensions thereof, such as commentary, notes, summaries, chapters, and the like, be they new, or laboriously collected from several authors, will be considered and held to be as a private print, and therefore it may be copied by none of us.⁶⁹

Those who failed to comply faced a penalty of twenty-five guilders for each page that the illegally printed book contained and fifty guilders for each book illegally sold.

By order of 28 June 1715, the States of Holland officially adopted the policy to grant no further patents to schoolbooks, church books, and old *auctores classici*, 'except on the annotations, commentaries, indexes etc. which will be newly added'.⁷⁰ Accordingly, together with Greek and Latin *auctores classici*, the Bible, and other church books, which share a similar history of controversy over the grant of privileges, no more printing monopolies were conferred on official school books, except on new notes

⁶⁸ Other printing privileges issued in the seventeenth century explicitly indicated if they conferred on their holders the right to prohibit translation of the book. See for instance Heinsii, *Nederduytsche Poemata*, privilege by the States-General, 28 October 1615: 'Prohibiting each and every one [...] to reprint and publish said book in whole, or in part, in large, or small, in any language'; *De Verstandige Kock*, privilege by the States of Holland, 10 December 1668: 'To exclusively print, publish and sell said book, not only in the Dutch, but also in other Languages, in whole or in part, with the prohibition, to each and every one, to reprint the same book, in whole or in part, in small or large, in any language.'

⁶⁹ Leiden, Erfgoed Leiden en omstreken, Notarissen ter standplaats Leiden 674, Notary Nicolaes Paets, no. 123, Vast en onverbrekelijk Contract van het Collegie van Printers en Bouckverkopers, 10 November 1660, article III, fols. 276-279: 'Alle Kerck-boecken, oude Authores, Scholastica, en diergelijcke die tot dato deses gemeen, en by een yeder sonder onderscheyt gedruckt zijn geweest, sullen alsnoch, voor soo veel den Text belangt, gemeen blijven, en by een yegelijck van ons mogen gedruckt worden, in sodanigen formaet en in sulcker voegen, als een yeder van ons sal goet en geraden vinden: Maer alle nieuwe verbeteringen en amptiatien van dien, als Commentaria, Variæ lectiones, Summaria, Capita, en diergelijcke, 't zy deselve nieuw sullen zijn, ofte door grooten arbejdt uyt verscheyden Autheuren by een gebracht, sullen moeten geacht en gehouden worden voor eygen Copy, en sal dienvolgens 't selve by niemant van ons mogen na-gedruckt, ofte eenige na-gedruckte van dien.' See also 'The "Fixed and Indissoluble" Contract'.

⁷⁰ *Resolutien*, 455: 'als op de Annotatien, Commentarien, Indices, &c. die op nieuws daar by gevoegt sullen werden'. See also 'Order on the Petitioning and Obtaining of Book Privileges'.

or indexes.⁷¹ This Dutch ban on granting privileges for schoolbooks was not entirely unique: in Denmark, a law with similar effect was adopted a few decades later, in 1741.⁷²

The policy of not awarding schoolbooks with a printing monopoly was continued after the privilege system came to an end. In 1795, the Provincial decree of Holland abolishing book privileges and replacing it with a system of a 'right to copy' recalled that there was no place for any exclusive right in 'Bibles, Testaments, psalm books, and further church and school books, which have been imported on public authority, and which are not the private property, or print of any private confraternity in the guild'.⁷³ Being expressly excluded from the scope of protection, the decree permitted these books to be printed, translated and published by any bookseller. The 1796 Book Decree of the Province of Holland contained a similar provision.⁷⁴

The absence of protection for schoolbooks and the corresponding freedom to print and disseminate them was reinforced in the National Book Act of the Batavian Republic of 3 June 1803. Again, the law considered 'all such church and school books, of which the copyright is not the property of another' to be in the public domain.⁷⁵ However, this time the exemption applied to all schoolbooks, regardless of whether they were imported on public authority, as previous regulations required.⁷⁶ This significantly extended the scope of the exclusion. In 1814, after the French occupation, a comparable provision reappeared in the Sovereign Decree on the Book trade and the property of Literary Works.⁷⁷ Furthermore, the 1817 Copyright Act, which would remain in force until 1881, would generally exclude schoolbooks.⁷⁸

Conclusion

The protection by privilege of schoolbooks prescribed by the Dutch School Order of 1625 has a long and winding history. The example of the privilege granted to Burgersdijk's *Institutionum Logicarum*, the only book of the School Order that received such

71 On the controversy to grant printing privileges to the Bible and other church books, see Van Eeghen, *De Amsterdamse Boekhandel*, v.1, 197-199, 226-228; De La Fontaine Verwey, 'De Statenbijbel en de drukkers'; Schriks, *Het kopijrecht*, 151-173.

72 'The Danish Copyright Ordinance'. See also Jakobsen, 'Commentary', who notes this law specifically excluded 'official hymnals, Luther's catechism, and school primers', because 'these were regarded as so important that their distribution should not be obstructed'. The ordinance refers directly to ABC-books (Alphabet, Bible, Catechism) used in elementary schools. On these books, see also Appel, 'Danske skolebøger'.

73 *Rapport van de commissie*, 21-22, article 8: 'Bybels, Testamenten, Psalm-Boeken, en verdere Kerk- en School-Boeken, welke op publiek gezag zyn ingevoerd geworden, en welke niet het prive Eigendom, of de Copy zyn, van eenigen particulieren Gildebroeder.' See also 'Provincial decree of Holland'.

74 *Publicatie, over de privilegien en octroyen*, 11-12, article 8; 'Book Decree of the Province of Holland'.

75 Poll (ed.), *Verzameling van vaderlandsche wetten en besluiten*, 1, 242-247; 'National Book Act of the Batavian Republic'.

76 Schriks, *Het kopijrecht*, 327, explaining that this obviously was inspired by the separation of church and state as proclaimed by the Constitution for the Batavian People of 1798.

77 'Sovereign Decree on the Book trade'.

78 'Act regulating the printing and publication of literary and artistic works'.

a printing monopoly, demonstrates that privileges for official schoolbooks were scarce but not entirely absent. The States of Holland rejected privileges for official schoolbooks mostly for pragmatic reasons. Not only had they paid all expenses associated with the drafting and printing of the books, it was also important for them to appease the cities, who could not accept the States of Holland bestowing Leiden with a printing monopoly. This explains why the States of Holland allowed anyone to print and publish copies of these textbooks, without privilege.

That Burgersdijk nevertheless secured a privilege for his *Institutionum Logicarum* from the States-General may look surprising, but may well be explained by the appeal his book held for readers other than pupils in the Latin schools. In practice, Burgersdijk's book was not only used to teach Logica and rhetoric in the highest class of the Latin schools, but was also read at universities and possibly attracted general readers outside of pedagogical contexts. The fact that some textbooks, like Burgersdijk's *Institutionum Logicarum*, clearly had a market outside of the Latin schools might explain why privileges were still requested for those titles and why the States-General and ultimately also the States of Holland recognised that such books merited protection by way of a privilege. Although this did not alter the basic principle that no printing privileges were to be granted to official textbooks, this proscription must be perceived with some nuance. While there may have been very few, there were some privileges in play within the school system, privileges that were designed to protect new elements in textbooks, such as notes or indexes, or to protect books that were labelled as schoolbooks but with a significance beyond that.

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