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Erasmian Perspectives on Copyright: Justifying a Right to Research

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Erasmian Perspectives on Copyright: Justifying a Right to Research

*Tanya Cheng-Davies**

There is nothing more wholesome or more generally accepted than this proverb, *Between Friends All is Common*.

- Erasmus
Adagia, 1500

Information is power. But like all power, there are those who want to keep it for themselves.

- Aaron Schwartz
Guerilla Open
Access Manifesto
July, 2008

Keywords: Erasmus, Copyright Law, Open-Source, Open Access, Knowledge, Right to Research

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I. INTRODUCTION

On 11 January 2013, Aaron Schwartz committed suicide. A brilliant computer programmer and activist, Schwartz had been facing 13 felony charges, a potential jail term of up to 50 years, and \$1 million in fines, prior to the day he committed suicide. The first federal indictment recorded that Schwartz had downloaded 4.8 million articles from JSTOR via MIT's computer networks without authorisation. The underlying reason for this act may be found in a document he released in 2008:

Providing scientific articles to those at elite universities in the First World, but not to children in the Global South? It's outrageous and unacceptable. ... We need to take information, wherever it is stored, make our copies and share them with the world. ... We need to download scientific journals and upload

them to file sharing networks. We need to fight for Guerrilla Open Access.

Schwartz was deeply troubled by the control huge publishing corporations had over academic research and output, particularly in relation to the inequalities of access to information between wealthy academic institutions such as MIT and those situated in third world countries. This is a situation which is partially created by, or least enabled by, the current copyright framework for the access to and reproduction of authorial works.

This article argues that the copyright regime, in allowing for such inequities to take place, has lost sight of one of its key goals: that of disseminating knowledge and furthering education. Apart from recognising and valuing the exertions of authors, there is a bigger purpose to copyright, in that copyright can, and should serve broad educational and enrichment aims. Several scholars have already made similar claims, for instance on the basis that the Statute of Anne was enacted during the Enlightenment, a period where knowledge and learning were valued,¹ or on an examination of John Locke's role behind the lobbying of the Statute of Anne 1710 ('Anne').² Chief among these scholars is Prof John Willinsky, a foremost proponent of the Open Access movement, who argues in *The Intellectual Properties of Learning*,³ that in the historical 'run-up' to the enactment of *Anne*, the concept of *learning* set the foundation for budding thoughts about the intellectual property in literary creations, culminating in *Anne*, whose long title reads as "*An Act for the Encouragement of Learning*".

This article peers further back in time, beyond 1710, to the dawn of the age of print technology, to examine the views of Erasmus on how best education and the dissemination of knowledge should be served by the new print technology. Erasmus's views are particularly instructive and enlightening as they were unencumbered by the baggage of the many conflicting theories and ideologies which developed later and underpin copyright today. For a man of his time, Erasmus exhibited a shrewd appreciation of the economic value of his works as well as an acute insight into this new (at the time) phenomenon that was the print industry, in particular, how it could both serve and yet also hinder academia, considerations which are relevant to shaping copyright policy today.

His views and experiences with print, as well as those of his contemporaries, such as Aldus Manutius and Johannes Froben, are extracted and collated from primary sources, including works such as *In Praise of Folly*, *The Adagia*, and *The Colloquies*. Many of Erasmus's views are

¹ Myra Tawfik, 'History in the Balance: Copyright and Access to Knowledge', *From Radical Extremism to 'Balanced Copyright'* *Canadian Copyright and the Digital Agenda* (Irwin Law 2010), 89.

² John Willinsky, 'When the Law Advances Access to Learning: Locke and the Origins of Modern Copyright' (2017) 1 KULA 1=10.

³ John Willinsky, *The Intellectual Properties of Learning: A Prehistory from Saint Jerome to John Locke* (University of Chicago Press 2017)

extracted from his letters,⁴ which number more than 3000 in total and clearly fulfilled a role which ventured far beyond communicating his personal comments and affairs,⁵ functioning ‘as an ideal medium for propagating and spreading his humanist programme.’⁶ Because hitherto, the bulk of scholarship on Erasmus and his works have not previously been undertaken from a legal perspective, the task undertaken here involves interpreting his works and letters afresh, discerning his views and experiences (and those of his contemporaries) of a spectrum of different but related issues potentially pertaining to copyright, moral rights, and open access, before identifying and organising these views and experiences into key themes for the purposes of this article.

It will be seen that Erasmus and his contemporaries experienced the same sort of issues which plague copyright and its relationship with academic publishing today. In this article, consistent themes and principles on issues such as the access to and the dissemination of knowledge, the value and ownership of the product of intellectual endeavours, and the importance of integrity and reputation to authors, are identified and organised into a coherent narrative of Erasmus’s thoughts on a pre-copyright world, which lends support to the claims made above by contemporary scholars regarding the relationship between the ‘encouragement of learning’, knowledge access/dissemination, and copyright.

Much of the scholarship which touch upon the right to research, or related exceptions or limitations to copyright (such as the exception for educational purposes) have tended to take place within the wider ambit of scholarship on various broad issues, such as copyright exceptions,⁷ the public interest of copyright law,⁸ the creative commons movement,⁹ copyright licensing

⁴ The letters of Desiderius Erasmus were originally written in Greek and Latin. An ongoing partnership between the University of Toronto Press and international Erasmus scholars has been instrumental in translating his works, including his correspondence, into English. This project, entitled the *Collected Works of Erasmus*, commenced in 1968 and is projected for completion by 2030. See Mark Crane, 'Forty Years of the *Collected Works of Erasmus*' (2014) 37 *Renaissance and Reformation* 71.

⁵ Anthony Thomas Grafton, 'Humanists with Inky Fingers: The Culture of Correction in Renaissance Europe' (Annual Balzan Lecture)

⁶ Jan Papy, 'Erasmus, Europe and Cosmopolitanism: The Humanist Image and Message in His Letters' in Enrico Pasini and Pietro B Rossi (eds), *Erasmus da Rotterdam e la cultura europea Erasmus of Rotterdam and European Culture* (University of Turin 2008) 27, 30.

⁷ Shyamkrishna Balganes, W.L. Ng-Loy and Haochen Sun, *The Cambridge Handbook of Copyright Limitations and Exceptions* (Cambridge University Press 2021); Madeleine De Cock Buning, Lucky Belder and Roeland de Bruin, 'Research Exceptions in EU Copyright Law' (2012) 4 *European Review of Private Law* 933; Robert Burrell and Allison Coleman, *Copyright Exceptions: The Digital Impact* (Cambridge University Press 2010); Juan Carlos Monroy Rodriguez, *Study on the Limitations and Exceptions to Copyright and Related Rights for the Purposes of Educational and Research Activities in Latin America and the Caribbean*, (2009)

⁸ Tawfik, 'History in the Balance: Copyright and Access to Knowledge'

⁹ Yi Ding, 'Is Creative Commons a Panacea for Managing Digital Humanities Intellectual Property Rights?' (2019) *Information Technology and Libraries* 34.

contracts,¹⁰ and so on. Other scholarship comprise empirical research on the effects of the current monopoly that large publishers, such as Elsevier and Springer have on research and scholarship generally.¹¹ In advancing current scholarship by referring to and utilising the views of Erasmus and his contemporaries to shed light on the right to research, this article builds on the claims by Willinsky and others, arguing that on this understanding, copyright policies and laws might be shaped to reduce current obstacles to the wider dissemination of academic works. It is questioned why, if learning was one of the keystones of modern copyright laws, scholars today still find themselves locked out of academic databases or confronted with a paywall when undertaking further research. It is posited that knowledge and its dissemination are *fundamental* rights, long recognised from the 15th and 16th centuries, which should be served by copyright laws, not shackled, shaped, or stunted by copyright in the way they are today. Ultimately, arguments and themes are offered to support the recognition of a right to research, build a case for overhauling copyright policies governing the world of academic publishing, and essentially propose a more enlightened reform of copyright laws to fully support educational, research, and scholarly activities in particular.

II. THE PROBLEM WITH ACADEMIC RESEARCH AND EDUCATION TODAY

There are at least two key obstacles facing academics today in their research and other scholarly pursuits. One is the total absence, in some jurisdictions, of an exception to copyright for the purposes of research and scholarship. Even where such an exception exists, researchers contend with the uncertain extent of its scope and application, which in turn hinders the research and writing process for many individual academics. Although the research exception does exist in many jurisdictions as an exception to copyright infringement, it is unharmonized and inconsistent in its form and application. There is no universal understanding or acceptance of how such an exception should look or how and when it should be applied. Researchers, therefore, face unknown and uncertain obstacles in freely accessing information and scholarly works, which in turn frustrates their research and development.

The other problem is the monopoly and control that academic publishers have on academic output. The impact of this was particularly stark during the recent Covid-19 lockdowns, when university students were unable to access library materials on-campus and had to rely on electronic textbooks.

¹⁰ DR Jones, 'Locked Collections: Copyright and the Future of Research Support' (2013) 105 Law Library Journal 425

¹¹ Esther Hoorn and Maurits van der Graaf, 'Copyright Issues in Open Access Research Journals' (2006) 12 D-Lib Magazine 1; Frank Mueller-Langer, Marc Scheufen and Patrick Waelbroeck, 'Does online access promote research in developing countries? Empirical evidence from articles-based data' (2020 (49)) 49 Research Policy

Librarians in the UK signed an open letter in November 2020 protesting the sudden and crushing price hikes imposed by the largest academic publishers on the fees for access to e-books.¹² E-Textbooks, which cost between £40-50 for a print copy, would cost university libraries £500-1500 (which may be read only by one to three users at a time), making access to much need learning materials completely prohibitive.¹³ The librarians in their open letter declared 'We see the monopoly created by copyright law being a root cause of these huge pricing differentials and no economic justification for it at all'.

The above example of prohibitive pricing took place in the UK, with even relatively wealthy universities and colleges baulking at the price hikes imposed upon them. While the example pertained specifically to textbooks, there is a similar situation concerning other academic output, such as journal articles. What does this mean for academics based in poorer countries or at poorer institutions? It is clear that prohibitive pricing results in them having little or no access at all to cutting edge research papers, which in turn has a deleterious effect on research output from these academics based at less wealthy institutions in poorer countries.¹⁴ Studies on this inequitable state of affairs suggest that poor access results in less innovation and research in those countries and institutions affected. Conversely, there is a correlation between increased access to academic literature and increased research output.¹⁵ The shocking and tragic suicide of Aaron Schwartz in 2013 brought attention to these issues which stem from the excessive costs of accessing academic databases.¹⁶

The current system of academic publishing thus exposes tensions between academic aims of free dissemination of knowledge and the commercial profit-making aims of academic publishers. Yet, this is not a solely modern phenomenon; Aldine Press, the famed print-shop set up by Aldus Manutius in 1494, experienced similar difficulties. The scholarly yearnings of the renowned scholar-printer, who was a friend and collaborator of Erasmus's, could not reconcile easily with the commercial realities of printing books for profit.¹⁷ By 1502, 'a tension between the scholarly and the commercial side of the Aldine enterprise [became] more and more

¹² <https://academicebookinvestigation.org/>

¹³ Russell Hotten, 'University staff urge probe into e-book pricing 'scandal'' (*BBC News*, 2020) <<https://www.bbc.co.uk/news/business-54922764>> accessed 21 January 2022

¹⁴ Jonathan Tennant and others, 'The academic, economic and societal impact of Open Access: an empirical-based review' (2016) 5:632 F1000 Research

¹⁵ Mueller-Langer, Scheufen and Waelbroeck, 'Does online access promote research in developing countries? Empirical evidence from articles-based data'

¹⁶ Schwartz was a passionate advocate of freeing up knowledge but the authorities sought to make him an exemplary villain in the copyright battles, threatening him with a 35 year prison term for the unauthorised dissemination of academic articles from JSTOR's repository. Tragically, Schwartz took his own life on 11 January 2013.

¹⁷ L. Jardine, *Worldly Goods: A New History of the Renaissance* (Pan Macmillan 1997), 135.

apparent'.¹⁸ Five hundred and twenty-one years later, a similar state of affairs still persists in 2023.

However, there is a key difference between how the Aldine Press and today's academic publishers manage the obvious tensions between profit-making and achieving wide and unobstructed dissemination. His success as an academic publisher lay in his ability to 'maintain a delicate balance between the pressures and tensions which were at work upon him', such pressures and tensions being the humanist ideals he held on to and the commercial demands of business partners and shareholders.¹⁹ Although not an exceptional commercial success, Aldine Press managed to turn over a good profit, providing Aldus and his immediate descendants with a good living.²⁰ At the same time, Aldine Press still managed to produce an astonishing volume of academic books for the time, 132 editions between 1495-1505,²¹ of which 1000-3000 copies were printed for each edition,²² fulfilling its founder's lifelong aim of '[putting] into the hands of those devoted to learning all the best books, Greek as well as Latin.'²³ In producing such books, Martin Lowry, an Aldus Manutius scholar, pronounced the Aldine Press as 'the most important focus for the distribution of literature to contemporary Europe.'²⁴ By contrast, despite the benefits of convenience and reduced costs offered by modern digital technology, today's academic publishers seem more intent on producing unjustifiably large profit margins (which reportedly surpass that of Google and other digital media giants) on the backs of scholars.²⁵

Apart from the printing press, there were other book related contrivances which were developed in the 15th century, which have their modern equivalent today. For example, there was the book wheel, which would enable a scholar to *surf* through multiple books rapidly, much like how we

¹⁸ M J C Lowry, 'The 'New Academy' of Aldus Manutius: a Renaissance dream' (1976) 58 *Bulletin of the John Rylands Library* 378, 403

¹⁹ Martin Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice* (Blackwell 1979), 100.

²⁰ Curt F Buhler, 'Aldus Manutius: The First Five Hundred Years' (1950) 44 *The Papers of the Bibliographical Society of America* 205, 215

²¹ *Ibid.*, 210

²² Alessandra Bordini and John Maxwell, 'Breaking SFU Aldines Out of the Vaults: Aldus Manutius and Open Social Scholarship in the Sixteenth Century' Pop! Public Open Participatory <<https://popjournal.ca/issue01/bordini>>

²³ Dedication to Pindar, *Olympia, Pythia, Nemea, Isthmia in Greek* (Aldine Press 1513), quoted in Douglas F Bauer, 'Problems in the Aldine Pindar' (2015) 76 *The Princeton University Library Chronicle* 419, 424.

²⁴ Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, 257

²⁵ Matthew Flinders, 'Academic? You're just a cash-hamster spinning a publisher's profit wheel' (*ConservationBytes.com*, 2019) <<https://conservationbytes.com/2019/09/09/academic-youre-just-a-cash-hamster-spinning-a-publishers-profit-wheel/>> accessed 16 May 2022

scroll and surf pages on the Internet.²⁶ Another example was the commonplace book,²⁷ which were repositories of knowledge created by humanist scholars, equivalent to our digital repositories and search engines today.²⁸ These were tools to enable one to store, consume, digest, and disseminate knowledge as widely and quickly as possible, in the same way, the Internet and digital repositories, such as JSTOR, should serve modern scholars today.

In light of the labour saving and costs reducing modern technology we have at our disposal and the needs of scholars today; copyright should strive to serve the fundamental right of disseminating knowledge and encouraging learning more than ever before. The current international copyright regulatory system fails researchers and scholars, and ultimately the development of poorer countries which would benefit from free, or at least cheaper and easier, access to research and information. This runs counter to copyright law's original values, which were to encourage and promote learning, recognising our fundamental rights to access knowledge.

III. ERASMUS AND HIS VIEWS ON THE DISSEMINATION OF KNOWLEDGE

The following section starts by setting out the context in which Erasmus made his views on knowledge and publishing known. The bulk of this section is then subdivided into the following principles which have been formulated based on themes which have been teased out from an examination of Erasmus's works and other related material: 1. Copyright should serve the Commonwealth of Learning; 2. Copyright incentives are a potential hindrance to the production and dissemination of knowledge; and 3. That which truly matters to academic authors is moral rights not copyright.

A. *Erasmus's views in context*

It is vital to place in context the various pronouncements made by Erasmus on the dissemination of knowledge, the editing and integrity of texts, and the role of printers/publishers in these activities. Two key facts about Erasmus are pertinent.

Firstly, while Erasmus is perhaps known primarily as a scholar-priest and for his theological debates with Martin Luther, he was also a liberal scholar and humanist. Underpinning his thoughts on the value of knowledge and the free dissemination of knowledge, was his belief that education broadens minds and nurtures good citizens of the world. To him, 'Man, unless he has

²⁶ Adam Max Cohen, 'Confessions of a Man in Print: Cataloguing Erasman Literary Ambition', *Technology and the Early Modern Self* (Palgrave Macmillan 2009), 54-55.

²⁷ Ann Moss and Ann Moss, '101The Commonplace-Book at Birth', *Printed Commonplace-Books and the Structuring of Renaissance Thought* (Oxford University Press 1996)

²⁸ Cohen, 'Confessions of a Man in Print: Cataloguing Erasman Literary Ambition', 58

experienced the influence of learning and philosophy, is at the mercy of impulses that are worse than those of a wild beast'.²⁹ According to Caspari, there was on the part of Erasmus, 'an emphasis on the paramount importance of education, the belief in its almost miraculous power to do infinite good or infinite bad, [which was] in the best humanistic tradition.'³⁰

Secondly, as already indicated above, print technology was in relative infancy at the time of Erasmus, and as a scholar, he embraced it fully and enthusiastically, with the realisation that this invention could disseminate his ideas far and wide. Indeed, he realised that the printing press could fulfil his humanist ideals by educating people on a mass scale: 'Books were no longer the means merely of preserving and transmitting ideas...The effect of the printed book was immediate and on a mass scale – it created its own social ferment.'³¹ As historian Paul Johnson noted, Erasmus 'was the first writer to grasp full potentialities of printing',³² it must be said not just with the potential to disseminate works widely, but also to generate a healthy income for himself as a writer, thus anticipating the copyright debates and theories on authorial property and rights which were yet to come. As one of the most sought-after scholars in Europe at the time, Erasmus was constantly courted by and associated with some of the most important and successful printers in Europe.³³

Erasmian views on the access to and dissemination of knowledge were thus closely entwined with print technology. In our times, we have new technologies which enable dissemination at an ease and extent beyond the dreams of Erasmus, Aldus, and their peers, but we have chosen in many instances to rein this in. It is instructive to not only extract their thoughts on scholarship and the dissemination of knowledge but to also examine their very own interaction (and those of their followers and contemporaries) with print technology. When first confronted with the potential of print technology, what were the initial thoughts and attitudes of these scholars and printers? What were some of the debates that took place surrounding the production of literary works, the dissemination of copies, and the role of author/publisher/consumer? What were the attitudes of these scholars and publishers towards the printing of academic books? By extension then, how should we, scholars of the 21st century, appraise current publication and dissemination processes with regard to the accessibility of our own works and those of fellow scholars?

²⁹ D. Erasmus, 'On Education for Children' in Erika Rummel (ed), *The Erasmus Reader* (University of Toronto 1990), 73

³⁰ Fritz Caspari, 'Erasmus on the Social Functions of Christian Humanism' (1947) 8 *Journal of the History of Ideas* 78, 99.

³¹ R. W. SCRIBNER, 'The Social Thought of Erasmus' (1970) 6 *Journal of Religious History* 3, 24.

³² P. Johnson, *A History of Christianity* (Atheneum 1976), 271

³³ Jardine, *Worldly Goods: A New History of the Renaissance*, 155.

What is clear is that the new print technology in the 15th and 16th centuries heralded and contributed to the creation of vibrant scholarly community and network.³⁴ The handcrafted and illuminated book was replaced by the printed book, which could be replicated ‘flawlessly’ and repeatedly *ad infinitum*. The book was no longer a one-off luxury item which may only be possessed by the wealthy elite. To scholars like Erasmus, it was now an intellectual tool which scholars could utilise to both publish their own ideas and to also access the ideas of fellow scholars. Likewise, in the 21st century, the digital and internet revolution can and should serve to expand today’s scholarly community on a much larger and international scale and to accelerate the pace of learning and knowledge exchange, but as we have seen, unaffordable subscription and access fees prevents this from happening.

B. 1st Principle - Copyright should serve the Commonwealth of Learning: the dissemination of knowledge in the public interest

Erasmus lived at a time which was exciting to scholars and writers: the recent advent of movable print technology. He was of course not the only learned man to have benefitted enormously from this new technology; other scholars of his time recognised the merits of the new printing technology.³⁵ Indeed, printing kindled the reputation Erasmus enjoyed throughout Europe as one of its foremost scholars; a rare publishing opportunity presented to him as a budding scholar when he received an invitation to simply fill in the blank unnumbered leaves of a published book by Robert Gaguin, which Erasmus accepted gladly, resulting in his very first printed work.³⁶ Soon after this debut publication, he received a letter from John Colet, praising this early work as ‘a very pattern and sample of human perfection,’ followed by a publication of a full volume of his poems.³⁷ His reputation as a scholar grew exponentially after the publication of his first works and he was able to exert much more influence and impact as a result.³⁸

³⁴ N. Rhodes and J. Sawday, *The Renaissance Computer: From the Book to the Web* (Routledge 2000), 4.

³⁵ Brian Richardson, 'The debates on printing in Renaissance Italy' (1998) 100 *La Bibliofilia* 135

³⁶ This was a common practice, so as to make full use of the blank pages in printed books. Hilmar M Pabel, 'Book Review: Hodie nullus - cras maximus: Beruhmtwerden und Beruhmtsein im fruhen 16. Jahrhundert am Beispiel des Erasmus von Rotterdam by Christoph Galle' (2014) 67 *Renaissance Quarterly* 1314; Jacob Baxter, *An Opportune Entryway: Erasmus and his Earliest Effort in Print* (USTC 2019); D Erasmus, Letter to Robert Gaguin, October 1495, Ep 45 in D. Erasmus and W.K. Ferguson, *The Correspondence of Erasmus: Letters 1-141 : 1484-1500. Collected works of Erasmus* (University of Toronto Press 1974)

³⁷ Baxter, *An Opportune Entryway: Erasmus and his Earliest Effort in Print*

³⁸ Cohen, 'Confessions of a Man in Print: Cataloguing Erasmian Literary Ambition'; Lisa Jardine, *Erasmus Man of Letters: The Confessions of Charisma in Print* (Princeton University Press 1993) 23; Caspari, 'Erasmus on the Social Functions of Christian Humanism', 105.

Apart from spreading the fruits of their own knowledge and exertions and thus enhancing their reputation, scholars of the time instantly recognised the huge benefits to the education of the masses and of spreading knowledge so much more rapidly. Books which would have taken years to produce by hand would now be produced in prodigious numbers in a matter of months. Scholars, ordinary readers, and bibliophiles alike all ‘believed that the new technology held out the promise of obtaining universal knowledge’.³⁹ However, in order to take full advantage of the new technology and increase the dissemination of previously written works, publishers had to procure the old handwritten manuscripts in the first place, in order to edit and convert to print. This was no easy task and publishers were highly dependent on the goodwill of those in possession of private libraries for the loan of manuscripts. This was one of the reasons Aldus Manutius set up shop in Venice, in order to have access to the library set up by Cardinal Bessarion.⁴⁰ Owing to his growing reputation as a printer-publisher *par excellence* he began to receive manuscripts from scholars throughout Europe.⁴¹

Erasmus also worked tirelessly to procure these old and rare manuscripts in order to carry out his vital editorial and scholarly work, and like Aldus Manutius, depended very much on the goodwill of fellow scholars for these.⁴² He has written of his despair or even annoyance when such scholars clung on to their books, because they wanted to keep knowledge to themselves,⁴³ and was relentless in persuading and even shaming fellow scholars into making their collection available for his use. For instance, he coaxed Gerard Cornells, a fellow Augustinian canon,⁴⁴ as follows,

[L]astly, you are to place at my disposal the books, of which you have a large collection, over which you have thus far brooded like a dragon over the Hesperides. Are you laughing, and do you think I speak in jest? Laugh as much as you like, then, but do not imagine that I have been joking in all that I have said, for I would not wish that remark about sending me books to be taken as a joke.⁴⁵

³⁹ Cohen, 'Confessions of a Man in Print: Cataloguing Erasman Literary Ambition' 57

⁴⁰ D.C. Greetham, *Textual Scholarship: An Introduction* (Taylor & Francis 2015), 97.

⁴¹ *Ibid.*, 98

⁴² Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, 231

⁴³ According to Beatus Rhenanus, fellow scholars protested, “Erasmus, you are divulging our secrets.” See John C Olin, *Christian Humanism and the Reformation: Selected Writings of Erasmus*

(Fordham University Press 2000), Chapter 2 *The Life of Erasmus by Beatus Rhenanus*.

⁴⁴ W. de Groot, *The Seventh Window: The King's Window Donated by Philip II and Mary Tudor to Sint Janskerk in Gouda (1557)* (Verloren 2005), 69.

⁴⁵ D. Erasmus, Letter to Gerard Cornells [Steyn 1489] in Erasmus and Ferguson, *The Correspondence of Erasmus: Letters 1-141 : 1484-1500. Collected works of Erasmus*, Ep 17.

Erasmus believed that knowledge was for all to share among themselves. His views are particularly insightful as he lived at a time when printing had just taken off and when knowledge could finally be shared widely and relatively easily. Our own digital age echoes this phenomenon – with relatively youthful technology as digitisation and the Internet, offering seamless and relatively inexpensive dissemination of academic texts,⁴⁶ offering an unparalleled opportunity for the true sharing of the fruits of knowledge and research. According to Huizinga,

Erasmus belonged to the generation which had grown up together with the youthful art of printing. To the world of those days, it was still like a newly acquired organ; people felt rich, powerful, happy in the possession of this ‘almost divine implement’. The figure of Erasmus and his oeuvre were only rendered possible by the art of printing. He was its glorious triumph and equally in a sense, its victim. What would Erasmus have been without the printing-press? To broadcast the ancient documents, to purify and restore them was his life's passion. The certainty that the printed book places exactly the same text in the hands of thousands of readers, was to him a consolation that former generations had lacked.⁴⁷

i. The Adagia

Erasmus admonished fellow scholars who guarded their hoard of books, usually simply for the admiration of others. In his essay on *Festina Lente* (Make Haste Slowly) in the *Adagia*, he recounts an encounter with a fellow scholar in which he had asked for the loan of a particular book which he required for editing his book of adages. The friend refused several times and finally admitted that ‘up to now, learned men had enjoyed the admiration of the public for possessing such things as these, and now they were becoming public property.’⁴⁸ It is partly for this reason that he placed the saying *Amicorium Communia Omnia* (*Between Friends All is Common*), right at the start of his compendium on the *Adagia*, an argument put forward by Eden,⁴⁹ which is also advocated by Willinsky.⁵⁰ This particular proverb reflects Erasmus’ aim for the *Adagia* itself, as it is ‘a repository of intellectual wealth of so-called classical antiquity collected in the interest of common use’.⁵¹ In writing about the origins and sources of *Amicorium Communia Omnia*,

⁴⁶ Steven Shavell, 'Should Copyright of Academic Works be Abolished?' (2010) (2010) 2 *Journal of Legal Analysis* 301, 306

⁴⁷ J. Huizinga, *Erasmus of Rotterdam* (Phaidon Press Ltd 1952), 63

⁴⁸ D. Erasmus and M.M. Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus* (Cambridge University Press 1967), 14-15.

⁴⁹ Kathy Eden, *Friends Hold All Things in Common - Tradition, Intellectual Property, and the Adages of Erasmus* (Yale University Press 2001)

⁵⁰ Willinsky, *The Intellectual Properties of Learning: A Prehistory from Saint Jerome to John Locke*

⁵¹ Kathy Eden, 'Between Friends All is Common: The Erasmian Adage and Tradition' (1998) 59 *Journal of the History of Ideas* 405, 408

Erasmus draws upon Socrates, Cicero, Plato, and Aristotle. Erasmus explains that “Plato is trying to show how the happiest condition of a society consists in the community of all possessions”⁵² while Aristotle moderates Plato’s opinion in that ‘possession and legal ownership should be vested in certain definite persons, but otherwise all should be in common according to the proverb, for the sake of convenience, virtuous living, and social harmony’.⁵³

Essentially, Erasmus believed that there was a public interest in making works freely available, as reflected in a letter to an acquaintance:

Yet this task cannot be accomplished as it ought to be without the help of many well-furnished libraries. And so, if there is anything in your own well-furnished library, which is so rich and so well stocked with books of all kinds in all languages, or the papal library, or any others, it will be like your charitable self to let me have the use of it for the public benefit.⁵⁴

Amicorium Communia Omnia was not the only proverb which supports Erasmus’s idea of a commonwealth of learning. *Cornicum oculos Configere* (to pierce the crows’ eyes) lends support to this idea as well, although we shall see later that this proverb, together with *Festina Lente*, cautions against an entirely free and indiscriminate approach to open access for reasons which will be explained below.⁵⁵ In his prolegomena to the *Adagia*, Erasmus confesses that he did not have an authoritative source on the exact meaning of *Cornicum Oculos Configere*, but explains (disapprovingly) the proverb as describing the act of ‘finding fault with and correct the achievements of the ancients, as if they had no insights at all’.⁵⁶ This is consistent with Erasmus’s well-known veneration for ancient and classic works. However, in his full commentary on the proverb,⁵⁷ he cites the story of Flavius who had stolen information about the legal calendar and *ius civile* to which only the pontiffs were privy in order to publish them publicly. The revelation of such information was highly beneficial to the public, for with such knowledge, people were able to know if legal action could be brought and when were the court days. Flavius was thus perceived as a sort of folk hero who unlocked secrets for the public good, the equivalent of our notion of open access today.⁵⁸ This perspective of the actions of Flavius thus arguably accords with

⁵² D. Erasmus and R.A.B. Mynors, *Adages* (University of Toronto Press 1982), 29

⁵³ *Ibid.*, 30.

⁵⁴ D. Erasmus, Letter to Domenico Grimani London, [15 May] 1515 in D. Erasmus and others, *The Correspondence of Erasmus: Letters 298 to 445, 1514-1516* (University of Toronto Press 1974), Ep 334.

⁵⁵ For a comprehensive discussion of *cornicum oculos configere* and how it relates to the Renaissance idea of open access, see E Herdman, 'Piercing Proverbial Crows' Eyes: Theft and Publication in Renaissance France' (2020) 43(3) *Renaissance and Reformation* 9

⁵⁶ D. Erasmus, J.N. Grant and W. Barker, *Prolegomena to the Adages: Adagiorum Collectanea, Indexes to Erasmus' Adages* (University of Toronto Press 2017), 96

⁵⁷ Erasmus and Mynors, *Adages*, 295-297.

⁵⁸ Herdman, 'Piercing Proverbial Crows' Eyes: Theft and Publication in Renaissance France', 11-12.

the Erasmian ideals of sharing knowledge among friends in common. Yet, Flavius is also commonly perceived as a thief,⁵⁹ as reflected in the statement ‘just like one crow pecking at another’s eyes, one Greek will steal the applause from another’ which Erasmus quotes in his commentary,⁶⁰ surely a pejorative evaluation of his actions which also established his heroic status as liberator of concealed and privileged information. The selected quote shows that Erasmus was concerned about the theft of reputation,⁶¹ which, as will be discussed below, was of critical value and importance to him.

Further, down the commentary, Erasmus’s choice of words suggests that he is also highly critical of Flavius’s actions. He describes the proverb as meaning ‘to put the learning of older generations in the shade with some new discovery and make it appear that earlier people knew nothing’⁶² and says that this was uttered in irony. While the irony may be directed at the foolishness of the victims from whom information is stolen, there is irony too at the stealer of information. Towards the end of the commentary, he explains further that the proverb meant ‘removing the sight from those who have it at the clearest and best, so letting the darkness flood in.’⁶³ While at one level it was wholly desirable and applaudable to share all information, thus keeping true to the ideals of open access, on another level, it was less so if the subsequent use or the disseminated work itself was questionable. In other words, open access was good but flooding the market indiscriminately with poor quality publications was undesirable,⁶⁴ a notion which anticipated the very same arguments raised almost 150 years later in Henry Parker’s *Remonstrance of the Company of Stationers* published in 1643,⁶⁵ which advocated the proper regulation of printing, by censoring ‘bad books’ whilst rewarding ‘good’ ones, in order to fulfil the ultimate aim of advancing knowledge.⁶⁶

Free dissemination was thus laudable to Erasmus but also should be tempered with caution. This view is also clear from his essay on *Festina Lente*, in which he praises the work of Aldus Manutius throughout, for taking great pride and care in his work as a publisher-printer, for he ‘made haste slowly’ i.e. he exercised ‘a wise promptness together with moderation, tempered with both vigilance and gentleness, so that nothing is done

⁵⁹ Ibid., fn 5

⁶⁰ Quoting Macrobius, Erasmus and Mynors, *Adages.*, 296

⁶¹ Herdman, ‘Piercing Proverbial Crows’ Eyes: Theft and Publication in Renaissance France’, 12

⁶² Erasmus and Mynors, *Adages.*, 296

⁶³ Ibid., 297.

⁶⁴ Herdman, ‘Piercing Proverbial Crows’ Eyes: Theft and Publication in Renaissance France’, 14.

⁶⁵ Henry Parker, *To the High Court of Parliament: The Humble Remonstrance of the Company of Stationers*, London (1643).

⁶⁶ Geoff Kemp, ‘Areopagitica’s Adversary: Henry Parker and the Humble Remonstrance’ in Geoff Kemp (ed), *Censorship Moments: Reading Texts in the History of Censorship and Freedom of Expression* (Bloomsbury 2015)

rashly'.⁶⁷ Such virtue is captured by his trademark, an anchor, symbolising slowness, and a dolphin, symbolising speed. In contrast, other printers 'fill the world with books, ...stupid, ignorant, slanderous, scandalous, raving, irreligious and seditious books.'⁶⁸ Generous dissemination and open access is one thing; inundating the bookshops with ill-chosen and carelessly printed works is another. Erasmus clearly passionately promoted a culture in which knowledge is not harboured but shared freely and liberally. However, the quality of the knowledge to be shared also mattered to him.

The publishing world today has forgotten the person who is the true hero to Erasmus, however. He may have regarded Aldus Manutius as *primus inter pares* among publishers of his time, but it is the scholar editor and reviewer who attracted praise of the highest order from Erasmus, not publishers, even those as worthy as Aldus Manutius. In *Herculei Labores*, scholarly labour is a Herculean one, 'which ...bring(s) the greatest advantage to others, and little or no profit to the doer, except a little fame and a lot of envy.'⁶⁹ Erasmus refers to his own labours on the adages as an example of Herculean labour and welcomes others to partake in the project. He makes the point that he would not be 'offended if a better scholar comes along and corrects (his) work, if a more diligent author fills it out, a more accurate one rearranges it, someone with more eloquence gives it lustre, someone with more leisure polishes it, some luckier man appropriates it, as long as all this is done for the good of the reading public, which has been (his) only aim in this work.'⁷⁰ Therefore, despite the sheer amount of blood, sweat, and tears which he may have expended in writing *The Adagia*, he is more than happy for others to take up the mantle in this project as long as they improve the work, all for the good of the reading public.

Some may interpret Erasmus's complaints about publishers and printers as a form of intellectual elitism, akin to 'printing powerhouses' today exerting control over the publication of academic research.⁷¹ Admittedly this is a related but different issue with open access, regarding the sheer glut of academic publications, which may lead to lowering research quality generally. While scholars and writers welcomed the benefits of the new printing technology, at the same time they cautioned against unselective publishing of all and sundry, observing that too many books firstly made it difficult for scholars to find the books that they actually required and secondly, presented a confusing array of 'different, new and conflicting authorities, opinions, and experiences'.⁷² However, this was not simply

⁶⁷ Erasmus and Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus*, 4

⁶⁸ *Ibid.*, 12-13

⁶⁹ Erasmus, *Herculei Labores*, *ibid.*, 18

⁷⁰ *Ibid.*, 30.

⁷¹ Subhajit Ganguly, *Relation between medieval renaissance and today's open knowledge dissemination* (2013)

⁷² A.M. Blair, *Too Much to Know: Managing Scholarly Information before the Modern Age* (Yale University Press 2010), 56-57.

elitism as Erasmus and his peers were only voicing concerns which continue to plague us today: there is still arguably too much research today, not all of excellent quality, owing to a variety of reasons, e.g. a pervasive publish or perish culture, predatory journals, etc.⁷³

Erasmus was therefore not just concerned about open access but also about the quality of works to which we gain access, all in the name of scholarship, in the same way the academic peer review system is designed to ensure that journal submissions and book proposals are based on rigorous scholarship and have to meet a reasonable standard before qualifying for publication. He suggests some possible remedies for mitigating this 'evil', by expulsion of 'those . . . who are instrumental in provoking profiteering wars' and by imposing legal penalties.⁷⁴ Further, he suggests that to assist those publishers who strove like Aldus Manutius to produce quality publications, state grants could be offered.⁷⁵ Presently, despite an apparent 'glut' in academic publishing, academics themselves are unable to access this 'glut' which they themselves have produced. Of more urgent concern here is not just with the quality of research published but with the access to published research, for without access, academics in poorer institutions or countries are greatly disadvantaged and are unable to produce useful research themselves.

ii. The Colloquies

Erasmus's belief in this common pool of knowledge which should be freely and generously shared in the name of education can be found, not only in the *Adages* but also in his letters and his other works, such as the *Colloquies*.⁷⁶ The *Colloquies*, primarily intended to be a series of educational grammar texts in Latin,⁷⁷ attracted considerable notoriety for their content during Erasmus's lifetime,⁷⁸ before becoming a bestseller in the sixteenth and seventeenth centuries.⁷⁹ Although ostensibly Latin grammar primers, the *Colloquies* expressed particular messages which Erasmus wanted to convey. On one level, with which we are not concerned here, the *Colloquies*, through biting wit and satire, were clearly taking pot-shots at the

⁷³ G. Altbach Philip and Wit Hans de, 'Too Much Academic Research Is Being Published' (2018) 0 International Higher Education 2; Peter Bruce, *Are Scientists Doing Too Much Research* (Scientific American 2017); Raphael Tsavkko, *Academic Publishing is broken* (2021); Seema Rawat and Sanjay Meena, 'Publish or perish: where are we heading?' (2014) 19 Journal of Research in Medical Sciences 87.

⁷⁴ Erasmus and Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus*, 13.

⁷⁵ *Ibid.*, 13.

⁷⁶ Eden, 'Between Friends All is Common: The Erasmian Adage and Tradition'; T. M. Richardson, 'Peter Bruegel the Elder: art discourse in the sixteenth century Netherlands', University of Leiden 2007), 73, 79, 84; Terence J Martin, *Living Words: Studies in Dialogues Over Religion* (Scholars Press 1998), 291-298

⁷⁷ Cornelis Augustijn, 'The Colloquies', *Erasmus: His Life, Works and Influence* (Erasmus Studies, University of Toronto Press 1991) 161, 162; D. Erasmus and C.R. Thompson, *Colloquies* (University of Toronto Press 1997), Introduction xviii

⁷⁸ Augustijn, 'The Colloquies', 161.

⁷⁹ *Ibid.*, 161.

established church,⁸⁰ which explains the infamy it gained during his lifetime. On another level, however, one can discern Erasmus's views on education, knowledge, and learning from the views offered by the various characters making their appearance in these works.

For instance, in the *Sober Feast*,⁸¹ the following dialogue took place:

Aemilius: What shall we contribute who've come here empty handed?

Albert: Empty handed – you who carry such riches in your mind?

...

Albert: Let each offer to the company the best thing he's read this week.

The above exchange between Aemilius and Albert in *The Sober Feast* was situated within a *convivium*, a familiar literary genre, since the time of classical writers, involving the description of banquets or feasts in which participants traded views freely, sharing their opinions and knowledge among friends, which allowed writers to fully explore different viewpoints of various topics.⁸² Indeed, Erasmus's individual colloquies utilising the *convivium* genre probably reflected his own experiences at dining parties he enjoyed himself,⁸³ and they also reflected the importance accorded to conversations at mealtimes among the upper classes in the 16th century, which were opportunities in which learned people could engage in sparkling conversation and share opinions and knowledge freely.⁸⁴ As Albert above opined – the knowledge each held in one's own mind was more than sufficient contribution to the feast.

The generous sharing of knowledge is a common theme in the *Colloquies*. In another colloquy which employed a *convivium* setting, *The Godly Feast*, the generosity in sharing knowledge is clearly celebrated. Whilst the main theme was to encourage the discussion of theology amongst laypersons, the conduct of the characters and the setting itself reflect the theme of learning and sharing knowledge. The feast takes place in the country villa of a wealthy host, Eusebius, which Erasmus has painted as orderly, cultivated, and wholly self-sufficient, which reflects how an educational setting should be controlled in order to achieve the ideal learning environment.⁸⁵ While the main message of the colloquy is that laypersons may partake in religious discourse and that

⁸⁰ Erasmus and Thompson, *Colloquies*, Introduction xxxix

⁸¹ Erasmus, D., *The Sober Feast* in Craig R Thompson, *Colloquies: Collected Works of Erasmus*, vol 40 (University of Toronto Press 1997), 926.

⁸² T.M. Richardson, *Pieter Bruegel the Elder: Art Discourse in the Sixteenth-Century Netherlands* (Taylor & Francis 2017), 66

⁸³ *Ibid.*, 72

⁸⁴ *Ibid.*, 65

⁸⁵ Wayne A Rebhorn, 'Erasmian Education and the "Convivium religiosum"' (1972) 69 *Studies in Philology* 131, 145-146

each and every feature of Eusebius's property possesses symbolic meaning,⁸⁶ the general subtext of education and the liberal sharing of knowledge and wisdom is also evident in the actions taken by the characters; underscoring the educational theme within the work, Eusebius generously distributes gifts such as clocks and pens, which are 'emblematic of humanist themes',⁸⁷ which arguably reflects the important Erasmian theme of sharing knowledge freely.

However, let it not be thought that Erasmus's generous spirit was confined only to the scholarly community. He embraced a culture which allowed for the generous dissemination of knowledge, not just among scholars, but ordinary people. In *The Godly Feast* where laypersons are encouraged to share in the knowledge and wisdom available, likewise in *Paraclesis*, he vehemently disagrees with those who opposed the translation of scriptures for the unlearned to read, and instead imagined a world where 'the farmer might chant a holy text at his plow, the spinner sings it as she sits at her wheel, the traveller ease the tedium of his journey with tales from the scripture.'⁸⁸ Further, despite his misgivings about poorly edited and printed books riddled with errors as mentioned above and discussed below in relation to his concerns about reputation, Erasmus was sometimes prepared to turn a blind eye to these, for on balance, the proliferation of different print editions, error filled or not, served to disseminate his ideas more widely.⁸⁹

iii. A Collegial Collaboration between Publisher and Author-Scholar: Aldus Manutius and Johannes Froben, and their relationship with Erasmus

a) *Aldus Manutius*

It was not only scholars like Erasmus who appreciated the promise of print technology and who disdained those that hoarded old manuscripts which the new printers required in order to produce print versions. Aldus Manutius, with whom Erasmus famously collaborated on the publication of *Adagia*, and who relied heavily on the procurement of old manuscripts, also regarded those who hoard books and obstructed the dissemination of knowledge with barely disguised derision:

"I do hope that, if there should be people of such spirit that they are against the sharing of literature as a common good, they may either burst of envy, become worn out in wretchedness, or

⁸⁶ Marillene Allen, 'Literary and Historical Gardens in Selected Renaissance Poetry', University of Edinburgh 1980), 23-30

⁸⁷ Seymour Baker House, 'Reforming the Tudor Dialogue: A Case Study' (1999) (1999) 23 *Renaissance and Reformation* 5, 12.

⁸⁸ R.M. Adams, D. Erasmus and R.M. Adams, *The Praise of Folly and Other Writings: A New Translation with Critical Commentary* (Norton 1989), 118, 121.

⁸⁹ Rivi Handler-Spitz, 'Dubious Books and Definitive Editions', *Symptoms of an Unruly Age* (Li Zhi and Cultures of Early Modernity, University of Washington Press 2017), p114; Jardine, *Worldly Goods: A New History of the Renaissance*, 155.

hang themselves,” he wrote in the preface to one of his volumes.”⁹⁰

Aldus Manutius, praised by Erasmus for ‘building up a library which has no other limits than the world itself’,⁹¹ was no mere tradesman. He was a scholar and teacher of Greek and Latin before becoming a printer/publisher. Why this change of career? He was so devoted to the idea of disseminating knowledge that he felt that he could do more by printing high quality books more cheaply.⁹² As a student, he had despaired of the scarcity of available books in Greek and Latin, and the few books that were available were riddled with errors. His printing shop, based in the then European centre of book publishing, Venice,⁹³ was a hive of scholarly activity where prominent learned men, such as Erasmus, gathered to not only edit and translate books but to eat, sleep and debate together.⁹⁴ Owing to the discovery of a manuscript entitled *The Rules of the Academy* composed by Aldus,⁹⁵ he has been credited with the establishment of an academy of scholars at his workshop,⁹⁶ although this has been doubted by other scholars.⁹⁷ Whether or not a formal institution was ever established at his workshops, Aldus’s workshop has at least been described as ‘a place of scholarly collaboration and liberal exchange of knowledge’⁹⁸ which is testament to the depth of his passion for learning and spreading knowledge.

Further evidence of Aldus’s goal of disseminating knowledge as far and wide as possible lies in one of his most important innovations: the publishing of non-devotional literature in octavo format. Previously, such books would have been printed in folio format, large and cumbersome tomes which were expensive and hardly portable. The aim of producing learned works in small and compact formats was to make such works much more accessible as they ‘could be held in the hand and learned by heart (not to speak of being read)

⁹⁰ Aldus Manutius, Prelude to Aldus Manutius, *Thesaurus Cornucopia* (1496)

⁹¹ Erasmus and Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus*, 10

⁹² Cora E Lutz, 'Aldus Manutius, Teacher' (1975) 49 *The Yale University Library Gazette* 356, 357

⁹³ Henri-Jean Martin, *The History and Power of Writing* (University of Chicago Press 1994), 242

⁹⁴ Willinsky, *The Intellectual Properties of Learning: A Prehistory from Saint Jerome to John Locke*, 190; Nicolaj Serikoff, 'The Concept of Scholar-Publisher in Renaissance: Johannes Froben' (2004) (2004) 90 *Journal of the Washington Academy of Sciences* 53, 57.

⁹⁵ Aldus Manutius, *Rules of the Modern Academy* (Aldine Press 1502). A surviving copy was found glued to a Greek dictionary discovered in the Vatican Library (Stamp. Barb. AAAIV 13)

⁹⁶ Deno J Geanakoplos, 'Erasmus and the Aldine Academy of Venice' (1960) 3 *Greek Roman and Byzantine Studies* 107

⁹⁷ Lowry, 'The 'New Academy' of Aldus Manutius: a Renaissance dream'; Bauer, 'Problems in the Aldine Pindar' fn 10.

⁹⁸ Bordini and Maxwell, 'Breaking SFU Aldines Out of the Vaults: Aldus Manutius and Open Social Scholarship in the Sixteenth Century'

by everyone'.⁹⁹ Young scholars of the times gravitated to printing-shops like those of Aldus's. They had been 'shut out of the expensive guild and church-controlled scriptoria that had until then manufactured all human writing in Europe [and they now] flocked to a new communication technology'.¹⁰⁰ This 'new communication technology' finally addressed long felt wants and frustrations regarding knowledge that had been locked up in one-off expensive handwritten manuscripts located in monasteries, much, in the same way, today's repositories are shielded by expensive paywalls.

While it was evident that Aldus Manutius regarded his publisher role as vital in ensuring the widespread dissemination of valuable knowledge, his business partner and father-in-law, Andrea Torresani, was apparently less interested in such lofty ideals and was a much more commercially minded businessman. From the time of Aldus's death, the Aldine Press came under Torresani's control but unlike his son-in-law, Torresani had a reputation of 'being less interested in scholarship and more interested in money' as well as being 'notoriously brusque in their relations with their scholarly authors'.¹⁰¹ Indeed, Erasmus was scathing in his assessment of Torresani, whom he depicted in *Opulentia Sordida* ('Penny Pinching') as a businessman solely interested in profit.¹⁰² This may arguably have been too harsh an assessment for without Torresani's financial contribution and commercial expertise,¹⁰³ the Aldine Press would likely not have as thrived as it had. However, the damning appraisal of Torresani by Erasmus as a publisher who was solely focused on profiting from the publication of books, reveals Erasmus's own ideas about just what an academic publisher should be and the ideals which should be embraced.

Admittedly however, despite Aldus Manutius's goal of making books more accessible, the price of Aldine Press editions was still costly for most scholars,¹⁰⁴ so much so that even Erasmus published his own edition of Aristotle at a competitive price to make it more affordable for students.¹⁰⁵ However, this was partly justified by the high costs of the physical tools of

⁹⁹ Jennifer Schuessler, 'A Tribute to the Printer Aldus Manutius and the Roots of the Paperback' *The New York Times* (New York 26 February 2015)

¹⁰⁰ William J Sonn, *Paradigms Lost: The Life and Deaths of the Printed Word* (Scarecrow Press 2006) 53

¹⁰¹ Charles G Nauert, Annotation to Erasmus's Letter to Gianfrancesco Torresani, Basel, 5 August 1525, Ep 1592 Desiderius Erasmus and others, *The correspondence of Erasmus : letters 1535 to 1657, January - December 1525* (Collected works of Erasmus ; v 11, University of Toronto Press 1994) 213.

¹⁰² Erasmus, D., *Opulentia Sordida*, Erasmus and Thompson, *Colloquies*, 979; Catherine Kikuchi, 'How did Aldus Manutius start a printing dynasty?' (Aldus Manutius: the making of the myth), 25, 26

¹⁰³ Erasmus and Thompson, *Colloquies*, fn 7, 991.

¹⁰⁴ Lorenzo Perilli, 'A Risky Enterprise: The Aldine Edition of Galen, the Failures of the Editors, and the Shadow of Erasmus of Rotterdam' (2012) 17 *Early Science and Medicine* 446, 456; Jardine, *Worldly Goods: A New History of the Renaissance* 135: The Aldine edition of Aristotle in Greek cost 11 ducats, while the annual salary of a scholar was just 150 ducats.

¹⁰⁵ Jardine, *Worldly Goods: A New History of the Renaissance*, 135.

the print trade in the 16th century, for e.g., paper, printing press machines, metal type pieces, etc.,¹⁰⁶ as well as the costs of housing and feeding a technical workforce and frequent scholarly guests who played serious editorial roles.¹⁰⁷ Aldus had also created a new Greek typeface, a costly venture, for which he applied to the Venetian Senate for a printing privilege.¹⁰⁸ A further justification lay in the exacting standards which Aldus Manutius imposed on the editing and printing processes of all works which passed through his workshop. His contemporaries often praised the ‘extreme diligence and care in correcting books’ at the Aldine press.¹⁰⁹ In contrast, with the advances in digital print technology we enjoy today, certain costs such as copy-editing, layout, marketing, salary, and rent aside, some of the more obvious costs involved in traditional printing are surely eliminated today and should go some way to increasing, not stifling, access to scholarly research. Furthermore, the fact that scholarly research is blocked owing to high subscription fees is particularly galling as the most valued elements and the most substantial costs in producing academic journals are manuscript writing and reviewing, both of which are provided free-of-charge by academic authors and academic peer reviewers, who are in turn the target paying audience of the very same journals.¹¹⁰

Aldus Manutius shared Erasmus’s vision of reaching and shaping the minds of fellow-men through print and the dissemination of books. He saw publishing as a public-spirited enterprise in which he sought to spread knowledge for the good of his fellow men: ‘I have decided to spend all my life in the service of my fellow men, as my past life shows, where it has been spent, and as I hope my future life will show still more...’.¹¹¹ In this statement, his past life refers to time spent as teacher and scholar, and it was evident that as a publisher-printer, he hoped that his future life would continue to contribute to the education of his fellow-men.¹¹²

b) *Johannes Froben*

Another scholar-publisher who rivalled Aldus Manutius in the book trade at the time was Johannes Froben, who was based in Basel. Like Aldus

¹⁰⁶ See Lucien Febvre and Henri-Jean Martin, *The Impact of Printing 1450-1800: The Coming of the Book* (Verso Editions 1984), chapter 4 for a detailed discussion of the expenditure involved in setting up a printing press in the 16th century. For a more specific coverage of the expenditure incurred by the Aldine Press, see Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, chapter 3

¹⁰⁷ Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, 94

¹⁰⁸ Jardine, *Worldly Goods: A New History of the Renaissance*, 136.

¹⁰⁹ Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, 217.

¹¹⁰ Vincent Larivière, Stefanie Haustein and Philippe Mongeon, 'The Oligopoly of Academic Publishers in the Digital Era' (2015) 10 PLOS ONE e0127502, 11-12

¹¹¹ Preface to Lascaris Greek Grammar (Aldine Press 1495), quoted in Lowry, *The World of Aldus Manutius Business and Scholarship in Renaissance Venice*, 66

¹¹² See chapter 2 *ibid.* for a discussion of Aldus Manutius as teacher and scholar before he embarked on his publishing career.

Manutius, he surrounded himself with eminent scholars like Erasmus to work as editors in his print shops, and also like Aldus Manutius, as a result of investing heavily in the tools of his trade such as quality paper and types, as well as in his team of skilled printers and scholar-editors, he made only modest returns on his output.¹¹³ Just as Aldus Manutius was instrumental in setting standards for the Italian book trade of the time, so was Froben in respect to the German book trade.¹¹⁴

It was during his time at the Froben Press that Erasmus truly flourished, even more so than when he was based at the Aldine Press, and Froben became Erasmus's exclusive publisher.¹¹⁵ If we understand what it was that Erasmus saw in Froben and how they worked together, we would understand a little more about what Erasmus valued in a printer-publisher and cared about in the world of print. Erasmus could not praise Froben enough for his contributions to the dissemination of knowledge, writing in 1522 that 'everybody knows how much learning and scholarship are indebted to Froben, who to his own damage, helps us to gain a profit'.¹¹⁶

There are a few ironies in the famous relationship Erasmus had with Froben. Firstly, it was through an act of piracy which persuaded Erasmus to join forces with Froben and reside in the Froben printing house as a scholar-editor. As will be explained in more detail below, Froben reprinted the Aldine Press edition of the *Adagia* in order to impress Erasmus, which appeared to have done the trick, for soon after Erasmus moved to Basel.¹¹⁷ Furthermore, such was Erasmus's admiration for this pirated edition, that instead of providing Badius, a fellow printer, as agreed, with a copy of his revised manuscript of the *Adagia* in order to prepare a new edition of the same, he promptly arranged for it to be given to Froben instead.¹¹⁸ Secondly, Froben was nowhere near as educated as his main rivals in the print industry, yet he was clearly favoured by Erasmus. Before he ended up in the Basel printing-house, Erasmus had already collaborated with a number of other prominent publishers, most prominently, Schurer and Badius, in addition of course to Aldus Manutius. They were all highly educated and scholarly publishers, with a strong grasp of Latin and Greek. But despite Froben's lack of aptitude

¹¹³ Serikoff, 'The Concept of Scholar-Publisher in Renaissance: Johannes Froben', 54.

¹¹⁴ Ibid, 55, 65.

¹¹⁵ Desiderius Erasmus, James Martin Estes and R. A. B. Mynors, *The correspondence of Erasmus : letters 1356 to 1534, 1523 to 1524* (Collected works of Erasmus ; 10, University of Toronto Press 1992), 238 fn 148, 305.

¹¹⁶ Serikoff, 'The Concept of Scholar-Publisher in Renaissance: Johannes Froben', 58

¹¹⁷ According to scholars, it was not an act of purely 'blind' piracy. So devoted was Froben to the accuracy and quality of the text, the pirated reprint was actually an improvement over the Aldine Press edition of the *Adagia*. See S Diane Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527' (1986) 6 Erasmus of Rotterdam Society Yearbook 31, 47.

¹¹⁸ Ibid., 49; Valentina Sebastiani, *Johann Froben, Printer of Basel : A Biographical Profile and Catalogue of His Editions* (BRILL 2018), 44.

for these languages,¹¹⁹ Erasmus chose to reside in the Froben house for no fewer than 9 years.

There are several reasons why Erasmus favoured Froben over other printers in Europe at the time, including Aldus Manutius. Indeed, almost half of Froben's output consisted of books written or edited by Erasmus.¹²⁰ Erasmus not only recognised the quality of the printed books produced by the Froben press ('excellent books with extreme meticulousness');¹²¹ he also appreciated the high degree of professionalism with which Froben conducted his printing business. Froben spared no expense in hiring an army of skilled technicians as well as scholar-editors.¹²² Erasmus himself benefitted from Froben's generosity. Unusually, Erasmus appeared to have been paid an annual salary as well as a share in profits from the sales of his books,¹²³ a practice which, if true,¹²⁴ was probably unique or at least exceedingly rare in the print industry of the time. In any case, Froben's print shop clearly afforded Erasmus a refuge in which to focus his energies on writing and scholarly work, unshackled from the restrictions of patronage on which authors of the time were wholly dependent for a livelihood. In return, Erasmus treated Froben as his preferred printer, which in turn, increased Froben's reputation in Europe and consequently his profits.¹²⁵ With increased visibility, however, came a heightened risk of being targeted by pirates. Such were Erasmus's concerns about Froben's vulnerability to piracy, he wrote to Willibald Pirchheimer, Imperial Counsellor, to seek help on obtaining an imperial prohibition on the printing of any book first produced by Froben.¹²⁶

The relationship between Erasmus and Froben suffered a setback when the latter decided to print the works of Martin Luther. The intellectual battle, between Luther and Erasmus is well-known and need not be documented here in detail, but it is relevant here for Erasmus used his considerable influence to control or even prevent the publication of Luther's works. While it had appeared initially to Erasmus that he shared with Luther similar ideas about the Catholic Church, it soon transpired that Luther's views were much too

¹¹⁹ Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527', 45-46.

¹²⁰ Sebastiani, *Johann Froben, Printer of Basel : A Biographical Profile and Catalogue of His Editions*, 60.

¹²¹ *Ibid.*, 49

¹²² *Ibid.*, 51-52.

¹²³ Eileen Bloch, 'Erasmus and the Froben Press: The Making of an Editor' (1965) 35 *The Library Quarterly: Information, Community, Policy*, 110.

¹²⁴ Elsewhere it is reported that Froben gave Erasmus occasional gifts of money but not a regular fixed sum. See PF Grendler, 'The Conditions of Enquiry: Printing and Censorship' in CB Schmitt et al (ed), *The Cambridge History of Renaissance Philosophy* (Cambridge University Press 1988), 32.

¹²⁵ Sebastiani, *Johann Froben, Printer of Basel : A Biographical Profile and Catalogue of His Editions*, 53.

¹²⁶ D. Erasmus, letter to Willibald Pickheimer, 28 January 1523, in Erasmus, Estes and Mynors, *The correspondence of Erasmus : letters 1356 to 1534, 1523 to 1524*, Ep 1341, p.289.

radical for him. Erasmus was increasingly concerned about two things as a result of Luther's increasing notoriety: firstly, he was fearful of being associated with Luther's heretical ideas and secondly, he was concerned that the outpouring of increasingly seditious texts would have a spill-over effect, infecting and corrupting the *bonae litterae* which he had so carefully cultivated and championed.¹²⁷ Where Froben was concerned, Erasmus threatened to end his relationship with the printer if he continued to print Luther's works.¹²⁸ That Froben only printed three Lutheran works, only one of which was by Luther, following this threat,¹²⁹ is indicative of the extent of Erasmus's influence over his favoured printer. This move only serves to reflect Erasmus's complex relationship with his printers, one in which he had no hesitation in exerting his considerable influence to censor works. The Lutheran chapter in Erasmus's life demonstrates clearly the many difficult and conflicting interests which the publishing industry served.

On the one hand, Erasmus clearly recognised that print can be a force for good, in that it revolutionised the dissemination of knowledge and amplified his scholarly reputation. On the other hand, he was aware that the printing press could be vulnerable to abuses. In particular, at the height of the Lutheran controversy, the press created no end of grief for Erasmus. Erasmus was either at the receiving end of abuse by Lutheran sympathisers,¹³⁰ or he was accused of heresy, his own 'writings [deemed] a Trojan Horse for Protestantism'.¹³¹ Of greater concern to Erasmus was the encouragement of irresponsible publishing, which not only spread libellous, seditious, and heretical works,¹³² but as mentioned above, which also indulged in unauthorised and error strewn re-printing of established works of *bonae litterae*, or indeed his own works. To this end, Erasmus turned to various legal recourse (based on libel and fraud) to silence these critics, or alternatively, approached local governments to censor these writings.¹³³ Where the unauthorised reprints were concerned, the lack of copyright-like

¹²⁷ Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527', 119-120.

¹²⁸ D. Erasmus, Letter to Duke George of Saxony, Basel 12 December 1524, Ep 1526 in Erasmus, Estes and Mynors, *The correspondence of Erasmus : letters 1356 to 1534, 1523 to 1524*, 452, 454; D. Erasmus, Letter to Alberto Pio, Basel 10 October 1525, Ep 1634, Erasmus and others, *The correspondence of Erasmus : letters 1535 to 1657, January - December 1525*, 326, 330. See Sebastiani, *Johann Froben, Printer of Basel : A Biographical Profile and Catalogue of His Editions*, 66; Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527', 117.

¹²⁹ Sebastiani, *Johann Froben, Printer of Basel : A Biographical Profile and Catalogue of His Editions*, 66.

¹³⁰ Brian Cummings and Brian Cummings, '144Erasmus Contra Luther', *The Literary Culture of the Reformation: Grammar and Grace* (Oxford University Press 2002) 148

¹³¹ D. Jones, *Censorship: A World Encyclopedia* (Fitzroy Dearborn 2001), 745.

¹³² See for example, D Erasmus, Letter to Caspar Hedio, Basel, August 1524 in Erasmus, Estes and Mynors, *The correspondence of Erasmus : letters 1356 to 1534, 1523 to 1524*, 333, Ep 1477B.

¹³³ Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527', 120.

regulation in those days fuelled such undesirable publications. It could however be said that the lack of copyright also fanned the widespread dissemination of Luther's revolutionary views, which led to the Reformation.

iv. Conclusion

The literature reveals strong and passionate views about forging and maintaining a commonwealth of knowledge, where scholars share their works and insights generously among each other. Print technology was celebrated as a means to serve this purpose much more efficiently and quickly. Likewise, today, the Internet and digitisation should serve the very same purposes, but copyright in such works allow publishers to restrict access, going against the grain of the ideals held by Erasmus, as well as those involved in the debates surrounding the Statute of Anne. Copyright should strive to encourage and facilitate learning.

The views of Erasmus and his contemporaries, apply equally to today's situation which has been described as follows by Aaron Schwartz: 'The world's entire scientific...heritage...is increasingly being digitized and locked by a handful of private corporations.'¹³⁴ In 1508, Erasmus expressed similar sentiments: '...are the owners [of old MSS] going to reveal them of their own accord? Far from it. Even when asked they will conceal them, or deny that they have them, or let them out on hire at exorbitant prices, ten times the worth of the book....'

C. 2nd Principle - Copyright incentives: a hindrance to production and dissemination of knowledge

The foregoing section demonstrated how scholars and publishers like Erasmus and Aldus Manutius embraced print technology, in full pursuit of their foremost goal: to disseminate knowledge, widely and accurately. This is not to say that the same scholars and publishers were impervious to the monetary returns of print technology and dissemination, a source of livelihood. However, they were sufficiently astute to appreciate that when the balance is tipped in favour of profit-making, this might have a deleterious impact upon the quality of publications as well as the dissemination of knowledge.

Erasmus, in expounding on the virtues of education and disseminating knowledge, identified the very impulses that may actually hinder copyright goals and work against the dissemination of knowledge: hubris and the pursuit of profit, impulses which are ironically encouraged and facilitated by copyright. Basically, the aim of copyright is ultimately to encourage the production and dissemination of knowledge for the good of society, and it does this by offering incentives: the protection of reputations (moral rights) and monetary rewards (economic rights). These are of utmost concern to

¹³⁴ Aaron Schwartz, *Guerilla Open Access Manifesto* (2008) <https://archive.org/details/GuerillaOpenAccessManifesto>

authors and copyright owners respectively, and these are the fundamental elements of copyright protection.

The point made here is that these incentives are ironically also the very same factors which may deter the dissemination of knowledge, which Erasmus warned against in his writings. Although Erasmus lived in times pre-dating the recognition of copyright, he understood the importance of disseminating knowledge freely. He condemned profit-making in publishing (although Erasmus himself attempted to exploit his works economically to the best of his ability) and appreciated that which drove men to sometimes jealously harbour knowledge to the exclusion of others, both of which in turn paralyse research and education.

i. Erasmus on publishing and monetary returns

Erasmus understood the value in his writing and appreciated rewards in money or the equivalent in return for the production of works.¹³⁵ He has been recorded as being somewhat Machiavellian and callous in the manner he acted in order to get his works into print in the early years,¹³⁶ for instance by flattering and cajoling other scholars, editors, and printers so as to get the opportunity to have his work printed on any available blank pages in published books¹³⁷ and to drop a printer (Badius) for another with better resources (Froben).¹³⁸ Erasmus also sold on complimentary copies received from printers, a common practice at the time,¹³⁹ and was not above using the extra copies to deceive patrons into believing themselves to be the sole beneficiaries of his dedications, by placing seemingly 'exclusive' dedication pages in different copies of the same book and gifting the copies to different dedicatees, thus enticing each of them into supporting him financially.¹⁴⁰ Although he was not alone in doing this, Erasmus had the temerity to feign ignorance and even disgust when accused of this practice.¹⁴¹ Even his

¹³⁵ Erasmus frequently dedicated verses or other works to sponsors, often the same book to several different sponsors. See fn 130 below. Occasionally, he would accept casks of wine in return for his writings. See for e.g. Letter to Andrea Ammonio, Cambridge (20 October 1511) D. Erasmus and others, *The Correspondence of Erasmus: Letters, 142 to 297* (University of Toronto Press 1975) Ep 234, p177.

¹³⁶ P. S. Allen, 'Erasmus' Relations With His Printers' (1913) TBS-13 The Library 297

¹³⁷ P. S. Allen, *The age of Erasmus* (The Clarendon press 1914), 108-109; Allen, 'Erasmus' Relations With His Printers', 300-301, 302, 304.

¹³⁸ Erasmus had promised Jodocus Badius his manuscripts for a new and updated edition of *The Adagia* and for a commentary on St Jerome's Letters, but instead gave them to Froben, as he suspected that Badius may not have had sufficient Greek type for the *Adagia*. See Allen, *The age of Erasmus.*, 150; Allen, 'Erasmus' Relations With His Printers', 309-310; Shaw, 'A Study of the Collaboration Between Erasmus of Rotterdam and his Printer Johann Froben at Basel During the Years 1514 to 1527', 50.

¹³⁹ Febvre and Martin, *The Impact of Printing 1450-1800: The Coming of the Book*, 160-161

¹⁴⁰ Elizabeth L. Eisenstein, *The Printing Press as an Agent of Change* (Cambridge University Press 1980), 401; Cohen, 'Confessions of a Man in Print: Cataloguing Erasmian Literary Ambition', 61-63.

¹⁴¹ Cohen, 'Confessions of a Man in Print: Cataloguing Erasmian Literary Ambition', 63.

treatment of his publisher friends, Aldus Manutius and Johannes Froben, was not beyond reproach. As detailed below, Erasmus would shamelessly and furtively sanction unauthorised reprints of his more commercially successful works by rival publishers, much to the chagrin of the authorised publishers.

In this way, he could be said to have anticipated the need for intellectual property in literary work, for he clearly recognised the value of his writing which could generate income.¹⁴² He also makes mention of the potential returns for his work regularly in his letters. In one to Jacob Batt, where he complains of having fallen on some misfortune recently, he complains that '[a] third person, who printed my books, took in money on my behalf for the books he sold when I was away, and hasn't returned me a farthing' and further on in the same letter, he acknowledged that 'it is better that the book should be printed at my own expense.'¹⁴³

He meant that authors and publishers, particularly those who created works in the public interest, needed a living and preferably by means of public funds. However, as discussed above in relation to his commentary on *Cornicum Oculos Configure* and also *Festina Lente*, he derided those who sought to make a quick profit on the printing of books, which were rife with printing errors, observing that some '[printers] are so mean that they would rather let a good book get choked up with six thousand mistakes than spend a few coins in paying someone to supervise the proof-reading'.¹⁴⁴ His complaints about faulty printing and miserly printers reflected his misgivings on the commercialisation of authorial works, the same concerns which beset us today; greed undermines the potential of print technology to be 'the greatest blessing to learning and education'. He observed that the harm caused by human errors generated by scribes before the age of printing were small when compared with errors committed by printers, which of course harboured the risk of perpetuating an error thousand-fold through the printing and distribution of copies.

Erasmus elaborates on this in a letter to Mattias Schurer in 1514, his friend and publisher based in Strasbourg,

A good proportion of those who print books, Matthias Schurer, either from ignorance and lack of judgment undertake the worst authors by mistake for the best, or from greed of gain reckon the best book to be the book from which they expect the most profit. And so we see the same thing happen in the art of printing that is so familiar in other walks of life, that an

¹⁴² Erasmus was clearly very shrewd in dealing with a number of potential patrons, rather than attaching himself to a single sponsor. See Eisenstein, *The Printing Press as an Agent of Change* 401

¹⁴³ D. Erasmus, Letter to Jacob Batt (Paris 2 May 1499) Erasmus and Ferguson, *The Correspondence of Erasmus: Letters 1-141 : 1484-1500. Collected works of Erasmus* Ep 95, p.186.

¹⁴⁴ Erasmus and Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus*, p11

invention designed to be the greatest blessing to learning and education tends through the errors of those who misuse it to become a serious threat.¹⁴⁵

Later in 1528, in a letter to Joachim Martens, he makes a similar complaint about a new edition of Galen,

See what the cursed thirst for gold can do! What a sacrilege is committed for the few gold coins which a learned proof reader could be hired.¹⁴⁶

Interestingly, this new edition of Galen Erasmus was complaining about was produced by that most esteemed of printing firms, Aldine Press.¹⁴⁷ As to why Erasmus was surprisingly seemingly hostile to the Aldine Press, Perilli offers a few conjectures,¹⁴⁸ one of which was the response of the Aldine Press to the way Erasmus encouraged competition between Froben and Aldine Press in the printing of his *Adagia*.¹⁴⁹ The Aldine Press had printed an unauthorised reprint of a new edition of *The Adagia* published by Froben in 1515. The Aldine reprint included a preface which was scathing to the Froben edition (the Froben edition apparently having been authorised by Erasmus himself), saying that the Froben edition was littered with errors, now all corrected in this new Aldine edition. This barely disguised dig at Erasmus himself was, according to Perilli, one of the background factors contributing to Erasmus' hostility to the Aldine edition of Galen.

The Aldine Press unauthorised reprint of the Froben 1515 *The Adagia* was a retaliation to what Torresani had suspected as backroom deals conducted by Erasmus with other printers, which deals are illustrative of Erasmus' own canny and shrewd exploitation of the printing press for his own gain. In a reply to Torresani's accusations, the letters on which are now lost, Erasmus protested against such accusations to Torresani in 1522, claiming that he had 'no agreement with Froben or any other printer, and so far [was he] from conspiring to injure [him]', offering to make amends by giving Aldine Press his blessing to pirate a Froben edition.¹⁵⁰ However, despite his protestations, the printing history of *The Adagia* does reveal that Erasmus was quite happy to go to and from different printers, getting them

¹⁴⁵ D. Erasmus, Letter to Mattias Schurer, 15 October 1514 Erasmus and others, *The Correspondence of Erasmus: Letters 298 to 445, 1514-1516* Ep 311, p 42-43, Ep 311, p.42.

¹⁴⁶ D. Erasmus, Letter to Joachim Martens, 16 September 1528, Desiderius Erasmus and others, *The Correspondence of Erasmus : Letters 1926 to 2081, Volume 14* (University of Toronto Press 2011) Ep 2049, p 347.

¹⁴⁷ Perilli, 'A Risky Enterprise: The Aldine Edition of Galen, the Failures of the Editors, and the Shadow of Erasmus of Rotterdam', 453.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., 461-463.

¹⁵⁰ D. Erasmus, Letter to Torresani, 18 March 1523 in Desiderius Erasmus, James Martin Estes and R. A. B. Mynors, *The Correspondence of Erasmus. Letters 1252-1355 (1522-1523)* (University of Toronto Press 1989), Ep 1349, p. 428-430.

to print the exact same work.¹⁵¹ The first editions of *The Adagia* were by French printer Bade and German printer, Schurer, both then surpassed by the Aldine Press edition, which was an enormous success. However, soon after, in August 1513, Froben produced an unauthorised reprint of the Aldine version much to the displeasure of the Aldine Press, for the sole purpose of enticing Erasmus to join his printing-house.¹⁵² It is for this reason that the Aldine Press retaliated with their own reprint of the Froben 1515 edition complete with barbed comments at both publisher (Froben) and author (Erasmus). It is not known if Erasmus had actually authorised the new Froben 1515 edition,¹⁵³ in any case, he certainly did nothing to discourage such competition between the two printers, and as explained above, he fully exploited the printers all eager to produce his famous work, and appeared to milk as much mileage as he could from *The Adagia*. This is not out of character for Erasmus, who as we have already seen, was not adverse to making as much money as he could out of his works. Without a shadow of a doubt, he understood the power of printing.

While Erasmus was clearly shrewd enough to generate an income from selling on or dedicating multiple copies of the same book to unknowing benefactors, he was also clearly ashamed or at least had ambivalent feelings of such practices.¹⁵⁴ When accused of such a practice, he feigned ignorance and even expressed repugnance at this.¹⁵⁵ Later on, he tried to correct this image of himself, by recording how, on leaving England, he had dedicated a work to the archbishop of England even though he had no plans to return to England, as evidence of himself as a man of honour.¹⁵⁶ There is therefore evidence then of a clear conflict in how Erasmus perceived the income-generating side of authoring and publishing works. On the one hand, he was a canny businessman, coaxing publishers to print his works and inveigling potential patrons into supporting him. Yet on the other hand, he was disdainful of businessmen and profiteering in relation to anything to do with education and the dissemination of learning and he was deeply embarrassed when confronted with accusations of conniving his patrons for donations, understandably when he found such practices repulsive in the first place. In *Festina Lente*, he declared that '[g]reat men are so far from giving support to the world of learning, that they think no money more plainly thrown away than what is spent on such purposes; nothing satisfies them but what brings in a good interest.'¹⁵⁷ Further, recall how scornful he was of Aldus's father-

¹⁵¹ Perilli, 'A Risky Enterprise: The Aldine Edition of Galen, the Failures of the Editors, and the Shadow of Erasmus of Rotterdam', 462

¹⁵² Sebastiani, *Johann Froben, Printer of Basel: A Biographical Profile and Catalogue of His Editions* Chapter 2 The Privilege of Publishing Erasmus (1513-1527).

¹⁵³ *Ibid.*, 44.

¹⁵⁴ Paul White, *Jodocus Badius Ascensius: Commentary, Commerce and Print in the Renaissance* (OUP 2013), 153.

¹⁵⁵ Cohen, 'Confessions of a Man in Print: Cataloguing Erasman Literary Ambition', 63.

¹⁵⁶ *Ibid*

¹⁵⁷ Erasmus and Phillips, *Erasmus on His Times: A Shortened Version of the 'Adages' of Erasmus*, 15.

in-law for focussing on profit-making. Erasmus was not alone among the scholars of the day in having this opinion about Torresani. Giambattista Egnazio, a Venetian scholar, in a letter addressed to Erasmus, also complained that ‘we have to deal with a head of the firm [Torresani], who, to put it mildly, thinks of private rather than public benefit, and whose wealth and position I should find easier to praise than this generosity and sense of obligation towards men of learning.’¹⁵⁸

Erasmus observed that money drove publishers into printing masses of worthless books purely on the basis that they were commercially desirable, and also in being miserly with the expensive yet vital aspects of printing, such as proof-reading and editing. One such publisher who did not escape Erasmus’s opprobrium was Jodocus Badius, who was a scholar turned publisher-printer. In the *Ciceronian*, a comparison is made between two scholars who bore the same names as actual scholars of the time: Guillaume Bude and Jodocus Badius. Here, Badius is noted by Erasmus to be a scholar of some distinction but whose success is held back by his love of profit.¹⁵⁹ Evidence of this may be found in one of his own letters to Erasmus, where he explained that he would not be able to pay much for two texts which Erasmus had provided, saying instead that Erasmus would receive his reward in heaven, a suggestion which Erasmus did not appreciate.¹⁶⁰

While Erasmus famously praised Aldus Manutius in *Festina Lente* as the supreme exemplar of the ideals of friendship and scholarly generosity, Badius dismissed similar praise when offered them by Jean Arnollet in a dedication to one of his works printed by Badius.¹⁶¹ Badius was no Aldus Manutius as he focused more on reproducing established texts rather than publishing new or newly discovered works, and he was aware of this. Unlike Erasmus who was chary of the commercialisation of knowledge, Badius regarded knowledge as fair game in the marketplace, a commodity to be bought and sold, an attitude that earned the contempt of his peers.¹⁶²

During the Renaissance, not only did authors offer their manuscripts to publishers for a paltry sum, but they also undertook the editorial and proof-reading processes of their own work and those of other authors for no extra fee.¹⁶³ It is reiterated here that these services are obviously just as vital today, but such services are still being provided free-of-charge by academics,

¹⁵⁸ Giambattista Egnazio, Letter to D. Erasmus, Venice 21 June 1517 in D. Erasmus and others, *The Correspondence of Erasmus: Letters 446 to 593, 1516-1517* (University of Toronto Press 1974), Ep 588, p. 385

¹⁵⁹ White, *Jodocus Badius Ascensius: Commentary, Commerce and Print in the Renaissance*, 145.

¹⁶⁰ *Ibid.*, 147.

¹⁶¹ *Ibid.*, 149.

¹⁶² *Ibid.* Paul White, in *Jodocus Badius Ascensius: Commentary Commerce and Print in the Renaissance*, offers a nuanced and balanced view of Badius, arguing that in his defence, Badius’s regarded the book market as a means of distributing knowledge fairly.

¹⁶³ Jardine, *Worldly Goods: A New History of the Renaissance*, 167

leaving little justification for academic publishers' exorbitant fees charged in return for access to academic works.

But Erasmus was also practical and recognised that money of course was important as a livelihood for authors and publishers alike. Erasmus was frequently impoverished but desired nothing beyond a reasonable livelihood in order to pursue his scholarly work, as he explained to a long-time friend and fellow monk, Servatius Rogerus, 'for I do not aim at becoming rich, so long as I possess just enough means to provide for my health and free time for my studies and to ensure that I am a burden to none.'¹⁶⁴ Financial independence for a scholar to pursue his studies and write freely was essential, for he wrote in a letter to Jacob Batt, 'my own attitude is this: either I must obtain, from whatever source, the essential equipment of a scholar's life, or else I must to abandon my studies completely. And that essential equipment includes a way of living that is no not utterly poverty-stricken and miserable.'¹⁶⁵ It comes as no surprise then that Erasmus found the stability and security he craved as a scholar when he joined the Froben printing house from 1521-1527 as a scholar-corrector. Scholar-correctors were highly educated men who were experts in several languages, and authors themselves. However, as authors were wholly dependent on patronage and the meagre fees offered by publishers for their writings, they earned a physically arduous living working in printer workshops for a salary.¹⁶⁶ At Froben's workshop, Erasmus not only received an annual stipend of 200 gulden for his services as scholar-corrector, unusually, as mentioned above, he also received a share in the profits from the sale of his books,¹⁶⁷ a model which many of today's publishers would do well to emulate. It is no wonder then that Erasmus's most fruitful years were those spent at Froben's printshop. The financial independence afforded him time and space to work productively, both as author and as editor/reviewer. It is for this reason that commensurate value and recognition in monetary terms should attach to the works of academic authors, editors, and reviewers. However, this should not justify the prohibitively high subscription and single access fees levied today, especially when academic editors and reviewers are generally unpaid for the services they render to academic publishers today.

¹⁶⁴ D. Erasmus, Letter to Servatius Rogerus, (Hamme castle, 8 July 1514) Ep296 in Erasmus and others, *The Correspondence of Erasmus: Letters, 142 to 297*, Ep 296, p. 302.

¹⁶⁵ D. Erasmus, Letter to Jacob Batt, (Orleans 12 December 1500), Erasmus and Ferguson, *The Correspondence of Erasmus: Letters 1-141 : 1484-1500. Collected works of Erasmus*, Ep 139, p.300.

¹⁶⁶ See generally, for an account of the scholar-corrector's life in a print workshop, Grafton, 'Humanists with Inky Fingers: The Culture of Correction in Renaissance Europe'

¹⁶⁷ Bloch, 'Erasmus and the Froben Press: The Making of an Editor', 110.

ii. Conclusion: ‘the love of money is the root of all evil’¹⁶⁸

To Erasmus then, it would appear that, despite hankering after money himself, money is the root of all that can go wrong with the publishing industry: penny pinching on editorial services, restricting access to poorer scholars, and unduly favouring more commercially appealing works.

Academic scholars, those who write, edit or review academic works, are not primarily driven by the promise of a monetary reward, but by intangible considerations such as personal satisfaction, insatiable curiosity, a desire to gain knowledge and understand the world around them, and in turn, to contribute further to the state of knowledge and the surrounding world. Copyright, with its emphasis on economic rewards today, does not take this into account and does not benefit academic authors anyway in practice as copyright from academic authors is invariably transferred to academic publishers,¹⁶⁹ who as commercial entities, would exploit this to the fullest extent, to the detriment of international scholarship. In other words, if the goal of copyright is to encourage authors to create more useful works and to disseminate knowledge, thus encouraging widespread learning and education, then copyright has failed to optimise this very purpose in the academic realm. As Erasmus has shown, economic returns on academic publications can result in more harm than good: indiscriminate publishing of commercially attractive but ‘less worthy’ books and less money spent on editing and proof-reading. Today, economic returns on academic publications still have a negative influence: academics are priced out of access to academic research and although there is much care in editing and reviewing manuscripts today, such services are still being carried out for *free* by academic authors.

D. Reputation and Ownership: Moral rights and Copyright – that which truly matter to Academic Authors

We have seen how Erasmus, Aldus Manutius, and their contemporaries believed passionately in the dissemination of knowledge, and how print technology should serve that. Beyond this, Erasmus thought a lot about his intellectual labour, in terms of what it meant to him as a scholar and author. Here, we examine his views on reputation and ownership over intellectual output, all formulated in a pre-Copyright world, views which would not be out of place in today’s copyright world. Correspondingly, Erasmus’s concerns regarding the integrity of his works resemble the same concerns underpinning the recognition of Moral Rights, while his claims of ownership

¹⁶⁸ *St Paul* epistle 1 Timothy 6:10, included in a translation of Lucian’s *The Cock* by D Erasmus and T More. See M. Somos, *Secularisation and the Leiden Circle* (Brill 2011) fn 11, p.98.

¹⁶⁹ Steven Bachrach and others, ‘Who Should Own Scientific Papers?’ (1998) 281 *Science* 1459; Sigmar de Mello Rode and others, ‘Authorship, plagiarism, and copyright transfer in the scientific universe’ (2019) 74 *Clinics* e1312; J.A. Teixeira da Silva and A. Al-Khatib, ‘Copyright transfer in group-authored scientific publications’ (2021) 34 *Insights* 7.

over works which he has edited or translated echoes modern day views on derivative works, and may even be said to pre-empt Locke's labour theory as applied to copyright.

i. The Integrity of Works: Moral Rights

Erasmus was concerned about errors and infidelity in print copies of academic works not only because of the potential negative impact that errors in his own works would have on his reputation. He was also concerned because of the potential negative impact that such errors may have on the reliability of published knowledge and the scholarly community in the Renaissance,¹⁷⁰ concerns owing to the multitude of transcription errors found in handwritten manuscripts. Therefore, Erasmus emphasised the importance and value of editorship and reviewing works that came before. Of all his achievements as a scholar, Erasmus was most proud of two works: *The Adagia* and his editorship of the works of St Jerome. These two compendiums, which comprise extensive collations, translations and annotations of Ancient Greek sayings and the works of St Jerome, reflect the underlying philosophy held by Erasmus and his vision for a much more enlightened Christianity. While it is not intended to examine the theology held by Erasmus, it is vital to at least understand the context in which he developed his views on scholarship, as it is this vision that underpins his strict standards of scholarship. Erasmus believed in a Christianity that is supplemented by an understanding of the values upheld by the ancient classical writers, and that Christians should have a better knowledge of their works. As such, he poured his energy into reviving these works, by careful and rigorous editing and translating.

I am trying to encompass a difficult achievement, one, if I may so put it, worthy of Phaethon, namely to restore, as well as I can, the works of Jerome, which have partly been corrupted by those half-taught critics, partly blotted out or cut down or mutilated, or at least filled with mistakes and monstrosities, through ignorance of classical antiquity and of Greek.¹⁷¹

He did the same to the sacred works of the Church, ensuring that errors were corrected and translations were accurate. He thought it important to revive these works and offer accurate translations to a wider audience, and as already discussed above, it was crucial for him to have access to as many different prior versions available of the works, and subject them all to scrutiny, so as to enable him to arrive at a definitive interpretation. Similarly

¹⁷⁰ See Herdman, 'Piercing Proverbial Crows' Eyes: Theft and Publication in Renaissance France'

¹⁷¹ D. Erasmus, Letter to Antoon van Bergen [Paris 16 March 1501] in Desiderius Erasmus, *Collected works of Erasmus. Vol.2, The correspondence of Erasmus : letters 142-297, 1501 to 1514 / translated by R.A.B. Mynors and D.F.S. Thomson* (Toronto : University of Toronto Press 1975), Ep. 143, p. 3.

today, it goes without saying that the quality of new research is dependent on unencumbered access to already published research, if at least to avoid reinventing the wheel. Just as Erasmus recognised that works should be edited and proof-read carefully before publication, it is important today that academic research and works are subject to a rigorous review process and carefully edited so as to ensure accuracy and integrity in the final output for consumption by other academics in the field. Furthermore, Erasmus emphasised the importance of producing commentary on prior works, which would aid understanding and again assist in disseminating the knowledge and information contained in the same works. Editing and scholarly reflections on the works of others are thus vitally important to the widespread dissemination of knowledge.

Several points may be made about the above account. Firstly, rigorous scholarship of the sort advocated by Erasmus should not be impeded by the obstacles that academics face today in accessing prior works. Secondly, editing and proof-reading, which were undertaken then and also today by academic authors, were and still are recognised as crucial steps in the publishing process, for the purposes of ensuring the integrity of academic works and also for maintaining the reputation of authors.

In a letter to Aldus, he complained about the printer Badius,

[Badius] has printed them with happy enough results for himself, as he tells me in a letter; for he has already sold his entire stock to his own satisfaction. But he did not take proper precautions to protect my reputation, for the whole thing is chock-full of errors.¹⁷²

These concerns are addressed by moral rights, which govern the relationship that an author has with his work. The emphasis here is on protecting one's reputation (the integrity right) as opposed to acquiring purely monetary rewards through economic rights.

In a general letter dated 20 February 1536 addressed to his readers,¹⁷³ we find much more developed thoughts on the sanctity of an author's writing and his concept of literary theft, which pre-empt more modern conceptions of moral rights. Not only does he address issues akin to the integrity right, but also false attribution and the right of disclosure. He recounts an occasion when someone selected extracts from one of his works and published, under Erasmus's own name, these extracts together with extraneous material not written by Erasmus, indicating that it was unacceptable to profit from his

¹⁷² D. Erasmus, Letter to Aldo Manuzio (Bologna, 28 October 1507) in *ibid.*, Ep. 207, p. 129.

¹⁷³ D Erasmus, Letter *To Friendly Readers*, Basel, 20 February 1536, in Desiderius Erasmus and others, *Collected works of Erasmus. Volume 21, The correspondence of Erasmus. Letters 2940 to 3141, June 1534 - February 1537* (University of Toronto Press 2022), Ep. 3100, 473.

name. He was particularly vociferous about what he described as ‘literary theft’, equating such acts with the theft of wine, cloth, and flour, saying that such acts should not be excused at all. He states in very strong terms,

Does it seem a pardonable offence to print what was not intended for publication, bringing shame on another’s name and ruining the work by stitching on some ignorant patches of one’s own? I do not know how others feel, but I could bear it more lightly and have done so more than once, if they stole money from my coffers. But those who steal are taken out to be crucified. These other thieves are called ‘scholars.’ I believe that such ‘scholars’ should not be choked to death by the noose but should perish in the way Thurinus did – by the smoke from their burning papers. What a host of crimes are involved in this one action – theft, sacrilege, falsehood, libel, perfidy!

In this respect, Erasmus identified the very impulse that truly encourages authors and scholars in pursuing knowledge and more importantly in disseminating knowledge. As already argued above, it is emphasised that while money was a practical necessity, profit was never the main motive for Erasmus engaging in research and scholarly activities:

Do you not think it would be extremely ungrateful of me to regret my studies on the grounds that they have brought me no profit? Even though other men should be decorated with gold, raised to high positions, and elected to public offices, whereas my muses win me only wakeful nights and ill will, still I shall not repent of them so long as this heart of mine remains capable of despising Fortune's wheel.¹⁷⁴

Similarly, today, the notion that academics write primarily for their reputation and not for profit has been widely acknowledged in more contemporary writings.¹⁷⁵ Yet, it should also be noted that Erasmus also ultimately regarded ‘reputation’ as secondary to one’s integrity as a scholar. While Erasmus has also said ‘but I have no use for reputation coupled with ill will. Although, in heaven's name, what is all this that men call reputation, except a perfectly empty name left over from paganism?’¹⁷⁶

¹⁷⁴ D. Erasmus, Letter to Antonius of Luxembourg (Tournehem, 18 July 1501) in Erasmus, *Collected works of Erasmus. Vol.2, The correspondence of Erasmus : letters 142-297, 1501 to 1514 / translated by R.A.B. Mynors and D.F.S. Thomson*, Ep 161, p.46.

¹⁷⁵ Shavell, 'Should Copyright of Academic Works be Abolished?', fn 7.

¹⁷⁶ D. Erasmus, Letter to Maarten van Dorp (Antwerp, [end of May] 1515) in Erasmus and others, *The Correspondence of Erasmus: Letters 298 to 445, 1514-1516*, Ep 337, p. 111.

ii. Copyright as Incentive?

The sub-heading to this section is deliberately framed as a question, not a statement. In the previous section, Erasmus recognised the ‘evils’ of monetizing academic research and writing, that the end goal of monetary gains poses a hindrance to the dissemination of knowledge. Apart from being potentially a hindrance, it may be asked to what extent does copyright today serve as an effective incentive for academic authors?¹⁷⁷

As mentioned above, copyright is invariably transferred to academic publishers from the academic author and yet, despite not receiving any economic rewards as a result, this has not curbed the desire to undertake research and publish. Indeed, perhaps the overabundance of research today demonstrates that copyright clearly does not ‘encourage’ academic authors to produce more research, but that other extrinsic and intrinsic factors, outside of the direct economic returns offered by copyright, play a much more significant role in incentivising them. While scholarly esteem and promotion prospects are some of these extrinsic factors which motivate academics,¹⁷⁸ as creative writers and researchers, there are also intrinsic factors at play.

Orwell in *Why I Write* lists four motives for writing: egoism, aesthetic enthusiasm, historical impulse, and political purpose, missing out wealth, claiming that ‘serious writers ... [are] less interested in money.’¹⁷⁹ Economic returns have never been *crucial* to creators for the purposes of encouraging creativity. Indeed, the converse ie that wealth leads to fewer and perhaps poor quality works, might be true. Just as Erasmus identified that the publisher’s desire for profit-making led to poor print quality as well as a profusion of undesirable works, it could be argued that an abundance of wealth too might have a negative influence on writers. According to 19th century writer, William Benton Clulow, ‘competence of fortune and a mind at ease, have in thousands of instances given the death-blow to literary ambition and success.’¹⁸⁰ Clulow argued that adversity actually encouraged more prolific output, listing examples of writers who wrote more in straitened circumstances, such as Lord Bacon and Machiavelli, and works which possibly might never have been written if not for a lack of money, including classics such as *Paradise Lost* and *Robinson Crusoe*.¹⁸¹

This is also true of other artistic fields. In music, Tchaikovsky, for instance, has described the creative urge as a formidable force, while acknowledging that works created as a result of a purely internal creative urge

¹⁷⁷ Parts of this sub-section are adapted from arguments raised in the author’s previous work: T. Cheng-Davies ‘Avoiding another Bonfire of the Vanities: the Right to Object to Destruction under Moral Rights Doctrine’, PhD Thesis (2018).

¹⁷⁸ Shavell, ‘Should Copyright of Academic Works be Abolished?’

¹⁷⁹ George Orwell, ‘Why I Write’, *Essays* (Penguin Books 2014), 3.

¹⁸⁰ W.B. Clulow, *Aphorisms and Reflections: A Miscellany of Thought and Opinion* (J. Murray 1843), 307.

¹⁸¹ *Ibid.*, 308.

were superior to those created to fulfil a commission.¹⁸² The genre of Jazz for instance, has experienced a decline in its development and evolution, owing to copyright's emphasis on the value of recorded music rather than improvised live performances.¹⁸³ Social psychologists have also conjectured and then empirically demonstrated the futility of reward in motivating creativity. Indeed, they have demonstrated the converse, that reward may demotivate creative endeavours¹⁸⁴ and have argued that the intrinsic dimension is key to creativity.

The external stimuli of commissions and economic success is also referred to by Sentfleben, who argues for a recalibration of the current copyright model on the basis that it conflicts with Bourdieu's theoretical description of the social structures set within the literary and artistic field.¹⁸⁵ Essentially, Bourdieu explains that society consists of autonomous social spaces, or fields, which possess their own rules, norms, and dominance structures. However, such internal workings are constantly tested by external influences, and the level of autonomy experienced by a field depends on the extent to which it resists or embraces these external influences.¹⁸⁶ According to Bourdieu, the social construct of the literary and artistic field dictates independence from economic and political powers.¹⁸⁷ In other words, monetary success is rejected as a standard of success. The quality standards set within the field are therefore independent of external stimuli and instead are shaped by those who dominate the field. Those who dominate the field are essentially those artists who have been judged by their peers to be first among equals. It follows that the very highest quality works are those which are created entirely autonomously by artists who care only about their reputational rewards, not commercial ones, and are free from the trappings of profit-making.¹⁸⁸ Sentfleben argues that copyright with its offer of monetary rewards for creative work is therefore at odds with Bourdieu's theoretical

¹⁸² See PI Tchaikovsky, Letter addressed to N.F. von Meck dated 17 February 1878 and PI Tchaikovsky, Letter addressed to N.F. Meck dated 24 June 1878 in Peter Ilich Tchaikovsky, *The Life & Letters of Peter Ilich Tchaikovsky* (Haskell House Publishing 1907).

¹⁸³ Robert E. Suggs, 'A Functional Approach to Copyright Policy' (2015) (2015) 83 *University of Cincinnati Law Review* 1293

¹⁸⁴ Teresa M. Amabile, Beth Ann Hennessey and Barbara S Grossman, 'Social Influences on Creativity: The Effects of Contracted-for Reward' (1986) (1986)50 *Journal of Personality and Social Psychology* 14; Teresa Amabile, 'Motivation and Creativity: Effects of Motivational Orientation on Creative Writers' (Annual Conference of the American Psychological Association) Mark R. Lepper, David Greene and Richard E. Nisbett, 'Undermining children's intrinsic interest with extrinsic reward: A test of the "overjustification" hypothesis' (1973) (1973) 28 *Journal of Personality and Social Psychology* 129

¹⁸⁵ Martin Senfleben, 'Copyright, creators and society's need for autonomous art - the blessing and curse of monetary incentives' in Rebecca Giblin and Kimberlee Weatherall (eds), *What if we could reimagine copyright?* (ANU Press 2017).

¹⁸⁶ *ibid.*, 25-26.

¹⁸⁷ *ibid.*, 26.

¹⁸⁸ *ibid.*, 27-28.

model.¹⁸⁹ Copyright is a hugely influential external factor that threatens to disrupt the autonomy of the literary and artistic field, risking an increase in the production of inferior works. Authors who are lured by commercial success would be inclined to produce more profitable, more mainstream works, instead of remaining *true* to their aesthetic sensibilities.¹⁹⁰

Again, this is not to say that academic authors should not be valued or compensated for their time and efforts in producing research and output, but just to reiterate the point that economic rewards do not necessarily stimulate creativity in academia. Academic authors are rewarded and motivated by the scholarly esteem they generate through their publications, which in turn helps to further their academic careers – we have seen that Erasmus understood how publishing would amplify his reputation and how important reputation was to a scholar like him and others in the Renaissance, as it is to scholars today. However, just as Erasmus had complained about publishers in his time, the economic rewards afforded to academic publishers today have created a situation where instead of facilitating the *encouragement of learning*, the dissemination of knowledge is effectively hindered.

IV. CONCLUSION

It is evident that Erasmian ideals concerning knowledge dissemination and education may be thwarted by maximalist copyright provisions. These timeless ideals however not only remain relevant today but are particularly apt and pertinent for our globalised world and its universal shared issues and problems with the knowledge economy and will be invaluable in informing future policy decisions in the area. Copyright law should leave sufficient room for transformative uses and research purposes in order to promote the transmission of culture and knowledge. It is argued that Erasmian enlightened views of print technology, knowledge, education, creativity, and learning have much to offer to today's understanding of copyright laws and policies in relation to modern technologies, and how these could be shaped, perhaps in relation to extending copyright exceptions for research and scholarship purposes or a broader application of a fair use doctrine, in order to better serve society and its knowledge economy. Erasmus inspires us to take a harder, closer, and more critical scrutiny of the very incentives offered by copyright: moral rights and economic rights.

While Erasmus's views on the implications of *Amicorum Communia Omnia* promote the concept of a commonwealth of learning, *Cornicum Oculos Configure* cautions that we should not embrace blindly, a completely uncontrolled and ungoverned commonwealth. Erasmus and his fellow scholars worked incredibly hard, undertaking the labours of Hercules, to correct and edit works for the sake of integrity and accuracy. In other words, we must actively foster an open access environment but also ensure that open

¹⁸⁹ *ibid.*, 28-30.

¹⁹⁰ *ibid.*, 31.

access does not equate to drowning the scholarly and research community with a deluge of questionable and unvetted research. In his commentary on *Festina Lente*, Erasmus praises the efforts of Aldus Manutius in taking pride and care in producing his highly accurate and quality publications, while pointing out in *Herculei Labores*, that the true hero behind the scenes is the academic author, editor, and reviewer. As discussed above, today's research is vetted, by academic editors or peer-reviewers who are not only unrecognised or paid for such services, but who in turn are members of the academic community who *pay* for access to the research which they carry out themselves, and which they also proof-read and vet. Unfortunately, some brethren of the academy cannot afford to pay for access to the research, to which they have made editorial and proof-reading contributions.

It has been shown that as long ago as the 15th and 16th centuries when print technology was first encountered, that the access to knowledge was already recognised as a *right*. Arguably, although the use of copyrighted works is *permitted* as an exception in some but not all jurisdictions, it is argued that this does not go far enough for today's scholars. Why should scholarly access to and dissemination of knowledge be merely *permitted* as an exception? Erasmus and his contemporaries have clearly envisaged these as *fundamental rights*, not mere exceptions. They slaved away relentlessly in difficult working conditions to ensure that their fellow scholars had access to the knowledge contained in the books they worked so hard to write, edit, review, and print. They believed in this fundamental right. It is however clear that both the copyright model and the academic publishing industry of today have forgotten or ignored this fundamental right and only serve today to hinder the advancement of knowledge, particularly to scholars of the global south.

Five hundred years on from the times of Erasmus, Aldus Manutius, and Johannes Froben, things do not appear to have progressed much and we are still seeking ways in which to resolve the tensions between profit-making and wide and unobstructed dissemination. We can learn from Thomas More, who in *Utopia* makes reference to the Greek books printed by Aldus Manutius. When the Utopians are taught to print, it is these printed works which are showcased to them as the very best examples of 'the best that European literature and technology could offer'.¹⁹¹ In the 21st century, we can surely strive to achieve aims similar to those achieved by Aldus Manutius. As Martin Davies, biographer of Aldus Manutius, wrote 'Contemporaries like More and Erasmus understood his greatness in securing the foundation and diffusion of classical studies, and so five hundred years on, can we'.¹⁹²

¹⁹¹ Martin Davies, *Aldus Manutius: Printer and Publisher of Renaissance Venice*, vol 214 (Medieval and Renaissance Texts & Studies, The Arizona Center for Medieval and Renaissance Studies 1999).

¹⁹² *Ibid* 63.

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