

The ERC Project *Before Copyright*: An Interim Report from the Field

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Abstract:

The article introduces the research project 'Before Copyright: Printing Privileges and the Politics of Knowledge in Early Modern Europe' (ERC, 101042034) to the academic community, through a detailed explanation of its historical context, methodological approach, and main hypotheses. It also outlines the preliminary findings of the project and describes the individual sub-projects that are being developed by the project members. In doing so, the essay explores the project's potential contribution to the study of early modern European history.

Keywords:

Before Copyright; ERC project; BE4COPY; Printing privileges; Nodegoat; Database, Early modern European history.

1. *Introduction*

This article outlines the framework of the research project 'Before Copyright: Printing Privileges and the Politics of Knowledge in Early Modern Europe', funded by the European Research Council (ERC, 101042034, hereafter referred to as BE4COPY). The project examines the emergence and development of printing privileges in Europe and their impact on the production and circulation of printed materials such as books, pamphlets, engravings, and newspapers. These privileges, which provided institutional protection against unauthorized reprinting, were a major factor in shaping the early modern intellectual landscape. However, existing scholarship has predominantly focused on local perspectives and monodisciplinary approaches. The BE4COPY project instead combines quantitative data collection with qualitative analysis, to uncover and analyse the intricate links between different legal and economic systems governing printing privileges across Europe. This comprehensive approach seeks to understand how these privileges functioned as part of a wider political and epistemological system, influencing the dissemination of knowledge and the development of concepts of intellectual property. This article

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details the historical context, methodological approach, and preliminary findings of the BE4COPY project, demonstrating its possible contribution to the study of early modern European history.

2. Historical Context and Function of Printing Privileges

Printing privileges emerged across Europe shortly after the invention of the printing press and remained in use until around the end of the eighteenth century. They functioned as a tool for governing authorities to manipulate the printing market, both by excluding and by encouraging the production of printed matter. At the same time, authors, artists, and booksellers used them to gain a financial or reputational advantage: the holder of a privilege obtained an exclusive right to produce and sell a printed object, which others were not allowed to copy¹. Printing privileges thus functioned as regulatory mechanisms in the early modern European knowledge economy, supporting authors, artists, and booksellers, promoting works that legitimized the authority of governments, and disseminating the knowledge necessary to implement their policies.

Printing privileges had a number of specific characteristics, the most important of which were that they were usually limited in time (from a few months to several decades) and that their legal scope extended only as far as the territorial powers of those who granted them. As a result, the structure of the privilege regime remained fragmented². Nevertheless, despite local variations and peculiarities, privilege systems were generally quite similar throughout Europe, and we know that they existed everywhere, from the Spanish Empire to Sweden and its colonies, and from fragmented realities such as the Holy Roman Empire to regional entities and city-states.

To explore these interconnected systems, the BE4COPY project proposes that the European system of printing privileges should be seen as an interconnected network, with local markets and legislation influencing each other within a wider context. Notable examples of these interconnections are already known, such as the privilege granted by Emperor Maximilian II in 1598 to Venice-based author Giovanni Battista Bernardi for his book *Thesaurus Rethoricae*, which covered the Holy Roman Empire,³ and the privilege granted by the Spanish Crown in 1550 to Martín Nucio, an Antwerp printer,

1 B. Rial Costas, *Marketing a New Legal Code in Fifteenth-Century Castile: A Case Study of the Interactions Between Crown, Law and Printing*, in D. Bellingradt, P. Nelles, and J. Salman (eds.), *Books in Motion in Early Modern Europe: Beyond Production, Circulation and Consumption*, Springer International Publishing, Cham 2017, p. 87. Also see: U. Eisenhardt, *Die kaiserliche Aufsicht über Buchdruck, Buchhandel und Presse im Heiligen Römischen Reich Deutscher Nation (1496-1806)*, C.F. Müller, Karlsruhe 1970, pp. 10-15; M. Giesecke, *Der Buchdruck in der Frühen Neuzeit*, Suhrkamp, Frankfurt am Main 1991, pp. 445-457.

2 See: E. Armstrong, *Before Copyright. The French book privilege system 1498-1526*. Cambridge University Press, New York, 1999, pp. 1-13. Also see: M. Buning, *Privileging the Common Good: The Moral Economy of Printing Privileges in the Seventeenth-Century Dutch Republic*, in S. Graheli (Eds.), *Buying and Selling. The Business of Books in Early Modern Europe*, Brill, Leiden 2019, p. 93.

3 H.J. Koppitz, Hans-Joachim. *Die kaiserlichen Druckprivilegien im Haus-, Hof- und Staatsarchiv Wien*, Verlag Wiesbaden 2008, p. 41.

for printing the works of Polydorus Vergilius.⁴ However, there are many more examples and connections that demonstrate the transnational nature of printing privileges and how literature, imagery, legal practices, and other aspects were interlinked across different regions. By examining these cases, the BE4COPY project intends to reveal the complex and interconnected landscape of printing privileges in early modern Europe.

3. Research Areas, Tools, and Methodology

In the background of the BE4COPY project, there are three thematic strands that structure the research into the multifaceted nature of printing privileges: Configurations, Epistemologies, and Performativity. *Configurations* focuses on the mobility of ideas and people, showing how authors, publishers, and booksellers often travelled to secure multiple privileges, as the legal validity of a privilege depended on the jurisdiction of the granting authority. One way of illustrating this is to draw attention to individual cases, such as Martín de Azpilicueta's *Manual de Confesores*, which shows how an author navigated the European system of printing privileges to protect his intellectual and economic interests by working with agents involved in production, promotion and distribution⁵. There are many other such cases. The BE4COPY project is studying these cases on a more systematic level through the development of the project's database (see below), which helps to identify agents operating across borders and to analyze the topics and genres prioritized by different authorities.

The second thematic line of research *Epistemologies* focuses on how the bureaucratic implementation of the printing privilege influenced the content of knowledge. One could think of privileges for astronomical works or for medical books, but also, for example, for religious knowledge, since it was, of course, around the time of the Reformation that privileges began to function as a means of controlling and monitoring the circulation of knowledge. In this vein, one of the sub-projects examines, for example, the special privileges introduced by Philip II after the Council of Trent, granting the Monastery of El Escorial a monopoly on the production and sale of liturgical books (more information on this will follow in the next section). This case is one of the examples of how legal frameworks and the politics of knowledge intersected, and how normativity shaped knowledge by setting standards for what was legal and what was illegal.

Finally, *Performativity* is concerned with the reception of privileges and competing notions of ownership and authorship, asking how the normative order of intellectual property has been challenged and established vis-à-vis alternative forms of knowledge ownership. The contemporary notion of authorship, whereby an author is the originator of a work, emerged in the second half of the eighteenth century. The BE4COPY project seeks to explore how the unstable antecedents of this emergent process were linked to questions of ownership in the form of printing privileges.

4 R. Pérez García. *Apéndice III: licencias de impresión de libros conservadas en los registros del Archivo General de Simancas*. In: Be4Copy Database.

5 M. Bragagnolo, *Books and the Production of Knowledge of Normativity in the Early Modern Period: The Case of Martín de Azpilicueta's Manual de Confesores*, in *The Production of Knowledge of Normativity in the Age of the Printing Press*, Brill, Leiden 2024, p. 11.

Rather than looking exclusively through the lens of legal history and theory, the project will also consider the social, political, and economic considerations that emerged in the public debate on authorship. Other important elements in the stabilization of legal authorship include modern reading practices, the question of legal deposit and libraries, and debates about printing privileges among philosophers, in academic journals, among lawyers, and so on.

The three cross-cutting themes outlined above are not intended to be treated separately by different researchers, but they do indicate a particular research focus when dealing with source materials. While ‘configurations’ focuses on the objects themselves, ‘epistemologies’ focuses on the institutional infrastructure that enabled the circulation of these objects. The theme ‘performativity’, in turn, examines the impact of printing privileges on the world. Together, the three fields offer an integrated approach that opens up new ways of thinking about the importance of printing privileges for the exchange of knowledge in early modern Europe.

With these different themes in mind, the BE4COPY team members are each working on their own individual projects, which will be explained in more detail in the next section. However, in addition to the individual projects, the team members are also working together on the creation of a database that will contain all the information on printing privileges that they come across. To this end, they are using the Nodegoat software (www.nodegoat.net), which enables the creation of visualizations such as maps, graphs and GIS tools, thus facilitating the analysis of dynamic knowledge transfer processes. Researchers use the software to study both the multilayered network of printing privileges as well as the specific nodes within it, with the aim of uncovering previously unknown social interactions that were difficult to detect before the integration of technology into the discipline of history. The database is thus not just a storage mechanism, but a heuristic tool that provides insight into the interconnectedness of different privilege systems in the early modern period.

It is important to note here that the dataset is primarily based on the information in the privileges that can be found in government archives, rather than in books and other printed objects. This is because the privileges printed on these objects were often forged, for instance to create the false impression of state support, to promote sales, or to circumvent certain regulations⁶. To analyze the data from these archival sources, the database is divided into two main sections covering different parts of each privilege. The ‘General Information’ section contains basic information about the printing privilege, such as the name of the protected work, the granting institution and the sanctions imposed (see Figure 1). The second section (see Figure 2) consists of ‘sub-objects’, which are cross-referenced elements that allow for relational analysis. These sub-objects include the geographical scope of the privilege, its duration, the people involved and their roles, the formalities and – where relevant – the reasons for denial. This form of data organization allows a comprehensive analysis of each printing privilege⁷.

6 See: F. De los Reyes Gómez, *Con privilegio: la exclusiva de edición del libro antiguo español*, in «Revista General de Información y Documentación», 11, 2021, p. 162; also see: K. Selleslach, *Reliability check of privilege summaries printed by Balthasar Moretus (1610-1641)*, in «Early Modern Low Countries (EMLC)», forthcoming, 2024.

7 We have recently discussed some of the methodological choices in building the data model in

The ERC Project

Object Sources

Privilege

ID P[[#]]

Item *i* Q *note*

Privilege granted? *i* ☒ Yes ☐ No ☐ None *note*

Prolonged privilege *i* ☐ Yes ☐ No ☒ None *note*

Prolongation of *i* Q *note*

Granting institution *i* Q *note*

Sanctions *i* ☒ Yes ☐ No ☐ None *note*

_____ Currency set for the fine *i* Q *note*

_____ Amount per copy *i* *note*

_____ Total amount *i* *note*

_____ Seizure of merchandise ☐ Yes ☐ No ☒ None *note*

_____ Beneficiaries *i* Q *note*

_____ Non pecuniary sanctions *i* Q *note*

Notes *i* *note*

Data provider *i* Q *note*

Figure 1. Database ‘General Information’ section

Sub-Objects: Editor

[Geographical extent] ++ [Privilege's duration] + [Person(s)] ++ [Denial] ++ [Formalities] ++

[Formalities] *i* *note* *copy* *del*

Kind of formality Q *note*

Condition Q *note*

Notes *note*

[Denial] *i* *note* *copy* *del*

Motivation *i* Q *note*

Notes *i* *note*

[Person(s)] *i* *note* *copy* *del*

Period [Privilege's duration] Date

Location Reference Located

City

Person *i* Q *note*

Role *i* Q *note*

Profession Q *note*

Capacity in the privilege *i* Q *note*

Notes *note*

[Privilege's duration] *i* *note* *del*

Period Point

Location

Duration in years *note*

[Geographical extent] *i* *note* *copy* *del*

Period [Privilege's duration] Date

Location Reference

Geographical entity Location

Figure 2. Database ‘sub-objects’ section

the article M. Buning, A.J. Campillo Pardo, A.N. Citron, A. Ottone, *Una base dati per lo studio del sistema del privilegio librario nell'Europa moderna*, in «Digitalia», forthcoming, December 2024.

4. Preliminary Findings: Visualizations

Although it is still a work in progress, the database already contains over 1800 entries, and some preliminary results can already be seen. For example, Figure 3 illustrates the geo-referenced network of printing privileges (where nodes are coloured according to genre) in relation to the granting institutions (red nodes). This visualisation highlights the connections between centres of knowledge and power, and how printers, booksellers and authors sought privileges both locally and across borders. It also provides insights into the distribution of genres over time and place, helping to understand both the promotion of particular topics (e.g., religion, medicine, astronomy) by different authorities and the demands of the book market in terms of consumption. The preliminary findings thus reveal significant patterns and relationships in the early modern printing industry.

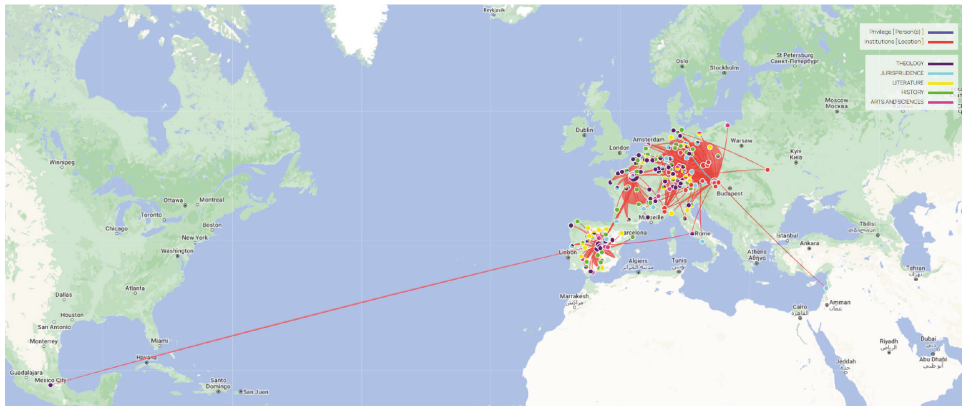


Figure 3. Network of printing privileges and granting institutions.

The relational component of the BE4COPY database also allows the application of social network analysis to historical studies, which is a powerful tool for revealing the strategies of different actors and the wider social dynamics that shaped their actions, be they political, economic, cultural, and/or religious⁸. Moreover, networks transcend traditional historiographical boundaries such as class, community and frontier, offering a dynamic approach to historical analysis that allows us to understand the evolution of historical processes⁹. Based on these premises, the BE4COPY project seeks to understand the evolution of the concepts of authorship and intellectual property. And it is by using the social network visualisation tool that we can

⁸ J.M. Imízcoz, *Actores, redes, procesos: Reflexiones para una historia más global*, in «Revista de la Facultad de letras HISTORIA, Porto», Serie III, 5. 2004, p. 117.

⁹ N. Maillard Álvarez, *Las posibilidades del análisis de redes sociales (ARS) aplicado a la historia del libro*, in «Revista Amotxli», 8, 2023.

already see some networks that show how authors used strategies and relationships with other actors in the book world to gain privileges for their work¹⁰. Figure 4, for example, shows the relationship between the people involved in a printing privilege according to their role (either petitioner or grantee) and the capacity in which they requested the privilege, i.e., in relation to the work being privileged: as author, bookseller, printer or translator. The white nodes represent either roles or capacities, and the coloured nodes represent printing privileges sorted by genre. From this basic information alone, the graph already reveals some general information, such as the fact that most privilege holders in the early modern period were printers or authors, followed by booksellers.

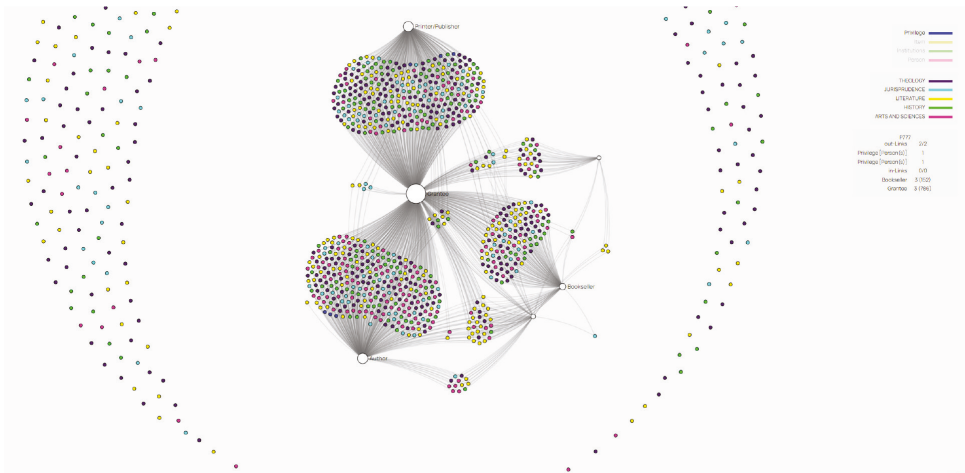


Figure 4. Social visualization of people participation in the privileges

As well as providing a general picture, figure 4 also allows us to identify individual cases that help to understand the reasons why the privilege was mainly held by printers, authors, and booksellers. For example, we can see that the individual network (ego network) corresponding to privilege 684 is connected to almost every category of people (Figure 5, highlighted in red). This means that in the process of granting printing privileges, the applicant and the grantee were different people, and that they were the author and the printer of the work. If we zoom in on the detailed information of the printing privilege, we can see that it is a privilege granted by the French Crown to the printer Jen Libert for the book *L'Ombre*, written by Marie Le Jars de Gournay, who is well known in the literary field for publishing the first post-

10 For further information about Social Network Analysis see: M. Düring and U. Eumann, *Historische Netzwerkforschung. Ein neuer Ansatz in den Geschichtswissenschaften*, in «Geschichte und Gesellschaft» 39, 2013, pp. 369-390; and M. Düring, U. Eumann, M. Stark, L. von Keyserling. *Handbuch Historische Netzwerkforschung*, LIT Verlag, Berlin 2016.

humorous edition of Michel de Montaigne's *Essais* in 1595, for which she was granted privilege. In the case of *L'Ombre*, however, she applied for the privilege on behalf of the printer (the privilege was granted on 9 December 1626 for a period of 10 years). The fact that both the author and the printer acted together in this case suggests a prior agreement between them to protect the rights to the work. In fact, the use of male collaborators to handle manuscripts entrusted to them by female authors is well documented and was a common practice at the time¹¹. De Gournay had already faced criticism for her participation as a woman in the intellectual circles of 17th century France, so getting a privilege through a male printer seems to have been a strategy to protect her work and secure her economic benefit. Actually, because of the criticism she received, De Gournay also ceded her privilege over the works of Montaigne to Jean Camusat in 1635, in the hope of creating better conditions for printing a definitive edition of the *Essais*¹². As this case of privilege n°684 illustrates, the database is a great asset in helping the BE4COPY team to identify other individual cases that allow to illustrate the general points derived from the research.

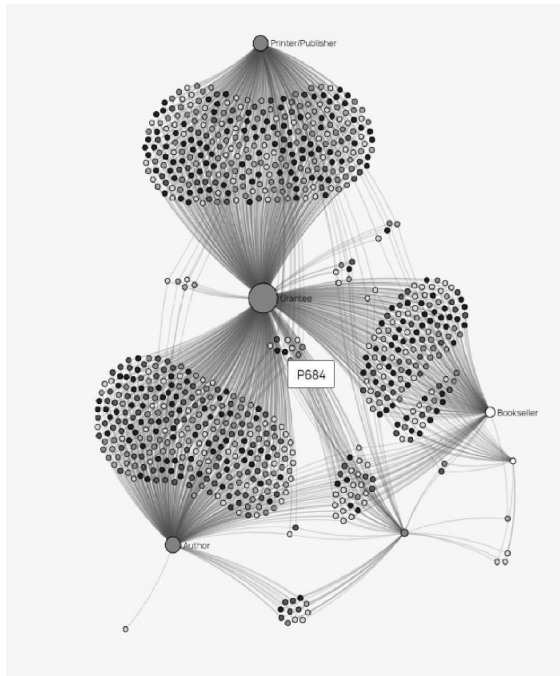


Figure 5. P684 ego network

11 E. Keller-Rahbé, *Pratiques et usages du privilège d'auteur chez Mme de Villegieu et quelques autres femmes de lettres du XVII^e siècle*, in: *Œuvres et critiques. Revue internationale d'étude et de réception critique des œuvres littéraires de langue française*, 2010, p. 74.

12 G. Devicenzo, *Le projet éditorial de Marie de Gournay*, in «Textual Histories» 4, 2013. Online: <https://doi.org/10.7202/1016743ar>, p. 4.

5. The BE4COPY members' research projects

The BE4COPY project combines large-scale comparisons with detailed case studies to investigate printing privileges, which are reflected in the individual research projects developed by the project members. Three of these projects will be briefly discussed here. The first sub-project, led by Alberto José Campillo Pardo, examines how the intensification of state and church censorship was instrumental in consolidating the system of printing privileges in the Spanish Empire. In particular, the project focuses on understanding the origin, implementation, and impact of the special privilege for the printing of liturgical books established by Philip II after the Council of Trent. This privilege created a royal monopoly on the production and trade of liturgical books, known as the *Nuevo Rezado*, which had a significant impact on the book trade at all stages in both the Iberian Peninsula and the Americas¹³. In order to regulate the production and distribution of the liturgical texts throughout the territory of the Monarchy, Philip II issued a royal decree in 1573 granting the monastery of El Escorial the monopoly of printing, selling and importing the *Nuevo Rezado* books in Castile¹⁴. In 1575, the Crown also decreed that the General Commissary of the Holy Crusade, with the agreement of the Monastery of El Escorial, would supervise the granting of licenses for the distribution of these books in the Spanish Peninsula (and, in 1580, in America)¹⁵. These strict regulations on religious knowledge remained in force until the eighteenth century, although they were a constant source of conflict between printers, religious orders and consumers. These conflicts are at the heart of the project *Printing Privileges for Liturgical Books*, which will show that the monopoly for the *Nuevo Rezado* was the catalyst for a series of political, economic, and legal developments that shaped the understanding of law and the production of knowledge at both local and European levels.

A second sub-project, led by Andrea Ottone, focuses on the macro-cultural and political area of the Italian peninsula. The most important printing centres in this region were Venice, notable for its publishing output and role as a hub in the transnational market, and the Papal State, significant for the Holy See's ability to grant universal privileges enforceable across borders and jurisdictions. Ottone's project examines the confrontation between these two centres of power using a micro-historical approach. The central case study is a thirty-year papal privilege granted in 1596 by Clement VIII to Leonardo Parasole for the production and marketing of the *Pontificale Romanum*, a reformed edition of a manual instructing bishops on the celebration of liturgies in all Catholic dioceses. This book was important not only from

13 F. de los Reyes Gómez, *Los libros de Nuevo Rezado y la imprenta española en el siglo XVIII*, in «Revista General de Información y Documentación», 9, 1999, p. 118.

14 Liturgical books were of particular interest to the Spanish monarchy because they were essential tools for evangelization in the colonial territories. They were also widely used in everyday religious practice by both lay people and members of the Church, making the texts listed in the *Nuevo Rezado* some of the best-selling titles of the time. See: J. García Oro and M.J. Portela Silva. *Felipe II y los libreros. Actas de las visitas a las librerías de Castilla en 1572*, Editorial Cisneros, Madrid 1997, p. 11.

15 The monopolistic control did not end there. In 1610 it was decreed that the General Commissary of the Holy Crusade would also regulate the prices of liturgical books.

a liturgical point of view, but also for the printing business: intended for a select and distinguished audience, it was an expensive and risky but potentially lucrative item to bring to market. The Venetians resented the economic impact of the exceptionally long papal privilege on Venice's vital but struggling publishing industry, a key source of the state's wealth and prestige. The Roman authorities, on the other hand, were more interested in using the papal privilege to secure control over the implementation of the liturgical reforms of the Council of Trent. Tracing this confrontation between Venice and Rome through the privilege granted to Leonardo Parasole in 1596 reveals the politicised nature of printing privileges, involving geopolitical tensions, religious politics, state interests and the question of social power relations.

Social power relations are also at the heart of Alicia-Nana Citron's PhD project, which aims to use printing privileges in the Holy Roman Empire as a source to uncover the role of women in the early modern printing trade, highlighting their agency and activity within the economic and legal framework. Through several case studies in German-speaking countries between 1500 and 1700, the project will examine how women used privileges to secure their financial capital. The project considers the printing trade as a gendered space, and printing privileges as a promising source for the study of women in the early modern printing trade, if only because they show how women accessed and engaged with the highest authorities of the Holy Roman Empire. Printing privileges show that women had agency, even if this aspect has long been neglected by historiography. A focus on the world of printing privileges thus shows how women navigated social networks, but also how they could use legal instruments to secure their position in the printing trade.

While the two postdoctoral researchers and the current PhD student focus on the Holy Roman Empire, the Italian States, and the Spanish Empire, respectively, the Before Copyright team is set to expand with a new PhD student in autumn 2023. This new addition will concentrate on the privilege system in France or Scandinavia. Meanwhile, the project's Principal Investigator, Marius Buning, is developing a comprehensive study of the long-term dynamics of printing privileges, using the project's extensive database. The main aim of this monograph is to historicize the concept of the printing privilege by detailing its evolution over three centuries in a European context.

The Before Copyright project also extends beyond its core team through extensive interdisciplinary collaborations. For example, we have worked in partnership with Marlise Rijks, an art historian at the University of Ghent, on a co-edited special issue on printing privileges in the Low Countries, based on a workshop held last autumn¹⁶. Another important collaboration is with the Primary Sources on Copyright (1450-1900) project, which aims to create a digital archive of primary sources on the history of copyright¹⁷. This archive, which now contains 722 records, includes expert

16 M. Rijks. *Printing images in the early modern Low Countries. Patents, copyrights, and the separation of art and technology, 1555-1795* <https://research.flw.ugent.be/en/projects/printing-images-early-modern-low-countries-patents-copyrights-and-separation-art-and>.

17 L. Bently, M. Kretschmer (eds.) *Primary Sources on Copyright (1450-1900)*. See also L. Bently, M. Kretschmer, E. Cooper, P. Akester, J. Bellido, M. Buning, V. Drummond, et al. *Fifteen Years of Primary Sources on Copyright (1450-1900): Changing World Views and What Comes Next*, in: «CREATe», February 20, 2024: <https://doi.org/10.5281/zenodo.10649360>.

commentaries that contextualize the historical significance of the selected sources. Last year, our collective efforts enriched the project with a section on Scandinavian sources, adding 33 documents and nine essay commentaries. This work not only enhances historical scholarship but also democratizes access to specialized knowledge.

Looking ahead, we anticipate many opportunities before the project will end in September 2027. One forthcoming outcome is the publication of an edited volume on the history of printing privileges, to be published next year by Scandinavian University Press, with contributions from a range of scholars. Another notable collaboration is with the Max Planck partner group on 'The Production of Knowledge of Normativity and the Early Modern Book Trade' (University of Trento/Max Planck Institute for Legal History and Legal Theory), which focuses on organizing conferences and editing a volume to be completed by the end of 2025. We are also planning a series of other conferences, source publications, and collaborative research initiatives to further explore and disseminate findings on the history of printing privileges. We therefore cordially invite readers from all disciplines interested in early modern printing privileges to engage with the team for future projects and collaborations, in the hope of fostering a wider community of research and discussion.

Conclusion

This article has outlined the key aspects of the BE4COPY project, highlighting its importance for understanding the origins and development of printing privileges in early modern Europe. As discussed, the project seeks to combine individual research projects and case studies with the power of digital humanities tools in a collaborative context. By working together across disciplines, we aim to uncover the complex relationships between legal frameworks, economic interests, and politics, and to offer new perspectives on the development of knowledge systems in early modern Europe. Looking ahead, the BE4COPY project aims to expand its database in parallel with the inclusion of more detailed case studies. As the project progresses, all members will continue to publish findings and organize events to engage with both the academic community and the public. The ongoing work promises to further illuminate the historical dynamics of knowledge production and dissemination, and to deepen understanding of the historical foundations of copyright and its evolution as a form of shared European heritage.

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