Ulric Huber (1636-1694) : 'De ratione juris docendi & discendi diatribe per modum dialogi : nonnullis aucta paralipomenois' : with a translation and commentary
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CHAPTER VII

THE HISTORIC BASIS OF THE DIALOGUS — FACTS OR FANTASY?

While wrestling to impose some dating system on the Dialogus and to fit it into its immediate social and historical setting one is struck by the lack of dates and references to events outside the cocoon of university life. For example, if indeed the Dialogus took place in the summer of 1671 or 1672 it is surely extraordinary that no mention is made of the upheavals of that rampjaar when the United Provinces were in a state of almost complete collapse, suffering military disasters and immediate threat of invasion, economic stagnation and the great crash of the Amsterdam stock exchange. In March of that year the English navy had attacked the returning Dutch convoy, France had declared war in April, and in June Utrecht welcomed the invading French. In Leiden, likewise, the authorities were preparing to surrender to the enemy. Where the popular unrest was not defeatist, there was intense anger against the authorities, especially those who contemplated capitulation. Popular dissatisfaction peaked in August, and with the killing of the De Witt brothers saw the beginning of radical change.

A first reading of the Dialogus creates the impression that here we are dealing with a more or less true report of a real event. At the beginning there are many homely touches to round out the picture — Huber going to Leiden to visit his old friend Böckelmann during the summer holidays, their reminiscences interrupted by Crusius, a colleague of Böckelmann’s and an ex-student of Huber’s, Böckelmann’s sprung carriage which took them to his country estate beside the Oude Rijn. An initial pointer to a specific date is that Huber writes that Crusius opened the discussion with some critical comments about his (Huber’s) Digressiones “which in the previous year I had extracted from my lectures on Justinian’s Institutes”. This implies that, as the first edition of the Digressiones appeared in 1670, the discussion took place in 1671. A further factor supporting the summer of 1671 is the reference to Huber’s refusal of the Leiden position which benefited Böckelmann and Crusius. Both men were appointed Professors in 1670, Böckelmann on the 8th November 1670, and Crusius on the 20th November 1670. Consequently the date of 1671 has generally been accepted and certainly the evidence at the beginning of the Dialogus supports this date.

However, there are certain inconsistencies which become apparent as the Dialogus proceeds and these will be enumerated below.

1. There are two fixed points which can easily be established. The first edition of the Dialogus was published in September 1684 and the Digressiones version in 1688. Internal evidence clearly indicates that much of the text of the Dialogus only took shape after Noodt’s inaugural oration of 12 February 1684. This oration without question was the trigger which produced the first edition in September of that year and in all probability the work was finalized during the summer holidays of 1684. On p iii of the Praefatio to the 1688 Dialogus Huber refers to a promise made to his students previously but the actual time frame is somewhat vague. It is possible that he is referring to a remark in Oratio II or IV (1682) or to that in the Positiones.

1 Dialogus p 3.
2 Further it is worth remembering that Crusius died on 31 March 1676 and Böckelmann on 23 October 1681. Nothing is as yet known about when Wijngaerden died. Noodt certainly was alive. He only died on 15 August 1725.
2. The Orationes Domesticae of 1682 clearly foreshadow the Dialogus. Lengthy passages of the Dialogus are taken directly from the Orationes and the content is much the same, except for the occasional insertion into the Dialogus of Amoentitates and Digressiones which Huber has excluded from these Orationes. Similarly, paragraphs and ideas are borrowed from Huber’s earlier writings, such as his Tractatus de Temporibus ante Cyrum (1662) and the Positiones (1682).3

3. With regard to Böckelmann, he certainly took up his position as Professor in Leiden in October 1670. Before that he was in Heidelberg. He died in Leiden on 23 October 1681. That is before the final writing of the Dialogus.

4. The statement on p 3 that the discussion took place at Böckelmann’s country estate throws a spanner in the works. As is clear from the life of Böckelmann4 (and the documents included in Appendix C), Böckelmann bought the offpacht (emphyteusis) of the two adjoining plots of land at Hazerswoude on the 25 April and 27 June, 1676.5 This is confirmed by the entry in Molhuysen’s Bronnen of the University of Leiden III p 342, to the effect that on the 14 July 1676 Böckelmann hosted a vismaaltijd on his estate. One can only wonder whether this was supposedly the occasion of the dialogue on teaching and learning law which took place under the Platonic plane tree, or does one assume that these were literary flourishes not based on fact? Did Huber attend that maaltijd? Clearly, the date 1671 for the actual dialogue is excluded. Did Huber go to Leiden in the summer of 1676? Furthermore, as Crusius died on 31 March 1676, we are here faced with a conundrum. He could not have been present at any party in the summer or autumn of 1676.

5. When we come to publications, a number of obstacles emerge. Böckelmann’s Compendium Institutionum first appeared in print in 1679. It is true that he taught the Institutes in his private coloquia, at first dictating but as this proved a waste of time, he decided to revise and publish.6 On page 6 of the Dialogus, Böckelmann talks as if his Compendium was already a fait accompli. He remarks “it has now almost developed into an epigram that ‘Bockelmann’s Compendium is nothing other than a waste of time’”. The Compendium was published in 1679 in Leiden by Felix Lopez. Would it not seem that a published edition was a prerequisite for such an epigram to be current?

6. The minor role played by Wijngaerden further muddies the water. In the introductory section Wijngaerden is described as an ex-student of Huber’s, as he undoubtedly was, (in Franeker 1666–1669), who was then giving private lessons in Leiden. As we know that Wijngaerden defended his disputation pro gradu on 13 March 1674 and shortly thereafter (June 1674) left Leiden and moved to the Hague as an advocate, it is highly unlikely that he attended the vismaaltijd of 14 July 1676 in his rôle as a young tutor, asking for advice on helping his students. In fact, from archival evidence7 he was busy preparing for his marriage to Maria Stolwijk of Rotterdam.

7. At the end of the Dialogus, p 58, Böckelmann produced a copy of the Journal des Scavans and refers to two articles. The earlier of 18 January, 1666 presents no problem, but that of 30 August, 1672 rather negates the postulated date of the summer of 1671.

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3 See Chapter IV.3 and IV.4.
4 See Chapter V.1.
5 See Appendix C.
6 See Chapter V.1.3; Feenstra Böckelmann, pp 141, 142.
7 See Chapter V.4.1 and especially ft. 101 and ft. 104.
So, where does this leave us? The final product of the *Dialogus* undoubtedly dates from the summer of 1684, but the work appears to be a pastiche introducing relevant passages from Huber's earlier writings. Was there perhaps a preliminary draft dating from the early 1670's vividly reflected in the atmosphere of the first pages? Is there external evidence that Huber went to Leiden in 1671, in 1676 or even later? Regrettably it seems that the answers are in the negative and we are left with the conclusion that possibly Huber was indulged in a phase of creative writing — a bit of *digressio*. 

*A Dialogue on the Method of Teaching and Learning Law*