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CHAPTER VI

ALBERTUS RUSIUS AND GERARD NOODT

This chapter considers two characters, one of whom, Albertus Rusius, appears very briefly in the 1684 edition only. The other, Gerard Noodt, does not appear in person but his views dominate much of the discussion. What, we ask, was Huber's intention regarding Rusius' role? Regarding Noodt's non-appearance in person, but his impersonation by Crusius, there are a number of issues which merit investigation. Whether one can come to any firm conclusion remains to be seen.

1. THE CURIOUS INCLUSION OF ALBERTUS RUSIUS (1614-1678)[1]

Albertus Rusius' appearance in the *Dialogus* is extremely fleeting and, moreover, it is only in the 1684 edition that he is mentioned, a total of four times, on each occasion linked with Crusius. In the case of three of these he is bracketed with Crusius by Böckelmann, and in the other Crusius himself refers to *Rusius et ego*. In the first two instances,[2] an entire passage is removed from the text, and Rusius' banishment could appear to be entirely fortuitous. On page 47 of the Latin text of 1684 the phrase *Rusius et ego* appears but is excised in the 1688 edition, p 28. However, the verb is left as first person plural (*existimaremus*). This is probably careless editing. A somewhat similar situation arises on p 57 of the 1684 text where *Eoque vires eloquentiae et auctoritatis vestrae, Rusi atque Crusi, intendere debuistis*.[3] . . . appears on p 33 of the 1688 text in exactly the same form but without the *Rusi atque*, leaving the personal pronoun (*vestrae*) and the verb (*debuistis*) in the plural. However Rusius' contribution to the present debate is not the minimal role he plays but the attitudes and opinions he expressed almost 25 years before.

1.1. Rusius in real life

First let us see whether there is any clue to Huber's reasons for including and then excluding Rusius to be found in his life, as boy and man.[4]

Albertus Rusius was born on 14 November 1614 at Emmen, Drente. He died, aged 64, at Leiden on the 19 December 1678. His father, Johannes, a minister at Emmen, was of French Huguenot extraction and his mother, Euphemia Ketwich, was the daughter of a patrician family in Overijssel. Albertus was the eldest of seven children and was named after his maternal grandfather, Albertus Ketwich. His maternal grandmother, according to Böckelmann's funeral oration, was so taken with his juvenile charms and intelligence[5] that she adopted him, reared him in the considerable comfort of her home and prompted him to take the name Ketwich in addition to his own. Consequently, for much of his life he was known as Ketwich

[1] See Plate X.

[2] See Appendix A no 6, pp 68-69 (1684, p 45; cf 1688, p 28); Appendix A no 7, pp 70-71 (1684 p 47; cf. 1688, p 28).

[3] Thus, O *Rusius and Crusius*, you ought to have directed the force of your eloquence and authority to the end . . . (the grammatical distinction is blurred in English thanks to the 2nd person singular and the 2nd person plural having the same form).

[4] The most useful sources for Rusius' life and opinions are Böckelmann *Oratio in obitum Alberti Rusii* (1697), and Rusius' inaugural oration, *De Jejuna quorundam et barbara iuris compendiaria* (1659). Briefer notes are to be found in Feenstra-Waal *Leyden Law Professors*, p 37, ft 147a; in van Miert *Illuster Onderwijs,* and in van Apeldoorn *Gedenkboek van het Athenaeum en de Universiteit van Amsterdam (1632-1932)*, pp 128-9, p 668; *NNBW II* (1912) van Kuyk, *Rusius*, col. 1243. See, too, *Album Scholasticum Leiden*, p 130, p 198; Ahsmann-Feenstra *BGNR Leiden*, p 206, no 553.

[5] See Böckelmann *O.F. Rusii,* p 11 *infantiam suam pietate, bonis moribus, literisque ita ornavit ut mox ornatissimis suae aetatis adolescentibus palmam praeripuerit*. (As a child he was so distinguished for piety, good habits and love of literature that as a young man he excelled among his peers.)

Rusius and it is thus he was registered at the University of Groningen (15 December 1633) and at the University of Leiden (25 June 1640) — Albertus Ketwich Rusius Drentinus. Before registering at Leiden, Rusius had studied at Deventer, Groningen and Franeker.

After a period at Leiden he made a foreign tour — chiefly to France and England. Unlike the tours made by most scions of wealthy families at that time, Rusius' tour was marked, not by 'wine, women and song', but by intense study of the customs, practices and character of the peoples he visited. In particular he visited places and people in any way connected with Antiquity. While away from home he graduated *Doctor utriusque juris* at Orleans on the 4 July, 1643. On his return to the Netherlands Rusius established himself as an advocate in Amsterdam (8 January, 1644). His academic career was initiated shortly thereafter when he was asked to give lessons at the *Athenaeum Illustre* in Amsterdam. This led in 1646 to an appointment as *Professor Ordinarius* as successor to Johannes Cabeliau,[6] the noted philologist, whose lectures on law had been a failure. With his legal background and stimulating personality Rusius was a success and is in effect credited with establishing legal studies on a firm footing at the Athenaeum.

It was during the year 1649 that Rusius delivered the funeral oration for Gerhardus Johannes Vossius, the incomparable scholar and polyhistor who spent the first years of the Athenaeum and the last years of his life as professor of that illustrious school. For the next 10 years Rusius remained at the Athenaeum until, on the death of Arnold Vinnius (1588-1657) the Curators and *Burgemeesters* of Leiden offered him the vacant chair. After some negotiations concerning his salary and conditions of service, Rusius accepted, was appointed and delivered his inaugural oration on *De jejuna quorundam et barbara iuris compendiaria* (16 September, 1659).[7] It was this oration which is relevant to our discussion and it will be considered below. Rusius' lecturing commitments at Leiden included lectures on the *Pandects* and also on feudal law. Moreover, among his various academic offices he twice held that of *Rector Magnificus* (1667 and 1672).

Unlike many of his contemporaries the urge to rush into print did not influence Rusius and the only product of his thoughts which we have is his inaugural oration. According to Böckelmann this was because he wished to avoid the slings and arrows of his fellow academics in their endless and indiscriminating polemics.[8] He certainly had a wide range of friends among the learned, if Böckelmann's oration is any indication.[9]

Rusius appears to have been an amiable friend, a good teacher and a good father and family man. His death (19 December 1678) at the age of 64 followed shortly after that of his second wife, Marie de Vogelaer (28 October 1678).

1.2. Rusius' relationship with Huber, Crusius and Böckelmann

Prima facie there seems no good reason for Huber to have included Rusius in a very minor rôle in the 1684 *Dialogus* or to have removed him completely from the scene

[6] Cabeliau (Cabelliau) Johannes (1600–1652). See Haitsma Mulier *Athenaeum Illustre*, p 256; van Miert *Illuster Onderwijs*, passim.

[7] (On the barren and barbaric legal compendiary teaching methods of certain persons.)

[8] See Böckelmann *O.F. Rusius*, p 25. . . . *magna satis causa videtur multis . . . notos, ignotos, immo amicos, Collegas, necessarios animo plusquam hostili aggrediantur et maledictis calumnisque persequantur quasi lex naturae, uti vim vi repellere permisit, ita quoque ob diversam a nostra sententiam, maria coelis miscere nobis permisisset.* (It seems sufficient cause that they should attack those who are known to them, those unknown, friends, colleagues and relations with more than hostile intent, and pursue them with curses and malicious accusations, as if the law of nature which allows one to repel force with force, also had permitted us to make a great commotion, because of a difference of opinion. (lit. mix the seas with the sky, cf. Juvenal, *Sat*.2.25.)

[9] See Böckelmann *O.F. Rusius*, p 24.

in 1688. However, on deeper investigation, certain perhaps interesting and potentially significant factors come to light. Unlike Crusius, Rusius in reality held very decided views on compendia, not all of them favourable, but certainly not all critical.

Huber seems to have had little or no personal contact with Rusius although his friends, Böckelmann and Crusius, were colleagues of Rusius at Leiden. At the time the *Dialogus* was purported to have taken place, 1671, both Crusius and Rusius were professors, neither had published much and both were apparently more concerned with teaching than with research, certainly not with major textual criticism. Crusius, it is true, was mentioned favourably for his reconstruction of the Rubric of the Edict *De Pactis et Conventionibus* in the first three editions of Gerard Noodt's *Probabilia,*[10] but then he, too, slipped from the text, not to appear again in later editions of the *Probabilia*. By 1684 all three professors were dead, and in no position to react to the views attributed to them for Huber's polemic purposes. It was Böckelmann who had delivered the Funeral Orations for both Crusius and Rusius, providing rather more facts in the case of Crusius than of Rusius. In both instances, there was plenty of eulogy, as was to be expected. This can hardly have been a factor in Huber's initially bracketing the two together.

In the *Dialogus*, Crusius, voicing the views of Noodt, is cast as the opponent of Böckelmann especially over the question of compendia.[11] In the 1684 edition Rusius is bracketed with Crusius but the facts, as far as they are ascertainable, do not seem to support this position. The Rusius Funeral Oration, delivered on 7 March, 1679 (ie some years after the supposed *Dialogus*) gives no suggestion of any difference of opinion between the two colleagues. In fact, Böckelmann cites laudatory phrases from contemporary scholars. Rusius was most "erudite and outstanding". "Most distinguished and well-versed in every kind of learning",[12] to repeat but two, and these glowing testimonies to his excellence continue throughout the eulogy. Achilles may have been lucky in the eyes of Alexander the Great to have had Homer as his *praecox* (herald) but praises of Rusius, as scholar, teacher and friend, were sung loudly by academics and students throughout the Republic.[13]

In Böckelmann's funeral oration he attributes certain attitudes to Rusius and endorses these himself,[14] showing that he and Rusius had much in common. For instance, on p 16, he advises students to model themselves on Rusius, so that they may one day appear among the most eminent academics. They should follow his *Via Regia*, step in his footprints and be worthy of service to the University and the State. They should not adopt the barbaric language of present day pettifogging and rapacious lawyers but should love wisdom, literature, history and all divine and human law. Not for them rip-roaring and riotous drinking bouts with quarrelsome and gluttonous revellers, but sober intercourse with men of worth and learning, such as thought highly of Rusius and admired his erudition both in the humanities and in legal science. As a teacher, Rusius wanted not only to produce good and learned students but also to enhance the subject which he taught, to cleanse it of the accumulated foulness of the past and he scrutinized not only the content of Roman

[10] See *infra* Chapter VI, 2.3.

[11] It appears that in 1668 or 1669 Noodt had attended some of Rusius' public lectures but not his *collegia* (van den Bergh *Noodt,* p 23). Soon thereafter, in Utrecht, he attended Lucas van de Poll's public lectures (van den Bergh *Noodt*, p 24). Did this experience in any way colour Noodt's attitude to compendia?

[12] Böckelmann *O.F. Rusius*, p 13 *Eruditissimus ac praestantissimus* (Salmasius), *ornatissimus atque omni genere doctrinae instructissimus* (Arnold Vinnius).

[13] Böckelmann *O.F. Rusius*, pp 14-15.

[14] cf. *Dialogus*, pp 8-9. These views, here attributed to Böckelmann, seem to reflect his own opinions, as well as Huber's. cf. Rusius *De Jejuna Compendiaria*, pp 16-17.

law but also the details of words, syllables and letters, not so much because textual criticism appealed to him of itself but because it was the means to a true understanding of the classical law.

1.3 Rusius on Compendia, 16 September 1659

Regarding compendia, it is evident that, unlike Crusius, Rusius undoubtedly did have opinions concerning the use or misuse of these texts and he aired them clearly on the occasion of his inaugural address when taking up the professorship of law at Leiden (16th September 1659). The title of his address was *De jejuna quorundam et barbara iuris compendiaria* (On the barren and barbaric legal compendiary teaching methods of certain persons).

In summary, Rusius (as with Huber and others in years to come)[15] laments the low standards of school and pre-university education (one must not forget that he was for 14 years (1645-1659) at the *Athenaeum Illustre* and thus his inaugural address of 1659 can be regarded as containing his considered opinions). The students are not inherently stupid but lack true knowledge of Latin, even the Vulgar Latin of the Middle Ages and of the Neo-Latin of their own day. To say nothing of Greek. The universities must help inadequately prepared students to acquire the necessary linguistic facilities to read the great literature of antiquity. He emphasises the importance of Latin as the *lingua franca* of public and international communication. Many students have what we today would label an "attitude" problem. He partly blames the parents and especially the rich and politically influential parents who want their sons to obtain a qualification — not necessarily an education. Then, too, some of the teachers at schools and professors at the universities are lazy, ill-educated and money-grubbing. They are guilty of attracting students (and fees) by sending out touts who offer young men an easy means to obtain that much desired paper qualification. Many teachers are *institores* (peddlers) not *institutores* (instructors).[16] They sell short and compendia are seen as the answer to the lazy student.

The situation clearly invites abuse and compendia easily compound it, especially when they are used stupidly and exclusively. Rusius certainly concedes that compendia have a place, both at the beginning of law studies and, let us note, at the end for revision purposes. He even suggests that students make their own compendia — what we today would call 'notes'. It is the exclusive use of compendia[17] which he deplores and especially of the dry as dust and poorly written compendia which kill the student's interest and ruin his powers of expression. Moreover, law studies cannot be completed in a short time. Where using compendia produces a superficial and cursory knowledge they are harmful. When criticising the foolish use of inferior compendia, Rusius says "Those who grab at a compendium in this way, generally catch a waste of time".[18]

Interestingly, Rusius, unlike Crusius in the *Dialogus*,[19] does not come across strongly in favour of textual criticism. Rusius' programme for law students is a middle way, and his views on compendia are to all intents and purposes moderate and generally conform to those expressed by Huber rather than those by Noodt. (Huber wrote his own epitomes and therefore must be regarded as a supporter of the

[15] When Rusius delivered his inaugural address (September 1659) he himself was 44 years old (b. 1614), Böckelmann 26 (b. 1633), Crusius 15 (b. 1644), Noodt was 12 years old (b. 1647) and Huber was 23 (b. 1636).

[16] Rusius *De Jejuna Compendiaria*, p 19.

[17] See Lipenius *Bibliotheca Iuridica* for compendia and compendia-type manuals.

[18] *qui isto . . . modo hic captant compendium, nae illi plerumque dispendium capiunt*. Certainly this helps to counter van den Bergh's allegation that it was Huber who invented the wordplay *Compendium Böckelmann est nihil quam Dispendium* (Böckelmann's Compendium is nothing but a Waste of Time). See van den Bergh *Noodt*, p 166.

[19] *Dialogus*, p 41.

methodus compendiaria.) In fact, Rusius sums up the situation very vividly when he likens a young student using a compendium to an intelligent traveller visiting for the first time a large and richly endowed city. He climbs into a lofty tower to get a survey of the general landscape before descending to detailed visits.[20] Huber could only have approved that metaphor. Surely it was this eminently sensible view which disqualified Rusius from joining the Crusius/Noodt role?

2. GERARD NOODT (1647-1725)[21]

If, as seems indisputable, the social and intellectual relationship between Huber and Noodt was fraught with personal antagonism, it is here necessary to give an outline of certain critical episodes which may well have a bearing on Huber's spontaneous and aggressive response to Noodt's inaugural oration, given on 12th February, 1684 on the causes of the decline of legal science.

2.1. Noodt's early life[22]

Gerard Noodt was born in Nijmegen on the 4th/14th September, 1647. it was there he was educated, both at the local grammar school and at the *Kwartierlijke Academie*[23] of Nijmegen, probably from 1662 to 1668. Initially, he studied history and literature (chiefly Latin, rather than Greek authors) and classical philology, mathematics and philosophy. He followed some courses in law and concluded his law studies with two disputations without actually taking the degree[24].

In September of 1668 Noodt went to Leiden where he attended, among others, the lectures of Albertus Rusius. Continuing to Utrecht he attended public lectures by Antonius Matthaeus III,[25] and Lucas van de Poll.[26] His next port of call was Franeker where he was created *Doctor Juris*, 9/19 June 1669, his promoter being Taco van Glins.[27] After a short spell in practice, 1669-1671, Noodt, aged 24, took up a precarious position at his first *alma mater*, the ill-fated *Kwartierlijke Academie* of Nijmegen. He was probably more suited to academic life than to practice but his

[20] *Sed tironibus etiam iuris compendia, ab eruditis concinnata, animum generali quadam idea imbuunt atque praeparant ad cognoscenda postmodum prolixiora et singula. Ita qui prudenter et curiose peregrinantur, delati in Urbem aliquam amplam et aedificiis aliisque operibus atque situ conspicuam, principio eminus ex turri quapiam aliove edito loco universam ejus faciem obtutu speculantur . . . Non igitur finem sed initium eiusmodi compendia dare debent Academico Iuris studio bonis artes suffulto*. (But a compendium of law, drawn up by learned men, fills the minds of beginners with an overall picture and prepares them for learning more detailed and individual ideas shortly afterwards. So those who travel wisely and thoughtfully, having arrived in some large city, noted for its buildings, other works and its position, as a start, aloft from some tower or other high place, survey the entire landscape from a distance. . . . Therefore, compendia of this kind ought to provide not an end but a beginning to the academic study of law, propped up by the Classical studies. Rusius *De Jejuna Compendiaria,* pp 19-20.

[21] See Plate XI.

[22] The sources used for the following sketch of Noodt's life and academic opinions are primarily those by G.C.J.J. van den Bergh *The Life and Work of Gerard Noodt (1647-1725), Geleerd Recht*, and *Die holländische elegante Schule*. For a list of his writings see Ahsmann and Feenstra *BGNR, Leiden*, pp 176-188.

[23] The *Kwartierlijke Academie* of Nijmegen was established in 1655. It was in opposition to the University of Harderwijk in the quarter of Arnhem which had been founded in 1648 as the official university of Gelderland. Nijmegen's decision to establish a rival to Harderwijk was prompted by the complicated internal politics of the quarters of Gelderland, but its legal diplomas were not recognised by the Court of Gelderland in Arnhem. The *Academie* declined further, battered by the disasterous events of 1672. Noodt was the last professor to remain and on 12 February 1678 he presided over the last promotion. See van den Bergh, *Noodt* pp 18-26.

[24] For the history of the *Academie* and for Noodt's relationship with it, see van den Bergh *Noodt*, pp 18-26.

[25] Matthaeus III, Antonius (1635-1710) Professor of Law at Utrecht, 1660-1672; Leiden, 1672-1710.

[26] Van de Poll, Lucas (1630-1715) *Lector* 1667, Professor *extra-ordinarius* 1670, Professor *ordinarius* 1674.

[27] Van Glins, Taco (1619-1673), Professor of Law at Franeker, 1667-1673. He was also the promoter of Crusius a few months later.

time at Nijmegen can hardly have been satisfying. In view of these early experiences his subsequent search for a fulfilling university post is understandable.

Van den Bergh gives a closely analysed discussion of Noodt's attempt to move from Nijmegen (1679), where the *Academie* was on its last legs for political and financial reasons, to Leiden, Utrecht or Franeker. Van den Bergh argues that possibly the favourable mention of Crusius and Böckelmann in the early editions of Noodt's *Probabilia* was an attempt to win favour with two of the Leiden professors.[28] Rusius also played a negative rôle in Noodt's career in that Noodt hoped to fill the vacancy caused by Rusius' death in 1678. However, it was Huber's move from the University of Franeker to the *Hof van Friesland* in February 1679 that gave Noodt the opening he was looking for and in September 1679 he was appointed professor.

2.2 Noodt and Huber

Noodt was eleven years younger than Huber and it would seem that the two men had first met in Leeuwarden shortly after Noodt achieved his degree *Doctor Utriusque Juris*. Huber had not attended Noodt's promotion but was required to sign the diploma. So far, so good, although Huber was already at daggers drawn with Noodt's promoter, van Glins, for Huber had autocratically demanded that before van Glins was appointed as Professor (1667) he should be examined by him (Huber).

At first Noodt seems to have been content with his new appointment (1679) and the relations between Huber and Noodt were comparatively calm.[29] However, Noodt spent only five years at Franeker before moving on to Utrecht in 1684. The details of Utrecht's preliminary and unsuccessful proposals to win Noodt have been adequately described by van den Bergh.[30] It is also van den Bergh who interprets Noodt's sudden decision to abandon Franeker for Utrecht in terms of the actions of Huber. Huber, as we have seen, was appointed *Raadsheer* (Councillor) in the *Hof van Friesland* (February 1679), and Noodt had obtained his chair. However, when, after three years, Huber decided to return to academic life, the deal which he negotiated with the university was extremely favourable. In addition, he had all the prerogatives of a professor, no obligation to give public lectures and, of course, the remuneration which redounded to him from his private *collegia* and other duties. Competition among professors for students and their fees being keen, Noodt's income was almost certainly reduced, thanks to Huber's popularity. His rank as ex-senator set him above all the other professors, and second only to the Rector.[31] Huber's exploiting of his new position vis-à-vis the university authorities led to some open conflict[32] and much unpleasantness within the university community. This may well have induced Noodt to accept the offer from Utrecht and betake himself thither. That round appeared to have gone to Huber. Noodt, however, did not remain in Utrecht for long. On the 13 July 1686 he was officially appointed to the Leiden Chair of Private and Public Civil Law[33] and Utrecht saw him no more.

2.2.1 Noodt's views on teaching law as reflected in *De causis corruptae jurisprudentiae*, 1684.

For our purposes the most noteworthy event of Noodt's brief stay in Utrecht (February 1684 to July 1686) was his inaugural lecture *De causis corruptae*

[28] See below Chapter VI. 2.3.

[29] On the question of the 'forced loan' attaching to the position as professor and of Noodt's exemption to paying Huber, see van den Bergh *Noodt*, p 47. This was yet another cause for the two men to be resentful of each other. Further, Noodt soon fell sick of quartan fever (probably malaria) which lasted till November 1681 and prevented his doing much work (see van den Bergh *Noodt*, pp 42-44).

[30] Van den Bergh *Noodt*, pp 41ff.

[31] See Chapter IV.1.

[32] See Chapter IV.1.

[33] See van den Bergh *Noodt*, pp 62-63.

jurisprudentiae[34] delivered on the 2/12 February. It is necessary to look more closely and to decide if there is anything radically new in his sentiments, particularly to see in how far and in what respects he blames the decline on the inadequacies of the students and their attitudes, on the professors and their incompetence or on the meagre didactic policy which is based on spoon-fed compendiary study and ignores the demands of textual emendation. Also to be considered is whether or not Noodt intended any criticism of Huber and his compendia.

After the usual introductory compliments to the university authorities and his colleagues, Noodt goes directly to the point. Why is the present state of legal science so mean and undistinguished when compared with the glories of the past century? There is nothing wrong with the law itself, nor with the intellectual capabilities of the present generation. Yet legal science is seen to contribute little or nothing to understanding the bonds of human society, nor to the practice of the courts.

In the past the understanding of law was built on a broad based knowledge of history and the origins of society and of the history of language and literature as well as of geometry, dialectics and philosophy. The modern students do not wish to appreciate that law did not spring from the earth overnight like a mushroom[35] and that more is required of them than memorising a few rules from a compendium and the prepared answers to trivial questions. It is considered irrelevant and foolish to study textual emendation as a means to understanding and correcting faulty texts. The students are ill-prepared[36] and enter the university without competency in Latin, far less in Greek; they do not wish to devote themselves to the study of Themis but, encouraged by their wealthy parents, they intend to enjoy themselves and obtain the necessary entrée to a well-paid position in law or, preferably, in government as quickly as possible. The professors, too, are to blame — many are ignorant, lazy and only interested in attracting fat fees for private *collegia*. Some even lead the young men to think that their goals can be achieved in a few short months.

It is at this point that Noodt argues against compendia and states that the students are being misled for "what is said to be speed is in fact delay and what is called a compendium is damage to wisdom".[37] Van den Bergh[38] alleges that Noodt is here attacking his Utrecht colleagues, Johannes van Muijden[39] and Lucas van de Poll[40] who were champions of the newly introduced use of compendia. Johannes van Muijden was certainly the author of a *Compendium Institutionum* but the 1687 edition appeared anonymously, three years after Noodt's inaugural attack. This does not, of course, mean that van Muijden was not using a draft in his classes. There is no mention of a compendium under the name of van de Poll but likewise this does not prove that he was not using his own unpublished material or that of his colleague.

[34] *Oratio de causis corruptae jurisprudentiae Ultrajecti ad Rhenum pro concione dicta,* Utrecht, 1684. It is of interest to note that among those who wrote laudatory verses for this inaugural there was one by C. Vitringa (Sn), Huber's friend and supporter of his religious views.

[35] Noodt *Corrupta Jurisprudentia*, p 619 *fungum e terra natum proxima nocte*.

[36] Noodt *Corrupta Jurisprudentia*, p 619 *illoti atque inculti*.

[37] Noodt *Corrupta Jurisprudentia*, p 621 *quae festinatio dicitur mora est, et quod compendium vocatur, sapientiae damnum est*. Note the use of *damnum* instead of *dispendium*. See above Chapter V. 1.3.2; cf. *Dialogus*, p 6.

[38] See van den Bergh *Noodt*, p 164.

[39] Van Muijden, Johannes (1652? — 1729) spent most of his life in Utrecht. His *disputatio pro gradu* was *De Societate* but otherwise his only printed works were compendia. However, in 1684 van der Muijden had not published any compendia. The first edition of his *Compendiosa Institutionum Justiniani tractatio in usum collegiorum*, Utrecht 1687, was published anonymously. It was reprinted three times during his lifetime and twice thereafter. His *Compendiosa Pandectarum tractatio* appeared in 1695 and 1718. Both works were *in usum collegiorum* (for use in collegia). See Ahsmann *BGNR Utrecht*, pp 98-99, nos 196-203.

[40] Van de Poll, Lucas (1630-1713) spent most of his life in Utrecht. He became *lector* in 1667, Professor *extra-ordinarius* (1670) and *ordinarius* in 1674. His writings seem to tend to the political and he did not produce a compendium. See Ahsmann *BGNR Utrecht*, pp 117-119.

However, it is when studying the *Pandects* and the Codex that the compendia should be eschewed. Noodt, too, uses the metaphor of a road and a mountain; the old Royal Road is not so difficult and precipitous as when viewed from a distance. If approached in the right way, it proves to be smoother and comparatively manageable — with dedication and hard work! It is not for nothing that Noodt concludes his oration with the cry *Laboremus*![41]

Van den Bergh, in evaluating Noodt's inaugural address,[42] remarks that "it is a rather traditional theme" . . . "a nice and well-ordered piece of rhetoric in which Noodt expresses his views on law and legal training with his usual vigour. He clearly sees the realities of university life in his day" and as "a self-conscious expression of the humanistic ideal of bourgeois culture in the Dutch Republic, from a jurist's point of view." The chief point which van den Bergh considers controversial is Noodt's "sharp attack on the compendiary method". He links Noodt's opposition to the "newly introduced use of compendia, of which his Utrecht colleagues van Muijden[43] and van de Poll were champions".[44] Considering the fact that Noodt delivered his address on 2/12 February, within a few days of arriving in Utrecht, it seems unlikely that it was in fact his future colleagues whom he was attacking (no names are mentioned). More probably he was aiming at his former colleague, Huber, who was known to be writing his own compendium (the *Positiones* which appeared in 1686) and had also discussed and supported compendia in his *Orationes* II and IV of 1682.

2.2.2 Huber vs Noodt continued

There was no question but that Huber and Noodt approached life, religion and law teaching from opposite sides. Huber was strictly orthodox, Noodt more open-minded. Each despised the other and frequently made critical comments in writing, Huber more than Noodt who was remarkably restrained, considering Huber's considerable provocation. Huber was accused of encouraging his students to criticise and carp at Noodt's opinions and thus to boost his own reputation among young and virtually ignorant law students.[45] Other squabbles followed. One of the main points of contention was the rôle of textual emendation in teaching law. Noodt argued that a sound historical and philological background was necessary for true understanding of the *Corpus Juris*.[46] The key to this inner meaning was the Humanist technique of textual criticism. Huber, on the other hand, was convinced that, as Justinian had said, there were no contradictions in the *Corpus Juris*,[47] nothing should be done to disturb the established law and tampering with the text of the Florentine should be kept to a

[41] *Laboremus* (Let us get to work)!

[42] See van den Bergh *Noodt*, p 161, p 165, passim.

[43] Van der Muijden only produced his own compendium in 1687. See and Ahsmann *BGNR Utrecht*, p 99 nos 196-201; 202-203.

[44] See van den Bergh *Noodt*, p 164.

[45] See van den Bergh *Noodt*, p 56 — Noodt to van Eck, 3 October, 1693. UL Utrecht, MS 1000 . . . *maer alleen om wat te carperen bij jonge luiden die daer geen kennisse van hebben*.

[46] See Noodt *Corrupta Jurisprudentia*, p 619. Roman law did not come *velut imbrem de coelo eodem delapsum impetus aut tamquam fungum e terra natum proxima nocte* (like a shower falling from heaven in one violent rush or mushrooms sprung from the ground the previous night).

[47] See for example, *Constitutio Tanta* (*in princip.*) *ut nihil neque contrarium neque idem neque simile in ea inveniatur.* § 15 *Contrarium autem aliquid in hoc codice positum nullum sibi locum vindicabit nec invenitur. Constitutio Deo auctore* § 4, . . .*neque similitudine neque discordia derelicta*.

minimum. In the *Dialogus* there are three occasions[48] when Huber clearly shows that he considers the obsession with *sigla* and *notae* unnecessary for potential practitioners.[49]

A typical example of Huber's early approach to his differences of opinions with Noodt can be seen in the 1688 edition of the *Digressiones*, Part II, pp 551-552. This passage was written after 1684 but prior to 1688 as Noodt was at that time still a professor at Utrecht.[50] It relates to D. 48.22.5 and Huber remarks that Professor Noodt, "his close colleague and friend has written a most elegant commentary[51]on this fragment." Huber begins by citing Noodt's somewhat free emendations of what he (Noodt) considered to be copyists' errors in the Florentine. Huber proposes to give his own understanding of the text and his reasons therefore. He prefaces his views by saying that the reader will then be able to choose[52] which he prefers and warns him that "nothing is more harmless than such exchanges of opinions between friends".[53] Huber then gives his *Responsio absque emendatione* for retaining the Florentine text unaltered. So far all is very polite. However, during his argumentation Huber hits Noodt below the belt by citing from the *Basilica* when he knows Greek is not one of Noodt's strong points.[54]

As time passed the "harmless exchanges" become more vitriolic, certainly on Huber's part. Noodt maintained a more formal attitude, although, on occasion, he hits back. Let us consider Noodt's response to Huber's criticism of his emendation of D. 48.8.1.3, a controversial text on homicide and its punishment. Noodt's emendation of Marcianus' words had been condemned by Huber as being that of those "who are clearly far from the way of reason and Themis".[55] Although Huber had not mentioned Noodt specifically, Noodt replied extensively but calmly in his *Probabilia* 4.7 and 4.8 stating, first, that the "Most Distinguished gentleman Ulric Huber had considered that his (Noodt's) opinion was far from the way of reason and Themis" and, in conclusion, that it remained for the reader "to consider whose opinion is further from the way of reason and Themis — mine or his".[56]

A major rumpus erupted over one of Noodt's less happy emendations. In D.2.15.14 concerning the actions to which creditors of an inheritance were entitled, Scaevola gave an opinion contrary to that earlier expressed by him in D.2.15.3. In *Probabilia* 2.2. p 37 Noodt concludes that Scaevola gave the D.2.15.14 opinion in order to do his friend a favour[57]. Huber, among others,[58] reacted strongly and justifiably. "It must be said" he wrote "that this kind of criticism is completely new and odious".[59] Clearly, neither professor could say or write the right thing and the sniping went on till Huber died.

[48] See *Dialogus*, pp 8, 32, 47.

[49] Van den Bergh *Noodt*, p 146. Van den Bergh considers that the above slights are specifically directed at Noodt. It is possible that Huber was critical of the entire process as can be seen from the general sweep of his criticisms.

[50] See van den Bergh *Noodt*, p 303, ft 72.

[51] Huber *Digressiones*, p 551 *Gerardus Noodt, Jurisc. Et Antecessor Ultrajectinus, ad hunc textum scripsit elegantissimum commentarium in lib.3. cap.3 probabilium.*

[52] *Lector quod ipsi videbitur eliget,*

[53] *. . . nihil innocentius est quam ejusmodi permutationes opinionum inter amicos*. cf. *Dialogus*, p 4 ft 14.

[54] See *Dialogus*, p 30; van den Bergh *Noodt*, p 22.

[55] See Huber *Praelectiones*, Vol. III, p 677 *procul a via rationis et Themidos absint qui . . .*

[56] Noodt *Probabilia*, 4.8, p 82 *illud superest, ut per te aestimes utrius sententia longius absit a via rationis et Themis, mea an illius?*

[57] Noodt *Probabilia*, 2.2, p 37 *. . . censeo Scaevolam non ex animi sui sententia respondisse sed ut amico rem gratam acceptamque faceret*. (I consider that Scaevola did not reply in accordance with his true convictions but in order to do something pleasing and acceptable to a friend.)

[58] See van den Bergh *Noodt*, p 256, p 299, p 304.

[59] *Fatendum est hoc genus Censurae esse valde novum et invidiosum*, in *Eunomia Romana. Ad Lib. II Pand. (D.2.15.14)* p 123.

After 1684 and the publishing of the *Dialogus* the relationship between Huber and Noodt deteriorated. Although Noodt did not react publicly,[60] his friends were resentful of the implied criticism. Perizonius and van Eck,[61] both longstanding friends of Noodt (and longstanding critics of Huber)[62], wrote indignantly of the liberties taken and especially of Huber's attack on humanistic scholarship.[63] One should not allow the academic convention of referring to an opponent and his ideas in flattering terms, to blind one to the venom that often underlay such verbiage. Also, although the "learned friend" was sometimes, but not always, named it required little ingenuity on the part of their contemporaries to recognise the object of the invective. When criticising Noodt, Huber could write in his *Digressiones* "Nothing is more harmless than this kind of exchange of opinion between friends"[64] and in the *Dialogus, "*Crusius" (Noodt) suggests with regard to Huber's *Digressiones* "that we should forthwith tear them apart in a friendly fashion"[65]. However, the question may well be asked, was it customary and acceptable to foist academic A's views on academic B especially when they were in no way in keeping with B's own views and when B had already died and was in no position to defend himself? This is, in fact, what Huber was doing to Crusius.

2.3 Noodt's relationships with Böckelmann and Crusius as exemplified in his *Probabilia*

In order to try to disentangle Noodt's real-life relationships with Böckelmann and Crusius, it is perhaps useful to look carefully at certain passages in various editions of Noodt's *Probabilia Juris Civilis*. It is Book I which is relevant.

The *Probabilia* was produced in fits and starts.[66] In summary, Book I appeared in 1674; in 1679 Book I was re-issued with a new title page and dedication, together with the first versions of Books II and III; Book IV was added in the 1691 and 1693 editions. There were subsequent issues in the *Opera Varia* of 1705 and in the *Opera Omnia* of 1713 and 1724. Posthumous editions are not under consideration here.

In his biography of Noodt, van den Bergh draws attention to the fact that "in Book I of the *Probabilia*, published in 1674, there are extensive laudations of two

[60] Barbeyrac, Jean in his character sketch of Noodt (1731, LXXXI) says that Noodt was of a happy and peace loving nature. He particularly avoided literary disputes and cites him as writing *Non habeo dicere me eruditas huiusmodi lites numquam amasse. Scis me evitasse eas semper* (I do not have to say that I have never liked learned battles of this kind. You know that I have always avoided them). In the Preface to his *Opera* (1713) Noodt writes *Absit modo contumelia, a qua ipse abstinui diligentissime, indecoram arbitratus famam ab alterius imminutione petitam* (Let there only be no invective. I have always avoided it most diligently, thinking unseemly a reputation achieved by belittling another).

[61] Van Eck, Cornelius (1662-1732) Professor at Franeker 1686-1693; Utrecht 1693-1732. See van den Bergh *Van Eck*, pp 36-54.

[62] Perizonius, for example, found 130 faults in Huber's *Institutiones Historiae Civilis* 1693. However, Perizonius did on occasions criticise Noodt. Cornelis van Eck (1662-1732) was involved with the question of university jurisdiction at Franeker and in 1688 published a *Vindiciae Juris Academici . . . contra Ulrici Huberi authenticae Habita Cod*.

For more detailed information see Veen *Recht en Nut* under the Index entries Perizonius and van Eck and above Chapter IV.4.3 on van Eck.

[63] Perizonius, 19 September, 1684, wrote *Huberus noster scripsit dialogum . . . in quo per latus Crusii petit Notum et dum in eum incurrit, plus satis iniquum se probat omnibus qui Crisin aliquando exercent et humaniora profitentur* (Our Huber has written a Dialogue . . . in which, through the mouth of Crusius, he attacks Noodt and while he attacks him, he proves himself more than inimical to all who at some time work at Textual Criticism and teach Letters.) See van den Bergh *Noodt*, pp 302-303.

[64] See Huber *Digressiones, Lib*.1. *Cap*.XXIV.III., p 551 *Nihil est innocentius quam eiusmodi permutationes opinionum inter amicos*.

[65] See *Dialogus*, p 3. *ut coram de illis familiater disceptaremus*.

[66] On the complicated question of the editions, re-issues, states etc. of the *Probabilia* see Osler *Dies Diem Docet*, pp 207-223; Osler writes of the genre *Probabilia* "A number of short chapters in random order on unrelated subjects is the hallmark of the genre", p 213. Also see Ahsmann-Feenstra *BGNR Leiden*, pp 176 ff, nos 421-425, 466-468; Van den Bergh *Noodt* passim, and especially pp 138-155.

Leiden law professors, G.C. Crusius and J.F. Böckelmann.[67] These are occasional phrases, which will be suppressed in later editions". In footnotes 63 and 64, van den Bergh cites the relevant passages, namely *Probabilia* 1.4.2 and 1.9.7 for Crusius and Böckelmann respectively.[68] In footnote 65 he adds that Crusius "was left out in the edition of the *Opera Omnia* of 1713, Böckelmann already by the edition of 1691."

The passage referred to above raises questions — what are these 'extensive laudations'? and what 'the occasional phrases'? Were these the only two places, both in Book I, where Böckelmann and Crusius were mentioned? and, most important, why were these references removed from later editions? An attempt to answer these questions will hopefully cast some light on the personal relationships of the *Personae Dramatis*.

Let us first consider Böckelmann, because he is the first to fall from grace. Book I chapter 9 of the 1674 edition of the *Probabilia* is concerned with instances where a *lapsus calami* (slip of the pen) or *lapsus linguae* (slip of the tongue) produces a result other than that originally intended. Noodt cites a number of examples from Plautus, Virgil, Cicero and Augustus, before turning to Roman Law and Ulpian in D. 9.2.5 and title 7 of the *Collatio Legum Mosaicarum et Romanorum*. This leads on to discrepancies in the penalties consequent on killing a thief. The concluding section 7, which is where Böckelmann features, is a prediction that his, ie Noodt's, criticisms of the "Greats" such as Tribonian will be displeasing to many of his readers and regarded as disrespectful of the Civil Law but, says Noodt, these men were but human and all human beings sometimes slip, even Homer nods. Then he writes *sed finio*, but "I am concluding; for my most noble, excellent friend Professor Johannes Fredericus Böckelmann, a man of the utmost dignity, wisdom and authority, and most esteemed in these learned studies, has already adequately dealt with this question and has discovered several faults in the writings of the Ancients." And Noodt then cites Böckelmann's Prolegomena to his *Annotationes ad Pandectas* § 4, and his *Tractatus de Actionibus* (3.16 p 242). Noodt concludes by commenting that "it does not seem to be the part of an intelligent person to add anything to so great a man".[69]

In the next edition, 1691, this section was omitted and replaced by a citation from Quintilian, *Institutiones Oratoriae* 10.1. This is an excerpt from the chapters where Quintilian is advising his students how to develop their command of language. Here he recommends not only listening to orators declaiming in the courts and studying forensic oratory, but reading the best authors and reading them thoroughly. However, (and this really is the only justification for this citation), the student must not assume that every word which proceeds from a great author is perfect, for Demosthenes[70] and Homer nod, and great men are but human. Nevertheless, the student must be careful not to criticise indiscriminately, he may well not understand what the great man is saying. It is better to approve of all, rather than disapprove of all.

Maybe this is little more than an attempt by the author to fill the gap in the typesetting left by removing the Böckelmann passage. The two passages are of

[67] Böckelmann and Crusius had held these positions since 1670.

[68] Van den Bergh *Noodt*, p 31.

[69] *Sed finio. Iam enim pridem Nobilissimus atque Excellentissimus ICtus & Antecessor Johannes Fredericus Böckelmannus amicus meus, Vir profecto gravitate, prudentia auctoritate summa studiisque doctrinarum Spectatissimus profligavit hanc sententiam satis, naevosque praeterea complures veterum detexit in prolegomenis ad Pandectas § 4 et in tersissimo atque utilissimo illo tractatu de actionibus c.3. part. 16. pag. 242. ut tanto viro aliquid velle adjicere hominis esse videatur non intelligentis.* (*Probabilia* 1.9.7).

[70] Demosthenes (384-322 B.C.) was a famous Athenian orator, particularly renowned for his attacks on Philip of Macedon. Hence the use of the term "Philippics" for an invective. Cf *Philippics* against Antony.

approximately the same length, and although there are minor typesetting differences in the first part of the chapter, this replacement would not have required great adaptation[71]. Its relevance to the entire chapter is less obvious but that is partly the nature of *Probabilia* and the humanistic approach. The issue now is what prompted Noodt to dismiss his friend and colleague — noble, wise and highly esteemed as he was?

Before embarking on an attempt to discover Noodt's motives in scoring out Böckelmann after his complimentary introduction of his colleague, let us take a look at the Crusius' position in the *Probabilia*. Crusius too was a professor at Leiden from 1670. In the editions of 1674, 1679, 1691 and 1693 and 1705 Crusius appears Book I, chapter 4 § 2. The 1691 and 1693[72] editions do vary slightly from the 1674 and 1679 editions but for our purposes these variations are of minor importance. Noodt's chapter 4 of Book I[73] concerns liability and care owed in the case of the *actio pignoratitia* (the action on a pledge) and in *commodatum* (loan for use), and Noodt here produces his beautifully simple emendation of *ut* to *at*. The opinions of various authorities, Accursius, Contius, Cujacius and Jacob Gothofredus are refuted but the coup de grace is administered in § 2, when Noodt writes that his conjecture is reinforced by the knowledge that his friends, most excellent scholars, support him and among them is the well-known Georgius Conradus Crusius, Professor at Leiden, who is most learned, most knowledgeable,[74] and he has identified a similar flaw in D.45.1.101 where he would emend *obligari* to *obligare*.[75] In the 1691 and 1693 edition this same section appears in toto with only minor alterations.[76]

Now let us see whether any useful deductions can be made from the above considerations. Perhaps the first question is "Why were these two professors introduced into the *Probabilia* at all?" Van den Bergh[77] remarks that from about 1674 Noodt was hoping for a position other than that he held at Nijmegen and that the publishing of Book I of the *Probabilia* was part of an attempt to attract the favourable attention of the other universities, particularly Leiden, and enhance his reputation as a scholar. Was it to further this end that he included the "laudations" of two Leiden

[71] No attempt has been made to check the differences between the 1674 edition and the 1691 edition. There will undoubtedly be many minor variations and information on the major differences might be illuminating as to Noodt's thought processes during the intervening years, even on his relationships with his colleagues, but this does not concern us here.

[72] Van den Bergh says that 1693 is a title page edition of 1691 but see Osler *Dies Diem Docet* pp 211 and 214. Copies of both 1691 and 1693 editions are available in Cape Town, 1691 from the Library of the High Court, Cape Town; 1693 from the Gerike Library of the University of Stellenbosch. A very brief collation of the sections relevant to this paper suggests that they are indeed the same text and the same setting. Only the title pages and the preliminary pages are different.

[73] See van den Bergh *Noodt*, pp 153f for Noodt's emendation of *ut* (as) to *at* (but); Huber *Eunomia Romana*, pp 541f.

[74] *atque inter eos etiam Viro Clarissimo Georgio Conrado Crusio, Jcto & Antecessori Lugdunensi immense doctus, rerumque antiquarum instructo plurima atque varia scientia . . .*

[75] Voet *Ad Pandectas*, 4.4.52, attributes this emendation to Simon van Leeuwen (1626-1682) in his Notes to Gothofredus, 1663 but declares that this trifling amendment of a single letter might seem not so unreasonable were it not that, if it were allowed, it would make Modestinus utterly foolish. . . . *placuit nonnullis, interque eos Simoni van Leeuwen in additamentis ad notas Gotofredi ad d.l. 101 pro obligari restituendum esse obligare, id est alios sibi obligatos reddere* (It pleased some, and among them Simon van Leeuwen in his additions to Gothofredus' notes *ad* D. 45.1.101 that *obligare* (to bind) should be restored in place of *obligari* (to be bound), that is to render others bound to themselves).

[76] e.g. 1674 reads *Ceterum visa mihi est haec conjectura multo probabilior, ex quo sensi Viris optimis* . . .1691 and 1693 read *Probabilis mihi haec (quid enim dissimulem conjectura est, sed visa mihi est adhuc probabilior exquo sensi* . . . and further *qui etiam labeculam haud multo dissimilen deprehenisse se aliquando et diluisso significabat* . . . becomes *qui mihi significabat etiam se labeculam*. . .. These may well just be typesetting alterations with a slightly different emphasis and it is not my purpose here either to translate these or to subject Noodt to a detailed cross examination of his motives.

[77] Van den Bergh *Noodt*, pp 28ff.

professors? If so, the exercise was futile, as, in fact, the *Probabilia* appeared in 1674, only after the Leiden post was filled.[78]

The cause of Noodt's displeasure (if displeasure it was) with Böckelmann probably occurred after 1679, when Book I was reissued together with Books II and III. The event which immediately springs to mind is the publishing of Böckelmann's *Compendium Institutionum Justiniani* in 1679. This manual, as we have seen, became very popular despite the attacks made on it by certain professors who strongly disapproved of the policy of summarising and simplifying the law and claimed it was compendia which corrupted legal science. In his inaugural oration, *De Causis corruptae juris prudentiae*, of February 1684, Noodt launched an attack on compendia. This, it is said, was directed against compendia, as used by his Utrecht colleagues, Johannes van Muijden and Lucas van der Poll. However, van Muijden only wrote his own *Compendium Institutionum* subsequently (1687) and then published it anonymously (Was he afraid of criticism from Noodt?). Van der Poll never wrote a compendium. Surely we may therefore assume that Noodt is here inveighing against compendia written by Böckelmann or Huber?

In the case of Crusius it is more difficult to see why he was dropped from chapter 4. Crusius was, it would appear, an inoffensive young man. Certainly no rival to Noodt, and the section with his name was left in until at least 1693 — nearly 20 years after his death. Possibly the excising of that section was a printer's decision, rather than an indication of Noodt's disfavour. But from 1705 onwards the second last section of Book I, chapter 4 disappears entirely — his excellent friends, Professor Crusius, the emendation *obligare* for *obligari* — all are gone. There is, at this point, no attempt to replace the two pages removed. Likewise, all mention of Crusius had disappeared from the chapter head. However, there a short note *plura infra lib. 4.c.3* (more below book 4, chapter 3) concludes the summary and this may possibly be the clue to the change.

Book 4 of the *Probabilia* was added in the 1691 edition and in chapter 3 Noodt replies at some length to Christfried Wächtler's[79] criticism of his (Noodt's) famous and much commended emendation of *ut* to *at* in D.13.7.13.1. This had first appeared in 1680. Noodt refutes Wächtler's argument without mentioning Wächtler's name or that of any other contemporary. He merely writes these things will be clear to everyone, but to him who wrote notes on my *Probabilia* they will not be clear. [80]

It was in 1686, after the death of Crusius (1676) and of Böckelmann (1681) that Noodt moved to Leiden with his new wife Sara Marie van der Leur. Although Crusius and Noodt were both created *doctor juris* in 1669, with Taco van Glins as promoter there is no evidence to show that their relationship was anything more than academic. Likewise there is no evidence to suggest a close friendship with Böckelmann. However, in Huber's mind Leiden, Rusius, Crusius, and Noodt were clearly linked.

3. CONCLUSION

This chapter has treated of two very different aspects of the *Dialogus*. Rusius was not, it would seem, well known to Huber; his links were with Böckelmann and Crusius.

[78] It is to be noted that in the *Dialogus* (p 3) Huber's refusal of a position at Leiden evoked favourable comments both from Böckelmann and Crusius, but after all Huber was writing this!

[79] Christfried Wächtler (1652-1732) was a German advocate, who wrote on theological as well as legal matters, much of his work taking the form of reviews and letters for the Leipzig *Acta Eruditorum* (see Chapter VIII for further discussion of journals). Noodt's *Probabilia* elicited some praise but also criticism, especially of Noodt's *ut/at* emendation of D.13.7.31.1. For further details see van den Bergh *Noodt*, pp 297-300.

[80] *Haec cuique liquent, sed illi qui ad Probabilia mea notas scripsit, non liquent.*

Huber's initial, 1684, bracketing of him with Crusius appears to have been based on nothing more than the fact that the two men were colleagues at Leiden. However, the demands of Crusius' rôle did not allow him and Rusius to speak with one voice as appears to have been the intention in the 1684 edition. Rusius would have been a better partner for Böckelmann, as their views on compendia, at least, were not very different. Perhaps here we should grant Huber a chance for second thoughts, in a work that was certainly composed, as has been discussed elsewhere, in haste. The irony, however, is that Huber's alterations to exclude Rusius from the 1688 edition were not tidy, as can be seen above.

Noodt's story is very different. Although Noodt was not mentioned by name there was no doubt about the rôle Huber cast for him. Crusius' disguise was thin and generous quotations — the actual words — from Noodt's inaugural address *De causis corruptae jurisprudentiae* given at Utrecht (12th February, 1684) left no-one in the dark. As mentioned above, Perizonius wrote to a friend in September of that year objecting to Huber's attack on Noodt (by means of Crusius) and on all who practice textual criticism.[81] Although Noodt's address did not contain any radically new sentiments it may well have provided Huber with exactly the material he was looking for, words with which he could oppose Böckelmann.

One is tempted to suggest — a pure conjecture — that Huber was drafting the *Dialogus* and perhaps considering using Rusius' inaugural oration, in Crusius' mouth, to oppose Böckelmann. Certainly, the title of the Rusius' address *De jejuna quorundam et barbara iuris compendiaria* suggested a lack of sympathy with compendia but the oration was not actually a denigration of compendia and besides it was over 25 years old. Then, suddenly, his ex-colleague Noodt opened his mouth in Utrecht and presented Huber with much more suitable material. The fact that by using Noodt's address he could attack him and all who practised textual criticism was a bonus. The result was the hastily composed 1684 edition with Rusius only receiving his coup de grace with the revised edition for the 1688 *Digressiones* and the patent imposition of Noodt's sentiments on Crusius.

[81] See van den Bergh *Noodt*, p 302.