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Professor Egbert Koops

**The renounced oath.
On freedom of conscience and academia.**



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Discover the world at Leiden University

The renounced oath.
On freedom of conscience and academia.

Dies lecture by

Professor Egbert Koops^{*}

Professor of Legal History.

On the occasion of the 450th Dies Natalis
on Friday 7 February 2025 in the Pieterskerk.



Universiteit
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Illustration front:

Rembrandt van Rijn, *History Painting with Self-Portrait* (1626),
Museum De Lakenhal, Leiden; on loan from the Cultural
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‘I swear to respect and obey the rector and professors. I swear to report wrongdoings detrimental to the university. I swear not to adhere to any doctrine other than that proclaimed at the university.’

That is a rough English translation of the oath of allegiance that students had to swear before the rector when enrolling at Leiden University in 1575.¹ Today, 450 years later, swearing an oath to an educational institution or employer would be almost inconceivable for our students, and yet the chances are that they will recite a similar oath at some point in their lifetime. Today, doctors, lawyers, bankers, bailiffs, witnesses, notaries, judges, military personnel, parliamentarians, ministers, civil servants, members of Provincial Councils, aldermen, mayors, police officers, tax inspectors, wedding registrars, state councillors and members of water boards, members of municipal councils, members of electoral colleges and audit office employees all swear an oath. The Dutch king also has to take the oath at his inauguration ceremony. The university’s trustees, rector, professors and beadle also took an oath, as well as the students.² Even the porter of the library had to promise, on oath, ‘to keep the keys to the library carefully and not to lend books without permission.’³

The oath receives a lot of attention, though not because the given word is sacred and never broken: ‘We have been breaking our promises since the Garden of Eden.’⁴ Yet the ritualistic nature of an oath helps to foster accountability, as the public declaration of the oath and incantation creates a norm.⁵ It articulates and immediately affirms a shared value. The oath is not a perfect tool, but it is a tool to activate the conscience when laws are less effective. As Jonathan Soeharno said in his inaugural lecture on the subject, quoting the Greek poet Aeschylus: ‘Oaths do not give credibility to men; men give credibility to oaths.’⁶

An academic oath is therefore not a matter of life and death, and yet there was something deeply flawed about Leiden University’s oath. It took a while for this realisation to sink in, and in the early days, people did not take it very seriously anyway. The university’s founders had other things on their minds – such as finding professors, students, accommodation and money – in a city that had narrowly survived a siege and in water-logged, half-flooded surroundings. In May 1576, the trustees, including Johan van der Does, were reprimanded by the *Hof van Holland* (translated in English literature as ‘High Court of Holland’). They were urgently instructed to send the professors to the town clerk, Jan van Hout, so that they could still take the oath, giving apologies for the delay.⁷

Perhaps it was then that the realisation dawned that the wording of the oath was not so objectionable for professors, but all the more so for students. After all, they had to promise not to adhere to any doctrine other than that proclaimed at the university – and that was a problem. Nowadays, we would interpret this as an impediment to discovery and innovation, and a serious curtailment of academic freedom. In 1575, however, the context was slightly different. The university ‘doctrine’ referred to was, of course, not that of one or other school of thought, direction or line of thinking, but that of the doctrine of the Calvinist religion. According to the statutes, anyone who had not converted to it and remained Catholic was not welcome at this university because in a more God-fearing age, swearing Leiden University’s oath was equivalent to renouncing one’s own faith. Academic freedom was to be enjoyed only by those who surrendered their freedom of conscience.

To describe the time when Leiden University was founded as ‘polarised’ would be putting it mildly. From the very outset, the university had an identity crisis. While the university was expected to be a firm supporter of the country’s freedom and good governance, to quote William of Orange, this was supposed to apply for both religion and civil prosperity.⁸ Was

the university a sanctuary of the muses to train humanist administrators, or a bastion of true faith?⁹ The mission was as divided as the very ideals of the Dutch Revolt.

How was the young university to deal with dissenters, and Catholics in particular? The answer to that question would determine the kind of university that Leiden would become. But the answer was not that easy; ministers of religion were a powerful force and the country was embroiled in civil war. Catholics were distrusted as a fifth column that was dangerous to the state. Religion was a matter of state, and a university is at the core of society rather than outside it. It can give a little resistance or guidance, but it can never ignore the desires of society, which foots the bill for our academic life. At the same time, there is also the vital task of protecting the bird of paradise. The key to governance is knowing when to yield and when to stand firm. Hence, for inspiration, when we celebrate an anniversary such as today's, it is good to reflect on the early years. How did the *praesidium libertatis*, the 'bastion of liberty', treat the dissenting Catholics?

In March 1578, the student oath was a topic of discussion. The city council and the university sent a joint letter to the *Staten van Holland* ('States of Holland'), the patron that had also approved the statutes, asking to be released from the oath. Students were flocking to Heidelberg and Leuven, for two reasons. Firstly, beer was too expensive in Leiden, and secondly, they had to take an 'exorbitant or misleading oath'.¹⁰ They found the latter particularly vexatious. For theologians, an oath on orthodoxy was understandable, but for students in other disciplines, it was an unnecessary burden on the mind. The States showed willing: the students received an exemption from taxes on beer and wine and the oath was scrapped.¹¹ From now on, in Leiden, everyone's mind was free,¹² which was quite extraordinary. At the University of Oxford, a religious oath would still be required for centuries to come, and at Groningen, Franeker and Utrecht, students had to swear not to

deviate from Aristotle, with Descartes' absurd paradoxes and modernisms.¹³ As a sanctuary of the mind, Leiden University was ahead of the times.

Or was it Leiden's city council? Under the all-powerful town clerk Jan van Hout and his best friend trustee Johan van der Does, a spirit of tolerance prevailed in Leiden. Both professed the Reformed religion but had an intense aversion to hair-splitting. When a draft of the statutes was submitted in May 1575, the professors had thought that the rector would investigate the morals and beliefs of academics as a kind of 'Grand Inquisitor' and would be able to throw heretics out of the university.¹⁴ The city council came up with a stiff response: 'The rector's inquisition of everyone's life and manners, and criticism of heresy, does not befit the university for correction and should not exist in these times.'¹⁵ The battle against Spain had not been fought to establish a new inquisition.

Preaching tolerance is different from professing tolerance. A short while later, the university's role as a guardian of tolerance was put to the test during a 1587 affair involving Canon Van Assendelft. The ordeal was to become a reference point for when the going got tough and academic privileges had to be defended.¹⁶

Following the scrapping of the religious oath, Catholic students soon travelled to Leiden, as did the occasional professor, including Sosius and perhaps Justus Lipsius. The university printer, Plantijn, was also a staunch Catholic. Whether they really felt welcome in Leiden is another matter (no, being the answer), but they were largely left alone.¹⁷ In 1580, the Haarlem canon and master in both laws Willem van Assendelft also settled in Leiden, enrolling at the university despite having already graduated. Many others did the same, and not only because of the exemption from excise duties on beer and wine – also because the university was autonomous. In consultation with the city, it drew up its own rules, which brought with it

the privilege of its own administrative procedure anchored in the academic tribunal.¹⁸ Van Assendelft thus fell under the academy's protection, and he founded a successful Latin school on Pancrassteeg, between Hooigracht and Middelweg. The son of mayor Van der Werff even attended the school, which was remarkable for the time as Van Assendelft was not granted official permission to found a school. As a Catholic clergyman, he would not have received permission had he asked for it anyway. However tolerant Leiden was, a flourishing Catholic school was simply a bridge too far.

In 1587, the High Court of Holland launched criminal proceedings against Van Assendelft because he ran a school without permission, distributed 'scandalous publications' of Jesuit literature – involving the catechism of Petrus Canisius, printed by none other than Plantijn – and held meetings with 'papal practices'. All of this was forbidden according to a 1581 placard, which had been issued one year after Van Assendelft travelled to Leiden and opened his school. Invoking the privileges of the university, Van Assendelft turned to the rector to ask for protection.

At this, a dispute arose between the university and the Court over who had the authority to try Van Assendelft. While it initially seemed to amount to envy over jurisdiction, there was actually more to the dispute. Traditionally, independent jurisdiction – not legislation – signified sovereignty and autonomy. If the university's jurisdiction was forced to succumb to that of the government, the university's autonomy, the greatest safeguard of academic freedom, would come under attack. The rector, Justus Lipsius, was keen to protect Van Assendelft, and trustee Johan van der Does was in full agreement. The only problem was that the Court was just as principled as the university, and so Van Assendelft had to be and would be prosecuted. This led to enormous administrative wrangling. There was a lot of travelling, writing, debating, settling, pleading, meeting and deliberating. The imposing Jan van Hout went to The Hague to present the deed of

establishment and statutes. In the end, the States had to push through a compromise. The Court would defer prosecution, but the university had to take over the prosecution. And so began proceedings in the academic tribunal against Van Assendelft.

The demands of the 'promoter' – the present-day prosecutor – were heavy. Closure of the school, expulsion from the university, banishment from Leiden and a 300-guilder fine. Van Assendelft vigorously defended himself, and in its verdict, the academic tribunal almost entirely vindicated him. He was allowed to continue running his school, albeit in future forbidden from teaching anything contrary to the Reformed religion. The Court had no choice but to accept this lenient ruling; the university had won its first major conflict concerning autonomy. It appeared to make sense to resist external pressure with an appeal to academic freedom.

5

And so, to conclude, what have we learned from this?

Firstly, that in the early years, the university did not really know what it wanted to become later on. It had yet to develop the humanist attitude to life that we associate with *praesidium libertatis*, 'bastion of liberty'. Jan van Hout, in particular, brought a spirit of tolerance that the university initially found difficult to muster on its own. Perhaps this is a good opportunity to thank Leiden's city council for shaping the university in this way.

Secondly, we have learned that it is up to the university's administrators to protect academics from external pressures and monitor the lower limits of law, morality and decency in the academic sphere. Academic freedom does not mean absolute freedom of research and teaching. Every freedom is limited by the legitimate claims of others. What academic freedom does mean is barring non-academic interference in research and teaching.¹⁹

Thirdly, we have learned that the past can inspire how academic freedom is interpreted in the here and now. That freedom includes at least freedom of conscience, and that, in turn, includes philosophical beliefs. The past never provides a blueprint. As a university community, our task is to work out what academic freedom should mean in concrete terms. The more we debate this, the better, and it is even better if that debate happens internally, in line with the standards of scholarship. We should not simply needlessly agree with each other.

Lastly, we have learned that the influx of students and the university's glory in its early years was built on two unshakeable foundations: the protection of freedom of conscience and academia, and the abolition of excise duties on beer and wine.

6 I have spoken.

Notes

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1. Art. 17 Statutes (2 June 1575), in P. C. Molhuysen, *Bronnen tot de geschiedenis der Leidsche universiteit*, part I, The Hague: Nijhoff 1913, no. 23, p. 32.*
2. The content varied from one administrative position to another. For the wording of the oath of the rector, assessors and officer (8 February 1595), see Molhuysen, *Bronnen I*, no. 289, p. 315-316;* see also Art. 15 and 16 Statutes 1575. For the wording of the professors' oath (August 1591), see Molhuysen, *Bronnen I*, no. 166, p. 183.* For the wording of the beadles' oath (26 November 1590), see Molhuysen, *Bronnen I*, no. 149, p. 169.*
3. For the wording of the library porters (8 August 1725), see P. C. Molhuysen, *Bronnen tot de geschiedenis der Leidsche universiteit*, vol. V, The Hague: Nijhoff 1921, no. 1014, p. 1.*
4. Verbal communication from Professor Egbert Myjer.
5. Cf. J. L. Austin, *How to do things with words*, Oxford: Clarendon Press 1962, p. 6-10, 156-158.
6. J. E. Soeharno, *De waarde van de eed* (UvA inaugural lecture), Amsterdam 2013, p. 24.
7. Professors' oath (22 May 1576), Molhuysen, *Bronnen I*, no. 30, p. 45.*
8. Letter of William of Orange to the States (28 December 1574), Molhuysen, *Bronnen I*, no. 1, p. 1.*
9. W. Otterspeer, *Groepsportret met Dame I. Het bolwerk van de vrijheid. De Leidse universiteit, 1575-1672*, Amsterdam: Bert Bakker 2000, p. 67-74.
10. Petition of professors, trustees and mayors to the States of Holland (11 March 1578), Molhuysen, *Bronnen I*, no. 39, p. 55.*
11. Initially, the religious oath was retained for theologians. However, the wording of the 1595 oath was intended for all students and tacitly dropped this part of the oath. Decision of mayors and trustees (8 February 1595), Molhuysen, *Bronnen I*, no. 288, p. 314.*
12. Notification of the decision on the oath, Molhuysen, *Bronnen I*, no. 40, p. 56.*
13. Art. 40 Statutes of Groningen (1619); Art. 19 Statutes of Franeker (1647); Art. 28 Statutes of Utrecht (1644). See J. P. N. Land, *De oude en de nieuwe universiteit* (Dies speech 1886), Leiden: Brill 1886, p. 30-31.
14. Art. 9 Draft Statutes (early May 1575), Molhuysen, *Bronnen I*, no. 20, p. 20.*
15. Magistrate's response (early May 1575), Molhuysen, *Bronnen I*, no. 21, p. 23.*
16. Afterwards, this episode became somewhat forgotten until it was unearthed in 1964 by Father Geurts, then the rector of Bonaventura College. P. A. M. Geurts, *Het eerste grote conflict over de eigenspraak der Leidse universiteit*, Utrecht 1964, *passim*. See also Otterspeer, , *Groepsportret met Dame I*, p. 124-126.
17. This was not true of the response from the Catholic side. In 1602, the apostolic vicar Sasbout Vosmeer managed to obtain confirmation from Pope Clement VIII that enrolment with Leiden's academy resulted in excommunication. Geurts, *Het eerste grote conflict*, p. 26-27.
18. Administrative authority by professors over their students was introduced by Emperor Justinian (const. Omnem 10, a. 533). However, the privilege of an academic court dates from a provision issued by the medieval emperor Frederick I Barbarossa in 1155 or 1158 (auth. Habita ad C. 4,13,5).
19. The current Executive Board is aware of this task, as evidenced by the report of the Academic Freedom Core Team presented on 17 June 2024. The task received little attention over the summer months of 2024, which is unjustified. F. van der Meer, S. J. van der Molen, J. Ouwerkerk, H. Paul and M. de Vries, *Academische vrijheid: een Leidse lijn*. The final report of the Academic Freedom Core Team (in Dutch), 17 June 2024, is available here: <https://www.universiteitleiden.nl/binaries/content/assets/algemeen/bb-scm/nieuws/eindrapport-kernteam-academische-vrijheid.pdf>.

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