

Pirating *Mare liberum* (1609)¹

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Abstract

Two pirated editions form a vital but neglected part of the printing and reception history of the first edition of Grotius' *Mare liberum*.

Keywords

Mare liberum – book history

I Background

Mare liberum has been called a landmark in the genealogy of capitalism, liberalism, imperialism, and a few -isms besides.² Aspects of its composition, publication history, political context and impact have been extensively researched. Given its importance, it is striking that existing scholarship neglects the fact that three distinct editions of *Mare liberum* were published in 1609, or at least carry that date. Nor has there been any attempt to estimate the editions' print run, or gain insights into this seminal work's reception by examining the surviving printed copies' physical characteristics, such as their location, provenance marks, handwritten annotations, and the choice of other texts they were bound with. This article describes the three editions, provides a census of known surviving copies, and offers new insights into the political context and early reception of *Mare liberum*.

A brief summary of the extensive literature on relevant aspects of *Mare liberum* is sufficient here. The work, best known for arguing that all nations had a right to trade freely, grew out of a substantial revision of chapter XII of *De iure praedae commentarius* (IPC), which Grotius probably composed between September 1604 and November 1606 to justify the Dutch seizure of the Santa Catarina, a Portuguese

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² See e.g. China Miéville, *Between Equal Rights: A Marxist Theory Of International Law* (Brill, 2005). Eric Wilson, *The Savage Republic* (Martinus Nijhoff, 2008). Martine van Ittersum, 'Dating the Manuscript of De Jure Praedae (1604-1608): What Watermarks, Foliation and Quire Divisions can Tell us about Hugo Grotius' Development as a Natural Rights and Natural Law Theorist,' *History of European Ideas* 35 (2009), 125-193, 142-3. John D. Haskell, 'Hugo Grotius in the Contemporary Memory of International Law: Secularism, Liberalism, and the Politics of Restatement and Denial,' *Emory International Law Review* 25:1 (2011), 269-98. Marti Koskenniemi, 'International Law and the Emergence of Mercantile Capitalism: Grotius to Smith,' in eds. Pierre-Marie Dupuy and Vincent Chetail, *The Roots of International Law* (Martinus Nijhoff, 2014), 1-37. Christopher R. Rossi, *Sovereignty and Territorial Temptation: The Grotian Tendency* (Cambridge, 2017).

carrack of immense value captured by the Dutch East India Company (VOC) in February 1603. The full IPC was rediscovered only in 1864, and first published in 1868.³

In a 4 November, 1608 letter, the Zeeland VOC directors commissioned Grotius to publish *Mare liberum*.⁴ On 23 November, Grotius wrote to Daniel Heinsius, his colleague and friend, that he was working toward a ‘quick publication’ to transform chapter XII of IPC into *Mare liberum*, and asked Heinsius to find a publisher. Lodewijk Elzevir in Leiden agreed to publish it, and subcontracted the printing to Joannes Balduinus. On 11 December Grotius accepted the proposed number of presentation copies, and asserted that the book must appear before February 1609, still in time to influence the negotiations that prepared the Twelve Years’ Truce. In his 18 December, 1608 letter, Grotius complained about the ‘neglect and idleness of the printer,’ who refused to fix a publication date or even guarantee printing before February. On 11 January, 1609 Grotius wrote to Heinsius that he was pleased about the typeface, but not the ‘ugly paper.’ Further exclamations of dissatisfaction with the publisher followed.⁵

Grotius sent the preface and appendix to Heinsius on 18 February, 1609, and discussed arrangements to apply to the States of Holland for a privilege in order to discourage pirated editions. While the sea was free to everyone, the world of printing had to be regulated by monopolies. Due to the ongoing peace negotiations, on 7 March, Johan van Oldenbarnevelt, Land’s Advocate for Holland and effectively Prime Minister of the Dutch Republic, asked Grotius, his protégé, to suspend the publication of *Mare liberum* until the Twelve Years’ Truce was signed between the Dutch Republic, and Spain and the Southern Netherlands. Nonetheless, *Mare liberum* already appeared in the spring 1609 catalogue of the Frankfurt Book Fair.⁶ The treaty was signed in Antwerp on 9 April, 1609. Probably at the end of April, Grotius wrote to Heinsius that the books were available for sale.⁷

II The mystery edition

Though for other reasons, Henk Nellen rightly notes that ‘[t]he history of the composition and publication of *Mare liberum* is a mystery.’⁸ In addition to Elzevir’s much-discussed Leiden version there exist two further editions with different dimensions, fonts, frontispieces, illustrated initials, and other variations. While the printing history, dating, and political context of the Leiden edition have attracted close scholarly attention, the existence two non-Elzevir editions from 1609, let alone their distinctive features and the stories they tell, have been ignored. One non-Elzevir edition features briefly as item 542

³ For this context see Martine van Ittersum, *Profit and Principle: Hugo Grotius, Natural Rights Theories and the Rise of Dutch Power in the East Indies (1595-1615)* (Brill, 2006).

⁴ This and the next paragraph rely on Martine van Ittersum, ‘Preparing *Mare Liberum* for the Press: Hugo Grotius’ Rewriting of Chapter 12 of *De iure praedae* in November-December 1608,’ *Grotiana* 26-28 (2005-7), 246-80, at 248-57; and Henk Nellen, *Hugo Grotius: A Lifelong Struggle for Peace in Church and State, 1583-1645* (Brill, 2015, translation and revision of *Hugo de Groot: Een leven in strijd om de vrede, 1583-1645*, Balans, 2007), 107-9.

⁵ ‘Characteres sane placent, et libelli forma. utinam chartam non pessimam adhibeant.’ Grotius, *Briefwisseling van Hugo Grotius*, eds. P.C. Molhuysen, B.L. Meulenbroek and H.J.M. Nellen, 17 vols. (The Hague, 1928-2001) (henceforth BW), letter on I.134-5, citation from I.135. Accessed online at <http://grotius.huygens.knaw.nl/letters/0156/>. Also see Ittersum, ‘Preparing,’ 257.

⁶ Ittersum, ‘Preparing,’ 256. Nellen notes that despite Oldenbarnevelt’s instruction the ‘embargo was not very strict, and the printer was allowed to send advance copies to the spring book fair in Frankfurt.’ *Lijfelong*, 108.

⁷ BW I.144, accessed at <http://grotius.huygens.knaw.nl/letters/0164/>.

⁸ *Lijfelong*, 107.

in the 1950 bibliography of Grotius' works by Ter Meulen and Diermanse. They in turn refer to Willems' short and unsupported 1880 description of it as a pirated version of the Leiden edition.⁹ More recent scholarship does not discuss this edition, except for a footnote that describes the volume as a pirated edition printed in Antwerp. This attribution is brief, unsupported, and contrary to the majority opinion of the experts we consulted, including the same expert who is cited in the Feenstra edition's footnote.¹⁰ We have also discovered a third edition in Chile, which has not been noted in the literature.

Historians have long emphasized the significance of the immediate political context for the publication of the original edition. Grotius' intervention was a political act in the ongoing war between Spain and the Northern Netherlands, and Oldenbarnevelt's intervention attests to his belief that the volume would have been read and taken seriously enough to jeopardise negotiations. The analysis of two other, possibly pirated, editions of *Mare liberum* may offer an opportunity to revise our understanding of its significance. If the two non-Elzevir editions were pirated, that suggests that even in its original context *Mare liberum* could serve purposes other than what scholars generally attribute to it. If, as we conclude, a Dutch printer is likely to have produced the better known mystery edition, it is even possible that he did so with the agreement of Grotius, who may have gone against Oldenbarnevelt's will, and effectively supported a free market not only in maritime, but also in the printing trade.¹¹ If, however, this edition was printed in Antwerp, it raises the question of how it could have benefited printers and political actors in the Spanish Netherlands. And if the lesser known mystery edition, now in Santiago, Chile, was printed in Salamanca, for which there is some inconclusive evidence, it raises even more questions about the quick spread of the work to Spain, and the Salamanca school's interest in it. Our analysis provides the first steps towards answering these questions.

A close comparison between the two editions that are noted in the scholarly literature shows several differences. Both editions are in octavo format, but neither the fonts nor the printed surface are the same. The Leiden edition is 66 pages of Grotius' text, plus a two-page appendix of Philip III's letters to Martim Afonso de Castro, Portuguese viceroy of India until his death in June 1607. Its title page shows an eagle and the publication details, 'Lugduni Batauorum, Ex officina Ludovici Elzeverij, ANNO CIO.IOL.IX.' The dedication is followed by an errata section, which Feenstra suggests might have been compiled by Grotius himself.¹² In this edition, page number 66 is misprinted as 42.

The mystery edition is 67 pages of Grotius' text, followed by Philip III's letters on 3 pages. This edition uses a smaller font than Elzevir, and it is often printed on cheaper, inferior paper. Ter Meulen and Diermanse measure the Leiden edition as 15,5 x 9,5 cm, and the unidentified edition as 16,5 x 10 cm. The title page of the latter shows a fantastical lion head device with the text, 'Impressa primum, Lugduni

⁹ Jacob ter Meulen and P.J.J. Diermanse, *Bibliographie des écrits imprimés Hugo Grotius* (The Hague, Martinus Nijhoff, 1950) (henceforth TMD) 213, no. 542. Alphonse Willems, *Les Elzevier Histoire et annales typographiques* (Brussels, 1880), 21, no. 56.

¹⁰ Jeroen Vervliet, General Introduction, in ed. and annot. Robert Feenstra, *Hugo Grotius, Mare Liberum, 1609-2009* (Brill, 2009), XXXVn39.

¹¹ Contravening a request to suppress a book would not have been unprecedented for the age. Also in early 1609, Franciscus Gomarus published *Vvaershouwinghe...* in Leiden, his speech to the States General against Arminius, in spite of the States' actual ban. Edwin Rabbie, Introduction to Hugo Grotius, *Ordinum Hollandiae ac Westfrisiae Pietas...* (Brill, 1995), 5-6.

¹² Feenstra, *Mare liberum*, L-LIn109.

Batavorum, In officina Ludovici Elzevirij, ANNO CIO.IO.IX.¹³ The design is repeated at the end of the book, unlike in the case of the Leiden edition. There is no errata, and the designs for the two illustrated capitals, E in the address to the readers, and P at the beginning of chapter I, also differ from Elzevir's. There is considerable variation in the use of 'v' and 'u' and 'i' and 'j' between the two editions, with no consistency in either. Page number 15 of this edition is misprinted as 13.

1609 Leiden <i>Mare liberum</i>	1609 unidentified <i>Mare liberum</i>

Fig. 1. The title pages

1609 Leiden <i>Mare liberum</i>	1609 unidentified <i>Mare liberum</i>

Fig. 2. Stylised initial E from the address to readers

1609 Leiden <i>Mare liberum</i>	1609 unidentified <i>Mare liberum</i>

Fig. 3. Stylised initial P from chapter I

Although the mystery edition corrects the mistakes listed in the Leiden errata, it is not obvious that it was created by simply pirating the Leiden edition. Evidence gleaned from variations between the two editions, and their correspondence with the known manuscript, is inconclusive. There are cases when the mystery edition matches the manuscript better; and cases when the Leiden edition is closer. Importantly, both editions seem to have taken into account the midpoint of the text that Grotius erroneously established in the surviving manuscript, Ms. BPL 917 (sometimes assumed to be the draft from which the Elzevir edition was printed) in order to allow two typesetters, and perhaps two copyists, to work on the book simultaneously.¹⁴ While variations and the attention to the midpoint do not exclude the possibility that the mystery edition is based on a manuscript, the force of these two sets of evidence is also undermined by the strong probability that the typesetters used cleaner copies, not Ms. BPL 917. Let us examine these arguments in turn.

Firstly, both editions diverge from the manuscript's spelling and contraction conventions. While Grotius preferred 'i' to 'j' and 'u' to 'v' in cases where both were acceptable, both editions frequently

¹³ Ter Meulen and Diermanse, 213, no. 542, mistakenly write that the mystery edition prints the date as 'ANNO M.D.IX.'

¹⁴ Ittersum, 'Preparing,' 257-8.

contravene his preferences. Nor does either edition follow closely Grotius' placement of commas in the manuscript, or his choices between *et* and the ampersand. When either edition prints the enclitic –que as q or q̄, or uses a curved macron to indicate an omitted m or n (on the first page of the main text alone, *regulā* for *regulam*, *cūcta* for *cuncta* or *nō* for *non*), it is equally likely that it follows or departs from the manuscript. No pattern emerges from these features.

II.1 When Elzevir is closer to Ms. BPL 917

Compared with the official, Elzevir edition, the mystery edition departs in another three ways from Grotius' manuscript: it introduces ten new typographical errors, it abbreviates words when it tries to replicate the pagination and midpoint that Grotius calculated, and it italicises the few quotations that Grotius failed to mark as such. Variations will be noted in the following format: references to Ms. BPL 917 begin with f, indicating the folio number. L refers to the Leiden edition, and M to the mystery version, usually followed by a page number. Since the page numbers of L and M are often the same, LM is used to refer to words or passages printed on the same page in both editions.

Although the mystery edition corrects the mistakes noted in the Leiden errata, it also introduces new typographical errors. The address to readers misprints *praesidum* for *praesidium*, and *vos* for *nos*. L3 *itinerā* becomes M3 *itinrae*, and L8 *inter alios* turns into M8 *in alios*. The last sentence of chapter IV prints *sequimur* instead of *sequitur* (M13). In the long chapter V, the mystery edition omits an *et* (M26, *quod aliae* in penultimate line), and it has *inaturalis* instead of *naturalis* in the penultimate sentence on M44. At the beginning of chapter X, the mystery edition misprints *su juris* (M56) for *sui juris* (f114r, L54). In citing Aristotle's division of agreements into those that are concerned with transporting merchandise by land and those concerning transport by sea, the manuscript and the Leiden edition both use *devehit* (f114v, L54), while the mystery edition prints *vehit* (M54). Finally, M65 misprints *ratem* as *ratim* in the Praetor citation.

The unidentified edition's printer abbreviates *igitur* as *g.* in the first paragraph of chapter V (M13). Other unusual abbreviations include *v.* for what both the manuscript and the Leiden edition have as *vero* (M16, 20, 26), *n.* for *enim* (M16), *a.* for *autem* (M17, 18, 22), and *e.* for *etiam* (M20). The mystery edition misprints *subiere* as *subire* in the Virgil quotation, and *insultavere* as *insultare* in Ovid (M17). These unusual abbreviations are concentrated on M16-20, suggesting that they were part of the printer's strategy to match the pagination of the Leiden edition, which was based on Grotius' calculations in the manuscript. Other indications of this deliberate strategy, such as widening the gap between words, are discussed below.

Grotius underlined dozens of citations in the surviving manuscript. Both editions printed these passages in italics. On f103v Grotius forgot to underline a citation from Ulpian and another from Labeo. The Leiden edition does not italicise them, and its errata does not note that they are citations (L23). The mystery edition italicises them in keeping with Grotius' practice (M23). Though technically this is an instance when the Elzevir is closer to the manuscript, it suggests that the mystery version conforms better

to Grotius' intent, or that the mystery printer worked from a cleaner manuscript. The same thing happens in the next paragraph, when Grotius signals that he is citing *Uti possidetis interdictum* from Paulus, but contrary to his custom does not italicise the phrase (f103r). The Leiden edition adheres to this, but the mystery edition uses italics in accordance with Grotius' general practice (M24). Again, on f105r Grotius makes it clear that he is citing the terms *interdictum* and *de loco publico fruendo*, but fails to italicise them. Neither does the Leiden edition – but the mystery version does (M28).

II.2 When the mystery edition is closer to Ms. BPL 917

In some cases, the mystery edition matches the manuscript better than the Leiden edition. There is no need to repeat the Leiden errata here; it is sufficient to note that the mystery edition corrected the text by taking all the errata into account. In addition to the more than one dozen mistakes listed in the 1609 errata, Feenstra's 2009 edition notes another twenty-eight discrepancies between the manuscript and the Leiden edition.¹⁵ Many of these are printed marginal references to previous passages in *Mare liberum* itself, and they are absent from the manuscript. However, there are also several differences that neither the 1609 errata, nor Feenstra and the critical tradition of editing *Mare liberum* that he drew on, seem to have noticed. They are listed here together with a comparison with the mystery edition.

The Leiden edition's *argumto* (L4) is spelled correctly in the mystery edition. To draw an inference from Doneau, Grotius writes *sequitur* (f104r), which L25-6 misprints as *sequuntur*, but M25 corrects. Discussing the common use of the sea in chapter VII, Grotius writes *usum, qui...* on f109v. The same words appear in the mystery edition, as opposed to *usum quae* in the Elzevir (L40). The Leiden version mistakenly prints *ex ex* on L45, which the mystery edition corrects to *ex*. None of these mistakes are in the errata, or in Feenstra's notes. The printer of the mystery edition could have corrected these by carefully reading the Leiden edition, without access to a manuscript.

The pagination and spacing of words, however, are harder to explain, unless we allow that the unidentified printer might have worked from a manuscript, or had otherwise learned about Grotius' preferences and instructions. As mentioned, the size of fonts and the print surface of the mystery edition differ considerably from the Elzevir. In the Elzevir edition, the address to the readers and the errata together take up 10 pages. Only 6 pages are needed for the same address in the unidentified edition, which has no errata. Nevertheless, the difference in total page numbers is minimal: the Elzevir is 66+2, and the unidentified edition is 67+3. How is this possible?

The unidentified edition tries very hard to approximate the Elzevir. Even though the page and font sizes differ, the typesetter tweaks the layout to make the first 3 pages of the main text begin and end on the same word, even though the lines often differ (e.g. L3 line 3 ends “que-“ in Elzevir but *hinc* in the unidentified, in which *querelae* shifts to line 4). The size differences force a bifurcation in pagination after page 4. By page 9, the end of chapter III, the unidentified edition squeezes in 4 lines more than the Elzevir. Lines begin and end differently now. Yet something strange happens. The printer keeps adjusting

¹⁵ Feenstra, *Mare liberum*, 24n2, 24n3; 31nb, 38n3, 58n2, 72n3, 74n1, 76n1; 80n1, 94n2, 97na, 112n2, 112n3, 114n2, 114n3, 114n5, 116n1, 120n1 fecit, 122n1, 122n2, 129nb, 129nc, 130n2, 130n3, 133na, 133nb, 136n1, 137na.

margins and columns, and by page 23 the difference between the two editions is reduced to 2 lines. By page 32, the two editions are almost perfectly aligned again, with only one line's difference at the top. Now the divergence resumes, but the unidentified printer starts to plan ahead. By page 36, the beginning of chapter VI, it is the unidentified edition that is 2 lines shorter than the Elzevir. Here the printer relaxes, and a mere 2 pages later the unidentified version runs ahead again. Long pauses between words are added, and an alternative letter "m," one with a long tail, first introduced on M13, comes into increasingly frequent use. But the unidentified version pulls ahead, and by M44 it is more than half a page longer than the Elzevir. Spatial correction resumes, and by page 52, the beginning of chapter VIII, the Elzevir is 5 lines ahead. This advantage remains. Elzevir ends on L66 (misprinted as 42), and the tapering text reaches the bottom of the last page. The unidentified edition runs over slightly into M67, and the last page is filled up with a reproduction of the lion's head ornament.

Why this extraordinary attention to the Elzevir edition's pagination and length? A possible explanation might be that the attempt to match the Elzevir edition is an epiphenomenon or false correlation, because both editions are following a manuscript and/or detailed printing instructions by Grotius or someone else who participated in the production of the Leiden Elzevir. When Grotius prepared chapter XII of IPC for the press as *Mare liberum*, he divided the text into two parts. This allowed two typesetters to work simultaneously, and perhaps two scribes to prepare a fair copy.¹⁶ Interestingly, Rabbie points out that Grotius' manuscripts for *Meletius* (1611), *Ordinum pietas* (1613), *De satisfactione* (1615), and *De imperio summarum potestatum circa sacra* (1616) were also copied for the press simultaneously by two scribes, usually, but not always, Leiden students. Could this arrangement have started with *Mare liberum*? In any case, as Ittersum has shown, to determine the midpoint of *Mare liberum*, Grotius counted the lines in chapter XII of IPC in the manuscript, added the new conclusion on an inserted bifolium, noted the number of lines on each page, added them up (erroneously) on f121v, and determined the midpoint as *nisi iwisent eo* on f107v of the surviving manuscript. Though the printer may have redone the calculations, this midpoint shaped the production process.¹⁷ Despite the considerable size differences and fluctuation in comparative alignment, the two 1609 editions are quite well matched at Grotius' midpoint. It is on L34, line 21 of 29 lines in the Elzevir, and M34, line 19 of 29 lines in the unidentified version. The alignment of Grotius' midpoint, and the consistent effort to correct for the size differences, raise the possibility that both editions were produced from a manuscript. If so, this need not have happened with Grotius' approval. After all, Petrus Bertius had an unauthorised copy of *Ordinum pietas* made in 1613, while it was being copied in preparation for the press.¹⁸

It is also worth noting that the mystery printer did not set out to produce copies that would fool people into thinking that they were buying the Leiden edition. The mystery *Mare liberum* (which, unlike the Elzevir, calls itself the first edition on its title page) has different ornamental devices and pagination, which make it easy to distinguish it from the Leiden version. An attempt to produce an identical edition

¹⁶ Rabbie, 'Introduction,' 39-40.

¹⁷ Ittersum, 'Preparing,' 257-8. In commenting on this article, Hans Blom pointed out that the midpoint had to be recalculated, otherwise it would be at the end of a page.

¹⁸ Rabbie, 'Introduction.'

was not the reason why the printer paid close attention to Grotius' rough calculation for the pagination, and to the midpoint.

This raises the further possibility that Ms. BPL 917 is not the final version from which fair copies were made for the printers. This manuscript has several messy and hard-to-follow parts, which would have made the work of copyists, let alone typesetters working directly from it, very difficult indeed. The hypothesis that at least one cleaner copy followed Ms. BPL 917 before the copyists took over is reinforced by differences between this manuscript and both printed editions that cannot be traced to the manuscript. All the differences noted in the next section are inexplicable without interim drafts between Ms. BPL 917 and the copy given to Elzevir and Balduinus, and an interim draft or instructions to observe the Elzevier edition's length and midpoint having been given to the mystery printer.¹⁹

II.3 When both editions diverge from Ms. BPL 917

On f96v Grotius describes the principle in the law of nations that any state can trade with any other as *perpetua atque immutabilis*, but the first page of the main text in both editions prints it as *perspicua atque immutabilis*.²⁰ The word *perpetua* is clear, legible, and unamended in Ms. BPL 917, but it is not what appears in print. On the same page, a question mark at the end of a question on f96v is moved up to the interrogative, *Quo ista?* in print. On f98r Grotius uses another question mark to ask how the Portuguese could have discovered India, when Horace already mentions it; the printed editions replace the question mark with a full stop (LM6). On the same page Grotius spells *idolatrae*, while both editions print *idololatrae*. On f98r, at the end of chapter II, Grotius cites Vitoria on the Indians not being *amentes aut insensati*, which becomes *amentes et insensati* in both editions (LM7). In chapter III, when according to both printed editions Grotius disputes that the Portuguese are lords of all those places (*dominos eorum locorum*, LM8), the manuscript has *dominos orienta* instead (f98v). In chapter IV, Grotius considers whether it is lawful to attack those who refused to convert even after learning about Christianity. The printed editions have *respicere* (LM11) while the manuscript has *recepere*. Next, Grotius inserts a long quotation from Cajetan, in which *subiciendos eos* (f99r) becomes *subjiendos illos* in print (LM12). On f102r, Grotius cites from Seneca's Octavia as *EXSTRUXIT urbes*; LM18 omits a letter and changes capitalisation to print *Extruxit URBES*. When he argues that occupation may not hinder common use in things designed by nature for common use, Grotius writes *nam cum ita se res habet* (f103r); the *res* disappears in both editions (LM21). Discussing the principle of *uti possidetis*, on f104r Grotius rewrites *solam iniuriae actionem* to *...iniuriarum...*, but only the printed editions change *solam* to *solum* (LM24). On the same page, f104r, Grotius cites Doneau's position that the sea is not tradeable, and cannot be properly owned. Both editions print *Unde sequitur si proprie*

¹⁹ As mentioned, we are not reproducing differences between Ms. BPL 917 and the 1609 Leiden edition that Feenstra has already noted. Some of these also cannot be explained by the copyists' or the printer's errors or corrections based on editorial decisions, Grotius' style, or by the copyists or printers check Grotius' citations against print versions of Vázquez, Vitoria, Aristotle and other text cited in *Mare liberum*. Such differences should be added to the list in this section, strengthening the probability of at least one more manuscript. See e.g. Feenstra, *Mare liberum*, 72n3 (where Feenstra asks, 'why does it not occur in MP?', given that the manuscript is clear), 74n1, 122n1, and 122n2. One anonymous reviewer kindly pointed out that the practice of destroying the typesetter's copies after printing, and the return of the surviving *Mare liberum* section of Ms. BPL 917 into the full IPC manuscript, further raise the probability that the book was printed from a different manuscript.

²⁰ Also noted by Feenstra, *Mare liberum*, 24n3.

loquamur (L25-26, M25), even though in the manuscript Grotius replaced this phrase with, *Unde censent eruditiores si proprie et recte loquamur*.²¹

The phrase, *ne illum quidem* on f105r becomes *ne quidem illum* in both editions. Similarly, *ita mare illud* on f106r becomes *sic mare illud* in print (L31, M30). On f106v, when Grotius marshalls ancient sources to show that the Portuguese did not discover new routes, he writes *quod Cornelius Nepos tradidit*. The two editions change the last word to *testatus est* (LM32). In chapter VI, Grotius points out that the Pope is not the temporal lord of the whole world in the opinion of all men of sound judgment (*ex omnium sani iudicij hominum*, LM37) – a phrase that is missing from the manuscript (f108r). Grotius rejects Angelus' position that even in things that are common by the law of nations, prescription can confer dominion on the possessor (*etiamsi ad dominium praescriptio proficere non potest, tamen dandam esse possidenti exceptionem*, LM41). However, the manuscript gives the conditional, with *posset* instead of *potest*, and *fore* instead of *esse* (f110r). On the same page, the printed versions omit *res* from the manuscript's correct citation of Vázquez's phrase, *tale jus cessat res agitur*. Still in this long citation, Grotius' manuscript correctly gives *est ut a nemine possit* (f111v), while the printed version drops the *a* (LM47).

This is a minor omission compared to the next sentence, where both printed versions cut *praetextu praescriptionis, cum impediendi id minime profit*, which Grotius' manuscript cites faithfully from Vázquez. In another long citation, this time from the *Digest*, Grotius gives *terram vel flumina* (f112r), which both editions render as *terram et flumina* (LM48). On f113r *posse quidam* becomes *quidam posse* in both editions (LM50). When Grotius writes *Ex occasione...* (f113r), LM51 merely has *Occasione*. The Latin translation of the Greek passage from Aristotle's *Politics* in chapter VIII is underlined in the manuscript (f113v, note F), but both editions fail to italicise it (LM52). Describing the primitive condition, Grotius uses the phrase, *nec adhuc vero tamen permutatio erat* on f114r, from which both editions redact *vero* (LM53). On the same page, the print versions drop *autem* after *dictus*, before Grotius' invocation of an Aristotelian term. Both editions add *usque* to the penultimate sentence of chapter XI (f115r, cf. LM59), and both omit *esse* after *quisque malit* in chapter XII (f116v, LM60). The printed versions supply a question mark after *societate ferendumne est* that is missing from the manuscript (f116r, LM61). Grotius forgot to underline a quotation he attributes to Demosthenes on f117r, but both editions italicised it (L63, M64).²²

III The mystery printer

So far we established that when the mystery and Leiden editions depart from the manuscript, they do so mostly in the same ways. When they diverge from the manuscript in different ways, the mystery edition seems to postdate the Leiden version. It incorporates the Leiden errata, makes additional corrections that do not need a manuscript source, and introduces a few typographical errors of its own. However, the printer's attention to matching the Elzevir pagination and implementing Grotius' miscalculated midpoint, despite the printer's disinterest in producing copies that could be mistaken for the Elzevir, suggest that

²¹ Feenstra notes the first omission in *Mare liberum*, 72n3, but not the second.

²² The passage is in fact from Isocrates: Feenstra, *Mare liberum*, 146.

the mystery edition might have been based on a manuscript originating from Grotius, or at least with a knowledge of Grotius' instructions.

As mentioned, a scholarly reference to the mystery edition describes it as a pirated version printed in Antwerp; but the literature offers no evidence. Extensive consultation with experts on seventeenth-century printing yielded no conclusive proof either, but it did reveal that there is in fact no solid reason for the Antwerp attribution. A rare book curator noted that in Antwerp, V and I would have been more probable choices for printing the title than the U and J that feature in the mystery edition. An archivist kindly advised us that the E and P in the mystery edition belong to an arabesque series that was in wide use from the 1590s in Antwerp, but also in the Dutch Republic.

There are good reasons not to expect certainty when using physical characteristics to identify the printer. Another colleague pointed out that printers borrowed and swapped stylised initials, such as *Mare liberum*'s E and P, therefore a simple match between *Mare liberum* and other books cannot provide definitive identification. However, a match could at least identify the town where the mystery edition was printed. Based on stylistic considerations, most experts and rare book curators feel that Amsterdam is the most likely place of printing. One specialist suggested the workshop of Jan Janssonius, given his use of cheap paper and notoriety for pirated editions. However, there were two printers by this name, father (?-1629) and son (1588-1664). The father, based in Arnhem, was appointed official printer to the state of Gelderland in 1599.²³ The son moved to Amsterdam in 1612, and enrolled in the Amsterdam guild as a bookseller only in 1618, too late for the unidentified edition. At the same time, Janssonius Sr. owned the lion head's device and the stylised E and P, and in 1609 Janssonius Jr. was old enough to engage in the printing practices he later became known for.

Our next step was to suspend the secondary literature, which effectively amounts to a dubious footnote, and try to identify the printer from distinctive features of the mystery edition. This study focused on three such features: the stylised capitals E and P, and the lion's head ornament (figs. 1-4). The obvious starting point is publishers that Grotius and Heinsius already had a relationship with. By 1609, Heinsius published with four Leiden presses: Jacobs Jan Paets, Joannes Maire, Andries Clouck, and the Plantin branch run by Raphelengius.²⁴ Heinsius also published in Heidelberg, with Verdussen in Antwerp, and with Dirck Pietersz in Amsterdam.²⁵ Grotius published short pieces or book-length works in Leiden with the Plantin branch run by Raphelengius, Guyotius, Thomas Basson, Andries Clouck, Jacobs Jan Paets and Jan Claesz van Dorp in Leiden, at the Hague with Meerman, Cornelis van der Nieustadt, Jacob

²³ Ferry Reurink, 'Jan Jansz (?-1629), boekverkoper, uitgever en drukker', in *Biografisch Woordenboek Gelderland* (deel 10, 2014), 86-88.

²⁴ With Paets: poems in a 1602 collection, *In nuptias nobilissimi*...; a 1607 edition of paraphrases on Aristotle's *Nicomachean Ethics* attributed to Andronicus of Rhodes; 1607 edition and translation of Maximus of Tyre's *Dissertationes*; 1609 poems on the marriage of Gaspar Vosberg; with Maire: 1603 *Elegiarum*... With Clouck: *Auriacus*, and a 1609 edition of his funerary oration for Scaliger, apparently printed by Clouck, Elzevir and Plantin in collaboration. With Raphelengius: his *Crepundia Siliana* in the 1601 edition of Silius Italicus; his own orations in 1602; Hesiod in a 1603 edition and commentary; a poem in Clusius's 1605 *Exoticorum*...; and his 1607 panegyric on Scaliger.

²⁵ Heidelberg: Theocritus, Moschus, Bion and Simmias, 1603. With Verdussen: a poem in Otto van Veen's 1608 *Amorum emblemata*.

Hillebrand, Beuckel Cornelisz Nieulandt and Albert Henrick, and in Paris and Heidelberg.²⁶ As far as we can establish, none of these printers used the lion's head ornament or either the E or P initial before 1610. The next step was to test the hypothesis that matching distinguishing features of the mystery edition can help identify the printer, then cast a wider net, and focus on books printed between 1607 and 1611.

Like *Mare liberum*, Heinsius' extraordinary 1611 edition of Aristotle's *De poetica* also appeared with Elzevir, also subcontracted to Balduinus. It features the same eagle device.²⁷

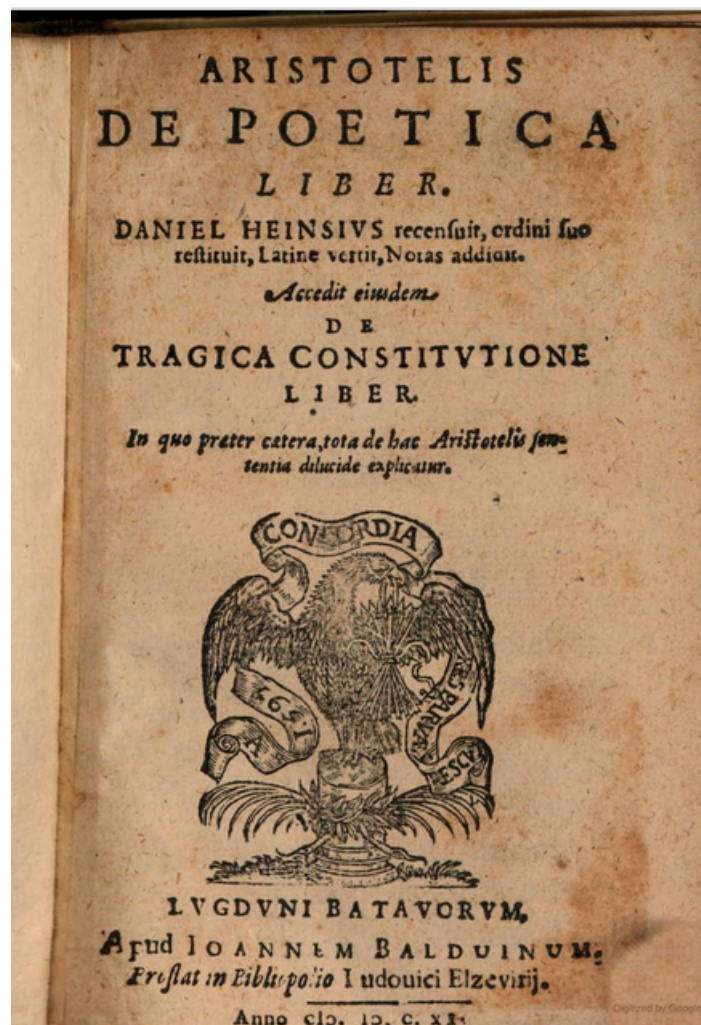


Fig. 4 Title Page of ed. Heinsius, Aristotle's *De poetica*

²⁶ Plantin: TMD 12, Raphelengius: TMD 8, 9, 13, 242, 246, 407, 411, 413, 414, Basson: TMD 11, 31, 261, 264, 405, 406, Dorp: TMD 265, Henrick: TMD 20, 21, 244, Heidelberg: TMD 27, 256, 259. Paets: TMD 268, 408. Maire: TMD 53, 262, Clouck: TMD 54, 248, 251, 252, de Roy: TMD 245, Meerman: TMD 247, Elzevir: TMD 257, Hillebrand: TMD 258, 260, Guyotius: TMD 249, 250, Nieustadt: TMD 253, 254, Nieulandt: 255, Paris: TMD 263, 266, Antwerp: TMD 267, Of course, Grotius may not have had a direct relationship with these printers, given the practice of 'borrowing' poems and shorter pieces published elsewhere. Nonetheless, checking all these printers seems methodologically safer than assuming that the surviving correspondence and circumstantial evidence is sufficiently complete to exclude the possibility that Grotius had direct contact with any of them.

²⁷ On this book's significance see Somos, *Secularisation and the Leiden Circle* (Brill, 2011), chapter III.

Though the Leiden *Mare liberum* has only two stylised initials, and *De poetica* has only four, one of the letters, P, is the same, allowing for a close comparison.



Fig. 5 Stylised capital P from Elzevir’s 1609 *Mare liberum* and 1611 *De poetica*

If it makes sense to assume that the same printer would use the same devices and capitals, then the task is simple: use the unidentified *Mare liberum*’s features to identify the printer. This is difficult to do conclusively, as there are only four salient distinguishing features, namely the cheap paper, the stylised capitals E and P, and the lion’s head ornament.

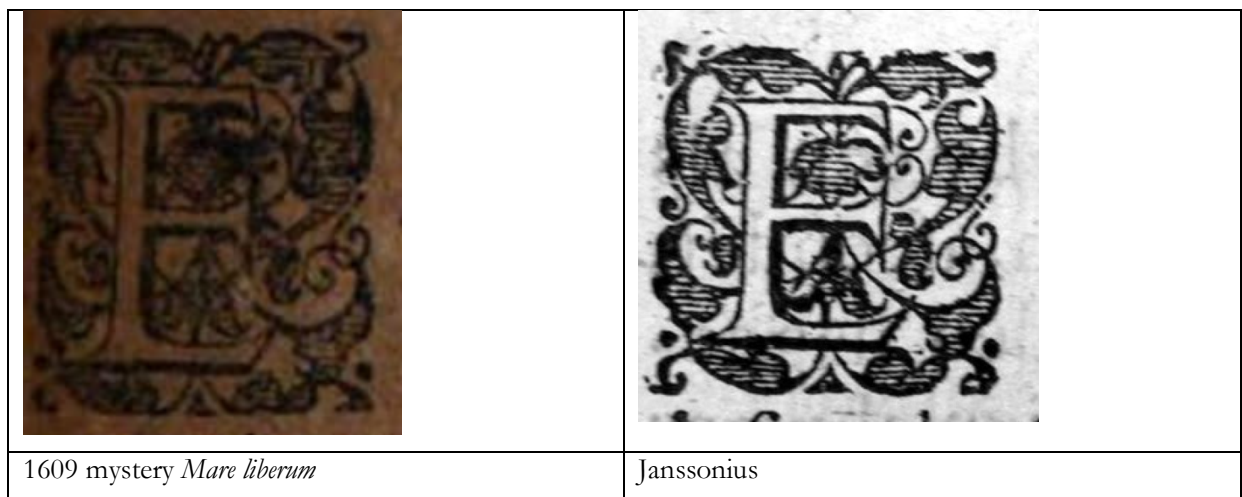


Fig. 6 Stylised capital from the unidentified 1609 *Mare liberum* and Janssonius’

Only the P appears in Adam Sartorius’ printing of the Jesuit professor Matthias Mairhofer’s *Calvinische Andacht Bezogen...* (Ingolstadt, 1610). We found the same P in the first edition of Althusius’ *Politica*, printed

in 1603 in Herborn by Christophorus Corvinus, in the second edition of Johann Pincier's *Catechesis religionis Christianae...* also printed by Corvinus in 1603, and in William Whitaker's *Praelectiones*, printed by Corvinus in 1601; but neither the E nor the lion's head device. The 1601 Whitaker, Pincier and Althusius volumes employ a range of stylised initials with different designs, and Corvinus may not have had the full set at the time. However, there is a 1603 Herborn printing of Whitaker's *Praelectiones* without the printer's name, which has the same P; and a 1609 version of the same edition, which has both the P and the E. Though the printer's name is absent, the printer's device on both title pages belongs to Corvinus. In other words, Corvinus in Herborn certainly had both the E and P in 1609 when he printed Whitaker's *Praelectiones*, which Grotius cites in the 1613 *Ordinum pietas* and later in *De imperio*.

The lion's head device, without the E and P, appears in Georg Widmanstetter's printing of *Aufschütt: und Steüberung...*, a furious piece of anti-Protestant polemic by the probably pseudonymous Cleophas Distelmayer (Graz, 1608). The same device features in the Cologne printer Arnold Quentel's 1599 and later editions of Jodocus Coccus' *Thesaurus Catholicus*, and in Quentel's 1603 *Opera omnia* of Ephrem the Syrian. Quentel's 1603 printing of *Prognosticon futuri status ecclesiae* by Johann Paul Windeck contains only the E (147, 331, 397), similarly to his 1604 edition of Windeck's *De theologia iureconsultum* (55, 153). However, Quentel's 1603 printing of Windeck's *Controversiae de mortis Christi efficacia...* contains the lion's head device, the stylised P (6, 111), and the E (16, 17, 45, 130, 190), as well. Quentel is a strong candidate as the mystery printer, but a few details cast doubt on this identification. Quentel's type, consistent through these books, is unlike the mystery *Mare liberum*. For instance, his capital Q has a longer tail, and the words set in all capitals hover in the line slightly above the uncapitalised words.

We also found only the lion's head emblem in the Verdussen editions of the 1606 Laurens van Haecht Goidtsenhoven, *Chronycke van de Hertoghen van Brabant*; in Verdussen's 1607 printing of *Medici Hispania...* by Ludovicus Nonnius, an Antwerp physician and antiquarian of Portuguese descent and Rubens' friend; in the 1608 *Den wtersten wille van Lovvys Porquin*; and in Verdussen's 1608 printing of Aubert Le Mire's edition of the *Chronicon* of Sigebertus Gemblacensis. It further appears in Janssonius' 1617 edition of Ptolemy's *Geography*. This volume, printed in Arnhem, also contains stylised initials with the exact same design and background as the E and P in the mystery edition.²⁸ Although we were unable to confirm that Verdussen used the E and P initials that appear in the mystery *Mare liberum*, the initials D, G and I from the same series are printed in *Medici Hispania*. This is of course not conclusive – recall that the initials in the Elzevier edition come from two different series (figs. 2 and 3), which at least raises the possibility that Balduinus did not have complete sets.

Evidence from Grotius' life lends additional circumstantial force to the Janssonius scenario. As is often recounted, from 1632 Janssonius, Jr. competed fiercely with Blaeu and produced cheap editions of several works by Grotius, including *Sophompaneas* and *De iure belli ac pacis*.²⁹ In item 544, Ter Meulen and Diermanse describe the 1632 *Mare liberum* that Janssonius, Jr. printed in Amsterdam. However, as early as 1625, when the first edition of *De iure belli ac pacis* appeared, Grotius requested that copies be sold through

²⁸ See e.g. the C in the introduction on 27, 29, in Book I, 13, and throughout.

²⁹ Nellen, *Lijfelong*, 377, 588-91.

Janssonius' shop in Amsterdam.³⁰ Grotius seems not to have had a comparable relationship with the Verdussen family.

As mentioned, Heinsius and Grotius discussed arrangements for a privilege for the Elzevir edition of *Mare liberum*. In the end they did not obtain one, so the printer was effectively free to create his own version. Janssonius' business practice of issuing rival editions on cheap paper, the absence of a privilege, and Grotius' interest in working with Janssonius in 1625, do not constitute decisive evidence, but together with the experts' opinion and the mystery edition's distinguishing features they tip the balance of probability from Antwerp to Arnhem or Amsterdam as the place of publication.³¹ At the same time, one should note that Verdussen came to be known for specialising in works in Spanish and Portuguese, and also for publishing for the Spanish and Portuguese book markets. For instance in 1610, the year after *Mare liberum*, Verdussen published *Relaciones del origen, descendencia y succession de los reyes de Persia y de Harmuz* by Pedro Teixeira, an explorer probably from a Portuguese Jewish family, who set out from Lisbon on expeditions to Goa, Ceylon, Malacca, Borneo, Manila, Mexico, Baghdad, Aleppo, and Venice, before he settled down in Antwerp to write.

Though it is not possible at this stage to settle the printer's identity with certainty, the relative probabilities of the possible printers lead us to another question, namely the motivation for publishing the mystery edition. One scenario is that the province of Gelderland encouraged Janssonius, their official printer, to print an edition. An alternative explanation of the Janssonius scenario is that the unidentified edition was instigated by someone privy to Grotius's composition of *Mare liberum* (or even by Grotius himself) in order to stop the Dutch and perhaps the French delegates, led by Pierre Jeannin, from compromising on trade. In this case, they might have sent the manuscript to Janssonius or another Dutch printer in hope of a quick turnaround. It would also explain Grotius' complaint about the cheap paper [explain this better, remind us why the cheap paper is relevant] , as well as the mystery edition's layout, length, and attempt to adhere to the Leiden edition's pagination. Another possibility is that Catholic authorities may have encouraged Verdussen or Quentel to publish a version as fast as possible, perhaps to sabotage negotiations by revealing the Dutch strategy to Spain (exactly what Oldenbarnevelt intended to prevent). In Verdussen's case, Antwerp would have also been interested in alerting the Flemish audience to the threat of the Dutch claim to free trade, while closing the Scheldt to navigation. In Quentel's case, authorities would have preferred to sabotage the Twelve Years' Truce in the wake of the 1583-88 Cologne War, which reestablished the city's Catholic allegiance. Moreover, Cologne's own rise as a member of the Hanseatic League and a long-distance trade centre on the Rhine made *Mare liberum* an attractive justification of the right to free trade, possibly creating interest in a locally produced and accessible edition.

The political context of the pirated edition, and indeed of *Mare liberum* in general, cannot be settled with certainty without confirming the place of publication. Whether it was printed in Arnhem or

³⁰ Nellen, *Lijfelong*, 375-6.

³¹ Janssonius Sr. subcontracted extensively, and employed printers in Amsterdam, as well. Thus it is possible that the unidentified edition was printed in Amsterdam; but the surviving evidence is inadequate for such a line of inquiry.

Cologne makes a great difference. The number of surviving copies and their dissemination may tell us more.

IV The census

The next promising line of inquiry concerns the print run and early reception of the two editions. Universal catalogues, such as Worldcat and the Karlsruher Virtuelle Katalog, and national union catalogues, are not wholly dependable guides. They often fail to recognise the difference between the two editions, and simply copy and paste the details of the better known Leiden version. In the course of this research, several copies recorded with Elzevir characteristics turned out to belong to the mystery edition. Many of the union catalogues' and even the library-specific catalogues' online entries that specified original 1609 printed editions have turned out to be facsimiles (e.g. in the Vatican Library, the Finnish Parliament's library, at the University of Antwerp, at Whitman College in Pennsylvania, at King's College, London, and at Dijon-BU). However, the questionnaire that we sent to all institutions that hold a copy has also uncovered uncatalogued copies, including a mystery edition at the Harvard Law School.

We located as many copies as possible using a range of online tools. Then we sent a questionnaire to the libraries and institutions that own copies, asking whether their exemplar belonged to the Elzevir or the unidentified edition, whether it was bound with other works (and if so, which ones), whether it contained annotations or added materials, such as the author's portrait, whether they had provenance information either directly from their copies or from library records, and whether they could photograph for us the two stylised initials, so we could confirm the edition and perhaps narrow down the possible printer based on woodblock damage. Searches in universal and national catalogues, scanned card catalogues, online databases of rare book dealers and auction houses, and the questionnaire sent to libraries, together led to a total of 78 copies, including both editions, as well as the Santiago copy discussed separately below. From the 78 total, 52 copies belong to the Leiden edition, 23 to the mystery edition, 2 are lost (Germany, Greifswald UB 542/Pa 705 adn1 (Vermißt 1945); Munchen J.publ.e. 237), and one, the Santiago copy, is unique (more about this in section V). Setting the unverifiable and exceptional 3 copies aside, the mystery edition counts for more than 30% of the surviving copies. It is not a rare curio, but an important and unduly ignored part of the dissemination and reception of *Mare liberum* in and after 1609.

The process of locating copies and estimating the print run of each edition is complicated by the fact that many surviving copies are bound in *Sammelbände* or nonce volumes, collections of several shorter works bound together. The survival of early modern printed texts depends on numerous factors, but in terms of disappearing uncatalogued in a nonce volume, *Mare liberum* has a higher risk than a full-length book.

Table 1. Copies of the 1609 Leiden Elzevir

Argentina	Buenos Aires	Biblioteca Nacional de Maestros	ST 1-2
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Austria	Vienna	Österreichische Nationalbibliothek	36.K.45 (52?)
Belgium	Gent	Universiteitsbibliotheek Gent	BIB.MEUL.001158
Denmark	Copenhagen	Det Kongelige Bibliotek	1221København K
France	Lyon	Bibliothèque municipale de Lyon	Rés 358275
France	Paris	Bibliothèque nationale de France	Tolbiac E*-1845
France	Paris	Bibliothèque nationale de France	Arsenal 8-J-210
France	Paris	Bibliothèque de la Sorbonne	HLD 6= 8
France	Paris	Bibliothèque Mazarine	8° 33261-11
France	Paris	Bibliothèque Sainte Geneviève,	8 E 3344 INV 1953 FA (P.2)
France	Paris	Bibliothèque Sainte Geneviève,	8 G 327 INV 3136 RES (P.3)
France	Paris	Bibliothèque Sainte Geneviève,	8 M 196 INV 1257
Germany	Augsburg	Staats- und Stadtbibliothek Augsburg	Th Sch 121b
Germany	Aurich	Landschaftsbibliothek Aurich	O 1325 (3)
Germany	Braunschweig	Stadtbibliothek Braunschweig	Ministerial M 413 (8°)
Germany	Cologne	Institut für Neuere Privatrechtsgeschichte	GBV173+B
Germany	Dillingen	Studienbibliothek Dillingen	Mag/X 220,1
Germany	Erfurt	Universitätsbibliothek Erfurt	01 - Jus.K. 8° 00275 (02)
Germany	Erlangen	Universitätsbibliothek Erlangen-Nürnberg	Hauptbibliothek (H) 29
Germany	Eutin	Eutiner Landesbibliothek	Lh 19
Germany	Hamburg	Staats- und Universitätsbibliothek Hamburg	Scrin A/225
Germany	Hamburg	Staats- und Universitätsbibliothek Hamburg	A/37279
Germany	Leipzig	Deutsche Nationalbibliothek	Bö M 345/8°
Germany	Regensburg	Staatliche Bibliothek	999/Hist.pol.1677 angeb.2
Germany	Rostock	Universitätsbibliothek Rostock	Jh.1-3001.2
Germany	Wolfenbüttel	Herzog August Bibliothek	A: 313 Hist. (2)
Italy	Pisa	Biblioteca universitaria di Pisa	RMLE\039430
Italy	Rome	Biblioteca universitaria Alessandrina	XV e.23 2
Japan	Kyushu	University, Bunkei Library	Special Rare M 12/G/2
Russia	Moscow	Russian State Library	
Sweden	Stockholm	Kungliga biblioteket	126 A b Br.
Switzerland	Geneva	Bibliothèque d'art et d'archéologie	BAA A II 8909
Switzerland	Lausanne	Bibliothèque cantonale et universitaire - Lausanne, site Unithèque	1T 3777
The Netherlands	Amsterdam	UvA Bibliotheek	OTM: O 62-260
The Netherlands	Amsterdam	UvA Bibliotheek	OTM: OK 61-1118 (1)
The Netherlands	Amsterdam	Elsevier Collection	08.1609.Gro.00
The Netherlands	Amsterdam	Vrije Universiteit, Universiteitsbibliotheek	XG.05603
The Netherlands	Hague	Koninklijke Bibliotheek	KW 893 G6
The Netherlands	Hague	The Peace Palace	TMD 541
The Netherlands	Leiden	Universiteitsbibliotheek	Rare prints, 20643 F 18

The Netherlands	Utrecht	Universiteitsbibliotheek	K oct.53:5
UK	Cambridge	University Library	UL Bb*.12.29(F)
UK	Edinburgh	Advocates Library	A.90.4
UK	Edinburgh	National Library of Scotland	Gray.1197(4)
UK	London	British Library	1374.c.18
UK	London	British Library	230.g.34
UK	London	Royal College of Physicians, Dorchester Library	D1/6-b-12(2)
UK	Oxford	Bodleian Library	8° R 57(3) Th.
UK	Oxford	Bodleian Library	8° V 27(1) Art.Seld.
UK	Oxford	Queen's College Library	Tunnel LL.b.34
USA	Cambridge MA	Houghton Library	Ger 390.20*
USA	Cambridge MA	Harvard Law School Library	Law School Rare P 90 22

Table 2. Copies of the 1609 mystery edition

Austria	Vienna	Österreichische Nationalbibliothek	36.K.46
Germany	Augsburg	Staats- und Stadtbibliothek Augsburg	Stw 4835
Germany	Berlin	Staatsbibliothek	3 in: Bibl. Diez oct. 1883
Germany	Bremen	Staats- und Universitätsbibliothek Bremen	99.a.2729
Germany	Dresden	Sächsische Landesbibliothek – Staats- und Universitätsbibliothek	Jus.publ.univ.1134
Germany	Gotha	Universitäts- und Forschungsbibliothek Erfurt/Gotha	Phil 8° 01034/07 (06)
Germany	Greifswald	Universitätsbibliothek Greifswald	520/Ir 278
Germany	Halle	Universitäts- und Landesbibliothek Sachsen-Anhalt	Kt 676 (1)
Germany	Halle/Saale	Frankesche Stiftungen	140 G 10 [6]
Germany	Hamburg	Staats- und Universitätsbibliothek Hamburg	A/36273
Germany	Jena	Thüringer Universitäts- und Landesbibliothek	8 Bud.Var.859
Germany	Jena	Thüringer Universitäts- und Landesbibliothek	8 Jus can.VI,8(4)
Germany	Munich	Bayerische Staatsbibliothek	J.rom.m. 414
Germany	Rostock	Universitätsbibliothek Rostock	Jc-3172.2
Germany	Wolfenbüttel	Herzog August Bibliothek	A 144.7 Jur. 3
Germany	Wolfenbüttel	Herzog August Bibliothek	M Li Sammelbd. 28 1
Hungary	Budapest	Országos Széchényi Könyvtár	218.047/4
Italy	Rome	Biblioteca Nazionale Centrale	MISC. VAL.314.12
Sweden	Stockholm	Kungliga biblioteket	126 A b Grotius, H., De jure belli. 1626

Sweden	Stockholm	Kungliga biblioteket	126 A b Br.
UK	Durham	Palace Green Library: Routh Library	Routh 36.B.23/4
UK	Edinburgh	National Library of Scotland	D.C.m.37(10)
USA	Cambridge MA	Harvard Law School Library	Law School Rare P 90 21

The distribution pattern from our census, confirmed by provenance marks and early handwritten marginalia, shows the highest concentration of copies of both the Leiden and the mystery editions in German towns, and especially north German ports [Tables 1 and 2]. Most of these copies were acquired in the early seventeenth century by municipal authorities. This finding raises the question what the function of *Mare liberum* was in Germanic lands, which were not major players in early modern globalisation. While our maps confirm that Grotius' work was much appreciated in the Netherlands and on the British Isles, where it could be used to justify these countries' colonial endeavours, the maps further reveal that the *Mare liberum* editions were also read by smaller Germanic towns that could only aspire to maritime trade, but did not actually have a major colonial project at the time. Grotius' book therefore was not simply political propaganda for colonial powers, but also a political work that opened up the dream - not to be realised - for states of the Holy Roman Empire to engage in free trade across the globe. The north German concentration may also be a sign of Hanseatic towns' interest in new justifications of their right to trade, and in the success of their Dutch colleagues and competitors. The even higher concentration of the mystery edition's copies in German libraries (2/3 of the mystery edition's copies), with no mystery editions preserved in the Netherlands, Belgium, France, or the Iberian peninsula, also gives support to the hypothesis that Quentel in Cologne was the printer.

By contrast, we found very few copies in Spain and Portugal, probably because the book was placed on the Index in 1610. Given the Iberian reception of *Mare liberum*, the distribution of surviving copies leaves open questions concerning the means through which Iberian authors accessed this work, and the arrangements they had for owning and holding this forbidden book. The mystery edition in particular is much more scarce in Catholic countries than the Elzevir. Given the trend that most copies stayed where they were initially purchased, this strengthens the probability that the better known non-Elzevir edition was not printed in Antwerp, nor by a Catholic printer who either tried to profit before *Mare liberum* was placed on the Index (if the 1609 date of publication on the title page is correct), or to circumvent the papal prohibition (if the date of publication is false). The prevalence of the mystery edition in Germany, however, suggests that Quentel in Cologne may indeed have been responsible for the printing.

V The Santiago copy

The questionnaire uncovered an extraordinary copy in Santiago in the Biblioteca Nacional de Chile, call number Sala Medina, B1,T27(7). As far as we know, it is unique. It is also intriguing in many ways. It is in folio, measuring approximately 28 x 20 cms, making it almost four times the size of the other two

editions. Its decorative features compound the puzzle of its printing history, but it was probably pirated from the Leiden Elzevir by a printer who had no access to Greek type. It is condensed to fewer pages, introduces over 70 typographical errors, omits some of the text, and alters spelling in several ways that suggest orthographical conventions foreign to the other two editions'. This version also changes capitalisation to show greater contempt for popular sovereignty and republics, and greater respect for lords and theologians, than Grotius' manuscript and the other two editions. Let us examine these conclusions in turn. Variations will be noted according to the following format: L refers to the Leiden edition, M to the mystery version, S to Santiago.

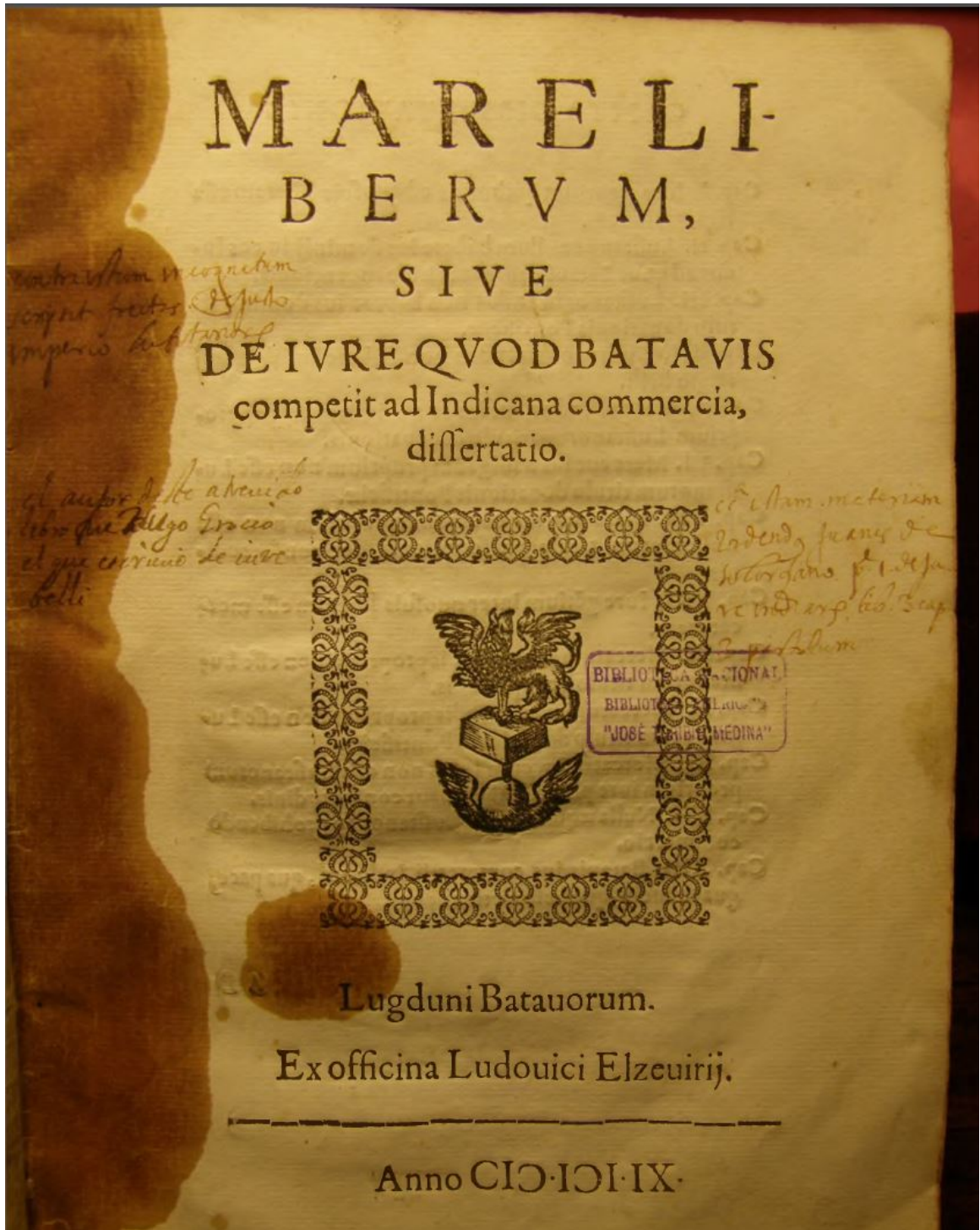


Fig. 7 Santiago title page, with kind permission of the Sala Medina of the Biblioteca Nacional de Chile

Like the other two editions', the Santiago edition's title page claims that it was published in Leiden by Elzevir in 1609. However, the printer's device belongs to the Gryphius family. The dynasty began with Michael Greyff (1445/1450-1512), who learned printing in Strasbourg, and opened his workshop in Reutlingen. His son, Sebastian (c. 1492-1556) learned the craft from his father. In addition, he also studied printing in Venice before he settled down in Lyon, acting on behalf of Venetian booksellers.

Noted for his editions of Erasmus, Budé and Poliziano, Sebastian set up his own printing house in 1536 with the well-known gryphon mark and the motto, *Virtute duce, comite fortuna*. His heirs continued his Lyon imprint, and published a string of famous editions of classical and contemporary authors under the collective name, *apud Haered. Seb. Gryphii*. Sebastian's son, Antoine (1527?-1599) also published in Lyon under his own name. Moreover, Sebastian had two brothers: François, who became a printer in Paris, and Johann, who published books in Venice. Sebastian's heirs, who were still publishing in and after 1609 in Lyon, used Greek type in several books. (So did Sebastian, Antoine, and Johann in Venice.)

Several versions of the gryphon device were in circulation, but it remained one of the most recognisable imprints in Europe.³² Both Sebastian and his heirs used the exact design that we find on the Santiago edition, except for the border.³³ Sebastian, Antoine, and Sebastian's heirs in Lyon, and Johann in Venice, did occasionally use borders around the same gryphon device, but with different designs than the one in the Santiago copy.³⁴ It is as unlikely that Elzevir used the famous Gryphius as a Gryphius printer crediting Elzevir, and not using Greek type. The most probable explanation therefore is a piratical printer, who almost courted discovery. Why combine Elzevir's name with the Gryphius device otherwise? Another possible explanation is that the printer pirating the edition in Santiago, with its eliminated spaces, no Greek type and over seventy new errors, confused the two Lugduni, and matched a Lyon device to the Leiden name. One of the experts on early modern printing who kindly advised us suggested that the book may have been printed in Salamanca by the heirs of Juan de Junta, who also 'borrowed' the Gryphius device.³⁵ This is an exciting possibility, given that Grotius' engagement with the school of Salamanca, including his extensive citations from Salamanca scholars in *Mare liberum*, has long been one of the most debated aspects of his thought. Since *Mare liberum* was placed on the index of prohibited books by January 1610, a Salamanca printing in 1609 could have been motivated by state interests and/or the printer's hope for high sales, while a later, fully piratical printing could have only been produced for commercial success while risking legal liability. At the same time, placing *Mare liberum* on the index in 1610 could have motivated piratical printers to forge not only the printer's name and place of publication, but the date of publication, as well. After all, there is no independent verification that the two unauthorised editions were in fact printed in 1609.

The two stylised initials differ from both the Leiden and the Arnhem/Cologne editions, and they are not from the same series, but they are not obviously useful for identifying the printer.

³² Slightly different gryphon design than the Santiago copy's, printed by Sebastian Gryphius: Juan Luis Vives, *Excitationes animi in Deum* (Lyon, 1543). Same design, printed by Antoine: *Testamenti novi* (Lyon, 1569). Another slightly different design, printed by the heirs of Sebastian: *Testamenti novi* (Lyon, 1564). Yet another slightly different design, printed by Johann Gryphius: Ovid, *Metamorphoseon* (Venice, 1586).

³³ Same device, no border, printed by Sebastian Gryphius: Erasmus, *Apophthegmatum opus...* (Lyon, 1541). By Antoine Gryphius: Plautus, *Comoediae viginti...* (Lyon, 1581). By the heirs of Sebastian: Jacopo Sadoleto, *Epistolarum libri sexdecim* (Lyon, 1560).

³⁴ Same device as the Santiago copy's, with border, printed by Sebastian Gryphius: Gerolamo Cardano, *Contradictorium Medicorum* (Lyon, 1548). Yet another slightly different design, with border different from the Santiago copy's, printed by Antoine: François Valleriola, *Observationum medicinalium libri sex* (Lyon, 1583). Another different gryphon design, with border different from the Santiago's, printed by Johann: Ambrogio Calepino, *Dictionarium...* (Venice, 1590).

³⁵ Lorenzo Ruiz Hidalgo, *La imprenta en Salamanca (1501-1600)* (Madrid, Arco Libros, 1991), 57-8.

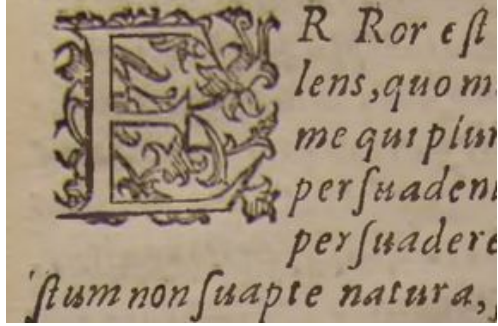

	
Stylised E, Santiago copy	Stylised P, Santiago copy

Fig. 8 Stylised capitals, Santiago copy

The Santiago version counts the folios, not the pages, and it runs to 25 leaves, i.e. only 50 pages. The first, unnumbered folio shows the printer's device and the table of contents. The address to readers is printed on the second and third folios, also unnumbered. Chapter I begins on the fourth folio, which has "Fol. I" printed in the recto's upper right margin. The fifth folio carries the number 5. Subsequent folio numbers run sequentially to 25, except folio 14 is misnumbered as 10, and folio 15 as 12. Grotius' miscalculated midpoint phrase, *nisi inissent eo*, is just above the middle of S12r, i.e. on page 23 out of the 50.

In addition to cutting the Leiden edition's 68 and the mystery edition's 70 pages down to 50, the Santiago copy shows further signs of compression. Spaces between words and sentences are often eliminated entirely. Citations in the Leiden and mystery editions are reduced by one to three lines. This is accomplished by moving connecting terms, such as *Item* that joins two lines from Virgil, from a separate line into the same line as the quoted verse (chapter I, S4v); by moving phrases, such as *Et Horatius* that introduce a citation (in this case, to corroborate Cicero), which other versions print in a separate line, into the same line as the citation; or by placing citations that are printed in two lines in other versions into a single line (e.g. Avianus and Seneca passages on S9r). *Quod* often becomes *q̄*, *tamen* turns into *tñ*. Occasionally less obvious abbreviations are used, for instance *domini* becomes *dñi* (S16r, cf. 108v, LM37).

Surprisingly, the printer of the Santiago copy had no access to Greek type. Accordingly, the dozens of Greek citations that appear in the manuscript and the other two editions are transcribed into Latin (S6v, S9v, S12r, S20r, multiple passages on S20v, S21r, S23r, S23v, S24r). Interestingly, the three dates at the end of chapter VII are spelled out and printed with letters on f113v and LM51, but S20r uses Arabic numerals (1477, 1595, and 1519). As in the case of the other two editions, punctuation marks and the use of 'i' or 'j', or 'u' and 'v', do not reveal a meaningful pattern. They are as likely to be identical with the Elzevir's as with the mystery edition's. Hyphenation at the end of lines is often lacking and slaphdash throughout.

Several features suggest that Santiago was copied from the Leiden Elzevir.³⁶ Errors that the

³⁶ In chapter V, the mystery edition's *foedere* is *federe* in both the Leiden and Santiago versions. F101v, L17 and S9r give *occupatio*, but M16 has *Occupatio*. *Atque* on f101r, L18, S9v is merely *atque* on M18. F102v, M19 *Jurisconsultis* is L19, S10r *Iurisconsultis*; and f102r, M20 *Aer* is L20, S10r *Aër*. F109v, M40 *occupatio: non...* becomes L40, S16v *occupatio. Non...* 109v, M40 *qui* became *quae* in

mystery edition corrects, but Leiden does not, also appear in the Santiago version.³⁷ Errors introduced by the mystery edition do not appear in the Santiago.³⁸ Though the Santiago version uses a great deal of contraction, it does not abbreviate when the mystery edition does, but either replicates the Leiden edition's contractions, or creates its own.³⁹

Two substantial omissions also suggest that the Santiago edition was pirated from Elzevir's. On the fourth and last page of the address to readers, five words from Grotius' description of nature as an equal parent, bountiful to all and whose authority extends over everyone (*in omnes munifica, cuius imperium...*), is missing. This could have happened when the typesetter's eye skipped a line in the Leiden edition. Because they are aligned differently, this explanation would not work for either the manuscript or for the mystery edition. Similarly, the sentence on f107v, LM35: *Et si quicquam eorum prohibere posset, puta piscaturam qua dici quodammodo potest pisces exhauriri, at navigationem non posset, per quam mari nihil perit*, is truncated on S15[12]r to *Etsi quicquam eorum prohibere posset, per quam mari nihil perit*. The most obvious explanation is that the copyist or typesetter was copying from the Leiden edition, and missed two entire lines. Neither the manuscript, nor the mystery edition align in a way that would make this a plausible explanation.

Though comparing capitalisation across the three editions and the manuscript yields no meaningful pattern, changes in the capitalisation conventions of the Santiago edition alone might be due to relatively consistent preferences. On the first page of the address to readers, *patremque* in LM becomes *Patremque*. In a long citation from Cajetan in chapter IV, preachers, *praedicatores*, begins with a small p in all versions except the Santiago, which capitalises the word (f99v, LM11, cf. S7v). In a key passage in chapter V, where Grotius argues that ancient references to shores enclosed within the Roman empire were owned by the people, not privately, the manuscript and the other two editions capitalise the Roman People,

both L40 and S17r. In Philip III's letter, printed as an appendix, *a bas* in the Leiden edition appears as *bac* in the mystery edition, but *bas* in S25r. On the last page of Philip III's letter, Leiden prints *indicens*. So does S25v, while the mystery edition has *indicent*. F108v, L37 and S16r has a *mare* near the end of chapter VI, printed on M37 as *Mare*. The same happens again a few lines later, on f108v, L38, S16r, cf. M38, as well as with *mari* and *maris* (f109r, L39, S16v), compared to *Mari* and *Maris* on M39. F111r, L45, S18v *dominio maris* is *dominio Maris* on M45. On f116v and M62 *Lucra* is *lucra* on L62 and S23r. F118v, M65 *Ait* is *ait* on L65 and S24r. That said, *Mare commune* on f109v and LM40 becomes *mare commune* on S17r; *Mare* on f110v, LM43, becomes *mare* on S18r; and *Maris* on the last page of Philip III's letter becomes *maris* on S25v. F110v, LM44 *Thesi Loca* turns into *Thesi loca* on S18r. The Santiago copy's printer, in short, tended to follow the Leiden spelling, but was also able to decapitalise words independently from Elzevir.

³⁷ Grotius fails to italicise the Ulpian and Labeo citations on f103r. They are printed without italics on L23 and S11r-v, but correctly on M23. The same goes for the Paulus citation on f103r, L24, S11v, cf. M24, and to two passages from the *Digest* on f105r, L28, S13r, cf. M28. Where f104r and M25 print *sequuntur*, L25 and S12r give *sequuntur*. An *at* on f104v and M27 is *ut* on L27 (the errata notes that it should be *at*), but *ad* on S12v. The one exception is the *ex ex* on L45, corrected to a single *ex* on both M45 and S18v, even though unnoted in the Leiden edition's erratum. Though not a correction but a capitalisation preference, f116r and L61 have *Terrarum* after the Hesiod citation in chapter XII, but M61 and S23r print *terrarium*. Three cases that do not fit this pattern are Santiago printing *sequitur* at the end of chapter IV, like the manuscript, while the other two editions give *sequimur* (LM13); f102r, S10v giving *Quid* for LM20 *quid*; and at the end of chapter V, f108r and S15[12]v have *legibus*, but LM36 print *Legibus*. On balance this is far more likely to be a misprint than an indication that the Santiago followed the manuscript in these three cases.

³⁸ e.g. *subiere* in the Virgil quotation on f101r, L17, S9v is *subire* only on M17; *insulta vere* in the Ovid passage on f101r, L17, S9v is *insultare* only on M17; f101r *coeperunt* and M18 *coeperant* is *coeperunt* on L18 and S9v). F104v *quod et aliae* is *quod & aliae* on L26 and S12v, but *quod aliae* on M26. F144v, L56 has a *sui* in the second sentence of chapter X, misprinted as *su* on M56, but given correctly on S21v. The penultimate sentence of this chapter ends with a question mark on f115r, L57 and S21v, but M57 prints a colon instead. A *hinc* on f115v, L58 and S22r is missing from M58. One exception is *accommodari* on f113r and L49, which becomes *acommodari* on both M50 and S19v.

³⁹ e.g. *a*. on M17 and M22 is *autem* on f101r, L17, S9v and on f103v, L22, S11r; M20 *sc* and *e*. are f102, L20, S10r *scilicet* and *etiam*; f102r, L20, S10v *vero* is M20 *v*.

Prince, and Praetors. The Santiago version decapitalises the people, but keeps the other two (f103r, LM22, cf. S11r). *Populus Romanus* (f104v, LM26) becomes *populus Romanus* (S12r) again, and again (f104v, LM26, cf. S12v). The one exception is on S12r, where the capital initial of *Populus* is printed the same as on f107v and LM35. Conversely, when f109v and LM41 print *Principis*, S17r gives *principis*. In the next sentence, in the phrase that no man may be the lord of all mankind, f110r, LM41 *dominus* becomes *Dominus* on S17r. Similarly, f105r, LM28 *Reipublicae* is merely *reipublicae* on S13r. *Mundi* on f116v, LM61 becomes *mundi* on S23r. The manuscript, and the Leiden and mystery editions all have *doctores Hispani* at the end of chapter IV (LM13); Santiago has *Doctores* (S8r). F113r, LM49 *doctores*, referring to legal authorities cited by Vázquez, becomes *Doctores* on S19v. When f113r, LM50 prints *Doctores*, S19v retains the capital. *Natura* in all other versions becomes *natura* in Santiago (f97r, LM16, S9r), *Naturae* in all other versions (f96v, LM2) becomes *naturae* (S4v; f108v, LM37, cf. S16r; and f111r, LM45, cf. S18v). It is difficult to draw conclusions from generally erratic early modern capitalisation practices, but the systematic alterations in the Santiago copy may reflect preferences that were more orthodox and monarchist than Grotius', who emphasised popular sovereignty at several points in *Mare liberum*, and whose use of the Bible and religious authorities in this text was challenged among others by Welwod.⁴⁰

Another aspect of intentional variation is the decision by the Santiago edition's printer to eschew all-capitals. Unlike the transliteration of Greek characters, which was probably due to a lack of access to Greek type, the decision not to use all-capitals was a stylistic choice, as the printer owned the Latin capital letters, and every other version – the manuscript, the Leiden and the mystery editions – capitalises the same few dozen words that the Santiago refuses to.⁴¹

The Santiago copy's printer also has a probably intentional preference for varying m's and n's. The third page of the address to readers gives *utrunque* for what both other editions print as *utrumque*. *Quantumcunque* (LM10) is printed in the Santiago copy as *Quantumcumque* (S7r), *numquam* as *nunquam* in the long citation from Cajetan (LM11, S7v), and *utrumque* (108v, LM38) as *utrunque* (S16r). F109v has *quam diu*, turned into *quamdiu* on LM40, but *quandiu* on S16v. Philip III's letter contains a *cuiuscunque* in the Leiden version, *cujuscunque* in the mystery edition, and turned into a *cuiuscumque* on S25r.⁴² A few spelling conventions may offer further clues to this printer's identity. *Piratas* becomes *pyratas* (S5r), and *piratarum* becomes *pyratarum* (f107r, LM33, cf. S14[10]v). On the last page of the address to readers *auctoritas* in all other versions becomes *authoritas* in the Santiago copy. On f109r, L39, M40 *auctoritatem* becomes *autoritatem* on S16v; the same happens again on 111r, LM49, cf. S19v. In addition, f109v, L40 *Iohanni* and M40 *Jobanni* become S16v *Ioanni*, just as f112r, LM47 *Iohannis* becomes S19r *Ioannis*, and f113v, L51

⁴⁰ Welwod, *An Abridgement of All Sea-Lawes...* (London, 1613), in Grotius, *The Free Sea* (ed. David Armitage, Liberty Fund, Indianapolis, IN, 2004), 66-67.

⁴¹ There are 11 transliterated words in 4 groups in the long Cajetan quotation in chapter IV, S7v; 3 words in 2 groups in a Horatius quotation in chapter V, L15, M14, S8v; 2 words in the Aratus passage and 1 in the Seneca citation on S8v; 7 words on S9r; 7 words on S9v; 8 words on S10r; 2 words on f103r, L24, M23, S11v; 5 words on f104v, LM25, S12r; 1 word on f111r, LM44, cf. S18r; 20 words in the long quotations from Vázquez (f111r-112r, L44-48, M45-48, S18r-19r); 4 words in the Hesiod citation (f116r, L60-1, M61); 2 words in the Propertius passage on f118r, LM64, cf. S24r; and 2 words on f118v, LM66, cf. S24v.

⁴² One might dismiss such changes as accidental had it not been for their clear consistency, and for evidence that authors paid attention. Wtenbogaert and Grotius exchanged letters about printing *cum* or *quum* and *foedus* or *fedus* in *Ordinum pietas*. Rabbie, 'Introduction,' 45.

Iohanne and M51 *Johanne* become S20r *Ioanne*. Finally, the Santiago version introduces well over 70 new typographical errors.⁴³

So far we have not been able to identify the printer, but an Iberian or Spanish American origin is a real possibility. Specialists have kindly advised us that printers there conservatively preferred numbering folios (with numbers only on the recto), and there was no Greek printing in Spanish America until the late 18th century. The obviously fake title page, lack of Greek type, the compression without regard to Grotius' midpoint, the multiple features that consistently indicate copying the Leiden Elzevir, and its own apparently deliberate alterations in capitalisation and spelling, may suggest a Spanish or even Latin American press; but at this point this remains pure speculation.

VII Conclusion

⁴³ In the table of contents, *proprium* is misspelled as *proprium* in the title of chapter XI. On the first page of the address to readers, a *Huic* is misprinted as *Hui*. The second page gives *utrusque* for *utrisque*, and *contignisset* for *contignisset*. Israel's *insta bella* against the Amorites becomes *iuxta bella*, while the Saracens' access to the lands of the Jews was *aditu arcerentur* in all versions, except for Santiago's *auditu arcerentur* (S5r). The former misspelling reoccurs in the Boetius quotation in chapter IV, where *Non est iusta satis* turns into *...iuxta...* The Santiago main text begins with CAPVT PRIMUM, probably by mistake. All other chapter numbers are indicated with Roman numerals, as they are in the manuscript and in the other two editions. Chapter I ends with a full stop in Santiago, but a question mark in all other versions. On Java, Molucca, Sumatra have their own *republicam* in all versions (f97v, LM5), but the Santiago drops the first m (S5r). On S5v the grammarians' *ocupare* is misprinted as *ocupare*, *idololatriae* loses the r, and what is *Mahumetani* in all other versions becomes *Mahometani*. In the title of chapter III, *Lusitanos* is misprinted as *Lusicanos*, while *commercijs remisisse* in chapter IV becomes *commertijs remisisse*. In Grotius' exposition of why it is unlawful to wage war on pagans even if they refuse to convert, *noluerint* (LM11) is misprinted as *nolluerint* (S7v). In the long citation from Cajetan in chapter IV, *movere* is misprinted as *movera*. The first sentence of chapter V ends with a full stop in all versions except the Santiago, which prints a question mark. A *quiddam* in chapter V (LM14) is misprinted as *quidam* in Santiago, and *innuentes* (LM15) is given as *inuentes* on the same page (S8v). The *alludit* before a Seneca citation in chapter V becomes *allindit* (S9r). F102r, LM19 *utente* is S10r *utentente*. On the same page, *esse* becomes S10r *esset*. F102r *sicut et usum* is LM20 *sicut & usum*, but on S10v it turns into *sicut vsum*. In the citation from Plautus on f103r and LM21, *rete* is misprinted as *recte* on S10v. F104v, LM25 *littore* is S12r *loitore*. F105v, LM29 *mancipatus* becomes S13v *pancipatus*. F105v *et ditionem*, and LM30 *& ditionem*, becomes *editonem* on S13v. On the same pages, *notam* is misprinted as *notant*, and *effugeret* as *affugeret*. F106r and LM30 prints *acenderit* in a citation of Ennius in Cicero's *De officiis*, but S13v misprints it as *accederit*. From f106v and LM32 *Aethiopiam*, S14[10]r drops the h. This is an error, not a spelling convention, as the Santiago version prints the word with the h when it reoccurs on S10v. F106v, LM32 *Oceanum* turns into S14[10]r *Oceanum*. F106v, LM32 *Carthaginis* is misprinted as *Cathaginis* on S10r-v. F106v, LM32 *oceani* becomes S14[10]v *Oceani*. F107v, LM35 *Brittonum* is misprinted as S15[12]r *Britonum*. F108r, LM37 *provincias* is S15[12]v *provincias*. F109r, L38, M39 *validius* becomes S16r *validus*. F109v, LM40 *animadverit* is printed as *animadverit* on S16v. F110r, L42, M43 *additamentum* is S17v *aditamentum*, and on the same pages *dicturi* becomes S17v *dictuti*. F110v, LM44 *iure* is misprinted as S18r *inre*. VASTISSIMUM IMMENSUMQUE PONTUM on 111v, L45 and M46 becomes *vastissimum immensumque punctum* on S18v. F111v, LM46 *non Regnum Hispanicum contra semetipsum* becomes S18v *...semetipsam*. F112r, LM47 *communia* is misprinted on S19r as *ocmmunia*. F112r, L47, M48 *consuetudine* becomes S19r *consuetadine*. At the start of the next sentence, *Vtroque* becomes, on S19r, *Viroque*, and in the same sentence the word *relatas* in all other versions is misprinted as *relata* in the Santiago copy. In a long citation from Vazquez, *terras* on f112v and LM49 is misprinted as *terra* on S19r. F113r, LM49 *vide* becomes S19v *videt*. In the next sentence the phrase, *adjungendum est etiam...*, drops the *est* on S19v. F113r and LM50 print *exstet* and *saeculi* in the same sentence, but they become *extet* and *seculi* on S20r. F113r, LM51 at the end of chapter VII give *Moluccas* and *Asiaticā*, which S20r misprints as *Molucas* and *Assiaticā*. F114r, LM53 *victus* becomes S20v *virtus*. F114r, L53, M54 *Philosophi* is misprinted as *Philisophi* on S20v. F114v, LM55 *mercandi* becomes *mercendi* on S21r, and a *neque* turns into a *neq* on the same pages. F115r, LM57 give *primigenio* in the second sentence of chapter XI, while S21 has *primogenio*. F116r and L60 have *iuri*, and M60 prints *juri*, while S22v gives the incorrect *iure*. In a Hesiod citation on f116r, L60 and M61, *universorum* is omitted on S23r, and PRINCIPUM in the same citation on the same pages becomes *Principiū*. F116v and LM61 *perniciosum* becomes *pernitiosum* on S23r. F117v, L62-3 and M63 *oportet* turns into S23v *opportet*. On the same pages, *tranquillam* is misprinted as *tranquilam* on S23v. On f118r and LM64, a Propertius passage has *prorae*, misprinted as *prora* on S24r. In the same line, f118r and M64 give the correct *Centaurica*, L64 misprints it as *Centaucia* (noted and corrected in the errata), while S24r has *Centaurca*. F118r, L64, M65 *innocius* is misprinted as *inoxius* on S24r. F118v, L65 citation from the *Digest* has *ratem*, M65 gives *ratim*, while S24r has *ratē*. F118v, LM66, citation from Cicero has the word, *disceptationem*, misprinted on S24v as *disceptationem*. F118v, L66[42], M67, the very last word of Grotius' text, *oppugnant*, became *oppugnat* on S64v. On the last page of Philip III's letter, *proposui* in LM becomes *propusui* on S25v, *redibis* becomes *redibus*, and S25v drops a *suum* from the final sentence.

The 1609 *Mare liberum* appeared in at least three editions. Piratical printers took Grotius' argument to heart, and treated the printing world as a *mare liberum*. Based on the books' features, the mystery edition was probably printed in Arnhem or Cologne. The Santiago copy was printed by someone who at the time of printing had no access to Greek type. Unlike the mystery printer, the Santiago edition's printer was not concerned with the number of pages and midpoint that Grotius tried to calculate in the surviving draft manuscript. There is no obvious reason to doubt that all three versions appeared in 1609, and that the Arnhem/Cologne and Santiago editions were both pirated from the Leiden Elzevir. However, given its effort to follow the Leiden pagination and Grotius' midpoint, we cannot rule out the possibility that the Arnhem/Amsterdam edition was based on a manuscript, or at least the printer was familiar with Grotius' instructions to Elzevir.

The north German ports, where the largest number of copies of both the Leiden and Arnhem/Amsterdam editions were acquired early and are often still held, should become part of the detailed analysis of *Mare liberum*'s early reception.

In addition to insights into the early reception and political context of *Mare liberum*, this article provided a summary census of surviving copies, in the hope of encouraging readers to find many more. Comprehensive analysis of additional copies, and of the handwritten marginalia, may help to confirm where the mystery edition was printed; the origin of the Santiago copy; whether the two pirated editions were really published in 1609; and what annotations can tell us about the early reception. By noting the existence of three distinct editions dated to 1609, describing them in some detail, and providing a list of known copies, this article is hopefully a stimulating first step in the rediscovery of Grotius' seminal work.