The intellectual and institutional properties of learning: Historical reflections on patronage, autonomy, and transaction

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Abstract
This paper attempts to cast a little historical light on current debate among scholars and publishers that appears to be over whether the academic journal is an endlessly exploitable commercial property or a public good to which all have right. It identifies key patterns in the patronage of medieval monasticism that helped to establish learning as an economically distinct form of labor, and is part of a larger historical project on the intellectual and institutional properties of learning in the West. Through the beneficence shown toward monasteries by the nobility and others, learned nuns and monks were able to operate with a degree of autonomy and trust in their scholarly work. The resulting manuscripts were directed toward the learning of others and, as such, were copied and circulated widely within the admittedly narrow confines of the monastic community. These scholarly labors became part of what attracted the continuing gifts of benefactors, who were prepared to direct a portion of their wealth to this expression of piety and discipline. This paper reflects, then, on institutional conditions that proved vital to the advancement of learning in the centuries leading up to the emergence of the university system in the Late Middle Ages. As such, it forms a point of historical reflection for the academic community today, as it reconsiders the principles by which

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research and scholarship should circulate within the new possibilities posed by the digital era.

**Keywords**

Medieval monasticism, patronage and intellectual property, scholarly communication

In today’s knowledge-based economy, intellectual property reigns supreme, with patents and copyrighted content the ticket to economic prosperity. Yet something is oddly amiss with the economics of one body of intellectual property, namely the research and scholarship published in academic journals. Here, the most basic questions are at issue. For example, the US Congress has been beset by more than one wave of bills intended to either restrict or extend the public’s right to freely access federally funded research.1 In addition, the price of this content is bipolar, bearing little relation to value. Among subscription-fee journals, the price charged to libraries varies from thousands to a few hundred dollars annually; open access journals (with the content free to readers) similarly vary between charging article processing four-figure fees to charging neither library, reader, nor author.2 Some faculty members are adopting ‘open access’ mandates at a number of institutions that commit them to making copies of their work freely available, with similar mandates being issued for the research supported by a variety of funding agencies (Howard, 2011).3 This move toward open and public access to research is a cause of some alarm among both journal publishers and scholarly societies that see this as a threat to their long-established intellectual property rights by which they sustain operations or realize a profit through the sale of work for which they hold exclusive copyright. They might well question why anyone would assume that the intellectual property rights that they hold over this work should be treated any differently than the rights to exploit other forms of intellectual property.

We are here to suggest why one might reasonably expect that the intellectual property rights associated with research markedly differ from other types of property. Our explanation draws on a history of learning among the learned. This form of learning has operated, for roughly a millennium-and-a-half, within a distinct order of rights and privileges that amount to an economy of patronage and benefice. In this article, we set out to demonstrate how deeply set within the historical formation of learning is this idea that the intellectual property at issue must be produced and circulated on a different basis than other goods. Our example is drawn from medieval monasticism within the Latin West (or Western Christianity). The abbey and priory of the Middle Ages attracted relatively widespread support, by donation and endowment, from the surrounding communities. The nobility and others sought to support the holiness of the monks and nuns, but the accumulated endowment eventually provided an increasing degree of institutional support to learning and the learned. Life among the monastics was focused, above all, on the pursuit of salvation, yet they came to discover that this greater pursuit of learning could contribute, as a communal good, to the piety of the monastery and their own lives.

Our studies have convinced us that certain institutional properties of medieval monasteries led to the fostering and valuing of what we would term the intellectual properties of learning. These properties exist as both the qualities of the life and labor devoted to
learning within the confines of a medieval monastery and they exist as the body of texts that resulted from that life that were freely copied, cited, and translated by monastics. The properties at issue also involve the traditional and tangible sense of a body of land, which was bequeathed to the monastery, on its founding and in subsequent gifts, sustaining monasticism, including a place for the life of learning.

The monastics, of course, did not invent this concept of a text as possessing intellectual properties that reflect its value and associated rights. The works of Plato, Aristotle, and Cicero were certainly valued during classical antiquity, as well as in the Middle Ages (with questions, as one might imagine, as to their pagan status). The right of these authors to be associated with their works was a point of great interest and respect. Their works were seen to possess certain intellectual properties by virtue of being part of a corpus of works by that author. What monasticism introduced to this idea of intellectual property was a level of institutional support that suggested how a life and culture of asceticism, discipline, and relative autonomy could give rise to a body of work, whether venerated for its association with someone such as Bede or Bernard of Clairvaux, or humbly left unmarked as an anonymous contribution. The institutional properties of medieval monasticism led to the production of a wide array of intellectual properties associated with learning.

While establishing the full extent of this legacy is part of a larger project, in this article we focus on the monastic economy of endowment and gift that was to eventually underwrite advanced scholarly undertakings. The setting aside of property to sustain the work of the learned had the effect of placing learning within its own distinct and separate economic sphere. In this way, learning came to operate at a remove from the world, compared to apprenticeships and other forms of work. Learning contributed to the ability of a monastery to build a reputation that attracted such beneficence. This medieval endowment of monasticism, which came to support learning and the learned through the Middle Ages, evolved into an act of trust and faith, on the part of the larger community, in the distinctive value of learning. This institutional formation, by which endowment was directed toward the support of learning and the learned, eventually became the pattern for the early European universities, although this was not originally the case. The first universities to emerge in and around the 12th century, in Bologna, Paris, and Oxford, represented a consolidation of the trade guilds organized by the teaching masters. Yet with the endowment of colleges, faculty chairs, and studentships, such patronage became an increasingly important element, along with the collection of student tuition fees, for the advancement of learning. This patronage also managed to set such institutions apart from the other trades and professions.

**Learning and contractual exchanges: Echoes of institutional endowment**

The learned during classical antiquity were typically able to finance their studies from family wealth or they were fortunate enough to find a patron to underwrite their work, often in exchange for counsel and instruction. Plato, to take a prime example, had the advantage of receiving both forms of support, and he ran his famous Academy without charging fees or having to attract sponsorship, although he was the recipient of gifts on
occasion (Lynch, 1972). He was opposed to the commercialization of learning, or at least has Socrates criticize the Sophists in the Protagoras: ‘Is not a Sophist, Hippocrates, one who deals wholesale or retail in the food of the soul?’ to which he adds, ‘there is far greater peril in buying knowledge than in buying meat and drink.’ In Plato’s work and life, we have the theme of learning placed above the normal commercial transactions of the community, and this standing apart came at no small personal expense in Socrates’ case. With Aristotle, if the financing of his Lyceum remains a little vague, Alexander the Great appears to have supported some of its studies with what we would now identify as soft money (Lynch, 1972). Not until the Middle Ages did a pattern emerge of endowing institutions that supported higher learning in the West.

During the Middle Ages, the transfer of land dominated economic transactions. Such transfers took place through either inheritance, acts of war, rewards for military service, or bequeathals to religious houses. Monasteries in the Middle Ages were commonly established by a noble or a king, drawing up a charter that designated a tract of land, by location and type, to be used to found and fund a religious house. The land bequeathed might be a cultivated field, pastureland, meadowland, vineyard, or marsh. It might include mills, toll-bridges, peasants, serfs, or the fishing rights for a river, as the brothers Roger and Robert of Gilbert of Tonbridge granted to the monks of Bec in the early 12th century (Ward, 1981). Patronage would often extend beyond the bequeathal of land to include ‘very extensive liberties and immunities,’ such as relief from taxation and legal autonomy (Knowles, 1950: 577). Further, the child of a noble family, on entering the monastery as an oblate, would be accompanied by a dowry of property or, at least, a book. A lord and lady on converting to monasticism would draw up an inventory of their worldly possessions for inclusion in a charter of gifts to the respective monasteries to which they were to spend the remainder of their days.

Such gifts were not only a matter of aristocratic largesse. Townspeople would flock to an abbey’s initial dedication ceremony with wool for clothing, plates for the table, and hides for leather, as well as pittances that afforded the nuns a little extra food on holidays, and promises to provide books and clothing, and for the poor. Clergy, knights, merchants, and tenants also pooled their resources, in a form of public subscription, to support monastic life (Clark, 2006: 216). By such gifts, monasteries were founded, built, and maintained. It amounted to a ‘stream of pious donations,’ as Annales historian Georges Duby describes it, which effectively animated ‘the economic life of the time’ (1968: 174). In Normandy and England, this pattern of monastic patronage rose to a peak in the 11th and 12th centuries, bolstered by an expanded aristocracy and innovative founding strategies that involved, for example, the banding together of lesser nobles to share in this form of heavenly investment (see Bouchard, 1987). It was at this point that the pursuit of learning in the West shifted, with the schools and then the universities taking the lead.

The monasteries of the Early Middle Ages, however, are not to be mistaken for academies. They were dedicated, above all, to the salvation of its members, rather than to learning. The monks and nuns were prepared only to teach those who were about the join the monastery. Only much later, with the waning of the Middle Ages, did they come to support ‘external’ schools or open an almonry school for the indigent (although they might well educate the child of a benefactor’s family). The Rule of Benedict, which was
to prevail in Benedictine monasteries from the sixth century onward, makes little enough of learning (Rule of Benedict, 2008). The Rule, as it was known, offers little guidance in curriculum, beyond calling for a mastery of scripture, and makes no provision for the copying of books. Yet it still managed to establish institutional conditions within Benedictine monasteries that served learning exceptionally well. The Rule set aside a sizable amount of time for reading each day and provided for a library, while calling for ascetic self-discipline. In such a setting, a number of monastics over the course of the Middle Ages were able to demonstrate the value and benefit of scholarly work for the larger cloistered community. Their teachings and texts contributed to a growing institutional culture of learning within monasticism. The learning that we associate with scholarship was, then, to gradually form part of the monastic reputation for piety and devotion, which enabled monasteries, in turn, to attract bequeathals and donations from the larger world.

A noble’s bequeathal of a tract of land to a monastery was part of the medieval gift economy. As such, it included reasonable expectations of a counter-gift (renumeratio). The benefactor’s charter often set out the terms by which the gift was made. It would call for a reciting of the benefactor’s family members’ name in the monks’ or nuns’ prayers or arrange for the benefactor’s funeral and burial within the monastery, virtually at heaven’s gate. To further ease the way into the afterlife, the charter might also call for the abbot to remit specified sins or reduce the penances a sinner owed the church. The church also played its part in encouraging gifts, allowing entire churches and regularly collected tithes to be given to monasteries for their support and oversight (Ward, 1981: 428). This exchange between benefactor and monastery proved a sustainable model of institutional endowment, by which a good number of medieval monasteries were able to support productive scriptoriums and fine libraries, with much sharing and copying of texts within the monastic community. The benefactor endowment of a monastery with bookland, as these gifts were known, enabled a culture of learning to take hold in a way that would have been less likely to take hold through acts of individual patronage, with benefactors sponsoring the studies of this brilliant nun or that outstanding monk in the ancient tradition (Campbell, 2010: 31). Through the accumulation of such bequeathals, monasteries were able to provide those interested in learning with a secure position in a relatively well-endowed institution. The monastery was a particularly stable place to study during the volatility of the Early Middle Ages, which are generally regarded as unfriendly to learned pursuits.

As this form of patronage did not depend on the reputation or productivity of the learned, as was the case with personal patronage, the monks and nuns with such interests could pursue their self-directed studies comfortably within the monastic spirit of humility and selflessness, without having to compete for the attention of patrons. Combined with the papal privileges and canonical exemptions granted to monastic orders to ensure their other-worldly autonomy, the cloisters proved a quiet, seldom-disturbed place in which to pray and pursue one’s studies. This removal from the world enabled monasticism to offer a degree of gender equality among nuns and monks that was later lost to learning with the rise of the exclusively male universities for many centuries (Johnson, 1991). The learned tended to operate within a network of monasteries given to the production, copying, and circulation of sacred and learned
texts. Still, the autonomy was relative, of course. The threat of being accused of heresy for one’s work was always present. Among monastics, Gottschalk of Orbais, for example, was sentenced to ‘life imprisonment’ for heresy in the ninth century, and Peter Abelard was similarly condemned in the 12th, while Abelard’s fellow monk, Arnold of Brescia, was hung and burned for calling on the church to renounce its property. Yet intellectual daring was celebrated as well, whether with Bede’s eighth-century collecting of data from coastal monasteries to calculate the working of the tides, or Anselm of Bec’s 11th-century proof for the existence of God by logic alone without benefit of Scripture.

Monastic benefaction constituted its own form of the feudal bond that pervaded the Middle Ages. Where, with the more typical feudal arrangement, the lord offered protection to the vassal in exchange for military service, the abbot extended spiritual protection to the lord in return for secular support. With these gifts, the donor assumed a responsibility, both financially and militarily, for protecting the abbey from the demands of the world. In turn, the abbot was promising to protect the benefactor’s place in heaven by repeatedly whispering the appropriate names in God’s ear. The bond forged between benefactor and monastery was strengthened by the inalienable quality of the gift that was made to the monastery. That is, whether the gift was a body of land or a child oblate (or both), benefactors never lost their association with what had been bequeathed to the monastery (Bijsterveld, 2007: 80).

Benefactors were looking for ‘the deliberate rejection of the pride, power, and wealth that characterized noble life in the world,’ as medieval historian, Constance Brittain Bouchard, characterizes what worked best in attracting benefactors (1987: 249). The monks and nuns, who toiled away on preparing manuscripts, writing commentaries, preparing compilations, translations, and improved editions of older works, became integral to reputation for piety and regularity. As benefactors turned to the abbey to support the holy life of learning, which they did not yet feel capable of living themselves at that point, they affected a transfer between secular and ecclesiastical economies that was to create a place for learning over the centuries. The abbey, as it stood against the horizon like heaven’s gate, reassured benefactors of the better life that was due to them. They might only come to cross the monastery gates again when carried in on what was to be their deathbed, or they might arrive shortly thereafter, if they had arranged in advance to be interred in the abbey’s sacred grounds on their way to heaven.

**Salvation and learning, knowledge and property, held in common**

A key element of monasticism is its rejection of private ownership. Within the walls of the abbey and the scope of its land holdings, all property was held in common by the monastery and in the name of God. A gift of land to the monastery transferred the land, in effect, from private hands to its original state, under the stewardship of the monastery. Consider, for example, that the benefactor’s charter often specified that the intended recipient of the gift of land was God or one of the Apostles: ‘I fear,’ writes a Spanish countess at the beginning of the Cistercian foundation charter, ‘the pains of hell and I desire to come to the joys of paradise, and for the love of God and his glorious Mother,
and for the salvation of my soul and those of my parents, I give to God, St. Mary, and all the saints my whole inheritance in Retoria’ (Southern, 1970: 263).

The benefactor, to his or her spiritual credit, was returning the land to God, acknowledging, by this donation, the original gift of the world to humankind or at least that part of the world that had been awarded to the benefactor’s family. There was in this a sense of contributing to a common, shared wealth, in setting a part of the world aside for this spiritual purpose, which formed part of the understanding in the bequeathal of land to a monastery that then provided a refuge within a community or region. According to the Rule of Benedict, the monastics elected their abbot or abbess; while members from noble families often held such positions, the monastery offered a relative measure of equality that came with the renouncing of private property among the members and their profession of humility.

This communal approach to property also infused the culture of learning that was to develop within monasticism. When the Rule refers to ‘private ownership’ it uses the book as a primary instance: ‘No one should presume...to possess anything of his own – nothing whatever, not a book or writing table or pen’ (Rule of Benedict, 2008: 55). The texts prepared in the monastic scriptorium were regarded as a further part of what God gave to humankind in common. The borrowing and copying of these works turned them into shared properties. Copies of the manuscripts circulated among the monasteries and served as gifts for monasticism’s benefactors. Although this spirit of shared learning took some time to take hold within monasticism, given its original emphasis on isolation and silence as a path to salvation, it is found in Saint Augustine, himself an early monastic. In his On Christian Teaching, Augustine places a high value on presenting what we have learnt to others, for learning falls into that class of things that ‘do not give out when given away’ and ‘are not properly possessed when they are possessed but not given away’ (1997: 8). He adds that, ‘in this act of service I will not only experience no shortage of material, but in fact enjoy an astonishing abundance of it’ (Augustine of Hippo, 1997). Learning’s full value, as an intellectual property, is only realized for Augustine as that learning is shared with others. The benefactor’s gift of property to the monastery, leading to an expansion of the gift of learning carried with it, according to Augustine, a responsibility for what has been learnt with others. This sharing was restricted by the enclosure of the monastery in medieval times, with the enclosure all the more severe for women. Yet remarkable exceptions are to be found. The abbot Hildegard of Bingen, to take one striking instance, conducted famous preaching tours up and down the Rhine valley during the 12th century, while her herbal medicinal remedies are still in use today, just as her choral compositions continue to be performed (Burnett and Dronke, 1998).

**Manuscript culture and the intellectual and institutional properties of monastic work**

This sense of property held in common, which applied equally well to the monastery’s lands and to the books it held in its library and produced in its scriptorium, can be identified as one of the institutional properties of monasticism generally. It follows from the very founding of the monastery by a gift to all of its members. It can also be used to describe an intellectual property of the work produced in the cloisters. While
there was obviously not yet a concept of intellectual property at work in this era, the advancement of learning in the monasteries involved producing intellectual properties of increased learning. These works grew to be regarded as offering great value to the community.

The value of a text was further enhanced by the addition of simple glosses in the margins of a work explaining a work or identifying a source, while in others were penned commentaries on certain passages, all aimed at enhancing the learning of those who followed. Nuns and monks engaged in correcting, restoring, and standardizing editions of the Patristic Fathers and other sacred works; they prepared translations and conducted comparative textual studies; and creating more or less original manuscripts in history, biography, and the natural sciences for purposes of instruction and out of interest. The devotion of time, veneration, and discipline to the production of texts provided nuns and monks with ample opportunities to develop and refine skills in copying, glossing, and commenting on texts, demonstrating in the process how a learned devotion to such work contributed to the spiritual life of the community.

This inspired abbess and abbot, in turn, to devote more resources to the support of this learning, typically by equipping the scriptorium and acquiring additional works to fill monastery library bookcases, as Bede chronicles with some satisfaction in his eighth-century history of the medieval church in England (1969). It also called for stocking the scriptorium with pens, ink, vermillion, bottles, gold foil, and related elements necessary for manuscript production. It also meant employing secretaries, as Hildegard and Bernard of Clairvaux are noted for having, and a further staffing of the scriptoria with scribes, correctors, illuminators (who provided decorative borders and miniature illustrations), rubricators (who used red ink to accentuate titles and other portions of the texts), and binders. By the same token, the flocks of sheep raised on the monastery’s pasturelands provided scribes with parchment, while the binders turned to the roebuck and boar hunted in its bequeathed forests for the leather used to bind and cover the books. The productivity of the scriptorium became integral to the well-managed monastery. It formed part of the abbey’s claim as an early model of a highly rationalized and diversified corporate entity.

The elaborate and robust provision of institutional patronage of monastic life, therefore, played no small part in supporting the intellectual labor of the monasteries. The institutional sponsorship of learning in the monasteries gave rise, in scriptorium after scriptorium, to a distinct class of intellectual properties that enriched life within the monastic community. This monastic eagerness for learning, this sense of its holy service, turned these investigations and inquiries, and the resulting works, into a leading instance in the communal basis of monastic living and support for learning. The pattern of monastic endowment during the Middle Ages also demonstrated how well learning was served by this spirit of autonomy from without and communality within (and by discipline and humility). The endowment of the monasteries by the most worldly of powers – reflecting degrees of trust and investment in learning’s value – would remain the critical economic element in learning’s later institutional development. This has also meant that the intellectual properties of this learning have long born the watermark of institutional sponsorship, reflected in the time and labor and the self-directed, charitable, and communal status of the work.
Within the institutional sponsorship of medieval monasticism is to be found one of the principal properties of learning for the Early and High Middle Ages. In the history of the West, this sponsorship established its value over more traditional forms of patronage, at least when it came to the concerns of learning. The benefactors’ sponsorship of monasticism was based on faith and trust, with an eye on long-term other-worldly investment goals, and as such, benefactors asked no more of the institution they patronized than a piety and devoutness, along with some recognition of their support directed heavenward. The resulting gifts enabled the nuns and monks to develop self-directed and unhurried approaches to learning as a way of fashioning a holy life and moving toward God. It was the life, after all, and not the works themselves that was being sponsored.

Yet what set the monasteries apart from the world, as a form of enclosure and a way of life, also limited the contribution of this learning to the world beyond the abbey’s walls. By a further twist in the development suggested by this analysis, more advanced forms of textual scholarship and exegesis had found a sustaining institutional home long before there was a broadly based system of public and vocational education. By the Carolingian Renaissance in the eighth century, the need for a form of public education was apparent, and Charlemagne initiated schools in the monasteries and elsewhere. Although his schools may have languished after his death and the demise of his empire, the lamp of learning went on to be rekindled by the cathedral schools at Chartres, Notre Dame, and elsewhere, spurred on by growing interest in the Greco-Arabic texts that were finding their way, by translation to Latin, into the West in the 11th and 12th centuries.

Where the ascetic remove of the monasteries had allowed learning to take hold of the Early Middle Ages, the public standing of the schools – including the urban trade guild schools of the 11th and 12th centuries – in the far more stable Late Middle Ages earned them intellectual grace and vitality. Still, by the 12th century, as those schools began to assume the institutional form of studium generale or university, they borrowed heavily from the monastic tradition, not least of all in the privileges and gifts of that earlier economy. The weight of learning was shifting to these new institutions. Various monastic orders were wealthy enough to follow this shift by founding their own colleges at Oxford and elsewhere. Yet the very success of monastic endowments was also to prove the downfall of the monasteries in Britain. By the end of the Middle Ages, they were subject to attack from the secular clergy for the privileged lives some of the monastics lived, from those families who felt excluded by the great dynasties of abbots associated with the local aristocracy, and from humanists, such as Erasmus, for their disregard and disdain for the new learning (Kearney, 1970: 18–19). The monastic legacy took a particularly harsh turn in Reformation Britain, with Henry VIII’s Dissolution of the Monasteries. The assets of the dissolved monasteries ended up, at best, financing the founding of colleges, such as Christ Church, Oxford, replete with studentships of the sort John Locke held for decades and during which he composed his highly influential theory of property (which figures elsewhere in our history of the intellectual properties of learning). Patronage was to be a key institutional property for the advancement of learning. This was not just a matter of the medieval economy of the gift, but for learning this patronage was to be no less a part of the Age of Commerce that followed the Middle Ages, as well as the era of print and copyright, and the epoch of capitalism.
Conclusion

The intellectual properties of learning attributable to medieval monasticism were financed by endowment, involving a three-step *trans*-action. Firstly, the nobility saw to the *transfer* of property to the monastery, enabling monastics to live within a semi-autonomous realm devoted to following the Benedictine Rule. Secondly, well-managed monasteries were able to *transform* the surplus produced by these endowed lands into the time and resources necessary for monastics to develop, among other things, modest, and occasionally considerable, levels of learning that found expression in a vibrant manuscript culture across the Latin West. Thirdly, the tangible acts of preparing vellum and ink, as well as the editing, copying, and glossing of texts, enabled a *transubstantiation* of properties, by which scholarly labors turned physical properties into intangible property. So it was that a meadow endowed to a monastery led to a learned book that fed the minds and souls of many.

Monasticism was not the whole of the patronage of learning during the Middle Ages – Boethius in the sixth century was among the more famous of court intellectuals – and such forms of personal patronage were to play their part in the schools and universities of the Late Middle Ages and beyond. Yet monasticism did establish a form of institutional support for learning that provided critical elements of autonomy from donors, as well as community and communality among the learned. It should also be noted that this institutional contribution to the advancement of learning led to a relatively modest intellectual achievement compared to the Islamic Golden Age of the same period, with Baghdad’s House of Wisdom at its center (Al-Khalili, 2011).

Yet monasticism’s pattern of deans and collegial governance, as well as its economy of a productively deployed endowment, had an obvious influence on the universities that followed. Common to the intellectual properties of learning is the watermark of institutional sponsorship. This sponsorship pays in advance for the self-directed time and labor invested by the learned. It results in work that can be thought of as charitable and communal. During what are commonly regarded as the less civilized, mean-spirited times of the Middle Ages, a measure of support arose for learning in institutional settings. This support enabled learning to take place at a remove from worldly stresses and strains, and to prove itself a valuable contribution within that institution and for the larger world. We are suggesting, here, that it is time to review and renew these principles that have long distinguished the intellectual properties of learning. The parallels speak to a strong degree of public support for the contribution of scholarly work, as well as to the value of treating such work as a distinct form of economic activity, at a remove from other forms of commerce.

This history has a bearing, we imagine, on the current financing of higher education. The state’s reduction in support has sent the universities to scrambling for new forms of sponsorship, partnership, and revenue. Yet over the last half-century, the successful capitalization of scholarly communication by large corporate publishing interests, such as Elsevier, Springer, and Sage, serves as a caution against playing too loose and fast with the intellectual properties of learning (Morris, 2007). Amid the digital transformation of scholarly communication, with a good proportion of the published literature now a private corporate asset that limits rights of access within the academic community, we need
to look for ways of restoring the long-held principles that have supported the communal quality of learning. Our own efforts, in this regard, include not only investigating the historical formation of learning’s intellectual properties, of which this article is an example, but also participating in a project to develop new tools for keeping scholarly publishing within the academic community. We are also taking advantage of this journal’s copyright policies to post a ‘pre-print’ copy of this article in an open institutional repository. Our hope is that this historical overview will help to reinforce within researchers the principles and value of sharing their work more widely and openly as a way of honoring (and perhaps reinforcing) a tradition of patronage that has successfully sustained the advancement of learning through times that may not have always seemed conducive to such inquiry and investigation.

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Notes

1. Currently, the bills concerned with access to research before Congress include the Research Works Act (H.R. 3699) introduced 16 December 2011, which calls for a prohibition of open access mandates for federally funded research; and the Federal Research Public Access Act (H.R. 4004), introduced in 2006, and again on 9 February 2012, which requires federal agencies with external research budgets over US$100 million to ensure that federally funded research is made public within six months. For a review of the issues, see Committee on Science, Space, and Technology (2012).

2. The average library subscription fee in 2011 for chemistry journals is US$4044 and for history US$266 (Bosch et al., 2011); BioMed Central publishes hundreds of open access journals with article processing fees of US$1120–2600; Harvard University Press’s Journal of Legal Analysis is one of the thousands of journals listed in the Directory of Open Access Journals (http://www.doaj.org/) that do not charge readers or authors.

3. For a list of universities and funding agencies that have such mandates, see ROARMAP: Registry of Open Access Repository Mandatory Archiving Policies (http://roarmap.eprints.org/).

4. See ‘Protagoras’ in The Dialogues of Plato (vol. 1, 1875: 126–127). Plato’s regard for the sophists is clear in the following passage: ‘the charlatan… the hireling who is not a teacher, and who, from whatever point of view he is regarded, is the opposite of the true teacher’ (‘Introduction’ in Dialogues, vol. 3, 426). On Socrates’ rejection of money, see Hénaff (2010: 1–5).

5. Wood (2010) describes, for example, how a king in Anglo-Saxon England was considered to hold all of the land, to the extent that when land was granted to a warrior for military service, it returned to the king once that man had died. In describing the ‘seamy underside’ of this ‘grift culture,’ Wood also points to Bede’s concern that some aristocrats petitioned the king in Anglo-Saxon England for land that they intended to bequeath to a monastery, only to exploit the property themselves (Wood, 2010: 93, 91).
6. The extent of more generous endowments is also suggested by RW Southern, who reports on the Foundation deed of the priory at St. Mont in Gascony in the 11th century: ‘It was given by its founder profits of forty-seven churches, one hamlet, seven manors, four small parcels of land, one vineyard, six arable lots, one wood, one stretch of fishing rights, and various small rents and tolls’ (1970: 233).

7. Similarly, Van Engen points to how ‘truly sizable gifts from kings and princes had probably peaked already in the early eleventh century’ (1986: 278).

8. Benedict’s stand on learning has been more generously summed up by Leclercq: ‘Studies undertaken, and then, not precisely scorned, but renounced and transcended, for the sake of the kingdom of God’ (1961: 12).

9. To cite a few of those who did much to advance the value of learning are Radegund, Bede, Alcuin of York, Anselm of Bec, and Hildegard of Bingen, as well as others closely associated with monasteries, such as Cassiodorus and Isidore of Seville (see, for example, Evans, 2002). In another paper, we discuss in some detail the work of such learned nuns and monks, showing how they established the value learning for monasticism against the threat posed by the pride and vanity of learning, the paganism of the ancients, and a general fear of heresy (Willinsky and Provençal, in press).

10. As late as 1249, the Benedictine Order in Canterbury called for the heads of religious houses to ensure that all monks who had taken priest’s orders celebrated private mass at least every four days lest, as Roger Bowers nicely puts it, ‘the souls of benefactors be defrauded of the expected migratory benefits’ (1999: 189).

11. It should be noted that, after the accumulation of considerable monastic wealth, a monastery such as Cluny was able to play the role of ‘patron of the arts on a massive scale, not only in fields of architecture and sculpture, but in mural painting, music, manuscript illumination, and all aspects of the decorative arts’ (Mullins, 2006: 167).

12. It was not that the monasteries were invulnerable or guaranteed their endowments. Abbot and prioress had to cultivate the giving of such gifts; they had to ensure that their community retained the protective benevolence of benefactors in worldly matters. On the other hand, the monastic accumulation of wealth raised its own set of contradictions that contributed to their demise, at least during the reformation in England. Recall that Abelard’s fellow traveler Arnold of Brescia was executed in 1155 for, among other things, calling the church to account for its corruption through its property holdings, while sometime later Pope Urban V felt compelled in the 14th century to defend property holdings more generally by publicly condemning the swell of opinion that held private property to be a sin (see Deneken, 2000).

13. For example, when Heliseus gave a copy of Martianus Capella’s De nuptiss to the monks of St. Germain in the early part of the ninth century, someone inscribed the annotation toward the middle of the work: ‘Archdeacon Heliseus gave this book to St. Germain for eternal life’ (see Teeuwen, 2008: 37).

14. Learning was hardly the whole of this reputation-building process. Anne E Lester reports in her study, for example, that by the early 13th century care for the poor and sick appears in Cistercian monastic charters, even as she identifies it in terms of reputation-building, as a ‘particularly effective form of penitential piety’ (2006: 207). The Benedictines in England also managed to combine a very open hospitality to travelers among their charitable acts, attracting donations of tithes, pensions, and other revenue grants from benefactors that help to sustain such work by the abbot and monks (see Kerr, 2007).

15. Paul A Samuelson famously defined a public good as that ‘which all enjoy in common in the sense that each individual’s consumption of such a good leads to no subtraction from any other individual’s consumption of that good’ (1954: 387).
16. For the economics of manuscript production at the end of the era, see Overty (2008).
17. Kelly also describes how, for the Abbey of the Trinity at Vendôme, the Countess Agnes of Burgundy purchased a book of homilies, as part of her monastic patronage, noting its ‘steep price’ of being valued at 200 sheep (1966: 14). In terms of putting a price on books, the cost by the 15th century, as the era of the manuscript book was about to end, was roughly equivalent to two cows, a tolerable horse, or ten barrels of beer (Johnson, 2002).
18. Silber holds up the 12th-century Cistercian monastery as ‘the arch example of economic rationalization and productivity’ (1993: 109). Silber compares this form of ascetic discipline in monasticism to the ‘Protestant ethic’ argument, not only as Max Weber originally championed it in explaining the rise of capitalism, but also as Robert K Merton (1970) utilizes it in explaining the early modern scientific revolution in Europe.
19. See the Public Knowledge Project: http://pkp.sfu.ca/.

References


Author biographies

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