UNIVERSITY EDUCATION IN THE NETHERLANDS 1815-1980

LEGISLATION AND CIVIL EFFECT

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PREFACE

University education is changing rapidly. To get some idea of the background of these changes I began studying in 1982 (a) the introduction of new subject-matter in the university curriculum, (b) the changing relationship between the universities and other schools (especially the so-called higher vocational schools in this country), and (c) the extension and erosion of civil effect.

I was, however unable to trace publications on these subjects in Dutch or other languages*, so I had to collect the material myself.**

Surveys of (1) university legislation, (2) civil effect of the degrees, (3) the Faculties of Theology, (4) Law, (5) Indology, (6) Medicine, (7) Mathematics & the Sciences, (8) Languages & Literature, (9) Technology, and (10) Agriculture have been published now, each an essay of 50 to 100 pages. As these surveys are still in the making there has as yet been no opportunity to analyse the mass of data. Nevertheless, it appears that at least in the Netherlands the differentiation in the curricula began earlier than the major growth: several new disciplines had already been introduced in 1947, a long time before the spectacular growth which followed the post-war baby boom (and the extension of the state bursary-system) in the sixties and seventies.

The growth of the universities did of course stimulate the differentiation in subject matter: more university personnel were appointed than ever before, frequently in completely new branches of learning. Snow’s bipartition (1959) or tripartition (1969) now seems obsolete, as many new disciplines have grown between his two or three streams. Further, in the post-war period many schools which had no right to confer doctorates and no publically supported research departments, improved their curricula, becoming a supplement or even a threat (in certain subject areas) to the universities.

On the other hand several professional organizations (e.g. judges, lawyers, physicians) began to force their newly graduated colleagues to follow courses supervised by their own organizations, rather than by the Faculty, before these fellow graduates are actually allowed to practise. Thus the university is threatened in two ways, by the schools and by the organizations. How serious these threats are and why and when these extra requirements following graduation came into existence remain to be ascertained.

This book contains a translation of the first and second surveys. It may be of some use for students of comparative university education, or for foreign teachers and students at Dutch universities.

Nuenen, May 1988

* E.g. in Fletcher's bibliographies.

** The CRE-Compendium has been a help, but it is of course very concise. Articles in encyclopedias of educational research or of higher education give even less information.
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SYNOPSIS

The two essays in this book (Legislation and Civil Effect) are a translation of the first two parts of my 'Het wetenschappelijk onderwijs in Nederland van 1815 tot 1980' (Dutch University Education 1815-1980), of which to date (1988) 10 parts have been published in two volumes.*

In Part I (chapters 1.2-1.4) I have described three aspects of the development of legislation: (1) the scope and definition of university education, (2) private university education, and (3) the propedeutics and the Reform Act of 1975.
Not only did I make use of the Royal Decree of 1815 and the laws passed in 1876, 1960, and 1985, but also -to get an idea of the opinions of the time- of the bills that have not been realized, and of the recommendations of the several state committees for higher education.
Chapters 1.5-1.7 give a more detailed survey of some other developments in legislation from 1815 till 1980. Finally Chapter 1.8 deals with three recent issues: apart from discussing the allocation of tasks and the Academic Council, it is primarily concerned with the relationship between university education and higher vocational education.

Part II concerns the problems involved in the relationship between civil effect and university degrees. In Ch. 2.2 and 2.3 one finds a survey of the development of teaching qualifications and of the 'jus postulandi sive artis exercendae' (civil effect of the learned professions) in the Netherlands over the period 1815-1980. Ch. 2.4 concludes this survey with some remarks on the extension of the civil effect to non-university certification, and -at the same time- on the recent erosion of civil effect.

Some important sources are:
(1) The draft decree of the Van der Duyn van Maasdam committee of 1814. This draft is no longer present in the portfolio 2648 in the Public Record Office; therefore I used the De Geer summary of 1869.
(2) The Royal Decree of 1815.
(3) The recommendations of the Roëll committee of 1828.
(4) The recommendations of the Van Ewijk committee of 1849 together with the minority report of Opzoomer.
(5) The bills of 1868, 1869, 1874-1 and 1874-2.
(6) The Higher Education Act of 1876.
(7) The report of the Colijn/Lorentz committee of 1923.
(9) The Rutten bill of 1952.
(10) The University Education Acts of 1960 and 1985, and
(13) Yearly reports ('Education Reports') of the Minister to Parliament.


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THE USE OF TITLES

Before the University Education Act of 1960, the use of titles in the Netherlands was not regulated by law, although incorrect usage probably did not occur frequently.

The Royal Decree of 1815 recognized only two university degrees in each of the five faculties*, that of candidate (comparable with bachelor) and that of doctor. The candidate's degree did not have any civil effect, but was only a preparation for the doctorate. The honorary doctorate was maintained in 1815, while the degree of licentiate, which in the Republic was sometimes conferred instead of the doctorate, disappeared (around 1800 the licentiate was considered more fashionable in certain circles than the doctorate: the nobility in general preferred a licentiate).

One could obtain a candidate's degree or a doctorate only after an examination; for the doctorate a public or private 'promotie' (thesis defence)** was also required. The examinations were taken before the entire faculty; absent professors risked a fine. A doctor's degree required a specimen inaugurale, which was either an elaborate discourse on a subject from the branch of learning concerned (dissertation), or elaborate observations on various subjects. In 1815 this 'elaborate observations on various subjects' were no longer accepted in place of the doctor's dissertation, except by the Law Faculty from 1840-1876 and from 1895-1921. Apart from the Law Faculty, dissertations were now required, with -in addition- some short statements on several subjects, called 'stellingen' (propositions).

The private 'promotie' took place under the questioning of the professors of the faculty, but always with open doors, while the public 'promotie' took place in the public auditorium with questions from 'all who felt like it'. The (expensive) 'promotie met de kap' (with the hood) that went along with more extensive rituals was also still possible. As a rule the 'promotie' quickly followed the doctoral examination; during the days or weeks in between the candidate was (behind closed doors) addressed with 'doctorandus' till he received his doctorate. Doctorandus was neither a title nor a degree.

The Royal Decree of 1815 recognized only one doctorate in theology (but theologians hardly ever took a doctorate; this was the reason professors of theology frequently received an

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* The Faculty of Arts was in 1815 -after the French model- divided into a Faculty of 'Contemplative Philosophy (not Natural Philosophy; MG) & Literature', and a Faculty of Mathematics & Sciences.

** The word 'promotie' refers to a ceremony specific to the doctor's degree, in which the dissertation is defended, and the degree is awarded.
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honorary doctorate when they were appointed, although some professors -coming from another faculty- had to take a serious examination in front of their future colleagues: see Cramer on the Acts of the Theological Faculty in Utrecht (1936).

There were two doctorates in law, a normal doctorate and a 'simple' one: four doctorates in medicine (after the normal doctorate one could also graduate in surgery, obstetrics and/or pharmacy); the only doctorate in the (new) Faculty of Mathematics & Sciences was called the degree of 'matheseos magister, philosophiae naturalis doctor'; the doctorate in contemplative philosophy and literature (in the new Faculty of Philosophy & Literature) 'philosophiae theoreticae magister, literarum humanorum doctor'.

The Higher Education Act of 1876 introduced the system of split doctorates -except for theology- which made it possible to have doctorates in civil law and in constitutional law within the Faculty of Law (the simple doctorate disappears): in 1900 a doctorate in Roman-Dutch Law (South African Law) was added, and in 1916 that of the so-called constitutional law B (Dutch-Indonesian doctorate).

The Medical Faculty kept the doctorates in medicine, surgery, and obstetrics. The doctorate in pharmaceutics was transferred as a sixth doctorate to the Faculty of Mathematics and Sciences, where doctorates in mathematics and astronomy (1), mathematics and physics (2), chemistry (3), geology and mineralogy (4), botany and zoology (5) were also instituted. In the Faculty of Literature and Philosophy there were five doctorates in 1876, namely, in Classics (1), in Semitic literature (2), in Dutch (3), in language and literature of the East Indonesian archipelago (4), and in philosophy (5). No one seems to know why a doctorate in history was omitted.

In 1905 the new University of Technology was introduced in Delft, with a doctorate in technical sciences. In 1917 doctorates in veterinary surgery and agricultural science were instituted in Utrecht and Wageningen respectively. (These were three new universities with one faculty, somewhat comparable with the American 'Schools').

Since the introduction of the practical medical finals in 1865, many physicians (now called 'arts'; plur. 'artsen', from German 'Arzt' and Greek 'archiatros') no longer took a doctorate, since the civil effect was attached to these finals instead of to the medical doctorate. After 1876 civil effect -such as being permitted to teach in grammar schools or practise a profession- is increasingly attached to the degrees of those 'who are admitted to the promotie' (doctorandi), or of those who had passed a practical examination e.g. in pharmacy or dentistry. About 1920, the split doctorates were abolished and only one doctorate per faculty remained. In 1920/21, the requirement
of having a doctorate disappeared for all professions: the title "doctor" had now become a purely academic degree. With the exception of jurists and engineers, it was unusual for 'those admitted to the promotie' to put a title before or behind their names. During the German occupation, a decree of 25 September 1942 ordained that engineers from the technological universities in Delft and Bandung, and from the agricultural university in Wageningen were allowed to put IR. before their name, followed by an indication of the field of study in lower case e.g.: c.i. (civil engineering), w.i. (mechanical engineering), etc. In the same decree graduates from the MTS (senior secondary technical school) received the right to put the capitals MTS after their name, just as AMTS (the evening MTS), MT (equal to MTS), and TS (college of textile marketing/technology) were used. After 1945 this was all cancelled.

On 24 November 1947 the Minister of Education wrote to the department heads within the ministry that for several years those who had taken a doctoral examination without the 'promotie' in faculties other than the Faculty of Law had put the title 'drs.' or 'dra.' (doctorandus or doctoranda) before their name. This was incorrect: one should put drs. after the name, followed by an indication of the field of study (e.g. drs. ec.; dra. psych.).

In 1953 the University of Economics in Rotterdam introduced still another title, that of 'baccalaureus', to be taken after an examination held half a year after the candidate's examination. In 1954 the University of Amsterdam also instituted a baccalaureate of economics. The bill of 23 August 1958, which should have enabled baccalaureate examinations in all fields of study, was withdrawn in view of the forthcoming University Education Act of 1960. In that Act one finds the possibility of placing a capital B together with an indication of the field of study behind one's name. The new examination was, however, a failure, so that examination and title disappeared from this act.

The University Education Act of 1960 states who was allowed to use a title of 'doctor, meester, ingenieur, and doctorandus' placed before the name and abbreviated to dr., mr. (law), ir. (engineering) and drs. (others), without indication of the field of study. If one of the last three takes a doctorate, he may use the title mr.dr. (law); dr.ir. (engineering); or dr. (others).

In 1972, graduates of senior secondary technical and agricultural schools acquired the right to place the abbreviation 'ing.' before their name.

During the debates around the realization of the University Education Act of 1960 one suggestion was to introduce the

* The Latin term was in fact 'baccalarius', not baccalaureus.
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title 'magister' instead of drs. in accordance with an earlier proposal by professor Huizinga to give this title to graduates in the faculty of Mathematics & Sciences: the abbreviation mgr. however, would lead to confusion with an existing title in the Roman Catholic church. From time to time the idea to give all those who were 'admitted to the promotie' the title of meester (master) came to the fore, but this met with resistance from the jurists (with their title of meester).

According to the University Education Act of 1985 a doctorate does not have a specification: one is Doctor, regardless of the faculty. This act permits using the title 'master' (a capital M. after the name), instead of drs., mr., or ir. In the meantime, the Two-stage Structure Act has not simplified the matter of titles: what can those who have followed a 'second stage of training' call themselves?

The Dutch system of titling, just as in other countries, is rather confusing: e.g. the letter 's' in drs. is sometimes seen as a plural 's'; the abbr. 'mr.' is in Anglo-Saxon countries quite common in a different meaning. I do not know how ir. and ing. are interpreted abroad.

CHAIRS

The Royal Decree of 1815 mentions professores ordinarii, plus two part-time positions, professores extraordinarii and lectores. The status of both the extraordinarius and the lector was - until 1876 - not very high: it seems that the extraordinarius originally officiated as a sort of substitute professor, or a young teacher of new subjects. The lector had to teach modern languages, music, fencing and riding.

In 1876 the law mentions only ordinarii and extraordinarii, but in 1905 the lector reappears, then somewhat comparable with the reader in England, or the senior lecturer. In 1876 there appear 'clerical professors' besides the professors ordinarii in theology. These chairs were in fact private chairs, that is, they were paid by the Dutch Reformed Church: the professors had to teach the articles of faith. The professor ordinarius in theology, on the other hand, had to restrict himself to 'neutral' theology (e.g. church-history). This 'duplex ordo' was of course a compromise, meant to introduce seminaries of other denominations at the state universities; but this was not realized until after the second world war.

Private chairs in other disciplines, paid by institutions outside the university, also appear in 1905. The 'privaat-docent', an unsalaried teacher, who was 'admitted to the university', disappeared after the second world war.

Until 1985 professores ordinarii, extraordinarii and lectores were appointed by the crown, and private chairs had to be approved by the crown. The lector disappeared in 1980.
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The teaching staff was extended in the period between the Wars with lecturers, who got the somewhat peculiar title of 'wetenschappelijk ambtenaar' (scientific civil servant), or 'wetenschappelijk medewerker' (scientific co-worker). From 1985 the law mentions full-time or part-time professors, senior lecturers (hoofddocenten), and lecturers (docenten), all appointed by the university. The assistant lecturer has, as a rule, a temporary appointment. Private chairs paid by non-university institutions (clerical chairs included), remained possible at state universities. Such chairs are now even found at private universities, that is, chairs paid by institutions other than the founding institution of the private university as a whole.

INSTITUTIONS*

From 1815 until 1830 the Netherlands were united with Belgium. In 1815 there were three state universities in the northern provinces: Leiden, before 1800 the provincial university of Holland and Zeeland; Groningen, earlier the provincial university of the province of that name, and Utrecht, the former provincial university of the province of Utrecht.

In 1816 King William I founded in 1816 three state universities in the southern provinces (after 1830 Belgium): in Leuven (already a university from 1425-1797), in Ghent and Luik (Liege).

The other provincial universities at Franeker in the province of Friesland, and at Harderwijk in the province of Gelderland were converted to athenea, and closed in 1843 and 1818, respectively.

In several towns, e.g. in Amsterdam and Deventer there were municipal athenea: the institution in Deventer closed in 1878, and the Amsterdam Atheneum was converted in 1876 to the municipal university.

STATE UNIVERSITIES

   - Franeker. 1585-1811 provincial university of Friesland. Atheneum 1815-1843; then closed.
   - Harderwijk. 1648-1811 provincial university of the province of Gelderland. Atheneum 1815-1818; then closed.

* For more details see CRE, 1984.
Universities of Technology.
5. Delft. 1905 state university of technology; earlier Polytechnic.
7. Enschede. 1961 state university of technology; from 1969 non-technical faculties also.

Other universities.
- Utrecht. 1918 state university of veterinary sciences; 1925 Faculty at (3).
8. Wageningen. 1918 state university of agriculture.

PRIVATE UNIVERSITIES

Non-denominational.
11. Amsterdam. 1876 municipal university of Amsterdam (1632-1876 municipal atheneum).

Calvinistic
13. Amsterdam. 1880 Free University.

Roman Catholic
15. Tilburg. 1927 Roman Catholic University of Economics; 1946 additional faculties.

Single-faculty theological universities.

For several other denominations one or more clerical chairs were permitted at the state universities and the university of Amsterdam (e.g. Mennonites, Remonstrants, Lutheran, Old-Catholic, etc.).
PART I: LEGISLATION
1.1 THE LEGISLATION OF 1815, 1876, 1960 AND 1985

INTRODUCTION

From 1815 until 1876 university education was regulated by the Royal Decree of 2 August 1815. Although it contained detailed regulations this decree was amended only a few times (see chapter 1.5). In 1876 this decree was replaced by the first Higher Education Act. Just as the Royal Decree of 1815, this embraced grammar school (Latin School; 'gymnasium') and university education. (Under this Act the Atheneum in Amsterdam was converted to a municipal university). The Higher Education Act of 1876 would remain valid until 1960, albeit with a very great number of amendments. The most drastic change was the alteration of the law in 1905, after which private universities could for certain degrees be equated to state universities, and the Polytechnic School in Delft became a technological university.

In 1917, an Act, separate from the Higher Education Act of 1876 came into being to regulate higher agricultural and higher veterinary education. In 1925, however, veterinary education was brought under the Higher Education Act of 1876; at this time veterinary education was placed at the State University of Utrecht in a sixth Faculty. In 1967 the statutory provisions for higher agricultural education were made a part of the University Education Act of 1960, which had replaced the Higher Education Act of 1876.

Grammar school education was left out of the University Education Act of 1960. After 1960 this act underwent a great number of alterations of which the most important was the so-called 'restructuring' of 1975 which passed Parliament, but was not executed. In 1981 this was modified to become the Two-Stage Structure Act ('Tweefasenwet'). In 1970 the interim act of University Administration Reform came into being; in 1985, together with the Two-Stage Structure Act, this was incorporated into the new University Education Act.

The ROYAL DECREE of 1815 has, in addition to several preliminary articles, three chapters, applying in turn to Latin Schools, athenea (universities without the right of examinations) and universities. In total the Royal Decree of 1815 comprises 270 articles, of which numbers 53-270 deal with the universities.

The HIGHER-EDUCATION ACT of 1876, on the other hand, initially included only 107 articles, since many issues were to be settled later by general administrative measures (e.g. the examination and graduation regulation, which later on was called the 'Academic Statute'). The law dedicates 93 articles
LEGISLATION: INTRODUCTION

to public higher education* ('openbaar hoger onderwijs'),
and only 8 articles to private higher education ('bijzonder
hoger onderwijs'); in 1905 that ratio changed to 144
articles on public, and 57 on private higher education, out
of a total of 226 articles.

The UNIVERSITY-EDUCATION ACT of 1960 has at its core the
rubric 'Universities' ('Universiteiten en hoge scholen'),
with a subdivision for universities fully or partly financed
from public funds; in 1970 that formulation was restricted to
universities financed from public funds. Furthermore, the
earlier version refers to 'private universities, and private
professorial chairs and lectorships at the state
universities, that are neither fully nor partly financed from
public funds'; in 1973 this was changed to 'private
universities, chairs, and lectorships that do not come under
Section I' (financed from public funds).
In this Act one finds several articles on 'other institutes
of higher education', on titles in higher education, on the
Academic Council, and the rubric 'penal provisions'. In 1975
a number of articles on post graduate education were added.

The UNIVERSITY EDUCATION ACT of 1985 embraces 240 articles
over 7 chapters. Most articles are to be found in chapter II,
'Universities financed from public funds'. Chapter III
concerns University Hospitals, IV 'Planning and Defrayment',
V 'Other types of University Education' (not paid from public
funds), VI 'Inspection of Universities', and VII 'The use of
titles'.

Without going into the content, one of the most important
shifts is already clear from these headings: private
education becomes the subject of legislation only in 1905,
and since 1960 the distinction between public and private
education is overshadowed by the distinction between
institutes which are or are not financed from public funds.

* State Universities are, in this essay, sometimes
called 'Public Universities', and Roman Catholic,
Calvinistic, or Municipal Institutions 'Private
Universities'.
1.2 THE SCOPE AND DEFINITION OF HIGHER EDUCATION

THE SCOPE OF HIGHER EDUCATION

In 1814 the preliminary committee for the Royal Decree of 1815 (Van der Duyn van Maasdam) held a considerably wider view of the scope of higher education than was afterwards recorded in the final decree. The committee wanted to include education in obstetrics, pharmacy, veterinary medicine and agriculture, mathematics, navigation, geodesy, and training for naval officers, as well as institutes or societies for the benefit of arts and sciences (De Geer, 1869).

The background for this notion was the difficulties in the first half of the nineteenth century with respect to the classification of education into the categories of primary, secondary, and higher education, as it was incorporated into the Constitution of 1814 after the example of the French educational system (e.g. the Van Swinden committee: 22 April 1809). Actually, just as in the Republic, only elementary and higher education were recognized. The Latin Schools were regarded as higher education, and the 'French Schools' as elementary education.

But new types of schools came into being during the century, and it was not clear whether they belonged to elementary or to higher education, or perhaps to a category thus far unknown. The Van der Duyn committee apparently foresaw this problem, and, as early as 1814, classified not yet existing education (such as veterinary medicine and agriculture) with the higher type. The knot was cut by Minister Thorbecke, when in 1863 he introduced the law on secondary education. Thorbecke in fact founded two types of secondary education, the first a preliminary to the second; the secondary education of e.g. the School of Polytechnic was accessible for graduates of the (new) Higher Burgher School, a first stage of secondary education.

The Roëll committee (1828) was of the opinion that secondary education in particular had to be adapted to regional or provincial needs (point A in the report), and that Latin Schools had to remain part of higher education (as a first stage), as these schools primarily served as preparation for higher education. A minority of this committee wanted to associate the Latin Schools with secondary education.

Further, the committee was of the opinion that university education had to remain reserved for the learned classes. Therefore only a few practical lessons, such as in medicine and surgery, without which the theory was incomprehensible, should be allowed. Vocational training, e.g. engineering, had no place in the university curriculum. But a subject called 'technology' (whatever that was: MG), according to the committee, had to be read at the university.
In this the committee rejected the government's suggestion of adapting the subjects to be taught at the universities to local needs (manufacturing industry in Ghent and Leiden, agriculture in Utrecht and Ghent, constitutional law or political sciences in Leiden and Luik, and mining in Luik: point B in the report). A full teacher training course at the university was also seen as fundamentally wrong: the committee felt that prospective teachers and theologians should be taught only the theory of education, although some members were of the opinion that for 'political sciences' (or something like constitutional law: MG) a subject or even a field of study e.g. 'theory of management policy', should be introduced. In France this was called 'science de l'administration', or 'course de droit administratif', and in Germany 'Politik' or 'Polizeywissenschaft'. However, the majority thought that the student could find enough to his taste in the current programme.

The Van Ewijck committee (1849) explicitly wanted to reckon the Latin Schools as part of secondary education, because higher education served exclusively to prepare for specific professions or for scientific or scholarly careers. Therefore, apart from 'general' universities, one could also establish universities for specific professions. It is clear that, to the committee of 1849, the Royal Military College in Breda: the Royal Naval College, then still in Medemblik: the Royal College of Engineering in Delft; and the Veterinary College in Utrecht had to be considered higher education. Furthermore the training for surgeons had to be abolished, as 'non-graduated practice' (a training outside the university) had become obsolete.

In his minority report secretary Opzoomer went even further: he wrote that the university should exclusively provide vocational training: for the individual who is studying in order to pursue the sciences there should be only 'optional' facilities. According to Opzoomer the examinations with civil effect should be conducted by practising lawyers, judges, teachers, and clergymen (he does not mention physicians: MG).

However, according to the explanatory memorandum for the bill of 1868, Minister Heemskerk considered education and preparation for the independent pursuit of science the main task of higher education. Although he did realize that only a few students would be independent scholars and that the majority would afterwards follow a profession, nevertheless he believed professional training should not be seen as a primary objective. Heemskerk also wanted to reckon the Latin Schools, athenea, surgical and obstetrical schools, pharmaceutical schools, and midwife training colleges, theological private higher education, and -oddly enough-public military higher education (as if there could be private military education) as part of higher education. Just as in 1849, in this bill the Royal Naval College, the Royal Military College, and the State Training College for Military Practitioners are regarded as higher education. As Parliament had placed higher technological education and
higher agricultural education under the Secondary Education Act of 1863, these forms of education did not have to be regulated in the Higher Education Act.

But the bill of 1868 was not enacted, and neither were the bills of 1869 and 1874. Ultimately, in the Higher Education Act of 1876, one finds only the Latin Schools (now gymnasia), the Atheneum in Amsterdam (which had become a municipal university), and state universities.

In 1905 the Technological University in Delft and in 1917 university education in agricultural and veterinary sciences, in Wageningen and Utrecht respectively, were added. Except for the midwife training college, for which the status was not clear, the several surgical schools were abolished in 1863; surgery was added to university medical education. In 1913 economic education was semi-officially declared higher education, and in 1939 this became official. Most of the 'social sciences' followed after the second world war, while in 1960 the gymasia (grammar schools) were no longer included in the University Education Act.

As far as I could ascertain the bill of 1868 on higher military education was not mentioned again until 1963 when bill no. 7404, the Higher Education Act on the military force, was introduced in Parliament. Apparently this bill was held over, after a preliminary report of 15 October 1964: a memorandum in reply of 6 June 1966, together with an amended draft; a further report of 8 May 1969; and several letters from the chairman of the committee and the Parliamentary Under-Secretary for Defence (22 December 1971 and 22 February 1972):

The sector of the fine arts also remained outside higher education: the State Academy of Arts in Amsterdam was first regulated by the Royal Decree of 1820, and later by a separate act of 1870: an act still valid, although in 1980 a bill was introduced to withdraw the act of 1870. The later established fine arts colleges came under the Higher Vocational Act.

DEFINITION OF HIGHER EDUCATION

The Royal Decree of 1815 was far from clear on the definition of higher education; article 1 of the Royal Decree of 1815 said that higher education is understood to include the education that has as its objective preparation of the student for the learned classes in society, after he has finished elementary and secondary education.1*

This meant that the 'education of the members of the learned classes' was the deciding factor in whether or not a particular type of education would be considered higher education. The problem was thus shifted to a definition of

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* Original text on page 10.
the learned classes, which did not simplify matters, as is clear from the difficulties the committee Van der Duyn had in defining higher education.

With the French revolution class society had been disrupted. This disruption continued during the nineteenth century. Frijhoff (1981: pp.240-260) writes that in former times it was not unusual for various graduates to swap professions. Jurists e.g. acted as principals of Latin Schools, clergymen practised as physicians, and vice versa. Goudswaard (1981: p. 18) quoted Van Hamelsveld who wrote in 1791 that the learned classes consisted of judges, lawyers, principals and teachers at Latin Schools, clergymen, and medical doctors. Van Hamelsveld regarded e.g. notaries, surgeons and apothecaries as 'substantial citizens'. These individuals had not received academic education, but a type of education then called 'secondary education', and now perhaps 'higher vocational training'. The extent to which such changes of profession by academics was a necessary consequence of unemployment in the professions concerned is now hard to say (Frijhoff, 1982). Besides, many forms of science were realized by amateurs, whether or not in learned Societies, and not exclusively by academics. The Royal Society had existed in England since 1660, and in the second half of the eighteenth century several 'Academies' were also established in The Netherlands (Goudswaard, pp. 16/17).

The committee of 1828 was of the opinion that universities had to offer higher scientific education for the learned classes, without much training in practical skills. But on this very point complaints increased: jurists were at a loss with respect to practical legal questions, and often surgeons were more skilled in practising than the learned doctors of medicine. And so the committee of 1849 went to the other extreme; the main purpose of higher education was vocational training, while the pursuit of science was a secondary objective.

In the bill of 1868 one finds the following definition, which was maintained for quite some time:

'Higher education encompasses the education and preparation for independent pursuit of science or to hold a profession for which academic qualifications are required'.

This formulation by Minister Heemskerk was included in the Higher Education Act of 1876. Minister Fock's attempt to add to the formulation 'to promote the pursuit of pure science to advance our nation's progress' (bill of 1869), was not accepted.

The bill of 1952 (Rutten) changed Heemskerk's definition to:

'Higher education encompasses the training for the independent pursuit of science and to hold a profession for which academic qualifications are necessary or useful; which education also aims at the advancement of social responsibility and personal development'.

SCOPE AND DEFINITION
Moreover, this bill has an extra clause in article 7: 'In higher education as taught at universities attention is paid to the advancement of insight into the unity and coherence of the various sciences, into the nature and methodology of each of the sciences separately, and into the intellectual roots of the Dutch culture'.

According to the explanatory memorandum the Minister was of the opinion that for some time this objective (in the Higher Education Act of 1876; MG) had been considered 'as too one-sidedly aimed at the building of the intellect and the satisfaction of practical needs, while higher education should also stimulate the spiritual and moral education of the students, and the development of their sense of social responsibility'. The minister differs from the the Committee of 1946 (Report of 1949 pp.10/11), where these ideas are found for the first time. He is of the opinion that this objective is valid for all institutions of higher education, thus also for private education not given at universities (theological seminaries; grammar schools).

The development of science and learning (article 6 in the bill) and the advancement of insight into the unity and coherence of the sciences (article 7) were to be specific tasks of the universities.

In the University Education Act of 1960 the content of articles 1, 6, and 7 from the previous legislation are intermingled. In article 1 one finds:

'University education embraces education for the independent pursuit of science and scholarship, and preparation to hold professions that require, or for which it is useful to have, an academic training, and it increases insight into the coherence of science and learning'.

Article 2.2 then reads as follows:

In addition to teaching, the universities will in all cases aim at the pursuit of science and learning; they will also pay attention to the advancement of social responsibility.

The beginning of article 1 in the new University Act 1985 has changed somewhat, as there are now two types of 'higher education' (university education and higher vocational education):

'University Education is a type of higher education, and embraces the education to .. etc.'
1. 'Onder den naam van hooger onderwijs wordt verstaan zoodanig onderwijs, als ten doel heeft, den leerling, na afloop van het lager en middelbaar onderwijs, tot eenen geleerde stand in de maatschappij voor te bereiden'.

2. 'Hooger onderwijs omvat de vorming en voorbereiding tot zelfstandige beoefening der wetenschappen en tot het bekleeden van maatschappelijke betrekkingen, waarvoor eene wetenschappelijke opleiding vereischt wordt'.

3. 'Hoger onderwijs omvat de opleiding tot zelfstandige beoefening der wetenschap en tot het bekleeden van maatschappelijke betrekkingen, waarvoor een wetenschappelijke voorbereiding vereist is of dienstig kan zijn, welke opleiding mede gericht is op het bevorderen van maatschappelijk verantwoordelijkheidsbesef en op de persoonlijke vorming'.

4. 'Bij het hooger onderwijs, voorzover gegeven aan universiteiten en hogescholen wordt mede aandacht geschonken aan bevordering van inzicht in eenheid en samenhang der wetenschappen, in aard en werkwijze van elk der wetenschappen afzonderlijk en in de geestelijke grondslagen van de Nederlandse cultuur'.

5. 'Wetenschappelijk onderwijs omvat de vorming tot zelfstandige beoefening der wetenschap en de voorbereiding tot het bekleeden van maatschappelijke betrekkingen, waarvoor een wetenschappelijke opleiding vereist is of dienstig kan zijn, en bevordert het inzicht in de samenhang van de wetenschappen'.

6. 'De universiteiten en hogescholen beogen in ieder geval, naast het geven van onderwijs, de beoefening van wetenschap: zij schenken mede aandacht aan de bevordering van maatschappelijk verantwoordelijkheidsbesef'.
1.3 PRIVATE HIGHER EDUCATION

SURVEY

In the section on universities in the Royal Decree of 1815 there is no regulation on private higher education. At the time this type of education did not exist, and from the formulation of article 2 one perceives that it was also not encouraged:

'Everyone who is able to do so is free to instruct others in the subject matter of this education (higher education: MG), but in the computation of the length of study only that education received in institutions established and acknowledged by public authority will be considered.'

Even after 1815 private education had not the slightest chance of being acknowledged, considering the ardent attempts to endow the neutral state school with a monopoly on education (De Nocij, 1939). The Act of 1829 ('bevredigingswetje'), at least in draft form, could have enabled freedom of education, but this bill did not reach Parliament in that form, and an amended version was withdrawn (see 1.5).

The committee of 1849 does mention private higher education, but since according to this committee nearly all examinations in higher education had to be state examinations, there was no question at all of freedom of education. The bill of 1868 lists several articles on clerical and private education. Article 145 reads:

'Every Dutch citizen, every foreigner holding the licence mentioned in article 3 (a licence to teach in higher education: MG), every acknowledged society, and every communion is free to found an institute of private higher education, provided that the local authorities are informed beforehand and given the regulations, insofar as present'.

However, since this same bill determined that candidate's examinations should be held by the faculties, and the examinations for doctoral degrees by 'boards of examiners to be set up by Us for every doctorate', here too there is little scope for the existence of private higher education. Nevertheless the first Calvinist grammar school was established in 1864 in Zetten, and in 1868 the Roman Catholic seminary Rolduc began to function as pre-university education.

In accordance with the advice of the committee of 1849, the bill of 1869 required 'meesters' (master's) degrees to be granted by state boards just as were the other certificates (first and/or second examination instead of candidate's and

* Original Dutch text on page 17.
PRIVATE HIGHER EDUCATION

doctoral examination). Though the bill of 1874 gives up the state boards, it speaks exclusively of academic titles granted by the boards of professors of state universities. The several versions of the amended bill of 1875, though less explicitly, appear also to refer exclusively to state-university examinations. The Higher Education Act of 1876 too mentions only examinations taken at state universities, although, just as in the above-mentioned bills, one is admitted to the examinations no matter where one achieved the required skills (provided one is in possession of a certificate of pre-university education or a comparable certificate). The latter regulation, also called the regulation for external candidates, was proposed by the committee of 1828 and recorded in a Royal Decree of 1830. This arrangement exists to this day, although in fact one can hardly use it because of the increased obligation in most fields of study to do practical work.

After the foundation of the private (Calvinist) 'Vrije Universiteit' (free from the State) in Amsterdam in 1880, the issue of the rights attached to doctorates taken at private institutions was regulated by an alteration of the law in 1905. From 1905 until 1960 a civil effect could be attached to these degrees (the doctorate and later on also the 'doctorandus' degree and even the degree of candidate), insofar as these degrees were acknowledged by the state. Before 1905 a graduate of the Free (Calvinistic) University was obliged to take his doctor's or his 'doctorandus' degree at a state university if he wanted to derive rights from this degree (e.g. to be a teacher or a lawyer).

Beginning in 1860 there arose in this country the idea, analogous to discussions abroad, that there is a difference between academic degrees with and without civil effect: academic degrees could be granted by private societies, but only those degrees granted by state universities or by private universities licensed by the state would have civil effect. Historically seen this is a false notion (see ch. 2.1): acknowledgment by public or clerical authority of all academic degrees occurred at an early stage. The distinction between degrees with and without civil effect dates from the nineteenth century. The decision of the legislators in 1960 to include the conferring of academic titles in the University Education Act seems to be a return to the situation as it had existed in the middle ages.

According to the alteration of the law in 1905 (for its curious origin see De Ru (1954) and for a detailed description of the subsequent development Donner (1978))

'...institutions, foundations or incorporated societies can be designated as authorized to have a private university, that with regard to the doctor's degrees to be granted and explicitly mentioned in the designation, has the same rights as the state universities...' (art. 184). 3
PRIVATE HIGHER EDUCATION

In connection with the application of the civil effect of the doctorate to the doctorandus degree in 1920 and 1921 the effect of these equal rights was of course broadened. Finally, following the proposal of the Colijn-committee in 1925, an alteration was recorded: candidate's degrees taken at private universities gave the right to take a doctoral examination in certain fields of studies at a state university and vice versa.

The last part of this legislation comes from the acts of 1937 and 1939, under which private economic universities could also be designated.

In the act of 1905 a number of conditions were recorded concerning those bodies wishing to be designated as private institutes. Of these conditions I mention only the following: (1) the institution concerned must have capital of 100,000 guilders, (2) three of the five faculties have to be present, with at least three full professors each, and (3) after 25 years a fourth faculty must be established, and after 50 years, a fifth.

Because of the latter condition the Roman Catholic university in Nijmegen was in trouble in 1946. At that time this institution had only Faculties of Theology, Law, and Literature. With the alteration of the law in 1946 this term was prolonged by five years. With the alteration of 1948 the condition was cancelled and the state established a board of supervisors for the private institutions and the private chairs at state institutions.

However, after the second World War the difference between public and private higher education (in 1905 an arrangement similar to that for private universities had come about for private grammar schools) was gradually overshadowed by the difference between institutions financed or not financed by public funds (ch. 1.2). Although in the Rutten bill of 1952 the division into public and private universities is still of primary importance, in the University Education Act of 1960 the difference between universities fully or partly financed from public funds and universities and private chairs and lectorships that are neither partly nor fully financed from public funds has become the main difference.

The so-called 'requirements of good quality' are almost equally applicable to the state universities in Leiden, Groningen, and Utrecht, the state universities of technology in Delft and Eindhoven, the state university of agriculture in Wageningen, the municipal university in Amsterdam, and the private universities in Amsterdam and Nijmegen (with the exception of the Faculties of Theology), and the private universities of economics in Rotterdam (in 1973 a state university) and Tilburg.

With the University Education Act of 1960 the series of designations of degrees taken at private institutions was cancelled. Even before 1960 though, these designations were missing for the degrees taken at the municipal university of Amsterdam, as this institution had been explicitly included
PRIVATE HIGHER EDUCATION

in the Higher Education Act of 1876 under somewhat different conditions than the other private institutions. Before the second World War Amsterdam University was primarily financed from local rates, but after 1946 (ch. 1.2) financing came increasingly from public funds.

Under the University Education Act of 1960 most of the work of the board of supervisors was made superfluous: only the private chairs could be considered for inspection. From 1973 onwards, however, theological universities could be designated (see below), and, by the Royal Decree of 27 September 1982, the business school 'Nijenrode' followed with a doctorate in economics and a 'doctorandus' degree in business administration. (This seems a mistake; MG).

After the alteration of the law in 1905, private chairs could be instituted:
"Institutions, foundations, or incorporated societies can be designated by Us as qualified to institute one or more professorial chairs at one or more explicitly mentioned faculties at that (above-mentioned; MG) state university, while stating the subjects in which those who hold the chairs will teach. The statement of the subjects can be altered in the same way' (art. 170).4

Subsequently, article 173 ordains that the professor concerned must have taken his doctor's degree at the faculty where he will teach (at a state or designated institution; MG). If that is not the case, his appointment needs Royal assent. However, a private chair had already been instituted by the episcopacy at the University of Amsterdam in 1894. This was possible because of the greater freedom this institution had (De Ru, p. 21). Long lists of private chairs (and lectorships) followed. The private Faculty of Indology at the State University in Utrecht topped all others with no less than twelve chairs in the pre-war period. A series of provisions was also recorded for the private chairs.

In addition to financed and non-financed institutions, the University Education Act of 1960 mentions a third category called 'other institutions of academic education'. Such institutions were not to fall under the supervision of the Board: it would suffice to send the regulations and articles of incorporation to the Minister. These institutions were, however, somewhat limited in granting academic titles, since in the University Education Act of 1960 these titles (for the first time) are protected. Therefore an 'other institution' has to receive permission to confer one or more protected titles on its graduates (or has to invent its own deviant titles). This leads to the specific problems of higher clerical education.
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HIGHER CLERICAL EDUCATION

In 1814 the committee Van der Duyn van Maasdam had proposed to establish Faculties of Theology on behalf of the Reformed religion in Leiden and Utrecht, and in Groningen for the Lutheran religion. The advice of the State Council mentions the proposal to appoint Reformed professors at all three universities and to add one or two Lutheran professors in Groningen. It was proposed that Leiden should have the facilities to educate trainees for the Roman Catholic religion (De Geer: 1869). There were also plans to establish training-colleges for the Roman Catholic religion at the southern universities. Other church communities could then maintain the existing seminaries. However, the Minister could not reconcile himself to the proposal. He pointed out that several years before (1791) the Lutheran church had divided, and in addition, that this proposal would discriminate against the Mennonites and Remonstrants.

The problem was obvious: in the Republic there had been no question of churches other than the Dutch-Reformed communion having training colleges at state universities. Now that religious liberty was generally acknowledged, difficulties arose regarding the Faculties of Theology. Finally the Royal Decree of 1815 stated that the Faculties of Theology at the three northern universities (Leiden, Groningen and Utrecht) would remain training colleges for the Reformed religion and that training colleges for other religions (at first only Catholic, Lutheran, Mennonite, and Remonstrant) could be subsidized. The committee of 1849 advised leaving the situation like this, that is to say, Faculties of Theology for the Reformed religion, and for the other religions one or more chairs, e.g. added to a private faculty. In his completely deviant minority report the secretary of the committee, Opzoomer, argued however that all faculties of theology should be dissolved, and all higher clerical education moved to seminaries.

The bill of 1868 adopted the committee's proposal, on the understanding that the Reformed Church would receive f30,000,- per annum to maintain the seminaries, the Roman Catholics f13,400,-, the Evangelic Lutherans f7,300,-, the Remonstrants f2,400,-, the Reformed Evangelic Lutherans f300,-, and the Israelite communion f8,100,-. Apparently the Mennonites were not to be subsidized.

The bill of 1869 does not include a Faculty of Theology. As a matter of fact in this bill not a single faculty is mentioned, only a great number of fields of study leading to master's degrees (meester). It has been said that Minister Fock wanted to abolish the faculties to avoid the problem of a Faculty of Theology. But Fock's bill was withdrawn just as was the bill of 1874 in which Minister Geertsema proposed a faculty of 'science of theology', not connected with a specific communion. The actual training for the ministry or
priesthood was to take place as a sort of final course at several seminaries. Because of an amendment the second bill of 1874 places a doctorate in the 'science of theology and philosophy' in the Faculty of Literature and Philosophy, a proposal that had disappeared in the altered bill of 1875, where all clerical higher education was again referred to the seminaries.

Via an amendment to the final Higher Education Act of 1876 the Faculty of Theology (not science of theology) returns, now on the condition that only the Reformed Church could appoint one or more (it would become two) clerical professors at the state universities. Teachers at existing training colleges and seminaries were also to receive the title of professor. A conflict about the religious ideas of the clerical professors appointed by the Reformed Church would subsequently become an important motive to establish the Calvinistic Free University.

The story continues with the University Education Act of 1960 which established that the Faculties of Theology at the Free and Roman Catholic Universities would explicitly fall outside the state financing (otherwise they would have to conform to the 'requirements of good quality'). But in 1963 the institutions concerned made the best of a bad bargain, with the provision that both Faculties could be financed, albeit without the requirements for good quality asked of the other faculties at private institutions. After 1973 'universities of theology' (earlier: seminaries) could also be designated, which gave such (new) institutions the same rights as the Faculties of Theology. Under the earlier article 128 in the University Education Act of 1960 such a designation would have been impossible. In chapter 1.2 it is mentioned that much use has been made of this regulation. In addition, the University Education Act of 1960 provides (among its temporary provisions) that clerical institutions that had granted the doctor's degree before 1 January kept that right.
1. 'Het staat een ieder, die zich daartoe geschikt voelt, vrij, in de onderwerpen van dit onderwijs (het hoger: MG) aan anderen onderrigt te geven, doch, bij de tijdsberekening der studiën, zal alleen in aanmerking komen het onderwijs genoten van instellingen, door algemeen openbaar gezag gevestigd en erkend'.

2. 'Het staat ieder Nederlandsch ingezeten, iedere vreemdeling, die de bij artikel 3 bedoelde vergunning bezit (een vergunning om hoger onderwijs te geven; MG), elke erkende vereeniging en ieder kerkgenootschap vrij eene bijzondere school voor hoger onderwijs te openen, mits daarvan vooraf kennis gevende aan het gemeentebestuur, onder overlegging der reglementen of statuten, voor zooverre die er zijn'.

3. ‘...instellingen, stichtingen of rechtspersoonlijkheid bezittende vereenigingen worden aangewezen als bevoegd eene bijzondere universiteit te hebben, die ten aanzien van uitdrukkelijk in de aanwijzing te vermelden, door haar te verlenen, doctorale graden, gelijke rechten heeft als de Rijksuniversiteiten...'.

4. 'Door Ons kunnen (...) instellingen, stichtingen of rechtspersoonlijkheid bezittende vereenigingen worden aangewezen als bevoegd om bij eene of meer uitdrukkelijk genoemde faculteiten aan die (bovengenoemde: MG) Rijksuniversiteit of bij eene of meer uitdrukkelijk genoemde afdeelingen dier hoogeschool een of meer leerstoelen te vestigen, met opgave van de vakken, waarin door hen, die deze leerstoelen bekleedden, onderwijs zal worden gegeven. De opgave van de vakken kan op gelijke wijze worden gewijzigd'.
1.4 THE PROBLEM OF THE PROPAEDEUTICS

PRE-UNIVERSITY EDUCATION AND PROPAEDEUTICS

In 1814 and 1815 it was still taken for granted that Latin Schools were a part of higher education. They were considered the first step of higher education, 'particularly meant for those who after having passed primary and secondary education will be further educated for one of the learned classes in society' (Royal Decree of 1815, art. 4).

But a minority of the committee of 1828 was of the opinion that the Latin Schools or grammar schools not only trained students for the university, but also gave a general education. Therefore they believed these schools should not be covered by the regulations for higher education. In 1849 the majority of the committee was of the opinion that the Latin Schools should be reckoned as part of secondary education. This opinion was not shared by the drafters of the bills of 1868, 1869, 1874, or of the Higher Education Act of 1876. As the intent was to move the propaedeutics from the university to the grammar school, Minister Heemskerk preferred to continue to reckon grammar schools as part of higher education. This would shorten the length of study and moreover the Lower and Higher Burgher Schools founded after German example by Minister Thorbecke could provide what now would be called 'secondary general education'. (Here the Minister referred to the previous Minister, Thorbecke, who had not embedded the grammar schools in the Secondary Education Act.)

At that time the issue of the propaedeutic examination was much clearer than today. Before they could start their actual study, students of law and theology had to take a propaedeutic examination in the Faculty of Literature & Philosophy, just as medical students did in the Faculty of Mathematics & Sciences.

[In 1815 novice students of theology had to take propaedeutics (the term 'propaedeutics' was not yet in use) in Dutch, Greek, Latin, and Hebrew literature, and in Greek and Hebrew antiquities, as well as a testamur for mathematics, logic, and history. The same decree demanded of novice students of law a propaedeutic examination in Greek and Latin grammar, in Roman antiquities, and history, as well as a testamur for mathematics and logic. The propaedeutics for medical students included an examination in mathematics, physics, botany, and introductory chemistry, as well as a testamur for Latin and Greek literature and logic. By Royal Decree of 9 September 1826, mathematics had been changed from testamur subject to examination subject (the so-called major and minor mathematics)].

After lengthy debates in Parliament (De Geer: 1877, pp 54-60) Minister Heemskerk appeared to be indecisive as to whether or
THE PROPAEDEUTIC EXAMINATION: A PROBLEM

not the mathematical and physical propaedeutics could be entirely removed from the university. If they were, a number of new subjects would have to be taught at the grammar schools. On the other hand it was expected that instruction at the grammar schools would improve considerably if it were their obligation to hold the propaedeutic examinations.

The Academic Statute of 1877, however, clearly shows (the testamurs having been abolished in 1876) that for students of theology an examination in Hebrew language and Israelitish antiquities, to be held by a professor of the literature faculty, was the only propaedeutic examination left. The propaedeutics for students of law evidently had been completely removed to the grammar schools, while for medical students they remained almost entirely at the university (an examination in physics, chemistry, botany, and zoology, to be held by the Faculty of Mathematics & Sciences).

In the new Academic Statute of 1921 the remainder of the theological propaedeutics comprises an examination to a philosophical introduction to theology, on Hebrew, and on Israelitish antiquities (this examination is then called propaedeutics). The examinations in Hebrew and Israelitish antiquities were still held by a professor of the Faculty of Literature & Philosophy. But due to economizing, the chair concerned was discontinued in 1936. From then onwards Hebrew language and Israelitish antiquities have been part of the propaedeutics within the Faculty of Theology (a few professors could be re-appointed in that faculty).

Finally in the Statute of 1963 the propaedeutics had disappeared and, because of the introduction of the system of tentamens (preliminary examinations) in 1921, it is not clear to what extent the subject matter was included in the candidate's examination.

The Statute of 1921 calls the former propaedeutics in medicine the 'first part' of the candidate's examination (physics, chemistry, and biology), while it is no longer explicitly stated that this part is the responsibility of the Faculty of Mathematics & Sciences (to my knowledge this would remain so until the 1950s; MG). In the Statute of 1963 this arrangement is still the same. As stated earlier, the propaedeutics in law did not return to the university.

The Faculties of Mathematics & Sciences and the Faculty of Literature & Philosophy have been left out of the discussion thus far, since in science in 1815 only a testamur for logic and for Greek and Latin literature was required. A propaedeutic examination was also not required for literature. Testamurs alone were mandatory for mathematics (from 1826 onwards the 'minor mathematics' which was an examination), for experimental physics, and for Dutch literature.
THE PROPAEDEUTIC EXAMINATION: A PROBLEM

In 1877 when the testamurs had disappeared and the fields of study had been narrowed down, there was no need for a propaedeutic examination.

Thus it is obvious that Minister Heemskerk's idea of moving the propaedeutics to the grammar schools was in fact only realized insofar as languages were concerned. It was thought that the grammar schools were incapable of providing sufficient preparation for the natural sciences. Behind the attempts to move the propaedeutics to pre-university education was the ideal of shortening the length of study. This was only realized for students of law and theology, not for medical students.

The new universities of Technology (1905 in Delft), and of Agriculture and Veterinary Science (1917: Utrecht and Wageningen respectively) show a similar development. The polytechnic school (till 1905) had used an entrance examination similar to the final examination of the five year Higher Burgher School (HBS), an examination-B (later the candidate's examination), and an engineer's examination (examination-C). Thus it was to be expected that the entrance examination, from which the graduates of the Higher Burgher School were exempted, would be moved to pre-university education. But just as in the Faculty of Medicine this did not happen. In Delft a separate propaedeutic examination was introduced (mathematics and physics), conducted by the department of 'general sciences'. From this propaedeutic examination the graduates of gymnasia and Higher Burgher Schools were not exempted.

In 1963 when the Statute of the Technological University was included in the Academic Statute the examination officially disappeared, but it lived on as an unofficial examination (an analogous development took place for the agricultural and veterinary sciences). In the Rotterdam Economic University a propaedeutic examination was established only in 1947.

Against this background it is remarkable that in the 1975 'Act on Reform of University Education' (Herstructureringswet) the propaedeutic examination returns with a totally different function. This is probably due to the 'Posthumus 1968 Report', but to confirm this a brief excursion into the laborious development of the Reform bill of 1975 (which was passed, but not enacted) is needed.

THE PROPAEDEUTICS IN THE 'REFORM ACT' OF 1975

Before the second World War there were seldom complaints about the long years of study of some students, although the 'eternal student' occurred regularly. According to the Education Reports a length of study of fifteen years or more was not exceptional. Even less often did such complaints lead to drastic changes in university policy. The reorganization of the programme of study in Delft in 1924 is one of the few
examples of a reorganization with the explicit intention to shorten the length of study.

In the nineteenth century and before it was the other way around. It was common usage to record a minimum length of study to prevent students from taking their doctorates too quickly. The propaedeutic examination for medical students, as well as for students of theology and law, was established in 1815 to prevent students from starting in their own subject right away and skipping the lessons at the Faculty of Literature & Philosophy, as often happened in the eighteenth century.

After the second World War a debate began on the output of university studies, for the individual student as well as for the state. Later on the concept 'human capital' was introduced, in which e.g. the cost of university study for an individual student was compared to the increased income expected by a graduate. Similar calculations were made for the ratio between the cost of university education to the state and the expected increase in the gross national product due to the graduates (Blaug; 1978). I will not pursue that line and instead restrict myself to what actually happened.

The Rutten bill of 1952 contains two articles (no. 46 and 48) in which Rector and Assessors receive the right to refuse students admittance to examinations when they have failed an examination twice, or when they have not taken an examination within at least twice the normal length of study. The main argument is that these students take the place of others, and that usually the customary consilium abeundi is not followed. Due to student actions this clause (one can only fail an examination once) was not included in the University Education Act of 1960.

In 1964 a ministerial note appeared that gave a survey of the 'data concerning the abridgment of the length of study'. It was followed by the appointment of professor Posthumus, Rector of the (new) Technological University in Eindhoven, as government commissioner for university education (1967), charged with advising on the reorganization of university education. In 1964, at the initiative of professor Posthumus, the psychologist Dr. Meuwese was appointed in Eindhoven to form a special group for 'educational research' that had the task of research in the area of university education. Other institutions followed in establishing groups for special educational research.

The first Posthumus Report, that of 1968, contained several proposals about a new style propaedeutic examination, doctorandus examination, length of study, doctorate, post-graduate education, and the relation between university education and higher vocational education.

Posthumus re-introduced the propaedeutic examination that, although made possible again in the Academic Statute of 1963,
had officially disappeared from all disciplines in the same statute. Posthumus sees the new propaedeutics as 'representative' and 'selective'.

The selective nature of the propaedeutics new style will speak for itself, as in practice the former propaedeutics probably had the same function. By 'representative' Posthumus meant that in the first year the student should become acquainted with the discipline he intents to study, so that at an early stage he will be able to decide whether or not this discipline will interest him for a number of years. This was an entirely new aspect of the propaedeutic and approaches the introduction or 'encyclopaedia' formerly given in many disciplines.

'However, 'representative' does not mean that all subjects taught and examined in the final study will have to be offered in the propaedeutic study as a 'first round' in 'diluted' form. It should be possible though, more than had been the case thus far in the subjects of the basic university education, to draw attention to the applications of the chosen field of study and future professional career' (Posthumus, 1968, p. 62).1*

Posthumus attached great importance to curriculum research to determine the efficiency of this reorganization. Apparently he thought that the new propaedeutics could easily be a failure.

Of the candidate's examination professor Posthumus said that the legal right meant exclusively admittance to the corresponding doctorandus examination (except for candidates of Theology, who receive the right of admittance to clerical examinations), and that the 'earning power' and the social status are low especially because 'candidate' is not a protected title.

The question is of course whether or not this argument justifies the abolition of the candidate's examination and the introduction of a new propaedeutic examination, for which the arguments against a candidate's examination are even more valid. This seems unlikely, unless it is possible to give the propaedeutic stage the function Posthumus had in mind.

But the most radical proposal concerned the restriction of the length of study to a period no longer than the fixed length of the curriculum plus one year for the propaedeutic as well as for the doctoral examinations. For every study, the length of the curriculum was to be fixed separately.

In 1971 Minister Veringa introduced two bills, called 'Reform of University Education' (Herstructurering) and 'Relation between University Education and Higher Vocational Education'.

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* Dutch text on page 25.
THE PROPAEDEUTIC EXAMINATION: A PROBLEM

The Reform bill contained the following three elements:
(1) restriction of the length of study, as proposed by Posthumus, in principle, restricting all disciplines (with a few exceptions) to four years including the propaedeutic stage;
(2) the universities, also on a proposal of Posthumus, would be charged with post-graduate education;
(3) lowering the age limit for the colloquium doctum to 25 years, and exempting those who are in the possession of a certificate in higher vocational education.

After many alterations the 'Reform bill' passed Parliament in 1975. Regarding the relation between university and higher vocational education, see chapter 1.8.

The Reform Act of 1975 (a revision of the University Education Act of 1960) provides for example that the duration of the enrolment for the propaedeutic and the doctoral stage together can be two years longer than the length of the enrolment for both the stages together, while the enrolment for the propaedeutic stage is one year longer than the length of the curriculum for that stage.

The length of the curriculum can be at most five years, of which the propaedeutic stage is one year; in some cases the length of the curriculum can be longer. Although the propaedeutics as well as the doctoral examinations are the main events, this amendment of the law does not abolish the candidate's examination. According to article 24.3 the Academic Statute is to state the way in which the candidate's degree can be obtained. After the doctorandus degree, examinations qualifying the student as accountant, general practitioner, pharmacist, dental surgeon, or veterinary surgeon could follow. For each of these examinations the length of the curriculum would have to be regulated separately.

In addition, one could follow a year of post-graduate education for certain other professions, (requirements to obtain a licence to teach would also have to be regulated). A post-graduate year of research would also be possible. The regulation for post-graduate education was placed in articles 143bis-145, while the age limit was lowered from that proposal to 25 years.

But in an Act of 1978 it was decided that the provisions about the length of the curriculum and enrolment, the way examinations were to be held, the candidate's examination, and the assistent-researcher would be introduced later than intended (e.g. because the alterations in the Academic Statute were not ready in time).

In 1980 a further delay in the introduction of a series of provisions from the Reform Act of 1975 followed, this time because meanwhile a new amendment to the law was introduced in Parliament. This led to the Two-stage Structure Act of 1981 for University Education.
THE PROPAEDEUTIC EXAMINATION: A PROBLEM

In this act the legislators established that two stages will have to be distinguished in university study; firstly a four-year doctoral stage containing a one-year propaedeutic stage, and secondly a post-graduate stage. This 'second stage' will comprise courses to prepare for the medical qualifying examination, and for the qualifying examinations for dental and veterinary surgeon and pharmacist, with a maximum length of curriculum of two years; or one-year training-courses for researcher or technological designer, and teacher-training courses with a curriculum length of at most one year.

As to the enrolment, it was provided that the first stage would in total amount to six years, and that within those six years there would be one year extra for the propaedeutic stage. As far as the second stage is concerned, the duration of the enrolment is of course related to the specific length of the curriculum, but it is always somewhat longer. In this alteration of the law the candidate's examination, still mentioned in article 24.3, had disappeared altogether.

The 'Two-stage Structure Act' was integrated in the new 1985 University Education Act, but courses for researcher or technological designer were already replaced by 'assistent in opleiding' (assistents in training) in 1986. The age limit for the colloquium doctum was lowered to 21 years.
1. 'Representativiteit betekent echter niet dat alle vakken, die in de eindstudie worden onderwezen en geëxamineerd, reeds in de propedeutische studie in 'verdunde' vorm en in 'eerste ronde' moeten worden aangeboden (...). Het moet echter mogelijk zijn, om meer dan tot nu toe het geval is in de vakken van het universitaire basisonderwijs de aandacht te vestigen op toepassingen in eigen studierichting en toekomstige maatschappelijke loopbaan'.
In 1814 the Van der Duyn van Maasdam committee was set up to draft a regulation for university and grammar school education. The committee presented the draft regulation (dated 10 June 1814) to the King on 6 July 1814. This resulted in the Royal Decree of 2 August 1815 (no. 14) that would remain valid for university and grammar school education until 1876. In 1816 the Royal Decree, with a few alterations concerning the Faculties of Theology, was also effective for the Southern Netherlands under the title 'Provision for the Organization of Higher Education in the Southern Provinces of the Kingdom of The Netherlands'.

ATHENEA

The Royal Decree provided that in addition to the three state universities (Leiden, Groningen and Utrecht), the northern provinces would have state athenea (universities without the right to confer academic degrees) in Harderwijk and Franeker, and municipal athenea in Amsterdam, Middelburg, Deventer, and Breda. The Atheneum in Harderwijk (the former university, founded in 1600 as a regional school for higher education, and acknowledged as a university in 1648) was, however, closed in 1818, while the Atheneum in Franeker (which also used to be a university, founded in 1585) underwent the same fate in 1843. The Atheneum in Deventer (founded in 1630) led a necessitous existence until 1878 when it was closed. As far as I could trace, the municipal Athenea in Middelburg (founded in 1650), and in Breda (1646-1669) did not open again after 1815. Only the Atheneum in Amsterdam (founded 1630/32) led a fairly flourishing existence, and in 1876 it was changed into the Municipal University (see Frijhoff 1981, for the history before 1815).

The objective of the athenea was:
'(1) to spread good taste, culture, learning, etc. as broadly as possible;
(2) to at least partly replace higher education for those young men who due to circumstances cannot spend all the time necessary for an academic career at one of the universities'.

In general the students at an atheneum would have to pass one or two years at a university in order to take an academic degree. Obviously the athenea will also have been attended by students who, in accordance with the objective, did not continue their study at a university. On the other hand a good many nineteenth century academicians started their career at an atheneum.1*

From the successive closing of the athenea in Harderwijk, Franeker, and Deventer it can be concluded that in the

* Original Dutch text on page 33.
nineteenth century these institutions had apparently outlived themselves.

In 1843 part of the library and the instruments of Franeker were taken to Delft, where the Royal College of Engineering (Koninklijke Academie voor Ingenieurs) was founded in 1842 (see the Gedenkschrift van de Koninklijke Academy en Polytechnische School, Delft, 1906, p. 20). In addition, a number of professors of the abolished athenea were afterwards appointed at the universities, albeit as 'surplus' professors. For example, in 1843 professor Veth from Franeker went to the atheneum in Amsterdam, and from there to Leiden. Professor Van Lidth de Jeude from Harderwijk was in 1819 professor extraordinary in Utrecht, where in 1821 he became the first director of the School of Veterinary Medicine.

THEOLOGY AND INCOME OF PROFESSORS

In 1820 another alteration of the Royal Decree occurred. The study of theology at Dutch universities (exclusively the Dutch-Reformed theology) was made more attractive, among other things by abolishing the tuition fees for these students (in the Republic they had not paid tuition fees either), by dropping a few compulsory lectures (agriculture), and by lifting the ban on studying simultaneously with a public and a private grant. On the recommendation of the Falck Economizing Committee of 1836, the exemption from paying tuition fees was repealed: as the tuition fees were paid to the professors, this exemption of 1820 meant that professors of theology lost part of their income. Therefore in the period of 1820-1836 they received a yearly allowance of f400,-.

According to the Royal Decree the normal salary of the professors in Leiden was f2800,- per annum and in Utrecht and Groningen f2200,-. Above that they received emoluments:
(1) for all faculties an equal share of the examination fees, after subtraction of a potion for the Academy, the Rector, and the Secretary;
(2) one tenth of the entrance fees to be divided equally among all professors; and
(3) the benefits attendant upon the performance of one of the extraordinary academic duties (Rector or Secretary).
(4) finally, the students paid f15,- to the professor concerned for a twice-weekly lecture and f30,- if the lecture was given more than twice a week.

The rates for private tuition (privatissima) could be fixed by the professor himself. As the state had no rooms available, the lectures nearly always took place at the professor's house. When after 1876 lecture rooms were available, advertisements appeared in which the professors offer their school desks for sale. The 'gown and rabbit money' for dignitaries, customary in the Republic, was not reintroduced in 1815.
In the year 1825 a number of new developments in university organization emerged. It was provided that in future education in applied chemistry and mechanics would be given at the three universities, predominantly on behalf of non-students such as future manufacturers (factory-owners) and artisans (Goudswaard; 1981). This education, within the framework of the industrialization policy, was not an undivided success, in particular because the theoretically oriented professors hardly knew how to deal with these practical subjects.

The Roëll Committee of 1828 did advise adding 'technology' to the academic subjects, but without clarifying what it had in mind. The committee had rejected a suggestion to convert one or two institutes of higher education into polytechnic schools, as the Royal Military College was available for civil engineers and the Royal Naval College for shipbuilders, while students of mechanics could go abroad. In other words, 'civil' engineering and shipbuilding remained an army education (compare the history of the 'Grandes Ecoles' in France; MG). The committee also rejected the proposal to include 'theory and history of commerce' in the curriculum as a subject. However during the cuts in expenditures in the 1840s the Royal Decree of 1825 was repealed (1843), albeit after the education concerned had mostly failed. Only in Leiden did professor Van der Boon Mesch continue the 'industry lectures' until 1873.

Presumably the foundation of the Royal College in Delft in 1842 had lessened the need for technological education at the universities. Not until 1905, at least in this country, was technical education officially considered academic education.

The provision for professors extraordinary (1825) presumably lagged behind the facts. According to the Royal Decree at the University in Leiden professores extraordinarii could be appointed in one or two of the subjects of higher education. At other universities these professors could only be appointed if a prolonged illness or any other difficulty prevented the ordinary professor from executing his duties.

In fact at all three universities professors extraordinary had been appointed. The committee of 1828 wanted to preserve the chairs of professors extraordinary, contrary to the committee of 1849, which wanted to abolish the post of professor extraordinary as well as that of lector, as the difference between part-time and full-time was 'just a matter of money'. This committee did want to preserve (or enable universities to have) unsalaried external lecturers (privaat-docenten, from German Privat-Dozenten).
In 1876 the professor extraordinary was replaced by the lector (comparable with the reader in England), but not at Amsterdam University. In 1905, however, the extraordinary chairs were reintroduced at the universities.

All that time one never quite knew what to do with the lectorship. According to the Royal Decree the governors had to appoint lectors in modern languages, the arts of drawing, riding, and fencing. Sometimes these functionaries were paid from public funds, but they had to obtain their income mainly from the tuition fees. For a course meeting four times a week they could charge no more than twenty guilders and for a course meeting twice a week ten guilders. Just as the professorship extraordinary, the lectorship was in fact part-time work. In 1876 lectors would be appointed by the crown, but De Ranitz (1938) mentions that the lectors in modern languages were already appointed by the crown before 1876, while the instructors for the arts of drawing, riding, and fencing had disappeared at the beginning of the century. Besides, new subjects such as astronomy were often taught by persons with a part-time appointment who were then called 'lectors'. The lectorship disappeared in 1980.

External university lecturers (privaat-docenten) 'allowed to teach certain subjects' officially only appeared in the act of 1876, but this category of teachers had existed before that date. For their income they were exclusively dependent on tuition fees.

EDUCATION FOR ROMAN CATHOLIC CLERGY

The most important problem in the period 1825-1830 was the training of the Roman Catholic clergy. In the Northern Netherlands the universities had Faculties of Theology to educate the trainees for the Dutch Reformed religion. Separate seminaries could be subsidized on behalf of clerical functionaries for the other denominations. But early in the nineteenth century the aim of the legislators, at least as far as the training of Roman Catholic priests was concerned, must have been to establish Roman Catholic faculties of theology at the three southern universities (Ghent, Leuven and Luik, in present day Belgium).

The actual difficulties began with two Royal Decrees of 14 June 1825. According to the first all minor seminaries were abolished and replaced by the Collegium Philosophicum in Leuven, founded by the State. Unfortunately, the Collegium was housed in the buildings of the priests' training-college founded by Emperor Joseph II which in its time had also met strong resistance. Subsequently the major seminaries were not allowed to take pupils who had not followed the two-year course at the Collegium; it was also forbidden to accept students who had studied abroad.
These measures were only part of an attempt by the government not only to curb the freedom of private higher education, but eventually to exclude all clerics from primary and secondary education. The neutral State school, without religious education, was to be introduced everywhere. In De Nooij's thesis (1939) a detailed account of the course of events during this short and belated flourishing of the Enlightenment in the Netherlands is given. The Collegium Philosophicum, under the management of freemason Roelants, was not a great success. De Nooij published a list of students, almost all of whom studied with a State scholarship.

By the Royal Decree of 20 June 1829, the Collegium became optional, and although on the same day a decree was proclaimed according to which, by authority of the government, an entrance examination was set up for the episcopal seminaries, the latter decree was repealed on 2 October 1829. The Collegium Philosophicum was closed by the Royal Decree of 1830.

Meanwhile, in connection with the increasing resistance to the neutral State school, the Membrede 'pacification' committee was set up in 1829 to draw up legal provisions for all education. The bill was ready on 6 October 1829 (copied in De Nooij 1939), but was abridged first by Minister Groen van Prinsterer and later by Van Keverberg to an 'Act of Principles' in seven articles that, again slightly altered, was introduced in Parliament on 26 November 1829. However, it met so much resistance that on 27 May 1830 the King withdrew the bill that had come about in such a hurry and replaced it by a Royal Decree with the same date.

This Royal Decree provided, among other things, that everyone with the necessary skills, wherever acquired, would be admitted to university examinations and to taking degrees for professional and vocational careers.

The series of decrees from 1825 were cancelled and the defeat of the education policy was complete. Moreover, the 'pacification' came too late: soon after the Belgian revolution broke out, not in the least due to the education policy of 1825-1830 (see further De Nooij, 1939).

SOME OTHER DECREES

Still more had happened during these five years. In 1826, a valuation system for examinations and doctoral degrees that had gone out of use in this country, was re-instituted. In 1674, there were still three distinctions in doctor's degrees in Utrecht: 'minor', 'communis', and 'excellentior' or 'praestantior' (Kernkamp, 1936). In 1826 these began to be used again, and the 'cum laude' was added: afterwards some examination or graduation committees appear to have used even more than three distinctions.
More important was the decree of 9 September 1826, which improved the regulation of education in mathematics at the Latin Schools and universities. At the university the so-called minor mathematics examination was now compulsory for students of theology, law, and literature, while the major mathematics examination was compulsory for other students.

The decree of 19 September 1827 provided that in future mathematics and physics at the Latin Schools could only be taught by candidates or doctors of science. Although science education had not been entirely absent from the Latin Schools, these subjects had been mainly taught by classicists.

The Royal Decree of 19 September 1827, which obliged students of literature and sciences who wanted to obtain a licence to teach to take a course in the theory of education, will be discussed in more detail in chapter 2.2.

Even before the Membrede committee, two committees, one for higher education (chairman Roell) and one for the as yet almost nonexistent, secondary education (chairman d'Ursel) were set up. Both committees reported in 1829; the printed report (1830) of the Roell committee of 1828 for higher education is of particular importance for this study.

Finally, the Royal Decree of 6 March 1831 allowed professors at southern universities (now Belgium) to be temporarily attached to northern universities. As a consequence these northern universities rose above their permitted quotas.

ECONOMIZING

Due to the separation of Belgium public funds had been severely reduced and a number of cuts in expenditures took place. In 1836 the Falck Committee was charged with finding means to economize on higher education. As far as I know, the report brought out on 29 July 1836 has never appeared in print.

The first decree resulting from the recommendations of this committee provided that in future annual academic reports would no longer be brought out separately for every institution, but only in one volume in Leiden; scholarships and pensions were no longer to be granted, and prizes no longer offered. In addition, students of theology had to pay tuition fees again (see above), and therefore professors of theology no longer received extra wages.

In 1843 prize contests, scholarships, and yearbooks were entirely abolished, although the King now personally offered several prizes. Furthermore the Atheneum in Franeker was closed and education in chemistry and mechanics for non-students came to an end.

However, just as the committee of 1828 and, later, the committee of 1849 and the economizing committee of 1923, this committee refused to recommend the abolition of one of
the universities, although the government regularly pressed this point. In this period the so-called academic funds (1836) were also instituted. The income of these funds came from the entrance fees, and the institutions could spend them as they pleased. Furthermore in this period a new superannuation scheme for professors was designed (1837) as well as a regulation for widow's pensions (1839). A curious episode in this period is the institution and abolition of a central, national entrance-examination for the universities. By decree of 1845, this examination was instituted to replace the testimonial from the governors of a Latin School or the entrance examination by the Faculty of Literature, while in 1852 it was again abolished: now no specific qualifications were required of those who wanted to take academic examinations. Under the decree of 1853, however, the old provision was re-instituted. A testimonial given by the governors of a Latin School was needed, or if the candidate did not have that certificate, an entrance examination had to be taken before the Faculty of Literature, supplemented with the professor of mathematics.

In this period Latin was phased out as the medium of instruction at the universities, at least officially: in reality this language had already nearly completely disappeared. A decree of 1855 leaves the decision to use either Latin or Dutch in education to the governors. The revision of the Constitution (1848) heralded a new era. A committee (1849), under the chairmanship of Van Swijck and with Opzoomer as secretary, was instructed to prepare the first legal provision for higher education. (The Royal Decree of 1815 had not been submitted to Parliament). The report, including a bill, came out in August 1849, while the secretary published his broadly deviant opinion in a minority report also including a bill. Yet it was not until 1868 that the first bill was introduced in Parliament.

Though the first Secondary Education Act was published in 1863 (2 May), and at the same time the Royal College in Delft was converted into a Polytechnic School, there is little to say regarding university education in the 1860s. By the Act of 10 June 1864, the Institute of East-Indian Linguistics and Literature was established in Leiden. Finally, a series of medical laws passed Parliament (see chapter 2.3). In 1868 the first higher education bill (Heemskerk bill I) was introduced in Parliament. After it had been withdrawn it was followed by the Fock bill of 1869, which was succeeded by the Geertsema bill of 1874. At last, after many alterations the second Heemskerk bill of 1874 passed, becoming the first Higher Education Act of 1876 (see further Hubrecht, 1880 and Donner', 1978).
1. (1) zoo veel mogelijk algemeene verspreiding van smaak, beschaving, geleerdheid, enz.
(2) het ten minste gedeeltelijk vervangen van de hooge scholen en van het akademisch onderrigt ten behoeve van die jonge lieden, welke door hunne omstandigheden verhinderd worden, den tijd, tot eene akademische loopbaan noodzakelijk, geheel aan eene der hooge scholen door te brengen.
1.6 THE HIGHER EDUCATION ACT 1876

SURVEY UNTIL 1940

Unlike the Royal Decree of 1815, the Higher Education Act of 1876 does not contain all relevant regulations. For instance, the 'examination and graduation regulation' (later on called the 'Academic Statute') was recorded in a separate decree (27 April 1877). Provisions concerning admittance, exemptions and management were also recorded in separate administrative measures, insofar as these provisions were not included in the law.

The Higher Education Act of 1876, which gave this country a fourth university by converting the Atheneum in Amsterdam to a Municipal University, became operative in 1877 and was altered in 1878, 1881, 1883, 1885, and 1900. The alteration of 1878 mainly concerned the grammar schools. The only article of importance to university education is the provision that changes in the Academic Statute now required consultation with the university professors at each institute separately, rather than in a plenary session. The alteration of 1881 concerned entrance, tuition, examination, and graduation fees. The alteration of 1883 dealt with the filling of the new compulsory chairs: the legislators had fixed a period of five years within which this was to be done; this was now extended to ten years. Obviously it was difficult to find professors for the many new subjects. The alterations of 1885 dealt with foreign students and the conditions under which they were admitted to Dutch universities. The last alteration (1900) enabled universities to offer the study of South African Law, as well as a provision on exemptions for foreign students.

The alteration of the law in 1905 was of far greater importance. This not only allowed private universities (of which there was only one, the Calvinistic Free University - 'Vrije Universiteit' - in Amsterdam, established in 1880), under certain conditions, to attach civil effect to the degrees conferred, but also the Polytechnic could now call itself a Technological University. In Minister Kuyper's drafts, Agriculture, Veterinary Medicine, and Economics were included under University Education, but this would not actually occur for some time. On the parliamentary discussion and all that went before, see De Ru (1953); regarding the further course of events, see Donner (1978).

The revised Higher Education Act was published on 6 June 1905, with renumbered articles. Such renumbering is unusual. The insertion of various new articles changed the numbering of many of these already present, which in later years caused much confusion.

Meanwhile a committee had been set up under the chairmanship of Woltjer (1903). Its task was to reorganize primary, secondary, and higher education insofar as this would lead to better coordination among the various forms of education.
This committee, similar in task to the Membrede committee of 1829, reported in 1910. The first volume of the report ran to 840 pages, and the second, in which the recommendations were collected, had 980 pages. The report, however, was held over (although the so-called 'lyceumontwerpen' -bills on secondary education- still reached Parliament), just as was the report of the Campert committee, which dealt with qualifications to teach, that came out on 25 January 1902.

In the period 1905-1940 the Higher Education Act of 1876 was altered twenty times, but before discussing this I will mention several innovations of the alteration of 1905. Under this alteration, institutions, foundations, and certain societies could establish private chairs at state universities, provided that these institutions were designated. This article was the cause of a long series of Royal Decrees, under which all kind of private chairs were established at the state universities. Further, under certain conditions these institutions, foundations, or societies could be designated as entitled to establish a private university, that, for degrees explicitly mentioned, had the same rights as state universities. For the Free University in Amsterdam this led to a dozen Royal Decrees, which, for more and more degrees, gave this university the same rights as state universities. In the period 1923-1960, I counted eleven royal decrees regarding the Roman Catholic University of Nijmegen.

The alteration of the Higher Education Act in 1937 enabled the institution of Faculties of Economics at the universities, while 'institutions etc.' could also be designated as entitled to have a private Faculty of Economics with certain rights attached to the degrees. Due to the institution of the Faculty of Economics at the (municipal) University of Amsterdam, in the alteration of 1939 the latter clause was changed to 'rights equal rights to the Faculty of Economics'. This provision led to two Royal Decrees (1937 and 1939), which designated the private universities of economics in Rotterdam (non-denominational; founded 1919) and Tilburg (Catholic; 1927) respectively.

In addition to these actions regarding the private chairs and recognition of private universities for certain degrees, the Polytechnic School was converted to a Technological University in 1905. The legal provisions concerning the new university were not given in a separate act, as the University in Delft would have preferred, but were embedded in the Higher Education Act of 1876. The Minister's concession, placing the examination and graduation regulation under a separate Royal Decree, was set aside in 1963 by the incorporation of the Technological University Statute into the Academic Statute. Presumably the objections did not count that heavily anymore.

Management of the institute in Delft was also regulated by a separate decree. I will leave this regulation out of
consideration: it was altered only a few times, namely in 1907, 1927, and 1933.

HIGHER EDUCATION IN AGRICULTURE AND VETERINARY MEDICINE

In addition to the alteration of 1905, the realization of a completely new law to regulate higher education in agriculture and veterinary medicine (1917) is of interest in the framework of this survey. This law enabled the conversion of the state advanced college of education for agriculture, horticulture, and forestry (in Wageningen) into a University of Agriculture, and of the state veterinary college (Utrecht) into a University of Veterinary Medicine. Higher agricultural and veterinary medical education was, unlike higher technical education, regulated by separate law.

Both universities were placed under the Ministry of Agriculture. Obviously, therefore, the exam and graduation regulations were not brought under the Academic Statute, but under separate decrees. The Statute of the University of Veterinary Medicine can be found in the Royal Decree of 1 March 1918, and the Statute for the University of Agriculture in the Royal Decree of 6 July 1918. Administration of these institutions is, of course, also regulated by separate decrees (1918).

The alteration of the law in 1925, however, on recommendation of the Colijn economizing committee, abolished the University of Veterinary Medicine and embedded it as a Faculty in the University in Utrecht. Therefore the legal provisions concerning the education in veterinary medicine was brought under the Higher Education Act of 1876. After alterations in 1922 and 1924, the Statute of the University of Veterinary Medicine was embedded in the Academic Statute (30 November 1925).

Finally, in 1967, when the provisions concerning the University of Agriculture were embedded in the University Education Act of 1960, the separate Agricultural University Education Act disappeared. In 1970 the separate Statute of the University of Agriculture was also embedded in the Academic Statute.

OTHER ALTERATIONS IN 1905-1940

Several other alterations occurred in this period. That of 1917 admitted school-leavers of the Higher Burgher School to examinations in the Faculties of Medicine and of Sciences, and that of 1920/21 allowed only one doctorate per faculty, instead of several. In general civil effect was no longer attached to the doctorate, but to the doctoral certificate (the 'doctorandus' degree). Moreover, here the term 'hoedanigheid' (recognition of capability) appears in the law (see further chapter 2.1).
The alteration of 1925 is noteworthy, providing that students taking a candidate's degree at one of the designated universities could obtain admittance to a doctoral examination at a state university and vice versa (this too had been suggested by the Colijn committee).

In this period only a few committees on university education were active. In addition to the Woltjer Coordination Committee, a committee for higher education was set up (1923). Although this committee had the dual task of investigating the relation between public and private higher education and looking for economies in public higher education, its report, published in 1924, is somewhat disappointing. The committee (first under the chairmanship of Colijn, afterwards under that of Lorentz) recommended bringing higher education in agriculture and veterinary medicine under the Ministry of Education, Arts, and Sciences. In addition it suggested closing the University of Veterinary Medicine and incorporating that education in the University of Utrecht. But the committee explicitly opposed closing one of the state universities or even of a particular faculty at a state university. It did recommend an allocation of tasks among universities and dual posts for professors at different institutions.

On private education it had nothing to say beyond suggesting a bit more financial relief. To what extent the non-accepted bill of 1927/28 (no. 307) which sanctioned the conferring of titles and degrees by the universities of Rotterdam and Tilburg, was inspired by the activities of this committee, I do not know. In any case this change was not introduced until in 1937 and 1939.

SURVEY 1946-1960

After the Second World War -I will omit measures during the German occupation from consideration- university education, just as all social institutions, was drastically changed.

By the decree of 11 April 1946, the so-called Van der Leeuw Committee, named after the Minister of Education then in office, was instituted. It was charged with preparing a reorganization of higher education. Reinink, secretary general of the Ministry, became chairman of the committee that, absurdly enough, numbered nearly a hundred members. In 1949 a very extensive report was issued, but apparently the Minister did not have much confidence in the committee's ability to produce a draft bill, for on 18 May 1949 a committee of three members, with Van der Pot presiding, was charged with this task.

The draft of this committee led to the Rutten bill that was introduced in Parliament in June 1952. But after Minister Rutten left office the bill was temporarily held over, as Rutten's successor Minister Cals, in connection with the foundation of the second Technological University in
Eindhoven, first occupied himself with the adaptation of the provisions in the Higher Education Act of 1876 concerning technological higher education (later on, after more experience in founding institutions, it became the practice to make separate laws).

Therefore, on 11 December 1956 professor Van der Pot was called on again, this time to revise the Rutten bill. The other members of the committee were Woltjer, Polak, and Van Holthe tot Echten, plus former committee members Sassen and Donner. This second committee Van der Pot reported in 1958, and at the beginning of 1960 the new Cals bill was introduced in Parliament. The Cals bill entered the Statute Book as the University Education Act (22 December). For a detailed discussion of the proceedings see Donner (1978).

During the post-war period before 1960, the Higher Education Act of 1876 was altered more than thirty times. This began with an enlargement of the boards of governors from five to seven members (1946). Then, under the Act of 27 June 1947, the measures enacted under German occupation were declared invalid.

One of the first important alterations in the, by then obsolete, Higher Education Act of 1876 was the Gielen Act of 1948, which after 43 years changed the subsidies for private higher education. In 1905 it was recorded in the law that the public funding of lecture room facilities over a period of 25 years should not be more than 100,000 guilders (£4,000 per year). Although in general the private institutions had resisted state subsidies, their position gradually became untenable. The Gielen Act was not succesful. It did not make clear whether or not a private institution was to be repaid 65, 80, or 85% of the cost for certain facilities. The alteration of the law of 1952 simplified this provision: in 1956 the percentages were raised.

In 1958 new housing facilities for the municipal University of Amsterdam, were (for the time being) 90% subsidized. This university had previously been financed from special local rates on the basis of the Municipal Corporations Act (see Higher Education Act of 1876, article 75). In 1960, just before the University Education Act of 1960 was passed, this percentage was raised to 95% for the University of Amsterdam; in the same year the private institutions followed with a considerable increase in subsidies retroactive to 1957.

Under the University Education Act of 1960, 95% of the net cost of the University of Amsterdam and the private institutions in Amsterdam, Nijmegen, Rotterdam, and Tilburg were repaid from public funds. But even this did not last long, because in 1966 the percentage for private institutions was raised to 98.5% for the period 1964-1967, while the University of Amsterdam followed in 1968 with the same percentage for the years 1966-1968.
Finally, from 1970 onwards, the University of Amsterdam as well as the other institutions were fully financed from public funds (the Rotterdam University of Economics, subsidized since 1913 by local, provincial, and national government, later on received up to 50% of running costs from the state, while the Roman Catholic Economic University in Tilburg received a subsidy after 1938).

At first the Faculties of Theology at the Free University in Amsterdam and the Roman Catholic University in Nijmegen were excluded from these subsidies, but since the alteration of the law in 1963 these Faculties have also benefitted from the generosity of the State, albeit under somewhat different conditions than the other faculties (ch. 1.1).

In addition to the direct financing, begun in 1948, there was a previous state guarantee of 30 million guilders for loans to establish and furnish buildings and sites at subsidized private universities. In 1956, this amount was raised to 80 million guilders. Thus by 1970 the financial independence of the private institutions had disappeared altogether. How long independence can be sustained in other respects remains to be seen.

ADMITTANCE TO THE EXAMINATIONS

In the period 1946-1960 a long series of alterations took place in the qualifications for entrance to university education. Among these were: graduates of senior technical schools were permitted to take examinations in Delft at the Technological University (1952); graduates of senior agricultural schools in Groningen, Dordrecht, Roermond, of the senior college for tropical agriculture in Deventer, were allowed to take examinations in veterinary medicine at Utrecht University, while graduates of Deventer were allowed to continue their study at the University of Agriculture in Wageningen (1955). In 1957/8 the education at these schools was called 'higher' instead of 'middelbaar' (senior) education (ch. 1.1).

In 1959 graduates of 'gymnasium-alpha' (grammar school education with an emphasis on languages, and particularly the classical languages) were admitted under certain conditions, to study medicine, and graduates of 'gymnasium-beta' (grammar school with emphasis on the sciences) could take examinations in the Faculties of Literature with the exception of the classics.

Finally, elementary school teachers were admitted to studies in the combined Faculties of Sciences and Literature for the subjects pedagogy and psychology (1959); those having a secondary school teaching certificate-B were admitted to studies to be specified later.
INTRODUCTION

As far as university education is concerned, the period 1960-1980 is characterized not only by a tremendous expansion in the number of students (from about 40,000 in 1960 to roughly 150,000 in 1980) and the related increase in staff, but also by feverish activity on the part of legislators. It is obvious that the institutions could scarcely digest this trebling of the number of students. It was a very tumultuous period. Although the dust has not settled enough to be able to distinguish between temporary and permanent changes, I will attempt a preliminary outline.

In this period the University Education Act of 1960 was altered about thirty times. Part of the revisions concerned, as usual, changes in the qualifications for entrance, and another part concerned new fields of study. Moreover, there were changes in financing university institutions. In 1963, the Faculties of Theology at the Free University in Amsterdam and the Roman Catholic University in Nijmegen were financed on the same basis as the other faculties at these institutions; in 1970 the financial equalization of private and public institutions followed. In 1973 universities of theology could be 'designated', which implied that their degrees gave the same rights as degrees from public institutions. The regulation concerning university hospitals dates from 1969, while the 'restructuring' revision, although it was not implemented, was published in 1975. In its place the 'Two-stage Structure Act' followed in 1981.

NEW INSTITUTIONS

In addition to the changes in the University Education Act of 1960, a series of interim acts related to founding separate new institutes of university education passed Parliament in this period. The first two date from 1956 and 1961. These concerned the new technological universities in Eindhoven and Enschede respectively. The enabling act for Enschede (1964) was followed by a preliminary act re founding a medical university in Rotterdam (1966), which would be a state institution. This preliminary act had to be renewed in 1969, 1970, and 1972, until in 1973 the act for the State University in Rotterdam followed. In that act the private University of Economics and the new State Faculty of Medicine were combined to form a state university. Finally, in 1975, the Act for the State University of Limburg (in Maastricht) came into being.

In addition to the legislation concerning the new institutions in Eindhoven, Enschede, Rotterdam, and Maastricht, provisions for a number of existing institutions were also included in the University Education Act of 1960. The first revision is that of 1967, which embedded the legal
provisions for the University of Agriculture in the University Education Act of 1960.

The Act of 1973 made it possible to 'designate' private institutions for theological higher education as universities (although without a financial settlement) led to four Royal Decrees under which certain institutions organized as foudations, including the 'Faculty of Theology' in Tilburg, the 'Roman Catholic Institution for Theological Higher Education in Amsterdam', and the 'Roman Catholic Institute of Higher Education of Theology and Pastoral Work' in Heerlen could be designated as universities (1974). By the decree of 1975 both Calvinistic Institutes of Theology in Kampen and Apeldoorn obtained the same rights for their degrees as the public universities, although in Apeldoorn this applied only to the candidate's degrees. By the decree of 1976, the Roman Catholic Institute of Theology in Utrecht followed, while in 1979 the doctoral examinations and doctorates of the institution in Apeldoorn were also recognized.

In 1978, the legislators made it possible to take the Foundation of the Faculty of Theology in Tilburg, mentioned above, into the Roman Catholic University in Tilburg as a faculty, although, as far as I know, this has not yet (1988) been realized. This university would be called 'University of the Humanities and Social Sciences' and it would be required to institute a central interfaculty (e.g. for philosophy).

By the decree of 27 September 1982, the business school 'Nijenrode' was made equal to a 'university for humanities and social sciences' with the right to confer doctoral degrees in business administration and doctorates in economics (The difference in the subjects seems a mistake: MG).

ADMINISTRATION

Although in general administrative organization has been set aside (more information can be found in De Ranitz 1938, Arriëns 1970, and Donner 1978), I will say something about the Act for the Reorganization of University Administration (1970).

The result of the decree of 1815, which took away the previously customary independence of the universities, University administration (Board of Governors and Board of Professors, later on Governors and Rector/Assessors*) has been critized ever since. In fact governors had become executors of departmental decisions. Therefore it is not surprising that there were regular proposals to abolish the board of governors. But the problem had always been the choice of a new form of administration. Since 1849 the

* The Chairmen of Faculties were assessors.
proposals have included a university council, an inspector, or one central national board of governors, but none of these proposals has ever been executed.

In 1954 the University of Amsterdam instituted a 'presidium' in addition to the governors and rector/assessors, and consisting of the Rector, a 'Chancellor-director', and a 'Pro-rector'. In 1956 the University of Agriculture in Wageningen combined the boards of governors and rector/assessors into one board consisting of eight members, among them the rector and two professors. The following years other institutions also experimented with forms of administration (even as recently as 1952 there was a nationwide discussion on whether or not professors were suited for administrative functions).

The Maris report 'Independent Performance of Tasks in Universities' (March 1968) proposed 'professional managers' for university government. The report was, however, set aside, and instead, on 27 June 1969, the Note on Reorganization of Administration was put before Parliament. This lead in 1970 to the Interim Act on Reorganization of University Administration. According to this law, which was embedded in the University Education Act in 1985, not only would professional managers enter university education, but at the same time several 'councils' analogous to political structures (with members chosen by and from teaching and administrative personnel and even students) would be formed.

Changes in the university faculties were also proposed. In the nineteenth century the faculty had consisted almost exclusively of professors with assistants, lecturers, and unsalaried external university lecturers, here and there reinforced by the odd conservator, and a few other functionaries (De Ranitz, 1938).

After the Civil Servants Act of 1929, the regulation of the place of work and the duties of the functionaries in the universities had, in 1935, been altered in such a way that university personnel, with the exception of servants, cleaners, and other personnel usually engaged on a labour contract, became civil servants (Arriëns, 1970).

In 1931, for professors and lecturers (unsalaried external university lecturers did not belong to the actual faculty), a regulation came into force that never has been adapted. (For the University of Agriculture a separate decree from 1931 was valid, which was altered by the decree of 1935.) Professors and lecturers since 1815 and 1876 respectively, had been appointed by the crown. But in 1985 professors came to be appointed by the university government, not by the crown, while the lector had disappeared in 1980. The special regulations were abolished.

Witte's thesis (1963) discusses the rise and legal status of the 'university civil servant'. In 1971, after the Van Os

report of 1968, 'Organization of University Faculty', had been issued, professor Van Trier became chairman of a new committee, the 'Steering Committee for Organization of University Faculty'. In 1981 its activities led to a Note; implementation of the recommendations from this note began in 1984/1985.

COMMITTEES

Because of the increase in the number of students and the associated problems, many committees were assigned to report on sub-problems. In 1969/1970 several management consultants (Bosboom/Hegener, Arthur Little, McKinsey) investigated the structure of the universities, and in 1971 the first committee, that of De Moor, appeared, which in 1973 became the 'Committee on Development of Higher Education'. The Minister interjected various notes (Hoger onderwijs in de toekomst -Future higher education-, 1975; Hoger onderwijs voor velen -Higher education for a wider public-, 1978).

Among other things professor Wiegersma was chairman of the committee on 'Preparation Restructuring', that in 1974 issued three reports on the Reform Act (which was not implemented) and also prepared the new Academic Statute of 1981 and 1982.

Now (1988) it is too early to select the most remarkable points from the numerous reports and notes issued in the period 1960-1980, although these papers record the expectations of those years. There exists for example a series of reports forecasting the number of students, beginning with a Central Bureau of Statistics prognosis from 1956, reports from 1959 and 1968, and a ministerial paper from 1975.

Here I will restrict myself to a few remarks on the report of the committee on 'Dispersion of Higher Education' (set up 25 July 1957: report 6 October 1959). The committee advised: (1) founding, in 1962, a new university with Faculties of Technology, Law, and Economics, as well as a propaedeutic course in mathematics, physics, and chemistry in the eastern part of the country;
(2) founding a third technological university in 1964, in the vicinity of the North-Sea channel;
(3) expanding the Technical University in Eindhoven in 1960-61, adding theoretical mathematics, physics, and chemistry;
(4) adding a Faculty of Dental Surgery to the Roman Catholic university in Nijmegen in 1966;
(5) doubling the Faculty of Dental Surgery at the State University in Groningen in 1961;
(6) a Faculty of Economics and a general baccalaureate course at the State University in Leiden in 1961;
(7) a Faculty of Law and a course in sociology in Rotterdam; and
(8) a Faculty of Law in Tilburg.
I do not know how well these eight points reflected the whole package of claims of the institutions concerned, but in 1966 a committee (set up in 1965) decided that a fourth technological university was not necessary, while the university recommended for the eastern part of the country became the third technological university, which later on would also institute non-technological faculties.

I will conclude this interim chronicle by mentioning that in 1963 Minister Bot proposed 'placement committees', especially for the medical faculties. These were not immediately introduced, but in 1972 they were to be legalized by the 'Students' Enabling Act' (since then repeatedly altered, e.g. by the 'weighed ballot' system).

How chaotic matters were may be seen in the following clause from a report of the State University in Utrecht: 'the board of directors and the university council, assisted from low to high by a thousand member staff, will tackle the current problems in real earnest and with the utmost energy' (Education Report of 1974).*

* 'het College van Bestuur en de Universiteitsraad gaan met grote ernst en met grote energie, bijgestaan door de inspanning van een duizendkoppig personeel van laag tot hoog de vraagstukken van deze tijd te lijf'.
1.8 SOME RECENT DEVELOPMENTS

To conclude this survey of legislation I will review three recent issues, namely the allocation of tasks (with proposals for new fields of study before 1940), post-graduate education, and the relation between University Education and Higher Vocational Education.

ALLOCATION OF TASKS

In the nineteenth century the government repeatedly urged the closing of one, or even two, of the three existing universities. The critical condition of the Public Exchequer at those moments and the periodically large unemployment among university graduates were usually the arguments.

Unfortunately, just as today, there was no economic model which allowed calculations of whether university education was receiving too large or too small a part of the national budget. Studies of the 'economy of education' began in Russia after the communist revolution and were continued in the US, and later also in Europe. The main idea was that in addition to material goods the 'investment' of the state could also be in people. Increases in the gross-national product was seen as partly determined by previous investments in education and public health, some twenty or thirty years earlier. Not only the state, but also big companies took to instituting training centres, not so much because this way employees could educate themselves without too many sacrifices (an often used argument), but especially because a well-educated staff was considered a good investment. Discussion of the limits of such investments did not produce a consensus, but neither did the discussion of investments in material matters. This is no surprise, as the investments advocated will depend on the expectations one has regarding future developments.

It can be concluded, however, that in the past nearly all (economizing) committees for higher education were unwilling to close an entire institution, or even a faculty at a particular institution. Only after 1980, under pressure of the Ministry, were such drastic measures suggested by the committee on the 'allocation of tasks', and realized.

With an eye to the coherence of the sciences, the committee of 1828 was definitely against 'Faculty Schools' (the reduction of universities to one or two faculties). The Falck committee of 1836 did not want to close any of the faculties, though it did advise the closing of the Atheneum in Franeker that had not been flourishing for some time. And even here the committee foresaw difficulties with the buildings and collections (later on it appeared that a psychiatric home would be housed in the buildings: the collections were partly taken to the new institution in Delft). The committee also thought it not very efficient to place highly qualified staff on unemployment pay.
RECENT DEVELOPMENTS

The Colijn/Lorentz committee of 1924 also declared itself against closing state universities, as such a closing would not lead to economies. The committee calculated that 80% of the budget was expended on account of the Medical Faculty, the Faculty of Sciences, and the hospitals and laboratories belonging to them. As in none of the university towns did one want to do without the medical-scientific complex, closing a university as a whole was out of the question. The committee did recommend to uniting the separate University of Veterinary Surgery in Utrecht with the University in Utrecht, while bringing the University of Agriculture under the Ministry of Education, Arts, and Sciences. Finally, working on a larger scale than was customary, the committee recommended that professors be associated with more than one institution.

This committee also pleaded for an allocation of tasks among institutions, though without elaborating this idea. The allocation of tasks had been one of the main arguments in favour of the institution of the first section of the (National) Council of Education in 1919 with Lorentz as chairman.

From the successive Education Reports it is clear that the allocation of tasks was not a great success. Year after year the Council of Education recommended arriving at a more efficient allocation of chairs. According to some of the observers of the day, the most serious obstructions came from the Municipal University and the Free University in Amsterdam, which were both largely independent of the state. In 1924/25, for instance, it still was not clear whether or not the University of Amsterdam would join in the allocation of tasks. The other private universities had increasingly taken the position that they had a special task, and that they, even after the financial equation of 1970, could only participate in the allocation of tasks in a limited way. If this point of view remains of great importance, the allocation of tasks could have peculiar consequences.

It appears that during the pre-War years the Council of Education was more concerned with assessing requests to institute new fields of study than with this problem of the allocation of tasks. And for obvious reasons: because of the rapid international development of science, the number of university subjects began to expand drastically even before the second World-War. It remains to be seen whether university education had not lagged behind the developments in the surrounding countries even before 1940. However, there were many new initiatives.

To clarify the matter of the allocation of tasks, I will give a selection from the proposals, based upon the successive Education Reports.
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NEW FIELDS OF STUDY 1925-1940

In 1925 the State University in Leiden asked that the number of students admitted for zoology be limited, while in 1927 the University of Amsterdam wished to institute a doctoral examination in sociology, and the State University in Leiden one in music. In the same year the Council of Education gave a negative response concerning a doctoral examination in the classics with a major in Greek (Byzantine and New Greek) in Leiden. The following year the University of Amsterdam wanted to close the Faculty of Theology, and also asked the municipal authorities in Amsterdam if the Academy of Physical Education could be considered a private institute of higher education (ex article 149 of the Higher Education Act of 1876). There was also another request from the Society for the Advancement of Music, this time to institute a candidate's examination on the 'theory and history of music'. Likewise, in 1928, a doctoral examination in medieval Latin was instituted in Leiden, and the university sought advice concerning a doctoral examination in ethnology. During those years, there were continuous problems concerning licences to teach in nearly all subjects.

In 1930 the Zeeman committee of 1927 proposed closer cooperation between Delft and the universities, but in 1929 it was already possible to study physics in Delft.

In 1930 the School for Language and Literature in The Hague wanted university status, and the teachers already called themselves professors. The Council of Education again discussed the possibility of training in physical education, or the conversion of the Academy into a university. In 1931, due to the position of the University of Amsterdam (the other private institutions would not participate), there were new difficulties concerning the allocation of tasks. In the same year there was a possibility that a 'General Social University' would be founded in Leiden, aimed at training trade-union leaders, managers of institutions, and representatives in national, provincial, and local administration.

Also in 1931, the Council of Education pleaded for closer cooperation between the University of Agriculture in Wageningen and the State University in Utrecht, and between the Technological University in Delft and the State University in Leiden. Also discussed were the desirability of entirely new fields of study, such as journalism, pedagogy, and fiscal science, and training as notary, archivist, consul and diplomat. For the time being the Council wanted to restrict new fields to journalism and training for notaries.

The years of depression 1932-1934 brought substantial reductions in salaries of university staff. At first these amounted to 2.5% on the first 1000 guilders and 5% on the income above that, while in 1933, the reductions were raised
to 6.5% on the first 2000 guilders and 9% on the remaining income.

In 1933 the Council of Education again dealt with a study of physical education. There were also the usual issues concerning qualifications to teach. That year Leiden requested majors in 'chemical technology' and 'technical botany' as part of the doctoral examinations in the sciences.

In 1935 a bill to lower public expenditures (prepared by the Welter committee) was introduced in Parliament. The intent was, for example to concentrate the study of pharmacy in Leiden; to impose close cooperation on the universities (with the exception of the Roman Catholic University in Nijmegen, the Roman Catholic University in Tilburg, and the Free University in Amsterdam); and to abolish a number of professorial chairs at the state universities. In 1936 this bill passed Parliament, but it was only partially executed. The medical professor Van Calcar in Leiden was the first to loose his chair (bacteriology and hygiene). In Utrecht, Moll and Baart de la Faille, professor extraordinary in physics and professor in social medicine respectively, were dismissed. The extraordinary chair in ethnology in Utrecht became a lectorship. The abolition of the chairs in Hebrew language and Israelite antiquities has already been mentioned. It was possible to reappoint professor De Groot from Groningen in Utrecht, and professor Juynboll had died just previously. In Delft, among others professor Sleeswijk (technical hygiene) was dismissed just as was the recently appointed lector Van Beek (weights and measures).

Meanwhile Groningen, in imitation of Leiden, wanted to include chemical technology as a possible major for the doctoral examination of the Faculty of Sciences (1936). The University of Amsterdam proposed permitting 'experimental psychology' as a major for the doctoral examination in the sciences.

In 1937 the Faculty of Sciences at the University of Amsterdam and the State University in Utrecht protested against the plan of their sister Faculty at the State University in Leiden to permit the subjects statistics, physical and biological oceanography, agrogeology, agrochemistry, and agricultural zoology (entomology) as majors for the doctoral examination.

At this time, the idea of supplementary courses (afterwards called post-graduate education) was discussed for the first time in the Council of Education. In 1937, in imitation of the State University in Leiden (1928), the State University in Utrecht wanted to institute a doctoral examination in ethnology. In 1938 the Council of Education gave a negative response to the University of Amsterdam's proposal concerning experimental psychology.
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I will not fully discuss the recognition of economics in 1937 and 1939; suffice it to say that, just before the German occupation, the University of Economics in Rotterdam received permission to institute a doctoral examination in political economics (February 1940). By the decree of 24 May 1940, the doctoral examination in sociology at the University of Amsterdam was now officially recognized (however, on 14 May 1940 professor Bonger had committed suicide).

In 1941, not one, but two studies in psychology were established, one in the Faculty of Literature & Philosophy and the other in the joint Faculties of Literature & Philosophy and Mathematics & Sciences, with both a candidates' and a doctoral examination. In 1941 there followed a doctoral examination in social economy in Tilburg. The State University in Leiden and the Technological University in Delft had already closed, in 1940. The Technological University in Delft was to resume its lectures on March 1941, but the State University in Leiden remained closed for nearly the whole period of occupation.

In 1942, the State University in Utrecht received permission for a doctoral examination in ethnology on the basis of the Decree of 1938, while a candidate's examination in economics was also allowed. That same year the Agricultural University in Wageningen expanded with the study of cultivation technology. Finally, in 1943, a doctoral examination in ethnology was established at the University of Amsterdam. But spring 1943, all institutions that were still functioning closed for a couple of months, or even until the liberation. This was due to the raids among students, of whom many were deported to Germany.

On 26 February 1945, the Interim University was founded in Eindhoven on liberated territory, and also gave courses in Nijmegen, Maastricht, Heerlen, and Geleen. It had a Medical Faculty (270 freshmen and 198 second-year students), a Faculty of Sciences (125 and 28 students), Technological Sciences (183 and 73 students), Agricultural Sciences (68 and 23 students), Veterinary Surgery (16 and 4 students) and Divinity (12 and 8 students). The institution was abolished on 20 December 1945.

From the selective chronicle above it is clear that in the period 1919-1940, the first section of the Council of Education was in fact the only coordinating advisory board. It is also obvious that more often than not the Council of Education succeeded in delaying the introduction of new fields of study rather than shaping the allocation of tasks.

In 1924 the Colijn/Lorentz committee had somewhat prematurely stated that the time of competition among institutions was over and from then on the issue was to be an evenly balanced allocation of tasks among universities. However, from the announcement of many new fields of study at the various institutions it can be inferred that competition was stronger
RECENT DEVELOPMENTS

than ever. But rivalry has always been an essential factor in the university, inside as well as outside the faculties. It is not surprising, therefore, that the administrators of each institution tried to attract as many new studies as possible.

Before 1940, given the frequently recurring discussion re closing a university, it was of vital importance for the governors of each university to expand their institution and to be competitive. The same held for the faculties as located in separate institutions.

The first post-war committee on university education, the Van der Leeuw/Reinink committee (report of 1949, pp. 54, 74, 75, and 97), had proposed a High Academic Council as an inter-university master-organization. Although some members were of the opinion that this body should have binding authority, Minister Rutten did not adopt this view in his 1952 bill (nor did the committee in its final recommendations). The High Academic Council was to be no more than an advisory board for university administrations and for the government. In view of the responsibility of the government and the special position of both the Municipal University in Amsterdam and the private institutions, binding authority could not be given to such a body.

According to the Minister, the council was to be a link between universities as well as between universities and society. Concerning the composition of the board, in addition to representatives from universities (one from each faculty), the Minister suggested representatives from the Royal Academy of Sciences and other institutions of science, among them industrial science laboratories.

The Academic Council -as the institution, according to the University Education Act of 1960, was eventually named- was, apart from the first section of the Council of Education (whose members were, however, appointed on personal title), the first more representative consulting body among universities. The Council did have a forerunner, the Inter-University Consulting Board, but that body consisted only of the presidents and the rectors. I do not know when this body was instituted.

The University Education Act of 1960 determined that the Academic Council should include, from each institution, one member of the board of governors and one member from the professors. In addition, ten members were to be appointed by the crown. The Council could institute sections, whether consisting of council members or not, for the fields of learning to be considered.

Under the Reorganization of University Administration Act of 1970, the number of members per institution was raised from two to three, including the Rector. The council was to promote efficient cooperation among Dutch universities, as well as promoting the adaptation of university education 'to the development of learning and the needs of society'.

* Dutch text on page 55. 50
RECENT DEVELOPMENTS

The institution of the Academic Council was preceded by a Council for Technological Higher Education (1956). In addition to a chairman, this council consisted of one member from the board of governors of each of the two technological universities, as well as one member from each board of professors. The crown did appoint two extra members. After 1960, this council became the Technical Sciences Section of the Academic Council.

Whether or not the Academic Council served its purpose better than the first section of the Council of Education, I do not know. For the recent operation of 'concentrating, trimming, and allocating of tasks', not the Academic Council, but a smaller committee, consisting of one representative from each board of administration, was called in. The Council disappeared in 1984.

POST-GRADUATE EDUCATION

In addition to a regulation regarding inter-university institutions, which I will not discuss here, there is a section -Title IIIA- which has been inserted in the law of 1975, relevant to post-graduate education. Such education is intended for those who hold or could hold professions for which university training is required or desirable. A further regulation was established by decree (1977): it is clear that on behalf of this education new institutions will be established by one or more Dutch universities in close cooperation with a third party.

As I have already mentioned, post-graduate courses were discussed for the first time in the Council of Education in 1937. In 1975, a need was obviously felt for a revision of the law concerning these courses, which for some time had occasionally been given by some faculties. Behind this form of education lies the idea of 'continuing education', which came to the fore some ten to twenty years before 1975. It was not so much the perceived necessity for some professionals to keep in touch with new developments, but a regulation of post-graduate education that came first. Under certain conditions to be set by the legislators, faculties were now permitted to offer post-graduate education.

In the USA the development of post-graduate education has been more logical. First certain categories of professionals were obliged to follow post-graduate courses, rather than dictating to universities under which conditions they could organize these courses. Oddly enough, in the Netherlands, Institutes of Higher Vocational Education are also permitted to organize refresher courses, although research is practically non-existent at these institutions.
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THE UNIVERSITY AND HIGHER VOCATIONAL SCHOOLS

In 1814, the term 'secondary education' which had (under French influence) entered the Constitution, was problematic for the Van der Duyn committee. I have already mentioned that, in fact, in this country only elementary and higher education were distinguished: apart from these, there were a number of undefinable types of education. Although the d'Ursel committee (1829) and the Roell committee (1828) had occupied themselves with this problem, it was only in 1863 that Minister Thorbecke recorded which types of school were be defined as secondary education. Thorbecke's act, however, was incomplete from its inception and somewhat illogical. The status of art, military, and obstetric education were not clear. Further, the grammar schools were still considered higher education. As mentioned before, in 1905, technical education in Delft was removed from the Secondary Education Act and brought under the Higher Education Act: in 1917, education in agriculture and veterinary science followed.

Van Wieringen (1975, ch. 2) describes the transition of senior vocational education to higher vocational education, which took place mainly after the second World War. About 1900, senior technical vocational schools arose from, among others, art and industrial art education (e.g. the Academy for Design and Technical Sciences in Rotterdam, 1851) and the School for Mechanical Engineers in Amsterdam, founded in 1878.

In 1910, the first 'middelbaar technische school' (senior technical school) sprang from this type of educational institution. The term 'middelbaar', however, did not refer to training at a level intermediate between lower and higher technical education (as the distinction was formulated in the Thorbecke's Secondary Education Act), but to a type of school intending to train for intermediate functions, that is to say for all those 'standing between labourers and professionals, whose task it is to assist those professionals in designing, executing, and overseeing' (Conference discussing 'middelbaar' technical training, 1908: as quoted by Van Wieringen, p. 37). The institution of the 'middelbaar technische school' was not an accidental development. It had been preceded by a series of discussions during the period 1900-1910.

After the second World War, the gap between junior technical training and senior technical training widened. An intermediate form of technical education came into being (UTS), which as it were pushed the existing senior technical education upwards. This tendency was sanctioned by the change of name in 1957 (on request of the Society for Middelbaar Technische Schools in The Netherlands) from 'middelbare technische scholen' (senior technical schools) to 'hogere technische scholen' (higher technical schools). (Van Wieringen, p. 50).
Technical education was regulated by the Technical Education Act of 1919. When in 1963 this act was brought under the new act on secondary general education, a tripartition into lower, intermediate, and higher types of education was already present among technical schools.

Developments in agricultural training had been rather similar. In 1958 the intermediate level schools of agriculture and horticulture, as well as the dairy schools had been renamed 'higher', so that here too a tripartition existed in 1963.

Afterwards, there were attempts to introduce a tripartition in all vocational training, even when such a division did not seem very useful. A tripartition was also introduced for certain types of secondary general education such as elementary secondary education (LAVO), junior secondary education (MAVO), and higher secondary education (HAVO), of which the 'elementary secondary' education disappeared after some years. Of course there was a reaction against this tendency to tripartition, with several attempts to dam the extreme differentiation.

I will not discuss the proposals to merge junior vocational training with schools of elementary secondary education, nor the suggestions to bring back higher and intermediate education to one type of school, but it is relevant here to say something about the relation between Higher Vocational Education and University Education.

The Posthumus' Note again led to a series of discussions on a possible fusion of higher vocational education with university education. The first so-called coordinating reports were issued about 1972. They made it clear that the objectives of Higher Vocational Education and University Education were completely different, and, in accord with those different objectives, the educational institutions concerned drew quite different types of students. A common propaedeutic examination, after which the successful candidates could choose to follow either a University Education or a Higher Vocational Education stream, seemed the most realistic form of cooperation. However, the joint propaedeutic was in general rejected by the parties concerned.

In 1970/71 a bill was introduced recommending close cooperation of universities and institutes of higher vocational education. But this bill was withdrawn and replaced by another, introduced in 1971/72. This bill also disappeared, to be replaced by a draft bill 'Framework for Higher Education' (1982), which did provide a loose structure for cooperation.

A Mutual Continuation Act (1979), which summed up a series of committees charged with judging to what extent students from universities or higher vocational education could transfer
their studies from one type of institution to the other, seems to be the only result.

Meanwhile the University Education Act of 1960 had been amended by the Administration Reorganization Act (1970) and the Two-stage Structure Act (1981), both of which were incorporated in the University Education Act of 1985.

In 1980/81 the draft of the new University Education Act (meanwhile renamed 'University Education Act of 1985') was introduced to Parliament, together with a bill on higher vocational education; which both have now passed into law. Apart from these three acts I should mention the Experiments Act (1970, 1981) on the basis of which some ten teacher-training colleges were founded (in addition to the existing teacher training at the university). The aim was to place these new institutions in the system of higher vocational education; in the meantime this has been realized.

Further, a beginning was made with legislation concerning the Open University in 1981.

In view of the activities concerning the new acts on University Education and Higher Vocational Education, it does not seem likely that a fusion will occur in the near future.
1. De raad bevordert een doelmatige samenwerking tussen de Nederlandse universiteiten en hogescholen alsmede de aanpassing van het wetenschappelijk onderwijs aan de ontwikkeling van de wetenschap en aan de behoeften van de maatschappij.
PART II: CIVIL EFFECT
2.1 EFFECTUS CIVILIS

INTRODUCTION

There are some eight hundred professions in the USA that can only be practised with the permission of the government. In the interest of public health, security, and welfare, these so-called 'licensed' professions are only open to individuals who meet certain minimum requirements in the field concerned. In general one speaks of 'occupational licensing' conferred by the state. Occupational licensing implies that only the persons licensed by the state (usually in the USA not the federal government) are allowed to carry out certain closely defined actions belonging to the licensed profession.

In addition there are in the US several hundred 'certified' professions, where specific professional actions are not forbidden to a third party, but the use of a title or of certain indications of practising a profession by a third party is illegal. Although certification is also conferred by the government, it is usually done by professional associations, which are recognized as such by the relevant professional groups.

In the US, among others architect, hairdresser, accountant, beautician, dentist, electrician, engineer, undertaker, nurse, pharmacist, physician, and veterinary surgeon belong to the licensed professions. Certified professions include for instance motor mechanic, sales representative, and dental nurse (Shimberg, 1982). Finally, some professions such as medical specialist are licensed as well as certified. The professional practising of the physician is protected by the state (forbidden to others), but recognition as a medical specialist comes from the specialists' association.

This rather clear situation in the US has recently been under discussion, as some people wonder for whom licensing and certification is more important: for the citizen or for the professional group. In this country the situation is far less clear. The same differentiation between occupational licensing and certification is seen in the Netherlands (just as is the two-stage licensing for the medical specialist), but lists of vocations which immediately show whether only the title, or also the professional designation is reserved for particular persons, are missing.

This is related to the legal structure in this country. A great number of non-university occupations are indirectly licensed by the act controlling the opening of new small businesses (1937), later replaced by the Business Establishment Act of 1954 and the Retail Trade Establishment Act of 1971. These laws, to which a 1964 act and its predecessors of 1881 and 1931, regulating the sale of liquors, should also be added, prohibit non-qualified persons from setting up a business in the trades concerned. Chambers of Commerce are responsible for control, and in any event are
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to require commercial knowledge and professional skill of the candidates (before 1971, solvency was an additional requirement).

Before 1818 the practising of a particular profession was almost entirely controlled by the guilds. There were a great many guilds in this country, but in 1789 they were abolished. It suited the ideal of liberty current in those years that everyone should be able to follow a trade or a profession, not hindered by binding prescriptions. The sudden abolition, however, threatened to cause countless abuses; therefore in the French period the guilds returned, albeit in a somewhat different form.

King William I wanted freedom of trade and enterprise, and therefore the abolition of legal restrictions on business. By the Royal Decree of 23 October 1818 the restrictions were therefore again (and now definitely) abolished, except where quality would affect primary interests such as 'public health, cultured living, and public security' (Wiskerke, 1938, p. 220). Quality standards were therefore still demanded of candidates in medicine, education and of those who were to become notaries. In all other fields the certificate of competence (the master's proof) the guilds had demanded was cancelled, but local authorities received the right to issue by-laws, e.g. with regard to closing times for public houses, the production of bread, grinder's fees, the sale of meat, the time table of the regular barge service and lorries, etc. (Wiskerke, 1938).

This decree of 1818 had far-reaching consequences. The guildmasters had always claimed that they took care of the quality of the finished product. Moreover, by means of all kinds of regulations, they had been able to stop the development of large-scale enterprise. Now the road was clear for such enterprises to flood the market with huge quantities of cheap, tasteless products. The opponents of the guilds pointed out that these corporations had always kept prices high, and that because of the many regulations free enterprise came almost to a complete standstill. In reality non-guild members could sell their products or services only at the annual fairs. Moreover, due to the local character of the guilds it was practically impossible to trade on foreign markets. To trade on a larger scale, capital and the abolition of the many regulations were needed. A decrease in the power of the guilds would also allow the countryside to participate more in trade because the town guilds had rendered competition of individual country producers impossible.

The Patents Act, originating in France, was introduced here in 1805. Under this law a patent (permission) to operate a particular business or follow a certain profession was issued after registration with the authorities. However, here it concerned a law on business taxes (a precursor of the income tax) that was not meant to restrict the freedom of trade and
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enterprise. The Patent Act was re-introduced in 1819, and in 1893 it was changed into a tax levy on trade and other income.

In fact, because of the depression, it was not until 1937 -apart from the Liquor Act of 1881- that restrictions on those following trades and professions were decreed. Although in this country the licensing of a great number of professions is indirectly covered by the Business Establishment Acts, this is not so for the academic professions. In many cases the civil effect of a particular university degree is based on special laws that will be discussed in chapter 2.3.

UNIVERSITY DEGREES AND CIVIL EFFECT

First something on the 150-year-old discussion on the basis of the right of the faculty, and/or government to confer university degrees with or without civil effect. This discussion has lost little of its earlier importance insofar as private institutions for higher education are allowed to confer university degrees.

The proposition that, in historic perspective, university degrees can be conferred by a private corporation of professors, and that only the civil effect attached to such degrees is a concern of the state, was for a long time defended by some advocates of private higher education. It was argued that teaching was free of controls by the state, but that this right could be directly or indirectly violated: directly by a complete ban on private higher education, that is by establishing a state monopoly; indirectly by allowing freedom of education, but withholding the effectus civilis from the certificates of a private institution of education, or by making attendance at a state university compulsory for obtaining degrees (Van der Donk, 1924, p. 5).

It was also said that the 'jus promovendi', the right to confer degrees, is no privilege of the state, but that in fact it is not a 'jus summi imperantis' at all. It is part of learning as such and is therefore inextricably bound up with the jus docendi.

Donner (1978, p. 30, note 197), writes, based on Christie (1976), that in the middle ages the degrees conferred at the universities gave status only within one's own guild or gave a licentia docendi within one's own university. Mutual recognition of this licence led to the origin of the jus ubique docendi. Presumably Donner refers to Christie's argumentation at p.379 of his 1976 article:

'Such an approach was adopted in the early medieval period when the licentia docendi authorised the scholar to teach only at the university of which he was a member ... Thus during the middle ages a convention developed whereby a
master licensed to teach at a prestigious university such as Paris, Salerno or Bologna could be certain of automatic admission at any other centre of learning. Masters of these few universities were said to have the jus ubique docendi.

But Christie was also of the opinion that this system of mutual recognition existed only for a short period of time. After Pope Gregory IX's declaration in 1233 that everyone who had been admitted to the University of Toulouse as a master had obtained the right to teach at any university without passing additional examinations, 'even universities of unquestionable reputation such as Paris and Bologna thought it desirable to secure formal acceptance of their right to confer the jus ubique docendi, for it had been accepted that the right could be conferred by the Emperor, or the Pope' (Christie, p. 380).

At first the jus ubique docendi was the only civil effect that could be attached to the degrees. It seems likely that the distinction between university degrees, conferred by the faculties, and the civil effect that could be conferred by authority of the Pope or Emperor, had already become useless by the thirteenth century.

Frijhoff (1981, p. 13) is apparently of the same opinion: 'Le droit de collation de grades (jus promovendi) était, selon la conception qui prévalait depuis le XIIIe siècle, réservé au pape et/ou à l'empereur, seuls habilités à conférer aux membres d'un studium générale le jus ubique docendi',

and at p. 69: 'La législation en vigueur, qui datait d'avant notre période (1575-1814, MG) mais n'avait pas été abolie, ne possait aucune condition à l'origine territoriale des diplômes. Une telle condition aurait d'ailleurs été contraire au droit communément admis et hérité du Moyen Age selon lequel un grade comportait en soi la faculté ubique docendi ou du moins ubique artem suam exercendi'.

After consulting Bannenberg (1953) it becomes clear that the argumentation of Van der Donk and Donner, also to be found in Kuyper (1880), is not based on historic fact. According to Bannenberg (p. 61) the local or regional studium Bononiae (Bologna) had already been raised to the level of a studium generale of general importance by the second half of the thirteenth century. A Papal Bull of 1292 confirmed this transition, which now gave the professors at Bologna, who earlier had obtained the licentia' docendi from the archdeacon, the right to teach everywhere: the 'jus ubique docendi'.

The University in Paris had been recognized by a Papal Bull in 1231, and with that recognition it could withdraw itself from the authority of the local chancellor and bishop. The
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transition from studium locale to international studium generale (university) could only take place after intervention by the Pope or Emperor. According to Bannenberg (p. 104) the jurists of the XIIIth century almost all agreed that a studium generale could only be founded on the basis of a bull or charter by the Pope or Sovereign. This implies that the conferring of the jus docendi by corporate bodies of studia professors could have only local status. One could only speak of a jus ubique docendi after authorization by Pope or Emperor, which meant a conversion from studium to studium generale. The right to confer university degrees (without jus docendi?) may have been the prerogative of corporate bodies of professors for some time (though in Paris it was formally the chancellor and in Bologna the archdeacon who conferred the degrees); these degrees could become international only after authorization by the Pope or Emperor.

According to professor De Ridder-Symoens* there exists a Papal bull from 1179, which determines that the licentia docendi could be conferred only on those found qualified to teach. The selection of the candidates was supervised by the bishop or his deputy, but this became a formality as soon as the university became a state-recognized corporation. From then onwards the university community itself determined who was allowed to teach at their institution.

The right to teach at other universities developed only under the influence of the authority of the Pope or Emperor. At first the universities re-examined potential candidates from other universities. The jus ubique docendi developed in the XIIIth century, and only in the XIVth century was it generally accepted for the graduates of the old 'recognized' universities and of the new studia generalia founded by the Pope and Emperor. According to the jurists of the day, the powers of the Pope and the Emperor were based on the Pope's supervision over theology and common law, and the exclusive right of the Roman emperors to decide who was entitled to teach 'imperial law' (Roman law).

Subsequently the jus promovendi (the licentiatius and the doctoratus) developed out of the jus ubique docendi. These degrees were general accepted, as the graduates were also asked to teach elsewhere. These intellectuals were also appointed to functions in the church and government, which, in addition to the right to teach within and outside the university, led to a licentia ubique artem suas exercendi (civil effect).

Later —when Roman law found acceptance— the 'principes' (at first only Pope and Emperor, later also kings, municipal governments, and states of the Republic) began to consider the foundation of corporations (universitates) as a jus

* Personal communication.
majestatis. With the development of many independent states and the diminishing influence of the Pope and the Emperor, this of course led to new problems of mutual recognition.

Therefore I think it is not too far-fetched to say that the conferring of university degrees has always been the prerogative of church or state, although for some time it seemed as if corporations of professors could do this by their own authority. Such degrees would probably only have had local significance. It seems incorrect to call such studia degrees 'university degrees'.

For most of the nineteenth century it was accepted that civil effect was immediately attached to the university degree. The formulations in the Royal Decree of 1815 are in agreement with this, for it sums up what qualifications are attached to various degrees. The committee of 1828 was asked whether university degrees should remain compulsory for some offices or professions, or whether a state committee should examine the applicants on their specific skills. The committee considered an extra state examination undesirable, as an employer could always test the applicants.

The Committee of 1849 offered a completely different proposal: that the faculty examinations, at least the final examinations, be abolished and replaced by state examinations after which the candidate became 'meester' (master) in the classics, mathematics, botany, zoology, etc. Although the Heemskerk bill of 1868 would have replaced the 'meester' by a doctoral certificate, in this bill the examinations remain state examinations held by committees, with members 'for every doctorate to be appointed by Us'(by the King: MG). The explanatory statement suggests that such state committees will judge more severely, and will lead to a greater uniformity in requirements. Moreover, at that period state committees had become quite common abroad, especially in Germany.

The Fock bill of 1869 pleads again for the 'meester' examination conducted by state committees, while the Geertsema bill suggests that the faculties should confer 'university titles' (not further specified) without civil effect. Separate requirements for obtaining a licence to practise a trade or a profession, or to hold office, would be recorded in special acts. But in the amended Heemskerk bill of 1874, doctoral examination and doctorates with civil effect held by the faculties are back again. The state examinations are no longer mentioned, apart from the so-called practical examinations for physicians and pharmacists instituted in 1863. These practical examinations would in fact, however, become faculty examinations, as formalized in 1921.

As the Free University was founded in 1880, it is obvious that the discussion on university degrees with or without civil effect were not connected with the origin of this
institution. From 1828 onwards, and especially after 1849, there were discussions about whether or not the faculty examinations should be replaced by state examinations. At first the issue had to do not so much with the development of private higher education in this country as with increasing state involvement with education and public health. At the beginning of the century the legislators had specified to which degrees the licence to teach at Latin Schools was attached. The requirements for teaching at elementary schools probably date from the French period, or even from the time of the Republic (Kuiper, 1958). When the Higher Burgher School was founded in 1863, the requirements for teaching at this type of school were specified. From that moment an elaborate system of legally regulated licenses to teach arose, which is still expanding today (ch. 2.2).

Developments in the field of medical practice were analogous. Long before the Medical Acts of 1863 the legislators began to restrict medical practice, albeit not always equally successfully. The provincial committees for medical supervision of 1818 (and earlier) were often overtaxed. In the second half of the nineteenth century the net was pulled tighter. The legislators determined in detail who was allowed to perform which medical operations, while at the same time the fight against 'unqualified persons' was extended.

Civil effects pertaining to jurists are mainly restricted to offices involving jurisdiction, and at this point there were already provisions with regard to judicial appointments and the practising at the bar. Regulations regarding the office of notary came into being outside the university, because the faculties of law did not include training for notaries.

Clerical licenses were nearly always conferred by the churches and not by the training institutes. In a number of cases, however, especially after 1815 a university degree, often a candidate's degree in theology, was one of the conditions for admittance to the ministry.

In brief, it can be said that the issue of conferring university degrees with or without civil effect became a topical issue only in the nineteenth century, primarily because of growing state involvement, particularly with education and public health.

The main issue was of course who could confer civil effect, the faculty or the state. In this respect three views can be distinguished:
(1) degrees conferred by the faculties automatically have a civil effect;
(2) both the degrees and the civil effect are conferred by the state;
(3) the faculties confer the university degrees, while civil effect can be obtained as a supplement from a state committee.
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Of these, variant (2) has, as far as I know, now and then been proposed, but never realized; (3) did occur in certain periods insofar as medical qualifications were concerned, but it was variant (1) which was finally introduced everywhere. Apparently the suspicion that the faculty examinations would not be severe and uniform enough had gradually disappeared. The current situation, in which professional associations play an increasingly important role, dates from the post World War II period.

Although the issue of the faculty examinations versus state examinations did not arise at the foundation of the Free University, it was then made relevant. As far as I know, there was attempt to prevent the foundation of the Free University on the basis of the view, current since the XIIIth century, that universities could only be founded, or at least be recognized, by Pope or Sovereign (see e.g. the fictitious foundation letter by King Philip II concerning the State University in Leiden; Frijhoff, 1981, p. 13, or Siegenbeek 1832, vol. II, p. 299 ff), but the matter did come up again for discussion in Parliament.

The proposition that since education is free of state control, the conferring of university degrees by private institutions is allowed, was later on defended with a great deal of verve by Van der Donk (1924). In his view the jus docendi et promovendi amounted to the same thing. The conservative Member of Parliament Wintgens (in the parliamentary debate of 1876, on the occasion of the possibility that Amsterdam should receive a municipal university) even posed that the right to confer degrees was an inherent right of the state. Minister Heemskerk joined in with this, as he considered the request by the city of Amsterdam as a precedent. Kappeyne van de Coppello -advocate of the municipal university- argued, however, that the jus promovendi, unlike the jus postulandi sive artis exercendae (civil effect), is not the right of the state at all, but of the specific educational institution.

The dichotomy of Kappeyne, champion of the University of Amsterdam and fierce opponent of private higher education, was later on taken up by supporters of private higher education. Eventually the matter was partly resolved by the University Education Act of 1960. This contains articles in which the state regulates the use of university titles. There is freedom of education, but the explicit aproval of the state is required in order to attach certain specific academic titles to the degrees conferred. In this respect after more than 80 years MP Wintgens has been partially vindicated.

In 1905 it was decided that, under certain conditions, private institutions could attach a civil effect to the degrees they conferred. This meant that such degrees were given equal status with degrees conferred by state universities and state professors.
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In this way doctorates taken at the Free University received equal status with doctorates taken at state universities: the study of law, classic literature and Semitic literature in 1905; Dutch literature in 1919; candidate's and doctoral examinations in the Faculties of Law, and history in 1924; mathematics, physics, chemistry, and philosophy of the sciences in 1933; general linguistics, psychology, philosophy, and economy in 1951; botany, zoology, and pedagogy in 1951, medicine and the independent study of medicine in 1952; French, English, and Frisian in 1955; western social science in 1957, German in 1960, and the studies for notary in 1960.

Until 1921, therefore, no civil effect was attached to the Free University doctorates taken before 1905. These graduates were obliged to retake the examination or thesis defence at a state university or at the University of Amsterdam (the examinations at the University of Amsterdam received a separate legal recording).

Of course the year indicated does not mean that a given subject began in that year at the Free University: equalization was only possible some years after a subject had been established.

For the Catholic University in Nijmegen the subjects were: Dutch Law; independent Law study: the Classics; Dutch, Romance, Germanic, Semitic, Aryan, and Celtic languages; history; history of art and archeology; general linguistics; comparative Indo-Germanic; and philosophy in 1923. Then for a long time nothing followed, so that (as mentioned) the Catholic University in Nijmegen came into conflict with the provision that with each successive 25 years a private institution had to establish a forth and then a fifth faculty. The terms for the Catholic University Nijmegen were then changed to 30 and 25 years (1946). Psychology followed in 1947, pedagogy in 1950, medicine in 1952, social sciences (sociology) in 1953, the independent medical study in 1957, philosophy and biology in 1957, social geography and its independent variant in 1959, the studies for notaries, and the sciences in 1960.

The equalization of certificates of the private universities of economics in Rotterdam and Tilburg can be found in the Decrees of 1939. As mentioned in ch. 1.2. equalization of separate fields of study went out of use for the institutions in Amsterdam, Nijmegen, Rotterdam, and Tilburg in 1960. In the University Education Act of 1960, each of these institutions is considered separately.

With regard to civil effect, there had been two changes since the nineteenth century. First, from 1937 onwards, the number of (especially non-university oriented) occupations that can only be practised after an examination increased tremendously. In that sense the conferring of civil effect by the state expanded enormously.
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On the other hand the controversial right of the faculties to confer degrees with civil effect appeared to be insufficient for actually practising a profession. Therefore, about 1930, the Dutch Medical Association introduced the registration of specialists, whereby the recently qualified physician lost the right to practise the full range of medicine, apart from emergencies. Neither could the law graduate immediately establish himself as a lawyer, nor was he immediately qualified to be a judge. The professional associations began to require supplementary qualifications, a development that is reminiscent of the guilds that had disappeared in 1798/1818.
2.2 JUS DOCENDI AND TEACHING QUALIFICATION

INTRODUCTION

From the fact that the Latin term 'doctor' is usually translated as 'teacher', one could infer that the training of teachers is, -or was- the main objective of universities, but matters are more complicated than that. With the doctor's title one did indeed receive the 'jus ubique docendi', the right to teach everywhere, but this right indicated only a right to teach at universities, and not at other institutions.

Yet I believe that through the centuries a considerable number of doctores ended up in educational functions outside universities. This is certainly true for doctors of philosophy (in 1815 the Faculty of Arts was split into the Faculty of Philosophy & Literature and the Faculty of Mathematics & Sciences). In the Republic doctors of theology, law, or medicine were quite regularly rector at Latin Schools. In order to enhance the prestige of their schools, governors of such institutions would no doubt have tried to attach as many scholars (doctors) to their schools as possible. It probably did not really matter in which faculty the rector or praecceptor had taken his doctorate: Latin was the language of scholars and the doctors were expected to have a command of that language and therefore be able to teach Latin.

There is another reason why the old jus docendi is not directly translatable into the modern concept 'teaching qualification'. In the nineteenth century the general opinion was that the jus docendi should be conferred by the university, and the teaching qualification by the state. In the case of state universities and/or state professors, the jus docendi and the teaching qualification could coincide, but even that was not a rule. The issue of attaching teaching qualifications (and other forms of civil effect) to the certificates of a private institution like the Free University made feelings run high during the parliamentary debates on Kuyper's proposed amendment to the Higher Education Act in 1904/1905 (ch. 2.1).

According to the Royal Decree of 1815 (art. 125) the first teaching qualification in the proper sense was, as far as the Latin School was concerned, conferred on candidates and doctors of literature. Thus these educational functions were no longer accessible to theologians, jurists, and doctors of medicine and science.

'Without any further examination,' the degrees in literature sanction teaching in the subjects examined for these degrees. They will be required of everyone who will teach at a Latin School.""
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This provision is hardly surprising considering the curriculum at the Latin School. The subjects taught were Latin, and for the more advanced pupils Greek, 'yet as much as possible in such a way that the pupils also learn some other elementary skills. Therefore, after the daily education in the classics there will be time for education in those other skills. The skills which the Latin School, apart from the classics, will have to teach from now on are: the basic principles of mathematics, ancient and modern geography, ancient and modern history, and Greek and Latin mythology'.

In addition to the curious fact that religious education was completely absent (ch. 1.2), at first the timetable left very little room for these other skills, usually the last hour of the afternoon.

The teachers were (1) the principal, who taught the highest form, (2) a deputy principal for the next form and (3) eventually praepostores, who had to lead the junior forms. To be a praeposor a candidate's degree in literature was required, and for a principal or deputy principal (at least in a town with more than 20,000 inhabitants) a doctorate in literature. The 'other skills' were taught by the principal, deputy principal or praeposor for an extra fee; but this could also be done by 'other qualified persons', who were, however, not allowed to share in the profit from the school fees. The inconsistency with article 125 was apparently not perceived, presumably because these 'other qualified persons' were not seen as part of the actual teaching staff.

Regarding the degree of 'matheseos magister, philosophiae naturalis doctor' the Royal Decree of 1815 only says that 'this degree exempts [one] from all further examinations in the subjects listed in the certificate, when applying for offices for which otherwise such further examinations could be necessary. If, however, the certificate does not explicitly mention the subjects in which he seeks a profession, the doctor will have the choice of either supplementing his certificate on this point with a further examination, or taking an ordinary examination to be conducted by a specially appointed examining board. This degree is required of all natives who wish to have the right to be a professor or lector in the sciences'.

Here too a certain inconsistency may be seen in the Royal Decree of 1815. For lack of a teaching qualification in science, the authors fall back on the vague jus docendi, a reference which is absent regarding degrees in literature. But 12 years later the Royal Decrèè of 19 September 1827 proclaimed that it was no longer permissible to appoint teachers at the Latin Schools who did not have a degree of candidate or doctor of sciences taken at one of the state universities. If the municipal government or the board of governors charged with the appointment was of the opinion that for special reasons it was necessary to deviate from the
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rule, the permission of the Minister of Home Affairs was needed.

It is obvious that the monopoly of the classicists at the Latin Schools had begun to break down. As far as I could ascertain, this situation obtained for the Latin Schools until 1878 when the curriculum at these schools, now called 'gymnasia' (grammar schools) changed drastically.

In 1863 an entirely new system of teaching qualifications came into force, but these were only valid for the then new secondary education, in particular the HBS (Higher Burgher School). The Latin School, later gymnasium, was considered higher education and this would remain so until 1960. There were therefore two types of teaching qualifications for the Latin School: those attached to degrees in Literature since 1815 and, since 1827, also those attached to degrees in Science.

It is remarkable that Opzoomer (1849) does not seem to be aware of this. On p. 33 of his report he says that there is no profession for which the law requires a degree in the sciences. He writes this as a commentary on his statement that students in the Faculty of Mathematics & Sciences work the hardest, just because that Faculty does not train for a specific profession. As Opzoomer knew the educational system of his day well, this probably indicates that the rules of the Royal Decree of 1827 concerning appointments at Latin Schools were quite frequently broken.

TEACHER-TRAINING AT THE UNIVERSITY 1827-1876

Against this background, it is not surprising to see that a Royal Decree concerning the institution of teacher-training courses at the university appeared in 1827, the same year in which the teaching qualification became part of the science degree. According to Bolkestein (1915) the author of both Royal Decree's, Van Ewijck, was inspired by the proposal of an unknown person, sent to the government on 23 March 1826 under the title 'Projet de création d'une Ecole normale et de centralisation de l'Instruction'.

Bolkestein presumes that the unknown was a pro-government Belgian who wanted to diminish the influence of the church on education. I would not be surprised if this unknown had been engineer Lipkens, who at this time attempted to found a university in Brussel.

Van Ewijck deviated, however, from this proposal to establish a 'normaal school' (a teacher training college), which would mean a new university with two Faculties: one of Literature and one of Sciences. Eventually the Royal Decree on the teacher training at the university stated that the proper education of prospective teachers at Latin Schools was considered of the greatest importance and that the necessary means should be made available.
Article 1 says that at every state university education will be given in the art of teaching and pedagogy, while article 2 specifies this education. It is to consist of

(1) a separate course of lectures on pedagogy or didactics, which will be half-lectures or courses of half a year. (One distinguished full lectures and half-lectures: a full course of lectures comprised more than two hours a week and lasted a whole year. The admission fee was f30,-. A half course of lectures comprised two hours per week for one year, or four hours per week for one-half year, while the admission fee was f15.-. Every 'science' -the subject matter discussed in a course of lectures- had to be dealt with in a maximum period of one year. MG)

(2) regular practice in all the subjects which the prospective teacher will teach later. These exercises will take place in the Faculty of Sciences as well as in the Faculty of Literature.

(3) finally, article 3 says that the Minister of Home Affairs will be authorized to assign the responsibility for this education to certain professors or lectors at the several universities. In consultation with the university governors he will decide when this education will be available, and the specific regulations for students who wish to be appointed as teachers at the colleges or Latin Schools.

Both Royal Decrees (on teacher training and on the qualification to teach attached to science degrees) were -as mentioned before- prepared by Van Ewijck (1786-1858), who was administrative officer (i.e., head) of the section on education from 1817-1832. From 1815-1818 this section was part of the Ministry of Education, Arts, and Sciences, from 1818-1824 part of the Ministry of State Education, National Industry and Colonies, and from 1824-1923 it was placed in the Department of Home Affairs. From 1923-1965 the Ministry of Education, Arts, and Sciences was again established; in 1965 this was changed to the current Ministry of Education and Sciences.

Van Ewijck obtained his doctorate in Philosophy in 1809 and his doctorate in Law in 1810. In 1817, after several positions in Utrecht, he became secretary of the department of Education, Arts, and Sciences, and in 1818 head of the section on Education. In 1832 he was provincial governor of Drente, and in 1840 provincial governor of Noord-Holland. In 1850 he retired and received the title of 'commissaris des Konings' (Lord Lieutenant). A year before his death (1858) he was also appointed governor of the University in Utrecht.

In the critical period of 1817-1830, Van Ewijck prepared many regulations concerning education, although these regulations did not last long. In 1849 he was chairman of the well-known state committee on higher education, of which Opzoomer was the secretary. In the debates of 1904 the M.P. Roëll said that he vividly remembered Van Ewijck (in Belgium he was called 'le petit homme aux yeux verts'). He was also the
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author of the Royal Decrees of 1825 and 1829, which established the 'Collegium Philosophicum', a state founded seminary, which became one of the causes for the Belgian secession (see page 29/30).

Van Ewijck's commentary on the decision to institute a teacher-training at the university is still worth reading today (see Bolkestein's leaflet of 1915 for the full text). He states that the education of teachers should be geared to the following three points: their teaching skills, their ability to form young people, and their moderate views on religion and politics. On the first and last points he had no complaints, but, he believed that because of the exclusively vocational education the future teacher adopted too much the attitude of the teacher and too little that of the educator. In this respect the grammar schools lagged behind the good primary schools.

The second article contains pedagogy or general methods of teaching, and deals with 'the insight into human nature and more particularly with knowledge of the various dispositions of young people, the duties of teachers, and the most adequate way to bend the nature of the children to the main purpose, namely to form them into respectable, sensible, and active members of society.' It also discussed various ways to teach, etc.

He believed that practical training should consist of frequent exercises in every subject taught at grammar schools and should aim at intellectual development and experience in the art of teaching. As aid to practical training Van Ewijck recommended the local grammar school or industrial school 'over most of the universities now established' (the founding of industrial schools had also been his initiative). According to Bolkestein, his draft decree of 1826 included the idea that prospective teachers should spend an entire schoolday in the local grammar school once a week, starting in the lowest form. However, this provision no longer appeared in the final version of the following year.

Thus the later tripartition in teacher training into 'general didactics' (general methods of teaching), 'specific didactics' (special methods of teaching, of particular subjects), and practice teaching was already -at least on paper- introduced to the teacher-training at the university in 1827. The commentary also extensively discusses the proposition that there should be teacher training at every university and not just at one institution as was proposed by some on financial grounds. Nor should teacher training take place at separate institutes, as had been the case in Paris.

I can of course not precisely recover what how the decree was implemented in the period 1827-1876. The Education Reports, my main sources, contain very scanty data in the early part of this period; later lectures exclusively on theory were included. For instance eleven people are mentioned as having attended the pedagogy lectures given by professor Karsten at
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the course in 1857/58 in Utrecht; in Groningen professor Francken had four students, while in Leiden there were no pedagogy lectures that year. In 1860/61 Karsten had ten students and Francken eight. Cobet in Leiden had seven students and Francken six for the same lectures in 1867/68. There is no information on the practical lessons. At best it is noted here and there that sometimes, under the guidance of a science professor, practice teaching took place in another town, and how thirsty the party was on such a journey.

With regard to the content of the theory lectures, one reads for instance that Xenophon and Homer were discussed with the senior students; such lectures would now fall under special methods of teaching. I could not find anything on pedagogy (general methods), which is not surprising as professors with an entirely different specialization had been instructed to include that subject. In addition to the Education Reports, Bolkestein also searched the Series Lectionum. I think he is too negative about the result, as, although pedagogy was not taught, the methodology of classical language teaching was present.

However, in 1876 pedagogy disappeared from the list of subjects taught at universities, except for the new Municipal University in Amsterdam, where from 1877-1901 lectures on pedagogy were given, with practical exercises. From the commentary on the regulation of the University of Amsterdam it appears that here too pedagogy meant in fact teaching Greek and Latin and not general methods of teaching. Only after 1900 did lectures in pedagogy reappear in the curricula. They were no longer compulsory and usually given by specialized unsalaried university lecturers.

TEACHING QUALIFICATION FOR SECONDARY EDUCATION

The teacher training at the university was meant for those who would teach at Latin schools, but meanwhile a regulation pertaining to qualification of teachers of secondary education had come into being.

As a result of Minister Thorbecke's Secondary Education Act of 1863, which provided for Burgher Schools, Higher Burgher Schools, Higher Agricultural Schools, and Polytechnics (although agricultural schools were only instituted later), provisions had to be made concerning teaching certificates for these schools. It was decided to grant these certificates on the basis of a state examination. This was no doubt the cheapest solution, but whether state examinations without training colleges were the best solution remained to be seen. The fierce criticism of state examinations with no state-financed training-colleges as preparation for these examinations arose only some twenty years later.

The Act of 1863 mentioned the following certificates: (1) two teaching certificates for secondary education in science and mechanical engineering (article 70), where
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certificate B could only be obtained after certificate A, and then only after further study:
(2) certificates A and B for physics (article 71);
(3) certificates A and B for chemistry (article 72);
(4) certificates A and B for agriculture (article 73);
(5) a certificate for Dutch linguistics and literature and history, as well as a certificate for political economy (article 74); and
(6) a certificate for commercial sciences, as well as a certificate for navigation (article 75).

According to article 76, the examination boards received the right to grant separate certificates after an examination in subsectors of the sciences, mentioned in articles 70 and 74; a separate certificate for accountancy could also be granted.

Separate certificates were instituted for each of the three modern languages; for freehand drawing, geometrical drawing, and perspective; for calligraphy; for modelling; and for gymnastics. The boards were also entitled to grant certificates for modern languages other than English, French, and German. According to article 78, a separate examination in educational theory was required, in addition to the certificates mentioned in articles 70-76 and the certificates in modern languages. The examination requirements for this series of certificates are specified in a Royal Decree of 2 February 1864.

Article 82 stipulated that everyone who, according to this law (which instituted Polytechnic School; MG) or according to former provisions, was granted a certificate of engineer, veterinary surgeon, or agriculturist, was qualified to teach in the technical sciences in which he had taken an examination and obtained a certificate. He should, however, also possess a certificate of good conduct. This was required for all qualifications except for the qualification to teach at the Polytechnic School. In this respect the Polytechnic School in Delft was treated as an equal of the universities. Later there were continuous discussions about article 82, as the phrase 'technical sciences in which an examination has been taken' was far from clear.

Some older certificates, based on the Primary Education Acts of 1806 and of 1857, also gave qualifications to teach equal to those in the new Secondary Education Act.

Academics also receive a qualification to teach in secondary education: doctors in the sciences obtain the same qualification as that given by certificate B in the articles 70, 71, and 72. Candidates in the sciences obtain the qualification described in article 70, certificate A.

Doctors and candidates of literature receive a qualification equal to the one mentioned in the first paragraph of article 74, while doctors of law are also qualified to teach economics, as mentioned in article 74. The Act specifies however, that all of the provisions regarding the qualifications of university graduates to teach in secondary
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Schools will be valid only until the new Higher Education Act comes into effect.

According to a transitional arrangement (article 89) even those holding no certificate in engineering, but who are practising or have practised, for example in the service of the country, are granted a qualification to teach technical sciences. This provision was also valid for army and naval officers.

I will not discuss the development of the so-called certificates of secondary education further: suffice it to say that the state committees made much use of the possibility of conferring certificates for subareas (partial certificates). In the Royal Decree of 1864, certificates were specified by the capital letters A-Q, and the partial certificates by a capital K (K I, K II, etc.). Full certificates appear to have been too difficult. According to Bartels (1963) the complete A certificates were similar to a candidate's degree, and the B certificates to doctoral certificates.

In 1879 the certificates for modern languages were also divided into A and B certificates. According to Bartels (1963), the extra examination in the theory of education remained a formality; nevertheless the title in the Act 'On the certificates of qualification' was replaced in 1955 by 'On the certificates of qualification and the proof of didactic preparation', which at any rate made it necessary to examine candidates on this point.

The fact that the law did institute examinations, but no training colleges, was an important problem for secondary education certificates. Especially in the beginning, it was necessary to rely on private institutions with little equipment. In 1912 a Catholic training-college (Katholieke Leergangen) was founded, followed by the School of Language and Literature (School voor Taal en Letterkunde) in The Hague in 1914. After 1945, teacher training colleges were founded in nearly all provinces. In 1958 it became possible also to institute committees for secondary education teacher training at the universities, although this provision is now (1988) to disappear.

Criticism regarding secondary education certificates consisted of three points, namely, (1) the lack of an entrance examination (which was to be introduced in 1934), (2) the limited extent of the studies due to the partial certificates, and (3) insofar as the committees were composed of practising teachers, examination in outdated subject matter.
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UNIVERSITY DEGREES

Occupational licensing attached to university degrees was, as announced in the Secondary Education Act of 1863, made law in the Higher Education Act of 1876. Article 91 (later on article 140) of the Higher Education Act reads as follows:

'The degree of doctor in general gives the qualification to teach and the right to hold offices and to practise a profession as attached to that degree by this and other laws.'

As an initial civil effect the doctor's degree therefore grants an authorization to teach, but the legislators did not specify here whether the jus docendi or the qualification to teach, as I have distinguished these terms, was meant. As the Act nowhere explicitly mentions the jus docendi, in practice the licence to teach would have been be indicated.

In 1920, the article concerned was reformulated. It then read:

'The doctor's degree and the doctoral certificate authorized by this and other laws give a qualification to teach in the subjects mentioned in the certificate, and the right to hold offices.'

In 1920 the doctor's degree was in fact purely an academic degree: from then on civil effect was a concomitant of the doctoral certificate. This version of the article concerned, as decreed by the amendment of 1922, was to remain in force until the University Education Act of 1960.

The qualification attached to university degrees was regulated in two places in the Higher Education Act of 1876, namely in article 16, regarding teaching in grammar schools, and in articles 141, 142, 144, and 146, re teaching in secondary schools.

As for grammar schools, those granted a qualification to teach were, for

(a) Latin and Greek: candidates and doctors of the classics;
(b) Dutch: candidates and doctors of Dutch;
(c) French, German, and English: those having a secondary school teaching certificate (at that time there were no university studies in those fields):
(d) history: doctors of the classics or Dutch;
(e) geography: candidates and doctors of Dutch or mathematics & physics;
(f) mathematics and physics: candidates and doctors of mathematics & astronomy, or of mathematics & physics;
(g) chemistry: candidates and doctors of chemistry;
(h) natural history: candidates and doctors of the earth sciences and mineralogy, or of botany and zoology;
(j) Hebrew: candidates and doctors of theology, or of Semitic literature, or Israelite theologians; and
(k) gymnastics: those having a secondary school teaching certificate.
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Those possessing a secondary school teaching certificate for the 5-year Higher Burgher School were also qualified to teach the subjects mentioned under b, d, e, f, g, and h (this was, for instance, important for engineers). Principals and deputy principals were required to have a doctor's degree of classics.

The Higher Education Act of 1876 gives doctors of law a qualification to teach the basic laws of local, provincial, and state government in the Netherlands, in secondary schools; doctors of constitutional law may teach political economy, statistics of the Netherlands, colonies, and overseas dominions, and the basic laws of local, provincial, and state government in the Netherlands. Doctors of mathematics & astronomy, and those of mathematics & physics receive a qualification similar to the secondary school teaching certificate B mentioned in articles 70 and 71 of the Secondary Education Act of 1863; the doctorate of chemistry has rights equal to the certificate B in article 72 of the Secondary Education Act of 1863; the doctorate of earth sciences and mineralogy, and those in botany and zoology, however, confer only qualification as defined in the secondary school teaching certificate A in article 70 of the Secondary Education Act of 1863. The candidate's certificate and the doctorate in Dutch receive the qualification described in article 74 of the Secondary Education Act of 1863.

The amendment of the Higher Education Act in 1905 brought only minor changes: those who passed a church examination in Hebrew were granted teaching qualifications in that language. Classicists were now allowed to teach ancient history in secondary education, and 'those admitted to the thesis defence' (doctorandi) also received a qualification to teach in secondary education.

In the grammar schools, only after the amendment of the law in 1920, was a doctoral certificate with a qualification to teach required for the subjects Greek, Latin, Dutch, German, and English; also those qualified for the 5-year Higher Burgher School could be appointed in the subject concerned. A similar arrangement was created for the other subjects. For five years after the enactment of the amendment of 1920, those who had passed the examination preceding the doctoral examination (candidates) were still qualified to teach grammar school subjects.

In 1921, a teaching qualification was of course also conferred with the newly instituted doctoral certificates in history and geography. From 1921 onwards the qualifications available were no longer listed in the Higher Education Act, but were placed in the (new) Academic Statute.
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TEACHING QUALIFICATION FOR ENGINEERS

The teaching qualification for engineers from Delft (Technological University) and Wageningen (University of Agriculture) requires a separate discussion. Before 1905, article 82 of the Secondary Education Act of 1863 governed the teaching qualification for both engineers' certificates. This article read as follows:

'Everyone who by authority of this law or by authority of former regulations in this country has obtained a certificate of (chemical) technology, civil engineering, architecture or construction engineering, marine, mechanical, or mining engineering, veterinary surgery, or agriculture, is qualified to teach in the technical sciences in which he has taken his degree. He should, however, also have the certificate of good conduct mentioned in article 25.' 5

Therefore, even before 1863, engineers were qualified to teach those technical subjects in which they had passed an examination. Yet from time to time the interpretation of what was meant by technical subjects led to misunderstandings: for instance, in 1868, the minister determined that cosmography did not belong among these subjects because it was descriptive, not technical in character.

In 1905 the polytechnic school was changed into a technological university. Therefore the relevant articles were moved from the Secondary Education Act to the Higher Education Act. The Faculties of Mathematics & Physics at the other universities tried to use this as an opportunity to bring about a cancellation of the teaching qualification for technical engineers. The series of petitions by these Faculties, the defence by the professors in Delft, and the articles by the editorial staff of De Ingenieur (The Engineer) can be found in the various volumes of that magazine (especially 1904).

The discussion in Parliament on 8 March 1904 went quite smoothly. At that time MP Roëll argued that these articles were no longer the same as those in the Secondary Education Act, because now electrotechnical engineers were also mentioned: the Minister replied that this was a matter of formality (electrotechnical engineers were formerly called 'mechanical' engineers). The Minister could, with some personal experience, also easily refute the argument that engineers were not particularly good educators. Everyone felt that the formulation 'technical sciences' had to be more specific. On this point the Minister could refer to the 'Integration Committee' that began its work in 1903 (the Minister could not foresee that the bulky report, finished in 1910, would be endlessly held over). Thus the article in question was transferred to the Higher Education Act as number 129 (without, of course, agricultural engineering and veterinary surgery). This would have been
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quite a relief for the, by then more than 70, engineers from Delft, who were teaching mathematics, physics, and chemistry.

Article 129 was to remain in the Higher Education Act until the amendment of the law in 1956, in which technological higher education was once again regulated. In 1956, regarding qualification for engineers, one was referred to the Statute of the Technological Universities. In this Statute (included in the Academic Statute in 1963) the amendment of 1957 provided that the technical engineer had also to fulfill additional requirements in order to receive a teaching qualification. The article concerned came into force on 5 September 1961. The alteration of the Academic Statute of 1967 once again repeated that engineers from technological universities who had passed their doctoral examination before 5 September 1961 did not have to meet the separate requirements in order to teach (as introduced in 1952 for other university graduates).

To put it briefly, the conditions for the teaching qualification of the technical engineer, since 1863 described as 'qualified to teach in the technical sciences in which he has taken an examination to get his certificate' were specified for the first time in the Technological University Statute of 1958, which after 1961 was supplemented with the requirement for didactic schooling.

Before 1917, teaching qualifications for agricultural engineers were also (summarily) regulated in the Secondary Education Act under article 82. In the act regulating higher agricultural and higher veterinary education, 'educational theory and methodology of agricultural education' occur on the list of subjects given by authority of the government. Furthermore one reads in article 46, paragraph 6 that the certificates indicated in the first (agricultural engineering; MG) and the third paragraph (veterinary surgery; MG) give the teaching qualification and the right to hold offices by this law and other laws. Article 67 says that those who under this law have obtained the certificate of agricultural engineering have the same teaching qualification as that conferred by the certificate of agricultural engineering.

In the 1958 text of the Higher Agricultural Education Act the two articles are almost identical, without, of course, reference to veterinary medicine, which became part of the Higher Education Act in 1925. 'Educational theory' was still among the subjects taught.

The 1965 Statute of the Agricultural University contains a passage under the heading 'Regulation of some teaching qualifications attached to the certificate of agricultural engineering', now specified for each subject and also supplemented with the requirement of didactic training. This decree came into force on 1 September 1965. In 1967, the legal provisions concerning the Agricultural University
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became part of the University Education Act. In 1970, the Agricultural University Statute also became part of the Academic Statute.

TEACHER-TRAINING AT THE UNIVERSITY 1876-1952

After this short history of the teaching qualification, one wonders what was left of the teacher-training courses at the university, instituted by Van Ewijck in 1827.

The answer can be given briefly: except for a series of lectures at the University of Amsterdam which, however, were mainly concerned with the methodology of teaching the classics, it came to nothing. The secondary school teaching certificates instituted in 1863 were also not coupled to teacher training: the 'teaching certificate Q' (educational theory) had hardly any significance (Bartels, 1963 p. 154).

In 1900, severe and continuous criticism of this situation led to the institution of the 'Qualification Committee' with Campert, inspector for secondary education, as chairman. The report of this committee (issued in 1902) dealt with acquiring qualifications for secondary education. But draft bills from this report were held over, because in 1903 the 'Integration Committee', which was to design new regulations for the entire Dutch educational system, went to work. This report (1834 pages) was published in 1910. It also stressed the importance of serious didactic training for teachers. This report was also held over; a series of draft bills to amend the Secondary Education Act did come, although again without result. As mentioned above, as far as the secondary school teaching certificate was concerned, only in 1955 did more attention begin to be paid to certificate Q (educational theory).

In 1952, 50 years after the publication of the report of the qualification committee, a Royal Decree regarding the teaching qualification attached to university degrees was published. Probably it would be incorrect to ascribe this peculiar course of events exclusively to political defeats, although after 1911 no less than seven bills to amend the Secondary Education Act were held over (the Cals bill would get through in 1963). The real question is whether in the years before World War II enough educational theory was available that could have been applied to secondary education. After the war this situation changed, especially with the appearance of many American textbooks in this country. As far as I have been able to trace, in the previous century lectures in pedagogy mainly concerned the methodology of teaching classical languages. Apparently it was difficult to realize Van Ewijck's term 'opvoedingskunde' (pedagogy).
According to Gunning (1939), until 1882 the lectures in pedagogy at the university of Amsterdam were given by N.J.B. Kappayne van de Coppello, headmaster at the grammar school in Amsterdam, who was appointed extraordinary professor of Greek antiquities and pedagogy (!). His successor at the grammar school, A.H.G.P. van den Es, also became his successor in the extraordinary chair. When Van den Es retired in 1901, the chair was discontinued.

Until 1905 lectures in pedagogy at the Free University were given by professor J. Woltjer who was also the founder and first headmaster of the private (Calvinistic) grammar school in Amsterdam. When (the classicist) Woltjer in 1905 ceased giving these lectures, he had no successor.

In 1898 J.M. Gunning Wzn. (1859-1951), also a classicist, was admitted as 'privaat-docent' (unsalaried university lecturer) in practical and theoretical pedagogy at the state university in Utrecht, after he had unsuccessfully applied as successor to Van den Es. In 1904, (after Gunning had been appointed as school inspector in Amsterdam) he was admitted as an unsalaried university lecturer at the University of Amsterdam, but in 1917 he went again to Utrecht in the same function, where in 1923 he became extraordinary professor. In 1922, the Groningen physician H.G. Hamaker was also admitted to the state university in Utrecht as unsalaried university lecturer in 'experiential pedagogy' (whatever that was).

The headmaster of the grammar school in The Hague, R. Casimir (1877-1957), was appointed to a special chair in Leiden on behalf of this grammar school, in 1918. He was supported by three teachers at the school who read the methodology of teaching the classics, natural history, and science. Casimir had studied in Groningen with the psychologist Heymans, and Gunning considered him a psychologist rather than an educator.

In Groningen in 1913, another pupil of Heymans, H.J.F.W. Brugmans, was admitted as an unsalaried university lecturer in philosophy and later in pedagogy. In 1919 Brugmans became lector in pedagogy: from 1928 until 1954, after the death of Heymans, he was professor of psychology, pedagogy, and psychotechnics (psychometrics). Apart from his study with Heymans he had studied psychology and pedagogy with Claparède in Genève and with Stern in Breslau.

In 1907 P. Kohnstamm (1875-1951) was admitted to the University of Amsterdam as an unsalaried university lecturer in logic and the theory of knowledge, and subsequently, in 1908 he was appointed as extraordinary professor of thermodynamics; he remained in this position until 1920. In 1919 he was appointed to a special chair of pedagogy on behalf of 'de Maatschappij tot Nut van het Algemeen' (Society for public welfare) in Amsterdam, after he had taken the initiative to found the 'Nutsseminarium' (public welfare seminary) there. In 1932 he succeeded Gunning as extraordinary professor in Utrecht, and in 1938 he also
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became extraordinary professor of pedagogy at the University of Amsterdam.

In Nijmegen, immediately upon the institution of that university in 1923, J. Hoogveld (1878-1942) had been appointed as full professor of philosophy and pedagogy, which he had previously taught in Tilburg. In 1929 F.R.L. Sassen (1894-1971) was appointed professor of the history of philosophy and pedagogy. In 1946, he would exchange this chair for the one in Leiden. Beginning in 1939 Sassen was a member, and from 1956-1964 chairman, of the National Council of Education; in 1945/46 he also acted as director-general of education at the Department.

Finally, in 1926 J. Waterink (1890-1966) was appointed extraordinary professor at the Free University: in 1929 he became full professor of pedagogy, psychology, and catechism (he had previously been a minister).

It is obvious from even this brief list that psychology, pedagogy, and philosophy were at first hard to distinguish. Therefore in 1921, the possibility of graduating in philosophy with a major in psychology or pedagogy became part of the Academic Statute. Psychology and pedagogy were subsequently to develop into separate disciplines, separate from each other and from philosophy.

Unfortunately, in the meantime no arrangements had been made for teacher training, not even in 1921, when pedagogy became a discipline at the university. After 1876 Van Ewijck's 1827 'pedagogy' had been officially forgotten, insofar as teacher training was concerned. Now however, unlike the nineteenth century, qualified university lecturers were appointed at all universities. But students who aspired to be a teacher were not obliged to follow their lectures: this was the opposite of the nineteenth century situation, when students were obliged to follow lectures by non-specialized lecturers.

PERIOD 1955-1982

According to a Decree of 1952 that came into force on 1 September 1955, a doctorandus degree in itself would not qualify one to teach; it had to be coupled with proof of sufficient didactic training both in general and in teaching the specific subject for which the qualification was required. The proof could be given before or after the doctoral examination. The candidate should have regularly followed certain lectures in pedagogy, psychology of adolescence, and general methods of teaching, as well as in the methodology of teaching the specific discipline, for at least one year. Moreover, it was also compulsory to attend the lessons of qualified teachers for at least three months and at most six months. For qualified teachers who admitted these student teachers to
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their lessons, the 'mentors', a financial allowance was decreed, beginning on 1 September 1954.

Practice teaching had already been made possible by the local authorities of Amsterdam in 1908 and by the State in 1937; but according to the latter provision the student teacher had to be qualified before he could practice teach. This was due to the great unemployment among teachers in those years.

In 1955 and in 1960, minor points in the Decree of 1952 were changed (in 1955 there were editorial changes; in 1960, the Decree extended the possibility of practice teaching to schools other than grammar schools and Higher Burgher Schools). In the new Academic Statute of 1963, the Royal Decree of 1952 remained almost the same in purpose and content.

Only in 1981 would the teacher training at the university be radically reorganized. A four-month training for teachers, including practice, was then decreed. However, by the time this Royal Decree came into force, the Two-stage Structure Act had already passed Parliament (1981). According to this law new teacher training programs could be instituted at the universities. The General Section of the new Academic Statute further elaborates the possibility of a pre-graduate period of two months and a post graduate period of six months (which was prepared by several working parties and committees from the Academic Council). Meanwhile the post-graduate period has even been extended to twelve months. After a failed attempt by the Minister to shift this post-graduate period from the university to institutes of higher vocational education, serious teacher training seems to be in the offing.

An almost equally peculiar development took place regarding the teaching qualification for engineers in the so-called theoretical-technical subjects in secondary (later: 'higher') technical schools (electrotechnic and mechanical engineering, chemical technology). The qualification for these subjects was first regulated by the Decree on the 'nijverheidsonderwijs' (industrial education) of 1921. In accord with this Royal Decree an engineer was automatically qualified to teach the 'technical subjects that correspond with his certificate': a phrasing similar to the way in which the teaching qualification of engineers had been regulated (or not regulated) since 1863. But the amendment of the Decree in 1935 added that the qualification could only be obtained if after his engineering degree the engineer had had at least had three years of working experience (e.g. in industry) in the subject corresponding to his certificate; all this to the satisfaction of the Minister.

The unemployment during the depression probably influenced the legislators on this point. The Royal Decree of 11 July 1921, which among other things deals with the regulation of salaries, already stated, however, that engineers with two
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years of working experience were equal to engineers who had obtained a doctorate. It is odd, however, that in 1988 an engineer can obtain a teaching qualification in the theoretical-technical subjects after three years of practical experience without even the slightest knowledge of educational theory.

This anomaly probably is a result of the fact that in 1957 (the time that this country, after 130 years, once again saw the need for teacher training) the secondary technical school was promoted to higher vocational education. Since the qualification for higher vocational education had so far only been required for subjects that were also taught in secondary general education, it is obvious that qualifications for specific subjects in higher vocational education were not established. Qualifications are also not needed for a teaching post in a university faculty (the jus docendi having formally lost its function in 1921); therefore, higher vocational education will not stimulate the institution of these qualifications. Education at institutions of higher vocational education will probably continuing to be taken care of by teachers ignorant of educational theory in the future.

SUMMARY AND CONCLUSIONS

Apart from the (later) right to 'execute official duties', the jus docendi probably is the oldest motivation for students to enrol at a university. This jus docendi differs from the modern qualification to teach in that the former is mainly relevant to teaching at the universities themselves, while the latter term primarily concerns teaching at other schools.

There have been attempts in this country since 1815 to institute compulsory teacher training, in addition to subject matter requirements, as part of teacher qualification. The requirements for the jus docendi, especially after the separation of this right from the doctorate in 1921, have been completely neglected, probably due to the increasing importance of research at the university, in comparison with teaching.
1. De letterkundige graden wettigen, zonder eenig nader examen, tot het onderwijs in de vakken, bij de examina tot die graden uitgedrukt. Dezelve worden gevorderd bij allen, die aan het onderwijs op de Latijnsche scholen verbonden worden.

2. ...ontslaat van alle nader examen in de vakken bij het diploma uitgedrukt, bij het bekomen van posten, waartoe anders dergelijke examina zouden kunnen noodig zijn. Wanneer echter het door den doctor bekomen diploma geen uitdrukkelijke en bijzondere melding maakt van het vak, waarin hij geplaatst zoekt te worden, zal het aan zijn keuze staan, om, of zijn doctoraaldiploma op dit punt bij nader examen te ampliëren, of zich aan het gewoon examen bij de daartoe gestelde kollegiën te onderwerpen. Deze graad wordt gevorderd in alle inlanders, welke op een professoraat en lectoraat in de wis- en natuurkundige wetenschappen aanspraak maken.

3. De graad van doctor geeft in het algemeen de aan die graad bij deze en andere wetten verbonden bevoegdheid tot het geven van onderwijs en tot het uitoefenen van ambten en bedieningen.

4. De graad van doctor en het getuigschrift van met goed gevolg afgelegd doctoraal examen geven bij deze en andere wetten daaraan verbonden bevoegdheid tot het geven van onderwijs in de vakken, in laatstgenoemd getuigschrift vermeld, en tot het bekleeden van ambten en bedieningen.

5. Ieder die krachtens deze wet of krachtens vroegere verordeningen hier te lande een diploma van technoloog, civiel ingenieur, architect of bouwkundig ingenieur, scheepsbouwkundig ingenieur, werktuigkundig ingenieur, mijnen-ingenieur, veearts of landbouwkundige verkregen heeft, is bevoegd onderwijs te geven in de technische wetenschappen, waarin hij ter verkrijging van zijn diploma een examen heeft afgelegd. Hij behoort echter daartoe in het bezit te zijn van het getuigschrift van goed zedelijk gedrag, vermeld in artikel 25.
2.3 'OFFICES AND PROFESSIONS'

INTRODUCTION

With the amendment of the University Education Act of 1960 due to the Two-stage Structure Act of 1981, a new article 21b is interpolated, under which the Academic Statute regulates the requirements for obtaining two kinds of occupational qualifications, namely (1) the requirements for the qualification as Master of Law and that as psychologist to be obtained by right of the doctoral examination, and (2) the requirements as qualification of physician, dentist, veterinary surgeon, or pharmacist. The first type of qualification is acquired as a right attendant upon a doctoral examination, and the second in another way.

The term 'hoedanigheid' (recognition of capability) first appeared in an amendment of the Higher Education Act of 1921, where it was intended to differentiate between university degrees and civil effect. Civil effect could be obtained directly or via a supplementary practical examination after certain university degrees. Before 1921 some of these practical examinations (among others those for physicians and pharmacists) already existed, but at the time they were -at least formally- state examinations, not faculty examinations.

Although it is an old custom in this country for law graduates to use the title of 'Meester in de Rechten' (Master of Law), no post-graduate practical examination in or outside the Faculty was instituted. The Reinink Committee (and in particular the Pompe subcommittee; see the Report, 1949) had proposed diverse special examinations in the Law Faculty on the basis of a uniform doctoral examination, but this plan was never realized.

The Rutten bill of 1952 still contained some eight qualifications (law, junior notary, junior archivist, physician, practising psychologist, pharmacist, dentist, and veterinary surgeon) for which requirements had to be further elaborated in the Academic Statute.

But in the new Academic Statute of 1963 one finds provisions on the qualification as Master of Law as a result of having passed the doctoral examination for Dutch Law or notary, the qualification as physician as a result of post-graduate medical finals, the qualification as pharmacist as a result of a post-graduate pharmacy examination, the qualification as dentist as a result of a post-graduate dentistry examination, and the qualification as veterinary surgeon as a result of a post-graduate veterinary-surgery examination. This Academic Statute also mentions a post-graduate practical examination in psychology, but that was never brought into force. The distinction between a university title (Dutch: titel) acquired by taking a university degree, and a recognition of capability (Dutch: hoedanigheid) that reflects the civil effect was, however, not used consequently by the legislators. Thus the law does not mention the 'hoedanigheid'
of teachers, and the amendment of the University Education Act of 1975, article 147 -dealing with titling- mentions even the 'title' Master of Law and the 'title' psychologist, but not the title arts (physician) or dentist. (The latter four terms are not university titles at all, but 'hoedanigheden' or a recognition of capability.)

Be that as it may, in the corresponding article in the Higher Education Act of 1876 'offices and professions' were mentioned:
'The degree of doctor in general gives the qualification to teach and the right to hold offices and to practice a profession as attached to that degree by this and other laws'.

In the 1876 Act these 'offices and professions' were further elaborated for jurists, physicians, and pharmacists.

The Royal Decree of 1815 had also contained a few remarks on 'dignities, exercise of duties, and professions' that were a concomitant of university degrees. There are passages on law graduates, physicians and pharmacists.

In the Higher Education Act, at least in the versions of 1876 and 1905, the notary, the dentist, and the veterinary surgeon are missing. Until 1958 the training for junior notary was, however, not a university training; and dentistry too became exclusively a university training only in 1947. Veterinary surgery had become a university training in 1917, but at a separate university and regulated by a special Higher Agricultural and Veterinary Medical Education Act. When the university of veterinary medicine was converted into a Faculty of Veterinary Medicine (at the state university of Utrecht), veterinary medicine was also included in the Higher Education Act.

The engineer and the theologian too are missing from the list. It is odd that in this country the university title of engineer -in contrast to the US- does not constitute a qualification, even though there are quite a few professions for which in practice technical and agricultural engineers are exclusively suitable (Lintsen, 1980). Licensing laws have, however, not come into force in this country, although the university title 'Ir.' has been protected since 1960. Even after many years of attempts, civil engineers have failed to obtain licensing of the occupation of architect. A bill regarding only the title of 'architect' was, however accepted by Parliament in 1987.

With regard to vicars, priests, and rabbis it is obvious that the qualification to preach and to function as a church official is no business of the state; these qualifications are conferred by the churches. In that sense a theological degree -apart from the teaching qualification- does not have a civil effect, but what is sometimes called 'effectus
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ecclesiasticus', a clerical qualification. The churches are far more conservative in conferring clerical qualifications than the state is with respect to civil effect: the right to confer clerical qualifications is hardly ever delegated to a training college (ordination; postulant examinations).

The Royal Decree of 1815 did stipulate that no one could be admitted as a vicar in the Reformed Church without the degree of 'candidate of literature' (this propaedeutic examination was conducted by the Faculty of Literature), the degree of candidate of theology, and the testamur for exegesis of the Old and the New Testament, dogmatics, Christian moral philosophy and agriculture (two years of study were reckoned for this testamur*). Thus here the state did stipulate some of the conditions for those who wanted to obtain a clerical qualification in the Reformed Church. Article 118 states that provisions regarding similar obligations to be imposed on candidate preachers of other creeds will be made in due time. It goes without saying that such provisions were never made.

Recognition of the capability of a person who has graduated by state or church does not always mean, though, that he can immediately establish himself: civil effect or clerical qualifications can only be put to use if established colleagues are willing to accept the officially qualified newcomer.

In chapter 2.4. I will further discuss the supplementary requirements that in many cases are demanded by professional associations and the authorities.

MASTER OF LAW

In 1815 two doctorates were instituted in the Law Faculty, one in contemporary and Roman Law, and the other a simple doctorate. The qualification as Master of Law attached to the doctorate did not yet officially exist, although since the Republic doctors of Law have called themselves masters and used the title mr. instead of dr. in front of their name. I could not trace the origin of this custom: it might be connected with the mastership in the guilds, or with the French 'maître'.

The right to appear as a lawyer in one of the Courts of Law could only be given to the holder of the normal doctorate, and, of course, also to those who had taken a doctorate or a licenciate under the earlier Laws of the Republic. The simple doctorate (instituted on behalf of foreigners and those who wanted a university title!) did not qualify one to act as a

* Agriculture was compulsory for students in theology till 1830: ministers could thus assist villagers in their agricultural troubles. Professor Siegenbeek wrote that a course in midwifery should have been more to the point (Huizinga, 1914: p. 56).

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lawyer, but provided exclusively 'such rights as mentioned in the certificate. The execution of offices and public duties open to owners of either doctorate will be established by separate decrees.'

At first the Higher Education Act of 1876 again distinguished two doctorates, but now with equal rights: one of civil law and one of constitutional law. Only the latter - at least according to the Higher Education Act - was accompanied by a teaching qualification.

The first doctorate gave the qualification in compliance with existing provisions - to enrol as a lawyer and to be appointed in legal professions for which, according to the Judicial System Act, the 'degree' (not 'title') of Master of Law was required, as well as for posts of judicial functionary or for civil service in the state colonies and overseas dominions. This last position also involved further requirements, which among others included a supplementary colonial examination instituted in 1876. There was also a teaching qualification attached to this degree.

In 1905 'those admitted to the promotie' also received a teaching qualification, but for the other offices the doctorate was compulsory until 1921. In that year civil effect was attached to all doctoral certificates. The coupling of civil effect to the doctorate instead of to the doctoral certificate or to a specific state examination had regularly caused problems for the Law Faculty. In 1815 it was not permissible to obtain a doctorate on (separate and short) propositions (called 'stellingen'), it was allowed in 1840, not allowed in 1876, and again allowed in 1895. In 1921 it was again made impossible, but by this time the civil effect was attached to the doctoral certificate.

In 1920 the so-called split doctorates disappeared. After this only one doctorate per faculty was to be available. The judicial doctorate was then called a doctorate of law ('rechtgeleerdheid' instead of 'rechtswetenschap'). The earlier doctorates in civil law and constitutional law were abolished. Now it became necessary to stipulate that only the degree of doctor of law, obtained after having taken the doctoral examination in Dutch civil and commercial law, constitutional law and criminal law, qualified one to practise as a lawyer or to be appointed in legal professions. But by 1921 the qualification as 'meester in de rechten' (Master of Law) was already attached to the doctorandus degree of Dutch law (and therefore not to the certificate of South African law, or that of the independent study), so the doctorate became purely a university degree. The attempt by the Reinink Committee (1949) to institute a separate postgraduate specialist examination failed.

The conditions to be appointed to the bench or as a public prosecutor are defined in the Judicial System Act of 1827. According to the first few versions of the act, it appears

* See note on page v.
that attaining a certain age and/or the passing of a specific number of years after obtaining the doctorate was often required. So magistrates and assessors had to be at least 25 years old when appointed, as did judges, officers, registrars, and deputy judges in a district court; while councillors, attorneys general, solicitors general, and registrars at the court had to be at least 30 years old and had to have graduated five years before the appointment. One could only be appointed to the Supreme Court if one were 35 or more years old, and had graduated at least ten years before.

Slagter et al. write that in the past, appointments usually took place after many years as an unpaid volunteer, and that candidates from the upper classes were preferred, conventionally well-mannered, churchgoing, and politically conservative (Beroepenmonografie lid rechterlijke macht, 1980, p. 24). Since 1957 this lengthy period as a volunteer has been replaced by a postgraduate training of no less than eight years, of which the first six years are somewhat euphemistically called the 'basic training', and the last two years are spent as an assistant to the bench or as a deputy public prosecutor. If one is accepted for this training by a selection committee consisting of members of the judiciary, one is paid as a civil servant. It has not become clear to me which candidates are now preferred.

The selection and further training of jurists for the Courts of Appeal and the Civil Service Tribunal takes place in a similar way, while for the other branches (e.g. administrative and military law) there is no specific training. The above-mentioned selection committee can also admit jurists who have graduated at least six years before (a minimum age is not required) to the training for judge or counsel for the prosecution. For this category a part-time training has been instituted, in which the Study Centre for the Judiciary in Zutphen plays an important role.

At first the conditions for being called to the Bar were specified in the Judicial System Act, of which a derivative was the so-called Code III, the code of order and discipline for lawyers and solicitors (1839, 1929). In 1952 the Lawyer's Act passed Parliament, which made the code of order superfluous: the Bar was given the authority to issue regulations with a statutory character. This peculiar development was made possible by a constitutional amendment of 1938, when a fifth chapter 'On public bodies for professions and enterprises' (artt. 159-161) was included. According to these constitutional articles, for certain professions and enterprises or groups of thereof, as well as for professions and the business community in general, the law can institute bodies to establish rules. The law can give such bodies statutory authority, albeit that regulations that oppose the law or are against the public interest can, according to certain rules, be suspended and annulled (chapter 2.4).
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Thus the Lawyer's Act has set up a statutory organization of lawyers and solicitors with the authority to issue regulations and with its own disciplinary jurisdiction. According to article 17 of the Act, all of the lawyers registered (at a court) in the Netherlands together make up the Dutch Bar. Thus membership is compulsory. Initially, however, there was a failure to record the protection of the terms 'advocaat' (lawyer) and 'procureur' (solicitor). This omission was corrected in 1968 (articles 9a and 69a).

To date this 'new-style-guild' has established some ten regulations (on bookkeeping, on questioning, on fiscal specialization, on pensions, on cooperation, and on partnership in practice and lawyers in employment). For my purpose the regulation regarding trainees is the most interesting, because it had cut the immediate link between a university degree and civil effect.

At first (1955), the intention of the regulation on trainees was that the recently graduated jurist would practice three years as a trainee with an employer who himself had practised law for at least seven years. During that period the trainee was not allowed to receive supplementary income, and the period of training was to be completed by a vaguely formulated examination. Although both latter provisions were nullified by a Royal Decree in 1955, the compulsory traineeship remained.

As far as I know, the example of the Lawyers' Act has to date been followed only by the Order of Accountants (see below), who in 1962, on the basis of an act on chartered accountants, also organized themselves as a statutory body.

NOTARY

In 1958 a new article 142 appeared in the Higher Education Act. The qualification as Master of Law, obtained on the basis of the doctoral examination for notaries, now gives -except for further requirements by the authority of this or other laws- the qualification needed to be appointed as a notary.

In 1959 this act was to be followed by a Royal Decree according to which a separate doctoral program for notaries within the Law Faculty was included in the Academic Statute.

The Act on Notaries (1842) replaced the earlier French provisions on notaries. According to this 1842 act, qualification was obtained after a two hour examination, held by two members of a provincial court, assisted by the attorney general or solicitor general. The doctor or the licenciate of law was questioned for only one hour, on practical subjects. In 1878, after several amendments of the law -e.g. due to the abolition of the provincial courts of law in 1875- the candidate could be appointed as a notary only after he had worked for two years in one or more
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notaries offices. In 1904 this period was lengthened to three years. From then on those who passed the state examination were to be called 'candidate-notaries'. In addition, since 1904 not everyone (older than 25: having done his national service, and being of good moral conduct) was granted permission to sit for the examination; only those who had taken a preparatory examination similar to the final examination of the Higher Burgher School, were to be admitted.

The Act on Notaries does not give the status of public body with statutory authority to the fraternity of public notaries. This would be wrong, because the notary is a civil servant, albeit unsalaried. Further, the supervisory boards that have disciplinary jurisdiction are composed only in part of members of the fraternity. The chairman is the presiding judge of the court or another judge, while of the other four members two are appointed by the notaries and the other two by the Minister.

PHYSICIAN

According to the act of 1 June 1865, regulating the conditions for obtaining a qualification as a physician (or as pharmacist, assistant pharmacist, student pharmacist, and midwife), those who passed the then newly instituted medical finals received the right to use the (new) title of 'arts' (physician).

These 'medical finals were conducted at least twice a year by a state committee; a state examination therefore, for which the members of the examination committee were appointed each year by the crown, and the place and time were determined by the Minister of Home Affairs. The medical finals were preceeded by another state examination, the examination in 'physics' (see below). This was also conducted twice a year by a state committee. Those who had passed the preparatory examination for the study of medicine at a Dutch university (this was the propaedeutic, given by the Faculty of Mathematics & Sciences) were exempted from the sections on physics, chemistry, and botany, in the 'examination in physics'. Candidates in medicine were exempted from the new medical finals. Only those who could, before the committee, give sufficient evidence of their knowledge of Dutch, Latin, French, and German (not English), and of mathematics and algebra, as preparation for practicing physics, were admitted to the examination in physics.

The examination in 'physics' covered: a. physics; b. chemistry; c. botany; d. zoology and mineralogy; e. pharmacology; f. anatomy, comparative anatomy and physiology.
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The medical finals covered: a. pathology and pathological anatomy; b. pharmacology; c. hygiene; d. forensic medicine; e. medicine, surgery, and obstetrics; f. pharmaceutics.

The examination in medicine, surgery, and obstetrics was theoretical and practical. Evidence of a certain amount of practical knowledge was required, including time at the sickbed, execution of surgical and obstetrical operations, and making up prescriptions. For admittance to the medical finals, the candidate had to have a statement from a qualified physician that he had for at least two years provided medical and surgical treatment for the sick, and evidence that he had, in the presence of a obstetrician and in this country, executed at least ten normal and two special deliveries.

This was not the first time that the state had become involved with the practice of medicine: On 12 March 1818, an Act to regulate the content of the practice of various branches of medicine was entered in the statute book.

This act instituted provincial and local committees of medical investigation and supervision. It was their task to supervise the capability and qualifications of medical practitioners. (In some towns such committees had already been instituted in 1798.) The committees were authorized to hold examinations for town, country, and ship's surgeons, obstetricians, pharmacists, midwives, eye doctors, tooth drawers, and chemists or herb merchants.
The doctor of medicine does not appear on this list: he derived his qualification to practice internal medicine throughout the state from his medical doctorate taken at one of the Dutch universities. Nevertheless doctors of medicine, even if they had also taken an extra doctorate in surgery, obstetrics, or pharmaceutics, were not allowed to practice these branches of medicine simultaneously. In the country they were allowed to dispense medicines to patients, and there it was sometimes possible to combine several branches of medicine (a medical doctor usually did not live in the country, however). It goes without saying that the committees of investigation and supervision were chiefly made up of medical doctors.

With the Thorbecke Act of 1865 (at the same time, an act on medical state supervision which in 1901 became the Public Health Act, and an act on practising medicine were proclaimed), the new physician was qualified to practice medicine in its entire scope throughout the state. In the Republic therefore, in addition to the doctors of medicine, there were a great number of practitioners in the subareas of medicine. These practitioners had been trained in the guilds via an apprentice system. In 1822 a School for Military Physicians was founded in Utrecht, and beginning in 1823 a number of clinical or medical schools came into being in this country. They prepared students for the examinations conducted by provincial committees. In 1830 a Royal Decree
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made it possible to take such an examination without having attended a course at a clinical school. Undoubtedly many established physicians would then have accepted pupils; as a result, around 1840, in spite of the provincial committees, medical education got completely out of hand.

With the enforcement of the Act of 1865, the clinical schools in Hoorn, Alkmaar, Haarlem, Middelburg, and Rotterdam disappeared, as these institutions were not able to train pupils to the level required by the new state examination. The clinical school in Amsterdam merged with the (rudimentary) medical faculty at the Atheneum, as well as the school for military physicians that had been moved to Amsterdam in 1868.

With the amendment of 1874, two examinations in 'physics' were required instead of one, and in 1878 a distinction was made between a theoretical and a practical section in the medical finals. Now the Science Faculty was also authorized to hold the first examination in physics, while the Medical Faculty was authorized to hold the second examination in physics and the theoretical part of the medical finals. Because of these amendments it became impossible to obtain a qualification to practice medicine without taking university examinations. Of the state examinations, only the practical section of the medical finals remained.

At first the state committees were manned by practising physicians. Hardly any members of the medical faculties participated, but by 1878 there was only one remaining state committee, which met alternately in Amsterdam, Leiden, and Utrecht, while its members were recruited from the teaching staff of the medical faculties. By 1885, four state committees had already been instituted, one at each university. It goes without saying that state examinations had then in fact become faculty examinations. In 1922 the state committees also formally disappeared.

From the beginning, the Act of 1865 was criticized on two points. The first concerned the state committees: many people thought it undesirable that a doctor of medicine would in future be qualified to practice medicine only after he had taken a supplementary examination before a committee with no members from the Medical Faculty. I have said earlier how that situation changed in fact in 1885, and formally in 1921/22.

The second issue was more problematic: the physician's qualification to practice medicine in its entire range. Before 1885, medicine was divided into a number of subareas, for which one could acquire separate qualifications. But many practitioners were insufficiently trained, and the clinical schools, the most important suppliers of country physicians, could not provide the education necessary to practice medicine in a modern way.
Winkler (1901) and in his footsteps Goudsmit (1978) wrote that at this time (1876) a professional unity came into being among the university-trained physicians, as the doctorates in surgery and obstetrics which formerly had followed the doctorate in medicine disappeared. This is, however, formally and probably also factually incorrect, as until 1921 it was still possible to take doctorates in surgery and obstetrics after the doctorate in medicine. According to the Educational Reports, certainly a number of doctors of medicine made use of this in the first ten to twenty years after 1876. But probably even before 1900 no one entered these two specializations.

This is not surprising, because civil effect was coupled to the state examination, not to the doctorate. Meanwhile the need to reach a division of labour between general practitioners and specialists once again grew.

According to Goudsmit (p.51), based on an article by Vroege, the number of specialists in the Netherlands in 1890 was 54, and 567 in 1915. In 1906, the Society for the Advancement of Medicine (Dutch Medical Association, founded in 1849), instituted a polyclinic committee to establish criteria defining a specialist, and who could consult a specialist. In 1930, a regulation came into force which allowed the Dutch Medical Association to take care of the registration of specialists. After World War II this initiative was to lead to supervision and recognition by the (now Royal) Dutch Medical Association, albeit by means of a special committee on the training of specialists, with little or no state involvement.

Unlike the Bar or the Order of chartered accountants, the Royal Dutch Medical Association continued to be governed by private law. This meant that the institute to settle differences, set up within the Dutch Medical Association in 1903, had to get a more solid legal basis. Because it was governed by private law, membership in the Association was not compulsory for all physicians, and the strongest sanction was cancellation of membership.

Therefore, in 1921, special medical disciplinary rules came into force. By an amendment of 1951, in addition to physicians, dentists, and obstetricians, these rules also became applicable to pharmacists. The Society for the Advancement of Pharmacy had previously tried to set up disciplinary rules, but these had the same drawbacks as did the institute within the Medical Association. The supervisory boards consisted of four physicians, with a jurist as chairman: on a matter regarding dentistry it consisted of two physicians and two dentists, or in the field of obstetrics two physicians and two obstetricians. On matters of pharmacy it consisted of four pharmacists. An appeal before a court of law was possible.
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DENTIST

In 1865 it was apparently the intention of the legislators to merge the separate occupation of 'tandmeester' (toothdrawer), just as that of eye doctor and obstetrician, in the qualification of the new physician. But in 1876 another Act followed, setting out the conditions for obtaining a separate qualification to practice dentistry.

The conditions to become a qualified toothdrawer established in this act comprised six articles which made it possible to obtain (without prejudice to the qualification of physicians to practice dentistry) to obtain the qualification in dentistry by a separate examination. In 1878 the articles on the conditions disappear from this act and are included as art. 8-10 in the Act of 1878 that stated the conditions under which one could obtain a qualification as physician, toothdrawer, pharmacist, obstetrician, or assistant pharmacist. The four articles on the practice of dentistry live on only in a separate act.

Before 1865 one became a toothdrawer after having passed an examination conducted by the provincial committee on medical investigation and supervision. As far as I could trace, there were no training colleges; in any case, the clinical schools did not mention training in dentistry. The state examination in dentistry (1876) included:

a. the anatomy of the teeth, sockets, and the gums;
b. the physiology of these parts;
c. the hygiene, pathology, and medicine of these parts, including the diagnosis of diseases of the teeth, sockets, and the gums, the cause of which is either general or comes from other parts;
d. pharmacology and pharmaceutics, insofar as necessary to prescribe local medicines for the diseases mentioned above;
e. dental surgery and the placing of artificial teeth and dentures.

Anyone could take this examination, but candidates in medicine and those who had passed the second examination in 'physics' are exempted from the subjects mentioned under a. and b.

In 1878 the examination in dentistry was split into a theoretical (subjects a-d) and a practical section (subject e); the medical faculty now conducted the theoretical examination. The theoretical examination was a precondition for the practical examination, and only open (in 1892) to those who had the right to take university examinations or the first examination in physics. In 1877 dr. Dentz was the first appointed lector in dentistry in Utrecht.

In 1913 the title of 'tandmeester' (toothdrawer) was cancelled: those who had passed the practical examination were now allowed to call themselves 'tandarts' (dentist).
addition, the subject matter of the examinations changed somewhat. When the profession of toothdrawer suddenly disappeared in 1913, the practising toothdrawers (dental technicians) were left without work. Therefore, those who had practised before 1913 had the opportunity to take a state examination up to three times in order to acquire the qualification to make moulds of the mouth and to fit artificial teeth or dentures. See also the Act on Dentistry (1955), which provided for a drastic reduction in the number of unqualified people working under the guidance of a dentist.

In 1913 the practical examination in dentistry included:

a. dental treatment on a manikin;
b. diagnostics, pathology, and therapy diseases of the mouth and teeth;
c. pharmaceutics necessary for the prescription of locally active medicine for the diseases of the teeth, sockets, and gums, insofar as these derived from diseases of the teeth; and
d. the preparation and fitting of artificial teeth and dentures.

The theoretical examination was divided into two parts, and included for part I:

a. the basic principles of anatomy;
b. general pathology;
c. the basic principles of histology;
d. the fundamentals of physiology; and
e. pharmacology.

Part II:

a. special anatomy of the face, the teeth, and the oral cavity;
b. the basic principles of anatomy;
c. pathology and pathological anatomy of the teeth and the oral cavity;
d. bacteriology of the oral cavity;
e. metallurgy; and
f. dental treatment on a manikin.

The candidate's certificate in medicine or from the second examination in 'physics' exempted one from the first part of the theoretical examination, as well as from the subject of surgery. The practical examination remained a state examination. Those who were admitted to the faculty examinations in medicine or the sciences, or who were admitted to the technological universities, could take the first theoretical examination. In 1922, in addition to those who had passed the theoretical examination, those who had passed the new doctoral examination in dentistry, as proclaimed in the Academic Statute, were also admitted to the practical examination. This doctoral examination was only to be introduced in 1947. That same year the examination in dentistry also became a faculty examination: the non-university road to a certificate.
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in dentistry, which had in fact already become impossible, was now completely blocked.

PHARMACIST

Before 1877, pharmacists were trained by means of a sort of apprentice system, after which one could take an examination before one of the provincial committees for medical investigation (1818). In addition to this system there were also university trained pharmacists: doctors of medicine who had also taken a doctorate in pharmacy. During the period 1815-1877, however, only five doctors of medicine appear to have taken a doctorate in pharmacy (Van Lieburg, 1987). Since 1845 there also had also been a training college in Utrecht for military pharmacists in the Dutch-Indonesian army; this was closed in 1908.

The act of 1865 providing the conditions to obtain the qualification as a physician, pharmacist, assistant-pharmacist, apprentice pharmacist, or midwife also had a few sections on the qualification of pharmacists. This qualification could be obtained after (1) having practiced as an assistant pharmacist for at least two years, and (2) after having passed a theoretical and practical examination in chemistry and pharmaceutics that included:

a. knowledge of medical plants:
b. pharmacy:
c. pharmaceutics:
d. the practice of pharmaceutics, including in the laboratory;
e. the diagnosis and the tracing of poisons.

Those who had taken a doctoral examination in pharmacy (although that would only be introduced in 1876) and were admitted to the doctorate, had only to complete the practical examination, 'until the Higher Education Act decides otherwise'.

One became an assistant pharmacist after having passed an examination in 'physics' open to those who could give sufficient evidence of knowledge of Dutch, Latin, French, German, and of mathematics and algebra, insofar as needed for the practice of the sciences. The examination for assistant pharmacists covered the following subjects:

a. physics; b. chemistry; c. botany; d. zoology and mineralogy; and e. knowledge and ability to prepare prescriptions.

Until the Higher Education Act was enforced, candidates of the Faculty of Mathematics & Physics were exempted from this examination. They could, however, become assistant pharmacists only after they had demonstrated the knowledge and the ability mentioned under e.

For the apprentice pharmacist an examination was instituted that included Dutch, Latin and arithmetic, as well as proof
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of the knowledge and ability to compound medicines. The military pharmacist also had to meet the requirements of this law.

According to the amendment of 1874, the examination for assistant pharmacist was divided into an examination in physics and a practical examination, which in practice was already the case. At the same time 'mathematics and algebra' were changed into 'geometry and algebra'.

In 1878, articles 11-15 and 17 of the Higher Education Act of 1876 were reformulated. Under this law the title of pharmacist was received after the 'practical pharmacist' examination, before which one should have worked for at least two years under the guidance of a qualified pharmacist. This practical examination was open to those who had a doctorate in pharmacy, or were admitted to the doctorate in pharmacy (the doctorandi).

The theoretical examination was conducted by the Faculty of Mathematics & Sciences, and included (1) pharmaceutics; (2) toxicology; and (3) analytical chemistry. Those admitted to the theoretical examination were to have passed the first examination in 'physics' (see 'Physician'), and to have given evidence of their knowledge of the basic principles of zoology and mineralogy. The assistant pharmacist also had to take a state examination. He had to be 18 years old and to be able to make up prescriptions. The apprentice pharmacist had disappeared from the law.

These provisions remained in force until 1922, when the examination in pharmacy formally became a faculty examination. I do not know exactly when the practical examination in pharmacy was in fact conducted by the faculty; its use was similar to that of the medical finals (see above). The assistant pharmacist first appeared in 1907.

In 1865, an act regulating the practice of pharmaceutics was issued that has since been repeatedly amended, and in 1958 was replaced by the act on the supply of medicines. Before 1865, the supervision of pharmaceutics was a task of the provincial committees. The first professor of pharmacy in this country was H. Wefers Bettink, who was the successor of G.J. Mulder as director of the military training college for pharmacy in Utrecht. In 1877, Bettink was appointed professor at the State University of Utrecht. Chairs at the other universities soon followed.

VETERINARY SURGEON

The examination for veterinary surgeon is a faculty examination, held after the doctoral examination in veterinary medicine. Although through the years the examinations have changed drastically in number and content,
the examination for veterinary surgery was already a faculty examination in the law of 1917 (under which the agricultural and the veterinary universities were instituted). This remained so when in 1925 the veterinary university was changed into a Faculty at the State University of Utrecht.

One must look back to the university's predecessor, the state School of Veterinary Medicine, and to the Act that regulated education in veterinary medicine and the conditions for obtaining the certificate of veterinary surgeon (1874), to see that the veterinary examination was then a state examination. It was conducted by a committee, members of which were appointed by the crown for three subsequent years.

The other examination, the so-called examination in physics, was a school examination. It is true that certain persons, for example assistant pharmacists, pharmacists, and candidates of medicine could sometimes be exempted from part of the examination in physics, but the impression is primarily that of a school examination. It is probable that one would seldom or never have taken the veterinary examination without having attended the lessons at the school for veterinary medicine.

The predecessor of the state veterinary school, the veterinary school, was founded in 1821 and financed by the Agricultural Fund, a special tax on horned cattle. In 1831, the school was taken over by the state.

The civil effect attached to the veterinary degree was based on the act regulating the practice of veterinary medicine (1874) that was cancelled upon the enactment of a law on practicing veterinary medicine (1964). But the act that regulated state supervision of veterinary surgery and the veterinary police (the 'cattle act') under which, among other things, county veterinary surgeons without practice were appointed, dated from 1870, so state involvement in the practice of veterinary medicine dates from before 1874.

In 1821, the military horse veterinarians had exerted pressure to institute a veterinary school in this country. It is obvious that the state would have appointed graduates from this school. For a long time, though, veterinary surgeons had to struggle with unqualified practitioners of veterinary medicine. Later the veterinarians' sphere of activity was extended by the Meat Inspection Act (1919) and the Milk Decree (Food and Drugs Act) of 1929.

ACCOUNTANT

The accountant's training is primarily a non-university course of approximately eight years, following secondary education or the School for Business Administration and Economics, given by the Dutch Institute of Chartered Accountants; alternatively, there is a post-graduate course intended to follow a doctoral degree in business or fiscal economy, which meets one day a week for about two years.
OCCUPATIONAL LICENSING

The Chartered Accountants Act, however, has been made analogous to the Lawyers Act (1962). The predecessor of this Act was the national diploma for business and administration (1925): although a bill on accountants introduced as early as 1939, this was withdrawn.

Under the 1962 law the Order of Chartered Accountants formed a public body with statutory power. Although the practice of chartered accountants was defined as accurately as possible, it appears that the definition was less sound than that of the lawyers.

In 1972 this led to a new act on accountants-administration consultants (in an earlier draft: accountants for small and medium-sized businesses). This concerned training at the level of higher vocational training. The Order of Accountants-administration consultants did, however, not receive the status of a public body with statutory power. When the law came into effect in 1974, it provided that, beginning in 1979, the name 'accountant' could be used only by chartered accountants and by the accountants-administration consultants.
2.4 EXTENSION AND EROSION OF CIVIL EFFECT

DISSOLUTION OF THE GUILDS; RISE OF VOCATIONAL EDUCATION

Under the Royal Decree of 23 October 1818, the guilds—after long hesitation by the King—were definitively dissolved. Actually, the Decree touched only the craft guilds, as the older merchant guilds, the shooting associations, and the religious guilds had already largely disappeared (Van Eeghen, 1965). In this country the craft guilds had already been dissolved in 1798, but during the French occupation a number of guilds had recovered (Wiskerke, 1938).

With the promulgation of the Royal Decree of 1818 a period of freedom of enterprise set in, just as in the surrounding countries, which was to last into our century. The 'quality principle' was still preserved, though, insofar as matters of primary importance were concerned, such as health, culture, and security of property: in these areas the requirements for expertise were maintained (medicine, education, and notaries). Everywhere else the tests for qualifying certificates were cancelled (ch. 2.1).

The most important issue for my purpose is the disappearance of the apprentice system organized by the guilds and the rise of the schools for vocational education in the nineteenth century (Goudswaard, 1981). At first such vocational training distinguished itself from secondary general education above all by a strong association with business firms, manifested in the private enterprise under which the schools were founded. It was to be a long time before these schools were, at least partially, taken over by the state or local government.

The certificates of the schools had no civil effect equivalent to that conferred by the guilds upon those who had passed their master's test. Everyone—whether or not he had been shown to possess the necessary skills—was free to practise a profession or to run a business.

UNIVERSITY GRADUATES

The upheaval that accompanied the Decree of 1818 scarcely affected the training and practice of university graduates. This is obvious, since university graduates had not organized themselves into guilds before 1818 (or 1798), nor did they use the apprentice system. Although in some cities, for instance in Amsterdam, the learned doctors of medicine had organized themselves in a guild-like organization (the Collegium Medicum), that organization was primarily instituted because of the continuous conflicts with the guild of the surgeons. The Collegium Medicum never had been a guild in the proper sense of the word. Haver Droze (1921, p. 7) says that the Collegium Medicum was a committee for municipal supervision on the practice of medicine—comparable to the supervisory state committee on medicine in his time—with which all those belonging to the medical profession had
CIVIL EFFECT: CONCLUSIONS

to register. It is not surprising therefore that the members of such a Collegium usually became part of the municipal and provincial supervisory committees on medicine that were instituted at the time.

However, the decree did not completely ignore university graduates: the specification of the three sectors mentioned in itself indicates that the time when a university graduate was in the first place a member of the learned class, within which few distinctions were made, was over. In the early part of the 19th century doctors of medicine, law, and theology were not allowed to teach science at Latin schools (1827).

Even earlier there had been attempts to prevent theologians from practising medicine, or jurists from mounting the pulpit (Frijhoff, 1981). The learned classes specialized and university training began to show characteristics of vocational training. It was however not until 1876 that the testamurs were abolished and the pretence of general education disappeared. It is nevertheless obvious that university training originally was a general education. In former centuries the university graduate—almost without regard to his specific doctor's certificate—had been asked to solve the most widely divergent problems.

THE REVIVAL OF THE GUILD SYSTEM

The consequence of the decree of 1818 was that, with the exception of a few social sectors, there was no longer any recognition of professional skill. Many regretted this and wished to return some order to businesses and professions. According to Steenkamp (1972) there were five attempts to restore parts of the former guild organization:

(1) the act on the Chambers of Labour in 1897. These Chambers were made up of half employers and half of employees. They were charged with the preventing of work disputes and with advising the government on work disputes. After a couple of years they disappeared.

(2) bills on the Councils of Bakers, and the Labour Councils during the first World War. The first bill was, however, withdrawn; Labour Councils would remain limited to action regarding social security. However, a number of collective labour agreements gradually came into being, beginning with the building industry in Amsterdam in 1894. These collective agreements received a legal basis in 1927. Collective agreements, however, rarely touched on training.

(3) the Joint Industrial Councils Act of 1931. The authority of this law was, however, negligible.

(4) the Woltersom organization during the occupation. This organization disappeared after the war.

(5) the Act on Statutory Industrial Organization (1950). This was preceded by the constitutional amendments of 1922 and 1938, according to which, by force of law, public bodies other than those mentioned in the Constitution (municipality,
CIVIL EFFECT: CONCLUSIONS

province, and district water board) could also obtain statutory power. In 1938, several articles were included in the Constitution that made it legal to institute public bodies for industries and professions in general, and for specific professions and businesses in particular, so that they could exercise control.

According to Van Rhijn (1968) three principles provide the basis for the Statutory Industrial Organization Act of 1950: (1) the sovereignty of private sectors: according to this point of view of the anti-revolutionary party, every sphere of life, and therefore also trade and industry, should insofar as possible regulate its own affairs, because such groups link up with the Divine order of Creation; (2) the Roman Catholic subsidiary principle, which established that lower bodies of the community should be left to do what they can do equally well or better than a higher body; (3) the -socialist- principle of functional decentralization, according to which, with increasing government involvement, functional bodies are necessary in addition to the territorial bodies, to take up tasks delegated to them by the government.

However, the Statutary Industrial Organization Act of 1950 and the system of Commodity Boards and Industry Boards based on this act were largely unsuccessful, according to both Steenkamp and Van Rhijn. Although it is beyond the scope of this overview to trace the causes of this failure it is obvious that the principle of a corporate state, following upon the fascist interpretation of this idea, had very little appeal.

Be that as it may, the attempt to revive part of the old guild system resulted in new requirements concerning occupational skills. Though it had been agreed that the 'Boards' would have no authority concerning business licensing requirements, a separate bill on the establishment of small business had already been enacted in 1937. This law came into force against the background described above. In 1954 it was succeeded by the Establishment Act, which in 1971 was largely replaced by the Establishment Act on Retail Trade. For this overview these Acts are only important insofar as they demanded new requirements concerning occupational skills.

THE ESTABLISHMENT ACTS AND CIVIL EFFECT

In this country it is only permissible to practise a certain trade or profession if one meets the requirements recorded in the Establishment Acts; therefore, occupational licensing is in fact regulated by these acts. The Establishment Acts initially also required financial capacity, but this requirement was cancelled later. The only requirement left is that of occupational skill and/or business knowledge.
Therefore the number of occupations to which civil effect is attached has been expanded enormously, especially with regard to non-university occupations. Further, in the course of time a number of separate laws concerning occupational licensing for particular occupations, such as the Act on Driving Instruction for Motor Vehicles (1974), and the Act on Paramedical Occupations (1963) have been passed by Parliament.

Since in this country the occupational licensing of people in various occupations has been regulated in totally different ways by numerous acts, it would not be excessive to make an extensive overview. This overview could, for instance, include the Acts on Patent Agents (1910), the Insurance Mediation (1952), the Registered Nurse (1921), the Orderly (1963), and the Real Estate Agent (Commercial Code, articles 62-70).

EROSION OF THE CIVIL EFFECT

In addition to the effects of the extension of civil effect to occupations that earlier, beginning in 1798/1818, could be practised by anyone, the traditional civil effect attached to certain university certificates has been considerably undermined by the supplementary requirements often prescribed by professional associations. I gave a few examples in the former chapter.

Apart from the requirements of professional associations, which do not always have a legal basis, the prospective professional usually also has to deal with a series of regulations in connection with social planning, frequently of a local character. Establishing oneself in a particular place as a veterinary surgeon, a general practitioner, or a pharmacist means a long series of negotiations with the professional association, local government, and already established colleagues. The civil effect acquired at the university is only a first step to actual use of the qualification concerned.

One might ask whether a reorganization such as took place in 1798 and 1818 would not be appropriate, especially since the opinion that occupational licensing is no longer primarily in the interest of the public, but mainly in the interest of the established professions themselves is gaining ground, particularly in the USA, and may become more widespread.
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