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Paratextual presentation of Christopher St German's *Doctor and Student* 1528–1886

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1. Presenting text through paratext

The concept of *paratext* (Genette 1997) refers to the elements that present, explain, and promote the book or text. Paratextual elements can be divided into two categories based on their location: *peritextual* elements are found within the book itself (e.g. prefaces, tables of contents); *epitextual* material is related to the book but outside it (e.g. reviews, advertisements). The verbal and visual forms of paratext are re-shaped historically vis-à-vis the changing cultural, medial and technological processes by which texts are made available to readers in a given period or community (e.g. Genette 1997: 3; Chartier 2014: 135–149; Ruokkeinen & Liira Forthcoming). Hence, the functions of paratext may be characterised in various ways depending on the period and medium.

Building on Genette's foundational conceptualisation of paratext, Birke and Christ (2013) propose three major functions for how paratextual items mediate the reader's contact with the text: *navigational* (assisting the reader in 'operating' the text in its material context), *interpretive* (guiding the reader's interpretation of the text), and *commercial* (inviting the reader to purchase the text or some other product related to it). In Ciotti and Lin's (2016: vii) threefold model, the *structuring* and *commenting* functions roughly correspond to Birke and Christ's navigational and interpretive functions. Instead of the commercial dimension, however, Ciotti and Lin – who focus on manuscript paratexts – highlight the *documenting* function: providing information about the text and book and the circumstances of their production (2016: vii–viii). Despite the differences in emphasis, the functions named above all relate to making the text more accessible and desirable to the prospective reader.

Most paratextual elements can be employed in the promotion of the text – either in the narrow sense of influencing the customer's decision to buy a book, or in the wider sense of convincing the reader of the quality and reliability of the contents (see also Silva 2016: 609). This promotional orientation, we suggest, is a trans-historical feature of paratextual communication (see also Tether 2017: 27–30, who argues for the relevance of the notion of "blurbing" for the classical and medieval contexts of text production; Varila & Peikola Forthcoming). We argue that paratext

theory offers a useful framework for examining textual trajectories (e.g. Blommaert 2005: 62–64, 255) or travels (Rock, Heffer and Conley 2013) and analysing how texts are reappropriated or recontextualised over time and marketed to new audiences (see e.g. Birke & Christ 2013). As Maybin (2017: 419) observes, "text artifacts [...] are historically constituted traces of particular moments in trajectories which can be traced backwards and forwards across social practice". In this chapter, we aim to show how paratext can play a significant role in extending a text's life-span, and how such longevity depends on the success of culturally context-specific features of paratextual communication.

Our analysis focuses on *Doctor and Student* by Christopher St German (d. 1541). This popular legal work with a long printing history serves well to illustrate the strategies of early and late modern book producers in employing paratext to promote and sustain the success of a single work. Although the scope of the present chapter does not allow for an equally extensive discussion of other works, we draw comparisons to other contemporary legal books where feasible. Paratext played an important role in the early phases of the textual trajectory during St German's lifetime when *Doctor and Student* was still taking shape (see Section 3). The continuing popularity of the work is manifest not only in its frequent reprints but also in its epitexts; *Doctor and Student* is advertised for both professional and lay readers until the latter half of the nineteenth century (Williams 2017: 75; Cincinnati Daily Times, Dec 20th, 1876: 2). Yet, no major changes to the text of the work were made after the author's death, and book producers even displayed a strong reluctance to modernise its language (see Section 4). Such marked stability of the text itself highlights the importance of paratext in making the work appeal to new generations of readers (see Section 5).

In what follows, we explore how the paratextual apparatus of *Doctor and Student* was designed and redesigned in the multiple editions that were published from the early sixteenth to the late nineteenth century. In these artifacts, the text of the work was wrapped in layers of interpretive, commercial and navigational framing that evolved throughout the printing history of the work. We examine these paratextual layers to determine how they may have contributed to the long-lasting interest in this sixteenth-century treatise and how they reflect some potentially trans-historical concerns of textual promotion. As Genette (1997: 1) argues, the purpose of paratext in presenting the text of a work ultimately entails "ensur[ing] the text's presence in the world, its 'reception' and 'consumption' in the form [...] of a book". In this sense, the redesigns of paratext may be viewed as a process of what Bauman and Briggs (1990) call *entextualisation*: successive instances of (more or less subtle) de- and recontextualisation, in which the text of *Doctor and Student* was placed within new metadiscursive contexts and metapragmatic frames (see Blommaert 2005: 47–48, 251–252,

255). In our analysis of the paratextual apparatus as an entextualising device, we focus on both verbal and visual features of promotion that book producers used to construct such contexts and frames.

2. *Doctor and Student*

Christopher St German's *Doctor and Student* consists of dialogues between a barrister and a theologian on the relationship between law and conscience. Central to the work is the concept of *equity* – the understanding that legislators cannot foresee all particular circumstances when creating the letter of the law, and hence, reasonable exceptions are in accordance with the spirit of the law (Behrens 1998: 156–157). In the complex legal system of sixteenth-century England, the Chancellor, and the Court of Chancery, could remedy common law verdicts on the basis of equity in order to avoid injustice resulting from following rigid legal rules (see e.g. Endicott 1989: 549–555). However, chancellors were criticised for undermining the common law by establishing their own rules and disrupting the proceedings of common law courts (Behrens 1998: 144). The publishing history of St German's *Doctor and Student* began during this era of heightened tension when the relationship between law and conscience became a central question for both the theory and practice of law.

The exact rationale behind St German's treatise, however, has proved somewhat elusive. Building on previous scholarship, Helmholz provides four possible motivations for the treatise: 1) providing legal information, 2) contrasting common law with that of the church, 3) examining conscience and equity, and 4) applying continental legal thought on the English law of custom (2003: 130–131). The ambiguity of the work may be related to the politically and religiously tumultuous times during which it was produced. Indeed, a fifth interpretation has been offered by Williams, who argues that large parts of *Doctor and Student* are better understood as a religious argument (2017). He suggests that although *Doctor and Student* was widely received as a legal work, its main focus is the conscience of individuals and the "professional ethics" of lawyers (2017: 86–87). We revisit this question of genre in Section 3. Whatever St German's original incentive may have been, this openness to different interpretations perhaps partly explains the continued interest in the work during the following centuries.

The early publication history of *Doctor and Student* was characterised by active reshaping of the work by St German himself. During this period, competing editions of *Doctor and Student* were issued by several printers. This was characteristic of English publishing before the 1550s, when the licencing practices became increasingly regulated through the Stationers' Company and

the printing of common-law books became a monopoly based on letters patent (see Feather 1991: 36–37; Baker 1999: 426, 2002: 478–481).

The first known edition of St German's *Doctor and Student* is in Latin (*Dialogus de fundamentis legum Anglie et de conscientia*, STC 21559). It was printed in 1528 by the law printer, barrister, and St German's fellow Middle Templar John Rastell (d. 1536). The first English edition, by Robert Wyer, was not a direct translation of the Latin edition but rather a reworking of the text (1530, STC 21561). The first dialogue ends in a promise to continue the discussion between the Doctor and Student, and indeed, the second dialogue was printed in English by Peter Treveris later that year (STC 21565). In 1531, the dialogues were first printed together, by Robert Redman (STC 21567). Both dialogues were also expanded by a series of additional chapters already in the 1530s, and more material was added in *A Lytell Treatise Called the 'Newe Addicions'* in 1531 (STC 21563). We refer to the main components of the work as the *First Dialogue*, *Second Dialogue*, and *New Additions*. The additional chapters to the two dialogues became a fixed part of the work, but the *New Additions* treatise was only reunited with the dialogues in 1751. Figure 1 presents an overall view of the publication history of the work.

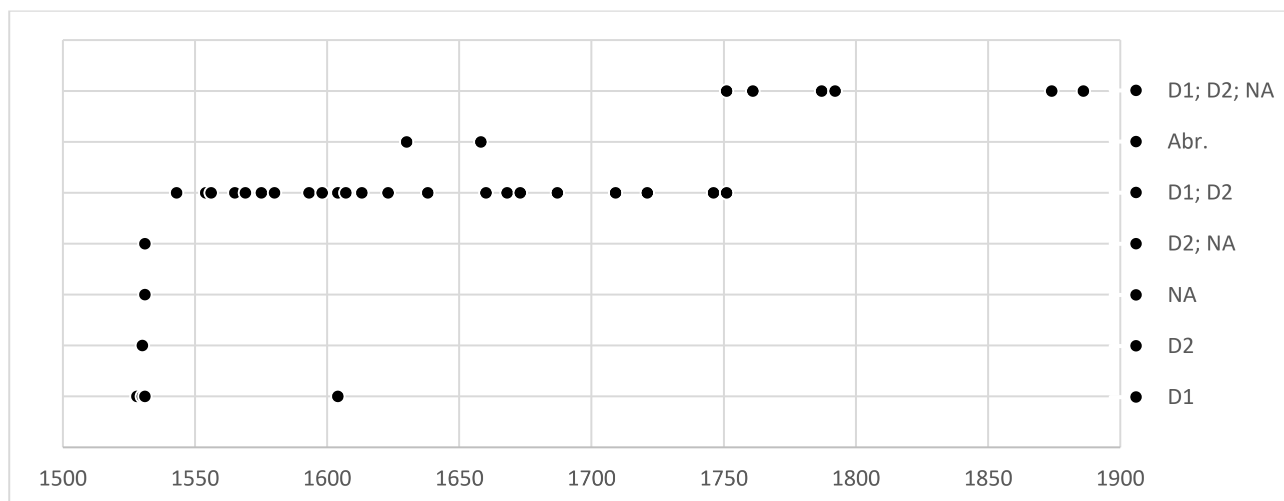

Figure 1. Publication history of *Doctor and Student*.[1]

To analyse the evolving paratext of *Doctor and Student*, we listed and consulted all known editions of the work on the basis of the *English Short-Title Catalogue* and secondary literature (leaving out modern scholarly editions). Our focus is on English editions, but we also comment on the Latin editions (1528, 1604). The editions contain different combinations of the components of

[1] D1 = *First dialogue*; D2 = *Second dialogue*; NA = *New additions*; Abr. = *Abridgements*. The Latin editions are included within D1. Multiple editions produced during the same year are not represented.

the work as indicated in Table 1.[2] We examined all 43 editions of the work from 1528 to 1886 (41 English, 2 Latin) available through digital archives (*Early English Books Online*, *Eighteenth-Century Collections Online*, *Google Books* and *Internet Archive*)[3]. The peritextual elements analysed include title-pages, illustration, typography, prologues/prefaces, tables, indexes, and footnotes. Elements with purely navigational functions (e.g. page numbers) were excluded.

Table 1. The surveyed editions of *Doctor and Student* sorted by major textual components.

Components	**Bibliographic number (publication year)**
1) *First Dialogue* only	STC 21559 (1528), 21560 (1604), 21561 [1530], 21562 [1531]
2) *Second Dialogue* only	STC 21565 (1530)
3) *New Additions* only	STC 21563 (1531), 21563.5 (1531), 21564 (1531)
4) *First Dialogue* and *Second Dialogue*	STC 21567 [1531], 21568 [1532], 21570 (1543), 21570.5 (1554), 21571 (1554/56), 21571.5 [1565/54], 21572 (1569), 21573 (1575), 21574.5 (1580), 21575 (1593), 21576 (1598), 21577 (1604), 21578 (1607), 21580 (1613), 21581 (1623), 21582 (1638), 21582.5 (1638); Wing S312 (1660), Wing S316 (1668), S317 (1673), S317A (1673), S318[A] (1687); ESTC T78054 (1709), T108916 (1721), N2156 (1746), T114721 (1751)
5) *Second Dialogue* and *New Additions*	STC 21566 (1531)
6) All three components	ESTC T139490 (1751), T112934 (1761), N7258 (1787), N7521 (1792), two Clarke & Co editions (1874, 1886)
7) Abridgement	STC 21583 (1630); Wing S315 (1658)

The peritextual evidence suggests two main chronological phases for our analysis. We first focus on the early stages of designing *Doctor and Student* (Section 3) before examining substantial redesigns of the work (Section 4). While the frames for reading the work constructed through paratext have partly different emphases during these two phases, they both reflect the trans-historical tendency of promoting the text. Finally, we examine evaluative epitextual material such as book reviews to investigate the readership of *Doctor and Student* (Section 5). The epitextual material was accessed through the *HeinOnline* legal research database and the Gale databases *American Historical Periodicals, British Library Newspapers* and *17th and 18th Century Burney Collection*.

3. Designing the work

[2] Some early editions were possibly intended to be bound together; the ESTC entry for Berthelet's *New Additions* (STC 21563) notes that the volume was intended to be bound together with Wyer's edition of the *First Dialogue* (STC 21562) and Treveris's *Second Dialogue* (STC 21566).

[3] The printer Stephen Sweet's catalogue (1843) records two editions of *Doctor and Student* of which we were unable to locate copies: 1813 (Latin) and 1815 (English).

During its printing history, *Doctor and Student* developed from a modular series of dialogues into a well-known work. In the earliest stages of this trajectory, new textual contents and paratextual elements were introduced as the author St German revised and expanded the work. The present section tracks the development of the paratextual framework during the sixteenth century, showing how paratext was used to construct different ideological frames, authorise new editions and entextualised material, and emphasise the unity of the work.

As mentioned above, Williams (2017) suggests that the intended primary contribution of *Doctor and Student* may have been religious rather than legal (secular). The visual features of the earliest editions show some evidence of this uncertainty or fluctuation regarding the genre. The title-pages of Wyer's *First Dialogue* (STC 21561 [1530], 21562 [1531]) contain a woodcut image of the royal arms. Treveris's title-pages for the *Second Dialogue* (STC 21565 (1530), 21566 (1531)) opt for religious imagery instead. In STC 21566, the name "Jesus" is also inserted on the title-page. The same edition contains an image of John Evangelist on Patmos and, opening the *Second Dialogue*, a woodcut of the Shield of the Trinity. Similarly, Berthelet's title-pages to the *New Additions* (STC 21563, 21563.5, and 21564, all 1531) have a woodblock compartment with religious themes. The title-pages of Redman's editions of the two dialogues (STC 21567 [1531], 21568 [1532]) again employ royal imagery – the Tudor rose and royal arms. Instead of Treveris's Shield of the Trinity, the *Second Dialogue* in STC 21568 begins with a secular cornucopia illustration. Middleton's 1543 edition (STC 21570) contains a woodcut of the English arms. The visual framing provided by Treveris and Berthelet supports Williams's reading of the work as primarily religious, while Wyer, Redman, and Middleton employ royal, secular imagery, potentially encouraging a legal reading instead. These differences may reflect printers' attempts to present the work in a way that makes their product sufficiently different from those of their competitors (cf. Bhatia 2005: 216 on *product differentiation* in advertising discourse).

The early editions contain a number of anonymous prologues, most of them covering contents and themes typical of the period. The Latin prologue (STC 21559), for example, states the topic of the work, gives the motivation for the work's publication, establishes the importance of its subject, and justifies the work's choice of language. The prologue repeats conventional themes expected of prefatory matter (Curtius 1953: 85–89; Minnis 1984: 9–39). By demonstrating familiarity with the prologue tradition, the writer conveys their educational background and establishes their authority. Conversely, the first English prologue to *Doctor and Student* (in STC 21561) differs from the traditional formula. It concentrates on denials of the edition's relationship with the Latin original, demonstrating the work's independence for example by mentioning changes made to the text. This account may simply have been intended to describe the text production

process. However, it might also have pre-empted criticism resulting from a comparison of the editions and their mismatch, or encouraged potential buyers to acquire the English edition in addition to the Latin one.

The second English edition of the *First Dialogue* and the first edition of the *Second Dialogue* further develop the prefatory framing of the work. In the former, the corrections and additions to the work are prominently advertised: "Here after foloweth the fyrste Dyaloge in Englysshe […] newly correctyd: and eft sones Enprynted: with newe addycyons" (STC 21562: a1v; for such promotional claims, see Massai 2011, Olson 2016, Varila and Peikola Forthcoming). Although the additions to the *First Dialogue* were first published in the early 1530s, the headings of the tables of contents continued to advertise them until 1580 (STC 21574.5) by directing attention to the inclusion and visual highlighting of the 'newly' added chapters in the table: "Hereafter followeth the table to the first Booke with certaine additions newly added thereto, and ouer all the chapters & questions which bee newly added, yee shall finde entituled this word Addition, both in the table, & also in the booke" (STC 21574.5: Z1r). On title-pages, the new additions were advertised until 1660 – by then, the contents had in fact been fixed for decades.

While the publishing history of *Doctor and Student* was modular in nature throughout the 1530s, Middleton's 1543 edition presents the work in a more cohesive manner. The reworked title, for the first time, accommodates both dialogues: "The Dialogues in Englysshe/ bytwene a Doctour of dyuynyte & a Studēt in the lawes of Euglāde, newly corrected and imprinted with newe addycyons" (STC 21570: A1r). Middleton's edition is also the first one in which the prologue to the *Second Dialogue* refers back to the *First Dialogue*, despite the fact that the dialogues had been printed together since the early 1530s. Finally, this was the first edition in which the tables of contents for the dialogues, which formerly accompanied the text of each dialogue, were no longer physically separated but immediately followed each other. Placing the tables in a single location at the end of the book presumably helped the reader to navigate the text more efficiently. The decisions relating to prologues and tables of contents also helped to frame the two dialogues more emphatically as a unified work. Middleton's edition thus appears to be a conscious effort to present *Doctor and Student* as a whole. This model is followed in later editions.

Richard Tottell (d. 1593) was the first to possess a patent that granted him a monopoly to print common-law books (see Baker 1999: 428–429, 2002: 479). During the forty years in which he operated under this patent Tottell's output consisted largely of reprints (Baker 2002: 480), including seven editions of *Doctor and Student*. Despite the lack of genuine competition from other printers, however, nuances of paratextual design still seem to have mattered to him. The visual design of the title-page changes in 1554 with the first of Tottell's editions (STC 21570.5), and seems to be in

constant development throughout his editions of 1554–80. Tottell similarly develops the visual design and paratextual framework of other popular legal texts he reprints, such as *The exposicions of the termes of the lawes of England* (1563–1592, STC 20703.5–20708) and *A profitable booke of Master John Perkins* (1555–1593, STC 19633–19639). Tottell's last edition of *Doctor and Student* (STC 21575, 1593) slightly changes the wording of the title. The plural marker is dropped, the title now beginning "The Dialogue in English" (A1r). This change may represent a conscious effort to emphasise the unity of the work, or simply be a typographical error. This form is nevertheless adopted by the following eight editions (1593–1660). The 1593 title-page is the first to drop blackletter and only employ roman and italic type.[4] It is also the first (and for a long time the only) title-page to inform the reader of the location of the printer's shop.[5] The editions from 1598 to 1623 show further gradual modification of the title-page.

Although *Doctor and Student* clearly becomes a staple of legal writing, regularly reprinted by successive possessors of the legal patent after Tottell (cf. Baker 2002: 481–489), Christopher St German's name does not appear on the early title-pages apart from Thomas Wight's 1604 Latin edition. This edition also adds a biographical account of St German taken from John Bale's *Scriptorum illustriu[m] maioris Brytanniae* (STC 1296 Variant) and a summary of St German's will. These new elements illustrate the entextualisation of material lifted from two completely different generic contexts (biography, will) to serve a paratextual purpose. In their new context, they lend weight to *Doctor and Student* in praising the author's piety and learning. However, they are not included in the 1604 English edition by the same printer, Wight (STC 21577). In some copies of the English editions, a reader or librarian has added St German's name on the title-page by hand in an effort to connect the work to its author. But it is only later in the printing history of the English text that the author's identity becomes a paratextual selling point.

To sum up, the paratextual strategies of promotion that characterise the first, formative phase of the textual trajectory of *Doctor and Student* laid the foundation for the longevity of the work. This was achieved, on the one hand, by framing the work as a unified whole by giving it a title that accommodated both dialogues, bringing the originally separate tables of contents for the two dialogues together in a single location in the book, and introducing cross-references between their prologues. On the other hand, readers' continuing interest in the work was sustained by drawing attention to the producers' alleged quality control by adding promotional statements on the

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[4] In comparison, the 1555 title-page of his *Profitable booke of Master John Perkins* (STC 19633) is mostly in blackletter, the next three (1559–1567) use italic only, and the final five (1567–1593) are mostly in roman.

[5] Based on the title-page metadata in EEBO, less than 30% of the titles printed in 1593 give the location of the printer's shop.

title-page that mentioned the presence of corrections and new additions. Visual paratext was used to reinforce religious vs. secular interpretations of the work, and the title-page underwent several gradual changes as the work was reprinted.

4. Redesigning the work

In the seventeenth and eighteenth centuries, *Doctor and Student* underwent various redesigns. The seventeenth century witnessed a major experiment in the revamping of the work both textually and paratextually through the publication of abridged editions. In the eighteenth century, the paratextual design of *Doctor and Student* was substantively expanded and updated by the inclusion of new prefaces with new bibliographical emphasis, an account of the author, an index and a footnote apparatus.

In contrast to the ongoing paratextual redesign that characterises the trajectory of *Doctor and Student*, there was only one, short-lived experiment that involved substantive reshaping of the text of the work itself. This was the publication of abridged editions in 1630 (STC 21583) and 1658 (Wing S315). The title-page of the 1630 abridged edition names it "An Exact Abridgement of That Excellent Treatise Called Doctor and Student". The title-page contains an epigraph paraphrasing Cicero's oration *Pro Cluentio*: "Legum idcirco servi sumus, ut liberi esse possimus" ["We are slaves of the law so that we may be free"]. The early history of epigraphs in books has been linked to the armorial motto and inscriptions in printers' devices (Buurma 2019: 167; Fowler 2017: 34). Buurma finds that while epigraphs in early modern books are often concerned with the author rather than the text, the text-oriented epigraph becomes more common in the mid-seventeenth century (2019: 167). Epigraphs are never used on the title-page of the complete *Doctor and Student*. The inclusion of a text-oriented epigraph on the title-page of the 1630 abridgement, a newly designed textual product, perhaps reflects the changing function of the epigraph in guiding the reader's interpretation of the text (cf. Buurma 2019: 168).

The preface to the abridgement differs in both content and style from those discussed above. It uses rhetorical questions and repetition to defend the work in its new form, to describe its contents, and to state its usefulness. Defending the project and the merits of the form was common in prefaces to legal abridgements (Rudolph 2013: 54–55). The preface asserts that "[t]he name of the Book proclaims its own esteem" and that "an Epistle to this Book, is of Courtesie, not of Necessity" (STC 21583: A4r–v). In earlier editions the main function of the preface was to state the topic of the text; here, the prologue is considered a formality. This suggests not only that the work's status and popularity were now established, but also that the editor was fully adept in exploiting the marketing value of such information.

The abridged editions contain an alphabetical index designed specifically for the abridgement. Compiling the abridgement and its index must have been a laborious task; the publisher perhaps anticipated good sales for their new product. While the production of abridged editions or adding navigational devices of this kind cannot be viewed as particularly innovative in the early seventeenth-century context, the added promotional value of such textual operations is concretely manifest in statements found on title-pages of early modern books that explicitly mention benefits associated with them. A text could be described for example as "a verie compendious abridgement" (STC 4374, 1596) or it could contain "a table of all the chiefe matters herein handled, and marginall notes very plentifull and profitable; so that it may in manner be counted a new booke in regard of these additions" (STC 6227, 1594).

Another novelty in the abridgement was abandoning the dialogic form of the work and presenting the information in an expository, declarative manner, thus changing the reading experience. Perhaps partly for this reason, the abridgement seems not to have been a commercial success and its trajectory was distinctively short in comparison to the full work. Even the "assignes of John More" themselves, responsible for the 1630 abridgement, produced two editions of the full work in 1638 (for these under-lessees of the patent holder John More, see Baker 2002: 483–484). However, remediated summaries in manuscript form were perhaps created by individual readers. For example, British Library MS Stowe 382 contains such notes on *Doctor and Student*, titled "Observations Taken from the Laws of England" (see Rudolph 2013: 54–74 for the important role of abridgements in legal training and practice in the late seventeenth and early eighteenth centuries).

The abridgement's title-page refers to the full work as "Doctor and Student" already in 1630, highlighting the established status of the work. In comparison, the title-page of the full work itself only adopts this short-title nearly a century later, in the 1721 edition by Nutt and Gosling: "Doctor and Student: Or Dialogues […]" (ESTC T108916). The 1721 edition also introduced a number of other changes to the paratextual presentation of the work; for example, the tables of contents for the two dialogues were moved from the end of the volume into the preliminaries. The title-page advertises paratextual additions: "To which is now added an Account of the Author, and a General Table of the Principal Matters; never before printed". A new prologue precedes the *First Dialogue*. Unlike the title-page, it identifies the author, St German, and provides biographical information about him. The rest of the preface assumes a distinctly bibliographical approach to the text, comparing the Latin original to the English translation and naming St German as the translator. The 1721 edition also introduced an alphabetical subject index to the full *Doctor and Student*. This element remained an integral constituent of the work thereafter. Given its usefulness for a reader wishing to locate a specific topic, it is perhaps surprising that this device was not introduced earlier.

For example, although Tottell equipped his 1555 edition of the *Profitable booke of Master John Perkins* (STC 19633) with an alphabetical index, he never included one in his *Doctor and Student* editions. The often neglected paratextual framing potential of alphabetical indexes is highlighted by Briggs (1993: 226), who contends that, to a certain degree, indexes "as access media would have influenced and pre-determined what their users might have looked for in the text" (see also Parkes 1976).

Did the inclusion of the index reflect a new more piecemeal way of using *Doctor and Student* in the early eighteenth century, or was the purpose to make an already established mode of consulting the book more transparent and efficient? While the 1721 edition itself does not provide an answer, it may be argued that by this date the alphabetical model for organising knowledge was already deeply rooted among English legal students and lawyers through the legal commonplace book tradition. Legal commonplace books were typically small manuscript notebooks into which their compilers entered notes from their reading of yearbooks and treatises, organised under alphabetised titles (Baker 2002: 476; Rudolph 2013: 40–54). On the basis of the large number of surviving examples of these books from 1590 to 1640, Baker (2002: 476) surmises that "for a time every student must have kept one". The practice continued well into the nineteenth century, and it has been argued to have shaped legal thinking and "the ways in which lawyers defined and accessed information" (Rudolph 2013: 45). Furnishing a work like *Doctor and Student* with an index would have facilitated commonplacing by providing an alphabetised digest of its contents.

The paratextual reshaping of the 1721 edition suggests that the producers felt that the work required updating. Some parts of the visual paratext, however, remain unchanged. The text is in blackletter, a typeface common in the early days of print in England and still used for legal texts in the eighteenth century (see e.g. Dane 2011: 88). It is only in the 1746 edition (ESTC N2156) that the font of the text is updated to roman, by then standard in most genres and a predecessor of modern fonts such as Times New Roman. That this typographic change was understood to have promotional value is evident from how the book was advertised as "A new Edition, printed en [sic] a Roman Letter" (St. James's Evening Post, Jun 4th–6th, 1747, Issue 5832). Blackletter was still employed on the title-page and for the keywords in the alphabetical index. Blackletter did not disappear from the English editions of *Doctor and Student* until the nineteenth century. Retaining the archaic font in the paratextual elements was possibly intended to evoke a sense of antiquity and, consequently, tenability (*OED Online*, s.v. *black letter*, n. C2. '*attributive. Law.* [...] well-established, time-honoured').

The two 1751 editions introduced further changes in paratextual framing. An edition statement (fifteenth edition) first appears on the title-page of ESTC T114721. Another 1751 title-

page (ESTC T139490) advertises the credentials of the printer Henry Lintot, "Law Printer to the King's most Excellent Majesty". The title-page declares: "The Fifteenth Edition, to which are now added. Thirteen Chapters on the Power and Jurisdiction of the Parliament, &c. omitted in all the Editions, since the Year 1531". This is the first edition after 1531 to contain both dialogues and the *New Additions*. Possibly to emphasise the antiquity and originality of the additional questions, Lintot even reproduced Berthelet's Latin colophon from 1531.[6] The additions were also promoted in a preface highlighting the venerable age and authority of the text. Despite its brevity, the preface not only addresses the conventional themes such as the contents of the work and its authorisation, but also provides a brief bibliographical note on the text and its previous editions. The preface ends with a recount of the motivation for the work's publication, "to preserve, or restore, any Part of the Works of valuable Writers" (ESTC T139490: A2v). The new developments in the work's paratext continue in the bibliographical vein established in the earlier eighteenth-century editions: all paratextual elements authorise the text through its antiquity, completeness, and originality, but the name of the author is not yet prominent amongst these arguments.

The next major redesign of the paratextual apparatus followed in 1787 (ESTC N7258), an edition that was "Corrected and improved, by William Muchall, Gent.". Muchall's revised edition contains the last new prologue in our data, presumably written by the editor himself and continuing the bibliographic framing typical of the eighteenth-century editions. The prologue begins by establishing the authority of the text:

> IT is presumed no particular apology is necessary to be made for introducing to the notice of the profession a new edition of the *Doctor and Student*; a book which has been considered of the first authority, not only by the best and most admired of our legal writers, but by the courts of *Westminster-hall*. (ESTC N7258: v)

This endorsement of the work is followed by praise for dialogues as a form of instructional writing. A lengthy apology on the language of the text then follows, highlighting the growing gap between the age of the work and the contemporary audience. Muchall notes:

> Perhaps the language is not so pure as might be expected from a modern author, nor so correct as altogether to adapt itself to the taste of the curious. But this is a defect (if a defect it can be called) which should be overlooked for the intrinsic merits of the book itself. (ESTC N7258: vi)

[6] "Thomas Barthelatus regius impressor excudebat, Anno Domini MDXXXI. Cum privilegio a rege indulto." (ESTC T139490: E8r).

Muchall suggests that one should "attend more to *things* than words" (ESTC N7258: vi; emphasis in original). The contents are repeatedly and explicitly praised. The preservation of the "defective" language is justified as an editorial decision motivated by a respect for the work's status.

The 1787 edition also introduces a new category of paratext to *Doctor and Student*: footnotes. By this time, the footnote had already gained some purchase in scholarly and academic writing (Lipking 1977: 626; Frasca-Spada 2000).[7] The first footnote of the 1787 edition, attached to the start of the preface, names St German as the author, provides a brief biography and praises his legal knowledge, and identifies the first edition of *Doctor and Student* (mistakenly, 1518). The editorial decision to name the author in a footnote perhaps appears slightly curious. However, it is in line with the promotional strategies of the new, bibliographical prologues of 1721–1787: the modern footnote here functions as a space of authority (see Tribble 1993 on marginal notes and the dynamics of authority).

Another major paratextual revision in the 1787 edition was the replacing of the 1721 alphabetical index by a new one, possibly compiled by Muchall himself. All subsequent editions were equipped with this new index. The indexer omitted approximately one half of the headwords in the 1721 index and considerably reworked the contents of most entries under the headwords he retained. Presumably to answer the need to enhance the contemporary relevance of the text, some headwords were furnished with an entry that comments on their obsolescence (e.g. "*Abbots*. Abolished"). These comments do not as a rule refer to the text proper, but to the editorial footnotes that Muchall supplied for this edition. The 1787 indexer also rendered entries more concrete: they often correspond to the text in much more detail than in the 1721 index. In addition to omitting headwords and reshaping entries under the headwords he retained, the 1787 indexer added approximately 80 new headwords to the index. It is difficult to discern any clear agenda behind these additions, apart from the indexer's apparent general aim at clarity and precision to make the text more user-friendly.

The textual statement referring to Muchall as the editor is kept in the last editions in our data (ESTC N7521, 1792, 1874, and 1886). A new statement is present on the title-pages of the last two, however: "To which are added two pieces concerning suits in Chancery by subpœna". These pieces are other texts by St German, now recontextualised by bringing them into the company of the *Doctor and Student*. The last editions thus once more update *Doctor and Student* by adding more related textual content and advertising this on the title-page.

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[7] There is conceptual overlap between the footnote and other types of notes predating print. The earliest uses of the modern footnote are usually traced to the late seventeenth or early eighteenth century (Lipking 1977; Tribble 1993: 131).

5. Reading the work

How might the eighteenth-century paratextual redesigns of *Doctor and Student* be best explained? To answer this question, we must consider the readership and use of the work and possible changes therein. Although *Doctor and Student* "was not a law book at all in the usual sense" (Baker 1999: 412), in the seventeenth century it was viewed as an elementary treatise ('institute') to be read early on by anyone aspiring a career in the law. In Henry Peacham's 1639 pamphlet *A merry discourse of Meum, and Tuum, or, Mine and Thine tvvo crosse brothers*, one of the two brothers becomes an "under Clerke" for a provincial attorney. To "initiate, and bring him to knowledge", the attorney gives him "*Littleton's Tenures* in English to reade, with Doctor and Student, and such like" (STC 19510: B3v). Sir Matthew Hale's 1668 oft-cited recommendations similarly placed *Doctor and Student* among the basic readings for students of law: "First, it is convenient for a Student to spend about two or three yeares in the diligent reading of Littleton, Perkins, Doctor and Student [etc.]" (Baker 2002: 502).

Legal experts' eagerness to recommend *Doctor and Student* as elementary reading seems to have waned in the course of the eighteenth century. This is suggested for example by an article published in The Legal Observer in 1830 that prints a series of reading tips for legal study by Hale and a few subsequent authorities. Of the five experts whose advice is cited in the article, in addition to Hale only Sir Thomas Reeve, writing probably in the 1730s, recommends *Doctor and Student*. Unlike Hale, however, Reeve advises reading it "During the second stage of study" among those "many books [that] may be brought in for variety, which will be very useful, and not interrupt the main scheme" (The Legal Observer 1(4), Nov 27th, 1830: 54; for advice on legal reading in the eighteenth century, see Lemmings 2000: 136–137).[8] The lengthy reading lists reproduced in the article from three later eighteenth and early nineteenth-century legal authorities (John Dunning, Joseph Chitty and Charles Butler) no longer mention *Doctor and Student* (The Legal Observer, 1(4), Nov 27th, 1830: 54–55).

[8] In 1736, the London solicitor Nathaniel Cole wrote a prescription for educating "a young Gentleman of a noble family who was intended for the Law" (reproduced in Lemmings 2000: 341–345). Assuming the young gentleman to have already completed the basics of the Civil Law "to furnish him with general Notions", Cole recommended reading *Doctor and Student* after Hale's *History of the Common Law* and Fortescue's *De Laudibus Leg: Anglie* (Lemmings 2000: 342). These three works, Cole noted, "are introductory and gradually let the Student into a general view of what he is to meet with afterwards" (Lemmings 2000: 342).

The shift in emphasis may reflect the arrival in the market of new general treatments of the English law that were considered to offer superior introductory reading for students (for eighteenth-century English law books, see Lobban 1997, Prest 2009). Among such eighteenth-century classics were Thomas Wood's *Institute of the Laws of England* (first published in 1720, 10th ed. in 1772), which was recommended by Reeve as the first work to be read by the student, and especially William Blackstone's *Commentaries on the Laws of England* (first published in 1765–69, 10th ed. in 1787), recommended by both Dunning and Chitty (The Legal Observer, 1(4), Nov 27th, 1830: 54–55).[9] It is not impossible that the two major eighteenth-century paratextual redesigns of the *Doctor and Student* in 1721 and 1787 were to some degree prompted by the publication of these and other new competing legal works in the field.

Newspaper advertisements for Muchall's 1787 edition of the *Doctor and Student* in London and elsewhere in England echo the promotional language of the title-page by mentioning its "improved" text (see e.g. St. James's Chronicle or the British Evening Post, May 26th, 1792 – May 29, 1792, Issue 4871; Hereford Journal, Jan 23rd, 1793, Issue 1173). A review in The Gentleman's Magazine indicates that the new paratextual features of this edition were also considered to be worth mentioning in a less promotional and potentially more objective context. The anonymous reviewer concludes by noting that "To the present edition are added notes and references to illustrate the subject-matter, and to shew how the law has been altered by acts of parliament and judicial decisions" (The Gentleman's Magazine, Feb 1st, 1788, vol. 58: 145).

Despite the eighteenth-century effort invested into updating the *Doctor and Student* paratextually, the practical suitability of the work for elementary legal instruction seems to have become increasingly doubted in the first half of the nineteenth century. This attitude is encapsulated in a letter from a Mancunian reader of Law Students' Magazine in 1844, cited by the editors under the heading "Cheap Books for Law Students". According to the letter, legal apprentices (articled clerks) would greatly benefit from the publication of new editions of works like the *Doctor and Student* from which all the "obsolete parts" were omitted – an improvement that would make these works both readable and cheap:

> If you were to publish an edition of 'Littleton's Tenures,' the 'Doctor and Student,' and other similar standard works, omitting the obsolete parts, and showing the alterations made in the law since the original publication of the work, you would be conferring a great boon

[9] Wood and Blackstone (together with many other eighteenth-century law books) also feature among the titles which the young legal clerk Benjamin Smith Jr. listed as the main sources of his commonplace book compiled in the 1790s when serving as an apprentice in his father's attorney firm in Horbling, Lincolnshire. Smith's list does not mention *Doctor and Student* (see Schmidt 1996: 37, n. 28).

on the articled clerk, as now those works and others of a like nature are never read, solely because they contain so much obsolete law, and give so little idea of the present state of things. Besides, the omissions would be so large that we might expect to get the 'Tenures' (for example) for 3s. or 4s. (Law Students' Magazine 1844–45 1(2), Sep 1844: iv; for this and other similar magazines, see McKitterick 2009: 514).

Responding to such pleas, the editors of Law Students' Magazine announced their plan to launch a new series called The Law Students' Library that was to include a new edition of *Doctor and Student* (Law Students' Magazine 1844–45 1(5), Dec 1844: iv). The editors' argument as to why these old legal works still had their place in law students' reading indicates how the old-fashioned style of *Doctor and Student* could now be viewed as a pedagogical virtue that made it an engaging read to supplement the perusal of the often more monotonously written modern core textbooks like Blackstone:

> If the student should feel unable to catch the full meaning of Blackstone, let him turn to the pages of the "Doctor and Student" (also in the form of a dialogue), where he is pretty nearly sure to meet with the required explanations, and that, too, clothed in so quaint a language as must needs interest him, or at least form a relief to the flowing and smooth, and sometimes cloying, style of Blackstone. (Law Students' Magazine 1844–45 1(8), Mar 1845: 206).

The role envisaged for *Doctor and Student* here resembles that suggested for it by Reeve in the 1730s as one of the books that "may be brought in for variety". Despite the announced plan, The Law Students' Library never seems to have published *Doctor and Student*.

The book announcements in periodicals for the 1874 Clarke & Co Cincinnati edition show how the perception of *Doctor and Student* had by then firmly moved from required core reading for the law student to a "legal classic" that would appeal to a broad range of readers, also outside the legal profession. The Legal Gazette expected the new edition of "their old friend" to be welcomed by "Every lover of law literature, every real student in law, every practitioner in our courts" (The Legal Gazette 6, Mar 27th, 1874: 100). The writer of the announcement was especially pleased about the packaging of the book "in a nice dress", describing it as "undoubtedly the finest ever published" (The Legal Gazette 6, Mar 27th, 1874: 100). Another announcement emphasised the high aesthetic quality of the new edition even more emphatically, stating that "cultured laymen as well as lawyers will be glad of the opportunity to place it in its present attractive form on their book-shelves" (The American Booksellers Guide 6(5), May 1st, 1874: 158). Reading or using the work seems of secondary or no importance.

This brief survey of the (anticipated) readership of *Doctor and Student* from the seventeenth to the nineteenth century suggests that there was a gradual transformation in the preception of the

work from a prescribed elementary 'textbook' for the law student to a supplementary work of historical interest, and eventually perhaps more an item to be owned by a cultured book owner than a text to be read. Among the changes that took place in paratextual elements of *Doctor and Student* in this period, especially the increased historically oriented bibliographical framing of the work throughout the eighteenth century could be associated with this gradual change in its anticipated readership.

It seems less clear, however, whether the increased paratextual guidance of the reader through indexes and footnotes in the eighteenth century also reflects the gradual widening of the readership of *Doctor and Student*. On the one hand, changes that help the reader to navigate the book and comprehend the work could plausibly indicate that book producers who introduced them were thinking of readers in need of more explicit and detailed paratextual guidance. Publications like The Gentlemen's Magazine in which information about the 'improved' editions was announced had a wide readership (Feather 1985: 46–47), and law books were also commonly used by "gentlemen–amateurs" in addition to lawyers (Feather 1985: 35). On the other hand, book producers' laborious addition of indexes and footnotes in new editions could also be interpreted as a move to enhance the credibility and usability of the work among professionals. The association of footnotes with scholarly writing and the possible link between indexes and commonplacing discussed in Section 4 render some support to this interpretation. In either case, the increased paratextual sophistication witnessed in eighteenth-century editions of *Doctor and Student* suggests that the virtually unchanging sixteenth-century text was becoming increasingly demanding for new generations of readers both conceptually and linguistically, and therefore required stronger paratextual measures of promotion.

6. Conclusion

Our analysis of the textual trajectories of *Doctor and Student* from the early sixteenth to the late nineteenth century shows how the book producers' regular redesigning of the paratextual apparatus served to present the work for new generations of readers. While the text itself undergoes very few changes after the 1530s, the paratextual apparatus is revised multiple times between 1528 and 1886. Although *Doctor and Student* evidently continues to be used by those in the legal profession throughout the period surveyed, layers of new and revised paratext subtly recontextualise the work by promoting it within new interpretative, commercial, and navigational frames.

In the sixteenth century, verbal and visual paratext is used for example to induce religious vs. secular interpretations of the text, metadiscursively authorise new editions, entextualise material lifted from other genres, and emphasise the unity of the work. The abridged editions of the

seventeenth century present the work in an entirely new way. Despite their considerable investment into paratextual promotion, however, this trajectory is notably short in comparison to that of the unabridged version. In the eighteenth and nineteenth centuries, the paratextual apparatus was used to reframe the text and highlight its antiquity and value. In the final editions studied, the language of the work appears dated, but the editors turn this potential flaw into a virtue in their paratextual frame.

Connecting the use of paratextual framing to what we see as a trans-historical umbrella of promotional strategies helped us to better discern the major trends that characterise the textual trajectories and travel of *Doctor and Student*. While our research reported in this chapter has focused on the printed medium, it would be possible, and indeed desirable, to conduct a similar study with works whose trajectories include textual artifacts of manuscript, print, and digital media alike.

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