**THE COMLAWEU PROJECT – PHD SCHOLARSHIPS INFORMATION AND APPLICATION FORM**

**Project description and context**

This project will offer the first comparative exploration of the communication of law in early modern Europe (1500-1750). Early modern Europe was home to a great variety of systems of government, yet in all there existed a clear reciprocal bond between rulers and ruled. Even in the most autocratic states, the ruler was expected to promote the common good. Law making was critical to the maintenance of this relationship: issuing laws promoted justice and the flourishing of commerce, order and peace. Stimulating *gute policey* (good order) by issuing laws was a principal duty of government, and one that was performed with increasing thoroughness in the early modern period.

It was a common expectation that all laws had to be published to take force: the promulgation of law was inherent to its essence. The most common form of promulgation was by oral proclamation, a ritualised process already well established in the mediaeval era. In many large communities, the formal proclamation, made by a royal herald, officer or town councillor, was followed up by town criers. These criers ensured that the law was announced at well-known and prominent locations in towns, including market squares, in front of churches, gates and notable buildings, and at busy street corners.

From the early sixteenth century onwards, law texts (most commonly known as placards, ordinances or edicts) also appeared in printed form. The invention of printing by moveable type in the 1450s allowed for the rapid reproduction of many copies of government publications, but it is striking that authorities in Europe only began to make consistent use of print in the sixteenth century. Even then, print was used to different degrees depending on local traditions and the availability of presses. Many municipal authorities, including those of major cities such as Cologne and Lyon, rarely made regular use of printed ordinances until the later sixteenth century. By 1700, we know that at least 132,000 editions of ordinances and edicts had been published in Europe, and by this date government publications were among the most common type of text to come off printing presses. This is all the more remarkable when we consider that the surviving exemplars of this genre are only a very small representative sample of the likely total production: ordinances affixed to walls and street corners had a poor chance to survive for posterity.

In an era in which most people had limited or no formal involvement in the making of law and no influence in the election of their rulers, rituals of communication were essential to the maintenance of the fragile bond between rulers and their subjects. The communication of law by proclamations, town criers and printed ordinances is paradoxically both well established and very poorly understood. It is presumed that these strategies of communication were common to all European societies, but there exists no scholarship that has conducted comparative work to prove so. These communicative efforts are taken for granted as part of European political and legal culture, but no one has established to what extent they were performed across Europe; to what extent they were codified by law and regulated; and how these strategies impacted upon political society.

It was in the direct interest of early modern rulers to inform their subjects of the law. Without knowledge of the latest ordinances or edicts, how could a duke require his subjects to pay the appropriate taxes, or a town council expect their citizens to bring the right produce to market on the determined day? All early modern authorities had very limited police forces, which meant that to a large extent, communities had to be self-governing. Communal stability and economic prosperity rested on the cultivation of active political consent, which could only be solicited through repeated communicative efforts on the part of the authorities.

The ritual proclamation or the publication of an ordinance also provided a useful means for the authorities to test the reception of a particular law. At the market square, a placard pasted up was an easy target for recalcitrant subjects; just as a town crier with an unpopular announcement was easily intimidated by a rowdy crowd. A poorly timed law and a badly managed proclamation could easily lead to riots or unrest. Yet the first act of a rebellious movement was often to proclaim their own laws in a bid to establish their legitimacy, mimicking the official strategies used by the authorities. Those who exercised the right to communicate the law held the keys to the stability of early modern society.

It will be a primary aim of the project to provide answers to the following questions:

* How was law communicated in early modern Europe? To what extent did discussion surrounding the communication of law take place?
* Who was involved in the act of communication, and who were the intended audiences?
* What norms of communication were common to all areas of Europe, and how did political, social, economic and confessional differences shape the communication of law?
* What was the impact of print on the codification and dissemination of law?
* How did different strategies of communication (formal proclamations, the use of criers, the affixing of ordinances, the sale of law texts) impact upon the reception and implementation of law?
* How did information on laws circulate, and to what extent was the circulation of law texts commercialised?
* How were strategies of law communication appropriated by those who were formally excluded from political power?

As this project seeks to investigate for the first time the European experience of communicating the law, it will be informed by and build upon three strands of scholarship.

* **The history of the state and participatory politics**. This project recognises the valuable contributions made by scholars in the field of state formation and popular politics in early modern Europe. It is very well established that despite the autocratic nature of European governments, politics was not in practice the prerogative of a small elite. Citizens and subjects who were excluded from formal power and policy-making nevertheless had significant influence on their governments, through corporations and guilds, petitioning, dissent and revolt. State formation was not a top-down process, but part of a constant negotiation between rulers and their subjects, as well as between different levels of jurisdictions (monarchs, regional assemblies, cities, landowners, guilds). In many European cultures, subjects also actively shaped the content of laws, and demanded them for their own benefit: they were not necessarily an imposition by the state. This project seeks to build on the recent work in this field by considering how the communication of law underpinned the relationship between rulers and their subjects, and how it was used as an important political ritual that allowed for the involvement of a broad public in the daily politics of the community and the realm.
* **Legal history, normative texts and the concept of *gute policey***. Much admirable work has been conducted on the legal history of early modern Europe, spearheaded by the Max Planck Institute for Legal History and Legal Theory at Frankfurt. The various volumes of the *Repertorium der Policeyordnungen der Frühen Neuzeit* have demonstrated that the period between the sixteenth and the eighteenth century saw a massive expansion in the quantity of law issued by European rulers, and that different jurisdictions imitated one another closely when it came to the type and formulation of law that they promulgated. The study of ‘normative texts’ has demonstrated that the pursuit of *gute policey* through the making of law was a common European phenomenon. This current project will build on this work by considering how and to what extent the corpus of law that was issued was actually presented to the public whom it was supposed to affect. This project will also diversify the source base used by legal historians of the Frankfurt school by tracing individual copies of ordinances and edicts, rather than relying on later compendia of laws, which generally excluded reissues of certain laws, and were invariably incomplete.
* **The history of communication, printing and news**. The importance of information and communication to early modern politics and society has been demonstrated very clearly over the past several decades. It is indisputable that the exchange of information had a significant influence on the conduct of politics. Authorities in Europe used public ceremonies and the dissemination of printed works as means to solicit support from audiences at home and abroad; similar strategies were also co-opted by those who were excluded from power. The early modern period saw the growth of a substantial commercial news market and the appearance of the first printed newspapers, in which politics was a dominating topic. This project will expand the body of literature on early modern communication, printing and news by documenting for the first time how law texts operated in a commercial market for news and politics. State publications have regularly been excluded from studies of early modern printing, or characterised as ineffective means of communication, and this project will seek to correct this neglect by contextualising them appropriately. For instance, one issue that has not yet been analysed, is to what extent law texts were distributed for free, or available as commercial publications. There is also growing evidence that ordinances and edicts played a substantial, but hitherto neglected role in providing content for newspapers and other periodicals.

**Scope of project**

The pan-European nature of this project is one of its most important features. There have not yet been any attempts to explore the shared European tradition of the communication of law. Studies that have concentrated on proclamations, town criers or the printing of ordinances have all focussed on one geographical area, one town, or one individual involved in the process. It is one of the principal aims of this project to collate all of the available published information, and complement this with a series of four case studies, for which intensive archival research can be conducted.

**The PhD students involved with the COMLAWEU project will each be responsible for one of the four key case studies. The case studies will be proposed by the PhD students, but designed in collaboration with the PI**. They will allow for the exciting prospect of combining the pursuit of an independently-researched thesis exploring a particular dimension of legal and political communication in early modern Europe with the opportunity to work collaboratively within a research team.

Examples of case studies:

* France
* The Italian peninsula
* The Holy Roman Empire
* The Polish-Lithuanian Commonwealth
* The British Isles
* The Southern Netherlands
* Spain and/or Portugal
* The Ottoman Empire
* European Colonies (e.g. British or Spanish America)
* A combination of border regions that straddle more than one of the above

**Within each of these case study regions, the focus of the thesis may be narrowed to specific cities and/or regions.**

**Please note: case studies on the Northern Netherlands and Scandinavia will not be considered.**

Each case study will be centred on a specific geographical entity and linguistic expertise, but each should allow for comparative work within the case study, as well as between the other case studies that are part of the COMLAWEU project. Comparative work will concentrate on different political entities (empires, monarchies, duchies, city-states, republics) and different jurisdictions within them (towns, countryside, regional assemblies, national realms). Comparisons will also be made in terms of centre and periphery (a capital city versus a contested territory or one at the geographical edge of a realm), dominant confessions (Protestant and Catholic), as well as population density and economic prosperity.

To make the project feasible, the chronological scope is concentrated on the two and a half centuries between 1500 and 1750. This will allow for the sort of intensive archival research that is necessary to conduct the case studies. This time scale also overlaps closely with crucial developments in the building of European nation states, the centralisation of government, the growth of administrations and record-keeping, European global expansion, and the widespread introduction of printing. The project concludes before the era of the revolutionary democratic movements of the end of the eighteenth century, in a bid to determine how open and participatory European politics was in practice, in an era otherwise commonly characterised as one of absolutist states and autocratic rulers.

**Sources and methods**

To discover how law was communicated in early modern Europe, the project demands intensive archival research. Records of proclamations and detailed routes of town criers can be found in municipal, regional and national archives. Evidence is generally strewn among different sources within each archive, and not necessarily easily detectable. One has to consult administrative records of early modern authorities, lists of officials and instructions concerning their duties, official correspondence, account books and registers of laws and proclamations. Evidence might also be found in other types of archival sources: diaries can be used to uncover information on the reception of proclamations; court cases can reveal individuals prosecuted for tearing down placards; while commercial archives can tell us more about the sale of law texts, or their consultation by merchants and artisans.

Archives are also critical to trace and study texts of ordinances and edicts, in manuscript and printed form. Many archives of early modern authorities include stacks of placards, composed of copies that were kept as file copy and never posted up. Copies found in archives often also include useful information on their dissemination, with handwritten annotation recording where, when and by whom the text was proclaimed. Many of these ordinances have never been studied before, and are not recorded in major bibliographical projects. They are often deliberately neglected: some standard national bibliographies do not include government publications or placards. Even when they are not excluded from bibliographical projects, they are rarely described, because printed ordinances are generally recorded at the collection level by archivists (and thus not individually detailed). Ordinances in archives have traditionally also been ignored by book historians, because they tend to concentrate on printed works in libraries. This project will thus be uncovering in depth for the first time a historical phenomenon that is largely ignored because its surviving exemplars are held in the wrong place to attract the attention of those with the skill set to interpret them.

This project will also address the significant issue of book historical loss. Early modern ordinances survive extremely poorly: their function was to be publicly exhibited, read and to be covered over by more recent announcements. Preservation in archives was casual and rarely systematic. This project will therefore have to rely on other sources, such as account books, to determine to what extent the surviving copies represent the likely total originally published. This project will engage with a source base that is copious on a European level, but vastly incomplete on a local level, as well as erratic.

In shaping the methodology of this research, the project will draw on the successfully tested approach pioneered in the 2023 study of the PI, *State Communication and Public Politics in the Dutch Golden Age* (OUP) which offers a model for the archival investigation of practices of government communication. This work also demonstrates that the current proposed project will encounter erratic patterns of survival: the holdings of some archives may prove barren, yet others might reveal extraordinary caches of manuscript or printed evidence. A degree of flexibility is therefore built into the project, but given its European-wide ambitions, there will be significant room for manoeuvre within each case study when archival holdings prove to be far richer than expected.

**Project Management and Team**

The project will be based at the University of St Andrews. St Andrews is one of the foremost universities in Europe, and was recently awarded the highest possible score by the UK Research Excellence Framework for its Research Environment. It is home to a large and flourishing School of History, with some seventy members of staff, including a strong core group of Early Modernists. The School has a renowned Institute of Legal History, which will provide useful support for this project’s incursion into legal history. The School also includes a world-leading group of book historians associated with the Universal Short Title Catalogue (USTC) project, which will provide a natural home for the bibliographical documentation of printed ordinances and edicts uncovered by the proposed project. Given the PI’s position as Co-Director of the USTC project, and the ambitions and methodology of the COMLAWEU project, there is ample scope for collaboration with the USTC, and its PhD students will be encouraged to participate in a collegiate manner in the activities of the USTC group.

The core COMLAWEU project team will consist of:

* PI (Arthur der Weduwen).
* Two postdoctoral research assistants (each employed full time for 3.5 years, both beginning in September 2024).
* Two PhD students, fully funded for four years (both beginning in September 2024).

The PI will direct and manage the project. The two PDRAs and PhD students will have primary responsibilities for the four case studies. Thanks to the case studies, the four full-time project members will each be able to pursue an independent project, but do so in a supportive and collaborative framework. The PI will contribute research to all four case studies, as well as take a leading role in collating data, sources and literature on European regions not covered by the principal case studies.

Collaboration will be enhanced by the fact that the core group will work in the same group of offices in St Andrews. The PDRAs and PhDs will report each week to the PI on their progress, in reports that will be shared with all project members, so that challenges and achievements can be discussed openly. The project will also have a specific monthly session on secondary reading, in which important pieces of literature will be discussed among the group. In day-to-day work, the PDRAs will act as informal mentors of the PhD students. Each team member will have an annual review with the PI, based on the project milestones that will be set for each year of the project. In addition, the PhDs will undergo the School's process of annual PhD progression reviews.

The PDRAs and PhD students will also work together in the organisation of at least two conferences, while the entire group will work together on multiple collaborative journal articles.

For their research, the PDRAs and PhDs will be expected to spend considerable time in archives and libraries outside St Andrews. Budget provisions have been made that will allow each of the full-time project members to make on average three to four research trips of several weeks in every year of their employment or study. It is also likely that the project members will desire to spend one significant longer stretch on research abroad: in that case, they will temporarily relocate to the country that is home to the most important archives and libraries for their case study, while the travel funding can be used to return to St Andrews on several occasions to meet up with the PI and the rest of the project group.

**Projected Output**

The core output of the project will be three monographs and two PhD theses. The PDRAs will both produce a monograph on their respective case studies, while the PI will produce a monograph that will offer a European synthesis of the communication of law. The PDRAs and PhD students will collaborate in the organisation of two conferences. The first conference will concentrate on proclamations and town criers, and the second on the printing and distribution of ordinances and edicts. The proceedings of the conferences will be published as thematic journal issues, or, if the quantity of papers allows it, as edited volumes. The entire project team will also collaborate on several jointly written journal articles, which will all be comparative in scope.

The project team will also curate a website, to be launched at one of its conference, which will host interactive maps that will display the routes made by town criers throughout different cities, and display the known dissemination of ordinances across different countries and regions. This will provide a valuable teaching tool and scholarly resource, which can be added to when new archival discoveries are made.

**COMLAWEU PHD SCHOLARSHIP APPLICATION FORM**

**Name**:

**Language proficiency** (please indicate level of competency for each, distinguishing between reading and speaking competencies if relevant):

**Case study proposed** (please indicate which European region/area you would like to investigate as part of the project, e.g. France, Holy Roman Empire, etc.):

NB. You are welcome to propose multiple case studies, but your PhD will only examine one. Case studies on the Dutch Republic and Scandinavia will not be considered.

Please state below (max 1,500 words) your reasons for applying, what capacities and experience you will bring to the project, and what you believe your proposed case study will contribute to the project: