

A greater inheritance comes to each of us from justice
and the law than comes from our parents.

—*Cicero*

The people of the land have
used oppression, and
exercised robbery, and have
vexed the poor and needy:
yea, they have oppressed the
stranger wrongfully. . . .

Therefore have I poured out
mine indignation upon them.

—*Ezekiel 22:29 & 31*

Thieves for
their robb'ries
have authority,
when judges
steal themselves.

—*Shakespeare*

SUMMONING SHAKESPEARE, CICERO, AND SCRIPTURE

EPIGRAPHS IN LAW BOOKS

DANIEL R. COQUILLETTE RARE BOOK ROOM
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Summoning Shakespeare, Cicero, and Scripture: Epigraphs in Law Books

Curated by:

Laurel Davis & Melissa Grasso

The study of law can be disappointing at times, a matter of applying narrow rules and arcane procedure to an uncooperative reality; a sort of glorified accounting that serves to regulate the affairs of those who have power But that's not all the law is. The law is also memory; the law also records a long-running conversation, a nation arguing with its conscience.

—Barack Obama, *Dreams from My Father*

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ACKNOWLEDGMENTS

A big thanks goes to Helen Lacouture who gamely helped us go through all of the books in the collection and identify books with epigraphs. Much gratitude goes to Maja Hight-Huf and Lily Dyer for their help with the exhibit catalog and website.

Last but not least, two of our Law Library student workers, Erin Sheedy and Kelly DiLucio (both BC Class of 2022), deserve a special shout-out. Erin and Kelly provided invaluable assistance with this project. They transcribed the epigraphs from title pages to a spreadsheet and organized and linked our many images. They did a beautiful job and did it far more quickly than we could have. ~LD & MG

Summoning Shakespeare, Cicero, and Scripture: Epigraphs in Law Books

“Epi-what?” Recently, we noticed that many law books in our collection have quotations from well-known writers on the title pages. These short quotations, meant to suggest the theme of a work (and the erudition of the book’s author), are known as epigraphs. **Compare, epigrams:** witty remarks, often satirical in nature (e.g., “I can resist everything but temptation.”—Oscar Wilde). Or **epitaphs:** a phrase written in memory of a deceased person, often on a tombstone (e.g., “She did it the hard way.” —Bette Davis’s epitaph).

Epigraphs have been used on the entrances of buildings since before the current era. They started appearing on books at least by the 16th century, though likely there are earlier examples. The earliest epigraph in our collection is a passage from Deuteronomy on the title page of a 1556 treatise on French customary law.

If you sift through some of your own books, you’ll probably find epigraphs pretty quickly. They appear in a wide array of books, including biographies, memoirs, novels, poetry collections, comics, and academic works. *Moby-Dick* is fun to check out, with 80 epigraphs from a variety of sources—including William Blackstone! In pre-1850 works, epigraphs tended to be placed on the title page. After that, it became more common to find them on a blank page before the first page of actual text.

Epigraphs typically are chosen by the author and appear across subsequent editions of the work. In our collection, they come from sources as varied as the Bible, Shakespeare, ancient Roman writers like Cicero, Horace, and Virgil, and legal scholars like Edward Coke and William Blackstone. Sometimes they directly relate to the content or goals of the book. Sometimes they’re more mysterious. Regardless, by using quotations from these sources, authors could simultaneously advertise and preview the content of their work, summon the authority of revered thinkers, and signal their own erudition.

A note on our translations: We used a combination of co-curator Melissa Grasso’s excellent knowledge of Latin; modern (and semi-modern) translations of works, often from the Loeb Classical Library; the legal maxims section of *Black’s Law Dictionary*; and the wisdom of colleagues.

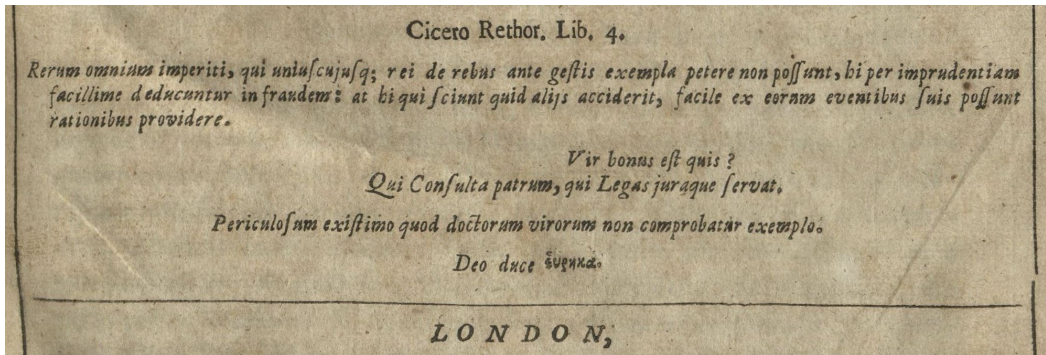
COOKING UP SOME EPIGRAPHS

Sir Edward Coke (pronounced “Cook,” 1552–1634) was one of the earliest English jurists to place epigraphs on the title pages of his books. A lawyer, politician, and judge under both Elizabeth I and James I, Coke is known as the champion of the common law (the Anglo-American body of customary law based on the decisions of judges) over the power of monarchs.

Edward Coke, *A Book of Entries*. London, 1671.

GIFT OF DANIEL R. COQUILLETTE

This essentially is a form book that lays out the proper way to plead and argue cases. Coke uses epigraphs to emphasize the importance of precedent—of relying on laws and customs and “following the example of learned men” (like Coke himself!).



Rerum omnium imperiti . . .

Those who are inexperienced in everything, and are unable to seek out precedents of what has been done before in every case, are most easily deceived through imprudence; but those who know what has happened to others may easily from their fortunes prepare themselves for their own affairs. —*Rhetoric for Herennius* (long attributed to Cicero)

Vir bonus est quis? Qui consulta patrum, qui Legas juraque servat.

Who is a good man? He who obeys the decrees of the elders and respects the laws and customs. —Horace, *Epistles*

Periculosum existimo

I consider what is not attested by the example of learned men to be dangerous.

—Coke, from his *First Part of the Institutes on the Laws of England (Coke Upon Littleton)*

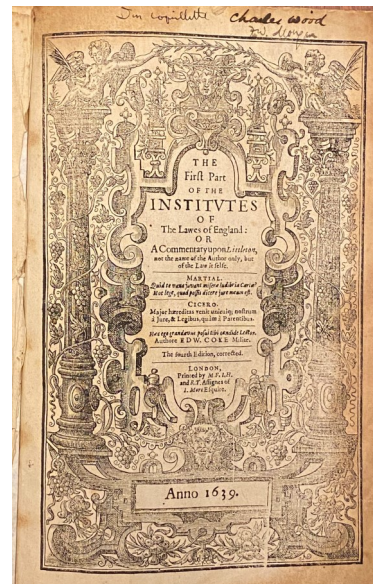
Deo duce ἐβρηξα

With God as my leader, I have found it.

Edward Coke, *First Part of the Institutes of the Lawes of England [Coke on Littleton]*. London, 1639.

GIFT OF DANIEL R. COQUILLETTE

In his famous treatise on land law and property law, based on a 15th century treatise by Thomas de Littleton, Coke demonstrates his love for the classics by citing Martial and Cicero. The Martial epigraph suggests the practical, “real world” nature of this work as opposed to the frivolity of other writings. The Cicero passage (similar to the epigraphs on *The Book of Entries*) reflects Coke’s view of law as an inheritance, a sacred tradition that can be discerned by examining the writings of lawyers past.



Quid te vana iuvant miseræ ludibria cartæ

How do the empty tales of such frivolous writings benefit you? Read this book, and you could say fairly, “This is my life.” —Martial, *Epigrams*

Cicero epigraph, beginning “Maior haereditas”:

A greater inheritance comes to each of us from justice and the laws than comes from our parents. —Cicero, *For Aulus Caecina*

Hæc ego grandævus posui tibi candide lector. / Authore EDW. COKE Milite.

Hence I, who am very old, have put this before thee, innocent reader. / Author Edward Coke Knight.

This one is not so much an epigraph as a note from author to reader.

CABINET 2

CITING COKE



Cicero (106 BC–43 BC, Roman statesman and lawyer) and Horace (65 BC–8 BC, Roman poet) lead the pack overall for the number of epigraphs in our collection. Together, they account for about 25% of the epigraphs we identified. But Sir Edward Coke made a fair showing too. We identified over a dozen title pages (about 6% of the total) with quotations from Coke’s *Institutes* and *Reports*.

John Joseph Powell, *An Essay Upon the Learning of Devises*. London, 1788.

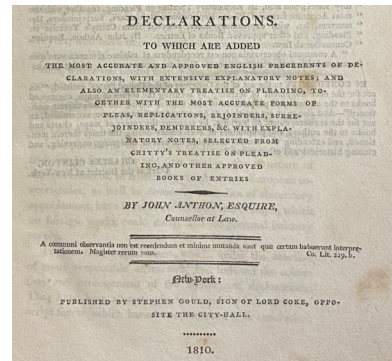
Powell understandably chose, for his treatise on devising real property via will, a Coke quotation on the importance of following the letter of the law.

Melius est judicare secundum leges et literas, quam ex propria scientia et sententia.

It is better to judge according to the letter of the law than according to one’s own knowledge and feeling. —Coke, *The Fourth Part of Coke’s Reports*

John Anthon, *American Precedents of Declarations*. New York, 1810.

This early American book of forms uses examples from Theophilus Parsons (Chief Justice of the Massachusetts Supreme Judicial Court from 1806–1813) and other “accomplished pleaders” as models for the reader. The Coke epigraph references his emphasis on precedent and relying on custom and the past practices of respected practitioners.



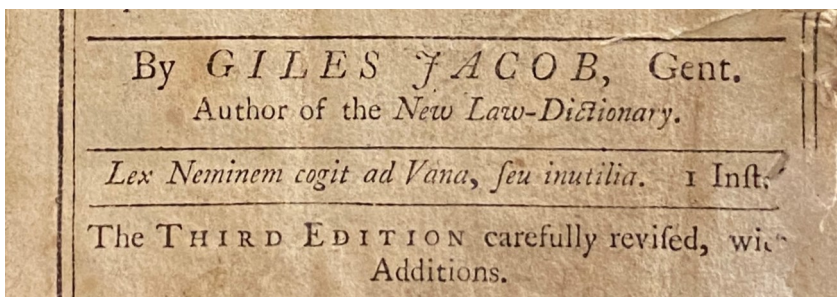
A communi observantia non est recedendum . . .

One should not depart from common observation and that which has a sure interpretation should be altered as little as possible. Experience is the teacher of things. —Coke on Littleton (*First Part of the Institutes on the Laws of England*)

Giles Jacob, *A Law Grammar; Or, Rudiments of the Law*. London, 1754.

GIFT OF KATHRYN “KITTY” PREYER

Many of the Coke quotations are short comments that became common legal maxims, though people could fairly disagree with this one.



Lex Neminem cogit ad Vana, seu inutilia.

The law compels no one to do vain or useless things. —Coke’s *First Part of the Institutes on the Laws of England*

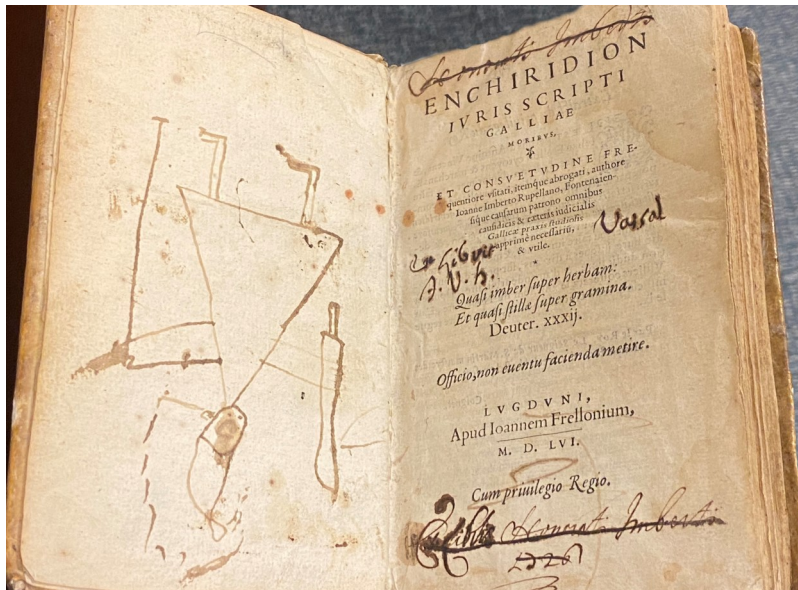
SCRIPTURE

Perhaps not surprisingly, the Bible is a common source of epigraphs in many different types of books. Take a look at Toni Morrison's *Beloved*, Margaret Atwood's *The Handmaid's Tale*, Leo Tolstoy's *Anna Karenina*, or Fyodor Dostoevsky's *The Brothers Karamazov*, just to name a few examples. Law books are no exception in their appeal to scripture.

Enchiridion Iuris Scripti Galliae Moribus. London, 1556.

GIFT OF MICHAEL H. HOEFLICH

This “enchiridion” (small manual or handbook) on French customary law is the oldest book in our collection with an epigraph. Notice the child’s drawing of a soldier (or bishop?) with a sword opposite the title page.



Quasi imber super herbam: et quasi stillae super gramina.

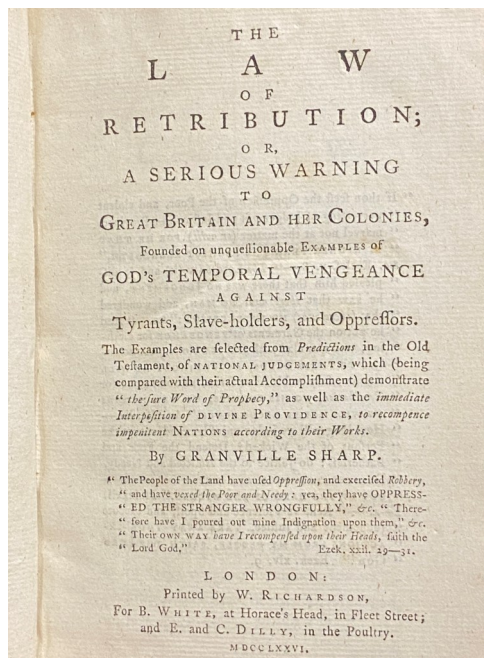
Let my teaching fall like the rain upon the grass and dew upon the plants.

—Deuteronomy 32:2 (excerpted from this longer passage)

Officio, non eventu facienda metire.

Judge what must be done according to duty, not outcome.

—Unattributed, perhaps from the author

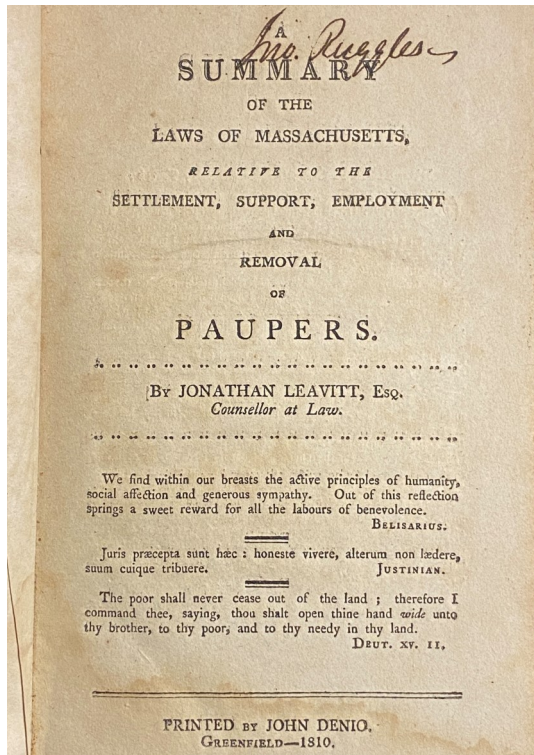


Granville Sharp, *The Law of Retribution; or a Serious Warning to Great Britain and Her Colonies, Founded on the Unquestionable Examples of God's Temporary Vengeance against Tyrants, Slave-holders, and Oppressors.* London, 1776.

GIFT OF DANIEL R. COQUILLETTE

Sharp (1735-1813) was a British abolitionist, biblical scholar, and supporter of the American colonists' revolution against the Crown. He published this antislavery work in 1776 and included a passage from Ezekiel (printed in English on the title page) as an epigraph, referencing God's retribution for acts of oppression.

"The People of the Land have used *Oppression*, and exercised *Robbery*, and have *vexed the Poor and Needy*: yea, they have OPPRESSED THE STRANGER WRONGFULLY," &c. "Therefore have I poured out mine Indignation upon them," &c. "Their own way *have I recompensed upon their Heads*, saith the Lord God." —Ezekiel, 22:29-31



Jonathan Leavitt, *A Summary of the Laws of Massachusetts Relative to the Settlement, Support, Employment and Removal of Paupers*. Greenfield, MA, 1810.

Two of the epigraphs for this work on Massachusetts “poor law” are printed in English, including an exhortation from Deuteronomy 15:11 to embrace and aid the poor and needy. The Latin quotation in the middle comes from two foundational Roman law texts, the *Institutes* and the *Digest*. These texts were compiled under Justinian I, the 6th century Byzantine emperor. Along with Justinian’s *Codex*, they constitute the *Corpus Juris Civilis*, or body of Roman law.

We find within our breasts the active principles of humanity, social affection and generous sympathy. Out of this reflection springs a sweet reward for all the labours of benevolence. —Belisarius (Byzantine military commander under the emperor Justinian I)

Juris praecepta sunt haec: honeste vivere, alterum non laedere, suum cuique tribuere.

The basic principles of law are: to live honorably, not to harm others, and to render each what he is due. —Justinian (from Roman jurist Ulpian’s discussion of justice in the Justinian’s *Digest*, 1.10.1, repeated in the *Institutes*, 1.1.3.

The poor shall never cease out of the land; therefore I command thee, saying, thou shalt open thing hand wide unto thy brother, to thy poor, and to thy needy in thy land. —Deuteronomy 15:11

CABINET 4

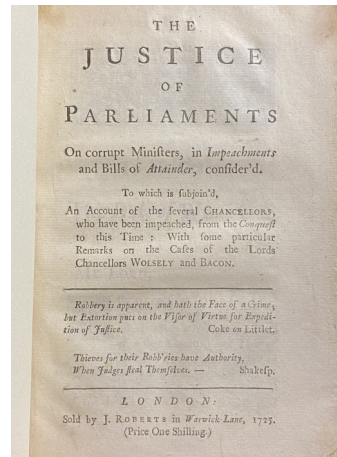
SHAKESPEARE

Like the Bible, the Bard is a common source of epigraphs in all types of books, fiction and non-fiction alike. Literary theorist Gérard Genette estimated that Shakespeare would hold the world record for the number of times quoted in epigraphs. So perhaps it's not surprising that we found examples in our rare law books!

Thomas Gordon, *The Justice of Parliaments on Corrupt Ministers*. London, 1725.

GIFT OF DANIEL R. COQUILLETTE

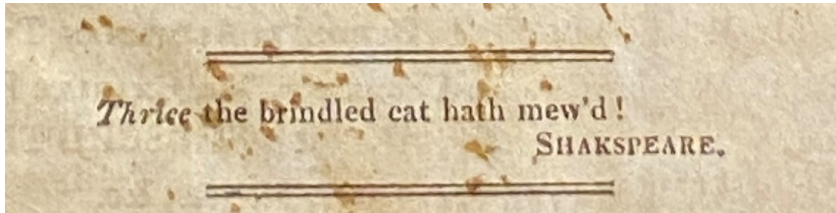
Gordon's work recounts instances in which government officials engaged in corrupt acts. One of the cases discussed is Francis Bacon's 1621 bribery scandal. Bacon was Lord Chancellor, the highest legal officer in England, when he pleaded guilty to accepting a bribe. The Shakespeare quotation comes from *Measure for Measure*. The other quotation is from Bacon's long-time enemy, Sir Edward Coke.



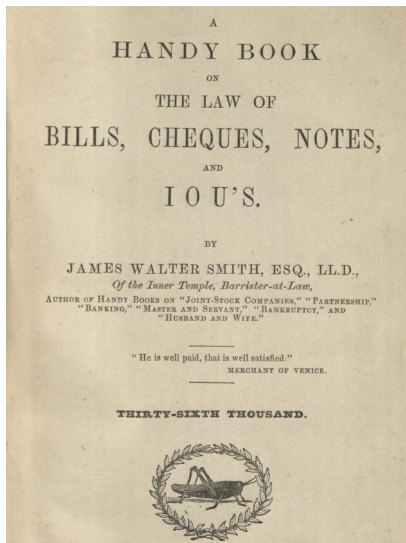
Robbery is apparent, and hath the face of a Crime; but extortion puts on the visor of virtue for expedition of justice. —*Coke on Littleton*

Thieves for their robb'ries have authority, when judges steal themselves.
—Shakespeare (*Measure for Measure*, Angelo in Act 2, Scene 2)

***The Three Trials of William Hone for Publishing Three Parodies.* London, 1818.**



One of the three witches says “Thrice the brindled cat hath mew’d” as they enter in Act 4 of *Macbeth* and gather around the cauldron, just before “double, double toil and trouble.” In this book, Hone—a journalist, satirist, and bookseller—documented his three 1817 libel trials for blasphemy. Defending himself, Hone won against the government in a major victory against censorship. Does the *Macbeth* line about the three meows of the cat simply mean to echo the three trials and three parodies?



James Walter Smith, *A Handy Book on the Law of Bills, Cheques, Notes, and IOU's.* London, 1868.

GIFT OF JAMES S. ROGERS

“He is well paid, that is well satisfied” is stated by Portia in *The Merchant of Venice*, as she explains to Antonio that saving him was payment enough, and that there’s no need for money. It’s an interesting choice for a book about payments! Perhaps Portia wouldn’t have minded payment in addition to the satisfaction of a job well done?

CABINET 5

CLEAR & ACCESSIBLE

Some epigraphs that we identified focus on the writer's intent to make the law clear and accessible to readers. Due to specialized legal terminology, complex and arcane rules, and the expense of books, this was a considerable challenge.

John Cowell, *The Interpreter: Or a Book Containing the Signification of Words*. Cambridge, 1607.

GIFT OF DANIEL R. COQUILLETTE

Cowell was an English civilian lawyer and law professor. When his law dictionary hit the market in 1607, Cowell immediately found himself in hot water and his book in flames. His definitions of terms like “King” and “King’s Prerogative” put him in the middle of a power struggle between the King and the House of Commons that led to the book’s suppression.

In legum obscuritate captio

There’s deception in the obscurity of laws. —Unattributed, perhaps Cowell

Timothy Cunningham, *The Law of Bills of Exchange*. London, 1760.

GIFT OF JAMES S. ROGERS

Cunningham’s work went through many editions and was a standard commercial law treatise. His chosen epigraph on the need for certainty in the law is from the *Institutes*. It was a textbook for law students and a core part of the Corpus Juris Civilis, the body of Roman law codified in the 6th century under Emperor Justinian.

Misera est Servitus, ubi Jus est vagum aut incertum. 4 Inst. 246.

It is a miserable servitude where the law is vague or uncertain. —*Institutes*

Nulli vendemus, nulli negabimus, aut differemus iusticiam aut rectum.

To no one shall we sell, deny, or delay justice or what is right. —Magna Carta

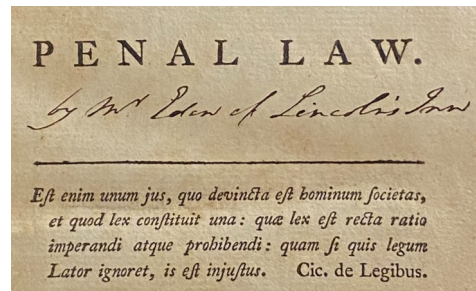
Rex praecipit ut pax Sacrosanctae Ecclesiae

The King commands that the peace of the Holy Church and the realm be firmly preserved and kept in all respects, and that justice be administered to all, both poor and rich. —*The Statute of Westminster I* (1275)

**William Eden, *Principles of Penal Law*.
London, 1771.**

GIFT OF KATHRYN “KITTY” PREYER

Eden, an 18th-century English lawyer and politician, advocated for the reform of the English penal code and particularly, for leniency in punishment.



For justice is one, which binds together human fellowship, which is based on one law, which is right reason applied to command and prohibition. If any proposer ignores any of the laws, he is unjust. —Cicero, *De Legibus* (*On the Laws*)

**Charles Edwards, *The Jurymen's Guide throughout the State of New York*.
New York, 1831.**

GIFT OF KATHRYN “KITTY” PREYER

The epigraph in this book comes from William Blackstone's *Commentaries on the Laws of England*. It emphasizes the idea that the law should apply to and restrain the rich and powerful as much as anyone else. The passage also extols the value of a jury, appropriate for this guide to jury service.

The most powerful individual in the state will be cautious of committing any flagrant invasion of another's right, when he knows that the fact of his oppression must be examined and decided by twelve indifferent men. —Blackstone

CRIME & PUNISHMENT

We identified several treatises on criminal law that contain epigraphs. The quotations used tend to focus on punishments for the guilty.

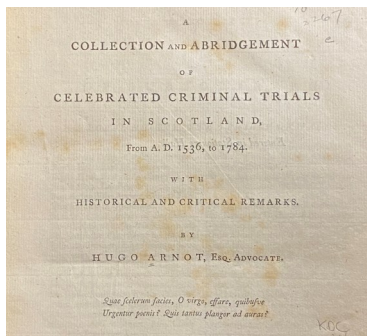
Henry Dagge, *Considerations on Criminal Law*. London, 1774.

GIFT OF KATHRYN “KITTY” PREYER

Dagge’s epigraphs from Tacitus and Horace both emphasize the need for proportionality and restraint in punishment. The Age of Enlightenment had led to an increased focus on the humaneness of punishments and the reduction in the number of capital crimes in Europe and the early United States.

He [Agricola] made it his business to know everything; if not, to always follow up his knowledge: he turned an indulgent ear to small offences, yet was strict to offences that were serious: he was satisfied generally with penitence instead of punishment. —Tacitus, *Agricola* (discussing the Roman general’s commitment to justice, peace, and equity)

Let us have rules to assign just penalties to offences [lest you flay with the terrible scourge what calls for the strap]. —Horace, *Satires* (epigraph consists of first part)



Hugo Arnot, *A Collection and Abridgement of Celebrated Criminal Trials in Scotland*. Edinburgh, 1785.

Arnot advocated for the reform of the criminal statutes, including more humane punishments. This epigraph is Aeneas’ horrified response from a scene in the Underworld after Sibyl shows him Tartarus, the hell where wicked souls are tortured.

Quae scelerum facies, O virgo, effare, quibusue urgentur poenis? Quis tantus plangor ad auras?

What forms of crime are these? Say, O maiden! With what penalties are they scourged? What is this vast wailing on the wind? —Virgil, *Aeneid*

Edward Hyde East, *A Treatise on the Pleas of the Crown*. London, 1803.

East (1764–1847) was a British member of Parliament, a judge in India, and enslaver of human beings in Jamaica. He used a different Horace quotation than Dagge (opposite page). It is from a longer passage on the need to curb lawless behavior.

Quid tristes querimoniae, Si non supplicio culpa reciditur.

What is the point of dismal lamentations if guilt is not checked by punishment? —Horace, *Odes*

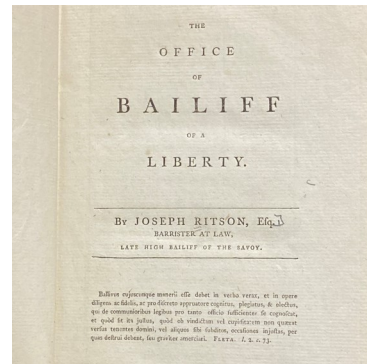
CABINET 8

ON THE NOSE

While many of the books use epigraphs from the classics or even lofty legal passages about justice and the law, others are a bit more “on the nose” regarding the topic at hand. They supply a straightforward preview of the book’s contents.

Joseph Ritson, *The Office of Bailiff of a Liberty*. London, 1811.

Now known as a court officer who maintains order in the court, *bailiffs* (from the Latin for deliver, entrust, or commit) historically were judicial officers with the responsibility of serving summonses and executing warrants. Their jurisdiction was called their “bailiwick.” A primary area of responsibility was the manorial courts, which handled smaller matters over



which the lord of the manor had jurisdiction. Ritson's epigraph comes from *Fleta*, a treatise on the common law originating in the 13th century.

Ballivus cujuscunque manerii esse debet in verbo verax, et in opere diligens ac fidelis

The bailiff of every manor should be true in word, diligent and faithful in deed, and known, guaranteed, and chosen as a careful improver; one who knows enough of every-day law to equip him for so responsible an office and who is so upright that he will not, for the sake of vindictiveness or greed, seek unjust grounds for complaint against the lord's tenants or other subject to him, whereby they may be ruined or heavily fined. —*Fleta* (translation from the Selden Society publication)

Joseph Story, *Commentaries on the Conflict of Laws*. Boston, 1834.

The French epigraph on Story's treatise comes from Louis Boullenois' 1766 treatise on French customary law and conflicts of law.

A perpetual conflict of laws will therefore always prevail among nations; perhaps such a conflict will prevail among us in many areas. Hence the need to educate ourselves with respect to the rules and principles enabling us to decide the questions which such diversity can generate. —Louis Boullenois (1680–1762)

James Gould, *Treatise on the Principles of Pleading, in Civil Actions*. Boston, 1832.

Gould's epigraphs all focus on the importance of proper pleading, a much more formal system of defining and narrowing the legal issues at hand than in today's system of notice pleading.

Ordine placitandi servato, servatur et Jus.

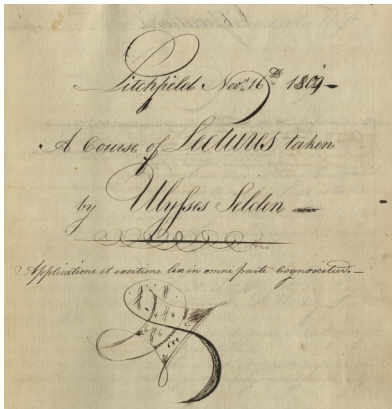
When the order of pleading is preserved, Justice also is preserved. —Coke

It is one of the most honourable, laudable, and profitable (useful) things in our law, to have the science of well *Pleading*, in actions, real and personal. —Littleton

The *Law* itself *speaketh* by good *pleading*—as if pleading were the *living voice* of the Law itself. —Coke

MANUSCRIPTS

Epigraphs are not limited to printed books. We noticed that at least two of our manuscript holdings include an epigraph copied out in the compiler's handwriting. The tradition of including such quotations on title pages likely was familiar to them from their own book collections.



Course of Lectures Taken by Ulysses Selden (Litchfield Law School Notebooks). Litchfield, CT, 1802-1809.

GIFT OF EDWARD R. LEAHY

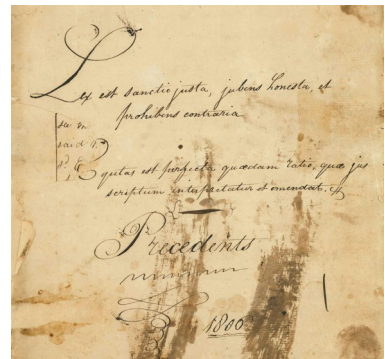
This is from the handwritten title page of Selden's notes during his tenure at the Litchfield Law School, the first law school in the United States.

Applicatione et exertione lex in omni parte cognoscitur.
Through application and effort, the law is ascertained in every direction. —Unattributed

[William Pope, Jr.], *Precedents*. 1806.

This book of precedents (form or model documents) likely was created by a law apprentice using the forms from the office where he worked, a common practice at the time.

Lex est sanctio justa, jubens honesta, et prohibens contraria.
The law is a sacred sanction, commanding what is right and prohibiting the contrary. —Unattributed



Equitas est perfecta quaedam ratio, quae jus scriptum interpretatur et emendat.
Equity is a certain perfect logic, which interprets and amends the written law.

JUSTICES OF THE PEACE

While they did not have the authority or jurisdiction of judges, justices of the peace in England and early America held a good deal of power on the local level. They exercised jurisdiction over smaller civil cases and lesser crimes.

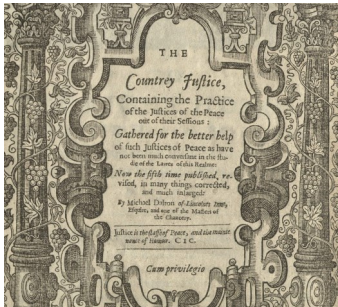
William Lambard, *Eirenarcha*. London, 1599.

GIFT OF DANIEL R. COQUILLETTE

Lambard harnessed the theme of peace with this passage from the *Aeneid*, one of the most quoted in Latin literature. Lombard created the title term *Eirenarcha* himself from the Greek words “eirene” (peace) and “archos” (leader or chief).

Hae tibi erunt artes, pacique imponere morem.

These will be your arts – to impose the ways of peace. —Virgil, *Aeneid*



Michael Dalton, *The Country Justice*. London, 1635.

GIFT OF KATHRYN “KITTY” PREYER

We have been unable to locate the source of Dalton’s Cicero epigraph. It appears in English on many editions of this work, first published in 1618.

Justice is the staff of peace and the maintenance of honor. —Cicero

***The Complete Justice of the Peace*. Dover, N.H., 1806**

GIFT OF KATHRYN “KITTY” PREYER

Let us have a rule to assign just penalties to offences lest you flay with the terrible scourge what calls for the strap. —Horace, *Satires*

In all sciences they are the soundest, that keep close to particulars.
—Francis Bacon, “A Proposition Touching Amendment of Laws”

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