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Learning the Law: The Book in Early Legal Education

Ryan Martins  
Yale Law School

Michael Widener  
Yale Law Library

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LEARNING THE LAW
The Book in Early Legal Education

An exhibition curated by

Ryan Martins, Rare Book Fellow
& Michael Widener, Rare Book Librarian

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When looking at a row of law books today, whether in a law library, a courthouse, or a student's bookshelf, one might be struck by their apparent uniformity – row upon row of nearly identical volumes. This, however, was not always so. Throughout history, law books has taken an astounding variety of forms. More than just repositories of information, like any other tools of a trade, their use influenced their design.

This exhibit highlights the intimate connection between legal literature and legal education. It focuses on the way that the usage of one group in particular – students – helped shape both the content and the form of legal literature over the course of nearly 15 centuries of legal study.

The first case highlights three of the most important textbooks of in the history of legal education, Justinian's *Institutes*, Littleton's *Tenures*, and Blackstone's *Commentaries*, and the various forms in which these essential texts were presented.

The second case looks at books as tools for the student – books whose form was very much a part of their function. While there were many such categories, we have selected four of particular use to law students: visual aids, notebooks, legal dictionaries, and study guides.

— Ryan Martins
In the year 533 the Emperor Justinian reformed legal education in the Eastern Roman Empire, proscribing a new five-year course of study. The Institutes was issued as the textbook for first-year law students, a position which it maintained for centuries. In this 13th century manuscript one can see a number of design features that became commonplace in legal publishing. Color titles, wide margins for notetaking, text in columns in the middle of the page surrounded by commentary, called gloss – itself a product of legal education – are all features that would carry over from the manuscript era into print.
Institutiones imperiales. Paris: Jean Petit, 1510.

This truly pocket-sized copy of the Institutes would have been attractive for the student who needed a textbook that was both inexpensive and easily portable. Its minute size, however, did not stop its owner from making extensive use of the margins for notes. This is the only known copy of this edition.

Institutiones iuris civilis. Venice: Giunta, 1581.

This print edition of the Institutes is open to the same page – the beginning of Book Four – as the large manuscript copy. Published over 200 years after the manuscript copy, we can see many of the same features. The text is in middle of the page, surrounded by the gloss. The sections are still marked in red, while the hand drawn embellishments in the manuscript edition have been replaced by decorative woodcuts.
Learning the Law: Justinian’s Institutes


This abbreviated copy of the Institutes appeals directly to students. The illustration shows two paths available to the prospective student: in the path on the right – “either slowly or never” – a student struggles up a steep hill with a cumbersome basket full of books on their back. On the path on the left – “neither slowly, nor with difficulty” – the student proceeds along a series of well-defined steps with only a single book – this book – in hand.


This small volume of Roman law presents the most important parts of the Institutes as a series of easy-to-understand questions and answers – a format that proved popular for legal study guides.

Imperatoris Iustiniani Institutionum libri IIII. Passau, 1700.

An engraving of Justice adorns this small copy of the Institutes.
This confusing chart is actually designed to make it easier for students to memorize the *Institutes* of Justinian. It reduces the mass of information presented in the Institutes to a series of allegorical engravings keyed to passages in the text, to aid in memorization. Can you work out the meaning behind any of the images?
In Littleton's time, materials for the study of law were scarce. Littleton wrote the *Tenure* to help his son. First printed in 1481, it soon became the standard legal textbook on property law and appeared in over ninety editions. This edition is particularly well suited to the student. Its size allows it to be relatively cheap as well as portable, and the extra wide margins allow for copious note taking. This copy has clearly passed through the hands of multiple owners, each of whom had plenty of room for annotations.
Law French became the official language of the English courts for nearly 700 years. Near the end of this period, when Law French had all but ceased to be a spoken language, bilingual volumes like this were especially popular. They allowed the student to study the content of the law while also brushing up on the language skills that were still needed.

In the preface, the editors – obviously aware of the priorities of law students – lauded their edition for removing all the obsolete parts of the text, both so that students wouldn’t get bogged down in unimportant details, but also to make the work as inexpensive as possible.
Littleton's *Tenures* was the most important textbook on English property law until the appearance of Coke's commentary on Littleton, in which Coke “shoveled out his enormous learning in vast disorderly heaps” in the margins around Littleton's text. Coke on Littleton was the most read legal textbook in America until Blackstone, and possibly the most hated. Of his early legal studies, Justice Joseph Story remembered, “I was hurried at once into the intricate, crabbed, and obsolete learning of *Coke on Littleton*. ... After trying to read day after day with very little success I set myself down and wept bitterly.”
Blackstone's *Commentaries* is the single most influential work in the history of Anglo-American law. It began as a series of lectures on the common law given at Oxford, and was eventually published in the 1760s to great acclaim. It soon became the essential text for anyone studying the law not only in England, but in Canada and the US as well. It is no coincidence that the *Commentaries*, which synthesized the vast unwieldy expanse of English common law, is, like the *Institutes* before it, organized in four books.

This abridgment of the *Commentaries* is explicitly aimed at students. Over fifty years old by the time of this volume’s publication, it was brought up to date with contemporary statutes and case law.


A once popular format for educational books took the key parts of a primary work and presented them in a series of “letters” or essays, written for a particular audience. This abridgment of the *Commentaries* takes this form – it is written as a series of letters from a lawyer father to his daughter.
Asa Kinne, Asa. *The most important parts of Blackstone's Commentaries, reduced to questions and answers.* New York: W.E. Dean ..., 1839.

This set of questions and answers on Blackstone's *Commentaries* is marked by a large stain – perhaps some careless student spilled their coffee?


Blackstone Quizzers functioned as early bar prep packages for students – and for only 50 cents! The author was a professor at the Sprague Correspondence School of Law, the first correspondence law school in the US, which opened in 1890. It allowed for long-distance legal education, and offered opportunities for women and minorities who were barred from most traditional law schools.
This 15th century manuscript contains a number of related works, includes these hand-drawn and colored copies of Giovanni D’Andrea’s trees of consanguinity and affinity. Tree diagrams were a popular way to convey information about family relations in a compact, easy-to-understand way. These diagrams illustrate in just two pages what would otherwise take many pages of text to explain. They continued to be used in the era of printing - a print version of the tree on the left was the first image to appear in a printed law book.

These diagrams are visual hypotheticals, presenting the student with tough legal issues involving blood relationships. Despite its relatively small size, the wide margins left enough space for a student to attempt a solution of his own.
Ely Warner. “A system of law in, a series of lectures, delivered, _ore tenus_ at Litchfield (Conn.) from June 1808 to September 1809.” Volume 1 of 3.

This is a student's notebook from a lecture at the first law school in the United States, Litchfield Law school, which opened its doors in 1773. On the left is the end of a chronological chart of different case reporters, allowing the student to quickly and easily locate a case. On the right, the notes begin with a section on municipal law.
This table, part of a series printed by Giles Jacob, outlines the definitions and punishments for a host of common crimes against God, the king, and the public. The large format allows it to present a variety of information in a way that is accessible and easy to display.
The creation of commonplace books was once a popular method of legal study. It consisted of entering notes on case law, statutes, and lectures in notebooks under alphabetically arranged topics. The printed book here, a treatise on pleading, is organized like a commonplace book. At least a century after it was printed, its owner, Samuel Kekewich, converted it into a commonplace book by interleaving it with blank pages, giving him the space to add material of his own.
This copy of Justinian's *Institutes* combines a number of interesting design elements. The original text of the *Institutes* – in the center of the small printed page – is surrounded by later printed commentary, or gloss. This left no room for marginal notes, which this volume's owner rectified by interleaving the printed volume with blank pages to allow for his extensive annotations.
This text consists of a mnemonic poem to help students memorize the titles of the *Decretals* – part of the body of canon law – and associated passages. It opens with an image of four students at the feet of their teacher who reads from a pulpit. The image is embellished with ink – perhaps by a rather bored student?

**Repertorium aureum. Cologne: Heinrich Quentell, 1495.**

This “dictionary of both laws” (i.e. both Roman and canon law) went through an incredible 70 editions from its first appearance in 1472. This edition is one of many to include a how-to guide for legal studies.

**Vocabularium utriusque iuris. Venice: Fabio & Augusto Zopinos, 1581.**

Giles Jacob was one of the most prolific legal writers of his age. Many of his books were aimed at law students. His *Law Grammar*, presented in an inexpensive and portable volume, advertises itself directly to students, boldly claiming that “they will acquire a great deal more useful Learning in the Law, than by any of the Books yet published.”

**Giles Jacob. A law grammar, or, Rudiments of the Law. London: Printed by His Majesty’s Law-Printers ..., [1775?].**
When Rastell first published his law dictionary in the 1520s, it was not only the first dictionary of English law, but also the first dictionary of any kind in the English language. Through nearly thirty editions over three hundred years, it was an important text for both practicing lawyers and students of the law. It presents side-by-side definitions in both Law French and English, allowing students the ability to understand the terms while also honing their grasp of both languages.
Learning the Law: Dictionaries


This law dictionary, “compiled for the instruction and benefit of students,” presents the terms in gothic or black letter type – from where we get the term black letter law – and the accompanying definitions in roman type.

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AG

in Pleading, for a Petition to call in Help from another Person that has Interest in Land or other Thing coasserted: it requires Strength to him that prayeth in Aid, and to the other likewise, who thereby has an Opportunity given of avoiding Prejudice, which might otherwise accrue to his own Right. As when a Tenant for Life, by Courtardy, in Dover, for Term of Years, &c. is implanted, such may pay Aid of the Person in Recovery; that is to say, desire the Court that he may be called by Writ, to alledge when he thinketh proper in Maintenance of the Right of the Person calling him, and of that of his.

AI

in Aid, is to be granted to the Defendant in Execution, in case the Title of the Land is in question: Likewise a Lease for Years, and Tenants at Will shall have Aid in Trespass; but Tenants in Tail shall not have Aid of the Person in Remembrance in Fee, seeing that he himself is in Inheritance.

AL

in Aid, is to be granted to the Defendant in Execution, in case the Title of the Land is in question: Likewise a Lease for Years, and Tenants at Will shall have Aid in Trespass; but Tenants in Tail shall not have Aid of the Person in Remembrance in Fee, seeing that he himself is in Inheritance.

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(From the French) in general is taken to signify a Sound or God, which is divided to the Crown. By 34 Ed. I. it is ordained, that the King shall have no Aid or Tax without his Parliament.

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(From the Latin) signifies to pray or crave Assistance; and is a Word used in Pleading, for a Petition to call in Help from another Person.

This handy guide to Lincoln’s Inn – one of the four Inns of Court – provides a host of information about the institution to new students. It notes everything from library hours to where to find the fire extinguishers, and is accompanied by this engraved map of the building.
This work, presented in a series of letters addressed to law students, touches on the various aspects of legal education. Its author, John Raithby, a member of Lincoln's Inn, knew his audience well – his first letter entreats law students to stop complaining about their position, and to remember just how fortunate they really are.

Hoffman’s *Course of legal study* provides a syllabus for those interested in self-studying various topics in the law. Here is an outline for a course of real property. As evidence of Littleton’s enduring influence, Hoffman still recommends beginning one’s study of property law with Littleton, more than 350 years after its first publication.

**Shana Jackson**  
*Lillian Goldman Law Library*

**Mary Loka**

**Teresa Miguel-Stearns**  
*Lillian Goldman Law Library*

**Yuksel Serindag**  
*Lillian Goldman Law Library*

**Emma Molina Widener**

Designed and typeset in Minion Pro by Michael Widener.