The Book as Authoritative Sign in Seventeenth-Century England: A Review Through the Lens of Holistic Media Theory

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"We have corrected Thy work and have founded it upon miracle, mystery and authority."
– *The Grand Inquisitor* [30, p. 282]

1 Introduction

Seventeenth-century England is primarily a textual era for legal authority, but the book also has the capacity to act as sign, and in a few notable instances, it acts as visual sign, providing authority to check both royal prerogative and unmitigated parliamentary power during the Interregnum.[2] To be properly studied within semiotics, signs must be understood holistically, using tools from a variety of disciplines. Holistic media theory, when expanded to include the concepts of "cognitive authority" and "connotative meaning," illuminates the book's evolving signification and function leading up to and including the seventeenth century.

This chapter first sets forth foundational concepts with an explanation of holistic media theory, cognitive authority, and their connections to legal semiotics. To better understand the importance of the printed book as sign, the second part of the chapter contrasts the book with another sign of authority—the royal orb—which signifies dominion and prerogative. The third part illustrates specific instances of the emerging association of books, particularly Lord Coke's *Institutes*[3] and *Reports*,[4] and the Bible,[5] with authority and "conscientious objection."

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[2] The meaning of "royal prerogative" is a subject of much controversy as illustrated by the fact that King James, probably as a concession to Parliament, chastised John Cowell for going too far on the subject in his famous law dictionary [43, pp. 37-44]. In sum, royal prerogative includes the right of monarch to sit in judgment, as a higher court than common law courts, and may encompass the right to legislate [*compare* 24, entry for "Prærogative of the King" (no page or folio references given), *with 25*, entry for the same (no page or folio references given)].

[3] Unless otherwise noted, references to the *Institutes* are to Part I [20]. Coke's third or 1633 edition of the First Part of the *Institutes* is the last edition appearing before his death in 1634 and is so selected for reference.

[4] This work cites the first English edition of the *Reports*, not published until 1728 [22].

[5] All references to the Bible are from the King James Version.

2   Methodology: Media Theory, Cognitive Authority, and Semiotics

2.1   Media Theory

In the 1950s and 60s, Marshall McLuhan and Harold Adam Innis conceived of "Media Theory" as an explanation of historical developments, including geopolitics and social institutions [28, p. 6; *see generally* 48; 49; 63; 64; 65; 66]. For instance, *per Innis' theory*, in about 2160 B.C., the movement from Egyptian monarchy to feudalism "coincides with a shift in emphasis on stone as a medium of communication . . . to an emphasis on papyrus" [48, p. 17]. However, the initial theory was faulted for being technologically deterministic and "monocausal," crediting every geopolitical event to new media technology [28, p. 26-27; 14, p. 162, 168]. Another prominent, early media theorist is Elizabeth Eisenstein, who has focused on the history of the book, including legal texts [35]. She is criticized for similar reasons as Innis and McLuhan [28, p. 27 (citing 47); 76, p. 135].

In a later generation of media theorists, Ronald Deibert imposed a less deterministic, and ultimately, Darwinistic model, in what he termed to be a "holistic" approach [28, p. 37-38]. Deibert modified media theory by moving away from technological determinism to emphasize the ecological and holistic nature of information media: "New technologies of communication do not *generate* specific social forces and/or ideas, as technological determinists would have it. Rather, they *facilitate* and *constrain* the extant social forces and ideas of a society" [p. 36]. Much as in Darwin's theory, those institutions best adapted for the media environment are most likely to survive and prosper.
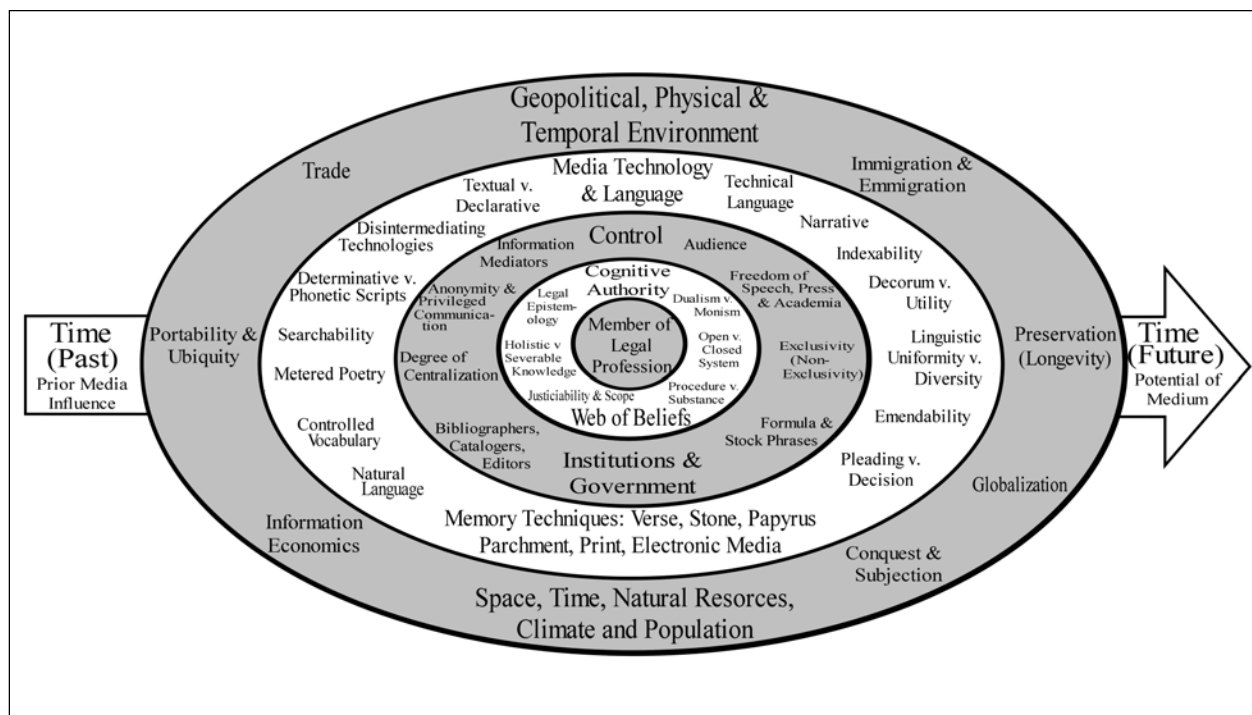

Figure 1-Author's Adaption of Deibert's Model

Deibert represents the information environment as a series of concentric rings, with humanity's shared "web" of beliefs (which, per this author's adaption in Figure 1, includes "cognitive authority") at the center, surrounded by various spheres of influence, with each neighboring ring

affecting and being affected by its neighbors [p. 38, fig. 2]. Deibert's model is primarily devoted to explaining changes in a society's web of beliefs and the relative power of social forces that are facilitated or hindered by developments in media technology [p. 94].

The model is an apt construct for the fields of legal history, legal bibliography, and legal semiotics. For our purposes, Deibert's model is useful for considering the effect and media context of particular legal and authoritative works, such as Lord Coke's *Institutes,* his *Reports* and the Bible.

2.2   *Cognitive Authority*

In the second to the center ring of the model in Figure 1, Deibert uses "social epistemology" instead of "cognitive authority," as represented by this author. The two concepts are related. "Social epistemology" has to do with the "web-of-beliefs into which people are acculturated and through which they perceive the world around them" [28, p. 94]. Cognitive authority is a concept derived from *social epistemology*, which term originally referred "to study of the production, distribution, and utilization of intellectual products. . . . Any study of these subjects leads quickly to questions of cognitive authority. . . " [98, p. vi]. As a concept, it initially includes an individual's recognition and trust of particular individuals or institutions as authority [p. 81, 89]. Its original champion, Patrick Wilson, described cognitive authority as the "influence on one's thoughts that one would consciously recognize as proper" [p. 15]. Within the field of library and information science the concept encompasses an individual's trust and recognition of specific texts as authoritative. Texts are accepted as authority in several ways—if authored by trusted individuals or groups, by publication record of the publisher, and through repeated revision of a reference work [p. 166-68]. *Cognitive authority* has also been extended to Internet sources [79, p. 145; 41, p. 499]. Based upon Wilson's definition, there is no reason that oral traditions, metered verse, insignia, and regalia might not fall within a particular individual's cognitive authority. This author previously made such analysis for law memorialized in oral traditions and metered verse [12, p. 263].

Deriving from *social epistemology* (which is the exact term Deibert used for his center ring of analysis), cognitive authority is not merely applied to the epistemology of the individual, but to social groups and even society as a whole [28, p. 38 fig. 2]. Robert Berring notes that cognitive authority is not only relevant to the legal profession (as a social group), but that "[f]or most of the twentieth century, the legal world ha[s] agreed to confer cognitive authority on a small set of resources" [5, p. 1676]. Berring uses cognitive authority to mean "the act by which one confers trust upon a source" [p. 1676]. The field and practice of law share social epistemology and respect cognitive authority based upon a circumspect sphere of trusted authority.

2.3   *Conceptual Connections to Semiotics: Connotation, Media Theory and Cognitive Authority*

As a channel for signal or sign, media is an important consideration for semiotics. Because of this role as a carrier of signs, any inquiry into legal semiotics may properly concern itself with media theory, including cognitive authority. However, there is a more profound reason for semiotics to concern itself with media theory—often a particular medium itself becomes a sign, sometimes even as a visual expression. This phenomenon can be described by drawing from the well-known distinction between denotative and connotative meanings.

In semiotics, signs are understood to have denotative and connotative meanings. *Denotative* emphasizes a literal and definitional meaning, one commonly recognized, based upon a visual image or an object corresponding to the sign, while *connotative* includes the "socio-cultural and 'personal' associations (ideological, emotional, etc.) of the sign" [16, p. 137-38; 85, p. 187-89]. *Connotative* meaning is a second-order meaning, where the first order (*denotative*) has had new meaning added to it [16, p. 139-40]. *Connotative* meanings are "context dependent" and have much more to do with the recipient and sign user's background. Furthermore, such meanings are "typically related to the interpreter's class, age, gender, ethnicity and so on" [p. 138]. It is the "sign users," either sender (author) or receiver (interpreter), who may add connotative meaning to the sign, apart from the "perceptual world" [85, p. 187]. Because the context within which sign users operate is so important to connotative meaning, Deibert's holistic media theory (especially, analysis of cognitive authority) is an appropriate tool for considering the semiotics of the book-as-sign.

Legal texts and other books act in a denotative role to memorialize arrangements of textual signs. But, in addition, their mere presence is a sign of more signs. By the seventeenth century, however, these books operate on yet another level, one of connotative signification: these books signify authority within the society's accepted realm of cognitive authority. In essence, it is the process of connotative signification that endows law and other books with cognitive authority—in this case, at a level of authority significant enough to challenge royal prerogative and parliamentary authority during the Interregnum.

When Deibert's holistic version of media theory (which includes consideration of temporal, geopolitical, technological, and institutional factors) is applied to books, the theory facilitates an understanding of how the relationship of books to cognitive authority evolves, as books change from manuscript to print forms. As shall be shown in 4.3, printed books have increased acceptance and weight as cognitive authority because of their wide-spread usage, stability, and capacity for cross-citation to other authority.

In summary, cognitive authority is a powerful, fundamental concept and is relevant to several fields. As a social epistemology, it bears a relationship to the intersections of both media theory (as applied to legal history) and the emerging field of law and semiotics.

3   Signs of Cognitive Authority: Book v. Royal Orb

To understand the significance of the law book as sign in the seventeenth century, it is helpful to consider and contrast the historical function the book has played as sign with the role of another sign, the royal orb. The orb plays a similar role, particularly with respect to cognitive authority, since at least the Middle Ages. In general, the printed book is accessible, stable, and widely distributed, while royal orbs are mysterious, unpredictable, and held only by sovereign lords. Non-printed books function more like the royal orb. All have functions with respect to signifying authority and knowledge.

Figure 2-Edward the Confessor.

3.1   Non-Printed Book and Authority

On the continent, books have always been associated with authority. For instance, the Throne Room of Terem Palace of Moscow's Kremlin City was redecorated in 1836 by a prominent art historian in the style of the early seventeenth century. It bears an image in the apex of the ceiling of the Lord with open Gospels (manuscript), directly over the throne [75, p. 58, 60-61, 63]. A similar relationship between open book (as held by divine hands) and throne can be found in Ambrogio Lorenzetti's fresco, *Allegory of Good Government* (circa 1338-1340). In it, a female figure representing *Wisdom* floats, holding a book (perhaps the Gospels), above a female figure on a throne, who represents *Justice* [19, p. 40-41]. Furthermore, the motif is repeated in the nineteenth-century throne rooms of Kaiser William I (female deity holds open book above the throne) and Neuschwanstein Castle and on crowns in seventeenth-century Russia and eleventh-century Hungary [38, p. 138; 72 Neuschwanstein Castle; 83, p. 1161-62, 1164, tbls. 83-84, 86], and most notably, the eleventh-century crown of St. Stephen, featuring the enthroned Christ holding the gospels on the fore plate [59, p. 373].

Compared to continental Europe, the most notable things about the representation of books in English regalia is their relatively limited role, at least after the Norman Conquest. In one of the few instances where the book is portrayed as an icon of authority (or at least survives as such), Edward the Confessor, last of the Saxon Kings, is depicted in stained glass at Canterbury. Although possibly demonstrating his saintly status rather than making any statement about regal authority, Edward holds a book, probably the four gospels. See Figure 2 []. Likewise, Saxon King Athelstan has been illustrated presenting a codex to St. Cuthbert [29, p. 176, 196, fig. 45]. However, this author was unable to find any post-Conquest, Norman Kings depicted with books until issuance of the printed, great print bibles, starting with Henry VIII [88, p. 90-112; 53, p. 41, 45, fig. 1]. See Figure 3. [92]. Note Henry VIII's position is as disseminator of the word of God, handing two bibles off to the Archbishop of Canterbury and the Lord Privy Seal. "There is nothing allegorical about the Great Bible title page illustration. . . .

Figure 3- Title Page of Great Bible, 1539/

Henry . . . becomes the obvious link to spiritual authority from God" [88, p. 110]. He authorizes the Bible, and is its conduit, not an inferior to it.

One reason that books do not appear in more iconic representations in England is that the English were influenced less than others by such images. Tatiana String concludes that, in contrast to the German people of Luther's time, "[t]he primary means by which the majority of the English people were 'inculcated' with political and theological propaganda were not pictorial" [89, p. 141]. Supporting her conclusion, String observes, "Unlike the situation in Germany, there is no evidence of a comparable English campaign that used illustrated anti-papal broadsheets or

polemical prints." [p. 138]. She queries "Was literacy in England so high that images were unnecessary? Were those responsible for the clear campaign of persuasion unaware of the value of visual support?" [85, p. 33]. Perhaps adding some insight into the English stance toward icons is that many such images were removed from public life after Henry VIII ordered dissolution of the monasteries [p. 85]. Such images have functioned in Gregorian fashion (and as adopted by Martin Luther) as "unlearned men's books" [p. 86]. Historian Christopher Hill observes in a work on the English Bible and the seventeenth century, "For Catholics images had been the books of the illiterate." [44, p. 14]. With the removal of icons from the information environment, reading becomes essential for accessing information. Per String, the English evolved differently than elsewhere in Europe and were less dependent upon visual icons. Nonetheless, visual signs did occasionally play an important role.

3.2   *The Ubiquitous Orb*

Another reason the book may not play a more central role in the history of English regalia and icons may be the book's image has a functional substitute–one lying deep at the mysteries of kingship throughout Europe. Commencing with the coronation of King Harold, last of the Saxon Kings, and the Bayeux Tapestry, and appearing in regalia of various monarchs until the present day, the orb has occupied a central place in British regalia, as well as in Europe [18, p. 25 (orb in Bayeux Tapestry); 83, tafel 113, no. 148 (King Richard II with sphere, 1377-99)].[6] At the beginning of the seventeenth century, King James I displays the orb on his Great Seal and on his coinage. [54, 3: 86, 550, 763]. When the monarchy is restored after the revolution, the orb reappears after absence on seals and coinage [p. 109, 399, 422, 555, 662]. Indeed, the actual orb, made of gold, and encrusted with jewels, had to be replaced because it had been lost during the Interregnum [45, p. 225-26, 248], perhaps hinting at its incompatibility with anything but monarchy.

The orb's functions are often described as symbolizing the world, God's power over it and imperial dominion [40, p. 313 (entry for "globe"), 45, p. 226; 52, p. 18]; however, even a casual survey of literature and art of the Renaissance and Middle Ages suggests more portentous meaning tied to the rites of kingship. By grasping the underlying meaning of the orb, the significance of the printed book to English cognitive authority is easier to comprehend.

In Antwerp in the sixteenth century, a series of gates demarcating a route for procession and honoring various Spanish monarchs was constructed and decorated with statuary from Flemish artists such as Ruebens, de Vos, Van Thulden, and Van Den Hoecke [61, p. 23, 30, 142,

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[6] Additional illustrations of the orb and regalia includes Queen Elizabeth, King James I, Charles II, Mary II, Edward II [53, 3: 65, fig. 13., p. 80, fig. 19 (Queen Elizabeth, 1603-4, with sphere); 52, p. 63 (King James I with orb), p. 19 (orb of Charles II); 46, p. 17 (orbs of Charles II and Mary II, in 1689);7, p. 136-37 (coronation of Edward II includes sphere)]. Henry VIII is depicted with his orb on manuscripts, The Great Seal, and *Black Book of the Garter* [86, p. 85, fig. V.35, 86, figs., 38-39, 95, fig.VI.5, 141, fig. XI.2]. The orb is even present with Charlemagne in a manuscript and mural depicting the "worthies" of Arthurian legend **[**58, p. illus. 13-14].

plate 1]. Numerous manifestations of the orb are present in surviving sketches of these gates. The orb is held by the goddess Juno as she consults with Jupiter [plates 17-20], by the goddess Providentia [p. 69-70, plates 16-18, 21-22, 32], by emperors Maxmilian I and II, by Charles V, by Rudolph I and II, by Fredrick IV, Mathias I, by Ferdinand I [plates 23-24, 26, 38-43], and by various angelic ministers [plates 16-18], but the most telling drawing, by Van Den Hoecke, depicts Providentia holding the orb. The entire image bears the caption, "The Foresight of the King" [plates 76, 79], suggesting the King's role as seer, via the orb. To the renaissance and medieval mind, the orb, whether held by divine or regal image, represents foresight and providence (through such foresight). It fills a role similar to that of the Mesopotamian "Tablets of Destiny," part of the secret knowledge of kingship necessary for temporal sovereignty [13, p. 286-87]:

> [T]hese tablets are given various names: the Tablets of Destiny, the Tablets of Wisdom, the Law of Earth and Heaven, the Tablets of the Gods, the Bag with the Mystery of Heaven and Earth. All these names reflect various aspects of these mysterious tablets. They decide the destiny of the Universe, they express *the law of the whole world*, they contain supreme wisdom, and they are truly the mystery of heaven and earth [97, p. 11 (emphasis added)].

In essence, the orb, like the Mesopotamian Tablets of Destiny, represents everything needed to govern—including wisdom, destiny and law. Also linking the orb to law is Andrea di Buonaiuto's fresco, *Triumph of St Thomas of Aquinas: Allegories of Civil and Canonic Law*, from 1365. It presents seven women seated in thrones above seven men also seated. Each man holds a book, but two of the women hold orbs. [80, p. 156-57].

The question that suggests itself is whether the book is fully interchangeable with orb in terms of its symbolic function as a medium. The instances of persons of the Christian trinity and of saints in identical poses in religious icons holding orbs and books or scrolls are too numerous to fully cite. [56, p. 206-07 (note the parallelism of bishops holding scrolls and angels holding transparent spheres); p. 316, fig. 115 (Christ child holding scrolls); 96, p. 60 (title frontice piece by Rubens with Pope holding book); 3, p. 59 (Christ child with orb), p. 266, fig. 137 (frontice piece designed by Rubens with Captain holding orb)]. As a representative example, from England, consider the following illustrations in the mid-thirteenth century illuminated Book of Revelation, known as the *Douce Apocalypse*, held at Oxford's Bodleian Library:

Image from Douce Apocalypse of Christ in composition similar to figure 5. Image not available for electronic publication due to cost of licensing for electronic publication.

Figure 4-(Left) Christ holding book on throne. Figure 5-(Right) Christ holding orb in pose identical to that of previous figure

[70 (Figure 4 above); 31, p. 187 (The Douce Apocalypse) (Figure 5 above)]. These identical poses of Christ, holding a book in one and the orb in another, appear on the 22 verso and 23 recto of the codex, for pages beginning with Revelation 7:9 and Revelation 8:1 respectively. John the Revelator appears with a book off to the left. In the first passage, the multitudes stand before the throne. In the second, seven angels await opening of the "Seventh Seal." In either case, the interchangeability of orb and book as signs is apparent.
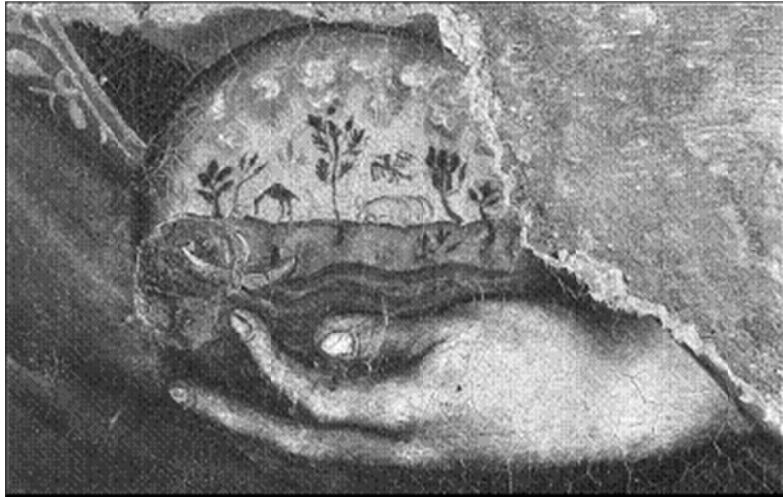
The importance of these illuminated registers is what they reveal about the mind-set of mid-thirteenth century English people, and how they viewed the relationship of authority, the throne, books and the orb. In another example from mid-thirteenth century England, the revelatory or informational aspect of the orb is apparent in a panel of the "Westminster Retable," an altarpiece constructed for Henry III [6, 2nd back panel]. In the panel depicting Christ on the throne, the Lord holds a sphere. Unlike those found among English regalia (appearing to be gold or copper), the sphere is transparent, revealing a paradisiacal scene of a world, with birds in the clouds, grazing animals, abundant trees and a great whale in the ocean [52, p. 19; 46, p. 17; 6, front panel 3]. See Figure 6. What Christ holds is a medium, signifying, as in Van Den Hoecke's depiction of Providentia, the "foresight of the King" [61, plates 76, 79].

Illustrating just how culturally embedded the orb had become, the transparent orb is a theme captured by painters, illuminators, and poets of the Renaissance in both England and Europe. In late sixteenth-century and early seventeenth-century works, Rubens portrays the orb as having crystalline and translucent qualities [3, p. 58, plate 12, 70, fig. 36, 96, plate 22; 96, p. 117, plate 20, p. 118-19]. In addition to Rubens, his contemporaries of the times also gave the globe a crystalline quality. [3, p. 117, plate 2 (Abel Grimmer and Henrik van Balen's, the "River Scheldt at Antwerp")]. In *Paradise Lost* (first published in 1667), Milton compares Satan's impressions upon escaping to a spot "in the Sun's lucent Orbe." That spot is "beyond expression bright" and described as a multitude of elements—gold, silver, carbuncle, chrysolite, ruby, and topaz—which Milton expressly ties to "Arrons Brest-plate" and the oft-imagined "philosopher's stone" [68, bk. 3, ll. 588-601]. The stones of Aaron's breastplate are often associated with the biblical Urim and Thummim, media by which knowledge, including prophecy is obtained [73, entry for *Urim*)].[7] The "philosophers' stone" has typically referred to alchemy and the

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[7] The etymology for *Urim* from the Hebrew is "light," or since it is in the plural, "lights" [73, etymological entry for *Urim*)]. It is usually referred to with *Thummim* as in "Urim and Thummim." The etymology of *Thummim* is "perfections" or "*complete* Truth" [90, p. 124 in

transmutation of substances, but it also has a function with respect to knowledge. "Even the philosopher's stone or elixir was reinterpreted so that Christ appeared as the perfect matter produced by the alchemical process—that is, Christ was the stone of all wisdom and knowledge" [37 (entry for *Christianity*)]. Carbuncle is a stone known for resembling burning coal and, among the stones on Aaron's breastplate, signifies divine knowledge [78, p. 129-30, entry for ll. 596; 33, p. 131, n. (s)], and chrysolite, although similar to "crystal" is actually a greenish stone and has the property of shining "like gold" [33, p. 131; 73 (entry for *Chrysolite*)].

Milton also directly refers to the Urim and Thummim and Aaron's breastplate in *Paradise Regained* and describes them as "oraculous gems" or "tongue of Seers of old" [69, bk. 3, ll. 12-16]. Elsewhere Milton, in an earlier, more political piece, refers to the Prelate as a "Dunce" and contrasts him with a "learned [secular] Minister" as he "whom God hath gifted with all the judgement of Urim more amply oft-times than all the Prelates together" [67, p. 204]. It is not only knowledge that the orb confers, but judgment and wisdom (necessary endowments for earthly dominion). Milton, as a leading figure of the seventeenth century, is clearly familiar with seeing stones and his writings, like Rueben's paintings, reflect shared conceptions about authority and knowledge of the early seventeenth century. Both Reubens and Milton provide "portraits" of English and European cognitive authority in the seventeenth century, at least as understood by those belonging to the educated and ruling classes.

Illustrating the ancient roots of the mysteries of kingship, German Kings, beginning with Otto I (962 A.D.), and with whom the English Saxon monarchs shared a common heritage, fashion their crowns in semblance of the biblical breastplate of stones worn by Aaron [83, vol. 2, p. 578, 581, fig. 16, 583-96, table (tafel 68-69)].

> [D]en vier Reihen von Edelsteinen an der Nackenplatte der Krone, die wir weiter unten auf die 12 Stämme Israels (und damit auf die parentes des Königs Salomon wie jedes Köngis) beziehen werden, und . . . der Widerschein der göttlichen Herrlichkeit, in dem Stirn- und Leitstein der Stirnplatte, dem signum gloriae.
>
> [T]he four rows of precious stones on the neck plate of the crown, which, as we will later discuss, refer to the twelve tribes of Israel (and thus the *parentes* of King Solomon as with every king) and . . . the reflection of the glory of God in the forehead and guide [also, *lead* or *main*] stone of the plate, the *signum gloriae* [vol. 2, p. 580].

The "guidance" or "lead stone" is specifically identified with jasper, which in turn is linked by the same scholar to the white stone in Revelations 2:17, which has also been linked by some to the Urim and Thummim [62 p. 679].

> Auf ihn ist "ein neuer Name" geschrieben, den niemand kennt . . . . An dem weißen Stein, den Gott spendet, erkennt er also die von ihm Ausgewählten.

"Hebrew and Chaldee Dictionary," entry 8550]. The Urim and Thummim were not the twelve stones of Aaron's breast plate but were attached to it [62 p. 677]. Some have argued that the Urim and Thummim were a system of lots, with "yes" and "no" written on different stones, but M'Clintock and Strong reject this since "[i]n the cases when the Urim was consulted, the answers were always more than a mere negative or affirmative" [p. 677].

On it is written "a new name," which no one knows . . . . It is through this stone, given by God, that we recognize those who have been chosen [83, vol. 2, p. 610].

From the breastplate's stones (signs of the ten tribes) to lead stone, to the white stone in Revelations—in the end it is the same story, the dependence upon some object, signifying knowledge and foresight for kingly, and not just religious, authority.

The discussion of orbs, Urim and Thummim, oraculous gems, white stones, and so on, gives context of what preceded the cognitive authority or shared empiricism of the seventeenth centuries. When books become signs of authority, the starkness of the break from past is more vivid upon considering how the orb and similar objects serve as mediums for kings and gods to access the knowledge necessary to govern and rule. In keeping with royal prerogative, few can handle the orbs and oracle stones and even fewer understand their function. By their operation, all of these objects limit knowledge and authority to a relative few. The sphere's connotative meaning is hidden. Consequently, there is little opportunity for connotative evolution of meaning through use of the orb as sign by the populace. Milton and Rubens are privileged exceptions, not the rule. It is because of its restricted, mysterious use that the orb signifies dominion, rather than connoting a wider meaning of access to the knowledge necessary to rule.

In keeping with media theory, the medium of the book is easily co-opted by an ever-increasing literate class in seventeenth century England. It is as if the "Tablets of Destiny" had, in a sense, been copied and disseminated *en masse*. This use of the book–as an *accessible* medium– facilitates shared knowledge and governance. This communal authority of books also counters the crown's prerogative of authority, symbolized by the royal orb. As media theory would predict, society's shared cognitive authority shifts in relation to new media technology and institutions. In the age of print, neither knowledge nor legal authority can be confined to the providence of a few.

4   Printed Texts as Cognitive Authority: Analysis through Holistic Media Theory

While printing began in the mid-fifteenth century (and entered into England later in the same century), it is not until the seventeenth century that its full impact is realized [87, p. 5-6; 26, p. xix (discussion of first English law abridgments)]. Per media theory, a number of factors must be considered to understand why the medium of the book comes to represent cognitive authority for English society.

4.1   Temporal and Geopolitical Factors – Textuality and the Times

Early seventeenth-century England is, in a word, remarkable. After Queen Elizabeth's reign of judicious tolerance, popular access to the Bible in the vernacular is finally secured with the publication of the "authorized version," or King James Bible, in 1611. [37, entry for *King James Version*]. The edition results from seven years of committee work under the direction of Elizabeth's successor, King James I, the "textual" and scholarly monarch of Britain.

James I "was a true bibliophile. He built up a considerable private library in the classics; owned a host of theological works (. . . which he read in Latin); was especially well read in the French poets . . .; and of course had many writings in English and Scots" and apparently received an honorary degree from Oxford [8, p. 206; 15, p. 68-69; 94]. "James was not only an active patron, but also a published author, which was a rarity among European monarchs before and since" [94, p. 12]. "With his patronage and repression of works, James believed that he

demonstrated that he ruled over the literary realm with the same mediating authority which he wielded in his political and religious ones" [p. 12]. He publishes his own theory of kingship in *The True Law of Monarchies*, arguing that the king is "God's lieutenant" without being bound to "frame his actions according to the law" [8, p. 270; 51, p. 72].[8] The "textuality" of James' reign befits the early seventeenth century, which is the era of numerous luminaries in both law and literature, including William Shakespeare (1564-1616). The Bard's "First Folio" is published in 1623, shortly after the authorized version of the Bible [15, p. 73-74; 1974: 59 (facsimile of first folio title page)]. These are unprecedented times.

It is during this same prolific period that the legal works of Sir Edward Coke (1552-1634) appear. His works first came into conflict with the Crown when, in 1616, King James I ordered Lord Edward Coke "to review all the cases in his previously published eleven volumes of *Reports* in order to eliminate erroneous statements concerning the royal prerogative" [4, p. 1676; 9, p. 376]. Notwithstanding the pressure, Coke found only five trivial errors and appears never to have made any changes [9, p. 381]. King James I removed Lord Edward Coke as Chief Justice of the Court of Common Pleas because of his displeasure with Coke's *Reports* [p. 379-88]. However, there is no evidence of any attempt to recall or destroy the *Reports*. The question is why not? The answer is that diffusive spread of printing (supplemented with book smuggling) and England's prior history with unsuccessful suppression of the Bible and religious tracts may have made such an effort, if ever proposed, implausible [11, p. 10-15]. Furthermore, the geopolitical boundaries of Europe made suppression of the Bible difficult because there was always a safe haven for presses [p. 11, fig. 2]. In the sixteenth century, England's government had vigorously, but unsuccessfully attempted to block the smuggling of Bibles in from Europe, and during the seventeenth century numerous religious and political tracts, including accounts of trials and petitions to Parliament, were published in Holland [p. 15-22, 44-58]. Europe's fragmented geopolitics facilitates the spread of the printed word, even when suppressed, making recall of Lord Coke's reports impracticable.

Lord Coke is numbered among the five masters of English common law: "Glanville, Bracton, Littleton, Coke, Blackstone" [95, p. xi; 43, p. 96]. In effect, Coke may surpass them all by serving as the common thread uniting these diverse "masters" by transcending ancient law (Glanville, Bracton and Littleton) in contemplation of modern law (Blackstone). "If Bracton first began the codification of Common Law, it was Coke who completed it" [15, p. 75]. Besides rounding out and completing a description of the common law, Coke provides continuity with the past. "[H]is writings stand between, and connect the ancient and modern parts of the law, and by showing their mutual relation and dependency" [10 at an unnumbered page prior to the editor's signature in the preface; 43, p. 96]. As a temporal factor, Coke is the important link between legal traditions. That linkage to the past may explain acceptance of Coke's works as authority.

As described above, the temporal factors in Deibert's holistic model illustrates that an information environment should not be considered in isolation, without respect to history. Like Ronald Dworkin's paradigm of law as the unending chain story, where prior events in the chain affect current interpretations of law [34, p. 228-38], a fuller understanding of the effect of the

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[8] "There were Kings, James stated, before there was law" [9, p. 228-29].

information environment upon legal institutions and thinking comes only through a grounding in the past.

4.2   Institutional Factors: Coke's Law Books and Revolution

Lord Coke's works operate not only as restatements of law for the profession and arguments for the supremacy of English common law, but for historians they act as sign of English resistance of royal prerogative and absolute power. "With it [the *Institutes*] the lawyers fought the battle of the constitution against the Stewarts; historical research was their defense for national liberties. In the *Institutes* . . . the tradition of the common law from Bracton and Littleton . . . made famous, firmly established itself as the basis of the constitution of the realm" [15, p. 76]. The battle is over institutions (constitutional government versus royal prerogatives). It is the lawyers that fought the battle. The development of a literate bar, with the Inns of Court as their fundamental institution, establishes a base of citizenry capable of constitutional debate.

Membership in an Inn implies a progression of fellowships, with a significant role for "readers": "two years in Clerks' Commons, two in Master's Commons, Utter Barrister in eight years and in sixteen, Reader and Bencher . . . ." [9, p. 62]. Head instructors at the Inns are called Readers, and were selected from "Utter" or outer Barristers by Benchers [2, p. 12].

> Many of the Readers of the Inns of Court afterwards attained to high positions at the Bar or on the Bench, and many of their "Readings" were long remembered in the profession for their learning and excellence. Among the most celebrated readings were Sir Thomas Littleton's upon the Statute of Entails, Sir James Dyer's upon Wills, Sir Edward Coke's upon Fines, and Sir Francis Bacon's upon Uses. . . .[p. 13]

Obviously, these readings resemble more of a lecture than a simple vocalization of text among a group of law students. Nonetheless the role of tradition in private reading is also evident, at least with respect to Lord Coke, who apparently arose at 3:00 a.m. each morning to read until 8:00 a.m., followed by hearing argued cases and attendance at "readings" [p. 123]. The point is that the bar is a community of readers, and as such the bar in its institutional role is receptive to the *Institutes* and supportive of constitutional reform.

Prior to the *Institutes*, but after publishing his *Reports*, Lord Coke engages in a famous exchange with King James I over the issue of royal prerogative (in this instance the propriety of King James sitting as a judge to hear a dispute regarding jurisdictions of common law and ecclesiastical courts) [9, p. 304; 93, p. 664, 672-73]. According to one source, the exchange ends with Coke on all fours before his sovereign [9, p. 305]. Coke was a constant irritant to the royal institutions such as prerogative to hear cases. It is natural that his books might symbolize that conflict.

The influence of Coke's writing is recognized as such a threat to the monarchy that upon his deathbed in 1634, drafts of his *Institutes* (parts II through IV had not been published yet) are seized by the crown (King Charles, whose throne would soon be lost in Civil War). The manuscripts are not released until 1641 [43, p. 99-101], at a time when parliamentary power is at its zenith and capable of compelling the Crown to produce Coke's seized manuscripts [9, p. 517].

Coke's struggle with James portends the constitutional conflict to follow his death:

> Intended as a basis for peaceful change, Coke's recourse to history eventually provided a basis for violent overthrow of the existing order. History, Tradition, Precedent, became the slogans of revolution in the seventeenth century sense of the word, and the struggle between Coke and James became a paradigm of the conflict which broke out a generation later in civil war and which ultimately transformed English government, English law, and English Society as a whole [4, p. 1651, 1689].[9]

As the basis for revolution and reform of English law, government, and society, Coke's writings assumed an unparalleled position of authority. However, only with a bar of readers who embraced Lord Coke's *Institutes* and *Reports* could such books be so effective.

> Moving beyond Coke, literature and the populous became important. By the mid-seventeenth century, events had further degenerated into pamphlet wars, and actual civil war.

Figure 7—Page from Coke's *Institutes* (First Part, 3rd ed.) illustrating layout in replication of glossed texts and use of pinpoint citations.

> [L]iterature *was* part of the crisis and the revolution, and was at its epicentre. Never before in English history had written and printed literature played such a predominant role in public affairs, and never before had it been felt by contemporaries to be of such importance: "There had never been anything before to compare with this war of words. It was an information revolution" [84, p. 1].

With this information revolution came concern for the public opinion, which became a basis for modern politics. While the seventeenth century began with a firm commitment to monarchy and "little place for public opinion," it ended with public opinion assuming "a privileged place… in liberal-democratic conception of political order" [99, p. 7].

4.3   Technological Factors: Lord Coke's Works and Visual Signs

A primary effect of modern printing, at least after a sufficient time, is the use of indexing and cross-referencing to buttress and organize knowledge. Standardization helped clear up errors and provide access to texts. In particular, innovations brought about by cross-referencing
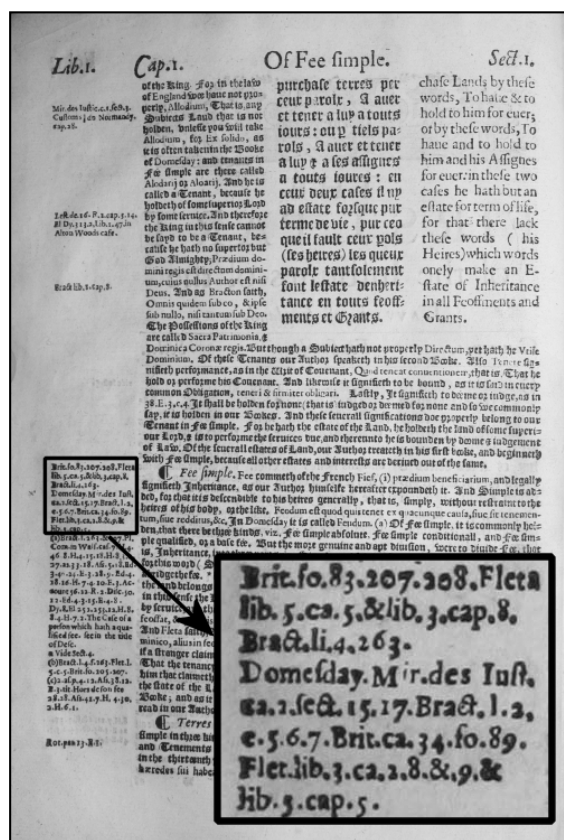
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[9] "According to Bacon, if it had not been for Coke's Reports, 'the law by this time had been like a ship without a ballast'" [71, p. 466]. Bacon's praise is noteworthy, considering Bacon and Coke had been life-long adversaries [9, p. 30].

to standardized texts led to the prominence of a new form of treatise, as exemplified by Lord Coke's *Institutes* and the emergence of the common law as primal authority.

Print technology permits Lord Coke's works to operate on at least two levels with respect to visual signs. First, Coke's treatises are visually rendered to emphasize supporting authority through marginal, pinpoint citations to authority. Secondly, they are arranged in such a way as to connect them to glossed manuscripts, constituting authority in prior era. In early seventeenth-century England, Lord Coke finds an information environment favorable to publication and abundant in stabilized texts. Through unprecedented use of marginal cross-referencing to diverse sources (made possible by stabilized texts), Coke creates a web and appearance of authority sufficient to stand on its own, even without royal sanction [11, p. 40-43]. See Figure 7. Coke's extensive use of marginalia is unprecedented, at least for English legal texts [p. 29-35]. By its appearance, the *Institutes* establishes a web and weight of authority [77, p. 1124, 1127-28].[10] Second, the layout of Coke's first part of the *Institutes*, the *Commentaries upon Littleton*, visually replicate the glossed manuscript texts of Justinian,[11] which will only serve to reinforce the authority of the *Institutes*. The subject of the work, *Littleton's Land Tenures,* is paralleled with Coke's translation into English (itself a major departure from the past), then surrounded by Coke's extensive annotations, and finally garnished (a distinction from Justinian) with marginal references to other authority, such as Bracton, Britton, and Fleta (see Figure 7). The visual effect is one of weighty scholarship and authority of the same stature as Justinian's works. The technology of print not only allows Coke to cross reference with precision but to replicate prior forms of authority.

Coke's objectives and indeed his whole relationship to authority contrasts with other early legal scholars. For instance, the 1607 edition of Cowell's *Interpreter* is dedicated to the Archbishop of Canterbury and pleads for his "gracious protection toward this simple work" [24, *2 (no page numbering)]. Cowell, when venturing onto the controversial terrain of whether the monarch can make law, again is obsequious, "whether his power of making lawes be reſtreined . . . , I leaue to the judgements of wiſer men" [24, at entry for *Prærogative of the King* (second recto unnumbered folio from the entry)]. Beside Cowell's deference to Prerogative and invocation of royal approval, consider the stance of Britton (who nearest precedes Coke in time among the published authorities on the ancient common law) toward the monarchy. From the introduction of Nichol's 1901 edition of Britton:

> Throughout the whole of the treatise there is a steady endeavor to guard and magnify the royal prerogatives. The laws as they are set forth are to be obeyed because

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[10] Hicks described Coke's Institutes as "a virtual piling of Pelion on Ossa enabling the law student to scale the heights of legal learning" [43, p. 95; as to the extent of Coke's citations, see generally 42, p. 516-32].

[11] To understand the relationship between Coke's *Institutes* and earlier legal codices, examine the layout of Justinian's Digest from the 12th century in the Shoyan Collection. [50 (although the resolution of the image makes study difficult, note the tiny alphabetical enumeration of the marginal gloss, but lacking any indication of cross-referencing, and any visible indication of citation to other sources)].

the king wills and commands it. He may take jurisdiction over all manner of actions. Holy Church shall "retain her liberties unimpaired" because the king so wills. If a royal charter is set up, whether it be allowable or false can be judged by the king . . . .

[1 at xv]. With such deference to royal prerogative, approval of the work by the Crown must have been much more likely.

In stark contrast to Cowell and Britton, Lord Coke, in the preface to the first part of his *Institutes,* defers to neither monarch nor archbishop, but Littleton's *Tenures,* upon which the work was written, and Parliament, for support of introducing a legal treatise into English—"I am juſtified by the Wiſdome of a Parliament" [20, at unnumbered folio iv: a-b (of preface)]. In fact, Coke's *Preface* asks that the Reader (not monarch or Archbishop) "will not conceiue any opinion againſt any part of this painfull and large Volume, vntill hee ſhall haue aduiſedly read ouer the whole, and diligently ſerched out and well conſidered of the ſeuerall Authorities, Proofes, and Reaſſons which wee have cited and ſet downe for warrant and confirmation of our opinions thorow out his whole work" [unnumbered fol. v (b)]. Coke appeals to the reader to search out cited authority before rendering judgment, rather than implying "protection" or authority from

any sovereign figure. Not only does Coke have a different conception of cognitive authority from preceding commentators on the common law, but he is urging his readers to adopt his model of cognitive authority as well, perhaps as defiant an act in legal history as may be found.

Figure 8- John Lilburne Defends Himself. Note "Cookes Institutes" across top.

Because of marginal "pinpoint" citations (made possible by the stabilization of texts), Coke is able to create a web of authority, including an appearance of overwhelming support for his interpretations of the common law. Because the stabilization of texts—the creation of widely circulated versions in acceptable formats for citation—took significant time after the invention of printing, it is not surprising that the full effect of printing upon legal authority should be delayed until the seventeenth century. By virtue of its new capacity, the book qualifies to signify authority independent of royal imprimatur.

4.4   Cognitive Authority: John Lilburne's Defense and Coke's Institutes as Visual Sign

In seventeenth-century England, the law became much more widely accessible through the influence of books. Law books became the "weight of authority" for the profession. John Lilburne, Leveller hero and book smuggler, would appear before Parliament to appeal a judgment of the King's Star Chamber against him "with the Bible in one hand and Coke's Reports in the other," an unprecedented act for the times [4, p. 215; 44, p. 200].
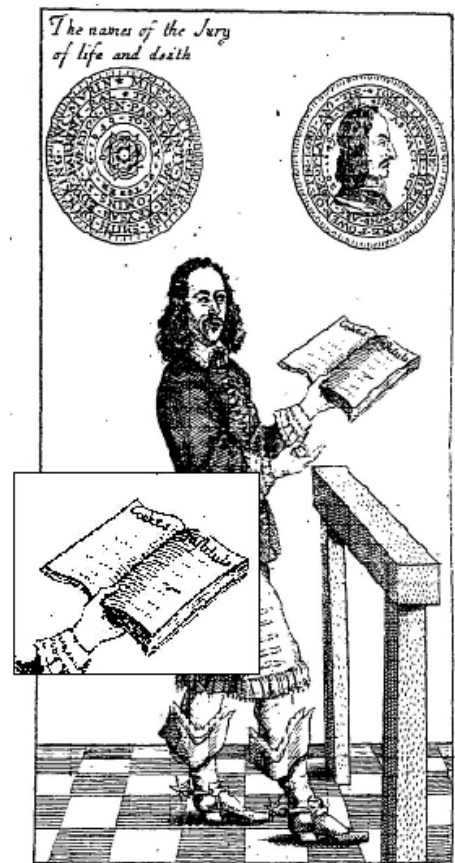
I n a subsequent trial for high treason during the English Interregnum in 1649, Lilburne engaged in vigorous debate with Judges and Lord Commissioner of the Commission of Oyer and Terminer over his right to read the law, specifically Lord Coke's *Institutes*, to the jury [22, p. 627-28 (Lilburne reads from *Coke upon Littleton*, which constitute the first part of the *Institutes*, and later from the third part of the *Institutes* on treason)]. See Figure 8. [57]. A Judge objected, "You cannot be suffered to read the Law; . . . That the Jury are the Judges of the Law, which is enough to destroy all the Law in the Land, there never was such damnable Heresy broached in this Nation Before" [p. 627]. Perhaps because the judges feared the crowd, [74, p. 293-94], Lilburne managed to read the First Part of Coke's *Institutes* to support his contention that the jury could consider the law, and the *Third Part*, [21] dealing with treason, to show that proof of treason requires two witnesses [22, p. 627]. In the end, the jury acquitted Lilburne [p. 627]. The reasons given by jurors included the "discharge of conscience" and that they indeed "took themselves to be Judges of Matter of Law, as well as Matter of Fact" [p. 638-39]. In subsequent years, Levellers would take up the argument that juries not only had the right to consider the law, but they had a duty to set aside the acts of Parliament at variance with the common law of England [74, p. 326, 342-343]. The role of the jury in deciding matters of law was an aberration in England, seen only during the Interregnum, except in the sense that "any general verdict" involves a question of law ("such as no disseisin, or not guilty") that must be decided [55, p. 441].

About the same time as Lilburne's trial, King Charles I unsuccessfully answered charges against him through the written medium in *The Eikon Basilke* [17, p. 111-12; 84, p. 111-12]. Note that on the front piece to the work (Figure 9), Charles kneels before a book open with the words, "IN TU VERBO SPES MEA" or "In your words my hope." Apparently, Charles I turns to the book, and thereby public opinion, to defend himself and the institution of monarchy [84, p. 111-12].

Figure 9-King Charles I on front piece of *Eikon Basilike* (1649)

4.5 Cognitive Authority: Book as Sign for Social Conscience

Books help define the mental milieu of the seventeenth century, which has been characterized as the "Age of Conscience" [82, p. 21][12] Indeed, the English Civil War is described as a "colossal case of conscience" and the political tracts of the time amply testify to conscience's central role in the crisis that lead to revolution [91, p. 43-44]. Conscience was

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[12] For support, Saunders quotes Keith Thomas about the importance of conscience in the age: "For much of the century it was generally believed that conscience, not force of habit or self interest, was what held together the social and political order . . . .") [82, p. 21; 91, p. 29].

understood as a type of knowledge "made up of two ingredients: the natural law of reason or law of nature, which was universal to all human beings, and knowledge of the word of God, which required appropriate religious education" [p. 30]. Literacy was a prime tool in both imparting knowledge of the word of God and instruction in the art of natural reason.

Seventeenth-century England is relatively literate, particularly urban areas.[13] The effect of that widespread literacy and the silent reading that accompanies it is individuation of what has previously been a more collective whole in more auditory societies:

> By its very nature, a reading public was not only more dispersed; it was also more atomistic and individualistic than a hearing one. . . . The notion that society may be regarded as a bundle of discrete units or that the individual is prior to the social group seems to be more compatible with a reading public than with a hearing one [36, p. 94].

The conditions brought about by silent reading among the literate masses facilitates an uncensored "interior space," which "embolden[s] the reader," a logical prerequisite for individual expressions of conscience [60, p. 50-51; 81, p. 137]. "To hear an address delivered, people have to come together; to read a printed report encourages individuals to draw apart" [35, p. 132]. Sharp divisions emerge between public and private spheres [p. 133]. Such change from what had been an auditory culture provides a rich new environment for individual conscience to emerge, flourish, and challenge group norms and authority.

The impact of this new sense of conscience upon the state is significant. The state finds its authority challenged in religious spheres: "Every attempt by the State to prescribe the forms of religious doctrine and worship tested the consciences of those who believed it was their duty to obey the law of the land but were also persuaded of the truth of a rival creed" [82, p. 21-22; 91, p. 29-30].

Among the foremost influences on public conscience was the Bible. Its impact on "reformation of English politics" is best understood with reference to the schism it often describes between monarchs and prophets [44, p. 20]. "[The English] found support for godly kings in the Bible; but they also found a disconcerting black/white, either/or emphasis," which could encourage popular condemnation of rulers [p. 50]. "The old testament at least had no doubts about the treatment which wicked kings deserved" [p. 50]. Rejecting monarchy, the children of Israel had fled pharaonic Egypt for prophets, judges and the Ten Commandments (Exodus 18:10,13-26; 20:2-17). King Herod's slaughter of the innocents exhibits the evils of unchecked power. Biblical analogies were easy to draw to contemporary events, e.g., between the wicked King Ahab and his wife, Jezebel (1 Kings 16:33; 19:1-2; 21:21-24; 2 Kings 9:27-37), and King Charles and his queen, Roman Catholic Henrietta Maria from France, who plotted a

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[13] Sir Thomas More estimated that forty percent of the English population could not read, implying that sixty percent could. [27, p. 44]. But More's estimate may have been accurate only for London or urban areas. By 1650, the literacy rate (based upon making a mark) was about thirty percent for men and fifteen percent for women, while in London, as of about 1641, the rate for men was as high as seventy-eight percent [p. 44, 74, map 1].

military coup against Parliament.[14] This is not surprising given the many comparisons made between the Pope and the Antichrist of the Book of Revelation [89, p. 137-39].

> [T]he New Testament is "full of libertarian ideas." The Protestant doctrine of the priesthood of all believers, of the supremacy of the individual conscience, encouraged many to read their destiny in such verses as: "Where the spirit of the Lord is, there is liberty." Through prayer and meditation, they learned to approach God without assistance, and in reading the Word of God to themselves heard it, as it were, not from a priest on high and at a distance, but from deep within their own immortal souls. They turned out tracts proclaiming themselves "free-born," and by the time Laud and his prelates attempted to inculcate passive obedience as a virtue of faith, scriptural notions of their obligation to righteous disobedience had taken hold [8, p. 279-80].

Unmitigated Bible reading was a powerful social force that had to be countered. According to Sir John Coke, the "chief" function of the clergy "is now the defense of our Church and therein our state," which apparently included espionage [44, p. 16]. While Henry VIII had used the printed Bible to assert his authority (see Figure 3), in the end the Bible proved to be a source of popular cognitive authority that challenged the monarchy.

In 1648, a remarkable event occurred, or almost occurred, demonstrating the symbolic association of both law books and the Bible with conscience and adherence to law. David Jenkins, a judge convicted of treason for retaining loyalty to Charles I during the Long Parliament, asked to have Bracton's legal treatise, the Statutes at Large, and the Bible hung about his neck on his execution day [32, p. 212-13]. Although the execution never took place, the visual message of such an adornment would have been clear. Books offer the authority necessary to defy government.

5   Conclusion

The relationship of the book to monarchy and authority has traveled full circle in this chapter: the monarch is figuratively subject to the gospels in the medieval crown of St. Stephen of Hungary [59, p. 373], Lorenzetti's fresco, *Allegory of Good Government* (circa 1338-1340) [19, p. 40-41], and the throne room of the Terem Palace [75, p. 58, 60-61, 63]. Continuing the circle, Henry VIII asserts himself above the printed Bible Figure 3, King James I challenges Lord Coke's *Reports* [4, p. 1676; 9, p. 376], but he publishes his own written defense of royal prerogative [17; 84, p. 111-12], King Charles I must look to his own published book for his defense (see Figure 9), and a royalist judge, defends his position by conjuring up the image of hanging with books about his neck [32, p. 212-13].

With respect to the masses, nothing so clearly illustrates the book's cognitive authority as John Lilburne. A book smuggler, Leveler hero, and self-represented defendant, Lilburne's image with Coke's *Institutes* (see Figure 8) illustrates the role that the book could play for the populous.

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[14] Apparently Charles I's Jezabel was his wife Henrietta Maria, who was too openly Catholic in her practices [37, entries for *Henrietta Maria* and *Charles I*]. Hill enquires, "Was it just possible that Charles himself was so much under the influence of his Jezebel that he was too reprehensible?"[44, p. 50].

It is noteworthy that the image of Lilburne's defense comes forth in a book designed to take Lilburne's ordeal to the masses and that it occurs in the period of the Interregnum, suggesting the alignment of books, the populace, and more distributed, if not representative government.

The relationship of the book to the orb, each as signs of authority, also evolves with the book's transition from codex manuscript to printed form. As codex, the book, like the orb, is mysterious, inaccessible, a medium, and associated with authority. They are both, in the words of the Grand Inquisitor, per the introductory quote, "founded . . . upon miracle, mystery and authority," or better yet, they "found," as in ground, the miracle, mystery and power for control over the masses—that is, until printed books and widespread literacy.

The technology of printing plays a role in the evolution of the book's signification in relationship to authority and power, but so do other important factors identified in Deibert's holistic media theory, such as temporal and geopolitical factors, institutional developments, and shifts in cognitive authority. The geopolitical fragmentation of Europe, book smuggling, the failure to control printing and distribution of the Bible, Henry VIII's suppression of icons, the stabilization and cross-referencing, James I's orientation as a "textual" monarch and scholar, jurisdictional disputes between Coke and James I, political pamphleteering, and the ascendancy of individual conscience and public opinion among the shifting notions of cognitive authority are all factors interrelated with printing and the effect on the books ascension to preeminence as a sign of authority. Media theory and cognitive authority provide important tools necessary for semiotic analysis of legal signs.

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