

Who says “Ignorance of the law is no excuse”?

Oliver Wendell Holmes *The Common Law* [47-8]

“The next doctrine leads to still clearer conclusions. Ignorance of the law is no excuse for breaking it. This substantive principle is sometimes put in the form of a rule of evidence, that every one is presumed to know the law. It has accordingly been defended by Austin and others, on the ground of difficulty of proof.”

Blackstone (Book 4, ch.2, 27)

“often a mistake in point of law which every person of discretion not only may, but is bound and presumed to know, is in criminal cases no sort of defence. Ignorantia juris, quod quisque tenetur scire, neminem excusat is as well the maxim of our own law as it was of the Roman.”

John Selden (1584-1654), posthumously published in *Table Talk*, 1689.

“Ignorance of the law excuses no man; not that all men know the law; but because ‘tis an excuse every man will plead, and no man can tell how to confute him.”

(Often cited as “Ignorantia legis neminem excusat”)

William of Ockham (1280-1349), *Dialogus*, 1614 Edition, I Dial., book 4, chapters 11

“Nec potest per ignorantiam excusari, quia ignorantia iuris divini apud omnes promulgati non excusat, sicut nec ignorantia iuris naturalis excusat”

[“ignorance of a divine law that has been made known among everyone does not absolve, just as ignorance of natural law does not absolve ...”]

It is said to be a principle of Roman law: but it is not applicable to everyone, viz. persons under 25, women, soldiers, peasants, and persons of ‘small intelligence’.

The Twelve Tables were engraved in bronze and posted in the Forum, to make the law known (thus preventing ignorance)