

# CAPE COD TIMES

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## LIFESTYLE

# Latin is alive and well

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I won't be the first scribe writing about *stare decisis*, the Latin phrase that's all the rage this summer. Every reporter, anchor, TV news person from here to Anchorage will be spouting Latin as if they had just left Mr. Burke's Latin II class. It's fascinating to hear Latin being spoken again; who said it's a dead language?

Of course, it's easy to translate *stare decisis* literally — "to stand by things decided." You could show off at the next backyard barbecue by saying *stare decisis* is just the shorthand way of saying *stare decisis et non quieta movere*, which translated means "stand by decisions and not disturb settled matters." And that principle is certainly found throughout legal opinions in all kinds of courts, in all kinds of situations, in this country and in England. It gives the citizens some predictability on how the law will be applied.

But I bet most of you knew what *stare decisis* means without having me tell you its origins. Consider this scenario you probably have experienced "Mom, I want to go to the dance tonight." ... "No you can't go, you didn't do your chores." ... "C'mon Mom, I'll do them next time." ... "No dance. I told you the last time this happened and I'm not changing my mind — don't you learn about *stare decisis* in school?"

Of course, if you were clever and knew how to manipulate your mother by making certain promises you would keep, she might have changed her mind and let you go to the dance. What happened to *stare decisis*, you ask? Just as courts can correct errors of the past, even if there is such a doctrine called *stare decisis*, so too can Mom change her mind.

Adults often face the application of the doctrine of *stare decisis*. This is a familiar situation. "Marge, you know today's my birthday." ... "I know it is Frank; happy birthday, darling." ... "Marge, you remember how we celebrated my birthday last year, don't you?" ... "Well, we're not doing that this year, Frank." ... "Marge, what about *stare decisis*?" ... "Sorry, dear, I have a headache."

Oftentimes, *stare decisis* can be a good thing, but parents, like Supreme Court nominees in front of a Senate committee, have to think fast. Next week, the Barnstable County Fair is coming to Cape Cod, and many families who have enjoyed all the activities, food, shows and midway rides in the past will have to answer their kids' question, "Are we going to the fair this year like we do every summer?" And kids, when you want to go to the Vineyard again, riding the ferry like you did last year, toss in the Latin when you ask, "Dad, if our family believes in the doctrine of *stare decisis*, then we should be going to the Vineyard like we did last summer, right?"

Come September, when your summer vacation at the shore is still fresh in your memory and you are still finding grains of sand in the car floor mats, you will probably hear on TV the senator from somewhere call out, "Point of order, Mr. Chairman..." My advice is to turn down the volume on the TV when the talking heads begin to squawk. You already know what *stare decisis* means.

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