"progressive" role (my choice of words), but it was an ambivalent set of institutions itself that tried to avoid confrontations rather than challenge predatory lords. Men bearing hoary titles, like king and count, once closely tied to public welfare, were almost as predatory as their castellan counterparts. But probably it was with the kings and counts and the intellectuals who kept the old ideas alive that the revival of the state has to be associated. Or, at least this is how I understand Bisson's argument. The institutional underpinnings of the revival probably included greater attention to subordinates' fiscal accountability. Only then could one even entertain the idea of "wrongful taking," let alone bribery (corruption). To some extent, the occasional meetings that took place between kings and representatives of the different orders of society were an additional institutional pillar of state-building, although again they could undermine as much as sustain the administrative and policy developments that would produce the medieval state.

There remains a very significant problem. The twelfth century is widely regarded as the great age for the growth of schools, culminating in the founding of the earliest universities. It was a great age of neo-Latinist manneristic poetry, neo-Platonic philosophy, and scholastic logic. It was *the* age of the great vernacular *chansons de geste*. To the twelfth century we owe the birth of the gothic style and the enormous proliferation of churches—parish churches, cathedrals, and monastic churches—surely the most substantial outlay of fiscal resources for religious culture, as a proportion of gross domestic product, that the West has ever seen. And none of this would have been possible without sustained and significant economic growth. Indeed, only with such growth is the twelfth century's experience of the meteoric rise of towns, markets, and trading infrastructure (roads and bridges, for example) imaginable. Presumably, predatory lordship should have been lethal for these developments. Bisson hints at the problem (580), but cannot—or chooses not to—answer it. He is to be commended, however, for so effectively setting the agenda for future historians who must try.

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Dennis R. Klinck, *Conscience, Equity and the Court of Chancery in Early Modern England*, Surrey: Ashgate Publishing, 2010. Pp. 328. $124.95 (ISBN 978-0-7546-6774-2).
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Dennis Klinck's study reevaluates the long-assumed dichotomy between the medieval Court of Chancery as an operation of conscience, and the early-modern Court as one of equity. He suggests that conscience as the basis of equity remained an elusive concept, and certainly a difficult operative element, through

the seventeenth century; even Lord Nottingham at the end of the period does not represent the definitive break with conscience that is often supposed. In order to map the persistence of conscience over at least 300 years (roughly from 1400 to 1700) Klinck, although relying on case reports, spends a great deal of his book looking to context—theological, philosophical, pastoral, rhetorical—in order to discern what this oft-cited but almost never-analyzed thing is. His perspective is historical in both its attention to development over time and its lateral, contextual approach. His general premise is to divide his discussion into the work of "legal commentators"—of which there are few until the seventeenth century—and the contextual material of their periods. He admits at the outset that he is relying throughout the book on published materials (viii).

In his opening chapter on the medieval Chancery, Klinck does a laudable job of providing contextual material for this early period, including literary material and *summae confessorum*. The latter could benefit from closer work with current scholarship on the genre: reliance on Thomas Tentler colors the analysis somewhat, although his overall assessment of the source material is sound. In this section one of Klinck's major premises emerges: that conscience is related to the judicial assessment of facts, and that there are two consciences pertaining to the chancellor as judge, one public and one private. His brief discussion of the theory of conscience is very helpful, raising for the first time in the book the central issue of the objectivity of conscience, an element that will tie the whole work together. Given the focus of this study, the medieval section constitutes only ten percent; the sixteenth century accounts for about a quarter, and the seventeenth century covers almost two-thirds. But one of the strengths of the book is that these structural divisions do not compartmentalize the work, they simply organize it. Klinck's transition from the medieval begins appropriately with Christopher St. German: Klinck describes conscience as "a live issue during this period" (41) and—recognizing a long-lived assumption—asks whether there was any sea change at this time. He has a straightforward and fresh observation: *Doctor and Student* is about conscience, and juridical conscience has an essential role in Chancery (71). Moving into the later sixteenth century, he notes that in this period case law appears, and he hopes to draw inferences about what Chancery was doing in applying conscience, although he rightly cautions against expecting "high theory" (73).

The core of this volume is Klinck's approach to the seventeenth century, which he divides into early and later periods, with a chapter on the Protestant conscience and the conscience of equity for each. Analysis of the former is properly based on the works of religious writers, providing what Klinck describes as a general understanding of the concept (137). He concludes that in the early period there was no sharp break with the Catholic writers regarding conscience generally as an objective concept—and in developing this theme throughout the work Klinck makes one of his most important contributions—but that articulating general criteria for justiciable conscience was difficult (138). The later period shows a continued

preoccupation with conscience. In what he describes as the privatization of conscience it became more subjective, and therefore maintaining it as a juristic principle was increasingly difficult (217). Conscience in early-seventeenth-century equity became more subject to procedural regularity and substantive consistency (181). Klinck notes that equity was in this period "evolving . . . by virtue of its having an increasingly recorded history," "an ever increasing 'competent store of cases'" (182). Yet conscience was not elaborated as a general rule, Klinck suggests, "because many of its specific rules have already been identified" (182). At the end of the century, he remarks that it would be perverse to look to Nottingham "for a coherent philosophical analysis of conscience in the juridical sense" (261). By this time, conscience was a spiritual and moral criterion; equity had become regularized, and conscience in equity had become more discernible because of its practical limitation rather than because of the development of a theory to govern it.

Klinck's broad conclusion returns to Nottingham. With him, equity was becoming more systematic and regular, yet he perceived conscience traditionally, in religious terms. Klinck's characterization of Nottingham as standing at the end of one era and the beginning of another is telling (273). Nottingham still refers to Chancery as a court of conscience, and this characterization traversed more than three centuries, over which time the concept was explicable as something with objective coherence (273). It is this breadth of perspective that sets Klinck's book apart. It will be of great interest to historians of law, religion, theology, philosophy, and culture, because it provides a fresh and thoughtful perspective on a perennially difficult issue: understanding how one of the most important operative concepts in the Christian society of medieval and early-modern England was assumed, understood, and applied in a juridical manner. That all three happened concurrently for nearly half a millennium before 1700 underlies the importance of Klinck's work and the particular value of his integrated, historical approach.

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Rob McQueen, *A Social History of Company Law: Great Britain and the Australian Colonies, 1854–1920*, Surrey: Ashgate Publishing, 2009. Pp. 374. $124.95 (ISBN 978-0-754-62168-3).
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Rob McQueen's history of English Company Law sheds new light on that nation's shift from having the most restrictive laws in Europe regarding company formation in the eighteenth century to having the most permissive in the