

Book Reviews

Matthew Lockwood, *The Conquest of Death: Violence and the Birth of the Modern English State*, New Haven: Yale University Press, 2017. Pp. ix, 404. \$85.00 (ISBN: 978-0-300-21706-3).
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In *The Conquest of Death*, Matthew Lockwood takes on the birth of the modern state. Eager to impose its newly won authority on a chaotic and belligerent aristocracy, the Tudor monarchy saw a monopoly on violence as a means to an end. The private wars and armies of aristocrats were legislated out of existence in a coup that mobilized a professionalized gentry as wielders of the law; at the same time, the crown expanded its own standing army and established firm weapons controls so that only agents of the state were armed. England's subjects, both high and low born, were intimidated into submission through constant surveillance, the product of an increasingly sophisticated web of royal officials, with the coroner acting as kingpin. Reinvigorated by an innovative system of remuneration, as well as oversight by the dynamic partnership of a recently centralized King's Bench in conjunction with a newly empowered Star Chamber, the coroner enabled the monarchy to carry out its vision by disseminating royal authority to the locality. The coroner's intervention not only engendered a compliant and stable state, with a rigorously managed system of felony forfeiture, but also laid the groundwork for financial security.

To make such a bold argument, Lockwood must challenge a number of ingrained conceptions, starting with the coroner. Roundly decried as a corrupt and lazy official with limited impact on a case's final verdict, under Lockwood's guidance he is resurrected as an efficient, organized, and skilled investigator, present and actively intervening at each stage of the legal process. Where England is regularly chided for coming late to the game in terms of forensic medicine, Lockwood explains that we are all suffering from "CSI effect." The overuse of forensic medicine on television has led us falsely to believe that it is pivotal to catching criminals, when an analysis of early modern cases reveals that the wheels of justice turned even without DNA analysis. The surge in violence typically associated with the early modern era is in fact a statistical illusion, produced by more responsible record keeping. Lockwood's energies in these areas will

undoubtedly garner wide appreciation as he makes beneficial contributions to long-running, passionate debates. His final proposition, one suspects, may meet with less success. Contrary to popular perceptions of the jury as “a bulwark against the vicissitudes of state power” (146), Lockwood contends that the focus on juror agency has clouded our vision, and must now give way to a recognition of the repressive power of the state imbued in the figure of the coroner.

In his opening line, Lockwood sets a dramatic tone: “The eyes of the state were everywhere in early modern England” (1). It is a Hobbesian tale of royal prerogative, replete with violence, intrigue, and a hero rising unexpectedly out of the ashes of a war-torn civilization. Inevitably, this epic story will appeal chiefly to political theorists, presumably the intended audience. Legal historians will delight in many of the questions Lockwood asks about the coroner and the process of criminal investigation, but will find themselves discouraged by the extent to which theory drives his research and the sometimes overstated image of the early modern state as Big Brother. Lockwood engages insufficiently with some of the relevant historiography. To offer an example: the crown’s improved oversight of felony forfeiture in order to maximize profits is key to Lockwood’s overall argument. He claims that felony forfeiture is a subject largely neglected by historians (203). One feels inclined politely to point out that in fact Krista J. Kesselring has three valuable publications on the subject (2009, 2010, and 2014). Indeed, some of the questions that Lockwood poses about the coroner and the investigative process are also not new, but were addressed by Rab Houston (*The Coroners of Northern Britain, c. 1300-1700*, 2014) and myself (*Forensic Medicine and Death Investigation in Medieval England*, 2015). Familiarity with these studies would not have deterred Lockwood from constructing his argument, but they might have given him a clearer sense of coroners and their background, the place of forensic medicine and witness testimony in death investigation, and the makeup of coroners’ juries, and above all would have given him a more comprehensive vision of the transition that took place in the sixteenth century.

In a similar vein, Lockwood’s interrogation of the primary sources potentially accentuates the problems and peculiarities of the coronership rather than the regular process. The bulk of his research comes from oversight cases appearing in Star Chamber and King’s Bench; inquests drawn from the Earldom of Cheshire (a palatinate); and the published inquests produced by Roy F. Hunnisett for Sussex. Only two cases in his study are drawn from KB 9, the class of records in the National Archives that houses early modern coroners’ inquests. One is left to wonder if further analysis of the more usual records of homicide investigation might have influenced his argument.

Despite these avenues left unexplored, Lockwood’s book has much to contribute to a better understanding of the early modern coroner, the inquest

jury, and the administration of homicide investigation by the centralized courts.

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Xavier Prévost, *Jacques Cujas (1522-1590): Jurisconsulte humaniste (Travaux d'Humanisme et Renaissance, 541)*, Genève: Droz, 2015. Pp. xvi, 590. \$122.76 paper (ISBN 978-2-600-01814-2). doi:10.1017/S0738248018000548

As Xavier Prévost rightly observes at the beginning of his book, there is a strange paradox between the great fame that Jacques Cujas has enjoyed throughout the centuries and the relative scarcity of studies on the man and his work. Driven by youthful energy and the urgent desire to fill that gap, Prévost read the 13,000 columns of the Fabrot edition of Cujas's *Opera omnia* (1658) in addition to investigating archives in Toulouse, Bourges, and Paris with the aim of offering a comprehensive view of Cujas's life, academic career, and scholarly work. Even after this meticulous research, many elements in Cujas's biography remain uncertain—for example, we do not know exactly when he graduated as a law student—but the author has done about everything possible to advance our knowledge about Cujas. Prévost has also corrected false assumptions along the way; for example, rejecting Friedrich Carl von Savigny's dating of Cujas's marriage to Madeleine Du Roure (72, footnote 270).

Clearly, Prévost's *Jacques Cujas (1522-1590): Jurisconsulte humaniste* is characterized by the same thirst for truth and scientific rigor that formed the basis of Cujas's critical engagement with the Roman legal tradition. This explains why the book has already won several prizes, including the Prix Corbay of the Academy of Moral and Political Sciences at the Institut de France. Interestingly, Prévost's research demonstrates that legal humanists such as Cujas were much more indebted to the medieval *ius commune* than modern textbooks tend to acknowledge. He also highlights the profound divisions, if not enmities, between the legal humanists themselves, such as between Cujas and Hugues Doneau or, for that matter, Jean Bodin and Cujas. Bodin despised the prince of the jurist-philologists for his lack of familiarity with legal practice.

Prévost tries to offer a more nuanced picture, arguing that Cujas was not just an ivory tower scholar but a practice-oriented jurist engaged in the legal disputes of his day. After treating Cujas as a philologist and a humanist scholar in the first part of his monograph, Prévost therefore dedicates the second part to