

K.J. Kesselring, *Making Murder Public: Homicide in Early Modern England, 1480-1680*, Oxford: Oxford University Press, 2019. Pp. vi, 156. \$85.00 hardcover (ISBN 9780198835622).
doi:10.1017/S0738248021000079

Two significant changes in early modern crime frame this book: the consolidation of manslaughter and murder as two distinct crimes and the significant and long-lasting decline in the homicide rate in the early modern period. Kesselring argues that mixed in with these very visible changes were more subtle legal and cultural shifts by which homicide was criminalized and the understanding of murder “as an offence against a state or public more broadly conceived” emerged (3). She develops this argument across four chapters that approach murder from quite distinct vantage points.

The first examines coroners in the early modern period. Kesselring points out that coroners were elected, unlike other county officials, and often held their offices for lengthy periods of time. Unlike trial jurors, coroners’ jurors were not subject to property qualifications. Although coroners and their jurors were not immune to interference and manipulation, they stand as the most likely candidates for having a genuinely popular voice in the criminal process. This is a convincing argument and a valuable study, but the book could articulate more clearly how early modern coroners and their juries differed from medieval ones, and therefore how they contributed to a shift in the approach to murder.

The next chapter considers appeals (private accusations) of homicide. Through the Middle Ages, a victim’s appeal took priority over a jury indictment, but a statute of 1487 allowed the king’s suit against a felon to proceed without delay. Appeals were already relatively rare, but they gave felony victims the possibility of securing compensation (something particularly valuable to widows). Kesselring frames the appeal as a version of feud, given that the intention was presumed to be a private settlement with the perpetrator rather than his public punishment, but she recognizes that in practice it could be more complex: although widows might seek compensation, they might also seek capital vengeance; although justices sought to reduce access to appeals in general, in certain contexts they encouraged them when they thought that perpetrators would otherwise avoid punishment.

If Chapter Three focused on the compensation element of feud culture, Chapter Four pivots to consider revenge, especially revenge through duels. Kesselring points out that English duels, unlike Continental ones, were never licensed, and were generally fought over relatively trivial matters of “honor” rather than the more substantive quarrels that generated feuds. Because they were quite rare, however, and generally involved aristocratic men, no statutes were passed against dueling, and the campaign against it was a fairly gentle one, urging such men to settle their disputes in the courts.

The final chapter turns to the most public topic, murder-related print media, in the form of pamphlets, plays, sessions papers, statutes, and religious tracts. Kesselring argues that these texts all contributed to the development of an early modern rhetoric of murder in their delineation of likely aggressors, description of actual felons, consideration of the best means of avoiding falling into the sin of homicide, and concern for the condign punishment of those who did. They also argued against private vengeance, pointing to God, often through His magistrates, as the only proper source of punishment. She finishes the chapter with a discussion of the execution of Charles I and the regicides, and concludes that “murder proved useful to think with, politically; and the political salience of murder-talk presumably helped make this personal sin and private tragedy a matter more readily conceptualized as an affront to the public as well” (146).

In her conclusion, Kesselring accepts that terms such as “public justice” and “public peace” “can seem chameleon-like, taking on different hues in different contexts” (155). This is certainly true, and Kesselring tries to put her finger on a subtle, even slippery change in public discourse in the late sixteenth and seventeenth centuries. Part of the slipperiness is in her repeated assertion that homicide was criminalized in this period. Elsewhere she notes that homicide was successfully brought into the king’s courts in the thirteenth century, and although conviction rates remained stubbornly low for centuries, the many felons who went through the process of indictment, trial, and occasional conviction, even if for a reduced crime, presumably felt that the juries that tried them perceived their actions as criminal and asserted their communities’ understanding of that crime and its appropriate punishment. Kesselring’s argument seems to be more concerned with the capitalization of murder, with its separation from a lesser group of felonies, including manslaughter, which did not deserve capital punishment, and with the cultural campaign to ensure that there was broad public agreement that a malicious or premeditated desire to kill was heinous and should be seen, and punished, as such. This is an enormously important turning point in English criminal history, in clear contrast to the relatively relaxed attitude of the Middle Ages, when property crimes might be more harshly punished than homicide. This book is an ambitious attempt to steer us through its complexity.

Margaret McGlynn
Western University