that "if we can begin to understand everyday vernacular communications. . .as part of public discourse in fifteenth-century England. . .its political culture would begin to look rather different" (240). In the final chapter, Johnson argues that legal documents were possessed by more people than in previous eras, with a greater move toward documentary identification and verification. Part 2 affords a well-managed contextualization of the jurisdictions and legal traditions set out in Part 1. In espousing the terminology of transformation and revolution, though, the author rather overemphasizes the fifteenth century as witnessing "momentous" changes in the development of the bill as a genre of legal complaint, given Alan Harding's pioneering work (not referenced) on bills and oral plaints in the thirteenth-century general eyre.

Ambitiously, Johnson sets out his stall for a "common constitution," picking up his point about vernacularization and arguing that local courts brought ordinary people into the political sphere and were crucial focal points of solidarity against the ambitions and demands of government. There is little sense of the role of the "supra-local and national connections," other than the fact that urban litigants found it "expedient to take litigation to national forums" (84). Moreover, the author's concentration on legal institutions somewhat neglects the people involved, including those employed at different levels and between jurisdictions, as well as those who were both "central" and "local" judicial agents, another significant factor in (and context for) the development of legal cultures. These are minor matters, however, and should not devalue the essential rebalancing of perspectives achieved in this refreshing study of local courts and their wider significance.

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Catherine L. Evans, *Unsound Empire: Civilization & Madness in Late-Victorian Law*. New Haven and London: Yale University Press, 2021. Pp. 304. $65.00 hardcover (ISBN 9780300242744).
doi:10.1017/S0738248022000244

In situating law as the central organizing feature of British imperialism, this important book makes a stimulating and innovative contribution to legal history. It does this by examining nineteenth-century debates about who was sufficiently mentally fit to be convicted in the criminal courts of the British Empire, where the assumption that most criminals were sane came up against racialized beliefs

about the constitutional weaknesses of the presumed less-civilized peoples of the empire. "Responsibility cases," in which a murder defendant's sanity was questioned, demonstrate the penetration of medical and anthropological theories into imperial jurisprudence: death sentences tested the "underlying conceptual and procedural integrity of British justice" (9). Utilizing evidence from England, Australia, Canada, and India, Catherine L. Evans argues that Victorian doctors, civil servants, politicians, and judges evaluated legal responsibility on the basis of race, gender, mental disease, psychological immaturity, and "primitivism." "Ethnology and evolutionary theories, which shaped medical understandings of mental and moral acuity," Evans contends, "helped to explain both insanity and criminality as functions of a natural hierarchy of civilizations" (226).

Following an extremely informative Introduction, the analysis is spread across eight chapters organized roughly chronologically, in a structure that shows how and why the legal focus shifted over the period circa 1850–1900. The author achieves this using a micro-historical method based largely on trial reports, medical texts, legal decisions, and case dossiers; by juxtaposing cases from different jurisdictions; and through the inclusion of fifteen well-chosen and highly effective images.

Chapter 1 establishes the key importance of responsibility in death penalty cases. The central role played by the *M'Naghten* rules of 1843 is evident: in emphasizing cognition over other aspects of mental function, the rules were considered by some to be too restrictive and out of touch with medical science (27). Case studies of two men committed for life to Broadmoor Criminal Lunatic Asylum demonstrate how conflicted medical opinions about madness, dangerousness, and responsibility could be. Chapter 2 recounts the strange tale of Thomas James Maltby of the Madras Civil Service, who shot a village judge in 1879. To avoid unwelcome scrutiny, the government denied Maltby's fitness to plead and confined him as a criminal lunatic until he died in Broadmoor, although not before making numerous attempts to have his case heard in a court of law. He was genuinely believed to be insane, but is unlikely to have met the conditions of the *M'Naghten* rules.

Chapter 3 introduces the concept of moral insanity, using cases from Australia, England, and Ontario to show how controversial the diagnosis was among doctors and lawyers who argued for and against psychological deficiency caused by heredity and biological primitivism rather than mental disease. The following chapter—one of the most interesting—focuses on the failed efforts of a Melbourne lawyer to argue moral insanity in attempts to secure reprieves for three notorious killers in the 1890s. The *M'Naghten* rules ensured that these white offenders, two men and a woman, were hanged, thus preserving the legitimacy of British law at a time when suspicion was growing that most criminals were mentally abnormal.

Chapter 5 explains why women, colonial subjects, and children were believed to be less responsible than white men, explored via cases of child murder in

England and Australia. The next chapter shifts the analysis to India, presenting a sophisticated argument about the ways in which infanticide by Indian women tested the boundary between mental illness and cultural pathology (145). In its focus on the development of a specialist Indian medical jurisprudence, however, this chapter seems to drift away from criminal responsibility. Chapter 7, by contrast, is particularly good at linking the various themes of the book. It explains why the responsibility of Indigenous peoples could only be understood in relation to their purportedly primitive nature; cognitive ability was linked to race, culture, and civilization. The final chapter examines a group of cases tried in Canada in 1885, showing the connections between insanity and culture in imperial jurisprudence, the importance of amateur ethnology in trials of Indigenous defendants, and the role of colonial courts in disciplining and educating native peoples, all in the midst of the political turmoil of the North-West Rebellion. Its leader, Louis Riel, was executed despite a previous diagnosis of insanity.

In my view, the book would benefit from more signposting of the links between chapters, while the fact that there is no bibliography or list of figures represents a missed opportunity to showcase the extensive research that underpins this fascinating study. And it is not entirely clear how the various cases were identified and selected for inclusion. Such minor quibbles aside, however, this valuable work should be read by historians interested not just in the common law and criminal responsibility, but also in imperialism, forensic medicine, and comparative histories of crime. It will not disappoint.

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Christopher W. Schmidt, *Civil Rights in America: A History*. Cambridge: Cambridge University Press, 2020. Pp.250. $114.95 hardcover (ISBN 9781108426251); $39.95 paperback (ISBN 9781108444972).
doi:10.1017/S0738248022000256

Christopher Schmidt's *Civil Rights in America: A History* is intended for an interdisciplinary and generalist audience. Do not let the volume's slimness or accessibility fool you, however. This history of the term "civil rights" should be essential reading for legal historians of the late-nineteenth- and twentieth-century United States.