
Book Review: The Lion and the Throne: The Life and Times of Sir Edward Coke, 1552-1634, by Catherine Drinker Bowen

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The Lion and the Throne: The Life and Times of Sir Edward Coke, 1552-1634. By CATHERINE DRINKER BOWEN. New York: Little, Brown and Company. 1957. Pp. 652.

"The greatest of English lawyers", to quote Trevelyan upon Coke, is painted life size, with warts and all, in this excellent biography. It gives an account of his most famous cases, discusses his "Institutes" and law reports, quotes his judgments, *dicta* and arguments; but it is in no sense a treatise on legal history or theory. It is a narrative, richly pictorial and dramatic, of Coke's stormy career in the equally stormy setting of late Tudor and early Stuart politics.

Mrs. Bowen is an American writer interested in tracing the sources of her own country's law. In earlier books on Mr. Justice O. W. Holmes (Yankee from Olympus) and John Adams, the second President, she carried this story from present times back to the American revolution. She finds bedrock, the true *fons et origo* of the American system, in Coke's championing of the common law and the liberties of the subject.

But this pre-occupation appears only in her preface, not in the book itself, which is a work of careful scholarship unconcerned to prove anything. Mrs. Bowen has not only explored in depth the original and secondary source materials but taken the trouble to visit the places, the very buildings and rooms if still extant, where Coke was born, lived, worked and died.

This may be why her biography conveys a powerful sense of nearness to the subject. Coke and his contemporaries come alive—partly, of course, this is the effect of the magnificently expressive English they use—and Mrs. Bowen almost seems to have observed them, their houses, ceremonials, costumes, comings and goings, with the naked eye. Except for an occasional Americanism, as when the elderly Coke revisits the "campus" of Cambridge University, one would take the author for an Englishwoman steeped in English lore.

All writers on Coke, the public figure, have found him paradoxical. There is a seeming contradiction between his savage and arbitrary conduct as a prosecutor and his later courageous defense of public rights. There is another contrast, or so it might appear to anyone who connects learning with ivory towers, between Coke the man of vast erudition and Coke the grasping, avaricious seeker after wealth, place and useful family connections.

Some modern biographers, to the boredom of this reader for one, would use Freudian or other psychoanalytic technique to unravel Coke. Mrs. Bowen is content to give us the facts in their historical context. It is a context that explains not only Coke but his great rival Francis Bacon, another mighty scholar who was up to his ears in intrigue. They lived dangerously. They had to if they wanted power in the conspiratorial Elizabethan age when hates, fears, ambitions and punishments were much more intense than nowadays.

As Elizabeth's Attorney-General, Coke prosecuted Essex and Raleigh; and Mrs. Bowen graphically reports these famous trials. There is no doubt, as her account once again makes clear, that grave injustice was done to Raleigh. He was denied counsel, denied the right to confront his accuser, convicted on the evidence of only one witness, a weak and wavering one, while custom demanded two. There is likewise little doubt that the brilliant Raleigh outpointed Coke in argument. Coke's method was to bluster and denounce. He called Raleigh a "viper" and a "spider". (In the same style he said to Ann Turner, accused of murder in the celebrated Overbury case: "Thou hast the seven deadly sins, for thou art a whore, a bawd, a sorcerer, a papist, a felon and a murderer." Poor Mrs. Turner, like the other commoners involved in the poisoning of Overbury, was put to death while the lord and lady who instigated the crime went free.)

The politics of the age, well delineated by Mrs. Bowen, explain Coke's ferocity. Elizabeth's men were obsessed with the notion that traitors and "recusants" were plotting with Spain the overthrow of the English monarchy and the restoration of papal authority in the realm. For such skullduggery no words were too strong, no procedure was unfair, no punishment was suitable except hanging, cutting down alive and disembowelling. Coke was a part of this hot-blooded system.

But it was the same Coke who later, as judge and parliament man, defied King James and set the common law above the monarch. He even maintained, as Mrs. Bowen shows, that the common law was superior to parliament, judges having the right to set aside legislation repugnant to justice and ancient usage. This doctrine, now obsolete in Britain, is of interest in relation to the current American controversy about the powers of the U.S. Supreme Court.

Mrs. Bowen gives us glimpses of Coke at work on his law reports, kept faithfully for many years, and his "Institutes". Into his late seventies (he died at 82) he was still busy writing, revising and collating these celebrated tomes.

But the scholar Coke was also a man of the world. He was twice married to women of great wealth. His second match was with Lady Hatton, a celebrated beauty and fashionable flirt, when he was 47 and she was 20. This union provoked much Elizabethan ribaldry and led Coke into unseemly marital quarrels. He became the possessor of sixty manors worth £1,000,000, a sum which must be multiplied by ten to find present value. For political advantage he married off his daughter, aged 14, to the brother of a court favourite; but Mrs. Bowen quotes a letter which suggests that she was not quite so unwilling as other historians have believed.

Coke was a tremendous figure, a man of extraordinary mental and physical vigour, a great champion of the rule of law. This biography does him even-handed justice.

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