Bond Law Review

Volume 19 | Issue 2 Article 6

12-18-2007

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Recommended Citation
Buckley, Ross (2007) "Review of G Robertson, 'The Tyrannicide Brief - The Story of the Man who sent Charles I to the Scaffold', Vintage Books, 2007 (Chatto & Windus, 2005)," *Bond Law Review*: Vol. 19: Iss. 2, Article 6.
Available at: http://epublications.bond.edu.au/blr/vol19/iss2/6

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Abstract
The Tyrannicide Brief is a towering piece of historical research. It tells the story of the revolution of 1649 that overthrew Charles I, tried and executed him, and of the restoration, a decade later, of his son, Charles II, and the trials of the regicides.

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REVIEW OF G ROBERTSON, 'THE TYRANNICIDE BRIEF – THE STORY OF THE MAN WHO SENT CHARLES I TO THE SCAFFOLD', VINTAGE BOOKS, 2007 (CHATTO & WINDUS, 2005)

ROSS P BUCKLEY*

The Tyrannicide Brief is a towering piece of historical research. It tells the story of the revolution of 1649 that overthrew Charles I, tried and executed him, and of the restoration, a decade later, of his son, Charles II, and the trials of the regicides.

The central character is John Cooke, a distinguished puritan barrister who was an early proponent of law reform and a champion of the poor, and one of the few barristers with the courage to be in London when Oliver Cromwell's Parliament was seeking a prosecutor for the utterly unprecedented trial of a King. He took the brief and did an outstanding job in a trial that was much fairer than the ones that were subsequently accorded, by Charles II, to him and the other regicides.

This is the first life of Cooke that has been attempted. He is a figure overlooked by history, no doubt due to the mental block Robertson identifies the English have about their revolution.

The revolutionaries, led by Cromwell, who appears in this treatment as a great man and an even greater general, overthrew the King because the latter had effectively declared war on the English people unleashing battles that, quite extraordinarily, killed one in every ten Englishmen. Charles 1 was a tyrant who set himself up as being above Parliament and who oppressed and exploited his people. Robertson sees him as the forerunner of Pinochet and Milosevic, Hitler and Hussein, and the trial of 1649 as the historical precedent for Nuremburg and today's International Criminal Court.

The English today do not see it this way. The high school history curriculum comes down firmly on the side of the monarchy and against the revolutionaries, but they staged their revolution in pursuit of principles we now hold most dear: parliamentary sovereignty, judicial independence, no taxation without representation, and no detention without trial.

This is a book filled with historical insights. Robertson notes that, of all the occupations of mid-17th century England, the two that have changed the least are

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those of the lawyers and the prostitutes. Doctors were comparatively rare in the London of 1640, but barristers were as relatively numerous as they are today, worked in the same places, and in Robertson's words, 'study, think and argue by the same plodding mix of precedent and principle'. This book shows how little the method of the law has changed in over 400 years, a time frame over which nearly everything else has been turned upon its head.

One has a few laments. The version I read was a reprint, published by Vintage, part of Random House. Oh, if the young people who run these companies would make some allowance for middle-aged eyes – the font of this volume was ridiculously small. And even in such close type, it ran to over 360 pages of text, plus extensive notes. A strong editorial hand would have improved the readability enormously. Robertson writes of the story's characters as if they were old friends, so thorough was his research. The book would have been the stronger if the excessive, minute detail had been pruned. After 50 pages we know we are reading the work of a careful and thorough scholar, further detail merely slows the flow.

One feels that Robertson is perhaps too much the advocate to have done complete justice to the story. He is an advocate to his bones, and his client in this case is John Cooke. As a man, Cooke was surely motivated by ambition, as well as duty, in accepting the tyrannicide brief. He was doubtless a strong and principled man, but perhaps not quite the figure, bordering on the saintly, that Robertson makes of him. But this is to criticize Geoffrey Robertson for being Geoffrey Robertson. The author of this book needed to be an experienced trial lawyer with a deep appreciation of that institution and he needed to be an outsider in England – one who could see these things afresh, and with detachment. Geoffrey Robertson, happily for the advancement of history, is both.

Overall this is an outstanding work and one that all lawyers and those who teach lawyers should read. For it chronicles how bravely people fought, and died, for rights and liberties we now take for granted. This is an important book in these times, when we are treating our liberties so lightly, when we are allowing the right to grant warrants to be taken away from judges and handed to policemen, and allowing detention without charge for ever longer periods, all because of a terrorist threat that is yet to harm anyone in Australia and will never kill as many people as smoking or obesity. It chronicles a time when men went heads held high to be hung, drawn and quartered. Knowing they would be hung but briefly so they would live to see the hangman draw out their entrails and burn them before their eyes. They walked confidently to these deaths because of a faith, and a belief in the importance of what they had fought for, that imbue few people today.

Lawyers need to read such books to know the origins of our legal system. Those who ply their trade bereft of this historical context lose an opportunity to see their work as part of something larger and greater than ourselves, and lose the considerable comfort and sense of significance that this can bring.