

“something other than law” (79) would be guiding decision-making. While the idea of a fairness floor is fascinating, the idea that there are other factors, such as social characteristics, potentially shaping legal outcomes is not a novel one.

Donald Black, for instance, has long argued that the social positions of the individuals in a lawsuit can affect the outcome of the case. For example, a litigant who has a high social status and wealth can reduce the authority of the judge to make a fair and equal decision for all involved. Numerous other factors can help predict the outcome of a case including the social standing of each person; the social distance between the parties; the financial status of the parties; the race, religion, and lifestyle of the parties; and the social characteristics of the lawyers and third parties. Legal realists (such as John Dewey and Oliver Wendell Holmes) argued that legal processes need to be tested against experience, while legal realism generally has relied on empiricism and observable facts. While the author purports to have “empirical hypotheses,” (106) the book is deeply theoretical and lacks verifiable data. This is only problematic to the extent that the author admits that “[a] degree of realism... is baked into my approach.” (186) While it might be beyond the scope of this book, realism solicits that to know whether an idea for legal change would be successful within a given setting, it must be tested against experience or reality. It would be intriguing to see how the author’s hypotheses would measure up empirically against experience and reality.

Yet despite this relative lack of realism, the author manages to develop a well thought out realist proposal for legal reform and equal justice. The beauty in the theory for equal justice is not that we must implement an idealistic and unfeasible legal system, but rather that everyone using the legal system shares an equal

risk around possible injustices. In calling for equality, the model warrants that any injustice arises from fair procedure.

The legal system is a complex apparatus. The author does a great job breaking it down in exploring his theory of a just legal system. It is refreshing to read a proposal for real change given that we still primarily operate with dated, even ancient, norms and systems. I wholeheartedly agree with the author that legal reform is needed and find the proposal for a just justice system very compelling. Such radical thinking as presented by the author is needed if we are to make significant changes to our legal system, particularly those with common law systems. We are not generally taught to critically examine the role of judges and lawyers (who are people in a commodified world with scarce legal resources) and to challenge the correctness of a decision in relation to social characteristics and variables other than law that govern decision-making. The author promises to present a framework to structure future discussions, (7) and I believe that he achieves this in this book. Everyone benefits from a just legal system as proposed by the author and we owe it to ourselves to explore this theory further.

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Peter Linebaugh, *Red Round Globe Hot Burning: A Tale at the Crossroads of Commons and Closure, of Love and Terror, of Race and Class, and of Kate and Ned Depard* (Oakland, CA: University of California Press 2019)

THE TITLE OF Peter Linebaugh’s book is taken from William Blake’s prophetic *Visions of the Daughters of Albion* (1793), an anticipation of the author’s broadest themes – the loss of the global commons and the existential threat confronting

humankind. Linebaugh's lament for the past losses of common people is tempered by hope for recuperation found in centuries of popular resistance. It is unlikely that Blake ever met Colonel Edward Marcus Despard or his wife Catherine, but in 1803, the same year that Despard suffered a traitor's death, Blake was charged with "wickedly and seditiously" intending to bring the king into "hatred, contempt, and scandal." By the end of the eighteenth century, Despard and currents of British Jacobinism had moved underground, while Blake became more private and mysterious. Linebaugh's "tale" is very much about convergences, paths crossed or not, and historical forces that impinged on lives, while following the footsteps of Ned and Kate, as Linebaugh refers to the couple.

In *The Many-Headed Hydra* (2000), co-authored with Marcus Rediker, Linebaugh placed the Despards within the "hidden history" of the Atlantic world. The present work provides the context within which to understand Despard's personal history, resulting in a "remarkable *tour de force*" (as one blurb aptly comments). Those familiar with Linebaugh's publications will recognize the major themes: the dispossession and enduring ideal of the commons, "Thanatocracy" or government by death and the gallows, criminalization of customary labor practices, revolutionary currents running across the Atlantic and Ireland to England, the courageous struggles of ordinary men and women – waged workers, artisans, servants, poor farmers, soldiers and seamen, the colonized, enslaved, and Indigenous peoples. To this, is added "love," the love (in part imagined) between Ned and Kate, and their love for humankind, "benevolence" in the parlance of the age. Linebaugh provides a relatively brief account of "the business," the conspiracy for which Despard and six others were executed in February

1803 before a crowd of twenty thousand at Surrey county gaol. Whatever was going down at the Oakley Arms, Lambeth, where he was arrested in November 1802 in the company of around forty workers and soldiers, Despard helped to coordinate the clandestine networks between the United Irish and United Britons dating from the Irish rebellion of 1798 and culminating in Robert Emmet's abortive Dublin rising of July 1803. Linebaugh foregoes efforts to provide the "true" story of Despard's alleged conspiracy to stage a *coup d'état*, concluding that we are unlikely to ever know the facts for certain. The historical truths he seeks are deeper, and more long-term in their making.

In 1790, after nearly two decades of distinguished military service in the Caribbean, to which Lord Nelson testified at his trial for high treason, Despard was suspended from his post as governor of British Honduras (Belize), put on half-pay, and ordered to return to Britain, due to complaints from the British settler community dominated by the Baymen who were determined to exploit the mahogany forests. He returned with Catherine, his African-Caribbean wife. A disgruntled gentleman turned revolutionary, he was arrested for his part in the events of 1798, and was only released from prison in 1801, having not been called to trial. Catherine joined the radical M.P. Sir Francis Burdett in protesting the dire conditions of imprisonment at Cold Bath Fields gaol, the "English Bastille." Tracing the paths of the Despards opens the way for the deep history Linebaugh pursues; he takes readers on a fascinating journey. Colonel Despard was an agent of colonialism. He was also an Irishman, born into a military family mirroring the militarism of the Anglo-Irish ascendancy, with ties to America and the Caribbean, reflective of "the integration with an Atlantic economy." (96) Linebaugh documents the

myriad customary rights and tenures, what Maria Edgeworth described as the “most minute facts,” that sustained communities of ordinary Irish people, and the assault on these rights and duties. In the Americas, parallel processes were at work; for example, along the Ohio valley and Nicaragua’s Mosquito Shore, the dynamic of dispossession brutally encroached on the lands and life-ways of indigenous people. Linebaugh is alive to an extraordinary diversity of experience and resistance to various modes of exploitation, while drawing out the commonalities of modern capitalist development. He discerns one of the roots of Despard’s egalitarianism as coming from the example of the Miskito Indians, whose rejection of the private accumulation of property matched nicely with the later influence of the agrarian socialist Thomas Spence and the “real” rights of man.

In musing about the stories Despard might have heard growing up in Ireland, and wondering if he might have learned the Irish language, Linebaugh raises the storytelling art of Gaelic culture, and the storyteller’s refrain, “that’s true anyhow,” an acknowledgment of the limitation of Enlightenment skepticism, or perhaps an indication of “defiance overcoming doubt.” (118) Linebaugh does not claim bardic powers for himself, but at points readers are asked to suspend a hard-nosed demand for evidentiary certainty; “speculation is essential when documentation is slight;” (407) accordingly, conjecture is a legitimate way of knowing. The book also concerns things that decidedly did not happen: “the potential link between the white working class of England and the black slaves of the Caribbean, mediated by Irish workers” (212) did not ultimately destroy monarchical tyranny, colonial domination, or private property in land, although slave abolition did come in part through collective self-emancipation.

It remains unclear exactly how Despard arrived at his commitment to communitarian democracy. What sort of impression did the Whiteboys, the avengers of the Irish poor, and the Irish land war have on the young Despard? Imprisoned for debt in King’s Bench Prison from 1792 to 1794, he read Thomas Paine’s *Rights of Man*, an important turning point in his education as a revolutionary. In the 1790s, London’s prisons were breeding grounds of sedition, centres of political discussion, sociability, and publication. Much less is known about Catherine. Can we conjure her life as a woman of colour or discern her political views? To what extent was she a co-conspirator? We know that her determined support for Despard, petitioning the government and planning his funeral, cost her the widow’s pension she was owed for her husband’s years of military service. Linebaugh imagines the couple in Horsemonger Lane Gaol the night before the execution of Despard and his comrades, coauthors of Ned’s last words from the gallows. He addressed his fellow citizens with the hope “that the principles of freedom, humanity, and justice will finally triumph over falsehood, tyranny and delusion, and every principle inimical to the interests of the human race.” (407) The speech, and its related meanings, frame the book’s final chapter, titled “What Is the Human Race?” Blake’s question from *The Four Zoas* (1797) might just as well serve as the book’s epitaph, “What is the price of experience? do men buy it for a song? / Or wisdom for a dance in the street? No it is bought with the price / Of all that a man hath ...” Ned and Kate paid the ultimate price of their experience, as did vast numbers of common people, histories to which Linebaugh’s book eloquently attests.

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