PROPOSAL TO LOYOLA UNIVERSITY NEW ORLEANS
UNIVERSITY COMMITTEE ON GRANTS AND LEAVES

Name: Sara M. Butler  College/Department: HuNS / History
Rank: Assoc. Prof.  Chair/Professorship: N/A

Date Submitted: Thursday, September 22, 2011
Start Date: May 2012  Completion Date: August 2012
Title of Project: “Anatomy of a Crime: Coroners, Juries and Medical Expertise in Medieval England.”

Budget

1. Supplies (itemize below) $ 
2. Printing & Copying $ 
3. Journal Page Charge $ 
4. Travel (itemize below) $1369 
5. Per Diem (itemize below) $1246 
6. Other Costs (itemize below) $ 

TOTAL $2615

Budget Justification: (Please do not attach other budget pages.)

My research is archivally-based and all of the required manuscripts are kept at The National Archives just outside of London, UK.

Flight to London: $1300
  Travel within England (subway pass): $23/week for three weeks = $69

The Per Diem rates on-line are for American cities – I could not find any suggestion for European rates, thus my projection relates to my actual expenses on past trips and includes staying at a B & B for three weeks and feeding myself.
Where would the results be published, exhibited or performed? Ideally, I would like to see this become a book, however my short term goal is an article that I would like to see published in Law and History Review

What other sources of funding (internal and external) have you identified for this project? none

List years and amounts of prior Loyola University faculty grants (for the last three years):

2010: Loyola Research Grant, $2,465
2009: Loyola Research Grant, $2,500

Narrative Description of Project (use no more than one additional page and please write for a general academic audience):

Unlike coroners today, medieval coroners had no medical training: in fact, the position was thought by many to be a privilege, bestowed on the elite in society, and involving very little real work. Nonetheless, the coroner and his jury (a group of 12 to 16 men drawn from the scene of the crime) were expected to make decisions about the nature of deaths that had a tremendous impact on the lives of both individuals and communities. The judgments of coroners and their juries acted as indictments in the legal process; and because trial juries were expected to be self-informing, the coroners’ juries’ descriptions of events played an important role in determining final verdicts in criminal suits. With this project, I hope to underscore the medical side of this initial stage in the judicial process. Juries had to answer a wide variety of medically-related questions in their routine work, such as: was it a natural, or unnatural death? Did the assault cause the victim’s death? Did the assault cause the abortion, or was the abortion caused by some other factor? How was a homicide carried out? Was a woman, in fact, raped as she claimed? Was the perpetrator insane? And if so, insane enough to justify an absence of responsibility for his criminal actions? How jurors negotiated the evidence in these difficult scenarios, and managed to come to a conclusion without the benefit of a trained medical practitioner on hand has been a great puzzle for legal historians. My own preliminary exploratory study of jury lists, however, suggests to me that medical practitioners (although frequently of a rather base variety) were involved in many cases where the medical evidence was not clear-cut.

The goals of this project are threefold. First, this study will fill an enormous gap in the literature. No one has yet examined in any detail how coroners’ juries approached the medical evidence. The reason for this is that this subject is an intersection of two very exclusive disciplines: medical history and legal history. It is time to cross that disciplinary divide so that both fields can benefit. Second, medical history relies almost exclusively on the evidence of medical treatises to gain a clearer perception of how medicine was practiced in the Middle Ages, even though the vast majority of medical practitioners did not write treatises and, most likely, were not even literate. Wendy Turner of Augusta State University and I are currently co-editing a book that will address this seriously flawed approach on a European-wide scale.¹ For England in particular, however, this study should offer a much clearer perception of how deeply entrenched medical practitioners were in the daily life of medieval communities. Three, I also expect this

¹ Wendy J. Turner and Sara M. Butler (eds), Medicine and Law in the Middle Ages. The editors are currently in negotiations with Brill.
study, in a sense, to redeem the medieval legal system. In the absence of evidence of how medieval jurors came to their decisions, scholars have frequently assumed the worst, believing that elite values and class connections alone guided jurors in their deliberations. I anticipate that this study may uncover a more efficient (and honest) legal system than has previously been imagined.

For this study, I propose to carry out an extensive investigation of all existing coroners' rolls held at The National Archives in London, paying specific attention to jury lists, and the medical nature of their findings, in order to better understand how juries came to their decisions on medical issues, and exactly what role medical practitioners may have played in the process.