

BOOK REVIEWS

***The Profession of Ecclesiastical Lawyers: An Historical Introduction.***

**By R. H. Helmholz. Cambridge: Cambridge University Press, 2019. Pp. 248. \$116.00 (cloth); \$34.99 (paper); \$28.00 (digital). ISBN: 9781108499064.**

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doi:[10.1017/jlr.2022.48](https://doi.org/10.1017/jlr.2022.48)

The history of English law is a discipline within legal study that has long been well served by scholars. More recently within this field there has been a renaissance in the scholarship on the history of the legal profession, with a focus on the common lawyers, trained at the Inns of Court, including that by Sir John Baker, who in his work *Monuments of Endlesse Labours: English Canonists and Their Work, 1300–1900* (1998), produced a splendid collection of short biographies of the English civilians. However, what this field of scholarship has lacked is a substantial study of the whole community of lawyers in England who practiced in the church courts both before and after the sixteenth century Reformation.

There could hardly be anyone more qualified than the legal historian R. H. Helmholz to undertake this work and fill this gap for, as he says in the preface to his *The Profession of Ecclesiastical Lawyers: An Historical Introduction*, “it has enabled me to make good use of information uncovered in the course of my research from the archives of the English ecclesiastical courts—a task and pleasure that has occupied virtually all of my academic career, now over fifty years in length” (ix). What makes this work so valuable is that it is more than a history of the ecclesiastical law or even a history of the church courts. Rather the study comes alive because it delves into the lives and personalities of those who practiced ecclesiastical law from the medieval period to the nineteenth century. As Helmholz says in making a comparison to his earlier works, “I have endeavoured to put [the people] back” (ix).

The book is organized into two parts. In the first, “The Profession Described” Helmholz surveys the profession in the period, looking at the law that regulated the professional conduct of the lawyers, the nature of the lawyers’ education, and their reaction to both the English Reformation and the build-up to the English Civil War. He begins with terminology and categorization: in the same way that the common law divides its lawyers into barristers and attorneys, so those who administered the church law are either advocates or proctors. Helmholz describes this highly stratified and regulated profession, from the regulators (pope to archbishop) to the professional ethics applicable to these lawyers. Next, he deals with their education: the study of civil and canon law at the universities, subjects studied, mode of study, and methods of assessment. In his chapter on the reaction of the



ecclesiastical lawyers to the Protestant Reformation, he offers evidence that the majority in practice stuck to their posts and profession in spite of religious change, and he presents a fascinating discussion on the reasons of this. In the final chapter, Helmholz traces the development of the profession in the run-up to the English Civil War, succinctly describing the increased activity levels and wider reach of the ecclesiastical lawyers through levels of court activity, scope of instance litigation (such as *the Duplex Querela*), and scope of *ex officio* litigation.

The first part of this book is thus a remarkable, sweeping view of a part of the legal profession that was booming. It took the Civil War to bring it down, albeit over the course of the following two centuries. At this point in the book the reader is in some ways wanting more and, given that the focus of part two is on the individuals of the profession and the scope of the book ends at 1865, in some ways it is a pity that there is no nod to what happened to the profession following the Restoration and onward toward the twilight of the Victorian age.

In part two, “The Profession Illustrated,” Helmholz introduces the people who were the profession—eighteen portraits of individual advocates, proctors, academics, and others, beginning with Roger of Worcester (d. 1179) and closing with the proctor Henry Charles Coote (d. 1865). Each portrait has a similar structure: biographical information, overview of the individual’s career, and an analytical exposition of the individual’s contribution to the profession. What is striking is that most of the names will be very new to the reader; they are mostly unknown individuals, but through Helmholz’s rigorous research and use of extensive primary sources, the individuals come to life. Further, he always he puts the matter discussed in its wider context, and his knowledge of this is unrivaled. There are some fascinating asides along the way, such as the inclusion of the dean of Arches, George Lee (d. 1758) whose “reputation ... in the history of ecclesiastical law stems from an achievement over which he had little control” (174), namely that he was the earliest English civilian whose reports of decided cases appeared in print (though, as Helmholz shows, his influence because of this should not be underestimated). But what is striking is that Helmholz makes little if any mention of some of the great writers on ecclesiastical law during this period, such as John Godolphin (d. 1678), John Ayliffe (d. 1732), Edmund Gibson (d. 1748), and Richard Burn (d. 1785), to name but a few. Their lives and work and have been well documented elsewhere, but it would be interesting to understand the impact (if any) their work had on the development of the profession as a whole and the lawyers themselves.

With *The Profession of Ecclesiastical Lawyers*, Helmholz fills a much-needed gap and helps to deepen understanding of the history of the legal profession in England. His original, rigorous scholarship is eminently readable as he brings alive a community and individuals who made up this little-known but hugely influential part of the English legal profession. His contribution will doubtless further reinvigorate the study of the history of ecclesiastical law, and for that we owe Helmholz a debt of gratitude.