Studies in Canon Law and Common Law in Honor of R. H. Helmholz

Edited by Troy L. Harris
Contents

Preface vii
Troy L. Harris

Contributors ix

Richard Helmholz: Bibliography 1969–2015 xi

Limitation of Actions: The Curious Case of Classical Roman Law 1
David Johnston

Episcopal Power and Royal Jurisdiction in Angevin England 15
Joshua C. Tate

The Common Lawyers of the Reign of Edward I and the Canon Law 27
Paul Brand

Ethical Standards for Advocates and Proctors of the Court of Ely (1374–1382) Revisited 41
Charles Donahue, Jr.

The Evolution of the Common Law 61
Thomas P. Gallanis

Clergy and the Abuse of Legal Procedure in Medieval England 83
Jonathan Rose
Richard Helmholz is a scholar, mentor, and gentleman. That he is a scholar is obvious to anyone who has visited his faculty page on the University of Chicago Law School web site and seen his list of publications and other achievements. Indeed, a glance at the bibliography accompanying this volume confirms that his scholarly output has been prodigious. At the same time, Dick has an enviable knack for addressing a variety of subjects—from the history of marriage law to the work of the ecclesiastical courts to the privilege against self-incrimination—with sophistication and rigor, while keeping a light touch and remaining accessible.

Proving once again that nothing succeeds like success, his peers have recognized his achievements and added to his list of honors. He is or has been a visiting professor and fellow (on multiple occasions) at Oxford and Cambridge, a Guggenheim Fellow, an Elected Member of the American Law Institute, a Fellow of the British Academy, of the Royal Historical Society, and of the American Academy of Arts and Sciences, along with many other recognitions and awards. He has served in numerous leadership capacities in professional and scholarly organizations, including the American Bar Foundation, the American Council of Learned Societies, the American Society for Legal History, the Institute of Medieval Canon Law, and the Selden Society. Perhaps not surprisingly, his stature as a scholar has led to a number of appointments to editorial positions such as Brill Publishers’ Series on Medieval Law and its Practice, the series Comparative Studies in Continental and Anglo-American Legal History,
the Ecclesiastical Law Journal, the Journal of Law, Philosophy and Culture, the Revista General de Derecho Canónico y Derecho Eclesiástico del Estado, and the Rivista Internazionale di Diritto Comune. Simply stated, the man is ubiquitous.

Richard Helmholz is perhaps best known as an historian of the Roman canon law in medieval and early modern England. Precisely because his area of scholarship lies at the intersection of multiple lines of inquiry, his contributions are recognized by historians whose paths might otherwise never cross: historians of Roman civil law, of English common law, of medieval and early modern European law, of medieval and early modern English society. The variety of contributions in the present volume is an apt reflection of the range and depth of his influence.

And yet Dick’s reputation as a scholar—available to anyone with an internet connection—is only part of the story, and not even the best part. Several of us count Dick as a mentor; all of us know him to be a gentleman. Whether commenting on a colleague’s work-in-progress (as many readers can confirm) or directing the dissertation of a somewhat overawed graduate student (as I myself can attest), he has been unfailingly generous with his time, constructive in his criticism, and humble in his delivery.

This volume of essays is a modest effort to recognize the variety of Richard Helmholz’s accomplishments. As will be obvious, the contributions acknowledge and build upon his scholarship as a legal historian. What will not be apparent is the enthusiasm with which each author accepted the invitation to honor him, the regret of those who were unable to contribute, and the genuine affection and admiration they all expressed toward our mutual friend. Indeed, if a gentleman is measured by the number of his friends, Dick is a gentleman of the first order. On behalf of my fellow contributors, those who provided enthusiastic encouragement along the way, and those who will profit from this volume and the work that inspired it, we offer this slight tribute to a great scholar, mentor, and gentleman.