

## University of Chicago Law School Chicago Unbound

---

Journal Articles

Faculty Scholarship

---

1986

# Book Review (reviewing Ralph V. Turner, *The English Judiciary in the Age of Glanville and Bracton, c. 1176-1239* (1985))

Richard H. Helmholz

Follow this and additional works at: [http://chicagounbound.uchicago.edu/journal\\_articles](http://chicagounbound.uchicago.edu/journal_articles)

 Part of the [Law Commons](#)

---

### Recommended Citation

Richard. H. Helmholz, "Book Review (reviewing Ralph V. Turner, *The English Judiciary in the Age of Glanville and Bracton, c. 1176-1239* (1985))," 18 *Albion* 479 (1986).

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact [unbound@law.uchicago.edu](mailto:unbound@law.uchicago.edu).

historical profession has a monopoly on the art. One might criticize his reliance on secondary and printed sources, but they are undoubtedly handled with sensitivity. For example, he identifies the authors and the readership of cookery books as an essential preliminary to using them as historical sources. This book's emphasis on the last two centuries is in part a reflection of the availability of published sources. There is accordingly less emphasis on the seventeenth and eighteenth centuries than is desirable in view of the pivotal role of that period in the separation of the cookery of the two countries.

This is an enjoyable and satisfying book, which should stimulate even the most jaded of palates. It heralds an expansion in neglected fields of historical inquiry, not just the history of food, but also the study of behavior and social mentality in the past.

University of Birmingham

CHRISTOPHER DYER

Ralph V. Turner. *The English Judiciary in the Age of Glanvill and Bracton, c. 1176-1239*. New York: Cambridge University Press. 1985. Pp. xiv, 321. \$44.50.

Ralph V. Turner's new book draws together his recent work on the history of the men who administered the nascent English common law. In it he applies the tools of prosopography to the careers of the forty-nine men who regularly served as royal judges between 1176 and 1239. He justifiably ignores the many men who sat only briefly. By looking at the origins, the education, the networks of patronage, the accumulation of wealth, and (to a lesser extent) the progeny of this group, he seeks first, to contribute to what is known about the careers of the early judges, and second, to show the nature of the professionalization of the Bench that undoubtedly occurred during these years.

To achieve these two aims, Turner has not hesitated to plunge into a "morass of detail" (p. 12) about his judges. The book is appropriately dedicated to "the Painter School" of medieval history at Johns Hopkins. For this he deserves full marks. The book gives a more complete and reliable account of the background and the lives of the judges than any study we have. It is clearly written and sensible throughout. Readers will learn much from it. They will learn, for instance, that most justices successfully augmented the total amount of their landholding as a result of their judicial work, but that except for those who were truly *familiares regis*, the concrete rewards of judging were not as great as sometimes portrayed. At no time during the period was the Bench a guaranteed path to great wealth. Readers will also learn that about half of the judges during this period were laymen. The alleged clerical domination of the Bench before the reign of Edward I does not fit the facts shown by careful analysis. Turner's book is filled with such solid and interesting information.

To this reviewer, the book's prosopographical approach nevertheless seemed a more modest success in the second (and more important) task of showing and explaining the growth of true judicial professionalism. There is no doubt that the common law, properly speaking, was born between the reign of Henry II and 1239. Bracton's treatise could be written at the end of the period. It could not have been written at the beginning. However, prosopographically speaking, the judges seem to have been cut from the same mold throughout. There were changes, but continuity prevailed overall. Almost all of the

judges came from “the middle and lower ranges of the knightly classes” (p. 293). Most devoted themselves in part to non-judicial work, even while on the Bench. Few can be shown to have had any formal university education, even when they were clerics. Virtually all received “on the job” training, often by a kind of apprenticeship in royal service. Patronage remained a vital ingredient in securing judicial office. The percentage of judges who were in holy orders remained constant (except for John’s reign when the papal Interdict forced clerics to leave the Bench). Some judges had close royal connections, some did not. The former got richer than the latter. There was occasional alarm among conservatives about the apparent prevalence of “new men” in the royal courts. All of these generalizations, this book shows, hold both for the situation in 1176 and in 1239. What changes did occur were dwarfed by the enormous changes in procedure, court organization and substantive law that took place at the same time.

Some of the best parts of the book in fact come when its author abandons the prosopographical approach. His treatment of judicial bribery and corruption is particularly interesting. Turner shows that the judges routinely received small gifts from litigants and that they served as paid legal advisers to powerful men and religious houses. The question is whether this perverted their judgment on the Bench. He inclines to the view that it did not: “Neither gift-givers nor takers thought themselves engaging in bribery” (p. 296). But he lays out the evidence on both sides, and it is certainly possible to reach the opposite conclusion on the book’s showing. That judges did not consider they were doing anything wrong by receiving presents and retainers does not prove that their judgment was not influenced by them. It is the merit of this book that this question (with others like it) is raised fairly and directly. Turner avoids dogmatic answers to difficult questions. His book is a valuable addition to the venerable Cambridge series of monographs on English Legal History.

*University of Chicago*

R. H. HELMHOLZ

Michael Bennett. *The Battle of Bosworth*. Gloucester, England: Alan Sutton Publishing Limited. 1985. Pp. xi, 195. £11.95.

Ralph A. Griffiths and Roger S. Thomas. *The Making of the Tudor Dynasty*. Gloucester, England: Alan Sutton Publishing Ltd. 1985. Pp. xiii, 210. £12.50.

Dr. Bennett’s book is now the best account we have of the struggle in which the Yorkist sun set and the new star of the Tudors took its place in our historical heavens. How the Tudors made their fortune is so clearly set forth by Professor Griffiths and Dr. Thomas that their book, too, surpasses previous studies. It is one of the nice ironies of the situation that for these boons we must thank the publisher and the devoted members of the Richard III Society, who in collaboration with Alan Sutton commissioned both books. Dr. Bennett’s study of the decisive battle competes for our attention with a number of modern studies. In the case of A. L. Rowse’s *Bosworth Field and the Wars of the Roses* (1966) what is most admirable is the demonstration of the continuing importance of Shakespeare’s perspective on the events. In *The Fall of the House of Lancaster* (1966)