

BOOK REVIEWS

Corruption, Protection and Justice in Medieval Europe: A Thousand-Year History

By Jonathan R. Lyon. Cambridge: Cambridge University Press, 2023.
Pp. xiii + 417. Hardcover \$39.99. ISBN: 978-1316513743.

David S. Bachrach

University of New Hampshire

What did advocates do, who filled the role of advocate, and what can the nature of the advocate's office tell us about the structure and nature of government in the German-speaking lands from the eighth to the eighteenth century? These are the basic questions that Jonathan Lyon seeks to answer in his study of the use of the term *advocatus/Vogt* over the course of a millennium of European history. Following a substantial historiographical introduction, Lyon organizes his text in a largely chronological fashion. The first four chapters cover the mid-eighth through the mid-eleventh century, chapters 5-10 treat the period from the mid-eleventh to the mid-thirteenth century, and the final four chapters consider the period up to c. 1800. Lyon draws on a wide range of source materials, including capitularies, royal and private charters, narrative works, letters, and administrative documents.

Lyon makes two basic arguments in this book. First, contrary to received scholarly opinion, he avers that rather than representing churches in governmental courts, the primary role of advocates was to provide protection and justice. Secondly, Lyon argues that a detailed analysis of the activities of advocates calls into question a teleological approach to the emergence of the administrative state in Europe. In particular, Lyon sees the actions of self-interested and corrupt advocates as undercutting the traditional narrative of progress toward more efficient and less corrupt government in the German lands, and perhaps elsewhere in Europe as well. Rather, he sees government throughout the millennium covered in this study as lacking either significant administrative capacity or concern for the public good.

With respect to the first of these arguments, Lyon successfully demonstrates that advocates often were tasked with the protection of ecclesiastical assets and with the holding of legal assemblies to settle the disputes of the dependents of various monasteries, convents, and bishoprics, and, in the later Middle Ages, of urban centers as well. He also makes a convincing case that advocates across much of the medieval German kingdom and its many political successors engaged in activities that many contemporaries considered to be corrupt. In addition, Lyon properly calls into question the teleological assumptions of many scholars regarding the supposed superiority of early modern governments of European states in terms of administrative efficiency and honesty as compared with those in the high or early medieval period.

By contrast, Lyon does not succeed in showing that an analysis of the advocate's office reveals common failings of government across the entire millennium under discussion. Rather, broad brushstrokes regarding governmental incapacities blend out very significant

differences in the scale, administrative sophistication, intentions, and power of governments over this period. In particular, Lyon significantly overstates the political, administrative, and jurisdictional significance of advocates in the period up to the early twelfth century at the expense of government officials, who were appointed directly by the ruler. With respect to the ninth century, for example, Lyon asserts that “the intensification of local advocatial responsibilities reflects the fact that – contrary to some historians’ arguments about strong institutional and governmental structures under the Carolingians – administrative positions were fluid and flexible in this period” (53). This is a fundamental misreading of the situation in two ways. First, fluidity and flexibility are not the contrapositives of strong institutional and governmental structures. Rather, one of the great strengths of Carolingian government, and medieval governments more broadly, was the ability of the ruler to assign multiple tasks to the same official. Secondly, the very existence of an immunity from the jurisdiction of a royally appointed count, which allowed an ecclesiastical office holder to appoint an advocate, depended upon the *a priori* reality of a broadly recognized governmental responsibility and authority to provide protection and justice.

In a similar vein, in his effort to identify advocates as the most important and powerful figures in local communities, Lyon obscures their actual areas of jurisdiction in the period up through the early twelfth century. When he asserts, for example, that advocates “took on the roles of judge and defender in ways that would fundamentally shape local power dynamics for centuries” (65), or that disputes had to be settled locally because “nowhere were kings strong enough to enforce top-down resolutions to these disputes” (105), Lyon both understates the power of early medieval kings and does not make clear what “local” meant. In particular, he does not address the implications of the fact that advocates only had jurisdiction over the tenants and dependents of ecclesiastical institutions, and even then, only when an abbot, abbess, or bishop held an immunity from comital jurisdiction issued by the king. Concomitantly, Lyon does not address the fact that many of these immunities were limited, so that legal conflicts between a church dependent and someone from outside of this community fell under the jurisdiction of the local count, not the advocate.

Finally, Lyon does not address implications for his thesis of the enormous control exercised by the royal government under the Carolingians, Ottonians, and at least the first two rulers of the Salian dynasty over the assets of the churches in their realms. At least up through the death of King Henry III in 1056, advocates had to work within a set of administrative structures and rules established by the royal government, including the necessity to obtain a royal license to alienate property, and the use of governmental inquests, carried out by counts, to identify, quantify, and make use of ecclesiastical resources.

In sum, Jonathan Lyon has done an admirable job of tracing the various permutations of the institution of the advocate from the early medieval period up through early modernity. In the process, he successfully challenges a number of long-standing historiographical traditions and demonstrates the falsity of the divide, at least with respect to some aspects of governmental institutions, between the medieval and the modern worlds. But in reducing legal, administrative, jurisdictional, and political conflicts across a millennium to “a lot of folks wrassling around” (1) or a “near-permanent competition over the profits of protection and justice” (347), Lyon flattens out fundamental differences in the nature and conception of governmental power in the German-speaking lands over the period of his study – a result that is as misleading as a Whiggish teleology of progress.

doi:10.1017/S0008938924000116