

H-France Forum

Volume 12 (2017), Issue 1, #3

Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe*. Cambridge, Mass. and London: Harvard University Press, 2016. xi + 326pp. Illustrations, graphs, tables, notes, and index. \$39.95 U.S. (cl). ISBN 9780674737280

Review Essay by Susan McDonough, University of Maryland, Baltimore County

It is a strange sensation to read a book about the material culture and political economies of two middling sized cities in the mid-fourteenth century and to be constantly aware of the contemporary world in which we live. The question of how modern historians perceive the Middle Ages is constantly asked and answered in different ways, as North American scholars position themselves as engaging either with an origin story or one of distancing otherness.[1] In *Legal Plunder*, Daniel Lord Smail does both, which raises powerful questions both about the medieval past and our current world.

Legal Plunder leads the reader on an intimate tour through the interiors of medieval households in Marseille and Lucca, interiors Smail has painstakingly reconstructed from a potent mix of household inventories, notarial accounts, and the records of auctioneers and the officials empowered to seize debtors' goods. On the tour, we are asked to see how the interiors are filled with things. Some of these things, like the ubiquitous boxes and casks and jugs, are meant to be filled with other things: clothing, linens, papers, and wine. Rarely do these things earn the adjective of "new" or "modern," which is one way in which Smail draws a sharp line between the material worlds of the Middle Ages and today. Rather than advertising cutting edge, the new car smell, or unbroken cellophane packaging, goods in the Middle Ages had a seemingly endless lifecycle. Items that modern city-dwellers would surely throw out as trash remained in medieval homes. Once no longer fit for their original purpose, even broken vessels or threadbare linens had something to offer their owners. One important theme follows that cycle to show how even the small bits denoted as "shabby" in the documents retained value.

This attention to materiality is central to the book's argument, which Smail frames as an environmental history, one attentive to "the complex historical entanglements of persons and things" (p. 30), where "the material world [i]s an actor in the making of history" (p. 29). The book is the study of an ecosystem where material goods not only had personal value to their original owner, but where those same objects could evolve to have value for others and be pressed into service as currency. That coevolution is the story of *Legal Plunder*.

The first chapter, "The Value of Things," provides a close study of the language used to describe objects listed in post-mortem inventories. From this, Smail draws important conclusions to which he will return throughout the book. Of all the objects that receive modifiers in the inventories, clothing was most likely to be described in detail. Clothing was also a likely object to wind up with a pawnbroker. Rather than argue that the heavy description was a way of distinguishing one pawn from another, Smail suggests that the descriptions signaled the attachment of an owner to an

object, which made it more attractive to a pawnbroker. Much beloved articles were more likely to be redeemed (p. 76). This chapter, and indeed, the book, relies on metaphors and images drawn from evolutionary biology and archeology. His discussion of wealth, for example, borrows from the biological concept of energy. This might seem startling at first read but perhaps not from an historian who has argued for the inclusion of the Paleolithic past in our understanding of history. We learn, then, that what in human society acts as a “prestige good” enables its owner both to signal her status and also to hold wealth within the object as a hedge against hard times (pp. 64-5). What makes an object valuable, then, can shift with circumstances.

The second chapter, “Credit and Coin,” focuses on the relatively uncommon household account of a widow in Marseille and explains how an economy could flourish in the fourteenth century even in the midst of a scarcity of coinage. The world of this chapter is one where microcredit enabled households to function, and often that credit was extended in exchange for a pledge. In this system, goods and their value moved from household to household as currency. The close study of household accounts also reveals various payment strategies, such as bundling, which enabled householders to use coins in large denominations to buy, for example, a month’s worth of food. A final theme to emerge in this chapter is the sense of a collective responsibility for debt. When medieval people used their family members, neighbors, and colleagues as guarantors for their debt, a wide community was implicated in making sure it was repaid.

Chapter three, “The Pursuit of Debt,” shifts from Marseille to Lucca, a choice based in the different kinds of records available in each city. Here, Smail examines both private distraint, the practice by which creditors entered their debtors’ houses and simply took goods for the repayment of the debt owed, and predation, a legal process in which a sergeant-crier, empowered by a court ruling and the request of the creditor, would enter into a debtor’s house and take items, which would then be housed with a local official, until the debt was paid or the goods auctioned to pay the debt. Everything was fair game for predation, though this chapter follows the record of one sergeant with an eye for clothing, thus picking up a theme first introduced in chapter one. Using the fragmentary evidence with incredible deftness, Smail calculates that one tenth of Luccan households in the 1330s suffered predation. The value of the goods seized was rarely equal to the debt owed once the goods were auctioned. Smail suggests that the combination of the humiliation of the predation coupled with value raised at auction was considered payment in full. Finally, he argues that given the numbers of households whose goods were seized and the entanglement in the legal system that required, the pursuit of debt played a bigger role in building the system of justice in Lucca than did the pursuit of criminals (p. 180). This is a breathtaking payoff.

The final two chapters of the book turn to the violence inherent in the legal system that allowed the seizure of goods from people’s homes. In “The Plunder,” Smail presents the growing inequality between artisans, unskilled workers, and peasants on the one hand and the bankers and merchants on the other. Predation played a role in developing that inequality by taking goods from the poor, which, in Smail’s words, “casts a very different light on factors that led to the growth of luxury consumption on the eve of the Renaissance” (p. 186). In this analysis, with the push from “state sponsored debt collection,” predation and pawnbroking become variations on a theme, with the state expanding the items that could act as pawns and from which value could be extracted (p. 214). The plundered items become an alternative currency in an expanding economy where bullion is not always to be found.

“Violence and Resistance” shows readers that debt collection was about power, and the act of predation played a significant role in rethinking the relationship between the commune of Lucca and the surrounding countryside in the fourteenth century. Here, Smail reiterates the violence inherent in the act of entering a peasant household to pry items from the wall. It also provides an opportunity to think about how peasants resisted the plunder of their homes. In a world where small, moveable objects could have significant value but could also be easily moved or hidden from the eye of the sergeant-criers, medieval people calculated what to invest in. They lived with furniture that had little value and frayed sheets but invested in clothing and fine metal ware. These latter items could both communicate standing and, when necessary, be easily hidden (p. 258). This strategic resistance was not the only option, of course, and Smail also chronicles the armed oppositions to the sergeants. The courts found these challenging to prosecute as peasant witnesses insisted no violence had occurred. This chapter ends with the sobering conclusion that even with the choice of investing in some material objects over others and with the option of armed resistance, the peasants in the Lucchesia could rarely escape the press of the state on their objects and themselves.

Readers familiar with Smail’s other monographs will enjoy the way *Legal Plunder* plays with and amplifies themes from earlier works. The notaries whose location clauses created a linguistic map of Marseille in *Imaginary Cartographies* find their analogues here in the sergeant-criers whose charge to plunder throughout the Lucchesia extends the sovereignty of the city into the peasants’ fields.[2] We hear echoes of *Deep History and the Brian* when Smail draws on studies of primate societies under stress to argue that debt collection was not only an economic transaction, but also a stress transaction that laid bare hierarchies of power (p. 256).[3] *Consumption of Justice* argued that medieval litigants used civil litigation to humiliate their enemies and that litigants’ use of the courts, rather than an oppressive criminal justice system, fed the growth of legal processes over the course of the late Middle Ages.[4] In *Legal Plunder*, the focus shifts from litigants to creditors and from litigation to seizure of material goods, with a similar outcome: predation becomes the mechanism through which creditors can humiliate and shame their debtors. It is a real pleasure to see how Smail revisits some core themes and reworks them in this most recent book.

Among the many great strengths of *Legal Plunder* is Smail’s exquisite turn of phrase. On almost every page there is lyrical and often moving language describing the lifecycle of an object, or the humiliating shock peasants suffered when tiles were pried from their roofs. This is not a study of luxury or material culture of the courts or the homes of the great bankers of the late Middle Ages, but of the poor and the middling sort.

Legal Plunder is a haunting book to read, especially the later chapters. When Smail closed out his final chapter with, “It is impossible to be free of tyranny when you are dependent upon things that can easily be taken away by those in power” (p. 270), I was transported, abruptly, to our current world. For this reader, the book’s title and the emphasis throughout on plunder were especially poignant. Though focused on a different era and geography—after all, plunder is a literal translation from the Latin documents—they recall the powerful work of Ta-Nehisi Coates, who has insisted on the recognition of the role that the plundering of African and African-American bodies played in the economic foundation of the United States.[5] Similarly, Smail’s attention to the rising numbers of medieval people imprisoned for debt recalled the numbers of Americans

who remain in jail because they are unable to pay their bail.[6] I am not suggesting this was Smail's point. Rather, as great books do, *Legal Plunder* not only makes a compelling and complicated argument about the exercise of power and the weaponizing of material culture in the past but also holds a mirror up to our current world.

As should be abundantly clear, *Legal Plunder* offers an abundance of food for thought and engages in rethinking big themes that range from the origin of the modern state and the history of capitalism to the history of emotions, of poverty, and of the environment. It seems almost churlish to ask of more from one admittedly robust volume. But this reader felt the lack of engagement with two historiographies noted here. The first is Mediterranean studies. Fairly, Smail locates the themes of this book as Mediterranean ones, which, given the focus on Marseille and Lucca, makes geographical sense. And in the gorgeous language throughout the book, he speaks of "the rising tide of tangible wealth" (pp. 18, 35) or the "rising tide of goods" (p. 88), which evokes, my guess purposely, the echoes of the sea that laps at the very edges of Marseille. So too, in some of the inventories, Smail finds evidence in the table settings from Marseille of "ceramics from Byzantium and the Aegean Sea, the Maghreb, al-Andalus, Catalonia and Italy and other pottery producing zones around the Mediterranean" (p. 36). Yet there is little engagement with the concept of the Mediterranean beyond Marseille's and Lucca's locations, and much of his positioning of these cities is at the edge of Northern Europe, rather than at the center of a particular culture.[7] Consider the archeological examples in the beautiful plates at the center of the book: the frying pan and ewer were both found in archeological digs in Belgium. I do not quarrel with the suggestion that they represent objects similar to those cited in Marseille's inventories, but the center of gravity of the book seems to be Northern Europe rather than the Mediterranean world. The comparative case study was effective, and the arguments Smail presented at the outset for the complementarity of the data available from Marseille and Lucca were compelling (p. 23). But there was little sense throughout the book of this case study as a distinctly Mediterranean one, which I missed.

The second lacuna I found in the book concerns gender. At key moments, Smail offers beautifully wrought gendered analyses of the material transactions studied in *Legal Plunder*. His exploration of the gendered effects of poverty is important (p. 185), and his suggestion that creditors targeted the clothing of the wives and daughters of their debtors to shame them by symbolically undressing their female relatives was convincing (p. 223). But I wanted more. How, in Marseille and Lucca, were patterns of indebtedness gendered? How did men and women experience the availability of credit differently? Or was there no difference at all? If the latter, that would be important to know.

One final omission in the book, which perhaps was the choice of the publisher rather than author, was the lack of a bibliography. Though the notes are extensive, it seems odd, especially in a book about material culture and the importance of things, to omit that piece of the scholarly apparatus. I missed having a bibliography and imagine students, who will learn so much about how to do history from this book, will too.

Legal Plunder is a complex, engaging, and important book. It made me think anew about the medieval and modern world simultaneously. Smail's gift as a historian is to animate sources, here the many different kinds of records that contain mention of things, and to use them to offer answers to questions many of us might never have thought to ask. With its attention to the wealth gap in the

fourteenth century, this book offers a sobering and elegant reconsideration of the relationship between people and things in the late medieval period.

NOTES

[1] Paul Freedman and Gabrielle Spiegel, “Medievalisms Old and New: The Rediscovery of Alterity in North American Medieval Studies,” *The American Historical Review* (June 1998): 677-704.

[2] Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca: Cornell University Press, 1999).

[3] Daniel Lord Smail, *Deep History and the Brain* (Berkeley: University of California Press, 2008), 168.

[4] Daniel Lord Smail, *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca: Cornell University Press, 2013).

[5] Ta-Nehisi Coates, “The Case for Reparations,” *The Atlantic* (June, 2014), <http://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>.

[6] Nick Pinto, “The Bail Trap,” *The New York Times* August 16, 2015, MM38 <http://www.nytimes.com/2015/08/16/magazine/the-bail-trap.html>.

[7] The medieval Mediterranean has been recently and variously analyzed as a site of connectivity, of movement, and of exchange. On Mediterranean connectivity, see Sharon Kinoshita, “Mediterranean Literature,” in *A Companion to Mediterranean History*, ed. Peregrine Horden and Sharon Kinoshita, 314-329 (London: John Wiley and Sons, 2014), and Peregrine Horden and Nicolas Purcell, *The Corrupting Sea* (Oxford: Blackwell Publishing, 2000), esp. 123-172. On Mediterranean movement, see David Abulafia, *The Great Sea: A Human History of the Mediterranean* (Oxford: Oxford University Press, 2011), esp. 258-372; on exchange, see Jessica Goldberg, *Trade and Institutions in the Medieval Mediterranean: The Geniza Merchants and their Business World* (Cambridge, UK: Cambridge University Press, 2012).

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