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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 Kathryn Reyerson, University of Minnesota

The Harvard University Press blurb that accompanied my copy of this book for review carries a more representative title for this brilliant study than the above: “Wealth, Materialization, and Debt Collection.” This book is as much about materiality as it is about legal plunder, and the two are intertwined. In fact, it is a superb example of textual archeology, meaning the use of written sources in the service of archeology, in the vein of Françoise Piponnier.[1] Smail provides an incredibly rich window on the material culture of medieval Europe via Marseille’s household inventories, usually produced when the dying left young children, and the records of predation of Luccese households for the purpose of debt collection. Marseille’s inventories number about one hundred, and the records of Lucca’s “repo men,” as Smail calls them, run to the tens of thousands overall and to several thousand in the years 1333-1342, the specific chronological focus of his investigation (p. 23). Here Smail suggests a future research project sampling the later records more systematically, the first of several such suggestions that some of the conclusions of this book are somewhat tentative. Later, in regard to the frequency of predation versus arrest and incarceration, he states, “Sorting out these trends is a task for a future research project” (p. 180). He clearly had a desire to get some of this information into print, though what we have is not the definitive study of Lucca’s debt collection. Smail’s study of Marseille, which has been the focus of his research in two earlier monographs, provides a more definitive vision, but here too Smail’s team research project on household inventories can be expected to produce results beyond Marseille.[2] That said, Smail gives us plenty of food for thought in the present book.

This book is a treasure trove of new insights on the medieval credit economy. The book brings to our attention the rich archives of two Mediterranean towns, Angevin Marseille, and Lucca, in the period straddling the death of Castruccio Castracani (1328) and its conquest by Pisa in 1342. For Marseille, the chronology extends well into the fifteenth century. The two towns are complementary, since Marseille provides detail on the contents of medieval households that the crier-sergeants of Lucca plundered in their efforts at debt recovery. Smail makes important connections between the credit economy, pawnbroking, and debt collection—legal plunder—with important resultant insights on the growth and nature of the medieval economy. Though not in these terms, he clearly champions a synchronic approach to economic history, which advocates the study of practices within their contemporary context, rather than the diachronic approach of searching for origins of modern institutions in the Middle Ages that has characterized economic history.[3]

Smail views predation as significant in economic terms. As he indicates, “[o]n the scale that it was practiced, at least in Lucca, predation was an economic engine of no small consequence” (p.

185). Conversely, in another profound insight, economic growth resulted from predation: “the activity of the crier-sergeants, mirroring that of the Vikings or raiders of another age, took that wealth and forced it back into circulation” (p. 185). Smail comes back to these arguments with regularity, remarking that “goods were sucked up into circulation through processes such as pawnbroking, really and, at least in places such as Lucca, debt collection” (p. 238). He draws on work focused on Paris as a comparative example with a welcome expansion of geography, given the question of Lucchese representativeness.[4]

In terms of monetary issues, Smail advances that “plunder ... was an alternative type of commodity money” in the vein of an “alternative currency” (p. 236). It would be very interesting to know more about the monetary and financial operations in Lucca itself. Lucchese individuals in exile in the south of France were mint masters and creditors of considerable importance.[5] We need more background on the financial landscape of Lucca in order to place the process of predation within the local context.

Seeing debt as to some degree a collective responsibility, with the wealthy expected or required to contribute, Smail argues, “Debt collection, in such instances, was like an act of enforced charity, or a socialist redistribution of wealth” (p. 207). Smail speaks of microcredit, though not in the terms of its use today in the developing world, but rather as small scale lending (pp. 106-109). Characterizing predation in medieval terms, Smail comments, “But of all the affordances that the institution of predation generated along the way, the most important might well be its capacity to serve as a state-sponsored system of pawnbroking” (p. 210). Smail sees predation and pawnbroking as complementary and sometimes competitive (pp. 213-214). Trying to understand why the inhabitants of the Lucchesia were willing to submit to predation, Smail argues that predation was less expensive than pawnbroking, being reasonable in cost, comparatively speaking (p. 228). The prevalence of debt collection in movables and the storage of wealth therein have implications for our understanding of the medieval money supply and old chestnuts such as the Fisher equivalence ($mv=pt$), with m representing the money supply, p the price level, t the amount of money transactions, and v the velocity of circulation of money. Money was thus not the only mechanism of exchange in circulation.

There were other dimensions to predation. Shame played a role in the process, and given Smail’s earlier work on *fama*, one wishes for somewhat greater development.[6] Smail notes, “As the targeted seizure of women’s clothing suggested, predation was a shaming gesture” (p. 230), but does not go further in his analysis of this subject.

Smail also argues for the influence of debt collection on the growth of sovereignty. He states, “debt collection, globally, was instrumental in the making of sovereignty” (p. 236). He makes interesting connections between predation, violence, and the growth of sovereignty and the medieval state, arguing that the pursuit of debt was more instrumental than the punishment of criminality in building a system of justice (p. 180). The significance of criminal jurisdiction has been well articulated by scholars such as Claude Gauvard.[7] That it was but one of several avenues of influence on state building is perhaps not surprising. Smail’s is an important insight, but the practice of justice varied across the geography of Europe, and the royal government in France was not the same as communal government in Italy.

Another interesting feature of Smail's analysis lies in his consideration of medieval investment strategies. "To the extent that the results are representative," he asserts, "they suggest that people in fourteenth- and fifteenth-century Marseille tended to distribute their investments relatively evenly across property and goods, with a distinct bias towards movables" (p. 62). He returns to this consideration later in chapter three on the "Pursuit of Debt," noting, "the value represented by all the immovable property was typically inferior to that of the movable goods by a ratio of 2 to 3" (p. 153). The preference in seizure was for movable property, but real property could come into play as well.

Of course, investment strategies varied. The peasant invested primarily in land, animals, and food while urban dwellers favored household goods. That a significant portion of urban wealth was in household goods Smail explains by the fact that such goods were very costly, rather than because real estate was cheap. In Figure 1.4, Smail shows for a select sample the differing percentages of investment in movables versus immovables, ranging from a fisherman who had mostly immovables to the shoemaker who had none, with all his wealth in movables. Rather than hoarding coins, inhabitants stored their wealth in prestige objects, "such as fancy jugs and ewers, houppelandes, velvet purses, and sheets with silken daggets" (p. 66). As he notes, "[p]restige goods are convenient devices for the storage of value that do double duty as the vehicles of costly signaling" (p. 65). There was also an accumulation of wealth in agricultural produce and accouterments: "Wealth also piled up in the great storage casks and jars and bins full of grain, wine, olive oil, and beans, the foods that provided the household a buffer against the vagaries of the harvest" (p. 66). Further, "Chests and coffer held sheets, veils, curtains, and clothes" (p. 66). Storage items themselves in great variety figured frequently in the inventories, providing yet another insight into medieval material culture.

Descriptions of objects by the redactors of the household inventories of Marseille also occupy Smail, as they reveal a value system. He breaks down the attributes attached to particular objects. Clothing, belts, headpieces, etc. carry considerable description, as do coffers, chests, caskets, and coffrets. He develops a descriptive index of items, as a tool of analysis, finding, for example, that chests and draft animals had a similar index, based on the number of attributes. He sees a correlation between modifying phrases attached to goods and the fact that the same goods were often circulating as pledges or pawned items (p. 75). In the household inventories, the limited presence of children's things and of devotional objects stands out. It seems that children's things were not invested with the type of value to figure in an inventory. These absences, along with that of pets, almost certainly present, lead Smail to recognize the blind spots in the household inventories. Almost never noted was the possessor of an object or any biography attached to it. By studying the descriptive modifiers attached to things, Smail seeks to track a value system tied to storage of investment. Objects often did double duty as items of practical storage and as sites of storage of wealth. As he indicates, "[a]t the very heart of the capacious zone of overlap lay some very special kinds of empty containers, including high-status clothes, precious jugs and goblets, fine purses, and—if we can stretch the category of 'container,' belts and rings made of precious metals, which contain waists or fingers. All these objects are characterized by a valuable material and amply signifying adornments" (p. 87). The descriptions found in Marseillais inventories and in Lucchese predation records for identifying objects allowed for the redeeming of a specific object, much as in pawnbroking.

The preoccupation with clothing is revealed as a specific feature of medieval investment. And the recycling of clothing and of other objects, the keen market in used clothing, was a definite characteristic of this society. This preoccupation with clothing is eminently confirmed in the very interesting case study of the crier-sergeant Gianni Gigli whose yearly rounds Smail scrutinized through the creation of a fictional year created from many seizures. Gianni's preference for clothing in his plundering was marked. As Smail notes, "[h]e was a man with an eye for fabric and dress..." (p. 207).

The process of predation in Lucca had several stages. After a plea for debt collection had been registered, the crier-sergeant visited the debtor to "attach goods" and to issue a summons to appear in court within three days (p. 192). Debtors had time to remove objects of value from the house, though Smail does not make clear just how that jibed with the earlier attachment. Sometimes Gianni and his colleague found only items that were defended by law from plunder, such as a bed. At times they were met with violence on the part of the resisting debtor. Sometimes crier-sergeants seized items that did not belong to the debtor, necessitating their return. Strange things were seized, such as the planks of a house. Often heavy items were left in place with a seal. Or items could be deposited with local consuls for safe-keeping. The experience of the repo men varied according to the situations they encountered.

Smail's style makes this book an easy read. He has a gift for the *bon mot* and for interesting turns of phrase that are incredibly perceptive. "Monetary ontology" (134), "morphological nakedness" (65), and "disambiguation" (74) are examples. Smail's background in science and human evolution, thanks to his research into big history and the deep history of the brain, permeates this book in smart ways. He looks at collecting behavior among birds and their practices of display as interesting examples of signaling that may have a parallel in human behavior and economics (p. 64).

Harvard University Press spared little expense in the glossy plates and in-text plates that illustrate this book. It is all the more surprising, then, that there is no bibliography, a serious lacuna for the scholar who is attempting to give an overall snapshot of the work. The absence of a bibliography requires considerable repetition in the notes that seem to include a new full citation of references in each chapter. Also disappointing, though not to be expected in a book like this, is the lack of a glossary. Given the sometimes abstruse terminology that will not be familiar to most medievalists—Smail himself confesses that he has not been able to provide definitions for all the terms in household and debt records—it would have been of considerable assistance to have a glossary aid.

There are other significant lacunae that make this reader wish the book had an additional fifty pages. There is no effort to link findings from Lucca to the broader political development in Tuscany, except to recognize that the death of Castruccio Castracani in 1328 ushered in an era of local political chaos that continued until the Pisan takeover in 1342 provided a new form of political dominance. The brief evocation of Marseille's travails under Angevin political domination could be elaborated. Greater context for the urban administration in the case of both Lucca and Marseille would be useful. A more significant problem is the lack of introduction to the judicial system in use in each of these cities. How did debt collection—predation—fit into the greater scope of justice in Lucca? It was not a form of criminal justice, yet the violence that might

result in some of the episodes of collection could lead to criminal proceedings. A somewhat greater development of a European-wide context would make the interpretations of the significance of debt collection in Lucca, in particular its connection with sovereignty more meaningful.

Although the study of predation in Lucca is likely to attract more interest as it is really original and indeed influenced the title given to the book, Smail's dissection of medieval sensibilities in regard to material culture, his study of value in chapter one, is incredibly perceptive and useful for our understanding of life in these late medieval cities. From the household inventories of Marseille, Smail develops a system of analyzing the perceptions of the notary and personnel making the inventory of goods. Given the emphasis on land as the major source of wealth in the Middle Ages, the focus of Smail's study, based on his evidence, on household items, implements of trade and agriculture, and animals is a useful corrective to over-emphasis on immovables. From this study we have a greater understanding of the priorities of medieval inhabitants.

Smail suggests that he would like to do a prosopography of creditors in medieval Lucca. I would like to see a prosopography of the crier-sergeants, versatile officials, who were really on the front lines of urban jurisdiction. It will be necessary at some point to determine how unusual the practices in Lucca were and how definitive Smail's interpretations of them are. A study such as this should inspire additional research in the voluminous archives of Lucca, hopefully by Smail and his graduate students. Pursuit of the inventory research beyond Marseille will also be important for the expansion of our understanding of medieval materiality.

NOTES

[1] Françoise Piponnier, "Inventaires bourguignons (XIVe-XVe siècles)," in *Probate Inventories, a New Source for the Historical Study of Wealth, Material Culture and Agricultural Development*, ed. Adrianus Maria van der Woude and Anton J. Schuurman (Utrecht: HES, 1980), 127-140.

[2] Daniel Lord Smail, *Imaginary Cartographies: Possession and Identity in Late Medieval Marseille* (Ithaca, N.Y. and London: Cornell University Press, 1999) and *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423* (Ithaca, N.Y. and London: Cornell University Press, 2003).

[3] For more on this issue, see Kathryn Reyerson, *The Art of the Deal: Intermediaries of Trade in Medieval Montpellier* (Leiden: E. J. Brill, 2002), Introduction.

[4] See Julie Claustre, *Dans les geôles du roi. L'emprisonnement pour dette à Paris à la fin du Moyen Âge* (Paris: Publications de la Sorbonne, 2007) and idem, "Dette et obligation à Paris à la fin du Moyen Âge," in *Valeurs et justice. Écart et proximités entre société et monde judiciaire du Moyen Âge au XVIIIe siècle*, ed. Bruno Lemesle and Michel Nassiet (Rennes: Presses universitaires de Rennes, 2011), 69-83.

[5] See my article, "Lucchese in Montpellier in the Era of Castruccio Castracani: The Mintmasters' Penetration of Languedocian Commerce and Finance," in *Castruccio Castracani e il suo tempo, Actum Luce*, XII-XIV (1984-1985) (1987): 203-215.

[6] Thelma Fenster and Daniel Lord Smail, *Fama: The Politics of Talk and Reputation in Medieval Europe* (Ithaca, N.Y. and London: Cornell University Press, 2003).

[7] Claude Gauvard, "De grace especial." *Crime, état et société en France à la fin du moyen âge*, 2 v. (Paris: Publications de la Sorbonne, 1991). See also Claude Gauvard and Andrea Zorzi, eds. *La vengeance en Europe, XIIIe-XVIII siècles* (Paris: Publications de la Sorbonne, 2015).

Kathryn Reyerson
University of Minnesota
reyer001@umn.edu

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