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Daniel Lord Smail, *Legal Plunder: Households and Debt Collection in Late Medieval Europe*, Cambridge, Mass : Harvard University Press, 2016, xv+ 326 pp. Maps, tables, figures, illustrations, notes and index. \$29.95 U.S. (cl.) ISBN 9780674737280.

Response Essay by Daniel Lord Smail, Harvard University

Some years ago, when I was just finishing up graduate school, Jim Farr approached me to ask whether I might consider submitting an article to *French Historical Studies*. I responded rather diffidently by saying that my work concerned Marseille, which, being a city in Provence, wasn't actually part of France during the Middle Ages—hence, could I really think of this as *French* history? Jim airily dismissed my scruples with a wave of the hand—*un petit détail, sans importance*—and it is certainly true that had I needed to, I could have argued that late-fifteenth-century Provence had been colonized by France in much the same way as the Maghreb, Madagascar, Haiti, and many other world regions routinely studied by self-described French historians. But we shouldn't lose sight of the fact that medieval history is no respecter of national units. This point is underscored by the somewhat unusual framework of the book under review here, which travels between southern France and Tuscany. For this reason, I am especially grateful to Hilary Bernstein and the editors at *H-France Forum* for considering *Legal Plunder* a viable candidate for this review forum and for assembling so distinguished a group of discussants.

The framing of the project over nine years of research and writing was a source of some concern for the author because the book itself is neither fish nor fowl, neither a French history nor an Italian history. Nor is *Legal Plunder* a comparative history in the strict sense of the word. For that matter, I can't claim to have done justice to the history of late medieval Europe alluded to somewhat ambitiously in the sub-title. During the course of the research, I did read broadly in literature from elsewhere in Europe, including Catalonia, northern France, Germany, the Low Countries, and England, but I made no particular attempt to be comprehensive, in part because there was no single literature to be comprehensive *in*. As Julie Claustre notes in her review, the book crosses cultural, social, and economic history and touches upon subjects ranging from credit and debt, agrarian structures, and the anthropology of consumption to the histories of law and coinage. In trying to address all of these subjects, I was able to cover each one to an inadequate degree, hence the sensation of things missing that all four of the readers rightly experienced.

If *Legal Plunder* is not a history defined by place or by theme, then what, exactly, is it? James Thurber, a cartoonist and essayist for the *New Yorker* in its hey-day during the mid-twentieth century, described how his drawings sometimes seemed to have reached completion by a route other than the common one of intent. This is a reasonably accurate description of how the subject of the book emerged organically from the rich array of primary sources I consulted while working in the archives of Marseille and Lucca. If anything brings the chapters of *Legal Plunder* together into a whole, it lies in the fact that all of them participate in the effort to make sense of a process—

in this case, the process of debt collection. At its core, a process is the same wherever it unfolds in time or space—or at least, this is the understanding that allows anthropologists to analyze processes like gift exchange or commodification across different cultures. For this reason, it didn't really matter to me whether I touched on it in France or Italy. The complementarity of the sources in Marseille and Lucca, indeed, made it easier to understand the process of debt collection, since that complementarity worked to reveal different aspects of the process of debt collection. Obviously the details varied considerably between the two cities. Food products, for instance, were seized more commonly in Lucca than in Marseille, in part because Lucca exercised a great deal of control over the surrounding agricultural hinterland. Variations such as these helped throw the common aspects of debt collection into the light.

Making sense of the process required understanding the context, and that meant dipping into all the literature that had a bearing on debt collection. These works range from fashion history, because clothes are so prominent in the list of objects seized, to the anthropology of containers, because containers are so ubiquitous. That I did not manage to cover all the relevant historiography in sufficient detail is clear from the remarks made by Julie Claustre, Noël Coulet, Susan McDonough, and Kathryn Reyerson. Their reviews treat the book with great kindness and generosity of spirit, but they show that the book remains very much an essay, or, as Reyerson rightly describes it, “somewhat tentative.” Claustre writes in her review that there is more that could be said about household goods and their values from both legal and economic viewpoints. Coulet, too, notes some of the complexities associated with talking about the “price” or the “value” of things in a late medieval context. The data I assembled for that particular project—the attempt to understand the median value of things—are indeed fragmentary and clouded with methodological uncertainties. I am heartened by the fact that the readers mostly saw this as a worthwhile thing to do. This makes it possible to contemplate the development of a kind of expert-crowd-sourcing project that could systematically collect prices and value estimates from a number of different late medieval archives. In this vein, I completely agree with Reyerson's gently stated critique that more insights into monetary and financial operations in Lucca itself would have added to this and related arguments.

I also set aside as a future project the task of developing a comparative legal history of the procedures associated with debt recovery, preferring instead to piece together the actual procedures from documents of practice. Claustre herself is one of the leading authorities on all things related to debt collection and coercion in late medieval Europe; nothing I have done would have been possible without her trail-blazing work (some of which is cited in her review, which treats her own expertise far too modestly). But there is certainly much more to do on the juridical side. There are a number of features of the procedure that I have not in fact sorted out to my own satisfaction. Reyerson puts her finger on one of the most important of them, namely, the point that after goods were “attached” or marked for seizure, what followed was typically a three-day gap before the actual seizure was carried out. But I don't in fact know what proportion of the approximately 3,000 cases in the sample followed the normal procedure and which ones followed a more abrupt procedure that allowed for instantaneous seizure. Nor do I know whether the process of attachment marked everything in the household, which in theory should have prevented debtors from hiding certain special items away, or whether the attachment just took the form of a seal attached generically to the door of a house. Added to this, we have no idea how often the crier-sergeants

who executed the seizures were bought off with bribes. It is certainly the case that answers to some of these questions could have emerged from a more detailed study.

With her reference to my other body of work on “deep history,” Claustre gestures to another theme that remains underdeveloped in the book. In recent years, I have come to understand deep history as a branch of environmental history. If we also choose to understand *Legal Plunder* as a contribution to environmental history, a point noted by McDonough in her review, the book can be said to describe a particular moment in the very long history of the close relationship between human beings and the material niche that we have created for ourselves. Although I develop this perspective in the introduction, it is not fully sustained across the book, except to the extent that I come back repeatedly to the idea that things have affordances. Affordance—I am thinking of James Gibson’s important essay on the subject, as well as the use that is made of the term by figures such as Ian Hodder, Tim Ingold, and Bruno Latour—gives us the intellectual tool we need to understand how objects can act. [1] As actors, they participate in the making of history. But there is still much to do if we are to operationalize the idea in a history such as the one under review here.

In her review, McDonough points out that there was more I could have done to make this book truly Mediterranean in scope. This is a very just point. Even so, I would like to push back gently against the suggestion that a large geographical ambit is inevitably more satisfying or better in some way than a small one—a point that was made two decades ago in the debates between *Annales* and *microstoria*. [2] I know that in an era when historiographical fashion has turned to global and transnational histories, it is rather peculiar and counter-intuitive to speak up in favor of the need for tiny micro-regional studies such as the ones featured in my book. But even so, I shall do just that. No physicist would ever claim that gravity, as an interaction, is more important or interesting than the strong force simply because it operates on the scale of millions of miles rather than angstroms. The principle here is one of the fractal, where there are interesting patterns to be seen at every scale of observation. In the case of material culture and debt collection, it would be hard to understand how the peasants and country-folk of the Lucchesia experienced debt collection without taking the time to drill deeply into the sources that pertain to them. That said, this book is an essay, and if there are grounds for generalizing the patterns explored here across a wider geographical stage, and if there are sources that might allow us to do so, I am all for it.

As McDonough notes, the process of debt collection is rather disturbingly relevant to the present day, as news items describing repossession and even imprisonment for debt appear regularly in the media. “La spoliation legale,” in point of fact, is an idea discussed by the French legal scholar, Frédéric Bastiat, in his 1850 essay, *La loi*, in which he complains about how the law has become “l’instrument de toutes les cupidités au lieu d’en être le frein.” [3] Bastiat was not especially interested in debt—the word itself does not appear in his essay. Even so, it is clear that the well-developed historical literature on debtors’ prison needs to be complemented by a historical literature on other forms of debt collection. That kind of fully longitudinal study was beyond the scope of *Legal Plunder*. As Reyerson notes, though, there is much more I could have done with the Lucchese materials in the fourteenth and fifteenth centuries to make this a more diachronic story. I ended up choosing to do a focused study of the period of 1333-1342 that relies on a sampling of the available sources, but I could have stretched this sample over a longer time period—or, perhaps, simply spent more years in the archives so as to produce a bigger book. In the end, I think the insights that emerged from the material justified the narrow chronological focus

of the final chapters, but that obviously came at the expense of understanding some of the long-term trends associated with debt collection, as Reyerson observes.

Professor Noël Coulet has been Provence's leading historian for decades, and his work has been instrumental in opening up the material history of the region, not to mention the histories of credit and debt, Jews, and many other subjects. I am grateful to him for spotting some problems that I hope to correct in a future printing of the book. At some point in the research, I had come to realize that an *aissadon* was a large hoe, contrary to my initial impression, but in the course of copy editing this is one of several errors that slipped through. I am struck by his comment about the presence of retables in fifteenth-century Aix. My working assumption is that a carefully appointed database of late medieval material culture, stretching across a large terrain, would show variation in the contours of piety and other domains exactly of this kind (I would expect Aix to be different from Marseille). This is the goal of a digital humanities project, "The Documentary Archaeology of Late Medieval Europe," that I am currently developing with several colleagues (see <http://dighist.fas.harvard.edu/projects/DALME/>); we hope to have a prototype based on the Marseille inventories available in the relatively near future and to begin adding new inventories from France and other regions soon after.

Both McDonough and Reyerson note the absence of a bibliography, which is available to all who are interested at <http://scholar.harvard.edu/smail/legal-plunder-bibliography>. This was the publisher's choice rather than my own, but perhaps I should have pushed harder. Reyerson also observes that a glossary would have been helpful, and I hope that this is something I can mount on the book's website in the near future. Other absences, such as the lack of sufficient discussion of the administrative and judicial history of both cities, as noted by Reyerson, resulted from decisions I made, perhaps wrongly, about where to focus my energies.

It remains for me to thank my readers for their very thoughtful and important remarks, many of which have caused me to think about the book in a new light and to dream of plans for exciting new projects. My hope, in the relatively near future, is to be able to mount an online database of the nearly 7,000 objects listed in the sample I collected from the Lucchese archives, along with the necessary fields recording their attributes. Most of the residences of the debtors listed in these records have been geo-referenced. In addition to this, the database records the names of creditors, debtors, and bailees or consuls who stored the stuff, along with all the data regarding the size and origin of the debts. Scholars and citizen-scientists interested in the ensemble should have plenty of opportunity to draw their own conclusions. In this day and age, it seems churlish not to share this kind of information with others, since there is much more that could be done. As the work of scholars such as Claustre, Coulet, McDonough, and Reyerson has shown, the archives of late medieval France and Italy are extraordinarily rich and have much to offer to the world of history. My hope is the *Legal Plunder* will help inspire new work and fresh perspectives on these exceptional sources.

NOTES:

[1] James J. Gibson, "The Theory of Affordances," in *Perceiving, Acting, and Knowing: Toward an Ecological Psychology*, ed. Robert Shaw and John Bransford (Hillsdale, N.J.: Lawrence

Erlbaum Associates, 1977), 67–82; Ian Hodder, *Entangled: An Archaeology of the Relationships between Humans and Things* (Malden, Mass.: Wiley-Blackwell, 2012); Tim Ingold, *Being Alive: Essays on Movement, Knowledge and Description* (London: Routledge, 2011); Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005).

[2] See Jacques Revel, ed., *Jeux d'échelles: la micro-analyse à l'expérience* (Paris: Gallimard : Seuil, 1996).

[3] Frédéric Bastiat, *La loi* (Paris: Guillaume et Cie, 1850), 3; see <http://gallica.bnf.fr/ark:/12148/bpt6k65068550>, accessed 6 December 2016.

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