

*Legal Plunder: Households and Debt Collection in Late Medieval Europe.*

Daniel Lord Smail.

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Dan Smail's *Legal Plunder* is a must read for scholars and students of late medieval Europe. Although on one level a sure-handed examination of an unusual method of debt collection in late medieval Lucca and Marseille, the book is on another level a masterful study of society and culture at a transformative moment in European history. In much of the fourteenth and into the fifteenth century, urban authorities and the private creditors for whom they were often acting chose "plunder" or "predation" over banishment or incarceration to pursue bad debts of any kind—a loan in default, a dowry not delivered, a tax or a fine unpaid, a rent much in arrears, or a tavern bill too long ignored. Bailiffs traveled to the homes of debtors and seized, at their will, goods of all kinds and either delivered them to the creditor or used the items to raise cash that would satisfy the debt.

Although Smail provides a full explanation of the legal procedures themselves, he concentrates on why goods so easily served to satisfy monetary debts, and what the seizures meant for municipal authorities, creditors, and debtors. He begins with an account of the significance of "things" in this period of Europe history. It was then, he argues—and supports his claim with rich archival evidence and wide reading in secondary literature—that material wealth was steadily expanding during the period, entering the homes of artisans, shopkeepers, peasants, and even the poor. Basic tools like plows and wine casks or household implements like stoves and pots, clothing of varied fabrics, colors and designs, even decorative objects,

were eagerly collected, saved, used, and displayed by ordinary people. In an economy short both of hard currency and efficient credit mechanisms, they could serve as money: storing and measuring value and even performing as a medium of exchange. Indispensable to economic security and social place, they also firmly grounded the individual in the material world, making the copper pots, eiderdowns, wine casks, and items of clothing that were carefully listed, in sometimes astonishing detail, in court records not just “things” but extensions of the person of the debtor. Thus, as Smail describes how authorities systematically and often ruthlessly rifled through trunks and cupboards, fingered clothing and other personal items, grabbed heirlooms, and even carted away the very means of subsistence—crops, tools, animals, even roofs—we come to understand that debtors suffered more than lost market value. They were subjected to a kind of violence.

Although this process of debt pursuit clearly served to reinforce public authority, Smail points out that the logic of state building does not explain why private creditors would have chosen this route. The method was sure to produce some revenue for the creditor—and probably do so faster than incarceration or banishment—but Smail’s evidence indicates that neither auction nor pawning of the confiscated goods could be relied upon to fully satisfy the debt. Instead, a cultural logic seems also to have been operative. In societies like Lucca’s and Marseille’s (these cities were by no means alone), one’s public face was inseparable from the self and from self-regard. To have one’s home publicly ransacked, the accouterments of one’s person, the tools of trade, even the stuff of subsistence carted off was a very high price to pay and not just because the goods were worth money. A creditor might well have thought the pleasure of humiliating his debtor nicely supplemented the cash.

An inverse cultural logic may have been at play when the debtor chose to submit to the seizure instead of, for example, just pawning some goods himself. To be sure, there may have been an economic calculus as well, for, as Smail shows, it was cheaper to let the government foot the bill for the cost and trouble of pawning. Nevertheless, recognizing that the creditor would value the spectacle of seeing his debtor humiliated, a desperate debtor may have simply let things take their course, expecting that even if his goods did not—or could not, so meager they were—bring enough cash to formally settle the debt, the debt would nevertheless be considered paid. Impossible as it may be to prove this particular interpretation, *Legal Plunder* leaves no doubt that debt collecting was as much a sociocultural event as an economic one.

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