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### [Review of: D. Lord Smail (2016) Legal Plunder: Households and Debt Collection in Late Medieval Europe]

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DANIEL LORD SMAIL, *Legal Plunder: Households and Debt Collection in Late Medieval*

*Europe*. Cambridge, MA: Harvard University Press, 2016. Pp. xv, 326; 15 color and 10 black-and-white figures, and 4 tables. \$39.95. ISBN: 978-0-674-73728-0. doi:10.1086/696868

Being human is to owe, and being human is to enter into relationships with things. What these two aspects of life meant in later medieval Europe, and what affordances they helped create, are the subject of Daniel Lord Smail's original and daring book. Drawing on hundreds of notarial records from Marseilles and Lucca, case studies from farther afield, and a dazzling array of disciplines, *Legal Plunder* offers a fresh account of the era's political economy from the perspective of its material ecology. It argues that household goods, easier to confiscate than land and yet strategically malleable in the hands of owners, began to rival "real estate as devices for the thesaurization of wealth" (37). Whatever led to this state of affairs, its implications were dramatic.

To the roughly one hundred thousand residents of Lucca's fourteenth-century territory, for instance, officialdom often took the form of crier-sergeants. On horseback, uniformed, carrying written orders, armed and flanked by minions, these factotums are perhaps best known for announcing bylaws, delivering summonses to appear in court, and even arresting offenders. What has so far remained obscure, however, is that they also executed thousands of acts of legal plunder a year. Lucca's repo men, like their counterparts in Marseilles and elsewhere across Western Europe, seized material goods discerningly, having honed the skill of assessing items' market and social value (ch. 1), occasionally revealing their personal tastes, and always in a way designed to publicly shame debtors by penetrating all corners of their homes, rifling through their belongings, plucking their most cherished possessions, and leaving them, by definition, poorer and, at least metaphorically, denuded. If the *penetrantes domos* of 2 Timothy, 3.1–6 served as the basis of a common slur against the medieval mendicant orders, casting them as greedy and sexually promiscuous, much the same could be said of common officials in the service of urban regimes (see Penn R. Szittyá, *The Antifraternal Tradition in Medieval Literature* [Princeton, 1986]).

The repo men emerge from Smail's graceful prose as an overlooked but crucial outfit busy promoting a new paradigm of power, which in turn was beholden to the agendas of socioeconomic elites. In Lucca, their actions were directly responsible for infusing the city's economy with around 6,200 florins a year in alternative currency, making credit cheaper and the rich richer. Chapters 3 and 4 paint a nuanced but decidedly grim picture of wealth flowing mostly upstream in the shape of empty vats, wooden planks, clay and metal jugs, rickety chairs, linens, and (very often) clothes, as well as produce (sometimes still on the vine), animals, and artisanal goods—but very rarely devotional objects—repossessed from debtors large and small and delivered directly to creditors, placed for safekeeping with third parties, or auctioned off to the highest bidder.

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Invisible to most art historians' gaze, such valuable flotsam were sucked into the credit systems of Europe, facilitating economic growth even during a period said to have experienced a bullion famine. As chapter 2 relates, moreover, the pursuit of household goods in lieu of money owed as debts or fines stimulated summary justice protocols, administrative outfits, civic rituals, and prison facilities that collectively forged apparatuses on a scale previously unknown. It was organized debt collection, avers Smail, more than the criminal justice system, that guided political elites through the process we now call state building, a path also paved on the backs and with the stuff of the era's have-nots. It is a provocative thesis, and future studies will surely benefit from grappling with it, for instance by looking at governments that levied as many taxes as in Lucca and Marseilles but with a more limited apparatus, and whose rudimentary division of labor was perhaps even fuzzier.

Within this highly uneven field of power, Smail remains characteristically open to exploring the notion that predation was a fate willingly endured—indeed summoned—by debtors themselves. There were several reasons for this: being foreclosed upon obviated the risks and costs involved in bringing produce to market, especially in times of more limited security, or simply offered a convenient way to liquidate an array of small assets; it was also a delicate exercise in wealth redistribution, as one's rural commune or neighborhood was drawn into paying the outstanding fine or debt; and finally, it provided a tempting alternative to the high rates of interest that pawnbrokers charged, which could reach one hundred per cent annually. Yet none of these tactics meant that debtors took their ordeals in stride. As chapter 5 relates, opposition was common and involved various techniques, from stashing goods to procedural delays to passive and active physical resistance. Collectively, these considerations not only cast debtors' seeming apathy in a new light, but also explicate the material logic of medieval households.

*Legal Plunder* is thoughtfully produced, with color illustrations, tables, and maps galore. Given its interdisciplinary wealth, however, the editorial decision to forego a bibliography seems like a missed opportunity. Bibliographies may be a costly replication of information already present in the notes. But the latter must be footnotes, not endnotes, in order to extend a genuine invitation to view an author's statements within their larger historiographical and theoretical contexts, which in the present case are very broad indeed. Relying on the index is likewise limited, as one would be none the wiser from it about Smail's possible dialogue with Umberto Eco's work on lists or Bruno Latour's on actor network theory, to name just a couple of present absences. The bibliography is however available on the author's website (<https://scholar.harvard.edu/smail/legal-plunder>).

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