

The expansion of the European economy over the course of the long twelfth century had two consequences of immediate relevance for the theme of this paper. The first of these was an acceleration in habits of luxury consumption, as the kinds of goods formerly monopolized by the clerical and secular elite gradually cascaded down the social hierarchy. The Italian chronicler Galvano Fiamma, writing around 1340, described the transformation in a simple and memorable way: whereas a century earlier, the people of Lombardy had been accustomed to wearing unlined leathers and coarse woolens, today they bedeck themselves with gold, silver, and pearls.<sup>1</sup> By the fourteenth century, luxury goods were routinely found in Mediterranean households, even the households of middling or lower status families, to judge by extant household inventories and other evidence. In these inventories, certain items stand out, notably clothing and fine fabrics as well as personal ornaments and metalwares made of gold silver and studded with gemstones. By the late fourteenth or early fifteenth centuries, households were becoming more colorful, as finely dyed curtains, bedspreads, and cushions made their way into dining halls and bedrooms<sup>2</sup>. How were these goods purchased? Herein lies the second transformation, namely, a dramatic expansion in the mechanisms for extending credit.<sup>3</sup>

We have long known about the banking practices and lending systems that emerged with long-distance trade. What has become increasingly clear in recent research is that the credit available in later medieval and early modern Europe also included small-scale consumer loans and distress loans.<sup>4</sup> In this instance, we are speaking of micro-loans of less than one or two florins or their equivalent in other currencies. This was still a significant sum, equivalent to perhaps two weeks' wages for an unskilled laborer, but far smaller than the large commercial loans of hundreds of florins. Some of these micro-loans were guaranteed by a notarial contract, but the costs associated with notarization typically made the process too expensive for micro-lending.<sup>5</sup> Small loans were usually processed in a different way. Shopkeepers, for example, routinely extended credit to their customers and kept track of obligations in shop cartularies. People consigned articles of clothing or household valuables to friends and relatives in exchange for small loans. More formal and regulated systems of pawnbroking emerged to handle some of the need for credit. Credit was extended involuntarily whenever a debtor asked his or her creditor for a delay in paying installments of rent or dowry payments. Practices such as these fly below the radar screen of documentation, and for this reason it is not easy to estimate the overall volume of micro-credit available in later medieval Europe. Even so, it is reasonable to suggest that the volume of consumer credit was continuously expanding from the thirteenth and fourteenth centuries onward.

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<sup>1</sup> Galvano Fiamma, *Opusculum de rebus gestis ab Azone, Luchino et Johanne Vicecomitibus, ab anno MCCCXXVIII usque ad annum MCCCXLII*, ed. by C. Castiglioni, *Rerum Italicarum Scriptores*, new ed., vol. 12, part 4, Bologna 1938, pp. 37-38; cited in C. M. Cipolla, *Before the Industrial Revolution: European Society and Economy, 1000-1700*, 3rd ed., New York 1994, pp. 196-197.

<sup>2</sup> In general, see F. Braudel, *Civilisation matérielle et capitalisme, XV<sup>e</sup>-XVIII<sup>e</sup> siècle*, Paris 1967; R. A. Goldthwaite, *Wealth and the Demand for Art in Italy, 1300-1600*, Baltimore 1995; S. M. Stuard, *Gilding the Market: Luxury and Fashion in Fourteenth-century Italy*, Philadelphia 2006; M. Kowaleski, "A consumer economy", in *A Social History of England, 1200-1500*, ed. by R. Horrox and W. M. Ormrod, Cambridge 2006, 238-259; M. O'Malley and E. Welch, *The Material Renaissance*, Manchester 2007; S. K. Cohn, Jr., "Renaissance attachment to things: material culture in last wills and testaments", *The Economic History Review*, 2011, doi: 10.1111/j.1468-0289.2010.00593.x. I will be pursuing this material transformation in a forthcoming work.

<sup>3</sup> *Notaires et crédit dans l'occident méditerranéen médiéval*, ed. by F. Menant and O. Redon, Rome 2004.

<sup>4</sup> See, *inter alia*, W. C. Jordan, *Women and Credit in Pre-Industrial and Developing Societies*, Philadelphia 1993; V. Groebner, *Ökonomie ohne Haus: zum Wirtschaften armer Leute in Nürnberg am Ende des 15. Jahrhunderts*, Göttingen 1993; L. Fontaine, *L'économie morale. Pauvreté, crédit et confiance dans l'Europe préindustrielle*, Paris 2008.

<sup>5</sup> In Marseille, notarized loans typically began above a threshold of 20 shillings (a florin at the time ranged from 26 to 32 shillings in the local currency). For this and what follows immediately below, see my *Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264-1423*, Ithaca 2003.

The best evidence for this claim lies in records arising from court-sponsored debt recovery. Procedures for debt recovery begin to show up in Italian statutes by the early thirteenth century; within a few decades, practices of debt recovery were becoming routinized in the courts of law all over Europe.<sup>6</sup> The registers that were kept to handle the necessary accounting, where preserved, exist in huge quantities in local archives. From these records, we learn that the coercion wielded by courts of law on behalf of creditors could take several different forms. Secular courts, for example, authorized the seizure of goods and/or the incarceration or even the banishment of debtors. Ecclesiastical courts issued excommunications for debt. Around 1300, the entire town of Ascoli, in Italy's Marche region, was interdicted for a debt owed by an Ascoli merchant to a Florentine merchant.<sup>7</sup> These procedures could operate in tandem with each other, amplifying the overall effect.

It is possible to interpret this multi-layered system of coercion from a purely economic point of view. Debt recovery, in this view, was the necessary adjunct to a system of consumer credit, since creditors would have been unwilling to extend credit without the guarantee that force would be made available to them if needed. Beyond that, the seizure of goods released the store of value that accrued in objects and put that value back into circulation. For this reason, goods seized during the process of debt recovery arguably served as a kind of commodity money in a world lacking sufficient coinage. But the existence of these economic functions does not preclude the possibility that debt recovery was simultaneously performing another kind of social or political function. The goal of this paper is to show how the process of debt recovery in two fourteenth-century cities, Lucca and Marseille, could serve as a vector for the delivery of shame and stress.<sup>8</sup> What is noteworthy is how this development in the system of debt recovery paralleled similar developments in the criminal justice system, which by the thirteenth century was also integrating spectacles of degradation into its sanctions.<sup>9</sup> Importantly, the humiliations associated with debt recovery, if perhaps not as intense or as spectacular as those inflicted by the criminal justice system, were far more common and arguably much more visible on a daily basis. If Europe, in the fourteenth century, was becoming not just a persecuting society, but a *humiliating* society as well, it is important to acknowledge that one of the most significant components of this trend was the humiliation of debtors.<sup>10</sup>

Why humiliation? If we follow Avishai Margalit, it is difficult to explain humiliating institutions as anything other than an aberration from the institutions that ought to pertain to a decent society.<sup>11</sup> The growing presence of humiliating institutions in later medieval and early modern Europe, however, gestures to the grim fact that humiliation can be a useful tool of

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<sup>6</sup> For the early Italian statute evidence, see G. M. Varanini, "Tra fisco e credito: note sulle camere dei pegni nelle città venete del Quattrocento", *Studi storici Luigi Simeoni*, 33 (1983), 216. The best general introduction to the literature on debt recovery is *La dette et le juge: juridiction gracieuse et juridiction contentieuse du XIII<sup>e</sup> au XV<sup>e</sup> siècle (France, Italie, Espagne, Angleterre, Empire)*, ed. by J. Claustre, Paris 2006. For Marseille, see J. Shatzmiller, *Shylock Reconsidered: Jews, Moneylending, and Medieval Society*, Berkeley 1990.

<sup>7</sup> For the case of Ascoli, see P. D. Clarke, *The Interdict in the Thirteenth Century: A Question of Collective Guilt*, Oxford 2007, p. 121; for excommunication for debt, see E. Vodola, *Excommunication in the Middle Ages*, Berkeley 1986, 38-40; R. A. Helmholz, "Excommunication as a legal sanction: the attitudes of the medieval canonists", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 99 (1982), pp. 204-212.

<sup>8</sup> For perspectives on the distinction between shame and humiliation, see W. I. Miller, *Humiliation: and Other Essays on Honor, Social Discomfort, and Violence*, Ithaca 1993. Humiliation, in English usage, is often treated as a process or a vector. Like violence, it is something that one person or institution inflicts on another. Humiliation, as Miller points out, is especially appropriate in contexts that involve social degradation or the affirmation of social boundaries.

<sup>9</sup> See J. Wettlaufer and Y. Nishimura, "The history of shaming punishments and public exposure in penal law in comparative perspective: Western Europe and Japan", in *Shame between punishment and penance. The social usages of shame in the Middle-Ages and Early Modern Times / La honte entre peine et pénitence – les usages sociaux de la honte au Moyen Âge et aux débuts de l'époque moderne*, ed. by B. Sère and J. Wettlaufer, Tavarnuzze, Florence, Micrologus Library (in print).

<sup>10</sup> The growing density of shaming punishments after the thirteenth century can be taken as some measure of the condition of a humiliating society. On the persecuting society, see R. I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250*, Oxford 1987.

<sup>11</sup> A. Margalit, *The Decent Society*, trans. N. Goldblum, Cambridge (MA) 1996.

governance. Rather than treat humiliating institutions as if they were pathological, we need to assume that humiliation responded to a social or political logic. At the proximate or immediate level, it is all too easy to see why some creditors might have wished to coerce and humiliate their debtors and would therefore have been inclined to lend their support to public procedures that performed the task for them. Where criminal justice is concerned, it has been conventionally argued that kingdoms and communes deliberately promoted spectacles of humiliations so as to display their claims of sovereignty or to deter future crime. But these interests are not the same. Standing alone, they cannot easily explain why later medieval Europe as a whole, in realms as diverse as justice, penance, and popular culture, was becoming a humiliating society.

In this paper, I would like to engage in some speculations about the increasing presence of humiliating institutions, using, as my platform, some recent developments in the neuroscientific literature. The humiliation of one's enemies is a characteristic component of the world of honor and vengeance.<sup>12</sup> What is becoming increasingly clear is that honor and shame have neurobiological correlates. Honor is one of many cultural constructs that have been built on top of the dopamine-reward system. Shame and humiliation, in turn, are associated with the stress-response system, the system of special relevance for this paper.<sup>13</sup> Like the reward system, the stress-response system plays an important role in human physiology. Challenges or threats generate a signal which is sent to the adrenal gland; in response, the eyes dilate, the heart-rate increases, and the body releases endorphins to minimize any pain. Energy is diverted from digestion and sexual interest is diminished. All these responses are mediated by hormones that circulate in the blood stream such as cortisol. When the challenge is over, the body has devices for cleansing itself of stress hormones. The "cleansing" can feel good, which is why many people enjoy sports or horror films. But if challenging conditions persist, as is typical of psychosocial stress, then cortisol is not removed, and as it lingers in the bloodstream it begins to cause damage, creating a condition of debilitating or chronic stress.

Stress is one of the many neurobiological correlates of social rank or position. Consider, in this vein, an experiment involving mice, which share the stress-response system common to all mammals.<sup>14</sup> If a mouse is handicapped in such a way as to be the loser in a series of fights with other mice, it enters a condition of stress marked by high levels of stress hormones. The mouse loses initiative and becomes listless and compliant; in a word, the mouse is depressed.<sup>15</sup> Much the same happens among humans who suffer stress; an example is the condition known as battered-spouse syndrome. If given access to cocaine, which offers a boost to the dopamine-reward system, the mouse will medicate itself at a greater rate than control mice so as to alleviate the feelings of stress.

How is this scientific understanding of stress relevant to the process of debt recovery? Katharina Behrens has vividly shown that hell, in later medieval Europe, was imagined as a world of constant shame and stress.<sup>16</sup> To the extent that debt recovery was one of many stress-generating institutions in later medieval Europe, that hell also existed on earth. Stress is associated with poverty, ill-health, and depression in Westernized societies.<sup>17</sup> In certain primate communities, stress can be leveraged by dominants to maintain and enforce dominance hierarchies. The condition of stress, in short, can be understood as an order of power, and the

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<sup>12</sup> Miller, *Humiliation*.

<sup>13</sup> In general, see R. M. Sapolsky, *Why Zebras Don't Get Ulcers*, 3<sup>rd</sup> ed., New York 2004. For a specific study correlating stress and humiliation, see R. E. Nisbett and D. Cohen, *The Culture of Honor: The Psychology of Violence in the South*, Boulder 1996.

<sup>14</sup> J. J. Yap and K. A. Miczek, "Social defeat stress, sensitization, and intravenous cocaine self-administration in mice", *Psychopharmacology*, 192 (2007), pp. 261-273. For an overview, see C. Zimmer, "The brain: the switches that can turn mental illness on and off", *Discover*, 31 (2010), pp. 26-27.

<sup>15</sup> See J. S. Snyder, A. Soumier, M. Brewer, J. Pickel, and H. A. Cameron, "Adult hippocampal neurogenesis buffers stress responses and depressive behaviour", *Nature*, 476 (2011), pp. 458-461.

<sup>16</sup> K. Behrens, "Zwischen Himmel und Hölle. Scham in spätmittelalterlicher religiöser Traktatliteratur", Presentation at *La honte entre peine et penitence*, Paris 2010.

<sup>17</sup> R. M. Sapolsky, "The influence of social hierarchy on primate health", *Science*, 308, no. 5722 (2004), pp. 648-652.

capacity to deliver stress can be seen as an instrument of that power. This context, I suggest, helps explain why later medieval Europe, as a whole, was becoming a humiliating society.

The threat of shame and humiliation was omnipresent where debt is concerned. In some Italian cities, as Paolo Grillo has described so vividly, the names of debtors were read out at Sunday mass in the city's cathedral.<sup>18</sup> In Como, the debtor, stripped down to a shirt and bereft of britches, had to stand on a podium before the crowd and expose his rear-end three or four times to the public assembly. In Florence, the portraits of debt fugitives, the *pitture infamante*, were painted on the sides of houses.<sup>19</sup> In Germany, irate creditors wrote letters to their debtors and subsequently publicized them so as to inflict shame.<sup>20</sup> Using the registers of banishment for debt from thirteenth-century Bologna, Jean-Louis Gaulin has shown that many insolvent debtors escaped the threat of punishment by fleeing into exile, thereby mimicking the practices of criminal and political banishment.<sup>21</sup> Exile was an acknowledgment of the disgrace that could accompany the condition of indebtedness.<sup>22</sup>

In records from the cities of Lucca and Marseille, direct evidence for the public shaming of debtors is thin. Here, a man excommunicated for debt lashes out at the abbe who engineered his excommunication. There, a debtor hounded by his creditors seeks sanctuary in a church.<sup>23</sup> From other evidence, however, we can detect signs of the humiliation associated with debt. Debt recovery in the secular courts of law in both cities followed a highly public procedure that was also used, with variations, in other European secular courts. The process began when a creditor came before a court to lodge a simple claim against a debtor. Claims of this sort were not lawsuits; they are similar to the kinds of cases pursued today in small-claims courts. Once a claim had been validated, the creditor's intention to move against the debtor was typically conveyed by means of a public proclamation, to the sound of trumpets, delivered by one of the crier-sergeants (*nuncii*) before the house of the debtor and throughout the neighborhood. If the debtor owned or even rented more than one house or workshop, the proclamation could be repeated before each and every one.<sup>24</sup>

In Marseille, seals were placed on doors, warning people not to remove goods without the authorization of the court. If the debt remained unpaid, the creditor could then ask the court for a license to seize goods (in Lucca, a *licentia predandi*) or a license to incarcerate the debtor (*licentia capiendi*), or, in some cases, both. In cases where there was risk of flight, the advanced warning could be skipped, but the seizure itself remained an eminently public spectacle. If the debtor continued to delay repayment, the court acted upon the license granted to the creditor, and the crier-sergeant charged with carrying out the task then provided a brief report to the notary of the court. It is these brief notices, typically a short paragraph in length, that constitute our major evidence for the practice of seizure and arrest. In cases of seizure, a list of the item or items seized was also written out in the court register. These items, if they remained unredeemed within a few days, were sometimes auctioned off to liquidate the value of the seized goods. In both cities, rules stipulated that the auction, if conducted, had to take place in the accustomed and habitual sites, so as to avoid any appearance of impropriety or price-fixing. Where incarceration is

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<sup>18</sup> P. Grillo, "Indebitamento, giustizia e politica nella Lombardia comunale (fine XII-prima metà del XIII secolo)", in *La dette et le juge. Juridiction gracieuse et juridiction contentieuse du XIIIe au XVe siècle (France, Italie, Espagne, Angleterre, Empire)*, ed. by J. Claustre, Paris 2006, pp. 183-184.

<sup>19</sup> S. Y. Edgerton, *Pictures and Punishment: Art and Criminal Prosecution during the Florentine Renaissance*, Ithaca 1985.

<sup>20</sup> P. Schuster, "The age of debt? Private Schulden in der spatmittelalterlichen Gesellschaft", in *Schuldenlast und Schuldenwert. Kreditnetzwerke in der europäischen Geschichte 1300-1900*, ed. by Gabriele Clemens, Trier 2008, pp. 37-52.

<sup>21</sup> J.-L. Gaulin, "Les registres de bannis pour dettes à Bologne au XIIIe siècle: une nouvelle source pour l'histoire de l'endettement", *Mélanges de l'École française de Rome. Moyen-Âge, Temps modernes*, 109 (1997), pp. 479-499.

<sup>22</sup> See C. Gauvard, *Conclusion*, in *La dette*, p. 196.

<sup>23</sup> See Smail, *Consumption of Justice*.

<sup>24</sup> "Et publice et alta voce ad domum eius habitationis et per dictam contratam in vicinia publice et alta voce cum proclamatione dicti nuncii et tunc in dictis locis eidem Johanni locasse": Archivio di Stato di Lucca (hereafter ASL), *Curia dei Rettori*, 11, 290.

concerned, the crier-sergeant's report noted that the debtor had been consigned to the authority of the jailer. In many cases, the debtor was released immediately, owing either to the intervention of friends or patrons who stood surety or to an act of grace extended by the creditor.<sup>25</sup>

Others were not so lucky, and lingered in prison for weeks or even months. Bureaucratic records rarely record emotional states, and the evidence suggesting that debt recovery was felt to be humiliating is typically indirect. In the case of arrest, we can infer some degree of humiliation, both in the seizure itself and in the incarceration that sometimes ensued.<sup>26</sup> Humiliation is also suggested by the curious fact that debtors were occasionally released by an act of grace after a few days in prison or even immediately, before jail delivery. Consider, by way of example, the case of Jannes Nardi. On 30 January 1333, Jannes was arrested for a debt of 2 florins owed to Piero, the servant of a prominent Lucchese gentleman, and brought to the debtors' prison. A marginal notice records what then transpired: on the very same day, "the arrested man was released through the special grace, favor, and authority of the said Piero, the creditor".<sup>27</sup> Notably, Jannes was released *without* the guarantees provided by oathswearers, by far the more usual pattern in such cases. The details of transactions such as this one, alas, are lost to us. In such cases, however, it is implausible to assume that creditors like Piero had been planning all along to release their debtors. Here, it may be legitimate to imagine that, at the moment Jannes was brought to the prison, Piero received from him some acknowledgment of the debt as well as a sign of contrition or subjugation, and that this is what prompted him to extend his grace.

For much of the fourteenth century, at least in Lucca and Marseille, the incarceration of debtors appears to have been less common than the seizure of goods. In Lucca in the 1330s, where the evidence is especially good, the crier-sergeants were arresting around 200 debtors per year. This is almost an order of magnitude smaller than the number of seizures of household goods, which was close to 1800 per year during the same decade.<sup>28</sup> When the seizure of goods came into play, the object of humiliation turned from the person of the debtor to the object of seizure, and the humiliation itself became vicarious. The seizure itself involved sergeants entering a house, sometimes by force, rifling through chests and wardrobes and taking what they pleased. The goods were subsequently carted off through the streets to the houses of creditors or third-party sureties. Some were then exposed on the auction block. In Marseille, the auction was handled by Jewish brokers, which perhaps added to the indignity.

As noted above, the seizure of goods was promoted by a simple economic logic. Goods represented the most obvious store of value in any household, and where small loans were concerned it was probably more efficient to seize goods than to arrest debtors in the hopes that friends or patrons would pay the debt for them. The court costs associated with seizure were small, typically around 5 percent of the value of the debt, which promoted use of the procedure.<sup>29</sup> But goods were also much more than stores of value. In later medieval urban settings, in tandem with growing patterns of consumption and the so-called fashion revolution, goods of many types, and especially clothing, represented important investments in honor and distinction. In a world of artisanal production and familial transmission, a world in which all goods, even clothes, had relatively long life-histories, goods had time to accrue sentimental value and embed themselves in households as if they were members of the family. By targeting items that served as extensions of the self, the court, spurred on by private creditors, engaged in an act that could have been as humiliating as the seizure and incarceration of the person of the debtor. Even when the goods

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<sup>25</sup> On prison for debt, see J. Claustre, *Dans les geôles du roi. L'emprisonnement pour dette à Paris à la fin du Moyen Âge*, Paris 2007; G. Geltner, *The Medieval Prison: A Social History*, Princeton 2008.

<sup>26</sup> See J. Claustre, "La honte de l'endetté (Paris, XV<sup>e</sup> siècle)", in *Shame Between Punishment and Penance. The social usages of shame in the Middle-Ages and Early Modern Times*, International Conference, Paris 21-23 October 2010.

<sup>27</sup> ASL, *Podestà di Lucca*, 33, fol. 105r.

<sup>28</sup> For these figures, see my "Violence and predation in late medieval Mediterranean Europe", *Comparative Studies in Society and History*, 54 (2012), pp. 1-28.

<sup>29</sup> This figure is explained in my *Goods as hostages: aspects of the process of debt recovery in Lucca and Marseille in the later middle ages*, forthcoming.

seized consisted of food commodities, there may have been humiliation involved simply because the seizure required an invasion of the home by agents of the court.

The humiliation associated with seizure is strongly suggested by the numerous cases of resistance that we find scattered across the records of the criminal courts in both Lucca and Marseille. To give one example from Lucca in 1337, a man named Niccolo del Tepa, whose house had been subjected to seizure by a sergeant named Jacopo Chellini, went to Jacopo's house to insult his wife, Vannella, calling her a “soçça putana” and crying out “va torna al bordello” along with other words that the notary primly described as being “disgraceful and shameful to the said Jacopo”. Niccolo later returned, accused Jacopo of being a traitor for having seized goods at night, and then seized a rock and beat him on the head and face.<sup>30</sup> Women are commonly found among the people offering resistance to sergeants. In 1331 in Marseille, three women paid fines to the court for having resisted the sergeants who came to seize objects from their houses; in this register, no men were prosecuted for this misdemeanor. Another woman actually followed a sergeant and took a pawn from his possession, presumably one he had recently taken from her house.<sup>31</sup> Lucchese women are just as prominent in their resistance. One example from 1334 is Cecchora, the wife of Nierucci Belochi, who assaulted a sergeant with a staff and closed the door in his face.<sup>32</sup>

In cases of resistance, people subjected to seizure were sometimes described as full of rage or fury. In Marseille, in 1334, a Jewish man named Samiel of Nîmes, who had been subjected to a seizure by the ruling of a judge named Cerrutus de Gosalengo, “injuriously and full of wrath (*iniuriöse and irate animo*) entered the home and the dining hall of lord Cerrutus and threatened him, saying “By God above, you have had me seized of goods, but you are not even a substitute for a judge since you stink in your body” (*Per deum celi vos fecistis me pignorari, sed non estis tantum locumtenens iudicis quin ematis de corpore*).<sup>33</sup> The language of fury found here and elsewhere is conventional and perhaps meaningless. Even so, it stands to reason that people like Samiel actually were full of rage.

Why? First of all, the sergeants claimed the right to enter the household at will and pillage its goods. A sense of the sanctity of the house is revealed in a case from Lucca. On or near 5 April 1337, a group of servants and sergeants of the court went to a rural commune for the purpose of seizing all the goods of a man who had been banned for a criminal offense. The owner of the house, armed and “moved by wrath” (*irato animo*), moved aggressively against the men and declared “You shall undertake no seizure here since this house is mine; nor shall you do your duty in any way – so get lost”.<sup>34</sup>

The second aggravating circumstance is that sergeants did not choose items at random. In the Lucchese countryside, they often took foodstuffs and other commodities, such as storage jars. This is some indication of the poverty of the peasants whose houses they were ransacking. But the sergeants, in general, show a marked preference for more personal objects. In a vivid case from Marseille, from 1453, a sergeant named Big John targeted a fine jug used to serve wine in a small household tavern. The taverness, who was pregnant, begged him to take something of equal worth but less importance. He refused, and in the ensuing scuffle kicked her in the belly, causing her water to break, a crime for which he in turn was prosecuted.<sup>35</sup> A case from 1402 offers a curious counter-example. Here, the debtor, Esteve Blancart, a cleric in minor orders, had been made the subject of an ecclesiastical inquest when he supposedly resisted the efforts of a sergeant of the secular court to seize goods from his house. In his testimony, Esteve offered a more nuanced description of what had actually happened. It is true, he said, that he had refused

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<sup>30</sup> ASL, *Sentenze e bandi*, 7, entry made on 29 Apr. 1337.

<sup>31</sup> For these cases, see Archives Départementales des Bouches-du-Rhône (hereafter ADBR), B, 1940, fols. 105v, 109v, 117r, 134v, and others.

<sup>32</sup> ASL, *Podestà di Lucca*, 4725, fol. 4v.

<sup>33</sup> ADBR, 3B, 29, fol. 24r-v, case opened 14 June 1334.

<sup>34</sup> “vos nullum sequestrationem hic facietis quia hec domus est mea nec aliud officium facietis et ideo discedatis”: ASL, *Sentenze e bandi*, 7, 5 Apr. 1337

<sup>35</sup> Archives municipales de la Ville de Marseille, FF 21, fols. 1r-18v.

to manually hand over the required pawn (*noluit [...] tradere aliquod pignus manualiter*), but he did say to the sergeant “I am assigning to you a pawn from within my house; take it” (*dixit sibi ‘ego assigno tibi pignus infra domum meam; recipe ipsum’*).<sup>36</sup> A plausible reading of this curious exchange is that any contact with the object implied Esteve’s consent to the seizure; by refusing to touch the object, as the sergeant had asked, Esteve implicitly refused his consent. In a sense, he preferred to experience the seizure as a robbery.

Goods seized from households cover the entire spectrum of objects, from jugs and jewels to books and even coins, with a few notable exceptions such as paternosters or other devotional objects. Despite the variation, we can detect a general preference for clothing in the records of seizure. In January of 1333, to take two examples from among the thousands, a sergeant of one of the Lucchese courts seized a tunic and a fancy parti-colored surcoat from a house for an undisclosed debt. A few days later, another sergeant took a blue-green ladies cloak trimmed with fine yellow muslin for a debt of 40 Lucchese shillings.<sup>37</sup> The targeting of clothing stands to reason, since dress was easily the most important symbol of personal status and identity. The seizure of clothing was symbolically equivalent to the public undressing of the debtor.<sup>38</sup>

One of the most distinctive features of the process of debt recovery is that it could not be countered. The culture of vengeance was and is predicated on the fact that an injury could be avenged; arguably, it was the hope of vengeance that alleviated some of the stress associated with the condition of humiliation. Alternatively, and more commonly, injuries were settled by means of an honorable peace. In the case of debt recovery, however, actions were carried out by sergeants of the court, not by the creditors themselves. The violence that was occasionally directed against the sergeants or, in the case of Samiel of Nîmes, the judge himself, can be seen as an attempt to humanize them – but the violence only led to further prosecution. The rules of the honor game, in short, were changing, for there could be no vengeance against faceless officialdom. The system of debt recovery assumed that goods seized in the course of seizure would be auctioned off to the highest bidder, with the value of the debt plus expenses transmitted to the creditor and the remainder returned to the debtor. Clothes predominate in records of auction, though we also find the occasional ring, or crown, or silver item, as well as storage jars of food from time to time. As Antoni Furió has noted for the case of Valencia, however, auctions were not common.<sup>39</sup>

A large register of seizures from Lucca in 1333 lists only twenty-three instances of auction over the course of the year even though this court, one of several operating in Lucca, supervised around 800 to 900 seizures that year. So what happened to the goods seized during the course of debt recovery? Some were redeemed within the allotted period of three days. Numerous entries in some of the registers of seizure have marginal notes indicating as much. If the goods were not redeemed, however, the consul released them to the creditor. The foodstuffs, I suspect, were simply consumed. The fate of the durable objects is difficult to trace, although records indicate that debtors were sometimes able to redeem the goods in question weeks or months after the seizure. As these cases reveal, goods seized for debt did not necessarily shed their identities. Like other objects left in pawn, they continued to bind the debtor to the creditor in a subservient or dependent relationship.

One of the strangest features of seizure is that the act was almost entirely unnecessary. After all, the debtors clearly had sufficient assets to cover their debts. Systems of pawn-broking and auctioning that are well attested in the records would have allowed them to liquidate their own goods. The decision to allow the creditor to pursue seizure, therefore, was a decision that was freely made by the debtor. The fact that sergeants often met with resistance shows that the decision was sometimes made reluctantly. Even so, it behooves us to ask why they chose to

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<sup>36</sup> ADBR, 5G, 772, fol. 116r, case dated 13 Dec. 1402.

<sup>37</sup> ASL, *Podestà di Lucca*, 33, 1333, fols. 4r and 7r.

<sup>38</sup> On the shame associated with nudity, see Wettlaufer and Nishimura, *History of shaming*.

<sup>39</sup> A. Furió, *Crédit, endettement et justice: prêteurs de débiteurs devant le juge dans le royaume de Valence (XIII<sup>e</sup>-XV<sup>e</sup> siècle)*, in *La dette*, p. 50.

suffer the seizure of their goods. What I would like to suggest is the possibility that debtors chose to pay off their debtors using two currencies : first, the currency of their own goods, and second, the currency of humiliation. Put differently, creditors who were able to inflict humiliation on their debtors did not insist that the objects seized should carry the full value of the debt. Clues suggest that this was indeed the case ; among other things, in the few cases where we have detailed records of auctions, the amount paid for goods sold at auction was consistently lower than the size of the debt.

What was in it for Lucca and Marseille? Why did the cities, and their courts, generate the enormous apparatus necessary to recover debts on the scale that we have seen? There are two answers to this. The first is that seizure was profitable to the court itself. Sergeants, porters, and notaries were paid a small percentage of the transaction and made a good living off the business. The second answer turns on the way in which acts of humiliation indirectly generated sovereignty. The majority of creditors who used this system were private creditors who had their own axes to grind. But the court and the city benefited from the private interests of creditors because the sergeants and porters who supervised acts of seizure and arrest carried, on their clothing, the insignia of the court. In Lucca, where acts of debt recovery conducted in the rural district, the *Sei Milia*, were exceedingly common, the process served as a vehicle for carrying the symbols of Lucca's domination into the countryside. An act of resistance to Lucca's sergeants, accordingly, was treated as an act that dishonored Lucca itself. As one record put, a debtor "did not permit the servants and crier-sergeant to enter the house and carry out their office, to the disgrace and prejudice of the commune of Lucca and against the honor of the judge and the office described above".<sup>40</sup> In a case from 1334, as the members of a family were chasing a sergeant from their property, one of them called out that he would kill all sergeants who came to their village: a phrase insulting to the commune of Lucca, as the notary recorded.<sup>41</sup>

As the volume of credit expanded in the later middle ages, so too did practices of debt recovery offered by the secular courts of law in all European jurisdictions. Lucca and Marseille, the cities explored here, are just case studies representing larger trends. It is important to acknowledge that debt recovery was motivated by an economic logic. But economics alone cannot easily explain all the evidence, both direct and indirect, suggesting that the system operated in a way that inflicted humiliation on its victims. The direct evidence is offered by the normative evidence of shaming rituals for debt that were similar to those inflicted on people found guilty of crimes. Indirect evidence, explored in this paper, comes from the publicity of the transaction, the patterns of resistance offered to agents of the court, and the types of goods that were favored for seizure.

One of the most important features of the system of debt recovery was the scale of the phenomenon. During the 1330s, the courts of the city of Lucca were processing well over 2,000 acts of seizure or imprisonment for debt per year. This figure does not include debt claims that were paid by debtors in time to forestall seizure or arrest. It is true that some of these cases concerned debtors sanctioned on more than one occasion. Even so, it is clear that a significant proportion of the households in Lucca and its rural district were affected by the threat or the reality of debt recovery on an annual basis. The economic implications alone are striking. But also striking is the way in which debt recovery served as a proxy device for the delivery of countless acts of petty humiliation. Although the scholarly literature has focused on criminal justice, and has emphasized the spectacles of degradation that formed part of the criminal law, it is clear that debt recovery was far more significant as a vehicle for the systematic delivery of humiliation. Moreover, whereas the criminal justice system frequently diverted disputes to the system of peacemaking, no such possibility to alleviate humiliation and stress was available where debt was concerned.

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<sup>40</sup> "non permitendo ipsos familiares et nuncium ingredi dictam domum et dictum eorum officium exercere in dampnum et prejudicium Luce communis contra honorem dicti officialis et officii suprascripti": ASL, *Sentenze e bandi*, 7, 5 Apr. 1337.

<sup>41</sup> ASL, *Sentenze e bandi*, 7, fol. 17v.



This system, clearly, was not designed by a Machiavellian state, let alone by the the myriad creditors who used it. Like other human institutions, the system of debt recovery was exapted to perform a function beyond its immediate economic role. As I suggested earlier in this paper, that function, in part, was to generate governable subjects, on the principle that permanent stress induces a condition of governability. A humiliating society, on this principle, is a society whose institutions systematically deliver stress to persons of lower rank in the interests of governability. This argument can be made to dovetail with those offered by Norbert Elias and Michel Foucault though it offers a rather different mechanism for explaining the transformation, one that is rooted in our emerging understanding of the stress-response system.<sup>42</sup>

As I have argued elsewhere, human history involves a complex dialectic between human institutions and human cultural patterns on the one hand and neurobiological systems on the other.<sup>43</sup> What is important about this dialectical or coevolutionary model is that it does not predict unilinear trends or simple outcomes. In this case, we should not imagine that debt recovery was part and parcel of an intensifying system of governmentality based on the leverage of stress, one that would lead, inexorably, to an Orwellian Panopticon. In my view, taking as a cue the battered mouse who self-medicates with cocaine, it is more likely that institutionalized patterns of stress unintentionally fostered the emergence of new reward systems that could ease stress, such as the penitential system explored elsewhere in this volume, or, on a larger stage, the massive array of cultural practices and psychopharmacological substances characteristic of the emerging early modern world system that made pleasure and relief a marketable commodity.

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<sup>42</sup> N. Elias, *Über den Prozess der Zivilisation ; soziogenetische und psychogenetische Untersuchungen*, Basel 1939; M. Foucault, *Surveiller et punir: la naissance de la prison*, Paris 1975.

<sup>43</sup> *On Deep History and the Brain*, Berkeley 2008.