
16.1 Law courts and contracts in the European countryside

*c.*1300–*c.*1860: I

Room 103

Convener: Chris Briggs

Chair: Phillipp Schofield

16.11 Chris Briggs – Courts, contracts, and rural society in medieval Europe: an overview

Drawing on existing research in the field, this paper summarises some of the central issues involved in the study of the various bodies used for the registration and enforcement of peasant contracts in medieval western Europe. The primary focus is on the diverse range of contracts involving the exchange of goods and labour that were encountered within rural society, many of which involved credit. Transactions involving land and real property are also given consideration under the heading of contracts, though these present a wider range of problems that cannot be addressed fully here. The paper makes a distinction between institutions that provided primarily for the *registration* of new contracts (e.g. notaries), and institutions which provided primarily for the *enforcement* of broken contracts (e.g. law courts). It examines the hypothesis that there was variation across medieval Europe in the relative importance and level of development of the two types of institutions, and that this may have had long term consequences for economic progress in different regions.

Chris Briggs is Lecturer in Medieval History, University of Southampton. Publications include *Credit and Village Society in Fourteenth-Century England* (OUP/British Academy 2009); ‘Seigniorial control of villagers’ litigation beyond the manor in later medieval England’, *Historical Research* 81 (2008); ‘Manor court procedures, debt litigation levels, and rural credit provision in England, *c.*1290–*c.*1380’, *Law and Hist. Rev.* 24 (2006). He is currently completing with (Phillipp Schofield) *Select cases in manorial courts c.1250–c.1350: debt, detinue, and covenant*, to be published by the Selden Society. This volume results from an AHRC-funded research project ‘Private law and medieval village society: personal actions in manor courts, *c.*1250–*c.*1350’.

16.12 Jaco Zuiderduijn – Law courts and contracts in late medieval Holland

In the course of the late middle ages peasants in Holland (the western part of the present-day Netherlands) had to adapt to deteriorating agricultural conditions. The shrinking of peat lands caused the large parts of the county to become too wet for growing winter grains. For their grain supplies peasants came to depend on markets; to be able to buy grains they had to earn money by producing marketable goods. As parts of Holland gradually began to sink, peasants also had to improve water management, which required them to create local institutions that levied taxes and were in charge of funds. To what degree did the commercialisation of the countryside require law courts to adapt? How did these courts contribute to a rural economy where investments by individuals and communities, money and credit became more important? And how did rural courts fit into the judicial system of the counts of Holland? These questions will be answered using court records, rural contracts and data on the public debt the villages of Holland created.

Dr. Jaco Zuiderduijn (Utrecht University/Dutch Money Museum) studied medieval history at Leiden University and in 2007 defended his PhD thesis *Medieval capital markets. Markets for ‘renten’, state formation and private investment in Holland (1300–1550)* (now published: Boston/Leiden: Brill, 2009). He also published about the public debt created by villages of Holland and the participation of rural and small-town households in capital markets. He is presently working on a project that looks into the development of asset management of households in Italy and the Low Countries.

16.13 Xavier Soldevila i Temporal – To live indebted in medieval Catalonia: the rural world in the bishopric of Girona, 1270-1348

The importance of credit nets in understanding the daily lives of most rural and urban families is now well established by Catalan historiography. It is also increasingly clear that many debtors failed to have their debts cancelled, so that their creditors were forced to claim against them in judicial courts. In spite of these claims and judicial actions, it is also clear that many indebted families went on for several years working their own lands and even borrowing more money or making credit sales. The main aim of this paper is to study how these families were able to survive although their financial distresses and also what strategies they used to solve such problems. This has two main aspects. First, we must identify the ways that allowed indebted families to survive, such as the prorogation of debts or the negotiation of new conditions from creditors. Second, we examine the consequences of the intervention of justice, including the seizure of goods and possible pauperisation of debtors. The difficult work of tracing individuals and families is undertaken using a combination of sources. These are: the rich notarial books from several towns in the bishopric of Girona; the more fragmentary judicial records from these towns; and records from the chancery of the bishop of Girona, a lord often concerned with the credit and debt arrangements of his subjects.

Xavier Soldevila is a member of the Research Centre Jaume Vicenç i Vives (Centre for Research in Rural History), of the University of Girona. His research has considered many aspects of late medieval Emporda (in Catalonia), with a particular focus recently on the issue of credit and debt in rural society. His numerous publications include, most recently, 'Carestías y crisis de subsistencia en el mundo rural catalán: el Baix Empordà en el siglo XIV', in Hipólito Rafael OLIVA i Pere BENITO (Eds.), *Crisis de subsistencia y crisis agrarias en la edad media*. Seville, 2007; and his book *Crèdit i endeutament al comtat d'Empúries (1330-1335)*. Girona, 2008, 239 pp. Among his other activities, he is currently studying for a degree in English language and culture.