

18.1 Law courts and contracts in the European countryside

c.1300–c.1860: III

Room 103

Convener: Chris Briggs

Chair: TBA

18.11 Piotr Guzowski – Village court rolls and the Polish peasant economy in the late middle ages and early modern period (fifteenth-sixteenth centuries)

The first village court rolls were written in Poland at the turn of the fourteenth century, after the introduction of German law. The rolls documented the work of village courts, which were comprised of bailiffs and aldermen recruited from among the local peasantry. The rolls include short descriptions of individual cases and the court's verdict. The rolls served also as books, in which wills and other transactions were notarised. Since records in the rolls were made at a charge, it is believed that only the most important court cases were put into writing. In spite of their naturally selective character, village court rolls are an invaluable primary source for the study of demography and the economic and social history of Polish peasants. This paper presents the results of a detailed analysis of selected rolls. This research indicates that approximately seventy percent of all records concerned real estate sales. A typical peasant first appeared in the village court rolls at the moment he purchased or inherited land, whereas the last time his name was mentioned was when he was transferring land at retirement, making a will, or having his estate appraised after his death or when his heirs appeared in court.

Dr Piotr Guzowski is Assistant Professor, Institute of History, University of Białystok, Poland. Recent Publications: *Chłopi i pieniądze na przełomie średniowiecza i czasów nowożytnych (Peasants and Money at the turn of the Late Middle Ages)*, Avalon, Kraków 2008. Research interests include: peasant economy; land markets; commercialisation; credit markets; peasant and gentry family and households in the late middle ages and early modern period; historical demography.

18.12 Quentin Duquesne – ‘Taking disputes to the altar of concord’. Debt litigation before local judges from seigneurial courts to the revolutionary Justices of the Peace in Dauphiné, France, 1782–1793

On the eve of the French Revolution, seigneurial justice was still in France a powerful and active institution in the countryside at the lowest level of the jurisdictional apparatus. These courts therefore had to settle the huge mass of minor financial disagreements between villagers. At the beginning of the French Revolution, Justices of the Peace took over this particular function. Indeed, the Revolution invented a new jurisdictional system and put in place the election of the local judges by their fellow citizens with the intent of provoking a radical change within the local judicial administration. The aim was to encourage peasants to make use of an institution that would be quicker, cheaper and more efficient than the former tribunals rather than using other infrajudicial means of settling their disputes.

Based on the civil sentences records of both institutions in three nearby villages of the Dauphiné, this conference paper examines how the jurisdictional reforms put in place by the Constituent Assembly changed the way ordinary people settled debt litigation in the french countryside. This will allow us to determine whether the State judicial authority, as represented by Justices of the Peace, managed to establish itself as the main agent pacifying social and economic tensions in the countryside at the beginning of the French Revolution.

PhD student **Quentin Duquesne** is currently teaching history in the university of Grenoble under a temporary contract while preparing a thesis under the direction of Dr René Favier (University of Grenoble).

His investigation holds on justice of proximity from the end of the Ancien Régime to the Napoleon Empire in the province of Dauphiné. It focuses especially on the territorial network made up by local courts settlement and its implications on the social practice of resorting to judicial authority in the countryside.

18.13 Tracy Dennison – Contract enforcement in Russian serf society

This paper examines questions about contract enforcement in the absence of formal legal institutions, using archival evidence for one particular rural society in pre-emancipation Russia. Serfs in Russian had no formal legal status; they were considered the property of their landlords. As such, they were denied access to civil institutions, except in extraordinary circumstances. The evidence presented here indicates that some landlords devised substitute – quasi-formal – legal institutions to enable their serfs to engage in contractual transactions. The enforcement services provided for the estate examined here made it possible for serfs to engage in a wide variety of contractual transactions, with other serfs and with free persons. However, this system had significant drawbacks in that the poorest serfs could not afford these services and no serf had recourse beyond the manor.

Dr Tracy Dennison is Associate Professor of Social Science History, California Institute of Technology. Publications: *The Institutional Framework of Russian Serfdom* (forthcoming CUP); ‘Serfdom and Social Capital in Bohemia and Russia’ (with Sheilagh Ogilvie), *Econ. Hist. Rev.* 60 (2007); ‘Did Serfdom Matter? Russian Rural Society, 1750-1860’, *Historical Research* 79(203), 2006, pp. 74-89. Research interests include: rural institutions, especially serfdom; political economy; economic development; pre-revolutionary Russia and eastern Europe.