

**Bargaining, compromising, exchanging:
the contractual phenomenon in early modern times (15th-16th centuries)
Tours, June 2-3 2022**

**Marchander, transiger, échanger :
le phénomène contractuel dans la première modernité (XV^e-XVI^e siècles)
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The Association of Doctoral students of the Renaissance Centre for Advanced Studies is organising the fifth multidisciplinary Doctoral Meetings in Tours, which this year will focus on the subject of “Bargaining, compromising, exchanging: the contractual phenomenon in early modern times (15th-16th centuries)” (french title: “Marchander, transiger, échanger : le phénomène contractuel dans la première modernité (XV^e-XVI^e siècles)”.

The history of the contractual phenomenon in the Middle Ages has recently been the subject of a collective study, directed by Julie Claustre and published under the title "*Transiger, éléments d'une ethnographie des transactions médiévales*". The aim of this work was to introduce a social perspective to account for transactions, so as not to limit the approach of these phenomena to the sole economic dimension alone. In the continuity of these reflections, we wish to examine the contractual forms and practices between the 15th and the beginning of the 17th century.

In general, a transaction is an agreement between two parties to prevent or end a dispute by means of mutual concessions.

s. f. Voluntary contract made between parties who plead to accommodate their processes or differences (*Furetière's Universal Dictionary*, 1690).

It is therefore presented first of all as a vast field of interactions whose interpretation and rules are set by ritual and institutional frameworks (Weber, 2000). It is in this transactional field that contractual practices are inscribed, which are ultimately only one of the ways of transacting. The contract is thus defined as:

- an agreement, arrangement, convention, understanding between two or more persons.
- a convention of an authentic nature by which two or more persons commit themselves to each other (*Dictionary of the Middle Ages* (1330-1500)).

In the light of these definitions, and following the conclusions of the book *Transiger*, the contract, and more generally contractual practice, can be understood as an agreement of will between two or more persons, thus establishing obligations between them (Claustre, 2019).

We propose three lines of research for the speakers' papers. The first is to examine the various forms that contracts of early modernity take. The gesture, the sworn word, the writing, the ritualization, all of these forms structure a contractual practice and thus shed light on the social relationships in which they are embedded. Taking an interest in the formalism of a contract between two parties also means questioning the value of one medium in relation to another. In other words, does an oral contract have the same recognition as a written contract? Is there a differential system of value between a release and an oath? These questions and reflections inevitably lead to a consideration of the

framework(s) in which the contract takes place, the second field of research that we would like to see investigated.

The obligations induced by the contract are part of more or less encompassing, sometimes even binding, fields which structure its form as well as its value for the contracting parties, and define the nature of the obligations established. These frameworks can take the form of social structures (the family, the community of inhabitants, the corporation, the parish), economic and market structures (the market, understood here as a “set of transactions concerning a good or a type of good in a defined geographical area” (Guerreau, 2001), institutional and legal structures (administration, government, religion). In this perspective, case studies revealing the influence of law and legal frameworks on contractual practices are particularly welcome. In fact, the existence of legal regulation of exchanges necessarily implies the constitution of marginal transaction spaces, situated at the frontiers of legality. The goal is to highlight examples of strategies and tactics (De Certeau) aimed at promoting and enabling these shadowy exchanges.

The last issue will focus on the purpose and stakes of contractual practices in early modern societies. Contracts and exchanges occupy a large part of archival collections, but their purpose is multiple: to trade, to initiate or settle a conflict, to circumvent institutional and economic frameworks or monopolies, to structure political practices and social interactions in various settings (legal, political, economic, religious, commercial, artistic, musical, medical, etc.). The speakers will thus be invited to question the intentions and motivations underlying the contracts, as well as to highlight their outcome, and even their limits.

The ambition of these doctoral meetings is not to make a historiographic assessment of the transaction and the contract, but rather to cross disciplines on these objects. The expected papers are invited to mobilise several fields of research, including philosophy, literature, economic, political and religious history, art history, the history of science and technology, the history of food and musicology. As the concepts of transaction and contract know no borders, all geographical areas can be presented.

Summary of research areas:

- What are the issues and modalities of the creation/termination of a contract and/or a transaction?
 - How does the contract evolve over time? Is it reserved for a certain group of people? Is there a hierarchy of contracts?
 - How is the contract embodied? Does it take different forms depending on the historical context?
- What are the tools and raw materials for making a contract?

Terms and conditions:

This call for papers is part of the Fifth Multidisciplinary Doctoral Meetings organised on 2 and 3 of June 2022 by the Association of Doctoral Students of the Centre for Advanced Studies of the Renaissance of Tours. The doctoral students will ideally speak for 20 minutes in order to allow time for discussion. In order to be understood by all, French and English will be preferred, especially for the PowerPoint, but Spanish and Italian will be accepted for the oral presentation. The interventions will be done face-to-face. Distance learning may be requested on a case-by-case basis.

How to submit:

Proposals for papers should take the form of an abstract of maximum 15 lines (300 words), accompanied by a provisional title and a short introduction (surname, first name, title of the thesis, director, e-mail and telephone). They should also be submitted by email in Word or OpenOffice format (.doc, .docx, .odt) to the following addresses:

- remi.demoen@univ-tours.fr
- marion.pellier@univ-tours.fr
- jeremy.perret@etu.univ-tours.fr

Deadline for submission: Friday 31 December 2021 at the latest. A reply will be sent to participants towards the end of January.

Dates: 2 and 3 June 2022.

Place : Tours (France).