

Conclusion

§1 Research Questions and the Core Sources

CENTRAL AIM OF THE RESEARCH – In this book, 620 sources of Netherlandish learned legal practice, found in forty-five published volumes, have been studied. The aim of the research was to find out how the norms on loans and credit in the Northern and Southern Low Countries have evolved from approximately 1500 to approximately 1680. Based on the observation that previous legal historical studies have only occasionally referred to the Netherlandish published *consilia* and *decisiones* on those issues, the current book particularly analyzed that type of legal literature, and situated it against a wider transregional normative framework. In a first chapter, the core source material was presented. Chapters 2 to 6 dealt with questions of substantive law. Attention was paid to simple money lending and the taking of interest (Chapter 2), to the sale of annuities and their redemption (Chapter 3), to the transfer of bonds and claims (Chapter 4), to partnerships and representation in financial affairs (Chapter 5), and finally to the consequences of monetary fluctuations on private credit relationships (Chapter 6).

FOUR CONNECTING THREADS – The primary aim of our research was, thus, to analyze the evolution of the normative framework on loans and credit, limited to those issues which were dealt with by the published sources of Netherlandish learned legal practice. Nevertheless, the comprehensive study of the *consilia* and *decisiones* also offered insights on four adjacent themes. Those four themes functioned as connecting threads between the different chapters, and received a prominent place in the concluding observations of each chapter, particularly of Chapters 2 to 6 on the questions of substantive law. Thus, our study concerned: (i) the extent to which the debates in Netherlandish learned legal practice bore witness to a transregional normative framework; (ii) the importance of moral theological debates for the legal discussions; (iii) the differences and similarities between the Northern and the Southern Low Countries as far as the norms on loans and credit were concerned, and, finally, (iv) the function and role of *consilia* and *decisiones* in those debates. In these final pages of our book, a short overview of the most important findings as to the normative evolutions (§2) will be followed by a summary of our findings as to the four recurring themes (§§3–6). Finally, based on the unavoidable limitations of our research, a few suggestions for further studies will be made (§7).

CONSILIA IN THE LOW COUNTRIES – Before going into those normative evolutions, however, a few words should be said on the studied volumes of *consilia* and *decisiones*, which have been presented at length in the first chapter. The practice of *consilia* emerged in Northern Italian city states in the twelfth century. In some Italian towns, judges were obliged to ask for a *consilium*, or did so in order to avoid their personal liability under the *sindacato* procedures at the end of their term of office. Apart from those *consilia sapientis iudicialia*, consultations were also written at the request of parties (*consilia pro parte*). They were often signed by several learned lawyers, or even by a college of doctors of law, or by a law faculty. For many law professors and learned lawyers, the writing of *consilia* was a highly lucrative business. Some manuscript collections of *consilia* were formed, mostly for the private use of their compilers, but gradually some of them were distributed among a wider circle of jurists. The invention of the printing press importantly accelerated and amplified that evolution, although some critical questions were raised – for instance by Andrea Alciati – as to the expediency of such publications. The practice of writing *consilia* continued into the early modern period. Sometimes, they were still asked for by judges, notably in the Holy Roman Empire through the procedure of the *Aktenversendung*, or in the Low Countries by local colleges of aldermen. Most Netherlandish consultations by learned lawyers were, however, so-called *consilia pro parte*.

Thirty printed volumes of Netherlandish *consilia* have been studied. Altogether, they contain approximately 5,305 consultations. 405 of them have been studied. In 1554, the children of Nicolaas Everaerts were the first to publish a volume of *consilia* in the Low Countries. In 1563, a short publication of twenty-one *consilia* by Angelus a Sancto Ioanne appeared. The *Centuria consiliorum* by the Leuven law professor, diplomat and chancellor of Gueldria Elbertus Leoninus was published in Calvinist Antwerp in 1583. For the remaining volumes, interested readers had to wait until the seventeenth century. The eight volumes of *consilia* by Joannes Wamesius, published between 1605 and 1645, constitute a treasure of information for legal historians, as we have shown through a study of 124 of this law professor's consultations. The learned legal practitioners of the Kinschot family in 1633 and 1653, and Antoon Anselmo in 1671 added three other volumes. The humanist counsellor Jean de Deckher de Walhorn published his first two books of *dissertationes* in one volume in 1631. A third and final book was published in 1677. The canon law *consultationes* and *responsa* by Franciscus Zypaeus, which stemmed from the latter's practice at the Antwerp ecclesiastical tribunal, were published in 1640 and 1645. Finally, a volume of *consilia* by Jacob Coren, one by Adrianus Basson, seven disorderly volumes of *Hollandsche Consultatien* (1645–1666) and three volumes of *Utrechtsche Consultatien* (1671–1700) completed our survey.