A Legal World Market?
The Exchange of Commercial Law in Fifteenth-Century Bruges

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Bart Lambert

1 Introduction

During the later Middle Ages, the city of Bruges was one of Western Europe’s most bustling commercial and financial markets. It realised higher volumes of trade and attracted more merchants from a wider range of regions than any other place north of the Alps, including traders from the Italian city-states, the Hanseatic area, England, Scotland and the Iberian Peninsula. From the beginning of the twentieth century, historians have adopted a myriad of conceptual tools to describe late medieval Bruges’ economic position. Each of these implied a specific view on the relationship between the different groups of alien visitors to the city and between the foreign merchants and its local population. In 1908, Hanse historian Rudolf Häpke somewhat anachronistically christened Bruges ‘a medieval world market’, where international merchants exchanged goods that originated from every known corner of the Continent, sometimes even beyond.¹ In the 1950s, Jan Van Houtte claimed that the city was only a national market, where foreign merchants imported commodities for local

¹ Rudolf Häpke, Brügges Entwicklung zum mittelalterlichen Weltmarkt (Berlin: Curtius, 1908).
consumption and exported Flemish products, without actually interacting with each other.² His views were later disputed by Wilfried Brulez, who drew attention to the many goods that were re-exported and the contacts between alien merchants, often facilitated by local hostellers and money-changers.³ In the 1990s, Peter Stabel saw Bruges as a gateway city that connected the industries of the Low Countries, most notably the Flemish cloth industry, to international outlets.⁴ James Murray argued that none of these hierarchical models did justice to the character of the Bruges market. He compared the merchant community within the city’s walls to a neural system in which each trader acted as a node that gave access to new and constantly changing networks of people and goods.⁵

An issue that has received far less attention is how the legal conceptions of Bruges’ visiting merchants and local tradespeople related. A high turnover of trade inevitably resulted in a high number of commercial disputes, and these needed to be sorted out. Quarrelling merchants in Bruges had several options in order to come to terms with each other.⁶ Conflicts could be settled amicably, without the involvement of a court. If a merchant belonged to one of the foreign nations, the associations of foreign traders originating from the same city or region, then his disputes with fellow nation members could be judged by the consul or president of the group.⁷ Conflicts with other alien merchants or local citizens had to be

⁴ Peter Stabel, Dwarfs among Giants: The Flemish Urban Network in the Late Middle Ages (Leuven: Garant, 1997).
⁶ For an overview of private law in the late medieval Low Countries, see Philippe Godding, Le droit privé dans les Pays-Bas méridionaux du 12e au 18e siècle (Brussels: Palais des Académies).
brought before the urban court of the aldermen. The central courts of the Flemish counts and, later, the Burgundian dukes, such as the Council of Flanders and the Great Council, had authority over peculiar cases and dealt with appeals against urban sentences. Yet the merchants flocking to Bruges did not only bring a wide range of goods with them, but also a variety of legal traditions. The ways of settling commercial disputes which alien traders were most familiar with in their hometown or region were fundamentally different from those of other foreign visitors and those of their local hosts. So far, no historian has established how these legal traditions were negotiated. Was late medieval Bruges a legal world market where different conceptions of law were exchanged and eventually the most efficient one prevailed? Or was it a place where local and national legal traditions were imposed on alien visitors?

In his 2013 book *Cities of Commerce*, Oscar Gelderblom claimed that the main strength that attracted foreign merchants to Bruges instead of other markets was its advanced institutional framework. Among those commercial institutions, Gelderblom placed most emphasis on the city’s urban courts: it was because the jurisdiction of these tribunals was constantly and increasingly adapted to the needs of visiting merchants that they could resolve their commercial disputes against lower transaction costs than elsewhere, and that they remained in Bruges. But was it? Did local authorities really alter legal traditions to accommodate foreign traders? If they did, to whose needs were they adapted? How did the city government balance the expectations of foreign merchants with the centuries-old rights and privileges of the local population? In this chapter, I will examine according to which legal

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codes commercial disputes in late medieval Bruges were judged. I will focus on litigation before the urban court of the aldermen, in Gelderblom’s view the centrepiece of the institutional regime that was so successful in drawing merchants to the city. First I will discuss what urban and central legislation tells us about the way in which commercial disputes had to be resolved by the aldermen, then I will investigate the daily legal practice before the city’s courts. In the final part of the paper I will assess how adaptive Bruges’ legal codes were to the interests of international traders.

2. Legislation

The Bruges aldermen were certainly not entitled to judge all commercial disputes in the city. As previously mentioned, conflicts between alien merchants who came from the same town or region were resolved by the consuls of the nations representing these traders.\(^{11}\) Specific cases, for instance those involving the prince’s officers, were brought before the central courts.\(^{12}\) When a foreign merchant died during his stay in Bruges, the settlement of his inheritance fell under the authority of his home government.\(^{13}\) When traders disagreed about the terms of bills of exchange, the aldermen could only rule a final verdict if the initial contract had been drawn up in Bruges.\(^{14}\) Still, the majority of the litigation resulting from disputes over international trade took place before the court of the aldermen.

\(^{11}\) Lambert, “Making size matter less”, 41-3.
\(^{12}\) Dumolyn and Lambert, “Cities of commerce, cities of constraints,” 91.
\(^{13}\) Louis Gilliodts-Van Severen (ed.), *Coutumes de pays et comté de Flandre. Quartier de Bruges: Coutume de la ville de Bruges* (Brussels: F. Gobbaerts, 1874-5).
\(^{14}\) Gilliodts-Van Severen, *Coutumes de la ville de Bruges*, I, 460-1.
The surviving normative texts are unanimous when it comes to the law the aldermen needed to follow in these cases. Already in 1304, when Bruges was still emerging as a centre of international trade, the city’s third charter, granted by Philippe, the son of the Flemish count Guy of Dampierre, specified that “if a merchant or stranger comes before the aldermen” he could expect “to have justice within three days, or eight days at the latest, according to the law and custom of the city”. In a municipal ordinance in 1396, it was stipulated that if a foreign merchant had his goods seized in a case of debt, he should provide surety and “conform to the laws, customs and usages of the city of Bruges”.

When the Burgundian duke John the Fearless granted new commercial privileges to the merchants of Venice active in his territories in 1405, he made clear that all disputes these traders had with non-Venetians had to be judged “according to the law of our said land and the punishment according to the laws and customs of the towns and places where they are”. In a ducal ordinance in 1459, John’s grandson Philip the Good confirmed that all international commercial conflicts in the Burgundian Low Countries should be settled “according to the local customs of the place where they occurred” and that no appeal against an intermediate judgement of a local court would be upheld. The legislation concerning commercial litigation thus leaves little room for doubt: if merchants active in Bruges did not belong to the same merchant group and their deal turned sour, the case had to be settled according to Bruges customary law, regardless of the places of origin of the parties.

15 Ibid., 311.
16 Ibid., 445.
17 Bruges, Stadsarchief Brugge, Cartulary Oude Wittenboek, fol. 46 r.
3. Legal Practice

The sentences of the Bruges urban court were recorded in the *Civiele Sententiën*, which have been preserved for about twenty years of the fifteenth century. Most of the verdicts do not explicitly mention a law code or a set of rules which the aldermen would have followed: they simply give the details of the cases and of the decisions made by the court. Some, however, are more elaborate. Covering all kinds of issues and parties, these more explicit sentences invariably refer to Bruges customary law. In 1449, for example, the Castilian Diago de Ribanertin as representative of Pierre le Riche sued Roderigo Embite, another Castilian. Embite had had thirty bales of Spanish wool belonging to le Riche seized because of unpaid debts. Ribanertin objected that the money had been paid and claimed the wool back, but the Bruges aldermen ruled that, “according to the laws, customs and usages of the said city of Bruges”, Embite could keep the goods until the matter was definitively settled.\(^{19}\) A similar case was pleaded only a few weeks later. Roderigo le Riche, possibly related to Pierre, and Roderigo del Nager, both Castilian merchants, argued that twenty-five bales of Spanish wool belonged to Alvaro de Villeferrado, who owed them money. Fernando de Burgos, also a Castilian, claimed the wool was his brother’s property. The two Roderigos decided to have the bales confiscated, in order to litigate “according to the customs and usages of the city of Bruges”. The aldermen ordered de Burgos to substantiate his claim with evidence and when he could not do so, assigned the wool to le Riche and del Nager.\(^{20}\) Again referring to Bruges customary law, the court of aldermen sentenced that local citizen Jacob Metteneye had to pay £40 gr. to Edinburgh merchants John Hutton and Henry Scot in 1453. Metteneye stood

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\(^{19}\) *Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1447-1453, fol. 126 v.*

\(^{20}\) *Ibid., fol. 140 v.*
surety for William Carebris, another Scotsman who owed Hutton and Scot eighteen sacks of wool.\textsuperscript{21} In 1460, the Florentine Agnolo Tani went to court because, he argued, he had been appointed as a surety for his compatriot Luigi Strozzi without giving his consent. Following “the laws, customs and usages of the city of Bruges”, the aldermen released Tani of his duties.\textsuperscript{22}

There are three types of cases in which the urban court did not automatically follow Bruges customary law. The first of these are the disputes over the international shipment of goods. In some of these sentences, the aldermen took into account the specific customs of the places where the commodities were loaded onto the ship. In 1447, Jehan Pausan, patron of a Genoese carrack, sued Jehan de Imbonati. Pausan had shipped 101 barrels of oil from Seville to Sluys. As some of these had started to leak, the patron had decanted part of the oil into empty barrels and wanted de Imbonati, the owner of the goods, to cover the additional costs. However, de Imbonati argued that “according to the customs and usages maintained on the carracks of Genoa loading oil during the summer on the river of Seville”, he was not supposed to do so. Pausan objected that that was not what the customs said. The aldermen decided to give both parties seven extra months to come up with evidence for their allegations.\textsuperscript{23}

In 1467, the Venetian merchants Jacopo Balbi and Leonardo de Bondunerio went to court. They had shipped twenty-five sacks of cotton from Venice to Sluys, but upon arrival one part of the cargo was missing and another part was damaged. Referring to the “customs and usages of Venice”, they now expected their fellow Venetian Marco Morozini, the current patron of the ship, to compensate them for their losses. Yet Morozini claimed he had bought

\textsuperscript{21} Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1453-1460, fol. 30 r.
\textsuperscript{22} Ibid., fol. 389 v.
\textsuperscript{23} Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1447-1453, fol. 19 v.-20 r.
the carrack in Sluys six months after the shipment of the cotton. According to Bruges customs, he was not liable to pay for any damage that had occurred before his purchase. The aldermen agreed and told Balbi and de Bondunerio to seek compensation from the original owner of the ship.24

It is often assumed that disputes regarding international shipping during this period were resolved following international maritime law, as recorded in the Rolls of Oléron or the local Rolls of Damme.25 Yet only in one case in the fifteenth-century Civiele Sententiën did the Bruges aldermen consider such rules. In a dispute between Castilian pilots and a Venetian patron in 1453, it was stated that “the custom of the sea concerning Castilian pilots is such that their services last from the ports of Spain from which they depart until they come before the sand banks of Flanders”. Apparently, the aldermen were not that familiar with these laws, as they suspended the case in order to “inform themselves on the custom” and to find precedents.26 Among the central and local legislation on commercial matters, only the privileges granted by the Flemish count Louis of Male to the Castilians in 1366 mention international maritime law. One clause specified that if merchants shipped goods on Castilian ships, they were bound to pay the freight costs, as stated in “the custom of the sea”.27

The second type of case in which the aldermen followed other rules than local customs were insurance disputes. Late medieval Bruges was a major insurance market, where groups of mainly Italian underwriters provided insurance policies against competitive prices.28 Whenever the aldermen judging insurance cases referred to a specific set of rules, they did

24 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1465-1469, fol. 87 r.
26 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1453-1460, fol. 116 r.
27 Bruges, Stadsarchief Brugge, Cartulary Oude Wittenboek, fol. 50 v.-52 v.
so to “the custom in the matter of insurance” or, more elaborately, “the custom for the good and preservation of the common merchandise maintained at all times by all merchants involved in insurance”. In 1459, for example, the Genoese Marco Gentile claimed compensation from insurers Michele Arnolfini, Carlo Lomellini and Agnolo Tani after his ship was lost. Arnolfini, Lomellini and Tani were prepared to pay the Genoese, but stated that, according to insurance customs, this entitled them to the shipwreck or any of its cargo that might be recovered. The aldermen decided that the insurers had to compensate Gentile first and that any claims to the ship or the goods would be settled later. In 1469, Bruges citizen Christoffels Vlamijnc sued his Castilian insurer Francisco de la Pegna to obtain the £10 gr. he was entitled to after the loss of a quantity of chamois. De la Pegna wanted to have Vlamijnc’s claim in writing, something the Brugeois said he was not supposed to do according to insurance customs. The aldermen sentenced de la Pegna to pay in attendance of a definitive verdict on the matter.

Bruges customary law did not apply to the cases between members of the same foreign nation that were judged internally by the consuls either. Even though it is never specified in their privileges, these disputes were resolved according to the laws of the alien merchants’ places of origin. When a nation member disagreed with his consul’s sentence, he could appeal against the verdict before the court of the Bruges aldermen. This raises the question which rules prevailed in these appeal cases, the foreign law upheld in the original verdict or Bruges customs as in other trials before the urban court? Only in one appeal sentence did the aldermen explicitly say which legal code was followed. In 1467, Alvaro Dyes appealed against the decision of the consul of the Portuguese nation in Bruges. The court of

29 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1453-1460, fol. 274 v.
30 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1469-1470, fol. 81 v.
31 Lambert, “Making size matter less”, 43.
the aldermen considered his case, but taking into account “the custom on the unloading of goods coming from Portugal over the great sea and the delivery of these goods in the said city of Bruges”, it confirmed the consular sentence. In 1458 a representative of the Catalan nation sued Catalan merchant Pierre Jehan Lorde before the aldermen because he refused to pay the one groat for each pound worth of imported goods the nation collected from its members. The only reason that this was not treated by the Catalan consul is that Lorde was associated with Gheeraert Plouvier, a Bruges citizen. The aldermen considered the “ancient custom observed [by the Catalans] on this issue” and the ordinance on the matter by the King of Aragon and Sicily, and ordered Lorde and Plouvier to pay the levy. The scarce evidence thus suggests that when judging internal affairs of the foreign nations, either in appeal or first instance, the Bruges court respected the laws of the alien merchants’ places of origin.

In one type of case it is impossible to establish the rules that underpinned the sentences. Very often, the Bruges aldermen delegated their decision-making power in commercial disputes to a committee of arbitrators, chosen from the merchant community itself. They worked out a compromise, which was subsequently confirmed by the aldermen. The sentences were recorded in the Civiele Sententiën, either translated or in the arbitrators’ original language. In none of these cases is it specified which legal code was adopted to come to a decision. It is likely that, even though their judgments were considered formal verdicts that had to be followed on pain of fines, the arbitrators’ mediations were guided by equity and the desire to maintain merchant satisfaction rather than the strict letter of the law.

32 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1465-1469, fol. 131 v.-132 r..
33 Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1453-1460, fol. 222 r.-v.
4. Legal Adaptation

Apart from insurance cases, internal nation issues, shipping disputes and, probably, arbitration cases, commercial disputes in late medieval Bruges were, thus, judged according to local customary law. Were these rules adapted to the needs of the visiting merchant communities? Gelderblom claims that authorities “tried to incorporate as much as possible foreign mercantile usage in the local customs”.34 Bruges’ customary law during this period was recorded only fragmentarily, but there is little evidence that points in that direction. In 1410, the ducal ordinance on the new money stipulated that merchants settling bills of exchange in Bruges would have to pay half the amount in gold, half in Flemish silver currency. After the Italian nations complained that this was impossible for them to do, the aldermen arranged for the measure to be delayed.35 In 1467, the Venetian merchants obtained an exemption from customary law. In cases that involved Venetians, debtors would no longer be allowed to swear an oath that they owed nothing to their creditors before the latter would have had the chance to produce evidence on the debt. It was stressed that this exemption, which was granted by the duke and not by the city government, could be withdrawn at all times.36

Moreover, we should bear in mind that measures taken in the private interest of one particular merchant group could be detrimental to the interests of other foreign merchants and of the Bruges population at large. In 1396, the urban authorities set out the procedures in cases where Bruges citizens were summoned before the aldermen by foreigners. Most clauses simply clarified what was already prescribed by the city’s customs. At the end of the

34 Gelderblom, Cities of Commerce, 140.
36 Bruges, Stadsarchief Brugge, Cartulary Oude Wittenboek, fol. 258 v.-261 r.
ordinance the authorities emphasized that it was crucial that citizens could obtain justice just as quickly and easily as foreign visitors.\textsuperscript{37} This highlights one of the most important obstacles to the large-scale and progressive adaptation of local customs to the needs of alien merchants assumed by Gelderblom. Both citizens and foreign visitors were involved in commercial disputes and they were judged according to the same set of rules. For the local Bruggeois to allow systematic changes to these rules in favour of others would, thus, have undermined their own interests. Alterations to local laws in order to accommodate Bruges’ foreign merchant community were, therefore, exceptions rather than the rule. They were everything but particular to the urban authorities too. The aforementioned ducal ordinance issued by Philip the Good in 1459, for example, limited the possibilities of appealing against local courts’ intermediate sentences exactly to guarantee the continuity of international trade in Bruges.\textsuperscript{38}

If there is evidence of adaptation, then it is of visiting merchants adapting to the specifics of the local judicial system, rather than the institutions being adapted to the merchants. There are many examples of cases in which a foreign trader attempts to outwit the other party, both local and alien, with a more advanced knowledge and understanding of Bruges’ customary law. Representing his compatriots Loys Stoc and Anthoine Centurion, the Genoese Luciano Spinola sued English merchant Thomas Patrich in 1449. Spinola claimed Patrich still owed Stoc and Centurion £200 gr., whereas the Englishman maintained he had already paid his debts. The aldermen gave Patrich two months to produce the necessary evidence. When he reappeared before the urban court, he argued that Spinola had prevented him from accessing his letters and he asked for more time. The Genoese reminded the aldermen that “according to the laws, customs and usages of the said city of Bruges”, Patrich

\textsuperscript{37} Gilliodts-Van Severen, \textit{Coutumes de la ville de Bruges}, I, 441-8.
should not be allowed any further delay. The magistrate agreed and sentenced Patrich to payment of the £200 gr.\textsuperscript{39}

In 1438 Bruges citizen Philippe Metteneye and the Bruges sheriff claimed several sums of money from Catalan merchant Jehan Gregoire. Gregoire acknowledged that he had made the debts, but said he had done so as a factor in the business of Jehan de Lubera. Ever since, de Lubera had fired him and replaced him with Jehan Claris, another Catalan. “Referring to the rights, laws and customs of the city of Bruges”, Gregoire argued that the successor who has taken over the factor’s goods and responsibilities is also liable to pay for his debts. The aldermen considered Bruges customary law and concluded that Gregoire was right: the factor who succeeds another is expected to cover his predecessor’s debts, as he is also entitled to receive his profits. Claris thus had to pay for everything that Metteneye and the sheriff demanded. The sentence was recorded in one of the city’s cartularies, probably to be consulted as a precedent in future cases.\textsuperscript{40}

In 1467 the Castilian Fernando de Salines had the Genoese patron Andrea Italiano summoned before the aldermen. Italiano had shipped bales of wax from Cadiz to Sluys for de Salines, but part of the cargo had gone missing. After the patron failed to appear repeatedly, the aldermen decided he should cover all of the losses. Yet in 1469, Italiano reappeared and brought the matter before the urban court again. He argued he had been travelling at the time of the original case and neither he, nor his surety and representative had received the summons from the court. For that reason, he believed that the original sentence should be withdrawn. De Salines disagreed and gave Italiano a masterclass in Flemish customary law. According to the laws and customs of the land of Flanders, he stated, a sentence could never

\textsuperscript{39} Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1447-1453, fol. 92 v.-93 r.

\textsuperscript{40} Bruges, Stadsarchief Brugge, Cartulary Groenenboek A, fol. 345 r.-346 r., 377 r.-378 r.
be withdrawn or reviewed by the same judge, in this case the Bruges aldermen. A verdict by another, sovereign judge was only possible if Italiano appealed against the original sentence or if he asked for a reformation. But, the Castilian remarked cleverly, neither of these options were available as parties needed to appeal within ten days following the verdict in first instance and to apply for a reformation within a year and a day. Italiano had waited for sixteen months. To finish things off, de Salines quoted almost verbatim from Philip the Good’s 1459 ordinance, underlining how a multiplication of trials could only damage the interests of the merchant community. The aldermen followed him on all points, dismissed all of Italiano’s claims and convicted the Genoese to the payment of the legal costs.\textsuperscript{41}

The evidence from Bruges’ \textit{Civiele Sententiën} makes clear that international merchants were not just passive consumers of justice who either had to undergo local customs or leave for a place with better conditions. Their interaction with existing institutional regimes was of paramount importance for the transaction costs of their businesses, not, as often suggested, by having regulatory frameworks adapted to their needs, but by developing their own legal literacy and making more effective use of what was available.

5. Conclusions

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\textsuperscript{41} Bruges, Stadsarchief Brugge, Civiele Sententiën Vierschaar, 1469-1470, fol. 49 v.-50 r. For the reformation of sentences, see Jos Monballyu, “Van appellatiën of reformatiën: de ontwikkeling van het hoger beroep bij de audiëntie, de Camere van den Rade en de Raad van Vlaanderen (ca. 1370-ca. 1550). Bijdrage tot de ontstaansgeschiedenis van het hoger beroep in de Nederlanden,” \textit{Tijdschrift voor Rechtsgeschiedenis} 61 (1993), 251.
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Even though the city attracted merchants with very different perspectives on how commercial disputes had to be settled, commercial law in late medieval Bruges was no cosmopolitan amalgamation of different legal traditions. Practice before central courts, where the impact of learned law was more significant,\textsuperscript{42} may have been different, but both normative sources and legal practice suggest that most disputes brought before the Bruges bench of aldermen, which constituted the majority of commercial court cases in the city, were judged following Bruges customary law. The only exceptions in this regard were insurance conflicts, which were resolved according to international rules, and cases concerning shipments and internal nation issues, which were settled according to alien merchants’ home law. Evidence that Bruges’ customs, which also applied to the city’s own citizens, was continually adapted to the needs of visiting international traders, is few and far between. Merchants active in late medieval Bruges did not outcompete their colleagues by settling in a place that offered them a custom-made judicial regime, they made a difference by being versatile and engaging more fully with existing local legal traditions.