

RESEARCH ARTICLE

# Counts, cities and commerce: a comparative study of the institutional foundations of international trade in late medieval Flanders, Holland and Zeeland

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## Abstract

Over the past few decades, the historiography of international trade in late medieval Europe has been greatly influenced by the New Institutional Economics. Central in this perspective is the claim that economic outcomes were primarily determined by so-called institutions, or the rules of the economic game. The present article contributes to this debate by exploring the explanatory factors that impacted upon the choice of the main commercial markets in the Low Countries between 1384 and 1433. More specifically, it assesses the role of institutional frameworks in the decisions made by three important trading groups, the Hanse, the Genoese and the Portuguese, to base most of their trade either in the county of Flanders or in the competing counties of Holland and Zeeland. The article first compares the commercial privileges in which governments set out many of the rules that shaped the activities of foreign traders in these two areas and then considers the mechanisms that allowed merchants to resolve commercial conflicts. The overall conclusion is that institutions alone cannot explain the choice of markets by foreign merchants in the Low Countries during this period.

## 1. Introduction

Over the past decades, the historiography of international trade in late medieval Europe has been greatly influenced by the views of Douglass C. North and his New Institutional Economics (NIE). According to North, the success of international trade in a given place depended to a large extent on its institutions, or ‘the rules of the game’. The more efficiently these institutional arrangements were organized, the more beneficial their impact was on traders’ transaction costs, or all costs involved in making a commercial exchange. Eventually, those places with the lowest transaction costs would attract most merchants and, accordingly, the highest volumes of trade.<sup>1</sup> Over the last three

decades a vast amount of literature has debated the validity of North's NIE in different historical contexts.<sup>2</sup> One of the most hotly discussed topics in this respect is the level of government responsible for providing the commercially most favourable institutional arrangements. North himself believed that central governments or states were in the best position to do this, as they could coordinate efforts over larger territories and had more means at their disposal to make sure that their rules were adhered to.<sup>3</sup> Others, most notably Oscar Gelderblom, argued that their political, fiscal and military interests did not allow central governments to conduct commercially advantageous policies and that urban authorities had a much more beneficial influence. In his view, city governments competed for international trade by adapting their institutional frameworks to the needs of merchants, thus lowering these traders' transaction costs.<sup>4</sup>

One way forward in this debate is the comparative, synchronous study of institutional arrangements in different governmental regimes: only by juxtaposing these arrangements and weighing up their pros and cons is it possible, we believe, to assess how favourable or detrimental they were to the interests of visiting merchant communities. In this article we compare the institutional organization of international trade in the neighbouring counties of Flanders, Holland and Zeeland (see [Figure 1](#)) between the last quarter of the fourteenth and the third decade of the fifteenth centuries. We argue that institutions were not decisive for international trade or, more precisely, that they alone were not enough to make foreign merchants permanently move to another city or region.

Flanders, Holland and Zeeland were at the forefront of international commercial activities during this period, though there were important differences between them in terms of the chronology and scale of their economic development. The cities of Flanders rose to prominence during the twelfth and thirteenth centuries, when their high-quality cloth industries conquered markets across Europe. In the fourteenth century, when Flemish cloth lost out internationally, a shift took place towards the highly diversified and small-scale production of high value-added goods. The success of the cloth industries and of Flemish luxury manufacture, together with Flanders' favourable geographical location, attracted merchants from all parts of Europe and beyond, most of whom flocked to the international gateway city of Bruges. Grown rich thanks to the success of their cloth industries and their attraction as centres of international trade, the Flemish cities of Ghent, Bruges and, to a lesser extent, Ypres were among the largest urban centres in Europe. Ghent is said to have had about 64,000 inhabitants in 1356. Estimates for Bruges suggest a population figure between 40,000 and 45,000 during the period under scrutiny. Despite frequent outbreaks of the plague, these population figures remained relatively stable throughout the period. Fiscal data suggest that Ypres was struck by economic and demographic decline since the start of the fourteenth century, but that it still had around 10,000 inhabitants at the start of the fifteenth century.<sup>5</sup>

The commercial take-off of Holland and Zeeland started later than in Flanders. During the fourteenth and fifteenth centuries, Hollanders and Zeelanders increasingly gained control over the shipping and transport industries in North-Western Europe. Fishing fleets from Zeeland and Holland began to undercut the Flemish and Hanseatic dominance in the North Sea, and Amsterdam established itself as a major player in the Baltic. Cities such as Leiden benefited from the crisis of the Flemish cloth industries



**Figure 1.** Map of the Low Countries in the fifteenth century.

Source: Created by Ward Leloup, based on Rombert Stapel, 'Historical atlas of the Low Countries (1350–1800)', <https://hdl.handle.net/10622/pgfytm>, IISH data collection, V14. Also see Rombout J. Stapel, 'Historical atlas of the Low Countries: a GIS dataset of locality-level boundaries (1350–1800)', *Research Data Journal for the Humanities and Social Sciences* 8 (1), 2023, 1–33.

and became internationally successful centres of textile production. It was only in the course of the sixteenth century, however, following the decline of, first, Flanders and then neighbouring Brabant, that Holland and Zeeland imposed themselves as the Low Countries' commercial centre of gravity and the area's leading destination for foreign merchants.<sup>6</sup> Even though Holland and Zeeland were more densely urbanized than Flanders during the later Middle Ages, towns there were unmistakably smaller and did not carry the same political weight as their Flemish counterparts. With an estimated population figure of about 7,500, Haarlem was the largest urban centre in Holland around 1400. Dordrecht and Leiden had between 6,000 and 6,500 inhabitants each at the end of the fourteenth century, Amsterdam about 3,000. In Zeeland, Middelburg and Zierikzee were the largest towns, with estimated population figures of 5,000 to 6,000 in 1417.<sup>7</sup>

On a central level, Flanders was ruled by a succession of comital dynasties since the ninth century. These counts were vassals of the French kings, though many were able to maintain substantial autonomy. Known as West-Frisia until the early twelfth century, Holland was equally governed by counts since the late ninth century. From 962, this county fell under the suzerainty of the kings and emperors of the Holy Roman Empire.<sup>8</sup> In subsequent centuries, the histories of Flanders and Holland became closely entangled. The impact of this *histoire croisée* was felt most strongly in Zeeland, the area situated between the two counties. Between 1167 and 1256, Zeeland was ruled as a condominium, with the counts of Holland acting as vassals of the Flemish counts.

This also had repercussions on an urban level: in 1217, Middelburg was granted urban status and the associated rights jointly by the Flemish and Holland counts. This situation, which was a constant source of conflict, was undone in 1256, when the counts of Holland obtained suzerainty over Zeeland. Clashes continued, however, until 1323. In that year, the Count of Flanders recognized the Count of Holland's direct rule (of the Bavarian dynasty which also ruled Hainault) over Zeeland west of the Scheldt. This remained the case after 1384, when governance of Flanders moved to the House of Burgundy, originally a junior branch of the French royal family.<sup>9</sup> Another domain where the interests of Flanders, Holland and Zeeland were strongly entangled was that of maritime trade. Commercial contacts across the North Sea and the Channel were crucial for each of the three regions, and policies in this area became closely intertwined. Already in the twelfth century, for example, negotiations and a comital treaty were necessary to allow Flemish ships free passage through Holland and Zeeland waters. In the thirteenth century, Count William II of Holland and the Holland and Zeeland towns repeatedly tried to benefit from the increasing German trade in Flanders.<sup>10</sup>

There were many similarities between the general institutional set-ups in Flanders, Holland and Zeeland before 1384. In the three counties, the comital governments were responsible for most issues that transcended local interests, including the granting of commercial privileges that are explored further in this article. Counts in Flanders, Holland and Zeeland were assisted by comital councils, where, throughout the fourteenth century, sections started to specialize in specific policy matters such as jurisdiction. Holland and Zeeland both had joint councils and councils that dealt with the affairs of each of the counties separately.<sup>11</sup> In all three counties, considerable judicial, executive and legislative power in the cities, which had been granted self-governance by the prince, was in the hands of elected benches of aldermen. According to most of the historiography, Flemish cities carried more political weight than their counterparts in Holland and Zeeland, owing to their economic and fiscal power.<sup>12</sup> Together with the Franc of Bruges, the rural district in the west of the county, Ghent, Bruges and Ypres made up the Four Members of Flanders. This representative institution came together to discuss matters of state and expected to be consulted by the count on important issues.<sup>13</sup> The Flemish cities, and especially their artisan middle classes, were not afraid to openly oppose the central government whenever their interests were disregarded, if necessary with violence.<sup>14</sup>

Urban resistance against comital policies was more limited in Holland and Zeeland, where towns were smaller. There was no formal representative institution similar to the Four Members in these counties, though the most important towns met with the count at so-called *dagvaarten* to discuss common concerns. An aspect in which Zeeland differed from Flanders and Holland was the relative autonomy of its nobility, which in several places formed an intermediary level of government in between that of the count and that of the cities.<sup>15</sup> To what extent the institutional similarities between Flanders, Holland and Zeeland were the result of their entangled histories, discussed above, remains unclear. This point has been made only with respect to the bailiffs in Holland, who, according to several authors, were probably modelled after the comital officers in Flanders.<sup>16</sup> This lack of clarity on institutional cross-overs is largely owing to the fact that the institutional medieval history of Flanders, Holland and Zeeland has been

studied as part of different national historiographical traditions, which mostly developed separately. It is one of the main aims of this article to overcome this post-medieval separation by comparing the institutional frameworks for visiting traders in Flanders, Holland and Zeeland between 1384 and 1433.

The question of the extent to which differences in institutional regimes and, consequently, in transaction costs played a role in visiting merchants' choice of markets can be answered satisfactorily only in a comparative context. Surprisingly few studies have attempted such comparative analysis of the institutional frameworks for international trade available in different places during the same period.<sup>17</sup> This also applies to the pre-modern Low Countries. Whereas urban competition for foreign trade is the most crucial variable in Gelderblom's *Cities of commerce*, the focus in his book lies mostly on diachronic institutional change between 1250 and 1650. Institutions are thoroughly compared only for the periods when the main centre of trade shifted first from Bruges to Antwerp and then from Antwerp to Amsterdam, clouded partly by backwards reasoning: institutional contexts are often assumed to have been more favourable to visiting merchants' interests in the markets that prevailed, subsequently seeking evidence to substantiate these assumptions.<sup>18</sup> This article, by contrast, adopts an explicitly comparative methodology, providing a systematic and synchronous comparison of all available evidence on the institutional regimes in multiple centres of trade. Only in the second instance are our comparative findings confronted with the outcome of merchants' market choices and with other explanatory factors. We focus on institutional frameworks in Flanders, Holland and Zeeland, three neighbouring geographical areas which, during the late medieval period, had the ambition to attract substantial numbers of foreign traders. We explained earlier that, while these regions were ruled by different dynasties, their institutional starting positions were largely similar and they had an earlier history of entangled commercial policies. An additional benefit of looking at Flanders, Holland and Zeeland is that we can compare institutional arrangements in a political regime where cities frequently challenged the central authorities to those in a region where the urban influence on the central government was more limited, thus testing Gelderblom's hypothesis that urban governments promoted commercially more beneficial policies than central ones. Institutional policies can, of course, be compared only with regard to those foreign traders that were present in or at least aspired to visit both Flanders and Holland or Zeeland. That is why we have decided to focus our study on three visiting merchant groups, that is, the Hanseatic League, the traders from the Italian city of Genoa and those from Portugal. Secondary literature documents the activities of these three groups in Flanders and Holland or Zeeland after 1384, the year in which Philip the Bold of Burgundy took control of the Flemish comital government and the year in which our comparative analysis begins.<sup>19</sup> We end in 1433, when Holland and Zeeland were incorporated within the dominions of the Burgundian dukes, bringing them under the same house that had ruled Flanders since 1384.<sup>20</sup>

In the first part of the article, we revisit some of the explanatory factors put forward in the more traditional literature on the choice of commercial markets in the Low Countries during the period under consideration. In the second section, we analyse the commercial privileges in which governments set out most rules that shaped the activities of foreign traders when visiting centres of trade. We provide a

point-by-point comparison of their content as recorded in the charters which were granted by princes to each of the three merchant groups between 1384 and 1433 and which are available as part of nineteenth- and twentieth-century source publications. Whereas privileges offered a theoretical framework for visiting trade, this theory was often disregarded, contested and interpreted or did not provide clarity on all issues that could arise. That is why, in the third part of the article, we consider the mechanisms that allowed merchants to resolve commercial conflicts, a useful indicator of the practice of commercial activity and, according to many authors, a crucial institutional factor determining transaction costs. First, we address each level of commercial litigation, starting with the few sources telling us about amicable and consular conflict resolution within the three named merchant communities. Then we discuss urban mechanisms, deemed one of the most crucial variables impacting upon merchants' transaction costs by Gelderblom, drawing on original registers of the aldermen's civil jurisdiction in Bruges and Middelburg and on published fragments of these cases.<sup>21</sup> Finally, we investigate what Hanseatic, Genoese and Portuguese merchants during this period could expect from the regional courts of justice organized by the prince in Flanders and Holland or Zeeland. To this end, we survey samples from the original registers of the Flemish Chamber of the Council and the Council of Flanders and published evidence of the jurisdiction by the Council of the Counts of Holland and Zeeland and the Court of Holland and Zeeland. In addition to commercial litigation, we also compare each area's possibilities for commercial diplomacy, which was often preferred over jurisdiction for specific, more sensitive issues. This is based on the source publications in which the activities of the most important diplomatic fora, the Four Members of Flanders and the *dagvaarten* in Holland and Zeeland, were reconstructed. The sources presented here are introduced in more detail in each of the relevant sections. In the article's conclusion, we assess what our systematic comparison tells us about the weight of institutional aspects and their relationship to other explanatory factors in the choice of commercial markets in the late medieval Low Countries.

## 2. Market development in the late medieval low countries: explanatory factors

Much scholarship on markets in the Low Countries stresses the role of geography and the physical environment.<sup>22</sup> At the end of the thirteenth and the beginning of the fourteenth centuries, an increase in military tensions and political instability prompted a shift from land trade to sea transport in Europe. Situated conveniently on the shipping routes connecting the two most important European trading blocs of the time, the Hanseatic towns in Northern Europe and the Italian city-states in the Mediterranean, the ports of the Low Countries were ideally placed to accommodate these changes. Dordrecht, located at the confluence of the Maas and Merwede Rivers, functioned as a gateway to the northern Low Countries' network of riverine trade.<sup>23</sup> Yet, with its more inland location, the city had less of a direct connection to the sea and, for seafarers from Southern Europe, it was also situated more to the north than its competitors in Flanders and Zeeland. Bruges and Middelburg had very similar strengths when it came to geography and physical setting. Bruges had direct access to the North Sea through the Zwin, a short tidal channel created by storm surges around the middle of

the twelfth century. Middelburg, on the island of Walcheren, was connected to the sea by the equally short river Arne. It is true that the Arne started to silt up very early on, seriously reducing its navigability for anything but the smallest of ships. From the fourteenth century onwards, goods had to be unloaded onto smaller vessels in the outport of Arnemuiden, on the mouth of the river.<sup>24</sup> Yet Bruges was no better in this respect. Not sufficiently fed by inland rivers, the Zwin estuary began to silt up almost immediately after it had been created. Cargoes had to be transhipped first in the small town of Damme, later in the outport of Sluis.<sup>25</sup> By the fifteenth century, navigability issues often resulted in goods arriving late or even getting lost in shipwrecks. Additional expenses had to be paid by visiting foreign merchants to overcome such difficulties, raising their transaction costs and prompting them to consider alternative ports.<sup>26</sup> Both Bruges and Middelburg tried to mitigate these problems by employing pilots and installing buoys, often to no avail. The Bruges city government also invested heavily in the improvement of existing waterways and the construction of canals. As it lacked the necessary hydrological expertise, this only made the situation worse. By contrast, Middelburg did manage to turn the tide by digging a new canal to Walcheren's eastern shore in 1531. This allowed the city to benefit from the increased sea traffic to and from Antwerp, which had emerged as the main market for international trade in the sixteenth century. Between 1384 and 1433, however, navigability problems would have pushed up visiting merchants' transaction costs in Bruges and Middelburg in largely equal measure.<sup>27</sup>

Differences between geographical conditions north and south of the Scheldt estuary may also have been relevant. We explained that urbanization in Flanders had resulted in the development of three particularly large cities. Owing to the relatively short Flemish coastline and the scarcity of sea inlets that were navigable by large ships, Bruges was the only one of these three urban centres blessed with direct maritime access. This allowed the city to emerge as a gateway where international market functions for the entire county were centralized.<sup>28</sup> Bruges' position was challenged by some smaller ports in the Zwin estuary such as Sluis, but the city was able to maintain its commercial hegemony within Flanders until the end of the late medieval period, partly thanks to extensive staple obligations.<sup>29</sup> In Holland and Zeeland, by contrast, the development of a large number of smaller towns and a significantly longer coastline littered with navigable inlets and rivers had resulted in a more decentralized commercial landscape. Whereas Dordrecht and Middelburg attracted most commercial traffic within the territories of the Bavaria dynasty, they faced competition from other centres that combined port and market functions. Dordrecht's staple privileges on the rivers Rhine, Maas, Waal and IJssel, for example, were contested by towns closer to the sea such as Haarlem, Alkmaar and, above all, Amsterdam.<sup>30</sup> In Zeeland, Middelburg faced competition partly from its own outport Arnemuiden but mostly from Veere and Flushing, two ports on the eastern and the western mouths of the river Scheldt, respectively, which, in the second half of the fifteenth century, were both controlled by the powerful lords of Veere.<sup>31</sup> Even if a trend towards specialization and complementarity between some of these ports is noticeable throughout the fifteenth century, the fact remains that visiting merchants in Holland and Zeeland could not coordinate all of their activities in one market as they could in Flanders, which would have impacted negatively upon their transaction costs.<sup>32</sup>



To what extent did foreign merchants settle in centres of trade because of their domestic markets? Jan Van Houtte claimed that later medieval Bruges was above all a 'national' market, where visiting traders purchased mainly Flemish products and sold goods for local consumption. The Low Countries, or at least their core principalities, were known as affluent and densely populated, branded as 'promised lands' by the Burgundian chronicler Philippe de Commynes in 1465.<sup>33</sup> There are no reasons to assume, however, that Flanders would have generated a markedly stronger demand for foreign consumption goods than Holland and Zeeland. As we have seen, cities in Flanders were larger, but Holland as a whole was more urbanized. After the Burgundian unification, between 1444 and 1467, people in Holland and Zeeland also contributed significantly more to the *aides*, the extraordinary ducal taxes, per capita than Flemish taxpayers, though this had just as much to do with the resistance of the Flemish cities against central taxation as with taxable wealth.<sup>34</sup> Princely courts, together with the aristocratic, ecclesiastical and other elite consumers they attracted, could also function as centres of demand for foreign commodities. Even though there is no comparable quantitative evidence on courtly expenses in Flanders, Holland and Zeeland during this period, the Burgundian Valois dynasty was more renowned for its lavish spending than the House of Bavaria. Between 1384 and 1414, however, the Burgundian court resided predominantly in Paris and hardly made any purchases in Flanders. While Bruges did become the leading market for courtly purchases in the subsequent period, several authors have argued that, even then, the impact of court demand on the city's economy remained limited.<sup>35</sup>

When it came to domestic production, the cities of Flanders had gained a reputation throughout Europe as centres for the manufacture of cloth of outstandingly high quality. In the fourteenth and fifteenth centuries, different varieties of Flemish cloth made up to 75 per cent of Hanseatic exports from Bruges. According to Philippe Dollinger, the Hanse's continued presence in the city was also inextricably linked to a desire to control the trade in Flemish textiles in Northern Europe and the Baltic.<sup>36</sup> Visiting merchants would undoubtedly have had much more direct access to this highly coveted commodity in Bruges than in Middelburg or Dordrecht, where textiles from Flanders could be obtained only through various intermediaries and, therefore, against higher transaction costs. Yet the German Hanse's loyalty to Flemish cloth was rather exceptional. From the fourteenth century, cloth manufacturers in Flanders were increasingly outcompeted by producers of cheaper textiles elsewhere in Europe and in the Low Countries.<sup>37</sup> First they had to deal with the emergence of new cloth centres in neighbouring Brabant. In the fifteenth century, cloth-producing cities in Holland such as Leiden and Haarlem conquered a significant part of the international market. Foreign merchants would have been able to tap into this burgeoning trade more easily, and cheaply, from Dordrecht or Middelburg than from Bruges. Flemish textile manufacturers also lost out against cloth producers in England, who had access to high-quality English wool without being crippled by their kingdom's extortionate export duties. In an attempt to protect their textile sector, authorities in Flanders banned the sale of English cloth, cutting off the Bruges market from this booming business. Middelburg cleverly took advantage of this Flemish decision and established itself as one of the main markets for English cloth in the region. Bruges did benefit from the development of the so-called lighter draperies in the smaller Flemish towns, though, in purely quantitative



terms, these never took up as big a share in the exports of foreign merchants as the more traditional cloth, certainly not before 1433. In the fourteenth and fifteenth centuries, various cities in the Low Countries became industrious centres for the production of fashion and luxury goods. Because of the size of the Flemish cities, these industries' offer was usually larger and more specialized in Flanders than in the surrounding principalities. Bruges' proximity to these production centres, and the fact that the city was a major producer of fashion and luxury items itself, will certainly have had a strong impact on visiting merchants' choices on where to base themselves. However, to what extent the precocious development of these industries in Flanders was an independent variable or was itself the result of demand generated by the international trading communities is still a matter of debate.<sup>38</sup>

In response to Van Houtte, Wilfried Brulez argued that Bruges was a truly 'international' market, where foreign merchants dealt primarily with each other, rather than with local citizens. This view of the city as a meeting place for traders from all corners of Europe has been endorsed by most present-day historians and by many contemporary medieval commentators.<sup>39</sup> Quantitative evidence, fragmentary as it may be, suggests that foreign merchant presence in Bruges was indeed far more significant in numerical terms and far more diverse than that in Middelburg, Dordrecht and, in fact, nearly every other centre of trade in North-Western Europe at that time. James Murray has emphasized the enormous potential of this concentration of human capital. Connected by networking tools like commercial correspondence, bills of exchange and cashless bank accounts, each of the foreign merchants in Bruges constituted not only a potential business partner with whom one could trade goods but also a node that provided access to a further network of dozens, if not hundreds, of traders in other places in Europe. Murray showed that the banking services offered by one fourteenth-century Bruges moneychanger even allowed his customers to do business with several thousands of merchants across the continent. With every merchant that Bruges had more than other cities, the number of additional business opportunities therefore increased exponentially.<sup>40</sup> The presence of a large and diverse group of international merchants cannot, of course, explain why Bruges emerged as an international meeting place in the first place. The merchants of Cologne, who already frequented the city around the middle of the twelfth century, will still have been attracted by the geographical situation and the reputation of the Flemish cloth sector.<sup>41</sup> Yet the presence of human capital can help explain in part why trading cities maintained their leading position when competing urban centres offered better conditions: once Bruges had established itself as the commercial networking city par excellence, at the start of the fourteenth century, its success became strongly path-dependent and difficult to reverse, even when its main domestic export trade declined and its tidal channel ran dry.

Political and military changes or, more specifically, the actions of and choices made by princes and other rulers, are a final factor that features heavily in the explanations of the rise and decline of markets. Before Bruges emerged as one of the main hubs of international trade in the fourteenth century, the periodic fairs in the Champagne region, in North-Eastern France, functioned as the primary meeting places for European merchants. Several authors have pointed at the increased warfare by European princes, in particular the French, English and Flemish dynasties, from the 1290s onwards as

the main cause of the decline of these fairs. These hostilities raised transportation and other transaction costs for those involved in the export-oriented textile trades visiting the fairs, making the overland voyages to the Champagne region unprofitable. These issues had a less profound impact on maritime transport for which, as explained earlier, Bruges and other ports in the Low Countries were conveniently situated.<sup>42</sup> Military upheaval was also one of the main reasons for the English wool merchants to transfer their staple, where all trade in English wool with the European continent was centralized, from Calais, which suffered heavily from French piracy in the Channel, to Middelburg in 1383. This move, which must have made the Zeeland port significantly more attractive to foreign merchants, was reversed in 1388, when the French threat at sea subsided.<sup>43</sup> Political confrontations may equally have contributed to Bruges' decline. Merchant accounts suggest that during and immediately after the revolt of the city against Count Philip the Good in 1436–1438, some of its international business temporarily relocated to Antwerp in Brabant.<sup>44</sup> Bruges received what was arguably the heaviest political blow, however, in the 1480s. When the Flemish cities rebelled against Maximilian of Austria, regent of the Low Countries, the latter punished Bruges in both 1484 and 1488 by ordering all foreign merchants to leave the city and move to Antwerp. While some merchant groups returned once the revolt was over, several authors have stressed that Bruges never regained its former appeal following this act of economic warfare.<sup>45</sup>

Now that we have surveyed the more traditional factors, let us see what role institutions played in foreign merchants' choices of markets in the Low Countries between 1384 and 1433. This will be done by comparing institutional conditions as recorded in the privileges granted by princes and the possibilities for conflict resolution in Flanders, Holland and Zeeland and by weighing up the extent to which these aspects contributed to the success of one market over others.

### 3. Hanseatic, Genoese and Portuguese privileges in Flanders, Holland and Zeeland

Foreign merchants visiting a medieval city were not subjects of the local prince or citizens of these urban centres. As a result, they did not enjoy the same rights as these territories' local populations. What exactly they could and could not do depended to a large extent on the privileges they were able to obtain. Privileges were precise sets of rights and responsibilities that were agreed with individuals or groups such as merchant communities. As such, they constituted the primary institutional framework that shaped the business of visiting merchants, at least in theory. Privileges could be bestowed only by princes, though this often happened at the request of and in consultation with cities.<sup>46</sup> They were granted as physical charters, copies of which were kept in the archives of each of the interested parties. These included at least the visiting merchant community and/or its home government, the visited city and the prince bestowing the rights. While some privileges granted in the late medieval Low Countries went missing, those that survived were published in the nineteenth and twentieth centuries as part of source publications relating to specific rulers, cities or territories.<sup>47</sup> Privileges were often renegotiated and their content could differ significantly, ranging from simple safe-conducts to more extensive exemptions from local rules. How

far-reaching the rights bestowed were depended on the negotiating position of the merchant communities and their home governments, as well as the interests of local princes and cities and their willingness to accommodate the former. Whereas earlier studies have compared the privileges of different merchant communities visiting the same place, this has never been done for the privileges that the same merchant community enjoyed in different places.<sup>48</sup> The aim of this section is to provide a point-by-point comparison of the privileges granted to groups of visiting merchants in both Flanders and Holland or Zeeland. This allows us to explore to what extent the primary institutional frameworks in these principalities were more or less beneficial to the interests of these merchant groups.

The choice of the case studies in this section has been informed by a number of criteria. First, and most evidently, the foreign merchant communities should have been active in both Flanders and Holland or Zeeland during the period under consideration, 1384–1433. Second, the visiting groups should have received privileges in both principalities during this period, which was not the case, for example, for the English, the French and the Scots. Third, the text of these privileges should have been preserved, allowing for a comparison of their content in the two territories. The combination of these criteria left us with three merchant groups, that is, the Hansards, the Genoese and the Portuguese. An additional benefit of this selection is that these communities of traders differed greatly in terms of the nature of their activities. Whereas the Hanseatic League was specialized in the trade of bulky goods from Northern Europe, the Genoese focused on high-value products from the Mediterranean, alum and financial and insurance services.<sup>49</sup> The Portuguese first supplied mainly agrarian commodities but established control over the trade in exotic goods from the African coasts as the fifteenth century progressed.<sup>50</sup> Attitudes towards privileges may also have differed: according to Fieremans, the Hanseatic merchants were much more focused on obtaining the most extensive grants possible than the Genoese and the Portuguese.<sup>51</sup> For each of the three groups, we analyse the privileges they received in Flanders and Holland-Zeeland, starting with the Hansards.

Since the twelfth century, German merchants had been present in Flanders, where they had received commercial privileges. Around the middle of the fourteenth century, traders from cities in northern Germany, the Baltic region and Scandinavia joined hands and formed the German Hanse. This alliance, which controlled much of the trade with Northern Europe, had several *Kontors* or trading outposts, one of which was established in Bruges. The Hanse negotiated commercial privileges for its traders with the Flemish authorities. Whenever it was dissatisfied with its treatment in Flanders, it threatened to leave the county, taking its trade elsewhere. In 1358, for example, the Hansards moved their *Kontor* from Bruges to Dordrecht in Holland, where they stayed for two years. The Hanse's relationship with the authorities in Flanders came under strain again during the 1370s and 1380s: Hanseatic merchants suffered losses as a result of the revolt of the cities of Ghent and Bruges against the Flemish count, were allegedly arrested and had their goods confiscated unlawfully and claimed not to be protected sufficiently against piracy in Flemish waters. Fed up with the lack of cooperation from urban and comital governments, the Hanse cities considered a new move to neighbouring Holland.<sup>52</sup> They negotiated with the princely government of Albert of Bavaria, first Regent and later Count of Holland and Zeeland, who played an active personal

role, and with Dordrecht, which was to serve as the main base of Hanseatic operations again.<sup>53</sup> The matter was also discussed at the Count's meeting with the 'common cities' of Holland. Talks with the Flemish count continued simultaneously, suggesting that also the negotiations about privileges in the two areas during this period were closely entangled.<sup>54</sup>

Discussions with the Flemings led to nothing, however: in May 1388, the Hanse left Flanders and issued an ordinance forbidding its members to trade with Flemish merchants or to deal in goods that had passed through the county.<sup>55</sup> In May 1389, Albert gave the Hanseatic cities commercial privileges in Holland. A comparison of the two texts reveals that these Holland privileges contained nearly all concessions the Hansards had received from the Flemish count and the Four Members of Flanders, the body representing the cities of Bruges, Ghent and Ypres and the Franc of Bruges district, in 1360.<sup>56</sup> Hansard merchants could buy and sell goods in the county both wholesale and retail, something otherwise reserved only for local citizens. They had the right to organize themselves, to hold meetings in specific premises and to administer justice over their own members, except in cases involving life and limb. All disputes involving non-Hansards and serious criminal cases had to be brought before the local urban court, and the rules for debts, theft and damage to goods and physical injuries or loss of life were specified. The regulations for the weighing of goods, a common cause of controversy, were laid out in detail. The urban officers charged with operating the scales and the brokers, the local middlemen whose services foreign merchants were obliged to hire, had to swear an oath that they would correctly acquit themselves of their tasks. If they did not, they would be sanctioned by the local aldermen. Hostellers, who ran the premises where most Hansards resided, were accountable for the goods merchants left with them and for the actions of their servants. The city was responsible for the money traders left with moneychangers, who managed financial accounts and operated book transfers.

The Holland privileges did not contain the specifications on the sale of wine, cloth, linen and herring which were part of the Flemish text, but did include other points which were lacking in the 1360 privileges and would have provided Hanseatic merchants with welcome added security. If the people of Dordrecht did not respect their privileges, the Hanseatic traders were free to leave Holland, without loss of their rights. In case of war with the German Emperor, they would be given 40 days to leave the county and if necessary an additional 40 days. The Holland privileges gave the Hansards extra clarity and certainty by itemizing the tariffs on all major goods and made life considerably easier for them by allowing them to pay all tolls in Dordrecht, whereupon they could trade freely in the rest of the Count's territories. Hanseatic merchants and shipmasters in Holland could claim the goods and ships they lost at sea, something the Flemish privileges of 1360 said nothing about.

Ever since its departure in 1388, the Flemings tried to bring the Hanse back to their county. The Four Members of Flanders were heavily involved in these efforts: between August 1389 and September 1392, at least 40 of their 141 meetings were devoted to the issue of a Hanseatic return.<sup>57</sup> Together with the officers of Philip the Bold, the Count of Flanders, they met with the Hansards' representatives repeatedly during these years. In May 1392, an agreement was reached. The Four Members would pay the Hanse the enormous sum of 11,000 pounds groats as compensation for the damage

they had incurred in the past. A delegation of the Members would also formally apologize for their mistakes.<sup>58</sup> Yet, for all the financial and moral satisfaction gained, the concessions concerning the institutional arrangements enjoyed by the Hansards in Bruges were very limited. 'At the request of our subjects of our said land of Flanders', Philip the Bold issued a new charter which, in addition to the 1360 privileges, stipulated that Ghent, Bruges and Ypres would guarantee the restitution of goods and the persecution of culprits in case of theft, damage or murder by Flemings, also outside Flanders. If the offender was no Fleming, they would notify the Count of Flanders, so he could do whatever was necessary for justice to be done. If Hansards injured or killed each other outside Flanders, the bailiff or other ducal officers would have no say over the matter. The text included articles about the measurements of Flemish cloth and the inheritance of Hanseatic merchants who died at sea or in the county, as well as a promise not to raise the excise taxes on Hanseatic beer. The clause from the Holland privileges about goods lost at sea was added, but the detailed toll specifications were not, and neither were the guarantees in case of a Hanseatic departure or war with the German Emperor.<sup>59</sup> The original version of the Flemish privileges even stated that their stipulations were valid only in peacetime. Only after the Hanse cities had protested was a new text delivered, in September 1392, in which this statement had been removed. Also in September 1392, Ghent, Bruges and Ypres issued letters making clear that they would not make any further concessions to the Hanse.<sup>60</sup> Despite their political impact and their strong involvement in the negotiation process, the Four Members of Flanders were thus unable, or unwilling, to offer the Hansards an institutional arrangement that was significantly more far-reaching than the deal brokered by Count Albert and Dordrecht in 1389. Albert responded to the difficult negotiations in Flanders by renewing the privileges granted to the Hanseatic merchants three years earlier.<sup>61</sup> Yet, the Hanse cities still returned to Flanders. In December 1392, their merchants left Dordrecht and re-established their *Kontor* in Bruges, which reclaimed its place as the main Hanseatic centre in the Low Countries and one of the alliance's most important bases in all North-Western Europe. In the same month, Albert of Bavaria reacted to the Hanseatic departure to Flanders by withdrawing their privileges in Holland.<sup>62</sup>

Merchants from Genoa occupied a key position in the trade between North-Western Europe and the Eastern Mediterranean, where their city-state had established numerous colonies. They had frequented Flanders and England since the thirteenth century and had operated a regular sea connection with Bruges' outport of Sluis since at least 1277. In subsequent decades, Genoese activities in Flanders had been hampered by their city's involvement in the Hundred Years' War: their frequent military collaborations with the French made Genoese merchants and their ships targets for enemy actions and made their presence in the Flemish cities, which were sympathetic towards England because of their dependence on English wool, problematic.<sup>63</sup> Possibly capitalizing on these difficulties, Albert of Bavaria attempted to attract Genoese trade to Holland and Zeeland. In a charter issued in October 1388, he granted the merchants from Genoa, together with their colleagues from Lucca, Venice, Florence, Portugal and Castile, the same rights which the German Hanse had enjoyed in his territories since 1363.<sup>64</sup> In March 1391, he substantially raised his game by offering the Genoese, and only them, the equivalent of the more recent and more elaborate privileges given to the

Hanse in 1389. The rights in the new charter granted to the Genoese included advantageous toll tariffs, the right to trade retail, jurisdiction over their own members and guarantees concerning the activities of brokers, hostellers, moneychangers and other locals involved.<sup>65</sup> There is no evidence that the concessions were discussed by Holland and Zeeland's main cities or granted at their request.

It took Flanders four years to respond to Albert's charm offensive. Prompted by the Genoese doge, Philip the Bold concluded a commercial treaty with Genoa in October 1395. The agreement stated that Genoese merchants could trade freely in Flanders. If the Flemish count decided to expel them from his territories, they would have eight months to leave. Genoese traders in Flanders could be held accountable only for their own offences; their shipping crews could not be arrested for debts made while buying victuals in Sluis and shipmasters accused of crimes against their staff could not be persecuted in the county, unless it required mutilation or the death penalty. The treaty also specified the duties levied on English wool and cloth. The price which the Genoese had to pay for these fairly general terms was high. They had to promise to base their staple in Flanders for a period of ten years, which meant that all the goods they imported into North-Western Europe had to be offered for sale in the county first. Individual Genoese who did not respect this clause were to be severely punished and withdrawal of the staple would result in the loss of all privileges.<sup>66</sup>

The Genoese in Flanders were given more elaborate rights only in 1414, partly as a recognition for providing Count John the Fearless with a substantial loan. An analysis of these privileges makes clear that most clauses concerned shipping crews: Genoese shipmasters were given disciplinary authority over their sailors, who could not make debts over five sols groats without authorization. Crew members could not be imprisoned if they had provided bail and could not be prosecuted for anything outside the county. Shipmen were allowed to go to their ships both during the day and at night, wearing weapons as Flemish citizens do, could sell small quantities of goods called *portage* and could bring flour and oat to make bread for their own consumption. The text set out what needed to happen when ships re-entered the harbour after a storm, when ballast and staple goods were loaded and when repairs needed to be made. Vessels, goods, anchors and other equipment lost at sea could be claimed back.<sup>67</sup> These stipulations were confirmed by Flemish count Philip the Good in 1421 but, under the pretext that they had not been registered by his Chamber of Accounts, were declared void again some years later. The Genoese then had to wait until 1434 before they received new privileges in Flanders. These were far more restricted than the 1414 ones and included a new, heavy tax on each Genoese ship that called at Sluis.<sup>68</sup>

All the Flemish privileges conceded to the Genoese between 1395 and 1434 were vastly inferior to those granted in Holland and Zeeland in 1391. None of the texts in Flanders allowed merchants in Flanders to trade retail, claim favourable toll rates or judge internal conflicts as Albert of Bavaria had done. Still, the Genoese preferred Bruges as the centre of their activities over Holland and Zeeland. In 1399, they built a grand and costly three-storey house in the city, which was to serve as their headquarters, meeting place and storage facility.<sup>69</sup> When, in 1411, the Bruges city government asked for a loan to pay for its part in the comital war efforts, the Genoese traders provided the highest amount of all foreign merchant communities, matched only by the



Venetians. In 1440, when the visiting traders took part in the procession for Count Philip the Good's ceremonial entry into the city, only the Hansards and the merchants from Venice were more numerous.<sup>70</sup>

Compared to the Hansards and the Genoese, the Portuguese were latecomers in North-Western Europe: their engagement in foreign trade only really took off in the course of the fourteenth century.<sup>71</sup> They were granted a general safe-conduct by Philip the Bold in 1384, but the conclusion of the Treaty of Windsor, forging an alliance between Portugal and England, in May 1386, complicated their activities in Flanders: as a member of the French royal family, Count of Flanders Philip the Bold was an enemy of the English. The Portuguese relocated to Middelburg, on the other side of the Scheldt estuary, but already in December 1386 wrote to the Bruges city government that they wanted to return. The Four Members of Flanders were keen to support them and started negotiations, but emphasized that they could make no decisions without comital approval. At their request, Philip the Bold first issued two new safe-conducts in January and July 1387. These documents referred to the presence of the Portuguese in Zeeland, suggesting, again, that Philip's decisions were intertwined with those of Albert of Bavaria. In March 1389, the Flemish count concluded a commercial treaty with the Portuguese. The text of this treaty was rather general and stated that all merchants and shipmen from Portugal could freely and securely come and go, stay and trade in Flanders, as long as they swore to have no hostile intentions. The Flemings in Portugal were given the same conditions.<sup>72</sup>

Albert of Bavaria was quick to respond: in October 1388, he allowed the Portuguese in his territories the same rights given to the Hanse in 1363 and in April 1390, following a request from the city of Middelburg, he granted them a new set of privileges.<sup>73</sup> These enabled all merchants from Portugal trading in Zeeland to hold meetings and to elect a president or consul, entitled to judge internal conflicts. The consul could ask the prison guard of Middelburg to imprison fellow-Portuguese in the city and the aldermen to arrest other traders for outstanding debts. Portuguese merchants and shipmasters would be held responsible only for their own debts and crimes and could buy supplies in the city, paying excise taxes as local citizens. They were permitted to wear weapons and armour and to visit Portuguese ships in the port of Arnemuiden both during the day and at night. No tolls had to be paid on commodities traded in Middelburg or when ships had to moor because of a storm, and no new levies would be imposed. As in the Hanseatic and Genoese privileges, goods lost at sea could be claimed back.

Comparing the commercial treaty concluded in Flanders in 1389 to the privileges granted in Zeeland in 1390 makes clear that Albert of Bavaria's concessions guaranteed the Portuguese a far more favourable institutional arrangement than the one offered by Philip the Bold. This would be undone only in December 1411, when Flemish count John the Fearless granted the merchants from Portugal in his territories new privileges, including assurances concerning the responsibilities of ducal officers, hostellers, pilots, weighers and moneychangers, specifications on the loading and navigation of ships and the payment of tolls, and clarifications on the legal procedures in case of debt, theft, material damage and physical harm.<sup>74</sup> Still, comital bailiff accounts suggest that the Portuguese presence in Flanders increased significantly at the end of the fourteenth and the beginning of the fifteenth century. They document the presence of numerous sailors



from Portugal in Sluis, the outport of Bruges, during these years.<sup>75</sup> In Bruges itself, the Portuguese merchants established a community, which, in March 1410 or 1411, obtained its own chapel in the city's Dominican's Church.<sup>76</sup> Meanwhile, the references to Portuguese commercial activity in Middelburg during this period are much more limited.<sup>77</sup> No more privileges were given to traders from Portugal active in Zeeland after 1390 either.<sup>78</sup>

The comparative analysis of the Hanseatic, Genoese and Portuguese privileges in Flanders, Holland and Zeeland has two important implications. The political impact of the Four Members in Flanders was undeniably greater than that of the major cities in Holland and Zeeland. Yet, despite their heavy involvement in the negotiations, they could not provide the German Hanse, one of the most important European trading blocs, with better institutional conditions than those offered to the Hanse by the central government of Albert of Bavaria and the town of Dordrecht. The deals brokered for the Genoese and the Portuguese did not even come close to the far-reaching concessions made to these merchant groups in Holland and Zeeland. It thus seems that the involvement of strong urban governments did not necessarily result in privileges that allowed more favourable institutional arrangements for international trade, even at times of fierce competition from other cities. Even more remarkable is the outcome of the negotiations about trading rights. Although the Hansards were offered similar and the Genoese and the Portuguese markedly better conditions in Holland and Zeeland, they still decided to base themselves in Flanders and to make Bruges the centre of their activities in North-Western Europe. It appears, then, that the institutional agreements as recorded in the surviving privileges were not the most decisive criterion in the choice of markets, thus, other factors should be taken into consideration.

#### 4. Commercial conflict resolution in Flanders, Holland and Zeeland

Whereas commercial privileges set out the general rules of the game, the extent to which those rules were actually respected depended on other institutional factors. Of the utmost importance in this respect was the way in which commercial conflicts were dealt with. Whenever merchants struck a deal, there was a chance that the other party would renege on its obligations. Commodities could be delivered late or damaged or traders could walk away with their partner's goods or money, making the latter's transaction costs go through the roof.<sup>79</sup> For trade to happen smoothly, it was therefore essential that merchants had access to mechanisms that could enforce commercial agreements and sort out commercial conflicts quickly and efficiently. Crucial to this section of the article is the question of whether the mechanisms for conflict resolution that visiting merchants had access to in Flanders provided them with more legal security than those in Holland/Zeeland, or vice versa. The first option traders had when confronted with disputes was to settle them amicably. In this case, merchants would come to a private agreement with the opposing party, if necessary with the help of mediating colleagues. Because of their informal nature, such amicable solutions have left little evidence and it is notoriously hard to study them.<sup>80</sup> Yet exactly because they relied mainly on the international merchant communities and did not require the involvement of external institutions, there are also no reasons to assume that the

availability of these conflict resolution strategies would have differed fundamentally between Flanders, Holland and Zeeland.

Many commercial conflicts could not be settled without the help of a formal, external institution, that is, a court. In the NIE-inspired literature, the availability of a court infrastructure that could sort out commercial disputes adequately is considered one of the most important factors determining the attractiveness of markets to visiting traders.<sup>81</sup> In most places in late medieval Europe, merchants had access to different courts, with the nature of the case determining which option was most appropriate. Where groups of visiting traders from the same town or region were formally organized as foreign merchant guilds or 'nations', local rulers sometimes granted these groups the right to adjudicate the internal commercial conflicts between their members. Disputes were settled by the consul or head of the merchant group or its most senior members, who based their decisions on the law in their places of origin.<sup>82</sup> Registers of consular jurisdiction from the late medieval Low Countries providing insights into the resolution of conflicts within a foreign merchant guild have been preserved only for the Lucchese nation in Bruges.<sup>83</sup> The Lucchese had no formal establishment in Dordrecht or Middelburg, making it impossible to make a sensible comparison. Yet an analysis of the privileges granted to the Hanseatic, Portuguese and Genoese merchants in Flanders, Holland and Zeeland between 1384 and 1433, discussed earlier, reveals remarkable differences as far as the judicial authority of their merchant communities is concerned. The charters given to the Hanseatic traders in Flanders in 1360, in Holland in 1389 and again in Flanders in 1392 all specified that the local Hansard communities were entitled to administer justice over their own members, apart from the cases involving life and limb, which were judged by local urban courts.<sup>84</sup> Going on the theory of the commercial privileges, moving from Dordrecht to Bruges would therefore have made little difference for the Hansards when it came to the resolution of internal commercial conflicts.

The privileges of the Portuguese in Zeeland in 1390 also gave them the right to have conflicts between the members of their community judged by a consul.<sup>85</sup> Yet the safe-conducts and the treaty granted to them by the Flemish count in 1384, 1387 and 1389 never mentioned consular jurisdiction.<sup>86</sup> The privileges which the Portuguese received in Flanders in 1411 allowed them to appoint 'chiefs of the nation' who could 'appease' disagreements, but only between shipping staff.<sup>87</sup> It is only in 1438 that they were granted privileges which stated unambiguously that conflicts between Portuguese merchants were to be settled by elected consuls.<sup>88</sup> Still, as we have seen, this did not prevent the Portuguese from trading through Bruges far more frequently than through Middelburg from the beginning of the fifteenth century. The biggest differences in terms of consular jurisdiction were those between the privileges of the Genoese in Zeeland and Flanders. In 1391, Albert of Bavaria allowed the merchant community of Genoa in Middelburg to sort out all internal conflicts.<sup>89</sup> The treaty received by the Genoese in Bruges in 1395 contained no such clause. The privileges granted to them by the Count of Flanders in 1414 and 1434 stated that Genoese shipmasters had disciplinary authority over their crew, but not that Genoese consuls had legal authority over their merchants.<sup>90</sup> While many other sources refer to the judicial activity of the foreign nations in Bruges throughout the fifteenth century, similar references to the jurisdiction of the Genoese consuls are conspicuous by their absence.<sup>91</sup> Hence, it seems

highly unlikely that the merchants from Genoa were ever entitled to judge their internal conflicts in Flanders. Nevertheless, the Genoese made Bruges, and not Middelburg, the headquarters of their trade in North-Western Europe. All in all, the impact of the right to organize consular jurisdiction on foreign merchant groups' choice of markets thus seems to have been very limited: the Portuguese temporarily gave up the right to judge their own disputes to move to Flanders; the Genoese even did so indefinitely.<sup>92</sup>

Foreign traders did not settle in Flanders, Holland or Zeeland to do most of their business with colleagues from the same town or region: most trade they conducted abroad was done with merchants from other places or with local citizens of the Low Countries. When a deal with one of these partners turned sour, the dispute usually had to be brought before the local urban court of aldermen, who had civil jurisdiction in cases involving material interests. In addition, urban tribunals were often entitled to deal with appeals against the verdicts of the merchant communities' consuls, explored already. In Gelderblom's account, the efficiency and commercial affinity of these urban courts is a crucial factor in the success of commercial markets.<sup>93</sup> In Bruges, registers of the aldermen's jurisdiction in civil cases have been preserved in the City Archives, covering the periods from 1439 to 1441, 1447 to 1460, 1465 to 1470, 1473 to 1475 and from 1487 to 1490. More relevant for our period are the fragments of these registers that are available for 1423, 1424 and 1433–1436. Some of the cartularies or charter collections in the City Archives, including the so-called *Groenenboek A*, also contain copies of civil verdicts by the aldermen.<sup>94</sup> Selected cases heard by the bench of aldermen were published or summarized in Louis Gilliodts-Van Severen's *Cartulaire de l'ancienne estaple* or, specifically for lawsuits involving Portuguese, in Jacques Paviot's 'Les Portugais à Bruges'.<sup>95</sup> Both the fragments of the registers from the 1420s and 1430s and the copies of sentences in the cartularies show that Bruges' urban aldermen already played a very active role in the resolution of commercial conflicts before 1433, dealing with all types of disputes ranging from debts and breaches of contract over shipping problems to insurance conflicts. In 1413, for example, the Portuguese Vasco Lourenço summoned Gillis Dop, a Bruges hosteller, before the aldermen. Lourenço had deposited money with Jan Bonman, Dop's servant, who had subsequently left without settling accounts. Dop was prepared to pay the sum back, but only if local citizen Heinrik Bye and fellow-hosteller Tideman vanden Berghe, who had both agreed to act as guarantors for Bonman, would compensate him. Eventually, the aldermen decided that Dop had to pay Lourenço and should then claim compensation from Bye and vanden Berghe.<sup>96</sup> Dozens of cases like this, both in first instance and in appeal and involving traders from all of the city's foreign merchant communities, have been preserved in the sources mentioned earlier. The Genoese even relied on the aldermen to settle disputes with members of their own merchant communities.<sup>97</sup> At the same time, they did not bring appeals against their consuls before the urban court. Their litigation before the aldermen thus corroborates the earlier point that the Genoese nation in Bruges did not have the authority to judge internal commercial conflicts.

Apart from some sentences of the post-1433 period, published by Unger, the verdicts of the aldermen in civil cases in Middelburg were lost when the city's Communal Archives burnt down during the German invasion in May 1940, while practically nothing has remained of the medieval urban court of Dordrecht.<sup>98</sup> Fortunately,

Middelburg's mayor accounts, part of which have been published in extenso or as fragments by Unger during the 1920s, inform us about the city's mechanisms for commercial conflict resolution.<sup>99</sup> Whenever payments were made for wine consumed during the sessions of the aldermen's court, references to these sessions, including the specification of the parties involved, were recorded in the accounts. Even though it is likely that these references represent only a fraction of the total number of cases dealing with international trade in the city, the accounts suggest that the role of Middelburg's aldermen in the resolution of commercial conflicts was similar to that of the magistrate in Bruges. In June 1413, for example, Middelburg's urban court settled a dispute between English merchants and traders from Cologne, one of the Hanseatic member cities. In December 1415, the aldermen sorted out a conflict between a Genoese and a local citizen. In December 1428, the court dealt with a disagreement between the widow of a man named Vicente Estêvão and some Portuguese merchants.<sup>100</sup> Dozens of further entries in the mayor's accounts refer to commercial disputes involving Middelburg's foreign visitors, including Englishmen, Scotsmen, Frenchmen and Flemings. While it is impossible to know from these entries what types of commercial conflict the court dealt with, the published sentences from the period after 1433 suggest that the nature of the cases brought before the Middelburg aldermen did not differ substantially from those judged by their Bruges colleagues.<sup>101</sup> The Middelburg mayor's accounts do not say explicitly that the aldermen also heard appeals against consular jurisdiction, but there are indications that this was indeed the case. In 1412, for example, the court dealt with a quarrel between two English traders.<sup>102</sup> According to a privilege of 1383, Count Albert of Bavaria had granted the authority to adjudicate such mutual conflicts between Englishmen in first instance to the English governors in Middelburg.<sup>103</sup> It is therefore likely that the 1412 case was an appeal against the verdict of the governors lodged with the aldermen.

It seems, then, that, despite the stronger autonomy of cities in Flanders, urban courts in Bruges and Middelburg were equally competent and active in the resolution of commercial conflicts. Were there substantial differences in terms of the rules they applied? According to Gelderblom, the most successful commercial markets were those that adapted their procedures to the needs of visiting merchants. In the Low Countries, urban courts judged commercial conflicts based on local customary law.<sup>104</sup> Such customs were usually transmitted orally and recorded only very fragmentarily. Still, essential rules concerning commercial jurisdiction can be found in civic ordinances and princely charters.<sup>105</sup> For Bruges, many of these documents were published by Gilliodts-Van Severen in his nineteenth-century *Coutume de la ville de Bruges*. For Middelburg, what remains of the city's customs was published in Unger's multi-volume *Bronnen tot de Geschiedenis van Middelburg in den Landsheerlijken Tijd*.<sup>106</sup> Exemptions from the customs granted to particular merchant groups could also be recorded in these communities' privileges, discussed earlier. A survey of these sources reveals that, if rules on comparable issues were recorded in Flanders and Holland or Zeeland, they differed only marginally. The urban governments of Bruges and Middelburg both issued ordinances, for example, that specified that foreign merchants had to use brokers in their cities, that only local people could be sworn into the brokers' guild and that brokers were not allowed to conduct trade themselves, apart from the business they did for their clients.<sup>107</sup> No exemptions from customary law granted to foreign merchant

groups during the period covered by this article, 1384–1433, were found. Outside this period, only two customary changes were recorded in the source material. In 1467, it was noted in the Bruges cartularies that debtors were no longer allowed to swear that they owed nothing to their creditors before those creditors had had the chance to produce evidence in cases involving Venetian traders. After 1488, when the city was losing out to Antwerp and desperately tried to restore its former glory, a number of procedural concessions were made to foreign merchant groups.<sup>108</sup> If the privileges of the Hanseatic, Genoese and Portuguese merchants in Flanders, Holland and Zeeland contain clauses about procedures in case of debt, theft and damage to goods, they are largely similar. The privileges of the Portuguese in Middelburg in 1390 and in Bruges in 1411 both make clear, for example, that they could be persecuted only for their own crimes and debts, not for those of others.<sup>109</sup> The evidence of judicial practice in Flanders and Zeeland, that is, the preserved court cases presented earlier in this section, shows little evidence of fundamental procedural differences either. Both in Bruges and in Middelburg, we see foreign merchants suing colleagues and sometimes having them arrested. Both parties could plead before the aldermen and bring witnesses if they wished to do so. In Bruges, the aldermen often relied on members of the foreign merchant communities to act as arbitrators in quarrels between their colleagues. The entries in the mayor's accounts of Middelburg are too succinct to say whether this also happened in Zeeland. Yet the surviving verdicts of the post-1433 period show that so-called *keersluiden* or external arbitrators were used in civil cases before the city's aldermen.<sup>110</sup> There are no reasons to assume that this was not the case before 1433 as well.

A point could be made that because of the larger scale of international trade in Bruges, its aldermen had more expertise to deal with sophisticated commercial and financial matters than their colleagues in Middelburg: whereas Middelburg was a busy international port that attracted merchants from England, Scotland, the Hanse, France, Genoa and Portugal during specific periods in the fourteenth and fifteenth centuries, Bruges was one of the most important markets of Europe during the entire later Middle Ages, welcoming traders from virtually every part of the Continent. Many of the aldermen in the Flemish city also belonged to families of hostellers and brokers, who had been involved in these activities themselves for decades.<sup>111</sup> While this may be true, it did not necessarily mean that the solutions provided by the Bruges urban court were considered to be more satisfactory by the foreign merchant communities than those of its counterpart in Middelburg. Sometimes, the commercial involvement of Bruges' aldermen was even perceived as problematic. The correspondence of the Genoese authorities published by Desimoni and Belgrano, for example, shows that they repeatedly complained that the verdicts of the urban court in Bruges were biased and unfair. In 1413, the rulers of Genoa wrote to the aldermen of the Flemish city to say that their decision to make all Genoese in Flanders pay for the damage done to a foreign ship by one Genoese shipmaster was completely disproportionate and to ask them to annul their sentence.<sup>112</sup> Another case that provoked numerous letters from the Genoese magistrate was that of Luca Spinola. This Genoese merchant concluded a partnership with the Florentine Antonio di Francesco and the Venetian Galeazzo Borromei in Bruges in 1427. After they fell out, Spinola lodged a complaint against his former partners before the Bruges urban court. The matter dragged on until 1438, when the aldermen declared

the evidence of the Genoese invalid and ruled in favour of his opponents. Their decision infuriated the Genoese city government, who, in their letters to their Bruges colleagues, denounced 'the systematic preferential treatment of di Francesco and Borromei and the lack of opportunity for Luca Spinola to defend himself' and stated that the Bruges authorities 'considered di Francesco as their own citizen rather than a foreigner'. What may have had to do with their indignation was that di Francesco had commercial ties with two of Bruges' aldermen. Additional letters from Genoa demonstrate that instead of giving in to the Italian pressure, the Bruges urban court decided, in 1442, to temporarily close the headquarters of the Genoese merchant community in the city.<sup>113</sup> Commercial expertise and involvement clearly did not equal equity and impartiality, at least not in the eyes of the Genoese city government.

Flanders, Holland and Zeeland also had regional courts. In Flanders in 1386, Philip the Bold created a Chamber of the Council to take care of the judicial and financial business that his comital council had dealt with before. In 1405, the Chamber's financial and judicial sections were separated and, in 1409, the latter was transformed into the Council of Flanders, the highest regional court in the county. In Holland, the comital council was responsible for regional princely jurisdiction until 1428, when all of the council's judicial activities were handed over to the Court of Holland and Zeeland. In Zeeland, the situation was more complicated, largely as a result of the autonomy of its nobility. The area had a *Hoge Vierschaar*, a tribunal presided over by the counts of Holland and Zeeland but made up of the most important feudal lords. It had jurisdiction in some criminal and civil matters, alongside the Council of the Counts of Holland and Zeeland and, after 1428, the Court of Holland and Zeeland.<sup>114</sup> North believed that princely courts, which had authority over a more extensive area and had more coercive means than urban courts, were very effective in reducing merchants' transaction costs.<sup>115</sup> Gelderblom, by contrast, claimed that the commercial role of regional and central courts in the Low Countries was negligible and they were involved in far fewer trade-related cases than their urban counterparts.<sup>116</sup> Two issues should be raised here. First, it would be a mistake to consider urban and regional courts in the late medieval Low Countries as mere competitors, at least as far as commercial matters were concerned. Commercial conflict resolution in these areas was characterized by high degrees of subsidiarity, with different levels of jurisdiction focusing on different tasks.<sup>117</sup> According to the comital ordinances, the Flemish Chamber of the Council and the Council of Flanders and the Council of the Counts of Holland and Zeeland and the Court of Holland and Zeeland had first instance authority over the so-called reserved cases, matters that directly concerned the interests of the counts and were not dealt with by urban courts. These included all disputes over safe-conducts granted as part of the comital privileges, the activities of comital officers and international treaties and truces that the count was involved in. In addition, these regional courts could hear appeals against lower tribunals, including those of cities.<sup>118</sup>

Second, the records of the Flemish Chamber of the Council and the Council of Flanders and the Council of the Counts of Holland and Zeeland and the Court of Holland and Zeeland have been preserved only fragmentarily and remain understudied for much of the later Middle Ages, the period before the middle of the fifteenth century in particular. For the Flemish Chamber of the Council and the Council of Flanders before the 1450s, we have only the so-called *Acten en Sententiën* and the



*Interlocutoire Sententiën*, both kept at the State Archives in Ghent. The *Acten en Sententiën* provide us with the names of the parties that appeared and notes about the procedural steps they took, but lack any narration or information about the outcome of the trials. The *Interlocutoire Sententiën* do record the decisions taken by the court, but they are missing for quite some years in our period. When costs were incurred during trials, references to cases sometimes also appear in the accounts of the Council.<sup>119</sup> For Holland and Zeeland in the period before 1428 we can rely on the work of van Riemsdijk who, in the 1930s, surveyed a variety of sources left by the Council of the Counts of Holland and Zeeland and published all of its jurisdiction. For the period between 1428 and 1433 we can use the work of de Blécourt and Meijers, who published the *Memorialen* registers of the Court of Holland and Zeeland from these years in 1929. These *Memorialen* document the Court's administrative and judicial activities, providing both the narration and the decision in its lawsuits.<sup>120</sup>

Still, the available sources suggest that in the areas of commercial jurisdiction that they had first instance authority over, the Flemish Chamber of the Council and the Council of Flanders and the Comital Council of Holland and Zeeland and the Court of Holland and Zeeland did play an active part. In 1405, for example, the Flemish Chamber of the Council sorted out a dispute between a Genoese merchant and John of Gistel, the count of Flanders' captain, who had arrested the former's goods.<sup>121</sup> The Council of Flanders' authority over truces agreed by the count probably explains why, in 1419–1420, five English merchants went to this regional court after citizens of the Flemish towns of Ostend and Biervliet had taken some of their fish and shipping equipment at sea: the incident had happened, the Englishmen alleged, during a period of truce between England and Flanders.<sup>122</sup> The Council of the Counts of Holland and Zeeland and later the Court of Holland and Zeeland were equally involved in commercial affairs. In 1412, for example, Herperen van Yselsteyn was sued before the council for having taken goods belonging to merchants from Bremen at sea and having brought them to Enkhuizen.<sup>123</sup> The lawsuits published by van Riemsdijk include just as many cases from Zeeland as from Holland, suggesting that the availability of the *Hoge Vierschaar* in the former area did not prevent the counts' regional judicial institutions from actively dealing with trade-related matters. In 1419, for example, the Comital Council settled a case about a debt between a Scottish trader and a local man resulting from business in Flushing.<sup>124</sup> Between August 1421 and October 1422, it adjudicated a conflict between Jan Wareyn, head of the English merchant community in Middelburg, and 16 other English merchants. Both parties were given a day to produce their evidence. When the 16 merchants failed to show up, they were sentenced to pay 200 nobles plus interest to Wareyn, as well as a 1,000 nobles fine to the Count.<sup>125</sup> The Comital Council took on this case because a privilege granted to the English by the Count of Holland and Zeeland in 1407 entitled the head of their merchant community to call on the aid of comital officers when the community's members did not obey him.<sup>126</sup> Even though appeal and reformation against lower courts, which would have given merchants a chance to remedy verdicts of urban courts deemed unreasonable, were possible before the regional tribunals in Flanders since the middle of the fourteenth century and in Holland and Zeeland since the last quarter of the century, such cases are very hard to find during this period. This may have been due in part to the fragmentary source situation, but it certainly had a lot to do with resistance from below



as well. In Flanders, Bruges refused to acknowledge appeals and reformation against its sentences until the 1430s.<sup>127</sup> In Zeeland, authorities relied on the *ius de non evocando*, the right, granted to many towns, that its inhabitants could be tried only within their own region, to prevent appeals and reformation before the regional court.<sup>128</sup> Once again, the options to resolve commercial conflicts available to visiting merchants north and south of the Scheldt estuary were largely similar.

The same can be said about the most important non-judicial mechanisms to defuse commercial tensions. Both in Flanders and in Holland and Zeeland, matters of general interest and those deemed so sensitive that they could lead to international escalations were usually kept out of court and dealt with through diplomatic channels. This included many piracy cases and anything related to the interpretation of commercial privileges. In Flanders, these matters were discussed in meetings between the Four Members and the count or his councillors. This representative institution did not leave an archive of its own. In the second half of the twentieth and the early twenty-first centuries, however, the activities of the Four Members were partly reconstructed based on other archival material, above all on the expenses made by those participating in the meetings recorded in comital and urban accounts. These references, which are often succinct and may not cover all of the Members' business, were published in the multi-volume *Handelingen van de Leden en van de Staten van Vlaanderen*.<sup>129</sup> An exploration of this evidence makes clear that the Four Members often invited representatives of the visiting merchant communities and foreign authorities or other interested parties to come to a mutually acceptable solution.<sup>130</sup> In February 1414, for example, the Members, the son of the Count of Flanders and a delegation of the German Hanse met in Ghent after the Hansards had asked that a local citizen be punished for injuring one of their merchants.<sup>131</sup> In Holland and Zeeland, the most important cities and the count held *dagvaarten* or meetings where important issues were discussed. Separate archives of these meetings have not been preserved either. Yet, a Dutch research project similar to that working on the Four Members brought together and published all references to the *dagvaarten* recorded in the source material left by the comital administration and the participating cities.<sup>132</sup> An analysis of these publications demonstrates that commercial disputes were often discussed at these meetings. In August and September 1408, for example, Count Albert of Bavaria asked the cities of Dordrecht, Haarlem, Gouda, Delft, Brielle and Leiden to send representatives to The Hague to sort out the case of a Scottish hulk captured by seamen from Dordrecht.<sup>133</sup> Certainly before the establishment of the *Staten*, the formal representation of the various estates, in Holland in 1428, these meetings may have been less frequent than those of the Four Members of Flanders. Yet the mayor's accounts of Middelburg published by Unger suggest that in addition to the *dagvaarten*, cities in Holland and Zeeland often liaised with the count over cases involving international merchants in more informal ways as well, either in person or through correspondence. In October 1409, a delegation from Middelburg spoke with members of the comital council in The Hague about a Genoese request to obtain a safe-conduct. In December 1412, the aldermen of Middelburg came together to respond to a letter from the Count about the Genoese.<sup>134</sup>

One could argue that, because of their stronger political position, the cities of Flanders had more impact in international negotiations than their counterparts in Holland and Zeeland. Yet their authority in matters of international trade was limited

too: treaties or changes to commercial privileges, for example, could be agreed only by the Count.<sup>135</sup> Could they have drawn on their political and fiscal weight to lobby more effectively with the prince? The comparison of Hanseatic, Genoese and Portuguese privileges earlier showed that the involvement of the Four Members did not necessarily result in a more favourable situation for the foreign merchant communities: in 1392 it was Bruges, Ghent and Ypres, rather than the Count, who refused to grant the Hanse more extensive privileges. The evidence of diplomatic activity concerning commercial conflicts in Flanders and Holland and Zeeland published in the *Handelingen* and the *Bronnen voor de dagvaarten* does not support an overly simplistic binary between commercially beneficiary urban authorities and a predatory prince either. In the Luca Spinola case in Bruges, discussed already, the Genoese correspondence shows that the authorities in Genoa repeatedly asked the Four Members to intervene.<sup>136</sup> An analysis of the *Handelingen* suggests that the cities never even put the matter on their agenda.<sup>137</sup> In Holland, a dispute about the non-payment of a delivery of wool by the Englishman John Waghen dragged on for several years at the beginning of the fifteenth century. When, in 1414, Count William VI wanted to bring the case to a close by making one of the debtors, Pelgrim Florenszoon from Leiden, pay, it was Florenszoon's city government that made a solution impossible by claiming that legal action against its citizen would constitute an infringement on its privileges.<sup>138</sup> In both Flanders and Holland and Zeeland, urban authorities as well as central governments had to factor in a multitude of interests when making policy decisions, only part of which were of a commercial nature. If foreign merchants chose Bruges over Middelburg or Dordrecht hoping that the diplomatic weight of the Flemish cities would result in a more favourable regime, they may therefore have encountered some unpleasant surprises.

## 5. Concluding remarks

In 1433, Holland and Zeeland, together with the county of Hainault, were incorporated into the territories of the House of Burgundy, the dynasty that had also ruled over Flanders since 1384, entangling the further trajectories of the two areas even more closely than had been the case in previous centuries. Between 1429 and 1451, the Burgundians also added Namur, Brabant, Limburg, Luxemburg and the lands of Overmaas to their dominions.<sup>139</sup> The fact that visiting merchants were now dependent on the same prince to obtain commercial privileges anywhere in the Low Countries significantly reduced their possibilities to play off one principality against another. Several authors have therefore argued that it is no coincidence that the number of Hanseatic embargoes, whereby the Hanse withdrew its business from a region to force its ruler into making concessions, dropped dramatically after 1433. To put pressure on the Burgundian government, the Hansards now almost had to abandon the Low Countries altogether. In 1456, even Utrecht, whereto the Hanse had relocated in 1451, came to be ruled by a bastard member of the Burgundian house.<sup>140</sup> The Burgundian government also embarked on a policy of institutional integration, organizing most regional institutions in its territories along similar lines and creating new central institutions that had authority over all of the Low Countries. The jewel in this institutional crown was the Great Council, a supreme court that developed out of the central advisory council, formally installed in 1446. Dealing with the so-called reserved cases, hearing appeals and

reformation against lower tribunals, including the Council of Flanders and the Court of Holland and Zeeland, and having the power to withdraw cases from other courts in the Burgundian dominions (known as evocation), the Great Council also played a role in matters of international trade.<sup>141</sup> As a result, the gains to be made in terms of commercial conflict resolution by switching from one principality to another were restricted. All in all, the impact of institutional factors on the choice of markets within the Low Countries was greatly reduced after 1433.

This brings us back to our central question: to what extent did institutional factors matter before 1433? This article has shown that, despite the stronger position of city governments in Flanders, the mechanisms and procedures for commercial conflict resolution offered to three important groups of foreign merchants in Bruges between 1384 and 1433 were not markedly different from those available to the same groups of traders in Middelburg and Dordrecht. The institutional conditions set out in the commercial privileges granted to these merchant communities were, in many respects, worse in Flanders than in Holland and Zeeland. Still, each of these merchant groups established Bruges as the main permanent hub of its international trade in North-Western Europe, rather than Middelburg or Dordrecht. This is certainly not to argue that institutional factors had no significant impact on traders' transaction costs and, therefore, their choice of markets. The time and means invested in the negotiations about commercial privileges with central and urban authorities alone demonstrate that foreign merchants were concerned about the institutional climate in which they were to conduct their business. Yet the fact that three of the most important foreign trading groups preferred a less favourable institutional deal in Bruges suggests that we should reconsider the absolute primacy of institutional regimes assumed in the historiography of international trade of the last three decades.

If institutional factors were not the deal-breaker in foreign merchants' choice of markets in the late medieval Low Countries, then what factors were? Political and military developments certainly played a role: it could be said that the hostilities of the Hundred Years' War drove both the Genoese, whose collaborations with the belligerent French were problematic for the Flemish cities, and the Portuguese, whose alliance with the English enemy was hard to swallow for Count Philip the Bold, away from Flanders. Yet these political and military problems cannot explain why these foreign merchant communities subsequently chose to return to Flanders in spite of a better institutional deal in Holland and Zeeland. The *Hanserecesse*, the reports of the regular meetings of the *Diet* or council of the Hanseatic member towns published by the *Hansischer Geschichtsverein* in the nineteenth century, provide some insights into this issue for at least one of the three merchant groups studied in this article. While they do not give an explicit reason for the Hanseatic return to Bruges in 1392, they shed light on some considerations that inspired the Hansards' decision. What becomes clear when reading the *Hanserecesse* is that the May 1388 ordinance banning all trade with Flemings or in goods that had travelled through Flanders was constantly disregarded. Repeatedly, the *Diet* discussed reports that Hanseatic ships continued to sail into the Zwin and had to take measures against those who kept trading in the county. Citizens of Wismar had to promise before their city government that they would not travel to Flanders, Flemish goods traded by Hansards were arrested in Torún and Gdansk and the magistrate of Kampen, who argued not to know about the ordinance,

had to be urged to punish citizens who had brought commodities from Prussia to Bruges. Even in September 1392, when the agreement to return to Bruges was about to be concluded, actions against those who kept buying and selling in the Zwin were necessary.<sup>142</sup>

The widespread disregard for the May 1388 ordinance suggests that the merchants of the Hanse found it problematic to miss out on Bruges' trading and networking potential, highlighted by Murray. Even though we do not have sources similar to the *Hanserecesse* to confirm this, this must also have been challenging for the Genoese and the Portuguese. Compared to Bruges, where, as one contemporary put it, 'all nations of the world come together', the Hanseatic, Genoese and Portuguese merchants encountered only English, Scottish and French colleagues in Middelburg and Dordrecht, in addition to local Holland and Zeeland traders.<sup>143</sup> The establishment of the English wool staple in Middelburg in 1383 must have made the city significantly more appealing to foreign merchants, but it was removed in December 1388, just over two years after the Portuguese, seven months after the Hanseatic and two months after the Genoese arrival. The decentralized market system in the northern Low Countries, discussed earlier, aggravated this problem: the few merchant groups that were persuaded by Albert of Bavaria to relocate to his territories during this period were split between Dordrecht and Middelburg, rather than concentrated in one central market. Leaving Bruges for Holland and Zeeland meant, therefore, compromising on trading and networking opportunities. During their presence in Dordrecht, the Hanseatic representatives had to take repeated measures to ensure the supply of essential Italian goods, which were traded via Bruges.<sup>144</sup> The fact that the commodities arrested for having been bought against the May 1388 ordinance frequently included Flemish cloth also indicates that the restricted access to the Flemish domestic market was experienced as a problem.<sup>145</sup> The *Hanserecesse* demonstrate that, throughout the period under consideration, these opportunity costs were a reason for individual Hansards to break ranks and disobey their city governments. For the Hanseatic *Diet*, as for the Genoese and the Portuguese authorities, they must have been an important reason to consider a return to Bruges, even if the institutional conditions there were less attractive than in Holland and Zeeland.

Path-dependency and the establishment of Bruges as a market with outstanding human capital may also explain why it took until the end of the fifteenth century for the city to be overtaken by other international markets. Throughout the late medieval period, Bruges struggled with the navigability of its waterways, the decline of the Flemish cloth industry and, as shown in this article, with other markets offering better institutional conditions. At times, Bruges was struck by devastating political revolts. As long as the majority of the foreign merchant communities decided to stay in the city, however, these developments had only limited effect. It was only when Maximilian of Austria forced *all* merchants to leave Bruges for Antwerp to punish the rebellious city in the 1480s that it definitively lost its role as the leading centre of international trade in North-Western Europe. Remarkably, Bruges responded to this development by embarking on an institutional charm offensive, trying to lure back the visiting merchant communities with trading rights that were more far-reaching than anything the city had offered before. The result was disappointing: only some groups of traders returned, and those who did left again for Antwerp in subsequent years.<sup>146</sup> With the

majority of foreign traders moved across the Scheldt, Bruges had lost the advantage in terms of networking potential that had given it an edge over other markets in the Low Countries for almost 200 years. The parallel with Albert of Bavaria's attempts to bring foreign merchants to Dordrecht and Middelburg a century earlier is striking. While the Count of Holland and Zeeland in the late fourteenth century and the Bruges city magistrate in the late fifteenth century (as well as NIE scholars in their wake) may have believed that offering appealing institutions could make a difference to attract foreign merchants, these were, in the end, not decisive.

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## Notes

- 1 Douglass C. North, *Institutions, institutional change and economic performance* (Cambridge, 1990).
- 2 See, for example, Jessica Goldberg, *Trade and institutions in the medieval Mediterranean: the Geniza merchants and their business world* (Cambridge, 2012) or Ulf Christian Ewert and Stephan Selzer, *Institutions of Hanseatic trade: studies on the political economy of a medieval network organisation* (Frankfurt am Main, 2016).
- 3 Douglass C. North, *Structure and change in economic history* (New York, 1981).
- 4 Oscar Gelderblom, *Cities of commerce: the institutional foundations of international trade in the Low Countries, 1250–1650* (Princeton, NJ, 2013), 2–3.
- 5 Jan Dumolyn, 'Population et structures professionnelles à Bruges aux XIVe et XVe siècles', *Revue du Nord* 329 (1999), 43–64; Walter Prevenier, 'La démographie des villes du comté de Flandre au XIIIe et XVe siècles: état de la question. Essai d'interprétation', *Revue du Nord* 257 (1983), 255–75, 255–60; Henri Pirenne, 'Les dénombrements de la population d'Ypres au XVe siècle', in Octaaf Mus ed., *Prisma van de geschiedenis van Ieper* (Tielt, 1974), 359–90.
- 6 For the main economic developments in Flanders, Holland and Zeeland, see Bas van Bavel, *Manors and markets: economy and society in the Low Countries, 500–1600* (Oxford, 2012).
- 7 Wim Blockmans, *Metropolen aan de Noordzee: de geschiedenis van Nederland 1100–1560* (Amsterdam, 2010), 283; Piet Lourens and Jan Lucassen, *Inwonertallen van Nederlandse steden ca. 1300–1800* (Amsterdam, 1997); Arie van Steensel, 'Bewoning en sociale structuren', in Paul Brusse and Peter Henderikx eds., *Geschiedenis van Zeeland: deel I, Prehistorie tot 1550* (Middelburg, 2012), 211–25, 216.
- 8 Jan Dhondt, 'Het ontstaan van het vorstendom Vlaanderen', *Belgisch tijdschrift voor filologie en geschiedenis* 21 (1942), 533–72; Antheun Janse, 'Een in zichzelf verdeeld rijk. politiek en bestuur van de tiende tot het begin van de vijftiende eeuw', in Thimo de Nijs and Eelco Beukers eds., *Geschiedenis van Holland 1* (Hilversum, 2002), 70–4.
- 9 Peter Henderikx, 'Politieke geschiedenis, bestuurlijke instellingen', in Brusse and Henderikx eds., *Geschiedenis van Zeeland: deel I*, 108–9; Louis Sicking, 'Politieke geschiedenis, gewestelijke en bovengewestelijke bestuursinstellingen', in Brusse and Henderikx eds., *Geschiedenis van Zeeland: deel I*, 227.
- 10 Peter Henderikx, 'Economische geschiedenis', in Brusse and Henderikx eds., *Geschiedenis van Zeeland: deel I*, 138–40, 144–5.
- 11 Sicking, 'Politieke geschiedenis, gewestelijke en bovengewestelijke bestuursinstellingen', 227–8.
- 12 It is difficult, however, to compare the fiscal weight of the main cities in Flanders, Holland and Zeeland during this period. Between 1386 and 1397, Ghent, Bruges and Ypres provided between 37 and 47 per cent

of the *beden* or *aides*, the extraordinary taxes which the Flemish population was supposed to pay into the Flemish comital treasury. Walter Prevenier, 'De beden in het graafschap Vlaanderen onder Filips de Stoute (1384–1404)', *Revue belge de Philologie et d'Histoire* 38, 2 (1960), 330–65, 361. The five main cities of Holland paid between 9 and 42 per cent of the *beden* in the county of Holland between 1389 and 1433. Yvonne Bos-Rops, *Graven op zoek naar geld: de inkomsten van de graven van Holland en Zeeland, 1389–1433* (Hilversum, 1993), 243.

13 Wim Blockmans, *De volksvertegenwoordiging in Vlaanderen in de overgang van middeleeuwen naar nieuwe tijden (1384–1506)* (Brussels, 1978).

14 Jan Dumolyn and Jelle Haemers, 'Patterns of urban rebellion in medieval Flanders', *Journal of Medieval History* 31 (2005), 369–93.

15 Henderikx, 'Politieke geschiedenis', 116.

16 Janse, 'Een in zichzelf verdeeld rijk', 79; Robert Stein, *De hertog en zijn Staten* (Hilversum, 2014), 161.

17 For comparative studies of institutional arrangements in different places at the same time outside the Low Countries, see Flávio Miranda, 'Conflict management in Western Europe: the case of the Portuguese merchants in England, Flanders and Normandy, 1250–1500', in Flávio Miranda and Justyna Wubs-Mrozewicz eds., Special Issue 'Merchants and commercial conflicts in Europe, 1250–1600', *Continuity and Change* 32, 1 (2017), 11–36 and Víctor Olcina Pita, 'Commercial litigation across religious borders: rendering justice for Valencian merchants in fifteenth-century North Africa and Granada', in Louis Sicking ed., Special Issue 'Maritime conflict management, diplomacy and international law 1100–1800', *Comparative Legal History* 5, 1 (2017), 88–106.

18 Gelderblom, *Cities of commerce*. For a critique of Gelderblom's book, see Jan Dumolyn and Bart Lambert, 'Cities of commerce, cities of constraints: international trade, government institutions and the law of commerce in later medieval Bruges and the Burgundian state', *Low Countries Journal of Social and Economic History/TSEG* 11, 4 (2014), 107–23.

19 Philippe Dollinger, *La Hanse (XIIe–XVIIe siècles)* (Paris, 1964), 100–2; Angelo Nicolini, 'Commercio marittimo genovese nei Paesi Bassi Meridionali nel Medioevo', *Atti della Società Ligure di Storia Patria nuova serie* 47, 2 (2007), 88–9; Jacques Paviot, *Portugal et Bourgogne au XVe siècle* (Lisbon, 1995), 21–36.

20 For an overview of the political history of the late medieval Low Countries in the Burgundian period, see Wim Blockmans and Walter Prevenier, *The promised lands: the Low Countries under Burgundian rule, 1369–1530* (Philadelphia, 1999).

21 Gelderblom, *Cities of commerce*, 140.

22 See, for example, James Murray, *Bruges, cradle of capitalism, 1280–1390* (Cambridge, 2005), 22–8.

23 Job Weststrate, *In het kielzog van moderne markten: handel en scheepvaart op de Rijn, Waal en IJssel, ca. 1360–1560* (Hilversum, 2008), 27.

24 For everything on Middelburg and Arnemuiden in this paragraph, see Louis Sicking and Arno Neele, '"The goodlyest haven not of the Lowe Countries only but of all Christendome": the Scheldt estuary as a gateway system 1300–1600', in Wim Blockmans, Mikhail Krom and Justyna Wubs-Mrozewicz eds., *The Routledge handbook of maritime trade around Europe 1300–1600: commercial networks and urban autonomy* (London, 2017), 366–82, 370–1.

25 For everything on the navigability of the waterways in Bruges and the Zwin in this paragraph, see Brecht Dewilde, Jan Dumolyn, Bart Lambert and Bram Vannieuwenhuyze, '"So one would notice the good navigability": economic decline and the cartographic conception of urban space in late fifteenth-century and sixteenth-century Bruges', *Urban History* 45, 1 (2018), 2–25, 2–5.

26 An entry in the Bruges city accounts of 1413–1414 states that the navigability problems of the Zwin had forced foreign merchants to have their goods between Bruges and Sluis transported by cart, resulting in additional freight costs and damage to the commodities. 'This', the accounts claim, 'was very costly and detrimental to them', making them go elsewhere. Louis Gilliodts-Van Severen ed., *Inventaire des archives de la ville de Bruges: section 1: inventaire des chartes, tome quatrième* (Bruges, 1876), 210. Passing these costs on to the buyers was not an option in a highly competitive market, as this could result in loss of custom.

27 These navigability problems would have made both Bruges and Middelburg less competitive compared to Antwerp, whose maritime accessibility improved after storm surges deepened the course of the Honte, the western branch of the river Scheldt, in the late fourteenth and early fifteenth centuries. Gustaaf Asaert, *De Antwerpse scheepvaart in de 15e eeuw (1394–1480): bijdrage tot de economische geschiedenis van de Stad Antwerpen* (Brussels, 1973), 114–18.

28 Peter Stabel, *Dwarfs among giants: the Flemish urban landscape in the late Middle Ages* (Leuven, 1997).



- 29 Bart Lambert, 'Merchants on the margins: fifteenth-century Bruges and the informal market', *Journal of Medieval History* 42, 2 (2016), 226–53.
- 30 Roel de Neve en Alex van Heezik, 'Verbonden door het water', in Eelco Beukers ed., *Hollanders en het water – twintig eeuwen strijd en profijt: deel 1* (Hilversum 2007), 169–273.
- 31 Louis Sicking, *Neptune and the Netherlands: state, economy and war at sea in the Renaissance* (Leiden, 2004), 45–57.
- 32 For the specialization of ports in the transport of specific commodities or on particular routes, see Werner Scheltjens, *Dutch deltas: emergence, functions and structure of the Low Countries' maritime transport system, ca. 1300–1850* (Leiden, 2015), 39.
- 33 Jan Van Houtte, 'Bruges et Anvers, marchés nationaux ou internationaux du XIVE au XVIe siècle?', *Revue du Nord* 34 (1952), 89–108; Raymond van Uytven, 'La Flandre et le Brabant, "terres de promission" sous les ducs de Bourgogne?', in Raymond van Uytven, *Production and consumption in the Low Countries, 13th–16th centuries* (Aldershot, 2001), 281–317.
- 34 Blockmans and Prevenier, *The promised lands*, 152–3.
- 35 The Counts of Flanders of the House of Burgundy-Valois are often considered to be pioneers in the use of pomp and circumstance for political purposes. See Peter Arnade, *Realms of ritual: Burgundian ceremony and civic life in late medieval Ghent* (Ithaca, NY, 1996).
- 36 Dollinger, *La Hanse*, 307–8. See also Simone Abraham-Thisse, 'Le commerce de draps à Bruges', in André Vandewalle ed., *Les marchands de la Hanse et la banque des Médicis: Bruges, marché d'échanges culturels en Europe* (Bruges, 2002), 65–71.
- 37 For the developments in the cloth industry discussed in this paragraph, see John H. Munro, 'Medieval woollens: the western European woollen industries and their struggles for international markets, c. 1000–1500', in David Jenkins ed., *The Cambridge history of Western textiles*, vol. 1 (Cambridge, 2003), 228–324.
- 38 Raymond van Uytven, 'Splendour or wealth: art and economy in the Burgundian Netherlands', in Raymond Van Uytven, *Production and consumption*, 101–24.
- 39 Wilfried Brulez, 'Bruges and Antwerp in the 15th and 16th centuries: an antithesis?', *Acta Historiae Neerlandicae* 6 (1973), 1–26; most recently Jan Dumolyn, Bart Lambert, James M. Murray, Jeroen Puttevils, Peter Stabel and Guy Dupont, 'Production, markets and socio-economic relations II: c. 1320–c. 1500', in Jan Dumolyn and Andrew Brown eds., *Medieval Bruges c. 850–1550* (Cambridge, 2018), 210–18. For a medieval perspective, see Francesco Balducci Pegolotti's description of Bruges as 'the place where most residing merchants live to trade and do barter', in Allan Evans ed., *Francesco Balducci Pegolotti: la pratica della mercatura* (Cambridge, MA, 1936), 236.
- 40 James M. Murray, 'Of nodes and networks: Bruges and the infrastructure of trade in fourteenth-century Europe', in Peter Stabel, Bruno Blondé and Anke Greve eds., *International trade in the Low Countries (14th–16th centuries): merchants, organisation, infrastructure* (Leuven, 2000), 1–14. The reference to the moneychanger is on page 7.
- 41 Adriaan Verhulst, 'Keulse handelaars in het Zwin tijdens de twaalfde eeuw en de vroegste ontwikkeling van de Vlaamse zeehavens', *Bijdragen tot de geschiedenis* 81 (1998), 351–8.
- 42 John H. Munro, 'The "New Institutional Economics" and the changing fortunes of fairs in medieval and early modern Europe: the textile trades, warfare, and transaction costs', in Simonetta Cavaciocchi ed., *Fiere e mercatie nella integrazione delle economie europee secc. XIII–XVIII* (Florence, 2000), 405–51.
- 43 Nellie Kerling, *Commercial relations of Holland and Zeeland with England from the late thirteenth century to the close of the Middle Ages* (Leiden, 1954), 30–1; F. Miller, 'The Middleburgh staple, 1383–88', *Cambridge Historical Journal* 2, 1 (1926), 63–5.
- 44 James L. Bolton and Francesco Guidi-Bruscoli, 'When did Antwerp replace Bruges as the commercial and financial centre of north-western Europe? The evidence of the Borromei Ledger for 1438', *Economic History Review* 61, 2 (2008), 360–79.
- 45 Joseph Maréchal, 'Le départ de Bruges des marchands étrangers (XVe et XVIe siècle)', *Handelingen van het Genootschap voor Geschiedenis* 88 (1951), 26–74.
- 46 Niels Fieremans, 'Law, leverage, and litigation: the legal strategies of foreign merchants before the courts of late medieval Bruges' (unpublished PhD thesis, Ghent University, 2023), 152–71.
- 47 The most important source publications used for the discussion of privileges in this article are, for Flanders, Andrée Van Nieuwenhuysen and John Bartier eds., *Ordonnances de Philippe le Hardi et de Marguerite de Male du 17 janvier 1394 au 25 février 1405 vol. II* (Brussels, 1974); Jean-Marie Cauchies ed.,



*Ordonnances de Jean sans Peur, 1405–1419* (Brussels, 2001); for Holland and Zeeland, Frans van Mieris ed., *Groot charterboek der graaven van Holland, van Zeeland en heeren van Vriesland*, vol. 3–4 (Leiden, 1755–1756); H. J. Smit ed., *Bronnen tot de geschiedenis van den handel met Engeland, Schotland en Ierland 1150–1585*, vol. 1, 1150–1485: eerste stuk, 1150–1435 (The Hague, 1928); Jan Frederik Niermeijer ed., *Bronnen voor de economische geschiedenis van het Beneden-Maasgebied*, vol. 1, 1104–1399 (The Hague, 1917); for Bruges, Louis Gilliodts-Van Severen ed., *Inventaire des archives de la Ville de Bruges – section 1: inventaire des chartes, tome troisième* (Bruges, 1875); for the Hanse, Konstantin Höhlbaum and Karl Kunze eds., *Hansisches Urkundenbuch III–V* (Halle, 1882–1899); for Portugal, Paviot, *Portugal et Bourgogne*. An example of privileges that got lost is that of the Genoese around the middle of the fourteenth century. Later references suggest that they had received commercial privileges from the Flemish count Louis of Male in 1358, but this text has not been preserved.

48 For a comparison of the privileges of different merchant communities in late medieval Bruges, see Fieremans, ‘Law, leverage, and litigation’, 172–330.

49 For the Hanseatic League, see Dollinger, *La Hanse*, 264–78. For the Genoese, see Bart Lambert, ‘De Genuese aanwezigheid in laatmiddeleeuws Brugge (1435–1495): een laboratorium voor de studie van instellingen en hun rol in de economische geschiedenis’ (unpublished PhD thesis, Ghent University, 2011), 112–29.

50 Flávio Miranda, ‘Portugal and the medieval Atlantic: commercial diplomacy, merchants and trade, 1143–1488’ (unpublished D. Phil. thesis, Universidade do Porto, 2012).

51 Fieremans, ‘Law, leverage, and litigation’, 172–330.

52 Jozef H. A. Beuken, *De Hanze en Vlaanderen* (Maastricht, 1950), 73–6; Dieter Seifert, *Kompagnons und Konkurrenten: Holland und die Hanse im späten Mittelalter* (Cologne, 1997), 115–16.

53 Albert acted as regent for his father, Count William V, until 1389.

54 Karl Koppmann ed., *Hanserecesse Abt. 1. Band II. 1370–1387* (Leipzig, 1872), 378 (which refers to negotiations in both Holland and Flanders); Karl Koppmann ed., *Hanserecesse Abt. 1. Band III. 1387–1390* (Leipzig, 1875), 170–1; Walter Prevenier and Hans Smit eds., *Bronnen voor de geschiedenis der dagvaarten van de Staten en steden van Holland voor 1544*, vol I: 1276–1433 tweede stuk: Teksten (The Hague, 1987), 311. The privileges of May 1389 were granted ‘at the request of our city of Dordrecht’. Kunze, *Hansisches Urkundenbuch IV*, 414.

55 Koppmann, *Hanserecesse Abt. 1. Band III. 1387–1390*, 387–9.

56 For the privileges in Holland, see Kunze, *Hansisches Urkundenbuch IV*, 414–23. For Flanders in 1360, see Höhlbaum, *Hansisches Urkundenbuch III*, 250–67.

57 Walter Prevenier ed., *Handelingen van de Leden en van de Staten van Vlaanderen (1384–1405): excerpten uit de rekeningen der steden, kasselrijen en vorstelijke ambtenaren* (Brussels, 1959), 372–81.

58 Beuken, *De Hanze en Vlaanderen*, 85–7.

59 Kunze, *Hansisches Urkundenbuch V*, 8–17.

60 Gilliodts-Van Severen, *Inventaire*, 247–8.

61 Seifert, *Kompagnons und Konkurrenten*, 166–7.

62 Beuken, *De Hanze en Vlaanderen*, 87–9.

63 Giovanna Petti Balbi, *Mercanti e nationes nelle Fiandre: i genovesi in età bassomedievale* (Pisa, 1996), 23–4.

64 Van Mieris, *Groot charterboek*, vol. 3, 507.

65 Niermeijer, *Bronnen voor de economische geschiedenis*, 352–3, n. 645.

66 Van Nieuwenhuysen and Bartier, *Ordonnances de Philippe le Hardi et de Marguerite de Male*, n. 724.

67 Cauchies, *Ordonnances de Jean sans Peur*, 319–24, n. 208.

68 J. Braekevelt, ‘Entre profit et dommage: présence et privilèges de la nation génoise à Bruges sous les ducs de Bourgogne (1384–1477)’, *Publications du Centre européen d’études bourguignonnes (XIVe–XVe s.)* 49 (2009), 117–29.

69 Valentin Vermeersch ed., *De Genuese loge: van natiehuis tot bankinstelling* (Bruges, 1983).

70 Gilliodts-Van Severen, *Inventaire*, 91–2; J. De Jonghe ed., *Cronijcke van den lande ende graefscpe van Vlaenderen, gemaect door jor Nicolaes Despars*, vol. 3 (Bruges, 1840), 431–2.

71 Flávio Miranda, ‘Commerce, conflits et justice: les marchands portugais en Flandre à la fin du Moyen Âge’, *Annales de Bretagne et des Pays de l’Ouest* 117, 1 (2010), 193–208, 194.

72 Paviot, *Portugal et Bourgogne*, 55–7, 133–46.

73 For the 1388 grant, see van Mieris, *Groot charterboek*, vol. 3, 507; for the 1390 privileges, see van Mieris, *Groot charterboek*, vol. 3, 555.

- 74 Louis Gilliodts-Van Severen ed., *Cartulaire de l'ancienne estaple de Bruges: recueil de documents concernant le commerce intérieur et maritime, les relations internationales et l'histoire économique de cette ville*, vol. 1 (Bruges, 1904), 482–91.
- 75 Paviot, *Portugal et Bourgogne*, 485–93.
- 76 Anselmo Braamcamp Freire, 'Maria Brandoa, a do Crisfal', *Arquivo Historico Portuguez* 6 (1908), 293–444, 417.
- 77 Some are given in Charles Verlinden, 'Deux aspects de l'expansion commerciale du Portugal au moyen âge: Harfleur au XIV<sup>e</sup> siècle, Middelbourg au XIV<sup>e</sup> et au XV<sup>e</sup>', *Revista Portuguesa de História* 4 (1949), 177–207, 205–6. Verlinden's suggestion that the Portuguese still had a community in Zeeland in 1406 is based on a debatable interpretation of a reference to 'John Pynel, merchant of Lisbon, ... crossing towards the town of Middelburg and his fellows'. Pynel was probably not a Portuguese but a member of the Genoese Pinelli family, who had a commercial base in Lisbon. Luisa D'Arienzo, 'Mercanti italiani fra Siviglia e Lisbona nel Quattrocento', in Alberto Boscolo and Bibiano Torres eds., *La presenza italiana in Andalusia nel Basso Medioevo: atto del secondo convegno. Roma, 25–27 maggio 1984* (Bologna, 1986), 35–49. The reference to 'his fellows' does not necessarily imply the existence of a community either.
- 78 They did receive two general safe-conducts in 1410 and 1412. Van Mieris, *Groot charterboek*, vol. 4, 148; Smit, *Bronnen tot de geschiedenis van den handel*, 899.
- 79 Avner Greif, 'The fundamental problem of exchange: a research agenda in historical institutional analysis', *European Review of Economic History* 4, 3 (2000), 251–84.
- 80 Oscar Gelderblom, 'The resolution of commercial conflicts in Bruges, Antwerp, and Amsterdam, 1250–1650', in Debin Ma and Jan Luiten van Zanden eds., *Law and long-term economic change: a Eurasian perspective* (Stanford, 2011), 244–76, 246–9.
- 81 Gelderblom, *Cities of commerce*, 139–40; North, *Structure and change*, 24.
- 82 Gelderblom, *Cities of commerce*, 109–14.
- 83 Eugenio Lazzareschi ed., *Libro della comunità dei mercanti Lucchesi in Bruges* (Milan, 1947).
- 84 Kunze, *Hansisches Urkundenbuch* III, 256–7; Kunze, *Hansisches Urkundenbuch* IV, 418. This clause was not mentioned explicitly in 1392, but the 1392 grant confirmed the privileges given to the Hanse in 1360, including the right to judge internal conflicts. Kunze, *Hansisches Urkundenbuch* V, 16–17.
- 85 Van Mieris, *Groot charterboek*, vol. 3, n. 555.
- 86 Paviot, *Portugal et Bourgogne*, 55–7, 133–46.
- 87 Gilliodts-Van Severen, *Cartulaire de l'ancienne estaple*, vol. 1, 484.
- 88 Gilliodts-Van Severen, *Cartulaire de l'ancienne estaple*, vol. 1, 615.
- 89 This clause was not mentioned explicitly, but the Genoese were granted the same privileges as the Hanse in 1389, including the right to judge these conflicts. Niermeijer, *Bronnen voor de economische geschiedenis*, 352–3, n. 645.
- 90 Bartier, *Ordonnances de Philippe le Hardi*, vol. 2, n. 724; Cauchies, *Ordonnances de Jean sans Peur*, 319–24, n. 208.
- 91 See the appeals against the decisions of the consuls lodged with the urban courts in Bruges discussed in the next section.
- 92 Compare for the later period with Miranda, 'Commerce, conflits et justice', 202.
- 93 Gelderblom, *Cities of commerce*, 140.
- 94 Fieremans, 'Law, leverage, and litigation', 37–40, 52–71.
- 95 Gilliodts-Van Severen, *Cartulaire de l'ancienne estaple*, vol. 1; Jacques Paviot, 'Les Portugais à Bruges au XV<sup>e</sup> siècle', *Arquivos do Centro Cultural Calouste Gulbenkian* 38 (1999), 1–122.
- 96 City Archives of Bruges (hereafter CAB), Groenenboek A, fo. 26v–27r.
- 97 See, for example, CAB, Civiele Sententiën, Register 1447–1453, fo. 4v; Register 1453–1460, fo. 103r–v, 128r–v, 250r, 270v.
- 98 The verdicts of the post-1433 period are published in Willem S. Unger ed., *Bronnen tot de geschiedenis van Middelburg in den landsheerlijken tijd*, vol. 1 (The Hague, 1923), 307–16; for Dordrecht, J. L. van Dalen et al., *Inventaris van het archief der gemeente Dordrecht. Stadsarchieven: de grafelijke tijd*, vol. 1, 1200–1572 (Dordrecht, 1909).
- 99 Willem S. Unger ed., *Bronnen tot de geschiedenis van Middelburg in den landsheerlijken tijd*, vol. 2 (The Hague, 1926), 109–294.
- 100 Unger, *Bronnen tot de geschiedenis*, vol. 2, 271, 276, 300.

- 101** The cases from the post-1433 period include conflicts about debts, breach of contract and shipping issues. Unger, *Bronnen tot de geschiedenis*, vol. 1, 307–16.
- 102** Unger, *Bronnen tot de geschiedenis*, vol. 2, 268.
- 103** Van Mieris, *Groot charterboek*, vol. 3, 583–4.
- 104** Gelderblom, *Cities of commerce*, 135–9. See, for example, the ordinance of Philip the Good, ruler of the Low Countries, in 1459, which states that all international commercial conflicts in his territories should be settled ‘according to the local customs of the places where they occur’. Louis Gilliodts-Van Severen ed., *Coutumes du pays et comté de Flandre. Quartier de Bruges: coutume de la ville de Bruges*, vol. 2 (Brussels, 1874–1875), 35–9.
- 105** J. Gilissen, ‘Les phases de la codification et de l’homologation des coutumes dans les XVII provinces des Pays-Bas’, *Legal History Review* **18**, 1 (1950), 36–67.
- 106** Gilliodts-Van Severen, *Coutume de la ville de Bruges*; Unger, *Bronnen tot de geschiedenis*, vol. 1, 1–304; and Willem S. Unger ed., *Bronnen tot de geschiedenis van Middelburg in den landsheerlijken tijd*, vol. 3 (The Hague, 1931), 1–816.
- 107** Unger, *Bronnen tot de geschiedenis*, vol. 3, 50–2; Louis Gilliodts Van Severen, ‘Les anciens règlements de la corporation des courtiers de Bruges’, *La Flandre* **13** (1881), 121–48. A slight difference was that in Middelburg it sufficed to be a citizen to be a broker, while in Bruges people had to be both citizens and Flemish-born.
- 108** Bart Lambert, ‘A legal world market? The exchange of commercial law in fifteenth-century Bruges’, in Stefania Gialdroni, Albrecht Cordes, Serge Dauchy, Dave De Ruyscher and Heiki Pihlamajaki eds., *Migrating words, migrating merchants, migrating law: trading routes and the development of commercial law* (Leiden, 2019), 163–75, 170–1; Niels Fieremans, ‘A primacy of privileges? Urban constitutionalism, the rule of law and late medieval Bruges’, *Hague Journal on the Rule of Law* **15** (2023), 243–62.
- 109** Van Mieris, *Groot charterboek*, vol. 3, n. 555; Gilliodts-Van Severen, *Cartulaire de l’ancienne estaple*, vol. 1, 484.
- 110** Unger, *Bronnen tot de geschiedenis*, vol. 1, 307–8.
- 111** Jan Dumolyn, Frederik Buylaert, Guy Dupont, Jelle Haemers and Andy Ramandt, ‘Social groups, political power and institutions II c.1300–c.1500’, in Jan Dumolyn and Andrew Brown eds., *Medieval Bruges c. 850–1550* (Cambridge, 2018), 268–328.
- 112** Cornelio Desimoni and Luigi Tommaso Belgrano, ‘Documenti ed estratti inediti o poco noti riguardanti la storia del commercio e della navigazione ligure. I. Brabante, Fiandre e Borgogna’, *Atti della Società Ligure di Storia Patria* **5**, 3 (1877), 357–548, 389.
- 113** Lambert, ‘De Genuese aanwezigheid in laatmiddeleeuws Brugge’, 147–58.
- 114** Jan Dumolyn, *De Raad van Vlaanderen en de Rekenkamer van Rijsel: gewestelijke overheidsinstellingen als instrument van de centralisatie (1419–1477)* (Brussels, 2002); Marie-Charlotte Le Bailly, *Recht voor de Raad: rechtspraak voor het Hof van Holland, Zeeland en West-Friesland in het midden van de vijftiende eeuw* (Hilversum, 2001); L. W. A. M. Lasonder, *Bijdrage tot de geschiedenis van de hooge vierschaar in Zeeland* (The Hague, 1909). With the *Audiëntie*, Flanders already had a princely court before the Burgundian period. Although it saw its activity reduced significantly in 1386, this court continued to exist alongside the Council of Flanders until 1409. None of its sentences have been preserved for the period after 1385. Jan Buntinx, *De audiëntie van de graven van Vlaanderen (ca. 1330–ca. 1409): studie over het centraal grafelijk gerecht* (Brussels, 1949), 46–53.
- 115** North, *Structure and change*, 24; North considered the expansion of the Burgundian state in the Low Countries, including the development of a central court system, to be an example of an economically beneficial policy: Douglass C. North and Robert Paul Thomas, *The rise of the Western world: a new economic history* (Cambridge, 1973), 84–5.
- 116** Gelderblom, *Cities of commerce*, 126–33.
- 117** Bart Lambert, ‘Cargoes, courts, and compromise: the management of maritime plunder in the Burgundian Low Countries’, in Thomas Heebøll-Holm, Philipp Höhn and Gregor Rohmann eds., *Merchants, pirates and smugglers: criminalization, economics, and the transformation of the maritime world (1200–1600)* (Frankfurt am Main, 2019), 118–19.
- 118** Dumolyn, *De Raad van Vlaanderen*; Le Bailly, *Recht voor de Raad*.
- 119** Dumolyn, *De Raad van Vlaanderen*.
- 120** For all jurisdiction before 1428, see Theodoor H. F. van Riemsdijk ed., *De rechtspraak van den graaf van Holland*, vol. 1 (Utrecht, 1932). For the registers between 1428 and 1433, see A. S. de Blécourt and E. M.

Meijers eds., *Memorialen van het Hof (den Raad) van Holland, Zeeland en West-Friesland, van den secretaris Jan Rosa: deelen I, II en III* (Haarlem, 1929).

**121** Antoine Zoete ed., *Handelingen van de leden en van de staten van Vlaanderen (1405–1419): excerpten uit de rekeningen der steden, kasselrijen en vorstelijke Ambtenaren* vol. V, 1: 24 maart 1405–5 maart 1413 (Brussels, 1981), 60–1, 69–71 (based on the accounts of the Council of Flanders); Dumolyn, *De Raad van Vlaanderen*.

**122** State Archives Ghent, GW 8 (Raad van Vlaanderen), Acten en Sententiën, 2343 (1419–1420), fo. 70r; Sententies en Appointementen Interlocutoire, 7508 (1412–1427), fo. 59–60.

**123** Van Riemsdijk, *De rechtspraak*, 58.

**124** Van Riemsdijk, *De rechtspraak*, 58–9.

**125** Van Riemsdijk, *De rechtspraak*, 59–66.

**126** Smit, *Bronnen tot de geschiedenis van den handel*, 523, n. 846.

**127** Jos Monballyu, “Van Appelatiën ende Reformatiën”: de ontwikkeling van het hoger beroep bij de Audiëntie, de “Camere van den Rade” en de Raad van Vlaanderen ca. 1370–ca. 1550’, *Legal History Review* 61 (1993), 237–75. In appeal cases, the verdict in the first instance case was suspended and looked at again by the regional court. In reformation cases, the sentence in the first instance case was executed but the regional court started a new trial that could annul the first instance verdict.

**128** Le Bailly, *Recht voor de Raad*, 84–5.

**129** Volumes relevant for this article are Walter Prevenier ed., *Handelingen van de leden en van de Staten van Vlaanderen (1384–1405): excerpten uit de rekeningen der steden, kasselrijen en vorstelijke ambtenaren* (Brussels, 1959); Antoine Zoete ed., *Handelingen van de leden en van de Staten van Vlaanderen (1405–1419): excerpten uit de rekeningen der steden, kasselrijen en vorstelijke ambtenaren* vol. 1 24 maart 1405–5 maart 1415 (Brussels, 1981); Antoine Zoete ed., *Handelingen van de leden en van de Staten van Vlaanderen (1405–1419): excerpten uit de rekeningen der steden, kasselrijen en vorstelijke ambtenaren* vol. 2 10 maart 1413–7 September 1419 (Brussels, 1982); Willem Pieter Blockmans ed., *Handelingen van de leden en van de Staten van Vlaanderen : regering van Filips de Goede (10 September 1419–15 juni 1467): excerpten uit de rekeningen van de Vlaamse steden en kasselrijen en van de vorstelijke ambtenaren* vol. 1 *Tot de onderwerping van Brugge (4 maart 1438)* (Brussels, 1990). The sources and methodology used to reconstruct the activities of the Four Members are presented in the introduction to the first volume.

**130** Lambert, ‘Cargoes, courts, and compromise’, 110–11.

**131** Zoete, *Handelingen (1405–1419)* vol. 2 10 maart 1413–7 September 1419, 785.

**132** Holland and Zeeland held both joint and separate *dagvaarten*. Volumes relevant for this article are Walter Prevenier and Hans Smit eds., *Bronnen voor de geschiedenis der dagvaarten van de Staten en steden van Holland voor 1544*, vol I: 1276–1433 *eerste stuk: Inleiding, lijsten en indices* (The Hague, 1991); Prevenier and Smit, *Bronnen voor de geschiedenis der dagvaarten* vol I: 1276–1433 *tweede stuk: teksten* (The Hague, 1987); J. G. Smit, J. W. J. Burgers and E. T. van der Vlist eds., *Bronnen voor de geschiedenis der dagvaarten van de Staten van Zeeland 1318–1572 Band 1: Inleiding, lijsten en teksten 1318–1478* (The Hague, 2011). The sources and methodology used to reconstruct the *dagvaarten* are presented in the introduction to the first volume.

**133** Prevenier and Smit, *Bronnen voor de geschiedenis der dagvaarten* vol I: 1276–1433 *tweede stuk: teksten*, 433.

**134** Unger, *Bronnen tot de geschiedenis*, vol. 2, 264, 269.

**135** Dumolyn and Lambert, ‘Cities of commerce, cities of constraints’, 96.

**136** Archivio di Stato di Genova, Archivio Segreto, Litterarum, 1788, 1441–1448, 12, fo. 180r.

**137** Blockmans, *Handelingen (10 September 1419–15 juni 1467)* vol. 1 *Tot de onderwerping van Brugge (4 maart 1438)*.

**138** Jurriaan Wink and Louis Sicking, ‘Reprisal and diplomacy: conflict resolution within the context of Anglo-Dutch commercial relations c1300–c1415’, in Louis Sicking ed., Special Issue ‘Maritime conflict management, diplomacy and international law 1100–1800’, *Comparative Legal History* 5, 1 (2017), 53–72, 67.

**139** Blockmans and Prevenier, *The promised lands*, 86–92, 104–5.

**140** Dollinger, *La Hanse*, 349; Walter Prevenier and Wim Blockmans, *The Burgundian Netherlands* (Cambridge, 1986), 98, 111.

**141** For the Great Council’s authority in commercial matters, see Jan van Rompaey, *De Grote Raad van de hertogen van Boergondië en het Parlement van Mechelen* (Brussels, 1973), 38–9, 281–3, 301–3, 305–6, 322,

325, 328–9. Robert Van Answaarden published the source material of 14 trade-related cases heard by the Great Council involving Portuguese between 1460 and 1500. Robert Van Answaarden, *Les Portugais devant le Grand Conseil des Pays-Bas (1460–1580)* (Paris, 1991). Gelderblom used Van Answaarden's figures to argue that the Great Council played no significant part in commercial affairs. Gelderblom, *Cities of commerce*, 127. Jacques Paviot's publication of court cases concerning Portuguese before the Bruges urban court includes 54 cases from the same period, or nearly four times as many. Paviot, 'Les Portugais à Bruges'. Yet the source material used by Van Answaarden did not include the appeals from Flanders brought before the Great Council, which are particularly numerous but have not been inventoried yet. We should also repeat the point made earlier that central commercial litigation was largely subsidiary to other courts' jurisdiction, dealing above all with matters that lower judicial levels had no competence over.

142 Koppmann, *Hanserecesse Abt. 1. Band III. 1387–1390*, 474–5, 484–5, 495–7, 497–501; Karl Koppmann ed., *Hanserecesse Abt. 1. Band IV. 1391–1400* (Leipzig, 1877), 2, 23, 86–7.

143 The quotation about Bruges comes from the travel report of Pero Tafur, written in the 1430s. Malcolm Letts ed., *Pero Tafur: Travels and adventures 1435–1439* (New York, 1926), 200–1. We stated earlier that in October 1388, Albert of Bavaria issued a privilege that also applied to the merchants of Lucca, Venice, Florence and Castile. There is no evidence, however, that this resulted in a large-scale presence of any of these groups in either Dordrecht or Middelburg.

144 Koppmann, *Hanserecesse Abt. 1. Band III. 1387–1390*, 495, 497.

145 Koppmann, *Hanserecesse Abt. 1. Band III. 1387–1390*, 484–5, 496–7.

146 Maréchal, 'Le départ de Bruges', 26–74.

### French Abstract

L'historiographie du commerce international au sein de l'Europe de la fin du Moyen Âge a été fortement influencée, ces dernières décennies, par la Nouvelle économie Institutionnelle. Cette perspective repose sur l'idée forte qu'essentiellement les institutions, ou les règles du jeu économique déterminaient alors les résultats économiques. Le présent article entend contribuer à ce débat en s'attachant à explorer quels sont les facteurs qui ont pu influencer le choix des marchés commerciaux les plus importants aux Pays-Bas entre 1384 et 1433. Plus précisément, nous évaluons le rôle des cadres institutionnels dans les décisions prises par les trois grands groupes commerciaux qu'étaient alors la Hanse, les Génois et les Portugais. Ils établirent l'essentiel de leur commerce soit dans le comté de Flandre, soit dans les comtés concurrents de Hollande et de Zélande. Nous comparons tout d'abord quels furent les privilèges commerciaux que les gouvernements locaux accordèrent en définissant nombre de règles destinées à encadrer les activités des négociants étrangers dans ces deux régions. Nous examinons ensuite par quels mécanismes ces derniers pouvaient résoudre les conflits commerciaux. A l'issue de ce travail, la conclusion générale qui s'impose est que les institutions à elles seules ne peuvent pas expliquer les choix de marchés que firent les marchands étrangers aux Pays-Bas à cette époque.

### German Abstract

In den letzten Jahrzehnten ist die Historiographie zum internationalen Handel im spätmittelalterlichen Europa stark durch die Neue Institutionenökonomie beeinflusst worden. Ein zentraler Punkt dieser Perspektive ist die These, dass ökonomische Ergebnisse in erster Linie durch sogenannte Institutionen oder ökonomische Spielregeln bestimmt werden. Als Beitrag zu dieser Debatte untersucht der vorliegende Aufsatz, welche Faktoren zwischen 1384 und 1433 in den Niederlanden die Wahl der hauptsächlichen Handelsmärkte beeinflussten. Genauer gesagt geht es darum, die Rolle des institutionellen Rahmens für die Entscheidungen abzuschätzen, die von den drei bedeutenden Handelsgruppen der

Hansekaufleute, der Genuesen und der Portugiesen getroffen wurden, um das Gros ihres Handels entweder in der Grafschaft Flandern oder in den konkurrierenden Grafschaften Holland und Zeeland anzusiedeln. Der Aufsatz vergleicht zunächst die Handelsprivilegien, in denen die Regierungen die Regeln festlegten, die die Aktivitäten ausländischer Händler in diesen beiden Regionen prägten, und betrachtet dann die Mechanismen, die es Kaufleuten erlaubten, Handelskonflikte beizulegen. Die generelle Schlussfolgerung lautet, dass Institutionen allein die Wahl von Märkten, die ausländische Kaufleute in den Niederlanden in diesem Zeitraum trafen, nicht erklären können.