

Podcast Amsterdam Trading Culture: From the Golden Age to Now

Episode 10: From Rembrandt to courtroom: business and litigation through the ages

In this episode we look at the legal aspects of business, then and now. We do so using the example of none other than Rembrandt van Rijn. He was not only a master on canvas, but also a man embroiled in legal conflicts, debts and business decisions with far-reaching consequences. What does that say about entrepreneurship in the seventeenth century? And how does it differ from today? My guests are Bob Wessels, emeritus professor of international insolvency law, and Timo Jansen, attorney-partner at Lexence, specializing in dispute resolution and insolvency.

Hidde Bruinsma: Bob, let me start with a thesis. In the early modern era, justice was highly fragmented with hundreds of local courts, which often lacked legal certainty and equal treatment. How do you view that?

Bob Wessels: If you look at it with today's eye, that's true. But for people back then, it was not a problem at all. There was hardly any travelling. Justice in a radius of a few kilometres was just enough for most people. Going from Dordrecht to Amsterdam, nobody did that. That fragmentation was only really tackled under Napoleon in the early nineteenth century. Today, we have 11 courts. In insolvency law, my field, I would prefer to have even just one court for international cases.

Hidde Bruinsma: Timo, the second proposition is for you. The modern judiciary is increasingly focused on transparency, predictability and timely disposal of cases, but struggles to achieve acceptable turnaround times and reduce work stocks.

Timo Jansen: That's hard to disagree with. That struggle is absolutely there. There is an increasing need for openness, for uniformity, and people themselves want to know much more. At the same time, processing times remain a huge problem. Every time the Council for the Judiciary conducts satisfaction surveys, it comes back: people are exasperated by waiting times. Especially outside Amsterdam, it is sometimes really distressing
Hidde Bruinsma: Laten we Rembrandt erbij pakken, want dat is onze brug tussen verleden en heden. Bob, jij hebt je verdiept in zijn juridische leven. Wat kwam je allemaal tegen?

Bob Wessels: More than you might think. Most books on Rembrandt barely touch on the legal aspect, often only on one or two pages. But if you really go into depth, as in Crenshaw's dissertation or old sources from 1903 and 1972, you see that he was involved in more than 20 legal conflicts. He had issues around wills, problems with neighbours, conflicts with creditors, and eventually a debt position that led to a special legal procedure. Rembrandt was not only an artist, he was an entrepreneur. And that brought legal complexity.

Hidde Bruinsma: Timo, is that something you recognise among entrepreneurs today?

Timo Jansen: Absolutely. Entrepreneurs take risks, and with risk come legal frictions. We sometimes jokingly say to clients: you are not a real entrepreneur until you have been in a legal jam once. That was just as true for Rembrandt.

Hidde Bruinsma: Bob, what does all this say about Rembrandt as a person?

Bob Wessels: He was stubborn. He charged high rates and did not deviate from them. That was the rate, and otherwise you just went to someone else. At the same time, he was extremely focused on his art. He worked long hours, and had little time or attention for legal diligence. As far as we know, no written order confirmations exist. Much went verbally. This made him vulnerable.

Hidde Bruinsma: And so that ended up in a debt position.

Bob Wessels: Yes. In 1656, Rembrandt asked for sessio bonorum. That is a legal procedure where you voluntarily give up your possessions to your creditors. You say: sell it, distribute it. That is different from being declared bankrupt. So he was not declared bankrupt as we know it today.

Timo Jansen: Sessio bonorum formally still exists. Article 50 of the Bankruptcy Act still contains the word estate renunciation, although in practice it is almost non-existent. Its contemporary version is the Natural Persons Debt Rescheduling Act. In it, too, you give up your assets, and eventually get a clean slate.

Bob Wessels: Rembrandt had to leave his large house on Jodenbreestraat and moved to a smaller studio on Rozengracht. That is now a tattoo shop, appropriate actually. But most importantly, he kept his freedom. He was not locked up. That was not a given in those days.

Hidde Bruinsma: Is it true that he handed over his house to his son just before that?

Bob Wessels: This is a fascinating point. According to some sources, he 'proved' the house to his son Titus. But what does that mean? Jurists disagree. Was it a transfer? An inheritance grant? An administrative act? There are no original documents, so we don't know for sure.

Timo Jansen: If he came up with that himself, he was pretty sharp. And creative, not just on the canvas. It does raise questions about exactly where law ends and strategic action begins.

Hidde Bruinsma: How does bankruptcy work today?

Timo Jansen: When someone goes bankrupt, the court pronounces it in a judgment. A receiver is appointed to manage the assets and distribute them to creditors. Whether it is a person or a company, the entire assets then fall under that arrangement. For natural

persons, we fortunately have the WSNP. This gives people another chance after one and a half years.

Bob Wessels: And that idea, of a second chance, we already saw with Rembrandt. Historian Maurits den Hollander has shown that at the time, the Amsterdam court was actively working on recovery options for small entrepreneurs. That system was meant to inspire confidence among creditors, including foreign ones. So it was not only justice, but also economic policy.

Hidde Bruinsma: What can we learn from this?

Timo Jansen: That we need to look critically at how people get into debt. A debt industry has emerged that gives credit far too easily, especially to young people. That leads to problems. The WSNP is a good solution, but we should also look at the chain before it. Who earns from people getting into debt?

Bob Wessels: That awareness is fortunately growing. This year, the Amsterdam District Court published the brochure *Blik naar Buiten*. In it, they indicate what they do for people with confused behaviour, families in need, consumers in debt. This shows that judges are at the centre of society.

Hidde Bruinsma: Timo, how do you see the future of the judiciary?

Timo Jansen: More specialisation. You already see it at the Enterprise Chamber and with judges bringing in experts in complex cases. Lawyers have also become much more specialised than before. This is necessary, because the law is becoming increasingly complex. Perhaps there will also be more room for mediation and even the use of AI. But the most important thing is to keep seeing the human aspect. Law is ultimately human work.

Hidde Bruinsma: Bob, Timo, thank you so much for this conversation. We got to know Rembrandt better, but above all we got a better understanding of how justice and risk go hand in hand. Then and now. Until the next episode of *Amsterdamse Handelsgeest*.