

Rembrandt: Excellent artist, but also a structural troublemaker?

Bob Wessels provides some background on his most recent book 'Rembrandt's Money, The legal and financial life of an artist-entrepreneur in the 17th century Holland.'



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Summer 1991: 'What are you going to do this weekend?' a Dutch lawyer, working in Manhattan, asked me. I was in New York, lecturing for ten days, to some fifteen lawyers, all from Dutch law firms working in New York. 'I can recommend the Frick' he said. Indeed, it's a beautiful museum, and there I saw, for the first time, Rembrandt's exceptional selfportrait of 1658. Interesting also, there I learned, for the first time, that Rembrandt (1606-1669) went bankrupt in 1656!

Nearly three decades later, gradually finalising my commercial advisory work (my law degree from Amsterdam dates from 1974), I found time to dive into the case of Rembrandt, seen as one of the greatest Dutch Golden Age painters. Many will have seen his paintings, prints and drawings in a wide range of styles and subjects, from the time he was the young inspired artist from Leiden sketching 'tronies' in the 1620s, to his masterpieces, like the "Night Watch" (1642), the "Syndics of the Drapers Guild" ("De Staalmeesters") (1662), and "The Jewish Bride" ("Het Joodse bruidje") and selfportraits from the second half of the 1660s. With 2019 marking Rembrandt's 350th celebration of his death, exhibitions and literature have been overwhelming.¹

Master in conflicts

Indeed, one can easily assemble a cupboard full of books related to the artistic work of the world-renowned master we know today. What is much less known is his



troublesome, discordant nature. Rembrandt was a party in many contracts and notarial deeds, but also in disputes and conflicts during nearly all of his Amsterdam period (from around 1632 till 1669).

Strikingly, Rembrandt was engaged (in several legal capacities) in legal conflicts or battles of all kinds with opponents of several sorts: (foreign) patrons (delivery on time; quality of work; sharp business practices/fees), neighbours (regarding costs of reconstruction of the house/studio/workshop at the Breestraat in Amsterdam²), personnel (in his house), lenders ('panic' loans in 1653) and other creditors (e.g. related to not paying rent for an auction room and rent arrears for his last house where he lived during the last ten years of his life, at the Rozengracht in Amsterdam). In all, there is an

abundance of questions, and my recent book offers a comprehensive overview of the legal and financial aspects of the life and work of Rembrandt.³ These aspects concern his private life but also his work as an artist – from a young master in Leiden in the mid-1620s, to a celebrated entrepreneur in the third and fourth decades in 17th century Amsterdam – culminating in financial distress in the latter part of his life.

Along the way, my new book sheds light on the socio-economic, cultural and historical context of the period in Amsterdam and the development of the Republic of the Seven United Netherlands. Providing an overview of the applicable laws and rules in those days – family law, marriage law, inheritance law, contract law, the law of obligations, procedural law, company law, insolvency law, and



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private international law – the book covers, I think, a topic that up to now has not been the subject of systematic legal-historical research: the legal and financial life of the most famous artist in 17th century Holland.

Bankruptcy in Amsterdam in the 17th century

As to the legal and financial aspects of his life, Rembrandt's insolvency and all the surrounding facts and backgrounds are rather well-known. It is the main theme in art-historic research, in Crenshaw's standard book, 'Rembrandt's Bankruptcy' of 2006.⁴ Two years ago, the subject has been covered in quite some detail by the Dutch historian Bosman, providing new interpretations.⁵ Evidently, it is also the object of my research.

In July 1656 Rembrandt requests a court to grant '*cessio bonorum*'. The historic roots and the 17th century meaning of *cessio bonorum* (or: assignment of an estate; in Dutch 'boedelafstand'), the proceedings themselves and their legal consequences are explained. What is the goal of such proceedings? *Cessio bonorum*, having its roots in Roman law, was essentially a legal means to avoid being imprisoned for outstanding debts, a rather common practice in medieval and early modern North-West Europe. Among the questions I address are: what is the position of an unsecured creditor? Did the surrender of the estate lead to debt relief (most likely not) and did Amsterdam apply a rule for the debtor to publicly and loudly stand up and show remorse (Amsterdam did not, but Leiden and Rotterdam did).⁶

In quite some detail the causes mentioned by Rembrandt in the application for *cessio bonorum* are addressed. He has come into financial difficulties '... due to losses suffered in business, as well as damages and losses at sea' and he is threatened by his creditors to be captured. Were these just legal boiler-plate formulations, standard reasons in

such an application? Was he threatened by his former lover (whom he promised to marry), who obtained a judgment allowing her to take legal action? Note that insolvency law in Holland in the 17th century was a legal melting pot, which included canon law and Roman law, legislative collections such as the Great Placard books, jurisprudence collections, collections with legal authors' opinions and the publications of e.g. Hugo de Groot (Grotius).

Concerning insolvency matters, in the city of Amsterdam an Ordinance of 1643 applied. This mixed legal system of Holland's law, the result of a diversified development of an uncoordinated set of rules and principles, is called Roman-Dutch law, a term still used in South-Africa.⁷ In this area of law there was a specific role for the Amsterdam Chamber of Abandoned and Insolvent Estates ('Desolate Boedelskamer'), in terms of today, a partly administrative, partly legal institution, which I describe.⁸

Creditors

In finalising the commencement of the *cessio bonorum* proceedings, an overview is given of the creditors mentioned by Rembrandt in the application (names; amount; interest-provisions). Other persons and their backgrounds are also mentioned as questionable creditors. Evidently, I give an outline of Rembrandt's inventory, a fantastic treasure-trove for art historians, present in some thirteen rooms and other spaces in the house/art studio.

We may wonder if the inventory contained all his assets, but first this needs an answer to the question about the scope of the jurisdiction of the Chamber of Abandoned and Insolvent Estates. Thus, the question is posed whether all assets, securities and outstanding debts are included, as well as whether the inventory has a level of completeness. Would it not have to also contain printing plates,

painter's tools and etching materials, and why not, clothing? Would there be only twenty-two books? Were goods withheld from the eyes of the Chamber?

Overall

Rembrandt is a unique artist. With over twenty legal conflicts and disputes, in all areas of life and business, Rembrandt led a turbulent legal and financial life. He comes out of it as a stubborn, selfconfident and quite headstrong man.

It is gratifying to learn that young (doctoral) researchers, gathered in INSOL Europe's Younger Academics Network of Insolvency Law (YANIL) are open to understand more about Amsterdam's insolvency law from some four centuries back. On 13 October 2021, Maurits den Hollander and myself will be happy to discuss our results with them.⁹ ■

Footnotes:

- 1 For his latest biography, see Jonathan Bikker, Rembrandt. Biography of a rebel, Amsterdam: Rijksmuseum 2019.
- 2 Presently Rembrandt House Museum, see <https://www.rembrandthuis.nl/en/>.
- 3 'Rembrandt's Money, The legal and financial life of an artist-entrepreneur in 17th century Holland'. Published by Wolters Kluwer (Deventer). ISBN 9789013164893 (forthcoming Autumn 2021).
- 4 See Paul Crenshaw, Rembrandt's bankruptcy. The artist, his patrons and the art market in seventeenth-century Netherlands, Cambridge University Press 2006.
- 5 Machiel Bosman, Rembrandt's plan. De ware geschiedenis van zijn faillissement, Amsterdam: Athenaeum-Polak & Van Genneep 2019.
- 6 See the interesting study of Wouter Druwé, Dignity and Cessio Bonorum in Early-Modern Dutch Learned Legal Literature, Research Paper Series Max Planck Institute for European Legal History, No. 2016-06 (<http://ssrn.com/abstract=2838877>).
- 7 See the studies of Melanie Roestoff, N kritiese evaluasie van skuldverlichtingsmaatreëls vir individue in die Suid-Afrikaanse insolventiereg, PhD Universiteit van Pretoria 2002, and Roger Evans, A critical analysis of problem areas in respect of assets of insolvent estates of individuals, PhD University of Pretoria 2008.
- 8 Interestingly, just before Summer 2021, when my manuscript was at the printer, at the University of Tilburg, Maurits den Hollander defended his Doctoral thesis (written in English) 'Stay of execution: Institutions and insolvency legislation in Amsterdam, 1578-1700', explaining the social-economical position of this Chamber. See (in open access) <https://research.tilburguniversity.edu/en/person/s/maurits-den-hollander>.
- 9 For more information on this online seminar, see: <https://www.insol-europe.org/yanil-events>.



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