Enforcing contracts for Valencian commerce:

The institutional foundations of international trade in the first half of the fifteenth century.

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Introduction

In the late fifteenth century, the German traveller Hieronymus Münzer referred to Valencia as the largest and richest city in the Iberian Peninsula, noting the fact that it had even outstripped Barcelona as the head of the Crown of Aragon[1]. Whether this *sorpasso* actually happened and to what extent is still a matter of discussion, yet this century was no doubt a period of extraordinary economic and commercial development for Valencia.

After the Genoese and the Catalans had opened up the straits of Gibraltar, the city became a suitable port of call for the Mediterranean convoys in their way to the Atlantic, and many foreign merchants settled permanently in the city, attracted both by an institutional environment open to newcomers and a region which was at the same time a sizeable output market and a supplier of specialized agricultural products like rice, oranges and figs[2]. The local merchants typically made use of the Catalan and Italian trading networks to reach out faraway markets, yet around 1400 they were already well settled and even predominant in the areas of Granada, Fez and Tlemcen[3]. However, the institutional bases of these commercial developments are still wrapped up in mystery. After Barcelona withdrew from southern Spain and *Barbaria* in the second half of the fourteenth century, no official consular appointments are recorded, and we know little regarding the strategies undertaken by the Valencian merchants to enforce their contracts when trading in these parts.

Conventionally, long-distance trade in late medieval times was conducted through societies, *commenda* contracts and other related arrangements, which implied that a principal (or merchant-capitalist) delegated some money or merchandise to an agent (or merchant-entrepreneur, factors, seamen, etc.), who was bound to represent the principal's interests in return for payment of some kind. However, this kind of exchanges involved a full range of hazards. In order for the principal to advance his money or merchandise, he might need to make sure that the agent would uprightly represent his interests, even though he could not directly monitor the latter. The

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[1] Puyol, Julio, 'Jerónimo Münzer. Viaje por España y Portugal en los años 1494 y 1495', *Boletín de la Real Academia de la Historia*, 84 (1924), pp. 60-70.

[2] Hinojosa Montalvo, J. R., 'De Valencia a Portugal y Flandes: relaciones durante la Baja Edad Media', *Anales de la Universidad de Alicante*, 1 (1982), pp. 149-168; Narbona, Rafael, 'Valencia, emporio mediterráneo: ss. XIV-XV', Fundación Caja Madrid, *Reino y ciudad. Valencia en su historia* (Madrid, 2008), pp. 101-102.

[3] An excellent summary of this process can be found at Cruselles, E. 'Jerarquización y especialización de los circuitos mercantiles valencianos, finales del XIV-primera mitad del XV', *Anales de la Universidad de Alicante*, 7 (1989). See also: Igual, David, 'Navegación y comercio entre Valencia y el Norte de África durante el siglo XV', in Trillo, Carmen (ed.), *Relaciones entre el Mediterráneo cristiano y el norte de África en época medieval y moderna* (Granada, 2004), pp. 242-244.

principal needed some credible guarantee that the agent would not either embezzle his capital or misreport the venture's profitability. In a world of prominent asymmetric information and legal fragmentation as the medieval world was, these were clear and always present perils. Yet despite all this, the Middle Ages witnessed a remarkable flowering in international commerce that seemingly laid the foundations for the rise of the West. How can we account for this? How did merchants, their rulers and institutions manage to reduce moral hazard and enable agents to commit *ex ante* not to breach contracts *ex post*?[4] With respect to Valencian commerce, this question remains unanswered, a surprising fact if we bear in mind that there are already several insightful works devoted to other prominent trading cities[5]. Avner Greif has suggested that the Genoese were able to encourage credible commitments beyond the tight circle of friends and relatives through a bilateral reputation system based on patron relations, in which agent's families were held liable in case of contract breach[6]. Regarding Venice, Yadira González has stressed the role of the State in gathering the information to detect contract breaches, punish cheaters when required and generating the rents needed to motivate merchants to keep their affiliation with Venice[7]. Even though the Catalan case has never been tackled from a contract enforcement perspective, the relationship between the Monarchy, the Council of Barcelona and the Catalan consular network has attracted the attention of the historians since Antonio de Capmany, the eighteenth century scholar who composed the first general work on the topic[8]. Mario del Treppo devoted his very masterpiece to show how the Aragonese Empire allowed the *mercanti catalani* to overcome their structural economic weaknesses[9], yet the contract enforcement implications of this

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[4] For a general view on the theory of agency, see Eggertsson, T. *Economic behaviour and institutions* (Cambridge, 1990), pp. 40-48. Much of our theoretical framework is based upon Greif, A. 'The fundamental problem of exchange: A research agenda in Historical Institutional Analysis', *European Review of Economic History*, 4 (2000). See also Greif, A. 'Commitment, Coercion and Markets: The Nature and Dynamics of Institutions Supporting Exchange', in Ménard, C., and Shirley, M. *Handbook of New Institutional Economics* (Dordrecth, 2005); Greif, A. 'Coercion and exchange: How did markets evolve?' Available at *SSRN 1304204* (2008); Grafe, R., and Gelderblom, O. 'The Rise and Fall of the Merchant Guilds: Re-thinking the Comparative Study of Commercial Institutions in Premodern Europe', Journal of Interdisciplinary History, XL: 4 (Spring, 2010), pp. 477-511; and Ogilvie, S. *Institutions and European Trade: Merchant Guilds, 1000-1800* (Cambridge, 2011).

[5] For twelfth century Genoa, see Greif, A. 'Cultural beliefs and the organisation of society: historical and theoretical reflection on collectivist and individualist societies', *The Journal of Economic History*, 54 (1994), pp. 912-950; and Greif, A. *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (New York, 2006), chapters 3 and 9. For eleventh to thirteenth century Venice, see González de Lara, Y. 'The secret of Venetian success: a public-order, reputation-based institution', *European Review of Economic History*, 12-3 (2008), pp. 247-285.

[6] Greif, A. 'Cultural believes…'; and Greif, A. *Institutions…*

[7] González de Lara, Y. 'The secret of Venetian success: a public-order, reputation-based institution', *European Review of Economic History*, vol. 12, 3 (2008), pp. 247-285.

[8] Capmany, Antonio. *Memorias históricas sobre la marina, comercio y artes de la antigua ciudad de Barcelona* (Madrid, 1779-1792).

[9] Del Treppo, Mario. *I mercanti catalani e l'espansione della Corona d'Aragona nel secolo XV* (Naples, 1972) and Hillgarth, J. N. *The problem of a Catalan Mediterranean empire, 1229-1327*

symbiosis had not been recognised. Furthermore, a whole array of studies following the work of Capmany has usually concentrated in juridical aspects of the Consulates and their profuse body of maritime legislation, rarely going beyond the letter of the law[10]. There is still much left to do regarding the actual functioning of such institutions. It is worth noting that even when studies intended to integrate juridical with historical or analytical aspects, they typically concentrated in Barcelona and mistakenly overlooked Mallorca and Valencia's developments, failing to represent the Catalan consular network as the polycentric and flexible web that actually was[11]. Daniel Durán i Duelt is probably the first one to undertake a systematic study of these Consulates, depicting them as evolving institutions and tackling extensively the puzzling question of Mallorcan overseas consulates[12]. Moreover, he has called attention to the poor state of our knowledge regarding certain overseas consulates, especially in North Africa[13] —an aspect that will reveal critical within our argument, as we shall have the opportunity to see. Cabezuelo and Soler have also worked on the consular disputes between Barcelona and Mallorca, and there is certainly extensive literature on specific overseas consulates, ranging from Bruges to Damascus[14]. With respect to the

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(London, 1975). On the historiographical debate that followed, which stretches to our day, see Igual, Luis. 'Los grupos mercantiles y la expansión política de la Corona de Aragón: nuevas perspectivas', in Tanzini L., and Tognetti, S. (eds.), *Il governo dell'economia: Italia e Penisola Iberica nel basso Medioevo* (Rome, 2014).

[10] Ferrando, A. *Llibre del consolat de mar: Arxiu Municipal de València, any 1407* (Valencia, 1979); Colón, G. And García, A. *Llibre del consolat de mar* (1981, Barcelona); Peláez, M. *Cambios y seguros marítimos en derecho catalán y balear* (Bolonia, 1984).

[11] Prominent examples of this are Carrère, C. *Barcelone, centre économique à l'époque des difficultés, 1380-1462* (Paris, 1967), II vol., and Ferrer i Mallol, M. T., 'El consolat de mar i els consolats d'ultramar, instrument i manifestació de l'expansió del comerç català', in Ferrer i Mallol, M. T., and Coulon, D. (ed.), *L'expansió catalana a la Mediterrània a la Baixa Edat Mitjana* (Barcelona, 1999).

[12] Duran i Duelt, D. 'La fi del sistema consular mallorquí i les seves repercussions en el català: el cas dels consolats de Pera i Constantinoble', in Rovira i Solà, M (ed.), *El temps del Consell de Cent: l'emergència del municipi, segles XIII-XIV* (Barcelona, 2001), and Duran i Duelt, D. 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', in Ferrer i Mallol, M. T. *Martí l'Humà: el darrer rei de la dinastia de Barcelona, 1396-1410: l'interregne i el Compromís de Casp* (Barcelona, 2015).

[13] It is indeed thanks to his encouragement and advice that I have undertaken the study of the consular network from the Valencian angle. This paper owes much to his own intuition.

[14] Cabezelo, J. V., and Soler, J. L. 'El consulado catalán de Sevilla a inicios del siglo XVI: disputas políticas y realidad mercantil en el Atlántico', in *Homenatge a Josefina Mutgé i Vives* (Barcelona, 2013); Dopp, P. H. 'Les relations egypto-catalanes et les corsaires au commencement du quinzième siècle', *Bulletin of the Faculty of Arts Fouad I University*, XI/I (1949), pp. 3-4; Gil Guasch, M. 'Fernando el Católico y los consulados catalanes en África', in V Congreso de Historia de la Corona de Aragón (Zaragoza, 1956), pp. 105-122; Rohne, C. F. *The origins and development of the catalán consulados ultramarinos from the thirteenth to the fifteenth centuries* (Los Angeles, 1966); López de Meneses, A. 'Un siglo del Consulado de los Catalanes en Alejandría. 1416-1516', in *IX Congresso di Storia della Corona d'Aragona* (Naples, 1973); D'Arienzo, L. 'Una nota sui consolati catalani in Sardegna nel secolo XIV', *Anuario de Estudios Medievales*, 10 (1980), pp. 593-609; Cabestany, J. F. 'Els consolats catalans d'Ultramar a Sicilia', in *Els catalans a Sicilia* (Barcelona, 1992); Salicrú i Lluch, R. 'Notes sobre el consolat de catalans a Siracusa, 1319-1528', in *La Corona d'Aragona in Italia, secc. XIII-XVIII* (Sassari, 1996);

Valencian case, Enrique Cruselles left several insightful comments on the informal mechanisms used among merchants to enforce contracts, but never really posed this problem in an explicit way, nor tried to address it systematically[15]. A contract enforcement perspective is still needed to explain what kind of incentives faced Valencian merchants *ex ante* —when making the decision to exchange— and *ex post* —when agents could gain from reneging—. We need further research to understand how the interweaved Royal, Catalan and Valencian mercantile institutions generated verifiable information about contracts, how they punished cheaters and what kind of alternative arrangements were available to deal with principal-agent problems[16]. Specifically, we need to identify the relationship between the urban and royal institutions of Valencia, her Consulate of the Sea and the overseas merchants, both in relation to the broader Catalan consular network and those areas where such a network was weak or non available, like Granada and the North of Africa. This is precisely what we aim in this paper.

In order to answer such a research question, we rely in a selection of case studies to illustrate the point, typically concerning disputes between merchants, crew mutinies, mercantile embezzlements and others of the kind. Some of them have been drawn from the secondary literature, yet analysed in the new light of institutional theory; others have been collected from source publications and our own archival work. During the preliminary stages of this research, our first move has been to turn to the *Epistolari de la València medieval*, an all-encompassing book containing transcribed documents from medieval Valencia, ranging from mentality issues to piracy and trade.[17] These transcribed documents came from the *Lletres Misives* collection, gathered in Valencia's Town Council archives, and consist of letters written by the aldermen of Valencia (*jurats*) addressed to a wide variety of recipients like the king of

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Sáinz de la Maza, 'Il consolat dei Catalani a Pisa durante il regno di Giacomo II d'Aragona. Notizie e documenti', *Medioevo. Saggi e Rassegne*, 20 (1996), pp. 195-221; León-Borja, I. 'Los cónsules de Portugal, Castilla y Aragón en Venecia durante los siglos XV-XVII', *Revista de historia moderna: Anales de la Universidad de Alicante*, 16 (1997), pp. 179-214; Desportes, P. 'El consulado catalán de Brujas, 1330-1488', in *Aragón en la Edad Media* (Zaragoza, 1999); Coulon, D. 'Los consulados catalanes en Siria, 1187-1400: algunos datos de historia e historiografía', in Narbona Vizcaíno, R. (coord.), *La Mediterrània de la Corona d'Aragó, segles XIII-XVI* (Valencia, 2004); Morocutti, D. *Damasco 1396: mercanti catalani, genovesi e veneziani in una città orientale attraverso il registro del notaio Novello* (Trieste, 2006); Soldani, M. E. 'Madurs consellers o males suggestions? Forme di patrocinio, consulenza e consiglio nelle cause tra mercanti a Barcellona (secc. XIV-XV)', in Charageat, M., and Leveleux-Teixeira, C. (ed.), *Consulter, juger, décider: Le role de l'avis dans le processus décisionnel médiéval* (Madrid, 2007); Wanderwalle, A. 'Brujas, centro del comercio internacional y sede de la nación Aragón-Cataluña en la Baja Edad Media', in Mira, E., and Delva, A. (eds.), *A la búsqueda del Toisón de Oro: la Europa de los príncipes, la Europa de las ciudades* (Valencia, 2007); Mutgé, J. 'El poder dels consellers de Barcelona a través dels consolats d'ultramar (final del segle XIII i primer terç del XIV)' in *XI Congrés d'Història de Barcelona* (Barcelona, 2009). Some good general information is contained as well in Constable, O. *Housing the Stranger in the Mediterranean World: Lodging, Trade, and Travel in Late Antiquity and the Middle Ages* (Cambridge, 2004).

[15] Cruselles, E. *Los comerciantes valencianos del siglo XV y sus libros de cuentas* (Castelló de la Plana, 2007), pp. 148-149.

[16] Greif, A. 'The fundamental problem of exchange…'.

[17] Rubio, A. *Epistolari de la València medieval* (Valencia, 1985).

Aragon, foreign rulers, Catalan overseas consuls, royal officials, etc. Departing from these sources, which have never been used in relation to consular issues, our next step has been to turn to Valencia's Town Council archives themselves in search of similar untranscribed documents. The *Lletres Misives* collection is split up in several books sorted by date, so we decided to focus on the late fourteenth century and early fifteenth century, as it is both the consolidation period of the consular institution in the Crown of Aragon and a stage of commercial ascent in Valencia[18]. At first I just tried to locate some of the published letters in the hope that nearby documents would contain similar information: so I did with the books g3-5 (1391-1394), g3-7 (1400-1403) and g3-11 (1412-1413). Then I concentrated all my efforts in only two books, g3-12 (1413-1415) and g3-13 (1415-1418), reviewing all their documents in search of letters addressed to overseas consuls, Granadian and North African kings. Our aim at this point has been to improve our knowledge on the least studied areas (Granada and North Africa) in relation to the least studied city, Valencia, relying on secondary literature for the better-known cases that concern Valencians or fellow Catalans. Daniel Duran kindly provided me several unpublished letters from the Mallorcan archives to help me compose the picture for the North African area. All these cases will be complemented with detailed information on Catalan maritime law, Catalan (or specifically Valencian) privileges abroad, institutional functioning and mercantile contracts[19].

We have chosen a methodology based in case studies because it is probably the only means to fully grasp the incentives involved in mercantile contracting, as well as the institutional framework within which these transactions occurred. Qualitative study of cases has allowed us to micro-analyse and go beyond the observable features that have usually been the focus in consular historiography. It should also be noted that this methodology contrasts as well with the statistical analysis of notarial acts that served Greif and González to tackle the Genoese and Venetian cases, although both approaches are complementary.

In order to tackle our research question, we have split up the paper into two large parts. The first one, *The merchant's perspective*, is devoted to explore both the contractual arrangements used by the merchants from Valencia and their private order solutions to contract enforcement. The role of formal institutions is dealt with in the second part, in which we will scrutinize the functioning of the Valencian Consulate of the Sea, the problems of inter-Catalan and cross-national enforcement and the distinctive approach developed by the merchants of Valencia when dealing with their sphere of influence, Granada and *Barbaria*. Further space is devoted to compare the Valencian case with neighbouring experiences —particularly, Barcelona, Genoa, Venice and Florence.

I should especially thank Daniel Duran, David Igual and Yadira González, who have offered me stimulating comments and sources to undertake this small research. The idea of analysing the Valencian role within the Catalan consular network was suggested to me by Daniel Duran, who further provided me with several Mallorcan

[18] Cruselles, E. 'Jerarquización y especialización de los circuitos mercantiles valencianos, finales del XIV-primera mitad del XV', pp. 83-109.

[19] In particular, the transcribed Book of the Consulate of the Sea of Valencia contained in Ferrando, *Llibre del consolat de mar.*

sources that have allowed me drawing a more complete picture on the North African consulates.

Part I. The merchant's perspective

I.1. The merchant's business

Before dealing with the contract enforcement institutions that lend support to the Valencian commercial expansion, we would greatly benefit from an overview of the contractual arrangements that structured such an expansion, since many of their features will serve us as the base for discussion in following chapters.

The commercial society, called *companya mercantivol* or *companya de mercaderia* in the Catalan world, was already well widespread in Valencia by the beginning of the fifteenth century. It allowed merchants to pool their capital investments and leave the business management to an elected director or *clavari*, usually drawn from the partners themselves[20]. These directors were given full discretion to operate in the name of the company, buy and sell whatever merchandise they considered and enter into contracts with any operator they chose in order to carry on the company's undertakings. The renowned Lobera-Junyent company, yet from Barcelona, provides us with a useful example of these proceedings: their constitutional contract of 1413 stipulated that the directors were allowed to "submit, order and risk by sea, by land and by rivers, one time and many, merchandise, investments, changes and any other things, in the way and manner that they consider"[21]. In exchange, they were required to render account on their activities to the rest of the partners at the end of the accounting year, when proceeds were divided according to each one's investments. During the fifteenth century it became increasingly common for directors to be paid a salary or, less frequently, an additional share in the profits, even if they were already involved in the company as partners [22].

In the core of the merchant business is no doubt the inner circle of relatives, friends and colleges, as many of our sources clearly suggest. In 1417, members of the Bonet family from Valencia found a company to trade in Sardinia and Sicily, placing the responsibility of carrying and trading the goods on one of their partners. In 1422, members of the Bou family along with other merchants establish a company for three

[20] Cruselles, *Los comerciantes valencianos del siglo XV*, p. 138; Macaire, *Majorque et le commerce internationale,* p. 198.

[21] In the original: "trametra, comanar e arriscar per mar, per terra e per aygues dals, una vegada e moltes, mercaderies, esmerços, cambis e totes altres coses, e en aquella forma e manera que a ells e a cascun d'ells sera vist faedor" Carrère, C. *Barcelone, centre économique à l'époque des difficultés,* pp. 160, 519-520.

[22] Cruselles, Ibidem, pp. 103, 138; Carrère, Ibidem, pp. 158-160.

years: their branch in Genoa will be managed by a rotating director drawn from the partners themselves[23].

However, we should be careful not to draw a simplistic picture of Valencian tranding networks. Even within the city walls of Valencia, operators came from very heterogeneous backgrounds, what implied that very often they lacked of any personal knowledge or tie binding them together. Out of the 187 merchants studied by Enrique Cruselles between 1400 and 1450, only 24 came from local merchant families. Many others came from convert and artisan backgrounds, or had emigrated from smaller towns within the Kingdom of Valencia, from Catalonia, Mallorca or even Castile and Italy[24]. For instance, a wool weaver is found investing in 1380 along two Valencian rich merchants, Joan and Lluis Dexarch, to trade in Granada[25]. Likewise, in 1412 Jaume Fua formed a company with two Barcelonan merchants recently settled in Valencia, Ramon Puig-Roi and Pere Corbí. In order to mitigate risks, Jaume was careful enough to stipulate a clause that forbade the two Barcelonans to lend the company's money without the permit of the other partners[26].

At the same time, Valencian networks were far beyond the jurisdiction of their own city. In 1387, Francesc Çatorra and Pere Roig, Valencians, establish a society with Francesch de Montblanch, Mallorcan, to trade in *Barbaria*. The Mallorcan was even agreed to settle in Oran to represent the company, and was trusted much of the firm's total capital amount[27]. Valencian merchants customarily made use of foreign operators to carry their goods overseas, as shown in a letter of May 1414 written by the aldermen of Valencia and addressed to the king of Fez. In such a letter, Nicholau de Montell is said to have freighted two ships to trade in North Africa: one, on charge of Bernat Gilabert and Arnau Seguer, Valencian and Mallorcan respectively; and a second one commanded by Pero Juanyes, "del regne de Castella", who in turned carried another of his factors, Johan Gabella, citizen of Genoa[28].

These *companyes mercantivols* were established for short periods of time. According to the figures provided by Enrique Cruselles, the average duration of a Valencian society was around two years[29]. Firms could last longer, yet four and five years firms were rather exceptional. Nevertheless, merchants did frequently renew societies to repeat operations and take advantage of acquired knowledge on partners, agents and markets. In 1400, Ramon de Navel, Johan Junyent and Johan Ces Oliveres, merchants from Barcelona, establish a society for three years with branches in Montpellier and Valencia. Once expired, it is renewed in pretty similar terms by 1404, except for the fact that the share of Ramon de Navel has diminished[30]. In 1403, fifteen Christian merchants and some Jews from Mallorca found the renowned Algiers company, which would be dissolved and re-founded several times until 1438[31].

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[23] Cruselles, Ibidem, p. 105.
[24] Ibidem, p. 99.
[25] Cruselles, E. 'Jerarquización y especialización de los circuitos mercantiles valencianos, finales del XIV-primera mitad del XV', p. 95.
[26] Cruselles, Los comerciantes valencianos del siglo XV, p. 107.
[27] Cruselles, E. 'Jerarquización y especialización de los circuitos mercantiles valencianos', p. 96.
[28] AMV, LM, g3-12, 135r-135v.
[29] Cruselles, Los comerciantes valencianos del siglo XV, p. 103-104.
[30] Carrère, *Barcelone, centre économique à l'époque des difficultés,* pp. 163-164.
[31] Macaire, *Majorque et le commerce internationale,* p. 199.

Beside companies, merchants relied on a wide array of commenda partners, factors, procurators and employees. We have already seen several examples of brothers jointly operating family ventures; sons were likewise associated to the family business since an early age, remaining under their father's direction until adulthood. In 1418, for instance, the three factors employed by Mateu Bondia to carry on his business were his sons themselves: Joan, Lluc and Marc, the latter being sent to Italy to coordinate from those parts the shipping and sale of merchandise. In 1436, the elder son of Daniel Barceló, Lluis, is sent to Flanders to represent the family firm. One year later, Francesc Pellicer gives powers of attorney to his son Antoni to trade in Biscay as his factor[32].

As stated before, business organisation goes beyond the tight circle of relatives. Very young apprentices were hired for nine, ten or fifteen years and assimilated to the merchant's household on the basis of apprenticeship contracts, in a similar manner as was common in the artisan sector. Those arrangements implied that apprentices lose temporarily their independence: they were obliged to reside in a certain place and to work exclusively for their employees during the stipulated period. In exchange, they were paid a salary. In 1415 a peasant sent his son Gonzalo to work for the merchant Francesc Montfort: the contract stipulated nine years of work. These apprentices were frequently sent abroad to work as factors for their masters: that is the case of Berenguer Gravalosa, whom we see in 1423 settling in Almeria on behalf of Francesc Çaidia. Shortly after, the same Francesc is employing a second young merchant, referred to in the records as "juvenem meum", to trade in the realms of Granada. Three years later we found Berenguer still residing in the same town and working for Francesc, which gives us an idea of the long-term trust relations that were built up around these apprenticeship contracts, known as *contractes d'affermament*.

Free-lance merchants could also be hired as factors and procurators. In 1412, the Bou Brothers founded a company to trade towards Flanders: Johan, merchant, will manage the firm's undertakings from the Valencian headquarters, while his brother Guerau, ennobled, participates as an absent investor. A third non-family member, Johan Sallit, is trusted the business in Bruges, where he is agreed to reside for 3 years in exchange of a hundred florins per year, plus his own capital investment in the company. A fourth non-family member, Jaume Guils, will work as accountant for a salary[33]. Adult factors would normally work for an array of employers at the same time, being rewarded with salaries or commissions in pretty much the same terms as their Italian colleges[34]. Factors might be given discretion to undertake commercial decisions on their own, but principals increasingly preferred to provide detailed instructions on the goods to be acquired and dispatched. In June 1425, the Junyent company from Barcelona hired Johan Bonet, a Valencian merchant, in the following terms: the latter, in exchange of 2400 pounds per cargo, had to dispatch every month one hundred pieces of cloth (*draps*) from Valencia to Barcelona. The contract even stipulated the features that those pieces should have, for they were thought to be re-dispatched to Sicily: "acolorats de roba scura, prout est usaticum pro partibus Sicilie". In case an employer considered that his agent had not fulfilled his contractual

[32] Cruselles, *Los comerciantes valencianos del siglo XV*, p. 161.
[33] Cruselles, Ibidem, pp. 153, 154, 157.
[34] Cruselles, Ibidem, p. 168; Ashtor, E., *Levant Trade in the Later Middle Ages* (Princeton, 1983), p. 403.

obligations, he could turn to the courts. For instance, in 1423 Pere Portagas, Barcelonan, denounced his factor in Sicily[35].

Valencian businessmen usually gave powers of attorney to fellow merchants in order to recover debts abroad, undertake commercial operations on their behalf, draw bills of exchange or monitor the performance of their factors. In 1423, the aforementioned Francesc Çaidia appointed two Valencian merchants residing in the Nasrid Kingdom as *procuratores* to monitor Berenguer Gravalosa, his young factor in Almeria. One month later, Francesc would even appoint another merchant to undertake the same auditing tasks. In 1426, Berenguer himself will be given powers of attorney to claim some goods and debts owed to his master by other factors and merchants settled in the area. In Sardinia, Valencian merchants even gave powers of attorney to local merchants to manage their business or claim debts[36]. Like adult factors, these procurators could work for several merchants at the same time, being rewarded with a fee or a share, depending on the nature of the tasks to be accomplished. Partners and trustworthy factors were usually given as well these faculties, up to the point that every so often notarial deeds refer to the latter as *procuratorem et negotiatorem*[37].

Notwithstanding the proliferation of mercantile societies, commenda contracts were still commonly used in the fifteenth century. In the commerce with the Levant and the secondary ports of the Maghreb, evidence suggests that they were even proportionately more employed[38]. An illustrative case might be that of Martin Andreu, a sedentary investor from Valencia who entrusted a thousand pounds to Arnau Barcelona, merchant from Tortosa, to be traded in the Maghribi cities of Honein, One, Tlemcen and Oran; the resulting purchases had to be dispatched the same year of 1418 to Mallorca and Valencia. Proceeds would be divided as usual: one quarter to reward the *tractator* and the other three quarters to the capital investor[39]. These investors would usually put their money in several commenda ventures, and commenda travelling merchants typically tried to collect several commendas from a base of multiple investors[40].

Under certain circumstances, commenda contracts incorporated the formula: "smerciare in illis rebus, raubis et mercaturiis michi benevisis", which gave agents full discretion to use the capitals they had been entrusted, yet this made them liable of audition by the sedentary partners once returned[41]. Around this time, however, principals became growingly involved in purchase decisions. In the Levant commerce, they usually wrote down "recordanças", that is, legally binding purchase orders that

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[35] Carrère, *Barcelone, centre économique*., pp. 51, 142.

[36] Villanueva, Concepción, 'La presencia de valencianos y aragoneses en la documentación notarial cagliaritana del siglo XV', *Anuario de estudios medievales*, 38 (2008), pp. 38-39.

[37] Cruselles, *Los comerciantes valencianos del siglo XV*, pp. 155, 156, 159; Macaire, op. cit., p. 200.

[38] Evidence seemingly confirms this phenomenon for the three great Catalan ports: see Coulon, Damien. *Barcelone et le grand commerce d'Orient au Moyen Age: un siècle de relations avec l'Égipte et la Syrie-Palestine: ca. 1330-ca. 1430* (Madrid, 2004), p. 228, footnote 25; López, María Dolores, *La corona de Aragón y el Magreb en el siglo XV, 1331-1410* (Barcelona, 1995), pp. 414-415; Macaire, op. cit., p. 209.

[39] Cruselles, *Los comerciantes valencianos del siglo XV*, p. 151; Pyror, John H. 'The Origins of the Commenda Contract', *Speculum*, 54, 1 (Jan. 1977), p. 6; Carrère, op. cit., p. 157.

[40] Cruselles, Ibidem, p. 136.

[41] Cruselles, Ibidem, p. 150.

travelling merchants had to follow. In fact, one of the main causes of conflict in commenda contracts was the claim that travelling merchants hadn't brought the required merchandise. In 1433, Antoni Berga entrusted Johan de Vilaseca 20 jugs of honey with the purpose of selling them in the Levant and purchasing in return pepper and *baladí* ginger, to be carried back to Barcelona. Since Johan brough back *maquí* instead of *baladí* ginger, Antoni sued him[42].

It is still debated to what extent Valencian merchants collected funds from a wide base of citizen investors. In Barcelona, urban upper-middle classes have invested in commerce since the thirteenth century through the commenda formula, by which the merchant promised to pay an interest after a certain period of time. In 1417, a similar system allowed the Medici bank to increase fourfold its capital base. For Valencia we have only a few hints. In 1380, Maciana, widow of Ferrer Mas, recognised to have been paid 500 florins by Francesc Çatorre and Bernat Segarra, by reason of her previous investment in their society. In 1418, Francesc Pellicer received in commenda 100 pounds from Margarida, widow of Andreu Ferrer, promising to pay a quarter of the returns[43]. In any event, Valencia was not far from developing true impersonal financial markets in which wide sectors of the population could invest their savings, including artisans, barbers, surgeons, lawyers, widows and nobles. Particularly, since shipbuilding required large investments and risk sharing, ship ownership tended to be divided in a number of shares called *setzenas* (literally, sixteenths), which could be bought, sold and negotiated in the open market, pretty much in the Barcelonan fashion. Although shipmasters customarily held near half of a vessel's ownership, ship ownership was usually fragmented among a number of shareholders. Jacqueline Guiral has contended that the Valencian *setzena* market was mainly in the hands of the nobility and the urban oligarchy, yet her own data show seamen, artisans and professionals accounting for the 34% of ship shareholders in the fifteenth century[44].

The size of the Valencian mercantile firms in this period seems rather modest. For the term between 1350 and 1450 there are only two sizeable companies: the first one, established in 1380 by the families Exarch and Fernandes, which amounted to 6800 pounds, to be traded in Granada; and the Ros company, established in 1414 by members of the Ros family and the merchant Ferran Garcia, which raised 6800 pounds. According to the available data, the average duration of a Valencian firm was 1.77 years; its average capital amount, 1,384 pounds; and its average number of partners, 2.98. Only 3 out of the 50 firms studied by Enrique Cruselles exceeded the 3,000 pounds, and 24 didn't reach to 1,000. It is true that companies were modest even in the most advanced cities: Lucchese firms around 1371-1372 had on average 2

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[42] (Coulon, *Barcelone et le grand commerce d'Orient*, p. 605; Carrère, Barcelone, *centre économique*, pp. 645-646; Cruselles, Ibidem, p. 150). On the role of Valencians in the Levant trade, either from Barcelona or from their own port, see: Ashtor, *Levant Trade in the Later Middle Ages*, pp. 140, 198, 232; Coulon, Ibidem, p. 573, Guiral, Jacqueline, *Valencia, puerto mediterráneo en el siglo XV*, pp. 148, 151. These "recordanças" weren't anyway unique of the Levant trade: they are recorded in Valencian commerce with Italy and other parts, see Cruselles, Ibidem, p. 151.

[43] Cruselles, Ibidem, pp. 111-112.

[44] Carrère, C. *Ibidem,* pp. 202-210. The *setzena* system was also used in Mallorca: see Cruselles, *Ibidem*, p. 137; and López, María Dolores, *La Corona de Aragón y el Magreb*, p. 314. For Valencia, see Guiral, Jacqueline, *Ibidem,* p. 203-204.

factors per firm; only 11 employed more than 6 persons, and businesses over 10 employees were exceptional in Italy[45]. Yet we do not find in Valencia any firm comparable to the Barcelonan Lobera-Junyent, established in 1413 and lasting more than 80 years, which at its peak amounted to 25,415 pounds[46]. Even for Mallorca, Pierre Macaire found in 1421 two societies worth 5,200 and 10,910 pounds[47].

Despite all this, Valencian merchant networks were much wider and thicker than one might have expected in advance. Labour enjoyed a high degree of mobility, as merchants could work as commenda partners, factors and procurators for a full array of consolidated merchant companies. On the other side, investors could count on a wide set of collaborators to undertake their ventures. Let us think, for instance, in the case of a middle-rank merchant as Francesc Siurana, a changer who was able to keep business interests stretching from Atlantic Spain to the central Mediterranean through multiple contractual arrangements with colleges from Valencia, Castellon and Barcelona, commenda partners from Biscay and even Italian procurators and agents[48].

In sum, Valencian merchants made good use of several forms of business organisation. They kept long-term business relations with relatives and well-known colleges in order to attenuate hazards, yet trading networks showed keen and capable to assimilate newcomers and enter into contracts with foreigners, enabling Valencian merchants to successfully reach out far way markets. It remains to be explained, however, what means were used to to enforce such arrangements. That is the focus of the following chapter.

I.2. The merchants for themselves: the role of informal institutions

After having reviewed the mercantile networks and arrangements used by the merchants from Valencia around the early fifteenth century, most of the contractual hazards they had to deal with on an ordinary basis should already be quite evident. How could Berenguer Gravasola credibly commit *ex ante* not to embezzle Francesc Çaidia's capital, taking into account that he was trading on his behalf from hundreds of miles away, settled in a Muslim state wide beyond the jurisdiction of Valencia and the King of Aragon? How the Basque commenda partners or the Italian agents making deals in the name of Francesc Siurana or Nicholau de Montell? All these operators might be tempted either to embezzle all their principal's capital, hence never coming back to Valencia, or to misreport trading profits in case they chose to come back, thus embezzling a part of them.

[45] Cruselles, Ibidem, pp. 102-146.

[46] This is, by the way, not so distant from the Datini or the Genoese and Lombard firms operating in the same epoch (Cruselles, *Ibidem*, pp. 109-110; Melis, Federigo, *Aspetti della vita económica medievale: studi nell'Archivio Datini di Prato* (Siena, 1962), pp. 305, 330

[47] Macaire, *Majorque et le commerce international*, pp. 199-200.

[48] Cruselles, Ibidem, pp. 165, 167, 236.

A major reason for this commitment problem was asymmetric information: principals could only incompletely monitor their agents, know how they were performing or what the profitability of their overseas businesses was. Even though merchants might make good use of extensive networks of relatives, friends and colleges to monitor their agents, crucial information typically arrived *ex post* and quite late. A letter written by the aldermen of Valencia on the 7th of September 1416, addressed to the sultan of Granada, provides us a valuable example of one of these situations[49]. Lluis de Eixarchs, a rich merchant from Valencia, possesses a factor settled in the city of Granada to look after his business in those parts. The said factor, named Pere Montblanch, was expected to carry on the usual duties of his position: selling cargoes imported from Valencia, acquiring Granadan silk and dispatching it back to the firm headquarters. Lluis seemingly suspected that "instead of looking after what he (the factor) have been trusted, he did quite the opposite"[50], so he sent one of his sons to supervise on the field the running of the business. What he found was that Pere "had wasted and concealed a great amount of their goods and money"[51], nearly ruining the enterprise. Agency relations were undoubtedly a source of trouble for merchants. But aside from them, even purchase transactions might involve high risks, especially when comprising the use of financial tools. Around the same time, a Granadan merchant acquired some goods from a Valencian operator through the drawing of a letter of exchange, to be paid in the Moorish quarter of Valencia by one of his partners. By the time the Christian operator came back in town from Granada to claim his debt, the Moorish Valencian partner asserted to know nothing of that transaction and refused to pay it back. Even Christian moneychangers would sometimes answer with an "I don't know him", "no.l conech no se qui es", when presented a bill of exchange to be redeemed[52].

Legal fragmentation was certainly the other great problem in relation to contract enforcement. As professor Gelderblom puts it, how might border-crossing contracts be enforced if the laws were local and the jurisdiction of the place merchants lived ended at the city gate?[53]. This sole circumstance provided an opportunity for agents to breach contracts and flee to foreign jurisdictions. In the Cervera *Corts* of 1351, Peter IV of Aragon announced that moneychangers that fled to another town or village after going bankrupt should be beheaded unless they redeemed their debts. This expedient was, of course, only applicable within the jurisdiction of the King[54]. In August 1380, the night before the trial could take place before the consul of Fez, the debtor Guillem Oliver run away on horseback from the North African town, seemingly disappearing[55]. In the days of the privative kingdom of Mallorca, we know about the case of a cloth-dealer named Francesc de Montilano, whose commercial partner, Federico Llosa, fled the island and settled in Seville, carrying with himself the 16,000 *solidi* jointly invested

[49] The said letter is AMV, LM, g3-13, 153r-v.
[50] In the original: "axi com deguera ben procurar e guardar ço que li han comanat, ha fet tot lo contrari".
[51] "(…) que lo dit factor ha guastats e amagats gran suma de lurs bens e diners".
[52] Cruselles, *Jerarquización*, p. 97; Carrère, op. cit., p. 153, footnote 3.
[53] Gelderblom, Oscar, *Cities of Commerce,* p. 102.
[54] Carrère, Ibidem, p. 35, footnote 1.
[55] ARM, AH 4496, f. 251r-v, August 1380 (provided by Daniel Duran, unpublished).

in the company[56]. Unfortunately we do not know what the outcome of this episode was, but Federico probably thought he could take advantage of the jurisdictional conflicts that were already common at that time. In Almeria, between 1332 and 1334, another case stands out: that of Jacme Manfré, a Mallorcan merchant, who boldly stated before the justice to be Genoese in order to avoid the jurisdiction of the Catalan consul[57]. This pretension was by no means implausible: back then Latin Mediterranean languages were near mutually comprehensible, and jumping from one nation to another would have not posed an insurmountable challenge for merchants accustomed to deal with multi-national partners[58]. Florentine merchants that went bankrupt or were sued for debts usually fled to Alexandria and Rhodes, concealing their identity under other nations flags, and it is not implausible that Catalan and Valencian cheaters might have acted likewise[59]. As the number of traders and communities increased, the cost of falsifying one's community affiliation dropped, and the cost of verifying a merchant's identity increased[60]. On the other hand, several evidences suggest that legal fragmentation provided a favourable environment for crew mutinies. On the 13th November 1463, the crew of a Valencian ship bound for Mostaganem, North Africa, seized the vessel, imprisoned the shipmaster and set sail for Cartagena, a Castilian dominion, at the time at war with Aragon, where they expected to sell safely the robbed merchandise[61]. Seamen knew definitely how to take advantage from political rifts between neighbouring states.

Informal institutions constituted a first resort in the merchant strategies for contract enforcement. In the first place, family and kinship bounded fellow relatives together and encouraged self-enforcing standards of conduct. We have already seen in the previous chapter that most commercial ventures were assembled by fellow brothers, and that merchants preferred to use their own sons as factors and agents as much as possible[62]. Uncles could also be given powers of attorney, as did Francesc de Magadis, Mallorcan settled in Algiers, with Ombert de Magadis, in order to recover debts and robbed merchandise[63]. All this certainly reveals that family had a role in lowering

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[56] Ortega Villoslada, A., *La marina mercante medieval y la Casa de Mallorca: entre el Mediterráneo y el Atlántico* (Lleida, 2015), p. 102.

[57] This case is extensively tackled in Sánchez, M., 'Mallorquines y genoveses en Almería durante el primer tercio del siglo XIV: el proceso contra Jaume Manfré (1334)', *Miscel.lània de Textos Medievals*, 4 (1988), pp. 103-162.

[58] For instance, in fifteenth century Alexandria there is evidence of Venetian notaries drawing up acts in Catalan: see Apellániz, Francisco, 'Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus', *Comparative Studies in Society and History*, 58-2 (2016), pp. 350-378.

[59] Apellániz, Francisco, 'Forentine networks in the Middle East in the early Renaissance', *Mediterranean Historical Review*, 30, 2 (2015), pp. 125-145.

[60] Greif, A. *Institutions and the Path to the Modern Economy,* pp. 338-339.

[61] Guiral, Jacqueline, *op. cit.,* pp. 321-322. Mutinies failed their aims when a Catalan consulate existed in any of the ports of call, see Salicrú, R., 'Notes sobre el consolat de Catalans de Siracusa (1319-1529)', *XIV Congreso di Storia della Corona d'Aragona* (Sassari-Alghero, 1990), p. 706.

[62] Cruselles, *Los comerciantes valencianos del siglo XV*, pp. 109-110 This is also true for many contemporary Italian companies: see Lane, Frederick, *Venice, a maritime republic* (Baltimore, 1973), p. 138.

[63] 20th February, 1385, ARM AH Clero 2595, f. 23v-24r (Daniel Duran, unpublished).

transaction costs and enforcing contracts, yet its role was limited. This is due to two reasons. In the first place, because the array of partners, investors, factors and employees clearly transcended the restricted circle of relatives. On the other hand, because we know about all these family ventures precisely because they were recorded before a public notary, what means that they could be used as legal proof in case of conflict.

Historiography has pointed sometimes at Catalan comradeship as a second force that might have bounded fellow nationals together, thus providing a contract enforcement mechanism beyond family circles.[64] This "Catalan commonwealth" based on shared language and culture surely provided a ready-made network for Valencians entering into contracts with fellow connationals from the Principality and Mallorca in regions as Sicily, Sardinia, *Barbaria,* Flanders and others in which long-standing Catalan merchant communities existed[65]. They provided the first contacts, insured each other cargoes, helped recovering debts and settled conflicts with fellow merchants in amicable terms[66]. However, this mechanism cannot account for Valencian mercantile arrangements, and was by all means inadequate to sustain complex transacting. In reality, merchants used their Catalan affiliation quite opportunistically. Mallorcan merchants would deny Catalan nationality when convenient to their individual interest, as we have already seen. In the fifteenth century they are still found resisting the jurisdiction of the Catalan consul in Bruges, and in 1434 the Queen of Aragon herself had to write the aldermen of Bruges to help the Catalan consul collecting the *periatge* tax[67]. On the other hand, Valencian merchants strongly refused to contribute money for the ransom of Barcelonan citizens in the Levant, and Barcelonans seem to have done likewise when Valencians were the ones to be rescued in Granada[68].

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[64] It should be noted that the "Catalan commonwealth" included people from the three Catalan-speaking countries: proper Catalonia, Valencia and Mallorca, even though each of them was a distinctive principality or kingdom. Mallorca had even a record as a kingdom independent from the Aragonese monarchy before 1343. See Vela, *Epistolari de la València medieval*, pp. 177-188.

[65] Abulafia, David, 'Catalan Merchants and the Western Mediterranean, 1236-1300: Studies in the Notarial Acts of Barcelona and Sicily', in *Viator*, 1 (1985), pp. 209-242; López, María Dolores, 'La circulación de las élites económicas en el Mediterráneo occidental medieval: el Magreb como polo de atracción de los mercaderes catalanoaragoneses', *Acta historica et archaeological mediaevalia*, 22 (2001), pp. 721-734.

[66] Igual, Luis. 'Los grupos mercantiles y la expansión política de la Corona de Aragón: nuevas perspectivas', in Tanzini L., and Tognetti, S. (eds.), *Il governo dell'economia: Italia e Penisola Iberica nel basso Medioevo* (Rome, 2014), p. 22; Cruselles, *Jerarquización*, pp. 97-98; Soldani, M. E. 'Madurs consellers o males suggestions? Forme di patrocinio, consulenza e consiglio nelle cause tra mercanti a Barcellona (secc. XIV-XV)', in Charageat, M., and Leveleux-Teixeira, C. (ed.), *Consulter, juger, décider: Le role de l'avis dans le processus décisionnel médiéval* (Madrid, 2007).

[67] Carrère, *Barcelone, centre économique*., p. 116.

[68] This is clearly stated in a letter composed by the Council of Valencia and addressed to her messenger in 1400. In it, the aldermen complain about the taxes collected from Valencian merchants in Beirut by the *consol de Barchinona.* The goal of those taxes, it is said, was to release some Barcelonan captives: Valencia counter-argues that Valencian merchants trading in Granada paid alone for this kind of expenses. See AMV, LM, g3-5, 130 r-v.

A third, hybrid explanation is that merchants carefully built networks of relatives, friends and rather conational colleagues, and then used social sanctions to discipline them, mainly through ostracism. When parties to exchange are involved in repeated dealings and dense social networks allow people to have an intimate understanding of each other, these private-order reputation based systems could provide the background for long distance trade[69]. Enrique Cruselles has similarly proposed that what enabled merchants to commit not to breach contracts was the expectancy of future dealings with an stable network of merchants. This would seemingly explain, for instance, the fact that social ties and patrimonial wealth were very much taken into account when looking for business partners. In fact, when merchants dealt with relatively unknown partners, they tried to take several kinds of contractual precautions, as revealed by the following example. In January 1416, Antoni Garriga and Francesc Siruana, Valencian rich merchants, establish a company with two Barcelonan merchants recently settled in the city, Ramon Puig-Roi and Pere Corbi. Since these two newcomers are only scarcely known among the Valencian trading networks, they are contractually restricted the amount of goods they can trade at a certain period. Even more, their wives' property is held liable in case they die[70]. Bills, pledges and guarantors could be used as well in these cases: in late fifteenth century, the Forentine naturalized Valencian Joan del Vinyo, merchant, acts as guarantor on behalf of Martín Ochoa de Bassara, Biscayan, before his creditor, a Spannochi factor who lent him money to travel to Naples[71]. The existence of these informal merchant coalitions would explain as well why merchants were so keen to reach amicable settlements with their fellow, even if they were owed a sizable amount of money: their priority was not to break up relations but to ensure future dealings with the same circle of partners. Having a record of honourable reputation ensured them to take advantage of these networks in case they needed procurators, insurers, arbiters or even *setzena* investors to undertake the building of new vessels. It is interesting to mention here a revealing clause contained in the Book of the Consulate of the Sea. In case the building of a ship required more capital investment than expected, it says, stakeholders cannot be compelled to acquire more than one *setzena*, since their investment is probably motivated more by friendship than profit seeking[72]. In any case, these coalitions alone were inadequate to support trading networks as those we saw in the first chapter.

In brief, contractual hazards were a major concern influencing the way Valencian merchants conducted their businesses. In order to attenuate risks of embezzlement and misreport, they preferably dealt with fellow relatives and citizens, connationals and long-term colleagues. The ordinary demands of their trade impelled them to engage in loose merchant coalitions that provided a full set of services (reciprocal insurance and ship investing, juridical support, market information, trading partners), which in turn made the threat of exclusion a credible means to enable agents to

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[69] North, D. C. *Institutions, institutional change and economic performance* (Cambridge, 1990), p. 55; Gelderblom, *Cities of Commerce*, p. 103.

[70] Cruselles, *Los comerciantes valencianos del siglo XV*, pp. 107-108, 148-149.

[71] Guiral, Ibidem, p. 279.

[72] Soldani, 'Madurs consellers o males suggestions?', p. 126; Coulon, *Ibidem*, p. 600-602; Guiral, Jacqueline, *Valence, port méditerranéen au XVe siècle, 1410-1525* (Paris, 1986), pp. 140-141.

commit to their contracts. Such private order solutions, however, faced serious limits to support trading networks as those we saw in the first chapter, and should be regarded only as a first resort in the contract enforcement mechanisms that prevailed in fifteenth century Valencia. We should emphasize that the city proved to be considerably effective at assimilating parvenus and dealing with foreigners, and that most of the contracts did not imply the use of guarantors, bills or pledges. Moreover, informal coalitions could not effectively prevent contract breaches, for merchants could always flee or trade between multiple loose coalitions. Formal institutions had necessarily to complement them.

Part II. Formal institutions and contract enforcement

In this part of our paper we will turn our attention to the role of public order institutions in providing contract enforcement. We will do so from several separate angles, each one roughly corresponding with a section. The main body of this part is devoted to tackle the perspective of the local merchant community and the problems of inter-Catalan and cross-national enforcement, yet much space is also devoted to the distinctive approach developed by the merchants of Valencia when dealing with their sphere of influence, Granada and *Barbaria*. As a matter of course, this will lead us to the undertakings of the municipal, royal and consular institutions, as we will shall the opportunity to see. Further space is devoted in the last section to compare the Valencian case with neighbouring experiences: namely, Barcelona, Genoa, Venice and Florence.

II.1. The city of Valencia, her *Consolat de Mar* and the overseas consulates

Valencia and her *Consolat de Mar*

The Consulate of the Sea was basically a merchant court devoted to settle maritime disputes arising among seamen, merchants and investors in their ordinary undertakings. The first Consulate within the Crown of Aragon was granted by Royal

privilege to the city of Barcelona in 1279; Valencia would follow in 1283[73]. By the early fifteenth century, the definite features of the court were already well defined: it was made up of two consuls and one judge of appeal, elected every Christmas by the local seamen and merchants[74], and its jurisdiction extended over all maritime affairs. The Book of the Consulate of the Sea explicitly stated that the consuls exerted jurisdiction over all questions concerning frights, damaged cargoes, seamen's salaries, auctions, shipbuilding, commendas and "in general over all contracts that need to be settled according to the usages and customs of the sea"[75]. A letter submitted in 1356 by the Valencian consulate even suggested that Muslim and Jewish connationals were also subject to its jurisdiction[76].

The Book of the Consulate of the Sea, by standardizing the mercantile customs, provided a predictable framework in which operators could anticipate their own legal rights and liabilities. In particular, the Book devoted lengthy space to define principal-agent relations in order to mitigate opportunistic behaviours. For instance, the articles number 163, 219 and 220 state that every shipmaster is obliged to submit dividends and render account to the shipowners at the end of each voyage. In case the vessel goes lost or damaged, the shipmaster is obliged to submit the earnings made in previous voyages, in case they had not been submitted yet. This article, the Book confesses, was made to avoid that shipmasters could delay the shipment of earnings until their vessels were seriously damaged, at which point they might contend that everything had been lost and proceeds were non-existent[77]. A major reason to establish such a court was to provide swift and clear procedures to settle mercantile affairs: for that matter, its verdicts were non appealable and its jurisdiction was exempted from municipal or royal intervention[78].

The *Consolat de Mar* provided contract enforcement beyond the city walls of Valencia. Since it was the only consulate in the kingdom, all maritime affairs concerning other coastal towns had to be referred to its tribunal, making inter-Valencian businesses reasonably secure. The Book of the Consulate even envisaged the possibility that consuls could impound debtors' movable and immovable property in case they failed to fulfil their contractual obligations, providing further incentives to submit to their jurisdiction[79]. Through a letter issued on the 20th of September 1414 we know of a citizen of Alicante, Pasqual Guardiola, who had been sued before the

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[73] Ferrer i Mallol, M. T., 'El consolat de mar i els consolats d'ultramar, instrument i manifestació de l'expansió del comerç català', p. 61.

[74] The fact that the Valencian consulate was self-managed by the seamen and the merchants, instead of being controlled by the Council as were the Barcelonan and Mallorcan consulates, seemingly explains why it did not experience a process of jurisdictional expansion as did the latter (Duran i Duelt, D. 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', p. 78).

[75] Ferrando, A. *Llibre del consolat de mar,* articles 20 and 29.

[76] Ibidem, document XV, p. 256.

[77] Ibidem, articles 163, 219, 220. This was common usage in the Mediterranean, and by the fifteenth century it was already introduced in the Low Countries. In 1413, the Amsterdam *keurboek* stipulated the obligation of shipmasters to keep record of transactions and submit periodical report to the shipowners (Gelderblom, *Cities of Commerce*, p. 94).

[78] Narbona, Rafael, 'Valencia, emporio mediterráneo: ss. XIV-XV', pp. 105, 108; Soldani, 'Madurs consellers o males suggestions?', pp. 141-142.

[79] Ferrando, Ibidem, article 27, p. 17.

court of the Valencian consuls. When the said Pasqual tried to deflect the process to the court of the royal bailiff in Alicante, the Consulate of the Sea and the aldermen of Valencia sent to the royal bailiffs several letters in which they boldly stood for the consular prevalence over the whole kingdom and condemned the bailiff's proceedings as a violation of the Consulate's privileges. As the aldermen of Valencia stated, their consuls "have a knowledge on all the maritime affairs and businesses, not only regarding the said city but also the whole kingdom" [80].

Albeit the consulate provided a last resort, merchants showed reluctant to go to court because of the time it took and the uncertainty of the outcome, and typically preferred to settle conflicts amicably among themselves through arbitration. For instance, in 1438, Daniel Barceló, citizen of Valencia, and Pere d'Odena, Valencian settled in Mallorca, appointed a pair of arbiters to render justice regarding some commenda contracts and debts[81]. Similar arrangements are well known and were well widespread: they had legal recognition and were legally binding, what made them credible alternatives to formal courts[82].

Settling conflicts between fellow Catalans

Mallorcans and proper Catalans held no more privileges before the court of the Valencian consuls than did Genoese or Venetian merchants: both groups were, in a sense, foreigners. However, non-Valencian Catalans lacked distinctive consular representation in the city, for they were bound together with Valencian merchants by a common legal tradition, a shared monarchy and an extensive consular network both in their Spanish territories and overseas.

Mallorcans and proper Catalans typically turned to the Valencian Consulate to bring legal charges against Valencian citizens. In march 1356, Garsia Rosanes, Barcelonan, in representation of other four fellow Barcelonan merchants, turned to the court of the Valencian consuls to denounce Domingo Roures, a Valencian corsair that had recently seized a Castilian ship carrying goods property of the said merchants[83].

The incentives involved in inter-Catalan institutional cooperation are clearly illustrated by the aforementioned case of Pasqual Guardiola. In 1414, the said Pasqual seemingly could not reach an amicable settlement over an unspecified issue with Johan Peres, citizen of Barcelona. Since "the offended party can choose the judge that better suits him, and by reason of this the said Johan Peres chose the said consuls" of Valencia, Pasqual Guardiola was required to give testimony before them. In case he

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[80] In the original: "Quels dits consols han juhi e conexença de tots los feyts e negocis maritims no solament dela dita ciutat mas de tot lo regne". AMV, LM g3-12, 48v-49r.

[81] Cruselles, *Los comerciales valencianos del siglo XV*, p. 149, footnote 12.

[82] Actually, commercial disputes could be addressed through various institutions. Many attorney documents include expressions as: "coram consulibus maritimis, vicariis, baiulis et officialibus" and the like (Duran, 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', pp. 580-581, footnote 41).

[83] Ferrando, Ibidem, document XV, p. 255.

would not attend and justice could not be administered —the aldermen of Valencia said to the royal bailiff—, the city of Barcelona might issue letters of marks or raise an extraordinary tax against Valencian commerce to make up for the losses. On the surface, the Council of Valencia was apparently motivated to settle the conflict on behalf of the "good friendship of ours and that city (of Barcelona)", yet a closer look reveals that the incentives that encouraged Valencian mercantile institutions to cooperate with non-Valencian citizens were the same for Catalans and non-Catalans: the threat of taking reprisals against the property of their own citizens abroad[84].

The consular network of information and punishment

So far we have dealt with contract enforcement within the city and kingdom of Valencia, whether involving its own citizens or fellow Catalans. Valencian merchants, however, entered into crossing border contracts that stretched from Flanders to the Levant, therefore requiring an enforcement mechanism wide beyond the jurisdiction of their own local Consulate. Even if businessmen chose to conduct their overseas affairs preferably through fellow citizens and connationals, they required a way to monitor partners, factors and employees, uncover contract breaches and punish the infringers[85].

The Catalan consular network provided such a mechanism. By privilege granted by James I in 1268, the Council of Barcelona held the privilege of appointing *consuls d'ultramar* and commanding the whole network. The council of Barcelona and the king typically obtained from foreign authorities the granting of consular jurisdiction in their territories, so allowing consuls to adjudicate disputes according to the laws and customs of the Catalans[86]. Indeed, these consuls exerted jurisdiction over all the Spanish subjects of the king of Aragon, including the principality of Catalonia and the kingdoms of Valencia, Mallorca and inland Aragon[87]. Consulates bore a double function: on the one hand, they fulfilled the role of a tribunal and administrator for the Catalans; on the other, they served to defend the rights and privileges of the Catalans before the local rulers. Once a ship landed in a port provided with a consulate, on board scribes were required to present their logbooks before the consuls, who

[84] AMV, LM g3-12, 48v-49r.

[85] González de Lara, Y. 'The secret of Venetian success', pp. 269-270.

[86] Gelderblom, *Cities of Commerce*, pp. 109-110.

[87] Duran i Duelt, Daniel, 'Monarquia, consellers i mercaders. Conflictivitat en el consolat català de Constantinoble a la primera meitat del segle XV', in Ferrer i Mallol, M. T., and Coulon, D. (eds.), *L'expansió catalana a la Mediterrània a la Baixa Edat Mitjana* (Barcelona, 1999), p. 27; Ferrer i Mallol, M. T., 'El consolat de mar i els consolats d'ultramar, instrument i manifestació de l'expansió del comerç català'; Duran i Duelt, D. 'La fi del sistema consular mallorquí i les seves repercussions en el català: el cas dels consolats de Pera i Constantinoble'; Rohne, C. F. *The origins and development of the catalán consulados ultramarinos,* pp. 62-117. The Barcelonan consulates intended jurisdiction as well over Sardinians, Sicilians and eventually Napolitans, but never achieved it in face of the resistance of these mercantile *nationes* (Carrère, *Barcelone, centre économique*., p. 119).

checked and recorded the merchandise to be discharged, its price and the passengers identity, in a similar manner as did the port officials in the mainland Aragonese cities[88]. In case a debtor was detected, or found guilty of any contractual breach while staying in the city which he could not recover, the consuls were enabled to send him and his goods back to the Aragonese mainland carrying a cartulary recording the whole proceedings. If the offender refused to leave, the consuls were enabled to confiscate his merchandise while waiting orders from the local authorities[89].

For this whole network to work properly, mainland Consulates, city councils and Royal officials had to cooperate closely with the overseas consulates[90], since written proof, witness testimonies and general information had to be constantly transmitted from one institution to the others in order to settle complex commercial disputes[91]. In March 1373, the Royal governor of Mallorca, Olfo de Proixita, submitted a letter to Francesc de Magadins, Catalan consul in the Maghribi port of Bougie, asking for his help in a case of robbery. Bernat Ripoll, citizen of Mallorca, had taken some *dobles* from a chest belonging to Francesc de Montblanch, former factor of his uncle Romeu, on the pretext that the said *dobles* had been stolen from him before by Macià d'Orcha. On the contrary, Romeu Rigolf stated that the said Macià had given away those coins in Bougie, saying they did not belong to him. In order to deliver justice, Olfo de Proixita requested the consul of Bougie to take testimony of witnesses and submit to Mallorca any information that might hep clearing up the case[92].

Consulates displayed also useful as a means to discipline sailors and discourage mutinies. We have already seen in a previous chapter that seamen took advantage of political rivalries to seize vessels and sell their cargoes in enemy ports —otherwise, they would be punished. That was the case of a ship crew that dropped their shipmaster in Tripoli and set sail for Syracuse. Since the Sicilian port already counted with a Catalan consul, they were easily identified, judged and punished[93]. Sometimes, the city councils themselves might make use of this information network to find offenders and safeguard their own citizens. In September 1403 we know that the ship of Christofol Caruo, citizen of Genoa, who had set sail from Valencia bound for the Ligurian port, was seized by a Castilian corsair near the gulf of Lion. The consuls of Valencia, aware that among the seized cargo were merchandise and investments belonging to fellow citizens, wrote to the Catalan consulates of Marseilles, Alghero and

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[88] Carrère, *Barcelone, centre économique*., pp. 71, 118; Guiral, *Valencia, puerto mediterráneo*, p. 221.

[89] Carrère, Ibidem, pp. 119-120.

[90] This is not to say that several kinds of conflicts did not arise around their respective jurisdiction. In the fifteenth century we find especially two prominent cases in Constantinople and Bruges: see Duran i Duelt, Daniel, 'Monarquia, consellers i mercaders'; Carrère, *Ibidem*, p. 116.

[91] With respect to that it certainly helped that merchants were required to keep record of transactions in accountbooks, so they could be presented as legal proof (Cruselles, *Los comerciantes valencianos en el siglo XV,* p. 217).

[92] ARM, AH 39, f. 86v-87r (unpublished, Daniel Duran).

[93] Ferrer i Mallol, M. T., 'El consolat de mar i els consolats d'ultramar, instrument i manifestació de l'expansió del comerç català', pp. 74-75.

Cagliari reporting the event and providing official evidence on the kind and quantity of the merchandise, to be returned in case the corsair would be captured[94].

The Catalano-Aragonese citizenship: a valuable asset?

In order for a principal to enter into an exchange relationship, he needs to believe *ex ante* that his partner will fulfil his contractual obligations *ex post*, when he can gain from reneging. A consular network that provides information to detect contract breaches and punish offenders did help in that matter, but needed further reinforcement. An agent who traded with someone else's capital could still easily disappear with the loot and flee to another jurisdiction, away from the authority of the Catalan consuls. In the fifteenth century even the powerful Medici bank stopped lending money to the German merchants lodged in the *Fondaco dei Tedeschi*, for once they had come back to Germany recovering their debts was nearly impossible[95]. The examples provided in previous chapters should suffice to grasp how pressing were these legal fragmentation problems, also in the Catalan-Aragonese world. Indeed, the ultimate problem was how to enable agents to commit *ex ante* not to flee with the principal's capital *ex post*, even though they could not be punished if they did it[96].

A plausible hypothesis is that the Catalan-Aragonese citizenship was so valuable in the context of the late Medieval Mediterranean that merchants were motivated to submit to Catalan-Aragonese authorities instead of fleeing to a foreign jurisdiction or to falsify their own nationality[97]. In particular, Catalan-Aragonese affiliation was a valuable asset thanks to a set of overseas commercial privileges that were unmatched by any other trading nation apart from the Genoese and the Venetians. A powerful monarchy capable to defend overseas interests and coordinate the merchants collective actions to discipline foreign rulers further reinforced the attractiveness of Catalan-Aragonese affiliation compared with smaller or less coordinated nations[98]. In 1288, two years after the Aragonese conquest, the Catalans received in Sicily rights and tax exemptions on a pair with those of the Genoese, a position further

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[94] LM 8, f. 31 r. (available at Rubio, A. *Epistolari de la València medieval,* p. 179.).

[95] Constable, O. *Housing the Stranger,* p. 320.

[96] Greif, A. 'Coercion and exchange: How did markets evolve?', pp. 10-11; Greif, Avner, 'The fundamental problem of exchange', p. 265.

[97] González de Lara, 'The Secret of Venetian success', p. 16. I have to express my gratitude to Yadira González here, for this section has greatly benefited from personal discussion with her.

[98] For a discussion on this matter, see: Grafe, R., and Gelderblom, O. 'The Rise and Fall of the Merchant Guilds: Re-thinking the Comparative Study of Commercial Institutions in Premodern Europe', *Journal of Interdisciplinary History*, XL: 4 (Spring, 2010); Greif, 'The fundamental problem of exchange', pp. 264-265. The role of the Crown in the development of Catalan commerce is an old historiographical debate, but has never been placed in relation to contract enforcement: see Del Treppo, M. 'L'espansione catalano-aragonese nel Mediterraneo', in *Nuove questioni di storia medievale* (Milano, 1964), pp. 250-300; Hillgarth, J. N. *The problem of a Catalan Mediterranean empire, 1229-1327* (London, 1975); Igual, Luis. 'Los grupos mercantiles y la expansión política de la Corona de Aragón: nuevas perspectivas'.

consolidated in the early fifteenth century after the Reconquest of the island, when the Catalan share of the cloth market rose from less than ten per cent to nearly seventy per cent in a few years. After the conquest of Sardinia (1323-1326), Catalans would also receive freedom from custom dues[99]. By the early fifteenth century, a Catalan merchant would enjoy privileged treatment along the crucial route of the isles from Valencia and Barcelona to Mallorca, Sardinia and Sicily, plus a growing influence in the government of Rhodes —a route known by historians as the "Catalan diagonal"—[100]. Even the faraway and typically unsettled Catalan consulate of Bruges enjoyed a relatively privileged status and benefited from the influence of the Aragonese king. Let us see an example of this coordinating function of the Crown. In 1438, Philip the Good allowed the Flemish and Italian owners of a ship confiscated in Valencia to compensate their loss with the seizure of Catalan-Aragonese property in Flanders. Initially the Council of Bruges managed to postpone the measure, but fearing its application, Alfonso the Magnanimous ordered Catalan merchants to prepare for a departure from Burgundian territory in 1439. The collective boycott succeeded: letters of mark were replaced by a slight levy on Aragonese imports, which would be further cut down afterwards[101].

There are several evidences pointing to the fact that overseas commercial privileges could have motivated merchants to keep their affiliation with the Catalan-Aragonese nation. Right after the Aragonese conquest of Sicily and the subsequent granting of privileges, the Catalan merchants that had been previously residing in the Provençal quarters and benefited from their privileges seemingly moved out to the newly created Catalan quarters[102]. In the early fourteenth century, when some Mallorcan merchants settled in Seville refused to pay an extraordinary tax to cover for the repair of the Catalan *alfondech*, Jaume Llompart, the Catalan consul appointed by Barcelona, declared that Mallorcan merchants had customarily brought their disputes before the Catalan consul, as well as benefited from the rights and freedoms granted to the Catalan-Aragonese subjects by the king of Castile[103]. In 1299, another dispute in Sicily points as well towards the same direction. Pere de Grau, shipmaster from Mallorca, had been accused of grabbing a sea chest belonging to a certain seaman named Antonio. The said Antonio brought the case before the Catalan consul of Palermo, who found against Pere. But the very next day Pere de Grau appeared once again before the Catalan consul in the presence of his notary, and stated baldly that he had no intention whatsoever of obeying the consul's sentence in the case; he insisted that

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[99] (Abulafia, David, 'Catalan Merchants and the Western Mediterranean, 1236-1300: Studies in the Notarial Acts of Barcelona and Sicily', p. 227; Epstein, S. R., *An island for itself: economic development and social change in late medieval Sicily* (Cambridge, 1992), p. 93; Hillgarth, Ibidem, p. 46). With respect to Valencians engaging this route, it should be noted that the city was a major Sicilian supplier around the same period: between 1381 and 1399, its cloth exports to those parts amounted to 6.6 tons (Epstein, *Ibidem*, p. 229).

[100] Coulon, *Barcelone et le Grand Commerce d'Orient*, pp. 196-200; Carrere, *Barcelone, centre economique*, pp. 609, 641. It is not necessary to point out that Valencians made extensive use of this route: see Ashtor, Ibidem, pp. 140, 198, 232.

[101] Gelderblom, *Cities of Commerce*, p. 217.

[102] Abulafia, 'Catalan Merchants and the Western Mediterranean', pp. 228-229.

[103] Cabezelo, J. V., and Soler, J. L. 'El consulado catalán de Sevilla a inicios del siglo XVI: disputas políticas y realidad mercantil en el Atlántico', pp. 179-181.

"this consul does not have any jurisdiction over citizens of Mallorca but only over those who are under the dominion of the king of Aragon". It seems, however, that Pere was persuaded to comply at the end. Other fellow Mallorcans who intervened in the disputed as arbiters further declared that there were no grounds to set aside the decision of the Catalan consul in Palermo, as established arbiter of civil and commercial disputes among Catalans in Sicily. Moreover, the consul himself declared that Catalans, including Mallorcans, came freely and enjoyed rights of tax exemption in Sicily thanks to his own undertakings and permit[104]. Catalans privileges, therefore, reinforced the authority of Catalan consuls overseas.

Enforcing cross-national contracts

In the chapter devoted to the merchant's business we already saw that Valencian merchants did not hesitate to enter into contracts with non-Aragonese subjects, like Castilian shipmasters and Italian operators. After all, venturing into new markets involved frequently the use of foreign agents, and the same might happen the other way round, when foreigners did businesses in Valencia. Since none of the mechanisms analysed so far is applicable here, how did contract enforcement work in relation with these cross-national transactions?

In litigation between people from different trading nations, it was common usage that the claimant should apply to the defendant's consul[105]. When dealing with the case of Pasqual Guardiola we have already seen that, in words of the council of Valencia, the offended party had a right to "choose the judge that better suits him", the word *judge* referring here to the judicial institution that should settle the lawsuit[106]. The underlying rationale for cross-national conflict resolution was reciprocity: Valencian and Catalan consulates would administer justice on behalf of foreigners, even if it turned against their fellow citizens or connationals, in expectation that the institutions of origin of the foreign plaintiffs will behave in the same way. In Catalan realms, it seems that in case of dispute between a Catalan and a foreigner, the latter was allowed to choose one of the two arbiters; Pisan law specifically foresaw that each party had a right to appoint one arbiter[107]. The Catalan overseas consulates frequently addressed foreigners' claims. Antonio, the seaman we saw before bringing his case against the Mallorcan Pere de Grau before the consul of Palermo, was a citizen of Genoa. In 1450, a Jew from Messina called Xamuel Debita appealed before the Catalan consul of Palermo. The said Jew had contracted a sea loan with two Barcelonan merchants, who had eventually been attacked by a corsair and could not recover the payment. In face of the evidence, the Catalan consul divided

[104] Abulafia, Ibidem, pp. 237-238.
[105] Sometimes, however, merchants might bring their cases before a different court in the expectation of achieving a more favourable verdict: we will review some of these cases regarding when dealing with the Valencian merchants in Granada. See also Ogilvie, S. *Institutions and European Trade: Merchant Guilds, 1000-1800*, p. 261; Ashtor, op. cit., p. 415.
[106] AMV, LM g3-12, 48v-49r.
[107] Soldani, 'Madurs consellers o males suggestions?', 129.

responsibilities between the moneylender and the merchants[108]. Even in Bruges, where urban institutions played an active role in cross-national conflict resolution, there is record of Flemish merchants bringing their claims before the Catalan consulate[109].

Reciprocity had, nevertheless, serious limits. Depending on the state of diplomatic relations and the balance of forces between two nations in a certain region, foreign consulates might display far less collaborative than they would otherwise. In 1455, a Genoese merchant residing in Almeria refused to pay back his debts to Ferrando Eiximenez, a merchant from Valencia. The latter, instead of turning to the Genoese consul of Malaga, whose nation was openly hostile against the Aragonese around this time, sued the Genoese before the Granada officials[110].

Valencia within the consular network of Barcelona

Valencian merchants were no doubt integrated within the Catalan consular network, which is the same to say that they submitted to the overseas consuls appointed from Barcelona. But, what happened on an institutional level? What about the city council of Valencia? In face of the considerable resistance that the kingdom of Mallorca offered against the Barcelonan monopoly, this is not an unjustified question at all[111].

The reincorporation of Mallorca to the Crown of Aragon opened up a bitter dispute between the said kingdom and the city of Barcelona with respect to the privilege of appointing overseas consuls, since the former had set up a parallel consular network during its period of independence (1276-1343). Seemingly, this dispute came to an end during the reign of Peter IV, who ruled in favour of Barcelona and ratified her exclusive privilege of 1268[112]. Therefore, as a matter of fact, Valencia lacked any legal basis to even consider setting up her own consulates, at least if we stick to the letter of the law. Moreover, the aforementioned correspondence with the consulates of Marseille, Alghero and Cagliari suggests that it was properly integrated within the Barcelonan network.

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[108] Carrère, *Barcelone, centre économique*., p. 119.

[109] Capmany, Antonio. *Memorias históricas sobre la marina, comercio y artes de la antigua ciudad de Barcelona*, p. 132.

[110] Salicrú i Lluch, R. 'The Catalano-Aragonese commercial presence in the sultanate of Granada during the reign of Alfonso the Magnanimous', *Journal of Medieval History*, 27, 3 (2001), p. 305; Petti Balbi, G. *Negoziare fuori patria: nazioni e genovesi in età medieval* (Bolonia, 2005), p. 167.

[111] (Duran i Duelt, 'Monarquia, consellers i mercaders'; Cabezelo and Soler, 'El consulado catalán de Sevilla a inicios del siglo XIV'; Sánchez, Manuel, 'Mallorquines y genoveses en Almería durante el primer tercio del siglo XIV: el proceso contra Jaume Manfré, 1334', *Miscel.lània de Textos Medievals*, 6 (1988), pp. 103-162. Carrère, *Barcelone, centre économique*, p. 116.

[112] See Duran, 'La fi del sistema consular mallorquí i les seves repercussions en el català: el cas dels consolats de Pera i Constantinoble'; Ferrer i Mallol, 'El consolat de mar i els consolats d'ultramar', pp. 69-70.

It is remarkable that no citizen of Valencia appears in the lengthy list of consuls appointed by Barcelona for the period 1380-1462 provided by Claude Carrère, particularly given the presence of citizens from smaller towns as Girona, Perpignan, Cardona and Tortosa —all of them within the Principality of Catalonia—[113]. All we have is the mention of Felip de Denia, a likely Valencian who was appointed *consol de catalans* for Tunis by James I in the far away 1258[114]. What the city council of Valencia could do and actually did was to suggest consular candidates to be appointed by Barcelona. On July 1416, after Barcelona had removed Pere Jenoves from the office in Genoa, the aldermen of Valencia wrote to the Council of Barcelona suggesting her own candidate: Thomas Italia, an Italian merchant well known among Valencia's mercantile circles. This episode seemingly opened up a dispute between the two cities[115].

On the other hand, the city of Valencia closely looked after its fellow citizens overseas. As we will see in the following chapter, it kept regular correspondence with the most frequented foreign cities in order to safeguard their property rights, release captives and retrieve the state of deceased merchants, even though most of these tasks might have been fulfilled by overseas consuls.

It is noteworthy that each state within the Crown of Aragon was responsible for its own citizens, who might be subject to different tax burdens overseas. In 1396, a big galley from Valencia was retained in Beirut by the Catalan consul of Damascus on the pretext that it had to pay some additional dues. Those dues, it was said, were to pay for the release of several merchants from Barcelona who had been imprisoned by the Mamluk sultan. While the city of Barcelona considered that all Catalan merchants had to contribute to this, the council of Valencia boldly reacted against the tax, claiming that each kingdom and principality had to pay for its own expenses. The same way that Valencians paid for their own post service in Granada, Barcelonans should pay for their own services in the Levant. Several letters were exchanged between the two cities, and the conflict was seemingly still going on around 1400[116].

II.2. Valencia and its sphere of influence

There was certainly an area that can be regarded as the Valencian sphere of influence in the early fifteenth century: it is the route that connected the Spanish Levant with the coastal strips of Granada and Barbaria. This area, which Braudel appropriately called the Mediterranean channel, made a coherent unit both from the perspective of

[113] Carrère, *Barcelone, centre économique*., pp. 130-136.

[114] Igual, David, 'L'economia comercial i maritime de València durant el regnat de Jaume I', *Jaume I: Commemoració del VIII centenary del naixement de Jaume I* (Barcelona, 2013), p. 736. Special thanks to David Igual for bringing this information to my attention.

[115] AMV, LM, g3-13, 130r; Igual, David. 'Los grupos mercantiles y la expansión política de la Corona de Aragón', p. 24.

[116] (AMV, LM 7, f. 42r., transcribed in Rubio, *Epistolari de la València medieval*, pp. 148-151).

commerce and diplomatic relations[117]. Around the second half of the fourteenth century, at the same time that Barcelona withdrew from these markets to specialize in the Levant trade, "official" Catalan consulates seemingly vanished from the area. The consulate of Tunis had to be re-opened in 1406, and it will remain the only one under Barcelonan control along the first half of the fifteenth century. Valencia —along with Mallorca in the North African case— took the lead in the region after Barcelona, yet several mysteries remain about it. Valencian merchants did seemingly not enjoy a privileged status in these parts, the involvement of the Monarchy was weak and no consulates are mentioned in the few treaties preserved to the present day[118]. Who was behind the remaining consular network? What were the implications for contract enforcement? How were disputes settled in those parts?

Valencians and Mallorcans in Barbaria

By the period of our study, the Maghreb was a turbulent region characterized by frequent upheavals and coups d'état, ruled by three large sultanates running from the Atlantic to the strait of Sicily. West to East, in the first place came Fez, roughly corresponding to modern day Morocco; then Tlemcen, in the central Maghreb; in the Eastern tip, Tunis. The fact that their main emporia functioned as outlet markets for the trans-Saharan gold route made them an attractive target for Valencian merchants, who freighted several ships a year bound for North Africa and made up a sizeable foreign community in those parts[119].

The institutional background for this commerce is, however, far from well known. In the thirteenth century, the kings of Aragon held two Royal consulates in the port cities of Bougie and Tunis[120], and maritime hegemony enabled them to exert a proto-colonial dominion over the North-African sultans, who granted generous privileges to the Catalan merchants and were further compelled to pay tribute to their king. However, this dominion seemingly faded away throughout the fourteenth century, up until the point that the Aragonese kings found increasingly difficult to collect and even

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[117] López, María Dolores, *La corona de Aragón y el Magreb en el siglo XIV, 1331-1410* (Barcelona, 1995), p. 183; Braudel, F., *The Mediterranean and the Mediterranean World in the Age of Philip II*, Volume I (Berkeley, 1995), p. 117.

[118] It should be noted that these developments stand in sharp contrast with Olivia Constable's assumptions. Her famous work took for granted that the pre-Black Death situation in the Maghreb remained constant throughout the late fourteenth and the fifteenth century, whereas the truth is that Aragonese political influence faded away and new types of consular institutions arose. See Constable, *Housing the Stranger*, pp. 296-305.

[119] An excellent piece of work on these matters can be found in López, *La corona de Aragón y el Magreb en el siglo XIV, 1331-1410*. See also López, María Dolores, 'La circulación de las élites económicas en el Mediterráneo occidental medieval: el Magreb como polo de atracción de los mercaderes catalanoaragoneses', *Acta historica et archaeological mediaevalia*, 22 (2001), pp. 721-734; Igual, David, 'Navegación y comercio entre Valencia y el Norte de África durante el siglo XV'.

[120] Ferrer i Mallol, Ibidem, p. 66.

to have recognized those tributes[121]. Diplomatic relations towards these parts seemingly dropped. In 1406, after a Mallorcan corsair attacked Fez, the Moroccan diplomats appeared before the king of Aragon claiming that such an action was a transgression against the prevailing truce between them. However, none could present any evidence of such a treaty: diplomatic relations had ceased long time ago[122]. In the early fifteenth century, the political background for Valencian commerce was rather obscure: the subjects of Aragon seemingly enjoyed no privileged status, and their consulates were no formally defined by any means in the kingdoms of Fez and Tlemcen. It is true that we ignore the content of the 1412 treatise between Aragon, Granada and Fez, which might cast some light over this matter, yet later Valencian correspondence, which do refers to the "bona pau e amistat insoluble" between these crowns, never ever mentions any commercial clause[123].

It was certainly the absence of fluid relations between the Crown and the North African sultanates what impelled the Council of Valencia (following previous and contemporary Mallorcan developments) to step out in these parts on behalf of its merchants, seeking for restitution in case of robbery, negotiating the release of captives, retrieving the estate of deceased businessmen and monitoring the undertakings of the overseas Christian consulates[124]. In November 1401, the aldermen of Valencia report in the port of Algiers the capture of a ship loaded with cloth and other cargoes, as well as the imprisonment of its crew, by an armed vessel bearing the flag of the king of Fez. The aldermen requested the said king to release the captives in honour of his "customary fairness and piety"[125]. Customhouse officials were another ever-present peril for Valencians. In April 1414, Johan de Xarch carried some cloth to be sold in the city of Fez, yet the alcayt Salem Moxerifa seized part of his cargo on the pretext that it would please the sultan. Johan refused to give them away, stating that those cloths were for sale, yet if the sultan wanted to pay he would gladly sell them to him. At the end, however, the said Johan was confiscated his goods: the custom official promised to pay them later on, but unsurprisingly failed to do so. At request of its outraged citizen, the council of Valencia interceded before the king of Fez to request

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[121] López, Ibidem, p. 171.

[122] Salicrú i Lluch, R. 'L'ambaixada a Fes d'Antoni Queixal i Ramon Conesa, 1413-1414', *Acta histórica et archaeologica mediaevalia*, 19 (1998), p. 230, footnote 4.

[123] Carrère, *Barcelone, centre économique*., p. 117; Duran, 'La fi del sistema consular mallorquí', p. 162; AMV, LM, g3-12, 135r-135v; Salicru, 'L'ambaixada a Fes', p. 230.

[124] This probably explains why the correspondence between the council of Valencia and the North African sultanates is overrepresented in our sources. Out of the dozens of Valencian merchants identified by Enrique Cruselles in the notarial acts of Vicent Saera, roughly corresponding to the first half of the fifteenth century, only three are engaged in commerce with the central and western Maghreb, compared to the three that are found trading in Bruges, the four in Tunis and the seven in Sicily (Cruselles, *Los comerciantes valencianos del siglo XV*, p. 167). Yet the correspondence with the sultanates of Fez and Tlemcen clearly outnumbers that with the rulers of the aforementioned regions. This probably signals two circumstances. On the one hand, Valencian merchants in Barbaria were more likely to be abused, and hence needed a more vigorous support on the part of their city council. On the other, Valencian merchants elsewhere probably turned to the Catalan consuls to address the same problems, hence leaving no track in the municipal archives.

[125] AMV, LM, g3-7, 217v-218r.

the payment to be met[126]. Retrieval of the property of deceased fellow citizens, a task usually carried out by consuls elsewhere, was at times taken over by the Valencian council in case of conflict with the local authorities. In May 1414 the aldermen report the seizure of the estate of two deceased merchants. The previous month of September, Arnau Soguer, merchant from Mallorca, and Johan Gabella, from Genoa, fell fatally ill while staying in Alacait as factors of Nicholau de Montell, a Valencian citizen. The Muslim officials seized "against all justice" the goods of the deceased, and thus the aldermen wrote the king of Fez asking for retrieval on behalf of the said Nicholau[127].

The pivotal organisation for contract enforcement in these parts was what our sources commonly call the "Christian consulate", an uncanny institution for overseas merchants that seems unique of the Maghribi area during the late fourteenth and first half of the fifteenth century. Unlike the merchant consulates usually described in the literature[128], these seemingly did not derive their authority from explicit delegation by their home governments, for they were meant to be trans-national. We know little in relation to their roots, yet chronological reasons suggest that they might be somehow related to the gradual transformation of the Mallorcan consulates in North Africa after the re-incorporation of the Balearic kingdom in 1343[129]. They surely benefited from the institutional know-how developed by this previous Mallorcan network, yet they were of a different kind. Early fourteenth century Mallorcan consuls were appointed by the king at request of the city council, whereas our Christian consulates are clearly self-managed by the merchants themselves. The term "consol per los mercaders" (consul by the merchants) even appears in several Mallorcan documents from 1386, 1387 and 1389[130]. In the correspondence of the Valencian aldermen with Aymerich Berart, consul in Tlemcen in 1412, the latter is regarded indistinctively as "Christian consul", "merchant consul" and "consul of the Christian merchants", further suggesting that consular election rested upon the merchant community residing or operating in those parts[131]. Incidentally, this circumstance was by no means exceptional within the Catalan world: consuls in Bruges were usually appointed by similar proceedings, which were recognized and regulated by Catalan customs and laws[132]. With respect to the Maghreb, it is less clear what was the national and regional identity of the merchants that could take part in these consular elections and over what nations these consuls exerted jurisdiction. One might think that "Christian

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[126] AMV, LM g3-12, 131v-132r.

[127] (AMV, LM g3-12, 135r-135v). These problems were also endemic in the Muslim Levant: see Ashtor, Ibidem, p. 400.

[128] See, for instance, Gelderblom, *Cities of Commerce*, p. 104.

[129] Daniel Duran has suggested that Mallorca still exercised some influence in the Maghribi consular affairs during the fifteenth century: see Duran i Duelt, D. 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', p. 568. See also Coulon, *Barcelone et le grand commerce*, p. 65.

[130] Ibidem; ARM, AH 53, f. 102r-v, 4th August 1386; 27th July 1389, Honein, ARM, AH Clero 2595, f. 119r. (unpublished, Daniel Duran).

[131] AMV, g3-11, 37r-v. 11th June 1412; AMV, LM, g3-11, 169v-170r. 25th January 1413; AMV, LM 11, f. 36 v-37 r. 6th June 1412. Transcribed in Rubio Vela, *Epistolari*, p. 173.

[132] Ferrer i Mallol, M. T., 'El consolat de mar i els consolats d'ultramar', p. 69; Desportes, P. 'El consulado catalán de Brujas, 1330-1488', in *Aragón en la Edad Media* (Zaragoza, 1999), p. 385.

consulate" was just another name for "Catalan consulate", since Valencians and Mallorcans probably accounted for most of the Christian community settled in Barbaria. However, the fact that many Italian, Provençal and Castilian merchants traded in those parts through Valencian and Mallorcan networks might suggest the possibility that these Christian consulates served the broad Frankish community as well. Marseille had held in the past her own consulates in Ceuta, Bougie and Tunis, yet it is not clear what the situation was in this period[133]. Genoa, on the other hand, held by this time only two consulates in the Maghreb: a main one in Tunis and a smaller one in Bougie[134]. With respect to Castile, there is no trace of consulates in this region. It is even possible that the Christian consulates had been the outcome of joint diplomatic undertakings of the Iberian Christian kingdoms with the Maghribi states, since there is precedent in that respect regarding non commercial issues. For the moment, however, the question remains open. In any case, there is evidence of foreigners turning to the Christian consulates. In 1375, for instance, Giovanni del Giudice, citizen of Genoa, is seen acting as a witness along several Mallorcan merchants before Jaume Desmàs, "ara consol per los mercaders en la duana de Ffes"[135]. In 1387, Velasco Ferrandis, Castillian merchant settled in Algiers, draws up a document before Francesch Paschal, Christian consul in the said place, giving his daughter powers of attorney to recover certain debts owed to him by Bernat Oliver, Mallorcan merchant[136]. It remains to be seen whether these foreign non-Catalan merchants could be judged and imprisoned by the Christian consuls on the same grounds as Valencians and Mallorcans, or conversely made only an opportunistic use of such facilities. In case the former was true, enforcing contracts with foreign Christian partners would have posed no more problems than enforcing them with fellow citizens and Catalans, and would put into new perspective the extensive use that Valencian merchants made of Castilian and Italian carriers in Barbaria.

Although the label suggests these consulates served the broad multi-national Christian community settled or visiting the North African cities, we only have documentary evidence of them settling actual conflicts among Valencians and Mallorcans. The Valencian municipal correspondence on the dispute between Francesc de Montfort and Nicolau Montagut clearly makes out that it was expected that contractual breaches should be addressed before the consul, who would render justice according to *capitol e costum de mar* and impose the corresponding punishment[137]. The absence of public notaries in Barbaria gave the consuls a prominent role as privileged witnesses[138], since their presence ex ante in the drawing up of contracts

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[133] Dufourcq, Charles, *La vie quotidienne dans les ports mediterraneens au Moyen Age. Provence, Languedoc, Catalogne* (Paris, 1975), p. 121.

[134] Petti Balbi, G. *Negoziare fuori patria,* p. 200.

[135] 1st February 1375, ARM, AH Clero 2595, f. 34r-35v. (unpublished, Daniel Duran).

[136] 1387, ARM, AH Clero 2595, f. 74r-v. (unpublished, Daniel Duran).

[137] AMV, g3-11, 37r-v. 11th June 1412; AMV, LM, g3-11, 169v-170r. 25th January 1413; AMV, LM 11, f. 36 v-37 r. 6th June 1412. Transcribed in Rubio Vela, *Epistolari*, p. 173.

[138] Similarly, chaplains could be used as notaries for the Christian merchant community. For instance, Jaume Olzina, vicar general for the bishopic of Morocco, is seen drawing up a will document in Fez on behalf of a Mallorcan merchant in 1387 (ARM, AH Clero 2595, f. 58r-59v.). This ressembles the role fulfilled by the Venetian chaplains in the Levant, who served as

could help settling disputes ex post, whether in Africa or mainland Aragon. In July 1389, Ayhim Xulel and Issach Tauhil, both Jewish merchants from Mallorca, draw up a commenda contract before the merchant consul of Honein, Pere Vinyals. The first, taking from the second several bales of cloth to be sold in Tlemcen and Veni, commits to come back to Honein and divide the proceeds with his partner: otherwise —the document states explicitly—, he could be sent to prison[139]. Furthermore, the evidence presents Christian overseas consulates collaborating along with Aragonese institutions and mainland Consulates of the Sea in the gathering of information, detection of cheaters and enforcing of contracts, at least to a certain degree. In January 1391, Antonio Aspeleti, Venetian, and Gaudio de Lipari, from the Principality, borrow 52 *dobles* from a Mallorcan merchant before the consul of Bona. The contract foresees the credit to be paid back in Mallorca, and in case they fail to fulfil their obligations, Gaudio would remain in the Balearic prison as a pledge until the payment be made[140]. In 1432, Pere Damiga, tax official from Valencia, writes to Pasqual Dezcamps, "naval consul" in Oral, to make sure the goods that Jaume Rosell had been sending to Abrasim Benuno, Jew from Oran, are really addressed to him and not a third agent[141]. In 1412, a dispute over some pieces of gold further illustrates this collaboration. That year, the Mallorcan shipmaster Perpinian Forsor had departed from Honein carrying some merchandise and gold bound to Mallorca. On his way, he was attacked by a Moorish ship near Ibiza, yet two merchants on board, Christofol Brelams and Martí de Venecia, managed to escape. When Christofol arrived to Mallorca, he declared that the shipmaster had concealed the 800 gold dinars in a pine drawer. Some time latter, the ship appeared in Ibiza, yet carrying no pieces of gold. The said Christofol, brought before a tribunal in Mallorca, accused then the Muslims and addressed to the Christian consul in Algiers to confirm the exactitude of his declaration[142].

A dispute in the city of Tlemcen, capital of the eponymous kingdom, might allow us to shed some light on the peculiar relation between the Council of Valencia, its Consulate of the Sea and these overseas Maghribi consulates. On the 18th January 1412, Aymerich Berart, "consol dels mercaders en la ciutat de Tremicé", submitted a letter to the Valencian consuls reporting a dispute between two merchants of Valencia and the subsequent measures he had taken to address it. Seemingly, Nicolau de Montagut, merchant of the said city, had been condemned by the consul to pay a certain quantity of "dobles" to Francesch de Montfort, also Valencian, presumably on the grounds of breach of contractual obligations. In face of the former's resistance to comply with the judgement, the consul reports that he was left with no option but sending him to prison. This led to a bitter dispute reflected in the correspondence of the aldermen of Valencia with the several parties involved. On the 6th of June of the same year, the Valencian council submitted a pair of letters: one addressed to the consul, Aymerich Berart, and another to Francesch de Montfort, the plaintiff,

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notaries for the European merchants who resided or sojourned in those emporia: see Ahstor, *Levant Trade in the Later Middle Ages*, pp. XIV-XV.

[139] 27th July 1389, Honein, ARM, AH Clero 2595, f. 119r. (unpublished, Daniel Duran).

[140] 30th January 1391, Bona, ARM, AH Clero 2595, f. 173r-v (unpublished, Daniel Duran).

[141] Guiral, *Valencia, puerto mediterráneo*, p. 85.

[142] Macaire, Pierre, *Majorque et le commerce internationale,* p. 194.

requesting them to release Nicolau and dispatch him to the city of Valencia[143]. On the first place, the aldermen argued, shipping the said Nicolau back to Valencia would allow him to take advantage of his family, friends and goods to settle all his debts. The Valencian aldermen, on the other hand, complained about the way Nicolau has been treated by the consul: the former has not been allowed to defend himself in a fair trial, as the merchant custom prescribed, but was rather imprisoned in the Moorish jail as soon as charges against him were presented by Francesch. For these reasons, the aldermen continued, Nicolau had every right to return home and be put under the jurisdiction of the Valencian Consulate of the Sea, which would render proper justice according to Christian usage. Apparently, the request had no effect, for the aldermen submitted a third letter on the 25th January 1413, this time addressed to the king of Tlemcen himself, providing some further details on the case[144]. Francesch Montfort is described as a factor (he was most probably a partner) settled in Tlemcen on behalf of Guillem Vsall, merchant of Valencia. The said Francesch is said to be "very favoured" in the African kingdom, suggesting that he was a long-term settler well connected with the local rulers and officials. Indeed, through other sources we know that Francesch de Montfort had been consul around 1407[145]. It is probably this circumstance, the connivance of the Muslim authorities, what allowed him to send Nicholau to the Moorish prison, a recourse that was against the Christian usage and arose much complain among Nicholau's friends and relatives. Considering that none of their requests have been met so far, the aldermen appealed this time to the sultan to request him the release of Nicholau, even against the consul's will.

Hereafter we lose trail of the dispute and can only hypothesize about the outcome, yet these letters already raise a whole set of questions that need to be tackled. In the first place, regarding the identity of the consul himself. Aymerich Berart is most probably the same person as Aimeric Breart, a Valencian merchant identified by Enrique Cruselles in the notarial acts of Vicent Saera; he appears trading in Tlemcen by the same year of 1412[146]. Thus, we can assert that this was a Valencian dispute addressed by a consul of Valencian origin. According to the letter addressed to the sultan, his jurisdiction encompassed not only the city but the whole kingdom of Tlemcen, which included some of the most frequented ports in the Valencian routes, as Honein, Oran and Mostaganem[147] (we will come back to this matter below, for the number and scope of the North African consulates is a problematic issue). It is clear that the said Aymerich had not been appointed consul by Barcelona, for it would have left written record in the Barcelonan archives. Yet it is sure that Valencia had not appointed him either, since the correspondence makes clear that the aldermen did not know about him before the dispute arose. In the first letter, these aldermen even speak to him in the following terms: "you, who are there on behalf of the Christians as

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[143] The letter addressed to the consul is AMV, LM 11, f. 36 v-37 r. and can be found transcribed in Rubio, *Epistolari de la València medieval*, p. 173. The second letter, addressed to Francesch de Montfort, can be found at AMV, g3-11, 37r-v. 11th June 1412.

[144] AMV, LM, g3-11, 169v-170r. 25th January 1413.

[145] Duran i Duelt, D. 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', p. 568, footnote 7.

[146] Also Francesch Montfort is identified in 1412, this time in Oran (Cruselles, *Los comerciantes valencianos del siglo XV*, p. 167).

[147] López, María Dolores, *La corona de Aragón y el Magreb en el siglo XIV,* p. 182.

a consul, as you said and appears in your letter" [148]. There is in fact little doubt as for the mercantile origins of this consular election: as we said above, Aymerich is regarded in the letters indistinctively as "Christian consul", "merchant consul" and "consul of the Christian merchants", in certainly similar terms as other Maghribi consuls we have already reviewed. This mercantile election, along with the fact that Francesch de Montfort, his accomplice in the dispute, had been consul only five years before, reveals a lot about the endogamous character of these Christian communities.

The city council approach to the dispute between Nicholau and Francesch; namely, the persistent request to repatriate the former so as he can be judged by the local Consulate of the Sea, suggests that this might have been the customary modus operandi in case of commercial conflicts between fellow citizens in North Africa. Such an approach offered the additional advantage that, as the aldermen argued, debtors had it easier to pay back their debts at home, where they could count on their own goods, friends and relatives to raise the necessary funds. Contracts drawn up in Barbaria before the Christian consuls sometimes foresaw the payments to be cleared in Mallorca, what points to the same direction for the Balearic merchants and their partners. This is the case of the aforementioned credit contract drawn up before the consul of Bona (Tunis) between the Venetian merchant Antonio Aspeleti, Gaudio de Lipari, from Barcelona, and Joan Bru, Mallorcan businessman. In case the creditors would fail to fulfil their obligations, the said Gaudio would remain in the Balearic prison as a pledge[149].

So far we have dealt with Christian conflicts brought before their own consulates. However, Valencian and Mallorcan merchants did not rule out the possibility to appeal before Muslim courts to settle conflicts among themselves, particularly if they perceived they could obtain more favourable verdicts through this means. The fact that Muslim courts applied different legal criteria in several aspects as the use of testimonies from unbelievers and the validity of written documents as legal proof opened up the opportunity for litigants to exploit these divergences in their own advantage[150]. That is seemingly the case of a dispute occurred in Alcudia of Barbaria in 1393-1394. Joan Pont, merchant of Mallorca, had given a certain amount of money and goods to Lluis Bricàs, his factor, who committed to carry them to the said city of Alcudia and return back to Mallorca afterwards. However, right after arriving to the North African port the cargo was forcibly seized by Pere and Joan Rotlan, also of Mallorcan origin, on the grounds that the said Lluis owed them a sizeable amount of money. Such a procedure was no doubt a flagrant violation of property rights according to Christian law, for the cargo Lluis was carrying actually belonged to Joan Pont, who had carefully marked the packages with his merchant sign. Thus, if Pere and Joan intended to succeed in their claim over Joan's cargo as a means to recover Lluis' debts, their best chance was to turn to the Royal court of the king of Garb, which

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[148] AMV, LM 11, f. 36 v-37 r. 6th June 1412. Transcribed in Rubio Vela, *Epistolari*, p. 173.

[149] 30th January 1391, Bona, ARM, AH Clero 2595, f. 173r-v (unpublished, Daniel Duran).

[150] Francisco Apellániz has shown that Muslim royal courts in Alexandria and Damascus were, to a certain degree, able to adapt their proceedings to the needs of mixed disputes. However, exploiting legal divergences was still possible and profitable. For instance, Frankish litigants could still not make use of fellow Christian witnesses before these courts. See Apellániz, Francisco, 'Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus', *Comparative Studies in Society and History*, 58-2 (2016), pp. 350-378.

might place hindrances to the use of merchant signs and Christian witnesses as valid proof in the lawsuit. Indeed, that is exactly what they did, probably taking further advantage of their local networks as long-term settlers in North Africa. The Royal lieutenant of Mallorca denounced such manoeuvres and requested the Maghribi sultan to leave the case to the Christian consuls, "who have expertise about these and similar things"[151]. Among Christian peers it was considered unfair to bring cases to the Muslim courts, as several Levantine cases clearly make out[152].

Unfortunately, we know little with regard to conflicts between Muslim and Christian merchants in the North African ports. As happened elsewhere in the Muslim world, Islamic courts adjudicated all cases involving Muslims, yet here the Christian consuls could also judge in litigations between one of their fellow citizens and a Muslim, if the former were the defendant. That was surely the case in the early fourteenth century, when Catalans enjoyed a prominent influence in the area, yet it is less clear whether these clauses were still observed in the next century, when their political influence diminished and consulates were organised along different lines[153].

This should have posed major obstacles on cross-cultural trading relations, yet merchants certainly laboured on several ways to thwart their negative effects. A relatively simple strategy to cope with these problems was to make use of fellow Muslim and Jewish Valencian and Mallorcan citizens, as several sources suggest. For instance, in a letter dated on the 21st of October 1404 concerning several piratic attacks, the aldermen of Valencia addressed to the Castilian authorities to request the cease of piratic activities against Muslim and Jewish merchants, who might be either partners or citizens of Valencia[154]. These agents, it was said, were of paramount importance for Christian Valencians to reach out the North African markets, for it was through them that they obtained political favours, tax reductions and other perks[155]. On the one hand, these minority brokers were privileged agents in the North African states, either because of their religious affiliation, their trading contacts or their political influence over local officials and rulers. On the other hand, as we have already seen, Muslim and Jewish fellow citizens laid within the jurisdiction of the Valencian and Mallorcan Consulates of the Sea, what might have allowed easier enforcement in case they returned home. The use of local Jews and Muslims is also documented, yet further archival research remains to be done before we are able to draw a thicker picture on the enforcement implications of this symbiosis between Christian, Muslim and Jewish.

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[151] In the original: "que d'aquestes coses e semblants han a conexer". ARM, AH 66, f. 109r-v., 3rd January 1394 (unpublished document, Daniel Duran).

[152] Ashtor, *Levant Trade in the Later Middle Ages*, p. 415.

[153] See Ashtor, *Levant Trade in the Later Middle Ages*, p. 412.

[154] On the use of fellow Muslim citizens, see Salicrú i Lluch, R. 'Mudéjares y cristianos en el comercio con Berbería: quejas sobre favoritismo fiscal y acusaciones de colaboracionismo Mudéjar, una reacción cristiana a la defensiva', in *De mudéjares y moriscos: una conversion forzada*, 1 (2003), pp. 283-302.

[155] In the original document: "que.ls christians mercaders, per lur avantatge, cerquen en terra de moros juheus e altres moros que sien acostats al rey, ab favour dels quals lurs fets sien endreçats, e servexen-los d'alcun premi, cor licit és a cascun cercar son avantatge". AMV, LM 8, f. 83 v-84r. Transcribed in Rubio, *Epistolari de la València medieval*, p. 168.

It is difficult to assess whether these Maghribi Christian consulates were recognized and to what extent by the public authorities of Valencia, Mallorca and the Crown of Aragon. As far as we know, when the aldermen of Valencia tried to obtain restitutions in case of robbery or negotiated the retrieval of the estate of deceased merchants, they engaged in direct diplomatic action with local rulers, without the mediation of Christian consuls, a situation that stands in sharp contrast to the close collaboration in these matters between the Catalan cities and their overseas consulates elsewhere[156]. The municipal correspondence makes clear that the Valencian council was ignorant of the role of Aymerich Berart as a consul in Tlemcen before the reviewed dispute arose. Even the legitimacy of Aymeric's verdict was seemingly called into question, up to the point that the aldermen demanded the lawsuit to be repeated before the consuls of the sea in Valencia[157]. A letter from 1394, on the contrary, shows that the Mallorcan authorities might support the jurisdiction and privilege of the Christian consulates, particularly against interferences of the Muslim local authorities. The said letter, written by the Royal lieutenant and addressed to the sultan of Garb, requested him to leave the dispute between the Rotlan brothers, Lluis Bricàs and Joan Pont to the Christian consul, on the grounds that the latter was entitled to render justice in such cases "per privilege vostre, costum antic e d'ara" (by privilege of yours, old and present customs)[158].

Our sources leave the impression that the number and scope of these consulates highly fluctuated over time[159]. For the kingdom of Tunis, there is one "merchant consulate" mentioned in Bona in 1391[160], but probably fell under the jurisdiction of the Catalan consulate of Tunis after its re-establishment in 1406, for no later information is known with respect to this area. Within the kingdom of Tlemcen, several Christian-merchant consulates are known: firstly, in Algiers (1387, 1396[161]), Honein (1389) and Tenes (1389)[162]. In 1407, the Christian consul in Tlemcen was the well-known Valencian expatriate Francesch de Montfort[163], while for the lapse 1412-1413 the consular office was held by his fellow countryman Aymerich Berart. It is unclear what the jurisdiction of this consulate was: according to some municipal letters it

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[156] As Daniel Duran pointed me out in private correspondence, this is not a conclusive proof, yet should be highlighted for comparison.

[157] AMV, LM 11, f. 36 v-37 r., in Rubio, *Epistolari de la València medieval*, p. 173; AMV, g3-11, 37r-v; AMV, LM, g3-11, 169v-170r.

[158] Such "old privilege" probably dates back to the age of the extinguished Mallorcan consulates. If so, this would confirm the Mallorcan roots of these Christian consulates. 3rd January 1394, ARM, AH 66, f. 109r-v. (unpublished, Daniel Duran).

[159] This was no doubt due to the frequent episodes of violence and imprisonment against Christians, what might have forced them to re-organize their consulates every so often, but probably also to the fact that such consulates had a weak legal status and lacked strong external support.

[160] ARM, AH Clero 2595, f. 173r-v., 30th January 1391 (Daniel Duran, unpublished).

[161] Duran i Duelt, D. 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà', p. 568, footnote 7.

[162] ARM, AH Clero 2595, f. 74r-v., 1387; ARM, AH Clero 2595, f. 102r., 30th August 1389; ARM, AH Clero 2595, f. 119r., 27th July 1389 (Daniel Duran, unpublished).

[163] Duran i Duelt, *Ibidem*.

encompassed the whole kingdom of Tlemcen[164], yet others, drawn up by the same Council, present the said Aymerich as the "merchant consul in the city of Tlemcen", suggesting a more restricted sphere of action[165]. Our consular map is further complicated by the fact that a consul is known in Algiers in 1412, when the whole kingdom of Tlemcen was supposed to fall under the jurisdiction of Aymeric, according to the aforementioned documents[166]. In 1432 there is evidence of a "naval consul" in Oran, suggesting that by this time the Christian community in this town was not stable enough to support a consul: the office had to be provided on a temporal basis by the commercial expeditions departing from Valencia for the duration of their ventures[167]. In Bougie there was surely another Christian consulate, yet as far as I know our references date back to the 1370s. With respect to the area of Fez, all references to "Christian and merchant consuls" are early: Fez and Alcudia (1386), Alcudia (1388, 1394) and Fez (1387)[168]. Instability in those parts probably prompted the merge of all the Maghribi and Granadan consulates in 1459, when the king of Aragon Juan II — probably through the general bailiff of Valencia— appointed Joan Rosell, merchant of Valencia, as a general consul for the kingdoms of Granada, Fez and Tlemcen[169]. However, much remains to be proven: we do not know if this Royal appointment meant the effective dissolution of the Christian consulates, nor whether this dissolution was the result of Royal authority or rather the merchants' choice.

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[164] For instance, the letter addressed to the king of Tlemcen: AMV, LM, g3-11, 169v-170r. 25th January 1413.

[165] In the original: "consol dels mercaders en la ciutat de Tremicé". AMV, LM 11, f. 36 v-37 r., transcribed in Rubio, *Epistolari de la València medieval*, p. 173.

[166] Macaire, Pierre, *Majorque et le commerce internationale,* p. 194.

[167] Guiral, *Valencia, puerto mediterráneo*, p. 85.

[168] ARM, AH 53, f. 102r-v, 4th August 1386; ARM, AH Clero 2595, f. 58r-59v. 15th August 1387; ARMV, AH Clero 2595, f. 105r-v. 4th August 1388; ARM, AH 66, f. 109r-v., 3rd January 1394.

[169] This Royal appointment seemingly contradicts the Barcelonan monopoly we mentioned below, yet probably signals that the Catalan Principality had little interest in the region, which was mainly the area of influence of Valencians and Mallorcans. For the reference, see: Hinojosa Montalvo, J. R., 'Las relaciones entre Valencia y Granada durante el siglo XV: balance de una investigación', in *Estudios sobre Málaga y el Reino de Granada en el V Centenario de la Conquista* (Málaga, 1987) pp. 83-111.

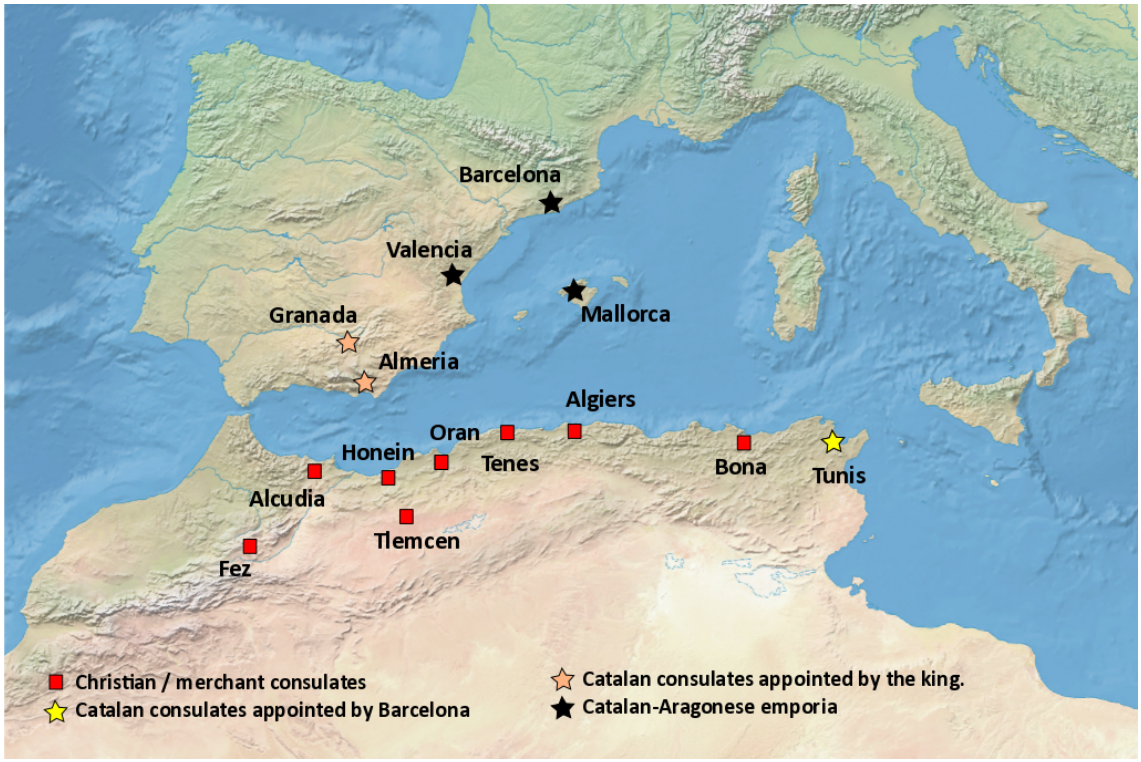

Image 1 - Map of the North African and Granadan consulates (1387-1459). Based on the sources mentioned in the text.

The previous analysis should have made clear the different contract enforcement strategies that were used by the merchants of Valencia and Mallorca in the North African sultanates. They made opportunistic use of the Muslim courts, yet relied mainly on the Christian consulates to settle conflicts between peers. Our examination rises the question as to whether such Christian consulates can be regarded as open access institutions that provided judicial and other services to the broad merchant community, in comparable terms as the Catalan consulates elsewhere. Some of the evidence presented so far might point to such a conclusion, for a mix set of merchants from Valencia, Mallorca, Castile and Italy are seen through the consular documents trading in these parts. And yet, the Maghribi consulates were fundamentally different. They were not only self-managed but also unaccountable, for no Catalan-Aragonese institution had the authority to remove unruly consuls from office and appoint new ones. As a consequence, these consulates could turn into corporate bodies co-opted by a minority of long-term settlers, who made use of their connections with Christian and Muslim authorities to achieve more favourable verdicts, as the cases of Francesch de Montfort and the Rotlan brothers suggest. In any case, we will gain new insight by comparing this model with the strategies implemented in the other area of Valencian influence: the Nasrid kingdom of Granada.

Valencians in the kingdom of Granada

In the early fifteenth century, the kingdom of Granada was a major supplier of specialized goods as silk, sugar and dried fruits. The two largest foreign merchant

communities were the Genoese, who established their headquarters in Malaga, and the Valencians, better rooted in Almeria yet present in the three major cities, including the Granadan capital itself[170]. Despite endemic reprisals, extortions and corruption, Valencians managed to build up dense networks around the main Granadan trade centres, making extensive use of factors and even trading across boundaries with local Muslims[171]. This success, which is already evident before mid-fifteenth century, is particularly striking given that Valencian merchants were discriminated in several ways and lacked the support of strong consular institutions all through this period.

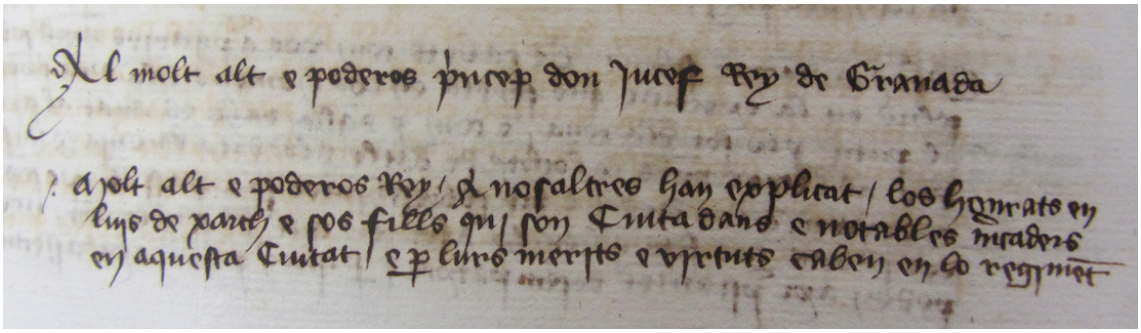

Image 2 – Fragment of a letter addressed to the king of Granada (AMV)

It is difficult to quantify their presence by this time, yet later data suggests that Valencians were at least as numerous as the Genoese. In 1472, more than 80 Valencian merchants were imprisoned in Almeria in reprisal for some corsair attacks against subjects of the Nasrid sultan. Fifteen years later, when Malaga had already been taken over by the Castilians, there were 29 Valencians residing and naturalized as citizens of Malaga, a figure that should be raised including factors, procurators and relatives residing there for the duration of their business and contractual obligations. By contrast, mid-fifteenth century reprisals against the Genoese show no more than fifty Ligurians imprisoned. If accurate, these events might confirm that Valencians were already the largest foreign merchant community by the beginning of the second half of the century[172].

The status of the subjects of the king of Aragon, and particularly the Valencians, evolved in a peculiar way throughout the late fourteenth and the early fifteenth century. In 1392, the Valencian merchants with interests in Granada, supported by the city council, complained before the Aragonese king that they were being forbidden to take gold out of the Nasrid kingdom, a prohibition that did not apply to the Genoese. The merchants urged the king to take advantage of the truce negotiations that were being carried out with the sultan to remove such regulations and obtain further

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[170] Salicrú, 'The Catalano-Aragonese commercial presence in the sultanate of Granada during the reign of Alfonso the Magnanimous', p. 296, footnote 34; Salicrú, Roser, 'La Corona de Aragón y Génova en la Granada del siglo XV', *L'expansió catalana a la Mediterrània a la Baixa Edat Mitjana, Anuario de Estudios Medievales*, anexo 36 (1999), pp. 121-144.

[171] An overview can be found at Salicrú, 'The Catalano-Aragonese commercial presence'.

[172] Salicrú, Ibidem, p. 295; Ruiz Povedano, J. M., 'El consulado catalán de Málaga en época de los Reyes Católicos', *En la España medieval*, 10 (1987), pp. 423.

privileges[173]. The following treaty of 1392 seemingly met such demands, yet discussions preceding the 1405 truce make out that the Aragonese were still being discriminated. Throughout the following discussions, the Valencian bailiff denounced Genoese favouritism and claimed for the removal of the *mahona*, a tax applicable only to Catalan commerce. The Catalans were double taxed even when their merchandise had not been sold, they were compelled to keep written record of every transaction and in case a debtor presented a "letter of poverty", Catalan creditors could not claim back their money. Furthermore, in case of dispute they were liable to be brought before the *qadi* court instead of the Muslim mercantile officials. The final treatise of 1405 granted the Catalans personal freedom and security, as well as explicit permission to withdraw gold, yet discrimination seemingly remained, as none of the clauses suggests otherwise[174].

Valencian merchants in Granada challenge the assumption that strong consular institutions were indispensable to support successful mercantile networks abroad. The ever-present merchant elite seemingly did not turn to consuls to settle their disputes, and there is hardly any evidence of disputes brought before them. One might think that, since most Valencian merchants were just short-term visitors in the realms of Granada, they preferred to settle their conflicts before the Consulate of the Sea back home. This assumption is partially true —most conflicts regarding Granadan businesses might have been settled in Valencia—, yet fails to account for the several dozens of Valencian merchants settled permanently or for long periods in the Nasrid kingdom, for whom having strong consulates applying Christian law might have been a valuable service. If that was never the case it is due to the lack of support on the part of the homeland public institutions and the weak legal status of Catalan consulates vis-à-vis local authorities. Before 1392, Catalans were obliged to brought their cases before the *qadi* court, what arguably discouraged the development of a consulate. Following treaties between Aragon and Granada seemingly showed no interest in defining the privileges and rights of the Catalan consulates, which predictably reduced the enforcement capabilities of these institutions[175].

A Catalan consulate in Granada is documented, yet probably fulfilled a limited role related to the drawing up of documents, the recording of transactions and the transmission of juridical information to be used in the Valencian Consulate for the resolution of disputes. The only reference to the workings of this consulate dates from 1418, when the king Alfonso V requested the Catalan consul in the city of Granada to take testimony of several merchants with regard a lawsuit held in Valencia. The said consul is referred as "nostro consuli mercatorum cathalanorum pro nobis in Granata",

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[173] 15th July, 1392, AMV, LM 5, f. 130r-v., transcribed in Rubio, *Epistolari de la València medieval*, p. 139.

[174] López, *La Corona de Aragón y el Magreb en el siglo XIV*, pp. 190-192.

[175] It is interesting to compare this with the preliminary negotiations between Granada and the *Serenissima* regarding the establishment of a Venetian consulate in the area, which was agreed to have a full set of privileges and guarantees: see Fábregas, Adela, 'Acercamientos y acuerdos comerciales entre Granada y Venecia al filo de 1400', in *Anuario de Estudios Medievales*, 40 (2010), pp. 643-664.

suggesting a probable Royal election[176]. The next reference to a Granadan consul comes forty years later, in 1459, when the Valencian merchant Joan Rosell, settled in Almeria, was appointed by the king as general consul for the kingdoms of Granada, Fez and Tlemen, as we already saw in the previous chapter. As far as we are concerned, no further information is available on these consulates.

Their diplomatic role must have been also limited, for when the Crown or the Council of Valencia needed someone to intercede before the sultan on behalf of fellow nationals, they turned to the merchant community as a whole or to prominent individual businessmen, not to the consul. In November 1420, after a Mallorcan vessel had been captured by the Genoese in the port of Malaga with the connivance of the Granadan authorities, the Monarchs asked Joan Martorell, "merchant in the city of Malaga", to do everything in his power to intercede before the sultan and release the prisoners and their goods[177]. Indeed, Joan and other elite merchants residing in those parts probably played the role of informal consuls, in a similar manner as Esteban Bonora will do at the end of the century. It is not implausible to venture that they might host Catalan merchants, provide storage facilities and even act as brokers on their connationals' behalf. At the turn of the century, the said Esteban Bonora would even be accused by Malagan citizens of behaving as the chief of the Catalan community, controlling their commerce and the production and trade of anchovies[178].

In the kingdom of Granada, Valencians customarily resorted to Muslim courts to settle not only mixed cases, but also disputes among fellow Valencians and Christians. This probably signals not only the consulates' shortcomings in the area, but also the willingness of Islamic courts to adapt to Christian demands to a certain degree. The formalist approach of the *qadi* courts, which only accepted righteous witnesses as valid testimony and ruled out the use of written documents, gave way to the Royal Nasrid courts, whose proceedings were better suited to serve non-Muslim litigants[179]. A prominent example of the use of these courts is provided by the correspondence of the Valencian aldermen in 1416. In this year, Luis de Eixarchs and his sons decided to take legal action against Pere Montblanch, their factor in the city of Granada, for he has been proved to be wasting their capitals and concealing merchandise. Instead of turning to a Christian consul, they remarkably appealed to "the sultan, his judges and officials". It is not clear why the Eixarchs family did so, yet it is sure that the Muslim court was more capable to enforce its verdicts than its Christian counterpart. In any case, Lluis de Eixarchs carried out the case and even obtained letters of recommendation from the Valencian council to further support his allegations before the sultan — a surprising move taking into account that the defendant was also a citizen from Valencia[180]. Such provisions might indicate, on the one hand, concerns

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[176] Again, it is not be implausible to hypothesize that the Valencian bailiff could have made such an appointment on behalf of the king, given his ubiquitous role in the Granadan affairs. For the document, see Salicrú, 'Documents', doc. 32, pp. 53-54.

[177] Salicrú, 'The Catalano-Aragonese commercial presence', p. 299.

[178] Ruiz Povedano, 'El consulado catalán de Málaga en época de los Reyes Católicos', pp. 425-426.

[179] Francisco Apéllaniz reported a similar process by the same time in the Mamluk cities of Alexandria and Damascus: see Apellániz, 'Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus', pp. 353-357, 375.

[180] AMV, LM, g3-13, 153r-v.

regarding the reliability of the Nasrid officials, but also the need to prove the righteousness of oneself before the Muslim judges[181]. The attitude of the Valencian aldermen in this respect is worth commenting. Instead of requesting the sultan to leave the issue to the Christian consul, as did the Mallorcan lieutenant before the king of Garb in 1394 (see the previous chapter), they seemingly took for granted the sultan's role as the judge for the Christians in Granada, limiting themselves to support the claim of their fellow citizens. We do not know what the outcome of this trial was, yet Pere Montblanch appears two years latter giving testimony before the Catalan consul in Granada, suggesting he was a long-term resident in the Nasrid capital[182].

Further evidence supports the idea that Muslim courts judged and even punished Valencian merchants in the Nasrid kingdom. In June 1416 we know that the aldermen of Valencia tried to intercede before the sultan to release Anthoni Taraçona, a prosperous businessman in the past who had been imprisoned by reason of his numerous debts[183]. We do not know the identity of the plaintiffs, yet by this point is apparent that Royal courts were customarily used to settle mixed conflicts, whether involving Muslims, Christians or connationals. In November 1455, Ferrando Eiximenez, Valencian, sued a Genoese operator residing in Almeria before the sultan, his judges and officials on the grounds that the said Genoese had refused to pay back some money[184]. These courts might have been the only means to enforce contracts when dealing with long-term Christian residents as the ones we have just reviewed, since they could costlessly evade the authority of their national consuls. Some of them might be what in the Levant were called *fazolati*: Christian merchants that had obtained from the Muslim authorities the status of permanent residents, but without becoming subjects of the sultan[185].

Facing a context defined by weak consulates and hostile local institutions, Valencian merchants pursued several strategies in order to carry out their businesses and enforce contracts. In particular, they achieved a high level of political influence and individual privileges by entering into credit relations with the Nasrid officials and the sultan himself. In 1424, the King of Granada owed Galceran d'Eixarch, brother of the aforementioned Luis de Eixarchs, 4000 gold florins; two years later we know that the Royal Treasurer owed him a sizable amount of money dating back to seven or eight years before. These kind of strategies are probably on the roots of the silk monopoly achieved by six Valencian merchants in 1417. The sultan granted Lluis and Galceran d'Eixarch, Lluis Granollers, Joan Baiona, Joan Martorell and Pere d'Aries the monopoly to export silk from his realms [186]. Such a privilege seemingly divided the institutions of Valencia: while the aldermen supported the monopolists, the bailiff denounced their schemes as an aggression against the bulk of the Christian, Muslim and Jewish citizens of Valencia who traded in those parts and whose main interest was precisely the

[181] Apellániz has shown that selling verdicts was common practice in the Medieval Levant: Apellániz, Ibidem, p. 373.

[182] Salicrú, Roser, *Documents per a la història de Granada del regnat d'Alfons el Magnànim, 1416-1458* (Barcelona, 1999), doc. 32, pp. 53-54.

[183] AMV, LM g3-13, 120v.

[184] Salicrú, 'The Catalano-Aragonese commercial presence', p. 305.

[185] Ashtor, Ibidem, p. 400.

[186] Salicrú, Ibidem, pp. 296-297, 298.

Granadan silk[187]. However, elite merchants kept obtaining privileges in detriment of the merchant community as a whole: in 1426, Francesc d'Aries, probably brother of the aforementioned Pere, was granted the monopoly over salt imports. These elite merchants and lineages are the ones that appear most frequently in the sources, and many of them have been long established in the Granadan markets. In 1380, for instance, Joan and Lluis d'Eixarch already appear trading in Granada through a 6800 pounds worth society, the biggest one recorded all throughout the period. In the 1405-1412 period, Lluis appears more than twenty times as guarantor of ships bound for Almeria, or from Almeria to Malaga. In 1415, several letters mention Lluis and his sons residing in Malaga, and in the summer 1421 he is recorded living in Malaga[188].

Merchants seemingly turned to their homeland royal authorities to further enforce contracts in Granada. In 1427, Joan d'Eixarc is recommended by the Monarchs before the sultan to recover some debts. Likewise, in 1430 Alfonso V issued letters of recommendation on behalf of Joan Martorell, Francesc Torrents and their factors in order to claim back some credits[189]. In December 1443, when Joan Pi of Mallorca failed to recover a debt from a Granadan Muslim, Mohamat Algazi, Queen Maria was requested to intercede on behalf of her subject before the prince of Granada[190]. The royal bailiff of Valencia held a prominent role here as well, as shown in a letter from January 1457 in which he requested the sultan for formal acknowledgment of several debts that his Muslim subjects had contracted with Valencian merchants[191].

Many details remain to be known regarding the enforcement strategies underpinning the Valencian establishment in Granada. Nevertheless, it is apparent that Catalan consulates kept very low profile regarding contract enforcement. Instead, Valencian merchants —especially the upper class— turned to Muslim courts, which rose in importance as they were increasingly used to settle both mixed cases and disputes between fellow Valencians and Christians. Insofar as Nasrid institutions were hostile or unreliable, Valencian elite merchants developed individual strategies based on credit relations vis-à-vis the local rulers and officials, further reinforced by the personal support of the royal and municipal authorities from Aragon and Valencia, all which greatly enhanced their commercial position and their access to enforcement institutions.

II.3. The Valencian case compared

[187] Salicrú, Roser, 'La treva de 1418 amb Granada: la recuperació de la tradició catalanoaragonesa', *Anuario de estudios medievales*, 27, 2 (1997), p. 2007.
[188] Salicrú, 'The Catalano-Aragonese commercial presence', pp. 295, 297.
[189] Ibidem, pp. 298-300.
[190] Ibidem, p. 307.
[191] Ruzafa García, Manuel, 'Las relaciones económicas entre los mudéjares valencianos y el reino de Granada en el siglo XV', *Relaciones exteriores del Reino de Granada: IV Coloquio de Historia Medieval Andaluza* (1988), p. 359.

Barcelona

In the period we are dealing with, Valencia was approaching Barcelona in terms of population and probably also in wealth[192]. However, the city never achieved levels of mercantile development comparable to Barcelona: her firms remained smaller and seemingly made less use of citizen investment to raise capital funds (see part I). Valencia's *Golden Age* seemingly owed as much to the settlement of foreign merchant communities, particularly Italians, as it did to the appearance of a local mercantile class[193].

The challenge of explaining why Valencia did never pick up the baton of commercial hegemony after Barcelona's demise would require a deep understanding of several intertwined factors. While it would be premature to venture very far in providing an answer, some of the arguments developed here suggest new ways of approaching the question. At this point it should already be clear that Valencian and Barcelonan contract enforcement institutions differed in several significant ways with respect to their areas of predilection —which is to say, the areas in which their merchants had a comparative advantage—. Barcelona developed a consular network in which consular appointment, removal and jurisdiction were well defined and often written down in regulations and treatises with foreign rulers. Partially because of this, cooperation between her Consulate of the Sea (also Mallorca's, Valencia's and others) and overseas consulates were enhanced. Catalan consulates certainly experienced episodes of turmoil, bribery and extortion, but in the term of a few years the Council of Barcelona or the Monarchy usually removed unruly consuls from office and appointed new ones[194]. In sum, Barcelona's consular network provided low cost contract enforcement to the broad merchant community, stretching from Bruges to the route of the isles and the Levant[195].

Conversely, the consular network in Valencia's area of influence was self-managed, unaccountable and, particularly in the case of Granada, weak. It is unclear what the origin of this situation was, but the outcome is certain: Valencian merchants turned to individual strategies based on political influence on local governments[196], semi-private

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[192] The prominent role of Valencia as the main financer of Alfonso V's military campaigns in the Mediterranean is an eloquent testimony to this. See Ryder, Alan, *Alfonso the Magnanimous: king of Aragon, Naples and Sicily, 1396-1458* (Oxford, 1990); Epstein, 'An island for itself', p. 381.

[193] Igual, David, 'Los agentes de la banca internacional: cambistas y mercaderes en Valencia', *Revista d'Història Medieval*, 11 (2000), pp. 105-138.

[194] AMV, LM, g3-13, 130r; Ashtor, op. cit., p. 232; Carrère, op. cit., p. 126; Duran, 'Monarquia, consellers i mercaders'.

[195] This network can be characterized as an "open access order" in terms of North, D. C., Wallis, J. J., and Weingast, B. R., *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge, 2013), pp. 110-115.

[196] It should be noted that Barcelonan merchants also engaged in political intrigue and rent-seeking abroad, sometimes to the detriment of fellow nationals. However, these practices could not hamper so much the access to contract enforcement when strong consulates were available for the broad community. See the case of the Barcelonan Rafael Vines, who entered into credit relations with the sultans of Tunis and in 1446 was granted a monopoly over choral (Carrère, op. cit., p. 148).

consulates and the special support from municipal and royal officials as a means to improve personal security and contract enforcement. This framework actually supported the expansion of commerce towards Granada and the Maghreb, but plausibly limited its growth potential in the long term. Individual solutions to contract enforcement were clearly much costly and far from the reach of the wide base of merchants. Well-connected elite businessmen, as Francesch de Montfort in Tlemcen and the several silk and salt monopolists in Granada, enjoyed better access to contract enforcement institutions and could reach higher levels of commercial organisation, yet this framework hampered the appearance of a wide base of merchants who could have made good use of Valencia's comparative advantage towards Granada and Barbaria to expand their businesses, reinvest and capitalize Valencia's merchant economy.

It is true that there is no substantial difference in average capital, duration and number of partners between the Valencian societies established to trade in Granada/Maghreb and those established to trade in areas in which a strong consular network existed, as Italy or Bruges[197]. However, these figures might mean that similar contract enforcement outcomes had been reached through different strategies, which nevertheless had different implications for long-term commercial growth. Only a network approach to the individuals involved in these companies might cast further light in the future regarding this hypothesis.

The Italian republics: Genoa, Venice and Florence

Avner Greif developed a model for contract enforcement in mid-twelfth century Genoa that is worth reviewing here on the light of the Valencian experience. Based on the analysis of the cartulary of John the Scribe (1155-1164), Greif proposed a private-order, reputation based institution as the basis for the early commercial development of Genoa[198]. According to him, contractual arrangements in the *Superba* were defined by the presence of two distinct classes: on the one hand, a group of rich sedentary investors, typically members of the urban oligarchy or nobles themselves; on the other, a class of poor travelling merchants. The former would tend to confer large sums to a few merchants, committing to finance them for prolonged periods of time. The promise of repeated dealings with the same investors, and the fact that merchants were rewarded above their alternative occupation available, enabled them to commit *ex ante* not to breach contracts *ex post*. The Genoese Republic further reinforced private reputation in two ways: in the first place, it held merchants and their families' property liable for any contractual breach; on the second, it established contract registration facilities in the main trading centres so as to detect when contracts had

[197] See the table provided in Cruselles, *Los comerciantes de Valencia en el siglo XV*, pp. 103-104.

[198] Greif, Avner, 'Cultural Beliefs and the Organization of Society: A Historical and Theoretical Reflection on Collectivist and Individualist Societies', *Journal of Political Economy*, 103, 5 (1994), pp. 937-938; Greif, Avner, *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade* (New York, 2006), chapters 8 and 9.

been breached, measure the extent of the violation and impose penalties on the violators[199]. In relation to the Valencian case, however, there is no evidence of such a system, at least not in the period we are dealing with. Firstly, the Genoese approach implied the existence of a class of rich investors hiring the services of merchants of relatively low status who had fewer options than complying with their masters. Far from that, we have already seen that Valencian factors would every so often invest in the enterprises they had been trusted, and rich merchants managed to attract investments from fellow colleges[200]. Even though Valencia lagged behind Barcelona in this respect, the city also witnessed the development of financial markets in which wide sectors of the population could invest their savings, and capitalists seemingly diversified their investments among several different partners[201]. There is certainly no patron system that might resemble that of early Genoa. Furthermore, families do not seem to have been liable in case of contract breach unless contractually specified.

Drawing on the surviving trading documents for the period between 1021 and 1261, Yadira González de Lara has proposed a different model for medieval Venice[202]. According to her, contract enforcement in the *Serenissima* relied on a public-order yet reputation based institution. It was public-order in the sense that the state generated the rents required to motivate a merchant to keep affiliation with Venice, gathered the information needed to detect a contractual breach, and punished a merchant if he cheated. It was reputation-based in the sense that the merchant was motivated to submit to the Venetian authorities and comply with his contractual obligations not only due to the threat of legal sanctions, which were difficult to enforce in case he chose to scape to another jurisdiction, but also of losing his reputation with the state and thus access to state-generated rents. Accordingly, the Republic of San Marco adopted several means to preserve per-citizen rents. Firstly, non-Venetians were denied commercial access to its colonial empire; Venetian citizens were even forbidden to act as middlemen for foreigners in this regard. Secondly, the cost of acquiring the Venetian citizenship was steadily raised. In third place, overseas capital investment was legally restricted, so as to further insure that rents were kept high.

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[199] It comes as a remarkable fact that, despite the heterogeneous and erratic character of their empire, Genoese colonies always stuck to Genoese law, which each successive *podestà* and consul swore, on taking office, to uphold. There is a good overview on this at Fernández-Armesto, F. *Before Columbus: exploration and colonisation from the Mediterranean to the Atlantic, 1229-1492* (London, 1987), p. 104. See also Greif, Avner, 'The fundamental problem of exchange: A research agenda in Historical Institutional Analysis', *European Review of Economic History, vol*. 4, 3 (2000), pp. 269-270; North, D. C. *Institutions, institutional change and economic performance*, p. 58.

[200] At the turn of the fourteenth century, the share of outsiders investment seems to increase: Cruselles, *Los comerciantes valencianos del siglo XV*, p. 112. Factors might sometimes provide some capital to the society. That's the case of Johan de Valldemia, who provides 283 p. to a Barcelonan company in 1411, and at the same times engages as salaried factor of the company in Cagliari for the period of one year (Carrère, op. cit., p. 612, footnote 3).

[201] On the other hand, Cruselles has convincingly proved that bill of exchange networks in Valencia implied a wide array of merchants who had no personal knowledge of each other (Cruselles, Ibidem, p. 187).

[202] The following explanation is entirely based on González de Lara, Y. 'The secret of Venetian success: a public-order, reputation-based institution', *European Review of Economic History*, vol. 12, 3 (2008), pp. 247-285.

Besides, a network of colonial governors, overseas consuls and public officials at home, along with the later introduction of a system of state convoy galleys, provided information on market conditions and possible cheating[203]. Since long-term personal relations between principals and agents were not necessary in such an environment, no patron system in the Genoese fashion is found here. Resembling what we found for the Valencian case, we find many investors per merchant and many merchants per investor[204].

It is worth noting that the Venetian model went on wide beyond the period studied by González de Lara, reaching the epoch of Valencian ascendancy dealt with in this paper[205]. As we have already seen, there is evidence suggesting the hypothesis that a resembling public-order, reputation based institution lend support to the Catalan expansion, in particular along the route of the isles. Even though Catalans never restricted access or investment to their colonial empire and letters of citizenship were easily granted[206], overseas privileges made Catalano-Aragonese citizenship a valuable asset and allowed merchants to commit *ex ante* not to flee *ex post*[207]. However, this explanation does not suffice to explain contract enforcement for Valencian commerce. In the first place, because Valencians extensively entered into contracts with foreigners, whether Castilian, Italian or Muslim, who faced a very different set of incentives —many Granadan Muslims, as we have seen, tried to cheat Christian merchants via different strategies. Secondly, because Catalano-Aragonese citizenship was not equally valuable everywhere: in Maghreb and Granada, the subjects of the Aragonese king enjoyed no distinctive privileges and many Valencians might be tempted to become *fazolati*.

The case of Florence is particularly interesting, for by the early fifteenth century the Florentine government granted insufficient institutional support to its merchants abroad, and the *nazione* was subject to little regulation either. In fact, it counted only two overseas communities —Bruges and Naples— that matched the standards of organized merchant nations. Florentine businessmen tended to conceal their activities under other flags in order to access foreign privileges or consular protection, particularly Pisan or Genoese —and they did so in the Maghreb too—. In a way, the Florentine approach resembles the individualist strategies pursued by elite Valencian

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[203] Pezzolo, Luciano, 'The via italiana to capitalism', in Neal, L., and Williamson, J. G., *The rise of capitalism, from ancient origins to 1848* (Cambridge, 2014), pp. 283-284.

[204] See the chart displayed in González de Lara, Y. 'The secret of Venetian success…', p. 40.

[205] See, for instance, Lane, Frederich, *Venice: a maritime republic* (Baltimore, 1973), pp. 337-352.

[206] Narbona, 'Valencia, emporio mediterráneo: ss. XIV-XV', p. 103.

[207] Ferrer i Mallol, M. T. 'Els italians a terres catalanes, segles XII-XV', *Anuario de estudios medievales*, 10 (1980), pp. 394-412; Soldani, 'Il commercio internazionale all'epoca di Martino l'Umano', pp. 525-526. On the other hand, the cities of Barcelona and Valencia, along with the *Generalitat* of Catalonia (the Principality's administrative body), chartered sometimes galleys for the trade with the Levant, but the role of privately owned ships was incomparably greater. In 1439, a one of these Valencian galleys joined the convoy to Alexandria, stopping over in Malaga, Almeria and the Maghribi ports; in 1443, a pair of large Valencian galleys set sail for the Eastern Mediterranean as well (see Ashtor, op. cit., p. 388; Igual, David, 'Navegación y comercio entre Valencia y el Norte de África durante el siglo XV', in Trillo, Carmen (ed.), *Relaciones entre el Mediterráneo cristiano y el norte de África en época medieval y moderna* (Granada, 2004), p. 256.

merchants in Granada, on a much larger scale. Nevertheless, the distinctive feature of the Florentine model was the companies' size, which made unnecessary to maintain a consular network since they could deal vis-à-vis foreign rulers to enforce their contracts before third parties[208]. This model, however, takes for granted the hugeness of the Florentine companies, whereas in the Valencian case what needs to be explained is precisely the level of commercial organisation.

Conclusion

Throughout this paper we have followed the merchants from Valencia and their city council's correspondence trying to unveil the contract enforcement mechanisms underpinning the extraordinary commercial development that experienced the city in the early fifteenth century.

In the first part, we have explored the contractual arrangements and private order solutions that lend support to the expansion of Valencian commerce. As it has become apparent, family ties and national comradeship were not suited to sustain alone the kind of complex transacting that is observed in fifteenth century Valencia. This notwithstanding, merchant informal coalitions sustained by reciprocity and reputation mechanisms did complement and enhance the workings of public order institutions, which are tackled in the second part from different perspectives. We have shown how the Consulate of the Sea and its body of maritime legislation were particularly aware of agency problems and tried to lessen them by defining contractual rights and obligations. The said Consulate administered justice also for fellow Catalan merchants from Mallorca and the Principality, whereas Valencian businessmen benefited from the Catalan consular network that had been slowly developed by the great trading centre of Barcelona, stretching from Bruges to the route of the isles and the Levant. Such consular network provided a formidable framework for transmitting contractual information, detecting when contracts had been breached and imposing penalties on the violators. Furthermore, the extensive privileges enjoyed by the Catalans along the route of the isles made the Catalan-Aragonese affiliation a valuable asset, enabling agents to credibly commit to their contracts. Following chapters have shown that cross-national contract enforcement was typically based on reciprocity and channelled through the consular system: foreigners would turn to Valencian and Catalan consulates when conflicts arose with Valencian and Catalan citizens, on the expectation that the same would work the other way round.

An aspect that stands out is that Valencian businessmen developed distinctive contract enforcement strategies when dealing with their own sphere of influence, Barbaria and Granada, in which common Catalan facilities were inadequate or not available. Catalan consulates appointed by the king are found in Granada at least for

[208] Apellániz, 'Florentine networks in the Middle East in the early Renaissance', pp., 125-127. Earlier on, extensive use of extradition treaties with other Italian cities allowed Florence to overcome the problems of legal fragmentation and punish cheaters beyond its frontiers (Greif, A. *Institutions and the Path to the Modern Economy*, pp. 340-345).

1418 and 1459, yet their contract enforcement role seemingly remained low-key: Valencian merchants turned to Muslim courts to settle both mixed cases and disputes with fellow citizens and Christians. Their contract enforcement mechanism in those parts relied on individual strategies of political influence over local governments, semi-private consulates and the special support on the part of municipal and royal officials. In *Barbaria*, where an unconventional "Christian" consular network did exist, its self-managed and unaccountable character probably compelled merchants to turn to comparable individual strategies, as the cases of the Rotlan brothers in Garb or the "very favoured" Francesch Montfort in Tlemcen suggest. Its shortcomings might be one of the reasons why Juan II appointed a general consul for Granada, Fez and Tlemcen in 1459, yet we are still lacking much information to venture a complete picture of this process.

Our answers are based on the documentary evidence available so far, yet this evidence needs to be further expanded in following research. Many sources still remain in the several Valencian and Aragonese archives waiting to be explored and used to draw a thicker picture of the contract enforcement institutions that governed the Valencian expansion. Such a work should, in the first place, encompass a longer period of time, probably from the second half of the fourteenth century to the mid-fifteenth century. In the second place, it should dig into the council's and the notarial documents, for none of these sources can draw a complete picture separately. A network approach to the Valencian and Mallorcan businessmen trading in Granada and Barbaria is particularly promising, for it might cast light on the particular strategies undertaken by elite and low rank merchant, allowing us to assertively answer the question posed throughout this paper. It should be noted, in any case, that our main aim was to highlight an aspect that has usually been neglected by the literature, namely, the fact that Valencian merchants and institutions developed an original approach to contract enforcement, clearly distinct from their Barcelonan counterparts in those parts in which the Catalan consular network was inadequate or absent. Such an approach, based on individual rather than collective action, plausibly had several implications for long-term growth that might allow us to look at the conspicuous problem of Valencia's *Golden Age* from a different angle.

Our findings regarding Granada and Barbaria should be put both in relationship with historiographical and theoretical debates. This paper explicitly aimed to put to an end the unilateral narratives of the Catalano-Aragonese commercial expansion. Authors like Carl Rohne, Claude Carrère, Mario del Treppo and Maria Teresa Ferrer[209] have usually placed all the emphasis on the Catalan consular network monitored from Barcelona, assuming that Valencian merchants and officials just played a passive role within its developments. By focusing exclusively in the interplay between the Crown, the Council of Barcelona and her Consulate of the Sea —however pivotal in the Catalan expansion—, the literature has overlooked the development of more polycentric and comparative approaches that would allow us to draw a richer and more realistic picture of such an expansion. A prominent exception to this current is the work of

[209] Rohne, *The origins and development of the catalán consulados ultramarinos from the thirteenth to the fifteenth centuries*; Carrère, *Barcelone, centre économique;* Del Treppo, *I mercanti catalani e l'espansione della Corona d'Aragona nel secolo XV;* Ferrer i Mallol, 'El consolat de mar i els consolats d'ultramar, instrument i manifestació de l'expansió del comerç català'.

Daniel Duran, who has extensively worked on the Mallorcan case both within and without the Barcelonan network[210]. By going beyond the letter of the law, he has been able to show to what extent differed the strategies pursued by the elite merchants compared with their low-rank counterparts. In fifteenth century Constantinople, for instance, whereas the Council of Barcelona seemingly backed the interests of its elite merchants, the broad merchant community tried to draw support from the monarchy[211]. Our paper, insofar as it has analysed resembling cases in Granada and North Africa, should be seen as a contribution in this current of research. The Valencian case is especially suited for comparison with the Frankish trading networks in the Levant studied by Francisco Apellániz, for he explicitly aimed to examine the strategies pursued by individual merchants in the absence of strong public support[212]. In that sense, this paper should provide a new perspective to the long-standing historiographical debate on the relationship between the Aragonese Crown and the Catalan merchants[213]. It is rather difficult to establish a detailed cause-effect relationship between political imperialism and merchant interests, but we can still analyse the consequences for trade of a certain institutional background, as we have attempted here. Pursuing in this aim might cast light upon a paramount question within the history of the Aragonese confederacy.

The Valencian case stands out not only as a distinctive approach with regards the contract enforcement models proposed in the neo-institutional literature, namely for Genoa and Venice[214], but also as a reminder that both historians and economists should work for the conciliation between theory and historical research. The late medieval Mediterranean world, as fragmented and diverse as it was, in which each town, region and state approached similar challenges on a distinctive way, calls for a close collaboration between disciplines before it can bear its most prized fruits.

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[210] Duran i Duelt, 'Consolats de mar i consolats d'ultramar: la defensa de l'espai marítim en temps de Martí l'Humà'; 'La fi del sistema consular mallorquí i les seves repercussions en el català: el cas dels consolats de Pera i Constantinoble'; 'Monarquia, consellers i mercaders. Conflictivitat en el consolat català de Constantinoble a la primera meitat del segle XV'.

[211] Duran i Duelt, 'Monarquia, consellers i mercaders'.

[212] Apellániz, Francisco, 'Forentine networks in the Middle East in the early Renaissance'; 'Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus'; 'Venetian Trading Networks in the Medieval Mediterranean', *Journal of Interdisciplinary History*, 44, 2 (2013), pp. 157-179.

[213] A brilliant synthesis on this regard can be found at Igual, 'Los grupos mercantiles y la expansión política de la Corona de Aragón: nuevas perspectivas'.

[214] For Genoa, see Greif, 'Cultural Beliefs and the Organization of Society' and *Institutions and the Path to the Modern Economy: Lessons from Medieval Trade*, chapters 8 and 9. For Venice, González de Lara, 'The Secret of Venetian Success'. For an extended explanation, see the subchapter devoted to compare the Valencian case with the Italian Republics.

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