

David Joris: the wealthy stranger

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The story of the most famous refugee of sixteenth-century Basel is a cautionary tale about identity, wealth and trust. In 1544, a wealthy Dutch gentleman arrived in Basel with a large household and requested permission to settle. He called himself Johann von Brugge, presented himself as a Protestant refugee from the Low Countries, and was admitted to citizenship. He bought houses in the city and an estate in the countryside, lived in style, was generous to the poor and was respected by the citizens and the council. He died in 1556 and was buried in the church of St Leonhard.¹

After his death, a dispute within his family revealed that Johann von Brugge was in fact David Joris, one of the leaders of the Anabaptist movement in the Low Countries, a visionary prophet who had written numerous works on his spiritual revelations and who had been condemned as a heretic. He had continued to correspond with his followers in the Low Countries from Basel and to publish his writings. The council, horrified to discover that it had harboured a notorious heretic, opened a posthumous trial. In 1559, Joris was condemned and his body exhumed and burned together with his books. His property was confiscated, although the family was later allowed to recover a part of it.

The case of David Joris has an obvious resonance for the modern financial centre. A wealthy foreigner arrived with an assumed identity, presented a plausible story, was accepted by the authorities and by society, and lived for years without anyone discovering the truth. His wealth, his generosity and his respectable conduct were taken as guarantees of his integrity. The discovery of his identity, which came only after his death, led to a scandal that damaged the reputation of the city.

The modern rules on the identification of clients and beneficial owners, which Part E examines, are designed to prevent precisely this kind of deception. A Swiss bank that opens an account for a new client must verify

his identity on the basis of documents, identify the beneficial owner of the assets, clarify the background of unusual transactions and pay particular attention to politically exposed persons and clients from high-risk jurisdictions.² The case of David Joris shows why these rules exist: wealth and respectability are no proof of identity or integrity. A financial centre that accepts clients on the basis of appearances exposes itself to scandals that can damage its reputation for generations.

The case also raises the question of the limits of tolerance, which the previous chapter discussed in connection with Castello. Joris had harmed no one in Basel: he had lived peacefully, paid his taxes and helped the poor. His crime was his belief. The posthumous burning of his body seems to us an act of religious intolerance. The modern financial centre faces a different but related question: to what extent should it examine the background and activities of its clients, and at what point does legitimate due diligence become an intrusion into their private affairs? The answer of modern law is that the financial centre must know who its clients are and where their money comes from, but it need not share their beliefs or approve of their lifestyle.

1 Notes

1. On David Joris (c. 1501–1556), who lived in Basel from 1544 under the name Johann von Brugge, and the posthumous discovery of his identity, the trial and the burning of his exhumed body in 1559, see HLS, article "Joris, David". Dates to be verified. ↩
2. Art. 3–6 AMLA (SR 955.0) on the verification of the identity of the contracting party, the establishment of the identity of the beneficial owner and the special duty to clarify; FINMA Anti-Money Laundering Ordinance (AMLO-FINMA, SR 955.033.0). To be verified. ↩

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