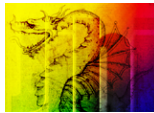


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## *The Maona*

A Study on Institutional Migration of Economic Organizational  
Forms (13<sup>th</sup> -16<sup>th</sup> centuries)

by  
Carlo Taviani



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# The Maona

## A Study on Institutional Migration of Economic Organizational Forms (13<sup>th</sup> -16<sup>th</sup> centuries) \*

Carlo Taviani \*\*

*This article focuses on the maona, an institution used to set up business transactions, first in Genoa and later in the whole Mediterranean, and on how it changed within the Medieval and early modern age. I use a case study to present a set of question on the more general topic of institutional migration. What happened to some economic institutions over time? What can we say about them when we look at them longitudinally? How can we study institutions in a given moment and follow their migration process over time? I present new findings on the maona, particularly exploring the possibility that an Islamicate institution, similar to the maona, existed in North Africa (Ceuta) and migrated to the northern Mediterranean. I also present a series of findings on some unknown or understudied maone.*

### 1. Introduction: the Puzzle of Institutional Migration

Scholars in different fields have used the words ‘economic institutions’ to denote many different social objects defined by speech acts and related to the economic sphere. The term institution is used for large organizations such as

\* I am grateful to Davide Gambino, who worked with me on the Max Weber Foundation’s project *Wissen entgrenzen* (2019-22), searching for documents in the archives, analyzing published sources, and reading and commenting on an earlier version of this article. Marco Lamanna and Marco Di Branco also read a draft of this work and provided interesting comments. Stimulating ideas and comments came out during a seminar, the *Geschichtskontor Historisches Seminar* of the University of Zurich, where I presented an earlier draft of this work. I thank Roberto Zaugg for the invitation and the suggestions. Special thanks to Paolo Di Lucia for an interesting discussion and to the two anonymous reviewers for their stimulating criticism and thoughts.

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corporations, for some kinds of contracts, and even for informal practices such as corruption and slavery.<sup>1</sup> Fields as diverse as sociology, history, philosophy, law, and economics study institutions. And institutions are complex: over time, people have not only moved institutions from one place to another, but replicated, hybridized, and innovated them, processes scholars define as institutional migration or transplant. For some scholars, the question is whether this is a rational process that generated economic growth, or whether it should be regarded as a phenomenon that also has dysfunctional and conflictive outcomes.<sup>2</sup> I am interested in looking at past institutions and their migration over time and this article focuses on the concept of the *maona*, an institution used to set up business transactions, that continuously changed within the Medieval and early modern age. It constitutes a paradigmatic case-study because it is difficult to be precisely defined and studied. I then use this case-study to ask a set of more general questions about institutional migration. What has happened to some institutions over time? What can we say about them when we look at them longitudinally? Can a scholar refer to them and be sure that other scholars will have the same set of referents? What kind of research analysis can we put in place when we focus on institutions across time?

Following Ron Harris' suggestion, this article uses both the word 'institution' and the words 'organizational forms'. The first is used to name specific historical organizations, for example, the Dutch or British East India Company (Vereenigde Oostindische Compagnie, VOC, 1602 and East Indian Company, EIC, 1600) or specific contracts, for example, a specific *commenda* that set up a partnership between two parties, or a legal declaration to regulate inheritance such as a will, written and signed in a given moment.<sup>3</sup> The second term, 'organizational forms', is used for a general type of economic organization: scholars

<sup>1</sup> On institutions, and in particular their role in regulating 'transaction costs', see Oliver E. Williamson, *The economic institutions of capitalism: firms, markets, relational contracting* (London: Collier Macmillan, 1985).

<sup>2</sup> Jean-Laurent Rosenthal and Roy Bin Wong, *Before and Beyond Divergence: The Politics of Economic Change in China and Europe* (Cambridge, MA: Harvard University Press, 2011); Sheilagh Ogilvie, "Whatever Is, Is Right? Economic Institutions in Pre-Industrial Europe," *Economic History Review*, 60 (2007); Sheilagh Ogilvie and Andrew W. Carus, "Institutions and Economic Growth in Historical Perspective," in *Handbook of Economic Growth* (Amsterdam: Elsevier, 2014).

<sup>3</sup> Ron Harris, *Going the Distance: Eurasian Trade and the Rise of the Business Corporation, 1400-1700* (Princeton: Princeton University Press, 2020).

group institutions that have similar names or that they see as having similar features and refer to them by a general name, for instance *commenda*, *compera* (a set of public debt shares), power of attorney, will etc.<sup>1</sup>

The chronological perspective is crucial for both institutions and organizational forms. A specific institution that had a certain fortune (for instance the VOC, the EIC, or the Bank of England) persevered, changed and innovated. Did it remain the same over time? And what does *the same* mean? How many and which characteristics of an institution must change for us to stop considering it *the same* institution? We can ask the same questions about the organizational form.



The scholarship on these subjects suggests that the study of institutional migration poses at least one fundamental problem, which can be presented as a paradox. The study of institutions and organizational forms requires scholars to define them. Identifying institution's features and using those features to define them let scholars discuss these forms in scholarly debate. But as we define, we freeze. A definition freezes a research object in a certain period of time, because it creates an ongoing risk of failing to appreciate what happened to these objects when they change over time. Ultimately, when we define, we might fail to follow the traces of that change.

Sometimes the task of definition is facilitated if the historical actors, most of the time and especially in past centuries, used the same word to refer to what they considered a similar institution. Even if they didn't define the institution, their usage functions as an ad hoc definition, and when we observers study an institution and share with the actors who created it a similar definition, formal definition is relatively simple. But this is not always possible. As we will see

<sup>1</sup> Neil J. Smelser and Richard Swedberg, ed., *The Handbook of Economic Sociology*, 2<sup>nd</sup> edition (Princeton: Princeton University Press, 2005).

with the *maona*, contemporary actors used the same name to name very different institutions, and we do not know why, since they were very different. Sometimes scholars have identified different characteristics from those identified by the historical actors at the time when the organizational form existed. Sometimes the actors—merchants, notaries, chroniclers of the time—who mentioned this organizational form failed to provide a definition, and we do not know whether they knew that other institutions with a similar organizational form existed elsewhere or whether they considered those institutions similar. Sources often do not clarify the context, and sometimes the context is completely lost.

In order to present the paradoxical perspective of a definition that tries to capture and describe something that is constantly changing over time, this article discusses the anachronistic perspective that has sometimes been used to define organizational forms, then presents the case study of the *maona*, an organizational form used to create economic partnerships between investors, documented (so far) between the 13<sup>th</sup> and 16<sup>th</sup> centuries and as yet under-studied. The history of the *maona*—analyzed here through new research and new findings—is intended both as an entry point into the discussion of institutional migration and as a presentation of possible solutions to the paradox of institutional migration through time.

Historians have used various models to describe the history of institutions and organizational forms, to prove that when people replicated, innovated, and transplanted a specific institution, some of its original characteristics remained. Scholars call this process ‘institutional migration’, even though an institution never migrates by itself; it is only found in another context (place or time) if people set up a new institution with similar features or moved the institution abroad or maintained it over time. When actors transplant an institution to another context but maintain its name (for instance, if the EIC opened a branch elsewhere), or if they use a similar organizational form (they set up a *commenda* in a new place) and call it a *commenda*, they make historians’ tasks easier. But sometimes merchants used the same organizational form, but called it something new, making it more difficult to track the history of these changes. There can also be problems with the context of contemporary debates. Often the fortune and stability of a model inhibits scholars from developing a genealogy, from grasping a continuum between institutions. Business corporations and

the *commenda/qirad* are examples of these kinds of influential models, whose powerful traditions act as constraints.<sup>1</sup>

The case of the business corporation is paradigmatic. It has been anachronistically derived from recent institutions and projected back onto the past. This process began around the end of the 19<sup>th</sup> century and the beginning of the 20<sup>th</sup> with scholars influenced by the German Historical School of Law (*Historische Rechtsschule*) like Levin Goldschmidt, Karl Lehmann, Otto Gierke, Max Weber, Heinrich Fick, and Heinrich Sieveking. They started by deriving a definition of the organizational form called ‘joint stock company’ (or ‘business corporation’) from the 17<sup>th</sup> century Dutch and British East India companies, then tried to identify its antecedent in medieval Genoese institutions such as the Bank of San Giorgio and the *maona*. Levin Goldschmidt (1829-1897) looked at the *maone* and concluded that they were “undoubtedly the colonial joint stock companies”. In 1895, however, Heinrich Sieveking started his habilitation thesis on the Bank of San Giorgio under the supervision of Max Weber—who had studied the history of commercial partnerships in the Middle Ages<sup>2</sup>—and after exploring the Genoese archives, he concluded that the Bank of San Giorgio was not a busi-

<sup>1</sup> Abraham Udovitch, “At the Origins of the Western Commenda: Islam, Israel, Byzantium?,” *Speculum*, 37 (1962); Ron Harris, “The Institutional Dynamics of Early Modern Eurasian Trade,” *Journal of Economic Behavior & Organization*, 71 (2009); John H. Pryor, “The Origins of the Commenda Contract,” *Speculum*, 52 (1977); Stefania Gialdroni, “Propter Conversationem Diversarum Gentium: Migrating Words and Merchants in Medieval Pisa,” in *Migrating Words, Migrating Merchants, Migrating Law. Trading Routes and the Development of Commercial Law*, ed. Stefania Gialdroni, Albrecht Cordes, Serge Dauchy, Dave De ruyscher and Heikki Pihlajamaki (Leiden-Boston: Brill, 2020); Gianni Mignone, *Un contratto per i mercanti del mediterraneo: l’evoluzione del rapporto partecipativo* (Napoli: Jovene, 2005); Lyda Favali, *Qirād islamico, commenda medievale e strategie culturali dell’occidente* (Torino: Giappichelli, 2004); Clemens Bauer, *Unternehmung und Unternehmungsformen im Spätmittelalter und in der beginnenden Neuzeit* (Jena: Verlag von Gustav Fisher, 1936). Recently Francesca Trivellato has showed how from Max Weber to Douglas North scholars have focused on the importance of limited liability for the *commenda* and the business corporation. Scholarship has built a genealogy of this feature through centuries. Trivellato has anticipated the results of her long research work on the Florentine *accomandita*, showing how limited liability appears only rarely within four centuries of Florentine contracts; see Francesca Trivellato, “Renaissance Florence and the Origins of Capitalism: A Business History Perspective,” *Business History Review* 94 (2020), 239 and 243.

<sup>2</sup> This was the title of Weber dissertation. See Max Weber, *The History of Commercial Partnerships in the Middle Ages*, translated and introduced by Lutj Kaelber (Lanham, MD: Rowman & Littlefield, 2003).

ness corporation.<sup>1</sup> The point here is not whether previous scholars identified the Genoese institutions as the first corporations or not, but that they anachronistically superimposed a general model derived from later so-called business corporations, specifically the big Dutch and British companies of the East Indies, onto older institutions that they actually knew little about.

This attitude, which overestimates the present or modern time and undervalues the past, did not end with the German School. It is evident also in contemporary approaches. Even recent scholarship using models and definitions of business corporations does not take into account earlier characteristics, for example the VOC and EIC's territorial dominion.<sup>2</sup> This happens because models are mostly used to illuminate current ontological realities. Only Oscar Gelderblom, Joost Jonker, and Ron Harris have begun to differentiate between when and how a characteristic was acquired, paving the way for an approach of institutional migration.<sup>3</sup>

Scholars often focus on institutional migration related to the business corporation by focusing on a set of characteristics—limited liability, tradable shares, legal personhood etc. If an institution prior to the 17<sup>th</sup> century possessed one or more characteristics that later business corporations had, scholars have recognized a possible link. If not, they have denied any connection.<sup>4</sup> The point,

<sup>1</sup> On San Giorgio, see Heinrich Fick, "Über Begriff und Geschichte der Aktiengesellschaften," in *Zeitschrift für das gesamte Handelsrecht* 5 (1862), 40-42; Otto Gierke, *Das deutsche Genossenschaftsrecht*, vol. I, 991. On the *maone*, see Levin Goldschmidt, *Universalgeschichte des Handelsrechts* (Stuttgart: Enke, 1891), 296 and 295; Heinrich Sieveking, *Werdegang eines Hamburger Gelehrten. Erinnerungen 1871-1914*, ed. Gerhard Ahrens (Hamburg: Gesellschaft der Bücherfreunde zu Hamburg, 1977). On Weber and Sieveking, see Marco Veronesi, "Genova medievale e la storiografia tedesca dell'Ottocento: Historische Rechtsschule, Kulturgeschichte e i giuscommercialisti," in *Libertà e dominio. Il sistema politico genovese: le relazioni esterne e il controllo del territorio*, ed. Matthias Schnettger and Carlo Taviani (Rome: Viella, 2011), 13-36, 34-35. Heinrich Sieveking, *Genueser Finanzwesen mit besonderer Berücksichtigung der Casa Di S. Giorgio* (Freiburg: J.C.B. Mohr, 1898), 2 voll.

<sup>2</sup> Philip Stern, *The Company State, Corporate Sovereignty and the Early Modern Foundations of the British Empire in India* (Oxford: Oxford University Press, 2011).

<sup>3</sup> Oscar Gelderblom, Abe de Jong, and Joost Jonker, "The Formative Years of the Modern Corporation: The Dutch East India Company VOC, 1602-1623," *The Journal of Economic History* 73 (2013), and Harris, *Going the Distance*.

<sup>4</sup> In part, this was the attitude of the *Historische Rechtsschule*, but also of Harris, *Going the Distance*, 263.



however, is that these characteristics are part of the business corporation constitutively, not generatively. An institution could have a new feature, yet have originated from another institution that did not possess that feature.

Many models seem to conflict and contradict themselves, and the gaps between different case studies keep us from understanding the flow of speech acts that founded what we call institutions. Also problematic is the fact that many works do not account for institutional change over time. One of the few scholars who does is Ron Harris, who has introduced various typologies of change that relate to different organizational forms, particularly the business corporation.<sup>1</sup> The research I present here addresses a specific case study, but also takes up debates on institutional migration.



## 2. The Puzzle of the maona

Scholarship over time has identified the word *maona* (pl. *maone*, also found as *mahona*, pl. *mahone*) with an institution which has been mainly defined as Genoese.<sup>2</sup> The research presented here, however, shows that this word appears in other cities on the Italian peninsula, including Florence, Messina, Venice, and Lucca, and on the Iberian Peninsula. The features, tasks and functions of the different *maone* varied over time. In-depth research has revealed a few previously unknown and some under-studied cases with characteristics different from those of the Genoese *maona*.

<sup>1</sup> Harris, *Going the Distance*.

<sup>2</sup> Raffaele di Tucci, "Documenti inediti sulla spedizione e sulla Mahona dei genovesi a Ceuta (1234-1237)," *Atti della Società Ligure di Storia Patria* 64 (1935); Roberto Cessi, "Studi sulle maone medioevali," *Archivio storico italiano* 77 (1919); Giovanna Petti Balbi, *Genova e Corsica nel Trecento* (Rome: Istituto Storico Italiano per il Medio Evo, 1976). Scholarship has signaled the link with the older Genoese *maone* for the lesser-known Venetian cases. See Frederic C. Lane, "Family Partnerships and Joint Ventures in the Venetian Republic," *The Journal of Economic History* 4 (1944).

The more cases are identified, the wider and more comprehensive the definition becomes. Various institutions called *maona* existed over time and engaged in different activities in different locations. In order to group them together, we will recall here various scholarly interpretations of the *maona*. The *maona* has generally been considered a group of investors joined together to form an organization that performed one or more economic activities. The majority of the *maona* identified by this research, sometimes, though not always, substituted the role of the state—that is, of a commune or republic. Even this fairly open-ended definition, however, does not account for all institutions called *maona*. This research has thus developed a model that also considers *maona* with different characteristics.

Scholars have derived their model of *maona* from Genoese cases, primarily that of the Genoese in 14<sup>th</sup> century Chios. Here I will critique and deconstruct this approach in order to open up new avenues of research.

The first time the term *maona* is known to appear in Genoese sources is in the context of an expedition to defend Ceuta, in the Maghreb, in 1235; it referred to a list of people whose properties were damaged in Ceuta and required reimbursement.<sup>1</sup> The Genoese sent a fleet to Ceuta to force the local sultan to compensate the merchants whose property had been damaged by the Saracens. The Genoese had long invested in Ceuta, but in 1234 there was a violent scuffle between Saracens and the Genoese. After the expedition, the Commune connected some taxes (*gabelle*) to a set of shares of public debt (the *compera*) to reimburse the investors.<sup>2</sup> Genoese citizens continued to trade these loans in the following decades and centuries. Genoese *maone* were later created in Chios (1346), Cyprus (1373), and Corsica (1378). As I will show in the next pages (see Table A), in Ceuta *maona* initially was the register that listed the Genoese losses.

German scholars of the *Historische Rechtsschule* considered the *maona* the institution that constituted the model of the very early corporation. They derived this hypothesis from the work of Reinhart Dozy, an Arabist, who had quoted in

<sup>1</sup> It appeared as ‘maona’ in this sentence: “de illis bisanciis quos in ipsa maona reccipere debeo et super me sunt scripti in ipsa maona retento mihi quarto proficui”, Di Tucci, “Documenti inediti sulla spedizione e sulla Mahona”, 320.

<sup>2</sup> Di Tucci, 320, 324, etc. Heinrich Sieveking, *Studio sulle finanze genovesi nel medioevo e in particolare sulla Casa di San Giorgio*, Atti della Società Ligure di Storia Patria, 35 (Genova: Tipografia della Gioventù, 1905-1906), vol. I, 53.

his *Dictionary* a sentence from an 11<sup>th</sup> century political poem: “We fought the Azd in Iraq and the renegade tribe of Rabi‘a and the commander Ibn Shuil, the hypocrite, without *ma‘ūnat* and without the revenue (...)”<sup>1</sup>. The Arabic *ma‘ūnat*, in this context means ‘mutual help’ or ‘subscription.’ Roberto Cessi, a historian who worked on the *maona* in Chios also saw it as a crystallized and ahistorical model, but proposed a different etymology for the word itself. According to him the word derived from the Italian *magona*, a ship. He was interested in maritime joint ventures and investors and ship armament and connected the concept of the *maona* to that of a joint partnership. He maintained that the term *maona* appeared in the 14<sup>th</sup> century and did not consider the older case studies of Ceuta and Corsica, even though he had read the sources showing the word used in that context. Instead, he emphasized the case of Chios, insisting that in that case the word *maona* derived from the term for a ship.

Raffaele di Tucci, however, showed that the word *maona*—as a group of investors—appears continually in the Genoese sources of 1236 and 1237—referring to the case of Ceuta. Moreover, Giovanna Petti Balbi has found at least one reference to the *maona* in Corsica.<sup>2</sup>

Cessi’s hypothesis was so influential that even Di Tucci, the scholar who discovered the mention of *maona* for 1235 Ceuta, tried to justify his own finding on the basis of the “traditional doctrine”—i.e., Cessi’s.<sup>3</sup> The strength of Cessi’s hypothesis was also due to the important discovery made by Frederic Lane, who found several previously unknown Venetian *maone* used to arm ships. Lane supported Di Tucci’s argument, maintaining that “The Venetian use confirms Cessi’s demonstration that the *maone* were not, strictly speaking, associations of bondholders, but associations of the owners or shareholders of a fleet”. While the word *maona* is without doubt used in 13<sup>th</sup> century Ceuta, before Chios, the fact that it appears with the same meaning, connected to the arming of a fleet,

<sup>1</sup> Reinhart Pieter Anne Dozy, *Supplément aux Dictionnaires arabes* (Beyrouth: Librairie du Liban, 1981), 196.

<sup>2</sup> Goldschmidt, *Universalgeschichte des Handelsrechts*, 295. Karl Lehmann, *Die geschichtliche Entwicklung des Aktienrechts bis zum Code de commerce* (Berlin: Carl Heymanns Verlag 1895), 22. “This name [of *maona*] did not appear earlier and improperly can be applied to the business of the island of Ceuta,” Cessi, “Studi sulle maone medioevali”, 8. See also footnote 2. Di Tucci, “Documenti inediti sulla spedizione e sulla Mahona,” 320-340. Petti Balbi, *Genova e Corsica nel Trecento*, 62.

<sup>3</sup> Di Tucci, “Documenti inediti sulla spedizione e sulla Mahona,” 318.

in both the Venetian and the Genoese cases (at least for Chios) deserves further analysis, because it could be a clue to a common origin—at least for this particular meaning.<sup>1</sup>

Neither Cessi nor Lane, however, considered the possibility that the word *maona* could have appeared in 1235 in Ceuta to define an institution with certain characteristics that could later have changed, hybridized, or been transplanted, producing different outcomes and forms over time. Recent investigations related to the Venetian *maona* seem to prove this hypothesis, as even in the Venetian context, *maona* did not just mean a cluster of shareholders who invested in ship armament. Eric Vallet has demonstrated that between 1483 and 1506, Venetian merchants set up *maona* in Syria and Egypt to acquire commodities such as cotton, pepper, and spices.<sup>2</sup>

Chronologically, the Genoese *maona* of Chios and Corsica came after the Genoese *maona* of Ceuta. The Chios *maona* arose after a failed effort to set up one for an expedition to Monaco (the present-day Principality of Monaco). Private Genoese investors raised money to help the Commune arming a fleet that would be used to punish a Genoese factional group in Monaco. The Commune, as often occurred, imposed the attachment of a *compera* to this loan to repay the investors in the future. Since the expedition never took place, the *maona* was used instead to conquer the island of Chios, which was rich in mastic (a resin with a variety of uses, from culinary to pharmaceutical). The *maona* investors were granted the ownership of the island and its administration, and the contract stated that in the event the regime of Genoa fell—that is, if the city was no longer ‘under the rule of the people’ (*sub statu populi*)—the investors would then possess both Chios and the power of *plena iurisdictio* and *ius gladii*, at that time the maximal extent of sovereign power.<sup>3</sup>

Other *maone* were set up in Cyprus and Corsica. In 1374, Genoa attacked King Peter II of Cyprus using the resources of private investors who had established a *maona*. The *maona* of Corsica, set up in 1378, was different from those formed earlier. The Commune granted the island of Corsica to four investors who had

<sup>1</sup> Lane, “Family Partnerships,” 191-194; Frederic C. Lane, *Andrea Barbarigo, Merchant of Venice, 1418-1449* (Baltimore: The Johns Hopkins University Press, 1944), 93-95.

<sup>2</sup> Èric Vallet, *Marchands vénitiens en Syrie à la fin du XVe siècle* (Paris: ADHE, 1999), 118-119.

<sup>3</sup> Carlo Pagano, *Delle imprese e del dominio dei Genovesi nella Grecia* (Genoa: Tipografia dei Fratelli Pagano, 1846), 280

sovereign powers such as the *merum et mixtum imperium* (civil and criminal jurisdiction). Thus, in contrast with the other *maona*, here the investors were considered the equivalent of feudal lords.

These Genoese *maone* are the best-known cases; however, Genoa also had other, smaller, *maone*. Around 1455–61, Genoese investors formed a *maona* to exploit iron mines on the island of Elba, but, unlike Chios and Corsica, the investors did not acquire the privileges and rights of sovereign power.<sup>1</sup>

Other *maone* appeared in various parts of the Italian peninsula, but some have yet to be studied. The most studied example is Venice, where Frederic Lane identified *maona* operating between the 1480s and 1505.<sup>2</sup> These were joint enterprises formed by investors called *patroni* ('patrons') or *parcenevoli* (lit. 'those who contributed to parts') that armed galleys and insured the cargo. A comparison between Venice and Genoa shows interesting differences. The Venetian state, in order to avoid the formation of a monopoly, helped the investors; thus, the *maona* were only temporary enterprises. In Genoa, governments were traditionally quite weak; they permitted investors to replace some state functions, and therefore the *maona* prospered over time.

Florence and Florentine merchants offer another point of comparison. Florentines were involved in two kinds of *maona*, one dedicated to the financial market, the other used for mining exploitation. In 1448, nine Florentines invested 4,000 florins each to form a company to invest in the Monte of Florence—the local system of public debt.<sup>3</sup> And between the 1480s and 1490s, some members of the Medici family invested in a *maona* to mine iron in Pietrasanta and Pisa, in an enterprise similar to the Genoese *maona* for mining. Their account books survive.<sup>4</sup> In 1509, the Florentine merchant bankers Salviati set up a *maona*, called *Magona*, in Pisa, which, in addition to their banking activities in Pisa, seemed to be related to agriculture. The organizational structure did not differ from that

<sup>1</sup> Jacques Heers, *Gènes au XVe siècle. Activité économique et problèmes sociaux* (Paris: SEVPEN, 1961), 220.

<sup>2</sup> Lane, "Family Partnerships," 191.

<sup>3</sup> Richard A. Goldthwaite, *The Economy of Renaissance Florence* (Baltimore: The Johns Hopkins University Press, 2009), 590. The document is in Archivio di Stato di Firenze, *Mercanzia*, 7164. They create a *maona* to collect the money of the Monte, "per inceptare in danari di Monte".

<sup>4</sup> Pietro Ginori Conti, *Le magone della vena del ferro di Pisa e di Pietrasanta sotto la gestione di Piero dei Medici e compagni (1489-1492)* (Firenze: Olschki, 1939).

of the rest of their business partnerships (main investor-shareholders from the family and the director), according to the account books that have been preserved. The Salviati family managed the *Magona* until 1641.<sup>1</sup>

Messina is less known. It seems that at the end of the 15<sup>th</sup> century, some Genoese transplanted the *maona* to Messina in Sicily intended to deal with the scarcity of grain.<sup>2</sup> While working on trade in 15<sup>th</sup> century Messina, Carmelo Trasselli found a reference to this institution, which he mentions without explaining its functions. A preliminary study conducted during the current research of 15<sup>th</sup> century Messina's notarial archive (little of which survives) has not added any new information.

My research has located another unstudied *maona* in 1488 Lucca. The Council of the Republic set up a *maona* to drain the swamp in the area of Lucca around the river Serchio. The *maona* here was a group of investors who pooled their resources to help the Republic. In exchange for the money, they received the land after it was drained. Later, in 1618, the private institution became an office of the Republic of Lucca, denominated 'Offizio sopra la maona e Foce di Viareggio' (Office on the Maona and Mouth of the River of Viareggio).<sup>3</sup>

The above-mentioned cases, all outside Genoa, merit in-depth study, but at the moment, they do little more than suggest a direction for further research. Since the institutional meaning of the term *maona* seems very wide compared to other institutional forms, it is possible that one word—*maona*—was the origin of different institutions.

As mentioned before, the scholars of the *Historische Rechtsschule* thought that *maona* as used in Genoese sources could have originated from the Arabic word *ma'ūnah* ('subscription' or 'mutual help'). They based this hypothesis on the study of Reinhart Dozy, who had collected examples of Arabic sources but did not establish a direct connection with the Genoese term.<sup>4</sup> Scholarship so far has

<sup>1</sup> Valeria Pinchera, "L'Archivio Salviati. La storia degli affari attraverso un Archivio familiare," *Società e Storia* 13 (1990): 984; Heinrich Lang, *Wirtschaften als kulturelle Praxis. Die Florentiner Salviati und die Augsburger Welser auf den Märkten in Lyon (1507-1559)* (Stuttgart: Franz Steiner Verlag, 2020), 183-84.

<sup>2</sup> Carmelo Trasselli, "Messinesi tra Quattro e Cinquecento," *Annali della Facoltà di Economia e Commercio dell'Università di Messina* I (1972): 380. He does not explain what the *maona* was.

<sup>3</sup> This is the name of the archival fund in the State archive of Lucca.

<sup>4</sup> Dozy, *Supplement aux dictionnaires arabes*, 192.

failed to identify an institution in the Arab-Islamic world that might have given rise to the Genoese institution in Ceuta.

Marco Di Branco, in a recent unpublished study written with Davide Gambino, has found related terms that seem to define bureaucratic offices from the Abbasid period (10<sup>th</sup> -12<sup>th</sup> centuries) in Iraq, Syria, and Egypt, including *sahib al-ma'una*, *'amil al-ma'una*, and *dar al-ma'una*. These offices were involved in collecting the land tax and had powers similar to those of a sheriff.<sup>1</sup> These findings could provide a path for future research, although they are much older than the the Italian peninsular examples noted here. Possibly connected with the Arab-Islamic origin, and perhaps with this latter case, is the word *maona*, which appears at the beginning of the 15<sup>th</sup> century in Catalan sources related to Malaga and Almeria, in the kingdom of Granada.<sup>2</sup> As used here, *maona* was a levy imposed on imports by the customs houses. With a similar meaning—that of a tax—the word *mangona* is attested in the 14<sup>th</sup> century work of Pegolotti on trade.<sup>3</sup> It is not possible to include these last references in the definition used for the Genoese cases, because the Genoese *maona* was mainly a joint investment.

The word *maona* is used on the Italian peninsula and the kingdom of Granada between the 13<sup>th</sup> and very early 16<sup>th</sup> centuries to refer to various organizational forms—ship armament, mining, administration of islands, levies on goods and lands. This wide semantic range—if it refers to one word rather than just casual similarities between two or more different words, it is an example of a synonymic process—could be the result of an ancient and still unstudied story of etymological exchanges and hybridization. Instead of rejecting some meanings—as Roberto Cessi did with the *maona* of Ceuta and Corsica—it is only logical to embrace the variability of the word *maona* and study its history and contexts. Acknowledging the temporal gap of two to three centuries between the various examples, the earlier Abbasid occurrences of the Arabic word *ma'ūnah* can re-

<sup>1</sup> Marco Di Branco and Davide Gambino, paper presented at the conference *The Genealogy of Corporations Revising Concepts and Tracing Origins of Financial Institutions (12<sup>th</sup>–18<sup>th</sup> centuries)*, organized by Carlo Taviani at The Royal Netherlands Institute in Rome and the Deutsches Historisches Institut in Rome, June 2016.

<sup>2</sup> María Dolores Lopez Pérez, *La Corona de Aragon y el Magreb en el siglo XIV (1331-1410)* (Barcelona: Consejo Superior de Investigaciones Científicas, 1995), 312.

<sup>3</sup> Francesco Balducci Pegolotti, *La pratica della mercatura*, ed. Allan Evans (Cambridge, MA: The Mediaeval Academy of America, 1936), 341.

main in this research as a conceptual endpoint—the furthest possible link that we have, at least now, albeit one that we lack the sources to investigate. It may or not connect to a later story, but deserves to be explored in any case. Perhaps this ancient tradition was connected to the 15<sup>th</sup> century Catalan reference.

Instead of defining what exactly a *maona* was and using that to create a model, this research—as will become clear—analyzes the uses of the word *maona* in different contexts, using a process of classification. Prior to defining a single meaning, it makes sense to study the context in which the word appeared and trace its genealogy. In the two sections that follow, a methodology is suggested and applied. The third section proposes a possible model that accounts for some, but not all, of the *maone*.

### 3. Semantics and Institutions

While institutions through their products and actions have a physical impact on human lives and reality, they exist in people’s minds as the shared content of their speech acts. According to Ludwig Wittgenstein (1889-1951) and Ferdinand De Saussure (1857-1913), language is the first basic institution. Wittgenstein used the paradigmatic example of the word ‘game’—whose definition is impossible, because there are so many different games with so many rules and aims—and extended this idea to all words to infer that since the meaning of a word is that which is used in a given context, it has no unitary meaning.<sup>1</sup> According to De Saussure, we can only define words negatively—a word is not another word—and through their reciprocal relationship in a given context, “because in language there are only differences without positive terms”.<sup>2</sup> Although language exists when people speak or write and does not require the existence of other external realities, whereas economic institutions are created by people and exist because other objects also exist (goods, resources etc.), the radical

<sup>1</sup> Ludwig Wittgenstein, *Philosophical Investigations*, 4<sup>th</sup> edition, ed. and trans. P.M.S. Hacker and Joachim Schulte (Oxford: Wiley-Blackwell, 2009), §§ 68-70.

<sup>2</sup> Ferdinand De Saussure, *Course in general linguistics*, ed. Charles Bally & Albert Sechehaye, trans. Wade Baskin (New York, Columbia University Press, 2011), § 120; Paolo Virno, “The Money of Language. Hypotheses on the Role of Negation in Saussure,” *Diacritics* 39 (2009); Roy Harris, *Language, Saussure and Wittgenstein: How to Play Games with Words* (London: Routledge, 1995).



views of Wittgenstein and De Saussure might help us elaborate an approach to institutional migration. It might avail us especially of studying institutions that no longer exist and are attested to by various textual references over centuries, but without a precise definition given by contemporary actors—institutions like the *maona*.

In recent decades, scholars in the fields of New Institutional Economics, Organization Studies, and Social Ontology have developed a strong conceptual framework for present-day institutions as social objects defined by speech acts. The topic's origins date back to Samuel von Pufendorf (1632-1694), who called institutions *entia moralia*, and then to mathematicians and philosophers such as Johannes Thomae (1840-1921), Gottlob Frege (1848-1925), Ludwig Wittgenstein, Czesław Znamierowski (1888-1967), and more recently John Searle, the founder of modern Social Ontology. Searle has explained that people through shared thoughts and speech acts agree to believe in norms and rules, and that these beliefs create what we call institutions.<sup>1</sup> Ultimately, institutions are made by speech acts or written statements.

Starting from these linguistic and philosophical views, sociologists and economists have begun to look at present-day institutions using these new analytic tools. Some scholars have investigated how rules are established, using the concept of equilibrium and the methodology of game theory to mediate between norms and beliefs.<sup>2</sup> Elinor Ostrom—greatly influential for her work on commons—for one, has elaborated an analytic framework, focusing mainly on texts, that she calls the “grammar of institutions”. She maintains that dissecting (or partitioning, as she calls it) statements that constitute institutions and analyzing them using her system facilitates our comprehension of the institutions themselves.

<sup>1</sup> Mario Ricciardi, “Diritto naturale e ontologia sociale: alle origini della teoria dei fatti istituzionali,” *Rivista di Estetica* 36 (2007); John R. Searle, *The Construction of Social Reality* (New York: Free Press, 1995).

<sup>2</sup> Masahiko Aoki, *Toward a Comparative Institutional Analysis* (Cambridge MA: MIT Press, 2001); Masahiko Aoki, “Endogenizing Institutions and Institutional Change,” *Journal of Institutional Economics* 3 (2007); Masahiko Aoki, “Institutions as cognitive media between strategic interactions and individual beliefs,” *Journal of Economic Behavior & Organization* 79 (2011); Frank Hindriks and Francesco Guala, “Institutions, rules, and equilibria: a unified theory,” *Journal of Institutional Economics* 11 (2015).

Called ADICO (more recently ADIBCO), her analytic system starts from the premise that a statement will be comprised of a series of items, namely, *Attributes* (“actors (...) designated to carry out the aim of the institution. Actors refers to the subgroup to whom the institutional statement applies”<sup>1</sup>); *Deontic content* (the action the actor will undertake); *aIm* or *target* (the target of that action); *Conditions* (of the statement); *Or else* (the actor responsible for imposing any sanctions related to the institution). Such a ‘grammar’ can “offer a rigorous and systematic basis for precisely characterizing key institutional features; (ii) generalize across institutional types [organizational forms]”; and “(iii) is versatile enough to pair with multiple concepts, theories, and methods, and therefore can be leveraged to answer a broad range of important governance phenomenon”.<sup>2</sup> In the last years, a research field called Institutional Analysis has emerged, and several authors have proposed modifications to Ostrom’s approach.<sup>3</sup>

While scholars have called for an approach to institutions that integrates humanities and social sciences,<sup>4</sup> a historical approach that integrates sociology, economics, and social ontology in order to study institutional migration has not been used—except for the important contributions of Avner Greif and Ron

<sup>1</sup> Saba Siddiki, Tanya Heikkila, Christopher M. Weible, Raul Pacheco-Vega, David Carter, Cali Curley, Aaron Deslatte, and Abby Bennett, “Institutional Analysis with the Institutional Grammar,” *Policy Studies Journal* 24 (2019): 6.

<sup>2</sup> Ibid.

<sup>3</sup> Sue E. S. Crawford and Elinor Ostrom, “A Grammar of Institutions,” *American Political Science Review* 89 (1995); Elinor Ostrom, “Background on the Institutional Analysis and Development Framework,” *Policy Studies Journal* 39 (2011); Elinor Ostrom, *Understanding Institutional Diversity* (Princeton: Princeton University Press, 2005). Ostrom has inspired March Salvatore and Allen Gove, “Toward a Social Ontology for Conceptual Modeling,” *Communications of the AIS* 34, Article 70 (2014); March Salvatore, “An Introduction to IAD and the Language of the Ostrom Workshop: A Simple Guide to a Complex Framework,” *Policy Studies Journal* 39 (2011); Achim Schlüter and Insa Theesfeld, “The Grammar of Institutions: The Challenge of Distinguishing between Strategies,” *Norms, and Rules, Rationality and Society* 22 (2010); Jamie Morgan and Wendy Olsen, “Conceptual Issues in Institutional Economics: Clarifying the Fluidity of Rules,” *Journal of Institutional Economics* 7 (2011); Michael D. McGinnis, “An Introduction to IAD and the Language of the Ostrom Workshop: A Simple Guide to a Complex Framework,” *Policy Studies Journal* 39 (2011); Marcin J. Schroeder, “Analogy in Terms of Identity, Equivalence, Similarity, and Their Cryptomorphs,” *Philosophies* 4 (2019); Roman Slowinski and Daniel Vanderpooten, “A Generalized Definition of Rough Approximations Based on Similarity,” *IEEE Transactions on Knowledge and Data Engineering* 12 (2000).

<sup>4</sup> Hindriks and Guala, “Institutions, rules, and equilibria.”

Harris, as said in the introduction.<sup>1</sup> The first, however, has not integrated recent studies and did not study institutional migration, while Ron Harris has studied how institutions spread. By providing some important general thoughts on this subject, he has created the ground for the foundation of a coherent approach which could look at how people have changed, reconfigured, hybridized or absorbed preexisting institutions in new spaces and cultural contexts.

Each institution requires different approaches, but if the goal is to reconstruct the history of the many institutions whose stories start in historical sources, it will be useful to focus on where and how some key words appeared. Charting the words used to name an institution over time can help to build a genealogy of that institution. This is the purpose of the next section, which again focuses on the *maona*. Since, as has been shown, it is likely that—even though the word *maona* appeared in various places at different times with different meanings—there may have been links between different contexts, applying Ostrom’s grammar of institutions to the sources could help disentangle *maona*’s history. And these references together—and thus the *maona* as organizational form—function as an institutional migration or genealogy in itself.

#### 4. Applying Institutional Analysis to the Maona

No complete analysis of all sources mentioning the *maona* exists. Instead, scholars have traditionally attributed specific functions to different *maona*. The *maona* of Florence performed financial investments, for example, while that of Chios administered the island and extracted mastic. Scholars have deemed two or more *maone* related on the basis of initial similarities like their location or because they shared one or more characteristics. The result is less than systematic. Moreover, as we saw in the history of the business corporation and the *commenda*, scholars usually provide sources to the reader along with historiographical interpretation that shapes its content. Once texts by generations of scholars have accumulated over time, disentangling sources from scholarly interpretations becomes complex, if not impossible.

<sup>1</sup> Avner Greif, “A Theory of Endogenous Institutional Change,” *American Political Science Review* 98 (2004).

Since the references to who, when and where a *maona* was founded are not enough to trace the spread and history of the institution, this research proposes that tracking down influences, hybridizations, and replications of different *maona* requires collecting sources and applying a systematic method to them.

Here—as the initial step of a grammar and genealogy—using the ADICO model, I present three case-studies: Ceuta (1235), Chios (1346-1566), and Cyprus (1373-1374) (tables A, B, C, and D).<sup>1</sup> Ostrom’s method reveals that the deontic statements, those that identify actions related to the word *maona*, are the most complex. 13<sup>th</sup> century Genoese sources (Ceuta, 1235) use deontic statements such as “reccipere debeo in dicta maona” (I have to receive [money] in the above-mentioned *maona*), or “scripta in *maona*” (enrolled in the *maona*), referring to a monetary investment recorded in a list of investors, a *maona*. I have collected these and other deontic functions. The research has been integrated with an analysis of synonymic expressions used to identify the *maona* that has been extended to a wider array of case studies (table D). Section (4) then provides some results, aiming to show how an integrated analysis can help elaborate a genealogical view. Ideally, we would analyze only foundational texts such as the contracts establishing a *maona*, but this is not always possible, especially for older cases of a *maona*.

*Table A – Maona of Ceuta*<sup>2</sup>

A	1. Genoese who suffered damage in 1235 Ceuta. 2. Collectors of the money that pertained to 1, defined as those who constitute the above-mentioned maona ( <i>qui constituti sunt (...) in dicta Madona</i> ). 3. King of Ceuta, Muslim people and their collectivity.
D	1. They have to be indemnified for their loss in the currency of Ceuta ( <i>bisanti</i> ), as written in the register called <i>maona</i> .

<sup>1</sup> Davide Gambino created the tables.

<sup>2</sup> Sources: Di Tucci, “Documenti inediti sulla spedizione e sulla Mahona.” Abbreviations: Attributes (A), deontic content (D), aim or target (I), conditions of the statement (C), or else, the actor who imposes sanctions (O). Numbers identify attributes: 1. is the first actor or group of actors, 2. the second group etc. numbers that appear within other rows, *Deontic content*, *alm*, etc., refer to the actors from the first row.

Here the notary wrote: “I have to receive in the abovementioned ma(d)ona or from the abovementioned Muslims and entire community”;<sup>1</sup> they can give their quote away (in order to pay a fine or a debt or just to liquidate them). 2. They have to collect in Ceuta the money, whose amount is written in the register called *maona* in favor of 1. 3. They are liable for the damages that the Genoese received.

I	The reimbursement for the damages suffered by the Genoese in Ceuta in 1235 or who had invested in trade.
C	None
O	None

Table B – Old and New Maona of Chios (1347 and 1362)

	1347	1362
A	1. Commune of Genoa. 2. Participants in the fleet ( <i>maona</i> )	1. Commune of Genoa. 2. Participants in the 1347 fleet. 3. Participants in the New <i>Maona</i> (creditors)
D	1. It has the fullest extent of juridical power ( <i>merum et mixtum imperium</i> ) through a <i>podestà</i> (a chief magistrate of criminal law) sent from the Commune; it can revise the counts of the territorial administration; it progressively acquires the <i>loca</i> <sup>2</sup> of Chios from the <i>maona</i> participants. 2. They acquire the ownership of the conquered territories; they take part in naming the Podestà and other local magistrates; they directly name the <i>massari</i> as collectors of all incomes and condemnations imposed by the Podestà; they directly name the Podestà’s counselors; they administer the public debt of the territories; in case of collapse of the Commune of Genoa, they obtain the fullest extent of territorial power.	1. It renounces all judicial conflicts against 2 and 3; it can redeem the territories after a fixed term, acquiring all the <i>loca</i> from 2; if the redemption fails, the Commune can try again later to acquire the <i>loca</i> at the fixed price of 75 lire for each <i>locum</i> . 2. They renounce all the judicial conflicts against 1; they can cede territories and rights that pertain to the conquered territories to 3; Their 1347 rights are confirmed, and they retain a monopoly on mastic. 3. They renounce the juridical conflicts against 1; they have to be at least 12; they can contract a 12 <sup>th</sup> of the territory of Chios; they cannot sell their part to another contractor; they can sell their shares to anyone they want; they can designate whomever they want to receive income from their shares.

<sup>1</sup> *Recipere debeo in dicta madone sive a dictis saracenis et universitates.*

<sup>2</sup> *Loca* were shares of public debt, a set of credits acquired by investors.

I	Reimbursement of expenses of 2 for the fleet. At the end of the process, 2 take ownership of the territories.	Ending the conflicts between 1, 2, and 3.
C	1. The Commune has 20 years to acquire all the shares of 2. If it fails, 2 maintains the territorial ownerships; specific rules to elect the Podestà.	1. The Commune can redeem the territories; if it fails, after four years (i.e., 1370) it can try to redeem them over the next four years. No conditions for 2. 3. The participants of the New <i>Maona</i> must be merchants or artisans; the contract lasts 12 years; the buyer is considered an investor but subject to the Doge's will.
O	Fine of 1,000 lire for any party who does not respect D or I.	Fine of 1,000 lire for any party who does not respect D or I.

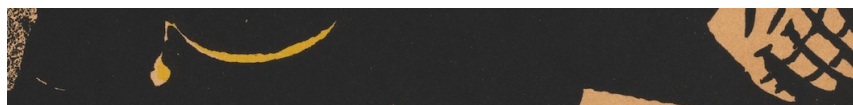


Table C. *Maona of Cyprus (1373 and 1374)*

	1373 <sup>1</sup>	1374 <sup>2</sup>
A	1. The Commune of Genoa. 2. Genoese citizens who participated in the <i>maona</i> ( <i>participes Mahone</i> ).	1. Peter II king of Jerusalem and Cyprus. 2. Pietro Campofregoso, admiral of the Commune of Genoa; the participants in the admiral's fleet and the <i>maona</i> constituted for the fleet.

<sup>1</sup> Marina Nocera, Flavio Perasso, Dino Puncuh, and Antonella Rovere, \*I Registri della Catena del comune di Savona. Registro II (Parte I)\*, Atti della Società Ligure di Storia Patria, n.s. no. 26.2 (Roma: Ministero per i beni culturali e ambientali, 1986), 440-441; Catherine Otten-Froux, "I Maonesi e la Maona vecchia di Cipro", in *La storia dei genovesi*, vol. 12.1: 112-117.

<sup>2</sup> Pact of Nicosia, Archivio di Stato di Genova, *Archivio segreto*, 2728, doc. n. 6, edited by L. Gongora, *Real Grandeza de la Serenissima Republica de Génova* (Genoa: Tiboldi, 1655), 100-108.

<p>D 1. It contributes <math>\frac{1}{4}</math> to the expenses of arming the fleet; the capital is 104,000 lire of taxes on the communes of the Riviere. It receives any gains resulting from the possible victory. It is not clear whether the first agreement stating that the fullest extent of territorial power (<i>merum et mixtum imperium</i>) on the territory of Famagusta pertained to the <i>maona</i>. 2. They cover <math>\frac{1}{3}</math> of expenses (300,000 lire).</p>	<p>1 has to give: to the Commune of Genoa 40,000 gold florins every year forever for the settlement of the <i>maona</i> and the fleet and the peace expenses; to those who invested capital in the <i>maona</i> 2,012,400 lire (in 12 years); to the participants in the <i>maona</i> and to Pietro Campofregoso 90,000 lire for the galleys and crew at Cyprus; to refund all the Genoese damaged during the conflict; to the Commune of Genoa and the <i>maona</i> the city and castel of Famagusta as a guarantee of 40,000 lire with the fullest extent of territorial dominion (<i>cum mero et mixto imperio et omnimoda iurisdictione</i>); to the Commune of Genoa as hostage Giacomo Lusignano, Giovanni Lusignano's sons, and all the soldiers sent to Genoa and Chios, as pledge for the money owed to <i>maona</i> participants, who have to maintain the privileges for the Genoese in Cyprus and promise to return all the money spent in Genoa for the fleet (since July 9) to the Commune of Genoa and the <i>maona</i>; Campofregoso and the participants 2. They promise to both give Peter II the kingdom of Cyprus and preserve it for him.</p>
<p>I Arming a fleet to punish the king of Cyprus, Peter II and repaying the damages suffered by the Genoese.</p>	<p>The aim is to solve the conflicts between the Commune of Genoa and the <i>maona</i>, on one hand, and Eleanora, queen of Jerusalem and Giovanni Lusignano, prince of Antiochia, on the other.</p>
<p>C None.</p>	<p>The <i>maona</i> should obtain 2,012,400 lire in 12 years. Campofregoso 90,000 lire by December 1, 1374. The Genoese have to be reimbursed for their loss by 1283.</p>
<p>O None.</p>	<p>If the king of Cyprus doesn't pay, he will lose Famagusta; the Commune of Genoa and the <i>maona</i> might lose their privileges and fief.</p>

Table D. ‘Maona or’. A Synonymic Analysis<sup>1</sup>

Chios, 1346	maona or fleet ( <i>maona seu armata</i> ).
Chios, 1362	Contractors ( <i>appaltatori</i> ) of new <i>maona</i> or participants of the same.
Cyprus, 1373	<i>maona</i> or column <sup>2</sup> () ( <i>maona sive colupna</i> ); <i>maona</i> and column ( <i>maona et colupne</i> ).
Lucca, 1488	Partnership or maona or university ( <i>societatem</i> or <i>maonam</i> or <i>universitatem</i> ).
Genoa, 1512	<i>maona</i> or farming contract ( <i>maona seu apaltus</i> , or simply <i>apaltus</i> ).



## 5. Preliminary Results and Hypothesis

As the cases of Chios and Cyprus (Tables B and C) show, the structure of a *maona* became more complicated over time. The number of actors grew from 2 to 3, and their aims and conditions increased. The first *maona* of Chios (1347) was intended as a fleet and later (1362) included a set of creditors (Table B). In the making of the institution, it is notable that for the first time in the sources of 1362 the word *maona* is seen in the nominative case (i.e., as a subject). Earlier it was always used indirectly (that is with genitive, dative or ablative cases in Latin). The word’s use as a subject might indicate the institution consolidating.<sup>3</sup>

Table D shows various synonyms used to indicate a *maona* such as fleet, farming contract, and column (see below). The majority of the late *maona* can be understood as the farming out of some activities to ‘private’ investors by the

<sup>1</sup> For the case of the *maona* of Chios (1346), see Pagano, *Delle imprese e del dominio dei Genovesi*, 280 and 289 (where “maona” is grammatically the subject). For Cyprus (1373), see Registro della catena II (1373). For Lucca, see Archivio di Stato di Lucca, Consiglio 19, cc. 104v–105r.

<sup>2</sup> Here “column” refers to the so-called “contract of column”, a partnership contract; see below, section 4.

<sup>3</sup> “Mahona vetus vel participes eiusdem” (the old *maona* or its participants). Pagano, *Delle imprese e del dominio dei Genovesi nella Grecia*, 289.



political territorial ruler. The content of table D can be integrated with other *maona* whose sources don't use the word *appaltus*, but that were de facto farming out activities, as in the case of the Venetian *maona*. Frederic Lane has not sufficiently emphasized that these *maona* also established a relationship between the state and a group of private investors. The Republic farmed out the arming of the ships to groups of investors.

In the middle of the 15<sup>th</sup> century a lawyer, Pier Filippo della Cornea, wrote a legal comment, a so-called *consilium*, discussing the word *appaltum*—the farming out of activities. Della Cornea used a grammatical analysis to discuss the organizational form. He stated that the word *maona* was a synonym for *appaltum* and mentioned the cases of the *maona* of Pisa and an iron *maona*, possibly in Pietrasanta.<sup>1</sup>

In section 3, I referred to the study of how institutions and organizational forms—as immaterial objects—have been conceptualized over time by scholars or thinkers, in general. I propose that we consider Della Cornea's legal comment (*consilium*) as a first step in analyzing the organizational form of the *maona*—a sort of an historical social ontology.

Among the various synonyms, *column* (Cyprus, 1373) is particularly interesting. It probably refers to an old form of partnership called contract of column, which existed in several cities in the Mediterranean.<sup>2</sup> Probably the similarity was the view of the notary, who wrote the document.

In the first section, I referred to the debate about the existence of an Arabic-Islamic institution and its possible similarities with the later Genoese *maona*. Here, I present a hypothesis. Table A (Ceuta's *maona*) shows that in 1235 the *maona* was formed by the local collectors—a term with a fiscal implication. Those were not Genoese, but people of Ceuta. Di Tucci studied and edited the sources of the *maona* of Ceuta, but failed to point this out. Fiscal activities seem also to be the major function of the Arabic-Islamic reference of the Abbasid Caliphate to the *maona* (shown in section 1). Since this reference is very ancient, it might be unconnected to the Genoese *maona*. But the 15<sup>th</sup> century Catalan

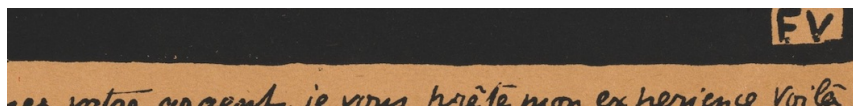
<sup>1</sup> Pier Filippo della Cornea, *Quartum volumen consiliorum preclarissimi iuristorum Principis domini Petriphilippi Cornei de Perusia* (Venice: Giolito de' Ferrari, 1521), vol. 4, *consilium* CLII, 128r-v.

<sup>2</sup> Mario Chiaudano, "Colonna (contratto di)", in *Nuovissimo Digesto italiano*, III, ed. Antonio Azara and Ernesto Eula (Torino: UTET, 1959), 541-543.

reference (also mentioned in the *Trattato della mercatura* as shown in section 1), which also means a tax, could indicate a persistent Arabic-Islamic institution in the Nasrid kingdom borrowed from the Abbasid Caliphate.

I suggest therefore that a connection existed between Genoese sources edited by Di Tucci and related to Ceuta, the Arabic-Islamic reference, and its possible use in the Catalan source. It is likely that the history of an Arabic institution called *ma'una* was connected to the Genoese *maona*. This is the first step of research that requires more Arabic-Islamic sources. For now, let's focus on the fiscal activity in Ceuta. Table A, Row D.3. (note) reports this notary's statement: "I have to receive [the money] in the abovementioned ma(d)ona or from the abovementioned Muslims and entire community". This sentence could mean that the collectors of the *maona* were Muslims from Ceuta, and thus the *maona* could be attribute 2 of Table A, line A, the collectors who collected the sums recorded in the register—the *maona*.

The Latin word *sive* (translated here with its most common meaning, 'or') needs clarification. In the Middle Ages, it could also mean 'and' or 'that is'—a function used to introduce an explanation.<sup>1</sup> In the latter case, the sentence can be read as: 'I have to receive the money from the *maona*, that is from the abovementioned Muslims and whole community'. If we read it as 'and', both the parties—the *maona* and the local community and king—would be liable. I propose to read *sive* with the disjunctive value of 'or', but with an additional nuance. The two parties (1. the *maona* and 2. Muslims and the king) were not on the same level. Thus, it should be understood as 'I have to receive the money from the *maona* or, *if that is not possible*, from the abovementioned Muslims and entire community'. The *maona* was formed to collect the money. If it didn't work, the king and the local community would then have been liable. This *sive* reveals that an institution was formed and being recognized.<sup>2</sup>



<sup>1</sup> Albert Blaise, *Dictionnaire latin-français des auteurs chrétiens* (Turnhout : Brepols, 1954), 763.

<sup>2</sup> I thank Davide Gambino, who philologically read these sources, which might underpin the whole hypothesis.

## 6. A Genealogy for Ancient Organizational Forms: the Cultural and Linguistic Divide

Ron Harris' seminal work offers some useful ideas about institutional migration. For instance, he points out that morphological similarities between two institutions could indicate either independent origins in a similar context or the diffusion of an organizational form. Furthermore, it is important to distinguish between the "abstract or detailed nature of migration"—that is whether it is the model or some characteristic that migrates—and "migration of the structure or the function"—which differentiates whether an organizational form was transplanted and used differently in a different context.<sup>1</sup>

Those fundamental distinctions can be useful in building a new methodology. As the case-study of the *maona* suggests, it might be helpful to develop a general methodology, applying it more specifically case by case, in order to avoid the paradox to define without understand the history of these institutions.

Here, I present some thoughts on the chronology and cultural and linguistic divides that are quite close to the context of the *maona*. Where and when an institution was created and spread are fundamental questions for institutional migration analysis. It is difficult to identify clear chronological divides based on the sources. However, the middle of the 16<sup>th</sup> century is generally an important cleavage for European sources, with there being many more sources afterward that describe the creation of institutions. The case of the business corporation in the early 17<sup>th</sup> century—for instance—is very source rich.

For the period between the 9<sup>th</sup> and late 15<sup>th</sup> centuries, some important divides are the transition from Greek culture to Roman and that from Byzantine to Islamicate and from Islamicate to the Christian Europe.<sup>2</sup> Scholars who work on organizational forms and institutions such as *pandocheion/funduq/fondaco*, the *al-wazir almushrif/Almoxarife*, the *de jactu/avaría*, the *chreokoinonia/qirad*, and the *muddaraba/commenda*, all of which may have been transplanted across these periods and areas, encounter problems similar to those surrounding the *maona*.

<sup>1</sup> Harris, *Going the Distance*, 97, 98 and 99.

<sup>2</sup> On the migrations from east westwards of various forms of knowledge, see Jack Goody, *The East in the West*, (Cambridge: Cambridge University Press, 2012).

Authors studying these organizational forms have faced problems demonstrating clear transplantation from one context to another. Remie Constable's work on the *funduq/fondaco* has shown that the Greek *pandocheion* in Syria might be the originating organizational form for the Islamic *funduq*, but she admits that a "gap of roughly two hundred years, between the Islamic conquest of Byzantine Syria and the first appearance of the word *funduq*, has created difficulties in establishing a linguistic and functional link between the *funduq* and the *pandocheion*". She bases her proposed link on two sources where the word *pandocheion* was translated by *funduq*. Though such a link is interesting, a translation does not prove that an organizational form was borrowed. A person could use a word in one language to refer to an organizational form to translate a word in a different language that points to another, un-related organizational form. This is basically what happens when two cultures without previous contacts first come into contact. Historians have studied the changes over time in *qirad/commenda*, but there is no agreement about whether the *commenda* originated in Byzantium or in the Islamic world. Because there is a lot of material and the institution is widely diffused, the matter is complex. Some hypotheses point at the Islamic world, others to Byzantine origins. Recently Stefania Gialdroni's work on the statues of 12<sup>th</sup> century Pisa (the *Constituta Pisani*) has shown that the *commenda* might have Byzantine roots via the Byzantine *chreokoinonia*, an institution found in Rhodian Sea Law to prevent losses of traders.<sup>1</sup>

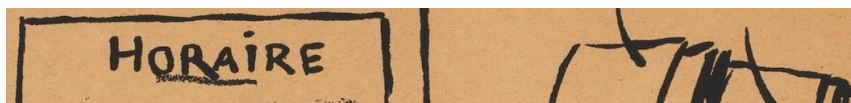
At least two organizational forms can be mentioned whose migration process is embedded in the history of Islamic culture and need to be studied in-depth. The Spanish *almojarife* and Portuguese *almoxarife*—an institution involved with tax collection—probably derives from the *al-wazir almushrif*, documented as early as 1247. The general average, documented since the 16<sup>th</sup> century as *Averia* or *Avaria* on both the Iberian and Italian peninsulas and used to reduce the loss of shipments at the sea, is probably connected with Rhodian Sea Law and an institution that later, during the Middle Ages, was called *de jactu*, but the name *Averia* could point to a transitional moment into Islamicate culture.<sup>2</sup>

<sup>1</sup> Olivia Remie Constable, *Housing the Stranger in the Mediterranean World. Lodging, Trade and Travel in Late Antiquity and the Middle Ages* (Cambridge: Cambridge University Press, 2003), 42, 43, and 45. Gialdroni, "Propter Conversationem Diversarum Gentium", 41-43.

<sup>2</sup> On the first institution, Norman Roth, "New Light on the Jews of Mozarabic Toledo," *AJS Review*, 11 (1986), only a small reference at 210. On the second one, Emmanuelle Chevreau, "La lex Rhodia

Another problem is posed by institutions that developed in areas where no written sources exist at all, such as Sub-Saharan Africa. This is the case for the famous *silent trade*—a practice documented from Herodotus to Islamic and Renaissance sources. Apparently, it occurred in areas of West Africa where Islamic traders exchanged items with Sub-Saharan traders without meeting face to face. Scholars do not agree whether this is a myth or a real institution.<sup>1</sup>

The study of the links between different cultural and linguistic *koine* that have relationships but also conflict poses obstacles for historians of institutional migration. We have to assume that some of these links are definitively lost, but others could be studied. So far within the study of institutions, methods have mostly come from disciplines such as economics, law, and sociology, but a wider interdisciplinary approach in the future could help to have a better understanding of the migration processes.



## 7. Conclusion

The article has presented the case study of the *maona*, an old institution whose history is not well known, along with a series of thoughts on institutional migration related to the case study. The research has proved that the *maona* was not only a Genoese institution—as has been generally thought—but that many other cases existed, which allows for a discussion of its traditional definition or model. By collecting all the known *maone* (hitherto studied separately) and focusing on new and unknown findings, I have found a possible link—which certainly needs more verification—between an old Arabic-Islamic

de iactu: un exemple de la réception d'une institution étrangère dans le droit romain," *The Legal History Review* 73 (2005).

<sup>1</sup> The bibliography on the silent trade is extensive. See at least Paulo de Moraes Farias, "Silent Trade: Myth and Historical Evidence," *History in Africa* 1 (1974).

term and possible institution—and the Genoese *maona*, based on new findings and a new interpretation of sources of Ceuta.

The main methodological proposal of this research is that instead of focusing on models that end up defining institutions and organizational forms as they existed in a given moment, we should look at how institutions innovated, changed and were replicated with new features. Some institutions might have had very variable features, but scholars encapsulated them into a definition (an organizational form) that helps them create a model and discuss it with other scholars, but that did not apply to all extant sources. Sometimes definitions identifying specific features exist more in the mind of scholars than in those of past historical actors.

Recent scholarship on the business corporation has insisted that the Arabic-Islamic world has only absorbed the model of the business corporation in the last few centuries and has tried to clarify why this process did not happen earlier.<sup>1</sup> Influential scholars of the *Historische Rechtsschule* like Max Weber saw the *maona* as a sort of antecedent of the business corporation, and gave business and its workings a highly elevated position in the history of ideas, particularly of the West. It is beyond the scope of this article to suggest that the business corporation may have a far more ancient origin, but the research presented here shows that when one focuses on institutions of the tenth and eleventh centuries, one finds important Arabic-Islamic institutions that merit study. Rather than prove that an institution did not migrate, this article suggests that it is more productive to study possible continuities between institutions. A continuity—if and when it is documented—would create links between different areas of the globe and cultures and reveal important points about institutional migration. If we avoid the temptation of defining institutions (and the related risk of freezing them in a given time), we see that history is more continuous than it initially seems. Certainly, many characteristics of present business corporations were forged in 17<sup>th</sup> century England and the Netherlands, but in order to understand how business partnerships have changed over time, one has to look at an older story—and one that takes place outside of Europe.

<sup>1</sup> Harris, *Going the Distance*, 338-241.

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