

Are infidel merchants reliable? Some notes on spaces, institutions and commercial ethics in the Early-Modern Mediterranean

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Abstract

According to some widespread images, the Mediterranean of the early modern age is either a sea progressively emarginated by the 'Nordics', bearers of practices, ethics and institutions conducive to modernity and market economy; or the repository of a superior civilization not contaminated by a destructive modernity. On the basis of the recent specialized historiography, the essay focus on the variety of circuits, social and political actors, institutions and ethics that sustain the Mediterranean traffics, and produce forms of spaces unorthodox but endowed of specific and effective rationalities. For this very reasons, the exercise, often proposed in today's public arenas, of extracting from these rationalities lessons useful for the present and the future appears highly problematic.

Keywords: Mediterranean spaces, early modern, commerce, institutions, ethics.

1. The Mediterranean of grand narratives

In the middle of the *siglo de oro* of Spanish history, Don Quixote travels all over an often empty Castile, where he happens to meet two kinds of people: either carters and muleteers transporting their goods or migrants looking for a job. As Fernand Braudel remarked in his most important work¹, the landscape of that «federation of Mediterraneans» which in his view constitutes the Mediterranean world is quite often characterized by «empty

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spaces» and «solitudes» «dotted with half-closed economies, with small and self-organized worlds». On the other hand, these 'worlds' «have... open doors and windows: they let flow towards close areas some brooks ... that make life possible and give life to the whole». This is particularly visible along the coasts - often marshy and dangerous and therefore 'empty' of people rooted in space - where small boats of any possible shape sail from one landing place to the other and, under the guidance of 'proletarians of the sea' whose activities involved both fishing and short-distance commerce, contribute to get into contact these «half-closed economies».

Braudel's work is rich in suggestions of that kind. But his muleteers, migrants and sailors seem to belong to a hidden and teeming world that is clearly different from the one in which Western civilization was being elaborated. Of the three levels into which he divides trade, they occupy the lowest one, that of the 'mouvements browniens' of commerce: the level at which operate little men provided with small means and limited knowledge and capitals, who deal with short-distance trade of trivial and cumbersome everyday goods of low unit value. But the Mediterranean world that fascinates him is that of the upper levels of trade. That is where one can find the great fairs and ports, the cities that turn their backs to their rural environs producing luxury goods to be circulated into wide trading spaces. It is the world of the 'commercial revolution': a proud and innovative civilization of trade that would expand far beyond the Mediterranean Straits².

In Braudel, as in most representatives of the huge historiography that – especially in the first half of the XX century – has reconstructed the history of the upper trading networks between the Middle Ages and the Early Modern Age³, the spatial projection of the 'international republic of money'⁴, closely connected to the circulation of knowledge and cultures, is one of the elements that makes the Mediterranean world thinkable as a somehow autonomous object of analysis: the dimensions and characteristics of this sea could be suggested by the sea routes, the financial flows, the overland commerce revolving around the great trading centres located on its shores. But the graphs that

can be drawn on the basis of these itineraries sketch a frayed, open area, which complicates the geographical image of the Mediterranean and makes every effort to trace neatly its boundaries an arbitrary act. The goods that moved on the upper levels of trade were mostly those that are able to *distinguish*, to honor the people and places that consumed them: spices, quality fabrics, refined manufactured articles, precious metals and stones, coloring matters for the walls and the glass windows of churches and palaces and for the pictures of renowned painters. Since this distinguishing feature was related to their *rarity*, most of them had to be bought in distant places and brought to the market along routes that led far beyond the Mediterranean shores. For instance the amber roads, already come into being at times that we usually set before the beginning of recorded history ("pre-history"), were located mostly on the North-South axis, along the meridians, approximately from the Baltic Sea to the northern coast of our sea⁵. But much more important was the East-West axis, the one that followed the parallels. These flows had their organizational and distributional centres on the coasts of the Middle East: that is where the overland silk roads led, whereas their starting point was China, the heart of a highly developed civilization; that was also the point of arrival of the ships and caravans that transported the spices collected on the shores of the Indian Ocean. But ever since the mid-Middle Ages such flows were governed in most cases by the great trading centres on the Northern coasts of the Mediterranean, which played at the same time the role of political and commercial capitals. In the Italian trading cities, in particular, the construction and the invention of the expertise and the instruments of trading life – banking, the double entry bookkeeping, the bill of exchange, a peculiar organizational structure of the enterprise, hierarchical but not bureaucratized, and based on commercial correspondence – merged harmonically with the construction of a superior urban civilization.

The entry of the oceans in European history between the XV and the XVI century determined a change in the scale of the geographical and mental maps, at the same time bringing about a

change in the directions and dimensions of trade networks. It was an irreversible turning point, symbolized by the dramatic reduction of the dimensions of the Mediterranean sea in planispheres: if until that time it used to occupy most of the central part of the Christian world, from then on it would be only a small inlet in the *mappaemundi* that tried to take into account the new spaces that were gradually being ‘discovered’. Braudel postpones towards the mid-Seventeenth century the marginalization of Mediterranean trade, which nonetheless remains an inevitable outcome. Also thanks to the “invasion of Northern merchants” between the XVI and the XVII century, our sea was not completely cut off from the great transformations that were shaking the foundations of knowledge and the instruments of production, trade and navigation; but the fundamental events originated and developed elsewhere. However, the Mediterranean remains, in its historiographic image and in its widespread memories, the cradle of a Western economic civilization that was able to appropriate techniques and tools created elsewhere, merging them in a new and felicitic mixture: a civilization threatened by old and new barbarism, but that nevertheless would impose itself and spread prosperity. Even today, long-distance trade can be proposed as a carrier of pacifying contacts, the main way to avoid the risk of a clash of civilizations that would prove particularly threatening for a sea on whose modest extent of waters live peoples that make up a mosaic of multifarious religions, languages and cultures and that have been marked by centuries of reciprocal hostilities. The gist of this reasoning is Montesquieu’s old opposition of ‘sweet trade’ to the aristocratic and religious ethics, seen as carriers of non-negotiable options and of irreconcilable oppositions⁶: an opposition that surfaces for instance in the documents produced by the Euro-Mediterranean process begun in Barcelona at the end of the last century, that, until now, has produced no tangible outcomes⁷.

This felicitic image of long-distance trade has long lived side by side with the opposite one, which considers monetary and contractual exchange as a threat to the balance and the hinges of

society⁸. According to this second view, the ‘unnatural’ mechanisms of contractual market, destroying the traditional forms of exchange based on reciprocity and redistribution, attacks the foundations of the social fabric; and, at the same time, it concentrates wealth appropriated by individuals within the walls of the big cities at the expense of the common goods dispersed in the rural hinterland. The muleteers and sailors that have always swarmed in the Mediterranean spaces would thus be agents of a civilization of trade which is not inferior to, but qualitatively different from the first one: a civilization ‘embedded’ in the values of a society connected by short-distance, scarcely monetized trade networks but not necessarily cut off from the seas and their ships and goods. The graphs that could be traced on the basis of this trade are subtle but extremely ramified. Dispersed in space, they converge on large trading cities, “ports of trade” that not necessarily neglect their hinterland. Acting as the well-known big ports of Antiquity, they do not spread in their hinterland contractual values; rather the contrary. With their specific institutions, knowledge, techniques, they allow the rural spaces to exchange their surplus for the goods they lack without shaking the foundations of their social organization; shelter them from the commercial values of long-distance trade selecting the forms, actors and goods that take part to the game of the exchanges.

In this second grand narrative, the Mediterranean Ancien Régime could not be summed up simply by the glamour of urban civilizations: the ‘moral economies’ located on the shores of this sea are thought to have resisted longer and better than the Northern European ones to the aggressions of mercantile greed. This particular mixture of opening to market and tutelage of trade, of large networks governed by an oligarchy and of proximity networks based on a democracy of producers, can still be a reserve of wisdom, modes of production and circulation and forms of life that can be opposed to postmodern capitalism, destructive of millenarian values and environments.

2. The plural narratives of trivial trade

The ones I have just mentioned by slogans are two of the “master narratives” that structure European and Western memory well beyond the narrow limits of professional history books. Although their political and analytical outcomes are opposed to each other, they share a common assumption: the opposition between the protagonists, the knowledge, the institutions, the social logics of contractual trade and those of the world of small trade, imbued with moral economy.

It is an assumption that some recent studies tend to question. As Western history loses its centrality in the implicit assumptions of historiographic discourse and the Mediterranean itself is ‘provincialized’, there surface narratives that are plural, disjointed, somehow even inconclusive, but for that same reason able to throw light on people and things that for too long have been regarded condescendingly or left in the dark. The Mediterranean merchants who, in the great classical narrative, extended their trade network to the Asiatic territories that little by little were being ‘discovered’ and created the conditions for the progressive assertion of proprietary individualism, become a marginal presence in non-European worlds extremely rich in cultures, institutions, modes of production and trade: for centuries these merchants entered them discreetly, occupying interstices left to them by the ‘natives’ and carefully avoiding to disrupt local values and practices. In the same way, if we focus our attention on the ‘mouvements browniens’ of the Mediterranean market rather than on the upper levels of trade, there too emerge some social and relational forms of trade that were often alien to the framework of moral economy: a teeming mass of people, goods, ships that slipped into the remotest corners, denoted by toponyms that could not always be found on geographical maps, in order to extract profits from intermediation and search for a social ascent fostered by entrepreneurial success.

The efforts to account for the low-profile but widespread presence of these outsiders do not achieve any univocal results. Let us take into consideration an extensive work that has been hotly debated in specialized historiography. Local Mediterranean

societies – Peregrin Horden and Nicolas Purcell⁹ write – did not cluster together in micro-spaces that are self-sufficient from the economic and alimentary points of view, as in the Northern European model of the peasant communities that consume what they produce. The alimentary risk, for instance, did not affect only the cities, but also the countryside (including the areas where corn was grown), and connected their inhabitants to the world of trade both to sell their surplus and to buy foodstuff when the harvest failed. Hence a propensity for trade that involved societies and economies on the whole, largely exceeding the classical framework of the great trading centres and of Polanyi's *ports of trade*. On the other hand, the pervasive image of trade proposed in *The Corrupting Sea* tends to conceal an essential and secular characteristic: the structural precariousness and instability of the flows, consequence of the relative weakness of the economic complementarity of the societies settled on the Mediterranean shores. Mediterranean rural landscapes, as it has been repeated innumerable times, are quite similar to each other; therefore the marketable goods they produce are not complementary but in competition with each other. «In the Mediterranean people produce the same things», wrote a witness worried by the scarcity of trade outlets for the agricultural produce of the Kingdom of Naples¹⁰: first of all the famous 'Mediterranean trilogy', wheat, oil and wine; then the wool of transhumant sheep and, since the Early Modern Age, silk 'borrowed' from China. This narrow range of goods was not produced in order to satisfy the multifarious needs of peasant families: each good occupied and characterized often large spaces of the rural landscape, making it uniform in colours, agricultural organization, product specialization. Mediterranean goods, especially in the most specialized areas, constituted at the same time an extraordinary source of material and symbolic wealth and a threat to producers. Haunted on the one hand by the fickleness of nature and the threat of losing the crops, on the other by the unsteadiness of demand, peasants and rural entrepreneurs risked having to face years of famine followed by years when their warehouses were full and the foodstuffs rotted due to lack of buyers. Buyers and outlets must be searched

laboriously and anxiously, first of all exploiting the margins of flexibility of the rural landscape, which, notwithstanding the rhetoric of the 'eternal' Mediterranean, is not at all immobile: under the impulse of a volatile demand that they can control or influence only in a very modest measure, peasants and landowners plant and uproot, till pastures and give them back to the sheep, destroy woods and let cultivated soil turn wild, push agriculture on the slopes and let it descend into the valleys. On the other hand, once the producers, oriented by the trend of relative prices, achieve a good crop, they can not consider the outlets guaranteed. Their goods could be sold only through a difficult and painful engagement on the market interstices, through transactions that are costly because they require a capital of knowledge, contacts, informations not easily available and dispersed among many actors and places. Following the rhythm often frantic of the political and economic conjunctures, the Mediterranean space takes different forms and dimensions.

All this covered the results of economic enterprise in a shroud of uncertainty. The future often seemed unpredictable.

These spaces were guarded not only by the trading houses located in major cities, but also by a crowd of subjects that could be found in places that usually lacked roads, port and trading facilities and sometimes even housing: a sort of ephemeral 'countryside ports', whose activity and existence lasted only for a single phase. What was at work here was a multitude of practices, actors, institutions and trading cultures: from the most formalized to the most flexible, informal, interstitial ones. The structured trading connections and networks, based on binding norms, well-defined social identities and formalized diplomatic relations, overlapped other networks in which trading roles merged with maritime roles, trust was based on kinship and friendship bonds and on local identities and solidarities. Trading practices were defined and invented processually and the ambiguities of contractual relations were fostered and used to avoid having to face asymmetrical force relations or to reduce the risks deriving from the uncertain reliability of trade counterparts. Transactions were concluded by resorting to a

*lingua franca*¹¹ and a particular form of knowledge (the *ars mercatoria*¹²) that included, besides technical and communicative expertise, abilities in which entrepreneurial opportunism bordered on sheer swindle¹³.

This multitude of rationales at work on the borders and in the heart of our sea allowed a whole crowd of both small and big actors to seize opportunities for intermediation profits, easily slipping not only into the «mouvements browniens» of trade, but also into long-distance trade networks. Small, sometimes even tiny coastal villages¹⁴ – in the late Ancien Régime could be mentioned St. Tropez and La Ciotat in Provence, Parghelia, Bagnara and Scilla in Calabria, Procida and Sorrento in the environs of Naples, Laigueglia and Porto Maurizio on the coasts of Western Liguria and the whole mass of Ionian and Adriatic coastal towns that stood out as Venetians were losing control of what they used to call the Gulf of Venice – did not remain confined to local horizons and short-distance sailing: on the contrary, they competed with great trading centres and major traders, hired their ‘masters’ and sailors to third parties and, at the same time, set up trading companies and sold goods on their own account. And when in the XVIII century Austrians established one such centre – a *porto franco* – with the ambition of playing a central role in the Mediterranean, what actually happened was that Trieste not only did not manage to colonize the countries it traded with, but on the contrary – as lamented by local merchants and officials – it was colonized itself by newly arrived Greeks whose only initial capital was a bag of dry figs¹⁵.

So, there existed a vast Mediterranean world which was distant from the splendours of the great civilization of trade, but, at the same time, integrated into the game of the monetized and contractual market. Indeed, in this Mediterranean world many lamented the arrogance of a market that upset productive choices and prevented the ‘orderly progression’¹⁶ that in well-structured societies assumed that the production should be oriented first of all by local needs, and only surplus goods were to be sold on the market. The muleteers that Don Quixote meets were often accused of being agents of this process of disruption of social logics, of preventing public happiness by subtracting

goods from short-distance consumption networks in order to introduce them into spaces well beyond the control of producers.

The Mediterranean sea outlined in these “trivial” historiographic narratives is a precarious and extremely malleable object of analysis, a sea where omnidirectional trade networks of different forms and dimensions existed side by side and overlapped each other; a space that was radically open to contamination and change.

3. The weaknesses of strong powers: mercantile practices and institutional frameworks

This ‘disorder’ of flows calls into question another fundamental element of the grand narratives: the image of order, though often violent and marked by conflict, of power relations. Set between lands bustling with institutional and political presences of any rank, the Mediterranean had nothing to do with the idea of *Mare liberum* proposed by Hugo Grotius in the early XVII century. Unlike the borderless and lawless worlds of the oceans, the Mediterranean has been often considered a *territory*; and therefore its peak moment, on the level of civilization as on that of trading, coincided with the centuries when it was *nostrum*, because it was *clausum*, closed by a ring of lands with a homogenous domination and civilization: the Roman Empire centuries. Before and after that, it presents itself as a territory marked by huge dualisms of dominations and civilizations: Greeks and barbarians, Christians and Muslims, Europeans and Ottomans, residents of the North and of the South shore. Unyielding rivalries would come out, extending from the political and religious level to the economic one, thus hindering trade and even causing the rural and feudal transformation of Europe, as in the famous book by Pirenne¹⁷.

This binary interplay leading to the fusion of the economic arena and the political, religious and cultural arena of each of the two poles, and placing them in an absolute and irreparable alterity, has been disproven over the last decades by studies¹⁸ underlining the oblique, irregular and transcultural forms of trade: the complex and reciprocal interplay of slave trade and redemption

on the two shores¹⁹; the Provençal *caravane* that, instead of showing the infidels the grim face of Christian civilization by protecting the ‘round’ merchant vessels with military galleys²⁰, as in the Venetian state-organized navigation convoys of the XV century, introduced its totally harmless sailors into the smallest indentations of the Ottoman coast and thus contributed to solving the structural shortage of sea transport of the Sublime Door²¹. Moreover, in the centuries of great clash of civilizations with the Ottoman infidels, Christian ships did not limit themselves to fostering trades in big and small Turkish ports or supplying Istanbul with Egyptian cereals. Under the eyes of the Pope or of the Catholic or the Most-Christian kings, year after year, small-boat fleets steered by small Christian merchants carried across the Mediterranean thousands of Allah’s followers heading to Mecca: without their services it would have been really difficult for Moroccan Muslims to perform the most important rite prescribed by their god. While the institutional actors of the two fields described in these studies built political and military alliances *tous azimouts* – the ‘most-Christian’ kings of France were, as it is well known, very inclined to join forces with the Turks – they signed trade agreements on the basis of different rationale and with different partners.

Actually, especially in the late Ancien Régime, the use of state violence, whether real or only threatened, did not characterize the relations between opposed civilizations, but rather those interplay inside Europe of European powers. One of the main responsibilities of the Prince and one of the foundations of his legitimacy became the promotion of ‘active trade’, seen as the result of a positive balance of trade, the control of navigation and the exchanged of manufactured goods for foodstuffs. Since ‘active trade’ had to be achieved mostly at the expense of Christian competitors, it caused, within Europe, a whole series of conflicts, diplomatic quarrels and commercial wars. But all-out war was not to be the fatal outcome of mercantilist policies. While the number of conflicts multiplied, they became, in a sense, more trivial, losing any relation to the fault lines between civilisations and religious affiliations, becoming negotiable and not necessarily taking place in the clear light of day. All of this

was connected to the disappearance of the compactness of, so to speak, classical mercantilism and to the emergence of profound ambiguities in the procedures, institutions and doctrines of late mercantilism.

Let us look at the protagonists of these conflicts, the States. Their ability to mobilise and deploy men and resources available in compact, orderly ways so as to compete successfully is very much in doubt. Their actions ought to reveal the unambiguous direction – from the top down – presupposed in the concepts of ‘reform’ and ‘modern State’ as the result of the ‘reform’ commonly used by protagonists and historians. On the other hand, these concepts carried inconsistencies not easily resolved. The age-old question of the necessary link between the legitimacy and limitation of political sphere – the fact that a power not based on outright coercion must make clear how far its bounds extend and give those who subject themselves to it a space of autonomous decisions – was certainly not resolved in the interventionism of late mercantilism, and re-emerged in a specific and particularly acute form.

In the late Ancien Régime the creation of public happiness through the promotion of trade assumed as a fundamental premise that the mercantile sphere was part of the political arena; more precisely, that it fell within the jurisdiction of the sovereign. His territory, in which internal divisions were weakened and the borders to the outside reinforced, coincided with the area subject to calculation by the new methods of accounting – for example, the French *Balance du Commerce* – designed to guide the intervention, grounding it firmly on arithmetic. But this “national” calculation was the sum of the actions of individual subjects who had by then been entirely legitimised and, in turn, made calculations that were independent of, and different from, that of public happiness calculations. There was an underlying inconsistency between the collective dimension of the happiness to be calculated and attained and the private dimension of the subjects on whom it was ultimately bestowed. After experiencing mixed fortunes on its journey through the centuries, the figure of the merchant was revalued through the acknowledgement of the

basic importance for the political community of the ‘interested’ individual and his rights, first of all the property rights.

Seen from this perspective, trade between nations could not be other than a natural right, a pre-political sphere that the Prince could regulate and facilitate, but could neither create nor destroy. Moreover, the old extraterritorial dimension of trade, the fabric of words and rules (the *lingua franca*, the *lex mercatoria*) of a universalism rooted in the great trading centres of the commercial revolution of the late Middle and early Modern Ages, adapted to the times and found legitimacy among philosophers and administrators. In these visions the new traffics, in order to be “active” for a State, do not necessarily have to bring about “passive commerce” elsewhere. The exchange of essentially “natural” goods for those resulting from human labour was not necessarily a sign of inferiority: the static conception of the amount of wealth available globally began to coexist with dynamic ideas, and the notion of development emerged, laboriously but effectively. Mercantile competition supported by power policies intermixed with the search of more or less asymmetrical but consensual economic relations between countries and nations. The international division of labour – formalised in privileges and treaties such as the paradigmatic 1703 treaty between England and Portugal – was treated with suspicion and criticism by the protagonists and the historians. But I believe that the arrogance of the stronger partners and the resignation of the weaker to the treaties’ iniquitous and oppressive clauses should be read against the backdrop of intellectual and factual changes that involved both parties and cannot always be interpreted through the dualistic (and therefore simplistic) models that oppose head-on both development and underdevelopment. I would in any case avoid judging these choices with the condescension of those who have the benefit of hindsight.

These opposing legitimacies and visions generated some heated paper wars in the republic of letters, and impacted heavily on the diplomatic and military battles between states. They also penetrated “national” structures, fuelling a confrontation on

tortuous lines, doubtful interventionist practices and hesitant positioning on the field of international conflicts. It is in no way possible, as has sometimes been tried, to establish a direct link between the different political and economic actors and their intellectual options – in particular, to align the public players with the interventionist camp and the private ones with the anti-state camp. The support of merchants and producers for the decisions of their sovereigns was, in the day-to-day life of trade, entirely hypothetical: the ‘*négociant patriot*’²² was an ideal figure not to be easily found. At the same time their allegedly precocious economic liberalism was equally dubious. Endless and loud complaints were made against those who took advantage of the king’s protection while simultaneously frustrating his endeavours to promote ‘active trade’ by disregarding the ‘national’ dimension. The breaking of the rules that typified eighteenth-century positive law – for instance those relating to the nationality of a ship, of the captain and crew, or the obligation to charter domestic vessels even when foreign ships offered a better deal – resonated through the corridors of power, from the outer fringes to the top, filling the archives. But once the individual calculation and its role as a generator of public welfare was legitimised, it was no longer practical to systematically turn the vast range of actions resulting from mercantile opportunism into formal transgressions to be punished according to the letter of the law: it was the ministers themselves who made a plea for flexibility and caution on the part of judicial and administrative bodies that interpreted literally the written rules²³. Internalised within mercantile praxis, this approach became the “*laissez nous faire et protégez nous beaucoup*”²⁴. Thus an enormous pile of incentives and a vast patriotic pedagogy sought to balance ‘private vices’ and conform them to ‘public virtue’, drawing the mercantilist State into an interventionist spiral, in a swelling mass of rules and institutions. In the final analysis this interventionism was unsuccessful not only for its inherent contradictions, but even for being one of the products of the particular State system of the late Ancien Régime. The reshaping of public institutions in keeping with what is often defined as the modern State was certainly

considerable. In the context of what concerns us here, this was particularly evident in the growing role of positive law and of the bureaucratic machinery established by the sovereign, which tended to infiltrate all aspects of production and trade. The point is that, in the main, this was a process of addition rather than substitution; in other words, many obsolete norms and institutions were left in place, and would not lay dormant or be easily marginalised. In particular, as regards the rules on trade and shipping, the dispute surrounding the nature and value of the acts decreed by the sovereign had unclear results. The Prince himself sometimes paid tribute to the persistent power of the old *jus* by couching entire bodies of regulations developed over centuries of mercantile practice in the language of positive law – for example in the French 1681 *Ordonnance de la marine*. On the other hand, the rules of positive law, even when settled in the new codes, could be less coercive than the supranational ones linked to the *jus gentium*, the Roman law, the natural law. At times the same legislator might actually compromise the sanctity and legitimacy of his will incorporated in law, by overdoing its production: contradicting his expressed will, updating and modifying it with other acts, he ended up depriving it of a legal basis that still enjoyed unquestioned prestige: that of long duration. As we have seen, government practice often presupposed the negotiability of positive law, the creation, along with the new forms of legislation, of a ‘sense of the State’ and a functioning of the administrative machine based more on the *management* of the rules, than on their *implementation*.

In this regulatory and institutional gridlock, typical of the late Ancien Régime, the administrative nexus – understood as control over people not legally entitled to resist – and the certainty of law, far from advancing in step with the claims of State, were lost in widespread conflicts that were both juridical and honorific. They included those of the ordinary justice against expeditious mercantile justice, of customs officers and contractors against maritime health bureaux, of local magistrates against the intrusion of central ones. In this setting, areas of resistance were concealed within corporate practices and institutions, sometimes strengthened by being allowed to

participate officially in the decision-making process: for instance, the *Chambres du Commerce* of the larger French cities represented in the *Bureau du Commerce* that received their proposals at court. Thus even where there was no parliament to act as a lawful and public place in which to weigh and balance interests, emerged a kind of *agorà*: a semi-official forum for discussion and negotiation in which wars of *mémoires* and pamphlets intertwined with the coming and going of petitions and protests, and the lobbying by individuals and groups, all bound by various corporate ties, within areas of influence centred on the dynasties of ministers and senior officials²⁵. The States' intervention practices, their development and, to some extent, even their implementation, were not the exclusive preserve of men of state: men of the market also played a leading part.

To understand this situation – and I would particularly insist on this point – one must keep in mind that this was not a game that administrators and merchants played having settled themselves within the juridical and political arena of their home state. The obsessive insistence of eighteenth-century accounting and law-making on the 'nationality' of economies (together, I would add, with the extraordinary influence of nineteenth-century obsession with State machinery on historiographic discourse in general) gives the impression that the mercantile spheres were situated in highly regulated and completely enclosed areas whose boundaries matched those of the sovereign states, each separated by regulatory vacuums – be they wide expanses of sea or lineal land borders – where the intermittent rules of war and diplomacy were in force and where a painstaking effort was under way to build a *jus publicum europeum* that would reach a certain level of efficacy only in the next century. I venture to say that this vision is in a sense victim of the 'classificatory violence' of the archives (or, rather, of a section of the archives) and of the processes that produced them. Of course, in times of peace or mutual non-aggression there was a network of treaties and negotiated and formalised reciprocal privileges to make up for the intermittent nature of the rules governing space beyond State boundaries. However, one must take due account of another aspect of the legal and institutional fabric, territorialised in a very approximate

way and incompatible with political divisions, that awaits closer investigation. This emerges clearly if the intervention practices are considered from the standpoint of their recipients: the merchants²⁶.

Let's take the example of the consul: a figure who during the late Ancien Régime was being transformed from the representative of corporative bodies of merchants into a member of the public apparatus. But this 'weberian' transition occurred in a way that complicated the position of the consul. I refer in particular to the fact that he performed this new role inside a territory other than his own: this is where jurisdictional conflicts were played out, as he tried, with the support of his own Prince, to secure influence and prerogatives among a host of competing local magistrates. His main task, which was more closely defined as the processes of territorialisation championed by his Prince advanced, became that of reintroducing elements of extraterritoriality, the suspension of the validity of laws, in the territory of the sovereign who welcomed him, granting him the *exequatur*. The calibre of the consuls was also measured by this standard. In official correspondence they boasted, as evidence for deserving promotion within the administrative hierarchy, of the various 'stings' that they had successfully carried out - essentially crimes that normally incurred severe punishments but were perpetrated with impunity in favour of merchants of their own 'nation': for example, helping a quarantined boat to escape "under cover of darkness", or providing support for the secret export of grains in a period of crisis rationing and restraint of trade²⁷. These were obviously not official acts, but they were tolerated by both sides and often negotiated between institutions and individuals located astride the borders of sovereign territories.

This, so to speak, murky and relatively hidden dimension of institutional mechanisms and mercantile competition is, I believe, a crucial issue. There was a vast area of important but minute decisions of a procedural nature to be taken in each occasion merchants were confronted with rules officially or unofficially delegated to the peripheral positions of bureaucratic machines engaged in a highly complex game of relations and conflicts: the customs duties sometimes dependent on *arrendatori*,

the classification of goods subject to taxation, which opened the door to arbitrators of all kinds, the ill defined competences of the various courts of justice, the nationality of ships and merchants and the acknowledgment of authenticity of documents on board, in particular of health patents, which, far from following rigorous and objective criteria, as a recent book has imagined²⁸, was processed in a setting of retaliation and favours documented by extensive and eloquent correspondence. Beyond its use for tracing outbreaks of the plague and the measures for the prevention of contagion, this correspondence should be widely exploited to understand the concrete institutional setting that anyone involved in maritime trade had to keep in mind when making judgements and choices, especially in the short and very short term²⁹.

This vast terrain of confrontation and conflict became central as the competition for “active trade” soured but, partly for reasons related to political balance, it could not always be played out at higher and more official levels, with the moves and countermoves of discernible economic policies or waged warfare. The periods of peace did not put a halt to mercantile conflict, nor were official allies always trade allies. There was an everyday routine of States’ intervention practices consisting of a reciprocal and continuous ‘harassment’ made possible by the lowering of the standards and positions of decision-makers, and by the constitution, on the fringes of institutions and in the market place, of an area that was at once highly regulated and opaque. It was a sort of limbo thronged by agents and institutes of many sovereignties, poised between different systems of rules and territorial spaces, in which State institutions tended to lose the public role assigned to them by the ‘modernisation’ processes.

In the Mediterranean of the late Ancien Régime the institutions at work could not be considered as a framework external to the economic actions that affected them by lowering or raising the costs of transactions, as stated by the neo-institutionalists; they were part and parcel of day-to-day market life and were made of the same stuff market was made of. Great and small merchants’ choices and expertise is built not only on the base of the

mechanisms of offer and demand or the resources and constrictions of natural environment and the available techniques, but also on a continuous confrontation with the 'artificial' environment of laws and institutions. The disorder of flows, the complexity and interplay of normative systems, the plurality of actors and their practices were all parts of the same picture.

Inside a picture of this kind it is possible to discern the active presence of some of the minor and marginal powers of the European political concert, that conquer and defend roles from which their inferior military power, capital and knowledge should have precluded them. The wealth of places, protagonists, levels and forms of the eighteenth-century market and, conversely, the inability to take these into account that affects the dualistic narratives that oppose head-on powerful developed countries and marginalised weak ones, should be read in the context of this particular type of late mercantilism.

4. Mercantile trust and ethics

The lack of meta-state institutions and of a recognized and effective maritime law, the inconsistency of the positive norms and institutions of the territorial States as regards the supranational mercantile spaces, the fact that the violation of the norms by the actors did not take place away from the sovereigns' eyes, but it was assumed and to a certain extent promoted by them, pose a real issue: that of the possibility of these specific forms of trade in a context incapable of ensuring the respect of contracts between strangers and producing trust between the contracting parties - that is to say, in absence of what in neo-institutionalist literature is considered as an essential *presupposition* of any economic agency. A possible hypothesis is that the absence of meta-institutions and of a meta-law guaranteeing contracts was balanced by the presence of a meta-ethics that set limits to mercantile opportunism, thus binding in consciousness, in their inner forum, the contracting parties to an honest behaviour that the outer forum of secular powers is nor able to impose.

Recently the issue has been raised in some important studies, Italian studies in particular, which have reconsidered the relationship between Christianity and economic profit, traditionally seen in all-out opposition to each other. According to these authors, medieval Christianity would have developed a non static concept of common good, that emerged in the interplay of different interests and justified them, fully legitimating economic agency. The space of the Christian common good outlined by these historians include private wealth, but it forbids mutual deception by classifying as sins many behaviours that could damage mercantile trust and thus the fluent working of the market.

The problem is that the same authors who share this interpretation underline the narrow territorial and social limits within which worked these mechanisms that fluidify trade. As Giacomo Todeschini has explained, the elaboration of this concept of common good took place under the impulse of mendicant orders located in urban contexts, and left out those who did not belong, or belonged in a defective form, to the civic milieus: common good and citizenship were inseparable. This caused a sort of dissymmetry between the potentially large geographic and relational settlement of the merchant's agency, and the legitimisation of his actions by the narrow space of his *civitas*. With the strengthening of non local – 'national' – political formations and with the consequent growth in complexity of the territorial belongings and citizenships, the issues got entangled. As the Middle Ages came to an end, Todeschini writes, the "forms of unreliability" and "of infamy" increased³⁰. The theological-moral redemption of the mercantile practice from the condition of infamy was questioned again: in particular, the search for a reconciliation between new social hierarchies and new political cadres on the one hand, and the merchant's actions and statute on the other, became frantic. Practising the market meant more and more to risk being cut off from urban aristocracies and monarchic *élites* – as, for example, in the case of the two Louis XIV's *recherches de noblesse*; and all that reshuffled and disjointed the profiles and agency of the members of the 'international republic of money'. The term *negoziante*, borrowed

from the repository of classical Latin, spread in a vast Euro-Mediterranean linguistic area and distinguished itself from that of *mercante* as a set of ‘high’, ‘immaterial’ mercantile practices emerged, distant from the daily handling of ships and goods and therefore compatible with the new features of the gentleman. Once differentiated from the *mercante*, the *negoziante* was confronted to a different horizon of opportunities; he respected another table of norms that distinguished the licit from the illicit by defining as licit behaviours some of those considered by the theorists of the Christian *bonum commune* as serious infringements of the laws of the market – such as the financial, monetary and monopolistic manipulations promoted by the princes. Therefore norms of different origin and validity, partly contradicting each other, coexist in the inner forum of the practitioners of the market and in the public arena. Those processes hinted at by Todeschini and referring to the period straddling the Late Middle Ages and the Early Modern Age came out strengthened: the “precariousness or at least the fragility of the reputation” made the contract the result not of a preventive and established inclusion of the contracting parties in the circle of the reliable ones, but rather of a “trust that the contracting parties recognized each other in different moments and situations”³¹. This weak, circumstantial foundation of the contract and of the trust that the contracting parties belonging to the Christian universe recognized each other appeared all the more evident when referred to a radically plural religious and cultural space as the Mediterranean had been since the routes of sea trade reopened during the mid-Middle Ages; and it was even more so with the new ocean trades. Within these vast horizons gradually included into the European trade networks, *christianitas* could no longer work as a metaphor of the whole humanity, but became one of the segments of the world-wide mercantile space. Within this space there could be found subjects that the “network of confessors and consciences”³² could not force neither in the inner forum nor in some civic forums: that is to say those “infidels” mingled in the London Stock Exchange with all sorts of Christians in a famous passage by Voltaire³³, and that after all, under the name of Jews, had regularly been attending the

Christian market-places. The question posed by Gerard de Malynes in the early 17th century regarding the possibility for the Christian merchant to put his trust in the promises of Turks, barbarians and infidels³⁴, became a crucial one, and the doubtful answer provided by Malynes himself seems to interpret the real processes more precisely than the optimism and Eurocentric paternalism of Montesquieu's 'sweet commerce'. With the infidels a Christian can make business, he can stipulate contracts to be settled immediately or involve a time-span to be calculated; but this do not cast predictability and certainty on future trades. The words of contractual exchange, elaborated and formalized in the great Italian cities of arts and trades in the late Middle Ages, are dry, cold, incomplete: they mobilize one segment of the person only, that is to say his interests, but do not involve his feelings and belongings and therefore can not establish a social bond. Trading with an infidel and assaulting him, maybe in the name of true faith, are two perfectly compatible forms of interaction. Suffice here to remember the tormented history of one of the symbolic places of the Mediterranean trade, Venice, that had been trading with Muslims for centuries and, at the same time, had been fighting them in prolonged and sanguinary wars; or, on another plane, that of the Jews selling goods and lending money to Christians between a *pogrom* and the next one. What is at stake here is, to a certain extent, "the problem of the separation of consciousness in contracts"³⁵, that have kept the theologian-jurists occupied for centuries – from Jean Gerson to Giovan Battista de Luca – and that paved the way for the encounter with the infidels from both the Mediterranean and the vast world of trade in the Early Modern Age. The right way to take active part in it was to leave the dense, protected and guaranteed fiduciary contexts, be they familiar, local, ethnic or confessional ones; to build networks that were born through action, could break at any time and only through action could be rebuilt. The interest of the contracting parties, no longer overseen by a great "institutional enterprise of a hierocratic character" (as Max Weber would phrase it) supplying and imposing shared ethics, was satisfied by moving on the uncertain line of separation between commercial opportunism and fraud,

so as to also avoid the supreme disgrace of bankruptcy through less reprehensible actions. In any way it produced and reproduced *free riders* ready to extract differential profits by inserting themselves in contexts subjects to norms and not respecting those norms.

The merchant acted inside this uncertain and risky horizon. His success and the functioning of the market itself depended on the identification, within the complex interplay of opportunities and individual choices, of limited spaces of predictability, of knowable though provisional regularities, of contextual ethicalities that would be dangerous to extrapolate and attribute to different fields of action. It is for this very reason that this profession had strong entrance barriers, both cognitive and financial, vigorously defended by the included ones; it required more and more specialized knowledge contained in the private 'secrets' transmitted from father to son and from businessman to his apprentice, or in the thousand books of the *ars mercatoria* circulating in the public space. The outcome was an infinite inventory of forms of interrelation and at the same time a seminar of conflicts, regulated on the basis of a special *jus* addressed to merchants - the *lex mercatoria* - that tried to stick to the 'nature of things' by reducing the level of formalization and of ethicality implied in the exertion of ordinary justice.

The trust that neither the 'inner forum' of consciousnesses, nor the 'outer' one of civil powers could impose, was not the premise of Mediterranean trade, but the hypothetic, provisional, uncertain result of the unfolding of this trade.

The image produced by these materials, far off the solemn pace of grand narratives, does not offer any hold neither to the apologetics of commerce as a civilizing practice 'softening' customs and producing public happiness, nor to the dreams of those aiming at the resurrection of a mythical Mediterranean as a keeper of communitarian and anti-mercantile values. To those who are looking for inspirations and wisdom useful to find their own way around the now-a-day world, recent historiography may appear disappointing: it ends up depicting the image of a future that, much more than the past, is a "foreign country"³⁶.

 Notes

¹ See R. Chartier, *Storie senza frontiere: Braudel e Cervantes*, in *Dimensioni e problemi della ricerca storica*, 2007, n. 2, pp. 145-157.

² See, in particular, F. Braudel, *Civilisation matérielle, économie et capitalisme (XVe-XVIIIe siècle). Les jeux de l'échange*, Paris, 1979.

³ An important tool is A. Blondy (sous la dir. de), *Bibliographie du monde méditerranéen. Relations et échanges (1454-1835)*, Paris, 2003.

⁴ I am referring to A. De Maddalena, H. Kellenbenz (eds.), *La repubblica internazionale del denaro tra XV e XVII secolo*, Bologna, 1986.

⁵ As a good summary of the subject, see K. Kristiansen, Th. Larsson, *L'âge du Bronze, une période historique. Les relations entre Europe, Méditerranée et Proche-Orient*, in *Annales HSS*, 2005, n. 5, pp. 975-1007

⁶ A.O. Hirschman, *The Passions and the Interest. Political Arguments for Capitalism before its Triumph*, Princeton, 1977.

⁷ Concerning this subject, see the documents on the Mediterranean produced by the Network of Excellence of research centres on humanities and social sciences «Ramses2», financed by the Sixth Framework Program of the European Commission (2006-2009), in <http://ramses2.mmsh.univ-aix.fr>; in particular, see *Mediterranean Unions: Visions and Politics*, June 2008, and *La Méditerranée, horizons et enjeux du XXIe siècle*, mai 2009.

⁸ I am obviously referring to Karl Polanyi and his most famous book: *The Great Transformation*, New York, 1944.

⁹ P. Horden, N. Purcell, *The Corrupting Sea. A Study of Mediterranean History*, Oxford 2000. The debate, vigorously opened by James and Elizabeth Fentress («The Hole in the Doughnut», *Past & Present*, 2001, n. 173, pp. 203-219), has continued, in particular, in W.V. Harris (ed.), *Rethinking the Mediterranean*, Oxford, 2005, where, on pp. 348-375, there is an extended reply by Horden e Purcell: *Four Years of Corruption: A Response to Critics*. Among the wide-range historical reconstructions that have been published afterwards, I found particularly worth mentioning F. Tabak, *The Waning of the Mediterranean 1550-1870. A Geohistorical Approach*, Baltimore, 2008 and, most of all, D. Abulafia, *The Great Sea. A Human History of the Mediterranean*, London, 2011.

¹⁰ The aforementioned witness is Federico Valignani, president of the Regia Camera della Sommaria in Naples, whose writing may be dated to 1731-2 and is quoted in M.A. Visceglia, *Sistema feudale e mercato internazionale: la periferizzazione del paese*, in *Prospettive Settanta*, 1985, 1-2, pp. 84-5. Valignani's text was published by G. De Tiberiis, *Le Riflessioni sopra il commercio di Federico Valignani. Alle origini del pensiero riformatore nel Regno di Napoli*, in *Frontiere d'Europa*, 2001, nn. 1-2, pp. 229-280.

¹¹ See now J. Dakhlija, *Lingua Franca. Histoire d'une langue métisse en Méditerranée*, Arles, 2008.

¹² I point out the remarkable (but still little known and rarely used) work of cataloguing and analysis begun by Pierre Jeannin, whose third volume has recently been published: *Ars mercatoria. Handbuecher und Traktate fur den Gebrauch des Kaufmanns 1470-1820. Eine analytische Bibliographie*, Band 1, 1470-1600, edited

by J. Hoock e P. Jeannin, Paderbord-Munich-Vienna-Zurich 1991; Band 2, 1600-1700, by the same editors, *ibidem* 1993; Band 3, *Analysen : 1470-1700*, edited by J. Hoock, P. Jeannin e W. Kaiser, *ibidem*, 2001.

¹³ See W. Kaiser, Una missione impossibile? Riscatto e comunicazione nel Mediterraneo occidentale (secoli XVI-XVII), in *Informazioni e scelte economiche*, special issue of *Quaderni storici*, 2007, n. 124, edited by W. Kaiser e B. Salvemini, pp. 19-42

¹⁴ See the exemplary study by G. Buti, *Les Chemins de la mer. Un petit port méditerranéen: Saint Tropez (XVIIe-XVIIIe siècles)*, Rennes, 2010.

¹⁵ Österreichische Nationalbibliothek, Wien, N. S. 1670, ff. 20-53, Memoria intorno al commercio del porto franco di Trieste... See, in general, the materials and the bibliography in M. Ch. Chatzioannou, G. Harlaftis (eds.), *Following the Nereids. Sea Routes and Maritime Business, 16th-20th Centuries*, Athens, 2006

¹⁶ C. Afan de Rivera, *Considerazioni su i mezzi da restituire il valore proprio a' doni che ha la natura largamente conceduto al Regno delle Due Sicilie*, 2° ed., 2 voll., Napoli, 1833, vol. II, pp. 194 e 225.

¹⁷ H. Pirenne, *Mabomet et Charlemagne*, Bruxelles, 1937.

¹⁸ Among the most significant books expressing this historiographic mood, see E.R. Dursteler, *Venetians in Constantinople. Nation, Identity and Coexistence in the Early Modern Mediterranean*, Baltimore, 2006.

¹⁹ See, besides Salvatore Bono's many contributions (f.e. *Lumi e corsari. Europa e Maghreb nel Settecento*, Perugia, 2005), W. Kaiser (ed.), *Le commerce des captifs. Les intermédiaires dans l'échange et le rachat des prisonniers en méditerranée, XV^e – XVIII^e siècle*, Roma, 2008.

²⁰ See the classical studies by F.C. Lane's collected in *I mercanti di Venezia*, Torino, 1982.

²¹ A good outline is D. Panzac, *La caravane maritime. Marins européens et marchands ottomans en Méditerranée (1580-1830)*, Paris, 2004.

²² I refer here to (Bedos), *Le négociant patriote, contenant un tableau qui réunit les avantages du commerce, la connoissance des spéculations de chaque nation ; et quelques vues particulières sur le commerce avec la Russie, sur celui avec le Levant, et de l'Amérique Angloise : ouvrage utile aux négociants, armateurs, fabricants et agricoles*, Amsterdam, 1779

²³ There are a few examples to support this in A. Carrino, *Tra nazioni e piccole patrie. 'Padroni' e mercanti liguri sulle rotte tirreniche del secondo Settecento*, in *Società e storia*, 2011, n. 131, 53-54.

²⁴ See J.-P. Hirsch, P. Minard, 'Laissez nous faire et protégez-nous beaucoup': pour une histoire des pratiques institutionnelles dans l'industrie française, XVIIIe-XIXe siècles, in L. Bergeron, P. Bourdelais (eds), *La France n'est-elle pas douée pour l'industrie?* Paris, 1998, 135-58.

²⁵ See Ch. Frostin, *Les Pontchartrain, ministres de Louis XIV. Alliances et réseau d'influence sous l'Ancien Régime*, Rennes, 2006.

²⁶ On this point there is an ongoing research project coordinated by myself entitled, "Ai bordi delle istituzioni. Poteri, attori e pratiche mercantili

nell'Europa mediterranea (XVII-XIX secolo)". Some themes are anticipated in B. Salvemini, *Innovazione spaziale, innovazione sociale: traffici, mercanti e poteri nel Tirreno del secondo Settecento*, in *Lo spazio tirrenico nella "grande trasformazione"*. *Mercé, uomini e istituzioni nel Settecento e nel primo Ottocento*, edited by B. Salvemini, Bari, 2009, pp. V-XXX.

²⁷ See the article to be published shortly by A. Carrino and B. Salvemini, *Sur les espaces pluriels du marché: les trafics tyrrhéniens au XVIIIe siècle*.

²⁸ J. Booker, *Maritime Quarantine. The British Experience, c. 1650-1900*, Aldershot, 2007.

²⁹ An idea of this can be gleaned from D. Andreozzi, 'L'anima del commercio è la salute'. Sanità, traffici, rischio e dominio sul mare in area alto adriatica (1700-1750), in R. Salvemini (ed.), *Istituzioni e traffici nel Mediterraneo tra età antica e crescita moderna*, Napoli, 2009, pp. 225-246.

³⁰ G. Todeschini, *Fiducia e potere: la cittadinanza difficile*, in *La fiducia secondo i linguaggi del potere*, edited by P. Prodi, Bologna, 2007, p. 22.

³¹ *Ibidem*, p. 23.

³² P. Prodi, *Settimo non rubare. Furto e mercato nella storia dell'Occidente*, Bologna, 2009, p. 43.

³³ *Scritti filosofici*, edited by P. Serini, vol. I, Bari, 1972, p. 16.

³⁴ G. de Malynes, *Consuetudo: vel lex mercatoria*, London, 1622, p. 6. Some reflections on the subject can be found in B. Salvemini, *Généalogies savantes et styles de pensée*, in *De la richesse et de la pauvreté entre Europe et Méditerranée*, edited by Th. Fabre, Marseille, 2006, pp. 53-66.

³⁵ P. Prodi, *op. cit.*, p. 288.

³⁶ I refer here to David Lowenthal's famous book *The Past is a Foreign Country*, Cambridge, 1985.

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