"Stick to the Word you Can Afford". An ERC Project: Migrating Commercial Law and Language (MiCOLL) (short paper)

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Abstract

In this paper, we will briefly present the main objective of the ERC Project Migrating Commercial Law and Language (MICOLL) that started at the end of 2021 at the Univeristy of Padova. This project consists in approaching the issue of the existence of a medieval and early modern lex mercatoria [1], the law of merchants in a completely new way: by analyzing the technical legal terms used by merchants between the Late Middle Ages and the early modern period (11th-17th century), focusing on some of the most important trading centers of northern Italy (Venice and Genoa) and Germany (Nuremberg and Lübeck). The project will make use of semi-automated approach for the creation of concept maps of the multilingual glossaries needed to interpret the legal terms, and automated techniques to enrich ancient digitized maps.

Keywords

Computational Terminology, Digital Maps, Intangible Cultural Heritage

1. Background

The term 'cultural heritage' does not end at monuments and collections of objects¹. The need to protect and safeguard the world's heritage has emerged as a concern for the international community as the deterioration, damage and destruction of both tangible and intangible heritages. In particular, intangible heritage includes traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions. Oral traditions and expressions are used to pass on knowledge, cultural and social values and collective memory.

Lingua Franca is one of the most famous historical codes of intercultural contact. It is widely regarded as the oldest known European trade pidgin, a Mediterranean contact language that breached the cultural, religious and linguistic divides of Muslims, Christians and Jews, from the

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¹https://ich.unesco.org/en/what-is-intangible-heritage-00003

Eastern to the Western shores, from the late Middle Ages to the mid-19th century [2]. Lingua Franca was based mostly on Northern Italy's languages (mainly Venetian and Genoese) and secondarily from Occitano-Romance languages².

Carlucci [3] explores the possibility that speakers who did not know Latin or any other supralocal variety may nonetheless have been capable of overcoming barriers to communication without having to turn to interpreters or translators. Given that most of the local communities used Italo-Romance varieties descended from Latin, medieval Italy offers a particularly relevant case for the historical study of how speakers manage, or fail, to establish mutual comprehension between related languages.

On the same line, Gialdroni and other [4] focus on the question of how merchants on the move and language shifts influenced commercial law. Speaking generally, in the otherwise largely stationary medieval society merchants were among the most mobile groups. Long-distance traders covered distances and crossed borders frequently and with relative ease. Therefore, they needed to master a number of languages, at least on a basic level. That included terms for traveling, bargaining and describing merchandise.

2. ERC Project MICOLL: Migrating Commercial Law and Language

According to a widespread historiographical topos, merchants all over the world "spoke the same language" when it came to what was important for them: to make profits. As legal institutions are represented by technical legal words, an analysis of the terms merchants actually used is a powerful and never attempted way to verify the impact of merchants' migrations on the development of commercial law, which had, in its turn, tremendous effects on social and economic history.

The European Research Council funded project MICOLL (ERC-2020-COG 101002084), aims at analyzing the development of commercial law by means of a tool almost ignored in this field: historical linguistics. The borrowing and transfer of legal terms will be carried out through a comprehensive and systematic investigation of medieval and early modern legal sources, in particular commercial letters, contracts and statutes. Even though legal historians tend to deny the effectiveness of a body of customary laws uniformly adopted across medieval and modern Europe, the "myth" of the ancient lex mercatoria continues to provide historical legitimacy to the supporters of corporate self-regulation.

The center of this project will be Venice, for several centuries the mandatory stop for merchandise coming from the East and directed both to northern Europe and to Genoa, from where men and goods would reach other trading centers (e.g., France and the Iberian peninsula). Our time-frame spans from the "commercial revolution" of the 11th century to the beginning of the modern period, when the new dynamics of transoceanic trade left Venice at the periphery of a world that was changing its very dimensions. Did merchants actually use the same legal terms in different geographical areas? And, above all, did they grant these words the same legal meaning? MICOLL will answer these questions by means of two main tools: a "Glossary of

²https://en.wikipedia.org/wiki/Mediterranean Lingua Franca

medieval commercial law terms" and an interactive digital map of the land routes connecting Venice with northern Europe and the Tyrrhenian Sea.

The project foresees two main outputs: 1) a glossary of medieval commercial law terms, 2) an interactive digital map. The glossary will be built combining with semi-automatic approaches information provided by an almost forgotten masterpiece of economic history (the "Glossary of medieval terms of business" by Florence Edler, 1934), two online vocabularies (the Tesoro della lingua italiana delle origini and the Deutsches Rechtswörterbuch) with archival research and information technology. The goal of the interactive digital maps is to aid scholars in making new historical findings, while also making the maps accessible for the general public. In particular, AI techniques will be explored to recreate a glimpse of what landscapes looked like centuries ago but with modern "lenses"³.

3. Approaches and Perspectives

The main objective of MICOLL is to shed new light on one of the main issues of commercial law history, i.e., the supposed universality of commercial law in the Middle Ages and in the modern period (so-called lex mercatoria). The groundbreaking approach of MICOLL consists in analyzing this issue and, more generally, the development of commercial law and practices by means of language, i.e., studying the borrowing and transfer of legal terms from one context to the other in order to verify whether merchants used the same technical legal terms (e.g., commenda, societas/partnership, assicurazione/insurance, bancarotta/bankruptcy, monopolio/monopoly, etc.) and whether they attributed to these terms the same meaning. To date, a comprehensive and systematic analysis of the relationship between commercial law and language has not been carried out.

To reach this goal, an interdisciplinary research, combining economic history and historical linguistics with legal history, is essential. In addition, a computer science view of this story cannot be put aside for a wider and modern perspective. In this sense, we are referring to a rapidly growing field - named Digital Humanities - at the intersections of computing and the disciplines of humanities and arts, interdisciplinary fields of culture and communication, and the professions of education and library and information science [5]. One characteristic of this area is the great heterogeneity of scientific disciplines and user communities involved [6]. This leads to heterogeneity of data formats and data sources that represents a technical challenge from the point of view of interoperability. Linked Open Data (LOD) technology has the potential to facilitate the integration of heterogeneous data formats and distributed data sources [7]. In recent years, the limited interoperability between linguistic resources has been recognized as a major obstacle for data use and re-use within and across discipline boundaries [8].

Since the literature of a digital documentation of the lex mercatoria in a LOD sense is scarce, if not completely absent to the best of our knowledge, in the first part of the design and development of the glossary, we will refer to the existing literature of a digital approach to the management of legal terms. In [9], the authors provide a methodology to enrich with machine processable information legal content in order to extract and link structured legal information for compliance purposes, building on research in legal theory, ontologies and natural language

³https://spectrum.ieee.org/ai-ancient-maps-satellite-images

processing. In particular, the work addresses the issue of how to semi-automate the extraction of definitions, norms and their elements to populate legal ontologies. This approach can be very helpful in the MiCOLL project to link, enrich, and expand the information extracted manually by the experts. The European Legal Taxonomy Syllabus (ELTS) [10] is another approach where a new concept of legal ontology together with an ontology development tool is described, ELTS is a lightweight ontology, i.e., a knowledge base storing low-level legal concepts, connected via low-level semantic relations, and related to linguistic patterns that denote legal concepts in several languages spoken in the European Union (EU). In this sense, this approach can be of inspiration for MiCOLL to link both modern legal terminology to other standard ontologies and work in different languages (in our case, languages can vary across space and across time). The question of how to make data Findable, Accessible, Interoperable, and Reusable (FAIR) for a terminological resource will be explored using a correct procedure for the design and implementation of terminological resources [11].

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