Presentation

What can the evidentiary artifacts that are deployed to resolve commercial litigations tell us about the legal configuration of the Mediterranean between the fifteenth and nineteenth centuries?

Since 2012, the European research program *ConfigMed* has been studying commercial disputes, legal pluralism, and intercultural trade in the Mediterranean, at the crossroads of different traditions, legal regimes and referents. In this context, our method helps to focus on the encounters, compromises and possible exchanges which resulted from conflicts involving economic actors from Europe to the Ottoman Empire and North Africa.

This workshop aims to continue this work and these reflections with a particular emphasis on the production and circulation of the elements of legal proof in the Mediterranean. Based on the examination of written certificates and declarations, we propose to examine their effect on both the commercial world and legal systems that are often seen as closed within itself.

One of the primary axes of this workshop will be the analysis of the procedures of dispute resolution through the production and circulation of certificates and written testimonies. The origins, formal diversity, materiality and logic of these artifacts should be able to provide food for thought on the nature and resolution of disputes, as well as the practical functions of institutions.

This will necessarily involve careful consideration of the circulation and use of evidence, for the reconstitution of the chain of correspondences between litigants, intermediaries and user or producer institutions of evidentiary elements. This should produce material to discuss the relevance of the boundaries usually drawn between worlds that seem to be permeable, such as those opposing the oral and the written, the private and the public.

By considering these evidentiary pieces as instruments, the workshop will address the role of evidence in the analysis of communication processes and interpret it as a privileged scenario of legal and cultural creativity in a trans-Mediterranean space formed by different resolutions of commercial litigations.

UNIVERSITÉ PARIS 1
PANTHÉON SORBONNE

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http://configmed.hypotheses.org

European Research Council
***Mediterranean Reconfigurations* Program**

Université Paris 1 – Panthéon-Sorbonne
Institut d'Histoire Moderne et Contemporaine

Conference

Elements of proof and commercial litigations in the Mediterranean (15th – 19th century)

Joseph VERNET,
L'intérieur du port de Marseille vu du pavillon de l'Horloge du Parc (1754)

Paris, June 18-20, 2015

Salle Marc Bloch (galerie Rollin, stair C, 2nd floor)
Université Paris 1 Panthéon Sorbonne
17, rue de la Sorbonne 75005, Paris

Thursday, June 18th 2015

13.30 – 14.00

Wolfgang Kaiser (Paris 1 & EHESS, IHMC, ConfigMed), Welcome

14.00 – 18.00

FIRST SECTION: ACCESS TO JUSTICE

Introduction : Johann Petitjean
(Poitiers/CRIHAM, IHMC, ConfigMed)

Chair: Wolfgang Kaiser

Michael Talbot (ConfigMed), When no proof is good enough: An Algerian merchant in British and Dutch courts, 1760s-1770s

Angela Falcetta (Padova), The protean use of justice: Ottoman merchants before the Neapolitan courts, eighteenth-early nineteenth centuries

Mahjouba Bijaoui (EHESS), Litiges commerciaux et naufrages : comment résoudre cet imbroglio ? Le cas du consul espagnol Manuel de la Heras dans la Régence d'Alger à la fin du XVIIIe siècle

Hassan Khalilieh (Haifa), Legal pluralism and judicial sovereignty in Islamic Mediterranean

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Friday, June 19th 2015

9.30 – 12.30

Chair: Jessica Goldberg
(UCLA)

Andrea Addobbati (Pisa, ConfigMed), The Pareri «pro veritate» at the Pisan Consoli del Mare

Ana Belem Fernández Castro (ConfigMed), Showing the Truth to the Judge: A Study of Judicial Evidence in Sevillian Commercial Courts during the Sixteenth Century

Tommaso Stefini (Yale), The role of written evidence in trade-related disputes between Ottoman and Venetian subjects: a preliminary enquiry

Mafalda Ade Winter (ConfigMed), Le pluralisme juridique en Syrie ottomane : analyse d'un « inventaire de verdicts et de preuves » du Tribunal de commerce de Damas de 1889

Lunch break

14.00 – 18.00

SECOND SECTION: BEYOND THE ORAL/WRITTEN DIVIDE

Introduction : Francisco Apellániz
(ConfigMed)

Chair: Baudouin Dupret
(Centre Jacques Berque, Rabat)

Francisco Apellániz (ConfigMed), '*You cannot produce a Muslim witness*': Handling Systems of Proof Across Religious Boundaries (15th-16th centuries)

Evelyne Oliel Grausz (Paris 1, IHMC, ConfigMed), Oaths, testimonies and elements of proof in Jewish disputes in early modern Livorno.

Jessica Marglin (USC, Los Angeles), Extraterritoriality meets Islamic Law: Commercial litigation and legal proof in the International Mixed Court of Morocco, 1871-1872

Nandini Chatterjee (Exeter), A Comment from the Mughal Indian perspective

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Saturday, June 20th 2015

9.30 – 12.30

Chair: Maria Fusaro
(Exeter, ConfigMed)

Joshua White (Virginia), Litigating Ownership Disputes over Ships and Cargo in Ottoman Courts (17th Century)

Yavuz Aykan (ConfigMed), La preuve dans les litiges commerciaux devant le Divan impérial ottoman à l'époque moderne

Ivelina Masheva (Sofia), Oral Testimonies and Written Documents in Commercial Litigations in the Danube Provinces of the Ottoman Empire in the Tanzimat