

**S. 7. 3. GENERAL AVERAGE AND JETTISON IN SOUTHERN  
EUROPE (16TH-18TH CENTURIES)**

**Chair: Maria Fusaro**  
(University of Exeter)

**Panel Abstract**

The concept of jettison already dates from Roman, and potentially, earlier times. Even if the principle was well-known in medieval and early modern Europe, and indeed in the Islamic world and China as well, the application varied widely across jurisdictions. Jurists differed, for instance, on who should make the decision to jettison goods, how calculations should be made, and whether human jettisons (e.g. of slaves) should be allowed. Jettison became, during the fifteenth and sixteenth century, included in the broader principle of General Average (GA), which redistributed extraordinary losses in maritime ventures, but despite this well-known fact no (comparative) studies have been made to date of this subject during the early modern period, while GA and jettison formed a major element in risk management in both the Mediterranean and in other parts of the world. This panel thus studies the development of jettison during the early modern period in Southern Europe. By comparing the application of jettison in early modern Genoa and Seville, as well as the subject of human jettison in a broader framework, it aims to provide answers on how jettison was regulated and how practice differed across jurisdictions. Since GA procedures and calculations were extremely complex and many parties were involved, a study of jettison can shed new light on political, economic and social developments.

**Keywords**

Jettison, GA, slavery, Mediterranean

## *Jettison in the Spanish Carrera de Indias during the 17th and 18th centuries*

MARTA GARCÍA GARRALÓN (University of Exeter & UNED Madrid)

### **Abstract**

The relationship between jettison and general average (GA) plays a powerful duality and its research draws interesting insights in Maritime History at large. Jettison is the best known of GA acts, and deserves a special scrutiny from researchers, not only from a legal perspective, but also from an economic and even a navigation point of view. Known as alijación or alijamiento in Spain, this practice consists in the act of lessening the burden of a ship by throwing the cargo off board.

From a legal perspective, jettison in the commercial maritime context of the Carrera de Indias turned out to be the most frequent circumstance that led up to a declaration of caso fortuito and/or avería gruesa (fortuitous case and general average). Which was the most common cargo to be thrown to the sea? Which was the order of precedence followed when throwing the cargo? What was the standard operating procedure followed by the maestre and the crew in such adverse situations? These are some of the issues raised by this phenomenon. The economic impact of jettison also offers a new approach worthy of examination. In a strictly commercial framework, the merchants' response and their behaviour following these events had a significant effect on their business dealings. Moreover, we must also keep in mind the role of royal employees in the Spanish ports when processing the statements given by the maestres as a result of jettison.

Last, but not least, the usual form of navigation within the Carrera de Indias was in convoys. Fleets of ships sailed together escorted by defence ships reinforced with special artillery and marine brigades. Decisions adopted by the high command of the fleet, the general captain, were decisive at the time of a jettison and had relevant consequences for both merchants and ship owners.

### **Biography**

Dr Marta García Garralón is a Research Associate working on the AveTransRisk Project. Marta focuses her research on Spanish General Average (GA) during the Modern Period. The Spanish case is singular and interesting because it provides an opportunity to extend the scope of the Project's research onto a global scale, as its analysis will show how the Mediterranean GA tradition was transformed in the Atlantic Ocean during a crucial period of maritime expansion. This provides a window onto the institutional and judicial development of Iberian courts in relation to maritime legislation, contributing both to the centre/periphery debate on these

issues, and to the comparative element which underpins the Project at large. She also works at Centro Asociado Madrid UNED, where she focuses on the study of institutions linked to the sea, nautical education, seafarers' association and the maintenance and development of eighteenth century ports across the Spanish Empire through the harbour-masters.

## *Jettison and risk in the Western Mediterranean from the Genoese observatory (1590-1640)*

ANTONIO IODICE (University of Exeter / University of Genoa)

### **Abstract**

The way in which the unfolding of events always manages to escape the constraints of current legislation, is a fascinating problem when goods are jettisoned. Even the jurists between the seventeenth and nineteenth centuries had to admit that, in case of emergency, precise and detailed rules were of little use. It was necessary to act quickly: the safety of the journey relied on the speed of execution of the captain's orders and on his common sense. The Genoese statutes of 1590 concerned jettison, the most common situation at the origin of a declaration of maritime average (weather it was a General Average or a Particular Average). However, the statutes were a little vague on details, probably on purpose. Partly they referred to the legislation of the Consolat de Mar made in Barcelona but, above all, the progressive refining of the matter was up to the collegial discussions of the local magistracies and to the interpretation of the jurists. In the common practice and in the legal discussion concerning the jettisons and the averages that the captains declared in Genoa, we find references to most of the European context. From the extensive documentation held in the Genoese State Archives, it is possible to get an idea of the criteria followed in the approval of a case. I will therefore concentrate on what were the limits for the approval of a jettison and to whom it was up to decide them. How did the crew proceed during a jettison? What was accepted and what was excluded? How was it possible to check the authenticity of the captain's claims once arrived in port? This is a complex and multi-faceted subject but the comparison with similar realities in the panel can help to shed light on its legal framework.

### **Biography**

Antonio Iodice is a PhD student within the ERC project directed by Maria Fusaro AveTransRisk. He is enrolled jointly at the Exeter University and the University of Genoa, under the supervision of Luisa Piccinno. Antonio Iodice is doing his research on General Averages in Genoa during the Early Modern period. He has achieved his Master's double degree at the University of Rome "La Sapienza" in partnership with the University of Grenoble "Pierre Mendès-France". In 2018, he finished his PhD studies in Modern History at the University of Naples "Federico II" in partnership with the Aix-Marseille Université.

## *The jettison of slaves in law and practice*

JAKE DYBLE (University of Exeter / University of Pisa)

### **Abstract**

“He asks whether, if something should be thrown overboard at sea, it should be an expensive horse or a cheap little slave. Here our estate inclines us in one direction, our humanity in another...”

Cicero never gave a definitive answer to his own question, posed in Book III of *De Officiis*. His equivocation is typical. The throwing of human cargo into the sea was a moment of crisis, both physical and legal, which brought into urgent consideration the slave’s dual identity as thing and person. An act in extremis in every sense, it provided jurists with a severe challenge, but, as with all extreme scenarios, it can provide special insight into historical values and assumptions, the ways these conflicted, and the ways that they played out in the reality of the high seas. The most famous example of human jettison is that of the *Zong*, the British slave ship which threw more than 100 slaves into the Atlantic as part of an insurance scam. Its role within the history of slavery, or, more accurately, of within the history of abolition has garnered it with significant scholarly and popular attention. But while the abolition movement was one important context for the ensuing legal case, another was an ancient if somewhat confused accumulation of precedents, precepts, and practices on slavery and jettison. This paper digs deeper into this history, examining how human jettison was approached, in theory and in practice, across the Western European jurisdictions.

### **Biography**

Jake is a doctoral student based jointly at the University of Exeter and the Università di Pisa. His work within the ERC funded *AveTransRisk* project focuses on the development of general average in the Tuscan city of Livorno during the early modern period. This cosmopolitan free port will provide insights into the way that differing cultural attitudes interacted to shape maritime law, both in theory and in practice. The presence of large numbers of international operators at Livorno also presents an opportunity to explore the relationship between merchant communities and increasingly intrusive and formidable European states. More broadly, Jake is interested in the interplay between commerce and the world of ideas. This interest runs in both directions, encompassing not commerce’s entry into the lexicon of European political thought, but also the way that prevailing assumptions, debates and forms of knowledge shaped commercial institutions themselves.