

Final ANR “Experts” Conference

Call for papers

"The mechanisms of expertise and its actors Middle Ages - 19th century"

International Conference organised around the ANR “Experts” Programme

Organising committee:

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Paris Nanterre University, Thursday 25 to Friday 26 May 2023

In 2023, researchers involved in research projects on expertise will be addressing the historical question of the mechanisms of expertise and its actors for the long period from the Middle Ages to the 19th century. After years of work on expertise and Paris building experts in the early modern period, we are holding an international conference at Paris Nanterre University on Thursday 25 and Friday 26 May 2023, which will open up the discussion on this theme to various theoretical, disciplinary, national and international perspectives. All interested colleagues are invited to send proposals to the conference organising committee, particularly, but not exclusively, in the five thematic areas listed below.

Proposals for contributions must be submitted by **15 November 2022** at the latest to the following address expertise-et-experts@sciencesconf.org. They may be written in French or English. They should be no more than 4,000 characters including spaces, and include five keywords.

Expertise is a procedure that has been of great interest to the human, social and political sciences in recent decades, as it has been called upon to resolve decision-making deadlocks in a wide variety of fields, particularly in relation to major societal issues. Since the Middle Ages, the public authorities have entrusted people whom they consider and qualify as competent with the task of issuing an opinion on technical and scientific knowledge, whether separate from any legal dispute or in the context of litigation. It is often in the latter context that the judge seeks the opinion of an expert in the field of that dispute. On a broader scale, the questions debated by contemporary society in its scientific and technical choices often call upon specialists qualified as experts in the interests of democratic equity (Callon et al. 2001). However, this procedural mechanism, founded by and on the law, is nowadays challenged as being perfectible (requirement for contradictory debate, independence from any authority and the need to argue controversies without deciding them) (Hermitte 2003; Leclerc 2005, 2009). Experts proliferate in the modern world and the 'legitimacy of expertise as well as legitimacy through expertise' (Jasanoff 1990, 1997, 2013; Dalbignat-Deharo 2004) lie at the heart of the debate. Experts' technical competence becomes authority, and sometimes even an 'abuse of authority' (Encinas de Munagorri 2009).

Expertise in the field of buildings (project status)

The volume and quality of the archives of the *Greffiers des bâtiments* (Archives nationales, Z/1j)¹ (Clémencet 1958; Bimbenet-Privat 2006), the *Châtelet* (Y), and the more general *Minutier central des notaires*, gave us the opportunity to tackle head-on the topic of expert appraisal in the field of buildings in Paris. Our project, supported in turn by the GIP, the ANR and the IERDJ,² had more than one objective and was structured around three lines of research.

Our main objective was to interrogate the powers of expert knowledge, and more particularly to examine, in the specific field of study of construction, the key mechanism of expertise. How and why does the regulatory and professional technical language of experts impose itself on society? To what extent does this procedure enable technical or even social innovation (Lima 2013) or does it rather block innovation in situations of excessive uncertainty?

The decisive 1690 reform that granted architects - not yet a structured or constituted profession - the right to acquire expert offices, like building contractors (masons and carpenters) since the Middle Ages, represents a key moment in this history, because it transformed the status of experts, and initiated the emergence of a new liberal profession in parallel with the trade guilds (Carvais 2009). Between the creation of the Royal Academy of Architecture (1671) and the teaching of law and measurement by Antoine Desgodets at the turn of the 18th century (Carvais, forthcoming/a), the dual recomposition of the corps of experts enabled us to identify a united elite of knowledge constituted from competing communities (Lemas 2003; Carvais, Nègre 2015; Carvais 2021b, Nègre & Hernu forthcoming). Moreover, experts seem to have been appointed on seniority (Château, Morvan, and Carvais 2021).

More broadly, we seek to understand the contribution of recurrent use of expertise in a situation of indecision, sometimes due to general uncertainty. Does this participate in the development of law through its intrusion into the judicial order? In what ways do experts, economic agents, contribute to the valuation of real estate in the capital? Why do experts introduce their speciality into the larger and more complex area of socio-political decisions, and how does their competence become a social authority? The question is both whether technical mastery leads to social ascendancy, and whether that mastery does not in itself

1 This series contains almost all the minutes of building experts for the 17th and 18th centuries. The archives of the Royal Chamber of the Building Trades also contain other expert reports of a similar nature, but occasioned by the litigation and police cases assigned to the Chamber. Similarly, expert reports are recorded to a lesser extent in the archives of the Châtelet. We have not taken them into account in our research. The value of the Clerks' collection - in addition to being continuous - is also the content of each case, which comprises, in addition to the expertise, useful appendices such as mission orders, memoranda and annotated estimates of work, accounts and their drafts, details of the cost of the procedure, and illustrative material (geometric plans, sketches, etc.).

2 The ANR project (2018-2022) entitled "Knowledge practices between judgement and innovation. Experts, building reports, Paris 1690-1790", was preceded by a two-year feasibility study financed by the Ministry of Justice, through the Mission de recherche Droit & Justice. It is being pursued within the framework of an IERDJ project (2022-2024) "*À dire et traits d'experts. Analysis of the language of 18th century building expert reports: words, discourse and figures*". These projects are jointly supervised by the conference organisers. The post-doctoral collaborators are Juliette Hernu, Léonore Losserand and Yvon Plouzennec and the research engineer Josselin Morvan. The main project's dedicated website is <https://experts.huma-num.fr/>

imply technical recognition, and consequently reflect how these various relationships developed over the course of the century.

Of our three lines of research, two are in progress and one is still to come:

- **The first concerns the figure of the expert.** It is to establish a database on all the nearly 300 experts who practised during the century, whether or not they were officially recognised as experts or holders of an office. This prosopographical dictionary, compiled from lists published in the Royal Almanacs, supplemented by a great deal of information obtained from serial and non-serial archives (series V1 and Y, Minutier central, etc.) and various publications, enables us to establish the networks formed by these expert builders in their relations both with each other and with the whole world of construction, in their family and work relations, and even with the whole of Ancien Régime society (Nègre, 2022; Nègre, Hernu forthcoming).³ How were experts connected to each other, to other actors in construction, or even scholarly, practice, and to the different strata of Ancien Régime society?

- **The second is analysing 5,000 expert reports** from between 1690 and 1790 (Carvais, Nègre, Barbot, Château-Dutier 2018; Carvais 2019b) using a fairly comprehensive analysis grid of the following fields: identification of the case (dates, places, reference, medium, volume); actors (experts, clerks, parties, representatives, witnesses); procedure (initiation, missions, types of expertise); content (conclusions, comments, index). This will be used for a decisive statistical analysis to estimate the importance of the various categories of experts, the types of expertise, the volume of work carried out, its cost, the instigating institutions, the contentious/litigious nature of the case, the experts' agreements/disagreements, etc. The terms of this second line of research open up three thematic questions:

1) What role does legal knowledge play in the expert's practice, especially as he (all men, alas) is not supposed to deal with law but only with facts? Moreover, to what extent does the expert become a creator of norms? He nevertheless essentially uses custom, which is an element of Ancien Régime law (Carvais 2010, 2013, 2020a). What role does mathematical (geometric and arithmetic) knowledge play? On what occasions is it used?

2) In the expert's observation methods and recommendations for maintenance, repair, improvement and conservation work, does he appear to be technically innovative or is he content to carry out routine interventions and validate the briefs presented to him (Carvais 2019a; Barbot, Carvais, Château-Dutier, Nègre, 2021)?

3) When asked to value a property (Barbot, Chauvard and Mocrelli 2010; Barbot 2020; Barbot, Di Tullio, Cattini and Mocrelli 2018), what type of criteria does he use? Objective criteria of calculation through measurement and mathematics or subjective criteria based on public opinion concerning the capitalisation of pensions, for

³ Valérie Nègre and Juliette Hernu's examination of a hundred or so probate inventories has enabled them to highlight the intertwining of living and working places and to show that belonging to a category - contractor, architect - is not reflected in the home and workplace. Robert Carvais, for example, has drawn up a network of expert contractors based on their successful applications for the rank of master craftsman in the craft of masonry by linking them to their character witnesses and their sponsors for the execution of their masterpiece, as well as the community trustee (*Syndic*) in charge at the time of their acceptance and the Master General who pronounced the final acceptance decision.

example? We also believe that the valuation is determined by other criteria depending on its purpose (investment, preservation of assets following a death, personal use of the property for housing, etc.) or the nature of the rights that the claimant has over the property being valued. How do experts see and act on construction accounts (Carvais 2020b)?

- **The third question will shift the focus of study** towards to the actual materiality of the sources of the expertise and their writing, given that these documents prepared and dictated orally by the experts were transcribed by dedicated clerks, apparently chosen by the experts themselves. Taking into account the rules for writing the minutes and their common structure, we plan to analyse 1) the multidisciplinary vocabulary used, at the intersection of law, economics and technology; 2) the revealed discourse of the experts, apparently descriptive but in reality demonstrative and persuasive; 3) the use of drawings, as legal evidence rather than solely as a visualisation of the discourse (Dumoulin 2001).

The five thematic areas in this call for papers

Although our projects focus on experts and expertise in the field of construction in France and in the early modern period, we are launching a call for papers that goes far beyond these characteristics. Whatever the field of application concerned (in addition to construction, some of the themes most concerned with expertise are medicine, writing, science and technology), we are calling on the community of historians both medieval (Société des historiens médiévistes de l'enseignement supérieur public 2012; Denjean, Feller, 2013; Feller, Rodriguez, 2016; Castiglione, D'Errico, 2020) and up to the 19th century, covering all geographical areas, especially since the modalities of expertise differ in Common Law and Civil Law countries (Carvais 2018a). To that end, we have defined the following five thematic areas for this call:

1) The sources of expertise and their conservation: Although in France minutes are no longer considered important enough to merit conservation, under the Ancien Régime, many institutions kept this type of document, now contained in the holdings of departmental or even communal archives (Moulin 2012; Olivier 2010). Although many are classified in the judicial archives, not all are and may include particular files of all kinds. In court records, they may constitute interpolations in sentences. For example, in the Middle Ages, the expert reports made in a legal case at *Parlement* level are quoted in their entirety in the body of the decision and stand out for being written in the vernacular, unlike the Latin of the judgments. Without going as far as an in-depth study of these collections, a historical presentation of these archives and their contents might foreshadow future research opportunities on expertise in the French provinces or abroad (Senderowitz Loengard 1989; Ash, 2004, 2010; Dobbels 2021; Pinto 2021). Expertise tells us about the space in which it occurs (Cornu 2009; Barbot and Carvais 2020).

2) The status of the expert: experience, reputation, competence (Encinas de Munagorri 2002). The status of the expert has varied according to time and situation: reputation, election by peers, purchase of office. Is there a body of experts for private individuals and/or magistrates? Or are they chosen on a case-by-case basis according to their acquired

reputation? To which world do they belong (trade associations, liberal professions, self-employed)? The professional aspect is often decisive (Abbott 1988; Carvais 2021a; Nègre 2022). And which world do they frequent, with whom do they form networks? If they possess specific knowledge validated by examination, can their experience be sufficient? Is the qualification of their competence sufficient or does it depend on the patrimonialisation of their knowledge? If the expert is the central actor in the procedure, is he not just an intermediary figure between the claimant and the judge, between the claimant and an opponent, or between the claimant and himself (Encinas de Munagorri 2002; Brétéché and Hermant 2021)? It is these relationships that deserve detailed examination. In other words, whether a case is contentious or not remains a determining factor in the characterisation of expertise, especially as expertise paradoxically fluctuates between knowledge and power (Bourcier and de Bonis 1999; Berard and Crespin 2010).

3) The reasons for expertise and the expert's missions: Risk and the need to make a decision are the usual triggers for expertise (Fressoz 2012). A situation of uncertainty may also trigger an expertise before a judge or between two opposing parties. But such a prospect is not indispensable. Expertise may be a mandatory step in an administrative procedure and constitute a statement of the situation (Nègre 2017; Leniaud and Monnier 2013). The experts' missions are strictly defined. They may be neither enlarged nor diminished. In the field of the built object, these missions vary from estimation (Halbwachs 1909; Topalov 1987; Thomas 2002; Dross 2012; De Munck and Lina 2014; Heinich 2017), to the examination of completed works (Plouzennec, 2021), *via* repairs to be carried out, neighbourhood conflicts (Ellickson 1991; Carvais 2018b), those between tenant and owner, and inventories. Is a similar typology found in other sectors, both in terms of the reasons for the assessments and the objectives to be achieved? Although it is probably not identical, it is likely to revolve around the correct and efficient application of a technique.

4) The experts' practices: sensitivity, materiality and discourse: When reading the minutes, we are confronted with the experts' use of all five senses, with the degree of orality inherent in the document that is spoken and then written (Bessy and Chateauraynaud, 2014; Carvais forthcoming/b; Brétéché and Hermant 2021). The transcription of the experts' words and characteristics is an essential source for examining the language of these specialists: the multidisciplinary vocabulary at the intersection of law, economics and technology, the descriptive but above all demonstrative and persuasive discourse, the use of drawings as legal evidence or simply as a visualisation of the discourse. This objective materiality inherent in the experts' approach is inevitably found in the minutes of the proceedings. Experts visit, examine, measure, reveal hidden information, scan the sites of litigation, verify the quality of the work carried out, and gather criteria that contribute to estimating the value of things in order to achieve the missions entrusted to them. Does their approach then fall within the scope of the legal evidential system (Mausen 2007) in all its pragmatic complexity (Chappe, Morival and Leclerc 2022)?

5) The authority of the institution: Although expertise is a procedure that has been severely criticised in the 20th century in the field of techno-sciences and medical sciences, can we find defenders in the service of politics or justice, or even beyond? The mere fact that experts are recognised as competent has often led to contentious debates about them. On what literature has this institution relied, or even used to legitimise itself? (Goodwin 2015)

Admittedly, expertise has tended to replace judges and become a more flexible way of resolving disputes in many situations. However, many people recognise flaws in the system. It would certainly be instructive to study the critical episodes and analyse the proposed solutions for transforming the mechanism in order to make it more reliable, or at least less contestable. How has the legal, economic and social literature viewed the institution of expertise? How have the professions and society reacted to such distrust? (Encinas de Munagorri and Leclerc 2012)

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Scientific Committee (subject to approval)

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- Joan Domenge i Mesquida (professeur à l'Université de Barcelone),
- Rika Devos (Université libre de Bruxelles).

Calendar

Circulation of the call for papers: 15 September 2022

Deadline for responses to the call: 15 November 2022

Announcement of selected proposals: 15 December 2022

Constitution of the programme: 15 January 2023

Conference: 25 and 26 May 2023