

The Moral Economy in post-revolutionary France

A case study of Niort's labour court

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Thesis - Bachelor History

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Words: 7254

Pages: 27

Abstract

This research attempts to evaluate a recent Marxist interpretation regarding the existence of a moral economy in post-revolutionary France. This framework, constructed by Xavier Lafrance, is questioned by engaging with letters and transcripts exchanged between the local institution of a labour court and the national government in the period between 1818 and 1848. Special attention is given to the historiographical debate from which this interpretation stems. Lafrance contends, against the dominant branch of the historiography, that the transition to French capitalism occurred in the 1860s, and not as a result of the French Revolution of 1789. From the results, the study concludes that Lafrance's claim of a moral economy stands, though the empirical findings do not substantiate his interpretation of a later transition to industrial capitalist practices in France.

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Introduction

Hegel would have been pleased in reading in the summer of 1989 that the battles against liberalism had run their course and finally, after the Soviet Union had been defeated, history had ended.¹ Fukuyama's prediction has been challenged by many events, namely the terrorist attacks of 9/11, though arguably also by the current pandemic crisis that is unveiling unprecedented narratives before our eyes. From the justification of capitalism provided by Adam Smith in the early 18th century, those inside, as well as outside, of academia seem to have taken for granted that capitalism is an unstoppable force developing in one direction. This narrative has nested itself so deeply that it has acquired power in itself: one among the most notable examples of its political implications was that of the economic policies advanced by Margaret Thatcher in 1980s, promoted under the dubbing of TINA.² The narrative of 'There Is No Alternative' flowed from Smithian assumptions and concretely changed the lives of millions in the heartland of the UK.³ As White and Ankersmit argued, historians impose their narratives onto the past and as such, these acquire an ontological status.⁴ The relevance of assessing and re-evaluating these narratives lies in the ever-expanding character of the body of literature that forms historiography: new generations of historians have the right to bestow power upon their own narratives.

This small piece of research intends to engage with a thesis that challenges these commonly held Smithian assumptions present in the historiography that focuses on the making of capitalism in France. William H. Sewell emerges as leading proponent of a theory that envisions the French Revolution of 1789 as a gateway to liberalism. According to Sewell, the dismantling of the notion of privilege in 1791 led to the widespread adoption of capitalist practices.⁵ In this year, institutions that before used to play a regulatory role in the labour market, such as the union of guilds, ceased to

¹ Francis Fukuyama, 'The End of History?' *The National Interest*, 16 (1989): 3, 3.

² Pablo Iglesias-Rodriguez et al., *After the Financial Crisis: Shifting Legal Economic and Political Paradigms* (New York: Springer, 2016), 360.

³ Michael Jacobs, 'Margaret Thatcher and the Inner Cities,' *Economic and Political Weekly*, 23 (1988): 38, 1942-1943.

⁴ Herman Paul, *Key Issues in Historical Theory* (Oxon: Routledge, 2015), 63.

⁵ William H. Sewell, *Work and Revolution in France: The Language of Labour from the Old Regime to 1848* (Cambridge: Cambridge University Press, 1980), 279-280.

exist.⁶ These events are read by Sewell, and other historians belonging to this branch of the historiography, as a triumph of economic liberalism in labour relations.⁷

This thesis focuses on the work of Xavier Lafrance, who identifies two problems with Sewell's position, an empirical and a theoretical one. Empirically speaking, even if building upon existing secondary literature and not engaging with the primary sources himself, Lafrance finds a contradiction in the institutions of labour courts. Since their establishment in 1806, these courts embodied and reinforced customary practices that had been informal under the Old Regime.⁸ Lafrance interprets this empirical evidence to be indicative of a moral economy, as defined by E.P. Thompson. The existence of a collective sense of morality that resisted against free-market practices would show discontinuity in the process of an economy transitioning to industrial capitalism, pointing out an issue to Sewell's theory.⁹ This point challenges the theoretical stance that the French transition to capitalism would have occurred as a result of 1789. Lafrance's proposal, similarly to other Marxist interpretations, is that the transition would have occurred much later, with the rise of the Second Regime in the 1860s.¹⁰ The present thesis aims at evaluating his claims both from the empirical and theoretical perspective, analysing primary sources from labour court to discuss their implication in the debate. This paper will thus seek to answer to what extent Lafrance's theory is valid, in the light of the evidence put forth by primary sources from a labour court.

Dynamics that, as those described by Lafrance, see acts of resistance to free-market regulations in the name of customary norms, were first theorised by Marxist historian E.P. Thompson. Thompson proposed his notion of a moral economy by analysing 18th century food riots in England.¹¹ His theory was reactionary to interpretations proposed in the 1960s, that regarded food riots as a natural consequence of the lack of food.¹² Behind the veil of collective action, Thompson suggested that the crowd rioted

⁶ Ibid, 91.

⁷ Ibid, 72.

⁸ Xavier Lafrance, *The Making of Capitalism in France* (Boston: Brill, 2019), 114-118.

⁹ Ibid, 98-99.

¹⁰ Ibid, 8.

¹¹ E.P. Thompson, 'The moral economy of the English Crowd in the Eighteenth century', *Past & Present*, 50 (1972): 1, 76.

¹² Ibid, 77.

because it felt morally wronged by the new free-market system that no longer provided as past paternalistic institutions.¹³ Chapter 1 will give an overview of the two dominant branches of historiography that have been debating the course of the French capitalist transition. Where does Sewell see the features of the capitalist transition resulting from 1789? What role does Thompson's moral economy have to play in post-revolutionary France? Why does Lafrance see labour courts as fundamental institutions that on the local level safeguarded workers' interests over national ones? This section will serve as theoretical framework in which to place the primary sources analysed in Chapter 2.

The labour court of Niort offers the letters and transcripts that will be analysed to assess Lafrance's claims in Chapter 2. Two sets of primary sources will be used, one dating to the establishment of the court in 1818 and the other set from its reorganisation in 1848. These documents outline the relationship between the local institution and the administrative bodies to which it was subjected, hence provide valid materials to analyse the court's relation to the national government. The periodisation of these sources also serves well in analysing Lafrance as he asserts that by this period, labour courts were active part of the moral economy.¹⁴ The selected sources will be thus closely scrutinised individually to outline any correlation to Thompson's system of customary relations. This qualitative and microscopic approach is often overlooked in socioeconomic research and can thus offer new insights into the broader framework designed by generalising quantitative analyses. Combining a local bottom-up perspective to the vast array of quantitative research can enrich the scholarly conversation with a new tinge.

This research was made possible by a 1918 publication by historian Alphonse Farault. Farault collected transcripts from the labour court of Niort in celebration of its hundredth year of existence. All sources used in this research are extracts used in his work. It is important to note that this collection should not be accorded special weight just because it is so accessible, as the author's selection of sources resulting in this publication was surely intended to further some practical end, of a probably short-term

¹³ Ibid, 95.

¹⁴ Lafrance, *Making of Capitalism in France*, 118.

nature. Due to the Covid-19 crisis, it was impossible to access French archives, therefore this selection was used. The limitations of these sources do not invalidate the study as archival sources would have also been selected by archivists, though, as in every stage of selection information is lost, they call for further and more thorough research that directly engages with Niort's labour court archive.

The analysis of Chapter 2 offers implications to the historiographical debate that will be discussed in the conclusion. The academic relevance of this paper derives from Lafrance's, Sewell's and other historians' contributions to this debate. Much literature is focused on the genesis of capitalist dynamics and their embeddedness in feudalistic and absolutist forms of governments, though to fully comprehend the process that led the French economy to industrial capitalism, it is necessary to focus on the characteristics of its transitory period. Assessing Smithian and Marxist historical interpretations using primary sources adds nuance to these structural interpretations and contributes to the creation of a more comprehensive and colourful picture of the making of capitalism in France.

Chapter 1 - Customary Regulations of Labour in the French Revolution

This Chapter's ambition is to offer a general overview of the debates surrounding the origins of the French transition to industrial capitalism, to which this paper wants to contribute. This theoretical framework will be given to contrast it with the analysis of a single case study of a labour court, offered in the following chapter. There are two branches of the literature that currently contend on the playfield. The first stems from Smithian assumptions that envisions the abolition of privilege in labour relations, which characterised the immediate years after the Revolution, as 'a triumph of individual liberalism'.¹⁵ This explanation followed the socialist reading of the *Communist Manifesto*, which envisioned the French Revolution as a positive development leading onto industrialised society, liberating the act of production and labour relations.¹⁶ Among the most influential of these economic historians is William H. Sewell, who published his book on the topic in 1980. Further and more recent research that agrees

¹⁵ Serge Chassagne, 'Vers la libre entreprise?', in *La Révolution française et le développement du capitalisme* ed. Gérard Gayot and Jean-Pierre Hirsch (Villeneuve d'Ascq: Revue du Nord, 1989), 29.

¹⁶ Steven L. Kaplan, *La fin des corporations* (Paris: Fayard, 2001), 72.

to his line of thought was put forth by Chassagne, Berenson, and Kaplan, who will be consulted in drafting this overview.

This Smithian interpretation still prevails in the literature, though it has been challenged since the late 1960s by revisionist historians.¹⁷ Such revisionists represent the second strand of economic historiography on the topic. Using quantitative sources, revisionists were able to put forth compelling evidence that objects to Sewell's reading by outlining that the Revolution was neither capitalist nor bourgeois in character.¹⁸ Xavier Lafrance's thesis belongs to a branch of these historians that relies on the E.P. Thompson's own studies of the working class and that revolves around his notion of a 'moral economy'.¹⁹ To fully delineate Lafrance's theory, this term will be defined consulting Thompson's original article on the topic. The second part of the chapter will be discussing these revisionist readings, concentrating first on Alfred Cobban, Theda Skocpol and Francois Furet's and concluding with Lafrance's.

The Artisan Capitalism theory

The Revolution brought radical changes to the political, judicial, and economic spheres in France, and the 1791 legislations were at the centre of this maelstrom. According to Smithian readings, nothing paved the way to the liberalisation of labour relations more than three decrees that were passed that year. Through the d'Allarde, Le Chapelier and the Goudard decrees, the National Assembly abolished guilds and privileged industrial enterprises, prohibited both workers' and employers' associations, and abolished manufacturing rules that up until then had been enforced by the government.²⁰ According to Kaplan and Chassagne, these decrees announced the arrival of capitalist labour relations in France.²¹

On the topic of property, Sewell describes how these decrees brought a radical redefinition of the concept itself, as for the first time the government stopped policing

¹⁷ Jean-Pierre Hirsch, 'Négoce et corporations,' in *La Révolution française et le développement du capitalisme*, ed. Gérard Gayot and Jean-Pierre Hirsch (Villeneuve d'Ascq: Revue du Nord, 1989), 358.

¹⁸ François Furet, *Interpreting the French Revolution* (Cambridge: Cambridge University Press, 1978), 93.

¹⁹ Lafrance, *Making of Capitalism in France*, 140.

²⁰ Philippe Minard, 'Économie de marché et État en France: mythes et légendes du colbertisme', *L'Économie politique*, 37 (2008): 1, 78.

²¹ Chassagne, 'Vers la libre entreprise?', 27; Kaplan, *La fin de corporations*, 612; Kaplan L. Steven and Cynthia J. Koepp 'Introduction,' in *Work in France: representations, meaning, organisation and practice*, ed. Steven L. Kaplan and Cynthia J. Koepp (London: Cornell University Press, 1986), 22-25.

the means of production and allowed owners to dispose of their property as they wished.²² Developing from Sewell, Berenson suggested that the relatively limited domestic market and the availability of cheap labour allowed for a capitalist transformation of the artisanal sector, which prevailed over the larger industrial enterprises that were characterizing England at the time.²³ Thence, the thesis put forth by these scholars is known in the historiography as 'artisan capitalism'. This thesis clearly flows from Smithian assumptions as it implies that the Revolution brought to the removal of regulatory obstacles that automatically led to the adoption of capitalist patterns. The invisible hand was allowed to take over the economy in 1791 after the impediment of corporations had been taken down. Customary relations in the French economy were easily suppressed on the national and local level which allowed for the immediate adoption of capitalist practices.

The 'artisan capitalism' theory received scathing criticism by revisionist historians from the 1960s onwards. Furet proved, using qualitative sources, that no capitalist development occurred under the Old Regime.²⁴ Given this evidence, the notion put forth by the 'artisan capitalism' thesis that the Revolution had simply removed obstacles that traced back to an outdated feudal system does not stand to reason. Furthermore, revisionists Cobban and Skocpol agree that the French Revolution was not bourgeois in character as the interpretations deriving from the reading of the *Communist Manifesto* would propose. Both describe how the class that was promoting the adoption of capitalist practice was not formed by members belonging to the bourgeoisie, but most was composed of owners of real estate that were in most cases aristocrats.²⁵ This criticism basically outlined how the Revolution was neither capitalist nor bourgeois in character.

After this wave of critical historiography, the 'artisanal capitalism' theorists came to the rescue to protect the capitalistic essence of the French Revolution. Some historians conceded that revisionists were right in pointing out that there was no capitalist

²² Sewell, *Work and Revolution in France*, 114-115, 139-140.

²³ Edward Berenson, *Populist Religion and Left-Wing Politics in France 1830-1852* (Princeton: Princeton University Press, 1984), 28-29.

²⁴ Furet, *Interpreting the French Revolution*, 93.

²⁵ Theda Skocpol, *States and social revolution* (Cambridge: Cambridge University Press, 1979), 192; Alfred Cobban, *The social interpretation of the French Revolution* (Cambridge: Cambridge University Press, 1999), 81.

development prior 1789, and that the bourgeois was not the dominant class that promoted and carried out the developments towards an industrialised system. Nonetheless, they stressed that the most essential feature that made the French Revolution capitalist in nature was that it created the socio-political-legal context that would prove conducive to capitalist industrialisation.²⁶ Even if emptied of much of its content, in this manner the Revolution remains read as capitalist by much of the historiography, that thus places 1791 as a pivotal year for the liberalisation of labour relations.

The Moral Economy in France

Xavier Lafrance proposes his theory against these interpretations by building on the works of E.P. Thompson. According to him, the decrees that were passed in 1791 were not conducive, nor symptomatic, of a developing industrial capitalist economy. The reason for this is that they were imposed nationally, though not locally respected.²⁷ Reviewing recent research, he outlines how local institutions such as labour court and justices of peace, as well as municipal governments, had a crucial role in managing labour relations following the revolution.²⁸ These practices surrounding labour relations stemmed from customs established under the Old Regime and were fostered on the local level by these official institutions. Therefore, according to Lafrance, the framework of labour relations in post-revolutionary France is to be seen as embedded in a moral economy.²⁹

The term 'moral economy' was first coined by E.P. Thompson in describing the social protests that characterised 18th century England.³⁰ Similarly to Lafrance, his framework was developed in criticism to earlier scholarship. W.W. Rostow and other economic historians had ruled the historiographical debate in the 1960s by tracing a strong correlation between poor harvest, high prices and social protests.³¹ The poor, most affected by higher prices, were bound to rage protests against the producers and the ruling class, who were allowing prices to fluctuate according to a laissez-faire

²⁶ Benno Teschke, 'Bourgeois Revolution, State formation and the Absence of the International', *Historical Materialism*, 13 (2005): 2, 5-6.

²⁷ Lafrance, *Making of Capitalism in France*, 108-109.

²⁸ *Ibid*, 117.

²⁹ *Ibid*, 93.

³⁰ Thompson, 'The moral economy', 76.

³¹ *Ibid*, 77.

economic model. The crowd's actions were considered by these historians as non-politically motivated, rather spontaneous outbursts caused by hunger.³² According to Thompson, these and similar studies were too engaged with the economic aspects of food riots, disregarding the underlying social relations that were involved at the marketplace.³³ In other words, Thompson was objecting to the previous scholarship that described food riots as a mere schizoid occurrence caused by hunger. He saw this as far too simplistic.

Behind the veil of collective action of the crowd, Thompson saw complex motivations that arose from the socioeconomic process that was characterizing 18th century England. The economy was moving from a system of provision that had been regulated by paternalist institutions into one where the bourgeoisie was gaining more by exploiting the new free market policies.³⁴ From the 1750s onwards, a gradual shift that promoted unregulated market policies and dismantled protective legislation gained traction. In this context, Thompson ascribes food riots to be a condemnation to these practices that neglected the poorest in the population, trespassing the boundaries of morality of the crowd. The protesters would therefore steal from those who were immorally benefitting from this system not to merely satisfy their hunger, but also to punish them.³⁵ In second instance, the crowd would fix prices in order to instate a fairer system; a clear protective regulation that was against free-market policies.³⁶ Thus, according to Thompson, the moral economy is an economic model that characterised social protests of the English crowd in the 18th century because the economic structure of the period was embedded in its social context, one that was characterised by a common notion of morality.

A later transition?

Why does the French institutionalisation of these moral notions and practices signify a later transition to capitalism to Lafrance? As labour courts pronounced judgments and gave conciliatory advice on every aspect of labour relations, they played a pivotal

³² Ibid.

³³ Ibid.

³⁴ Ibid, 95.

³⁵ Ibid, 114.

³⁶ Ibid, 131-132.

role in the structuring of social relations of production. In doing this, they systematically refused to grant arbitrary powers to employers or to let unfettered market competition determine working conditions.³⁷ The evidence offered by these labour courts is thus to be considered in contradiction to the 'artisan capitalism' thesis, as it outlines how capitalist practices were not so easily taken up by the French economy as a whole. In the following decades of the revolution, the presence of a moral economy on the local level was more influential than the new and unfamiliar free-market practices.³⁸ One instance of this is cost-cutting mechanisation: the practice was gaining traction in post-revolutionary France though it was not yet of vital importance for industries to survive competition.³⁹ The abolition of guilds of 1791 did not thus signify a widespread adoption of new liberal practices. The customary trade regulations were maintained and enforced by the local judicial system, concerning hiring, departures and dismissals, sick pay, wages, schedules and apprenticeships.⁴⁰ This economic organisation is not to be considered industrial or capitalist, as it was tightly entrenched to a sense of common morality that was directed against the liberal model that would later dictate industrial capitalist practices.⁴¹

What would move the capitalist transition to a later date, that Lafrance pins down around the 1860s, is the growing exposure of the national economy to international competition. Importantly, Lafrance believes that this transition was state-led, and was not simply an outgrowth of market dynamics as Sewell would associate to a 1789 transition.⁴² The Second Empire was the main agent in fostering the development of modern transport and communication infrastructures.⁴³ The gradual opening to the international market was the priority for Napoleon III, whose prerogative was to penetrate foreign markets as the country was partaking in a new wave of imperialism. Trade in commodities became increasingly simplified and unified on the national level, intensifying the codependence of industrial and commercial activities. Evidence of this

³⁷ Lafrance, *Making of Capitalism in France*, 120.

³⁸ *Ibid*, 92-93.

³⁹ *Ibid*, 90.

⁴⁰ *Ibid*, 114.

⁴¹ *Ibid*, 93.

⁴² *Ibid*, 215.

⁴³ *Ibid*, 223.

can be seen in the establishment of *grand magasins* across bigger cities in France around the 1860s and 1870s.⁴⁴

The fragmented markets of the French economic space further integrated into a singular national one with the emergence of railways in the 1860s, that brought this process to completion in the 1870s.⁴⁵ The multitude of local and regional economies that endured into the 19th century was now being integrated within, and subsumed under, a national market.⁴⁶ Traces of this are evident as prices converged. Important interregional price disparities had characterised post-revolutionary France, but during this period, they rapidly eroded.⁴⁷ According to Lafrance, the disappearance of multiple local economies destroyed any sense of common consciousness among local communities, and thus ‘the moral economy that had been preserved and expanded by the Revolution now had to go, if France was to successfully undergo its transition toward industrial capitalism.’⁴⁸

Relying heavily on labour courts primary sources, though not engaging with them himself, Lafrance work certainly offers a new outlook on the nature of the origins of industrial capitalism in France, setting his interpretation against the dominant current in the historiography. According to him, the existence of a moral economy on the local level presupposes a later transition to capitalist practices, hence scholars are incorrect in believing that 1789 represented a watershed for liberalism in the French economy.⁴⁹

Chapter 2 - Niort's Labour Court in a Moral Economy

The following chapter offers two analyses of primary sources from the labour court of Niort. First, five letters exchanged by the Chamber of Commerce, the prefecture, and the ministry of interior in the period of 1817-1818, that brought to the establishment of the labour court will be examined. Thereafter, three other letters that discussed the reorganisation of the labour court dating 1848 will be considered, as well as transcripts regarding the court's elections that took place in 1848, 1849 and 1850. The letters and transcripts analysed in this research were all collected by Alphonse Farault and

⁴⁴ Ibid, 225.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid, 230.

⁴⁹ Ibid, 227.

published in 1920.⁵⁰ These primary sources are ideal to put Lafrance's thesis to the test, as they outline the relationship between the court and superior administrative bodies on the national and local level in two different periods following the French Revolution. If Lafrance is correct in asserting that a moral economy was institutionalised by labour courts in post-revolutionary France, these primary sources would be marked by aspects of resistance to national legislations during this period. A brief introduction to French labour courts and Niort's economic context will be given, and the analysis of the sources will ensue.

Niort's Historical Context

The system of labour courts in France is normally referred to as *conseils de prud'hommes*. Its etymology suggests that those employed in these courts would be *prudent*, men full of consideration and knowledgeable about common affairs. This institution traces its roots back to Medieval Ages where, under the government of Philippe Le Bel in 1296, the first court was established in Paris.⁵¹ The city council of Paris created a council of twenty-four *prud'hommes* chosen from trade communities and instructed them to assist in judging, as a last resort, the disputes that could arise between merchants and manufacturers that attended the local fairs and market. For almost two centuries, labour courts remained solely a Parisian institution.⁵²

The legislation that first established the institution's role in the post-revolutionary period traces to 1806.⁵³ Following the dismantlement of the notion of privilege, all corporations of any character, trade corporations, as well as labour courts, were abolished in 1791. Traditional civil and penal courts were flooded with cases that had previously only been discussed in labour courts and were often ignorant of the relations and interventions that were customary of the institution.⁵⁴ The process between patrons and workers became inefficient and insufficient for the volume of requests, costing much money to the state.⁵⁵ In 1806, following a visit by Napoleon I, Lyon was the first city granted a labour court to discuss issues that had emerged

⁵⁰ Alphonse Farault, *Le Conseil de Prud'hommes de Niort (1818-1918), étude historique et documentaire* (Niort: Secrétariat du Conseil, 1920), 8.

⁵¹ Michael Sonenscher, *Work and Wages* (Cambridge: Cambridge University Press, 1989), 271.

⁵² *Ibid.*

⁵³ *Ibid.*, 272.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

between the silk industry and its workers.⁵⁶ As Lyon's labour court settled successfully long-standing feuds in the silk industry, requests increased from other industrial centers to the national government to implement local courts that then spread throughout the country.⁵⁷ One of these requests was forwarded by the city of Niort which this study considers. Even if at the outset they were only to focus on commercial matters, labour courts rapidly narrowed their focus to labour relations. It is crucial to note that, though they were ruling on individual disputes, their decisions had collective implications.⁵⁸ As was customary prior to the revolution, these council's officials were representatives elected from within trade communities and could be merchants, master-artisans and eventually also workers.⁵⁹

Even if defined by Michel Houellebecq as 'one of the ugliest towns I have ever seen', Niort is today a lively center that accounts for more than 135 people in the department of Deux-Sèvres in Western France.⁶⁰ In 1817, as the request for the establishment of a labour court was put forth, the city was composed by around 18 thousand subjects.⁶¹ Its main industries relied on the abundance of cattle, that since starting from the 13th century had led Niort's manufacturers to specialize in treating leather. These processes included tannery, shoemaking, and tawing, which ultimately were all used in the clothing industry.⁶² As its industries were expanding, Niort greatly benefitted from the annexation of the Canadian region of Quebec in the 16th century as it started importing leather from the colony. In this period, the city became dependent on these industries as they represented its main economic drive.⁶³ The Chamber of Commerce of Niort decided to promote the establishment of a labour court in 1817 because local producers were dealing for the first time with an international race to the bottom that damaged production.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Alain Cottureau, 'Sens du juste et usages du droit du travail: une évolution contrastée entre la France et la Grande-Bretagne au XIXe siècle,' *Revue d'histoire du XIXe siècle*, 33 (2006): 106.

⁵⁹ Ibid.

⁶⁰ Sander Becker, 'Lelijk stadje Niort is het Almere van Frankrijk, zegt Michel Houellebecq,' [The ugly city of Niort is the Almere of France, says Michel Houellebecq] *De Trouw*, January 8, 2019.

⁶¹ Farault, *Le Conseil de Prud'hommes de Niort*, 8.

⁶² Inventaire Poitou-Charentes, 'L'histoire des tanneries et des chamoiseries', *Région Nouvelle-Aquitaine: L'inventaire du Patrimoine Culturel*, last modified June 6 2017, <https://inventaire.poitou-charentes.fr/operations/le-patrimoine-industriel/125-decouvertes/1027-l-histoire-des-tanneries-et-des-chamoiseries>, accessed on June 11 2020.

⁶³ Ibid.

The establishment of Niort's labour court in 1818

The following offers an analysis of the three letters between the local and national administrative bodies that brought to the creation of Niort's labour court in 1818. The hierarchy of these institutions in the French administrative system is outlined in Figure 1. Whilst the prefecture acted as middleman between the local and the national bodies, the Chamber of Commerce's sole intent was to represent and strive for merchants' interests. After its creation, the labour court was under direct supervision of the prefecture, that would ensure that national legislation would be respected. Those employed in the labour court were representatives of Niort's main industries and were elected by a poll of workers and industrialists.⁶⁴

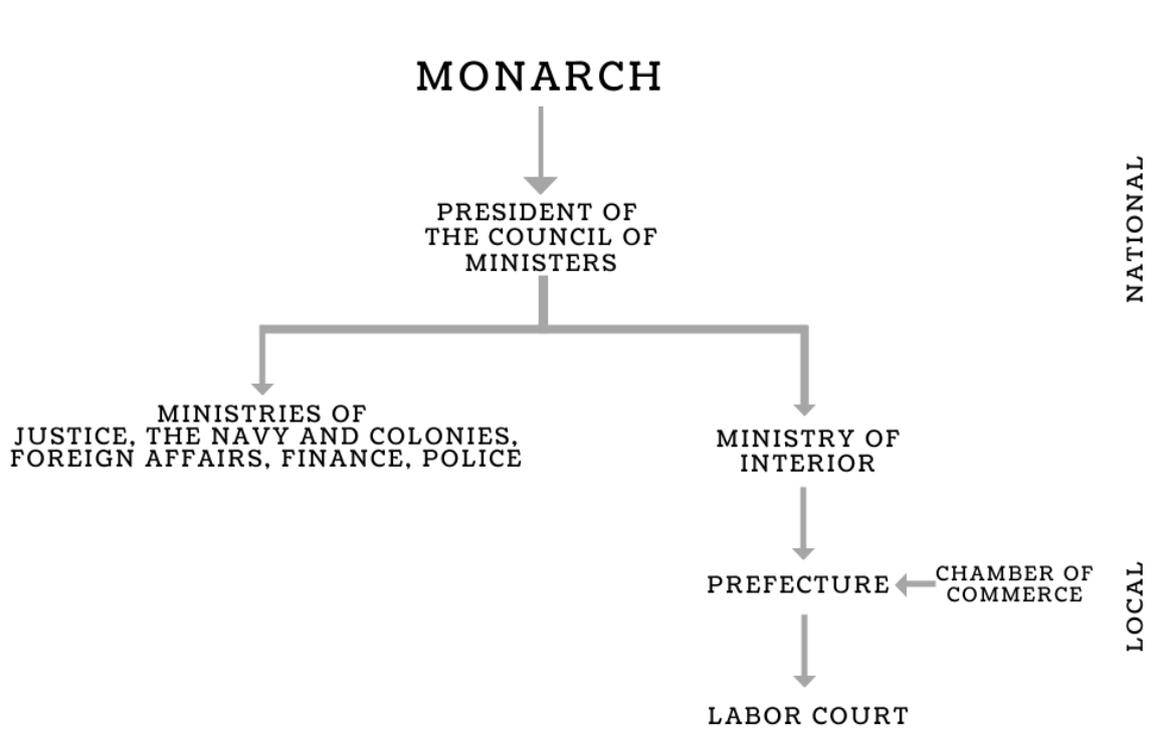


Figure 1: Hierarchical order of administrative bodies supervising labor courts in France (1815-1848). Schemed following the administrative hierarchy described in: Sonenscher, *Work and Wages*, 284.

The first exchange between local institutions regarding Niort's labour court dates to May 1817.⁶⁵ In a letter to the prefecture, the Chamber of Commerce made a plea for the establishment of a court. The prefecture would charge one of its employees,

⁶⁴ Sonenscher, *Work and Wages*, 284.

⁶⁵ Extract from Farault, *Le Conseil de Prud'hommes de Niort*, 9-10.

Guillaume Festy, to look into the merchants' claims and, subsequently, to work on a proposal for the establishment a labour court. Festy, in this letter sent to the prefect, would try to summarize the issues at hand. In the first part of the letter, he described how Niort had developed important factories in the sectors of millinery, tannery and shoemaking and that its products were among the most excellent in the country.⁶⁶ Continuing by addressing the problems that merchants have been experiencing in recent years, Festy describes how a spirit of greed has been fueling tensions among various branches of Niort's industries.⁶⁷ The producers and merchants of the city were experiencing since several years that Niort's products were degrading in quality, harming the relations they had established with French and foreign customers.⁶⁸

Festy, speaking for the local producers, expresses that maliciousness has contaminated various trades, and that local merchants have been frauded and abused. As he noted:

*'The Chamber of Commerce of Niort has looked into the causes of [merchant's] anxiety, and after having gathered information, it has found its primary cause in infidelities and frauds that since a few years have been introduced with a spirit of maliciousness into the principle branches of commerce.'*⁶⁹

According to him, the reason behind these 'frauds' is to be traced to the widespread tendency to bring prices down at the cost of quality that has permeated the market over the last years. As Niort's production relied on the quality of primary resources, their products excellency has been threatened by this race to the bottom. Festy mentions the example of *degras*, a fatty substance used in dressing leather, that since a number of years had been declining in quality.⁷⁰ As Niort's producers used the *degras*, they realised that it was not good enough to produce decent output and this resulted in complete loss for them, as they compromised their network of customers by not delivering the promised product.⁷¹ It is therefore argued in the letter that it stands to reason for a labour court to be established in Niort, to protect its producers

⁶⁶ Ibid, 9.

⁶⁷ Ibid, 10.

⁶⁸ Ibid.

⁶⁹ 'La Chambre consultative des arts et manufactures de Niort a recherché les causes de cet état d'inquiétude, et, d'après les renseignements quelle s'est procurés, elle a cru en avoir trouvé le principe dans les infidélités et les fraudes qu'un esprit du cupidité a introduites depuis quelques années dans les principales branches du commerce.' In: Farault, *Le Conseil des Prud'hommes de Niort*, 10.

⁷⁰ Ibid, 10.

⁷¹ Ibid, 10.

and merchants from similar abuses, as well as to reassure the customers that an official institution would safeguard their interests.

The prefect accepted the request contained in the letter and forwarded it to the ministry of interior. After reading the dossier, the minister wrote his response charging the prefect to establish a labour court sending six specific dispositions that would be of use to defend producers from frauds and abuses. Niort's labour court would be organised as any other, it would include nine members, of which five would be either merchants or producers, and four would be either workshop managers or supervisors. The most important eight branches of Niort's industry would be represented. As the minister specified in the letter, these dispositions for the labour court had been drawn following similar cases of abuse and tailored onto Niort's local economy.

In response to this, the Chamber of Commerce sent another letter to the prefect in February 1818. Even though merchants were grateful to have been granted the establishment of a labour court, the chamber found these dispositions to be too general and not specific enough to the industries of Niort. They noted that five out of six of these dispositions were taken from a previous decree regarding frauds in soapmaking, and that they would not insist in upholding these rules as they did not touch effectively upon the reasons of their original request for a labour court.

*'Title XII consists of six articles, five of which are drawn from a decree [...] on the suppression of fraud in the manufacture of soap. His Excellency [the minister] judiciously notes that these provisions are foreign to the primitive institution of labour courts, and we will not insist on having them maintained, but we beg you, Monsieur Prefect, to kindly remind His Excellency the reasons for the motives that dictate our request.'*⁷²

This letter contained another request, the chamber was asking for Niort's labour court to acquire a tailored disposition that would allow it to surveil the chain of production in tannery in the hope of signalling out anomalies preventively. They argued that production differed greatly between the industries of tannery and soap making, and

⁷² 'Le titre XII compose de 6 articles, dont cinq sont puisés dans un décret [...] concernant la répression de la fraude dans la fabrication du savon. S. E. remarque judicieusement que ces dispositions sont étrangères à l'institution primitive des Conseils de prud'hommes, et nous n'insisterons pas pour les luy faire maintenir, mais nous vous supplions, Monsieur le Préfet, de vouloir bien rappeler à S. E. les motifs de l'exposé que nous avons mis en tête de notre demande.' In: Farault, *Le Conseil des Prud'hommes de Niort*, 13.

that thus a distinction had to be drawn by allowing the court to directly investigate in the case of frauds.

*'It is useful, essential and urgent to stop those guilty maneuvers that threaten to wipe out the main branch of commerce in this city, that of chamois and tanning, and this goal can only be achieved by allowing the labour court to surveil [the industry] as requested by the Chamber of Commerce.'*⁷³

The prefect dismissed their objections by deciding not to send their concerns to the minister.

These first sources bring forth interesting considerations regarding Niort's situation after the Napoleonic Era. The city benefitted from international trading flows that allowed for its industries to expand and sell their products in France and its colonies, as well as in foreign countries. The race to the bottom in the national market that Niort was witnessing outlines that the market was becoming less imperfect as more and better information was being transmitted through the local industries, allowing for the national market to unify and its prices to converge. Seeing these dynamics unfold before their eyes, Niort's merchants and producers felt wronged by the new practices as lower quality products damaged their chain of production. By requesting a labour court, they implied that the institution would have the power to stop the frauds and abuses that had been occurring repeatedly in the previous years. The national government, though allowing for the establishment of a court, showed relative disinterest in the local industries by not tailoring the court's dispositions to their singular case, leaving locals disappointed and unwilling to reinforce other dispositions that did not seem legitimate in Niort's context. Throughout all these discussions, the prefect held a powerful but concealed position as he did not modify the request himself, yet had the capacity to dismiss the messages instead of forwarding them to the national government.

⁷³ 'Il est utile, indispensable et urgent d'arrêter ces manoeuvres coupables qui menacent d'anéantir la principal branche du commerce de cette ville, celle de la chamoiserie et de la tannerie, et ce but ne peut s'atteindre qu'en donnant aux prud'hommes la surveillance réclamée par la Chambre consultative.' In: Farault, *Le Conseil des Prud'hommes de Niort*, 13.

The Reorganisation of Niort's Labour Court in 1848

Although initially the establishment of a labour court in Niort raised some concerns in the Chamber of Commerce officials, the court would function as intended for thirty years. In 1848, as the city's industries had expanded and changed in character, the Chamber of Commerce proposed a reorganisation of the labour court. In this section, two letters that brought to the 1848 reorganisation of the court will be analysed as well as the transcripts of the elections that resulted from the reorganisation. The structure of the French administrative system had not changed, hence when the officials of the Chamber of Commerce requested the restructuring in 1848, they sent a letter to the prefecture.

In this letter sent to the prefecture in 1848, the officials of the chamber argued that some new industries had developed and needed more representation in the labour court composition.⁷⁴ They explained how the original structure that saw eight industries of Niort represented was now outdated as some local industries that were prominent in 1818 had been superseded by new industries, and their workers had the right to be represented in the local labour court.⁷⁵ Specifically, the older businesses dealing with leather in the clothing industry had lost their prominence and new, more mechanised professions offered by the metallurgic industry had gained traction.⁷⁶ The workers now employed by these industries were unfairly represented in the composition of the labour court, hence the Chamber of Commerce proposed for an reorganisation. They asked for the number of members on the labour court to be increased, from nine to fourteen, and for an expansion of the poll of voters. Relating to this request of expansion, the Chamber of Commerce also asked for the labour court jurisdiction to be widened outside of Niort's so that it would include all the industries that were main drivers of the city's economy, even when they were residing outside its territorial boundaries.

This first request in regards to the expansion of the members of the labour court was forwarded and granted by the minister. His response outlined that Niort would be

⁷⁴ Extract from Farault, *Le Conseil de Prud'hommes de Niort*, 43.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*, 45.

allowed in 1848 to elect fourteen members as labour court officials, given that its industries had changed so radically since the original statute of 1818. The request of enlarging the poll of voters to more workers was also accepted. Interestingly, the transcripts of the elections that were held in 1848, and the following years in 1849, 1850 and 1851 report that none of these were successful. According to the transcripts of these elections, the reason behind this was that a *quorum* was never reached as not enough electors were present. As a transcript from the 1849 election, written by an assistant to the judge of peace presiding the election, reports:

*'We gathered this morning, at 8 am, in the main hall of the palace of justice of this city, where the assembly of workers and fellows was to be held [...]. We therefore waited from 8 am until 10.30 am this morning but only two or three voters presented themselves, making it impossible to form a bureau given the small number of electors. Those who were present conceded that it would have been impossible to proceed.'*⁷⁷

The president of the council of the labour court at the time expressed his concerns in a letter to the ministry that was forwarded by the prefecture.

*'As you are aware, the 1848 decree has not yet been executed in Niort, either caused by the managers that did not find appropriate to be in contact with their workers, or for whatever other cause, the fact remains that the elections remained without result.'*⁷⁸

Finally, in 1853, successful elections were held, and new officials were assigned to court of Niort.

Whilst the request for an expansion of the number of officials on the labour court was granted by the minister in 1848, the second request contained by the letter of the Chamber of Commerce was not forwarded to the national government. The prefect

⁷⁷ 'Nous nous sommes rendus ce matin, à huit heures, dans la grande salle du palais de justice de cette ville, où l'assemblée des ouvriers et compagnons devait avoir lieu [...]. Nous avons, en conséquence, attendu depuis huit heures du matin, jusqu'à dix heures et demie, mais il ne s'est présenté que deux ou trois électeurs ouvriers, en sorte que le bureau n'a même pas été formé et il était impossible de le former, et d'ouvrir les opérations avec un aussi petit nombre d'électeurs. Ceux présents ont eux-mêmes reconnu qu'il n'y avait pas .moyen de procéder à l'élection.' In: Farault, *Le Conseil des Prud'hommes de Niort*, 43.

⁷⁸ 'Le décret de 1848 n'a pu, ainsi que vous le savez, avoir son exécution à Niort, soit que les patrons ne trouvassent pas à propos d'être en contact avec leurs ouvriers, soit toute autre cause, toujours est-il que les élections sont restées sans résultat.' In: Farault, *Le Conseil des Prud'hommes de Niort*, 45.

responded in a letter that he had refused to put through the chamber's request to expand the jurisdiction of the court to industries outside the city boundaries. He directly discussed how the chamber must have known that the prefecture could not have asked for such a modification to the ministry, and that the request was beyond his powers as it infringed national legislations.⁷⁹

These three letters and election transcripts offer two points of reflection. The first in regards to the degree of leeway that the labour court felt when applying national legislations. Again, as already in 1818 when the dispositions relating to soapmaking were not reinforced, the Chamber of Commerce found itself unwilling to respect the original 1818 royal decree by asking permission to the prefecture to bypass the national legislation and expand its territorial jurisdiction. Secondly, the unexplained and consistent reluctance on part of the workers not to partake in the local elections prompts three speculations. Why would workers not want to participate in these elections? The explanation offered by the president in 1849, that miscommunications between managers and workers might have occurred, is unlikely to explain consecutive years of unsuccessful elections. It is more probable that workers did not give any legitimacy to the court and its rulings, and therefore they would not feel engaged sufficiently with the institution to cast their vote. A second possibility is that the workers' collective consciousness had been fading since trade corporations had ceased to exist, and the local institution had taken over the role of paternalistic institution safeguarding workers and their labour conditions. A third possible explanation, that would be coherent with the fact that elections prior 1848 had been successfully conducted, is that the poll of voters had been expanded so much by the 1848 decree that singular workers felt less compelled and in power of making a difference in the voting process. In any case, neither three cases can be confirmed explicitly by these primary sources.

This chapter has analysed letters and transcripts in two different periods of the 19th century from the labour court of the city of Niort. Even if separated by thirty years, these two sets of sources both outline a troubled relationship with the national government and in one instance even with the local prefecture, which only acted as mediator. In 1818, the Chamber of Commerce refused to reinforce dispositions that

⁷⁹ Ibid.

they saw unfit to Niort's economy, and in 1848 again, the court pushed to bypass royal legislations. These sources have thus outlined how Niort's court had considerable leeway in taking decisions that contradicted national regulations in both periods.

Conclusions

This small piece of research has offered an overview of Xavier Lafrance's framework and the debates surrounding the French transition to industrial capitalism in which it is ingrained, coupled with an analysis of primary sources from the labour court of Niort. The use of a qualitative in-depth methodology has allowed for an empirical basis onto which his framework could be contextualised and has provided a new local and bottom-up perspective from which to analyse the economy in post-revolutionary France. This analysis offers five interesting points of reflection regarding Lafrance's theory.

In first instance, it is worth taking into consideration the sense of morality that transcends the 1818 request to form a labour court in Niort. In the letter by the Chamber of Commerce, the words 'maliciousness' and 'abuse' are repetitively used to describe the merchants' situation. As these producers felt wronged by the new practices that were infiltrating their local economy, they requested for an institution to protect them from abuses and frauds. From this account, it does appear that these French workers felt similarly to their English 18th century counterparts Thompson was describing. In both cases, French and English workers longed for paternalistic institutions to protect them from the injustices of newly introduced free-market practices. In this sense, Lafrance is correct in defining a post-revolutionary town like Niort as being embedded in a moral economy.

Two further points of analysis regarding Niort merchants' motives in the original request for a labour court contradict Lafrance's claim that the French transition to industrial capitalism occurred with the emergence of the Second Empire. At the basis of Niort's request was a concern for the declining quality of a product as new competitors were trying to lower products' prices. What merchants were sensing was the unification of the French national market and its growing openness to international trade that allowed for cheaper and inferior products to permeate the market. Niort, in calling for the establishment of a labour court, was advocating for a protectionist measure. These producers were competing to bring prices down on the national scale,

which entails that price convergence was already occurring well before the date that Lafrance points at. The openness to the international market as well as the convergence of prices as witnessed by Niort's merchants challenge Lafrance's claim to a later transition as he does not recognize the occurrence of neither of the two aspects prior 1860s.

A fourth point regarding the later set of sources offers insights on the relationship the labour court had with the national government. The attempt of 1848 to bypass royal legislations shows that the court perceived it held a high degree of leeway against its superior administrative bodies. This gives reason to believe that the court's rulings could also reflect this tendency to subvert national regulations. Continuing research employing a similar qualitative methodology as used in this research could offer further observations regarding the relation between the local and national institutions. For example, Niort's labour court archives of singular rulings would prove excellent sources to conduct research on.

The fifth, and last point, surrounds the puzzle offered by the election transcripts. For four consecutive years, from 1848 to 1852, workers failed to elect representatives to the labour court. Why would workers not feel compelled to vote? This question prompted by the primary sources contradicts the historiographical consensus that the 19th century French working class was united in the strive for representation.⁸⁰ As Lafrance builds on this interpretation, further research on the Niort's case study through the use of workers' diaries could highlight whether the labour court was seen by the workers as the legitimate institution that Lafrance and most historians portray it to be. In any case, these primary sources certainly challenge this interpretation.

What are the implications of these conclusions in the larger historiographical debate? As theorised by E.P. Thompson, Niort's workers did indeed feel abused and frauded by the new liberal practices that were undermining their production processes. Analysing this empirical evidence, it becomes clear that Lafrance is correct in ascribing the continuation of informal practices in post-revolutionary France as an instance of a moral economy. This point contradicts the Smithian assumptions at the basis of Sewell's theory. Sewell proposes that the abolishment of trade corporations in 1791 represented the removal of the final obstacles that paved the way to industrial capitalist

⁸⁰ Lafrance, *Making of Capitalism in France*, 220.

practices but the persistence of a sense of morality on the local level, at odds with these practices, contradicts his interpretation.

On the other hand, the use that Lafrance makes of a moral economy to substantiate his claim of a later transition is disproved by Niort's 1817 request. As the letter shows, local merchants were already fighting against free-market practices that had permeated the market. Thompson's original reading of a moral economy in the 18th century English crowd also interpreted this collective sense of consciousness as outgrowing from a resistance to these new practices. Hence, the existence of a moral economy was in reaction to the transition to industrial capitalism, and does not prove for a later transition, rather for one that occurred in the period prior 1817. In this respect, Sewell's claim that the French transition to capitalism would have occurred at an earlier date is substantiated by the sources.

Both interpretations by Sewell and Lafrance are thus to some extent contradicted by the primary sources though they are not to be seen as irreconcilable. The primary sources' analysis concedes that prior 1817 a transition to capitalist practices had already occurred, though that these practices did not penetrate the French economy as smoothly as Smithian interpretations would have it. The sources of Niort thus lead to a different narrative that merges some aspects of both Marxist and Smithian interpretations: one that allows for an ever-growing dominance of capitalist practices since the French Revolution though stresses the resistance shown on the local level.

Niort's case study proves that reality is more complicated than theories and narratives pose it to be. Even if tempting, simplistic historical interpretations are at best naïve and at worst deceptive tools that have powerful political implications. Smithian assumptions have ruled the rage since the late 1970s, serving dangerous narratives that have influenced public organisations which in turn have imposed detrimental economic policies onto millions. More notably, Marxist interpretations of history have also led to appalling consequences. Especially in writing the history of capitalism, a much-discussed topic that continues to hold sway in public debate, historians must lead in nuancing the historical reality rather than constructing frameworks that can easily be used to further political aims. History must resist simplification.

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