

## The Debate on Guilds under Napoleon

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Some of the work that has long been recognized as among the most innovative scholarship on the French Revolution centered on workers, particularly their politicization.<sup>1</sup> Paradoxically, however, as Haim Burstin noted some years ago, we lack a history of work during the French Revolution.<sup>2</sup> Although Burstin himself has done as much as anyone to fill this lacuna, his observation is as valid now as it was then.<sup>3</sup>

A history of work during the revolution would be large and multifaceted, of course. One aspect of it would be the organization of labor, which the National Assembly substantially reshaped in 1791 with the abolition of guilds. Although guilds (or corporations, as they were also known, and the terms will be used synonymously) were never reestablished after their dissolution in 1791, they remained the object of a vigorous and prolonged debate about the advantages and disadvantages of reviving them in a new form. Many contemporaries regarded

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<sup>1</sup> See Albert Soboul, *Les sans-culottes parisiens en l'an II: Mouvement populaire et gouvernement révolutionnaire, 2 juin 1793-9 thermidor an II* (Paris: Clavreuil, 1958); George Rudé, *The Crowd in the French Revolution* (Oxford: Oxford University Press, 1959); Kåre D. Tønnesson, *La défaite des sans-culottes: Mouvement populaire et réaction bourgeoise de l'an III* (Oslo: Presses universitaires d'Oslo, 1959).

<sup>2</sup> Haim Burstin, "Problems of Work during the Terror," in Keith Michael Baker, ed., *The French Revolution and the Creation of Modern Political Culture*, vol. 4, *The Terror*, (Oxford: Pergamon Press, 1994), 271.

<sup>3</sup> Haim Burstin, *Le faubourg Saint-Marcel à l'époque révolutionnaire: Structure économique et composition sociale* (Paris: Société des Études Robespierriennes, 1983) and *Une révolution à l'oeuvre: Le faubourg Saint-Marcel (1789-1794)* (Paris: Champ Vallon, 2005).

their destruction as misguided, a view shared even by some Revolutionary deputies and administrators. Others argued more vehemently that abolishing guilds had been a mistake; they advocated reviving them, albeit in a modified form rather than reverting to the status quo ante.

In place of guilds, the National Assembly, in the name of liberty and as a fiscal measure, enacted an occupational license (*patente*) that allowed its holder to practice whatever trade he wished. Problems quickly developed—so much so that the abolition of guilds and the inauguration of the occupational license became indelibly associated in the public's mind with a sharp decline of standards in both production and commerce.<sup>4</sup> Disaffection with the unregulated market and workplace took hold, prompting a favorable recollection of the era of guilds.<sup>5</sup> Indeed, the fact that the commission appointed by the National Convention in 1795 to draft a new constitution believed it necessary to include an article maintaining the proscription of guilds indicates that the sentiment to return to a system of guilds was more than idle longing. Despite some opposition, the Convention approved it, and it became article 355 of the Constitution of the Year III, which established the Directory.

Article 355 added additional strength to the abolition of corporations, bolstering the statutory law of 1791 with constitutional status. Whereas a statutory measure could be repealed or overturned by passing a new law, amending the constitution would require a minimum of six years. The extraordinarily difficult winter of 1795–1796 only encouraged favorable memories of guilds; amid hardship and dearth, the public associated the era of corporations with a time of adequate supply, market stability, and good quality. Indeed, in the year after its adoption, the deputy who claimed to have written and proposed article 355 expressed regret for having done so.<sup>6</sup>

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<sup>4</sup> Archives Nationales, Paris (hereafter AN), AD XI 76: "Essai sur les patentes et le commerce."

<sup>5</sup> AN, AF IV 1471: report of 10 ventôse year III, 28 February 1795.

<sup>6</sup> P.C.L. Baudin (des Ardennes), *Éclaircissemens sur l'article 355 de la constitution, et sur la liberté de la presse* (Paris, year IV).

Napoleon Bonaparte overthrew the Directory in 1799, terminating the Constitution of the Year III and thereby creating the possibility of restoring the guilds more quickly and easily. If, in fact, there was a moment during the Revolutionary and Napoleonic epoch when corporations might have been reestablished, it was during the rule of Bonaparte. Aware of the economic difficulties that had led to disaffection with the Directory and apprehensive about worker unrest, the Bonapartist regime was concerned early on about the situation of workers.<sup>7</sup> As the Constitution of the Year VIII was being drafted, the government investigated various means to ensure employment for workers during the winter.<sup>8</sup> Its motives were pragmatic, not altruistic. Even though police agents reported that the Consulate was gaining acceptance among workers, the government sought to frustrate counterrevolutionary efforts that it believed were underway to challenge the new government by exploiting the hardship among workers.<sup>9</sup>

More fundamentally—that is, beyond keeping workers quiescent as the regime consolidated—a key focus was "the insubordination of workers," as the Prefect of the Department of Seine, Nicolas Thérèse Benoît Frochot, put it.<sup>10</sup> As Michael Sibalís has noted, Paris had the largest concentration of workers, artisans, and indigents in continental Europe, making "insubordination" a critical issue. True, for the authorities, "insubordination" could have a wide variety of meanings, from insurrections to work stoppages or strikes.<sup>11</sup> Without question, however, its antithesis was discipline and order, which were

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<sup>7</sup> Jean Antoine Chaptal, *Mes souvenirs sur Napoléon* (Paris, 1893), 284–85.

<sup>8</sup> AN, AF IV 925: dossier 1, document 63.

<sup>9</sup> AN, AF IV 1329: reports of 15 frimaire, 19 nivôse, 11 pluviôse, 12 pluviôse year VIII (6 December 1799, 9 January 1800, 31 January 1800, 1 February 1800).

<sup>10</sup> Jean-Paul Bertaud, *1799: Napoléon prend le pouvoir* (Brussels: Éditions Complexe, 2000), 70.

<sup>11</sup> Michael David Sibalís, "The Workers of Napoleonic Paris 1800–1815" (PhD diss., Concordia University, 1979), 2.

primary objectives of the new regime, and one method to achieve them was restoring guilds.

Indeed, an undated government memorandum concerning arts and trades, which internal evidence suggests was written during the early period of the Consulate, indicates that a law proposing the reestablishment of trade corporations was submitted to the Council of State, although the memorandum suggests that there was disagreement even among those who drafted the new legislation. On the one hand, proponents of the reorganization of corporations had asserted that the measure would correct former abuses in the guild system because it would not permit any restrictions on industry, nor would it allow any fees to be charged for entry into a corporation. In this manner, flaws of the former system would be corrected. On the other hand, the opponents of the reorganization of corporations had cited the principles of Turgot and the economic system of "absolute freedom" inaugurated by the Revolution. The memorandum clearly implied, however, that the majority view that prevailed was that absolute freedom in political economy was injurious because it isolated individuals from each other and, apparently referring to problems with the quality of goods and services, was harmful to consumers, merchants, and workers. The majority further argued that absolute freedom in politics was "no longer advisable." These were the issues, the authors of the memorandum stated, that the government should examine, and they urged the members of the Council of State to determine its goals for society before opening discussion on what they termed "this important issue."<sup>12</sup>

The recommendation to determine goals for society before resolving the question of guilds was perceptive and serves in part to explain why the debate on corporations continued for a decade during the Bonapartist regime. Both advocates and opponents of the reorganization of guilds could claim that their position reflected principles that the regime wished to instill in French society. Those who sought to reestablish them argued that guilds

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<sup>12</sup> AN, AF IV 1060: dossier 1, document 31.

would reimpose order and discipline among workers—ideals highly prized by the regime. Opponents asserted that the return of corporations in any form would hinder economic development, especially the mechanization of production—and economic modernization was also an objective of the government. These stances explain the alignments within the government in the debate over restoring corporations. On one side, in favor of reorganizing them were those charged with the maintenance of order, most notably the Prefect of Police in Paris, Louis Nicolas Dubois, but also prefects and municipal officials in the departments. Those most opposed to the reestablishment of guilds were entities concerned with economic policies and development, particularly the Ministry of the Interior, especially under Jean Antoine Chaptal, and, much later, the Council on Manufacturing.

Early in the Consulate, rumors were rife in Paris that guilds would be brought back. But the catalyst that precipitated the ensuing debate was the quasi-surreptitious organization of a body of bakers—because the decree enacting it was not published—in Paris during October 1801. The action was primarily intended as a provisioning measure, that is, to assure that an adequate supply of flour was on hand in the city. The purpose of the act was to shift oversight of the grain supply from the police to the bakers, but it was the first time a body similar to a corporation had been established since the dissolution of guilds in 1791.<sup>13</sup> The following year, butchers in Paris were more overtly organized into a body in a similar effort to transfer responsibility for the safety of the meat supply from the police to the members of the trade itself.<sup>14</sup> The wording of the decree carefully avoided all Old Regime terminology, and the regulations were characterized by the government as a matter of public administration. Nevertheless, many contemporaries

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<sup>13</sup> AN, F<sup>12</sup> 502: dossier 26, undated report to Minister of the Interior.

<sup>14</sup> AN, AD XI 65: decree of regulations for the practice of the profession of butcher in Paris, 8 vendémiaire year XI (30 Sept. 1802).

viewed the reorganization of bakers and butchers into supervised bodies as an indication that guilds might be reestablished.<sup>15</sup>

Within the government, the question continued to remain an open one. On 27 nivôse year XI (17 January 1803) the Council of State examined a fifteen-page document dedicated solely to the issue of whether or not corporations should be reorganized. Unlike most reports within the Council of State, that of 27 nivôse had neither a reporter listed nor an indication of the section where it had originated. A prefatory note stated that the document was distinct from the proposed law being prepared by Regnaud de Saint-Jean d'Angély, which would become the law of 22 germinal year XI. Rather, the document dealt only with one major question, the reestablishment of corporations—everything else, it stated, was only a consequence. It opened by observing that, on one side, commercial interests had asked the government for a law to enforce apprenticeship contracts, to regulate relations between workers and employers, and to guarantee to manufacturers the ownership of trademarks they impressed on their products. On the other side, others had proposed the reestablishment of guilds. The question for the Council of State to decide, the report asserted, was whether the regulatory system would prevail over that of freedom.

To set the stage for the discussion, the document examined legislation going back to Turgot's edict of 1776, asserting that, after their reorganization at that time, guilds had believed it their right to place limits on industry. The report presented arguments both for and against the reorganization of guilds and acknowledged the decline in quality that had occurred since their abolition. Indeed, the document stated that the cause of the difficulties that had resulted in so many complaints was "the circumstances of the Revolution." At the same time, the report asserted that it would be a mistake to argue that the difficulties and hardships of the preceding years would not have occurred if

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<sup>15</sup> Antoine-Claire Thibaudeau, *Mémoires sur le Consulat (1799 à 1804) par un ancien conseiller d'état* (Paris, 1827), 344.

guilds had not been abolished—in other words, the regime of freedom was not to blame. It was only since the regime of freedom had emerged that France had seen the rise of large factories that brought together the variety of workers needed to perfect the items being manufactured. If corporations were restored, manufacturing could once again fragment, as it did in the time of guilds, into the practice of only one principal craft. If an array of corporations were combined in a production facility, it would be subject to a multitude of rules and guild officers. Corporations tended to separate occupations whereas the system of freedom allowed individuals to combine them. No one, the report averred, wished to go back to the pre-1789 structure of guilds because it was recognized as destructive of industry. The document concluded with a prediction that a reestablishment of corporations in a modified system would soon occur.<sup>16</sup>

As described by Antoine-Claire Thibaudeau, a member of the Council of State, the debate ultimately came down to a demarcation between the reorganization of masterships and guilds versus the freedom of industry. Members of the Council of State, he recalled, discussed the issue extensively, and speakers presented arguments both for and against the restoration of corporations. It was a reflection of the strength of the arguments on each side of the question that Thibaudeau himself admitted that he could not decide unequivocally, though he leaned toward freedom of industry. When the question came to a vote, the Council voted by a wide margin not to reestablish guilds.<sup>17</sup> The result was not surprising. According to Jean Antoine Chaptal, a Minister of the Interior under Bonaparte and a key figure in the development of industry during the Revolution and Empire, Bonaparte valued industry, and in the area of manufacture he allowed himself to be dissuaded from his propensity for regulation. Furthermore, Chaptal claimed,

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<sup>16</sup> "Des communautés d'arts et métiers," Project no. 663, 27 nivose year XI (17 January 1803), [http://www.napoleonica.org/na/na\\_docview.asp?scope=ROOT&QueryText=arts+et+metiers&DocStart=3&ResultCount=1](http://www.napoleonica.org/na/na_docview.asp?scope=ROOT&QueryText=arts+et+metiers&DocStart=3&ResultCount=1).

<sup>17</sup> Thibaudeau, *Mémoires*, 345-46.

Bonaparte had little inclination to reestablish corporations because he believed that they were inimical to public order and the strengthening of his authority.<sup>18</sup>

The project prepared by the Councilor of State Regnaud to which the report alluded was presented to the Legislative Body a few months later on 10 germinal year XI (31 March 1803), and it bears out Chaptal's observation. In introducing the bill, Regnaud acknowledged that guilds had originally served a useful purpose, but he argued that over time they had been corrupted by abuses. In a lengthy discussion of the wrongs perpetrated by corporations, he noted that men who had sought improvements in production had been punished for departing from guild regulations. The Revolution had brought about the abolition of guilds and inaugurated a freedom of manufacture that had produced beneficial results. Yet, since the destruction of corporations, that freedom had also been misused. Whereas once freedom had been circumscribed by too many limits, now unlimited license had developed. The proposed bill, said Regnaud, sought to address the abuses that had evolved.<sup>19</sup>

The bill quickly passed through the legislature and became law on 22 germinal year XI (12 April 1803). It represented the most significant state intervention in the field of labor since the dissolution of corporations in 1791 and the most substantial piece of legislation addressing the void created by the abolition of guilds. To some extent, it resolved one of the dilemmas created by the legislation of 1791, that is, how to restore oversight without reestablishing corporations. The law restored trademarks and quality standards and—most controversial—required workers to have a *livret*, which they had to carry from one employer to another. To the degree that these provisions reimposed punitive discipline against workers, the law revived several functions of guilds without reinstating guilds themselves,

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<sup>18</sup> Chaptal, *Mes souvenirs*, 278, 288-89.

<sup>19</sup> *Archives parlementaires de 1787 à 1860*, 2nd series, Jérôme Mavidal, et al., ed. (Paris, 1862– ), IV:546-51, 599-604, 609.



which, legislators feared, could have restricted innovation and production once revived.<sup>20</sup>

The law did not have an immediate effect, however, and problems of fraud and abuse remained. An unsuccessful effort by wine merchants to organize themselves into a guild led to a major public debate on the benefits and liabilities of corporations during 1805. In its aftermath in February 1806, a trusted secret counselor of Bonaparte, Joseph Fiévée, advised him to consider a reorganization of corporations, particularly for merchants, as preferable to the current situation. Returning to a system of guilds could produce major unrest, he admitted, but it was necessary to establish institutions that would give stability and confidence to commerce and protect it from usurers, capitalists, and money merchants.<sup>21</sup> In another indication of the perceived inadequacy of the law of 22 germinal year XI, the Prefect of the Department of Gironde sought authorization—unsuccessfully—to facilitate policing of workers in Bordeaux by reestablishing corporations.<sup>22</sup> And, in Paris, the Prefect of Police Dubois, on his own authority, began to organize trades into guild-like entities in 1805, but particularly between 1808 and 1810, ultimately creating thirteen new bodies in all.<sup>23</sup> In addition, during July 1810, the Council of State examined a proposal by Regnaud on the profession of merchant and arts and trades. It was structured as a series of questions summarizing the view of the Interior Section of the Council of State. The first question was whether there would be corporations of merchants and of trades, and the

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<sup>20</sup> William Reddy, *The Rise of Market Culture: The Textile Trade and French Society, 1750–1900* (Cambridge: Cambridge University Press, 1984), 71.

<sup>21</sup> Joseph Fiévée, *Correspondance et relations de J. Fiévée avec Bonaparte, premier consul et empereur pendant onze années (1802 à 1813)* (Paris, 1836), II:192–203.

<sup>22</sup> AN, F<sup>7</sup> 3711: report of 18 December 1806.

<sup>23</sup> "Rapport sur l'exercice de la profession de marchand et les arts et métiers," Project no. 2044 (11 August 1810) (fourth draft), <http://www.napoleonica.org/gerando/GER02119.html>.

answer was affirmative.<sup>24</sup> The project came up for consideration on 11 August 1810, but its recommendations to establish corporations of merchants and artisans were rejected.<sup>25</sup> No other comprehensive plan for a restoration of guilds was considered during the remainder of the Napoleonic regime. Moreover, a few months later, Dubois, in disgrace because he had failed to attend a ball to celebrate the marriage of Bonaparte and Marie-Louise, was called to the Council of State, ending his career as prefect.<sup>26</sup> His departure slowed the momentum of establishing bodies of trades in Paris.

The Napoleonic officials who advocated the reestablishment of guilds were not nostalgic sentimentalists seeking to hold back modernity. Rather, they were practical men who understood the inadequacy of previous legislation, especially the law of 22 germinal year XI. However comprehensive it appeared on paper, it was failing to correct the problems it was supposed to address. The police in Paris and prefects in the departments were aware of the deficiencies of the legislation, but, in the more rarefied environment of the Ministry of the Interior, its shortcomings were much less known. In hindsight, many contemporaries believed that corporations had been more effective at achieving such goals as worker discipline and product quality. Furthermore, guilds were known and familiar, which is why the idea of reviving them came up again and again as administrators continued to seek a solution to lingering problems.

If one accepts the judgment of Thibaudeau, whose memoirs are highly-regarded, that the debate on the reorganization of guilds was essentially a choice between the reestablishment of guilds versus freedom of industry, its resolution came in 1812

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<sup>24</sup> "Projet sur la profession de marchand et sur les arts et métiers," Project no. 2044 (14 July 1810) (third draft), <http://www.napoleonica.org/gerando/GER02118.html>.

<sup>25</sup> "Rapport sur l'exercice de la profession de marchand et les arts et métiers," Project no. 2089 (11 August 1810), <http://www.napoleonica.org/gerando/GER02119.html>.

<sup>26</sup> Jean Tulard, *Paris et son administration (1800–1830)* (Paris: Commission des Travaux Historiques, 1976), 119.

With the establishment of the Ministry of Manufacturing and Commerce. The core of the new ministry was the former Second Division in the Ministry of the Interior, which had consistently opposed the reorganization of guilds and favored the development of industry. The new ministry gave the men of the former Second Division greater influence over the direction of both labor policy and economic development.

The dissolution of guilds in 1791 proved to be definitive, but the finality of that action has largely obscured the vigorous debate over guilds that continued for three decades afterward. Developments during the Napoleonic era were just one phase of that much longer debate. Whether the deterioration in quality and worker unrest that followed the dissolution of guilds were results of their abolition or not, that was how much of the public and many officials perceived them, which challenged the wisdom of having eradicated guilds in the first place. Indeed, many people—administrators, politicians, and members of the public alike—did not regard the dissolution of corporations as a settled matter. As late as 1810 the Council of State seriously considered a large-scale reorganization of guilds, and, though it decided against the measure, the issue would arise yet again during the Restoration.

The advice to the members of the Council of State to determine its goals for society before resolving the matter of guilds captured the most important principle at stake in the debate. The destruction of corporations had originally been undertaken as part of the remaking of France carried out by the National Assembly between 1789 and 1791 in its effort to purge French society of privilege and corporate bodies. Maintaining their dissolution was likewise driven by societal goals—in this instance, the development of a modern, industrialized economy and nation. To appropriate the apposite phrase of Jeff Horn, the reestablishment of guilds was also a "path not taken," but persevering in their abolition was neither seamless nor automatic.<sup>27</sup>

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<sup>27</sup> Jeff Horn, *The Path Not Taken: French Industrialization in the Age of Revolution, 1750–1830* (Cambridge, MA: MIT Press, 2006).