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Corporate Exercise and the Borders of Privilege: The Trades of Paris in the Seventeenth and Eighteenth Centuries

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- 1 For the French Old Regime, it seems difficult to grasp the way in which the actors constructed the legitimacy of their own rights, status, and social acts, outside of their concrete capacity to counter or deny the legitimacy of others. One might think that with the wide variety of juridical and judiciary systems, proceedings were complex, slow, and clumsy.¹ And yet, in the overlap of purview and judgments, and in the countless conflictual configurations this state of affairs brought about, one can also see the guarantees that the monarchy thought it was effectively granting to the rights of individuals.² In this way, privilege was part and parcel of such potentialities of opposition and recourse when the word itself -- the very act of writing it on paper-- took part in the conditions of a defense or an attack, as manifesting the dispute's validity. Whether honorific, fiscal, or communal, each privilege related to the actors' legitimacy through a general rivalry between rights -- seen as fair and necessary -- and thus through the possibilities of appeal and disputation that the privilege held before a such and such a court or dignitary, and against such others.³
- 2 Economic privilege was no exception. It depended certainly on mechanisms of the State which, like the Bureau of Commerce in the eighteenth century, granted economic privilege following formalities of examination. In such circumstances, the privilege's particular rationale was discussed, along with its technical or market benefit and its financial repercussions.⁴ Still, one must not remove economic privilege from its multiple supports, some spontaneous, self-established, or indeed quite ancient. One must also not remove it from the conflictual uses it belonged to. For, as an attribute of craft or commerce, economic privilege was above all exercised by virtue of its own

power of objection, of rebuttal. With this we arrive at the heart of practices of ascription of status by the law, by social and political force, practices which formed the foundation of the way trade guilds conceived of the daily economic life of a city like Paris.

- 3 For the trades then, even when each privilege was a relationship with the authority that granted, confirmed, and protected it, it was also assimilated with an effort of demarcation, which meant a near-daily activity of police control and of judiciary appeals. In this context, rights (to produce, to transport, to sell) were not so much considered according to their application, but rather for their power of protesting others' competing rights. This is flagrant in the context of Paris under the Old Regime. This paper does not deny the position that guilds held in the French capital, positively conferring a value on merchandise, insofar as the guilds were the site of its guarantee. This role seems clear.⁵ Nevertheless, we might recall that, by virtue of that very fact, the guilds also conferred a value -as much commercial as social and political- on products conceived of in relation to incorporated privileges, and instituted collectives. Let us also recall that this guarantee could not help but emerge from the operations of ranking and hierarchization, indeed of denial and eradication towards these same products, and the individuals and groups who claimed them for their own.
- 4 It should be noted that the field of privilege's efficacy, even with regard to economic privilege, is to be discovered at its border, with the border being understood as a rupture in space (the end of a competence in a given materiel, a given manufacture). One can also understand this border as litigation (the disputed claim of this materiel, this manufacture). Or again, it can be addressed through the elements that this border separates, that it cuts out, more so than what it claims to allot or appoint. These, then, are unstable bodies of rights that, while forming the guild, incessantly shift the legality within the framework of identities, social careers, commercial actions, and shops. It is an instability that we must grasp, however, in terms of structure, insofar as that instability stems from relationships between groups and from the monarchical function itself.⁶ Ultimately, it is a matter of understanding privilege through its common exercise. This in turn would be a vector not of a segmentation of the economy, but rather a formation of relationships among urban actors.

What are the possible activations of privilege?

- 5 Perhaps the difficulty in understanding incorporated privilege comes from an inability in the trades themselves to be defined through a function or a series of actions conceived as purely economic. The guild of haberdashers wrote in 1669, "the haberdashery merchants alone have the right, and are in immemorial possession to do commerce by reason of their institution, by their quality of Haberdasher, and by the nature and fashion of [their merchandise], in which they have been maintained and conserved by an infinite number of Verdicts and bylaws."⁷ In other words, the trades intertwined most particularly two different registers in their presentation, which were themselves contradictory. One was the *title* (the promulgation of a potential to act, dated in time) and the other was the *possession* (the benefit of this potential non-datable in time). Both gratified them with exclusive ability to name both the masters and the community, and the very product that those masters sell or produce. Each guild

respectively drew the proofs of its existence from this property extending to texts and this power of designation. From this they deduced the legal activities of their members.

- 6 This type of claim has often led historians to list privileges sourced from reglementary texts, statutes, with the goal of deducing from them real activities and sectors of economic competence. Yet it must be stated that the trades did not take such a step within their own period. Indeed, while the trades were fond of manipulating the intemporal and intangible aspects of privilege, they did not willingly engage in the nomenclature of the products or activities that they were authorized. They generally limited themselves to presenting this indistinct aggregate of *titles* and *possessions*, a sort of “depository of different edicts, declarations, orders, bylaws, verdicts and other titles that establish, amplify, modify, and settle the privileges and exemptions of a *corps* (corporate bodies).”⁸ It was only the effect of mass or density that was sought by such juridical imprecision. Nevertheless, it expressed several things. First of all, there was not necessarily any superposition between right and activity. A principle of illimitation lay at the heart of incorporated privilege. When the *corps* of haberdashers asked the King’s Counsel to be maintained in their ‘unlimited liberty of commerce’ against the *corps* of drapers, the haberdashers were certainly demonstrating their ability to call for the wholesale commerce of all the products from abroad entering Paris, according to its statutes of 1601 and 1613. But more than that, the *corps* claimed, as did many other trades, that the list of incorporated products and actions could not be finite, could not be closed.⁹ The *corps* of grocers was saying the same thing to the potters when notifying them in 1721 of their right to trade in fine china. This was interpreted through a 1638 text, citing only its rights over *merchandise from foreign realms* without further precision.¹⁰ The proceedings between various Parisian trades as to the attribution of brandy carried over to coffee, tea and chocolate as the eighteenth century progressed. Each wanted the exclusive rights to selling these products.¹¹ A tolerated margin of maneuver in how the rules were read allowed for an extension and exceedance of a material or object’s possible generalization towards a whole generic category (from a piece of clothing to all fabric, from an ingredient to all food, etc.).
- 7 In this way, the guild had no fixed vision of rights, but rather of an ongoing and ever-shifting compilation of them, implying that they were incessantly aggregating and disintegrating. Despite the texts’ peremptory tone, there was no privilege that might escape disputation or mobility in everyday life. Several trades even saw their origin described in this manner: the undue displacement of a craft’s expertise, or material, outside of said trade, only to endow or constitute another one. According to the goldsmiths, the lapidaries or the engravers were formed as an organized trade in the sixteenth century by the confiscation of the privileges of cutting stones, and engraving metal, specific to goldsmith work. And this does not even address the appropriation of journeymen goldsmiths to form the ranks of engravers.¹² With this in mind, several trades consequently managed to produce lines of descent and circuits of privileges, the purpose of which was to reveal the illegitimacy of certain possessions and to launch police attacks against those possessions. The *jurés* (elected chiefs) of the trade, accompanied by armed royal agents, knocked at the doors of a shop or a home in order to seize goods of which said *jurés* claimed to be, by juridical precedence, the true owners. In 1765, when a bailiff went to eight different grocers in one day, requisitioning peas, beans and lentils, he did so in the name of an interpretation of a 1701 bylaw of Parlement concerning the retail sale of these foods, claimed from that

period by the grain merchants, with the grocers joining in, invoking the theft of the original privilege.¹³ The trial lasted nearly seventy years.

- 8 By principle, the compositional elements of economic privilege were thus disputed between rival trades and meandered to and fro among them, along with the slowly growing jurisprudence. No definitive judgment could intervene because of the possibilities of recourse. The activation and reactivation of trial proceedings was thus the way in which rights were attested, to the point that silence before a text, a law, meant submission to it. This is what the grocers said in 1743 in the face of bylaws and royal declarations. If the grain merchants did not react to them, “their inaction and their silence in this regard are the proof that they never had the right to sell dry legumes in retail.”¹⁴ In their refusal of all legal recourse against the judgments seeking to award the merchandise in question, the grain merchants, according to the grocers, had tacitly acquiesced to the ruling. Another trial, such as that of the haberdashers against the workers of cloth of gold and silver, lasted from 1666 to 1751, after multiple appeals and attestations of rights. The proceedings brought on by the lapidaries against the goldsmiths to dispose of the right of working precious gems began in 1582 and was still going on in 1739.¹⁵ Many other trials lasted as long. One might even doubt if the parties were themselves interested in a resolution, insofar as the judge suspending the legal question, allowed a party to “take advantage of using [in practice] a prohibited right while the dispute was ongoing.”¹⁶
- 9 This is why the instability of privilege is both the instability of its content and of its implementation, in response to near-permanent judicial challenges. We must therefore study it through the lens of this litigious nature and we must be wary of declamatory effects. For instance, the grocers affirmed their “privilege to proceed exclusively of all others to the visits and the general reforming of weights, scales and measures, over all the merchants and craftsmen selling and delivering merchandise by weight in the city.”¹⁷ In this they were certainly speaking of a real power that was granted them to check the conformity of Parisian merchants’ weights and balances. They were stating this, however, in the very context of this privilege’s disputation by, among others, drink sellers, fruit sellers, and butchers for nearly a century. There were times and places that this right of inspection might be carried out, and others where it triggered clashes not merely rhetorical in nature. Police action and riots entered into play. While such temporality and spatiality are difficult to explore, they occupied the heart of the privileged economy. This precarity was part of the corporative system, just as the royal courts themselves maintained it.
- 10 In doing so, we cannot make an abstraction of the violence and repressions that economic privilege in Paris involved. During an inspection by the head goldsmiths of two producers working under a privilege granted by a prince of the blood in 1765, the seizure of merchandise went along with the destruction of the wainscoting and ceilings, as well as the degradation of forges.¹⁸ In 1747, the inspection of a grocer, accused by the drink sellers of selling liqueurs in retail triggered a general brawl. Joining the brawl were the *jurés*, the neighborhood, the Swiss Guard colluding with the victim and the archers of the Watch coming to drive them back. Blood was shed.¹⁹ This type of encounter was more than frequent during inspections between guilds, emphasizing how vital the stakes were for each of the protagonists. Arrests, expulsions, imprisonment, bankruptcies, blows, and wounds all resulted. This type of encounter also allows us to see the very method of privilege’s application and of the qualification

of products in the city, that is the ostensible and violent rituals of investigation and confiscation during which an actor in the street itself proclaimed the quality of his products, all while prohibiting the products to others and preventing them from doing likewise. Of course, there were more peaceful ways for guilds to call attention to themselves in the urban space. The marks and counter marks that they placed on merchandise, within their offices or at the *Halle*, certainly participated in the public guarantee that privilege gave to the sale of goods in Paris. Still, we must look behind this right to the mark, which was a fiscally-oriented action. The tax income that it brought about also generated its own forms of constraint, circumvention, and opposition. It was also a chance action insofar as it was mechanically impossible to test the conformity of all the products by only a handful of *jurés* and subalterns (inspectors, assessors, assayers, etc.). Only a tiny minority of such products was really verified, by sounding and sampling. The right of inspection and seizure, on the other hand, was a much more remarkable manifestation of privilege. It was enacted through its display of symbols, weapons, summations, and through its direct impact on the viability of shops, families, and contested privileges, of authorized or tolerated dealings. It was the first expression of the property conceded to a guild: “One cannot and must not refuse [the trades] the satisfaction of outing of fraudsters and of provoking the proscription of abuses that harm no less the public than the particular privileges of their possession.”²⁰ Thus the drapers attempted to inspect the *fripriers* (used clothing sellers), the tailors; the goldsmiths to inspect the watchmakers and locksmiths; the harness makers to inspect the saddlers, the painters, the gilders, and the cart-wrights; the saddlers to inspect the mirror makers; the upholsterers to inspect the carpenters, etc. This right is the proof that a material and economic quality was acquired at that point through coercion and prohibition, in shutting off a norm, rather than in applying it.

Semantic and social oppositions

- 11 That being said, we must not imagine that the incorporated economy was controlled by a system made up purely of reciprocal visits from the police, in which each could legitimately inspect the other. This horizontal vision, which certain treatises of the period sometimes outline, does not hold up to reality. In fact, the right of inspection was subject to certain fundamental social figures, by which yardstick such acts dealing with both police and merchants were interpreted, validated, or invalidated. These figures resulted from an opposition between two archetypes, the merchant and the craftsman. The craftsman could not sell anything but his own production, nor could he sell the raw materials that enter into the composition of his articles. At the same time he could not have access to public offices, or judge commercial disputes in the city. The merchant could.²¹ This entire gamut of prohibitions intersected, in a kind of tautology manipulated by certain trades in order to justify the exclusion of others. The repercussions could be seen even in political exercise, social reproduction, and merchandise circulation. If there were attempts to turn such prohibitions into law, and to a large extent this was indeed successful, the bans were in fact built on power differentials based in custom.
- 12 In 1705, in the suburbs, the hosier corps seized several hundred stockings and bonnets from workers in knit, certainly because these articles did not have the lead mark that every producer was obliged put upon his product, but also “because there is no rule

allowing workers and craftsmen take on such enterprises” in selling his production directly.²² Less than a point of law, the reason was, strictly speaking, the infraction of an imposed figure, that of the craftsman working on the commission of the merchant. As early as 1655, the same pretext encouraged the furriers to crack down on the hatters who were attempting to directly transport pelts from abroad rather than buying them from the furriers.²³ Of course such calls to the police show that there was a strong reaction from trades wronged by this kind of thinking. And until the end of the eighteenth century, these prohibitions were something that could never exactly be obtained but remained instead a kind of horizon of aspiration. Their admissibility, however, was beyond doubt. Even in the commercial circuits linking Paris and the provinces, such matters were evaluated not by the measure of the exact volumes being transported, but rather by the social power of the actors capable of fueling and perpetuating them. In the 1730s, for example, the Parisian grocers convinced the producers of the Languedoc that they alone could buy their alcohol as *merchants*, as opposed to the drink sellers and vinegar makers who, as *craftsmen*, would be banned from selling anything other than their own production.²⁴ This is also how the principle was ratified by the magistrates who consolidated this economic and social subjection of production versus sale. A 1738 bylaw of Parlement confirmed the wholesale dealing in Languedoc alcohol by grocers, all while explicitly reminding the drink sellers that they were craftsmen. From then on, the ruling, while employing the fairly binary vocabulary of domination, was applied to numerous different contexts, not least settling the fate of hundreds of Parisian shops.

- 13 First of all, it was in this power imbalance that a multitude of terms took on meaning, but a meaning that only made sense through the oppositions thus created. The words used to describe a given trade have always revealed social structures and their transformations.²⁵ Such is the case here, as long as we refuse to take them in isolation from each other. Words as habitual as *merchant* and *craftsman*, but also *corps*, *community*, *industry* and *manufacture*, *master* and *worker*, function by contrast. Without being positively defined, each is only ever the antonym of the other. The use of these words in the public, legislative, and judiciary space is subject to a vast surveillance, insofar as that usage carried along with it precise claims and prohibitions about the economy and its different authorities. For example, when in 1738 the community of painters wanted to grant itself the right of direct commerce of pigments, it gave to its elected officials the title of *garde*, counterpart of the title *juré*, in order to ostentatiously display its affinities with the merchant world, where the former word was habitually in use. “They still honor themselves with it to this day.” The resulting trial attempted to prohibit them from the use of this title of *garde*, as had already been the case against the suit tailors, upholsterers, lapidaries, etc.²⁶ From that point on, every text where the painters displayed it was attacked. By means of its use, they wanted to proclaim that they were beyond the world of craftsmen, of simple production, and thus were allowed to sell pigments. Moreover it was through this means that the drink sellers, invoking their 1634 statute which designate their officials as *juré-garde*, claimed, a century later, to have the right to sell brandy: “this primordial title indicated the first privileges of the drink sellers and their quality of being merchants.”²⁷ In this way, the title of *corps* was refused to wine merchants for nearly a century, to block their ambitions to a seat at the capital’s tribunal of commerce, the Consulate. The title of *community* was given them in order to express this rejection.²⁸ Essentializing such words in this way was done by

opposing their characters and the rights that they bore. Each word carried along with it claims for oneself, often abridged into the penalizing of another.

- 14 This is why, secondly, the right of inspection and seizure tended to become asymmetrical. Automatic inspections were allowed by trades called “merchant” of trades called “crafts,” without any possible reciprocity. The purpose was, first and foremost, to produce a monopoly on the guarantee of merchandise and thus to benefit their purveyors and not their producers. Thus, this non-reciprocity established a border that, with the help of the political vocabulary and its play of oppositions, rendered suspect, if not impossible, certain public actions. After a 1741 inspection of organized caterers targeting grocers who were accused of selling certain foods, the resulting trial attempted to invalidate the inspection on the reason that craftsmen could not inspect merchants, unless by specific authorization of the chief of police of Paris. The other merchant trades then intervened in the trial to press home this established fact.²⁹ In 1666, the *Parlement* itself prohibited any inspection by craft trades of the haberdashers, arguing the necessity of protecting both transport of merchandise to the capital, immune to control or seizure, and protecting a particular social figure. In this case it was the merchant, attached to the abundance of goods in the city, as opposed to the craftsman incapable of taking on a kind of role of munificent benefactor.³⁰ In 1712, a community of workers in the Faubourg Saint Germain was thus condemned to pay damages amounting to 3000 *livres tournois* for having imprisoned a Parisian *garde* hosier after his inspection of their workshops. This was on the level of social insult,³¹ and it was but one example of many.
- 15 In a certain way, the very figure of the *notable* comes out of these tactics. If the notable was indeed the one entrusted with the bourgeois administration of the city, by way of a number of sites of power (municipality, hospital councils, parish councils ...) it proves to be the case that, by the early seventeenth century, his role was more and more assimilated to that of the merchant.³² A heavy *cursus honorum* organized the political career of the great merchants of Paris. At each step, the men would of course bring proof of their management of common weal, but also of their solvency, acquired in the public square.³³ Yet in this framework, it is certain that the notable was one who was not inspected, whose shop could not be subject to the suspicions that usually weighed on other merchants. Moreover, the impunity of *gardes*, former and current, in their business was often denounced by royal judges.³⁴ It remains that the notable was understood as the as the total inversion of the craftsman. Through his social stature and predestination to responsibilities, he must be relieved of all injunctions weighing on the craftsman. Yet again, the social types were conceived of as in opposition, one to the other. They cannot be understood outside of this relationship.
- 16 And it is indeed in the name of these social figures, then, that the political powers were hindered in their capacity to intervene in the urban economy. This was the case in the domestic space of the king, his Household, whose head wished to name masters of all the professions, who would report directly to him. He could not, however, replace the social and juridical power differential that established the commercial identities of the city. “The haberdashers remain in agreement with the power of said *sieur*, the *Grand Prévôt* to provide for the offices of merchants and craftsmen according to His Majesty, but deny that he might make a merchant of a craftsman.”³⁵ In this precise case, a prince’s grace cannot make a shoelace maker a duly titled haberdasher and thereby authorize him to sell all that belongs to haberdashery, that is that the prince cannot

reverse the roles on either side of the merchant/craftsman border. A trial, like dozens of others, was brought about by the corps of haberdashers to recall this.

- 17 Finally the most powerful transposition of these oppositions, in both their semantic and social senses, is without doubt the emergence in Paris of a confederation of six trades buttressed by the title of *corps* and taking the name of the “*Six Corps des Marchands*.” This did not emerge by chance. When terms and notions of commerce were stabilized by the vast number of circumstantial and localized judgments, arbitrated by royal jurisdictions, then what resulted was a concerted effort of institution by the benefiting trades, right up to the scale of a confederation (composed of drapers, grocer-apothecaries, haberdashers, furriers, hosiers and goldsmiths). It sought to co-opt for itself the words *corps* and *merchants*, and to oblige the other hundred and twenty-some Parisian organized trades to settle for those of *community* and *craftsmen*. That is to say that the confederation was fully fueled by figures of the craftsman working raw materials acquired from a merchant, of the craftsman working on a commission for a merchant, of the craftsman laboring over an object whose sale belongs to the merchant, etc., that it exposed during all its exchanges with the monarchy and the tribunals through the means of this title of *corps*. These archetypes served as political categorizations of roles and as prerequisite for economic activity in the city. The access to materials and products was here conditioned by a political and social vocabulary, by its mastery within judiciary practice and within royal courts. It was therefore conditioned by the possibility of incorporating it itself, regarding privilege, under this form of *Six Corps*.³⁶ Then this distinction of *corps* and community concentrated within itself almost all the aspects of a separation between sale and production in Paris.

Crossing the Borders of Privilege

- 18 It is certain that the uses of privilege entered in this way into a clearly hierarchical program. Thus, in ranking trades, some were placed before others. Their relations of authority/subjectation were established based on opposed characters and recorded as such before royal judges. In this regard, the separation between wholesale and retail was one of those hierarchical barriers that, while resting on fairly few real or realizable distinctions, in spite of it all structured an enormous part of the commercial capacities distributed between the trades.³⁷ Many know that the border between bales, bundles, crates and unitary objects is only a utopian notion. What is the number of bottles after which the seller is considered to be dealing wholesale? The question is nonetheless the motivation behind hundreds of inspections and seizures that grocers and drink sellers brought about throughout the eighteenth century.³⁸ And the projects to liberalize *wholesale commerce* as early as the 1740s caused immense uncertainty as to evaluating the portion of merchandise that was from then on either dependent upon or freed from incorporation.³⁹ Still, until that point these ambiguities fueled the conflicts between crafts and their monopolies and how hierarchies were organized. Moreover, we yet again must not understand this program as having the vocation to encompass the whole of urban commerce. First, the trades fought against an extension of the incorporated economy in the city. And the power imbalance that this bears witness to – the power imbalance by which the six trades (*Six Corps*) attempted to force several dozen others into a subordinate position – is there to show just how much it was not about a fair effort to divide up activities, but about ranking and exclusion.

- 19 Furthermore, this ranking was not a settled matter, whether from the reaction of trades called crafts, or from the hierarchical relationship that was the act of encompassing. One trade, for example, might affirm the inclusion of exterior activities as belonging to it, through descent, through possession, or through custom. That trade might thus labor towards the extinction of an adverse trade. The very cost of the trials contributed to this state of affairs. While the haberdashers reproached fabric makers for selling certain articles, many of the trials lasting over a fifty-year span had for actual aim to dry up a competitor's finances and push them into bankruptcy. The producers were not dupes. They guessed that "the true subject of these seizures and the opposition of the haberdashers is nothing more than to ruin by court costs the supplicants, who are much weaker than the haberdashers, joined to five other *corps*, [which are] very powerful in property and credit."⁴⁰ This same war of attrition motivated the grocers against the potters. While the grocers financed their efforts to the sum of 20,000 *livres tournois*, the potters stated they could not bear such an expense.⁴¹ This is what the grocers obtained at the end of the seventeenth century against the community of candle makers, as they laid their claim to the right to deal in wax. "The community was rich and possessed over two thousand pounds of income, but bad administration and the trial [against the grocers] have ruined them."⁴² Each time, the trade grew poorer while, verdict after verdict, some of its privileges shifted to the competitor who claimed them as related to, or issuing from, his own.
- 20 The very demography of these guilds decreased as the masters, in order to legally continue their business, had to go and enroll in the rival guild. And that was indeed the goal of these proceedings: to rob a trade of its masters after having weakened the legal support of its privileges.⁴³ In 1715, after a trial lasting several decades over the sale of stockings and bonnets, the community of master-craftsmen hosiers admitted that twenty-four of its eighty-four members did not have a shop, but rather worked directly for merchants of the *corps* of hosiers, their rivals, without counting the members who had already left to affiliate with this more powerful *corps*.⁴⁴ We also find masters and journeymen upholsterers working directly for master haberdashers, in what seem to be furniture shops and workshops that *Parlement* attempted to ban in 1724.⁴⁵ In this way, hindered in selling their production, master and journeymen engravers found an outlet in working in the shops of merchant goldsmiths.⁴⁶ On their end, in the space of only two years between 1666 and 1668, the goldsmiths accused the lapidaries of having seized upon some forty-three of their journeymen in order to make them master lapidaries.⁴⁷ It was not only privileges that might separate from one guild to rejoin another. At the same time, it was also individuals and their expertise.
- 21 By the mid-seventeenth century, an entire aspect of the future of the trades was written. In 1690, due to the trials brought by some twenty related trades, the haberdashers were reputed to have absorbed both the commerce as well as the masters of the pin-makers, the glovers, and the stationers.⁴⁸ After this period, the great merchant *corps* based their policy of recruitment more and more on this capacity to attract and ensnare successful crafts and their practitioners. This implied that the two regulatory modes through which masters had been admitted, birth and apprenticeship, were now in the minority.⁴⁹ These modes did not disappear among the merchant *corps* entirely. It was rather that first of all, they decreased in the face of this mode of reception called *par suffisance*, based on mobility between trades. Secondly, the monarchy was indeed forced to legalize this during the eighteenth century. Thus, at the

century's dawn, several communities of producers disappeared after a merchant corps managed to capture the group's most dynamic personalities. They also made the weaker members into a proletariat, granting them a salary, and merged the exterior privileges with their own. This is particularly clear in the activities surrounding hosiery.⁵⁰ In 1706, the grocers also obtained from the King's Council the temporary suppression of the community of drink sellers, with over 300 masters among them, in order to seize for themselves their privileges in brandy. But the subjection could take multiple forms, such as that of prohibiting a rival trade from keeping business records (goldsmiths vs smelters), disposing of one's own mark (goldsmiths vs armsmiths) or possessing one's own shared household (haberdashers vs. ribbon-weavers). In every case, one trade was able to hinder or suspend the complete institution of another, with the aim of exercising control over it and retaining many of its competences in selling or production.

- 22 We must therefore keep in mind that the border between trades was fated, in large part, be crossed. There was a permanent temptation, not to immobilize the privilege border, but rather to drive it back. It was this necessary movement that founded the social and political legitimacy of a trade to fulfill an economic function before the public and the king. The rationale remained the same, moreover, for the entire spectrum of trades called crafts. We must not, in fact, situate this tension along one single line between those trades known for how they disposed of goods (*Six Corps*) or how they produced them (*communities*). The need for encompassing was present in Paris among all the organized trades, as we can see as early as the beginning of the seventeenth century with saddlers and coach builders against upholsterers, trunk makers against case makers, suit tailors against doublet makers,⁵¹ etc. Each time, the issue at stake was first the sale of a finished object (a coach, a trunk, a suit) and then confining the adverse trade to the role of fitter, assembler, or decorator. It was, then, always an opposition of *master/worker* and *merchant/craftsman*, where the same social archetypes, as such, were brought into play. In many cases, some trades could disappear, whether through atrophy or through forced mergers, ending in the emergence of one sole trade. It would be instituted with its contained categories of actors more or less at liberty to gain access to the mastery and direction of the community, and in so doing leave behind a status of salaried subordinate. Thus, in these cases, entrepreneurial and manufacturing strength fueled most of the conflicts of privilege, making "capital" a notion in all points compatible with the universe and objectives of guilds.⁵² We could even say that this entrepreneurial possibility, in favor or private individuals, was made a reality by way of judiciary relationships, between trades. The trades fought over the figure of the entrepreneur, over who could incarnate such a figure and legitimize it. Employer, patriarchal, and corporate figures ended up totally intertwined.⁵³ And there again, privilege opened this capitalistic, individual possibility right when it demonstrated that a collective right over such and such a material or technique could annex, or make satellites of, several others. This might occur less because of their concrete contiguity than their respective, hierarchical social values.

- 23 We know today, of course, that throughout the Old Regime economic privilege carried with it a competitive principle, activated by the monarchy with the aim of opening new

markets. It might even have encouraged competition between actors in the field.⁵⁴ But perhaps we must take this observation to its logical conclusion then and inquire into the implementation of privilege and its uses, when we envision both the potentialities as well as the kinds of precarity that they created. This is so most singularly when privilege was related to the organized trades through being incorporated into them, when it was amalgamated with earlier prerogatives, titles, or insignia whose positivity was never entirely granted. We cannot doubt that, in its name, masters had statutory rights to produce, transport, sell. It is also certain, on the other hand, that the same privilege also subjected them to a system of disputations, of indictments, due to the interpretative power over texts that each trade, each tribunal, enjoyed and which could thus be opposed to the communities, as to each master in particular. From this stemmed a generalized right of inspection and seizure that the trades held between themselves. Its developments ended most often in full trials, and with social careers hindered and damaged.

- 24 In a certain manner, the very interest in collectively possessing privilege lay there: it allowed one to foil an attack against individual interests – a shop, a stock – in elevating the conflict towards a shared scale. But beyond this, it is certain that the strength of privilege was measured by this capacity of answering and opposing, if not in fact claiming and capturing another. An incredible inflation of paperwork concerning disputes can be observed among the guilds, starting in the second half of the seventeenth century, and if the historian must understand the authorities of Parisian commerce from archives that they produced, one must acknowledge that their action was principally turned toward the management of near-permanent litigation.⁵⁵ The measures that privilege equipped one with, even economic privilege, could be measured above all through its powers with the police and the law courts, linked with royal jurisdictions, and exercised against exterior privilege. Based on the attribution of materials, articles or manufacturing acts, in stakes that were always both circumstantial and localized, these different legal disputes could not fail to call upon eminently social and general figures for their argumentation. The *corps*, the *merchant*, or the *master*: all these profiles were only archetypes defined through opposition, through the capacity of a trade to project or impose their antonyms (the *community*, the *craftsman*, the *worker*) upon another, in a power imbalance that was both customary and sanctioned by the judges. The understanding of the economy that contemporaries had was in fact saturated with these figures, with their analogies and their incompatibilities, seen as legitimate criteria for distributing access to a right, a kind of merchandise, or a process of production.
- 25 This led to the appearance in Paris of a federation of six trades, which was consolidated from 1620-1630 onward, and which then attempted to confiscate for itself the terms of *corps* and *merchant*. Still, it did so less to delimit its attributions with regard to wholesale commerce, or to items from abroad, less to oblige itself to enjoy them, than to prohibit them to the rest of the organized trades, a prohibition ideally produced by the very titularization and monopolization of these two words, and of many others. Thus, as far as it was concerned, the practice of privilege consisted essentially of drawing a border between preconceived social figures, who were capable of justifying a power to command both the trades of sale and the trades of production. Such social figures were capable, above all, of illimiting a merchant register versus a limited and

circumscribed craft sector. Furthermore, among themselves, the craft trades in turn subscribed to the same model.

- 26 Thus, if privilege did indeed organize a segmented economy, it did so, in the present case, from a principle of encompassing.⁵⁶ It was a matter of refuting the legitimacy of another's privileges before the royal magistrates, on the basis of a hierarchical claim of containing them. The manufactured material became, in a way, dependent on raw materials, with production as an accessory to sale. The fates of numerous shops and workshops, of loans and solvencies, as well as familial perpetuations were played out in these social and political performances held in the heart of the monarchy. And it would be interesting to apply the same questions to individual privilege in order to grasp its concrete uses. This is why, in the end, the link between holding privilege and economic activity cannot be deduced simply from the content of a text, or from an utterance, but from a practice. We must reconstruct the uses of privileges, restore their relations, their daily linkages in the context of the Old Regime and above all to keep in mind their propensity to oppose a system of rights, of norms, much more than pursuing their application. This is perhaps obvious, when privilege is reduced to a power over others. It removes, it excludes, at the very moment that it grants.

NOTES

1. Certain historians of the law have spoken of a “judiciary imbroglio,” Cf. Jean-Pierre ROYER, *Histoire de la justice en France*, Paris, PUF, 1995, p. 47.
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10. *Factum pour les Maistres & Gardes Epiciers... contre les Jurez Fayanciers*, s.l.n.d. [1721] (Bnf, FOL-FM-12434).
11. *Au Roy & à Nosseigneurs de son Conseil*, Paris, Chardon, 1740 (Bnf, FOL-FM-12416).

12. Pierre LE ROY, *Statuts et privileges du corps des marchands orfevres-joyailliers de la ville de Paris*, Paris, Paulus-du-Mesnil, 1734, p. 6 (Bnf, 4-Z Le Senne 958).
13. *Mémoire pour les Maîtres & Gardes en Charge du Corps des Marchands Epiciers... contre les Jurés de la Communauté des Maîtres Grainiers*, Paris, Prault, 1767 (Bca. Historicá F. Antiquo, Madrid, BH MED 1488(18)).
14. Bibliothèque Interuniversitaire de Pharmacie [désormais BIUP], R14-42, « Au Roy et à Nosseigneurs de son Conseil », 1743.
15. *Mémoire pour le Corps de l'Orfèvrerie-Joyauterie... contre les Lapidaires*, Paris, Paulus-du-Mesnil, 1739 (Bnf, FOL-FM-12575).
16. *Mémoire pour les Jurés Gardes & Communauté des Limonadiers... contre les Maîtres-Gardes & Communauté des Epiciers*, Paris, Chardon, 1738 (Bnf, Ms Joly de Fleury 2021, fol. 125).
17. *Mémoire signifié pour Jacques Ferand... syndic des Marchands Epiciers modernes & jeunes... contre la Communauté des Maîtres Limonadiers*, Paris, Simart, 1735, p. 19-20 (Bnf, FOL-FM-5926).
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ABSTRACTS

The efficacy of privilege under the Old Regime, especially as concerning the economy, is an oft-repeated postulate of historiography. The contexts in which it was used often came under the activities of the law or the police, and the privilege of guilds was far from being any exception. There were many struggles in activating these privileges, due to their near-permanent disputation, a disputation which constituted the very heart and the viability of corporatism. This is why we must investigate the application of these privileges. At the same time, without renouncing the idea their real efficacy, we must displace them to their own margins, their borders. At their outer limits, privileges stood in opposition to other trades, which were thus excluded from such and such a sector of sale or manufacture. This did not result in the application of norms and qualities to a finite set of merchandise and commercial positions. Rather, trade privileges were mainly aimed at precluding others from these same norms and qualities, the same merchandise and postures. Privilege also served to blur the indeterminate lines of demarcation concerning those same elements with regards to the holder of said privilege. Thus, we must look at this border as the site of a real social connection, where professional identities and individual careers were continually brought into play, and where, especially, the border between merchant/craftsman categories was constantly shifting.

L'effectivité du privilège d'Ancien Régime, surtout lorsque celui-ci portait sur l'économie, est souvent postulée par l'historiographie. Or, les contextes de son utilisation s'avéraient être souvent judiciaires, policiers, et le privilège des corporations est loin de faire exception : nombreux étaient ceux qui peinaient à être activés en raison de contestations, quasi permanentes, qui faisaient le cœur et la viabilité même du corporatisme. C'est pourquoi il faut s'interroger sur leur application, et, sans renoncer à l'idée qu'ils étaient dotés d'effets, accepter de les déporter vers leurs propres marges, leurs frontières. Là les privilèges s'opposaient aux autres métiers ainsi exclus de tel secteur de vente ou de fabrication. Plus qu'ils donnaient lieu à l'exécution de normes et de qualités, sur un ensemble fini de marchandises ou de postures commerciales, alors, les privilèges des métiers avaient principalement pour but d'interdire envers autrui les mêmes normes et qualités, les mêmes marchandises et postures, et d'indéterminer celles qu'il s'autorisait. Aussi faut-il voir cette frontière comme le lieu d'un vrai rapport social, où les identités professionnelles et les parcours individuels étaient continuellement mis en jeu, et où, notamment, la frontière entre catégories marchandes/artisanales était sans cesse mouvante.

INDEX

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