Privilege was the beating heart of that society of orders known as Bourbon France. The privileges of the nobility, clergy, and king were only the apex of a structure of privilege that reached into many provinces and affected nearly all cities and towns, in part through the urban occupations organized into corporations. Toward the end of the Old Regime, criticisms of privilege as unfair, unjust, or unproductive were heard from all over the country.¹ No one said it better or with more effect than the abbé Sieyès whose polemic *Essai sur les privilèges* of 1788 helped to crystallize public sentiment on the eve of the convocation of the Estates General. He repeated the common assertion that privilege was "a dispensation or exemption in favour of him who possesses it and a discouragement to those who do not." Sieyès added that "it is the essence, the characteristic, of privilege to place the possessor of it beyond the boundaries of common right."² What did it mean, however, both
for the society of orders and for critics of the Old Regime, if the privilege in question were "liberty"?

In 1767, the inhabitants of the small city of Pont-de-l'Arche in Normandy requested that the royal state grant an exclusive privilege to Louis and Charles Berrenger, manufacturers of fine woolens in Elbeuf who wanted to set up a small factory. The "principal inhabitants" wrote a memoir that recognized the difficulty of finding and retaining qualified workers and establishing a niche in the crowded market. They were well aware of the social risks involved in introducing changes of any sort in the local economy. Rather than ask for a financial subvention, they asserted that it would be a greater spur to "emulation" if the Berrengers were instead granted a privilege. This privilege would last for twenty years and would accord them the right to call the establishment a "royal manufacture."

The primary privileges requested, however, were privileges of liberty: exemptions from royal, provincial, municipal, and seigneurial regulations, restrictions, and taxes. The liberties in question were the right to make more than one kind of product, thereby circumventing guild oversight, an exemption for twelve workers from militia service, the right to bring in dyed wool from Elbeuf without paying transit, entry, or exit taxes, the "liberty" to have forty acres of land under cultivation to feed their workers that would be free of the taille and other royal taxes, and finally "complete liberty for their raw materials and finished merchandise" along with "complete exemption from the taille, lodging of soldiers" and "all other public responsibility."

The inhabitants of Pont-de-l'Arche concluded that "this privilege, far from being an obstacle to the liberty of commerce, on the contrary, becomes a key without which they cannot find a way to open up the city's trade, which up to this point does not exist." I cannot find a contemporary response to this request, but since the acquisition of a "privilege" was the sine qua non of establishing the enterprise and because the Berrengers were on

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Debate between Sieyès and Tom Paine in 1791 (Indianapolis, IN: Hackett, 2003), 69.
the voters list in 1790, it is likely that they received most, if not all, of what they asked for.\(^3\)

This example suggests that local notables recognized that the maze of restrictions and regulations that characterized the productive environment in the eighteenth century generally worked to exclude their small city from the industrial boom taking place in Normandy. The "privilege of liberty" was a means of leveling the playing field and facilitating the access of places like Pont-de-l'Arche to advanced industrial technologies and energetic entrepreneurs. This confident memoir also demonstrates that these local notables understood that their request was consistent with the ways that the royal state used the privilege of liberty to assist industrial development.\(^4\) Normandy was honeycombed with productive spaces that enjoyed the privilege of liberty and were thereby able to garner state support for the adoption of new technologies and to assist creative entrepreneurs. Land owing feudal dues to a prince of the blood (apanage), the city of Dieppe whose seigneur was the archbishop of Rouen, and the numerous but more modest fiefs of clerical and lay seigneurs who exercised the right to oversee production, including the ability to create their own guild masters on whatever terms they desired, all offered Norman entrepreneurs greater liberty for innovation.\(^5\)

These uses of the privilege of liberty were an exception to a general policy in the late eighteenth century of minimizing the

\(^3\) Mémoire pour les Habitans de la Ville de Pont-de-l'Arche, 1767, Archives Départementales [henceforth AD] Seine-Maritime C 136.

\(^4\) This policy seems to have been ignored by nearly all recent historians interested in questions of privilege who are more concerned with either fiscal issues or the emergence of political ideologies or practices antithetical to privilege.

allotment of new privileges and tightening up or limiting old exemptions. A major exception was the award of patents. Even before their legal establishment in 1791, nearly all commentators, from guild masters to merchants and royal officials, recognized the importance of protecting the creativity of inventors for a specified, limited period of time. Even the cahiers de doléance emphasized this exception to the general disdain for extensions of privilege. But many inventors also asked for exemption from lodging soldiers, militia duty for themselves and their key workers, and tax relief from seigneurial and clerical impositions along with other privileges of liberty. These requests were essential to turning an inventive insight into a going enterprise. Inventors of useful machines with clear commercial application regularly received such exemptions. The Conseil de Commerce remarked that such gratifications to inventors were "without inconvenience."

Privilege was a bureaucratic means of encouraging technological change and jumpstarting economic development. Often, these goals went hand in hand as in the case of the Bourbon state’s assiduous efforts to naturalize the manufacture of

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8 For an excellent look at contemporary views, see the Mémoire written by a member of the Conseil de Commerce, 17 Feb. 1784, AN F12 994.
crucible steel equal in quality to English and German goods. In 1784, the Royal Steel Manufacture at Amboise received an exclusive privilege lasting for fifteen years. This enterprise had been founded in 1771 and had received a long line of encouragements, mostly financial. However, it was only after thorough testing of the final product by a metallurgical expert that the privilege of liberty was accorded. In addition to an annual subsidy of twenty thousand livres and the exclusive right to make files, coach springs, cutting tools, and hardware with high-grade steel, the royal manufactory received an exemption from all internal and external tolls and tariffs that also applied to goods exported either to foreign countries or to the colonies.9 International economic and political rivalries strengthened the need for certain industrial abilities: from steam engines to the Arkwright water-frame and crucible steel, the privilege of liberty was vital to the Bourbons' efforts to meet foreign competition.10

In The Path Not Taken, I argued that the thoroughgoing reform of the world of work that took place in the 1770s was justified by repeated reference to "liberty" from the restrictions of the Old Regime, with the internal customs, guilds, and remaining labor requirements of feudalism being the most important.11 The abolition of the guilds, transmutation of labor

9 Based on Affiches, Annonces et Avis divers de la Basse-Normandie 1:21 (1786), 83; and John R. Harris, Industrial Espionage and Technology Transfer: Britain and France in the Eighteenth Century (Brookfield, VT: Ashgate, 1998), 215.

10 Arrêt du Conseil d'État du Roi qui permit aux Sieurs Veuve de Fontenay et fils, Jean-Baptiste Decretot, Pierre Michel Pictou, Michel George et Michel Nicolas Petou de faire pendant un an à compter de la datte d'icelui, toutes les essais qu'ils jugeront nécessaires pour mettre en activité les différentes branches de fabrication et d'industrie qu'ils se sont procurées en Angleterre et fait défense aux corps et communautés d'arts et métiers de les inquieter dans leurs opérations, 24 Oct. 1786, AN F12 30*; and Hilaire-Pérez, 281-2.

dues (corvée) into a monetary tax, and liberation of the grain trade were indeed Turgot's "carnival" to use Steve Kaplan's memorable metaphor, but it is important to remember that Turgot's actions were merely the opening act of the reforms of the world of work in the waning years of the Old Regime.\textsuperscript{12} An attempt to institute liberty without privilege, Turgot's reforms did not last. The restoration of the guilds in August 1776 encouraged the state to resort ever more frequently to the "privilege of liberty" as the need to stimulate economic competitiveness waxed. Even Louis XVI participated in this process. He proclaimed his "desire to confer on the workers of the Faubourg St.-Antoine a further token of our concern for their welfare and to free them from restrictions prejudicial both to their interests and to the freedom of trade."\textsuperscript{13}

The privilege of liberty was part of the ongoing reform of the regulation of production that accelerated in 1776 and continued under every succeeding controller-general. An impressive number of trades were exempted from guild control and the corporations were not revived in many smaller cities and towns. Other guilds were amalgamated, thereby increasing what goods a master was allowed to make and sell. All the entry fees (droits d'entrée) were lessened dramatically to permit wider access to corporate privileges. Women could now become masters in their own right in nearly all trades, not just those with all-female or "mixed" composition. At the same time, however, the loopholes in the corporate net began to close. Many privileged enclaves like the Faubourg Saint-Antoine in Paris or the fourteen privileged enclaves in and around Rouen were brought under corporate jurisdiction rather than allowing either clerical or lay seigneurs to continue to set their own rules governing the world


of work. For those running a business out of a privileged enclave, this reform gave access to larger markets, potentially diminished interference by the corporation governing the trade, provided certain protections against unruly workers, and came at a fraction (either a third or a quarter) of the price that guild masters in the city proper had to pay. Grudgingly, complaining all the way, artisans and large-scale entrepreneurs situated in these privileged enclaves joined the urban corporations.\textsuperscript{14}

With the letters-patent of 5 May 1779, Jacques Necker overhauled supervision of French textile production. This measure greatly extended the privilege of liberty from regulation. These letters-patent created a dual system: producers could chose to follow the existing regulations and have the quality of the resulting product certified by an inspector, or producers could make their textiles however they wished in accordance with their sense of the market. This measure officially ended the Colbertian emphasis on state-mandated quality production in textiles in favor of a more individualistic approach to satisfying consumer demand. The letters-patent of 1779 link William Reddy's emphasis on market culture with the government's use of the privilege of liberty to improve the economy.\textsuperscript{15}

Despite the growing incorporation of some of the most notorious privileged enclaves like the Faubourg Saint-Antoine into the guild system, some important enclaves were not included in the reforms. The most significant exempted enclave was the parish of Saint-Sever on the left bank of the Seine across the river from Rouen. This area had been turned into a kind of "enterprise zone" by the central government where new technologies, production techniques, and industrial endeavors, many of them associated with foreign workers or foreign expertise, could be undertaken, established, and/or naturalized. Thus, despite the extension of a more liberated productive

environment, the Bourbon administration recognized that geographical spaces enjoying a thoroughgoing privilege of liberty still had an important role to play in the expansion of the French industrial economy and in the development of new technologies.\(^{16}\)

If Turgot inaugurated a carnival, historians might wonder if the participation of women in the privileged society of orders resembled that of the cuckolded husband in a charivari – made fun of by everyone who was "in" on the joke. Despite the growing assault on the position and power of women in the last quarter of the eighteenth century, privilege was essential to the economic positions of tens of thousands of women, as Daryl Hafter demonstrates.\(^{17}\) The corporations offered significant protection to widows who commonly were allowed to exercise their husband's profession for a certain period. In some trades and in some places, this right could continue for quite a long time if there was a male minor who was the fruit of the marriage. After 1777, in most corporations, widows could acquire permanent authorization to maintain their business without limitation. Hafer demonstrates that in some northern French cities an increasing number of women became guild masters in their own right in a fairly wide variety of trades. To be sure, most of these trades were traditional "women's" occupations, such as the production of clothes for women, but in places like Rouen, jobs coded "female" extended to the production of linen

\(^{16}\) See the reports by Inspector of Manufacturing Goy, Mémoire sur les Bureaux de toilerie établis dans la ville et généralité de Rouen et sur le Commerce de ses fabriques en conséquence de la tournée générale que l'inspecteur des manufactures vient d'y faire, 12 Nov. 1782, AN F12 650; and Mémoire général sur les bureaux de visite et de marque établis dans la ville et généralité de Rouen, sur ses différentes fabriques, et sur ses principaux établissements de commerce, avec quelques observations en conséquence des tournées de l'inspection des manufactures de la généralité en 1787, 15 Dec. 1787, AN F12 1365. See also Gail Bossenga, The Politics of Privilege: Old Regime and Revolution in Lille (New York: Cambridge University Press, 1991).

\(^{17}\) Daryl M. Hafter, Women at Work in Preindustrial France (University Park: Pennsylvania State University Press, 2007).
or blended silk/cotton thread. Guild membership, Hafter argues, legally made women "surrogate men" with the right to public action. This was another form of the privilege of liberty: as guild members with the right to act collectively and in public, some women successfully resisted the growing discrimination against women in late eighteenth-century France.

The removal of the gender bias in many professions organized under the corporate umbrella during the reforms of 1776-1783 deserves far greater emphasis by those examining women's work. This change meant that women could now practice a whole host of trades from which their sex had excluded them. However, we must also recognize that for many female masters, this potential gain was outweighed by the growing threat from male encroachment on occupations previously reserved for women such as hair-dressing and sewing clothes for women and children. Thus, what could have been greater access to the privileged world for women in the name of "liberty" and "equality" was, in fact, a major blow to female opportunities for economic independence and self-sufficiency in the name of patriarchy, foreshadowing the looming reign of "fraternity."

In the reformulation of the corporate world in Normandy

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19 For an example of such a lack of attention, see Clare Haru Crowston, Fabricating Women: The Seamstresses of Old Regime France, 1675-1791 (Durham, NC: Duke University Press, 2001).
20 Édit du Roi concernant les Communautés d'Arts et Métiers dans la Ville de Rouen, 8 Feb. 1778, AD Seine-Maritime C122.
21 For a good look at some of the arguments made and their official reception, see Louis Thiroux de Crosne, Lettre à de Montaran fils, 13 Feb. 1782, AN F12 1424. This letter explores the lingères en neuf (linen drapers of new cloth) in Rouen. See also AN F12 751; and Steven L. Kaplan, La Fian des corporations (Paris: Fayard, 2001), 109-15.
following Turgot's carnival, women did not come out on top. 23 The royal edict read, "Women and girls can be received as members of men's communities, but they cannot attend the community's assemblies."24 Discrimination against female guild leadership also increased markedly under the system inaugurated in 1776. Women's labor and skills clearly had economic value, but women as individuals were excluded from positions of power and were not even allowed to be present when decisions were made. Women appear to have fared better, both politically and economically, when they could acquire "liberty" from the long-standing gender bias of Old Regime society rather than when they were made more "equal" through the enlightened reforms at the end of the Old Regime. 25

If the privilege of liberty was a fundamental part of late Old Regime industrial policy, it clearly had ambivalent effects when it came to questions of women's economic status and to the exemptions of the privileged enclaves. The question that remains is to consider what effect reliance on the privilege of liberty had on the ideology of a society of orders. In this context, I have three main points to make.

First, despite the seeming ascendance of the physiocrats among economic policymakers in the last two generations of the Old Regime, with only a few exceptions, the reformist policies implemented by the royal bureaucracy intended to improve French industrial competitiveness actually produced very different results. Extensions of privilege are diametrically

23 Haftel recognizes and explores the shift (145-206); Crowston underplays it far too much (210-3).

24 Déclaration du Roi, concernant les communautés d'Arts et Métiers du Ressort du Parlement de Rouen, 6 Feb. 1783, AN F12 760.

25 For a contemporary view by influential decision-makers of the role of women in work during the reform of the corporations, see Avis des Députés du Commerce sur un Mémoire qui leur a été communiqué par Monseigneur le Directeur Général des finances, dans sa lettre du 8 mars 1778. Ce Mémoire discute l'utilité ou les inconvénients qui peuvent résulter, soit de l'exécution des Réglements, soit d'une liberté illimitée dans la fabrication, et la nécessité d'établir un plan d'administration intermédiaire entre le Système réglementaire et celui de la liberté indéfinie, n.d. [1779], AN F12 719.
opposed to the tenets of physiocracy, yet policymakers like Turgot and Dupont de Nemours who had been influenced by the ideas of Vincent de Gournay, François Quesnay, and their followers commonly resorted to using the privilege of liberty to encourage economic development. For dedicated improvers such as Intendant de Commerce Daniel Trudaine and controller-generals like Necker and Charles-Alexandre de Calonne, such policy instruments may not have been their preference, but the privilege of liberty was a pragmatic means of reform well-suited to the straits of the central government in the aftermath of France's defeat in the Seven Years' War.

Secondly, despite the reliance of the Bourbon state on the privilege of liberty, in the practice of economic policy equality trumped liberty. Such an analysis has frequently been applied to the transition from the constitutional phase of the Revolution to the emergence of the Terror. By emphasizing the long-term roots of this aspect of state policy in the Old Regime, François Furet's insistence on 1789 as the origin of the Terror can be challenged from a new angle. An analysis of the trends in eighteenth-century political economy illustrates the uniqueness of the French polity's actions and reactions in 1789-1791, counteracting a revisionist overemphasis on the era of the Terror. The paradoxes and contradictions built into using the privilege of liberty as a tool of economic development demonstrate that the tensions between the liberties and rights of the individual and the principle of equality were usually resolved in favor of the individual. The fact that this process occurred during the aristocratic reaction that characterized the waning Old Regime

26 It is important to recognize that although the physiocrats are most associated with agricultural issues, they were also deeply interested in improving the competitiveness and productivity of the industrial economy. See Takumi Tsuda, ed., Mémoires et lettres de Vincent de Gournay, Economic Research Series 31, Institute of Economic Research, Hitotsubashi University (Tokyo: Kinokuniya Co., 1993), 134-8, 154-5, 170, 188-90. See Hilaire-Pérez for the use of the privilege of liberty by important administrators.

highlights that these tensions did not emerge or first become prominent in 1789.\textsuperscript{28}

Thirdly, the government's use of the privilege of liberty fundamentally threatened the Bourbon state and unintentionally contributed to its collapse.\textsuperscript{29} This situation mirrors the paradox emphasized by Michael Kwass of a regime seeking ever greater revenue while simultaneously extending fiscal privileges ever more widely.\textsuperscript{30} A society of orders reliant on the privilege of liberty could not long endure. Extensions of exemptions and the lessening of permissions loosened the supervisory and police powers of the state just as the Anglo-French Commercial Treaty came into effect; liberty for domestic manufacturers had drastic economic consequences for France.\textsuperscript{31} We can extend Tocqueville's analysis of the importance of the pre-Revolution into the economic sphere: just as the municipal and judicial reforms of 1787-1788 removed the teeth of the Bourbon administration leaving the intendants with few tools to combat growing instability, so, too, expansions of the privilege of liberty in combination with limitations imposed by crushing debt meant that, in the short term, the French state could do little to ameliorate the economic crisis.\textsuperscript{32}

In 1789, liberty completed the shift from a privilege to a right. As part of that shift, in economic terms, liberty became increasingly imbricated with the notion of laissez-faire. From its

\textsuperscript{28} This view also provides a different outlook on Jean-Pierre Hirsch's influential argument about "les deux rêves de commerce": regulation and freedom. Instead, the key could be seen as freedom from regulation: Jean-Pierre Hirsch, \textit{Les deux rêves du commerce: Entreprise et institution dans la région lilloise (1760-1860)} (Paris: E. H. E. S. S., 1991).

\textsuperscript{29} This process, however, worked very differently – although with similar consequences – than the rational choice model elaborated by Hilton L. Root, \textit{The Fountain of Privilege: Political Foundations of Markets in Old Regime France and England} (Berkeley: University of California Press, 1994), 7-11.

\textsuperscript{30} Kwass, 28.

\textsuperscript{31} Horn, \textit{Path}, 24.

\textsuperscript{32} Tocqueville, 193, also counted the reforms of the world of work to the judicial and political shifts inaugurated on the eve of the Revolution among the "revolutionary changes in the administrative system."
origins as part of a strategy designed to jumpstart French technological development and economic growth, the principle of economic liberty became something quite different. It assumed a central position in the revolutionary ideology of liberation that still resonates today. This shift inaugurated new opportunities, both economic and political, along with fresh ways of asking for either protection or assistance from the state. The emergence of the "privilege of liberty" was an essential step in the formation of a unique French path to industrial development.