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Article abstract

Les historiens plus anciens qui se sont penchés sur la question de la réforme sociale en France pendant la Troisième République ont surtout fait ressortir les buts avoués des réformateurs et les succès ou insuccès des mesures adoptées. En règle générale, ils jetaient un regard sympathique sur les réformateurs tout en déplorant l'évidente inadéquation des mesures prises. Plus récemment, d'autres historiens ont dégagé une image beaucoup moins élogieuse de ces réformateurs en démontrant que leurs recommandations représentaient souvent un moyen de contrôle social. De plus, ils ont établi — même s'ils se sont peu attardés à l'application des réformes — que les diverses lois mises en vigueur à l'époque ont modifié certains comportements sociaux tels la discipline au travail et l'éducation des enfants.

Selon l'auteur, aucun des deux groupes, cependant, ne s'est préoccupé de l'aspect politique de la question, c'est-à-dire de la façon dont le processus politique a pu altérer tant la nature que l'application des réformes. Pour remédier à cette carence, il se penche sur cet aspect particulier des réformes sociales en France en analysant les débats parlementaires qui ont précédé la promulgation de la loi sur le travail du 2 novembre 1892 de même que les divers éléments de sa mise en oeuvre.

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Implementing Reform: Factory Inspectors on Labour Reform in France, 1892-1900

MARY LYNN McDOUGALL

Older historians of social reform in the Third French Republic skimmed over the surface of the long and often tedious polemics preceeding enactment of these reforms. Instead, they dwelt on the stated objectives of the principal advocates of reform and the enforcement, or lack of enforcement, of the legislation. Although they were usually sympathetic to the reformers, they denounced the inadequate implementation of the laws.[1] Recently historians inspired by Foucault have delved deeper into the motivations of reformers and drawn a less complimentary picture of middle class radicals using reform as a means of social control. While this school has presented a more carefully nuanced view of reformers, they have paid scant attention to the application of the actual legislation. However, they imply that the polemics and laws contributed to subtle changes in child-rearing, work discipline, and the like.[2]

Missing in each approach is an understanding of how the political process alters the nature of reform and how the administrative system affects the execution of laws. This paper will analyse the parliamentary preliminaries and implementation of the protective labour law of 2 November 1892 to show how public debate raised great expectations while private negotiations restricted real reform and how the inspection service enforced the law selectively and quietly lobbied for the elimination of loopholes. Like many pieces of social legislation under the Third Republic, the labour law passed after more that a decade of parliamentary deliberation. One consequence was an act composed of compromises on initial intentions, some of which were difficult to reconcile with original goals. Fortunately the act provided for a special executive agency and for that agency, the inspection service, to make annual reports. These reports allow historians to assess the adequacy of the administrative system, the economic, social, and political resistance to enforcement, and the implications of the legislation as it was implemented and translated into labour practices.

A survey of previous labour regulation will illustrate the problems inherent in this kind of legislation in the 19th century. The 1841 Factory Act forebade the employment of children under the age of eight and set a limit of eight hours a day for children up to twelve years of age and twelve hours a day for adolescents up to sixteen years of age. From the beginning, then, there were two hour standards to enforce. A controversial article on inspection left the organizational details up to the administration. Sensitive

1. See, for example, G.J. Weill, *Histoire du mouvement social en France, 1852-1924*, 3rd ed. rev. (Paris, 1973).
2. See, for example, J. Donzelot, *The Policing of Families* (New York, 1975).

to opposition to central control, the Minister of Commerce instructed prefects to appoint local committees who would understand local conditions and respect entrepreneurs. Committee members received no remuneration and many were entrepreneurs, so they exhibited little zeal. Even when conscientious committees issued summons, judges were reluctant to convict, given the heavy fines stipulated in the act. Accordingly, many industrialists refused to keep the essential employment records or permit committees to inspect their premises. In the 1860s, the law only applied in a few industrialized departments. While departments like the Seine appointed paid officials with technical training to ensure enforcement, reformers pressed for broader coverage and improved implementation. One proposal, to protect girls up to eighteen, prohibit women in underground mines, and institute a salaried inspectorate, sat in the *Conseil d'Etat* until the end of the Second Empire. Under political pressure, the Minister of Commerce did transfer inspection duties to the government mining engineers. This gesture merely confused matters.[3]

The first year of the Third Republic, an industrialist in the National Assembly introduced a bill to raise the admission age to ten and lower the hours limit for children up to thirteen years in all but family workshops. The royalist Assembly, shocked by the recent military defeat, responded positively to appeals to protect French children. A sympathetic Committee report added a ban on women's and children's night and underground work and recommended a special corps of inspectors paid by the state. To justify a new category of bureaucrats, they evoked England's experience with a central service and argued that salaried officials would be more rigorous and impartial than local volunteers. A Work Committee attached to the Ministry of Commerce would select the new civil servants to eliminate favoritism and supervise their work to ensure uniform performance. To relieve fears about centralization, the report provided for local committees wherever there was a "recognized need" to exert "moral influence".[4] When the Committee bill came to debate, opponents forced a government investigation, which confirmed opposition to the minimum age and the barring of women's night work. The Assembly compromised on an admission age of twelve, except for certain industries to be determined by the administration, and a ban on night work by boys up to the age of sixteen and girls up to the age of twenty-one. Despite serious questions about the need for a special corps, the act of 19 May 1874 strengthened the Committee's recommendations by mandating that the fifteen divisional inspectors be engineers or graduates of mining and manufacturing schools.[5]

By 1876, the inspection service visited 10,041 establishments employing 119,462 children and minor women. (The mining engineers retained responsibility for the mines.) Twelve years later they visited six times as many establishments but still only inspected two-thirds of the plants subject to the law. In the early years, as few as one-fifth of the inspected plants fully observed the law and one-third ignored it. Yet inspectors issued only 3,335 summons in a dozen years, because they were overworked

3. L.S. Weissback, *"Qu'on ne coupe le blé en herbe:* A History of Child Labor Legislation in Nineteenth-century France", (Ph.D. thesis, Harvard University, 1975), pp. 118-244.
4. E. Tallon and G. Maurice, *Législation sur le travail des enfants dans les manufactures, Recueil des documents parlementaires* (Paris, 1875) pp. 15-61.
5. *Journal Officiel* (hereafter *JO*), 11 May and 25 November 1873 and 18 and 19 May 1874.

and discouraged by indifferent prosecutors and indulgent courts. Most local committees disbanded and the surviving ones exploited their undefined relationship to the service to usurp inspectors' functions. Their meddling aroused the suspicions of plant owners concerning industrial espionage, and annoyance at two sets of authorities disrupting work. Industrial departments once again hired inspectors until the Seine's twenty-seven outnumbered the national inspectors. (The other five departments had only one inspector apiece.) Although the state increased the number of national inspectors to twenty-one, it appended a virtually impossible assignment: to enforce a universal twelve-hours standard that had been a dead letter since its enactment in 1848.[6]

By the late 1880's, retired inspectors lobbied for changes in the service. One well-publicized study suggested a general inspector to be solely responsible for the service and a lower category of inspectors to free the divisional inspectors for supervision. To complete the hierarchy, the author advocated subdividing each category into two grades. In good bureaucratic fashion, he wanted a qualifying examination and promotion from the ranks. Since he believed inspection was "a work of persuasion" which required "prudence and moderation", he thought inspectors should have "uncontested moral authority" which meant, in effect, that they should be engineers or entrepreneurs with some degree of financial independence. These social prejudices did not imply laxity, for the author also pleaded for free railway passes to facilitate travel outside divisional headquarters.[7] Although the parliament adopted his hierarchical and bureaucratic approach, they disregarded his strictures on recruits and his pleas for better financial support.

Political initiatives to extend protective labour legislation account for renewed interest in inspection. In 1879, an old democratic socialist, Martin Nadaud, proposed revising the twelve-hours law of 1848 to read ten hours. The same year, an industrialist in the Chamber of Deputies proposed amending the Factory Act of 1874 to forbid women's night work. Over the next decade parliament considered nine different combinations of these bills. Reviewing the public debates and private negotiations indicates that the legislators put inspectors in an untenable position. Objections to state intervention in adults' right to work and predictions that short-time would make "national industry" less competitive blocked the drive for the ten-hour day for all workers.[8] The Socialist and Radical sponsors of bills to reduce everyone's workday, settled for restraints on women's and adolescents' labour. Many switched to sex- and age-specific restraints on the assumption that legally restricting women's and adolescents' hours would *de facto* restrict the hours of the men who worked with them. A central problem of the 1892 law was this unrealistic, unwritten assumption.

After an inquiry among inspectors, economic advisory boards, employers' associations and unions, the Opportunist Government in 1886 proposed an eleven-hour

6. Commission Supérieure du Travail des Enfants, *Rapport sur l'application de la loi du 19 mai 1874...* (Paris, 1889), pp. 4-12 and *Annales de la Chambre des Députés* (hereafter *ACD*), *Documents, 1890*, no. 649, (third) Waddington Report, pp. 153-4 and 159-61.
7. L. Durassier, *Etude sur l'inspection du travail* (Paris, 1888).
8. *Annales du Sénat* (hereafter *AS*), *Débats*, 24 February 1882, p. 141, and *ACD, Documents, 1884*, no. 2689, (first) Waddington Report.

day for women and adolescents, plus a ban on women's night work. The Chamber Committee substituted eleven hours for women and ten for adolescents. Their rationales for intervening in women's and adolescents' work were the familiar apology that it was acceptable to protect the weak and the newer contention that it was in the national interest to reduce the number of youths rejected in the military draft. Since the majority of the Committee favoured universal hours standards, they explained that they had sacrificed them because the inquiry revealed that most men in male-dominated industries already had the eleven-hour day. They claimed that men in female-dominated industries would get the eleven-hour day when the majority of their co-workers got it. Furthermore, they held that one less hour a day would not hurt production, because workers would be less fatigued and owners would install more efficient technology. To enforce the regulations, the Committee called for an unspecified number of divisional inspectors, as well as departmental inspectors to be named and remunerated by the departments. Their bill eliminated the useless local committees.[9]

From 1887 through 1892, this measure bounced between the Senate, which rejected key phrases, and the Chamber, which restored or revised them. Although the negotiations did not fundamentally alter the provisions, they attached a series of exceptions which made some articles impossible to implement. In 1889, a liberal Senate Committee criticized the inclusion of adult women and dual schedules. The Ferry Report forecast hardship for single or widowed women with families to support and difficulties monitoring two maximum days. The Senate removed women from the text and set the same standard — twelve hours — for adolescents as for adults.[10] While the Senate debated, Social Catholics in the Chamber revived talk of an all-inclusive ten-hour day. The Chamber Committee of 1890 separated out the contentious issue of regulating men but introduced the ten-hour standard for women and adolescents. The textile magnate Richard Waddington, who acted as Reporter, conceded the intricacies of two schedules and presented the single, ten-hour day as a solution. He and other "paternalistic" employers predicted that a more rational use of labour and capital would avoid a one-sixth cut in daily wages.[11] Although their prediction proved to be accurate in large plants and more generally, in the long term, they were overly optimistic about small workshops in the short term.

To bolster the Chamber's stance on women's night work, the Committee launched an investigation into night work. The inspectors testified and gathered the working women who, in a rare gesture, were consulted about their fate. Both inspectors and working women objected to late-evening overtime, or *veillées*, which periodically kept seamstresses at work fourteen to sixteen hours a day. They frequently received no advance notice, and so could not bring their dinners to work; they always had to walk home late at night. The spinners and wool combers on regular night shifts were more ambivalent, for they had steady employment on shorter shifts at the same pay — and often with less supervision — than comparable day workers. Equally important, mothers could leave their children with their husbands. Discounting

9. *Ibid., 1887*, no. 2204, (second) Waddington Report, pp. 731-42.

10. *AS, Documents, 1889*, no. 182, Ferry Report, pp. 304-7, and *AS, Débats*, 4 and 5 July and 26 to 28 November 1889.

11. *ACD, Documents, 1890*, no. 649, pp. 155-8.

evidence on the benefits of night shifts, the Committee spurned both kinds of night work for women. They based their recommendation on the hastily-acquired opinion of the Academy of Medicine that night work was "especially fatal" for women and recently articulated social fears that women's night work promoted demoralization and family disintegration. Intensive lobbying by the food packing industry did convince them to provide for an administrative ruling to excuse a few industries, temporarily, from the nine p.m. curfew and other industries, permanently, from the ban on night shifts.[12] These concessions opened the door to exceptions and uncertainties.

In the Senate a new Committee headed by the old working-class activist, Tolain, made only minor modifications,[13] but Senators still balked at a daytime limit of ten hours for women. By the second reading late in 1891, the Senate once again defeated eleven hours for women. Despite the defeat, advocates had presented a convincing case that a "transitional" eleven-hour day was least destructive of France's competitive position, since eleven hours had been endorsed at the recent international conference on labour legislation. They also cited resolutions rolling in from employers' associations and Chambers of Commerce which were resigned to some form of regulation but determined to soften its impact. In a conciliatory mood, Tolain praised experiments with two overlapping shifts as innovative responses to the proposed law.[14] Subsequently, the law allowed two-shift systems whereby factories could operate eighteen hours a day, from a four a.m. start-up to a ten p.m. shut-down. This system made calculation of the legal workday difficult and control impossible.

After two more rounds of parliamentary deliberations, government pressure and an emerging consensus on the principle of protecting working women culminated in an agreement on eleven hours for women, ten for adolescents. The Chamber Committee saved face by calling eleven hours "transitional" and expressing "hopes" it would be reduced to ten hours. Since the term "transitional" did not appear in the text, their remarks raised false expectations, while hints about amendments in the near future militated against swift application of the law as it stood. Moreover, the Senate extracted a third concession, a maximum sixty hours *a week* for sixteen to eighteen year olds, to encourage Saturday afternoon holidays. Deputies consoled themselves with assurances that employers would not abandon the six-day week, so the sixty-hour week would really mean the ten-hour day.[15] In the event, the weekly maximum encouraged employers to keep youths twelve hours a day, five days a week, and keep their employment records on a weekly rather than daily basis.

The enforcement clauses evoked less extensive yet revealing exchanges. Although no one questioned the idea of inspection, politicians from both sides of the podium expressed their preference for using the local police, either to halt growth of the central bureaucracy or to emphasize the penal quality of the law. Waddington insisted that

12. Archives Nationales (hereafter AN) C5515, Commission chargée de l'examen du projet de loi..., Procès-verbaux, 24 January to 16 May 1890, and *JO, Chambres des Députés*, 7 February 1891.
13. *AS, Documents, 1891*, no. 138, Tolain Report, pp. 220-8.
14. *AS, Débats*, 3 to 17 July and 26 October to 5 November 1891.
15. *ACD, Documents, 1892*, no. 2171, Sibille Report, pp. 257-65.

inspectors had "the prestige and authority not always found in the police", something which was necessary for "a task of persuasion and prevention." His stress on the "moralizing, protective and paternal character of the bill" carried the day.[16] When the second Chamber Committee considered the matter, they tried to strengthen central control by having the Ministry of Commerce appoint all inspectors. The Assembly agreed and charged the salaries of departmental inspectors to the state.[17] The other significant change in the Committee's recommendations concerned penalties. At the end of an exhausting debate, the Committee revised a key article on the floor of the Chamber. Instead of fining most offenders sixteen to fifty francs per employee found in contravention of any provision of the law, the new text substituted fines of five to fifteen francs. Recidivists' fines dropped from fifty to one hundred, to sixteen to one hundred francs per infraction. In the dash to get something enacted, these weakened provisions passed.[18] Lower fines did not resolve the problems of lazy prosecutors or lenient judges, much less serve as a deterrent.

On the advice of the Consultative Committee on Arts and Manufactures composed of manufacturers and the Work Committee headed by Waddington, the Ministry of Commerce created eleven divisions, each with a divisional inspector, and ninety-two sections, each with a "departmental" inspector. They subdivided France on the basis of the distribution of industry subject to the 1874 act and existing administrative districts. Unevenly-collected industrial statistics and awkward administrative boundaries resulted in inequities. Most egregious was the allocation of four departments (Côtes-du-Nord, Ile-et-Vilaine, Morbihan, and Finistère) to one inspector, who travelled constantly to visit 13 per cent of the 15,240 establishments in his section annually. Within a year, the entire statistical base was obsolete, as new responsibilities under the industrial health and safety act of 1893 increased the number of worksites to be inspected. Only 40 per cent of the sites — a lower proportion than under the old law were visited in 1894.[19] Better sources of information and further obligations under the Workers' Compensation Act of 1898 raised the number of workplaces liable to inspection to 309,675. Even with the addition of thirty-seven posts, the service could not visit 40 per cent of these workplaces in a year. Although the Ministry made minor adjustments in 1897-98, political and financial considerations delayed a major overhaul until after the new Factory Act of 1900.[20] The promised "thorough and uniform" application of the law had to be postponed.

16. *JO, Chambre des Députés*, 19 June 1888, pp. 1822-89, and 5 February 1889, p. 324; *AS, Documents, 1889*, no. 182, Ferry Report, p. 307, and *AS, Débats*, 4 July 1889, p. 498, and 29 November 1889, p. 130.

17. *ACD, Documents, 1890*, no. 649, pp. 160-6; *JO, Chambre des Députés*, 6 February 1891, pp. 254-6.

18. *Ibid.*, 8 February 1891, pp. 259-65; *AS, Débats*, 5 and 9 November 1891, pp. 90-4 and 99-102, and *ACD, Documents, 1891*, no. 1750, Jamais Report, p. 336, and *1892*, no. 2171, pp. 258 ff.

19. AN F[22] 547, Ministère du Commerce, "Organisation du Service de l'Inspection du Travail, Décret du 13 décembre 1892", and Commission Supérieure du Travail (hereafter CST), *Rapports sur l'application de la loi du 2 novembre 1892 pendant l'année 1893* (Paris, 1894), Waddington Report, p. 18.

20. *Ibid., 1894*, pp. X and 256; *1895*, pp. IX, 33, 246-7; *1896*, pp. 33, 400-1; and *1899*, pp. XVII, 551 and 556; AN F[22] 547, Arrêtés, 5 March 1897 and 18 April 1898, and Reports, 24 December 1901 and 29 April 1902.

The organizational decree of December 1892 instituted three grades of divisional inspectors with six to eight thousand francs salaries and five grades of departmental inspectors with three to five thousand francs salaries. The salaries and possibilities for promotion attracted almost one thousand candidates; 540, of whom 240 were women, took the first qualifying examination when it was administered in July of 1893.[21] Candidates had to be twenty-six to thirty-five years of age, and have good health, a certificate of good morals, and no criminal record. Although attendance at a *grande école* was not a prerequisite, graduation from these elite colleges was worth one tenth the total points awarded. The examination consisted of written and oral questions about the law(s), industrial hygiene, and mechanics. The last two sections assumed theoretical knowledge, which effectively excluded workers, even though they had a wealth of practical know-how. Socialist deputies had moved that workers elect delegates to act as or with the inspectors (like the miner's delegates to the mining engineers); in 1900, the first Socialist Minister, Alexandre Millerand, drafted a bill to have large plants elect delegates with the right to inspect their plants and report health and safety violations to the inspectors. After Millerand resigned, no one advanced the bill until another Socialist assumed the Ministry of Commerce in 1907. When Millerand sought union support for the bill, most of the unions responded that they preferred an all-worker service or delegates named and paid by the unions.[22]

The inspectorate did recruit from the *grandes écoles*, which had the advantage of raising the status of the service. Alternatively, ambitious graduates used their positions to make contact with industrialists and obtain more lucrative jobs as factory directors, a situation which prompted accusations of collusion. Inspectors denied these charges without investigating them. Most inspectors were not receptive to the idea of worker delegates, especially delegates of equal authority to themselves. All defended the entrance examination on the grounds that only "a technical corps" drawn from the elite could "impose" the law on industrialists, "by their knowledge, education, and way of life." Their emphasis on the need for "homogeneity and cohesion" in the ranks suggests that they quickly developed an *esprit de corps*. In 1899, Millerand ascertained that there were no routine channels of communication between inspectors and unions. To remedy this revealing oversight, Millerand instructed inspectors to inform the local *Bourses du Travail* that they would investigate union complaints and ordered inspectors to meet regularly with union leaders. Although this policy improved relations with the unions, it did not imply contact with the two largest protected groups, since women and children were rarely organized.[23]

To be fair to the service, many workers misunderstood its function. For instance, some solicited intervention in terms of the labour contract over which the inspectors had no jurisdiction. The few unions that dealt with the service before 1900 treated it as a tool to eliminate female and youthful competitors in their job categories. Conversely,

21. *Ibid.*, Décret, 5 March 1892, and CST, *Rapports, 1893*, p. 18.
22. AN F[22] 543, "Conditions d'admissibilité et programme du concours...", "Projet de loi sur les délégués ouvriers...", March 1900, and Note from Raffin, 5 March 1900.
23. *Ibid.*, Responses to the questionnaire regarding worker-delegates, September to November 1899, and ministerial circulars of 19 January 1900. See also AN F[22] 563, Relations with the unions, 1900-1902.

women working in small shops realized that their masters could easily deduce who had complained to the inspector and dismiss the complainant. They also realized that strict enforcement of hours and safety standards would result in loss of wages and jobs.[24]

The Chamber Committee considering the 1890 version of the labour bill had grappled with the need to rely on the "protected" parties, who might not be cooperative, to report violations. Inspector Laporte had argued that the "lady" inspectors of the Seine learned more in all-women workshops, because working women were more comfortable with them and confided in them. His remarks and the thorough testimony of two *inspectrices* overcame doubts about ladies' physical stamina and intellectual ability to perform the tasks of inspection. (Surprisingly, opponents of women inspectors did not express concern about their safety at night.)[25] In fact, the eighteen *inspectrices*, many of them from relatively humble circumstances (eg. widows), could not dispel the fears about discovery and dismissal on the part of women working in small workshops. No matter how sympathetic and approachable the *inspectrices* were, they could not assure anonymity or offer job protection to highly replaceable workers in overcrowded, semi-skilled trades. Partly because of their gender and social status and partly because they specialized in marginal enterprises whose owners had little to lose from confrontations with civil servants, *inspectrices* endured more overt hostility from outraged employers than their male colleagues did. Devotion to duty equal and often superior to their colleagues did not spare them slurs about their capacity to do their jobs.[26]

In spite of the "tact and delicacy" of the inspectors' initial approach, relations with industrialists were tepid at best. In the introductory period, when they informed and "reminded" employers of the laws, they met a good deal of passive resistance. Many employers contended first that they had to wait for the administrative ruling to complete the law and then that they could not make changes as long as an amending bill foretold a revocation of certain clauses. A common ploy was to allege good intentions and apologize for noncompliance due to the constraints of competition. Yet the "preventive policy" was not an administrative subversion of the law, for legislators had commended "persuasion" to modify behaviour. Furthermore, some large industrialists made the required adjustments without coercion and some industrial associations tried "gentlemen's agreements" to introduce modifications everywhere at once, so no one would have a competitive edge over law-abiding employers. Unfortunately, many who originally complied retreated, because competitors did not follow suit or agreements did not bind everyone in an industry.[27]

In 1895, the service adopted a more repressive stance on the premise that employers could no longer plead ignorance of the law. The number of summons nearly doubled from 704 in 1894 to 1,314 in 1895. Now industrialists tried to subvert the law by, for instance, having operatives "volunteer" to work through their lunch hour.

24. CST, *Rapports, 1896*, p. XVIII, and *1897*, p. 240. See below on the printer's union.

25. AN C5515, Procès-verbaux, 19 March 1890.

26. AN F^{22} 547, Conseil Supérieur du Travail, *Rapport sur la réorganisation du Service de l'Inspection du Travail*, présenté par M. Bourderon, 1906, and Mme Villate-Lacheret, *Les inspectrices du travail en France* (Paris, 1919).

27. CST, *Rapports, 1893*, pp. 90 and 96, and *1894*, pp. 51 and 154.

Where operatives were paid by output, many needed money — or feared losing their jobs — so much that they volunteered to eat standing at their machines to increase output. Several courts ruled this practice illegal, but a widely-publicized decision awarded fines so low as to be no deterrent. Although the overall conviction rate remained an impressive 86 per cent, some divisions began holding back summons out of concern about the indulgence of the courts. In the last half of the nineties, some prosecutors had to be prodded to indict under a law they considered a nuisance, and then did not prepare thorough indictments or call inspectors to testify at trials! For their part, defendents hired good lawyers and "outside experts" to testify on their behalf. One consequence was judges awarding token fines of one franc, four francs less than the smallest sum prescribed by the law. The Supreme Work Committee pressured the Ministry of Justice until it sent out reminders about the law. In 1899, the Ministry of Commerce instructed inspectors to crack down on all employers who refused to conform to the law. Even then, the service corrected simple infractions, such as failure to post the dozen or so regulations in the workplace, by "friendly intervention."[28]

With this overview in mind, let us examine the enforcement of the hours and night-work articles to get a more specific idea of the inspectors' predicament. The law was scheduled to go into effect in January of 1893, although the new inspectors would not take up their posts until the autumn. In the Nord, large spinning mills employing almost exclusively women promptly reduced their hours from twelve to eleven and cut daily wages by one-twelfth or paid the same piece-rates, which had the same effect on pay. Although they fulfilled the formal requirements of the law, they sabotaged the reformers' pious assurances that wages would not suffer. Nearly 2,200 women and 102 co-workers struck ten mills to get a "compensatory" one-twelfth increase in hourly wages and piece-rates, so their daily pay would remain the same. Most won their demands, though later strikers had to settle for "bonuses" based on production or, in one case, revert to the twelve-hour day. In the first two years, the transition to eleven hours provoked dozens of job actions.[29] In the Vosges, the cotton mills which waited to adopt eleven hours and watched events in the Nord, wisely raised hourly wages and piece-rates by one-twelfth. If the law matched expectations in this instance, it also troubled management-labour relations. By the end of the century, large plants reached production levels attained in the twelve-hour days by means of speed-ups, more efficient machines, and generally rationalizing the process of production. As Waddington had predicted, the law promoted modernization of French industry. However, in small workshops, the changeover occurred gradually during the recession of the mid-1890s. Although most masters cut pay, very few of these workers protested, because they were desperate for any paycheque.[30]

Implementing ten hours for adolescents proved impossible. Historians who dismiss the 1892 law as ineffectual have focused too exclusively on the ten-hour clause and the original premise that ten hours for part of the labour force would mean ten hours for all.

28. *Ibid., 1895*, p. XLII; *1896*, pp. LX, 75-6, 99-100, 233 and 276; *1897*, pp. LXIV-LXVI, 87, 148, 253-5, *1898*, p. LXXVIII, and *1899*, pp. XXXIII, XCI-XCIII.

29. AN F^{12} 4671, Grèves, 1893, Manche-Rhône, see also 4670 and 4672-4675.

30. CST, *Rapports, 1893*, pp. 92 and 116; *1894*, pp. XVII-XVIII and 377; *1895*, pp. 10 and 293; *1896*, pp. XVIII-XIX, and *1897*, p. XX.

Initially, some employers fired youths or had them come in one hour after or leave one hour before the adults. Either way teenagers were unsupervised part of the day, a fact which dismayed their parents and dispelled any illusions about greater parental control. Some cotton mills in Normandy and the Vosges organized relays of adolescents, so the auxiliary work adolescents did for the men could continue twelve hours a day. Only the employers' association in silk spinning, which was in a crisis of overproduction, tried to institute the ten-hour day for all workers.[31] Few of these measures lasted, because senators and deputies tabled bills to "unify" the hours standards within the year. Of course, the senators opted for eleven hours, the deputies for ten. While negotiations between the houses proceeded, the Ministry ordered inspectors to apply only the eleven-hour day. Parliamentary compromise came slowly,[32] so the new amending formula did not pass until March of 1900. During the parliamentary stalemate, the service enforced eleven hours and campaigned for "unification" and suppression of relays.[33]

Implementing the ban on permanent night shifts was simpler, for the legislators had exempted continuous-fire factories that historically employed women or youths at night. The proviso about historically employing women or boys expresses the purpose of this article, which was to halt the *recent* proliferation of night shifts made possible by the diffusion of gas and electric lighting. This essentially conservative goal was attained, as far as women were concerned. Boys, who were more often integrated into men's work processes as apprentices, were harder to dismiss, since organized men would have protested — and older youths could "pass" for men.

Since the ban only covered about four thousand women in full-time night work, their employers either replaced them with men or renounced night shifts. Even continuous-fire factories substituted men for women, suggesting that the law set an example where public opinion *already* condemned a practice. Most spinning mills relinquished night shifts, because they could not recruit enough men locally and would not pay enough to attract men. Instead, they increased plant capacity and thereby reabsorbed some women who had been laid off the night shift. The only complaints came from the spinning mill owners of the Tarn, who could not hire male substitutes or afford to double the machinery.

Twenty-two mills and thirty-three lacemakers in Saint Chamond, the Loire, resorted to double shifts. Although the legislators had envisaged this concession as two nine-hour shifts, each with an hour break, industrialists introduced two thirteen-hour shifts, each with a four-hour break. One shift ran from 4 to 9 a.m., then 1 to 5 p.m.; the other shift filled in from 9 a.m. to 1 p.m., then continued work from 5 to 9 p.m. Under this system, plants operated seventeen hours a day and often produced more than in a twenty-four hour day, thanks to technological advances. Workers disliked split-shifts, because many could not return home during break and therefore spent thirteen hours a day at work. This practice made a mockery of promises of shorter workdays and more

31. *Ibid., 1893*, pp. 8, 42, 72 and 193.
32. *AS, Documents, 1893*, no. 2, Leconte proposal; *ACD, Documents, 1893*, no. 40, Ricard bill, and *1895*, no. 1724, Dron Report, pp. 1-15, and *1899*, no. 1273, Dubief Report.
33. CST, *Rapports, 1893*, p. 10; *1894*, pp. XVII, 11, 63 and 75; *1895*, pp. 147, 149, 249 and 319; *1896*, p. VIII, *1897*, p. VIII, and *1898*, p. XXIX.

time for family life. Inspectors also complained, because the number of starting and finishing times made it hard to check compliance with the hours standards. From 1896 on, the service lobbied for an end to the double-shift option.[34]

Problems arose over the privilege of employing women up to seven hours a night in plants without continuous-fire furnaces. The Consultative Committee of Arts and Manufactures had to rule on what night jobs required a woman's touch and what jobs were dangerous to her health. Since this undertaking left plenty of scope for prejudices about women's susceptibility to high temperatures, the Committee only approved three numerically-insignificant jobs. Controversy swirled over forbidding female typesetters, particularly in light of permitting female newspaper folders. The rationale for the prohibition was the typesetters' exposure to lead, but the real reason was pressure exerted by the printers' union, which had been fiercely opposed to night *compositrices* since morning newspapers had begun hiring women, usually at half to two-thirds the male rate, fifteen years earlier. After the regulatory decree, printers who employed night *compositrices* were warned and fined. One director of a morning newspaper appealed his conviction. His *compositrices*, who earned the going night rate, petitioned to be "protected from the law." The director lost his appeal and gave his *compositrices* notice.[35]

Typesetters, who were suffering technological unemployment, remained vigilant. In 1894, an anonymous letter from "a group of typesetters" denounced Alcan Levy, publisher of *Le National* and other major newspapers. Alcan Levy's *compositrices*, who did not get the male night rate, also requested a "tolerance." Their petition referred to mothers who were the sole support of their families and cautioned against "agitators who want to return to a time when, women not being trained for the trade, they boycotted masters who hired women." Keufer, president of the Printers Union, angrily answered the "moving" evocation of motherhood with a touching evocation of "men brutally expelled from their trade, going from firm to firm to earn a bite of bread, men who have to support their wives and children...." At a more practical level, he supplied a list of thirty-seven firms throughout France which, the union claimed, contravened the law. An 1895 survey uncovered only eleven offenders among the 2,631 printers in France, and they only employed 151 night *compositrices*. Since the Consultative Committee was considering petitions to authorize night *compositrices*, no one was cited. However, most inspectors advised against night *compositrices* because the heat generated by gas lighting and "the atmosphere renders women anemic and absolutely unfit for childbirth." Like other contemporary "experts" who did not question cultural stereotypes about women, they did not substantiate their statements. The statements had exactly this much foundation in fact: working women on night *or* day shift were anemic due to dietary deficiencies and women *and* men who handled lead contributed to a high incidence of stillbirth.[36]

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34. *Ibid.*, *1893*, pp. 10-12, 47, 73 and 183; *1894*, pp. XIX-XXII and 160; *1895*, pp. XVI-XVII, 295 and 325, and *1896*, pp. XXII-XXIII and 15.
35. AN F^{22} 442, file on *Compositrices*, correspondence and reports dated 23 November and 10 and 16 December 1892, 1, 7, 22 and 25 January 1893, and the file on the *Mémorial*.
36. *Ibid.*, file on *Compositrices*, correspondence, reports and notes dated 16 and 26 January, 5, 6 and 16 February and 27 April 1894, and inquiry 1895.

When the Consultative Committee revised the regulations in July of 1895, they did not allow female night compositors and even ended an unofficial tolerance of female paper cutters. All the offending firms complied with the ban on night *compositrices*, but many were complaisant about the other prohibited groups. The union kept denouncing printers using under-age night compositors, while inspectors often "overlooked" the female paper cutters found at shops after hours. As they explained, paper cutting was no more demanding than paper folding; one noted the real difference: cutters, like *compositrices*, were better paid than folders. In 1897, when male compositors struck Alcan Levy, the director solicited authorization to employ women at night under the terms of a clause allowing temporary night work by reason of "overpowering circumstances." The clause had been designed and administered to permit catch-up work after a shut-down due to mechanical failure, fire, or acts of God. Inspector Laporte accepted the premise that a strike constituted "overpowering circumstances" and welcomed the precedent, saying "otherwise it only takes a few malcontents to throw an entire workshop out of work...."[37]

This strike-breaking incident happened just before the first inspection of the feminist journal, *La Fronde*, which led to a summons and a bitter court case over its night *compositrices*. The case is too convoluted to merit recounting here. Suffice it to say that the survey done in response to the owner's appeal, discovered that *La Fronde* alone employed night *compositrices*. By a circular logic, the ban on night *compositrices* was maintained because there were only eighteen left after seven years of outlawing them.[38]

The temporary or seasonal exceptions to the night-work clause created havoc. Whereas reformers had consented to favor a few female-dominated industries dealing with perishable raw materials, like fish packing, the administrative regulation of July 1893 listed twenty-seven trades. Some, like the ladies garment industry, were allowed late evening work *and* night shifts. Yet the clothing trades employed almost 953,000 women, mostly in tiny shops which were hard to detect and enter in the daytime. In the dark, inspectors had to watch for some external sign of activity and contend with locked buildings. By the time they got past the *concierge*, mistresses had moved everyone to their private quarters and greeted inspectors with indignant assurances that the seamstresses were just visiting. Most of the "insults and indignities" suffered by inspectors happened in tiny shops at night. Parisian seamstresses who had testified against *veillées* in 1890, complained that the exceptions dashed their hopes that the elimination of overtime would spread orders over the whole year and solve the serious problem of four to six months of seasonal unemployment. More aggravating, limiting overtime to no more than twelve hours a day, no more than sixty days a year, forced them to survive in the offseason with less supplementary income from overtime in the busy season. Since seamstresses earned just over half the average (male and female)

37. *Ibid.*, CST, "Rapports et Avis, 19 Juin 1895"; reports, 26 January 1896 (Henri), 26 March 1896 (Borel), and 28 September 1897 (Laporte); and letter from Alcan Levy, 25 September 1897.

38. *Ibid.*, dossier on the Durand *Affaire*, inquiry 1899, and Comité Consultatif..., "Rapports et Avis, 7 juin 1899".

wage, most cooperated with their mistresses in evading the law and misleading the inspectors.[39]

Allowing work until 11 p.m. providing the workday did not exceed twelve hours was a self-defeating compromise. With most workshops opening between 6 and 9 a.m., they did not have to stay open until 11 p.m. to operate twelve hours a day. In some trades, the regulation encouraged late starts and closings, completely contrary to the reformers' wishes. Inspectors lobbied for no authorizations after 9 p.m.; employers pressed for no deadline. Both inspectors and employers campaigned against the designation of a season when each industry could take advantage of its exemption. Although the Consultative Committee had tried to calculate each industry's busy season, no regulation could accommodate the variations within each industry, by region, branch, specialty and clientele.[40]

Within a year, the Ministry asked the Consultative Committee to reconsider the regulation. A year later, the Supreme Work Committee accepted their recommendation to have industrialists apply for authorizations whenever they needed them. The Work Committee, which included representatives of the unions, nearly halved the number of trades benefitting from temporary toleration of night work and put many of the industries losing this privilege into the category entitled to ignore maximum hours part of the year.[41] While employers appreciated the flexibility of the "decentralization decrees," industries which had not found favour renewed their appeals. Weary of employers ignoring the law while awaiting a decision on an appeal, inspectors advised that the list of beneficiaries be permanently closed. Inspectors also regretted their new discretionary powers. Because the decrees gave no guidelines about the number of times hours standards could be relaxed, inspectors had to investigate every application and exercise their own judgement on how long a particular plant should operate overtime. Only Laporte interpreted the decree to imply the previous guideline of sixty days per year. Others were overwhelmed with applications for extensions and could not investigate every one. Abuses resulted.[42]

All inspectors protested the retention of the 11 p.m. deadline for *veillées*, which invited violation of the twelve-hour maximum. Inspector Legard of Marseille noted how often masters applying for tolerances omitted the vital information on the length of the workday, given the overtime, and inferred that the omission betrayed intent to ignore the hour limitation. Yet only 104 of the 1,806 dressmaking establishments in Marseille took advantage of legal *veillées*. Presumably they were fashionable shops, for the luxury trades were most likely to exploit their workers in the evening to meet the demand of their wealthy clientele. Furriers used the most legal *veillées* (1,221) and

39. CST, *Rapports, 1893*, pp. 42, 98 and 218, *1894*, pp. 52 and 378, and *1899*, pp. XXXIX. The number of female clothing workers comes from T. Deldyke *et al, The Working Population and Its Structure* (Brussels, 1968), p. 174; information about unemployment can be found in Office du Travail, *La petite industrie (Salaire et durée du travail)* vol. 2, *Le vêtement à Paris* (Paris, 1896), pp. 490-500; the wage figures can be found in Statistique Générale de la France, *Salaire et coût de l'existence* (Paris, 1911), pp. 21-3.

40. CST, *Rapports, 1893*, pp. 13-4 and 45, and *1894*, pp. XXI and 12.

41. AN F^{22} 442, Comité Consultatif, "Rapports et Avis, 14 mars 1894", and CST, "Rapports et Avis, 19 juin 1895".

42. CST, *Rapports, 1895*, pp. VIII-XIX, 9, 17-8, and *1899*, pp. L-LI.

employed the most protected workers after 9 p.m. (2,982). The Parisian luxury trades accounted for nearly half of the "tolerances" (512 of 1,167 in 1895). Inspector Laporte abandoned hope that others would follow the example set by a few prominent *couturiers* who renounced *veillées* and resigned himself to waiting for a change in consumer habits.[43] A French Consumers' League formed in 1902 but had little influence on fashionable ladies and no influence on foreign buyers responsible for large, urgent orders.[44]

If generous exceptions and contradictory provisions contributed to the failure of the limit on *veillées*, the main factors were the availability and low wages of seamstresses, who had to work overtime to keep their jobs and survive the offseasons, the chaotic organization and cut-throat competition of the clothing industry, and the unpredictable demand of wealthy consumers and foreign buyers. Where economic uncertainty prevailed and producers catered to an erratic market, the law could not modify behaviour.

This paper has viewed labour legislation from three perspectives which may be useful to other historians of reform. Reviewing previous labour laws has shown the ongoing problems with labour regulation in the nineteenth century, to wit, the impossibility of imposing order on an economy dominated by small shops, given the constraints on the central bureaucracy. A glance at attempts to amend the Factory Act of 1892 has indicated that the process of piece-meal reform implied almost immediate criticism and revision. There can be no thoughtful interpretation of one installment of reform without an understanding of preceding and succeeding reform. Secondly, examining the legislative debates leading up to the 1892 act emphasises how the parliamentary system translated original objectives into an act full of exceptions that made a farce of initial intentions. No evaluation of a law should compare its effects only to the optimistic predictions of its sponsors; at least equal attention must be paid to interventions by the opposition and, of course, the final text itself. Thirdly, focusing on implementation is the only way to assess whether a law has succeeded or failed, either in terms of the text or in terms of the reform impulse. In spite of an act burdened with great expectations yet riddled with loopholes, in spite of inadequate provision for inspection, suspicious workers, and recalcitrant employers, the protective labour law of 1892 did reduce the employment of adolescents, lower hours to eleven in many workplaces, and reverse the trend toward night shifts in textiles. Conversely, it did not further the ten-hour day, as Martin-Nadaud and the Socialists had hoped, nor did it eliminate *veillées* in small industry, as inspectors and seamstresses had hoped. Like many other kinds of reform, it succeeded where it did not threaten economic interests and reinforced public opinion; it failed where economic exigencies outweighed, or shaped, essential public opinion.

Finally, it seems clear that the task of demythologizing social reformers must not stop with their ideology. In addition to analyzing eloquent speeches and pamphlets, historians must extend the critical approach to the legislative debates, legal texts, administrative records, and, ultimately, the economic documents. A less conspiratorial picture will almost certainly emerge.

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43. *Ibid., 1895*, pp. 11, 249 and 296-7, and *1896*, pp. XXI and XXXVI.

44. Moll-Weiss, "La Ligue des Acheteurs", *La Revue*, LXVI (1907).