

## **The social status of Parisian building contractors in the 18th century.**

### **A hierarchical and ambitious professional "body": between nobility and destitution**

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**Robert Carvais**

Legal Historian, CNRS, Centre de théorie et analyse du droit, France

It has long been customary to confuse the functions of different people engaged in the building trade from the early modern period to the 19<sup>th</sup> century in France. Is it possible for clear distinctions to be drawn between the different types of builders, contractors, architects, and engineers concerned? For example, has the law, thanks to the Civil Code of 1804, has in terms of liability retained the ambiguity of the Ancien Régime This misunderstanding has had numerous consequences on several fronts: economic, legal, and social. This will thus be the starting point of our reflection.

Our previous research on the right to build under the Ancien Régime, and more specifically on the Chamber of the Building Trades (Chambre des Bâtiments), has shown that the building contractor could be defined, simply, according to two criteria: mastery and contract. As a holder of one of the building masterships overseen by a guild, the contractor is contractually bound to his client to complete a construction project [1]. This definition gives rise to a specific legal status where rights are the counterpart of certain obligations, where privileges compete with responsibilities, and where financial risks legitimize profits [2]. Having defined and framed the building contractor in this way, we now need to consider how he is represented in society and, more specifically, his place within his own professional group.

During our research, it became clear that, under the Ancien Régime, building contractors constituted a 'transversal' group in French society, that is one containing both elites and lowly earners. Their main social activity was the creation of self-norms through the guild jurisdiction which they directed and to whose authority they were all subject. At the time, the specificity of the construction sector lay in the fact that it involved several institutions simultaneously and in superimposition with one another: a justice system and a police force embodied by the Chambre des Bâtiments; multiple trade communities (masons, carpenters, plasterers, etc.) who all recognized that they belonged to the same world, the building trades; and a large number of private or public construction companies governed by the principles of the emerging liberal economy, the rules of private and commercial law.

However, this superimposition of institutions should not distract us from the fact that "it is in the social processes - rather than in the institutions - that the analyses of law and order in a society must be anchored" [3]. Studying the practice of these institutions will shed light on the foundations of the social status of contractors who had to learn to reconcile the pursuit of profit with respect for public interest.

In the face of free competition in the construction market, contractors clung to the privilege of a monopoly. Only masters of a trade were allowed to undertake work. The relentless search for quality was paramount. This was symbolized by the production of a masterpiece, the gradual establishment of new construction law, and the ongoing search for the perfect building, even if this meant preventing defects, rectifying them, and repairing this or that defect. The desire to maintain constant control over the product of work legitimized the maintenance of a hierarchy among contractors. This is even more the case in our field of interest since it involves a specific system of justice for construction and expertise, which is particularly important. Hierarchy is inherent to the structure of the guild. "[I]n the exercise of the profession [this] was

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also extended by a *cursus honorum* within the communities which gave masters access to the offices of syndics, adjuncts and experts. These offices, often the prerogative of the most important artisanal dynasties, represented the public recognition of either a high level of professional skill or a recognized economic and social prestige" [4].

Nevertheless, this hierarchy of different building contractors was tempered by the classic solidarity observed within the trades themselves. This derived from the traditions of a collective ritual sacralised by the corporative institution, such as the corporative assembly and its organizational rules; membership of a specific fraternity; the place occupied at both ordinary and police hearings of the *Chambre des Bâtiments*; and the rank in the solemn processions of the constituted bodies. We will examine this tempered hierarchy first of all.

In parallel with this hierarchy, however, which was imbued with a character of solidarity, abuses of injustice, clientelism and favouritism did occur in the building sector in the 18th century in the search for profit, probably through the influence of public buildings and works. The building contractor was torn between respect for the initial and pure morality of guild privilege and abuses of it: a system that valued not just work well done but also social and financial success. At times, such success was achieved through the violation of guild regulations or at least actions bordering on illegality, as well as abuses of all kinds. The contractor's relentless ambition, his primary obsession, remained his quest for success, whatever the cost. Within the context of developments in rental property under Louis XV, the completion of quality work was not enough to satisfy the contractor's need for money. Gradually, the building contractor became a true businessman, attached to the guild values that had nurtured him, but attracted by a thirst for easy profit. Many pamphlets and court cases denounce this state of affairs. The search for this "lost paradise" led some contractors to their own demise.

By what means did masonry contractors succeed in their profession, or, in some cases, face bankruptcy? In the second part of this paper, we will examine the two key words relating to their success, "glory" and "money", as they applied to the practice of their profession.

### **Hierarchies and the expression of solidarity**

The guild system is ambiguous: on the one hand, it implies a superimposition of different hierarchies, while on the other hand it implies a redeeming spirit of solidarity.

#### *The construction of a hierarchy*

Archival research reveals that several hierarchies existed among building contractors. Firstly, let us consider the position of the different groups of contractors within the *Chambre des Bâtiments*. In a memorandum concerning the jurisdiction of masonry in 1707, Master General Jomard describes the composition of the court, naturally placing the judges at the top. He classifies the personnel involved in precise terms: the three or four master generals, the two counsellors, the five attorneys, the three bailiffs, the chief clerk and his assistant, the collector of spices and vacations, the controller, and finally the syndic in office. After the magistrates, the first contractor only appears in the 7th rank as the syndic of the master masons' community, playing the role of a king's prosecutor [5].

Almost a quarter of a century earlier, a notarized compromise drawn up to settle disputes and lawsuits between the communities of master masons and the community of sworn masons (*jurés-maçons*) or experts regulated the location of these two groups of contractors [6]. The hierarchy at the judicial level was thus as follows: 1) the judge; and 2) and 3), on the same level, the syndic and adjunct of the community of master masons, who served as public prosecutors, and the sworn masons, who always ensured, where necessary, that a replacement was found for an absent judge if the hearing was a police hearing, a fourth row was established below with the masters of the visit. Regarding visits to building sites by the building police, the hierarchy was identical to the previous one, with the exception of the following clarification: the 4th rank contained the master masons, contractors, and the sworn masons appointed by order of seniority [7]. The

hierarchy relating to the reputation of the contractors, on the other hand, comprised three ranks: 1) the judges; 2) the expert or sworn masons; and 3) the contractors, by order of seniority, with the additional criterion of whether or not they worked for the King's works. Those employed in the Royal Buildings were often considered to be privileged, benefiting from certain special favours [8].

Finally, with regard to the community of master masons, the hierarchy was as follows: 1) the judges, the true masters of the community; 2) the syndics and adjuncts, permanent representatives of the community before all administrative judicial authorities, etc.; 3) the council of twelve elected deputies, which constitutes the office of the community in charge of deciding on delicate, urgent, or even general questions concerning the company; and 4) the master masons, according to their rank within the community [9].

Research undertaken at the archives of the *Chambre des Bâtiments* clearly demonstrates that the masonry contractors were well aware of the different classifications that placed them in a specific rank, according to their specific situation, and that they were quite content with this situation [10].

Thanks to the combination of these four hierarchies of building contractors, we have been able to reconstitute four levels of prestige and fortune in the profession. These are as follows, and will be studied one after the other, in descending order: 1) the three master generals, judges of the *Chambre des Bâtiments*; 2) the fourteen administrators of the community in the persons of the syndic and the adjunct and of the council of the twelve deputies; 3) the expert-contractors; and finally, 4) the master mason contractors.

*1/- "Les Maîtres généraux des Bastiments du Roy, Juge et Garde de la Juridiction royale des Bastiments, ponts et chaussées de France, établie au palais à Paris et en la ville Royale de Versailles".*

This was the official title of their office at the beginning of the 18th century. These individuals were first and foremost contractors, since they had to be masons. And as architects and project managers, they produced a large number of buildings. There were three of them and from 1645 onwards, they exercised their magistracy alternately every third year [11]. Hearings were not held every day and the judicial holidays gave them time to attend to their business. Despite some abortive attempts to the contrary, they always retained their original function as master masons. There were a few exceptions to this in the second half of the 18th century, however, when some master generals only had a legal background [12].

Their main role was to exercise justice and police their fellow men. They exercised a justice of peers, centred on carrying out the building business. They alone developed an 'esprit de corps' which would exclude any 'intruder' who was not considered to belong to the world of construction. Five large families of architect-contractors provided the of the Master-Generals: the Marchands for 26 years; the Villedos for 23 years; the Delespines for 33 years; the Tricots for 9 years; and the Beausires for 68 years.

The function of judge was passed down from father to son, from son to father, or from brother to brother. Such figures were procedural, speculative, and somewhat authoritarian but retained a certain sense of public service and honour. In their role as judges, the master-generals played a key role in understanding the history both of Parisian construction before the Revolution and of the building trade. They also played a central role in the process of controlling building sites through police visits and in granting aspiring masters the final license to proceed in their work. Entrepreneurial licenses were issued upon their judgement. They confirmed the appointment of the community management and regulated it.

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*2/- The syndic, the adjunct, and the twelve deputies:*

This group, made up of fourteen people, managed and ruled the building contractors' guild: a syndic, an adjunct and 12 deputies. They were, of course, contractors. The syndic and the adjunct, were each elected for one year by their peers in a general assembly [13], serving as the representatives of all contractors. The functions they exercised were substantial and of an administrative, accounting, and judicial nature, but they were also short-lived. The management of the community's current or urgent affairs was entrusted to the office. This office was made up of the twelve deputies [14], who were re-elected every year in increments of six [15]. This team was accountable when it left office. The team's legitimacy derived from its democratic election in the General Assembly. The elected members were chosen by all their colleagues as representatives of the members of the community. They were deemed to be in possession of all the necessary qualities to: serve as intermediaries with the public authorities; defend their financial interests, among other interests, since they were entrusted managing the budget; confront the forced monetary appeals of the king; and demonstrate the technical competence of the contractor and the benefits of the building company to the public and the owners, to provide the people of Paris with a defence against the malfunctions fought against by the police, which they oversaw [16]. Let us not forget that the syndic and the adjunct acted as public prosecutors at police hearings. At their request, the master general would decide for or against prosecuting a contractor or journeyman who had failed to respect the building regulations. In addition, they were responsible for most of the judges' ordinances on construction.

Although they were restrictive, these functions presented many advantages, of which their holders were aware when they voluntarily put themselves forward as candidates. Once elected, they enjoyed a reputation that placed them among the elite of the profession in the eyes of the public, thanks to the publicity surrounding their election.

In addition to the syndic and the adjunct, the restricted assembly, which represented the whole community in its decisions [17], was made up of twelve deputies. These deputies were distributed as follows: two sworn masons; two former syndics who had knowledge of the previous affairs and were selected from the twelve oldest; the last two syndics to have left office after the presentation of their accounts and who were aware of the new affairs; and, finally, six "modern" and young masters, including a privileged master of the hospital of the Trinity, selected by his fellow-members [18]. The presence of holders of the office of sworn mason among the twelve deputies naturally caused a conflict of propriety. The assembly needed to resolve this with skill, recognizing the pre-eminence of the sworn masons (3rd rank) over the simple contractors (4th rank) [19].

*3/- Expert contractors:*

This is a group of privileged master masons whose office granted them a certain entitlement to control the activity of building tradesmen. Elected since the Middle Ages by the members of the mason community, two Edicts successively modified their status as experts: in 1574 they became office bearers and in 1690 the post of the expert was opened up to the bourgeois [20].

In 1572, these sworn masons, who had undertaken an oath to fulfil their official obligations, were tasked with carrying out visits to and estimates of all the buildings, and overseeing the divisions of inheritance and measures (toisés), which their auxiliaries, the clerks of the building, recorded in their minutes and reports. In 1690, their jurisdiction was extended to all the towns in the kingdom and to "all visits and reports on works, both amicably and by court order". They then held a monopoly over building appraisals.

Expert contractors [21], who were relatively few, numbering between twenty and thirty in the 18th century, easily became rich thanks to their double source of income. On the one hand, they earned a salary as experts, and on the other they benefitted from the profits of their building businesses. Moreover, in the complex web of administrative, police, and even judicial mechanisms that characterised the community of contractors, experts took up strategic positions, acted as

sponsors for aspiring masters during the preparation of the masterpieces, overseeing the regular police visits in the capital, and replacing the master generals, *ex officio*, in the event of absence or prohibition of their office. As such, they constituted an elite group situated above simple contractors. Causing numerous conflicts with other competing privileged categories, they felt more connected with their own community than with that of the master masons. More so than mastery, holding an expert's office rendered expert contractors special, more competent and therefore more renowned.

#### 4/- Master builder contractors:

Finally, the bottom category of the hierarchy comprises all sorts of contractors, from the renowned to the unknown. It includes those who built up quite a fortune by taking on a significant number of buildings, to those who never had the chance to be anything other than a construction maintenance craftsman, remaining in the service of other, more influential colleagues. Within this heterogeneous group, the category of contractors for the King's Buildings stands out, particularly during the reign of Louis XIV and the great construction projects of Versailles and Saint-Cloud. Such individuals were often called upon to "settle accounts between two parties" [22]. The court undoubtedly considered them to be outstanding business managers and put their skills to good use. Protected by the royal power for whom they served, and even rubbing shoulders with the king's greatest architects at a lower rank, they were assured, if not of a certain wealth, at least of a certain notability.

Based on our current knowledge, the number of Parisian contractors seems to have increased in the 18th century from around 150 at the beginning of the century to nearly 300 in around 1750. Following some ups and downs, the number reached nearly 400 by the end of the century. As for the privileged, they remained very few in number, as did the sons of masters.

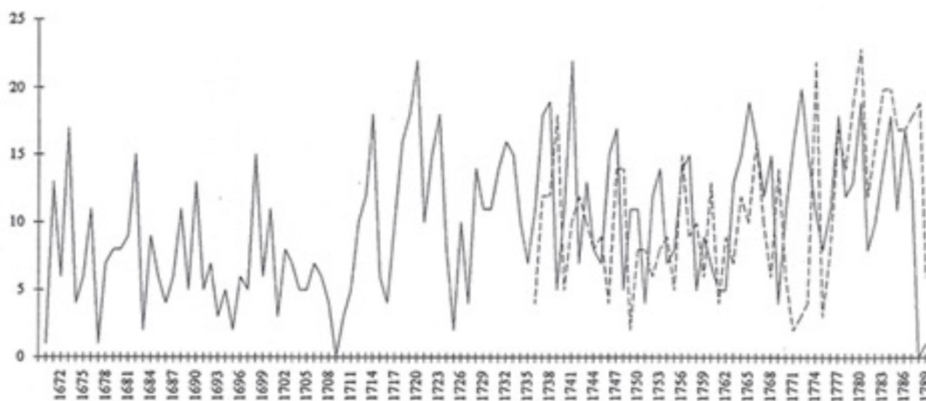


Figure 1: Evolution of the number of aspiring masons from 1690 to 1790 (solid line: after A.N. ZIJ and dotted line: after A.N. Y)

The graph of new contractors by year shows three trends (Fig. 1): from 1670 to 1710, there was a significant and constant drop in new entrants; from 1710 to 1770, there was a fairly high and regular retention of new masters, albeit with some peaks and troughs; and from 1770 to 1787, there was a period of stability despite a tendency to see a rise in the number of aspiring masons received with the approach of the Revolution, which would liberate the system from the corporate shackles. The political awareness of aspiring members appears to have been raised at a late stage. In 1789 and 1790, the

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virtual absence of receptions heralded the imminent upheavals. In the graph created from the registers of the King's prosecutor in 1776 (when this source became reliable), the trend is clearly upwards [23].

*The master masons and their solidarity*

We must not forget that this group of building contractors also included the most disadvantaged, who bestowed an apparently pitiful general financial state upon the community: an assembly of 14 July 1710 mentions that "a petition will be made to Monseigneur d'Argenson to represent to him the state of the aforementioned community and to ask him to give him sufficient time to represent to Monseigneur le Contrôleur général the impossibility in which the aforementioned community is to pay (the sum of 12,000 livres and the 2 sols per livre)" [24], its state being reduced to a point where the majority of the masters are obliged to abandon their families for lack of funds because of the hardships of the times" [25]. Even if the reality was often different, particularly with regard to the community's finances, which were never in deficit despite the heavy toll regularly demanded by the monarchy, the fact remains that the apparent poverty and distress of certain contractors legitimised an exemplary solidarity in more than one respect, despite this harsh four-level hierarchy, where contractors often needed to jostle for their position. This is firstly because it was spontaneous, reminiscent of the guild spirit, but also because it was established between all levels of the hierarchy. Bridges of mutual aid, not necessarily financial, were built across the four ranks of contractors. There are many examples of these manifestations of solidarity.

The assembly of 26 July 1736 mentions that a contractor had lent money to the community and provides for his widow being reimbursed with 60 livres that were still owed, "to cancel a contract for three livres of annuities that the community owes them" [26].

More often than not, the Company of Master Masons provided for extreme needs, and "the caducity which prevents them from earning", of some of its members by granting them a lump sum of 10 or 12 livres per month until their death [27]. It would also temporarily lend a contractor who had been imprisoned the sum of 15 livres per month, "to serve as assistance" [28], or support a contractor's widow in their old age by providing them with a monthly sum of 15 livres [29].

A spirit of solidarity also characterised justice enacted between master masons as well as those set to occupy the position. The presence of two judges at certain hearings in 1695 can undoubtedly be explained by a former magistrate's desire to help the new holder of the office of alternative Master General, François Jomard, who had just been appointed [30]. Jean Aumont, still a simple contractor at the time, managed to have his case heard by his future fellow master generals and was relieved of his responsibility for a collapse in a building he had overseen [31].

The legal concept of solidarity was often invoked before the Chambre des Bâtiments between parties to a lawsuit. In principle, it was only used if the defendants in a liability action occupied the same rank within the professional hierarchy: if, for example, two contractors were bound by a sharecropping contract, the sentence would be joint [32]. On the other hand, this was not the case between a master mason and his fitter in relation to a failure to pay for stone [33]. Similarly, the same solidarity has been retained with regard to an owner in the context of liability for the non-use of his house which had been left under construction for too long [34].

This idea of solidarity between the different classes of the same contractor was sometimes threatened by a malicious complacency towards bourgeois clients who were victims of the work of a certain master mason. Master generals were surprisingly tolerant and flexible when assessing the work of one of their fellow master masons, a former syndic of the community, in a dispute with the project owner. While they did not go so far as to discharge the contractor in question "by grace and without drawing any conclusions" with regard to an "overhang" which they nevertheless deemed "beautiful and solid" [35]?

While this multifaceted solidarity may attenuate the somewhat feudal aspect of the professional hierarchy of Parisian building contractors, it also clearly demonstrates that, whatever their status, such contractors all pursued a singular quest for success during their entrepreneurial careers. We will now turn our attention to this quest in order to understand the mechanisms and means of achieving it.

### **The quest for success: working, making a fortune, and having "rank"**

Exercising their profession allowed contractors to pursue a single goal: rapid success [36], the attributes of which were without question at the time, "glory and money" [37]. Being rich and holding a rank in society could have been the motto of Parisian building contractors. They entered this vicious and infernal circle which led them from fortune to recognition, from recognition to new estimates and contracts, and thus to new profits.

#### *Business*

According to what Le Camus de Mézières attributes to the architects whom "those who want to build" must choose, building contractors possessed "the minimal knowledge on business" [38]. As their main activity was their work, they undertook building projects in excess. Two archives in particular shed light on the professional activity of building contractors: firstly, the bankruptcies held at the Archives de la Seine. For example, we studied, fruitfully, the register of the companies of Edouard Jean Leboullier, master mason and contractor of the buildings of Paris, who received his master's degree in 1718. From 20 May 1719 to 10 March 1727, the register lists, successively, the type of work carried out (new buildings or repairs), the location of the building site, and the name and title, if any, of the master builder [39]. In addition, it contains marginal indications as to whether or not the work was completed and whether the contractor had been paid. In a note, he indicates "that the articles contained in the present register not crossed out and not declared paid which are not included in the state of what is due, are matters which still remain in the works and are not finished and matters of which the works are finished but of which I do not have yet rested from memory and on which works I received a number of sum and account by means of which I think to be almost paid except to count". We have provided a summary of this register in Table 1 below:

*Table 1: Quantitative statement of the undertakings carried out by Ed. J. Leboullier, master mason in Paris between 1719 and 1727*

Year	No. of new buildings and/or repairs	No. of new buildings and/or repairs, achieved and settled in 1727	No. of repairs	No. of repairs achieved and settled in 1727
From May 1719	2	2	7	3
1720	3	0	13	11
1721	2	2	21	18
1722	2	2	24	22
1723	3	2	18	17
1724	3	1	25	23
1725	1	0	21	13
1726	0	0	20	17
Until March 1727	0	0	3	1
	16	9	152	125

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On average, this contractor built two to three new buildings per year and carried out about twenty repairs. We have no detailed information on the contracts in question. However, one of the causes of his bankruptcy was probably the fact that five large building sites, not to mention the last ones begun in 1725, failed to pay several workers after the work had begun, if it was ever completed.

A global analysis of the cases of bankruptcy among building companies would inform us as to the total volume of their businesses and the reasons why they failed. Here too, individual examples are not representative, since the financial differences between individual contractors are so great. Even if the balance sheets are somewhat lower than 10,000 livres, some show some intense activity [40]. We believe that, even if most of the creditors of bankrupt contractors consist of large sums of money unpaid by the owners of the works undertaken, and apart from the seasonal nature of the building trades [41], the main cause of bankruptcies in the building trade lay in the lack of "financial resources" to cover the expenses required by the trade: not only the payment of workers, but above all, and in a greater proportion, the purchase of supplies and raw materials that the contractor was obliged to finance in advance.

Moreover, other symptoms of the contractors' financial difficulties can be seen in the actual seizures of their offices of experts, which can frequently be found in the judicial archives of the masons [42]. They would use their office as a guarantee to make up for temporary cash flow difficulties and to enable them to continue their business wisely.

The other archive, which provides an indication of the activity of building contractors, is scattered across the series of the A.N. Z/1j/1-255 (Chambre des Bâtiments). These are the declarations imposed on building contractors by the authorities [43]. Of these declarations – which, over time, the owners, the journeymen masons and finally the master mason contractors had to make on construction projects they were planning – only the last category seems to be reliable for counting Parisian building sites. However, this source only exists for the years 1782 to 1787, and even then it is incomplete, in the registers listed as Z/1j/1743 in the National Archives [44]. For the complete years, we can draw up Table 2 below. This shows us that at the time, the 310 Parisian contractors started an average of 360 building sites each year (!).

*Table 2: Number of Parisian building sites from 1783 to 1786.*

Year	No. of Parisian building sites
1783	394
1784	367
1785	346
1786	342

During the 18th century, masonry contractors were so overloaded with contracts that they often delivered their buildings late. The Chambre des Bâtiments did not hesitate to inflict damages to sanction such practices, which were embarrassing for the owner or tenant. Their priority was always construction, regardless of any parallel activities they might have been carrying out, even if such activities were in the interests of their community. As soon as their presence was required simultaneously on one of their building sites and in another place they would always choose their building site. For example, for the master general the building site would take priority over a hearing, for the syndic, his adjunct or the deputy, it would be prioritized over a general assembly, and for the police, it would take precedence over a visit. Most often, of course, they managed to combine their activities in such a way that they did not interfere with each other. They believed that anything that might have hindered the construction of the buildings for which they were responsible was to



be avoided: lengthy trials were costly in procedural terms. The increase in the number of expert reports and site visits was a source of dissatisfaction, about which they often complained.

The archives show a great variety of situations, and a wide range of levels of wealth. To start a healthy building business, the contractor needed to have a financial base of about 2000 to 2500 livres. To inspire confidence, they needed to frequent the useful networks that maintained their assets (for example during appraisals), to fight against the competition of newly appointed architects by revealing their incompetence, to accept and even contribute to the standardisation of new economic and legal knowledge, and to conquer the market for the construction of new buildings. The most far-sighted individuals ensured the creation of construction companies centred on the distribution of financial dangers, such as through subcontracting or associations [45]. However, contractors' most lucrative activity remained speculation through allotments, i.e. subdivided plots of land [46] and the construction of "turnkey" buildings. Others were tempted by innovation. While the search for profit is almost inescapable in the building profession in general, it is even more accentuated in the field of public works. In his *Dictionnaire de jurisprudence et des arrêts*, Prost de Royer writes: "As for buildings, they have become, especially in recent times, an abyss in which speculators, owners and even contractors have been lost, due to the difficulty of calculating accurately, the high cost of materials, and the perpetual illusion that artists and workers are, seeing only their own fortune and caring little about the ruin of their client. - Administrations are even more likely to be deceived and are more unfortunate: 1/ in that the care of the administration cannot equal that of personal interest; 2/ in that contractors, workers and suppliers, always greedy, are more audacious and less scrupulous, when they have to deal with any administration; convinced that there is no harm, because they only take over, and with whom, they say, would we make our fortune?" [47]

### *The glory of 'rank'*

Alongside money, fame was the queen of virtues for the building contractor. One of the only ways for building contractors to achieve "glory" was to be elected as an adjunct, and therefore syndic, of their own community [48], or even simply to become one of the deputies responsible for representing all the members of a restricted assembly. For contractors, being elected by one's peers constituted a sign of recognition and pride, which they could use to their advantage. The multiplication of the election mechanism in this community made it 'avant-garde' in this field. In his *Répertoire de jurisprudence civile, criminelle, canonique et bénéficiaire*, Guyot notes that, "the community of master masons was the only one whose affairs were managed by deputies, and that this form, prescribed in the past by the general judges, seemed so wise that it has since been applied, by the edict of 1776, to all the other communities, because the disadvantage of provoking a general assembly for each case, where there is almost always too much confusion, was felt" [49].

Provided that the election is held under optimal conditions, allowing individuals to help oversee and manage their professional organization, gives a key advantage which proves central to their success. Indeed, what would have been the point of being elected syndic or adjunct, or even deputy, by an assembly characterised by its absenteeism. Awareness was raised among the community by the contractors in 1738. The records of these elections have been passed down to us through the Masons' Court.

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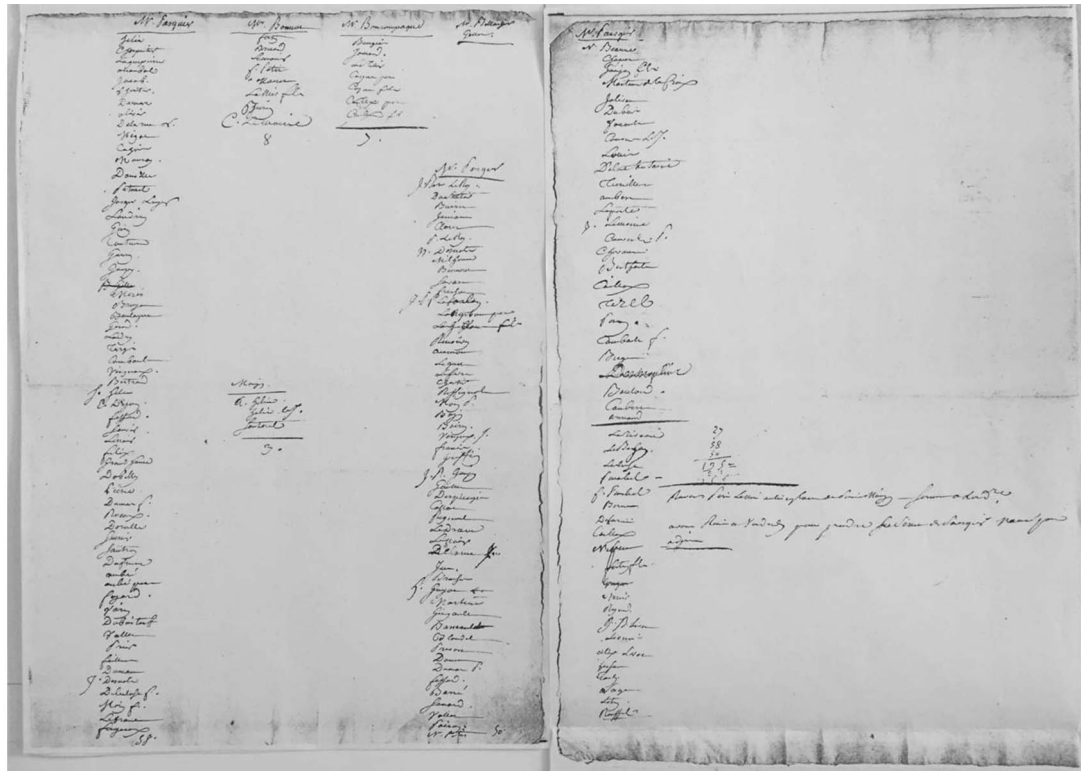


Figure 2: Example of a voting page for the election of an adjunct on 17 August 1764 (in A.N. Z/1J/139, recto-verso).

For all the elections, we have drawn up Table 3 below:

Table 3: Reconstitution of the votes in the elections of the adjunct to the syndic of the masons' community (1724-1775)

Years	Registered voters	Voters	Participation rate (%)	Abstention rate (%)	No. of Candidacies	Votes obtained by the elected adjunct	% of votes for the elected adjunct
1724		56					
1725	260	54	20.77	79.23	"2"	40	74.07
1726	260	120	46.15	53.85	"5"	71	59.07
1727	200	97			"2"	76	78.35
1728		101			"2"	86	85.15
1729	208	106	50.96	49.04	"2"	54	50.94
1730		54			3	27	50.00
1731		47			4	30	63.83
1732		75			3	50	66.67
1733	245	123	50.20	49.80	4	52	42.28
1734		107			5	52	48.60
1735		94			4	86	91.49
1736							

1737		86			5	30	34.88
1738	204	172	84.31	15.69	5	145	84.30
1739	234	150	64.10	35.90	4	88	58.67
1740	240	188	78.33	21.67	8	125	66.49
1741		179			8	109	60.89
1742	262	201	76.72	23.28	5	100	49.75
1743	246	203	82.52	17.48	9	96	47.29
1744	234	194	82.91	17.09	5	147	75.77
1745	257	206	80.16	19.84	9	125	60.68
1746	231	206	89.18	10.82	6	158	76.70
1747	240	223	92.92	7.08	4	179	80.27
1748	284	203	71.48	28.52	3	195	96.06
1749		215			5	144	66.98
1750							
1751							
1752	280	209	74.64	25.36	10	169	80.86
1753	243	203	83.54	16.46	2	200	98.52
1754							
1755		82			4	68	82.93
1756		187			5	126	67.38
1757		156			4	112	71.80
1758		137			3	130	94.89
1759		143			6	114	79.72
1760		153			7	89	58.17
1761		139			8	99	71.22
1762	275						
1763		162			4	135	83.33
1764		174			4	156	89.66
1765		178			3	156	87.64
1766		205			4	115	56.10
1767		182			5	120	65.93
1768		120			3	91	75.83
1769		152			5	103	67.76
1770		130			3	128	98.46
1771	305	209	68.52	31.48	5	198	94.74
1772		171			3	85	49.71
1773		230			7	110	47.83
1774	335	175	52.24	47.76	5	89	50.86
1776	330	189	57.27	42.73	4	107	56.61

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A hierarchical and ambitious professional "body": between nobility and destitution*

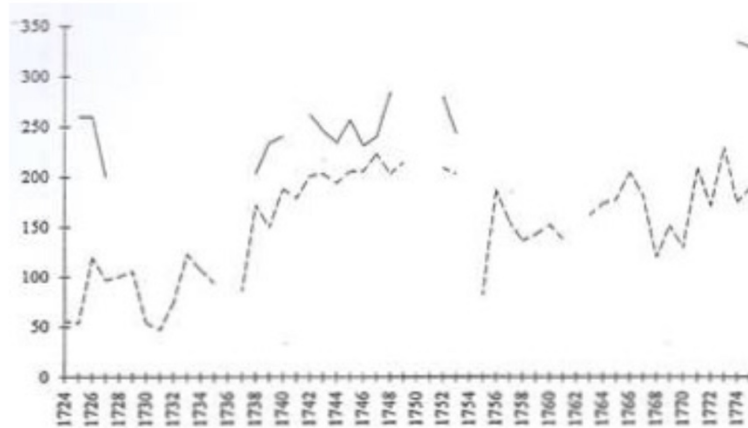


Figure 3: Evolution of the number of registered voters and voters in the elections of the adjunct to the syndic of the master masons' community (1724-1775)

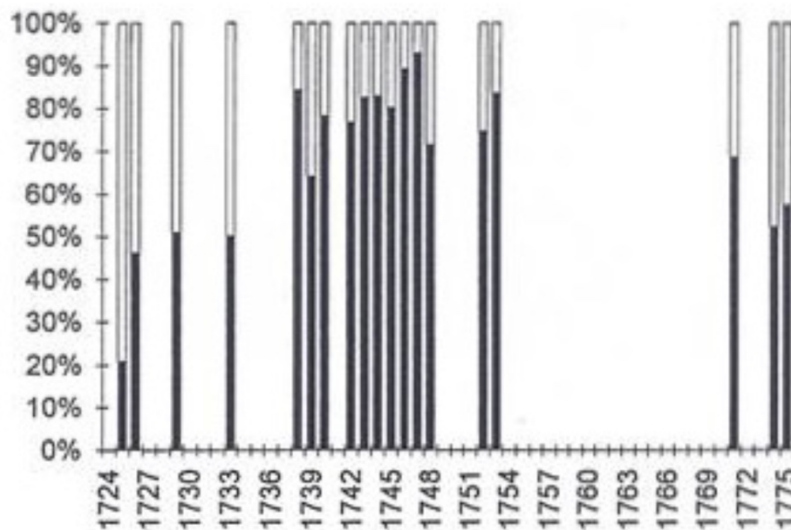


Figure 4: Histogram of the participation/abstention rates in the elections of the adjunct to the syndic of the master masons' community - 1724-1775 (abstention rate in white / participation rate in black)

From 1724 to 1737, an average of 85 out of every 243 master masons, *i.e.*, barely 35% of the contractors, voted to elect the leaders of their community. From 1738 to 1753, the average number of voters rose to 80%, before falling to 70% between 1754 and 1777 (Fig. 3 and 4). The same phenomenon can be seen in relation to the number of candidates. This number rose from four in the first period to five or six on average thereafter (Fig. 5). After 1738, the deputy was most often elected by an absolute majority of more than 60% in more than 75% of all cases (Fig. 6). A closer look at the records

of these elections as a whole allows us to study the differences in candidacies. To succeed, 37% of the candidates had to run once, 27% had to run twice, 19% had to run three times, and 18% had to run seven times.

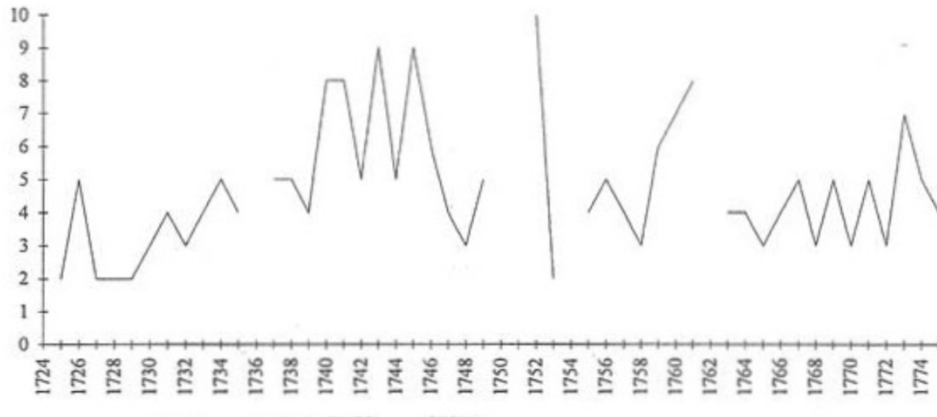


Figure 5: Evolution of the number of candidates for the election of the adjunct to the syndic of the master masons' community (1724-1775)

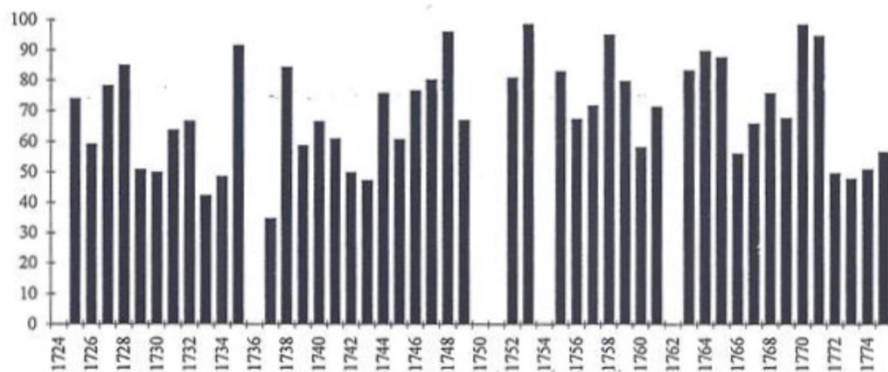


Figure 6: Evolution of the percentage of votes cast for the elected adjunct to the syndic of the master masons' community (1734-1775)

When a contractor did not achieve his moment of glory by being elected head of his community, he would sometimes try to reach a higher rank by all means possible. This was the case for Jean Pinard, who, disappointed at having been refused the position of syndic of the community, even though he had been elected deputy in 1707 as he also belonged to the community of expert contractors, acquired the position of alternative master general of buildings in 1751, thereby achieving his goal.

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Recognition from one's peers was only acquired through time. A contractor could only expect to be elected adjunct to the syndic after about twenty years of unblemished practice. The example of Pierre Convers is classic in this regard. Born on 2 September 1705, Convers was received as a master in August 1729, at the age of 24. He was successively elected administrator of the confraternity in 1751, and adjunct to the syndic in 1753, at the age of 48. He was elected syndic at the age of 49, after 25 years as a contractor. His election was almost a reward for merit.

The Parisian building contractor evolved admirably within the strict corporative fabric of the Ancien Régime, effectively supported by his peers within the legal and technical framework of the *Chambre des Bâtiments*. Those in the construction field naturally rubbed shoulders with those in the world of business. From the 17th century onwards, buildings were made not only for living in but also speculatively. During his professional career, contractors would encounter many pitfalls such as their random, difficult passage through the various stages of the hierarchy that characterised their working environment. Few of them would reach the magistracy of masonry; others would be satisfied with honourable intermediate levels or simply accept the benefits of an ordered solidarity. They did not all become powerful and/or wealthy, even though overall the construction activity was a proven growth sector, creating wealth.

We will close this study on building contractors in the 18th century with three general reflections. First of all, and particularly with regard to the contractor's social status, we are convinced that, despite certain misleading appearances, the strength of the building world lay in its ability to remain united at all times. For, although it comprised several guilds, the world of construction was united, as the history of the *Compagnonnage* [50] reveals. This true unity enabled those involved to innovate in a delicate area: the representation of the profession through democratic elections. No other trade in any field that we know of had done this at the time. This essential novelty, this quasi-revolutionary behaviour, prefigured the elective system of national representation that came after the Revolution. It should be noted here that no election in the close-knit world of building was contested. This also demonstrates an exemplary political maturity which enabled the building field to pass – without too much turmoil – from trade to profession, and from guild to the freedom of enterprise at the dawn of the 19th century.

Secondly, and more generally, it should be emphasised that the concept of the contractor could not have been studied without the archives passed down by the *Chambre des Bâtiments*, whose sentences from the 16th century onwards could only be appealed before the Parliament of Paris. An examination of these papers, which reveal the tumultuous, procedural social lives of contractors and other construction workers, helps us understand how this form of justice allowed both judicial and jurisdictional practices to become sources of law. Here again, we agree with Simona Cerutti when she writes about trade justice in Turin in the 17th and 18th centuries: "this presupposes that legal rules are inscribed in the practices of individuals and, consequently, does not attribute any supreme authority to the 'specialists in law' in the field of judgement, considering instead the judgement of the 'laity' to be legitimate." [51] Might it then be possible to question the assumption that, in Ancient Law, jurisprudence could never be considered as a source of law, or only rarely? The regulations issued by the jurisdiction of masonry were nonetheless norms, even though this was not run by professional magistrates, but by construction workers. Ordinary life – or, more precisely, trade, industry, economic life, in short – have contributed to the creation of norms outside of state institutions by summary justice in the hands of non-lawyers, institutions that have more or less distanced themselves from central power [52].

Finally, any research similar to ours must lead to a methodological reflection. From our example, we realised that it would be appropriate to develop micro-historical studies on specific, isolated social and professional groups by cross-referencing, where possible, normative and practical legal sources (e.g., court decisions, contracts, arbitrations, etc.), economic sources (bankruptcy files, order books, archives of companies to be solicited), and social sources (guild papers: minutes of general assemblies, statements of finances, etc.). As such, the history of labour law and that of social law would become a new, privileged field of research for lawyers, a field they have too long overlooked. Moreover, for the

protohistoric industrial period, it is essential to develop the history of the economic fields of social groups, which are little known and difficult to locate, in order to measure economic activity accurately. The economic history of this period remains very sketchy to this day. Studying a subject from a multidisciplinary perspective remains a major asset for any historical research.

## References

- [1] R. Carvais, 'La force du droit. Contribution à la définition de l'entrepreneur parisien du bâtiment au XVIII<sup>e</sup> siècle', *Histoire, économie et société*, 1995/2, pp. 163-189.
- [2] R. Carvais, 'Le statut juridique de l'entrepreneur du bâtiment dans la France moderne', *Revue historique de droit français et étranger*, 74 (2), April-June 1996, pp. 221-252.
- [3] S. Cerutti, 'Normes et pratiques, ou de la légitimité de leur opposition', in B. Lepetit (Ed.), *Les formes de l'expérience. Une autre histoire sociale*, Paris, Albin Michel, 1995, pp. 126-149 and the corresponding notes, pp. 322-326.
- [4] H. Burstin, 'Conditionnement économique et conditionnement mental dans le monde du travail parisien à la fin de l'Ancien Régime, le privilège corporatif', *History of European Ideas*, 1982, vol. 3, n° 1, pp. 26-27.
- [5] Bibliothèque nationale de France (referred to hereafter simply as BnF) Joly de Fleury 2400, Cartons Blancs, fol. 100.
- [6] BnF Ms fr. n.a. 3357, fol. 89-91 v°, 12 octobre 1657 : « Que ledit juré du roy ès oeuvre prendra sa place dedans l'auditoire de ladite justice les jours des audiences sur les sièges en retour dudit maître des oeuvres du costé droit et les autres jurez sy aucuns sy trouvent se mettront du mesme costé et le syndic desdits maîtres maçons et l'ancien Bachelier prendront leur place sur les sièges en retour du côté gauche et les maîtres de la recherche à leur place ordinaire et autres maîtres s'il s'en trouve ».
- [7] Archives nationales (referred to hereafter simply as A.N.) Z/1j/134, fol. 121, 1691.
- [8] A.N. Z/1j/186, fol. 7 v, 19 June 1693, granting of a debt remission; A.N. Z/1j/188, fol. 4 v, 24 July 1697. *Idem*, A.N. Z/1j/192, 8 May 1679.
- [9] The rank of the contractor in his guild is so important that it makes it possible to determine his seniority, his turn in the police force, his respectability, his propensity to be elected to the leadership of the guild.
- [10] There are many examples: Procès-verbaux de J. Beausire, expert, 13 January 1775, A.N. Z/1j/227; A.N. Z/1j/222, 4 December 1726. On 4 December 1726, the *Chambre des Bâtiments* discharged Jean Aumont, masonry contractor, future master general, of the accusation of liability for having compressed the extra height of a shed. He managed to convince the judge that the plaintiff tenant of the site, a carpenter by trade, was guilty of having stored too much wood upstairs (A.N. Z/1j/222). Would the court have acted in this way if the contractor, even a mason, had not belonged to a 'privileged' class?
- [11] From then on, three offices of master general were held in turn by an ancient officer, an alternate, and a triennial.
- [12] Maugis was an attorney at the Châtelet, Boiesnier de Bardy was a lawyer, Léonard-Pierre d'Osmond was an architect-expert-bourgeois, and Pierre Caron, in addition to his title of lawyer, was a king's architect. Jean-Baptiste Beausire, Gabriel Chireix and Jacques Vinage were architects.
- [13] The second succeeded the first, and each adjunct thus served for two years, one year as adjunct and the following year as syndic with a newly elected adjunct.
- [14] From 1776, there were 24 deputies.
- [15] Each one thus remained in the role for two years.
- [16] Cf. the formula of the oath of the syndic and the adjunct in front of the *Chambre des Bâtiments* in Art. XII of the last statutes of the community of master masons in 1782: "To take care of everything concerning the policing of the buildings, solidity, good construction and public safety". An additional commitment was required from the King's Prosecutor before the Châtelet to authorise their entry into office: "To perform their duties well and faithfully, with regard to the internal policing of the community and the administration of its revenues" in A.N. Z/1j/153, fol. 10, 4 October 1782.
- [17] Order of the Master General of 18 August 1741, Archives de la Préfecture de Police, Coll. Lamoignon, t. XXXIV, fol. 658-663 v° or A.N. Z/1j/112.

- [18] Arrêt du conseil portant homologation de la délibération de la communauté du 5 mai 1759, en date du 18 avril 1762 in *Recueils de pièces contenant divers objets de réglemens pour l'administration de la communauté des maîtres-maçons, entrepreneurs des bâtimens de la ville et faubourgs de Paris...*, Paris, 1762, BnF F 13023, pp. 26-31.
- [19] A.N. Z/1j/237, 30 March 1753: "It was ordered that at the assemblies of the twelve and for the business of the community, the rank of each of the twelve would be regulated and determined and the votes and signatures received firstly from the syndics and adjuncts, then from the experts contractors who would be appointed to be of the twelve and finally from the other master masons divided up and appointed by the twelve according to the order of their reception".
- [20] R. Carvais, "Creating a Legal Field: Building Customs and Norms in Modern French Law", in K.-E. Kurrer, W. Lorenz and V. Wetz (Ed.), *Proceedings of the Third International Congress on Construction History*, Cottbus, Brandenburg University of Technology, 2009, pp. 321-328.
- [21] From 15 sworn masons and 8 sworn carpenters in 1576, this number rose to 30 sworn masons and 18 sworn carpenters, i.e., 48 experts in 1639, followed by 50 experts divided into two columns of 25 expert contractors and 25 bourgeois expert architects in 1690. From 1693, there were 30 officers per column.
- [22] A.N. Z/1j/186, fol. 6, 22 April 1693.
- [23] Over nearly 12 years, the annual average of reception was 17.
- [24] "For the reunion of the offices of treasurer receiver of the money belonging to the said community, of the office of visiting controller of weights and measures and of the office of clerk to register letters of mastery, patents of apprenticeship, election of adjunct to the syndic, treasurer agent of the affairs of the said community and confirmation of the heredity of the offices of auditor and examiner of accounts."
- [25] Bibliothèque de l'Assemblée nationale (referred to hereafter simply as B.A.N.) CZ11 31, fol. 6.
- [26] B.A.N. CZ11 31, fol. 14 r°.
- [27] B.A.N. CZ11 31, fol. 7 r°, general assembly of 27 February 1723; B.A.N. CZ11 31, fol. 27, 8 November 1754; B.A.N. CZ11 31, fol. 30, 16 April 1755.
- [28] B.A.N. CZ11 31, fol. 8, 19 January 1724.
- [29] B.A.N. CZ11 31, fol. 25, 26 July 1736.
- [30] A.N. Z/1j/37, fol. 53 v°, 1695.
- [31] A.N. Z/1j/222, 4 December 1726.
- [32] A.N. Z/1j/221, 12 February 1724.
- [33] A.N. Z/1j/200, 17 September 1688; see, however, the case of a joint liability declared between a master mason and his companion responsible for faulty workmanship and ordered to pay damages to the owner of the building in question (A.N. Z/1j/200, 26 March 1688).
- [34] A.N. Z/1j/206, 21 September 1697.
- [35] A.N. Z/1j/145, fol. 23, sentence of 18 October 1771.
- [36] The contractors responsible for embezzlement did not hesitate to take offence at the accusations made against them, speaking of insults to their honour. (BnF 4° Fm 24084, *Mémoire pour les Supérieurs et Communauté des Pères Théatins, demandeurs, contre le sieur Bonneau, Maître Maçon, défendeur*, s.d., p. 10).
- [37] The expression comes from a passage by Frémin in his *Mémoires critiques d'Architecture*, Paris, 1702, p. 173. It is used by this author in relation to workers, whom he tends to confuse with building contractors. The expression is reused by Françoise Fichet-Poitret, 'La gloire et l'argent - Architectes et entrepreneurs au XVIIe siècle', *Revue française de sociologie*, X, 1969, pp. 703-723.
- [38] *Le guide de ceux qui veulent bâtir ; Ouvrage dans lequel on donne les renseignements nécessaires pour se conduire lors de la construction, & prévenir les fraudes qui peuvent s'y glisser*, Paris, 1786, 2 vols, t. I, p. 42.
- [39] Archives de la Seine (referred to hereafter simply as A.S.) D5B6 638.
- [40] Cf. A.S. D4B6 7 doss.314: bankruptcy of Louis-François Roquet, 13 March 1747: assets = 208,441 livres; liabilities = 182,363 livres.
- [41] Weather conditions could be a reason for the momentary failure of a business.



[42] That of J. Beausire seized by decision of 17 January 1703 (A.N. Z/1j/53, fol. 54 r), of Jacques Lepas-Dubuisson by decision of 28 January 1706 (A.N. Z/1j/58, fol. 47 v et seq.), and of Pierre-Nicolas Delespine by decision of 29 May 1716 (A.N. Z/1j/69, fol. 44).

[43] See our paper 'La force du droit', (Note 1) pp. 177-178.

[44] It is not easy to read because it was compiled half chronologically and half in the alphabetical order of the names of the contractors.

[45] M.-A. Moulin, *Les maçons de la Haute-Marche au XVIIIe siècle*, Clermont-Ferrand II, Publications de l'Institut d'Étude du Massif Central, 1986, fasc. XXIX, p. 151. A study of the legal means offered to contractors to guarantee financial disbursements remains to be undertaken.

[46] J.-L. Harouel, *L'Embellissement des villes. L'urbanisme français au XVIIIe siècle*, Paris, Picard, pp. 174-179. "Fr. Monnier believes that speculation should not be given a moral connotation insofar as the State favours it, particularly in order to subdivide the large Parisian plots. Moreover, the word 'speculation' is from the 19th century. In the 18th century, you couldn't build without a speculator. We can distinguish three main types of speculator at that time: on the one hand, financiers and contractors who were really looking to make money; on the other hand, owners who had large gardens or private mansions that they could no longer maintain and who deliberately chose to subdivide land to improve their financial situation; finally, religious communities who owned huge plots of land in the city - originally designed to protect them from the movements of the city and which gradually lost their original purpose, as the city was becoming so much more demanding - and also subdivided them. Discussion during the colloquium on 'Brongniart, Architecte et Urbaniste de 1770 à 1815. I - L'Hôtel particulier et la maison dans la ville de la fin du XVIIIe siècle à la fin de l'Empire', *Cahiers du C.R.E.P.I.F.*, n° 18, March 1987, p. 91.

[47] Lyon, volume 3, 1782, V° administration, p. 857.

[48] One is elected adjunct for one year and automatically becomes syndic the following year.

[49] 1785, t. XI, V° *Maçonnerie*, p. 65.

[50] Even if the guild and companionship in reality have nothing to do with one another, the two institutions have something intangible in common, perhaps this very idea of solidarity.

[51] S. Cerutti, "Normes et pratiques", (Note 3) p. 137.

[52] It would certainly be interesting to draw up a comparative table of the two judicial institutions studied at the same time: the Turinese justice of trades, and the Parisian jurisdiction of the masons, if only in terms of the summary procedure that they shared. Read, by the same author, *Giustizia sommaria. Pratiche e ideali di giustizia in una società di Ancien Régime (Torino, XVIII secolo)*, Gian Giacomo Feltrinelli Editore, Milan, 2003. This important book has just been published in French, *Justice sommaire. Pratiques et idéaux de justice dans la Société d'Ancien Régime (Turin, XVIIIe siècle)*, Paris, EHESS, 2021.