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FACULTY OF GRADUATE AND
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GRADE / DEGREE

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Reforming Arbitration

Class, Gender and the *Conseil des Prud'Hommes* in Tourcoing, 1848-1894

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REFORMING ARBITRATION

CLASS, GENDER AND THE *CONSEIL DES PRUD'HOMMES* IN TOURCOING, 1848-1894

By

Mathieu Brûlé

Thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
In partial fulfillment of the requirements
For the MA degree in History

Université d'Ottawa/University of Ottawa

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Your file Votre référence
ISBN: 978-0-494-51637-9
Our file Notre référence
ISBN: 978-0-494-51637-9

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ABSTRACT

Created in 1806 by Napoleon, the *conseil des prud'hommes* were municipal labour arbitration boards established to settle workplace differences between workers and employers in the textile industry amicably and through conciliation. The northern French town of Tourcoing was a comparatively conservative city, where radical politics and confrontational labour relations found little support throughout the nineteenth century. Therefore, the arbitration boards known as the *conseil des prud'hommes* could be expected to have been a popular method of settling workplace conflicts. Initially, only employers could elect and be board members; reform in 1848 extended these rights to male workers. Other important changes occurred in the second half of the nineteenth century that could potentially affect labour relations: the legalization of strikes in 1864 and the legalization of unions two decades later.

This thesis explores the impact these changes had on the use of Tourcoing's *conseil des prud'hommes*, as well as the outcome of cases brought to their attention between 1848 and 1894. It argues that, although the boards were underused in this period, the presence of workers on the boards was beneficial to Tourcoing's working class, particularly female and unskilled workers, who found themselves losing less and compromising more in order to settle their workplace disputes. However, the growing emphasis on compromise did not please employers who began to abandon the boards immediately after the 1848 reform. The influence of unions and socialist groups in the late 1880s and early 1890s reinforced this trend not only among employers, but also among female and unskilled workers who found the increasingly confrontational attitudes at the boards an obstacle to settling cases through conciliation. As a result, both of these groups of workers also began to turn their backs on the *prud'hommes*.

ACKNOWLEDGEMENTS

I could not have completed this thesis without the advice and support of a number of people. First, there is Professor Béatrice Craig, my thesis supervisor, who made this entire project possible. She not only provided me with opportunity to visit France and meet the wonderful people of Lille and Tourcoing, but also helped me make sense of the sea of numbers that was this project.

Several professors, who are too many to name, have also been incredibly helpful and have encouraged me to pursue my studies at a graduate level. To them I am thankful. I would also like to acknowledge the History Department at the University of Ottawa for its generous scholarships and for providing me with teaching experiences that will no doubt help me advance in my academic career. I would also like to thank and acknowledge the work of my fellow workers in the Canadian Union of Public Employees, local 2626 and the Ottawa-Outaouais General Membership Branch of the Industrial Workers of the World for not only reminding me of the importance of telling the history of working people everywhere, but also of why it is important to keep fighting the good fight.

I would also like to thank my friends and family for their endless support and patience with me. I owe a great debt of gratitude to my parents and brother. Your emotional and financial support has helped me more than you could possibly imagine (particularly when my laptop stopped working). I am especially thankful for Patricia's input and patience without which I would never have had the motivation to finish this project.

Finally, I would like to thank my cat Clip-Clop for keeping me entertained during the long days spent adding the finishing touches to my research.

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INTRODUCTION

The second half of the nineteenth century was an important period for French labour. Several key legislative reforms took place that altered relations between French workers and employers. These changes included the introduction of worker representatives on the labour arbitration boards known as the *conseil des prud'hommes* beginning in 1848 as well as the legalization of strikes in 1864 and of unions twenty years later. Workers across France, especially industrial ones, were provided with new tools to settle workplace disputes either individually or collectively. This thesis explores the impact of these reforms on labour conflicts and on the attitude of workers and employers toward the *prud'hommes* in the second half of the nineteenth century in the Northern French city of Tourcoing. It begins in 1848 with the entry of male workers onto the boards, and continues until the end of the century after the legalization of strikes and unions.

The *conseil des prud'hommes* were first created in 1806 in Lyon. Their purpose was to amicably settle workplace disputes between workers and employers in the textile industry. Part of the motivation behind their creation was to fill a void left by the 1791 *Le Chapelier* law that forbade any form of collective action or organization by workers or employers to settle workplace disputes or for any other purposes. Lawmakers argued that wages and working conditions should be the result of free negotiations between two individuals without the interference of coalitions or outside organizations.¹

¹ William H. Sewell Jr., *Work & Revolution in France : The Language of Labor from the Old Regime to 1848* (Cambridge: Cambridge University Press, 1980), p. 89.

The Lyons *prud'hommes* experiment proved to be a success, and in 1809 an imperial decree allowed the formation of a board in any municipality where the chamber of commerce (re-authorized in 1802)² requested one. Initially, only five categories of men could sit on the boards: merchant-manufacturers (*marchand-fabricant*), who were putting out raw material to be processed; *chef-d'ateliers* who received material from the merchant-manufacturers and then had them manufactured by employees of their own; Foremen, responsible for the supervision of workers, both at home and in the mills; dyers (*Teinturiers*), who were responsible for the colouring and dying of the manufacturer's goods; and finally, Licensed workers (*ouvriers patentés* – or those who paid the city's business tax), who worked for manufacturers from home. Although this last category of licensed workers had the right to serve as *prud'hommes*, few probably did. As historian Paul Delsalle points out, none in the city of Roubaix he investigated ever did. According to Delsalle, this is explained by their small numbers, as well as the tendency to choose as *prud'hommes* members of that city's manufacturing elite.³ In addition, *prud'hommes* had to be at least thirty years of age, merchant-manufacturers had to have been active in business for at least six years, while the others were required to know how to read, write and have practiced their trade for at least that same amount of time. Only men were eligible, and only men could vote in the *prud'hommes* elections.⁴

Each board consisted of two parts. The first was the *Bureau de conciliation*, also known as the *Bureau particulier*, which was the first venue in which board members would attempt to

² Assemblée des chambres françaises de commerce et d'industrie;
<http://www.acfci.cci.fr/histoireconsulaire/repereshistoriques.htm>

³ Paul Delsalle, *La brouette et la navette: tisserands, paysans, fabricants de la région de Roubaix-Tourcoing, 1800-1848* (Dunkerque : Westhoek-Éditions des Beffrois, 1985), p. 103.

⁴ Monique Kieffer, "La législation prud'homale de 1806 à 1907," *Le Mouvement social*, no. 141 (octobre-décembre 1987), p. 11.

settle a dispute through conciliation. It was made of two members of the *prud'hommes*. If they failed to conciliate the parties, the case was brought in front of the entire board, or the *Bureau général*. Unlike the *Bureau particulier*, the *Bureau général* had the power to impose a solution and award penalties to either party. The decisions of the *Bureau général* were final, except if the award or penalty exceeded 100 francs, in which case the outcome could be appealed to the *Tribunal de commerce*. Sessions of the *Bureau particulier* were often held on a daily basis, for three hours, and were public.

The organization of the *prud'hommes* was modified by the laws of 1848, 1853 and 1880. The legislation of May 27 1848 provided for an equal number of workers and employers on the board. Initially, however, workers were not given the right to elect their own representatives, as workers voted for employer representatives and vice versa. In addition to equal representation on the *prud'hommes*, worker representatives were also guaranteed access to the post of Board President as the position was given to worker and employer representatives on an alternating basis. Eligibility for the vote or to sit on the boards was also altered. Voters had to have lived in the board's jurisdiction for at least six months and be at least twenty-one years of age. Candidates wishing to occupy a position on the *prud'hommes* needed to be at least twenty-five years old and have lived in its jurisdiction for at least a year. Although workers were unable to elect their own representatives, this reform was an important first-step and, as Kieffer points out, it was also an example of the ambitions of the Second Republic to put some of its core principles, such as equality, into practice.⁵

⁵ Ibid., p. 15-16.

Although the 1848 reforms gave new rights to workers, they also raised the ire of certain employers who felt these changes gave workers too much control over the institution.⁶ As a result, some of the changes made in 1848 were short-lived as the law of June 1853 constrained workers' participation in the work of the boards by raising the voting age to twenty-five, and the age of eligibility to thirty. Voters were now also required to have practiced their profession for a minimum of five years and lived in the board's jurisdiction for at least three. In addition, workers and employers now chose their own representatives instead of voting for those of the other group. The law also moved foremen and *chef d'ateliers*, both previously included among the employers, into the worker category. Employers' power was also greatly increased, as the power to nominate candidates to the positions of President, vice-president and board secretary was placed solely in their hands.⁷

The next major reform of the *prud'hommes* came in 1880. In part, they were a response to calls for the democratization of the boards from the still illegal labour movement who, as early as 1878, had begun formulating demands and strategy in hopes of increasing the presence of workers on the boards.⁸ The republican government, who hoped to reclaim some of the progress made in the 1848 reform, instituted a number of changes aimed at democratizing the boards even further. President and vice-presidents were to be elected by the whole board, and the positions to alternate between employer and worker representatives on the board. When a representative of one group held the positions of president, the post of vice-president would automatically fall to a

⁶ Ibid., p. 16.

⁷ Ibid., p. 16-17.

⁸ Marcel David, "L'évolution historique des conseils de prud'hommes en France." *Droit social*, no. 2 (February 1974), p. 14.

member of the other. As Kieffer points out, this decision took a large portion of the power away from the employers and provided workers on the board with an opportunity to gain the experience and skills necessary to better compete with them. In hopes of facilitating the recruitment of candidates to the boards, the law also repealed a provision of the 1806 *prud'homme* laws which forbade the paying of an honorarium to board members.⁹ These changes, however, did not please employers; in Lille, for instance, their representatives refused to sit as members of the boards for four years, prompting the government to pass a law allowing the boards to proceed in the event of a boycott by one party.¹⁰

Additional important changes to labour law came into effect in the second half of the nineteenth century. Under pressure from the Republican opposition and the growing labour movement, the *Le Chapelier* law was repealed by the *Ollivier* law of May 24 1864, and strikes were legalized. Penalties for threats and acts of violence, as well as any interference with the “liberty of work” remained on the book.¹¹

The right to form professional associations, including labour unions, was secured by the *Waldeck-Rousseau* law of March 21 1884. Those associations were still tightly controlled as they fell under the jurisdiction of article 291 of the Civil Code, which required the permission of the ministry of the interior prior to the creation of an association of more than 20 people. The associations had to provide its status and membership list, and could be dissolved by decision of

⁹ Ibid., p.19.

¹⁰ Ibid., p. 18-19.

¹¹ Bernard H. Moss, *The Origins of the French Labor Movement, 1830-1914: The Socialism of Skilled Workers*. (Berkeley: University of California Press, 1980), pp. 51-52.

the local prefect.¹² Although technically illegal, unions already existed in the late 1870s and early 1880s. In fact, in 1880 alone, an estimated 478 unions regrouped 64,000 members across the country.¹³ Law makers were either unable or unwilling to enforce the prohibition on unions and instead decided to legalize them. Some supported these changes for practical reasons. Paul Campon, the prefect for the *Nord* from 1877-1882, believed workers and employers' unions could be useful mediators in collective conflicts, such as the general strike of textile workers that had affected the region in 1880. He argued that the duty of any democratic government was to find a solution to conflicts such as strikes, and that allowing the formation of unions might facilitate the settling of these disputes. Campon held that, talks between representatives of the workers and employers would be easier than between striking workers and their employers. Consequently, he favoured the legalization of workers' and employers' unions.¹⁴

The inclusion of (male) worker representatives on the *prud'hommes*, the legalization of strikes and of unions each raise a number of interesting questions about the ways the board functioned and the attitude of their members. Firstly, what impact did the entry of workers on the boards have on the use of the *prud'hommes* by workers and employers? Did the presence of workers cause employers to turn away from the *prud'hommes*? Did the changing composition of the boards lead them to make decisions more favourable to workers and less favourable to employers? An examination of the *prud'hommes* also helps us understand how workers

¹² Code Civil – France, (Paris: Librairie générale de jurisprudence, 1892).

¹³ Roland Treppe, "Renaissance et recomposition du mouvement ouvrier, 1871-1895," in *La France ouvrière, des origines à 1920*, ed. Claude Willard (Paris : Éditions Sociales, 1993), p. 278.

¹⁴ Jacques Marseille & Martine Sassier, "*Si ne veulent nous rinqérir in va bientôt tout démolir*" *Le Nord en grève, avril/mai 1880* (Paris : Jacques Marseille – Martine Sassier, 1982), pp. 136-137.

integrated an institution that had jurisdiction over their working conditions, but had previously denied them any input in its decisions. Secondly, questions concerning the gender division in the boards can be addressed by examining how female workers and employers dealt with workplace conflicts. Did the presence of male worker representatives benefit workers in general, regardless of gender, or was the female experience at the *prud'hommes* different from that of men? Did their exclusion from the boards cause them to look towards venues in which they were not barred to settle their workplace disputes, such as strikes (or lock outs, in the case of employers) and unions? Were workers able to place more trust in boards in which their class and/or gender were represented, or did the presence of male workers on the boards not change their view of these institutions?

Lastly, what effect did the legalization of strikes and unions have on the behaviour of workers and employers in regards to settling labour disputes? Did the legislative changes of 1864 and 1884 result in workers turning away from the arbitration by the boards in favour of more collective and sometimes confrontational actions? Did employers react in similar ways?

The northern French city of Tourcoing serves as a case study for this thesis. Situated on the Franco-Belgian border, Tourcoing had been an important textile centre since the middle ages. Initially specializing in wool combing, it added weaving of lightweight wools to its activities in the seventeenth and eighteenth centuries, and had begun mechanical cotton spinning on the eve of the Revolution. Mechanization of the different sectors of production spread rapidly after the fall of Napoleon. Cotton spinning was the first activity to be mechanized, followed by wool spinning, and steam began to be used as a source of energy in this sector in the 1830s. Hand spinning, which had been done by women (short staple wools or *filature au petit rouet*) and by men (long staple wool or *filature au grand rouet*) disappeared. As the mule jennies used in the

industry were heavy to operate, mechanical spinners were all men. Women worked as their assistants (*rattacheuses*) alongside young boys. The proportion of spinners in the female work force collapsed between 1796 and 1851.¹⁵ The size of the spinning mills also grew steadily, from an average of 1,862 spindles per mill in 1820, to 3,388 in 1851, 8,540 in 1882 and 15,369 in 1897.¹⁶

Wool combing (*peignage*), a long time specialty of Tourcoing's textile industry, was completely transformed in the late 1840s and 1850s. According to Chanut, the first major setback in this sector came during the economic crisis of 1845-1848. Manufacturers imposed fines on combers who returned material which had lost more than 4% of its weight during processing. Given that the weight of woollen yarn depended on humidity levels in the air, which could vary between the initial and final transactions, combers found themselves unfairly accused of theft and fined. The fines, combined with the depression of the late 1840s, meant that master-combers often worked at a loss and, as a result, their numbers shrunk rapidly, dropping from a total of 74 in 1845 to 20 in 1848.¹⁷ This sector was again disrupted in 1852, only a few years after the economic crisis, with the introduction of mechanized forms of combing, which had a similar affect on their work that the introduction of machinery had on spinning.¹⁸

¹⁵ Béatrice Craig, "La structure de l'emploi féminin dans une ville en voie d'industrialisation : Tourcoing au XIXe siècle." *Canadian Journal of History/Annales canadiennes d'histoire* 28 (août 1992), p. 309.

¹⁶ AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

¹⁷ A. Chanut, "La crise économique à Tourcoing (1846-1850)." *Revue du Nord* 149 (janvier-mars 1956), p. 86.

¹⁸ Craig, "La structure de l'emploi féminin," p. 305.

The only major textile sector to escape mechanization for most of the nineteenth century was weaving. Weaving was skilled work performed by home workers, which were almost always men. Weavers were not artisans however, as they were required to carry a *livret ouvrier* to work for the manufacturers.¹⁹ Carpets and upholstery material manufacturing was the first sector to mechanize as early as the 1820s. The mechanical weaving of ordinary fabric did not start for good until the 1860s, and mechanization spread more slowly than in the other sectors. The tax rolls record 240 *métiers réunis* (in shed) and 1,619 *métiers disperses* (at home) in 1852, 2,358 mechanical looms and 2,302 hand ones in 1882, and 399 hand looms, 2,177 mechanical looms and 1,394 unspecified ones in 1897.²⁰ Tourcoing's last manual weaver retired during the Second World War.²¹

The number of textile mills increased slightly over the century, reaching a peak of 208 in 1887. After the middle of the century, vertically integrated mills appeared. Those mills combined two or more phases of the manufacturing process under the same roof, such as spinning and weaving, or spinning with a preparatory process or weaving with a finishing one. Their proportion remained constant through the century (with short term fluctuations).²²

¹⁹ The *livret ouvrier* was a sort of passport for workers and were often required to obtain a job. They were also used as a form of resume, as details from the worker's previous job experiences, such as salary, work contracts and any outstanding debts were inscribed in his *livret*.

²⁰ AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

²¹ Craig, "La structure de l'emploi féminin," p. 305.

²² AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

Table 1						
Textile Firms in Tourcoing 1852-1892						
	Spinners and spinners-twisters	Weaving (outputters and factory owners)	Preparatory and finishing processes (stand alone)	Combinations (vertically integrated)	Total	Percentage of integrated textile mills
1852	50	53	18	15	136	11
1857	55	43	21	15	134	11
1862	59	43	32	15	149	10
1867	54	41	49	11	155	7.1
1872	52	39	44	16	151	10
1877	47	45	76	13	181	7.2
1882	43	40	78	17	178	9.6
1887	56	61	70	21	208	10.1
1892	42	51	78	24	195	12.3

Source: AMTg, Matrices de patentes, 1852-1892, G1C 3-41.

Work in the mills was normally sex typed. The jobs deemed skilled, such as spinners, were reserved for male workers, while unskilled occupations, such as *soigneuses*, were dominated by women. Gender, as well as skill level, also determined wage levels. Male workers, even unskilled ones, earned more than women. At mid-century, skilled workers employed by craftsmen (*ouvriers-artisans*) even earned slightly less than factory workers. By the end of the century, however, the reverse was true. For example, at mid-century, a male craftsman's assistant would typically earn an average of 2f per day, while a male mill worker would earn slightly less than 2.50f. A female craft worker in the same period earned on average slightly over 1f per day, while a female mill worker could earn about 1.25f. By the last decade of the century, wages had increased. A male craft worker earned an average of approximately 4.25f per day, while his female counterpart earned 2.5f. A male mill worker would earn 4f a day, while female mill workers earned about 2.75f per day.²³ As can be seen, average daily

²³ Craig, "Salaire, niveaux de vie et travail féminin, dans l'arrondissement de Lille au XIXe siècle," *Canadian Journal of History/Annales canadiennes d'histoire*, 33 (August/août 1998), p. 226.

wage levels increased for every group of worker, with women's wages climbing at a faster rate than men's wages, yet never reaching parity.

Historians' view of the *prud'hommes* has changed over time. In the 1960s and 1970s, historians viewed them through socialist lenses. Historians such as Marcel David, William H. McPherson and Frederic Meyers described the pre-1848 *prud'hommes* as repressive instruments used by the French *bourgeoisie* against the working class. They argued that the structure of the boards "expressed the then dominant view that employers were to be entrusted with ultimate control"²⁴ and that, as a result, they were intentionally designed to place as much power in the hands of employers as possible.²⁵

This view persisted until the 1980s when Paul Delsalle's study of the *prud'hommes* in the northern French textile industry before 1848 reached a different conclusion. Delsalle made the first extensive use of records of the *prud'hommes* to analyze the types of conflicts that arose between textile workers and employers in Roubaix and the surrounding areas between 1825 and 1848. He demonstrates that workers did not view the board as tools of repression and in fact made extensive use of their services in order to challenge their employers and improve their own working conditions, sometimes travelling up to thirty kilometers to attend the hearings. In fact, workers in Roubaix were so persistent in their use of the board that employers sometimes moved

²⁴William H. McPherson & Frederic Meyers, *The French Labour Courts: Judgment by Peers* (Urbana: University of Illinois Press, 1966), p. 16.

²⁵David, "L'évolution historique des conseils de prud'hommes en France." pp. 3-19. & William H. McPherson & Frederic Meyers, *The French Labour Courts: Judgment by Peers* (Urbana: University of Illinois Press, 1966).

out of the town in order to escape its jurisdiction.²⁶ Further studies of the *prud'hommes*, such as Monique Kieffer's article on legal reforms, support Delsalle's findings, indicating that, despite the structure and class composition of the boards, they were not used as instruments of repression to the extent that previous researchers had believed.²⁷

Despite the fact that these studies demonstrate that workers were generally not intimidated by the fact the boards were made of employers, very scant attention has been paid to another important aspect of the *prud'hommes*: their gender composition. While Delsalle's work did reveal that women made use of the boards and did so, as he claims, on an equal footing with male workers, his studies also show that women were underrepresented as plaintiffs at the boards. For example, he found that, in 1848, female workers accounted for more than 60% of Roubaix's textile workforce. Their numbers as plaintiffs at the boards, however, were much lower, ranging between 8.3% and 18.3% at different times in the first half of the century.²⁸ This therefore raised several important questions concerning the masculine nature of these boards, and how this had an impact on the ways in which men and women used them.

Béatrice Craig has investigated the impact of class and gender on workers' use of the *prud'hommes* before 1848 in Tourcoing, as well as the outcomes of their cases. Like Delsalle, Craig used the rulings of the *conseils de prud'hommes* to examine the gender and class of those who used their services, as well as whether or not the boards, through their rulings, served

²⁶ Paul Delsalle, "Tisserands et fabricants chez les prud'hommes dans la région de Lille-Roubaix-Tourcoing (1810-1848)." *Le Mouvement social*, no. 141 (octobre-décembre 1987), p. 74.

²⁷ Kieffer, "La législation prud'homale de 1806 à 1907," p. 13.

²⁸ Delsalle, "La brouette et la navette," p.p. 39-42.

everyone's interests equally, regardless of class or gender. She argues that an individual's class and gender was a factor in how they viewed the boards, as women, as well as unskilled workers were less likely to look to the *prud'hommes* to settle their workplace disputes than their male and skilled counterparts. In order to explain their underrepresentation, Craig looks at the rulings of Tourcoing's board and found that these two groups were less likely to win their cases than men and skilled workers. In other words, the greater the social and gender differences between the plaintiff and the members of the boards', the lower chances were that the board would rule in favour of the plaintiff.²⁹

Delsalle and Craig's studies have both changed the way in which the *prud'hommes* were viewed. Their research has changed the image of pre-1848 boards, from being instruments of repression of the working class, to institutions that were seen by many skilled workers as means of obtaining justice from employers, and that many employers, as in the case of Roubaix, came to avoid. However, the board did not have a positive impact on the working conditions of all workers. Their composition led to class and gender biases that affected their rulings, and probably the ways unskilled workers and women viewed them. Unfortunately, these studies almost all end at 1848 with the reforms that opened the boards to male workers.

While the historiography of the *conseil des prud'hommes* has advanced over the last two decades, research into collective labour struggles in the Lille-Roubaix-Tourcoing region over the second half of the nineteenth century has not undergone any major developments. Early studies on this topic, such as those by A. Chanut and Léon Machu, were part of larger research projects

²⁹ Béatrice Craig, "Justice bourgeoise? Justice Masculine? Les conseils de prud'hommes au début du XIXe siècle: l'exemple de Tourcoing." *Histoire sociale/Social History* 25, no. 50 (November 1992), pp. 277-278.

into the economic crisis in the Lille-Roubaix-Tourcoing area in the middle of the century.³⁰

While these studies provide some light on strikes in the *arrondissement de Lille* at mid-century, they do not mention those that occurred after the legalization of strikes in 1864. Nonetheless, Chanut, Machu and Delsalle have all pointed to the growing class consciousness of the factory workers after the Revolution of 1848. They point to the growing number of mutual aid societies as well as the increasingly anti-employer discourse of some of the region's more vocal workers as evidence. But no studies have been conducted to explore the full impact of this new class consciousness among Tourcoing's workers in the latter half of the nineteenth century.

Despite the fact that Tourcoing and its neighbouring cities made up one of France's most important textile producing areas, and had a significant female workforce, work on the region's labour conflicts have, for the most part, failed to pay attention to their gendered dimension. The main exception to this is Patricia Hilden's research on socialist politics and working women in the Lille region from 1880 to 1914. Hilden argues that, while women participated in the region's strikes and unions, they did not do so in proportion to their numbers in the region's workforce. She points to the failure of certain unions and of the POF to make women's issues a priority and to provide female workers with the opportunity to play leadership roles as the main reason for the lack of female participation and militancy.³¹

Of particular interest to the study of the role of female participation in strikes and unions is the role of the male breadwinner ideology in Northern France. This ideology, which argues

³⁰ Chanut, "La crise économique à Tourcoing," pp. 77-105; Léon Machu, "La crise de l'industrie textile à Roubaix au milieu du XIXe siècle." *Revue du Nord*, no. 149 (janvier-mars 1956), pp. 65-75.

³¹ Patricia Hilden, *Working Women and Socialist Politics in France, 1880-1914: A Regional Study* (Oxford: Clarendon Press, 1986), pp. 126-152.

that male household heads should be the sole adult bread-winners in a family, while married women should remain at home to attend to their domestic duties, gained a considerable following among the working class in the nineteenth century. Hilden, however, argues that this ideology did not gain the same levels of support in Northern France as it did in parts of the country or Europe. She claims that the Northern France's Flemish working class clung to a communitarian culture that made the notion of excluding women from public life, including the workplace, an unlikely and unpopular idea.³² This aspect of Flemish culture dampened whatever interest the region's working class may have had in the male breadwinner ideology. The fact that the region had long been a textile producing region that employed women made its popularity even unlikelier.

Indeed, the male bread-winner ideology did not gain much support from the region's *bourgeoisie* either. While Tourcoing's employers were notoriously conservative and paternalistic, they shared their employees' position on female paid labour. Craig points to an 1873 survey of employers in the Lille-Roubaix-Tourcoing region in which respondents were asked to comment on the availability of work for women as well as any efforts that might have been made to keep women out of the workplace or given tasks that would be performed at home. As Craig points out, all of the answers provided stated that there was plenty of work available to women who wished to earn a wage, and that this work was primarily in the factories and mills.³³ The male breadwinner ideology was simply not an attractive notion to Tourcoing's working and employing classes.

³²Hilden, "Working Women and Socialist Politics in France," p. 6.

³³ Béatrice Craig, "Salaire, niveaux de vie et travail féminin," p. 242.

None of this, however, meant that employers viewed women as being equal as men. In fact, the reality was quite the opposite. Tourcoing's employers tended to be extremely paternalistic, viewing workers in general, male or female, as being almost childlike and in need of guidance from their male masters. This attitude played an important role in shaping employers' attitudes towards worker complaints. As Hilden points out, any form of collective grievance or action tended to be immediately written off as the result of outside agitators who had "duped the childlike workers."³⁴

Given the important role played by women in the region's textile industry, and considering the rejection of the male breadwinner ideology, as well as the paternalistic nature of the region's employers, Northern France's working class and *bourgeoisie*'s views on gender were fairly particular to their region. This makes gender an increasingly important consideration in the study of labour conflicts in Tourcoing during the second half of the nineteenth century as it helps reveal the nature of labour conflicts in a region with a unique attitude towards gender.

Tourcoing presents researchers with an ideal setting in which to ask the questions for this thesis not only because it was an important industrial city, but also because its inhabitants and institutions left behind a thick paper trail. The *Archives Départementales du Nord* (ADN) in Lille, as well as Tourcoing's municipal archives (AMTg) contain a variety of documents relating to Tourcoing's *conseils de prud'hommes* in the second half of the nineteenth century, several of which have been used extensively for this research. The most important were the records of the rulings made by Tourcoing's *prud'hommes* between 1848 and the end of the century (which will be compared to Craig's data for the 1821-1836 period). A total of 21 years over the second half of the century are examined, distributed over four periods immediately following or preceding

³⁴ Hilden, "Working Women and Socialist Politics in France," p. 81.

the major reforms described above.³⁵ The time periods were chosen in order to examine the conflicts presented at the *prud'hommes* before and after the important reforms and legal changes in the second half of the century. These 21 years provide enough information to create a detailed profile of the types of cases being brought before the boards, such as who was initiating them and how they were being resolved. Details on each dispute heard by the board were recorded by its Secretary and provide a rich source of information on a variety of aspects of every case presented, including the nature of the conflict, its outcome as well as the identity of the board members making these rulings. These sources also contain detailed information on the individuals involved in these cases, such as their profession, class, gender, place of residence and, occasionally, their age and marital status. These records, however useful, do suffer from a lack of detail on the specifics of each case, as records of each ruling usually do not contain more than a few sentences about the case, providing information on only the general cause of each conflict, and nothing indicating what led the boards to rule the way it did. In some instances, this shortcoming can be overcome by consulting the records of the *Bureau général*, who saw very few cases, but left much more detailed records.

Election records and the correspondence of Tourcoing's *prud'hommes* have also been used extensively. While election records, as well as voter registration documents, provide information on the occupations and place of residence of registered voters, as well as the rate of participation in *prud'hommes* elections, correspondence of the boards (written in their name by the board President) allows researchers to obtain a glimpse of some of the activities board members engaged in outside of the hearings. The correspondence between the boards and

³⁵ The first periods following the entry of workers on the boards include 1848, 1852 and 1855. The second period after the legalization of strikes includes 1866 to 1874. Conflicts on the eve of the legalization of unions are examined through the years 1880 to 1883 and the impact of unions on the *prud'hommes* is measured through an examination of the years between 1890 and 1894.

various authorities, such as the prefect and mayor of Tourcoing, provides a more complete picture of the work undertaken by board members, as well as some of the struggles that occurred behind the scenes that are not revealed through a study of the cases they heard. Knowledge of the work performed by the boards outside of the hearings is important, as it reveals how the board members related to their work, how they reacted to some of the reforms made to the *prud'hommes*, and the role class played in the functioning of the boards through the relations between employer and worker representatives. Although the correspondences are one sided and do not contain the letters received by the boards, they contain several annual summaries of the *prud'hommes'* activities, as well as the perspective of the board members on issues that affected their ability to carry out their duties. The correspondence consulted extends over the same period as the records of conflicts at the *prud'hommes*, beginning in 1848 and covering every single year until 1894.

Other sources used include police files on strikes and unions, both before and after they were legalized. These records were kept and compiled by the Police Commissioner (*Commissaire de Police*) for the prefect or mayor. These contain information on the cause, location, duration and outcome of strikes. These allow for an examination of the occupations affected by strikes. Despite the fact that these records rarely mention the gender of strikers, they can be compared with census data from Tourcoing, which will help shed light on the gender identity of workers in the occupations affected by each strike. The timing of each strike, particularly the larger conflicts in 1880, 1891 and 1890, allow for a comparison with the number of cases heard by the board during each strike to examine whether or not some of the disputes related to strikes were brought before the boards. This helps determine the extent to which strikes affected the number of cases heard by Tourcoing's *prud'hommes*.

Police records on unions contain information on the date of creation of certain unions, their membership as well as some of the activities in which they engaged, including any relationship they had with the *prud'hommes*. Although there is no way of knowing if the police were able to compile reports on every union, these records provide at least a partial glimpse into the duration, activities and composition of Tourcoing's unions. Statutes and by-laws of Tourcoing's unions are examined in order to gain insight into each organization's views of and relationship with the *prud'hommes*. An examination into the nature of the relationship between unions and the boards sheds light on the impact they had on cases heard by the board, as well as their role in cases initiated by their members.

The local press is also a rich source of information on the labour movement. Newspapers devoted an important amount of space to issues concerning labour and the working class. The newspapers consulted for this study include the republican *L'Avenir de Roubaix Tourcoing* (1891, 1893 and 1894) and *Le Réveil du Nord* (1892), the more conservative *Le Peuple* (1894), as well as the socialist newspapers of the *Parti Ouvrier Français*: *Le Cri du Travailleur* (1888) and *Le Travailleur* (1894). The ADN's collections for these newspapers are unfortunately incomplete as many issues have not survived. Therefore, the choice of issues and years examined were determined by the availability of the sources rather than by their content or date of publication. Despite this, these newspapers still provide enough detailed information to determine how each political tendency viewed the *prud'hommes*, and how they intended to use it for their own political gain.

This thesis argues that the reforms of 1848 benefitted workers by decreasing the number of cases they lost at the boards and increasing the number of disputes settled through compromise. This was not as beneficial to employers who saw their rates of success drop

significantly. As a result, the *prud'hommes* ceased to be the friendly environment they had once been for employers, prompting them to all but cease using the arbitration boards altogether by the end of the century. While the impact of the legalization of strikes was minimal on the number of cases brought to the boards by both men and women, the presence of unions and the resources they provided to workers who initiated cases or found themselves summoned to the *prud'hommes* contributed to the growing feeling of resentment of the boards by employers.

CHAPTER ONE: TOURCOING: ONE STEP BEHIND (AND TO THE RIGHT)

The industrial and demographic changes experienced by Tourcoing's textile industry and its workforce throughout the nineteenth century could have entailed a certain amount of social upheaval and confrontation. However, this was not the case. An examination of the political landscape as well as strikes that occurred in the city in the second half of the nineteenth century demonstrates the nature of politics and the degree of confrontation involved in Tourcoing's labour conflicts. Tourcoing, unlike its neighbours in Roubaix and Lille, remained a stronghold of conservative and moderate politics for the duration of the nineteenth century.

1.1 – Conservative Politics

Tourcoing remained politically calm throughout the nineteenth century. Even during the 1848 revolution, Tourcoing and its suburbs remained relatively quiet; political disturbances were recorded on only one day. Labour relations were also calm during the Revolution. There was only one major incident, a spinners' strike that spilled over from Roubaix. By the end of the century, however, the *arrondissement de Lille*, of which Tourcoing was a part, was a well known socialist bastion. In the late 1880s, Roubaix and Lille began to elect members of the socialist *Parti Ouvrier Français* (POF) to various offices, including Karl Marx's son-in-law, Paul Lafargue, to the National Assembly. The city remained politically conservative, electing conservative candidates to all levels of government when its neighbours were voting for republicans, and voting republican when surrounding cities were electing socialists.

Conservative political hegemony characterized the 1870s, but was preserved with difficulty. In the next decade, voters in Tourcoing's urban wards abandoned conservative candidates in favour of republican ones. The conservatives clung to power only thanks to support from rural voters in the city's periphery. The conservatives were finally defeated in 1881 when a coalition of republicans and more liberal conservatives led by Victor Hassebroucq won the municipal elections. The republicans were in power at the local level for the first time in history.³⁶ In fact, it took Tourcoing's voters until 1914 to elect their first socialist *député*, Albert Inghels, to the National Assembly.

Tourcoing's reluctance to embrace political socialism was not due to a lack of effort on the part of the POF. From its creation early in the 1880s, the POF made attempts to spread its message in the city, particular through its newspapers. The POF systematically encouraged class-struggle between workers and their employers. It showed a particular interest in the *prud'hommes*, often encouraging workers to use their services in order to challenge their employers. The POF also made several efforts to reach out to women, although slightly later than in other cities. It set up Tourcoing's first socialist women's group in 1894, whereas Roubaix had had one a decade earlier.³⁷

Despite Tourcoing's political turn to the left, the city's voters continued to remain a step behind their neighbours in Lille and Roubaix who had begun to elect socialist candidates ten years earlier. Although politics in the city was not as contentious as in Roubaix and Lille, this by no means excluded the possibility of social and class tension. Tourcoing's working class was not

³⁶ J. Ameye, "La mutation du XIXe siècle (1850-1914)," in *Histoire de Tourcoing*, ed. Alain Lottin (Tourcoing: Westhoek-Éditions des Beffrois, 1986), pp. 181-182.

³⁷ Patricia Hilden, *Working Women and Socialist Politics in France, 1880-1914: A Regional Study* (Oxford: Clarendon Press, 1986), p. 212.

quiescent, even if strikes were not as common as in Roubaix and Lille. The use of the *prud'hommes* also reflects a certain level of tensions between workers and employers. Workers were frequently willing to hold their employers accountable for perceived injustices.

1.2 – Labour Relations

In addition to being averse to extreme politics, Tourcoing's working class was reluctant to adopt confrontational methods to settle workplace issues. Strikes were rare both before and after their legalization. Police files reveal only five strikes between 1848 and 1864, all of which were short-lived and centred on wage issues. With one exception, all involved workers going on the offensive, demanding improved wages, as opposed to reacting to any changes imposed by employers. The sole exception was a spinners' strike in 1862: they protested a reduction in their wages. Not all police records note the number of strikers, but when this information is included, it is evident that these were small scale walkouts that rarely exceeded a dozen workers. In fact, the largest strike in this period was the same 1862 spinners' strike, which police estimated involved 20 strikers.³⁸ Records do not indicate the sex of participants, but the sectors in which these events occurred, with the exception of spinners' helpers, were predominantly male sectors (spinners, spinners' helpers, *détricteurs de laine* and *briquetiers*). While this makes female participation likely, the majority of strikers were male.

The reactions of local authorities, including employers and the police, to strikes in this period reflected their paternalist attitudes towards the working class. 3 of the 5 reports of strikes note the immediate reaction of employers. Two of those noted that employers simply refused their workers' demands. Only one, the 1852 strike of *briquetiers* in Tourcoing and Roubaix,

³⁸ ADN, Grèves 1860-1869, M 617 1-9.

resulted in any sort of compromise. In this case, employers responded to the demand for a 20c increase in wages by offering a 10c increase. Some workers responded by accepting their offer, while others refused. Seven of those who refused were arrested and accused of being the strike's ringleaders. These arrests appear to have had the desired effect, as the remaining strikers accepted their employers' offer and returned to work the next day.³⁹

The police reports are striking for their self-congratulatory tone and emphasis on the paternalism that characterized the region's elite. Before 1864, the police often cited their own actions and wise advice as the reason workers chose to end their protests. For example, in their report written on a short strike of spinners in September 1859, the police state that the strike came to an end after they advised the workers to return to their jobs. The paternalist views of workers as childlike are expressed clearly in another report on the 1862 spinners' strike. The police commented that workers returned to their jobs when their "wise advice" made them realize the "error of their ways."⁴⁰ Local authorities were also often quick to lay blame for strikes on outside agitators who, they claimed, had manipulated local workers. In a letter to the Minister of the Interior following an 1857 strike of *détricteurs de laine*, Tourcoing's Police Commissioner argued that "Tourcoing's workers seemed to have been pushed towards this form of action by an individual from Roubaix who had been involved in the disturbances of 1848."⁴¹ The overall refusals to negotiate with workers to address their concerns, as well as the laying of blame for their actions on outsiders were characteristic traits of Northern French employers. As

³⁹ ADN, Grèves 1846-1852, M 620 1-15.

⁴⁰ ADN, Grèves 1860-1869, M 617 1-9. Rapport Annuel sur l'exécution de la loi concernant les coalitions, 1862.

⁴¹ ADN, Grèves 1857-1858, M 620 16-22. Commissariat Central de Police à Tourcoing, to Ministre de l'Intérieur et Ministre de l'Agriculture, du Commerce et de l'industrie, September 16, 1857.

Patricia Hilden points out, they often met their employees' grievances with indifference, and preferred to write them off as the results of outside agitators who had misled and confused their workers.⁴²

Police records recorded very few strikes in Tourcoing between 1864 and the end of the century. However, the region's textile industry was marked by long and massive strikes in the 1880s and 1890s, such as the month long general strikes of 1880 and 1890, as well as the shorter strike of early May 1891. The general strike of 1880 occurred during a period of prosperity and recovery in a textile industry that had been plagued by job losses and low wages since 1876. As the crisis began to ease at the beginning of the decade, workers had hoped the recovery would be accompanied by a return to pre-crisis wage levels. When this did not happen, workers decided to take matters into their own hands and began to strike.⁴³ The first walkouts took place in Roubaix on April 20 1880. A group of weavers employed by Louis Decottignies and Duvillier-Roy left their workplaces demanding higher wages. A week later, the entire textile district was on strike. Strikes affected industries in towns and cities throughout the region for 36 days. Workers in Tourcoing were a little slow in joining the strike, beginning on May 1, more than a week after Roubaix's workers had initially walked out. Tourcoing's workers struck for almost two weeks before finally returning to their jobs on May 13 when the strike ended.

According to official police records, at least 42 workplaces in Tourcoing were affected by the strike, but communication between local authorities during the strike suggest that number was much higher. In a telegram dated May 8 1880, an author identified only as 'cens' wrote to the Lille based newspaper *l'Écho du Nord*, that a total of 57 workplaces and 3976 workers were

⁴² Hilden, "Working Women and Socialist Politics in France," p. 81.

⁴³ Ibid., p. 139-140.

out on strike, leaving an additional 327 unable to work.⁴⁴ The final number of strikers has been estimated by historians as being as high as 5,820.⁴⁵

Regardless of their numbers, for two weeks, a variety of workers from a number of sectors of the textile industry, from the skilled weavers and spinners, to the unskilled *rattacheurs* and *soigneurs*, took to the streets demanding higher wages and shorter workdays. Requested increases varied, but generally ranged from an extra 25 to 50c per day.⁴⁶ Compared to the average male industrial workers' wages in Tourcoing at this time, this represented an increase of approximately 8%.⁴⁷ The demand for shorter work days was a relatively new request. Workers were nearly unanimous in requesting a reduction of their working hours from the 14 to 15 hours they sometimes spent in the mills, to a uniform 12 hour day.⁴⁸

Throughout the strike, Tourcoing remained calm. From the very beginning, authorities emphasized the calm nature and good behaviour of the crowds in their reports. In a letter dated May 3 to the Prefect, the Police Commissioner stated that he was making every effort to prevent

⁴⁴ ADN, Grèves de 1880, Tourcoing, M 619 3. Cens, to *L'Écho du Nord*, 8 May 1880.

⁴⁵ Jacques Marseille & Martine Sassier. "*Si ne veulent point nous rinquer in va bientôt tout démolir! Le Nord en grève, avril/mai 1880.* (Paris : Jacques Marseille-Martine Sassier, 1982), p.11.

⁴⁶ ADN, Grèves de 1880, Tourcoing, M 619 3. Tableau des établissements ou la grève sévit, 4 – 8 mai.

⁴⁷ Data provided by Béatrice Craig.

⁴⁸ Mary Lynn Stewart, *Women, Work, and the French State : Labour Protection and Social Patriarchy, 1879-1919.* (Kingston: McGill-Queen's University Press, 1989), p. 37; ADN, Grèves de 1880, Tourcoing, M 619 3. Tableau des établissements ou la grève sévit, 4 – 8 mai.

violence, but doubted any would occur given the subdued nature of the strikers.⁴⁹ Several telegrams were sent between various municipal and regional authorities over the course of the two week strike containing similar comments. They were usually brief and consisted of very little more than one or two lines of information on the number of strikers and comments on the state of the strike. For example, a May 12 telegram to the prefect read “Today 1,261 strikers. Yesterday 1,716. Complete calm.”⁵⁰ Tourcoing’s workers were simply not interested in taking part in acts of violence or in creating an atmosphere of hatred against specific employers. The same could not be said of Roubaix where, on May 13, a group of male workers, encouraged by their female counterparts, attacked a textile mill belonging to Lemaire, breaking its windows with rocks.⁵¹

When the strike finally ended on May 13, the workers’ demands had been partially satisfied. While employers initially refused to negotiate, they eventually decided to address their workers’ concerns. As early as May 10, groups of employers had begun to give in to the strikers. In a report to the Prefect, Tourcoing’s Police Commissioner stated that, although employers from several sectors of the textile industry were still unable or unwilling to negotiate, the wool factory owners (*filateurs de laine*) had begun to make concessions in regards to wages. Although they were beginning to give in, these employers, in a true display of paternalism, refused to give in

⁴⁹ ADN, Grèves de 1880, Tourcoing, M 619 3. Commissaire Central de Police, Tourcoing, to Préfet du Nord, 3 May 1880.

⁵⁰ ADN, Grèves de 1880, Tourcoing, M 619 3. Commissaire Central de Police, Tourcoing, to Préfet du Nord, Lille, May 12 1880.

⁵¹ Marseille & Sassier, “Le Nord en grève,” p. 120.

completely until workers presented their demands in a “less brutal fashion.”⁵² As time went by, workers who had the resources to remain on strike were able to secure wage increases; *rattacheurs* received a 25c increase and *soigneuses* a 10c increase in their daily wages.⁵³ Records do not indicate that any concessions were made in regards to working hours or how much of an increase, if any, the spinners received. The strike therefore benefitted primarily women and children, as the occupations who received an increase were not adult male jobs.

For those who had received a wage increase, the strike was an overall success. Workers in a number of workplaces had won a wage increase and had done so without resorting to the sort of violence that occurred in Roubaix. In addition to the immediate gains obtained by workers, the strike also brought employers together to address issues of wages in the city. Later in the month of May, after the strike had come to an end, Charles Jonglez, President of Tourcoing’s Chamber of Commerce, assembled mill owners in order to discuss the creation of a uniform wage system in hopes of preventing future disturbances in the city’s textile industry.⁵⁴ It is not clear whether employers came to an agreement at that time. However, a comparison of annual reports from the prefect to the Minister of Agriculture and Commerce for 1880 and 1885 on

⁵² ADN, Grèves de 1880, Tourcoing, M 619 3. Commissaire Central de Police, Tourcoing, to Préfet du Nord, Lille, 10 May 1880.

⁵³ Marseille & Sassier, “Le Nord en grève,” p. 120.

⁵⁴ ADN, Grèves de 1880, Tourcoing, M 619 3. Commissaire Central de Police, Tourcoing, to Préfet du Nord, Lille, 31 May 1880.

average wages for the region's textile industry show no indication of wage uniformity by the middle of the 1880s.⁵⁵

Information on the sex of strikers was rarely taken into account in police records and correspondence. Mention of female strikers is scarce and when notes on female participation were made, they were not about women from Tourcoing. One of the only clear mentions of female strikers was in a telegram from Tourcoing's Police Commissioner to the Prefect describing a 10,000 person strong march of male and female strikers from Roubaix that passed through Tourcoing.⁵⁶ Aside from this telegram, there is hardly any mention of female participation in the strike. However, this information can be obtained through other sources, such as comparing sectors affected by the strike with the gender composition of that sector contained in census data.

The first and most evident evidence of the presence of female strikers is the mention of *soigneuses*. In addition to the fact that the word *soigneuses* is a female noun, 1886 census records of Tourcoing indicate that this occupation was overwhelmingly, if not entirely, female.⁵⁷ The fact that police records indicate that at least 1,186 of the strikers were *soigneuses* indicates that women may have made up to 20% of Tourcoing's strikers. That they were also among the workers who received a wage increase as a result of the strike also suggests they were among its most dedicated and persistent participants. It is interesting to note, however, that the *soigneuses*

⁵⁵ ADN, M606-9, Salaires industriels-tableaux statistiques pour les mouvements de main d'œuvre, 1885-1890; M653-28, Statistiques industrielles, 1860; M 653-32, Statistiques industrielles, 1865; M 654 1-5, Salaires industriels, 1842-1885.

⁵⁶ ADN, Grèves de 1880, Tourcoing, M 619 3. Commissaire Central de Police, Tourcoing, to Préfet du Nord, Lille, 8 May 1880.

⁵⁷ AMTg, Recensement de Tourcoing, 1886.

received a much smaller wage increase than the *rattacheurs*, a sector in which women made up only 27% of the workforce.⁵⁸ Both were unskilled jobs, therefore the discrepancy in the increase offered to both groups suggests that the gender gap in wages was applied to wage increases secured as a result of the strike.

The events of 1880 were repeated a decade later when, in May 1890, workers from Lille, Roubaix and Tourcoing marked the first ever May Day celebrations with a series of spontaneous strikes. Initially, events planned for the day included marches, speeches and a social dance in the evening. Things turned out much differently when, overnight, the one-day of celebration turned into an unorganized and unplanned series of strikes. The strikes initially began in Lille and Roubaix where contemporary estimates stated that approximately 100 000 workers had participated in the day's events.⁵⁹ On May 2, the strikers' ranks were still high, reaching approximately 24,000 in Roubaix alone.⁶⁰ Over the following days, the movement quickly spread to neighbouring cities and villages, with workers in Tourcoing participating in large numbers.⁶¹

Despite certain similarities to the general strike of 1880, the end result this time was much different as, by mid-May, workers had almost all returned to work without receiving any increase in wages or any reduction in hours. The reason for the defeat of the strike, according to Hilden, lies in the fact that the strikers did not have a common list of demands, except for the ten

⁵⁸ AMTg, Recensement de Tourcoing, 1886.

⁵⁹ Hilden, "Working Women and Socialist Politics in France," p.150-151.

⁶⁰ Claude Willard. *Les Guesdistes: Le mouvement socialiste en France (1893-1905)* (Éditions Sociales : Paris, 1965), p. 44.

⁶¹ Michelle Perrot. *Les ouvriers en grève : France, 1871-1890* (Paris : Mouton & Co., 1974), p. 99.

hour workday.⁶² Employers' reactions and their level of preparation for the event may also have been contributing factors. It is not known to what extent employers in Tourcoing knew of the events planned for May 1, but as Hilden points out, those in Lille and Roubaix anticipated disturbances and prepared for them. Upon hearing the news that socialists were organizing events on that day, some employers took steps to prevent their employees from taking part by locking the doors to their mills and factories after the beginning of the workday, locking their employees inside. Others took more drastic measures, placing armed guards outside of their factory gates and positioning them at city entrances, preventing anyone from entering or leaving their facilities as well as the city itself.⁶³ These extreme measures not only demonstrate the extent to which employers in the region were prepared to go to prevent a repeat of the events of a decade earlier, but also suggests that many had adopted a more confrontational and militant attitude against socialism and other forms of worker organizations. Workers in the 1890s were facing much more militant employers.

Despite the loss suffered by the strikers, socialists and other workers' groups in the region were able claim a victory on another front, arguing that the strike had helped increase the size of their membership. As Hilden states, their claims appeared to be legitimate, as government documents indicate a noticeable increase in membership of socialist unions throughout the region, including Tourcoing.⁶⁴ The increased presence and popularity of socialists in Tourcoing and the region made organizing similar May 1 demonstrations easier and

⁶² Hilden, "Working Women and Socialist Politics in France," p. 152.

⁶³ Ibid., pp. 149-150.

⁶⁴ Ibid., p. 152.

allowed it to become an annual tradition as workers in Lille, Roubaix and Tourcoing attempted to repeat the events of 1890 the following year.

Similar strikes broke out once again in early May 1891 as a result of May Day celebrations, but were not as dramatic as the previous year. The total number of workplaces affected by the strike, as well as the exact number of strikers is unknown, but newspapers reported that only 3,485 workers in Roubaix took part in May Day events, a dramatic decrease from the numbers recorded the previous year.⁶⁵ Police records on the strike recorded walkouts in at least 7 different workplaces in Tourcoing, with at least 400 workers out on strike. Among their demands were the usual requests for increased wages and a reduction in the workday to ten hours. In addition to these usual demands, strikers were also making novel requests of their employers. For example, workers employed by Mathon-Dubrulle and Dillies Stoltz in Tourcoing struck on May 2 demanding that employees who had worked the previous day be fired. Employers in this case refused to meet the strikers' demands and the strike eventually came to a gradual end as workers slowly began to return to their jobs. In addition to novel demands, workers were now adopting new tactics to try to reach their goals. One group of workers demanding a ten hour workday, upon returning to work, chose to continue their fight and take matters into their own hands by arriving to work late and leaving after ten hours. This tactic worked for a short while until, for an unknown reason, workers slowly began to work their regular hours.⁶⁶ In all, the strikes of 1891 were short lived, with the longest lasting ten days. Whatever momentum and energy Tourcoing's workers had gathered in 1880 was clearly gone. Workers had lost their passion for the spontaneous strikes organized around May Day.

⁶⁵ *L'Avenir de Roubaix Tourcoing*, Monday May 4, 1891, p. 2.

⁶⁶ ADN, Diverses grèves textile, Roubaix 1891, M 619-51.

Police records and local newspapers make no clear reference to the participation or the role of women in these strikes. Hilden argues that the general strike of 1890 lacked visible female militants and leaders, in part as a result of the increasing tendency of the POF to focus on electoral politics and spending their energy organizing male workers who, unlike women, were eligible to vote. As a result, the POF began to neglect women, leaving them underrepresented within the party's ranks.⁶⁷ It is unlikely, however, that there was no female participation in these strikes. As in 1880, these strikes affected sectors of the textile industry, such as *rattacheurs* and *bacleurs*, in which women accounted for an important portion of the workforce (32% and 29% in 1886, respectively).⁶⁸ It is therefore clear that, despite their absence among its visible leaders, women were active participants in the general strikes of the early 1890s.

Given that the purpose of the *conseil des prud'hommes* was to settle disputes individually through conciliation, it was not meant to get involved in any strikes. The boards had no jurisdiction over strikes and Tourcoing's board members had no interest in intervening in these conflicts. Board President Louis Bernard Cuvillier made this opinion clear in his 1886 annual report to the Mayor. In his report, Cuvillier wrote that "strikes are always provoked by new conditions imported and demanded between employers and board members and, as it is not in the jurisdiction of our *conseil des prud'hommes* to interfere in contract agreements, we do not believe it is necessary to intervene in strikes."⁶⁹ Despite Cuvillier's statement, *prud'hommes* outside of Tourcoing did not always feel the same way. The *Avenir de Roubaix-Tourcoing* carried articles in October 1891 discussing a strike in Lourches in which employers sought to

⁶⁷ Hilden, "Working Women and Socialist Politics in France," p. 149.

⁶⁸ AMTg, Recensement de Tourcoing, 1886.

⁶⁹ ADN, Correspondence, 1884-1904, M 5U1-38, État des travaux du Prud'hommes en 1885.

have their board enforce fines imposed on their workers who went out on strike, a request which was granted to them by that city's board members.⁷⁰ The strikers in Louches objected to this sudden interference of the *prud'hommes*, as an article in a following issue of the paper reported that workers who had been fired as a result of the *prud'hommes* actions had begun attacking employer representatives who sat on that city's board.⁷¹

Although the *prud'hommes* made it clear that they would not interfere with collective forms of labour disputes, this did not exclude the possibility that workers or employers used the boards to settle scores once the strikes ended. Looking to the boards to accomplish what either party was unable to do during a strike would have been a seemingly easy way to provide some form of legitimacy to workers' demands. Unable to sanction strike leaders for their role in legal work stoppages, initiating cases against them for any small infraction would have been an easy way for employers to seek to remove them from their mills. These were possibilities, but did they occur? An examination of the cases brought to the boards in and around May 1880, during the general strike of that year, reveals that the number of cases that month was the highest recorded for the month of May in the years examined (43), tied with May of 1852. The number of cases in May 1890 (20) was also the highest for that month of the years examined in that decade. May 1891, however, only saw 12 cases, fewer cases than 1892, a year without any major May Day strikes.

It would seem that the number of conflicts brought to the attention of the boards increased during strikes. However, this does not necessarily mean that workers and employers

⁷⁰ *L'Avenir de Roubaix Tourcoing*, Sunday October 18, 1891.

⁷¹ *L'Avenir de Roubaix Tourcoing*, Thursday October 22, 1891. p. 2.

were seeking to settle strike-related disputes at the *prud'hommes*. First, only two of the 42 employers police records identify as affected by the 1880 strike initiated any actions against their workers during the strike and the two following months – and they initiated only 6 actions. In each case, they accused the worker of having abandoned his work. This may suggest that the complaint was strike related; nonetheless, as these types of disputes were the most common, it is not very likely. Of the same number of strike-affected employers, only 8 were brought before the board in 9 separate cases initiated by workers in the same period. The nature of these cases varied, but do not offer any conclusive evidence that these disputes were related to the strike. An examination of board records during and after the strikes in 1890 and 1891 yields similar results. Therefore, it appears that Tourcoing's workers and employers were able to distinguish between their collective and individual conflicts as neither party attempted to use the *prud'hommes* as a tool to carry out vindictive actions to settle strike related disputes.

Conclusion

Compared to its neighbours, Tourcoing was a conservative city. Politically, it remained one step behind (and to the right) of Roubaix and Lille. Socialists were simply unable to influence the city's workers to the same degree as in the rest of the *arrondissement*. In terms of labour conflicts, Tourcoing's working class participated in the region's major work disruptions, but it was always late to join and early to leave. Simply put, Tourcoing was not as keen on confrontation as Roubaix and Lille. Given the more conservative and non-confrontational nature of the city, one would expect arbitration boards such as the *conseil des prud'hommes* to be a popular means of settling workplace conflicts. The following chapters will explore whether this was the case.

CHAPTER TWO: LARGE SCALE WORKERS, SMALL SCALE BOSSES

Worker and employers were far from homogeneous groups. As Béatrice Craig demonstrated in her study of Tourcoing's *prud'hommes*, a worker's skill level was important in determining their experience in front of the boards before 1848. Divisions among employers was also a reality, as the size of their operations, as well as their wealth and power, varied greatly.

While the identity of those who used the *prud'hommes* services is explored in chapter 3, this chapter examines the social position of members of Tourcoing's *conseil des prud'hommes* within their own class. Through an analysis of election records, as well as cases brought to the *prud'hommes*, a profile of those who chose to run and occupy positions on the boards is created. This reveals the identity of workers and employers who were drawn to serve on the *prud'hommes*, as well as the use they made of its services. With very few exceptions, involvement with the boards was an activity that attracted only skilled workers and small-scale employers. Consequently, the socio-economic difference between worker and employer board representatives was not great. This analysis provides some insight into the nature of the relationship between worker and employer representatives and how two groups whose interests were often at odds could work together with very little conflict.

2.1 – Board Members and Elections

Elections of members to the *conseil des prud'hommes* were held approximately every 3 years. The presence of the same individuals in several elections indicates that board members

were not restricted by any term limits. In fact, the presence of the same candidates running for positions in more than one category of the *prud'hommes* indicates that candidates not only sought to represent their own professions, but also attempted to represent other sectors of the textile industry besides their own. For example, employer representative August Delmasure ran twice in the 1880 election: once as a candidate for his sector of the textile industry, and once again for another.⁷² Working class candidates engaged in similar behaviour when Ignace Roy ran as a candidate for three separate sectors of the industry in the same 1876 election.⁷³ Although this behaviour was not uncommon at Tourcoing's *prud'hommes*, it was not necessarily well perceived, as the case of Gustave Cormont (described in Chapter 3) demonstrates.

One shortcoming of the election records is their lack of information about the exact length of time individual board members served on the *prud'hommes*. Simply examining the number of elections won by a specific candidate would be misleading as certain board members appear to have continued to serve without being elected for long periods of time. For example, worker representative Henri Cormont appears in election records as early 1853 when he won a position on the board. He appeared in and won two more elections (1857 and 1863) after that date.⁷⁴ However, Cormont continued to preside over cases until at least the mid-1870s.⁷⁵ The same is true of Darras-Lemaire, an employer representative who made his last election

⁷² AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1.

⁷³ AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1.

⁷⁴ Ibid.

⁷⁵ ADN, Conseil des Prud'homms, Tourcoing, Registre des Conciliations, 1870-1874, 5U1-21.

appearance in 1863, but continued to preside over cases for the following decade.⁷⁶ However, an examination of election records reveals how often candidates ran for positions on the board.

Table 2							
Employer Candidates Performance, 1853-1892							
Candidates		Elected		Never Elected		Unknown	
Number	%	Number	%	Number	%	Number	%
40	100	32	80	6	15	2	5

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

Table 3							
Worker Candidates Performance, 1853-1892							
Candidates		Elected		Never Elected		Unknown	
Number	%	Number	%	Number	%	Number	%
60	100	33	55	20	33.3	7	11.6

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

As tables 2 and 3 reveal, employers who ran for a position on Tourcoing's board were more likely to be elected than working-class candidates.

Table 4									
Employer Candidates Elected to <i>Prud'hommes</i> , 1853-1892									
Candidates Elected		Elected Once		Elected Twice		Elected Three Times		Elected more than Three Times	
Number	%	Number	%	Number	%	Number	%	Number	%
32	100	13	40.6	11	34.3	6	18	2	6.2

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

Table 5									
Worker Candidates Elected to <i>Prud'hommes</i> , 1853-1892									
Candidates Elected		Elected Once		Elected Twice		Elected Three Times		Elected more than Three Times	
Number	%	Number	%	Number	%	Number	%	Number	%
33	100	19	57.5	11	33.3	3	9	0	0

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

⁷⁶ ADN, Conseil des Prud'hommes, Tourcoing, Registre des Conciliations, 1870-1874, 5U1-21.

If elections were held approximately every 3 years, then tables 4 and 5 reveal that employer representatives were more likely to serve more than one term on the boards than workers. While both groups had equal chances of serving at least two terms, employers were more than twice as likely to serve more three or more terms on the *conseil des prud'hommes*. The greater success of employer candidates can be attributed to the fact that a larger number of working-class candidates could run for the same number of positions. As in any elections, it is always easier to be (re)elected when there are fewer people competing for the same position.⁷⁷

2.2 – Elections and Class

Who were the workers and employers taking time out of their lives to occupy positions on Tourcoing's *conseil des prud'hommes*? An examination of candidates' names, professions, as well as the size of their companies reveals that very specific types of workers and employers occupied positions on Tourcoing's board and that the socio-economic distance between both groups was not very great.

Table 6		
Skill of Worker Representative Candidates, 1853-1892		
Skill level	Number	%
Skilled	23	79.3
Unskilled	1	3.4
Unknown Skill	5	17.2
Total Known Skills	29	100
Occupation Unknown	31	51.6
Total	60	100

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

⁷⁷ See Chapter 3 for a more detailed discussion of the rate of worker and employer participation – or lack thereof – in *prud'hommes* elections.

The skill levels of working class candidates (Table 6) reveals that skilled workers made up the great majority of workers who ran for a position on Tourcoing's board.

Table 7		
Skill of Elected Worker Representatives, 1853-1892		
Skill level	Number	%
Skilled	15	83.3
Unskilled	1	5.5
Unknown Skill	2	11.1
Total Known Skills	18	100
Occupation Unknown	14	43.7
Total	32	100

Source: AMTg, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 1; Procès verbaux des élections pour renouvellement des conseils, 1875-1894, F2B 2.

Table 7 demonstrates that this trend was the same, if not more pronounced, among workers who were elected. Of the 60 working class candidates who ran for positions on the board, only one, Jean-Baptiste Nollet, an *ourdisseur*, may have been unskilled. First elected in 1873, Nollet served at least two terms as representative of the third category, but not without any trouble. After his first electoral victory, Nollet ran for the same position again in 1885, but was unsuccessful. He ran again 3 years later and successfully reclaimed his seat as representative of the third category. Regardless of Nollet's electoral success and challenges, the fact remains that the worker side of Tourcoing's *conseil des prud'hommes* was always made from the elite of the city's working class.

What about employers? Did Tourcoing *bourgeoisie* also send their greatest industrial entrepreneurs to represent them at the *prud'hommes*? The size of the businesses owned by Tourcoing's employer representatives sheds some light on the identity of those who represented the city's business owners.

Table 8									
Typical Size of Businesses in Tourcoing, 1852-1892									
	1852	1857	1862	1867	1872	1877	1882	1887	1892
Wool Spinning Mill Owner (spindles)	2714	3038	3694	4955	5264	6800	7439	8893	10514
Coton Spinning Mill Owner (spindles)	3890	6659	8180	6344	21269	10000	12748	15986	16687
Fabric Manufacturer (dispersed looms) ⁷⁸	31	31	42	80		82	71	93	72
Fabric Manufacturer (number of looms in factory) ⁷⁹		31					196	235	205
Fabric Manufacturer (type of loom unspecified) ⁸⁰					74				

Source : AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

Table 8 lists the average size of Tourcoing's textile industry throughout the second half of the nineteenth century as stated in the city's tax records. When these numbers are compared to Table 9, it becomes clear that employer representatives were owners of businesses that were either near or below the average size of textile businesses in Tourcoing.

⁷⁸ *Métiers non-réunis* - the looms were located at the homes of domestic workers.

⁷⁹ *Métiers réunis* - the looms were located in a factory

⁸⁰ The source does not specify whether the looms were dispersed or gathered.

Table 9						
Size of Businesses Owned by Employer Representatives, 1872-1892						
Employer	Sector	1872	1877	1882	1887	1892
Louis Bernard Cuvillier	Cotton Factory Owner		7408 spindles	6616 spindles	6616 spindles	
Auguste Delmasure	Manufacturer		80 looms			
Louis Duhamel fils	Manufacturer	17 looms				
Louis Honoré Dumortier	Cotton Factory Owner				10248 spindles	
Jean-François Scalabre-Delcour	Wool Factory Owner	3200 spindles	3260 spindles		3200 spindles	
Edouard Six-Scrive	Comber and Factory Owner					6000 spindles
François Masure-Lorthiois	Carpet Manufacturer	40 factory looms	50 factory looms	82 factory looms		
Victor Lemettre-Seynave	Manufacturer				25 looms	
Pierre Philippe Pollet-Duriez	Wool Factory Owner			17400 spindles		

Source : AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

Employers who sat on Tourcoing's *prud'hommes* in the second half of the century were not among the city's industrial elite. Unlike worker representatives, who tended to be the city's working class elite, employer representatives were some of the smallest operators in Tourcoing's textile industry. Therefore, sitting on the *prud'hommes* was not an activity that drew the interest of Tourcoing's *grande bourgeoisie*. The place that worker and employer representatives occupied among their respective classes was contrasting. This means that neither extremes of the socio-economic scale were represented on the boards. Instead, both classes were represented by board members who fell somewhere in the middle and were therefore more likely to share similar life experiences and points of view.

The socio-economic difference between worker and employer representatives was therefore not very great, which may have contributed to the relative peace between both groups on the boards for most of the second half of the century. In fact, the only problems that surfaced between worker and employer representatives occurred in the late 1880s and early 1890s, a tumultuous period for Tourcoing's *prud'hommes*.⁸¹ The first of these two occurrences took place in late 1886 when a worker representative, Victor Liétard, accused the board's secretary, Caron, of discouraging workers from pursuing their employers. There is evidence substantiating Liétard's accusations in a December 30 1886 letter to the Mayor from board President Louis Bernard Cuvillier who explained that Caron only discouraged workers from launching complaints to prevent them from losing.⁸² Nothing serious ever came of these accusations as Caron retired from the board shortly after these accusations were made.⁸³

Problems between both groups occurred on two other occasions in the second half of the century, with both instances involving accusations of anti-worker bias among employer representatives. The first took place in 1887 when board president complained that worker representative Jean Legrand made inappropriate comments during a session, accusing employers on the board of always ruling against workers. The rest of the board responded to this incident by holding a general assembly of board members in order to allow Legrand to explain himself and for the Prefect to propose a punishment. Legrand took advantage of this opportunity to once again accuse the employers on the board, particularly the President, of bias and of failure to

⁸¹ See Chapter 4 for more information on this period.

⁸² ADN, 5U1-38, Correspondance 1884-1902, Louis Bernard Cuvillier, Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 30 décembre 1886.

⁸³ ADN, 5U1-38, Correspondance 1884-1902, Caron, Secrétaire du Conseil des Prud'hommes de Tourcoing, to Maire & Conseillers Municipaux de Tourcoing, 18 janvier 1887.

perform their duties. In the end, Legrand apologized for his behaviour and promised that no such outburst would occur in the future.⁸⁴ Although a follow-up letter states that board members voted to support disciplinary measures against Legrand, their correspondence does not indicate what course of action was chosen by the Prefect. Legrand did not run in the 1888 elections and failed in his attempt to be re-elected in 1891.

The final incident took place in 1892 and once again involved Victor Liétard, as well as another worker representative, Joseph Volt-Catteau, who was also a member and candidate for the socialist *Parti Ouvrier Français*. No disciplinary actions were made in this case, but board president Lemaire-Caulliez complained that both Liétard and Volt-Catteau engaged in behaviour similar to that of Legrand. Lemaire-Caulliez also accused both worker representatives of revealing details of the board's hearings to local newspapers, which he argued was against the law.⁸⁵

Although there are 4 recorded instances of conflict between worker and employer representatives, Legrand's was by far the most serious, but not because of the nature of his actions. According to Cuvillier, what prompted the board to act was the fact that Legrand's comments were being made publicly: "We have tolerated [his comments] as they were only made in our own meetings, but now that they are being made in public, my duty compels me to notify the Departmental authorities."⁸⁶ Although his comments point to some tension between worker and employer representatives, it very rarely grew to the point where it was made public

⁸⁴ ADN, 5U1-38, Correspondance 1884-1902, Louis Bernard Cuvillier, Président du Conseil des Prud'hommes de Tourcoing, to unknown, undated.

⁸⁵ ADN, 5U1-38, Correspondance 1884-1902, Lemaire-Caulliez, Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, undated.

⁸⁶ ADN, 5U1-38, Correspondance 1884-1902, Louis Bernard Cuvillier, Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 25 août 1887.

and warranted action by the board. The fact that both sides of the board were able to agree on the need to carry out disciplinary actions against Legrand suggests that his views were not shared by other worker representatives.⁸⁷ Aside from these examples, the mood at the board appeared to have been generally calm.

2.3 – Board Member Use of the *Prud'hommes*

The small number of conflicts between worker and employer representatives at the *prud'hommes* reveals a great deal about the attitudes of board members towards their work. The use of the board's services by these same individuals can be just as revealing. An examination of plaintiffs shows that certain employer representatives made great use of the board's services both during and following their time on the boards. Of the 40 employers elected in this period, only 7 ever appeared as plaintiffs, most appearing only once. However, some employers stand out as exceptions. Most notable among these is Adolphe Darras-Lemaire, a wool factory owner, who represented his sector on the board for no less than 20 years. In that time, in addition to hearing a number of cases as a board members, Darras-Lemaire appeared as a plaintiffs a total of 53 times. Two other employer representatives, Duvillier-Delattre and Désiré Debuchy fils, also made greater use of the boards than other employers, appearing 28 and 9 times respectively.⁸⁸ Together, these three representatives accounted for 95.5% of all employer representative-initiated cases. The fact that so few employer board members used the *prud'hommes* services

⁸⁷ ADN, 5U1-38, Correspondance 1884-1902, Louis Bernard Cuvillier, Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 9 décembre 1887.

⁸⁸ With the exception of 4 cases, all of Darras-Lemaire, Duvillier-Delattre and Debuchy's cases occurred in 1855 and between 1866 and 1874. All others occurred in the early 1880s.

indicates that they did not sit on the boards in hopes of obtaining favourable treatment for themselves. However, this does not discount the possibility that board members who did appear as plaintiffs received any preferential treatment.

Table 10						
Performance of Employer Representative Plaintiffs, 1848-1894						
	Darras-Lemaire		Duvillier-Delattre		Desiré Debuchy fils	
	Number	%	Number	%	Number	%
Wins	0	0	3	21.4	1	12.5
Loss	2	8.3	0	0	1	12.5
Compromise	19	79.2	9	64.3	6	75
Unspecified	1	4.2	1	7.1	0	0
Non Conciliation	2	8.3	1	7.1	0	0
Other	0	0	0	0	0	0
Total	24	100	14	100	8	100
No Show	29	54.7	14	50	1	3.5
Total of Cases Initiated	53	100	28	100	28	100

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Régistre des conciliations.

Compared to the performance of employer plaintiffs, as described in Chapter 3, it becomes evident from the performance of these three employer representatives that a seat on the board did not promise more satisfactory results at the *prud'hommes*. Although Duvillier-Delattre performed better than employer plaintiffs in general in the 1860s and 1870s, Darras-Lemaire's performance was much worse than the average. This confirms that the *prud'hommes* did not systematically rule in favour of other board members.⁸⁹

⁸⁹ It is unfortunately impossible to conduct the same examination of worker representatives as workers could only typically initiate cases against one employer, while employers could do the same to a much larger number of workers.

Conclusion

The conservative nature of Tourcoing's politics were reflected in the composition of its *conseil des prud'hommes*. Instead of attracting groups at both extremes of the city's socio-economic scale, it was a place where those in the middle – skilled workers and small textile business owners – met in hope of settling workplace disputes. As the Jean Legrand incident demonstrates, both worker and employer representatives worked together to protect the interest of the *prud'hommes*. Despite those few instances of conflict between workers and employers in the late of 1880s and early 1890s, Tourcoing's board was not a place where class confrontation could be openly and successfully provoked. Confrontation and conflict was generally avoided because the interests and worldviews of the board members were similar due to their place within their respective classes. As the rest of this thesis discusses, provoking confrontation would come from the outside, not from within the *prud'hommes*.

CHAPTER THREE:
CONFLICTS, ELECTIONS & THE IMPACT OF THE 1848 REFORMS ON TOURCOING'S
CONSEIL DES PRUD'HOMMES, 1848-1883

The discussion of the male workers' impact on the *conseil des prud'hommes* must begin with an examination of the cases brought before the boards between 1848 and 1884, the year unions were legalized. After a brief discussion of the nature of conflicts brought to the *prud'hommes*, this chapter examines these cases by addressing three sets of questions. The first relates to the number of cases brought before the *prud'hommes*. How did their numbers evolve over time? Did the presence of male workers on the boards, as well as the legalization of strikes, have an impact on the number of cases brought before the *prud'hommes*? The second relates to the gender and class composition of plaintiffs and defendants. The outcomes of these conflicts are examined in order to determine if there were differences in the way workers and employers, and men and women, fared after 1848. The skill levels of plaintiffs and defendants are also taken into account in order to determine how the new boards responded to the different segments of Tourcoing's working class. Findings in this area will help determine whether the presence of male workers deterred or encouraged workers and employers to turn towards the board in greater numbers. These findings will also shed light on how the presence of male workers on the boards affected the way female and unskilled workers made use of the boards after 1848. Finally, the levels of interest in using the boards is also revealed through their levels of participation in elections between 1848 and 1884.

The introduction of workers on the boards had a dramatic impact on their rulings and played a pivotal role in altering the class and gender composition of plaintiffs between 1848 and

1884, as well as on the importance the arbitration boards played in the working lives of workers and employers in Tourcoing.

This chapter's and the next's conclusions are based on the analysis of 4400 cases brought to the attention of the *bureau particulier* of Tourcoing's *conseil des prud'hommes* between 1848 and 1894 – 3688 for the period till 1883⁹⁰ (immediately before the legalization of unions) and 712 for the years between 1890 and 1894.

Table 11	
Number of Cases Brought to the Boards' Attention	
Period	Number of Cases
1848, 1852, 1855	726
1866-1874	2087
1880-1883	875
1890-1894	712
Total	4400

Source: ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

Records of these conflicts provide information about the nature of complaints, their outcome, the identity, occupation, place of residence of plaintiffs and defendants, as well as the identity of the board members assigned to each case. The main shortfall of this source is the lack of detail provided regarding the circumstances leading up to the cases. As Paul Delsalle notes in his study on Roubaix's *prud'hommes*, records after 1838 rarely included details on any exchange or any of the facts presented by either party during the hearings.⁹¹ Consequently, it is almost impossible to discover why and how settlements were reached.

⁹⁰ This period was itself divided into three periods: a short period following the 1848 reforms (1848, 1852 & 1855), the 8 years following the legalization of strikes (1866-1874) and the early 1880s (1880-1883) on the eve of the legalization of unions.

⁹¹ Paul Delsalle, *La brouette et la navette: tisserands, paysans, fabricants de la région de Roubaix-Tourcoing, 1800-1848* (Dunkerque : Westhoek-Éditions des Beffrois, 1985), p. 109.

A number of changes occurred in the nature of the cases brought to the *prud'hommes* after 1848. The post-1848 boards were no longer the employer-friendly environment they had previously been. As a result, the number of conflicts, their outcomes and the class and gender identity of those initiating them changed during the second half of the century.

3.1 – The Nature of Conflicts⁹²

Most of the cases brought to Tourcoing's *conseil des prud'hommes* in the second half of the nineteenth century were attempts on the part of workers to protect their job, wages or both. The three most common types of conflicts brought to the board were: cases relating to the violation of the principle of mutual commitment (the term used to describe the principle guiding professional relationships), wage related cases and conflicts over the *livret ouvrier*.⁹³

Table 12									
Nature of Cases, 1848-1894									
Period	Total Cases	Mutual Commitment		Wage Related		<i>Livret Ouvrier</i>		Other	
		number	%	number	%	number	%	Number	%
1848, 1852 & 1855	726	314	43.3	156	21.5	130	17.9	76	10.5
1866-1874	2087	1238	59.3	505	24.2	158	7.6	179	8.6
1880-1883	875	500	57.1	250	28.6	77	8.8	48	5.5
1890-1894	712	363	51	277	38.9	39	5.5	32	4.5
Total	4400	2415		1188		404		335	

Source: ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

⁹² Although an in-depth examination of the nature of cases brought to the *conseil des prud'hommes* would shed some light on the nature of workplace conflicts in this period, such a detailed analysis is out of the scope of this study.

⁹³ For a description of the *livret ouvrier* and its use, see p. 9 of Introduction.

The most common source of conflict came from violations of the principle of mutual commitment. This principle, first described by Paul Delsalle, can be described as an unwritten rule that governed professional relationships in Northern France, particularly in the textile industry, throughout most of the nineteenth century.⁹⁴ According to this principle, workers and employers entering into a relationship under the understanding that there would be an initial trial period, usually a week or two, at the end of which either party could decide to terminate the arrangement. If both parties agreed to continue their professional relationship, it was with the additional understanding that its termination would be preceded by 8 or 15 days notice (periods described as *la huitaine* and *la quinzaine de congé*, respectively). Failure to provide this final period of work, or *préavis*, was what prompted so many workers and employers to bring their cases to the *prud'hommes*.

Although the details of these cases were rarely recorded, most workers who initiated them did so in hopes of either extending their period of employment, obtaining compensation for lost income or, in some cases, both. In July 1852, Jean-Baptiste Desmarchelier, a spinner complained that his employers, Lemahieu, Desplanque & Cie, had laid him off without allowing him to complete his *quinzaine de congé*. Although his employers did not rehire him, Desmarchelier won the right to continue working for another 15 days, until the end of his *quinzaine*.⁹⁵ In January 1880, Arthur Verbeck, a *rattacheur*, found himself in a similar situation when his employers, Félix Hubert & Cie, attempted to lay him off without proper warning. When he brought his case to the *prud'hommes*, Verbeck requested that he be compensated 2f 50

⁹⁴ Delsalle, "La brouette et la navette," p. 81.

⁹⁵ ADN, 5U1-18, Registre des conciliations, 1843-1853.

per day of unemployment and lost income. The case was settled through compromise when his employers agreed to pay him a week's salary.⁹⁶

Workers were not alone in demanding compensation for violated commitments. Employers also often asked for compensation when complaining about workers who left their jobs without finishing their work or without providing proper notice. For example, wool spinning mill owners Beseme & Cie complained in August 1868 that one of their spinners, Célestine Callewart, had abandoned her work before completing her tasks. In exchange for the damages caused by her departure, the plaintiffs demanded a sum of 13f for every day of her absence.⁹⁷

Such cases and requests for compensation occupied most of the board members' time, as mutual commitment cases made up more than half of all cases brought to the *prud'hommes* attention in the second half of the century.

Table 13									
Types of Conflicts for Worker Plaintiffs, 1848-1894									
	Total	Mutual Commitment		Wage Conflicts		Livret Ouvrier		Other	
		Number	%	Number	%	Number	%	Number	%
1848, 52 & 55	574	198	34.5	189	32.9	129	22.5	58	10.1
1866-1874	1494	710	47.5	502	33.6	158	10.6	122	8.2
1880-1883	722	367	50.8	247	34.2	77	10.7	31	4.3
1890-1894	691	351	50.8	273	39.5	39	5.6	28	
Total	3481	1626		1211		403		239	

Source: ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Registre des conciliations.

⁹⁶ ADN, 5U1-22, Registre des conciliations, 1878-1896.

⁹⁷ ADN, 5U1-22, Registre des conciliations, 1866-1869.

Table 14									
Types of Conflicts for Employer Plaintiffs, 1848-1894									
	Total	Mutual Commitment		Wage Conflicts		Livret Ouvrier		Other	
		Number	%	Number	%	Number	%	Number	%
1848, 52 & 55	142	116	81.7	7	4.9	1	0.7	18	12.7
1866- 1874	588	528	89.8	3	0.5	0	0	57	9.7
1880- 1883	153	133	86.9	3	2	0	0	17	11.1
1890- 1894	20	12	60	4	20	0	0	4	20
Total	903	789		17		1		96	

Source: ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Registre des conciliations.

The second most common type of conflict was those related to wages. Unlike mutual commitment cases, wage related disputes were initiated almost exclusively by workers (Tables 13 and 14). Most of the time, workers accused their employers of withholding wages, either in part or in full. Although the reasons for withholding wages are not often specified in the *prud'hommes* records, workers sometimes complained of their wages being withheld as a disciplinary measure. This was the case of the April 1869 conflict between Jules Desmarque, a weaver from Mouscron, Belgium, who complained that his employer, Paul Cordonnier had refused to pay 18f of his wages and had fined him 1 additional franc without any legitimate justification.⁹⁸ These cases were not uncommon, but the justifications for these fines were rarely provided.

⁹⁸ ADN, 5U1-22, Registre des conciliations, 1866-1869.

Table 15					
Nature of Wage Related Cases, 1848-1894					
Period	Wage Withheld (%)	Wage Reductions (%) ⁹⁹	Violate Wage Agreement (%) ¹⁰⁰	Withheld for Discipline (%) ¹⁰¹	Other (%)
1848, 1852 & 1855	57.6	8.5	5.8	21.2	6.9
1866-1874	68.1	2.8	2.6	24.1	2.4
1880-1883	80.2	9.7	0.4	7.3	2.4
1890-1894	94.1	0.7	0.7	0	4.4

Source: ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Registre des conciliations.

Some less common types of wage related cases included instances when employers either reduced wages or refused to respect wage agreements made upon hiring. In August 1882, Charles Morel, a weaver from Tourcoing complained that his employers, Lorthiois Frères, were planning to reduce his salary by 6f.¹⁰² In November 1874, a *rattacheur*, Louis Florin, faced a similar situation when he complained that his employer, Fidèle Strat, paid him 1f 50 instead of the 2f 50 they had agreed to in exchange for 4 days of work.¹⁰³ Despite the fact that workers in these cases were often asking for money they felt they were owed, none of them ever asked that their wages be increased. Wage related cases were strictly reactive and aimed to protect agreed upon wages, not improve them.

⁹⁹ Wage reductions occurred when employers reduced their employees' wages.

¹⁰⁰ Violations of wage agreements were cases in which workers complained about their employers refusing to pay them an amount that had previously been agreed upon.

¹⁰¹ Although the reasons for withholding wages were rarely indicated in *prud'hommes* records, workers sometimes specifically complained of their wages being withheld as a disciplinary measure.

¹⁰² ADN, 5U1-22, Registre des conciliations, 1878-1896.

¹⁰³ ADN, 5U1-21, Registre des conciliations, 1870-1874.

The last common type of conflict stemmed from abuse of the *livret ouvrier*. Like wage disputes, these were also initiated almost entirely by workers. They also shared some similarities to mutual commitment cases as they involved potential loss of employment and workers who initiated them often requested some form of compensation. The case between Jean-Antoine Bermontville, a spinner, and Lorthiois-Delplanque is typical. In June 1869, Bermontville complained that Lorthiois-Delplanque refused to return his *livret* and asked for 3f per day to compensate for lost employment opportunity. In this case, the board's suggested settlement amounted to a compromise, as Bermontville received his *livret*, but no financial compensation.¹⁰⁴

Although details on each case are scarce, records reveal enough information to demonstrate that the majority of cases brought to the *prud'hommes* were attempts to protect job security and wage levels. The boards were used exclusively as defensive tools to protest changes to the status quo. This was true for workers and employers alike; neither of which ever used the *prud'hommes* to raise or lower wages or to terminate employment.

3.2 – Initiating Conflicts

Did the inclusion of male workers on the boards have an impact on the number of cases brought to the boards? Béatrice Craig recorded a total of 1087 cases brought before Tourcoing's board between 1821 and 1836, or an average of 71 cases per year. This number increased after 1848 to an average of 242 cases, a growth of 240%. However, the increase in the number of cases did not keep up with the population growth. The number of households headed by a textile

¹⁰⁴ ADN, 5U1-22, Registre des conciliations, 1866-1869.

worker rose from 660 to 2,420 between 1821 and 1851, a growth of 267%.¹⁰⁵ Therefore, although more cases were being brought to the attention of the board, proportionally, fewer people were seeking this method of resolution.

Table 16		
Average Number of Cases Per Year, 1848 - 1883		
Period	Number of cases	Average cases per year
1821-1836	1087	71
1848, 1852, 1855	726	242
1866-1874	2087	261
1880-1883	875	218

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837¹⁰⁶; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

This decrease in the use of the boards is in part the result of fewer employers choosing to bring their cases forward after 1848. Before 1848, employers accounted for slightly more than one-third of plaintiffs. After 1848, this dropped to just under one-fifth (19.6%) despite the fact that the number of employers remained relatively stable during this period. This trend continued through the rest of the century, with a slight exception in the 1866-1874 period.

Table 17					
Class of Plaintiffs, 1848 - 1883					
Period	Total Cases	Employer Plaintiffs		Worker Plaintiffs	
		Total	Percent	Total	Percent
1821-1836	1087	416	38.3	672	61.8
1848, 1852, 1855	726	142	19.6	574	79.1
1866-1874	2087	588	28.2	1494	71.6
1880-1883	875	153	17.5	722	82.5

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

¹⁰⁵ Béatrice Craig, "La structure de l'emploi féminin dans une ville en voie d'industrialisation: Tourcoing au XIXe siècle," in *Canadian Journal of History/Annales canadiennes d'histoire* 28 (August/Août 1992), pp. 299-332.

¹⁰⁶ Data for the 1821-1836 collected and provided by Béatrice Craig.

The gender distribution of plaintiffs remained fairly stable throughout the second half of the century with the major exception of a decrease in the number of female employer initiated cases immediately after 1848, which dropped from 12% to almost nothing. The proportion of women among textile employers dropped by half between the 1821-1830 period and the 1850s (10% to 5%), but jumped back to 8-10% for the rest of the period.¹⁰⁷ These fluctuations therefore cannot explain the absence of female employers. It appears that female employers stopped using the boards when working men became board members.

Table 18						
Gender and Class of Plaintiffs, 1848-1883						
Period	Employer Plaintiffs			Worker Plaintiffs		
	Total Cases	Male (%)	Female (%)	Total Cases	Male (%)	Female (%)
1821-1836	416	87.7	12.2	672	84.2	15.6
1848, 1852, 1855	142	95.7	2.8	574	83.4	16
1866-1874	588	98.6	1	1494	82.2	17.5
1880-1883	153	94.7	1.3	722	79.5	20.3

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

Use of the boards increased again in the decade following the 1864 legalization of strikes, climbing by 7.8% to 261 cases per year. This growth can be attributed to an increase in the number of employer initiated cases, which rose by almost a third, from 19.6% to 28.2%. The absence of census data between 1851 and 1886 makes it difficult to place those changes in their demographic context. However, the fact that Tourcoing's population increased 42.6% between 1851 and 1871 makes it unlikely that the number of cases at the *prud'hommes* kept up with demographic growth.¹⁰⁸ Between 1864 and 1883, the number of cases per year dropped 16%, from 261 to 218. This is a decrease of 10% from the 1850s. This decrease followed a similar

¹⁰⁷ AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

¹⁰⁸ Tourcoing's population increased from 26,834 to 38,262 in this period.

drop (12%) in the number of household led by textile workers during this period. Workers initiated a greater proportion of complaints in that period, but as the number of cases did not keep pace with demographic growth, one cannot conclude that workers were more interested in the boards after 1848. Their increased proportion among plaintiffs was a consequence of employers' diminishing interest.

As after 1848, the decline in the number of disputes brought before the *prud'hommes* in the 1880s can be attributed to a drop in the number of employers initiating disputes, which dropped to 17.5%. Female employers stopped using the boards altogether. On the other hand, an increasing number of female workers were using them. They made up one-fifth of all working class plaintiffs in the 1880s, an increasingly noticeable number.

Table 19					
Gender of Plaintiffs, 1848 – 1883					
Period	Total Cases	Male Plaintiffs		Female Plaintiffs	
1821-1836	1087	931	85.6	156	14.4
1848, 1852, 1855	726	615	84.7	96	13.2
1866-1874	2087	1809	86.7	268	12.8
1880-1883	875	719	82.2	149	17

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

An examination of the outcomes of cases after 1848 will help shed some light on the ways in which worker representatives affected the board's rulings, and provide an explanation for the employers' disinterest.

3.3 – Rulings of the Board

Craig's study of Tourcoing's *conseil des prud'hommes* before 1848 revealed that the boards were a friendly environment for employers. Before 1848 employers, regardless of

gender, won 77% of the time and lost only 7.9% of the cases they initiated.¹⁰⁹ Their rate of success was much higher and rate of loss much lower than that of worker plaintiffs who won 29.4% and lost 25.4% of their cases. Employers were also forced to compromise much less often than workers (see Table 20).¹¹⁰ However, workers were more likely to accept the decisions of the boards than their employers: fewer cases ended in non-conciliation. This points to the effectiveness of the boards in settling disputes brought to their attention.¹¹¹

From 1848, we have additional information: the sources also list scheduled hearings which did not take place because one or both parties failed to show up. The tables for the post-1848 period therefore include a subtotal (all cases actually heard) and two distributions. The first is a breakdown of decisions following a hearing. This distribution is calculated as percentages of cases actually heard (subtotal). The second is the percentage of no-show, calculated as percentages of scheduled hearings (grand total).

¹⁰⁹ A case was considered won when the plaintiff's reason for initiating the complaint was met. For example, if a worker argued that their employer owed them 5 francs for two days wage and the board ordered the employer to pay that sum, then the case would be considered a victory for the plaintiff. A loss is occurred when the plaintiff's case was either thrown out or if the end result favoured the defendant. For example, in certain situations, a plaintiff who initiated a case claiming the defendant owed them money only to have the board order them to pay the defendant. This would be considered a loss for the plaintiff (and conversely, a win for the defendant).

¹¹⁰ Compromises occurred when neither party obtained exactly what they sought from the boards. For example, plaintiffs often sought monetary compensation for damages incurred as a result of the defendants' actions (premature firing, abandoning work, etc.). Board members often achieved settlements through compromise by awarding plaintiffs sums less than the amount initially requested.

¹¹¹ Non-conciliation occurred when both parties failed to come to an agreement or accept the board's rulings. In these cases, the dispute would sometimes go before the entire board at the *bureau général* where rulings were final.

Table 20					
Outcome of Cases for Employer and Worker Plaintiffs, 1821-1836					
	Employer Plaintiffs		Worker Plaintiffs		Total
	Total number	%	Total number	%	
Win	321	77.2	197	29.4	518
Loss	33	7.9	174	25.9	207
Compromise	37	8.9	276	41.1	313
Unspecified/Other	0	0	0	0	0
Non conciliation	25	6	24	3.6	49

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

The data for the 1821-1836 period is taken from the *plumitif des audiences* (minutes of the hearings), and only includes cases that were actually arbitrated by the *prud'hommes*.

The situation for employer plaintiffs after 1848 changed significantly. While they were slightly less likely to lose than before, their rate of success decreased by two-thirds. Employers, who had previously usually won the cases they initiated, had to settle for compromise in half of the cases after 1848. The same thing happened to worker plaintiffs whose rate of success fell by approximately two-thirds and number of losses fell to less than one-fifth. Compromise, which already ended slightly over 40% of the cases they initiated before 1848 rose to 47.4%, but fell below those of employers. A greater number of cases initiated by either group also ended in non-conciliation.

Table 21					
Outcome of Cases for Employer and Worker Plaintiffs, 1848, 1852 & 1855					
	Employer Plaintiffs		Worker Plaintiffs		Total
	Total number	%	Total number	%	
Actual hearings					
Win	27	21.7	52	11	79
Loss	6	4.8	84	17.7	90
Compromise	62	50	224	47.4	286
Unspecified	3	2.4	61	12.9	64
Non conciliation	16	12.9	33	7	49
Other	1	0.8	18	3.8	19
Employer vs. employer ¹¹²	9	100	n/a	n/a	9
Total	124	100	472	100	596
All scheduled hearings					
No show	30	19.4	100	17.4	130
Total Cases	154		572		726

Source: ADN, 5U1-18-20, Registre des conciliations.

The proportion of no-shows¹¹³ as a percentage of all cases (arbitrated or not) in this period is also worth noting as more than one-fifth of all files ended this way. It is possible that both parties found a way to solve the problem through negotiation or by termination of employment. However, given that these cases were settled outside of the board's hearings, it is impossible to know what their outcome was.

Overall, employer plaintiffs did not benefit from the presence of workers on the boards. They were less likely to lose their case, but were also less likely to win. They had to increasingly satisfy themselves with a compromise (the number of cases settled through compromise rose from less than one-tenth to more than half). In other words, employers were now being forced to settle their disputes through compromise instead of receiving complete victories from the *prud'hommes*. Worker plaintiffs were affected in the same way, but the extent

¹¹² Cases in which one employer pursued another at the boards were rare and never occurred past the 1848-1855 period. Their number are too small to generate any meaningful data and are therefore not considered.

¹¹³ No shows occurred in cases in which defendants or neither party appeared before the boards.

of the changes was not as great for them as they were for employers. Their rates of compromise had always been high, therefore making the transition easier to accept.

Table 22					
Outcome of Cases for Employer and Worker Plaintiffs, 1866 – 1874					
	Employer Plaintiffs		Worker Plaintiffs		Total
	Total number	%	Total number	%	
Actual hearing					
Win	23	6.4	78	8.1	101
Loss	10	2.8	205	21.3	215
Compromise	262	74	456	47.4	718
Unspecified	23	6.4	81	8.4	104
Non conciliation	30	8.4	119	12.3	149
Other	6	1.6	22	2.2	28
Total	354	100	961	100	1315
All scheduled hearings					
No show	235	39.8	537	35.8	772
Total Cases	589		1498		2087

Source: ADN, 5U1-21, Registre des conciliations.

The trends noted among employer plaintiffs continued into the decade following the legalization of strikes. Employers who initiated cases continued to experience fewer wins and were now settling almost as many cases through compromise as they had won before 1848. Workers also experienced similar changes, but their rate of non-conciliation almost doubled, from 7% to 12.3%. Lack of detail in the board's records make it impossible to determine which side was rejecting conciliation in these cases, but one thing is evident: these numbers point to growing levels of impatience and dissatisfaction with the boards, as well as an increasing reluctance among at least one group to settle disputes through conciliation. The fact that the number of no-shows increased to 40% for employer initiated cases and 35.9% for worker initiated cases further emphasizes this point.

Table 23					
Outcome of Cases for Employer and Worker Plaintiffs, 1880 – 1883					
	Employer Plaintiffs		Worker Plaintiffs		Total
	Total number	%	Total number	%	
Actual hearings					
Win	5	5.3	33	7.8	38
Loss	1	1.1	106	24.9	107
Compromise	77	81.1	200	47.1	277
Unspecified	8	8.4	34	8	42
Non conciliation	2	2.1	41	9.6	43
Other	2	2.1	11	2.6	13
Total	95	100	425	100	520
All scheduled hearings					
No show	58	37.9	297	41.1	354
Total Cases	153		722		875

Source: ADN, 5U1-22, Registre des conciliations.

Little had changed in the early 1880s. Rates of success continued to fall for both groups while the portion of compromise in employer initiated cases continued to increase, this time accounting for four-fifths of settlements. No shows continued to be high, accounting for 37.9% of employer initiated cases and 41.1% of those initiated by workers.

The trends noted between 1848 and 1884 demonstrate that the entry of workers on the boards was not to the advantage of employers who sought to settle their workplace conflicts at the *prud'hommes*. Although both worker and employers experienced similar changes, these were much more abrupt and therefore more difficult to accept for employers. While both groups experienced decreases in the number of victories, the difference between pre- and post-1848 levels was much greater for employers than it had been for workers. Employers, who previously almost never had to compromise, ended up compromising in four-fifths of the cases they brought to the boards. This transformed the *prud'hommes* into an institution much more sympathetic to workers by the end of the century, and this led employers to turn their back on them.

Was the situation any different for employers and workers summoned to the boards to appear as defendants? Did these groups fare any better as defendants than plaintiffs?

Table 24					
Outcome of Cases for Employer and Worker Defendants, 1821-1836					
	Employer Defendants		Worker defendants		Total
	Total number	%	Total number	%	
Win	181	25.1	25	7.3	206
Loss	227	31.5	270	79.2	497
Compromise	282	39.1	30	8.8	312
Unspecified/other	0	0	0	0	0
Non conciliation	31	4.3	16	4.7	47
Total	721	100	341	100	1062

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

Between 1821 and 1836, Tourcoing's employers had a good chance of winning even if they were defendants. Employers won three times more often than workers and lost approximately two and-a-half times less than workers. When it came to compromise, employers were successful in settling this way much more often than workers. The only area in which both worker and employer defendants in this period were equal was in the number of non-conciliations. Overall, pre-1848 boards were almost as sympathetic towards employer defendants as they were to employer plaintiffs.

The impact of the presence of the 1848 reform of the *prud'hommes* was similar for worker and employer defendants as it was for plaintiffs. Once again, rates of success and loss fell for both groups, while the number of cases settled through compromise rose for both groups. However, the increase in compromises was distributed differently among defendants than among plaintiffs. For example, in plaintiff cases, workers, who had a higher rate of compromise before 1848, experienced a much smaller increase in these outcomes than employer plaintiffs, who settled through compromise very rarely. The opposite was true with defendants. Employers' rate of compromise, which was of approximately two-fifths before 1848, rose to slightly below one-half after that date. Worker defendants, however, saw their rate of compromise rise from 8.8% to 55.4%, an 83.3% increase. Unlike employer plaintiffs, the increase in compromises was

not a set-back for worker defendants as the cases they had previously lost were now being settled through compromise. Although employer defendants also experienced an increase in compromises, it came at the expense of a decrease in their rate of success.

Table 25					
Outcome of Cases for Employer and Worker Defendants, 1848, 1853 & 1855					
	Employer Defendants		Worker Defendants		Total
	Total number	%	Total number	%	
Actual hearings					
Win	83	17.6	6	5.4	89
Loss	51	10.8	26	23.2	77
Compromise	225	47.7	62	55.4	286
Unspecified	60	12.7	2	1.8	62
Non conciliation	33	7	15	13.4	48
Other	9	1.9	1	0.9	10
Employer vs. employer	9	1.9	n/a	n/a	9
Total	470		112	100	581
All scheduled hearings					
No show	100	17.4	30	21.1	130
No show plaintiff	14	2.4	0	0	14
Total Cases	584		142		726

Source: ADN, 5U1-18-20, Registre des conciliations.

Despite the fact that employers were performing better than workers as defendants in this period, the result of the presence of working class board members on worker and employer defendants was the same as it had been for plaintiffs. Workers were benefitting from the boards' new composition; employers, on the other hand, fared worse as defendants than they did as plaintiffs. This situation did not significantly change in the next two periods under consideration (1866-1874 and 1880-1883). The 1848-1855 years had established a lasting pattern (see tables in this chapter's appendix).

Although employer defendants fared much better than employer plaintiffs, the overall improvements seen among worker and employer plaintiffs and defendants benefitted the latter group more than it did the former. Despite the fact that employer defendants did much better

than worker defendants in terms of success, it had become clear to employers that the post-1848 board was not working for them as it had in the first half of the century. Equal representation between workers and employers on the *prud'hommes* had helped shift the balance of power on the boards to a more equitable position by making compromise a more likely manner of settling disputes. While this was beneficial to workers, employers simply did not see it this as an improvement. They had lost the privilege the all-employer boards had granted them and as a result, decided to turn their backs on them.

3.4 – Gender at the Boards

Unlike the 1821 to 1836 period, the *prud'hommes* had become a much less hostile environment for workers. But did the benefits of the 1848 reform of the *conseil des prud'hommes* extend to workers of both sexes? The fact that the number of female workers among working class plaintiffs increased between 1848 and 1883, from 15.6% to 20.3%, would suggest that it did. Were the *prud'hommes* more sympathetic to working class women as well?

Table 26					
Outcome of Cases for Male and Female Worker Plaintiffs, 1821-1836					
		Men		Women	
	Total	Number	%	Number	%
Win	316	155	27.5	42	40
Loss	174	149	26.5	25	23.8
Compromise	273	237	42.1	36	34.3
Unspecified/other	0	0	0	0	0
Non conciliation	24	22	3.9	2	1.9
Total	787	563	100	105	100

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

An examination of the outcomes of cases initiated by female workers before 1848 shows they fared well. Working class female plaintiffs won more often and lost slightly less frequently

than their male counterparts. As a consequence of their greater success, they settled for compromise less often.

Table 27							
Outcome of Cases for Male and Female Worker Plaintiffs, 1848, 1852 & 1855							
	Total	Men		Women		Unknown Gender	
		Number	%	Number	%	Number	%
Actual hearings							
Win	51	43	11.2	7	9.3	1	50
Loss	83	71	18.6	12	16	0	0
Compromise	224	189	49.6	35	46.6	0	0
Unspecified	60	44	11.5	15	20	1	50
Non conciliation	33	27	7	6	8	0	0
Other	9	7	1.8	2	2.2	0	0
Total	460	381	100	75	100	2	100
All scheduled hearings							
No show	100	87	18.2	12	13	1	33.3
No show plaintiff	14	11	2.3	3	3.3	0	0
Total	574	479		92		3	

Source: ADN, 5U1-18-20, Registre des conciliations.

In the 1850s, the presence of male workers on the boards affected male and female working class plaintiffs in similar ways: levels of success and loss both fell, while compromise increased, as did rates of non-conciliation. The proportion of no-shows also rose, reaching 18.2% for male workers and 13% for women. Overall, there were no real differences between the sexes.

Table 28							
Outcome of Cases for Male and Female Worker Plaintiffs, 1866-1874							
		Men		Women		Unknown Gender	
	Total	Number	%	Number	%	Number	%
Actual hearings							
Win	78	65	8	13	8.7	0	0
Loss	205	182	22.5	23	15.4	0	0
Compromise	456	363	44.9	92	61.7	1	50
Unspecified	80	70	8.6	10	6.7	0	0
Non conciliation	118	106	13.1	11	7.3	1	50
Other	21	21	2.6	0	0	0	0
Total	958	807	100		100	2	100
All scheduled hearings							
No show	489	382	31.1	106	40.5	1	33.3
No show plaintiff	47	40	3.3	7	2.7	0	0
Total	1494	1229		262		3	

Source: ADN, 5U1-21, Registre des conciliations.

In the decade after the legalization of strikes, the situation of male and female workers plaintiffs began to differ from one another. While both were winning at the same rate, female workers were much less likely to lose their case and much more likely to settle for compromise. They were also half as likely not to reach a settlement than male workers. No-shows were also higher for female workers, suggesting they may have had their own way of settling workplace conflicts.

The early 1880s also proved to be generally kinder to female working class plaintiffs than to men. Both groups were more likely to lose their case, but women were twice as likely to win as men. Although the number of compromises fell to a level equal to that of men, their rate of non-conciliation was almost half of what it was for male workers.

Table 29							
Outcome of Cases for Male and Female Worker Plaintiffs, 1880-1883							
		Men		Women		Unknown Gender	
	Total	Number	%	Number	%	Number	%
Actual hearings							
Win	33	24	6.7	9	13	0	0
Loss	106	87	24.5	19	27.5	0	0
Compromise	200	167	47.1	33	47.8	0	0
Unspecified	34	28	7.9	5	7.2	1	100
Non conciliation	41	38	10.7	3	4.3	0	0
Other	12	10	2.8	2	2.9	0	0
Total	426	354	100		100	1	100
All scheduled hearings							
No show	262	198	34.5	64	43.5	0	0
No show plaintiff	34	22	3.8	12	8.2	0	0
Total	722	574		147		1	

Source: ADN, 5U1-22, Registre des conciliations.

The introduction of male workers on the boards helped improve the situation of working class women who went on the offensive. Although levels of success dropped, they remained above those of men and levels of non-conciliation were significantly lower than those of male workers by the 1880s. Therefore, the continued levels of success and conciliation met by female workers gave them little reason to turn their backs on the boards.

What was the situation of female workers who were summoned to appear before the boards as defendants? How did female workers' ability to defend themselves against accusations measure up to their ability to plead their case?

Table 30					
Outcome of Cases for Male and Female Worker Defendants, 1821-1836					
		Men		Women	
1821-1836	Total	Number	%	Number	%
Win	25	19	7.7	6	6.4
Loss	270	192	77.7	78	83
Compromise	30	25	10.1	5	5.3
Unspecified/other	0	0	0	0	0
Non conciliation	16	11	4.5	5	5.3
Total	341	247	100	94	100

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837

The situations for male and female worker defendants before 1848 were very similar. Very few cases were won, while the majority were lost. Worker defendants were worse off than plaintiffs, and women from this group fared worse than men.

The number of female working class defendants are too small in 1848-1855 and in 1880-1883 to allow the drawing of strong conclusions – except that most cases ended in compromise, and this, more often than when male workers were defendants (see Tables 46 and 47 in chapter appendix). The numbers are higher in 1866-1874 (Table 44), and the pattern is the same: most cases ended up in compromise, and more frequently than when the defendant was a working class male. Women were also less likely to show up for their hearings than men.

Table 31							
Outcome of Cases for Male and Female Worker Defendants, 1866-1874							
	Men			Women		Unknown Gender	
	Total	Number	%	Number	%	Number	%
Actual hearings							
Win	10	8	3.1	2	2	0	0
Loss	23	18	7.1	5	5	0	0
Compromise	262	182	72.5	78	78	2	100
Unspecified	22	17	6.7	5	5	0	0
Non conciliation	30	22	8.7	8	8	0	0
Other	6	4	1.5	2	2	0	0
Total	353	251	100	100	100	2	100
All scheduled hearings							
No show	213	136	34	76	41.1	1	33.3
No show plaintiff	22	13	3.3	9	4.9	0	0
Total	588	400		185		3	

Source: ADN, 5U1-21, Registre des conciliations.

The consistently high proportion of cases ending in compromises nonetheless suggest that female working class defendants benefitted from the board's new composition even more than male workers. This in turn could explain the increase in the percentage of working class plaintiffs who were female – female workers could have concluded that the *prud'hommes* could help them as plaintiffs as they had helped them as defendants.

3.5 – Skilled and Unskilled Workers at the *prud'hommes*

Before 1848, unskilled workers were underrepresented among working class plaintiffs and overrepresented among defendants.¹¹⁴ Did this change after 1848 and throughout the second half of the nineteenth century?

Table 32							
Skilled and Unskilled Plaintiffs							
Period	Total Cases	Skilled Plaintiffs		Unskilled Plaintiffs		Unknown Skills	
		Total	Percent	Total	Percent	Total	Percent
1821-1836	1087	476	43.7	192	17.6	0	0
1848, 1852, 1855	726	452	62.2	104	14.3	18	2.4
1866-1874	2087	927	44.4	508	24.3	58	2.7
1880-1883	875	449	51.3	254	29	19	2.1
Total	4775	2304		1058		95	

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837¹¹⁵; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

As Table 32 indicates, the proportion of unskilled workers among working class plaintiffs increased between 1848 and 1883, accounting for almost one-third by the 1880s (but they were still underrepresented). An examination of the outcome of cases involving this group may shed some light on whether this increase was the consequence of better results in their cases.

¹¹⁴ Béatrice Craig, "Justice bourgeoise? Justice masculine? Les conseils de prud'hommes au début du XIXe siècle : l'exemple de Tourcoing," in *Histoire sociale/Social History* 25 (novembre-November 1992), pp. 276-277.

¹¹⁵ Data for the 1821-1836 collected and provided by Béatrice Craig.

Table 33							
Outcome of Cases for Skilled and Unskilled Plaintiffs, 1821-1836							
	Skilled Plaintiffs		Unskilled Plaintiffs		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Win	120	25.2	77	40.1	0	0	197
Loss	119	25	55	28.6	0	0	174
Compromise	218	45.7	55	28.6	0	0	273
Unspecified/other	0	0	0	0	0	0	0
Non conciliation	19	3.9	5	2.6	0	0	24
Total	476	100	192	100	0	0	668

: Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

The results obtained by skilled and unskilled plaintiffs at the pre-1848 boards were very similar to that of male and female worker plaintiffs. However, unskilled workers won more often and were much less likely to see their case end in compromise.

Table 34							
Outcome of Cases for Skilled and Unskilled Plaintiffs, 1848, 1852 & 1855							
	Skilled Plaintiffs		Unskilled Plaintiffs		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Actual hearings							
Win	40	11.1	8	9.4	3	18.7	51
Loss	65	18.1	18	21.1	0	0	83
Compromise	178	49.5	38	44.7	8	50	224
Unspecified	42	11.7	14	16.4	4	25	60
Non conciliation	26	7.2	6	7	1	6.2	33
Other	8	2.2	1	1.1	0	0	9
Total	359	100	85	100	16	100	460
All scheduled hearings							
No show	83	18.4	16	15.4	1	5.6	100
No show plaintiffs	10	2.2	3	2.9	1	5.6	14
Total	452		104		18		574

Source: ADN, 5U1-18-20, Registre des conciliations.

The presence of working class men on the boards had initially the same impact on skilled and unskilled plaintiffs. Rates of success and loss fell to similar levels, as did the proportion of compromises and non-conciliations. The boards do not seem to have been influenced by the workers' socio-economic standing. The story was different after 1848.

Table 35							
Outcome of Cases for Skilled and Unskilled Plaintiffs, 1866 - 1874							
	Skilled Plaintiffs		Unskilled Plaintiffs		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Actual hearings							
Win	40	6.3	35	12	3	9.3	78
Loss	143	22.5	55	18.9	7	21.8	205
Compromise	294	46.3	153	52.7	8	25	455
Unspecified	54	8.5	23	7.9	3	9.3	80
Non conciliation	86	13.5	22	7.5	10	31.2	118
Other	18	2.8	2	0.6	1	3.1	21
Total	635	100	290	100	32	100	957
All scheduled hearings							
No show	264	28.5	200	39.4	25	43.1	489
No show plaintiffs	28	3	18	3.5	1	1.7	47
Total	927		508		58		1493

Source: ADN, 5U1-21, Registre des conciliations.

The outcome of cases brought to the attention of the *prud'hommes* by unskilled workers improved in the 1860s and 1870s. They were winning twice as often as skilled workers, and losing less often than them for the first time. Rates of compromise rose, while non-conciliations fell below those of skilled workers – but the progress was short-lived.

Table 36							
Outcome of Cases for Skilled and Unskilled Plaintiffs, 1880 - 1883							
	Skilled Plaintiffs		Unskilled Plaintiffs		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Actual hearings							
Win	20	7	12	9.3	1	8.3	33
Loss	63	22.1	43	33.3	0	0	106
Compromise	137	48	53	41	10	83.3	200
Unspecified	26	9.1	8	6.2	0	0	34
Non conciliation	28	9.8	12	9.3	1	8.3	41
Other	11	3.8	1	0.7	0	0	12
Total	285	100	129	100	12	100	426
All scheduled hearings							
No show	147	32.7	109	42.9	6	31.6	262
No show plaintiffs	17	3.8	16	6.3	1	5.3	34
Total	449		254		19		722

Source: ADN, 5U1-22, Registre des conciliations.

By the 1880s, unskilled workers represented a greater proportion of working class plaintiffs, yet their situation had not improved at this time. First, their ability to win cases fell,

while their losses increased significantly, almost doubling from 18.9% to 33.3%. Secondly, half of the cases initiated by unskilled workers were never arbitrated, as the parties failed to show up. The presence of workers on the boards did not lead to any overall improvements in the situation of unskilled workers. Although they got better results in the decade after the legalization of strikes, those fluctuated throughout the rest of the period. The results of hearings do not explain why greater proportions of unskilled workers were turning towards the *prud'hommes*. Was it because of their experience as defendants?

Table 37							
Outcome of Cases for Skilled and Unskilled Defendants, 1821-1836							
	Skilled Defendants		Unskilled Defendants		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Win	16	8.5	9	5.8	0	0	25
Loss	134	71.6	136	88.3	0	0	270
Compromise	25	13.3	5	3.2	0	0	30
Unspecified/other	0	0	0	0	0	0	0
Non conciliation	12	6.4	4	2.5	0	0	16
Total	187	100	154	100	0	0	341

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

The outcome of cases initiated against unskilled workers before 1848 were even worse than those initiated against workers in general: low rates of success, high rates of loss and even higher rates of loss and almost no chance of reaching a compromise.

Table 38							
Outcome of Cases for Skilled and Unskilled Defendants, 1848, 1852 & 1855							
	Skilled Defendants		Unskilled Defendants		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Actual hearings							
Win	5	6.9	1	3.5	0	0	6
Loss	21	29.1	3	10.7	2	16.6	26
Compromise	33	45.8	21	75	8	66.6	62
Unspecified	1	1.3	1	3.5	0	0	2
Non conciliation	11	15.2	2	7.1	2	16.6	15
Other	1	1.3	0	0	0	0	1
Total	72	100	28	100	12	100	112
All scheduled hearings							
No show	20	21.7	8	22.2	2	14.3	30
No show plaintiffs	0	0	0	0	0	0	0
Total	92		36		14		142

Source: Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837.

Overall, changes after 1848 were similar to those seen among almost every other group of workers summoned to appear before the boards. Rates of loss fell significantly and were replaced by high numbers of compromises. This trend continued until the 1880s when both skilled and unskilled defendants were settling the great majority – four-fifths – of their cases through compromise. Non-conciliation was almost non-existent for both groups, while no-shows were especially high for unskilled workers. However, unskilled worker defendants were less likely to lose and more likely to reach a compromise in the 1840s and 1850s. By the 1880s, the difference between the two categories was gone.

Table 39							
Outcome of Cases for Skilled and Unskilled Defendants, 1880 – 1883							
	Skilled Defendants		Unskilled Defendants		Unknown Skill		
	Total	%	Total	%	Total	%	Total
Actual hearings							
Win	0	0	1	4.1	0	0	1
Loss	3	5.3	1	4.1	1	6.6	5
Compromise	45	80.3	19	79.1	13	86.6	77
Unspecified	6	10.7	1	4.1	1	6.6	8
Non conciliation	1	1.7	1	4.1	0	0	2
Other	1	1.7	1	4.1	0	0	2
Total	56	100	24	100	15	100	95
All scheduled hearings							
No show	27	32.1	25	48.1	2	11.8	54
No show plaintiffs	1	1.2	3	5.8	0	0	4
Total	84		52		17		153

Source: ADN, 5U1-22, Registre des conciliations.

Unskilled defendants did well in front of the boards and this may explain why a growing proportion of them were bringing their problems to the boards. Unfortunately, their results were not as good as those of plaintiffs. Another factor may also have contributed to its continued use: the gender composition of unskilled plaintiffs.

As the analysis of male and female worker plaintiffs has shown, working class women were performing much better after 1848 than they had before. This encouraged them to not only continue to use the *prud'hommes*, but to do so in increasing numbers. Female workers made up a majority of unskilled workers throughout most of the period between 1848 and 1883 and therefore were not deterred from bringing their cases to the *prud'hommes*. In fact, the number of women among unskilled plaintiffs was it highest at the same time as the unskilled plaintiffs were bringing their cases to the boards in the highest numbers.

Table 40					
Gender of Unskilled Plaintiffs					
	Total Unskilled Plaintiffs	Male Unskilled Plaintiffs		Female Unskilled Plaintiffs	
		Number	%	Number	%
1821-1836	192	87	45.3	105	54.6
1848, 1852 & 1855	104	56	53.8	48	46.1
1866-1874	508	302	59.4	205	40.3
1880-1883	254	123	48.4	131	51.5

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837¹¹⁶; ADN, 5U1-18, 5U1-20, 5U1 21 5U1-22, Registre des conciliations.

A common trend appeared between 1848 and 1883 among workers at the boards. While all groups of workers, regardless of gender or occupation, had benefitted from the presence of workers on the *prud'hommes*, working class defendants benefitted much more than plaintiffs. All groups of working class defendants consistently lost approximately four-fifths of their cases before 1848; the same proportion of workers summoned were able to settle their cases through compromise after that date. Ultimately, the greatest impact of the reform of the *prud'hommes* in 1848 was to make the boards more equitable by making compromise and middle-ground solutions more accessible to all parties. Given that pre-1848 boards favoured employers, workers saw this as a beneficial change, while employers saw it as a set-back.

3.6 – Elections and Voter Participation

In relation to demographic growth in Tourcoing, the decrease in the number of cases brought to the boards showed a loss of interest in settling cases through arbitration between 1848 and 1883. Given this finding, it is fair to ask whether these declining levels of interest were reflected in levels of voter participation in board elections. An analysis of board election records, as well as voter registration documents reveals that *prud'hommes* elections were plagued by three

¹¹⁶ Data for the 1821-1836 collected and provided by Béatrice Craig.

problems: difficulty in finding candidates, low registration among workers and low voter turnout among workers and employers.

Prud'hommes elections were normally held every three years. Once candidates presented themselves, they were divided into separate categories representing the different sectors of industry within the board's jurisdiction. Initially, Tourcoing's board was divided into three categories. Representatives from the cotton and linen spinning sectors (*filature de lin et de coton*); representatives of the wool-combing and wool-spinning industry (*peignage de laine, filature des laines peignées et cardées*); and workers and employers from the dying and fabric manufacturing sectors (*teinturerie et fabrication d'étoffes*), including weaving (*tissage*) and several peripheral industries such as chemical production. A fourth category was added in 1850 following a campaign by Tourcoing's board members to give workers and employers from a variety of industries not related to textile, such as locksmiths, cabinet makers, construction workers, bakers and painters, to name a few, some form of representation on the board. As board members noted, several employers and workers from these sectors already made regular use of the *prud'hommes*' services.¹¹⁷

The first major common problem related to board elections was the difficulty in finding candidates. Louis Bernard Cuvillier, President of Tourcoing's board, made this difficulty clear to the mayor in a series of letters he wrote between May and September 1875. He had written to the mayor in hopes of convincing him to hold special elections to replace a number of board members who had either passed away or resigned their position. In his June 7 1875 letter to the mayor, Cuvillier clarified his reasons for demanding that an election be held as soon as possible:

¹¹⁷ Archives Départementales du Nord (ADN), 5U1-37, Correspondance 1821-1883, Henri Cormont, Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 25 juillet 1850.

*“si j’ai tardé à demander ces élections, c’est surtout à cause de la difficulté de trouver des Patrons qui voulussent accepter une Candidature. Ainsi, je crains bien qu’un retard notable ne les amènent à retirer leur consentement.”*¹¹⁸ As a solution to the dilemma of finding (and keeping) potential candidates, Cuvillier suggested that the mayor forego the usual process of creating a new voter registration list and instead rely on the latest existing one. The correspondence does not indicate when an election was held, but a new set of voter registration records was created for the year 1875, suggesting that Cuvillier’s recommendation had not been followed.¹¹⁹

According to Paul Delsalle’s study of pre-1848 boards, this was not a new problem and was the result of a lack of interest on the part of employers. For example, during Roubaix’s first board election in 1810, only 36 voters, including 24 candidates, out of a list of 201 registered voters cast their ballots on election-day.¹²⁰ The result of this lack of participation was the re-election of the same individuals to the boards year after year.¹²¹ This homogeneity carried over into the post-1848 period, affecting worker representatives as much as it did the employers. The letters of the President of the board, which provide the results of the elections, as well as the list of board members present at hearings of the *Bureau général*, which every representative was expected to attend, show clearly that every position on the board was, with few exceptions,

¹¹⁸ “[I]f I have delayed in requesting these elections, it is due to the difficulty in finding employers willing to accept a candidacy. Therefore, I fear that any significant delay would bring them to retract their consent.” (author’s translation); ADN, 5U1-37, Correspondance 1821-1883, Louis Bernard Cuvillier Président du Conseil des Prud’hommes de Tourcoing, to Maire de Tourcoing, 7 juin 1875.

¹¹⁹ AMTg, F2B2, Prud’hommes (liste d’inscriptions par élections), 1875-1894.

¹²⁰ Delsalle, “La brouette et la navette,” p. 104.

¹²¹ Delsalle, “Tisserands et fabricants chez les prud’hommes dans la région de Lille-Roubaix-Tourcoing (1810-1848).” In *Le Mouvement social*, no. 141 (octobre-décembre 1987), p. 63.

occupied by the same individual for long periods of time, regardless of whether they were workers or employers.¹²² This phenomenon is supported by election records indicating that the number of candidates in a particular category rarely exceeded two or three individuals.¹²³ Therefore, because every category had two representatives, few candidates ever faced opposition, and most won through acclamation.

Delsalle explains the pre-1848 board's homogeneity by employers' lack of interest. Other factors explain the difficulty in finding working class candidates to run after 1848. The first obstacle was the literacy requirements, which reduced the number of eligible working class candidates.¹²⁴ J. Ameye, for example, found that, in 1869, approximately sixty-five percent of men were able to sign their marriage certificates.¹²⁵ Although this would suggest that a majority of men were literate, as Patricia Hilden points out, most workers were too poor to afford weddings, making it more likely that those who were married came from a wealthier and more educated portion of Tourcoing's population.¹²⁶

¹²² ADN, 5U1-37 Correspondance 1821-1883, Louis Bernard Cuvillier Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 19 décembre 1860, 13 November 1863 and 24 December 1866; ADN 5U1-35 & 36, "Registre des jugements du bureau général."

¹²³ AMTg, F2B 51, "Procès verbaux des élections pour renouvellement des conseils, 1821-1885."; AMTg, F2B 52, "Procès verbaux des élections pour renouvellement des conseils, 1886-1903."

¹²⁴ Monique Kieffer, "La législation prud'homale de 1806 à 1907." *Le Mouvement social*, no. 141 (1987), p. 11.

¹²⁵ J. Ameye, "Vie ouvrière, religieuse et culturelle au XIXe siècle," in *Histoire de Tourcoing*, ed. Alain Lottin (Tourcoing: Westhoek-Éditions, 1986), pp. 190-191.

¹²⁶ Patricia Hilden, *Working Women and Socialist Politics in France, 1880-1914: A Regional Study* (Oxford: Clarendon Press, 1986), pp. 40-41.

A second reason for the lack of working class candidates was the large number of Belgian workers in Tourcoing who, by nature of their nationality, were not legally permitted to vote. Belgian immigration to Tourcoing and the Nord in general increased over the nineteenth century. Attracted by job opportunities provided by the growing textile industry, Belgian workers also provided a source of cheap labour for local employers. By 1863, Belgians accounted for approximately 34% (24,487) of Tourcoing and its surrounding area's overall population (70,528).¹²⁷ This represents an important portion of workers who, although they fell under the jurisdiction of Tourcoing's board, were unable to participate in its elections.

The third explanation for low worker participation lies in their occupational instability. To participate in the *prud'hommes* elections, workers and employers had to have practiced their occupation for a period of at least five years.¹²⁸ This posed a problem for several groups of workers who, due to the seasonal nature of certain aspects of textile production did not work year round in the same sector of the industry. Wool combers were particularly affected by this requirement, as their jobs only kept them busy for 8 months of the year. When workers were laid off by one sector, they would often move to another, like spinning or weaving. This instability affected unskilled workers even more as they were usually the first laid off. This continuous occupational instability made it difficult for workers to accumulate enough experience and seniority to run as a candidate.¹²⁹

¹²⁷ V. Aelbrecht, "L'immigration ouvrière belge à Tourcoing Durant le Second Empire," in *Belgisch Tijdschrift Voor Nieuwste Geschiedenis – Revue belge d'histoire contemporaine* 21, no. 1-2 (1990), p. 363.

¹²⁸ Kieffer, "La législation prud'homale," p. 16.

¹²⁹ Bibliothèque municipale de Lille, Peignage Amédée-prouvost et Cie., 1851-1951, Plaquette du centenaire, 1951.

For instance, in 1876, board members revealed to the mayor of Tourcoing that Henri Cormont, who represented the workers in the linen and cotton spinning industry, had, since 1848, occupied that position despite not belonging to this category. Cormont was stepping down from the board, and his son Gustave Cormont, who did not belong to this category either, was elected to replace his father. The board asked that the mayor overlook this discrepancy and allow him to sit on the board in the same position as his father.¹³⁰ When this matter was brought up for review by the prefect, the board once again urged the election be upheld, going as far as suggesting that the first and second categories be united as one in order to allow it to pass.¹³¹ Although the board's suggestions regarding the merge were not followed, no election was held to replace Gustave Cormont, who continued to be elected and serve on the board as a representative in the first category until at least 1885. The difficulty in finding candidates to fill vacancies was enough to make board members resort to such desperate measures.

Finally, time and money were also concerns for workers and employers who were thinking of running for a seat on the board. In 1850, Jonglez Wattel, a wool spinner, resigned from the board claiming that his other responsibilities prevented him from fulfilling his duties. Jean Masurel, a worker representative from cotton and linen spinners' category, also resigned that year, citing the length of time it took to travel to the board as his reason for giving up his post.¹³² Lost wages was also a factor for worker representatives. They were paid 2f per session

¹³⁰ ADN, 5U1-37 Correspondence 1821-1883, Louis Bernard Cuvillier, Président conseil des prud'hommes de Tourcoing, Maire de Tourcoing, 4 mai 1876.

¹³¹ ADN, 5U1-37 Correspondence 1821-1883, Louis Bernard Cuvillier, Président conseil des prud'hommes de Tourcoing, Maire de Tourcoing, 17 juin 1876.

¹³² ADN, 5U1-37 1821-1883, Henri Cormont Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 15 février 1850.

of the board and earned an average of 28f to 30f per year, much less than the 300f earned annually by worker representatives in neighbouring Lille and Roubaix. In 1883, worker representatives began to demand an increase to four francs per session, arguing that under the current rate, they earned less at the boards than they would if they were at work.¹³³

Workers and employers had good reasons not to want to sit on the boards as their interest in elections was also limited. One might have thought that workers would have used their newly acquired right to vote in order to ensure that their interests were well represented on the boards.

Election records indicate the name of each candidate for a particular election as well as the number of voters, the category in which they voted and the number of votes each candidate received. Voter registration documents reveal the number of workers and employers that registered to vote, the categories to which they belonged, as well as their place of residence, as the jurisdiction of Tourcoing's board extended into several neighbouring villages. Combined, these sources not only reveal the rates of voter registration and participation, but also indicate which sector of industry had the highest and lowest rates of voter participation.

Delsalle found that the democratization of the *prud'hommes* did little to attract voters to the polls. In Roubaix's first board election, only 196 workers and 125 employers out of a population of several thousand bothered to register as voters in the first election of the *conseil des prud'hommes* following the reforms of 1848.¹³⁴ Interest in Tourcoing was higher. 1,254 workers and 290 employers from all sectors registered to vote in 1850, but this was still a low number of workers in a town with a population of approximately 28,000. Low voter registration

¹³³ ADN, 5U1-37 Correspondence 1821-1883, Louis Bernard Cuvillier Président du Conseil des Prud'hommes de Tourcoing, to Maire de Tourcoing, 21 avril 1883.

¹³⁴ Delsalle, "Tisserands et fabricants chez les prud'hommes," p. 63.

continued to plague the city's *prud'hommes* elections throughout the period between 1848 and 1883.¹³⁵ (see Table 41)

Table 41			
Number of Registered Voters in Election Years ¹³⁶			
Year	Registered voters	Employers	Workers
1853	1,589	273	1,316
1857	1,697	356	1,341
1860	1,143	314	829
1863	883	216	667
1866	641	236	405
1873	969	245	724
1882	1,133	266	867
Total	8,055	1,906	6,149

Source: AMTg, F2B 51 & F2B 52, "Prud'hommes: Liste d'inscription pour élections".

The number of registered voters fell by approximately 50% in the first decade after the 1853 elections. The number of registered voters continued to be low until 1882 when their numbers returned to previous levels.

Table 42		
Number of Employer Registered Voters and Textile Firms in Tourcoing		
Election Year	Employers	
	Registered	Textile Firms ¹³⁷
1853	273	136
1857	356	134
1860	314	149
1863	216	149
1866	236	155
1873	245	151
1882	266	178

Source: AMTg, F2B 51 & F2B 52, "Prud'hommes: Liste d'inscription pour élections"; AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

¹³⁵ AMTg, F2B1, "Prud'hommes: Liste d'inscriptions pour élections".

¹³⁶ Voter registration records are not available for every election year.

¹³⁷ Number indicated is number for year closest to election date.

Despite low overall levels of voter registration, the number of registered employers was considerably higher when placed in relation to the number of textile firms active in Tourcoing (see Table 42). Workers, on the other hand, had much lower rates of voter registration when considered in relation to Tourcoing's demographic growth in the second half of the century or the same reasons it was difficult to find workers to sit on the boards. Low workers' levels of voter registration can be attributed to literacy requirements, as well as occupational instability. However, voter registration levels are not indicators of voter participation as not all of those who registered turned out to the polls. Records are available for 7 general elections held for the *prud'hommes* between 1848 and 1883.¹³⁸ These records reveal that voter participation was consistently low. There was, however, a discernable difference between voter participation among workers and employers.

Table 43						
Rates of Registered Voter Participation Divided by Class						
Year	Employers			Workers		
	Registered	Ballots Cast	%	Registered	Ballots Cast	%
1853	273	19	6.9	1,316	54	4.1
1857	356	15	4.2	1,341	67	4.9
1860	314	21	6.6	829	42	5
1863	216	31	14.3	667	41	6.1
1866	236	21	8.8	405	16	3.9
1873	245	32	13	724	30	4.1
1882	266	56	21	867	91	10.4

Source: AMTg, F2B 51 & F2B 52, "Prud'hommes : Liste d'inscription pour élections"

Employers not only showed higher levels of interest in registering to vote, but were also slightly more likely to cast their ballot. On the other hand, despite the fact that the boards were increasingly sympathetic to workers, workers who registered showed little interest in voting.

¹³⁸ These years are 1853, 1857, 1860, 1863, 1866, 1873 and 1882. AMTg, F2B 51 & F2B 52 "Prud'hommes: Liste d'inscription pour élections".

Conclusion

Despite the relatively conservative and non-confrontational nature of Tourcoing's politics and labour relations before 1883, the use of the *conseil des prud'hommes* arbitration boards to settle workplace disputes did not increase in relation to the city's demographic growth after 1848. This drop in use of the *prud'hommes* was mainly the result of a decrease in employer usage of the boards after the 1848 reforms, as the presence of worker representatives turned the board into a less employer-friendly environment than it had been before that date. While bosses were turning away from the *prud'hommes*, certain categories of workers were using them in larger numbers than before; particularly working class women and unskilled workers who saw their situations at the boards improve after 1848. However, despite their reduced use of the boards, employers continued to register for their elections, and although their turn out at the polls was low, it was still higher than the workers'. This does not, however, suggest that workers were not interested in becoming involved or participating in board elections, as stringent eligibility requirements excluded a large number of potential working class voters.

APPENDIX TO CHAPTER THREE

Table 44					
Outcome of Cases for Employer and Worker Defendants, 1866 - 1874					
	Employer Defendants		Worker Defendants		Total
	Total number	%	Total number	%	
Win	205	21.4	10	2.8	215
Loss	78	8.1	23	6.5	101
Compromise	456	47.6	262	74.2	718
Unspecified	80	8.4	22	6.2	102
Non conciliation	118	12.3	30	8.5	148
Other	21	2.2	6	1.7	27
Total	958	100	353	100	1311
No show	489	32.7	213	36.2	702
No show Plaintiff	47	3.1	22	3.7	69
Total Cases	1494		588		2082

Source: ADN, 5U1-21, Registre des conciliations.

Table 45					
Outcome of Cases for Employer and Worker Defendants, 1880-1883					
	Employer Plaintiffs		Worker Plaintiffs		Total
	Total number	%	Total number	%	
Win	106	24.9	1	1.1	107
Loss	33	7.7	5	5.3	38
Compromise	200	46.9	77	81.1	277
Unspecified	35	8.2	8	8.4	43
Non conciliation	41	9.6	2	2.1	43
Other	11	2.6	2	2.1	13
Total	426	100	95	100	521
No show	262	36.3	54	35.3	316
No show plaintiff	34	4.7	4	2.6	
Total Cases	722		153		875

Source: ADN, 5U1-22, Registre des conciliations.

Table 46							
Outcome of Cases for Male and Female Worker Defendants, 1848, 1852 & 1855							
		Men		Women		Unknown Gender	
	Total	Number	%	Number	%	Number	%
Win	6	5	6.3	1	3.1	0	0
Loss	26	21	26.5	5	15.6	0	0
Compromise	62	42	53.1	20	62.5	0	0
Unspecified	2	0	0	2	6.2	0	0
Non conciliation	15	11	13.9	4	12.5	0	0
Other	1	0	0	1	3.1	0	0
Total	112	79	100	32	100	0	0
No show	30	21	21	9	21.4	0	0
No show plaintiff	0	0	0	0	0	0	0
Total	142	100		42		0	0

Source: ADN, 5U1-18-20, Registre des conciliations.

Table 47							
Outcome of Cases for Male and Female Worker Defendants, 1880-1883							
		Men		Women		Unknown Gender	
1880-1883	Total	Number	%	Number	%	Number	%
Win	1	0	0	1	5.8	0	0
Loss	5	5	4	0	0	0	0
Compromise	77	66	53.2	11	64.7	0	0
Unspecified	8	6	4.8	2	11.7	0	0
Non conciliation	2	0	0	2	11.7	0	0
Other	2	1	0.8	1	5.8	0	0
Total	95	78	100	17	100	0	0
No show	54	45	36.3	9	31	0	0
No show plaintiff	4	1	0.8	3	10.3	0	0
Total	153	124		29		0	

Source: ADN, 5U1-22, Registre des conciliations.

CHAPTER FOUR ENTER THE UNIONS : TOURCOING'S *CONSEIL DES PRUD'HOMMES* AFTER 1884

Between 1848 and 1883, employers turned their backs on Tourcoing's *conseil des prud'hommes*. The boards were no longer the employer-friendly institution that they had once been. Previously marginalized groups, particularly female and unskilled workers, were now getting better results at the boards and, as a result, using them more often than before. However, more changes were in store for Tourcoing's working class and its *prud'hommes*. An examination of the cases brought before the boards in the early 1890s, as well as the activities of unions and the POF, reveals that the atmosphere at the boards was becoming increasingly confrontational, posing an obstacle to the board's ability to settle disputes through conciliation.

4.1 – Unions in Tourcoing

Police files on unions recorded only 12 active unions headquartered in Tourcoing during the second half of the century.¹³⁹ This by no means excludes the possibility that workers in Tourcoing belonged to other organizations. Several unions in Northern France were regional in nature and encompassed multiple cities within their jurisdiction. Five of the 12 recorded unions in Tourcoing included workers from outside the town and carried names such as the *Syndicat des ouvriers de l'industrie textile de Tourcoing et environs* (Union of Textile Industry Workers of Tourcoing and Surrounding Region). Several unions in Lille and Roubaix adopted similar names. Of the 37 registered unions in Roubaix, 15 were regional, while 17 of the 46 noted

¹³⁹ ADN, Syndicats ouvriers à Tourcoing, M 596 61-69.

organizations in Lille carried regional names.¹⁴⁰ These unions eventually took over from municipally based organizations in the 1890s, as many of Tourcoing's unions merged with those in Roubaix, where support for unions and the POF was much higher.¹⁴¹ For example, Tourcoing's *Chambre syndicale ouvrière de l'industrie textile "l'union fraternelle des travailleurs" de Tourcoing et ses environs* was absorbed in May 1896 by the *Chambre syndicale ouvrière textile de Roubaix et ses environs*.¹⁴²

Despite the fact that unions were only legalized in 1884, workers in Tourcoing and neighbouring cities had a history of organizing to protect their common interests. Tourcoing's working class had for a long time organized and belonged to a variety of groups and mutual aid societies. Local associational life had a long history of serving as a cover for socialist and other subversive workers' organizations. Local cabarets, for example, served as the headquarters of a number of groups even before 1848, such as the *Société fraternelle des fileurs de Tourcoing*, who met at the *Nouvelle Aventure*, a tavern owned by a local socialist named Irénée Destombes. Members of this group were a veritable who's who of local politics, including Fidèle Lehoucq who later went on to serve in the city's first municipal republican council.¹⁴³ Sports organizations also served as fronts for political activities. An archery club known as *La société des archers St-Arnould* formed in 1845 included a number of leaders of the riots and strikes that occurred in the region in 1848. After that date, some of these and similar groups began to adopt

¹⁴⁰ ADN, Syndicats ouvriers à Roubaix, M 596 55-60; ADN, Syndicats ouvriers à Lille, M 596 40-54.

¹⁴¹ Hilden, "Working Women and Socialist Politics in France," p. 127.

¹⁴² ADN, Syndicats ouvriers à Tourcoing, M 596 61-69.

¹⁴³ Paul Delsalle, "Sous le règne des notables (1815-1850)," in *Histoire de Tourcoing*, ed. Alain Lottin (Tourcoing : Westhoek-Éditions, 1986), p. 166.

a more openly provocative and class conscious attitude. The *Société fraternelle des ouvriers fileurs de Tourcoing*, founded in 1849, for example, used a portion of its funds to reward workers who successfully initiated and won cases against their employers.¹⁴⁴ Local socialists made further efforts to create groups under which they could organize. Victor Capart, who later became the local leader of Tourcoing's POF chapter, attempted to form such a group, the *Union des travailleurs* in 1872, but was denied permission by local authorities who had discovered that a number of its members were "internationals," a word used to describe socialists. Capart was successful in creating a new organization in 1881 under the guise of a social study group named the *Cercle des travailleurs*.¹⁴⁵

Despite the secrecy involved in creating political groups, carpet weavers took steps to openly organize a union. Their efforts were successful and the group received approval from the Prefect in 1881, three years before the legalization of unions.¹⁴⁶ The carpet weavers' union was not the only group organized before 1884. Police records on union activity indicate that at least 5 unions were headquartered in the city before 1884. The same records also indicate the date the unions were publically declared. According to these files, two of the five pre-1884 unions, the *Chambre syndicale lainière* and the *Chambre syndicale des ouvriers tapissiers en grosse moquette*, operated in the open as early as 1881 and February 1882, respectively. The rest went public at much later dates. One union, the *Chambre syndicale des ouvriers en bâtiments*, a construction workers' union, went public on March 31 1888, eight years after its creation in 1880. Others

¹⁴⁴ Delsalle, "Sous les règnes des notables," p. 167.

¹⁴⁵ J. Ameye, "Vie ouvrière, religieuse, et culturelle au XIXe siècle," in *Histoire de Tourcoing*, ed. Alain Lottin (Tourcoing : Westhoek-Éditions, 1986), p. 193.

¹⁴⁶ Ameye, "Vie ouvrière, religieuse, et culturelle au XIXe siècle," p. 193.

were quick to go public as soon as the 1884 law passed. The *Syndicat des métaux de Tourcoing et environs*, for example, was created in 1882 and went public in 1884.¹⁴⁷

Unfortunately, information on union membership is either very limited or non-existent. Files on only three of the five pre-1884 unions carry any sort of information regarding their membership. In addition, this data is not provided for every year. Most records that addressed membership only did so as of 1894. By this date, the oldest union, the *Chambre syndicale des ouvriers en bâtiments*, had only 10 registered members, while the *Chambre syndicale des ouvriers mécaniciens* had 70. The largest of Tourcoing's unions was the carpet weavers' union, the *Chambre syndicale des ouvriers tapissiers en grosse moquette*, which had a total membership of 150 in 1894. Sadly, these numbers do not provide any information on the gender or background of its members, making it impossible to form a clear picture of who was joining them.¹⁴⁸

Tourcoing saw only two more unions created and headquartered in the city in the 1880s. The first was the metal workers' union, the *Syndicat des ouvriers de métaux*, created in 1884. Little information on this union exists in police files other than it remained active until 1919. Police files on another union, the *Chambre syndicale des ouvriers rentreurs de Tourcoing*, are more detailed, providing information on its membership, its activities as well as the date of its dissolution. According to police information, the union, created on Christmas Day 1887, began with a membership of approximately 44. Despite having a membership of only 37 in 1894, these individuals appear to have been members on paper only, as a report stated that the union had not

¹⁴⁷ ADN, Syndicats ouvriers à Tourcoing, M 596 61-69.

¹⁴⁸ ADN, Syndicats ouvriers à Tourcoing, M 596 61-69.

met since November 1891 and had agreed since that date to no longer pay their dues. For all intents and purposes, the union was considered dissolved.¹⁴⁹

The political activities of Tourcoing's unions were also the focus of police records. These organizations were monitored by authorities out of fear that they were breeding grounds for socialist agitation. This concern was not the result of paranoia on the part of the police. As Patricia Hilden points out, in this period, POF (Parti Ouvrier Français) activities were so closely linked with the activities of many textile unions that union meetings often turned into party meetings.¹⁵⁰ However, not all of Tourcoing's unions were linked to the POF and some even avoided political issues altogether. For example, the *Chambre syndicale des ouvriers rentreurs* was noted by the police as being apolitical, preferring to focus on economic (workplace) issues rather than political questions.¹⁵¹ However, two of Tourcoing's unions were noted by the police as being socialist organizations and affiliated with the POF. The first was the *Chambre syndicale ouvrière textile de Tourcoing et des environs*, created on October 28 1890. The police observed in their report that the union was "composed entirely of workers who, following their beliefs, belong to the socialist party and occupy themselves more with questions of politics than of work."¹⁵² Similarly, Tourcoing's second socialist union, the *Chambre syndicale ouvrière de l'industrie textile "L'union fraternelle des travailleurs" de Tourcoing et ses environs*, was also

¹⁴⁹ ADN, Syndicats ouvriers à Tourcoing, M596 61-69.

¹⁵⁰ Hilden, "Working Women and Socialist Politics in France," p. 123.

¹⁵¹ ADN, Syndicats ouvriers à Tourcoing, M596 61-69.

¹⁵² ADN, Syndicats ouvriers à Tourcoing, M596 61-69.

described as serving as a “centre of propaganda rather than a union as it concerned itself with political questions rather than working conditions.”¹⁵³

4.2 – Unions and the conseil des prud’hommes

The role of the *conseil des prud’hommes* in settling workplace issues made it difficult for unions and political groups to ignore them. This role is what encouraged many unions to adopt policies and procedures regulating their relationship with the boards. An examination of local unions’ statutes and bylaws reveal that most viewed the boards as a positive institution that could be incorporated into their tactics and strategies. In fact, most unions encouraged members to bring their disputes to the boards by offering them support if the union agreed with their claims. This support usually took two forms. The first was financial. Unions, such as the *Chambre syndicale des ouvriers peigneurs de Roubaix-Tourcoing et environs* stated in their bylaws that if a member initiated a case at the board and the union agreed with their grievance, it would cover any costs associated with the hearing. The union even agreed to offer their members loans equivalent to the amount requested from their employers.¹⁵⁴ The second form of support offered to members who went to the *prud’hommes* came in the form of experts in the occupation covered by the union. These experts were to help provide necessary information to any board members who may not have been familiar with the details of the union members’ occupation. These

¹⁵³ ADN, Syndicats ouvriers à Tourcoing, M596 61-69.

¹⁵⁴ ADN, Syndicats ouvriers à Roubaix, M 596 58. *Chambre Syndicale des Ouvriers de Peignages de Roubaix-Tourcoing et environs : statuts.*

experts were also offered to the board to serve as expert witnesses or to evaluate a workers' performance, depending on the nature of the conflict.¹⁵⁵

In addition to offering support to members who appeared before the board, certain unions also offered their own conciliation services. For example, article 23 of the bylaws of the *Chambre syndicale des ouvriers peigneurs de Roubaix-Tourcoing et environs* stated that, if the union deemed that a member had a valid grievance against their employer, it would then become the union's duty to attempt to settle the dispute amicably, with or without the *prud'hommes*.¹⁵⁶ Resorting to the boards was a second resort, only necessary if the union could not settle the dispute itself.

Although the support of unions, as well their desire to settle disputes themselves, did not appear to be based on any ill intent towards the *prud'hommes*, that is how it was perceived by Tourcoing's board president. In his 1884 report on the activities of the *prud'hommes*, board president and employer representative Louis Bernard Cuvillier, commented on the effect the presence of unions had on the board's activities. He stated that their relationship with workers would be perfect if "some were not completely dominated by the labour unions who seem to oppose our mission, which is conciliation. It is impossible to reach conciliation in these circumstances."¹⁵⁷ Cuvillier elaborated on how he felt unions were opposing conciliation in the following year's report. Once again commenting on board members' relationship with workers, Cuvillier stated that these would be perfect if it were not for the unions who demanded that the

¹⁵⁵ ADN, Syndicats ouvriers à Roubaix, M 596 59. Chambre Syndicale des Ouvriers Lainiers : Projet de Statuts.

¹⁵⁶ ADN, Syndicats ouvriers à Roubaix, M 596 58. Chambre Syndicale des Ouvriers de Peignages de Roubaix-Tourcoing et environs : statuts.

¹⁵⁷ ADN, Correspondence, 1884-1904, M 5U1-38, État des travaux du Prud'hommes en 1883.

board issue rulings at the *Bureau général* instead of offering conciliation at the *Bureau particulier*.¹⁵⁸ Clearly, board members did not take kindly to the interference of unions in their business.

In addition to unions, leftist political groups and parties were gaining influence in the region. In Lille, POF candidates were elected to the National Assembly in the early 1890s, while Roubaix's city council was taken over by the socialists in the late 1880s. Although Tourcoing was not yet electing socialist candidates, this did not stop the POF from promoting its message and views of the *prud'hommes* to the city's workers. For socialists, the *prud'hommes* were another battleground in the class struggle against employers. For this reason, the POF ran its own candidates in Tourcoing's board elections. Its newspapers, *Le Cri du Travailleur* and *Le Travailleur* carried a number of articles pertaining to Tourcoing's *prud'hommes*, as well as lists of socialist candidates. For example, between October 26 and November 8 1888, *Le Cri du travailleur* listed the names of POF candidates running in that year's elections and encouraged workers to elect them, arguing that electing socialists to Tourcoing's board was the only way to ensure that worker representatives were free from the influence of employers.¹⁵⁹ Despite their efforts, the POF's efforts in this regard were not successful, as candidates the party identified as conservative were elected instead.

In addition to asking workers to participate in elections, the POF also encouraged them to challenge their employers by bringing their disputes to the boards. However, this encouragement was not done in order to foster a spirit of compromise and conciliation between workers and their employers. Instead, the POF made it clear that it hoped workers would do all they could to

¹⁵⁸ ADN, Correspondence, 1884-1904, M 5U1-38, État des travaux du Prud'hommes en 1884.

¹⁵⁹ *Le Cri du Travailleur*, 26 octobre – 8 novembre 1888, p. 2.

obtain a victory. In addition to stressing the importance of the boards to the labour movement, the POF also sent workers the message that it was not only their right to initiate cases against their employers, but that it was their duty to do so and to obtain whatever they were entitled to. One way in which the POF spread this message was by publishing articles describing situations in which workers were victimized by their employers, but did not retaliate by going to the boards. A February 1888 issue of *Le Cri du travailleur* carried such an article. In it, the author described a situation in which a Tourcoing-based employer named Delannoy fired workers without proper warning. The author continued, stating that, although the employer's acts were illegal, the most frustrating part was that "the workers did not realize their duty to bring their case to the attention of the *conseil des prud'hommes*," which, the author argued, would have certainly ruled against the employer.¹⁶⁰ *Le Cri du travailleur* published a number of similar articles in which workers were informed that it was not only possible to obtain a full victory from the boards, but that it was their duty to do so. This sort of attitude sheds light on the growing difficulty in reaching conciliation described by Cuvillier. It indicates that there indeed was a growing sense of hostility and confrontation at the boards that made reaching amicable settlements more difficult than it had been in the past.

Socialists, however, were not the only group to encourage workers to participate in *prud'hommes* elections. Republican and conservative newspapers also encouraged workers and employers to participate. The republican *L'Avenir de Roubaix-Tourcoing* published articles announcing upcoming board elections and stressed the importance of voting by arguing that, everyone, regardless of the nature of their relationship with their employer, might one day need

¹⁶⁰ *Le Cri du Travailleur*, 4 – 11 février 1888, p. 3.

to use the board's services.¹⁶¹ Other republican newspapers, such as *Le Réveil du Nord* published similar articles, but went a step further and, like the POF, recommended specific candidates.¹⁶² The newspaper that showed the least interest in the *prud'hommes* was the more conservative *Le peuple de la région du Nord*. While it announced upcoming elections, it neither encouraged its voters to vote nor did it recommend any particular candidates.¹⁶³ Almost all political groups and tendencies seemed to have agreed on the importance of increasing voter participation in elections for the *prud'hommes*.

Given the shared conviction of the importance of the boards among political groups and unions, it can be assumed that the influence of unions after 1884, as well as the more left-wing political atmosphere in Tourcoing had some sort of impact on the boards. What sort of impact did these changes have?

4.3 – Use of the *prud'hommes*, 1884 – 1894

Records of cases brought to the *prud'hommes* between 1890 and 1894 reveal that the number of conflicts being brought to the attention of the boards continued to fall. The number of cases brought to the boards in the early 1890s fell by an average of 76 cases per year, a decrease of approximately 34%.

¹⁶¹ *L'Avenir de Roubaix-Tourcoing*, lundi 7 septembre 1891, p. 2.

¹⁶² *Le Réveil du Nord*, mardi 5 janvier, 1892, p. 2.

¹⁶³ *Le peuple de la région du Nord*, samedi 5 mai, 1894, p. 3.

Table 48		
Average Number of Cases Per Year, 1821 - 1894		
Period	Number of Cases	Average cases per year
1821-1836	1087	71
1848, 1852, 1855	726	242
1866-1874	2087	261
1880-1883	875	218
1890-1894	712	142

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Régistre des conciliations.

As between 1848 and 1883, the decline in the use of the boards can be attributed to a further drop in the number and proportion of employer plaintiffs, as they had all but abandoned them by the early 1890s.

Table 49					
Class of Plaintiffs, 1821 – 1894					
Period	Total Cases	Employer Plaintiffs		Worker Plaintiffs	
		Total	Percent	Total	Percent
1821-1836	1087	416	38.3	672	61.8
1848, 1852, 1855	726	142	19.6	574	79.1
1866-1874	2087	588	28.2	1494	71.6
1880-1883	875	153	17.5	722	82.5
1890-1894	712	20	2.8	691	97.1

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Régistre des conciliations.

Unfortunately, the number of cases initiated by employers in the early 1890s is too small to generate any meaningful data on those who did use the boards. However, an examination of cases involving employers summoned to the boards reveals that their situation had worsened since the early 1880s. Their rate of success fell from 24.9% to 3.1%. To make matters worse, employers' rate of loss doubled to 14.6%. Compromise remained the same, but the number of cases in which employer defendants failed to reach conciliation increased from 9.6% to 16.3%.

The situation had changed for the worse for employers in the early 1890s, prompting them to all but abandon the boards.

Table 50					
Outcome of Cases for Employer and Worker Defendants, 1890-1894					
1890-1894	Employer Defendants		Worker Defendants		Total
	Total number	%	Total number	%	
Actual hearings					
Win	14	3.1	0	0	14
Loss	67	14.6	4	25	71
Compromise	194	42.2	4	25	198
Unspecified	71	15.5	2	12.5	73
Non conciliation	75	16.3	3	18.8	78
Other	38	8.3	3	18.8	41
Total	459	100	16	100	475
All scheduled hearings					
No show	217	31.4	4	20	221
No show plaintiff	15	2.2	0	0	
Total Cases	691		20		711

Source: ADN, 5U1-22, Registre des conciliations.

Table 51						
Class and Gender of Plaintiffs, 1821 – 1894						
Period	Employer Plaintiffs			Worker Plaintiffs		
	Total Cases	Male (%)	Female (%)	Total Cases	Male (%)	Female (%)
1821-1836	416	87.7	12.2	672	84.2	15.6
1848, 1852, 1855	142	95.7	2.8	574	83.4	16
1866-1874	588	98.6	1	1494	82.2	17.5
1880-1883	153	94.7	1.3	722	79.5	20.3
1890-1894	20	100	0	691	89.7	9.9

Source: AMTg, Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1837; ADN, 5U1-18, 5U1-20, 5U1-21, 5U1-22, Régistre des conciliations.

Perhaps more surprising than the decline in employer plaintiffs is the sudden decrease in the use of the boards by female workers, whose proportion among plaintiffs was cut in half in the early 1890s. What is most curious about this is that their proportion fell at a time when their results at the boards were as good as they had ever been. In the early 1890s, female workers who initiated cases were winning more frequently and losing less often than they had in the past.

Table 52							
Outcome of Cases for Male and Female Worker Plaintiffs, 1890-1894							
		Men		Women		Unknown Gender	
	Total	Number	%	Number	%	Number	%
Actual hearings							
Win		58	13.7	9	25.7	0	0
Loss		14	3.3	0	0	0	0
Compromise		179	42.5	14	40	1	50
Unspecified		63	14.9	7	20	1	50
Non conciliation		70	16.6	5	14.2	0	0
Other		37	8.7	1	2.8	0	0
Total		421	100	35	100	2	100
All scheduled hearings							
No show		186	30	31	44.9	0	0
No show plaintiff		13	2.1	2	2.9	0	0
Total		620		69		2	

Source: ADN, 5U1-22, Registre des conciliations.

The only noticeable decline in female workers' performance was a slight decrease in compromises and a growing number of their cases that resulted in non-conciliation. However, these changes were not unique to female workers as they affected all worker plaintiffs in this time, as well as employer defendants. In addition to proving that, as Cuvillier stated, reaching conciliation had become more difficult, this change offers a possible explanation to the reduction in the number of female worker who sought the board's services. When conciliation became more difficult to achieve, working class women simply decided to look to find other ways of settling their disputes.

Female workers may not have brought their disputes to the boards because the message of the unions and of the POF regarding the importance of the *prud'hommes* was not reaching them. As Hilden argues, in the late 1880s, the POF spent an important amount of energy and resources organizing female textile workers. However, once it began to win elections, the party

began to shift its focus to electoral politics as opposed to community organizing. Because women could not vote, they found themselves increasingly marginalized from POF activities.¹⁶⁴

4.4 – Board elections, 1884-1894

Although employers were leaving the boards as plaintiffs, Table 53 demonstrates that they showed no intention of no longer participating in their elections.

Table 53			
Number of Registered Voters in Election Years After 1853-1891			
Year	Registered voters	Employers	Workers
1853	1,589	273	1,316
1857	1,697	356	1,341
1860	1,143	314	829
1863	883	216	667
1866	641	236	405
1873	969	245	724
1882	1,133	266	867
1885	1,193	320	873
1888	1,266	306	960
1891	1,819	320	1,499

Source: AMTg, F2B 51 & F2B 52, “Prud’hommes: Liste d’inscription pour élections”.

The three elections after the legalization of unions demonstrate that the number of registered voters increased, particularly for workers whose number of registered voters reached its highest to date. In relation to the number of textile firms in Tourcoing, the number of employers who registered also remained high (Table 54).

¹⁶⁴ Hilden, “Working Women and Socialist Politics in France,” p. 170.

Table 54		
Number of Employer Registered Voters and Textile Firms in Tourcoing, 1853-1891		
Election Year	Employers	
	Registered	Textile Firms ¹⁶⁵
1853	273	136
1857	356	134
1860	314	149
1863	216	149
1866	236	155
1873	245	151
1882	266	178
1885	320	208
1888	306	208
1891	320	195

Source: AMTg, F2B 51 & F2B 52, "Prud'hommes: Liste d'inscription pour élections"; AMTg, Matrices de Patentes, 1820-1897, G1C 1-46.

Despite their falling interest in using the boards to settle their workplace disputes, employers were not interested in abandoning them altogether. Their rates of voter registration for board elections continued to remain high, despite their changing attitudes towards the *prud'hommes*, but did this continued interest in elections carry itself until voting day?

Table 55						
Rates of Registered Voter Participation Divided by Class, 1853-1891						
Year	Employers			Workers		
	Registered	Ballots Cast	%	Registered	Ballots Cast	%
1853	273	19	6.9	1,316	54	4.1
1857	356	15	4.2	1,341	67	4.9
1860	314	21	6.6	829	42	5
1863	216	31	14.3	667	41	6.1
1866	236	21	8.8	405	16	3.9
1873	245	32	13	724	30	4.1
1882	266	56	21	867	91	10.4
1885	320	50	15.6	873	156	17.8
1888	306	49	16	960	392	40.8
1891	320	64	20	1,499	873	58.2

Source: AMTg, F2B 51 & F2B 52, "Prud'hommes : Liste d'inscription pour élections"

¹⁶⁵ Number indicated is number for year closest to election date.

Table 55 reveals that, despite continued high rates of employer registration, little had changed in terms of voter participation. Although their numbers did increase slightly between the 1885 and 1891 elections, the rate of one-fifth in the latter year was not higher than it was in 1882. Employers were willing to register to vote, but could not bring themselves to cast a ballot on election day in higher numbers than before. On the other hand, worker voter participation experienced an almost six-fold increase between the 1882 and 1891 board elections. Workers were turning out to register and to vote more than ever before. It would appear that union and POF efforts to encourage workers to take an interest in the boards was translating into higher rates of participating in its elections as well as in use of its services.

Conclusion

Plaintiffs and defendants who appeared before the *conseil des prud'hommes* at the end of the nineteenth century were less likely to reach an agreement. Some board members pointed to unions as being at the root of the problem, but it would have been just as appropriate, if not more so, to accuse the POF. Unlike unions, who offered support to workers who initiated cases against their employers, the POF told the working class that it was not only possible to win at the boards, but that it was their duty to do so. Regardless of the source of this difficulty, the reality at the end of the century was that employers had written the boards off as a hostile institution. Female workers were equally deterred from bringing their cases to the boards, but not as a result of poor performance. The reason for their reduced use of the boards lies in two related causes. First, the increasingly confrontational atmosphere at the boards made settling cases brought to their attention much more difficult. This change came as the result of campaigns by the POF to

encourage workers to be more demanding when appearing before the boards, a message that was not reaching women, as the POF had begun to turn its back on women's issues. As a result of both the difficulty in reaching settlements and the fact that the POF's message was not reaching women, bringing disputes to the boards became an increasingly less attractive option to working class women. However, working class men who heeded the POF's call for an increased use of the boards extended this message to board elections, causing the number of working class registered voters, as well as rates of voter participation to rise to their highest levels ever.

CONCLUSION

A number of historians have identified the year 1848 as a turning point in French labour relations. Aside from the revolution that established the Second Republic, a cohesive organized socialist movement appeared for the first time. Paul Delsalle's discussion of the growing class consciousness among Roubaix and Tourcoing's workers, states that 1848 marked the beginning of a new era. As he stated: "*Un nouveau monde vient de naître.*"¹⁶⁶ A new world was born. Among the changes was the reform of the *prud'hommes*. If, as Delsalle noted, a new world was born after 1848, the absence of studies on the *prud'hommes* after that date leaves a significant gap in the historiography of the boards and of Northern French labour in general. By picking up where previous studies left off, this thesis helps to fill that gap by exploring the place and role of the *prud'hommes* in this new world.

Very little has been written about the post-1848 *prud'hommes* and no research has been conducted on the effect the democratization of the boards had on its rulings or on those who used it. Yet, this can shed light on the impact of the presence of workers on the boards, as well as the ways in which workers and employers adapted to this change. Adding workers into an arbitration board that had once barred them from participating affected the ways it functioned and was used by those under its jurisdiction. Previously, systemic class and gender bias characterized board members. After 1848, worker representatives on the *prud'hommes* were able to challenge its class and gender bias; the boards no longer gave preferential treatment to employers. Workers were able to place more trust in boards in which their class was represented.

¹⁶⁶ Paul Delsalle, *La brouette et la navette : Tisserands, paysans et fabricants dans la région de Roubaix et de Tourcoing (Ferrain, Mélantois, Pévele), 1800-1848* (Dunkerque : Weshoek-Éditions des Beffrois, 1965), p. 167.

Because the French working class received two new tools to change their working conditions in this period, the legalization of strikes in 1864 and of unions twenty years later, any study of the *prud'hommes* as a tool in labour conflicts after 1848 must consider their impact. Including these in this study provides some insight into how a working class who, for decades, could only legally settle workplace disputes with their employer through conciliation, made use of confrontational methods. A consideration of gender, as well as occupation, of those using these new tools can also reveal whether the use of these new tools differed between different groups of workers.

Before 1848, both workers and employers showed no apparent sign of dissatisfaction with the boards being exclusively composed of employers. Workers continued to use its services despite having a very low rates of success and high rates of failure. Employers, on the other hand, benefitted from this arrangement by winning almost all of the cases they initiated. In addition to receiving favourable treatment from the *prud'hommes*, employers also felt comfortable with the boards as their all-employer composition fit their understanding of proper social hierarchies and paternalist view of workers: workers were like children and could not be trusted to make rational and beneficial decisions for themselves.

When the boards were reformed in 1848 and workers were allowed equal representation, the *prud'hommes* ceased to be an acceptable method of solving workplace disputes in the eyes of the employers for a number of reasons. Among these was the fact that its new composition did not fit into their worldview. Employers found it difficult to share power and responsibility with workers. Their fears seemed to be confirmed when the new boards began to rule against them or propose that both parties compromise. The new emphasis on compromise did not bode well for

employers who had once won the majority of their cases. Consequently, employers began to turn away from the *prud'hommes*.

Workers, on the other hand, benefitted from the presence of workers on the boards and their new emphasis on compromise. Female workers, as well as unskilled ones fared better under the boards, which helps explain why their proportion among plaintiffs rose consistently until the 1880s.

Despite these improvements, the qualifications required for participation in the *prud'hommes* as board members, candidates or even voters, were out of reach for a large number of workers. Literacy, nationality and occupational requirements made it so that many workers were disqualified from exercising the new rights they had acquired in 1848. These obstacles to workers participation did not help increase visibility of the boards. As a result, the number of cases brought to the attention of the boards in the second half of the nineteenth century decreased in relation to Tourcoing's demographic growth.

Some of the trends noted in the period between 1848 and 1883 continued into the rest of the century, but the political atmosphere in Tourcoing and at its *prud'hommes* had changed. Unions and the socialist POF took a particular interest in the boards, with the latter attempting to use it as a tool in the class struggle against employers. The emphasis of working class organizations in the boards seems to have created a more confrontational climate, with more cases ending in non-conciliation, a result encouraged by the POF. Unsurprisingly, the growing inability to reach settlements turned employers away from the boards in even greater numbers and their proportion among plaintiffs almost disappeared altogether. However, the increasingly

hostile climate also deterred female and unskilled workers from the boards, as their proportion among plaintiffs fell as well.

The changes noted over the second half of the nineteenth century as a result of the reforms of the *prud'hommes* shed an interesting new light on the boards, as well as the attitudes of workers and employers towards them. They reveal that, while workers before 1848 were willing to continue using the services of the all-employer boards despite their unfavourable treatment, employers were unwilling to accept equal representation at the *prud'hommes* if it meant negotiating settlements as equals with their employees. This sort of arrangement did not fit their world view and, as a result, they abandoned the boards. The fact that workers continued to use the all-employer boards before 1848 despite their high rates loss demonstrates that, unlike early historians of the boards argued, they did not view the boards as a weapon used against them by their employers. Instead, the attitude of employers following the democratization of the *prud'hommes* and their increased use of compromise after 1848 demonstrates that employers may have viewed them as weapons used by the working class against them.

The majority of the data collected for this thesis was collected in the summer of 2006. This has meant that the scope of this study was limited to analyses that could be answered with the sources gathered over those four months. Because of this, a number of questions remain unanswered.

This thesis ends just as labour relations in Tourcoing were changing once again. If I could have returned to Lille, the period explored in this thesis would have been extended to see if the trends uncovered in the 1890s continued, especially as the socialists were making progress.

This thesis would have also explored the activities of unions in greater detail. As it stands now, knowledge of union activity, particularly in regard to the *prud'hommes*, is limited to

what was contained in their bylaws. It would be interesting to determine the extent of union influence on workers who brought their cases to the boards.

SOURCES

Primary SourcesArchives Municipales de Tourcoing (AMTg)

Conseil des Prud'hommes, Liste d'Inscriptions Pour Élections, 1849-1874, F2B 1.

Conseil des Prud'hommes, Liste d'Inscriptions Pour Élections, 1875-1894, F2B 2.

Conseil des Prud'hommes, Procès verbaux des élections pour renouvellement des conseils, 1821-1885, F2B 51.

Conseil des Prud'hommes, Procès verbaux des élections pour renouvellement des conseils, 1886-1903, F2B 52.

Conseil des prud'hommes de Tourcoing, Plumitif no. 1, 1821-1836

Matrices de Patentes, 1820-1897, G1C 1-46.

Recensement de Tourcoing, 1886.

Archives Départementales du Nord (ADN), Lille

Conseil des Prud'hommes de Tourcoing, Correspondance, 1821-1883, M 5U1-37.

Conseil des Prud'hommes de Tourcoing, Correspondance, 1884-1904, M 5U1-38.

Conseil des Prud'hommes, Tourcoing, Registre des Conciliations, 1843-1853, 5U1-18.

Conseil des Prud'hommes, Tourcoing, Registre des Conciliations, 1853-1856 & 1864-1866, 5U1-20.

Conseil des Prud'hommes, Tourcoing, Registre des Conciliations, 1870-1874, 5U1-21.

Conseil des Prud'hommes, Tourcoing, Registre des Conciliations, 1866-1869 & 1878-1896, 5U1-22.

Diverses Grèves Textile Roubaix 1891, M 619-51.

Grèves 1846-1852, M 620 1-15.

Grèves 1857-1858, M 620 16-22.

Grèves 1860-1869, M 617 1-9.

Grèves de 1880, Tourcoing, M 619 3.

Salaires industriels, 1842-1885, M 654 1-5.

Statistiques industriels, 1860, M653-28.

Statistiques industrielles, 1865 M 653-32.

Salaires industriels, 1885-1890, M 606-9.

Syndicats ouvriers à Lille, M 596 40-54.

Syndicats ouvriers à Roubaix, M 596 55-60.

Syndicats ouvriers à Roubaix, Chambre Syndicale des Ouvriers de Peignages de Roubaix-Tourcoing et environs : statuts, M 596 58.

Syndicats ouvriers à Roubaix, Chambre Syndicale des Ouvriers Lainiers : Projet de Statuts, M 596 59.

Syndicats ouvriers à Tourcoing, M 596 61-69.

Newspapers

ADN, Journaux 245, *Le Travailleur*, 1894.

ADN, Journaux 252, *Le Réveil du Nord*, 1892.

ADN, Journaux 257, *L'Avenir de Roubaix Tourcoing*, 1889, 1891, 1893 & 1894.

ADN, Journaux 279, *Le Cri du Travailleur*, 1888.

ADN, Journaux 291, *Le peuple de la région du Nord*, 1894.

Published Primary Sources

Bibliothèque municipale de Lille, *Peignage Amédée-prouvost et Cie., 1851-1951, Plaquette du centenaire*, 1951.

Code Civil – France, Paris: Librairie générale de jurisprudence, 1892.

Secondary Sources

Books

Accampo, Elinor A, Rachel G. Fuchs & Mary Lynn Stewart, eds. *Gender and the Politics of Social Reform in France, 1870-1914*. Baltimore: The John Hopkins University Press, 1995.

Chenut, Helen Harden. *The Fabric of Gender : Working Class Culture in Third Republic France*. University Park: The Pennsylvania State University Press, 2005.

Collectif Temps, espace et société, eds. *Roubaix-Tourcoing et les villes lainières d'Europe : Découverte d'un patrimoine industriel*. Villeneuve d'Ascq : Presses Universitaires du Septentrion, 2005.

Fohlen, Claude. *L'industrie textile au temps du Second Empire*. Paris : Librairie Plon, 1956.

Delsalle, Paul. *La brouette et la navette: tisserands, paysans, fabricants de la région de Roubaix-Tourcoing, 1800-1848*. Dunkerque : Westhoek-Éditions des Beffrois, 1985.

Gadrey-Turpin, Nicole. *Travail féminin, Travail masculin : Pratiques et représentations en milieu ouvrier à Roubaix-Tourcoing*. Paris : Éditions Sociales, 1982.

Hilden, Patricia. *Working Women and Socialist Politics in France, 1880-1914: A Regional Study*. Oxford: Clarendon Press, 1986.

Lottin, Alain, ed. *Histoire de Tourcoing*. Tourcoing : Westhoek-Éditions des Beffrois, 1986.

Marseille, Jacques & Martine Sassier. "Si ne veulent nous rinquer in va bientôt tout démolir" *Le Nord en grève, avril/mai 1880*. Paris : Jacques Marseille – Martine Sassier, 1982.

McPherson, William H. & Frederic Meyers. *The French Labor Courts: Judgment by Peers*. Urbana: Institute of Labor and Industrial Relations, 1966.

Moss, Bernard H. *The Origins of the French Labor Movement, 1830-1914: The Socialism of Skilled Workers*. Berkeley: University of California Press, 1980.

Perrot, Michelle. *Les ouvriers en grève: France, 1871-1890*. Paris : Mouton & Co., 1974.

Sewell Jr., William H., *Work & Revolution in France : The Language of Labor from the Old Regime to 1848*. Cambridge: Cambridge University Press, 1980.

Sowerwine, Charles. *Les femmes et le socialisme*. Paris : Presses de la Fondation Nationale des Sciences Politiques, 1978.

Stewart, Mary Lynn. *Women, Work, and the French State: Labour Protection and Social Patriarchy, 1879-1919*. Kingston: McGill-Queen's University Press, 1989.

Tilly, Louise & Joan Scott. *Women, Work & Family*. New York: Routledge, 1989.

Trenard, Louis, ed. *Histoire d'une métropole : Lille-Roubaix-Tourcoing*. Toulouse : Privat, 1977.

Visse, Jean-Paul. *La Presse du Nord et du Pas-de-Calais au temps de l'Écho du Nord, 1819-1944*. Villeneuve d'Ascq : Presses Universitaires du Septentrion, 2004.

Willard, Claude. *Le mouvement socialiste en France (1893-1905) : Les Guesdistes*. Paris : Éditions Sociales, 1965.

Willard, Claude, ed. *La France ouvrière: Des origines à 1920 (Tome 1)*. Paris : Éditions Sociales, 1993.

Article in Edited Volume

Ameye, J. "La mutation du XIXe siècle (1850-1914)." In *Histoire de Tourcoing*, ed. Alain Lottin, pp. 169-188. Tourcoing : Westhoek-Éditions des Beffrois, 1986.

Ameye, J. "Vie ouvrière, religieuse et culturelle au XIXe siècle." In *Histoire de Tourcoing*, ed. Alain Lottin, pp. 189-212. Tourcoing: Westhoek-Éditions des Beffrois, 1986.

Delsalle, Paul. "Le temps des ateliers (1815-1850)." In *Histoire de Tourcoing*, ed. Alain Lottin, pp. 137-152. Tourcoing : Westhoek-Éditions des Beffrois, 1986.

Delsalle, Paul. "Sous le règne des notables (1815-1850)." In *Histoire de Tourcoing*, ed. Alain Lottin, pp. 153-168. Tourcoing: Westhoek-Éditions des Beffrois, 1986.

Trempé, Roland. "Renaissance et recomposition du mouvement ouvrier, 1871-1895." In *La France ouvrière, des origines à 1920*, ed. Claude Willard, pp. 269-318. Paris : Éditions Sociales, 1993.

Articles

Aelbrecht, V. "L'immigration ouvrière belge à Tourcoing Durant le Second Empire." *Belgisch Tijdschrift Voor Nieuwste Geschiedenis – Revue belge d'histoire contemporaine* 21, no. 1-2 (1990), pp. 351-381.

Baudelet, Isabelle. "La survie du livret ouvrier au début du XXe siècle." *Revue du Nord* 75, no.30 (avril-juin 1993), pp. 303-318.

Bezucha, Robert J. "Aspects du conflit des classes à Lyon, 1831-1834." *Le Mouvement social*, no. 76 (juillet-septembre 1971), pp. 5-26.

Chanut, A. "La crise économique à Tourcoing (1846-1850)." *Revue du Nord* 149 (janvier-mars 1956), pp. 77-105.

Cottureau, Alain. "Justice et injustice ordinaires sur les lieux de travail d'après les audiences prud'homales (1806-1866)." *Le Mouvement social*, no. 141 (octobre-décembre 1987), pp. 25-60.

Craig, Béatrice. "La structure de l'emploi féminin dans une ville en voie d'industrialisation : Tourcoing au XIXe siècle." *Canadian Journal of History/Annales canadiennes d'histoire* 28 (août 1992), pp. 299-332.

Craig, Béatrice. "Justice bourgeoise? Justice Masculine? Les conseils de prud'hommes au début du XIXe siècle: l'exemple de Tourcoing." *Histoire sociale/Social History* 25, no. 50 (November-novembre 1992), pp. 277-278.

Craig, Béatrice. "Salaires, niveaux de vie et travail féminin dans l'arrondissement de Lille au XIXe siècle." *Canadian Journal of History*, no. 33 (August 1998), pp. 215-247.

Craig, Béatrice. "Catholic and Malthusian : the Entrepreneurs of Tourcoing in the Nineteenth Century." *Historical Social Research* 32, no. 2 (2007), pp. 160-186.

David, Marcel. "L'évolution historique des conseils de prud'hommes en France." *Droit social*, no. 2 (février 1974), pp. 3-21.

Delsalle, Paul. "Tisserands et fabricants chez les prud'hommes dans la région de Lille-Roubaix-Tourcoing (1810-1848)." *Le mouvement sociale*, no. 141 (octobre-décembre 1987), pp. 61-80.

Hilden, Patricia. "Re-writing the History of Socialism : Working Women and the Parti Ouvrier Français." *European History Quarterly* 17, (1987), pp. 285-306.

Kieffer, Monique. "La législation prud'homale de 1806 à 1907." *Le Mouvement social*, no. 141 (octobre-décembre 1987), pp. 7-23.

Lentacker, F. "Les ouvriers belges dans le département du Nord au milieu du XIXe siècle." *Revue du Nord* 149 (janvier-mars 1956), pp. 5-14.

Machu, Léon. "La crise de l'industrie textile à Roubaix au milieu du XIXe siècle." *Revue du Nord*, no. 149 (janvier-mars 1956), pp. 65-75.

Olszak, Norbert. "Les conseils de prud'hommes : un archétype judiciaire pour le mouvement ouvrier?" *Le Mouvement social*, no. 141 (octobre-décembre 1987), pp. 101-120.

Reardon, Judy A. "Colonization in Reverse : The Legal Position of Belgian Workers in Roubaix, France, in the Nineteenth Century." *Proceedings of the Annual Meeting of the Western Society for French History* 7, (1979), pp. 106-116.

Mallaerts, Wim. "In the Shadow of Justice : Popular Uses of the Law in Urban Normandy, c. 1880-1905." *French History* 14, no. 2 (2000), pp. 174-200.

Online Sources

Assemblée des chambres françaises de commerce et d'industrie;
<http://www.acfci.cci.fr/histoireconsulaire/repereshistoriques.htm> (accessed on January 15, 2009).