Micro-economics of quality and social construction of the market: disputes among the London leather trades in the eighteenth-century

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Abstract: *»Mikroökonomie der Qualität und die soziale Konstruktion des Marktes: Dispute unter den Londoner Ledergewerben im 18. Jahrhundert«*. The London leather market inherited an age-old regulation framework. But some harsh disputes among the leather trades in the Eighteenth Century re-activated the debate about norms and rules. Disputes between butchers, tanners and curriers revolved less around the principle of the quality control than around its intrinsic definition, leading to a significant shift: the former definition of quality as an absolute, defined by precise norms (which I call "regulated quality") is challenged by a more flexible definition, the "deliberated quality" established by a jury formed by representatives of each trade. Hence quality turns out to be a pure convention, grounded on a deliberative process. This case study, by approaching norms of quality and certification process from the point of view of the actors of the market instead of adopting the former cliché of free-market versus regulation and control, sheds light on the need to set a new ground to discuss these issues.

Keywords: 18th century, 19th century, London, leather crafts, trade, norms, quality.

1. Introduction

The leather trades have long been part of the world of corporate and regulated urban trades. Leather crafts offer an apt site of observation to analyze the functions, relevance and transformation of norms and controls within a tightly-regulated trade framework. In London, as in England as a whole, a law of 1604 strictly regulated the division of labor between tanners, curriers, shoemakers, saddlers, etc. and very precisely defined the rules for the manufacturing and sale of leather items (Riello 2006).

Inside the world of leather and skin production, the greatest concerns about quality were focused on the early stages of preparation, at the beginning of the chain of manufacturing (cutting up the animals, skin tanning and leather currying). The issue was that of hidden defects, because the actual quality of the material was not always visible or detectable: it all depended on the kind of

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physico-chemical treatment that had been applied in the vat (quality of the tan used, duration and temperature of the bath) and could be recognized only later, when the material was actually put to use. Regulations were meant to reduce this initial uncertainty about quality. In addition, the long chain of distinct processes, from early operations such as quartering and cutting up, down to the finished product, involved many different workers and thus multiplied the occasions to cheat and deceive.

In London, where 10% of the production (and 10% of the population) was concentrated, the fact that authorities repeatedly reissued the same rules in the course of the 18th century raises doubts about how successful the system actually was, and it seems as if a long movement tending towards deregulation was slowly imposing itself. A more detailed analysis of the years 1790 to 1810, a period of intense discussion, shows that the situation was much more complex. On the one hand, the same practitioners who contested the monopolies that stemmed from the commercial division of labor and asked for the abolition of the 1604 law, also demanded, at the end of the 18th century, new forms of quality control on raw materials. On the other hand, beneath the surface of the more or less anachronistic obsession with rules displayed by some actors, lie major shifts in the very conception of quality control, in the understanding of both its practical organization and its economic functions. As we will see shortly, there were changing ideas, not only about the stage at which control should happen, but also about the very definition of control. In these conditions, the traditional and teleological narrative about the ineluctable victory of liberal reason over archaic regulations cannot account for actual transformations. Instead of describing the usual great clash of grand principles, we should offer a more nuanced analysis, focusing on the meaning of norms and on the changing definitions of quality (Stanziani 2003; Minard 2011).

2. Leather Regulations

Leather items belong to this universe of objects of everyday life that are at the core of the "revolution in consumption" in 17th and 18th century England.[1] In his *Annals of Commerce* (1805), MacPherson reckoned that in 1783, leather was, right after cloth, the second production in value, representing an amount of £10.5 million. Leather is everywhere because its uses are many. About 60 to 70% of its production was used to make boots and shoes, as well as gloves and other items. Leather was also an indispensable material for transportation and farm work. Finally, in times of war, demand rocketed due to the needs of the army and navy. Overall, the average annual production increased about 60% between 1750 and 1830. The bulk of this production was made of "coarse

[1] This article owes a lot to the reference study: Riello (2006).

leathers," that is cow skins tanned in vats with oak bark for 6 to 24 months. After this long treatment, the tanner delivered a raw leather, that had taken on a red shade given by the tan, and called "crust leather" because of its cardboard aspect. The currier then had to make it strong and flexible, while also rendering it waterproof, thanks to various types of greasing (with suet, oil, wax, etc.) and mechanical treatment. After these finishing operations, cordwainers or saddlers could work the leather (Clarckson 1989).

Tanneries, because of their great water needs and because of the stench, were set up on the outskirts of the city, concentrated on the right bank of the Thames, in Southwark and Bermondsey (south-east of Southwark borough). Cordwainers lived in the city itself, close to their customers. The strategic center of the activity, however, was the great Leadenhall market, in the City. On Fridays, tanners would come there to buy green skins from slaughtermen; on Tuesdays, they came back to sell their crust leather.

The primary reason that the Leadenhall market played such a role in the London leather trade was that tanners were obliged to have all of their products inspected there before they could sell them.

In the 18th century, the regulatory framework was, for the most part, identical to the one established at the beginning of the reign of James I by a 1603-4 law, "*an Act concerning tanners, curriers, shoe-makers and other artificers occupying the cutting of leather*"[2], that regulated, until it was definitively abolished in 1808, the manufacturing process, the requirements to practice one's trade, the relationship between the various trades involved, and the practical organization of control (Riello 2008).

The regulatory framework established in 1604 is based on several fundamental principles. First, that of the necessary publicity of commercial operations. When they left the tanneries, crust leathers could only be sold "in open fair of market in the places therefore commonly accustomed": the exhibition of products on the "market place" (to borrow Steven Kaplan's semantic distinction between the market as abstract principle and the market as physical location) seeks to guarantee the transparency of the exchange (Kaplan 1984). The goal was to put producers and consumers in a contact as direct and close as possible in order to forestall the parasitism of useless intermediaries.[3]

Secondly, regulations imposed a strict division of labor and assigned to each actor of the field a precisely defined role. The area of competence of each trade was delimited and any boundary crossing was strictly forbidden: to tan, curry, make shoes, saddles, or leather items were distinct activities that could not be practiced concurrently.

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[2] Act 1 James I, cap. 22, of 1603/4.

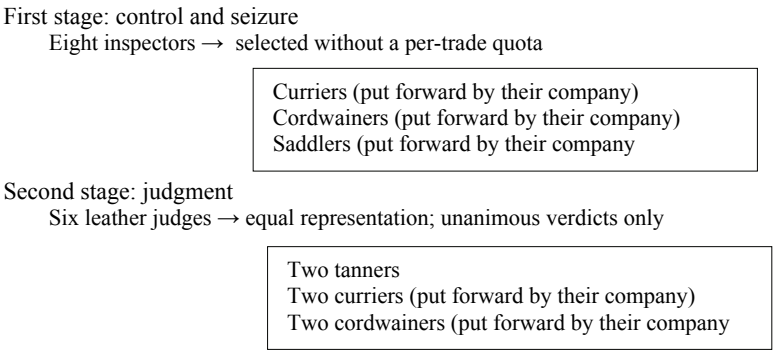
[3] On the importance of physically gathering goods on the market place, see also Margairaz (1988), 3rd part.

Finally, the work in each trade was also regulated by strictly codified rules of manufacturing.

This set of rules was enforced under the supervision of the corporate institutions of the various trades involved. But the tanners were not organized as a corporate trade, and without the zealous support of a full-fledged company, authorities did not have any institutional partner with whom to discuss. Hence the creation of another form of inspection, of a municipal kind, that superimposed upon the ordinary control exerted by the wardens of the existing companies.

Eight inspectors (among which one was specifically assigned to handle the seals, hence the phrase "searchers and sealer"), nominated by the city council from a list of names put forward by the companies, were in charge of controlling all the tanned leather brought to the market.[4] They scrutinized the material, recorded its sale price, the names of the seller and buyer, and applied the seal that certified the conformity of the goods and authorized its sale. In a case of a breach of regulation, the inspectors seized the item and handed it to the six "triers of leather" whom the city would have appointed within six days. These six "honest and expert men," equally recruited among "the better sort" of cordwainers, curriers and tanners (two triers per trade), then had two to three weeks to return a verdict.

Figure 1: Inspection of Leather in London



In fact, in the middle of the 18th century, the real power to control was in the hands of the searchers and sealer: crust leathers were inspected on the market, right after they had gone through the tan pit and before currying.

[4] Inspectors acted as if they were representatives of the corporations, pre-selected by their respective oligarchies, even though the effective nomination belonged to the city authorities. Thus, companies were fully integrated in the workings of the municipal system of inspection, although their power to certify products remained in fact delegated. Tanners however, because they did not constitute a corporate trade, were sidelined in this area.

3. The Debate on the Leather Inspection

Periodically, municipal authorities were called on to receive various complaints against the inspectors, sometimes deemed too harsh, sometimes too lenient, depending on who was the plaintiff. Beginning in the 1790s however, in the context of the French Wars, the debate intensified and the number of disputes was on the rise. It then seems that tanners had taken up a determined battle to obtain the abolition of rules and controls on their production. Should we see this as simply the end of an archaic practice, of an outdated conception of the market and its rules?

The issue is much more complicated than that. As we shall indeed see, the tanners actually led a battle on two fronts. They wanted to "shake the yoke" of measures that were "not only unnecessary but extremely injurious both to themselves and to the public",[5] while simultaneously campaigning, with all the other actors of the leather field, for the application in London of the laws of 1800 and 1801, which had imposed everywhere else new forms of quality control on the butchers after the cutting up of animals. Two-edged language or new variation on the theme of the "two dreams of trading" (liberty and protection) presented by Jean-Pierre Hirsch (Hirsch 1991)?[6] Establishing an inspection of skins in the capital city in 1803 (within the framework of the Flaying Acts) seems to run counter to the liberal conceptions that increasingly saturated the discourses of the time.

In order to understand these ambivalences, one must try to grasp how actors vacillated between disputing and instrumentalizing regulations (or in other words between playing *by* the rules and playing *on* the rules). How can we distinguish purely opportunistic moves from deeply-rooted economic representations? In addition, we must break loose from the liberal grand narrative, because it always labels any form of certification as incongruous with economic reality, thus masking significant shifts in the way it was actually conducted in practice. In reality, not only the mode of control changed but also the very definition of quality: it was no longer an absolute but was becoming a relative value, the degrees of which corresponded to various sections of the market.[7]

In the 1790s tanners complained increasingly often against inspections and inspectors: they longed for the ability to sell their products freely and directly and to thus bypass the Leadenhall market. Their petitions denounced nit-picking, iniquitous and humiliating regulations: "the statute is oppressive,

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[5] Guildhall Library (London) mss. 7353/9, fol. 440, Jan. 29, 1807, petition of the tanners presented to the cordwainers' company.

[6] See an extensive review of this very impressive study: Minard and Terrier (1994). See also Hirsch (1989).

[7] The pioneering article of Walter M. Stern (1968) which focused mainly in fact on the years 1801-1808, never approaches the problem from that angle. Thus, it remains locked within a regulation/deregulation alternative which, in my opinion, misses part of the problem.

impolite and injust, and is wholly inapplicable to the present state of the leather manufacture". It is not only "an engine of oppression," but also "an engine of extortion," with seizures, on account of alleged non-compliance with regulations, which were actually only meant to bring further wealth to the inspectors:[8] "No benefit is derived to the public from this part of the statute. It oppresses the manufacturer and enriches the searchers & sealers, but the interest of the public, which was the primary object of their appointment, is wholly abandoned."[9]

Third argument: rules that could have proven necessary in the past, when "manufacture was in its infancy," have turned into an obstacle to its progress. Abstract norms, carved in the stone of regulations, forestall any technical innovation; if they were observed, work practices would be fixed in their former and outdated state.

Finally, tanners argued, against quality economy and the principle of official certification of products, that the buyer should be his own inspector, even that he is the best inspector one can imagine. First of all, they said, buyers are more informed than their predecessors; furthermore, nothing prevents the buyer from scrutinizing the goods himself: they are not sold on the basis of a sample but per item, and each one can assess on his own the quality and value of the product:[10] "Leather is not concealed in bales or casks, but every hide and every skin are separately exposed, and separately examined by the buyer, so that if any deception were attempted, it might be immediately detected."[11]

Each seller then, if he wants to be successful, will have to offer the best goods in order to secure his reputation and the fidelity of customers. Those who offer mediocre products will be rewarded with equally mediocre profit.[12] Free

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[8] The National Archives (London, Kew. Hereafter TNA), BT 6/178, letter from Joseph Gutteridge, of Southwark and Samuel Purkis, of Brentford, January 1803.

[9] TNA BT 6/178, "Answers to the questions proposed by the right honourable the Lords of the Committee of Privy Council for Trade & Plantations to the tanners of London" (Joseph Gutteridge, James Warne, Samuel Purkis, Samuel Beddome); quotation: answers of the London tanners to questions 14 and 15.

[10] TNA BT 6/178, answers of the London tanners to questions 20 and 23, April 20, 1803.

[11] British Library, B 519 (9), *Observations on the policy and expediency of repealing the statute 1st James I. Chap. 22, concerning tanners, curriers, shoemakers, etc.*, Brentford, 1803. I guess the author is Samuel Purkis. Quotation p. 18-19.

[12] "We consider the credit & the profit of the manufacturers, & the competition there ever will be among them to excel, as the most effectual security the public can have for the production of good leather. The best commodity always command the highest price, and an inferior one carries its own punishment with it. The interest of the manufacturer is therefore inseparable from the interest of the public" (TNA BT 6/178, answers of the London tanners, question 18-April 20, 1803). "When a spirit of competition is universally excited – when the number of tanners is greatly multiplied, and everyone knows that the price of his article will be proportionated to its intrinsic value –, what greater security can we have for the production of the best commodity that can be made? (...) The worst of the article finds its level: if it be inferior in quality, the value is in proportion -and the reduction in price holds forth an instructive lesson for greater care and circumspection in future" (S. Purkis, *Observations on the policy, op. cit.,* p. 18-19).

competition thus becomes the only guarantee that can effectively protect consumers. Implicitly then, we can see the joint emergence of the notion of value for money and of the idea that unfair practices zero-sum one another. In these circumstances, the law-maker should not intervene in the exchanges between private, free and responsible actors. It also should not regulate the time skins have to bathe in the pit in order to be properly tanned, etc. Hence a conclusion which fits with the emerging laissez-faire discourse:

> Surely the tanner, the currier and the shoemaker must be aware that both their credit and interest depend on the goodness of their materials, and the excellence of their workmanship, and ought therefore to be allowed, like other persons, to conduct their own respective concerns.[13]

So, "the very existence of such an office (of searchers), is, at this period, not only unncessary, but is an infringement of the common rights of a manufacturer".[14]

Confronting the tanners, the curriers and cordwainers companies put forward two principles. First, they defend the principle of physical gathering and public display of the goods on the market place. They oppose any exchange concluded outside, "privately and clandestinely": under their pen, these two terms are almost synonyms.[15] Secondly, municipal inspection constitutes, in their opinion, the only means to guarantee the quality of goods, to protect the consumer against any deception on the part of the seller, and against any hidden defect: they thus pose as the guardians of the "public in general":

> It is for the interest as well of the buyers of leather as to the publick in general that all tanned leather should be brought to a publick market to be searched and sealed before the same should be offered for sale"; and "we well know the experience that without such search the Public would be liable to the greatly imposed upon; seizures being frequently made of hides and skins either for not being thoroughly tanned or not thoroughly dried.[16]

Of course, those who formulated these arguments were using them to strengthen their own position in the manufacturing process. It is in the curriers' and cordwainers' best interest to have their raw material controlled upstream, before they use it themselves. This is particularly true of cordwainers, because the currying of crust leather masked the defects that resulted from the preceding tanning. Thus, it is first and precisely in the tan pit that the quality of

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[13] S. Purkis, *Observations on the policy, op. cit*., p. 27.

[14] S. Purkis, Observations on the policy, op. cit., p. 16. See also TNA BT 6/178, answers of London tanners to questions 23 and 24.

[15] Corporation of London Record office (hereafter CLRO), Court of Aldermen repertories (Rep), Rep 149, f 215-218, meeting of April 2, 1745. Petition of the "dealers and workers of leather, and other artificers, living within three miles of the city", 1745.

[16] Guildhall Library (GL) mss. 7353/8, Cordwainers Court Minutes Book, f 182, 24 February 1791; and 7353/9, f 213, June 1, 1803. Curriers supported the same proposal: GL 6113/3, Curriers Court Minutes Book, f 221, February 22, 1791, and PRO, BT 6/178, May 2, 1803.

leather is decided. On the market, buyers in bulk didn't have time to control all the items on their own;[17] in case of goods bought for export, any deceit could bring down the reputation of the entire London business. The most common form of deceit was to tamper with the weight of goods because the seller could easily play on the degree of humidity of tanned leather. Finally, the main concern is about hoarding and monopoly, that is, about the balance of trading power on the market place: "when the article is scarce, the dealer would not only have to pay the advanced price but would be obliged to purchase the commodity in whatever state the tanner might think proper to bring it."[18] Certification by inspectors thus appeared to protect the buyer by preventing an imbalance of trading power in favor of the reseller: it made it impossible for the latter to benefit from relative shortages by attempting to sell poor quality items at the high price.

For all these reasons, municipal inspection appears, from the point of view of curriers, as an indispensable shield. Inspection on the market, right after leather had left the tanneries, reduced uncertainties about the quality of the product.

These arguments did not convince the parlementary committee of the House of Commons, which, in 1803, advocated the abolition of the leather inspection.[19] However, it survived until 1808.

The matter dragged on because of a contrary lobbying campaign that sought at the very same moment to establish new controls. In the context of this campaign (and here is not the least of its paradoxes), the former opponents united against a third category: the leather trades then acted as a block in order to impose on butchers, their suppliers, an inspection of the skins as they left the slaughterhouses.

4. The Flaying Acts

Complaints against butchers about the cutting up of animals were very old: any damage caused to the skin at this stage was irreparable. An awkward stab in the belly of the animal and the entire skin was fated to be cut to pieces because the middle gash would make it impossible to make a large single piece. But the worst were irregularities in the thickness of the skin, because the thinner parts would dry faster after the tanning and would prove more fragile with use. All

[17] Glove makers of Worcester made this argument their own in a petition to the Commons in 1808, but this time about the skins inspection: *Commons Journals*, 63, p. 243, April 6, 1808.

[18] TNA BT 6/178, answer to the curriers, May 2, 1803, question 6.

[19] PRO, BT 6/178, anonymous report, copy made by the secretary of the Board of Trade (1803).

along the 18th century, petitions thus demanded a law "to prevent butchers' ill flaying of hides and skins." In 1800, a new campaign was launched.

Tensions in the leather market, combined with the difficulties in supplying that resulted from the soaring demand of leather items for the military and the decreasing production since 1796, probably encouraged artisans to mobilize across the country. Thus, in just four months, without much debate and despite the butchers' subsequent counter-attack, a municipal inspection of skins was born. London, however, was not immediately concerned. Only in 1803 was a specific system established in the capital, following a request from workers in the field and despite their divisions.[20] This time indeed, tanners agree with curriers and cordwainers: the Flaying Acts are of interest to all of them because they displace control to an earlier stage in the production chain: thanks to this new inspection they could, as buyers, do away with controlling on their own the state of the skins offered by their suppliers (even though they also continue to call for the abolition of the 1604 law on tanned leather: therefore the alliance between them is tactical and incidental and explains that the same tanners who fight to make the regulation on leather work disappear, find themselves involved in the movement that demands a control of skins upon leaving the slaughterhouse).

Table 1: The *Flaying Acts*

Date	Law	Main measures
1800	39-40 Geo III, c. 66	creation of the skins inspection (except in London)
1801	41 Geo. III, c. 53	reduction of the amount of fines
1803	43 Geo., c. 106 (local)	specific application for London
1808	48 Geo. III, c. 71	reorganization of the inspection in London, reduction of the amount of fines
1824	5 Geo. IV, c. 57	abolition of the skins inspection

Let's turn back to the skins inspection. Butchers practicing within a 5 mile radius around London must bring the skins on the markets (within 10 days after flaying) where they are examined by inspectors who affixed a mark on them in exchange for a modest payment.

Two main features characterize this system:

1) First, it is based on a strictly equal representation of each company. Indeed, the 16 inspectors and 4 arbitrators in charge of scrutinizing the 4 butchery markets (half of the butchers went to the main one, Leadenhall)[21] were

[20] Local and Personal Acts, 43 George III, cap. 106, July 4, 1803: "*An act (...) relating to the use of horse hides in making boots and shoes and preventing the damaging of raw hides and skins in the flaying thereof to (...).*"

[21] There were eight inspectors at Leadenhall (for cows' and horses' skins), four at Woods Close, two at Southwark and at Whitechapel (for sheep).

nominated by the city council, which had to choose from the list of names put forward by the companies and follow fixed quotas: half of the positions for the butchers' company, one fourth for that of the cordwainers' company, one fourth for the curriers' company. Tanners were excluded from this system since they did not constitute a company. Overall, the inspection was only municipal in appearence since, in practice, it was managed jointly by the three companies, on a rather surprising basis of equal and collective negotiation: representatives of the three companies met as the flaying committee, irregularly but sometimes frequently when particular problems arose, notably when collected fines needed to be redistributed (in theory, one half of the amount collected would go to the inspectors, and the other half would be split between the three companies in proportion to their representation in the instution – e.g. 50% for the butchers – and they would use that money to pay the four arbitrators).[22] Joint management within this permanent committee had its limits however, and the butchers' company ended up pulling out of it (actually, it seems that the company rapidly found itself in a difficult position, because butchers who were not members – and it seems that they were many and organized – complained that it collaborated with leather craftsmen and cashed in on a disguised tax system imposed on the butcher trade). Thus, those butchers with no membership goaded the company into breaking off with the other organized trades sitting on the committee.

2) In addition to this rather original system of joint management among the companies, one must stress that the Flaying Acts also revealed a radical shift in the very conception of quality control. Two major breaks became effective, although none of the actors involved had explicitly formulated them.

The first break had to do with the definition of quality. Skins inspectors were on the look-out for skins that were poorly cut up or damaged by the knife of unscrupulous butchers ("ill flaying," "cutting and gashing of hides"), but no specific text defined the criteria to distinguish between proper and improper flaying: one can guess this was about gashes and the regularity of the thickness of skins, but no rule codified the butcher's gesture. In other words, contrary to tanning, for which regulations defined the order and duration of the operations, as well as the proper method to follow for each stage of the process, the quality of skins could only be assessed by the subjective judgment of the inspectors, without any reference to a written rule. Inspectors referred to customary gestures to define standards but had no rule in hand. The only tools at their disposal are their own expertise and their capacity of collective deliberation.

[22] GL 14338: "Flaying committee", 95 pages register, stopped on June 9, 1808, when the law was revised and the inspection regime modified.

The second characteristic feature of the skins inspection is equally as important. The law led to a clearcut partition of the market. This time indeed, goods are not seized: they just bear a mark indicating their good or poor quality, and in the latter case their price is downgraded. Skins marked with a "D" (for "damaged") or an "S" (for "sound") measured up to two distinct ranges of quality (hence of price), now clearly differentiated for the buyers. Quality then, is no longer an absolute; it becomes a relative order and can have degrees. From a conceptual point of view, this is a major break. We can assume that certification is then used on the market to lessen uncertainties, since the mark attached to the product recorded, and at the same time displayed, the distinction between two scales of quality. The certified information thus provided to the buyer could result in an increased trust that could in turn loosen circulation on the market. In practice, we can assume that the institutionalization of an openly identified inferior category led to the introduction of poor quality skins on the leather circuit, which, in the past, would have been thrown on the scrapheap and only used, for instance, to make glue.

In any case, one can say that if the creation of the skins inspection in the kingdom, and two years later its extension to London, could have seemed out of place, running counter to a general tendency towards deregulation, it was not at all lacking in economic rationality. This regulation, it seems to me, can be compared to the "*système intermédiaire*" established in France for the textile industry by the minister Necker in 1779 (Minard 2000 and Minard 1998, 321-326). It was an option system: the manufacturer could choose to either present cloth he had made according to the rules to a "*bureau de marque*" where the competent officer, after reckoning the items complied with current specifications, would affix a "*marque de règlement,*" or declare his production nonstandard ("arbitrary" was the word used at the time), and his cloth would receive the "*marque de liberté*." In practice, this was the same as distinguishing between top, middle and bottom of the range, because it was mainly the top of the range production, often destined for export, that needed the guarantee offered by the official certification. Thus were created two clearly identified trading circuits, and the existence of a distinct "free" zone precisely reinforced the trust in the certification in use in the regulated zone. In this dual system it is possible to escape the regulated/free alternative and address the different requirements of distinct markets. But in the leather case we are dealing with, what is noticeable is the fact that these requirements were constantly reassessed: the two distinct ranges of quality ("S" and "D" skins) didn't result from the manufacturers' choices and declarations but from inspectors's appreciations, whose criterias could be flexible according to the commercial situation. So, overall, there was a shift from "regulated" quality to "deliberated" quality.

Here the conceptualization provided by the school of the Economics of Convention proves very enlightening.[23] This school proposes to analyze the foundations and origins of the agreement which, in any given society, institutes and legitimizes the market, as well as the description of the objects to which this founding convention applies. However, it also seeks to study the description of the rules through which this convention is objectified by implicated agents, constituting the normative and cognitive framework available to them for obtaining the knowledge based on which they will make their decisions and act. In other words, because of the incompleteness of contracts in situations of uncertainty, the coordination of activities demands certain points of reference that can be collectively acknowledged, since they have been elaborated through an interactive dynamic. Conventions open up the possibility of finding practical solutions to uncertainty by authorizing reciprocal expectations about the competence and behaviour of other actors (Minard 2011).

In the present case, indeed, we can see that quality has become pure convention, resulting from the agreement of inspectors who represent both "parties" involved: sellers and buyers, butchers and leather craftsmen. This is the reason why the joint management of the inspection with collective responsibility was so important: without it, it would be impossible to reach the conventional agreement that could only result from deliberation by the parties involved. Contrary to written rules that freeze professional practices in their specific state at the time of codification, "deliberated" convention was flexible and adaptable (one can guess that the criteria used varied depending on market conditions and the level of demand). The skins inspection is thus not of the exact same nature as the previous leather inspection.

5. The Abolition of Inspections

In the years 1806-1808, the overlapping of two separate debates, that of the leather inspection and that of the skin inspection, made the situation look rather confused. In both cases, of course, great principles were called upon, and once again in both cases, the relevance and legitimity of quality control were measured up against the merits of laissez-faire. But the collision between two concomitant battles sometimes led to strange battles where the front-lines were inverted. Let's consider the arguments of butchers against the skins inspectors: incompetence (although half of them are butchers!), self-interested bias because inspectors cashed the tax on the mark and received a share of the fines,[24] bias of the arbitrators as well, since their salary was based on the fines

[23] See the special issue of *Revue économique* 40/2 (1989), and Orléan (1994, 9-40), Salais (1998, 255-292), Favereau and Lazega (2002, 213-252).

[24] In March 1805, butchers demanded that the inspectors received fixed wages, in addition to the tax on the mark, and instead of a percentage of fines. From the point of view of curriers

that went to their company.[25] Butchers also disputed the obligation to bring the skins to the market, a useless loss of time and a restriction to the free practice of their trade. Finally, in their opinion, it was the responsibility of the buyer to evaluate the quality of goods and as a result to set a starting price for negotiation. They also put two additional arguments forward: gashes and other damages made to the skins during the flaying cannot be avoided, buyers know it and then buy for a lower price; the fines system endangers apprenticeship, because the lack of experience of a beginner ends up costing a lot of money to his master.

These are the same arguments tanners (who favored the inspection of skins) used, but against the inspection of leather. The two other companies involved in the debate are led to define their own priorities. For the cordwainers, the most serious threat is the questioning of the norms of manufacturing and of the certification of leather. As for the curriers, they end up splitting with the cordwainers: they seem to have made a strategic choice to defend the inspection of skins, which, from their point of view, was as important as that of leather.

The new petitioning campaign launched by the tanners in 1807 in favor of the abolition of the leather inspection first focused debates.

A Select Committee then reported back to the House of Commons. Like the one of 1803, this committee is overall in favor of liberalization. But their written report deserves closer attention.[26]

They clearly distinguished two aspects. First of all, the transformation of standards of production and of method prescriptions into rules: "Those regulations are contrary to the principles of sound policy, and no public advantage can result from their enforcement." There is no reason to uphold these manufacturing rules as long as public safety is not threatened. The craftsman alone, not the law-maker, can know what treatment to apply, depending on the features of the material at hand, since in any case, even the most inexperienced buyer will recognize the quality and the possible defects of the final product. Which brings us to the second aspect: that of the procedures for quality control. According to the report, abuses appeared with the resumption of seizures in London. Inspectors are overwhelmed by the sheer mass of goods and are led to seize whole batches of leather for one or two nonstandard pieces. The committee deemed such practices unfair and humiliating and pointed to the fact that "the interest of the artificer is the best security to the public."

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and shoemakers, this would defy the logic of the system: GL 14338, p. 26; GL 7353/9, p. 322. The same proposal was put forward in 1806, but without success.

[25] GL 10557, petition of "some of the principal butchers" of London, Westminster, Southwark and within a 15 miles radius, February 1808.

[26] "Report from the Select Committee on Acts relating to tanners, curriers, shoemakers and other artificers occupying the cutting of leather etc.", *House of Commons Parliamentary Papers*, 1807, vol. II, p. 295-309.

Reporters on the committee however, confess that the question of control is not in itself a matter of principle and can be as well a matter of opportunity: they concede that it is necessary to regulate in certain situations, when "fraudulent practices represent a danger, if we are to follow the natural course of the market." With great technical precision the report thus distinguishes situations in which control is just a convenient device offered to the buyer (such is the case for the drying of skins and the varying weight that depended on the degree of humidity: fraud was possible but easily identified) from the situations whose outcome had a bearing on the "final consumer," who did not always have the means to evaluate the actual quality of the product. On the one hand, "the intermediate artificer," who can't be fooled that easily; on the other hand "the unskillful consumer," "the public at large," who can't know if the leather used by the cordwainer was sufficiently tanned and if the shoe will last. The same goes for exports, also the object of numerous deceptions. In conclusion: "It may be advisable for the purpose of upholding the reputation of our export trade, to continue a penalty upon leather insufficiently tanned, and perhaps upon boots and shoes made of sheep-skin, which are deceitful articles, and not easily distinguishable by the purchaser".

The committee's recommendation is twofold. On the one hand, it proposes to abolish all manufacturing rules, to cancel the obligation to go through the market place, the leather inspection and any form of inquisitorial visit of workshops.[27] On the other hand, it proposed to establish new rules, "which will effectually secure the purchasers of leather without being oppressive to the manufacturer."

The 1808 law only kept the first constituent of the committee's proposal.[28] Tanners had finally won their case: the leather inspection was dead. Thus this episode could fit nicely in the teleological narrative of liberalism. But it must be stressed that the deputies of the Commons voted a truncated proposal.[29] And it would be a mistake to throw away to the dump of History the second constituent of the report's final proposal, because it contained a remarkable institutional innovation which constituted precisely an integral part of the nuanced approach of the committee to the problem of commercial deception. The proposal was twofold.

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[27] "A periodical search of the premises of the currier and cordwainer, for the purpose of seizure and confiscation, as enjoined by the Act of James, must be either nugatory or extremely irksome and oppressive."

[28] 48 Geo III, cap 60, June 1, 1808: "*An Act for repealing an Act passed in the first year of King James I (...)*."

[29] And this is exactly what happened in France in September 1791: the *Assemblée nationale* voted the first constituent of Goudard's report (abolition of manufacturing regulations and of manufactures inspection), without debating the second constituent: the transfer of the regulating power to local administrations! See Minard (2007, 86), and Minard (1998, 351-361).

First of all, the quality of the leather on sale on the market remains subject to expertise, but the assessment is not tied to any norm. As with the skins under the Flaying Acts, the collegial verdict of the inspectors, the assessment of their majority, fixes the standard and decides whether the leather is "sufficiently tanned" and "sufficiently dry." The committee proposes to establish a joint structure, made up of six examiners, representing both parties involved, sellers and buyers: 3 tanners, and 3 leather craftsmen, elected by their fellow craftsmen at Leadenhall market. No companies involved here, but a vote by professional college. It is worth noticing that, for the first time, tanners are represented among the inspectors (renamed examiners). In order to guarantee a majority vote, a seventh examiner was co-opted by the six others. A fine was imposed on seized leathers and these had to be reworked.

Regarding the concept of quality, two lessons can be drawn from this project. First of all, in the committee's opinion, it was a fact that the ability to distinguish between poor and good material was unevenly shared in the current buying conditions. Secondly, in the committee's project, quality was the object of a conventional construction, it resulted from the encounter of practices that were socially accepted by both parties involved, and it was formalized through the joint deliberation of the examiners. This is exactly the same process as we encountered with the skins inspection under the Flaying Acts. It means that there is no such thing as quality in itself, in the sense that, beyond the objective physical characteristics of the product, the quality is always defined inside a situated context by the actors of the exchange: quality is in every case an appreciated quality.

Second constituent of their project: sale on the market is no longer mandatory, but those who bought outside the market would have the possibility to have their goods examined within three days of the sale.

Table 2: Project of a Reformed Leather Inspection (1807)

Control / Location	Before the sale	After the sale
Market	mandatory	possible
Direct sale	none	possible

If deception on the weight is proven, or if the items are defective, the seller would have to rework them, at his own cost. This original form of on-demand expertise was risky for those who requested it: if the alleged fraud was confirmed the seller would have to pay a 20 shillings fine, but in the contrary case, the buyer had to pay. The fine somehow paid for the examiners' call-out fee, regardless of their verdict.

The whole system could have seemed restrictive, actually not as much because of what it prescribed than because of its mode of practical application. In fact, the proposal went unheeded. But it reveals how seriously the reporters

– who were completely won over to the idea of abolishing manufacturing rules – took the hypothesis of deception and the risk of hidden defect. It is clear that in their view, and contrary to the liberal conviction on this matter, unfair trade practices did not automatically cancel one another. They deemed it necessary to expose suppliers to the threat of control and financial sanction, because they doubted that their allegedly obvious self-interest (to keep one's customers) would be enough to guarantee complete fairness.

Nonetheless, in spite of this reasoning, in 1808 the parliament simply and completely abolished the leather inspection, without further discussion about the second constituent of the committee's proposal, to the great satisfaction of tanners.

As for the skins inspection, it survived by dint of slight changes that were voted upon in 1808 (decrease of the amount of fines and integration of the butchers who were not members of the company). However, it was finally abolished in 1824, after a new campaign of petitioning and counter-petitioning that those among the butchers who opposed any kind of inspection ended up winning. It is true that, at that time, scarcity caused by wartime demand was released.

6. Conclusions

What is worth remembering in all this? On a first level, it appears that the question of opportunism is a serious problem for actors. Many doubt that competition led to a systematic zero-summing of unfair practices. Hence the attachment to certain forms of control in order to protect oneself.

In the case of skins and leather, the control is not exerted on the final product, it happens in the middle of the manufacturing process and thus did not concern the consumer directly: here, the reasoning about the interest of a "public" who, unknowing of the internal qualities of the product, needed protection against hidden defects, is irrelevant. The matter is debated here among knowledgeable professionnals. The stakes are different: the goal is to build up as much guarantee as possible when dealing with raw material suppliers. Alliances as well as disputes between professionals in the field are dictated by one's position in the commercial chain: tanners wanted to impose a skins inspection on butchers, and they had no objection to the fact that the cordwainers company scrutinize the manufacturing of shoes,[30] but they couldn't stand to have their own production controlled. These attitudes can be interpreted as a sort of play on rules that everyone practiced in the hope of imposing on his supplier the control he didn't want to see taking place between

[30] GL 7353/9, Cordwainers minute book, p. 501-503, July 6, 1808, report on a meeting with the tanners' representatives.

him and his customers. The goal of this game is to be able to enjoy the potential benefits of certification upstream in the production chain while refusing to see it imposed just downstream of one's position. Seen from that angle, it seems that actions are all part of strategic behaviors used by actors in order to optimize norms to their benefit. Indeed, many discourses and explicit claims, through petitions for instance, by different groups of artisans, accord with this vision and show how powerful was the ideological framework of market competition.

But this purely instrumental vision of certification, norms and procedures might seem a bit narrow, in the sense that it doesn't really take seriously the representations of quality that actors mobilized. For instance, in the case of tanners, their rejection of older regulations of the manufacturing process (tanning methods, ingredients, duration of the bath in the pit, etc.) doesn't mean that they consider the idea of regulating work and exchanges as inept. They display the same distrust as many others towards intermediaries, often called "speculators," who create disturbances on the commercial circuits and push the prices up.[31] Certainly instrumentalized (monopoly is always the feat of others), the use of the anti-speculation scheme reflects however a notion of "honesty" in exchanges, and this notion is not neutral. Similarly, the notion of quality remains, in the world of crafts, a fundamental constitutive element of trade pride: good work attracts others' respect and fosters self-esteem. Thus, in so far as they revolve around issues of convictions, self-representations, and ideology, these questions cannot be reduced to purely strategic calculations. For this reason, among others, the laissez-faire doctrine could meet certain forms of resistance: beyond practical questions and the real conditions of actual markets that pointed to the utopian nature of the perfect market scheme, production and exchange activities are underlied by representations, culture, images, conceptions of oneself and of the world, of what should, needed, or had to be done.

All of this explains that the problems of the social organization of trust, by economic agents or various political authorities, should be taken seriously. To approach these problems as an instance of the simple liberty/control opposition would be both simplistic and superficial. Similarly, interpreting them in terms of strategic action and rational choice turns out to be quite reductionist. One should rather imagine the exchange resting on the construction of some form of agreement.

The example of leather and skins just revealed a double shift in the conception of product certification. First we saw a shift from the notion of "regulated" quality to that of "deliberated" quality, the latter implying a collective judgment, and thus necessarily, for reasons of equity, a rather original structure to allow joint assessment. The second shift is that from an absolute

[31] Comments reported by the committee of 1807: "Report from the Select Committee on Acts relating to tanners, curriers, shoemakers (...): Appendix ", *HCPP*, 1807, vol. II, p. 298.

definition of the intrisic quality of the product, measured up against a standard, to a relativistic conception, that ratified the circulation of goods that belonged to different ranges of quality. The distinction between a top and a bottom range aptly manifests the shift from an economy of quality to an economy of identification that could tolerate variations, as long as these were clear to the buyer. In this new regime of coordination, norms are no longer prescriptions but become models of reference which are internal to action. The regulative institution is no longer a coercive framework aimed at limiting the effects of opportunistic behaviour but becomes a way of adjudicating for conflicts and a means of coordination and adjustment (Thévenot 2002).

The still-born alternative devised by the deputies of the 1807 committee bespeaks the sensitivity of political leaders regarding this issue, even if, eventually, market ideology reveals itself to be stronger and the majority in the Commons didn't capture such subtleties. The sources don't allow us to guess to what extent the workers in the field were divided: many espoused the trend of laissez-faire ideology and managed to get rid of any kind of inspection. But beside those who endorsed the model of pure market coordination, stood others who advocated for some conventional coordination. The fact that the whole regulative framework was eventually repealed in 1824 shouldn't lead us to under-estimate the divisions among practitioners, and the co-existence of various regimes of coordination they could put into action.

References

Clarckson, Leslie A. 1989. The manufacture of leather. In *The agrarian history of England and Wales*, vol. 6: *1750-1850*, ed. G. E. Mingay, 466-483. Cambridge: Cambridge University Press.

Favereau, Olivier and Emmanuel Lazega, eds. 2002. *Conventions and structures in economic organization: Markets, networks and hierarchies*. Cheltenham: Edward Elgar.

Hirsch, Jean-Pierre. 1989. Revolutionary France, cradle of free enterprise. *American Historical Review* 94 (5): 1281-89.

Hirsch, Jean-Pierre. 1991. *Les deux rêves du Commerce. Entreprise et institution dans la région lilloise, 1780-1860.* Paris: Éditions de l'EHESS.

Kaplan, Steven. 1984. *Provisioning Paris*. *Merchants and millers in the grain and flour trade during the eighteenth century*. Ithaca: Cornell University Press.

Margairaz, Dominique. 1988. *Foires et marchés dans la France préindustrielle*. Paris: Éditions de l'EHESS.

Minard, Philippe. 1998. *La fortune du colbertisme. État et industrie dans la France des Lumières*. Paris: Fayard.

Minard, Philippe. 2000. Colbertism continued? The inspectorate of manufactures and strategies of exchange in eighteenth-century France. *French Historical Studies* 23 (3): 445-464.

Minard, Philippe. 2007. Trade without institution? French debates about restoring guilds at the start of the Nineteenth Century. In *Guilds and association in*

Europe, 1200-1900, ed. Ian Gadd and Patrick Wallis, 83-100. London: Institute of Historical Research.
Minard, Philippe. 2011. Facing uncertainty: Markets, norms and conventions in the eighteenth century. In *Regulating the British Economy 1660-1850,* ed. Perry Gauci, 177-194. Aldershot: Ashgate.
Minard, Philippe and Didier Terrier. 1994. Review of "Les deux rêves du Commerce", by Jean-Pierre Hirsch. *European Journal of the History of Economic Thought* 1 (3): 625-630.
Orléan, André, ed. 1994. *Analyse économique des conventions*. Paris: PUF.
Revue économique. 1989. Special issue 40 (2). *L'économie des conventions.*
Riello, Giorgio. 2006. *A foot in the past: Consumers, producers and footwear in the long eighteenth century.* Oxford: Oxford University Press.
Riello, Giorgio. 2008. Nature, production and regulation in eighteenth-century France and England: The case of the leather industry. *Historical Research* 81/211: 75-98.
Salais, Robert. 1998. À la recherche du fondement conventionnel des institutions. In *Institutions et conventions*, eds. Robert Salais, Élisabeth Chatel and Dorothée Rivaud-Danset, 255-292. Paris: Éditions de l'EHESS.
Stanziani, Alessandro, ed. 2003. *La qualité des produits en France, XVIIIe-XXe siècles*. Paris: Belin.
Stern, Walter M. 1968. Control *v.* freedom in leather production from the early seventeenth to the early nineteenth century. *Guildhall Miscellany* II/10: 438-458.
Thévenot, Laurent. 2002. Conventions of co-ordination and the framing of uncertainty. In *Intersubjectivity in economics. Agents and structures*, ed. Edward Fullbrook, 181-197. London: Routledge.