

## ***Troublesome Textiles: Asian cottons in France***

August of 1729 was not a good month for mistress Chastel, keeper of a boarding house near what is now the Lycée Henri IV in Paris' Quartier Latin. Some serious textile trouble was in store for her. She had been out and about wearing a rather striking ensemble: a demi-robe of white background with red flowers, paired with a red skirt with small white flowers and a blue kerchief with white flowers. Such an outfit would likely have caught the passer-by's eye. Unfortunately for the demoiselle Chastel it also caught the eye of the law. She was wearing what would have been recognisable as *toile peinte*, Indian-style painted or printed cottons and that was illegal in France. Hence she was called to appear before the Paris magistrates on 26 August, which she duly did. After hearing the police commissioner's report she admitted to her offence and was condemned to have her clothes confiscated and to pay the exorbitant fine of two hundred livres.

Mistress Chastel was not alone in her crime. With her appeared four other women that day: the wife of a sergeant of the guard, a cook, a wine merchant, and the servant of a Parisian master mason. They all got the same punishment. Fourteen more women and one man were similarly charged and condemned at the same time. They did not even appear and had to be judged in absence.<sup>1</sup> This was by no means an uncommon occurrence: another nineteen people had been condemned in Paris just the month before and like those fined on the 26<sup>th</sup>, their names, offences, and judgement were printed, publicly displayed as posters which were proclaimed to the sound of trumpets.<sup>2</sup>

Between the 1680s and the 1750s many hundreds, if not thousands, of French men and women were charged with selling, wearing, and using these forbidden Asian textiles. And many of them did not prove quite as docile as mistress Chastel. Thus, Indian cottons turned out to be rather troublesome textiles not only for the demoiselle Chastel but also for the French state.

The best-known of these textiles, *toiles peintes* and *indiennes*, 'Indians', which were printed and/or painted Indian cottons, had arrived in France by the late sixteenth century at the latest and, by the mid seventeenth century had become hugely fashionable.<sup>3</sup> Together with similarly popular white cottons goods such as fine muslins, they were, as Wellington has calculated, the most important import of the French East India Company, founded by Colbert in 1664.<sup>4</sup> Imitations were soon produced in Europe, including in France itself, and together with printed cottons from the Levant imported into France via Marseille, their striking colours and motifs as well as the broad variety of qualities and prices ensured that they met with ready demand right across the entire social spectrum. Their success was such that

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<sup>1</sup> BNF: Ms. Fr. 21780 (Collection Delamare): 'Sentence Rendue par Monsieur Herault, Lieutenant General de Police, Commissaire du Conseil en cette partie. Qui condamne en deux cens livres d'amende plusieurs Particuliers & Particulieres trouvez vetus d'Etoffes des Indes & Toiles peintes,' dated 20 August 1729

<sup>2</sup> Ibid : 'Ordonnance Rendue par Monsieur Herault, Lieutenant General de Police, Commissaire du Conseil en cette partie. Qui condamne plusieurs Particuliers trouvez vétus de Toiles peintes, en deux cens livres d'amende chacun', dated 5 July 1729.

<sup>3</sup> Older authors such as Edgar Depitre, are careful to make the distinction between *toiles peintes*, painted cottons, which were only made in India, and *indiennes*, printed Indian cottons and by extension also printed fabrics made elsewhere and imitating these Indian ones (Edgard Depitre, *La Toile peinte en France au XVIIe et au XVIIIe siècles: Industrie, commerce, prohibitions* (Paris : Librairie des sciences politiques et sociales, Marcel Rivière et Cie, 1912), pp. 2-11. However, this distinction itself is problematic. Amongst Indian textiles themselves there was a grey zone between cheap block printed textiles and expensive hand-painted ones, in which the more expensive multi-coloured printed ones were often also part painted. Moreover, whilst the distinction is still important in evaluating techniques and origins of such textiles, for instances in a conservation context, it is hardly used in seventeenth and eighteenth century France. In the official documents used in this paper, the terms are almost always used interchangeably, and 'toile peinte', came to signify any printed or painted fabric regardless of quality or origin.

<sup>4</sup> Donald C. Wellington, *French East India Companies: A Historical account and Record of Trade* (Lanham, Md: Hamilton, 2006), pp. 114-122.

the state feared for its own textile industries, its world-famous Lyonnais silks but also its woollen and linen sectors. Legislation was passed first prohibiting the production, importation, and sale of any printed textiles in 1686, and within a few years time this came to extend to the wearing and usage of such textiles and to include, at least for a period, also white cotton goods such as muslins.

In the only comprehensive treatment on the topic, Depitre counts 98 rulings of the King's Council and two royal edicts regulating and repeating the banning of the importation, selling, and usage of Asian cottons during the period of prohibition (1686-1759).<sup>5</sup> In my own research I have found over a dozen more such rulings, which are not included in Depitre's account.<sup>6</sup> The publication and announcement of the legislation would not have been the only reminder to the population that they were not to touch any Asian cottons: posters, such as that containing our information on demoiselle Chastel, were put up regularly listing those condemned and their punishments. The earliest example of this goes back to the 1690s and dozens of others survived from later periods.<sup>7</sup> Moreover, Orry, as *contrôleur general des finances*, wrote to the *intendants*, the governors of the French regions, ordering them to have reminders of the legislation published every six months.<sup>8</sup> The sheer numbers involved in all of this repeat legislation already give us a fair idea of how ineffective it must have been.

It is in fact a historical truism that the consumption of Asian and Asian-style cottons in France continued throughout the period of prohibition and much anecdotal evidence is cited as to its smuggling and continued wearing. What we do not have however, is a full account on how these fabrics would actually have gotten from the hands of the producer to the hands of the consumer. Whilst the first chapter of my monograph revealed the process by which Asian cottons were ordered, bought, packed, shipped, and finally sold at East-India-Company auctions in Europe, this paper, based on the second chapter will outline how, despite the prohibition, a French subject like mistress Chastel could have acquired the textiles she wore that day and which turned out so very troublesome for her.

In order to do so, we need to understand at least the broad characteristics of the legislation in question, which was much more comprehensive than its British counterpart. France did not only ban the importation of Asian printed and painted cottons, it also forbade all printing and painting within France, including the printing of any other, non-cotton textile. Since not only the importation, fabrication, and selling, but also the wearing or usage of such fabrics was made illegal, offenders were, at least in theory, easy to spot, since, unlike in Britain, no confusion with for instance legally-printed nationally-produced fustians or linens should have been possible. The second important aspect of the legislation was the different status of different Asian textiles. The category of printed and painted fabrics, whether produced in Asia or Europe, was banned altogether. White cotton goods, such as muslins, however, had a different status. Whilst they were banned for some years earlier on during the prohibition, their importation, selling, and usage was soon permitted again, albeit under strict conditions: only those imported by the French East India Companies via Lorient and Nantes were legal and all such fabrics then had to have the company's seal and a parchment proving its origin affixed to it. All bales of white cotton goods found without such seals were considered smuggled goods that were to be confiscated and their owner or transporter charged.

To establish, for the first time, a comprehensive and systematic account of the networks of smuggling and retail and to follow the fabrics on their illegal journey to their final consumers, we need to split this

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<sup>5</sup> Depitre, *La Toile peinte*, pp. 33-101. The number is the result of counting all of his references to individual *Arrêts*. In his own summary Depitre only refers to eighty *Arrêts* and two edicts: p. 103.

<sup>6</sup> The monograph will provide an annexe with an overview of the legislation in question.

<sup>7</sup> 'De par le Roy' published and proclaimed 15 July 1697 (BNF: Ms FR 21780 (Collection Delamare), fol. 36). Fr. 21780 alone contains over a dozen examples of such posters.

<sup>8</sup> In the case of Provence, we also have the correspondence from the intendant's local agents, to proof that this did indeed take place: AD Aix-Marseille, C2300 and C2309.

process into its individual stages; and since the legislation itself differentiated between importation, production, retail, and consumption, such a division will also be adopted here.

## **I) IMPORTATION**

There were three broad ways in which Asian and Asian-style cottons could be imported into France: legally via the French East India Company, or via Marseille's Levant trade, or illegally via third countries mainly Britain, Switzerland, and the Netherlands. We will look at these, and at the individual mechanisms employed for each, in turn.

### **I a) French-East-India-Company Imports**

As the holder of an official monopoly over all French maritime trade to and from the Indian Ocean, only the French East India Company was legally permitted to bring Indian cottons back to France even before the prohibition. However, even after 1686, Indian cottons could still be legally imported and sold at the Company's auctions in Nantes and Lorient. This was partly due to the influence of contradictory pressures the government faced. Whilst the traditional French textile industries continually lobbied for renewed and strengthened prohibitions, the French East India Company constantly complained about the difficulties it faced with restrictions on its major imports, especially in the periods of near constant warfare at the end of Louis XIV's reign, which threatened its entire trade. The result was much legal toing and froing: thus, when lobbying by the textile sector has finally achieved the 26 October 1686 prohibition, the Company protested until two further rulings are passed in its favour a few month later (27 January 1687 and 8 February 1687) delaying the total ban on printed and painted cottons to allow the Company to empty its stocks and sell its both its chintzes and the white goods it imported for printing in France as long as these were declared and marked by the Company to avoid any fraud by merchants and printers.<sup>9</sup> In the same way, when white cottons and muslin imports were banned on 10 February 1691, two weeks later the Company succeeded to have another ruling passed allowing the white goods contained on its ship that had just arrived in Brittany to be sold in Nantes on condition of the complete inventory and marking of the goods onboard beforehand and in future white cottons and muslins onboard specific company ships regularly became the subject of rulings.<sup>10</sup> Similar legislation allowed for sales of all textiles found onboard captured enemy ships.

White cottons were thus never effectively banned, though only those imported and subsequently marked and certified by the Company were allowed to be transported and sold within France.<sup>11</sup> The legislation concerning printed and painted cottons was less coherent. After the favours and delays accorded to the Company in the early years of the prohibition ran out, the Company was, for a while, completely banned from importing such goods. Then, with the arrival of John Law as Controller General and the implementation of his ambitious scheme that merged the old East India Company with the West Indies Company into a new *Compagnie des Indes*, new legislation was also passed that permitted imports of such fabrics under the strict condition that this be only for re-export to other European countries.

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<sup>9</sup> BNF, Ms FR 21 780 (Collection Delamare): 'Arrest du Conseil d'Etat du Roi,' dated 8 February 1687 :. Cf. 'Arrest du Conseil d'Etat du Roi', dated 26 October 1686 : BNF Ms FR 21 778 and Depitre, pp. 36-37.

<sup>10</sup> AN, AD XI 52 : 'Arrest du Cosneil d'Etat du Roi', dated 10 February 1691; BNF Ms FR 21 778: 'Arrest du Conseil d'Etat du Roy', dated 24 February 1691 :

<sup>11</sup> Since this was also subject to fraud, much legislation was passed concerning the lead seals and paperwork that had to accompany these textiles : See the 'Arrest du Conseil d'Etat du Roy' of 19 March 1712 in AN: AD XI 41; that of 13 November 1725 in AN: AE – BIII 284; that of 28 September 1748 in AN: AD XI 52 and the 'Déclaration du Roi' of 7 April 1764 in AN: AD XI 52.

### ***Private Trade***

These legal Company imports, cannot, however, explain how, by the early to mid decades of the eighteenth century French consumers could still be arrested in droves for wearing new printed and painted cottons. To explain this, we need to turn to the flourishing contraband trade of Company-imported goods. An analysis of surviving reports, memoranda, and legislation, allows for a good overview of the mechanisms open to smugglers. All in all these fall into two categories: the textiles could either be part of the official company trade that was destined for re-exportation, or they could be part of the private trade of the ship's officers and sailors. In the latter case these textiles could form part of the official allowances of the Company's personnel, according to which each sailor and officer was theoretically permitted to use a certain amount of the ship's capacity for his own personal trade. In France such *port-permis* was fixed in value rather than weight or space and allocated according to rank.<sup>12</sup> However, as this was money was then employed by the company itself buying products in Asia and selling them at auction back in France and handing the profits back to the sailor in question, we can, for our purposes count this with the official Company trade, as, just as in the case for the main company trade, all Asian textiles would for part of the official auctions and thus either be marked and certified in the case of white goods, or sold as for export only in the case of printed or painted cottons. What is of interest for us, is the partly legal and partly smuggled private trade conducted by the personnel themselves directly and in kind, usually referred to as *pacotilles*.

Thanks to the work of Philippe Haudrère and Eugénie Margoline-Plot, we have a fairly good idea how this private trade was conducted and which goods it involved.<sup>13</sup> Apart from the normal *port-permis*, all personnel on board was also accorded a 'petit port-permis', which could consist in merchandise, though not in forbidden goods. Unsurprisingly the amounts accorded for this were frequently exceeded and the rules governing the choice of permitted articles were not adhered to. Instead, a major constituent seems to have been precisely those Asian textiles that were illegal and immensely popular in France, that is Indian printed and painted cottons. The importance and popularity of the illegal *pacotilles* never wavered, despite the efforts of both the India Company and the tax authorities to eradicate them, since apart from serving to introduce illegal goods, they took up space onboard, even led to overloading, and could threaten the Company's own official trade.

The Company and tax farmers adopted various measures to prevent the landing of privately traded Indian cottons and other smuggled goods. Since all ships had to arrive at the port of Lorient in Brittany, they were met by a ship of the tax authorities which accompanied them in order to avoid the secret unloading of merchandise on one of the smaller harbours or islands surrounding the natural harbour of Lorient. All entries to the ship's hold were sealed and upon anchoring opposite the Company's warehouses in Lorient, the ship was met by troops forming a line along the pontoon to avoid the unloading of illegal goods. These measures, as impressive as they may sound, proved perfectly ineffectual. Company ships arranged to be met by smaller vessels, usually fishing boats from elsewhere in Brittany, to transfer smuggled goods before meeting their escort and despite all efforts to the contrary ships were overrun on their arrival in Lorient and the chaos that ensued allowed for easy offloading of the smaller packets of illegal textiles.

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<sup>12</sup> On this see Philippe Haudrère, *La Compagnie française des Indes au XVIIIe siècle*, Second revised and corrected edition, 2 vols (Paris: Les Indes Savantes, 2005), I, 392-94.

<sup>13</sup> Haudrère, *La Compagnie des Indes*, I, 397-401, and 418-19. Eugénie Margoline-Plot, 'Les pacotilles et les circuits parallèles de distribution des cotonnades en Bretagne au XVIIIe siècle,' in *Le goût de L'Inde*, ed. by Gérard Le Bouëdec and Brigitte Nicolas (Lorient and Rennes : Musée de la Compagnie des Indes and Presses Universitaires de Rennes, 2008), pp. 64-73 and 'Les circuits parallèles des toiles de l'océan Indien. Lorient au XVIIIe siècle', *Histoire urbaine 2011/1* (30), 109-126. Margoline-Plot's forthcoming thesis, will be a much welcome elaboration on this topic.

The quantities involved overall were substantial: In a letter from February 1716, Hébert, the governor of Pondicherry at the time, reported that the two ships leaving for Europe carried company cargo worth 1 800 000 livres and, even though they had made many of the sailors unload theirs, it also carried *pacotilles* worth 800 000 livres.<sup>14</sup> With such staggering amounts, it is small wonder not only that the company feared the competition of its own personnel, but also that smuggled illegal textiles abounded in Brittany. This trend seems not to have abated over time: in a *mémoire* of 1727 cited by Haudrère, Godeheu, one of the Company's directors, estimated in 1727 that about 200 bales of textiles were transported illegally on each ship; and this would not even have included the smaller quantities, predominantly of painted and printed kerchiefs, brought by the hundreds of ordinary sailors often to fulfil detailed orders by the merchants who funded them, which form the subject of Margoline-Plot's study.<sup>15</sup>

### ***Company Trade***

Less known, but no less adventurous, was the smuggling and fraud involved in the textiles brought in via the official Company trade. As Wellington has shown, the quantities involved in the official auctions were huge: in the 1720s alone the Company sold an average of over 123,400 pieces of textiles a year, a figure which remained roughly stable over the next decade;<sup>16</sup> and whilst many of these were white cotton and silk mixes, printed and painted cottons formed an important part of these imports.<sup>17</sup> Several *Arrêts* of Mai and August 1720 had prescribed the procedures employed to prevent any possible introduction of these 'forbidden goods' into the country and several later ones determined their specifics. Ships were met by tax inspectors and the goods in question were inventoried and then stored in a specific secure warehouse on the Company's enclosed compound in Lorient. This 'magazin des marchandises prohibées' was kept locked with two keys and only a designated government-nominated tax official and the Company directors each held one of these keys. Moreover, the designated official would keep a precise register of all merchandise entering and leaving this warehouse. The merchandise was then sold at the official company auction with *acquit à caution*, a pass-bill that allowed the merchant to transport the merchandise out of the country, once it was securely packed and sealed. Within a set timeframe after the sales, the buyer then had to present the *Fermes*, the tax and customs authorities, with a proof of unloading abroad.<sup>18</sup>

These measures did not, however, prevent the introduction of such goods into France. A set of documents held at the National Archives in Paris gives a unique insight into the mechanisms involved in smuggling these goods in Lorient. They result from the revocation of Monsieur Besnier, the tax and customs director (*directeur des fermes*) of Port Louis, which included Lorient and hence all the Company auctions. Besnier, an employee of the *ferme* for over twenty years first in Tours and then in Brittany, had, as it was later proven, been doing a perfectly good job, but his subalterns and rivals seem to have been rather heavily involved in smuggling and fraud, and intrigued to have him moved to a different post or dismissed. Having been informed of his impending removal late in 1762, Besnier visited his superiors in Paris and accused his employee and intended successor at Port Louis, Monsieur Dessain, of fraud and malversions. Dessain was subsequently dismissed but, thanks to his connections, soon obtained a promotion in the form of a directorship elsewhere. Besnier, however, felt his honour was in question, refused to accept the different post, and, unfortunately for him, lost his temper somewhat: accusing not only his inferiors but also his superiors both verbally and in letters to the French finance

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<sup>14</sup> BNF, Ms NAF 9354 (Collection Margry), fol 28.

<sup>15</sup> Haudrère, I, 400-401 and 464

<sup>16</sup> Wellington, pp. 191-92. The average for the 1730s according to Wellington's figures is 116,000.

<sup>17</sup> *Ibid.*, pp. 148-163.

<sup>18</sup> 'Arrest [...] du 18 May 1720' ; 'Arrests [...] des 29 Aoust 1720 & 18. Aoust 1722' ; and 'Arrest [...] du 4 Janvier 1727' in *Receuil des Reglemens Généraux et Particuliers concernant les Manufactures et Fabriques du Royaume*, 2 vols (Paris : Imprimerie Royale, 1730), I, 149-156.

ministry, he seems to have made sufficient enemies amongst the farmers general, his employers, to have lost his chances of being reinstated after his formal dismissal in 1763.<sup>19</sup> However, Monsieur and especially Madame Besnier, who had important connections in Paris being related to the Orrys, family of the former Controller General, strenuously tried to rehabilitate Besnier and to insure that, if he was not to be reinstated, he at the very least received his pension, in which they finally seem to have succeeded about one year later.<sup>20</sup> In the process of this protracted quarrel, various witness statements and memoranda were collected detailing the precise nature of the fraud taking place. Since these tended to be related by either several witnesses or sworn to on oath, they are fairly unique in being a fairly reliable source on the mechanisms of smuggling involving Company imports in Lorient in the period 1758-61.

The memoranda and witness statements do touch on private trade, if only largely to link it to the official Company sales, claiming that the merchants who illegally buy privately-traded forbidden textiles, are the same who buy these at Company auctions, where these were sold as for export only, which gives us the first indication that for most traders smuggling textiles was not so much a shameful crime than a professional inconvenience.<sup>21</sup> Only once do these texts dwell on Asian textiles smuggled onboard ships and this instance is worth our attention as it demonstrates the crucial role of corrupt officials. The *Diligente* was a Company frigate whose voyages are well documented. She left Lorient on 3 May 1757 for India and arrived back in Lorient there on 1 March 1758.<sup>22</sup> In the meantime she had arrived in Pondicherry on 16 October 1757 and an inventory of the official and private correspondence she carried on her return mentions twenty-two parcels sent to – and usually by – high ranking officials of the Company or the royal government as well as ‘seventy-two private letters or parcels.’<sup>23</sup> These parcels already afforded ample opportunity to include those prized printed and painted cottons for which the Pondicherry region was famous. However, what the list does not include are the goods privately stashed onboard by the sailors; and amongst these were 15 bales of merchandise, hidden in the hold. Unfortunately for the owners, Granieri, one of the custom officials come to supervise the unloading, was surprisingly incorruptible. On his arrival he was offered the substantial sum of 160 Louis if he would allow them to unload these bales, after all, he was told, his superior was already in on the deal. Granieri however, refused, and, when bad weather stopped any further attempts at unloading, had the holds sealed. The next morning he returned in the company of his superior officer, the captain of the local customs brigade. When Granieri proposed searching the holds for the bales in question, the personnel on board asked for the owner of the bales, a minor noble and army officer, the Chevalier de Mouy to be present, and whilst the clerks searched for and finally found the bales in question, the chevalier proceeded to vent his anger at the captain of the customs brigade: not because the latter had been doing his job, but because, according to de Mouy, he was a traitor and an oath breaker, since he had, as the chevalier shouted within the hearing of several of the other, subordinate, officials, promised to save the bales for the agreed sum of sixty Louis. The said captain in the meantime took to hiding in the ship captain’s rooms as soon as he saw de Mouy arrive.<sup>24</sup>

Amusing as this scene may have been, it was not unusual: another passenger on board, freely admitted having given the very same customs officer the sum of five Louis and a valuable piece of kerchief to

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<sup>19</sup> AN: H1 610 (Administrations Locales: Bretagne. Affaires Diverses), fol. 51.

<sup>20</sup> Ibid. fols 32 and 51.

<sup>21</sup> Ibid., fol. 33.

<sup>22</sup> SHDL: 2P 38-II.4 (Rôle au désarmement – long cours : rôle de la *Diligente*).

<sup>23</sup> Alfred Albert Martineau (ed.), *Correspondance Du Conseil Superieur de Pondichery*, 6 vols (Pondichery and Paris : Société de l’Histoire de l’Inde Française and Leroux, 1720-31), V, 238 and 142-245 : Letter of the Pondicherry superior council to the Directors and Sydics in Paris dated 10 October 1757 with apostil dated 15 October 1757 ; and ‘Inventaire des expéditions du Conseil supérieur de Pondichéry à Messieurs les Syndics et Directeurs généraux de la Compagnie des Indes à Paris par la frégate la *Diligente*.’

<sup>24</sup> AN: H1 610, fol. 34.

thank him for the inspection of his coffers and suitcases during which nothing was seized. Since the reputation of the customs brigade captain was known to him, the passenger admitted, he had not hesitated to make this offer – and rather successfully so: whilst his witness statement was taken to implicate the officer in question, there is no evidence that anybody then sought to seize any of the items he smuggled.<sup>25</sup> This evidence is important for us in the context of the official Company trade, too, since it would have been the same officers who guarded the Company's warehouse of forbidden goods and as the evidence in the Besnier file reveals, corruption of customs and company officials was the single most important source of the illegal passing on of Company-imported textile into France.

There were ways for merchants to smuggle banned fabrics bought at Company auctions into France without relying on the complicity of local officials: a lengthy memorandum drawn up by Besnier and sent to the Parisian officials on the banned Indian goods sold at the auction of 1758 outlines two ways in which this could be achieved, and both are typical of the mechanisms of smuggling at the time. The first relied on the patronage of the aristocracy and of high-placed court officials. These would obtain exemptions to have such forbidden goods sent to them in Paris and the merchants assigned this task would use the thusly designated packages to include plenty of their own forbidden merchandise which would thereby be granted a safe passage to Paris. A second general trick was to exploit any favour or moderation accorded by the government. In the case outlined by Besnier, merchants had been permitted to transport forbidden textiles outside the country using ground transportation and the advantage of not having to load these goods on ships lay in the ample opportunities this afforded of substituting other goods into the sealed packages, or indeed in simply substituting these altogether and either providing false certificates of exportation or certificates of exportation for the wrong goods.<sup>26</sup> As evidenced by renewed legislation, insisting that such certificates of delivery abroad were submitted to the tax authorities in time, one of the most frequent ways of smuggling these fabrics into France was simply to neglect to hand in, or indeed to forge, such certificates and to keep or re-unload the goods within the country.<sup>27</sup>

The latter practice of false plumbing however was less risky and much more convenient when aided by corrupt officials. One of the most popular ways of smuggling painted and printed cottons into the country was thus to persuade the tax and customs clerk in question to seal the wrong goods and keep the forbidden goods hidden: all the paper work would be correct, the inventory kept on the outgoings of the warehouse would state that the goods had left it safely sealed as for export-only and the merchants could take the forbidden goods out of the Company compound and dispose of them as they wished. Indeed, the complicity of the tax officials was such that, to the frustration of Besnier himself, the paper work was usually in order: the sums added up and the proof of unloading abroad would be delivered in time to the relevant authorities.<sup>28</sup>

A second, much more blatant, but, if successful, for the merchants also less burdensome procedure, was simply to remove the goods from the warehouse. This avoided any need for seals, pass-bills, or proof of exportation. It did however require the co-operation of a great number of officials who were supposed to prevent anything like that from happening. Thus, when a known friendly guard of the warehouse of forbidden merchandise who had been known to co-operate in sealing the wrong goods, was removed in time for the auction of 1758, the merchants who had acquired the textiles in question seem to have decided that it was time for drastic measures and simply bribed enough night-watchmen and warehouse guards, to remove their goods from the warehouse of forbidden goods, to their own hangars on the Company's compound. When Besnier complained to the Company, they, to avoid any public scandal since, after all, they depended on the goodwill of the merchants who provided their

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> 'Arrest [...] du 4 Janvier 1727' in *Recueil des Reglemens*, I,155-56.

<sup>28</sup> AN: H1 610, fol. 34.

income, agreed with the merchants to have the goods replaced into the forbidden goods warehouse the next night. Instead the next night the goods made their way out of the compound altogether without any guards or watchmen to be seen, a feat which must have required the co-operation not only of the watchmen but also of both the tax official and the company clerk who held the keys to the warehouse.

Such utterly unashamed manoeuvres were by no means uncommon: in a different year, the merchants had helpers conceal themselves amongst the bales in the warehouse and then pass these out through the windows;<sup>29</sup> whilst in 1760 and 61, Dessain, the customs director of Vannes himself, had organised the local grenadiers to help with the evacuation and hiding of these goods, whilst his secretary told the guard not to go to his post and that should he see some fraud taking place, he would be well compensated should choose to ignore it.<sup>30</sup>

Such practices could become so commonplace because they served everybody's interest: as Besnier complained, the directors of the East India Company would not wish to discourage such fraud, since buyers who felt sure of being able to dispose of their merchandise easily would pay higher prices and because illegal cotton goods seized in France would often be given to the Company to be sold at auction for export abroad, so that the Company could potentially sell the same fabric several times at no further cost to itself.<sup>31</sup> The interest of local officials, be they from the company or from the customs and tax authorities is obvious: their meagre salaries could in no way keep up with the enormous profits that could be made from the smuggling of such textiles. As a consequence, such fraud seems to have been considered perfectly normal practice by everybody involved: when the grenadiers felt that they were not paid what Dessain had promised them, they complained to their superior officer, who in turn broached the topic with Dessain at a large dinner party.<sup>32</sup> And whilst this could at least partially be interpreted as a way of putting pressure on, or even blackmailing, an official who had obviously failed in his duty, nothing but the perception of utter righteousness can explain the actions of Lorient merchants who made official complaints when their illegal removal of the banned goods was blocked: when the merchants had been made to agree to return the goods to the forbidden-goods warehouse, a Lorient merchant, a lady by the name of Desclos, went to see the director of customs in Lorient bitterly complaining that such unusual behaviour was ruining her and that, as she had done at all previous auctions, she needed to get the goods to the purchasers in whose name she had bid in the agreed timeframe. She seemed to have been rather surprised to have her 'gift' to the director refused.<sup>33</sup>

Such a sense of entitlement was not often shared by those who smuggled textiles across national borders into France: although also sometimes conducted in concert with complicit officials, this method of importing Asian textiles was much riskier and led to frequent arrests and severe punishments.

### ***1 b) Importation via third countries***

Those who paid attention to the dates in the above pages, may have been puzzled by the fact that Indian textiles were still smuggled in the 1760s when their importation by the Company had been officially permitted in 1759. The reason for this was simple: tax-avoidance. Asian textiles not destined for re-export had to pay heavy taxes on entering France and this is the reason that not only chintzes continued to be smuggled even after the end of the prohibition, but also that muslins were a favourite smuggled good even when their importation was legal. A long memorandum by the tax authorities does in fact reveal that both *indiennes* and muslins flowed into France via the same channels and these did

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<sup>29</sup> Ibid., fol. 37 ('Mémoire remis par la Compagnie au Ministre avec Réponses').

<sup>30</sup> Ibid., fol. 36 ('Mémoire sur les malversations du Sr Dessain Controleur general à Vannes').

<sup>31</sup> Ibid., fol. 33.

<sup>32</sup> Ibid., fol. 36.

<sup>33</sup> Ibid., fol. 37.



not often come from the official Company sales. Instead, they constituted a rival to the Company's monopoly and the memorandum we have is a response by the authorities to official complaints by the Company about illegal imports of muslins and white cottons which the Company believed threatened its profits.

The memorandum in question written by Roussel, a representative of the *fermes*, in 1757 agrees with the Company to some extent: it also upheld that the muslins which reached France via third countries were not secretly re-imported French-Company traded textiles that would save on tax this way, but that instead they came from the sales of the Dutch and British East India Companies. During the time of the prohibition, muslins had one advantage over chintzes and this was that, could they be made to pass for Company-imported goods, they would, once they were inside the country, be able to circulate freely and not lead to seizure and criminal prosecution. To do so, however, they needed to have the right documentation, and, which was more difficult to forge, wear the Company's lead seal. Roussel's memorandum gives an insight into how brilliantly this was achieved. According to him the white goods destined to be smuggled into France were usually first brought to Geneva, which specialised in forging the Company's seal. Once equipped with this seal, the goods could, after they had been smuggled across the border pass for the original. Only a chance occurrence had in fact led to the discovery of the fraud: several years before, the customs brigade seized a quantity of muslins hidden in calfskins on horses which the riders had abandoned, presumably to evade capture. When sent to Paris however, the tax authorities were surprised to find that the goods not only had the right papers attached but also the correct new Company seals which had only been in use for about six months. They called in experts who first confirmed the authenticity of the seals and it was only after much further examination and by using a magnifying glass that they decided they were counterfeits after all. With even experts fooled, for ordinary tax and customs officials checking goods on France's many internal customs barriers it would thus be impossible to discover the fraud.<sup>34</sup>

The only way to capture smuggled muslins was thus at the point of entry into the country and, as Roussel demonstrates, the border crossings into France were the same for both white goods and printed and painted cottons. These borders were guarded by the tax brigades to prevent smuggling. They did a daily and nightly patrol between their respective stations along France's landed borders and employed boats to patrol the coastlines.<sup>35</sup> The surveillance system thus established however, was by far not effective enough to prevent cross-border smuggling. Instead, the surviving evidence reveals that such activity was ubiquitous. In the case of Asian textiles smuggled from abroad, a pattern emerges, which allows us split such activities into two broad geographic regions.

### ***The Eastern and South Eastern Routes***

Roussel's account tallies with other surviving documentation in finding that a great part of the smuggling was concentrated in the east and especially south east of France. The wooded mountainous regions between Geneva and Grenoble were a particular favourite, as were those north and south of this point, with the small community of Barcelonette in the Ubaye valley, close what is now the Italian border and Turin, figuring prominently. The Provence was in fact a smuggling hotspot, not only via its Alpine eastern borders, but also via its ports, in particular Nice and Marseille. Further north, thanks to the inconsistencies in the French customs regime, Alsace, the Dauphiné, and the Franche-Comté were infamous for their cross-border activities. These provinces were not part of the customs union of the

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<sup>34</sup> ANOM: C2 285 fols 128-35 ('Mémoire: Introduction frauduleuse des Indiennes, Mousselines et Caffés par M. Roussel, Juillet 1757').

<sup>35</sup> For a brief overview of the details of these operations see emanuel Hepp, 'La contrebande du Tabac au XVIIIe siècle', in Marie-Hélène Bourquin and Emmanuel Hepp, *Aspects de la contrebande au XVIIIe siècle* (Paris : PUF, 1969), pp. 39-89 (60-65).

*Cinq grosses fermes* of central France. Instead the *provinces réputées étrangères*, such as the Dauphiné, Franche-Comté, Languedoc, and Brittany, were each a separate entity with customs barriers between each other and the *Cinq grosses Fermes*. More usefully for smuggling were the *provinces à l'instar de l'étranger effectif*, like Alsace, and Lorraine, which, like some of the free ports, were able to trade freely and without any hindrance with third countries, but paid duties on entry to France [see image]. Apart from Alsace and Lorraine, these also included the smaller neighbouring region of the Three Bishoprics as well as the small *pays de Gex*, close to Geneva made famous by Voltaire's later residence there in Ferney. Not only did these regions conserve certain privileges concerning taxation, they also maintained a strong sentiment of independence and smuggling was rife all across them.<sup>36</sup> Since Alsace and Lorraine and the smaller neighbouring regions of the Duchy of Bar, and the Three Bishoprics were, due to their status, not included in the prohibition of any textile, their illegal cross-border commerce with France flourished: Lorraine citizens or French subjects adopting false Lorraine names would bulk buy cotton goods in Switzerland and then stash them close to the borders with the Champagne and Franche-Comté regions. Similar entrepôts were created in Alsace and the Three Bishoprics who had a flourishing free trade in textiles with Germany and the Netherlands. This practice was so common and so well known that a ruling of 1768 expressly forbade the storage of 'any painted or dyed textiles, white cottons, muslins, any type of fabric or hosiery' within two leagues of the French borders.<sup>37</sup>

Provence, which, having adopted them into its regional costumes and fabrics, maintains its love for printed cottons to this day, was another region infamous for its smuggling. Apart from its mountainous eastern borders, a main source were its Mediterranean ports, Nice and Marseille in particular, as well as the smaller fishing harbours along the Marseillaise coast. Marseille, to which we will return in the context of the Levant trade, remained a major source of printed and painted cottons throughout the entire period and—much to the chagrin of Roussel and the *fermiers*—its municipal authorities actively obstructed attempts by the tax authorities to clamp down on smuggled cotton goods.<sup>38</sup>

Many, if not most, of the textiles smuggled across France's eastern land borders however, made their way in via what is now Switzerland and Savoy—then independent territories—and from thence towards Grenoble or Lyon, so that the inspector of manufacturers in Grenoble alone could report the seizure of first 132 bales of printed cottons, muslins, *écorces d'arbre* and other illegal textiles on the borders of Savoy in January 1709 and, just over a year later in February 1710 of another 189 pieces of muslin and 134 pieces of painted cottons.<sup>39</sup>

Knowing *where* these fabrics entered French territory is not the same as knowing *how* they did so. Once again Roussel proves a useful source. His account complements Ferrer's careful study of smuggling across the Franche-Comtois border and the famous stories of Louis Mandrin whose exploits, so well known to the French public, will soon also be accessible to the Anglophone public with Kwass'

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<sup>36</sup> André Ferrer has produced the best study to date of the smuggling practices in the Franche-Comté region: *Tabac, Sel, Indiennes: Douane et contrebande en France-Comté au XVIIIe siècle* (Besançon: Presses universitaires franc-comtoises, 2002). Ferrer remains exceptional, as, even though similar accounts exist for other regions, these tend only to treat the ubiquitous smuggling of salt and tobacco. However, see Katsumi Fukasawa, 'Commerce et Contrebande des Indiennes en Provence dans la Deuxième Moitié du XVIIIe siècle,' *Annales du Midi*, vol. 99 no 178 (1987), 175-192, which however focusses only on the period after the prohibition. For slightly more general studies, see Marie-Hélène Bourquin and Emmanuel Hepp, *Aspects de la contrebande au XVIIIe siècle* (Paris: PUF, 1969) and the less scholarly André Besson, *Contrebandiers et Gabelous* (Paris: France-Empire: 1989).

<sup>37</sup> AN: AD XI 52: 'Arrest du Conseil d'Etat du Roi' 22 June 1768. Again, what was at stake at this date was no longer the introduction of goods illegal as such but the saving of tax, however the mechanisms involved would have been the same in both cases.

<sup>38</sup> ANOM: C2 285 fols 128-35.

<sup>39</sup> Letters of David, inspecteur des manufactures à Grenoble, in the minutes of the Council of Commerce: AN: F<sup>12</sup> 55 fols 136 and 218 (Conseil et Bureau du commerce: procès-verbaux, journal, délibérations. 1700-1791).

forthcoming study.<sup>40</sup> Representing the French tax and customs authorities, Roussel predictably downplays the role of corruption as a way of smuggling goods across borders, but even he cannot deny the sums involved, concluding rather disingenuously: ‘The risks that the merchants run when they have considerable quantities of muslins enter are so great that they can easily tempt the [tax and customs] employees with a rather hefty sum to convince them to betray their duty, but we do not think that this is the means which those committing the fraud most often use.’ Instead, Roussel blames *colpoteurs* and armed gangs. The most famous of the latter of course, was Louis Mandrin’s force. In the mid- 1750s this French Robin Hood figure led his small army of about 300 well-organised brigands out of Switzerland and Savoy into France, mainly the Dauphiné and Franche-Comté, organising veritable fairs on the way selling especially tobacco and cotton goods and amusing the population by force-selling smuggled tobacco to the hugely unpopular tax authorities themselves. Betrayed by two of his own men, Mandrin was kidnapped from his refuge in Savoy and executed in France, but his legend and popularity continued.<sup>41</sup>

Certainly the largest and most famous, Mandrin’s was not the only armed smuggler band. Though on a smaller scale such gangs proliferated and, when caught, were harshly dealt with: long before the advent of Mandrin, the Royal declaration of July 1723 put the death penalty on all who gathered in armed groups of five or more to smuggle goods. Those who did so in smaller numbers were to be sent to the galleys for three years, unarmed smugglers would have to pay two hundred livres of fines and should they fail to pay the said amount within the month they were to be sent to the galleys for five years, whilst women were to be whipped.<sup>42</sup> Only six years later a new and more severe declaration was made, since, as the preamble stated, the orders previously given had failed to repress the excessive fraud and contraband; and yet another such declaration followed in 1756.<sup>43</sup> The severity of such punishments becomes more understandable when put into context of the fragility of the brigade’s response, which exposed not only the danger these officials found themselves in but also the incapability of the French state to protect its borders, for after all, how would a group of 27 men, as that led by two officers close to Grenoble in the autumn of 1708 stand up to a band of 100 armed smugglers attacking them?<sup>44</sup>

Armed cross-border smuggling thus continued but Roussel was wrong in another respect: in numerous cases smuggling was not only tolerated but also helped and even personally conducted by tax officials, as was the case in Lorient. To stay in the east however and to give but one example: in April 1751 the commission established in Valence, in Dauphiné, to repress smuggling, pronounced the death penalty to Bernard Gaillard, who, as captain of the tax brigade (*Capitaine Général des Fermes*) in Dauphiné, had smuggled goods from Savoy to Lyon as part of a society of smugglers.<sup>45</sup>

In most cases, and here Roussel’s account tallies with Ferrer’s analysis, smuggling was unarmed and avoided potential confrontations by either bribes or taking flight. Roussel’s examples perfectly illustrate the usual operations of smuggling. He stresses the importance of *colporteurs* – pedlars being a rather

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<sup>40</sup> Michael Kwass, *Louis Mandrin: Globalization, Smuggling, and Rebellion in Eighteenth-Century France* (Harvard University Press, forthcoming).

<sup>41</sup> On Mandrin, apart from Kwass, see especially Marie-Hélène Bourquin, ‘Le Procès de Mandrin et la Contrebande au XVIIe Siècle’, in Bourquin and Hepp, *Aspects de la contrebande au XVIIIe siècle*, pp. 3-37; Hans-Jürgen, Lüsebrink, ‘Images et représentations sociales de la criminalité au XVIIIe siècle: l’exemple de Mandrin,’ *Revue d’histoire moderne et contemporaine* 26 (1979), 345-364; and Ferrer, *Tabac, Sel, Indiennes*, pp. 219-236.

<sup>42</sup> AN: AD XI 30: ‘Déclaration du Roy [...] Donnée à Meudon le douze Juillet 1723’.

<sup>43</sup> AN: AD XI 30: ‘Déclaration du Roy [...] Donnée à Versailles le 2. Aoust 1729’ and ‘Déclaration du Roi, concernant les Loix pénales contre les Contrebandiers. Donnée à Versailles le 30 mars 1756’.

<sup>44</sup> The instance is reported by the *premier président* of the Grenoble *parlement* to the Controller General in a letter dated 21 September 1708 in *Correspondance des Contrôleurs généraux des Finances avec les Intendants des Provinces*, ed. by A. M. de Boislisle, 3 vols (Paris: Imprimerie Nationale, 1874-1897), III, 55 (no 168)

<sup>45</sup> AN: AD XI 30: ‘Jugemens souverains de la Comission du Conseil Établie à Valence en Dauphiné des 16 Avril 1751 & 17 mars 1752’.

inadequate translation – who would either wander across the densely forested mountainous borders at night and hide the goods for others to pick up later, or they would transport them hidden along with legal cargo, such as in the seized calfskins. Apart from the usual overland smuggling, Roussel also notes particularly creative uses of river transport, where textiles were not only hidden under bundles of kindling or hay, but also stashed in water-tight leather spheres attached to the underside of boats.

The route across France's eastern and especially south-eastern borders was thus one particularly often taken by smugglers, but it was not the only one. Another broad geographic focus of smuggling were France's northern and north-eastern borders.

### ***The Northern Route***

We have already seen that Brittany, due to its French East India Company connections was a region well saturated with Asian textiles. However, the French Company was not the only one whose goods were smuggled into the country there. Like the south-eastern land border, France's northern and western coastline was a hive of smuggling activity. Given the huge imports of Indian cottons by the British East India company, and the roaring appetite for them in France, it is little wonder that these frequently made their way across the channel. The cases documented and discussed in the minutes of the French Council of Commerce give us a good idea about the mechanisms involved. Judging by these cases, it would seem that such smuggling was often simply a profitable moneymaking opportunity on the side and not a cloak and dagger affair conducted in quiet coves at midnight. Most of the ships referred to in these documents had docked quite openly in French ports, often carrying other merchandise or indeed mainly passengers, thus, ships from which smuggled goods including Indian textiles, both muslins and chintzes, were seized included an Irish ship that arrived in the Breton port of Paimboeuf on 28 January 1713, an English brigantine under the command of a Thomas Stiff which had docked in Calais in 1723, and a passenger ship commanded by another Englishman by the name of Keene in September 1736.<sup>46</sup>

Passenger ships seem to have been a particular problem and in 1717 the Council thus gave the *Fermiers* the order to continue to search those arriving from England to ensure that they didn't bring in forbidden goods.<sup>47</sup> Indeed quite another problem was that the passengers on the ships arriving in the French ports of Le Havre and Dieppe stepped on French soil actually wearing printed calicos, which of course made any seizure decidedly awkward.<sup>48</sup>

Another option was the use of the Channel Islands as entrepôts: already in 1688 an obviously disgruntled merchant from Morlaix in Brittany wrote to the Controller General to inform him that French ships brought in a number of illegal foreign textiles which they went to pick up from Jersey or Guernsey, a complaint repeated decades later by merchants from Rennes in 1726.<sup>49</sup>

Britain however, was not the only, probably not even the main provider of Indian cottons smuggled into France: the Dutch East India Company seems to have been as much of a provider and smuggling across what is now the Belgian border was rife. Hence, the situation in French Flanders, particularly in Lille and Valenciennes, was such that the intendant there wrote to the Council to inform them that the orders to

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<sup>46</sup> AN : F<sup>12</sup> 58 fols 112 (Conseil et Bureau du commerce: meeting of 17 February 1712: Letter by M. Ferrand, intendant in Brittany on the chintzes and muslins found onboard an Irish ship); for another seizure at Paimboeuf in 1716 see also F<sup>12</sup> 59 fols 221 (meeting of 12 November 1716). F<sup>12</sup> 71 p. 184 (session of 1 July 1723 : English Brigantine at Calais). F<sup>12</sup> 83 p. 530 (session of 6 September 1736: Passenger ship commanded by the English Capitain Keene).

<sup>47</sup> AN : F<sup>12</sup> 62 fols 81 : (Conseil et Bureau du commerce: meeting of 17 June 1717).

<sup>48</sup> AN: F<sup>12</sup> 83, p. 553: (Conseil et Bureau du commerce: meeting of 13 Sept 1736).

<sup>49</sup> Le Sieur de Villehay, marchand à Morlaix to the Controller General dated 3 July 1688, in *Correspondance des Contrôleurs généraux I*, 157 (no 601) ; Depitre, *La Toile peinte*, p. 91.

clamp down on the wearing of printed and painted fabrics would be impossible to enforce, since the cities of the region had been under Dutch influence for so long that almost all women wore nothing but such fabrics and that a total ban would ruin a great number of people.<sup>50</sup>

Finally, there was also a semi-legal way to import printed cottons to the north of France, and that was the slave trade. Nantes was one of the centres of the French slave trade, which was dependent on Indian cottons, both to clothe the slaves and to pay for them. And since the slave trade was important to the French economy, import permissions were granted, as in 1719 when the council of Commerce permitted Nantois 'merchants' to import Indian cottons, namely cassas or basins, from the Netherlands as they needed them for the slave trade in Guinea.<sup>51</sup> Such an opportunity could easily be exploited for fraud and smuggling. It is doubtful whether those dealing in slaves always sought official permission to import such textiles first, nor that they then exclusively used them for such purposes and not to sell them on within France. Why after all quibble about the trade of a few textiles when you had no qualms trading in human lives?

### ***North or East?***

All in all it is at this point impossible to give any quantitative estimate of whether the northern or the eastern route was more important in the illegal importation of Asian cottons into France. Many surviving documents seem to stress the importance of the east, a notion confirmed by the placement of the first tribunal in Valenciennes and the frequency of references to smuggling there in both the correspondence of the Controllers general and the meetings of the Council of Commerce. A letter by the farmer general at Lyon to the Controller General of December 1701 is worth quoting at length because it reveals the how astonishingly routine and professional smuggling had become across these borders at such an early date already:

I have felt it was my duty to inform your Grace that more contraband merchandise than ever enters our city, despite the attention that we pay to watch out for this and which we have had to prevent it by setting up two boats on the Saône at the two ends of the city, a mounted brigade at Heyrieux, and two men to chain up the ships on the Rhône every evening. There are fifty poor and dishonourable people in this city who have no other employ but to band together in armed and mounted groups of ten, twelve and fifteen, to accompany such goods which they pick up in Pont-de Beau-Voisin [a small town on the edge of what are now the Savoy and Isère departments, south east of Lyon], Savoy, and other places, and bring them back right into the suburbs of this city, where they store them and then bring them into the city by a thousand stratagems and with the help of an infinite number of openings along the ramparts of the Rhône and the city walls. These bandits hire themselves out for food and one Louis d'or per journey to five of six gang leaders who insure the merchandise for the merchants for an average of 20 %.<sup>52</sup>

The astonishing level of professionalization involved in the smuggling that would even include product insurance gives us an idea of what its scale must have been. What this letter also confirms, is that most textiles which came through the eastern and south-eastern route made their way from Savoy and Switzerland to Lyon first – especially in the case of muslins which could then be declared and openly and legally transported throughout France – but sometimes also directly to Paris.<sup>53</sup> Chintzes, at least during the period of prohibition had to be kept concealed throughout, as they were liable to be seized at any customs barrier or inspection.

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<sup>50</sup> AN: F<sup>12</sup> 58, fols 260-63 (Conseil et Bureau du commerce: meeting of 27 April 1714).

<sup>51</sup> AN: F<sup>12</sup> 65 p. 264 (Conseil et Bureau du commerce: meeting of 1 September 1719).

<sup>52</sup> Legendre, Fermier Général à Lyon to the Controller General dated 10 December 1701, in *Correspondance des Contrôleurs généraux* II, 96 (no 346).

<sup>53</sup> See also Ferrer on this Switzerland-Paris link in textile smuggling: *Sel, Tabac, Indiennes*, pp. 193-95. Rousset emphasises in particular the link between Geneva, Grenoble, and Lyon.

There is however a problem with our account of how Indian textiles reached France: we have no idea whether these textiles were in fact Indian. Whilst Geneva undoubtedly was, as Roussel points out, an important entrepôts of Indian textiles acquired at the Dutch and English auctions, Switzerland was also an early centre of cotton printing and spinning itself: Haudrère in his analysis of the major buyers at Lorient auctions clearly reveals Geneva as the most important locus of foreign buyers, and undoubtedly many of the white goods bought were not only smuggled back into France as they were but also printed and painted first. Switzerland had been one of the destinations for the – mostly protestant – calico printers' exodus after the revocation of the edict of Nantes and the prohibition of calico printing (1685 and 1686 respectively). Oberkampf himself, who would later follow the very same practice of buying Indian muslins in Lorient and London for printing in his own works, learnt his trade at his father's textile-printing workshop in Switzerland, where both cotton printing and spinning flourished in the eighteenth century.<sup>54</sup> Since all printed and painted fabrics, regardless of their origin were labelled *toiles peintes* or *indiennes* by contemporaries, we have no way of differentiating between Asian imports and European imitations. In all likelihood this was true not only for the goods brought in via France's eastern borders: printing on linen and cotton also flourished both in the Netherlands, where it had first taken root in the later sixteenth century and in Britain, where it was permitted as long as the fabrics were not cottons. And whilst muslins could not be properly imitated in Europe until the mid eighteenth century, we have no way of knowing whether the printed textiles smuggled into France were printed in Asia or in Europe. This then is the point where these textiles become troublesome for the historian, too. When it comes to popular usage in France, we cannot distinguish between global and local goods, which in itself is an important aspect to bear in mind. A similar confusion between local and global, between Asian-imported and European-made printed cottons applies to the third source of importation: Marseille and its Levant trade.

### ***1 c) Marseille and the Levant trade***

Thanks to Katsumi Fukasawa's work, we have detailed information about the French Levant trade in cotton textiles. Due notably to the knowledge and intervention of communities of Armenian merchants, calico printing in the Indian manner, that is with the right dyes and mordents to make textiles colourfast, had been well established in Asia minor by the sixteenth century. Simple printed cottons in two colours called chafarcanis and principally produced in Diyarbakir in eastern Turkey and exported to Marseille in large quantities via Aleppo, were, as not only the name but also the qualities, patterns, and techniques prove, most likely imitations of the Gujarati jafraicanis described by Roques.<sup>55</sup> Apart from these printed cottons, Marseille was also a large importer of white Levantine cottons, which it used either for its own printing workshops or, as another regional speciality, quilted them and sold them mainly as bed covers and blankets.<sup>56</sup>

It was again Armenian merchants who brought at least some of the secrets of this printing technology to Europe, when the first calico printing workshops were established in Amersfoort in the Netherlands and in Marseille. The latter case has been the subject of intensive study by Olivier Raveux, thanks to whom we know a great deal about the early calico printing business in Marseille, which took off from

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<sup>54</sup> S.D. Chapman and S. Chassagne, *European Textile Printers in the Eighteenth Century: A Study of Peel and Oberkampf* (London: Pasold and Heineman Educational, 1981), pp. 113-15 and 130-31.

<sup>55</sup> Katsumi Fukasawa, *Toilerie et Commerce du Levant au XVIIIe siècle. D'Alep à Marseille* (Paris : Éditions du CNRS, 1987), pp. 37-69 and 'De l'Inde au Levant : routes du commerce, routes des indiennes', in *Le Goût de l'Inde*, pp. 34-43.

<sup>56</sup> See Gaston Rambert (ed.), *Histoire du Commerce de Marseille*, 7 vols (Paris : Plon, 1749-66), VI, 514 on these quilts and Katsumi Fukasawa, 'Commerce et Contrebande des Indiennes' on the importance of white cotton goods.

1648 onwards.<sup>57</sup> This production co-existed with increased imports of Levantine cotton goods, both white and printed, and printing continued for some years after the official prohibition of 1686, with Marseille insisting on its special status as a free port.<sup>58</sup> Whilst printing was subsequently clamped down on, Marseille's merchant elite managed to have its special status enshrined in law: a ruling of 13 July 1700 permitted Marseille to import printed Levantine cottons, though these had to be kept securely stored and were to be used strictly for export only. White Levantine cottons however, were allowed to be imported, quilted and sold to the rest of France. Another ruling of 12 April 1701 forbade the usage of all printed cottons from the Levant, and insisted that those brought back as return cargo had to be kept under lock and key and re-exported. However, after complaints by the Marseille merchant lobby, another ruling of 10 July 1703, whilst strictly forbidding the import of any textiles from India, again permitted in the free port and territory of Marseille the import, commerce, and usage of all cotton textiles that came directly from the Levant, be they white, striped, or printed. It is unnecessary to point out what a great pretext for all kinds of fraud this made. Some later legislation again changed Marseille's privileges somewhat, especially after the outbreak of the plague that was directly linked to the import of Levantine cottons since it arrived on a ship carrying these goods that were so precious that pressure to cut short any quarantine measures and disembark the merchandise prevailed with disastrous consequences. Despite this temporary setback Marseille remained a smuggling hotspot for Asian cottons.<sup>59</sup>

The example of Marseille demonstrates most strongly how troublesome these textiles are for the historian, too. We have no way of knowing if the printed cottons that proved Mistress Chastel's downfall were Indian or Levantine in origin and whether they were printed in India, the Levant, or Europe. All we know is that if they were not Asian in origin, they certainly would have aspired to appear Indian, which remained the benchmark for highest quality until the very end of the eighteenth century.<sup>60</sup>

An added complication that we find with the case of Marseille is that it was also a centre for cotton printing, even, at least for a short while, after the prohibition of printing textiles in France. Thus we encounter the second aspect of the quadruple prohibition: the production of printed goods in France. Despite a fairly thorough application of the prohibition in this respect, some printing continued. Fabrication within France could therefore have been another origin of the demoiselle's clothes.

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<sup>57</sup> Olivier Raveux, 'The Birth of a New European Industry: l'indiennage in Seventeenth-Century Marseille,' in Giorgio Riello et Prasanna Parthasarathi (eds), *The Spinning World: A Global History of Cotton Textile, 1200-1850* (Oxford: Oxford University Press, 2009), pp. 291-306; and 'Innovation et transferts de technologie dans l'industrie textile européenne du XVIII<sup>e</sup> siècle: l'exemple de l'indiennage à Marseille,' in Christophe Bouneau et Yannick Lung (eds), *Les dynamiques des systèmes d'innovation: logiques sectorielles et espaces de l'innovation*, (Bordeaux: Maison des Sciences de l'Homme d'Aquitaine, 2009), pp. 103-116; and 'Les Arméniens et la Méditerranée, médiateurs techniques entre Orient et Occident dans l'indiennage au XVIII<sup>e</sup> siècle,' in *Le Goût de l'Inde*, pp. 44-51. On the crucial role of Armenian merchant networks more widely, see especially: Sebouh David Aslanian, *From the Indian Ocean to the Mediterranean The Global Trade Networks of Armenian Merchants from New Julfa* (Berkeley: University of California Press, 2011) and Ina Baghdiantz McCabe, *The Shah's silk for Europe's silver: the Eurasian trade of the Julfa Armenians in Safavid Iran and India (1530-1750)* (Atlanta: Scholars Press, 1999).

<sup>58</sup> Rambert, *Commerce de Marseille*, V, 512-13.

<sup>59</sup> Depitre, pp. 48, 52, 60-61, 68, 72, 85, and 87-9; Rambert, vol. VI, 512-15.

<sup>60</sup> This is still the quality all European cotton goods are said to aspire to in the *Encyclopédie* and it is the standard by which Oberkampf measured the quality of both the weave and the dyes. In his article 'Toiles peintes imitées des indiennes qui se fabriquent en Europe', Sauvage remarks that 'these are made in several places in Europe but the most beautiful come from Persia and the East Indies. (Denis Diderot et Jean le Rond d'Alembert (eds.), *Encyclopédie, ou, Dictionnaire raisonné des sciences, des arts et des métiers*, [...] 28 vols (Geneve, Paris, Neufchastel: Chez Briasson and others, 1754-1772), XVI 374-79, p. 374). On Oberkampf see Chapman and Chassagne, pp. 147, 154-61.

## II) *Production in France*

### II a) *Illegal printing*

Whilst the suppression of the introduction of Asian cottons was thus spectacularly unsuccessful, that of printing within the country seems by contrast to have been fairly effective. Several delays were accorded in the early years of the prohibition, notably to allow the French East India company to have its white cottons printed (Arrêts of 8 February 1687 and of 17 May, 14 August, and 30 November 1688). However, on 1 February 1689, the King's council announced that the delays had run their course and that measures were now to be implemented in full which, since the ban on printing was total and included also printing on linens and other fabrics, meant that all printing blocks were to be destroyed, thus ensuring the effectiveness of the prohibition.<sup>61</sup>

In the early years of the prohibition, quite some illegal printing seems to have occurred. Indeed, the the *Conseil d'Etat* noted in March 1693 that despite the prohibition 'several sellers and workers have continued the selling and production [of printed cottons] and still bring in printed and painted cottons from foreign countries on a daily basis and that other merchants are currently having linen fabrics printed and painted in secret and hidden places due to the ease with which they can sell them.' More than four years later, it again had to record that illegal printing was taking place, mostly on linen and hemp, on the pretext that printing on linen and hemp had not been expressly forbidden – which in fact it had.<sup>62</sup>

There is evidence of several raids on illegal printing workshops, especially in the early years of the prohibition which were always accompanied by the seizure and destruction of the printing blocks. And whilst, as Depitre notes, the ban on printing was generally well implemented and adhered to and that both the number and importance of clandestine printing workshops was probably small,<sup>63</sup> there were periodic discoveries of illegal printing activities throughout the country, long after the prohibition was put into place. Thus, in September 1747 the tax brigade in Vendôme, a city south-west of Paris, between Orléans, Tours, and Le Mans, went into the home of two unmarried ladies by the names of Liesse and Duperray. There they seized not only printed and painted textiles but also printing blocks and seven sacks of the necessary dyestuffs, including iron fillings, indigo, ash, *blanc d'Espagne*, and arsenic. Since the officers also found four pieces of waxed fabrics, this, together with the presence of indigo, shows that women in question employed the technique of resist dyeing.<sup>64</sup> Indeed, together with four pieces of lemon coloured cloth, the seized items also included a courtépointe, a quilted piece, usually a counterpane, with blue flowers on a white background. Not quite what Mistress Chastel had worn two decades previously, but perhaps not dissimilar.<sup>65</sup>

Thus illegal production in France continued, albeit on what was probably a very limited scale. Where it existed, it frequently hid itself in the so-called 'lieux privilégiés', which also played a crucial role as

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<sup>61</sup> 'Arrests du Conseil d'Etat du Roi' dated 8 February 1687, 17 May 1688, 14 August 1688, 30 November 1688, and 1 February 1689 in BNF Ms. Fr. 21 778 and 21780 (Collection Delamare) and Depitre, pp. 36-42.

<sup>62</sup> 'Extrait des Registres du Conseil d'Etat' dated 3 March 1693 and 3 December 1697 in BNF: Ms. Fr. 21 780 (Collection Delamare).

<sup>63</sup> Depitre, pp. 133-135.

<sup>64</sup> On the development of the technique of resist dyeing in Europe, which was first documented in the early eighteenth century, see Serge Chassagne, 'Calico Printing in Europe before 1780', in *The Cambridge History of Western Textiles*, ed. by David Jenkins, 2 vols (Cambridge: CUP, 2003), I, 513-27 (pp. 515-16).

<sup>65</sup> The details taken from the officials' procès-verbal of 11 September 1747 are recapitulated in an 'Arrêt du Conseil d'État du Roy' dated 30 June 1748. AN: AD XI 52.



entrepôts of smuggled goods and which will be discussed in more detail below. In most cases, however, it was preferable to import printed fabrics, which could be more easily hidden away and were more mobile than all the articles necessary for printing and dyeing. However, in some cases it was actually legal to print textiles in France even during the prohibition and there printing and dyeing flourished.

## ***II b) Legal printing and dyeing***

There were two ways in which printing could be legal within the French borders, even during the prohibition: it could take place either in exempt regions or it could be conducted with a government privilege.

### ***Exempt Regions***

Two main chintz-producing and importing cities were exempt from the government legislation: Mulhouse and Avignon. Mulhouse and some of its surrounding land was in fact a small protestant republic situated within France but independent of it and hence also not touched by its textile legislation. Conserving very close ties to the neighbouring Swiss confederation, where textile printing was well established, calico printing first began in the city in 1747 and both the patterns and the customer base closely followed the example of Neuchâtel, which, together with the rest of much of the Swiss production was undoubtedly much smuggled into France itself.<sup>66</sup> However, since manufacturing there began only a good ten years before the lifting of the prohibition in France, it will not, at least by its production, have made as much of a difference to the availability of printed Asian-style fabrics in France, as Avignon would have. When it came to smuggling, this was, of course, a different story.

Avignon held a special status for slightly different reasons. The city and the surrounding region including Orange and Carpentras formed part of the *Comtat Venaissin*, an exclave, which since the later Middle Ages belonged to the Papacy and was thus not subject to French taxation and customs restrictions. Avignon was a centre of both textile production and of commerce being situated between the trade routes of the Languedoc and Provence. Adding to its well-established silk industry it also began to produce chintzes from the late seventeenth century onwards. After the first workshop opened in 1677, fourteen more followed between 1680 and 1734 and as an importer of chintzes on top of it, the city became a hub for the smuggling of printed and painted textiles into France.<sup>67</sup>

As we might expect, the French monarchy sought to clamp down on this, and a concordat with the Papacy was signed in March 1734 in which the papal government agreed to forbid the painting and printing of any textiles, the production or possession of any printing blocks, as well as any commerce in chintzes in the Comtat against the payment of an indemnity of 180,000 livres. However, whilst this

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<sup>66</sup> On the development of calico printing in Mulhouse see Isabelle Bernier's excellent and exhaustive study *Négoce et Industrie à Mulhouse au XVIIIe siècle (1696-1798)* (Toulouse: CNRS and Université de Toulouse le Mirail, 2008). On the links to Neuchâtel and Swiss models, see especially pp. 104-121. For a shorter and older overview in English see Elisabeth Albrecht-Mathey, *The Fabrics of Mulhouse and Alsace (1750-1800)* (Leigh-On-Sea: F. Lewis, 1968).

<sup>67</sup> Madeleine Ferrières, *Le Bien des Pauvres: La Consommation Populaire en Avignon (1600-1800)* (Seyssel: Champ Vallon, 2004), pp. 228-31. See also: Hyacinthe Chobaut, 'L'Industrie des Indiennes à Avignon et à Orange', *Mémoires de l'Académie de Vaucluse* III (1939).

On the importance of Indian textiles smuggled out of the Comtat see the deliberations of the Council of Commerce on the measures to be adopted in the face of the great quantity of *indiennes*, muslins, and tobacco held by merchants from Orange in AN: F<sup>12</sup> 78 p. 677 (Conseil et Bureau du commerce: session of 30 August 1731) and the Instructions sent to the *commis des fermes* concerning an order given to prevent the introduction into France via Avignon of muslins, *indiennes*, and *toiles peintes* which were arriving in Orange: F<sup>12</sup> 79 p. 174 (Conseil et Bureau du commerce: session of 21 February 1732).

heralded the end of the legal printing in Avignon, smuggling seems to have continued unabated regardless.<sup>68</sup>

### ***Government permissions and privileges***

There was a second way in which printing could be done legally in France, and that was with official government permission. Such permissions were, however fairly rare and occurred largely only during the early and very late periods of the prohibition.

In the early years of the prohibition some printing continued. Some of this was due to lobbying by the French East India Company which feared that a sudden end to all printing would be lethal to its profits. Thus it managed to have a ruling passed in 1687 that permitted it to have the white fabrics it sold at auction in October 1686 printed, largely to bring this in line with its permission to sell Indian printed and painted Cottons that would arrive before 31 December 1688.<sup>69</sup> Slightly more lasting was the privilege accorded to the Grand Prieur in Paris to print certain fabrics which became the subject of a lengthy memorandum to the Council of Commerce.<sup>70</sup> As a free port, Marseille claimed to have a government privilege as well and continued its printing for several years after the official prohibition and some printing seems to have taken place there throughout much of the period in question.<sup>71</sup>

Much of the early inconsistencies which allowed some printing to continue were ironed out fairly quickly and opportunities only opened up again at the very end of the prohibition, from the late 1740s and early 1750s onwards, when the government began to permit certain types of dyeing as well as accord privileges for specific workshops. Many of the later French calico printing businesses originate from the period. Once again Serge Chassagne provides the best overview. Early attempts to obtain privileges were unsuccessful. Jean-Rodolphe Wetter, the same Wetter who was later to set up the famous works at Orange and who had been established as a textile printer – for export only – in Marseille since the 1730s, was refused a patent on calico manufacture by the Council of Commerce in 1744, since, as they said, printing was not restricted in the city. Claude Julien from Avignon sought permission to print handkerchiefs, tablecloths and serviettes in 1746 and was supported in this by the Academie Royale's Hellot, the Government inspector for dyeing. Finally, after initial rejection in 1749, the Danton brothers from Angers, supported by Vincent Gournay, obtained permission to dye in blue local cloths – linens, no cottons of course – from Anjou. All of this heralded a general easing of the restrictions and in 1753 the *Bureau de Commerce* permitted resist dyeing. Several more workshops sprang up all over France as a consequence, including Cottin's works at the Arsenal in Paris established in 1754, which were later to employ Oberkampf on his arrival in Paris.<sup>72</sup>

Resist dyeing was not the same as printing of course, but it was a slippery slope and could certainly produce many of the simple two-coloured calicoes popular with the lower and middle classes. It also opened up a wide room for confusion and thus both for the circulation of similar illegally imported goods and for the unjustified seizure of actually permitted goods. Thus, on 10 November 1756, the customs officials of Lyon, seized several fabrics from a local merchant who had received a bale of textiles from Paris which he stated were all resist dyed, or *teintes à la reserve*. The packet did indeed contain some pieces that answered to that description and he was allowed to send on nine pieces of

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<sup>68</sup> Ibid. and Depitre, pp. 96-7.

<sup>69</sup> BNF: Ms FR 21780 (Collection Delamare): 'Arrest du Conseil d'Etat' dated 8 February 1687.

<sup>70</sup> AN : F<sup>12</sup> 51 fols 116 : (Conseil et Bureau du commerce: meeting of 6 May 1702). See also Depitre, *La Toile peinte* who cites another representation on the matter to the council in the same year held in F<sup>12</sup> 1403.

<sup>71</sup> On the role of Marseille in the early prohibition see Depitre, pp. 47-90 and Rambert, V, 512-15.

<sup>72</sup> Chapman and Chassagne, pp. 106-08, Chassagne in *Cambridge History*, pp. 522-23. Specifically on the early factory of Tournemine in Angers established by Danton and Moreau in 1752, see Chassagne, *La Manufacture de toiles imprimées de Tournemine-les-Angers (1752-1820)* (Paris: Klincksieck, 1971)

cloth that were resist dyed with white flowers. Another nine pieces however were seized: of which two with white grounds and blue and red flowers, one with red ground and red flowers but coloured only on one side – hence not resist dyed which would require total immersion - , and another six two-coloured without any white resist ground to show for themselves. Despite the lead mark attached to eight of the nine stating that these came from Cottin's factory in Paris, the officers decided that these fabrics were printed and painted rather than resist dyed and seized them.

Grey zones such as this only occurred mainly at the very beginning or end of the prohibition, first, when the East India Company was allowed to empty all its stock and the later before the ban on printing was officially lifted. For the greatest part of the period printing was illegal throughout France except in the exempt regions, which, however, were officially forbidden from sending on their goods into France – not that that seems to have stopped them.

Now that we have comprehensive idea were fabrics such as those worn by the demoiselle Chastel would have originated, we need to turn to the question of how the individual consumer would have been able to acquire them, or, to follow the logic of the legislation, we need to turn from the prohibition of importation and production, to the ban on commerce and retail.

### **III) Once inside France: Internal Circulation and Retail**

The French authorities had two broad options to stop merchants and smaller retailers from selling illegal Asian cottons or their European imitations in France: they could intercept them on their way to the merchants, i.e. disrupt the internal circulation of the goods in France, or on their way to the customer, i.e. the actual retail process. Both operations as well as that of arresting individuals in the possession of or indeed wearing those fabrics were again the task of the *commis des fermes*, the tax and customs officials we have encountered before, but for clarity's sake they will be treated separately here.

#### **III a) Internal circulation**

France, unlike its neighbour across the Channel was not a unified tax zone and on their journey throughout the country merchandise would be stopped, checked, and liable to pay tax. This was another opportunity for the *commis des fermes* to find and seize forbidden goods, in our case either white cottons without the right French East India Company documentation, or any type of printed or painted fabric.

There were three broad opportunities for the discovery of such goods: at the internal tax barriers between provinces of different status and the *Cinq grosses fermes*, at city gates, and by mobile units within the country. At city gates and other custom barriers tax bureaux were installed for the guards to collect duties and to search travellers and their luggage. Such stationary guards were backed by mobile units, either on horseback in the provinces or on foot in the larger cities. Such units would act on tip-offs and search houses, would move in to seize goods or collect the fines when such was decided at the court hearings, and, should they meet anybody who appeared suspicious or seemed to carry much merchandise, they could search any such person, too.

Their most important duty on discovering any illegal merchandise was to draw up a *procès-verbal*, or official statement, which, sworn and witnessed, would form the basis for any following prosecution. It was thus crucial that these followed the correct procedure, for, not unlike today, when any of the details were wrong, prosecutions would fail if the accused could prove that due process was not followed. Thus, the Court of Appeal in Paris could for instance declare void a judgement by which in July 1739 an official in Crecy had been dismissed from his post having been discovered illegally selling and

servicing wine. Even though the facts themselves were very obvious and spoke for themselves, the case was dismissed since the precise formalities of the *procès-verbal* which formed the basis of the prosecution had not been fulfilled – such a document had to name the authority the officers worked for, i.e. the *fermier général* and give full addresses with any names, both their own and that of the tax farmer in question, as well as the correct wording for the oath, etc.<sup>73</sup> To prevent cases such as this, instructions were issued in 1737 to all the officers inspecting fabrics in Paris who were to draw up such statements on finding textiles being smuggled into Paris. To make everything water tight the instructions came with model *procès-verbaux* for all different kinds of seizures.<sup>74</sup>

These internal checks, if they did little to stop any contraband, certainly found a great deal of it. Lyon is again an excellent illustration of this : we have, for the year 1756, what is perhaps not a complete but at least a sizable set the *procès-verbaux* drawn up on the occasion of the seizure of goods which were either illegal per se or falsely declared to avoid tax. 73 in total they give us a good insight into the importance of the smuggling of Asian cottons. Of the 73 seizures, by far the largest category were Indian cottons and their imitations: 35 seizure of *indiennes* and *toiles teintes*, two of Indian kerchiefs, and two of muslins. Seizures of all other smuggled fabrics and garments amounted to only ten cases, and since these included cotton bonnets as well as ‘unknown silks’ and generic ‘silks and velvets’, these may well have included Asian cottons or silk-cotton mixes. Whilst the sample is in all probability is not representative of smuggling overall – whilst it does include spirits, it records no seizures of tobacco, a very frequently smuggled good – it nevertheless gives a fairly good idea of how many such goods must have been in circulation in France even during the prohibition.

### **III b) Retail**

For those who sought to sell illegal Asian cottons the difficulties did not stop with having the goods safely delivered to their respective towns or cities. Once they got hold of the goods, they still had to store and sell them in secret – or at least shielded from the eyes of the authorities. Indeed, retailing was one of the aspects the state tried hard to clamp down on and with some partial success it would seem, at least when it came to actual shops. However, in the seventeenth and eighteenth centuries, shops were still a fairly novel phenomenon and by no means the only retail outlets. Alternatives flourished.

#### **Shops**

Shops continued to sell the prohibited goods for quite a while after the prohibition first came into force and in many cases continued selling was combined with continued printing of the cheaper variety of printed and painted fabrics, which imitated the Asian originals. There is frequent evidence of the retail of printed fabrics in shops in the 1690s and successful visitations and seizures occurred, albeit less frequently, into the 1710s.

A whole variety of shops catered to the whole variety of the fabrics and customers in question. In documented cases of 1693 and 1697 tax officials caught several *marchands merciers*, who, as keepers of the most exclusive shops selling exotic and luxury goods, would certainly have catered to a more distinguished clientele.<sup>75</sup> Serving the most distinguished of all customers – and hence probably selling

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<sup>73</sup> AN : AD XI 30 : ‘Arrest contradictoire de la Cour des Aydes de Paris’ dated 26 August 1740.

<sup>74</sup> AN : AD XI 52: ‘Instructions A Observer’ dated Nov 1737.

<sup>75</sup> BNF Ms FR 21 780 (Collection Delamare) : *Procès verbal* by the *commissaires de la Mare, Boudon, and du Chesne* dated 20 January 1693; ‘*Extrait des Registres du Conseil d’Etat*’ dated 13 July 1697.

On the *marchand merciers* as a guild, on their shops, goods, and retailing practice see particularly Carolyn Sargentson’s work: *Merchants and Luxury Markets: The Marchands Merciers of Eighteenth-Century Paris* (London: Victoria and Albert Museum in association with the J. Paul Getty Museum, 1996), and, for a shorter version, ‘The

the authentic Indian painted fabrics – was a marchand mercier whose stash of goods was discovered in 1705. He kept a shop in Paris, but was also reputed to have another one in Versailles and was doing great business very much in the open when the court was at Fontainebleau.<sup>76</sup>

But the upper end of the scale was not the only one able to purchase Asian cottons or its imitations in shops. More towards the other end of the shopkeeping spectrum were the *fripiers*, the guild of those remaking and reselling second-hand clothing, who, in 1697 were also subject to an order of the king having continued to sell printed and painted textiles having tried to argue that these were old and much worn and would thus not fall under the ban on trade and retail.<sup>77</sup>

The example of the fripiers is telling: shopkeepers used all possible – and usually purely imagined – loopholes in the legislation to find excuses to continue their trade. When, as mentioned above, tax officials went into the shops and houses of several marchands merciers in January 1693 where they found several dresses and pieces of Indian fabrics, this find gave rise to another ruling in March of that year, in which the state council was forced to note that

in spite of the prohibitions [...] several retailers ['marchands'] and workers continue to produce and sell them and that other merchants ['marchands'] are currently having linen fabrics printed and painted in secret and hidden locations, due to the ease with which they can sell such painted fabrics, in using them, as they do, to make furniture and clothing, either as tapisseries, bed covers, rugs, banyans ['Robbes de chambre'] and other similar things, which these merchants and workers then put up for sale, under the pretext that in the aforementioned rulings of the council it has not been expressly forbidden to sell and retail the above mentioned goods made out of chintzes.<sup>78</sup>

Such patently false excuses were in fact quite common: together with the fripiers and the merchants mentioned in the ruling above, the authorities were also faced with those continuing to print on hemp and linen fabrics claiming that they were allowed to do so since the legislation had not specified whether this also touched exclusively new or exclusively used ones and as they were only printing on one or the other, their case was exempt.<sup>79</sup>

Not all of the cases were plain chutzpah however: shopkeepers were indeed faced with a very ambiguous legal situation during the early period of the prohibition, when lobbying for total prohibition by the manufacturers was often overruled by the need of the French East India Company to sell its goods. When a ruling was finally passed on 24 August 1706 that all sales of Asian cottons and other printed fabrics cease immediately and that all those remaining be brought forward to be sent for sale abroad, Parisian Merchants bitterly complained in a letter to the King. The merchants in question had, they claimed, after all only conducted the legal trade in the goods officially and legally sold by the French East India Company, which had previously been specifically encouraged by the king, and permitted by several rulings which they cite.<sup>80</sup>

As a matter of fact, French merchants had for years cleverly exploited the ambiguous legislation: they had augmented their stocks of legally acquired fabrics with others smuggled in from abroad, and had

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Manufacture and Marketing of Luxury Goods: the *marchands-Merciers* of Late Seventeenth and Eighteenth Century Paris,' in Robert Fox and Anthony Turner (eds), *Luxury Trades and Consumerism in Ancien Régime Paris* (Aldershot: Ashgate, 1998), pp. 99-137. For an excellent wider study of luxury trades and retailing in Paris see also Natacha Coquery, *Tenir boutique à Paris au XVIIIe siècle. Luxe et demi-luxe* (Paris: CTHS, 2011).

<sup>76</sup> Letter by d'Argenson to the Controller General dated 8 November 1705, in *Correspondance des Contrôleurs généraux*, II, 283 (no 908).

<sup>77</sup> BNF Ms FR 21780 (Collection Delamare): 'De par le Roy, Extrait des Registres du Conseil d'Etat', dated 14 Decembre, 1697.

<sup>78</sup> BNF Ms FR 21 780 (Collection Delamare): 'Extrait des Registres du Conseil d'Etat', dated 3 March 1693. Cf the Procès verbal above.

<sup>79</sup> BNF Ms FR 21 780 (Collection Delamare): 'Extrait des registres du conseil d'Etat', dated 3 December 1697.

<sup>80</sup> AN: AD XI 41: 'Au Roy, Et à Nosseigneurs de son Conseil', s.d.

removed the markers attached to such fabrics under various pretexts, including that of having to bleach some of the white goods, which meant that they could sell many more illegal ones and still present the right paper work should they be checked.<sup>81</sup>

The holdings of those who continued to sell illegally in the early years could be very substantial: When in 1697 the official order was given for the commissaire de la Marre to seize the goods listed in the procès verbal drawn up on the occasion of his visitation of the merchant's Bourrier's premises, those are detailed as 329 *robes de chambre* or banyans of fabrics printed and painted in Paris, five more of fabrics painted in India, 40 sheaths of calicos printed in Paris and of four pieces and 70 coupons of similar fabrics.<sup>82</sup>

There seems however, to be less and less evidence of continued selling of Asian cottons and their imitations in shops as time went on. Instances of seizures peter out over the 1710, and while the Delamare collection contains one from 1716 and the minutes of the Council of Commerce meetings mention another in 1718, these appear fairly isolated instances.<sup>83</sup> This does not, however, imply that overall sales of such goods decreased. Indeed, judging by the constantly repeated legislation and the many condemnations of individuals wearing Asian-style printed fabrics from the 1720s onwards, this seems not to have been the case. Instead, it is more likely that the sale and perhaps more importantly the storage of such goods simply no longer took place in shops. Alternative retail methods co-existed with shops – Laurence Fontaine has amply demonstrated the importance of pedlars, who ranged from those supplying luxury goods to itinerant semi-paupers.<sup>84</sup> And whether they also kept an actual shop or not, many of those retailing illegal fabrics did so from secure hiding places, where such commerce was often tolerated and sometimes conducted very publicly. The very privileged moreover, could simply use their connections to avoid any intermediary retailer altogether.

### ***Alternative retail methods and alternatives to retail***

For some individuals it was possible to avoid the retail stage altogether. Amongst these counted high-ranking nobles, who could place orders directly with company officials or foreign merchants. The remaining Company archives still meticulously list the packets, parcels, and bales of goods sent on from the Company's warehouses in Lorient to high-ranking individuals of the French court and aristocracy, including the Controller General Machault, the duc d'Orléans, and Madame de Pompadour.<sup>85</sup>

Should such exalted personages order any illicit goods, via the company or from third countries, they would be able to provide dispensations for transport to their abodes or simply rely on the fact that nobody would stop them. The tactic seemed successful: when, in October 1709, the authorities stopped the muleteer of the Marquis d'Hautford and found several chintzes, the local *receveur des traites* decided to confiscate them. His superior in Valenciennes, finding that the fabrics had been ordered from Flanders by Madame la maréchale de Villars, but that she, not having found them to her liking, was now sending them back, quickly released them, albeit assuring that they did indeed make their way abroad. He informed the Controller General of his actions. He was clearly right: one did not want to

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<sup>81</sup> The authorities were aware of all of these ruses: see for instance the ruling of 18 November 1702 and the reports by d'Argental to the Controller General which describe these: 'Arrest du Conseil d'Etat du Roy,' dated 18 November 1702 in AN: AD XI 41 and the letter from the Controller General to d'Argenson dated 26 Sept 1711 in: *Correspondance des Contrôleurs généraux*, III, 403-404 (no. 1144).

<sup>82</sup> BNF Ms FR 21 780 (Collection Delamare) fols 32-33.

<sup>83</sup> Evidence of the 1716 seizure is in BNF : Ms FR 21 780 (Collection Delamare) : 'Ordonnance' dated 31 January 1716.

<sup>84</sup> Laurence Fontaine, *Histoire du colportage, XVe-XIXe siècles* (Paris : Albin Michel, 1993).

<sup>85</sup> SHD, Lorient, 1P 266 (Documents relatifs aux magasins de la Compagnie).

upset the aristocracy, for if one did, one might find oneself rather quickly dismissed from one's post, as did the receveur who had seized the goods in the first place.<sup>86</sup>

Though not able to face the authorities with as much assurance, others were also able to receive Asian cottons directly from abroad. These were people who had direct connections with Asia, usually through the French East India Company. Indeed, as we have seen, some of the parcels on board the *Diligente* were from and to higher-ranking company employees and would almost certainly have contained textiles not only for commercial purposes but also either for personal use or to pass on to family, acquaintances, or patrons.<sup>87</sup> Indeed at least some of the items brought back by sailors in the *pacotilles* studied by Margoline-Plot were not destined for retail, which explains why Brittany, home to the vast majority of the seafaring company personnel, was so saturated with Indian cottons.<sup>88</sup>

However, for the ordinary Frenchman or indeed woman, it was also quite possible to get hold of such fabrics or their imitations without either connections to the Company or entering a single shop. Instead it seems that in the later period, the selling of such goods became less focussed on the retail premise and more on the secret stash from which the sellers then took and carried to potential customers. Again the Provence is a particularly rich source of evidence for this which shows that these sellers seem to have spanned a fairly wide social range, though certainly not catering to the very highest echelons of society we encountered above. On the lower end we find a poverty stricken Aixoise, Mademoiselle Daupiné, who went to her potential customers' homes wearing the forbidden fabrics under her own skirts, which, as the authorities pointed out, gave her a 'circumference which has long since served well to make her quite identifiable.'<sup>89</sup> More respectable was a merchant and pedlar from Arles who had chintz fabrics made into garments, apparently mainly aprons, which he then sold in the surrounding countryside. In his possession were found eight pieces of *indiennes* and ten aprons, one of which not yet finished.<sup>90</sup> Catering to a very varied clientele were the numerous other female sellers in Aix. Some of them were in league with local dignitaries and their success was a thorn in the side of the central authorities.

Thanks to numerous spies and informants, the authorities were well aware of their activities and very frustrated by them. A Memorandum of September 1739 lists, together with the poor Mlle Daupiné, six other women who were known to sell these fabrics.<sup>91</sup> Some, especially the poorer sort such as Mlle Dauphiné, sold on somebody else's behalf, but many seemed very successful on their own. Their success largely depended on their ability to hide their stashes even more than their activities. One lady was known to sell only at night, but most were not so timid. For even when they were found guilty and charged, the effect was nil. The memorandum lists two women who had already been found guilty and even exiled in the past only to return and take off straight were they left off before their exile. One of them, named La Vigne, had indeed already been named as a repeat offender two and a half years previously, when, together with two other particularly persistent retailers, two women named

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<sup>86</sup> M de Valicour de Monteye to the Controller General, dated from Valenciennes 31 Oct 1709 in *Correspondance des Contrôleurs généraux*, III, 236 (no 610).

<sup>87</sup> Though most of them seem to have been for sale. See for instance the extended Renault family, whose members in France and India frequently used company transport to send each other goods for sale in their respective countries: René Vallée and Françoise de Valence (eds and preface), *Au service de la Compagnie des Indes: Lettres inédites d'une famille du Poitou au XVIIIe siècle* (Paris: Maisneuve et Larose, 2001); see especially pp. 43, 123, 171, and 174.

<sup>88</sup> On the large quantities particularly of chintzes in Brittany, see also Serge Chassagne, *La manufacture de toiles Imprimées de Tournemine-Lès-Angers (1752-1820)* (Paris : Klincksieck, 1971), pp.52-64.

<sup>89</sup> AD Aix-Marseille : C2300 (Fonds de l'Intendance de Provence) : 'Mémoire au sujet des personnes qui vendent les indiennes dans la ville d'Aix,' dated 7 September 1739.

<sup>90</sup> Letter from the Controller General Orry to de la Tour, Intendant of the Provence, dated Versailles 14 April 1738.

<sup>91</sup> AD Aix-Marseille : C2300 : 'Mémoire au sujet des personnes qui vendent les indiennes'.

Jeanneton and Seguine, she was known by the central authorities in Paris to be amongst the most notorious sellers of forbidden textiles in Aix.<sup>92</sup>

These women were very creative in hiding their stashes of illegal textiles. La Vigne for instance had most of her goods stored in a system of underground cellars that connected several houses, and should the tax authorities come a-calling she would throw any bales of fabrics currently in the home through an open window into the grounds of the neighbouring house belonging to an upper-class office holder. And such a trick was by no means isolated. The sellers in question knew just where to hide their wares, namely in the houses of either the nobility or in religious institutions, which would not be searched as a matter of routine. Thus, the other former exiled seller, stored her goods with two different dignitaries, whilst another was suspected of hiding hers at the local hospital. Yet another had hidden hers in another noble household in Aix with the help of the house's servants, but had to abandon it when the gentleman in question, a judge on the local parlement, put his foot down. In most cases however, there seems to have been active co-operation between the women and local office holders, usually minor nobles and members of the provinces legal institutions. And tax officials were well aware of the fact. As one of them complained to de la Tour, the intendant of the region:

You know, Monsieur, that in the whole of the province most women only wear chintzes; which is not at all surprising, for those who sell them, and who smuggle them in from Marseille, are assured asylum in the houses of the people of quality [‘gens de distinction’].<sup>93</sup>

This is supported by ample further evidence. Just a few years previous to the other memorandum, Orry, who of all the controller generals was the most determined to rid the country of printed fabrics, sent a detailed account of those suspected of hiding these goods together with their probable stashes to de la Tour in 1736. It lists ten women and reveals a broad complicity of the local nobility, most notably with the local *parlementaires*. Stashes were supposed to be hidden in the houses of the avocat général of the Parlement, of another member of the parlement, a former member, a member of the revenue court, as well as of two members of the nobility without apparent office.<sup>94</sup> And there was no shortage of support, it would seem. When, at the instigation of Orry, de la Tour republished the legislation and took measures to clamp down on the entrepôts, he found that these were simply moved elsewhere and spies had to be engaged all over again to find out the new locations.<sup>95</sup>

### ***Entrepôts and Lieux privilégiés***

The sellers strategies in Aix were in fact an example of a wider phenomenon in France, namely the use of ‘safe places’ for entrepôts, particularly in the form of properties which, due to their own or the status of their owners, held a privileged or exempt position.

So-called *lieux privilégiés* were hives of both production, storage, and selling of chintzes and other illegal and smuggled goods. Such places had special legal status which largely exempted them from routine tax official visits and other obligations. In and around Paris these became so notorious that they soon were the subject of specific legislation. In 1708 an Ordre du Roy found that the smuggling, production, and selling of ‘Indian chintzes, those counterfeited in the kingdom, and those counterfeited in Holland’ were

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<sup>92</sup> AD Aix-Marseille : C2309 (Fonds de l’Intendance de Provence) : Letters from Orry to de la Tour dated Versailles 25 March 1737 and 6 May 1737.

<sup>93</sup> AD Aix-Marseille: C 2300 (Fonds de l’Intendance de Provence) : Letter of Beauregard (director of the Fermes in Marseille) to de de la Tour dated Marseille 2 Oct 1736.

<sup>94</sup> AD Aix-Marseille: Fonds de l’Intendance de Provence : C 2300 : ‘Etat nominatif des habitants de la ville d’Aix, soupçonnés de faire la contrebande, et instructions de M. Orry relativement à la surveillance à exercer sur ces personnes’, dated 31 Oct 1736.

<sup>95</sup> Ibid: Orry to de la Tour, 26 November 1736.



‘particularly encouraged by the asylum they found in the so-called lieux privilégiés’, explicitly naming the premises of the Temple and those of Saint-Jean de Latran, as well as the Abbey of Saint-Germain-des-Prés, cloisters, convents, Hospitals, colleges, and private estates, as well as the Royal houses. Thus, the order stipulated that the *commis des fermes* be given free entry to these premises to search for illegal textiles.<sup>96</sup> None of this seems to have made any difference and the order had to be repeated, almost verbatim, in 1721.<sup>97</sup>

Part of the problem was the very structure of old-regime society: lowly *commis des fermes* and even their upper bourgeois leaders could simply not be expected to harass members of the first or second estate, even when the law was on their side. D’Argenson, the lieutenant général de police, a very elevated position representing the King in Paris, much like an intendant would in the provinces, was very aware of this difficulty. Though he supervised the seizure of chintzes in such privileged spaces as the compound of the Arsenal, the Palais-Royal, and in Versailles in 1708, it was clear that he did so very reluctantly, especially when it came to religious institutions. In a 1701 letter to the Controller General he explained:

I have been informed that there are in this city two places where all kinds of fabrics are publicly painted: one is the Temple, the other is the court of Saint-Benoît, which forms part of the Abbey of Val-de-Grace. The rulings of the Council authorise me to perform as many visitations there as I see fit, but good manners [‘honnêteté’] do not allow me to make use of this right without speaking of it first to M. Le Grand Prieur, and to M. Le président de Lamoignon, to whom the King has given the administration of the running of Val-de-Grace. Thus searching these premises is usually without any point, since this is always preceded by warnings given to the workers who cease their work for some time and then continue just as before.<sup>98</sup>

Thus he asked the Controller General to write to the two men in question asking them to banish such workers. He would, d’Argenson wrote, be very happy to deliver such a letter himself. This perfectly illustrates the problem at hand. Though himself of the lower nobility and holder of one of the most prestigious offices in France, Marc-René de Voyer de Paulmy d’Argenson, felt it necessary to have the written support of Controller General, before confronting members of the high nobility.

As it happens, d’Argenson was right and only prudent, for even minor members of the first and second estate did indeed feel outraged when what they considered their just privileges were violated. In an undated letter probably written in the 1730s or 40s a minor noble who had been subject to a house search during which a piece of chintz was seized, wrote to de la Tour, the intendant of the Provence, complaining of how humiliating it was for an ‘homme de condition’ like him to have some ‘misérables’ enter his home arms in hand.<sup>99</sup> Others would not hesitate to resort to violence, and any aggression against tax officials easily gained popular support, since these were, save perhaps lepers and executioners, by far the most unpopular men around. Thus, when the Parisian tax brigade entered the compound of Saint-Jean-de-Latran in 1705 and seized the illegal textiles found there, a priest of the order of Malta managed to rouse the populace and had not only the fabrics retaken but also the captain of the brigade severely maltreated. Whilst such examples of popular violence towards tax officials abound, more telling in this respect was that the bailiff of Saint-Jean refused to see justice done afterwards, so that d’Argenson had to write to the Controller General to obtain an order to seize the textiles and another to banish the priest for six months.<sup>100</sup>

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<sup>96</sup> AN: AD XI 52: ‘De Par le Roy,’ dated 7 February 1708.

<sup>97</sup> BNF: Ms FR 21 780 (Collection Delamare): ‘Ordonnance de Sa Majesté,’ dated 21 June 1721. The minutes of the Council of Commerce record the seizure of printed or painted cottons at the demoiselle Lefebvre, a *marchande lingère* residing on the pont Notre-Dame in Paris: AN F<sup>12</sup> 63, fols 97 (meeting of 7 July 1718).

<sup>98</sup> D’Argenson to the Controller General 1 October 1701 in *Correspondance des Contrôleurs généraux*, II, 87-88 (no 321). For his letters with his reports of seizures of chintzes in the Arsenal, Palais-Royal, Versailles, etc in 1708 see vol. III, p. 39 (no 123).

<sup>99</sup> AD Aix-Marseille:: C 2309 (Fonds de l’Intendance de Provence) : s.d. and without title

<sup>100</sup> *Correspondance des Contrôleurs généraux*, II, 283 (no 908).

The role of the lieux privilégiés seems to have continued unabated. Half a century later, in his 1757 memorandum Roussel complained that the sale of printed cottons, and illegally imported muslins was taking place publicly at the Temple, the Palais Royal, in the abbeys and ‘toutes les maisons privilégiées’.<sup>101</sup>

The practice of storing illegal textiles on the premises of noble or religious houses or other places not subject to frequent tax controls was by no means limited to Paris. Instead they seemed almost ubiquitous: it seems that at some point even prisons had become entrepôts for printed and painted cottons.<sup>102</sup> And as we have seen, in Aix, another hotspot for the illegal sale and consumption of printed cottons, the women selling them were very frequently in cohorts with the local nobility.

The difficulty if not impossibility of clamping down on all offenders equally in an extremely hierarchal society of privilege was, if not openly acknowledged, nevertheless well known and accepted. Whilst all royal rulings stress that they applied to all individuals of whatever quality and condition, our examples show that this was not enacted in practice. Not only did the authorities decide not to inconvenience the Maréchale de Villars; when M. De Barillon, the intendant in Béarn wrote to the Controller General to say that, despite having seized a number of printed cottons, he had not dared to give out a ruling on the matter, as the individual in question was the son of a local dignitary and *parlementaire*, the then Controller General, Nicholas Desmarets, agreed that this was indeed wise.<sup>103</sup> And whilst Orry, more stubborn than most, insisted that enforcement should not be limited to the lower classes only but that instead ‘exemples d’éclat’ involving the higher classes were needed in Provence, no such thing seems to have happened.<sup>104</sup>

#### IV) *Usage and Wearing*

The last option then for the authorities was to try to clamp down on the usage of these fabrics. From the beginning this was known to be a last resort: the usage was only made illegal in 1692, several years after trade and production had been banned and real enforcement seems not to have been attempted until the 1720s or so. When it was, the procedure was not very different from that intercepting the circulation of the goods: individuals seen wearing printed fabrics – white goods could never be proven to be illegal, since individuals were not required to keep any documentation – were stopped by the tax brigades whether these be mobile units or stationed at city gates, a procès-verbal would be drawn up and the offenders would be required to appear before the magistrate, fined and the goods mentioned in the procès-verbal would be seized and destroyed.

Evidence of many hundreds, if not thousands of such incidents survives, partially because cases of successful prosecution were printed as posters, displayed, and as such often made their way into the archives, and partially because the central government, Orry in particular, demanded regular updates and lists of offenders caught in the provinces.

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<sup>101</sup> ANOM: C2 285 fols 128-35.

<sup>102</sup> In this case the prison in question was, however, in Paris: AN AD XI 52: ‘Arrest de la Cour du Parlement’ dated 8 April 1748. The ruling found that prisoners in the *Grand Châtelet* had kept nine pieces of printed cotton in their room.

<sup>103</sup> M. de Barillon au contrôleur général, dated 24 June 1712 in *Correspondance des Contrôleurs généraux*, III, 449 (no 1303).

<sup>104</sup> AD Aix-Marseille: C 2309 (Fonds de l’Intendance de Provence) : Orry to de la Tour dated Versailles 18 March 1737.

A closer look at the surviving pieces from Paris and the Provence gives an unparalleled insight into the workings of the prohibition. Ten *ordonnances* by René Hérault, the Lieutenant General of Parisian policing, successor to the d'Argensons father and son, dating from between December 1727 and July 1730 list 112 successfully prosecuted individuals. Of these all but six were female and none of them were above middle class, most were artisans, shopkeepers, or lower down the social scale. The documents, which usually give names, abodes and the profession of either the individual or her father or husband, list servants, bakers, butchers, innkeepers, a master mason, and a master cobbler, laundresses, tapestry makers, a perfume maker, a clerk, and various shopkeepers.<sup>105</sup> A similar sample of about a decade later, seven such *ordonnances* dating between May 1737 and December 1738, show a similar pattern: 91 individuals of which only three were male and again most were bourgeois or working class.<sup>106</sup> This time however, there is one exception: the order of July 1738 also lists the marquise of Chifreville, or as it is spelt there 'Chrifreville'. Of Normandy origin, the Chifrevilles were minor nobles enlisted in the army, and as such, whilst not quite an 'exemple d'éclat' as Orry might have wished, at least some token gesture towards equality.<sup>107</sup>

Samples taken from the very different environment of the Provence confirm this picture. Two printed poster lists survive dating from July 1742 and January 1743 respectively. They list names of the convicted offenders, their place of residence, the garments involved, and the textiles these were made of, almost exclusively *indiennes* though sometimes also of other illegal cottons and Asian fabrics, such as *cotonines* and *demittes*, and – presumably printed and hence illegal – flannels. All in all it lists 150 individuals from 33 different towns and communes, with Aix accounting for the largest part with almost a third of all cases (48 in total), followed by Toulon with just under ten percent of the total (18 cases). Occupations are rarely indicated, if they are, they are in the same shopkeeping and artisanal middle-class as in the Parisian samples: bakers, tailors, shopkeepers, second-hand dealers, wig makers, carpenters, a cooper, a muleteer, and a fripière-tapissière, Except for four children and nine men all others are listed as female and in most cases the occupations are hence those of the husbands. In less than a handful of cases it is indicated that the offenders are 'bourgeois' and only in one case it seems to have included the minor nobility, too: the later poster names the wife of Mr Funel, the Seigneur du Villars – given that we know how much the nobility supported even the illegal sale of these fabrics, the bias in the convictions is obvious.<sup>108</sup>

Whilst the imbalance in class is fairly self-explanatory and in line with the reticence to anger the upper classes also found in the smuggling and circulation of goods, the role of gender requires some further explanation. The pattern emerging from the three samples offers a twofold explanation. Firstly when men wore printed and painted fabrics they, like their counterparts across the Channel, generally did so in the form of banyans, housecoats or *robes de chambre*. These would, as the name implied, generally be worn as a form of *déshabillé* at home, and whilst women sometimes left the house in what officially counted as *déshabillé*, men would rarely do so. And since the tax officials usually only entered homes on specific assignments, men were more rarely caught. Accordingly, all but one of the men convicted in Paris, had been found wearing a robe de chambre. The ninth had been caught with a suitcase containing

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<sup>105</sup> BNF, Ms Fr. 21778 and 21780 (Collection Delamare): 'Ordonnances rendu par M. Héraul, Lieutenant Général de Police,' dated 17 December 1727, 14 July 1728, 15 June 1728, 18 September 1728, 27 November 1728, 5 July 1729, 27 August 1729, 10 April 1729, 17 May 1730, and 29 July 1730.

<sup>106</sup> Ibid and idem dated 29 May 1737, 12 October 1737, 27 November 1737, 16 April 1738, 2 July 1738, 13 September 1738 and 30 December 1738.

<sup>107</sup> A Marquis de Chifreville is listed as a member of Louis XIV's second company of musketeers in Louis Trabouillet, *L'Etat de la France*, 2 vols (Paris: Guillaume Cavelier, 1718), I, 518 and another such is named as one of the officers involved in the siege of Ypres in June 1744: Pierre Dumortous, *Histoire des Conquêtes de Louis XV de 1744 à 1748* (Paris: Lormel, 1759), pp. 7-8.

<sup>108</sup> AD Aix-Marseille: C2309 (Fonds de l'Intendance de Provence): 'Etats des personnes, qui ayant été trouvées habillées de toile peinte ou autres Etoffes prohibées, ont été condamnées à l'amende de trois cens livres' dated 16 July 1742 and 4 Janvier 1743 respectively.

some female garments made out of printed or painted fabrics. And whilst he may have been innocent of actually seeking to sell such goods, such was nevertheless the second category of men found in possession of such fabrics which accounts for all male offenders in the Provence: they were not wearing them but were caught with varying amounts of fabrics in bales or pieces. And whilst some of the clearly poorer ones amongst them, such as a hermit and a Benedictine monk who only owned between one and four pieces each, may indeed have destined them for personal use, as presents or to be used as furnishings, others who held over two hundred pieces clearly fell into the retail category.

When it comes to the majority of the offenders, women, there were also a few who clearly fell into this category. Some of the ones convicted in the Provence held quantities of unmade-up fabrics that can only have been destined for resale, and some were found to possess furnishings made out of such fabrics, but the vast majority was caught wearing them (121 out of 137 women). In the 125 cases where actual clothing (as opposed to untailored fabrics) was specified far the most common item in the region was the 'tablier', an apron, which figured in almost three quarters of the female and child arrests (90 times), followed by dresses, 'robes' (60 times), skirts, 'jupes' and 'jupons' (21 times), and casaquins, a type of short jacket (12 times), all of which were frequently worn in combination with each other.

The sartorial choices in 1720s and 30s Paris differed slightly from those ten years later in the southern provinces, in that aprons played a much more limited role and were noted on only four occasions overall. Here the predominant items were casaquins which remained stable with 28 in each sample as well as dresses, ('robes' and 'demi-robes') and skirts whose importance change dramatically over time: whilst only ten skirts were noted in the earlier sample, far outweighed by 30 robes, demi-robes, and robes de chambre, this trend was completely reversed in the later 1730s, when the lists included 62 skirts of printed or painted fabrics in the Asian style and only X dresses.

There are not many very detailed studies of clothing choices in mid-eighteenth-century France, but those that do exist confirm this account. In her study of popular consumption in Avignon, Madeleine Ferrières notes the rise of cotton in the eighteenth century, both in form of the cotton dress made from muslins more frequently than from printed cottons and hence figuring less in seizure reports, and in the form of the *tablier*, which made its first appearance in the pawning registers Ferrières analysed in 1705 and thereafter seems to have become a staple, making for half of all printed and painted cotton goods pawned in the 1720s – a trend confirmed for the entire region by the seizure lists for the Provence.<sup>109</sup>

In his comparisons of Parisian wardrobe contents of 1700 with those of 1789 Daniel Roche found that in 1700 cotton goods make up a similar percentage (7-8%) of the fabric holdings of both the nobility, domestic and salaried staff and artisans or shopkeepers. Since imitation of Asian printing for the lower classes seems to have often been executed on hemp or linen, the colour schemes give an even more reliable indication of the equality in the spread of printed fabrics: whilst their holdings of dark and white coloured fabrics differed 10 % or more, ownership of red, yellow, or blue textiles, the colours of printed and painted Asian goods and their imitations, was roughly equal amongst all these classes at between 8 and 13%. This confirms the assumption that during the period of prohibition at least the upper classes did not wear fewer illegal goods, but instead were simply not prosecuted for them as their less distinguished fellow Frenchmen were.<sup>110</sup>

This seems to have changed with time: at the eve of the Revolution all classes increased this coloured component of their wardrobes to nearly 40% of nobility and domestic staff, 30 % of salaried employees and 20% of artisans. And whilst with the nobility this would undoubtedly be largely made up of silks which accounted for 38% of their fabrics with cottons making up for 25%, domestic and salaried

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<sup>109</sup> Ferrières, *Le Bien des Pauvres*, pp. 193-95 and 236-39.

<sup>110</sup> Daniel Roche, *La culture des apparences. Une histoire du vêtement XVIIe – XVIIIe siècle* (Paris : Fayard, 1989), pp. 127.

employees as well as artisans and shopkeepers had upped their consumption of cotton to a good 40%.<sup>111</sup>

Roche's analysis of gendered wardrobes also tallies with another finding, namely that *tabliers*, whilst important, were not as essential a part of the Parisian wardrobe as they seem to have been in the south: whilst amongst the nobility the ownership increased from 46 to 100% from 1700 to 1789, it remained stable at about 60 % amongst domestic staff and actually fell amongst artisans to about 50% at the eve of the revolution, whilst amongst all groups, except salaried employees, ownership of other items, such as skirts and dresses would be near 100% at this time.<sup>112</sup>

All in all the numbers involved in the prosecutions were staggering: since the posters which form the basis for our samples only list those which had been successfully convicted and thus excluded any who managed to have their sentences reduced or annulled, they give but a fraction of the total numbers stopped in the streets. In Provence, the officials claimed that forbidden textiles were seized every day on entering the region alone, not including any arrest for the actual wearing;<sup>113</sup> and lists drawn up internally for the *directeurs des fermes*, but not published as posters, list over 130 people charged in the small town of Toulon in the space of only 9 months.<sup>114</sup> Similar internal lists drawn up for the region between the 1730s and 1750s confirm that only a fraction of those charged ended up paying the full fine and could thus be put on posters as deterrents, which must lead us to revise our numbers significantly upwards.<sup>115</sup>

#### V) *The scale and nature of the problem*

##### *Gender and the numbers involved*

Contemporaries seemed aware of both the numbers involved and the gendered nature of the phenomenon. The insubordination of the weaker sex seemed particularly irksome to those who opposed Asian cottons and provided an easy target for vociferous outbursts of misogyny or rather weak attempts at Juvenalian satire. Thus the provost of the Lyon merchants, who as the largest French silk producers were at the forefront of lobbying against Asian cottons and their imitations, wrote to the Controller General in 1709 that it was women alone who sustained the demand for these foreign goods which were ruining the entire industry. They were, he claimed, wearing nothing else and were, 'if, one may be permitted to use the term, throwing themselves body and soul [*à corps perdu*'] onto these foreign fabrics'. In a glittering display of his literary prowess, he adds:

Today one sees the sex dressed in nothing but *furies* [an prohibited Indian textile with bizarre patterns and figures, hence its name, cf the *Encyclopédie* article on the topic], *toiles peintes*, *karanças*, *indiennes* and other Indian fabrics, and one could say with some justification that the name of *furie* has only been given to these kinds of fabrics because of the fury that all ladies indistinctly have had to dress themselves in them regardless of the prohibitions.

The consequences of this, according to the witty lobbyist, were atrocious: Lyonnais silk workers were starving and forced to emigrate, taking their craft's secrets with them and thus betraying their king and country: more severe punishments and tighter controls on textile imports from Avignon were in

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<sup>111</sup> Ibid, p. 137.

<sup>112</sup> Ibid, pp. 123 and 135.

<sup>113</sup> AD Aix-Marseille: C 2300 (Fonds de l'Intendance de Provence) : Letter of Beauregard (director of the Fermes in Marseille) to de de la Tour dated Marseille 2 Oct 1736.

<sup>114</sup> AD Aix-Marseille: C 2309 (Fonds de l'Intendance de Provence) : 'Direction de Toulon : Etat des procès verbaux rendus contre des particuliers trouvés vetus d'Indienne depuis le 1<sup>er</sup> 8bre 1736 jusqu'au 1<sup>er</sup> Juillet 1737'.

<sup>115</sup> AD Aix-Marseille: C 2711 (Fonds de l'Intendance de Provence) contains several such handwritten lists which name over 1,000 individuals for the 1740s and 50s alone.

order.<sup>116</sup> Others disagreed and to follow those arguments would bring us straight into the territory of political economy and the debate about the prohibition which will form the subject matter for another chapter. Suffice it to say, that in the contemporary understanding the usage of Asian cottons was distinctly gendered, which tallies with the arrest records, though not necessarily with actual consumption patterns, since these largely excluded usage of these textiles in the home, be they as house coats or as furnishing fabrics.

If contemporaries insisted on the gendered dimension, they stressed the importance of the numbers involved and the ubiquity of these fabrics even more, be this to argue for tighter regulation or for the lifting of the ban as ineffectual any way. Roussel's estimates from 1757 are staggering. According to him in the late 1740s, the tax authorities seized in the whole of France 15 to 20,000 *aunes* or ells a year. An 'aune' or ell approximated 1.2 m so the amounts were huge. They were, according to Roussel, sharply on the increase, for the last three to four years, he claims, amounts had risen to about a hundred thousand *aunes* a year, with similar amounts for muslins, damasks, and silks from India.<sup>117</sup> If we bear in mind that Roussel is only speaking of the fabrics successfully seized on crossing the French borders and thus represents only a fraction of those actually used in and smuggled into the country, the actual quantities involved must have been enormous. Accordingly he also bemoans their ubiquity on the streets, and their totally public sale at the Temple, the Palais-Royal, religious institutions and indeed all such *lieux privilégiés*. Forbonnais, adamant in his condemnation of this, precisely echoes these sentiments claiming that

The monasteries in the provinces, the *lieux privilégiés*, the palaces of our Princes, even that of our Kings in the capital have become the depot for merchandise forbidden by the law in favour of the work of the poor. It is sold in the Louvre what it is punishable to import into the kingdom! Women without respect dare come and show off their dresses of *toiles peintes* in the same audience where the tearful family of the poor soul who had sold them comes on their knees to beg for mercy towards him.<sup>118</sup>

Morellet, thankfully slightly less misogynist, nevertheless agrees on the scale and importance of the phenomenon. Evoking the example of Mandrin, he estimates that a third if not half of all cross-border smuggling was of such printed textiles, making them as important a contraband good as salt and tobacco, perhaps even put together.<sup>119</sup>

### ***Violence and Resistance***

Even disregarding the contemporary concern with the morals of the weaker sex, if these estimates are only half correct, we can easily see how troublesome these textiles were for the French state, especially as the problem not only lay in the smuggling and obvious disregard of the legislation alone. For not all those who were stopped and fined submitted as meekly as did the demoiselle Chastel. Visitations and attempted seizures of goods were frequently met with violence and could lead to full-blown revolts and uprisings against the tax authorities. Again the Provence provides a perfect illustration for this.

Individual resistance was fairly common, and usually took the form of what Beik in his well-known analysis has called the 'face-saving gesture' of personal indignation.<sup>120</sup> Thus, when in 1698 the guards of the tax authorities came to a Marseille's merchant to seize forty and a half pieces of illegal Indian

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<sup>116</sup> M. Ravat, prévôt des marchands de Lyon, to the Controller General dated 5 October, in *Correspondance des Contrôleurs Généraux*, III, 226-27 (no 585).

<sup>117</sup> ANOM: C2 285 fols 128-35 'Mémoire: Introduction frauduleuse des Indiennes.

<sup>118</sup> [François Véron Duverger de Forbonnais], *Examen des Avantages et des Desavantages de la Prohibition des Toiles peintes* (Marseille : Carapatria, 1755), pp. 45-6.

<sup>119</sup> [André Morellet], *Reflexions sur les Avantages de la Libre Fabrication et de l'Usage des Toiles Peintes en France* (Paris : Damonville, 1758), pp. 177-78.

<sup>120</sup> William Beik, *Urban protest in seventeenth-century France: The culture of retribution* (Cambridge: CUP, 1997), p. 29.

textiles, he ran after them crying thief, a reaction ceaselessly repeated by the owners of seized textiles over the following century.<sup>121</sup> Many of these cases, however, could easily escalate as they had done in Paris at the attempted seizure at compound of Saint-Jean-de-Latran in 1705. Thus, when on 18 October 1736 tax officials attempted to draw up process-verbaux against several women found wearing *indiennes*, a revolt, or as contemporaries beautifully euphemised it an 'émotion populaire', broke out and they fled to the intendant, de la Tour's house to hide and to complain. Unfortunately for them, the female sellers of such fabrics, a woman called Marie Bernard known for her smuggling activities, and a female jeweller called Niclas, had quite managed to excite the crowd and upon leaving the intendant's place the officials were met by over 600 stone-throwing individuals who had followed them there.<sup>122</sup> Orry urged the intendant to punish those involved severely and to put the fear of God and, more importantly perhaps, of the King into them, but, as he found to his annoyance, de la Tour was more prudent than that and did nothing of the kind.<sup>123</sup> Whilst the central authorities were eager to have the prohibition enforced with all necessary force, the local leaders were too aware of conditions on the ground to want to risk any sustained violent resistance or uprisings, and thus, instead of trying to prosecute the individuals involved, de la Tour, much to the consternation of the central authorities, decided instead to calm the mood by according a delay to all of those wearing these fabrics, during which they would not be prosecuted in order, he claims, to give them time to buy new fabrics.<sup>124</sup>

As a consequence the employees of the *fermes* on the ground were rather unhappy. Constantly insulted and attacked, they wanted to leave the service in which they had so little support from the local and regional authorities, who frequently refused to act on the procès-verbaux they so painstakingly produced.<sup>125</sup> They were, Orry claimed, often too scared to do their duty due to the violence they faced and quite justifiably so, it would seem.<sup>126</sup> People did not give up their clothing voluntarily and officials on the ground, such as Geoffroy, the director at Toulon, worried that forcing them to do so would result in further uprisings and violence, which did indeed frequently happen. Thus, when a widow of Toulon refused to pay the fine she incurred for letting her daughter wear illegal textiles, tax officials came to her home to seize confiscate goods of the equivalent value, she took to pistols and 'vomiting several atrocious insults' she promised to take two pistols to 'blow out the brains of each one of [them]' and treating them as 'thieving knaves' she managed to attract quite a crowd who, the officials felt, were getting ready to maltreat them had they not stopped their proceedings.<sup>127</sup>

The violence and resentment caused by such operations were not limited to one side, and a few years later the regional authorities in Provence wrote to Orry to complain about the excessive violence used by the tax officials, claiming that perfectly innocent individuals were being imprisoned, including some quite elderly and blind, that fines were being extracted quite arbitrarily and without giving any kind of receipts, and whilst Orry himself believed all these claims to be wild exaggerations, he nevertheless asked de la Tour to look into them.<sup>128</sup>

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<sup>121</sup> AD Aix-Marseille: C 2206 (Fonds de l'Intendance de Provence): *Arrêt* dated 25 February 1698

<sup>122</sup> AD Aix-Marseille: C 2300 (Fonds de l'Intendance de Provence) : Letter from Orry to de la Tour, dated Versailles 30 October 1736.

<sup>123</sup> Ibid and idem dated 19 November 1736.

<sup>124</sup> AD Aix-Marseille: C 2309 (Fonds de l'Intendance de Provence): 'Copie de la Lettre de la Compagnie à M. de Beauregard directeur Général des Fermes unies à Marseille', dated Paris 22 November 1736.

<sup>125</sup> AD Aix-Marseille: C 2309 (Fonds de l'Intendance de Provence): Letter from the tax official Geoffroy dated Toulon 8 November 1737.

<sup>126</sup> Ibid: Letter from Orry to de la Tour, dated Versailles 22 July 1737.

<sup>127</sup> AD Aix-Marseille: C 2309 (Fonds de l'Intendance de Provence): Letter from Geoffroy dated 8 November 1737 and report signed Ponnerin and Lanaspese dated 12 Sept 1737.

<sup>128</sup> Ibid: Letter from Orry to de la Tour dated Fontainebleau 7 October 1743.

## VI) *Textiles troubling the state*

Thus whilst our textiles were very troublesome for some individuals like the demoiselle Chastel and those imprisoned in the Provence, they proved perhaps even more so for the state, leading to violence, popular unrest, systematic disobedience and what seemed the disaffection of large swathes of the population. Tax farmers were universally loathed and smuggling, be it of salt, tobacco, or fabrics was considered somewhere between acceptable and quite sporting if not heroic by the population and the problem for the central authorities was that local elites seemed quite sympathetic to this view. The municipal authorities of the provençal towns of both Toulon, and La Ciotat pleaded with Orry in favour of their poorer citizens all of whom largely if not exclusively owned printed fabrics.<sup>129</sup> And whilst their pleas to have any prosecutions suspended fell on deaf ears, Orry repeatedly had to write to the intendant to urge him to keep enforcing the full payment of fines, an occurrence apparently so common on the national scale, too, that it warranted a ruling by the King's Council officially forbidding the lowering of the fines.<sup>130</sup>

Whilst the intendant of the Provence was presumably more concerned with maintaining public peace than with actual sympathy for the poor masses or indeed any particularly resentment towards the tax farmers, such feelings were nevertheless common and not only limited to municipal authorities. An Aixois dignitary and as a *président à Mortier*, holder of the highest office in the local *parlement*, M. De Bandol, not only allowed his domestic staff to smuggle textiles via his sea-bordering estates at Bandol, but was also purported to grow illegal tobacco there. His main reason seems to have been his personal dislike of the local *fermier*, but his high status meant that the local tax officials did not dare visit his premises either in Aix or on his estates.<sup>131</sup>

Thus the disaffection of the population was mirrored by the systematic disobedience of the elites, to such a degree that Chamillard, the Controller General in 1705, when he received the notification of the discovery of the stash of illegal textiles with the marchand-mercier who was doing such great business with the court in Versailles and Fontainebleau, made a caustic note to show this letter to his daughter – undoubtedly a regular customer of the merchant in question.<sup>132</sup> And in May 1742 the very municipal authorities in La Ciotat who had assured Orry so fervently of their allegiance when imploring his mercy for their poor, noted in the minutes of their meeting the purchase, for their council chamber, of a bench seating six and of three curtains made from *indienne*.<sup>133</sup>

For balance's sake it ought to be noted that the smuggling and consumption of these fabrics was perhaps as much an indicator of existing difficulties than their actual creator, for in many respects it mirrored similar problems with contraband salt and tobacco, which also lead to violence and popular resistance, to smuggling on a massive scale and to a certain albeit much more limited involvement of the elites. What was special in the case of textiles however, was the extremely broad social spectrum it

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<sup>129</sup> AD Aix-Marseille: C 2300 (Fonds de l'Intendance de Provence): Letter by the consuls of Toulon to Orry dated 2 October 1736; and *ibid* Orry's letter to de la Tour regarding the representations by the consuls of La Ciotat, dated Versailles 12 November 1736. For Orry's reaction see *ibid* Orry's letters to de la Tour dated La Chapelle 22 and 27 October 1736. On the further attempts by the Toulon municipal authorities, see C 2309 for a 'Copie de la lettre écrite a M Le Contrôleur general par les Maire et Consuls de la Ville de Toulon' dated Toulon 23 March 1738 and the reply 'Copie de la Lettre écrite par M le Contrôleur general aux Maire et Consuls de Toulon' dated Versailles 7 April 1738, with the Toulon authorities dutifully caving in in another letter to the controller dated 19 April 1738.

<sup>130</sup> For instance AD Aix-Marseille: C 2309 (Fonds de l'Intendance de Provence): Letters from Orry to de la Tour dated Versailles 22 July 1737 and 9 Sept 1737 ; and AN: AE – BIII 284: 'Arrest du Conseil d'Etat du Roi,' dated 5 July 1723

<sup>131</sup> AD Aix-Marseille : C2300 (Fonds de l'Intendance de Provence) : 'Mémoire au sujet des personnes qui vendent les indiennes'

<sup>132</sup> *Correspondance des Contrôleurs généraux*, II, 283 (no 908).

<sup>133</sup> AD Aix-Marseille: 139 E BB 20 (Archives communales de Cassis): *Délibérations* dated 6 May 1742.



encompassed: whilst the fabrics worn by the poor of Toulon and La Ciotat were certainly not the same as the fine printed Indian goods Chamillard's daughter or Madame la Pompadour would have acquired, together they disobeyed the same total prohibition.

As such the prohibition was doomed to failure: met with popular resistance on the one hand and the privileges of the nobility on the other, who quite sensibly expected not to be bothered by lowly officials, the tax brigades never stood any chance of rooting out consumption. Nor, could they, in a society so strongly ruled by respect for the first two estates and the ubiquity of privileges and exemptions, hope to put an end to retail when it found asylum with those two. And as long as the sale was as profitable, smuggling could not be stopped either, not when the profits involved could lure a seemingly unlimited number of individuals into carrying goods across borders, could pay for insurance, arms, and horses, and, most importantly could pay exorbitant bribes to badly-paid officials. Thus these troublesome textiles revealed that the state was unable to control its not only the wider population, but also its own agents and officials.

Most crises of course are also opportunities, and as troublesome as these textiles were, it is the contention of the book that I am currently working on that they were also a catalyst for innovation and improvement in France and not only because of the way in which calico printing, once it was permitted, was linked to mechanisation, technical innovation, and industrialisation as Chapman and Chassagne have so convincingly shown. Instead it was also an opportunity for the state to streamline its administrative and policing procedures and to build up a corps of trained employees, able to read and write and follow basic legal procedures necessary to compose legally valid *procès-verbaux*. More importantly, it was an opportunity for the authorities to reflect on their economic theories and part of my book will be devoted to demonstrate how the prohibition of printed textiles was the amongst the first if not *the* first opportunity for Enlightenment political economists to influence and modernise French economic policy; and, as another part will demonstrate, it was also chance for French institutions to foster scientific inquiry, experimentation, and knowledge gathering to find ways to rival Indian textile supremacy.

### VII) *Textiles troubling the Historian*

Indian cottons in France, so bothersome to individuals and the state, have in fact turned out to be triply troublesome: they pose quite some problems to the global historian, too. The difficulty lies not necessarily in the fact that French documents routinely confuse actual printed cottons or *indiennes* with painted ones, or *toiles peintes*, a distinction older authors like Depitre are very keen to maintain. After all, the two were not necessarily mutually exclusive, though most of the cheaper and popular varieties, would clearly have been printed only. Instead the troublesome confusion lies between *all* printed and painted textiles, be they Indian or Levantine, European-made, or indeed produced in France. Very rarely do we find documents such as the 1697 seizure report, that distinguish between *toiles peintes aux Indes* and *toiles peintes à Paris*. In most cases the Indian original is lumped into the same category as the competent Levantine imitation, and the – until the early to mid eighteenth century at least – much less competent imitations of these imitations, i.e. the European attempts to use Levantine knowledge to print Indian-style textiles. How then can one write a coherent narrative about the impact of globally-traded goods, if there is no way of knowing if the goods in question were globally-traded at all?

There are, I believe, two answers to this. First of all, the very fact that the goods continued to be imitated is in itself evidence of the impact of this global merchandise, which, even in its domesticated form kept its foreign connotations by virtue of its name – *indiennes*. Thus, to judge the impact of this trade, it does not matter whether the specific piece of fabric that lead to an arrest was printed in

Europe or elsewhere: the very fact that it existed was proof of the impact of Asian cottons, which, continued as the ideal to be emulated for both printed and white goods. Secondly, in the historian's case as in that of the French state, the problem actually is an opportunity. It shows that the label 'global' or 'foreign' did not work in the period in quite the way one would have expected. Instead, the global was already domesticated and appropriated in a way characteristic of the 'global age' in which we now live. Today the confusion of origin is omnipresent: though playing on its 'Japanese' character, *Superdry* clothing is decidedly British, whilst most 'American' blue jeans these days produced in Asia. Yet both of these are worn by European consumers without feeling that they are making particularly exotic or indeed 'global' choices. The same attitude seems already to have held true for early-modern French consumers of Asian – or indeed not quite Asian – fabrics: whilst awareness of its exotic origins lingered on in some of the names, these items had mutated to necessities rather than exotic luxuries regardless of their actual origin; they had become domesticated in the same way that coffee, tea, and tobacco had, so that, despite their prohibition, French people felt a sense of rightful ownership over them, one that was outraged when customs officials would try to seize them. What more convincing proof of the importance of the global dimension of this chapter of French history could a historian wish for?