From Domestic Assistance to Equality
The long march towards the recognition of the work of the spouses of retailers and artisans in France between 1945 and 1982

The transformation of the status of the spouses of the self-employed belongs, in the case of France, to a relatively recent institutional transformation whose turning point was the promulgation of the law of 10 July 1982 related to the spouses of artisans and tradesman working in family businesses. Until that time, the work of spouses of the self-employed did not enjoy any legal recognition. These people—in their majority women—were, despite their labor, not considered to be part of the official work force before the reform. Their pay was seldom encouraged and was effected only by marginal mechanisms while modes of social protection were only derived from the rights enjoyed by these women's husbands. This, however, was insufficient both in relation to the risks covered and with regards to the amounts of money provided in the insurance. The ideas contained in the 1982 law had given rise to social mobilization, debates and preparatory work at least since the middle of the previous decade. This law is, indeed, the first one to directly tackle the professional, social and statutory conditions of the wives of the self-employed. Even if this law did not produce significant changes in the concrete situation of the wives of artisans and merchants (Zarca 1993a), it marks, nonetheless, an important symbolic break which would be followed by more binding laws bringing about more concrete results.

It took the radical transformation in the balance of power between the genders at societal level, which followed the events of May 1968, to initiate the institutional process of recognition of the labor of this specific social group. In this text, I would like to argue that long lasting discrimination of this singular social group does not only confirm the persistence of male dominance in the rather traditional milieu of the family business but also exposes more profound mechanisms of gender inequality in the French context. The specific socio-political position of family businesses, both located at the heart of the family as the cornerstone of modern society and being a key symbol of the liberal organization, is a significant interpretative key for the analysis of these mechanisms of gender inequality.

Both, the political roles attributed to independent businesses and to the family, are key
elements of a French national symbolic grammar that account for the transformation of
gender relations in France over time.

In France, the notion of independence has, for a long time, occupied a central symbolic
place in the collective imagination. Even before becoming, rightly or wrongly, "the best pupil
of the Fordist production regime" in the public discourse of the 1970ies or the "country
crushed by the state, taxes and government regulations " of today, France had long been the
land of the farm and the independent boutique, of fiscal orthodoxy and monetary stability all
of them nestled in political conservatism. Dominated by economic and social liberalism until
the administration of the Popular Front, France remained predominantly rural until the late
1940s and for a long time indifferent to some of the movements of modernization of the late
19th and 20th century. These included movement in favor of compensation and salary rights,
compulsory social security or the development of urbanization. The idea of economic and
political autonomy may be thought in relation to Marx's famous paradigm of the plot peasant
(Marx, 2007 [1852]), which establishes a definite relation between private property such as
family business to a specific form of liberal citizenship. Just like the countryside is thought by
the Third Republic as a force of balance aimed at easing the tensions and turmoil arising from
urban life, "boutiques", small entrepreneurship, their traditional management style but
particularly their grounding in the family life are designed as a foundation aimed at stabilizing
society. This socio-political logic crystalizes at the end of the nineteenth century and heralds
the confrontation between entrepreneurs and the salaried as a structuring social cleavage
(Gresle 1993a, p.37). This change does not necessarily push the loose contingent of all these
self-employed citizens to the political right¹ (Haupt, 1981, p.5). Rather the self-employed are
very numerous and diverse and are distributed throughout the political spectrum of the time.

The positioning of individuals, their autonomy and particularly that of women in the
family context is the second essential element for addressing the situation of the spouses of
the self-employed. The family, which is also one of the pillars of the account of independence
that we have just alluded to, is in France a fundamental unit from the point of view of political
citizenship. Voting rights were granted to women only in 1944 on the eve of the founding of
the fourth Republic. Citizenship during the French Revolution was granted to men, not only
based on their masculine character which was enough to guarantee the exclusion of women,
but also as representatives or more precisely as heads of their families, as paterfamilias
(Verjus 2010). The identification of the Revolutionary Republic with Greek or Roman antique
forms of democracy limits the voting rights to men and this often means that the socio-
political logic that prevails is the affirmation of the family of which the father is the head and protector as the constitutive basic unit of political democracy and not as that of the individual. The family is a micro-social scale version of the state.1 Throughout the nineteenth century, the arguments advanced against the idea of granting voting rights to women consist, on the one hand, in pointing out the risk of introducing conflicts within the family and the Republic—women were associated with the negative influence of the Catholic Church (Rudelle, 1994, p.60)—and, on the other hand, in claiming that women are not economically responsible. Thus, the emergence of political citizenship for women is raised as a challenge to the idea that the family is the ultimate frame of reference of the political order. This paradigmatic break is reproduced at some key moments in the unfolding of the process of recognition of women’s full citizenship rights. This time, however, it occurred in the context of women participation in family businesses.

Over time, independence and the family, those originally defining categories for the French national political imaginary, have lost their ascendancy over other domains of public life. They progressively have had to acquiesce to values defined in other segments of the public sphere. As we shall see below and to a large extent, the progressive decline of the model of independence as an economic, social and political paradigm along with the mounting pressure in favor of the standardization of employment norm and of the generalization of social security entitlements prepared this transition.

This work provides an analysis of the progress towards the articulation of the legal status of the wives of the self-employed in France in 1982 as a response to the tensions that define the role of women in the context of the family business. I will consider first the situation of these companies and the broader notion of independence in the wider political context. Second, I will focus on the situation of women in relation to their individual status as members of the family and as citizens. The law of July 1982 recognizes the reality of their employment status while it also defines the specific power-relations that issue in an uneasy bind between the household and the family business. The analysis of the articulation of this new status is organized around a few key steps.

This research is anchored in the analysis of the discourses that ground the public debates, which led to the institutionalization of a status for wives of the self-employed in their socio-historical context. This context is defined by social movements which, partly carried the discourses in question and that have consistently structured the associated debates. The positions of the actors are analyzed in relation to the domains of debate that are either internal to the relevant organizations or belong to the official space such as discussions in
parliamentary committees and debates in plenary sessions. In addition to the secondary literature, the material presented here comes from official sources, from private archives as well as the information collected through interviews with parties involved in this process of institutionalization.

The notion of institutionalization refers here to the various steps leading to the crafting of the law defining the status for this social group. Those steps can, to a certain extent, be associated with the formal stages usually entailed in policy processes: emerging of the public problem, definition and framing of the problem by social or political actors, setting of the public problem on the political agenda, decision-making process and, lastly, implementation (Howlett, Ramesh, 2003). However, as the extended analysis over a longer period of time will demonstrate—from the wake of the French revolution to the early 1980ies—there is a specific way for each age to formulate the issue of the labor of the spouses of independent workers. Precisely the diachronic analysis of this development will show a permanent tension between radical changes and continuities in the framing of the specific issue at stake here.

The article is organized in three parts that follow the chronological development of the process. A first overview of the situation of the spouses of the self-employed is sketched up until the Second World War. This period is one of ambivalence in relation to processes of modernization between the relations of women to their work in the family business and to their place in the context of family and citizenship status. A second period extends from the post-war until the late 1960s. During this period, despite the rapid evolution in the recognition of women's citizenship, tensions that develop among artisans and retailers around the institutionalization of employment and access to social protection of employees in the sector, contribute to the emergence of conflicts at the heart of the family business. These tensions contributed to blocking institutional changes for the spouses of the self-employed.

The third period is the aftermath of the process of institutionalization. While the divisions may have crystalized during the previous period, the social context of the late 1960s and the 1970s was marked by the predominance of feminist positions and a trend in the development of compensation right for workers of companies. The gaps, thus, closed at least partially and the process of institutionalization of rights for the wives of the self-employed begins to yield results even if not without ambiguities.

i. Ambivalent modernization in the first-half of the twentieth century

The place of women in the labor market in France is directly related to the gender-
grammar which redefined citizenship from the time of the Revolution. Breaking with servitude and a large number of restrictions on economic activity, the Revolution paved the way for the progressive imposition of free contract norms, situated at the very bases of labor relations (Castel, 1995). This transformation, however, did not directly benefit women whose work was caught at the intersection of three domains that conjointly put these workers in a situation of discrimination.

In the first place, women were, according to the Civil Code promulgated by Napoleon in 1804, a disenfranchised minority in the social and economic order (Daune-Richard, 2004, p.69). Women could not dispose of their own income or enter into contracts without the consent of their husbands. Furthermore, the employment classification that was promulgated in the wake of the Revolution excluded domestic occupations from the category of socially recognized employment (Fouquet, 2004). Domestic labor to which women’s activities were mainly referred, was considered from the revolutionary period and of the Concordat and for decades to come as activities "dependent" on socially-recognized professions. The non-material and intangible character of domestic activities reduced them to the category of “inactivity”. This category of "inactivity" would persistently cast a shadow on women's work and directly affect the status of the wives of the self-employed for years to come. Finally—and this applies in particular to the situation of the wives of the self-employed—the principle of mutual aid in the couple codified in Article 214 of the Napoleonic Code of 1803 addressed the issue of power-relations within the couple in terms which apply equally to the family business: "If matrimonial contracts do not address the contributions of spouses to the cost of the household, they [are to] contribute in proportion to their respective skills. If one spouse doesn’t fulfill his obligations, he/she may be compelled by the other in the manner provided in the Code of Civil Procedure."

Not capable of entering contracts or disposing of their own income, consigned to the domestic sphere, considered non-productive, not recognized as giving the benefit of an "active" status in the labor market and, finally, beholden by the duty of spousal support, the spouses of the self-employed were caught in a web of legal principles underlying social, economic and political activities which guarantees their institutional invisibility.

The early twentieth century, however, signals a set of interesting developments. Most of them will not be transformed into substantive reforms despite the favorable post First World War environment for women. If at the time, the salaried class is already a majority phenomenon in France—57% of the total labor force (Marchand, 1998, p.6)—it is still, however, in the process of consolidation. In contrast, the participation of women remains
much greater than that of men in situation of independence even if the trend in women's salaried employment is already established. In 1901, more than 24% of women are "isolated workers"—a term used to denominate women's work at home—while 28.5% are classified in the category of "head of the establishment" which indicates the importance of agriculture in the structure of employment in France as well as the importance of women in commerce. Their employment rate is of 47.4% and is much lower than that of men who are already employed at a rate of up to 57.8% (Maruani, Mero, 2012, p. 172).

The reasons underlying the sudden integration of the spouses of independent workers as "head of the establishment" are still relatively unknown. They are, in fact, related to the reform of public labor statistics of 1906, when the decision to integrate the wives of farmers but also of other self-employed workers in the count of active people among the "leaders of establishment" was made. Part of the implication of this new classification was to establish the equality of the spouses in the family business (Mariuani, Meron 2012, p. 22).

This pragmatic recognition of the activity of the spouses of the self-employed—even if it only has symbolic consequences in that historical context—must be understood in relation to the law of July 11, 1907 known as the law of 'free wage' of married women, which recognized the right of the wife to dispose of the "products of her own labor and economic gain from it". Nonetheless, legal commentaries noted that the law did not imply a right to free choice of occupation for women. The situation of the spouses of the self-employed, which concerns us here, however, is in this case the object of a particularly explicit treatment

"Take note beforehand that insofar as the wife takes care of household matters or helps her husband in the course of his business, industrial or commercial, it may not have an effect on the wife's earnings. This is not a salaried person, an employee or a worker of her spouse. She cannot participate in the profits unless she is associated by pecuniary regime to the enterprise. In the absence of such a company, she contributes freely as a sort of extra dowry her assistance to her husband. The question about the products of labor of a woman does not arise if she has a separate industry or occupation." (Le Courtois, Surville, 1908, p.2)

This law, however, shows some tangible progress for a vast majority of women for whom marriage contracts are almost never used—this is particularly the case among the low and middle classes—and who are then automatically subjected to the law of communal property. The discussion of this law is not only one of the first occasions to rely on a form of sociological expertise concerning social realities that demonstrate a fairly rapid evolution
towards gender equality—particularly in relation to work and income in lending a voice and then following the advice of moderate feminist.iv— but it is also the chance for the strong political dominance of a modernist and secular left to affirm the obsolete and retrograde character of the Napoleonic Code, which had governed gender relations for so many decades (Rochefort, 1998).

In titling her analysis of the 1907 law on the free wages of women "The Ambiguity of the Law," Florence Rochefort encapsulates well the impression produced by the period on the evolution of the recognition of women's employment and the transformation of the relationship to citizenship. The reality of women's labor, their majority and their individuality in the socio-economic order are recognized in the 1907 law while their status—potentially equal to that of men—within the family business is barley suggested in public statistics. However, many ambiguities remain. The refusal of the legislative body to address the freedom of women's work and the recognition of their work in the context of family businesses—which at the time was already an important reality—exemplifies the hurdles that emerged in the march towards equality. The two dimensions identified here for the structural analysis of the conditions of the spouses of the self-employed function as barriers. The family business and the family itself are not questioned and indeed the 1907 law is an example of this. The statutes make explicit in various articles the primacy of the household needs or the inapplicability of the enforcement of the right of provision "to earnings resulting from joint work of both spouses."

Despite the role played by women in the productive system during the First World War in France, none of the open parenthesis of the progressive turn of the beginning of the century will continue to unfold even in spite of the intensity of the debate and the development of feminist discourse. The political as well as the institutional situation in relation to ideas of independence is, on the other hand, more active. The organization of the labor movement and the simultaneous rise of new forms of commerce and production thrusts 'the boutique' into the territory of politics. This time, however, the movement clearly leaned to the right and brought about patterns of radicalization particularly in face of economic and social reforms made during the period of the Popular Front such as eight-hour days, paid leave, higher wages, etc. Artisans and traders who had generally succeeded in avoiding income taxes from their mobilization at the end of the First World War, sought to reproduce though more vigorously and with a more extreme political character, the same objectives in 1930 vis-à-vis the new social status quo (Zalc, 2012, p. 58). In this spirit, they came to promote a series of laws and decrees foreclosing the threats they perceive manufacturing and retails to be facing
since the middle of the decade (Ibid, p. 59).

In general, the period between the two wars is, in France, a period of destabilization of the small business and it presents a shift to the right in their politics sometimes registering a migration to extreme organizations which may signal a more general loss of centrality in the French political landscape. These socio-political changes, however, are not yet concrete institutional processes. The social and political power amassed by the movement was enough to help prevent significant hazards such as new forms of competition, taxes and social contributions. With regards to women and the questions of their individuality and their needed access to the full rights of citizenship, the conversation was already installed in the public debate. Nonetheless, conservatism and its associated resistance prevailed. With regards to women's emancipation in relation to a form of citizenship derived from the family, the evolution of representations and, without a doubt, the transformation relative to the relation of power between proponents and adversaries of direct female citizenship is not reflected in the institutional changes. The Vichy period will add to the confusion by exacerbating the political instrumentalization of the situation of women. First the law will act to strongly discourage female employment—law of 11 October 1940—and then to construct a kind of sacralization of women as mothers of family and its foundation, the couple—law of 22 September 1942 (Rouquet, 1996). Vichy affirms the preeminence of the tasks, issues and values of the community above all project of emancipation or mastery of the fate of individuals, especially of women.

ii. Formulation of public problem in periods of societal tensions and political deadlocks: from the immediate post-war to the late 1960s

Images of a tabula rasa or of the re-foundation of the system as a prism through which to understand the period after the Second World War can be more obscuring than illuminating. This picture suggests that indeed everything changed and that seemingly inscrutable positions of modernization during the first-half of the century opened up as the conflict subsided and people reconciled away from conflict. However, in the case of the relation of women with the employment system in France, the situation is more complex and it is more appropriate to speak of a reformulation of the issues and a shift of emphasis away form the previous ambiguities, which in a teleological view of history may be understood as stages.

The right of women to vote granted through a simple order issued in April 21, 1944 by the provisional French government in Algiers, which did not give rise to any public debate is a
notable example of this type of evolution. The construction of the French social security system as part of a compromise between Gaullists, Communists and Christian Democrats before the end of confrontations is indeed similar. At the time of the liberation, institutional structures that do not fit into the flow of social movements and political struggles or amidst the national public debates were built. Modernization is a top-down process and responds to the sense that France needed an urgent transformation to compensate for the deadlock, which preceded the war.

The social structures that emerged from the Third Republic—Vichy and the occupation—are also partly at odds with those of other European countries. Thus, although the female participation rate is with 38% one of the highest in Europe (Maruani, Meron, 2012, p.43), salaried women and general population remains limited to approximately 50% (Fourcade, 1993, p.7) as does urbanization which sits also at around 50% (Ibid). These numbers were much lower than those in Germany or the UK at the same time. The period, which opens immediately after the war until the late 1960s is, in this regard, marked by an almost reverse trend. Social structures are changing rapidly while, again, the pace of institutional reforms are stalling. The regulation of employment but also the context for small business are affected by this trends.

In the first place, the core of the construction of a norm of salaried employment takes place in the context of the wave of institutional reforms forcefully underway through the 1940ies, mainly through the development of social security, the restoration of collective agreements, the introduction of representatives for working forces and a large number of processes of nationalization of large companies that the state uses to leverage the enforcement of employment standard (Lallement, 1999). The development of these standards of employment is further pushed through the implementation of minimum wages in 1950 and particularly with regard to long-term employment relationships. This also happens by way of the law of 1958 regulating the due-notice for dismissal, which will be completed later in 1967 by ordinances mandating the calculation of severance pay based on seniority (Fourcade, 1992, p. 10). All these legal mechanisms are simultaneous with the rapidly changing status of the workforce during the period of reconstruction. If there were, in France, approximately 36,000 wage-earners joining the labor force each year before the First World War and more than 40,000 in the 1920s, this number has almost doubled to nearly 80,000 additional employees a year after the war defining the outlines of a virtually stable workforce (Ibid, p.7). Women came to comprise a very important part of this movement of salaried workers in the short span of only five years between 1959 and 1964 making the number of female workers
in the work force more than 480,000 (Maruani, Meron, 2012, p. 51). During the middle period of the *Trente Glorieuses* that were the 1960s, in France, women compensated the delay in growth in the number of wages-earners to become by the mid 1970s salaried more often than men with a rate of more than 84% of active employment. (Ibid)

This sudden inclusion of women in the work-force is accompanied by an event--documented by Margaret Maruani and Monique Meron—not very easy to interpret. The two authors point out that official employment statistics, which introduced socio-professional categories in 1954 no longer counted as active employees the spouses of the self-employed and particularly the wives of farmers who were at that time more than 6.3 million active workers (Maruani, Meron, 2012, p. 44). Besides the fact that this decision accounted for the sudden disappearance of nearly one million women in the official employment statistics, this decision also expressed the fact that the state expected a process of salarisation as the one mentioned above but also an important drop in agricultural employment. So although the automatic integration of the women of the self-employed in the status of "head of the establishment" in the early twentieth century may seem like a progressive policy, the sudden disappearance with a single stroke of the pen of a million women from the labor statistics inevitably raises question about recognition of women's labor.

As far as the regulation of independent businesses went, the consequences of the formulation of norms of employment and their most progressive and immediate application were delayed by several years and created tension and strong protests, which led to radicalization during the Poujadist episodes. The 1948 modernization of the tax system resulted in the quasi-cancellation of exemptions enjoyed by traders and artisans. Tax audits were also modernized and were specifically targeted at these sectors since the early 1950s (Zalc, 2012, p. 61). The organizations representing crafts and small businesses strongly opposed their integration into the national social protection system, which had been recently established. Eventually a compromise was reached with the government dealing with the domain of pensions in the creation of special diets as artisans and traders wanted in no way to be related to salaried (Gresle, 1977, p.583). The right-wing protests against the government and against the new schemes of taxation had great success in these environments among merchants and artisans. Pierre Poujade, a populist leader, capitalized the sentiment among the members of the Union for the Defense of Shopkeepers and Artisans (UDCA), who went on to place 52 deputies to the National Assembly in 1956. His party had received 2.4 million ballots, more than 11% of the vote. While tempted by possible alliances with the Communist Party which intended to make of this popular leader—the "stationer St. Céré"—the
torchbearer of a popular France threatened by the transformation brought about by capitalism, Poujade showed regularly xenophobic and anti-Semitic proclivities. His movement was stopped by the ascent to power of de Gaulle, whose nationalist and popular political positioning capture what would have otherwise been Poujade’s political base.

In socio-economic terms, the space of the craftsman and small business owner shrank rapidly. The number of the self-employed fell in France by more than 6.6 million in 1954 to less than 2.4 in 1968 (Maruani, Meron, 2012, p. 52). This sudden collapse also encompasses and signals the rapid decline of the agricultural sector during the period but it also indicates the profound transformation of crafts and, in particular, of retail.

The law of July 13, 1965, which reformed the matrimonial regime granting equality between men and women must be mentioned in relation to the evolution of the political understanding of the family. This law granted women the right to administer and manage all their property (Colomer, 1966) changing the status from the reform of marriage law of 1907, which gave women control only over the income of their own work. Either way, this law is not a statute of emancipation in that it continues to assert a status quo in which both spouses must decide together and this is especially so with regard to real estate property and other assets owned in common which include, of course, craft and commercial enterprises (Terré, 1965).

Of the two structures that underlie my interpretation of the transformation of the status of the spouses of the self-employed—family and the political idea of independence—the second encounters a deep crisis in the first decades of the post-war period. The radical resistance emanating from the craft and trade sectors against the movement not only of salaried workers but of the standardization of employment for the general population may be its cause and it is most certainly its expression. The situation of the family in this configuration does not change much but instead raises tensions about issues related to different forms of taxation and social contributions which the self-employed had to pay. All of this did not herald a swift transformation of the situation of the spouses of the self-employed.

However, this period is the period of the formulation and, at least partly, of the institutionalization of the issues that foreshadow the demands of spouses of the self-employed of the next decade: the recognition and compensation of labor and the allocation of their own social rights.

iii. The 1970s and the last stage of institutionalization

The period which begins with the 1970 will witness not only the symbolic recognition of
the work of the spouses of the self-employed which will include institutional encouragement for their remuneration and the respect of their rights in the field of social protection but also a possible balance in the power-relations in the context of the family business. Even though the specific issues related to the situation of the wives of the self-employed were not established in the previous stages, the explicit cycle of public action as the stage of the articulation of the institutional solutions to the problems in question will eventually be addressed in more or less a ten-year period.

In the final section of this paper, I intend to emphasize primarily the issues related to the public thematization of the problems affecting the spouses of the self-employed. This means mentioning the discourses, which embody among the public the issues in question in order to make visible some of the division and their resulting challenges but also to analyze the various social movement that germinated around them. This will then make it possible to return to the main processes of institutionalization and conclude with their interpretation.

I will begin this final section sketching the situation of family enterprises of the period in question, that is, from the late 1960s to the early 1980s. During this time we can detect two clear trends. First, the speed of reduction in the number of the self-employed working force slows downs sharply in the 1970s. Their number, indeed, went from 2.34 million to 2,04 between 1968 and 1975 (Maruani, Meron, 2012, p. 52). While the decline is still important, it is less disastrous than the sudden collapse observed between the mid-1950s and 1968. The second important change directly affected artisans' and retailers' wives. The latter, if they had not yet left the family businesses en masse—the statistics are unreliable due to the almost general absence of administrative or institutional records—systematically moved to occupy regularly remunerated jobs. The number of those who made such choices doubled from about 11% to 22% in just over the ten years between 1969 and 1981 (Cézard, 1988, p. 37). Reports and studies from the 1970s about the artisans and merchants but also about their wives indicates the importance of the multiple activities and the rise of labor practices that included both regular employment and part-time work in the family business. These situations, however, registered large variations depending on the type of activity (Zarca, 1979, p.87). The food sector including butchers and bakeries entailed, for the wives of the self-employed, the most time-intensive activities among family businesses. In these cases it was virtually impossible for these women to engage in another activity (Cézard, 1988, p. 35). Relations between the self-employed and government and public administrations remained strained as public officials continued their consolidation programs for standard employment norms including the coverage of the population by social protection and hence, by extension, of those
employed in the crafts and commerce industries. The strengthening of the control of the
development of large-area trade—the Royer law of 1973—was a form of compensation for an
industry that continues to enjoy political influence, especially on the right but also in those
days upon the Gaullist and then upon the Liberal governments in power since the foundation
of the Fifth Republic.

Construction of the public problem and social mobilization

The construction of the public issue around the professional and social situation of the
spouses of the self-employed is inscribed upon a political and social context which we cannot
simply read as a set of polarities if we take into consideration our two main themes, which are
the situation of the independent businesses in the socio-political national context and the
situation of women in the context of the family.

In relation to the first issue, it is important to take into consideration the forms of radical
contestation that emanate from the milieu of retailers and artisans. Since 1969, Gerard
Nicoud, a restaurateur established in the department of l'Isère, projects his position loudly
among the French media. He engages in provocations against the public administration—occupation of the public spaces, acts of rebellion, calls for fiscal disobedience, etc—in reaction to the law of 1969, which created a medical insurance company for the
workers of the sector. The CID (Centre d'Information et de Défense) and after CID-UNATI
(Confédération Intersyndicale de Défense et d'Union Nationale des Travailleurs
Indépendants) which he founds as the 60ies come into the 70ies as a way of defending a
hardline against the social contributions and pushing a populist right-leaning approach akin
to the Poujadist movement of the post war period. However, this movement will not suffer
from the xenophobic and racist penchant of its predecessor. In 1974, Gerard Nicoud would
come to occupy the same function in the management of the health insurance fund for
artisans and retailers (CANCAVA) and in this position he would try to reorient the fund's
policies towards the protection of the most vulnerable among the self-employed. (Gresles,
1977, p. 595) The success of the aggressive or, at the very least, energetic strategy of Nicoud
will, beyond this, push the traditional organizations representing the interests of the artisans
and of retailers to merge into an inter-professional and unique structure, the Professional

The second issue which encapsulates the problem and which we shall consider here is
the one that concerns the place of the woman in the order of the family understood as the
pillars of society. It is difficult not to evoke in this respect and in the period that runs from the
end of the 60ies until the 80ies, the advent, sudden and forceful, of the discourses of feminist vindications in the public sphere. From this point of view, the events of May 1968 liberate the words of women to the public space and contribute to signal, if symbolically, the subversion of the hegemony of conservative values and its associated conformism slowly built upon the ruins of the agonic fourth Republic and practically throughout the first ten years of the fifth. The work of historians on this period shows, however, the weight and force of the repression of feminine presence in the midst of the student movements by the security forces—forces of order—and by the masculine labor traditions at the core of the labor movements. (Zancarini-Fournel, 2002).

The feminist struggles take place all along the 70ies in a profoundly divisive and conflictive context. There is a tendency, for instance, at the bosom of the MLF (class struggle/women's struggle), which fuses class struggle with gender struggles under a radical Marxist scheme. The development of feminist positions at the core of the labor movement will take full force mostly towards the end of the 70ies and this mostly by way of the CFDT. In other regards, the relation between the feminist movements and the labor and employment issues will remain weak. On the one hand, in France women struggles focused on abortion rights (MILAC) and somewhat less intently on matters of emancipation, which interestingly made their target the traditional family configurations and the power relations favorable to men that were preserved in the traditional couple. On the other hand, the feminist leaders, often intellectuals like Simone de Beauvoir, Christine Delphy and Antoinette Fouque or those in advocacy like Gisèle Halimi or even business women like Elisabeth Badinter were openly attacked and singled out as “bourgeoise” by the—mostly men—left-wing leaders of the 1970ies (Delphy, 1977).

So in that the overlap between feminism and labor struggles are hardly visible and when they occur they do so only slowly and late in the case of workers, no explicit coalition exists between the feminist movement and labor in the construction of a public problem to be dealt with in relation to the situation of the wives of the self-employed. The associations of women which had occupied the spotlight in debates about gender before the break of May 1968—for instance in the context of the reform of marital rights in the middle of the 1960ies (Terré, 1965, p.7)—were either close to the communist party (Union des Femmes Françaises) or affiliated with the christian social movements (Union Féminine Civique et Sociale). As far as we know, nothing indicates that these movements or the networks which were close to them had participated in the formulation of the issues and the promotion of the public debate about the situation of the spouses of the self-employed.
Beyond the state of the debate and of the mobilization in relation to the broader issues, the analysis of the institutionalization of the official status of the spouses of the self-employed also calls for the study of the process of construction of the public problematization in relation to the specific issues and in the context of collective mobilizations.

The first trace of a direct formulation of the situation of the spouses of the self-employed can be ultimately found in the report given to the government in May 1976 jointly to the ministry of commerce and crafts and to the secretariat of state on the conditions of women. Written by an auditor of the Court of Auditors⁴, Madame M.-T. Claudé, this report produced a complete analysis of the situation of the spouses of the self-employed grounded on the statistical data, a large number of interviews with officials but also with the representatives of the independent business sector (Claudé, 1976). The precise origins of the report are not very clear. Bernard Zarca refers to “the pressure exercised by the small feminine groups, still informal but which where already making their voices of confrontational minority heard”(Zarca, 1993a, p. 94). The importance of these first collective feminine actions, anchored in the milieu of artisans and retailers is also confirmed by the Claudé report. (See bellow) It is however important to make clear that at the core of the public administration, the projects of general integration for the population under social protection schemes had already seen advances during the 60ies. But it was mostly at the beginning of the 70ies that the public administration began to take notice of the little-known cases of the spouses of the self-employed. For instance, the law of December 29, 1973 permitted the spouses of business owners participating in the professional activity in the context of the family businesses to contribute voluntarily to a system of insurance for pensions and disability (Sicard, 1982). Beyond the construction of a public agenda to be treated in the public space, the specialized services of the state had already included these questions in their agendas.

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Claudé report in relation to the first developments of the women movements among artisans

“For some years now, women seek to escape this isolation, mostly in the craft sector where they are grouped in “women’s clubs” with the aim of promoting collective reflection concerning their common difficulties. These clubs which are formed either in the context of the labor organizations or in the context of the trade chambers have rapidly received the attention of those interested and their growth in numbers has not subsided. They face,
however, the overt or covert hostility, even the derision of male leaders, who fear that women will take a major part in professional bodies, an assumption that may not be fully rejected given how great is their willingness to think and modernize."(...)

“Thus organized, women do not present themselves as 'suffragettes'. Their intention is to be brought out of invisibility (oblivion) where they were kept thus far even within their social or professional categories. They wish to prove that their cooperation and participation are essential to their profession and they hope that their reflection will contribute to the modernization of their business."


The organization of spouses of artisans and of retailers is rooted in the domain of the chambers of commerce and craft in which, in the 60ies and 70ies, some had began to propose forms of management, compatibility, administration, etc specifically destined for women. These movements were structured in two national networks and had taken a more political form and in such contexts they had formulated clearer agendas—particularly starting in 1975 and 1976— around the time in which Claudé had filed her report. The two networks, transformed in associations in the occasion of the national or inter-regional gatherings, were founded on regional bases but had rapidly become the vehicles of common discourses and agendas.

The first of these movements was the ADEAC (Association des épouses d'artisans et commerçants). The members had set their claims on a great number of issues such as the “possibility of a transference of the family patrimony to the individual patrimony... the simplification of domestic cooperation system through measures such as the 'presumption of mandate' ... the recognition of women's work by awarding the wife allocation for maternity... and substitution benefits, without neglecting, however, the issue of pension rights, which at the time took on growing importance" (Zarca, 1993a, p. 94). In relation to this movement, Bernard Zarca makes mention of the support that it enjoyed form the CID-UNATI. The organization tried to support these women in buttressing the challenge that the new organization delivered to existing groups (Ibid, footnote 29). The ADEAC however quickly liberated itself from this support that could become rather obtrusive and controlling.

Although the ADEAC was an organization founded on the northern part of France,
particularly issuing from a group in Brittany and in which the first national meetings took place in Paris, an autonomous network was established in the south of the country under the initiative of a group of women who had developed their organizational skills in the Chambers of Craft and Commerce of Avignon. (Ibid, p. 95) In 1975, this network gave birth to an association with membership in the ADEAC, ACTIF (Association des Conjointes de Travailleurs Indépendants de France). This association focused its claims on the issues of retirement and gave place of honor in its organizational agenda to the radical independence from masculine organizations. For Bernard Zarca the claims of the ACTIF which were geared to the recognition and the attainment of personal rights not necessarily deriving in retirement rights, were more directly defined by their feminism: “to demand a social redistribution destined to level the situation of female workers in different social condition and categories in a more equitable manner... to claim personal retirement rights returns to a gender struggle”, which could go so far as to expose the tensions at the very bosom of conjugal life. (Ibid, p. 96)

For him, the claims of the ADEAC, on the other hand, are rather geared to the attainment of permanent solutions for the women to better serve the family business but without seeking to challenge the power relationships within the family business.

The mobilization carried out by the two organizations obtained, in their respective camps, that is to say, in their respective representation of the interests related to the retail and craft sectors, distinctive political weight because of their success. The members were many, the associations were established in the majority of the country’s department and the reunions and actions were vocal and well-organized.

The tone of the discourse of the craft and commerce women associations was inscribed, first and foremost, upon the claims for the recognition of the work and of the minimal necessary social protections that ought to come with it. (See below)

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“The wife of the artisan is now someone in the company! The wife of the trader is someone behind the counter! We are collaborators, office workers, drivers, salespeople, managers, operators, delivery persons, assistants in the workshop and yet we are counted as jobless and although we work 10, 12 or 14 hours a day we have no legal recognition.”

"Prove your will to act effectively in the public interest. We must obtain juridical status and recognition for our work. This legal status which will give us precisely our own rights, income, social and professional rights... This is the objective of our association."
We are not: a feminist movement.

But we are: joint artisans and traders aware of our problems."

(...) The status of the employee as an entrepreneur will be submitted to the National Assembly during the legislative session of the spring. However, you must save free-choice at all costs: either the association or the collaboration or the wage, depending on the specific role of the wife in the company. However, our legal recognition, social and fiscal is critical.

This editorial piece signed by Lucienne Webber is representative of the ambiguous situation in which the spouses of the self-employed found themselves. On the one hand, they divorced themselves radically from feminist ideas but, on the other hand, they claimed for themselves—as moved through the network of ACTIF, mostly in the south to which the Alsatian association is attached—their own rights and particularly the rights of social protection. Moreover, if the couple and the family space are not apparent in Weber's editorial, they are central notions in the status of the national federation ACTIF. This status is defined as a 'normative' document: “The national federation ACTIF is not a feminist protest movement. It pursues honorably the promotion of the professional unity of the couple.” Under their long-term objectives, the document claims as the organization's goal “the reform of the company where the place and function of the spouses must be defined in an equitable manner. The National Federation ACTIF insists on the family-based character of the enterprise. The company is the business of the couple in whose bosom will be determined: a juridical status and a social status which will grant proper rights to each of the spouses—revenues, social and professional rights.”

The claims here clearly formulated and set upon the idea of the recognition of work, of the plurality of statuses and of the free choice of the family entities in favor of one or other of its statutes determines to some degree the outline of the law which would be promulgated in 1982.

The process of institutionalization for the Spouses of the Self-Employed.

The process of institutionalization of the juridical status for the spouses of the self-employed was in fact initiated by the presentation of Claudé's report to the government. The report led to a field investigation and multiple meetings with professionals and industry representatives which helped to formulate more systematically the problems faced by the spouses of the self-employed: double labor days for women, absence of any recognition, great vulnerability in face of risks such as illness, death of a spouse or divorce, and facing the onset
of economic risks such as the bankruptcy of the company (Claudé 1976). The report also took note of a number of options for reform in terms of the law but also in relation to ways of managing the family business in order to address the recognition of women's work or their need of social protection. These proposals would feed into the process of institutionalization, which, however, the governments led by the Giscardist majority in the late 1970ies did not achieve. This was partly due to divisions in both political parties in the majority but also, and especially, because of the divisions among organizations representing the interests of those in retail and craft between those who were fiercely opposed to any increase in social contributions for individual businesses and those who thought it necessary to better establish the status and social protection as well as the employment rights of the wives of the self-employed. Additional mechanisms that could have improve the situation of these women—for example, the maternity insurance benefits of 1978—were not successful due to lags in the administrative work. For instance, the decree for the implementation was never published (Sicard, 1982, p. 25).

The legislative process revived during the presidency of François Mitterrand by the parliamentary coalition of socialists and communists began with the production of a parliamentary report by the socialist deputy Odile Sicard, who presented the work in April of 1982. Besides the ministers in charge of the dossier, the members of the commissions of the permanent assembly of representative of the chambers of commerce and industry and of the chambers of crafts as well as the representatives of the bureaus of the associations of the spouses of the self-employed (ACTIF and ADEAC) and the leaders of the UPA were interviewed in the context of the parliamentary process.

The review of the minutes of the parliamentary debates of 8, April 13 and 14 about the law is not particularly surprising. MPs from the left defended the law. Members of the French Communist Party gave a defense of the independent business as a response to the large retail companies through which capitalism was advancing. Member of the Socialist Party (PS) held mostly a feminist line of discourse with an anti-capitalist undercurrent which singled out and demanded to "correct the inequalities caused by [the] capitalist society to the victims of the victims: the woman" (Raymond Douyères, MP PS). On the right we find a cleavage that had made it impossible to adopt the law as the right was in power between supporters of additional protections for women and those who were completely opposed to the increase in "social security". A single member of the opposition criticized the government for failing to incorporate in the text of the law the professions, in general.

Finally, the legislation that defined the status of rights for the spouses of the self-
employed was adopted unanimously by the National Assembly on July 13, 1982 after several days of fairly intense debates and discussions. The text grants to these women the choice of three statuses. The first is as associate partner. Through the simple registration to the trade registry or the crafts registry, any spouse who does not hold any other professional activity can have recognition of her own activity, can act on behalf of the company and is allowed to share the pension, insurance contributions and will now have opened access to maternity insurance. The second is the status of employee-spouse who allows any partner to join the business through a standard employment contract. This however indicates a relationship of subordination which though problematic for the couple it permits the payment of social security contributions and the full enforcement of labor laws. The final status is the spouse partner, which allows the spouse of the self-employed to share equal rights and responsibilities in the family business.

**Conclusion**

These different statuses respond to the claims of the association of spouses of the self-employed—particularly to the National Federation ACTIF—and not only in relation to their policy agenda but also in the mode of action, which were advanced to regulate the family enterprise. The law of July 13, 1982 is an eminently liberal law, which does not create any obligation for the couple or for the individuals in the space of the family business. It rather produced a major break with the political and institutional order in recognizing the work of spouses of artisans and retailers and in opening the doors to the inclusion of rights while, at the same time, advancing a principle of equality at the bosom of the family enterprise. Beyond these symbolic dimensions, in fact, the concrete consequences of the law would be rather weak (Zarca, 1993a) and it would be necessary to wait for more restrictive laws, which would only come in the years 2000 to reverse the state of the labor relations 'on the ground'. From this point of view, Zarca shows that the modernization of institutional frames, if not accompanied by obligations, abdicates the necessary confrontation with the concrete social problems, which occur at the individual level. Nonetheless, the appearance of this law, its normative tone but also the legal instruments that it contains permitted to change the relations at a micro-social level.

From this point of view, the text of 1982 breaks radically with discursive elements that define the evolution of the two dimensions, independent business and the family. On the side of the independent business in the political context, it is important to point out following
Robert Castel (1995) that the almost complete salarization of French society after WWII had brought to an end the major cleavage opposing workers and owners. From this confrontation stemmed the strategic position, which the self-employed sector held throughout most of the period of the Third Republic and the political and economic tension in which the "boutique" found itself during the fourth Republic and the beginning of the fifth.

The recognition of individual rights as well as the promotion of equality in the management of the family enterprise show very well that that page in the history of the relation of the family with concepts of citizenship that was decisively turned in 1945, had finally reached an epochal shift. Significantly such changes entailed a transformation in the representation of gender equality even in those social spaces where socialization and traditional values could seem most at odds with it. However, in openly manifesting their hostility to the ideas espoused by the feminist movements, the wives of artisans and retailers articulated a set of claims which not only encompassed an egalitarian dimension in relation to their individual situations—social protection had to be paid by the family enterprise as in the case of men—but even more interestingly, more abstract rights—recognition of labor, individual status of women, recognition of their capacity to act on behalf of the company, etc. The contours of citizenship which where articulated here bypass the family and the family business to go directly from the individual to the state in order to define its economic and political identity.

What theoretical conclusion can we draw from this long march towards the institutionalization of the work of the spouses of the self-employed? The analysis presented here shows, at the same time, the importance of the structural changes concerning the situation of women—their presence in the labor market for instance—and of the discourses and dominant presentations of women, the family, equality and their legitimate rights within the social order. In the context of such facts relevant to the macro-social scale, the power relations in the micro-social scale, which are exercised in the intimate settings of a couples life, in shops and boutiques and in workshops of artisans are, needless to say, not separate from the macro-social scale. The French "boutique", the popular foundation of the liberal society of the post-revolutionary 19th century, had progressively transformed into the conservative counterweight for the demands of wages grounded on the left before slowly becoming, after the WWII, a space of resistance—almost an anomaly in this context—to the general implementation of salaried labor.

This boutique appears as a nook, as a fold in society, designed to resist and escape as long as possible the integration of employment in the standard norms for salaried labor.
resisting social protection by resisting social insurance and protective social rights. This quasi counter-corporation represents a bastion of singular opposition to the discourses of "modernity" summarized—so to say—in the demands and process of salarization and welfare. This can be partly explained by the fact that these communities inherited old values which were rooted in the inviolability of the family as a constitutive social unite. It is precisely these ideas and values that informed their politics and shaped the dynamic of the family and the economic life of the family enterprises in relation to the political order.

In this context, the recognition of the work of the wives of the self-employed in the space of the family enterprise and in relation to their aspirations and needs of proper mechanisms of social protection, demands an emancipatory dynamic for women in detriment of the family collective. It is here that although the confrontation, or minimally a certain incompatibility, between the macro-social scale and the micro-social scale become starkly evident. The process of institutionalization emerges more clearly than it is usually the case as a process of mediation which is intended to intervene in the micro-social scale.
Bibliography:


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i In order to analyze the political developments of the self-employed in a comparative perspective, Gerhard Haupt recommended to place this group both vis-à-vis larger firms are often contractors, vis--vis the state and its policies, but equally vis-à-vis workers' political organizations (Ibid, p.8).


iii The last lines of the first section of the law stipulate in addition that "the foregoing provisions shall not apply to gains from the joint work of both spouses."

iv This law was the object of the constant agendas of the English-born feminist Jeanne Schmahl since the 1890s.

v Saint Cérè is a large village in the Lot. Poujade is thus the product of rural France in rapid decline rather that the product of the boutique in large cities or suburbs.
This refers to the *Cour des Comptes*, the office of public administration in charge of overseeing public expenditure.

The report Claudé states that women traders have joined the first mobilization of women only with the spouses of artisans. She believed the case to be that the retail sector was, more so than crafts, dominated by "stubborn individualism" (Claudé, 1976, p.10).

However, initial discussions have revealed to me that the support of the Chamber of Trade of the Haute-Marne had effectively moved against various attempts of recovery by interested organizations, political parties or candidates for the presidency of the Republic!


Statutes published in the first bulleting for the Wives of Artisans and Retailers.