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POMPES FUNÈBRES AND THE OVERFLOWING OF OSTENTATIOUS FUNERALS

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The 19th century saw the formation of the funeral market in France. Within the context of constant interference by Church and State, the first *pompes funèbres* (funeral companies or undertakers) gradually spread from Paris into the major provincial cities and their outskirts to assume the role of supplier of funeral goods and services. How did the trade of funeral goods, under the clergy's rule over previous centuries, become the source of private business prosperity through a process of increasing commodification of the funeral goods on offer? In this chapter, I suggest that the case of the funeral market offers a privileged insight into the way public utilities lead to specific forms of market, in which "market devices" closely link politics and markets, both in their framework and in their "overflowing" of the framework.

The dynamics of market formation have long been investigated in economic sociology (Carruthers, 2006). The emerging process of market exchange in specific areas has been related to various forms of "embeddedness" – network (Granovetter and McGuire, 1998), cultural values and legitimacy (Zelizer, 1978; 1985), political foundations and state rules (Fligstein, 2001), and sociotechnical *agencements* (Garcia-Parpet, 1986; Callon, 1998), all describing the entanglement of market and non-market forces. In her famous study on the history of life insurance – a subject close to the death market discussed in this chapter – Vivianne Zelizer (1978) suggested that the historical process of the changing social value of death and the transformation of cultural meaning be followed.

I take a different perspective on the entanglement of market and non-market realities, by adopting a pragmatic approach to the process of market formation. It is not merely a question of considering how the commercialization of funerals was brought about through a system of moral values that are congruent with the commercial order. It is also a question of examining the interplay among all three stakeholders – Church, State, and *pompes funèbres* – while considering the set of devices that arrange their divergence and organize their strategies and calculation (MacKenzie and Hardie, 2006; Callon et al., 2007). The point of these market devices is to incorporate this institutional complexity into the other essential problems of coordination that must be resolved: value formation, regulation of competition, and the organization of

cooperation (Beckert, 2007).

The funeral economy of 19th century France was the subject of conflicting political and moral appropriations, notably in the confrontation between Church and State. The following analysis demonstrates how market devices integrated “calculation formulae,” which conveyed a substantial political dimension, in an attempt to balance the divergent values and interests of the stakeholders. I suggest that this form of political calculation, as an institutional compromise slotted into a price-setting mechanism, was decisive for the merging of private business interests with the public management of death. To understand how funeral merchants fit into this complex and conflicting institutional context, one must follow them in the way they interceded in this institutional interplay and succeeded in managing the dissonance among the stakeholders (Stark, 2009). Only then it is possible to see how the formation of the market proceeded from the continual reinvention of this “frame-setting” as an attempt to manage overflow. This movement spread on two levels: the entrepreneur’s ability to fructify the trade of funeral goods beyond the redistribution of its benefits; and the intrusion of peripheral actors, attracted by this flourishing trade, to develop competition at the margins.

The pragmatic approach to market formation is notably inspired by the work of Michel Callon, through his focus on socio-technical arrangements (STA) in shaping calculation activities and formatting economic interactions (Callon, 1998; Caliskan and Callon, 2010). I follow complementary approaches by considering these founding market devices as “dynamic configurations” of material and narrative elements, inevitably including market infrastructure and political aims (Fourcade and Kieran, 2007; Kjelberg and Helgesson, 2008; McFall, 2008). The further objective is to show how the continuous movement of framing/overflowing around the panel of supplies generated its constant expansion in line with the growth of entrepreneurship and competition.

Formal sharing among the Church, the State, and the *pompes funèbres*

The property rights agreement

The story begins with the legislation of 1804, when property rights and rules for sharing among the various protagonists were formally established, along with a formal institutional framework. The Year XII Prairial Decree, introduced in June 1804 under Napoleon,¹ established a political framework to settle divergences between the State and the Church. The aim of the law was to end the burial crisis in Paris and other French cities – a result of Revolutionary absolutism and its attempt to make a clean sweep of the past. In re-establishing

¹ This Napoleonic law was directly inspired by the tried and tested organizational funeral régime that had been negotiated with the parish councils and undertakers, and introduced in Paris by the prefect, N. Frochot, in the preceding years.

the alliance of State and Church, Napoleon reinstated exclusive rights to the ceremonial side of the funerals to the *fabriques* (vestries),² in order to compensate the Church for its losses. At the same time, it confirmed the municipalities as the coregulatory authority for the part of funeral ceremonies that occurred outside the Church building – the transporting of the body to the cemetery. It also permitted the *pompes funèbres* to develop their trade both as the contract holder of the monopoly and as a competitor for peripheral supplies (graves and ornaments). These new *pompes funèbres* were often the direct heirs of the corporations (town criers³, candle makers, coffin makers) that had continued to supply funeral material during the revolutionary period⁴ (du Camp, 1874).

This “political exchange” (Pizzorno, 1978) was established through a division of the service into three areas: the “internal service,” covering the offer of goods and services associated with the religious ceremony (e.g. candles, wall hangings, and priests), and for which the authority in charge was the clergy; the “external service,” covering the organization of the funeral *cortège* (procession) through the town and as far as the cemetery; and the “extra service,” which designated such supplies and accessories as wreaths and flowers that were sold by companies outside the monopoly at freely set prices.

The 1804 law had thus constituted the key distributive partition of tasks among the Church, the State, and the emerging private industry, by splitting up the supply side of funeral goods and services. At the same time, it provided the base of a vast enterprise of competing “qualifying” and valuing goods (Callon et al., 2002), a subject that turned out to be extremely conflictual. The coffin, the draperies, the medallions and insignia, the carriage (later the “hearse”) – but also the prayers and other participants in the procession– all these things, and many more, became part of the long list of “ancillary” services and goods provided by the three purveyors (religious, public, and “extra”).

Their valuation (the determination of tariffs) was to be kept under close control by public authorities (municipal council, prefect, and emperor). The entire distribution of services was, in fact, eminently political. The public or “external service” covered the minimum service (coffin, porters, and the individual grave⁵), which demonstrated the equality of all citizens outside the church. The religious ceremonial or “internal service” (the religious service and all decorations for the church and the home of the deceased) provided parish

² More exactly to the *fabriques* (vestries) and the *consistoires* (consistory councils), the latter being the administrative local councils of the Protestant churches.

³ The town criers publicly announced deaths, along with anything to be advertised publicly. In France, this function led them to be the first corporation to provide funeral supplies.

⁴ According to historical documents, their role during the revolutionary period was controversial. On the one hand, they had worked alongside the municipalities to cope with the critical burial crisis in Paris and other French cities; on the other hand, testimonies from republicans condemned their “obsessional mercantilism” (Rubat du Merac, 1905) and their “sordid speculations” (Report relating to burials by Comte Ségur, 1803), favored by the absence of regulation.

⁵ Prior to the 1804, it was common practice for ordinary people to be buried in communal graves. The 1804 decree established the individual grave as a right and a common good for all citizens.

revenues from the embellishment of the procession with levels of decorum and pomp as befitted the wealth of the deceased. The area of “extra goods” was initially seen as supporting the undertaker’s investments to provide the public service. In time, however, this profitable sphere gave rise to constant controversies concerning its boundaries and the benefits accruing therefrom.

Established in 1804, this mapping of property rights over the production of material and symbolic goods evolved continuously over the following centuries: first, through the way in which the participants profited from their prerogatives, extending the catalogue of goods on offer in each category and falling out over the issue of who had the right to what; then, through the major institutional changes brought about by the separation of Church and State in 1905, which modified the distributive balance among the three protagonists. In this chapter, I examine the way in which this political frame was taken over, reconstructed, and indeed overflowed by local participants, particularly in urban centers, where there was a greater concentration of mortality.

Coordination and arrangements between participants at the local level

The Prairial Decree set out the framework for negotiations between civil and religious administrations, by distributing attributions and powers with respect to the administration of tariffs. But it left it free to local actors to implement the law and to invent their own arrangements. In fact, in most of the country, which was semi-rural and rural, the *fabriques* conceded their monopoly, which tended not to be profitable in areas where the proportion of upper classes – and expensive funerals – was low. As in previous centuries, the organization of burials in the countryside relied on community solidarity in the form of neighbors, family and next of kin, the parish priest, or charity brotherhoods. In major French cities, on the other hand, the *fabriques* negotiated with public authorities to set up a local organization for funerals. The testimonies provided by historians (Kselman, 1993; Bellanger, 2008; Bertherat and Chevandier, 2008) and jurists (Gaubert, 1875; Rubat du Merac, 1905) describe this progressive construction as punctuated by various failures and changes, organizational schemes and forms of regulation, as well as the appearance of private companies.

It is within this institutional context that recourse to a private company began to emerge as a solution that was especially favored by the various protagonists, because it allowed for economic balance as part of a political tradeoff (Trompette, 2011). Thus the *cessionnaire*, the *pompes funèbre* chosen by the municipal government, now held the monopoly for funeral services conducted in the area. Within major cities – Paris and its suburbs, Angers, Tours, and others – historical analyses of the negotiations between institutional stakeholders and *pompes funèbres* at both the local and national levels⁶ demonstrate that the *pompes funèbres* managed to establish themselves as efficient trade mediators. Given the context of uncertainty and the possible legislative

⁶ The establishment of a municipal undertaking service had to be approved by the Ministry of the Interior following a presentation of the organization's system and the tariffs applied.

changes,⁷ private businesses could guarantee a profit, whereas the parish or municipal councils could not. By granting them substantial commissions on the sale of funeral goods, they were able to provide significant revenues to the parish councils. Referring to the first discussions among the episcopal officials; the town hall officials; and Mr. Jeramec, representing the company *Pompes Funèbres Générales* (PFG), Kselman reports that “[Mr. Jeramec] demonstrated to episcopal officials that the *fabriques* of Angers would suffer serious losses in revenue after the new decree was implemented. (...) He proposed that the undertaker add a list of options beyond the items agreed to by the *fabriques* and the city council, on the sale of which he would remit 25 percent to the parishes” (Kselman, 1993: 266). The profit mechanism established by the private operators to increase profitability was simple: they added superfluous accessories (at freely set prices) to the classified offer of goods, awarding the parish councils a commission on these supplies, albeit much lower than the commissions offered for the main categories of services that they administered. Cushions, drapes, flowers, and various accessories enhanced the pomp of funerals, and the profits were redistributed between the entrepreneur and the *fabriques*. To forestall the city’s opposition to such profitable activities being in private hands, these new “entrepreneurs”⁸ made provision for what was basically the municipality's responsibility: transporting the body to the cemetery.

Thus the official *concessionnaire* applied a delegated calculation or rather, in this case, a “delegated profit.” “(...) [T]he lay undertakers saved the clergy the embarrassing task of collecting fees for services, while providing the parishes with sufficient funds for maintaining the cult; (...) cities profited from the system by freeing themselves of the charge of burying the poor. (...) By increasing the revenues for the parishes, city governments would free themselves of potential expenses, because the law controlling municipalities made them liable for any deficits run up by the *fabriques*” (Kselman, 2003: 272). By adapting the goods on offer, the *concessionnaire* guaranteed profits that were redistributed in the direction of both religious and public interests (setting up a win-win situation). Given their opposing interests, the institutional stakeholders were thereby freed from any direct confrontation in the management of funerals and the attendant goods trade. The concession model (leasing solution) would therefore become the most widely used model, in which the *fabriques* and the municipal authorities would delegate, “under their tutelary supervision,” the running of funeral services as a monopoly to the *concessionnaire*, including a free service offered to the destitute.

⁷ The vestry monopoly was the result of political bartering, and remained highly controversial within the context of the debate on secularism – notably between 1879 and 1905. The leasing solution meant that the parish *fabriques* or municipalities were freed from the heavy investments needed to guarantee a dignified and lasting public service during such periods of crisis as epidemics and political crises. Horses, hearses, wall hangings, and personnel represented some of the biggest investments.

⁸ It is significant that the English word “undertaker” is a literal translation of the French word entrepreneur, but that it applies solely to the occupation of funeral management.

The system of categories (classes of funerals) :Framing the sharing of profits

The control exercised by the authorities among themselves and over the *pompes funèbres* was exerted principally through the administration of tariffs; within each category of service (religious, public, extra goods), lists of items with corresponding prices were to be defined and approved by the clergy and public officials (city council, prefect), under state supervision (the Minister of the Interior). This tutelary controlling function covered the official undertaker business, on the basis of the *cahiers des charges* (contract conditions) that fixed the product tariffs and the percentage commission to be paid to the *fabriques*. The device that was invented to support this activity of co-regulation is especially noteworthy. The administration of tariffs was "mediated" (Latour, 2005) by packaging the listed range of goods and services to be supplied by each protagonist into a series of categories or classes of funerals⁹ ranging in number from three to ten, depending on the town being provided. The system of classes has the essential virtue of "attaching" the goods among them, while ordering them into a valuation scale (Guyer, 2010), a calculation infrastructure that framed and performed in several ways the interplay among the actors. First, it allowed those running the trade to fix the sharing of the spoils in advance, in order to balance the profits among the clergy, the *fabriques*, and the entrepreneurs: "the degree of luxury must be carefully graded, in such a way that the correlation between the two services¹⁰ be as clear and complete as possible"¹¹ (Gaubert, 1890: 198). Then, the officials justified this carefully graded offer of classes of service as a means of simplifying the task for grieving families. "In a moment when the distress takes away the necessary presence for mind" (Gaubert, 1875: 129), the classes of funerals prevented the families from making a long series of choices through an interminable list of individual items. It also limited the freedom of the entrepreneur to compose his own "basket of merchandises," which, it was feared, could have lead to all kinds of "abuses." While framing the social craving for distinction and social distinctiveness, however, the system of classes described a value scale. Thus the degree of funeral pomp could readily reflect the social rank: "the number of class categories should be increased depending of the variety of wealth," prescribed the Minister of the Interior to the prefects in his 1852 decree. The system of classes can therefore be seen as a market device framing the interplays among all the stakeholders, but also as a first attempt to manage the potential overflow of consumption habits

9 Translation of the French term classes d'enterrement.

10 B. Gaubert (a lawyer) is talking here about the correlation between the religious service within the church on the one hand; and the public service, including the funeral procession throughout the town, on the other hand – both of which are part of the classes of service.

11 Kselman reports that the system of classes, initially established for the religious service in Paris in 1803, was, extended by law in 1806 to include the entire funeral ceremony. Then, various regulations expressed the attempt to set the correlation between the categories linking the religious and the (public) ceremonial procession: "The law also required that families be presented with only one bill and assumed that they would choose the same class for both the religious services and the funeral procession" (Kselman, 1993: 236; see also Gaubert, 1875: 200, italics added).

and the luxury business applied to funerals.

Beyond the regulation of profit sharing, this formal frame carried a positive and moral intention, directly incorporated in the categories and price design. One should also note that price differences between the classes of funerals were considerable: “From six thousand francs, the price of a first-class funeral, one drops to one thousand eight hundred francs for the second class, to seven hundred for the third, to two hundred and fifty francs for the fourth, and to one hundred for the fifth. And this fifth class is subdivided, to lower amounts of forty or even thirty-six” (Fievée, 1811). Even if it is clear that this is far from the egalitarian absolutism of the Revolution, this range of tariffs – or prices for the packages – nonetheless serves the general interest, namely guaranteeing a minimal standard of service for every citizen. Thus the price range was constructed such that the ostentatious satisfaction of the richest and the middle class would serve to benefit the poorest, and particularly the destitute, that represented a sizeable proportion of burials¹².

In its report on the Paris Official Company of *pompes funèbres*, under the heading of *General Observations*, following the classes and tariff specifications, M. Fiévée, counselor to Napoleon, exclaimed:

In this respect, *the needs of society were at the root of the calculations*. The funeral service cannot possibly be organized in ways other than through a private company, and it should be unjust if this company, performing fourteen thousand six hundred funerals annually, without taking into account the disposal of those dying in hospital, didn't make profits according to its business and to the funds it has been required to invest (...) these invested funds are covered by around three thousand burials with more or less “pomp.” Nine thousand funerals of the non-indigent fall under the common and uniform pattern of transport to the grave without ceremony; and two thousand four hundred of the totally destitute are buried freely. We see that, while the business applies to a great number of people, only a quarter generates profits. (M. Fievée, 1811: 25-26, italics added)¹³

Managing dissonance, managing overflow

One can analyze this framework of regulations (the segmentation into three parts and the various classes of funerals) as a market device that regulates the

12 In his study of the Parisian bourgeoisie in the 19th century A. Daumard (1996), provides the data issued by the Journal de la Société Statistique on the details of the funeral arrangements covered by the main Paris pompes funèbres company. Between 1821 and 1830, 83% of all burials (out of 261,360 deaths) were those of indigents. Between 1839 and 1848, the percentage dropped from 73% and 76.9%. According to du Camp, the rate of burials of the poor and indigents still reached 74% of all the funerals in 1873 (Camp (du) 1874). PASCALE: WHY IS (DU) IN PARENTHESES? Within major cities in the provinces, the percentage is closer to 30 to 40%, which nevertheless represents a significant expense and a regular subject of conflict between the fabriques and the town hall (Lassère, 1995).

13 All translations in this chapter are by the author.

articulation of economic and political interests and supports the coordination of the various actors in the funeral economy. But one can also observe that the framework organizes an axiological combination, allowing the cohabitation of value systems and legitimacies that were initially opposed to each other (Zelizer, 1978).

Funerals are, in effect, one of the privileged arenas in which one finds focused the political and value conflicts that animated the relationships among State, Church, and civil and political society in the 19th century. On one side is the revolutionary project, which was forged in a fight against the clericalization of funerals and against the continuation of social inequalities, epitomized in the sumptuous pomp of the grandiose funeral *cortège*. One must remember the degree to which the institution of civic funerals was animated by a superior principle during the Revolution (under the Convention) – the principle that "of imposing funereal dignity through the sole majesty of the law, without pomp, without splendor and to the absolute exclusion of all religious thought" (Gaubert, 1875: 151). But this revolutionary absolutism would finally be abandoned once it became clear that the organization of funerals could not be dissociated from the social and religious attributes that surrounded the cult of the dead (Fureix, 2001; Lalouette, 2001). Even with its secularist pretensions attenuated, the political power maintained an egalitarian mission, if only through the institution of a civil funeral service and the free burial of the destitute. On the other side, through the Concordat, the Church had been rehabilitated as a legitimate actor in the production of symbolic goods, and burials remained linked to the cult of the dead. This situation reflected the spirit of what was still a profoundly religious society (Isambert, 1960; Laouette, 2001).

Furthermore, the reinstatement of pomp in the funeral echoes the taste of 19th century high society for an imposing ceremonial, a craving for the public display of splendor, which experienced an increasing popularity through the century and across the country (Segalen, 1975; Kselman, 1993). It was through the purchase of distinctive furnishings and other trappings that an economy of homage in bourgeois society could be displayed – the proper way of signifying the rank of deceased persons in society and the respect due to them. Following the example of historians, one can discover in the literary descriptions of funerals (in the works of Balzac and Zola, for example) the degree to which appearances in public and the "exchange of looks" in measuring ostentation had gained a hold in the middle classes.

At the end of the funeral procession there are twelve coaches of mourners; they are counted and commented on as the *cortège* passes through the neighborhood. (...) Agatha, who was seated in the front pew of the church seemed to be counting the number of lit candles. (Zola, 1902/2002: 14, 22)

It was to these bourgeois people and to the middle classes in general that the *pompes funèbres* targeted their product. The endless lists of items enumerating in detail a multitude of ornaments and accessories echoed and simultaneously

promoted the overflowing manifestation of sumptuousness as an expression of honor rendered to the deceased person.

An analysis of the negotiations of the two main institutional stakeholders and the *pompes funèbres* shows that, although all three principles/value systems were legitimate, they were far from being easily compatible. The sumptuous funerals of the great of this world, where the treatment of the dead was a reflection of their nobility and social distinction, were greatly frowned upon by the republicans, but *fabriques* could reap substantial profits. Conversely, the defense of the civic funeral service and the right of free burials for the poorest placed a heavy burden on municipalities, owing to the high rate of urban and industrial migrations. The solution they invented through the composition of classes of funeral services, which the individual entrepreneur could embellish by adding supplementary ornamental "special offers," was a way of solving a basic economic and political equation. The sumptuousness of bourgeois pomp was converted into a form of death tax to serve the poorest, whereas the symbolic emphasis on degrees of distinction at least provided substantial income for the *fabriques* and the entrepreneurs. The system reconciled the two regulation principles opposing the clergy and the elected officials: "the freedom of individuals to choose a service commensurate with their wealth with the right of all citizens to equal treatment" (Kselman, 2003: 266).

Analyzing classes of funerals as a central device of the co-regulation system demonstrates how it functioned as a mechanism of both "value ordering" (managing dissonance; Stark, 2009) and "value distribution" (managing overflow) between the stakeholders. Through this profit/distribution mechanism, the overflow of funeral goods was converted to a moral value that was geared both to profit sharing and to the defense of the common interest.

The art of filling the basket and sharing the value

The Prairial Decree provided the foundation for traditional actors and new market stakeholders (*pompes funèbres*) to build their own business arrangements. The analysis in this section offers a closer examination of the way these arrangements were transformed, reinterpreted, and rebuilt through their business activity and how they could be transformed by competitive business practices at a local level. The following sections demonstrate the extent to which the ever-increasing speculation on the offer of goods and the ability of entrepreneurs to manage this overflow accompanied market formation.

The development of competition

In comparison with parish unions or companies run by municipal governments, the private business concession model became widely popular as a means of reconciling public service requirements with the parish *fabriques'* need for income. Throughout the 19th century, the funeral businesses developed in town

and city centers as part of this highly administered funeral management system, with the intention of increasing their share of funeral profits. As this space opened up to business, competition between funeral parlors grew fiercer (Chaillot, 1995). The awarding of contracts within cities became an arena of heated battles among *pompes funèbres*. In Paris, six funeral parlors (Bobée, Labalte, Baudoin, Lesmaistre, Pector, Vafflard) sprang up one after the other between 1811 and 1871. Given the fierce competition for the awarding of contracts, the commissions granted to the *fabriques* led to ferocious overbidding that reached as much as 83.5% in 1852.¹⁴

This state of affairs drove the *pompes funèbres* to seek a way of increasing their profit margins. Kselman (1997) described the tough negotiations between the *pompes funèbres* and the *fabriques* over the definition of the categories of service. The *cessionnaire* sought to reduce the share of the religious service proportionally to that of the extra service, for which commissions were much lower. To achieve this goal, the *cessionnaire* curried favor with the elected authorities (prefects and mayors) by stressing the financial burden incurred by burying the destitute. But the speculative commercial sense of the *pompes funèbres* went much further. It related particularly to the contents of the basket of merchandise that was produced by the *cessionnaires* (or their representatives in the various municipal authorities) in consultation with the bereaved families. The commercial process consisted of adding a supply of supplementary accessories to the basket that the families were going to buy – often products for which the town halls or the *fabriques* would not be taking a commission.

The mutual denunciation of *pompes funèbres* one against the other, reveals them as highly skilled "managers of overflow." Here are extracts from a brochure by L. Vafflard, Director-General of the Burial Company, for the attention of the inhabitants of the City of Paris:

Not wishing that the rules and regulations of the *pompes funèbres* become the object of trafficking and haggling, whereby the inexperience and momentarily disturbed state of families will render them defenseless victims of the company's agents, the legislator had fixed the prices of the various classes of funerals, leaving the families with only the choice among these classes and the possibility of reducing their cost by eliminating a few details. But in practice the positive effects of this precautionary measure have been nullified by the right accorded to the company, to add to these fixed offers other decorative objects or fancy ornaments, which are paid for as an extra and for which the *fabriques* receive hardly any commission either. It is natural that the *pompes funèbres* and his agents seek to multiply the use of these additional ornaments as much as possible, and that they do all in their power to exploit to this end the vanity or the piety of the families. Hence, considerable payments are made every single day to funeral pomp, which profit hardly anyone except the company (...).

If one objects that certain of these so-called additional objects are now of

14 Sources: Maison Balard tract, dated around 1860 (Paris Archives).

common use, and that no *cortège* can be considered complete without them, we would reply: what is the point for a family that has paid 100 francs to put draperies on the door of the deceased person's home, that you should add to this 247 francs worth of further accessories? That on top of this 100-franc drapery, which is supposed to be clean, you should place a band of drapery that costs 3 francs a meter; and that by the side of this band you add another one, which you call an antique drapery, and that on top of these piled-up draperies you place other decorations and a medallion in velvet, with the deceased person's age embroidered on it? Are these objects really necessary? (...) Moreover one should note that the prices of these objects do not follow the price hierarchy of the tariffs for the classes, so that you pay as much for these objects in a lower class as you do for a higher class. (Balard, 1856: 24, 32)

Funeral drums, funeral crepe, military emblems, trophies, wreaths of artificial flowers, medallions, extra carriages, tablecloths – all of these brought something special to the *cortège*, while simultaneously lining the pockets of the concessionaire. Under the influence of the *pompes funèbres*, the growth of the pomp of funerals accompanied the broader commodification of funerals with an increasingly vast range of products.

This outburst of quibbling and haggling about the accessories called into question the careful political and economic balancing act that the 23 Prairial Decree of Year XII (1804) had achieved. Conflicts among the municipalities, the *fabriques*, and the *pompes funèbres* led to legal judgments (lower-court and appeal-court rulings, recommendations and judgments up to the level of the *Conseil d'Etat*) for arbitration and interpretations of the law. “Over a seventy-year period, the operation of the *pompes funèbres* monopoly led to so many procedural wranglings that it is impossible to put even an approximate number on the disputes” (Corbeaux, 1991). The legal judgments generally came down in favor of the *fabriques*; thus, the law pertaining to the profit-sharing arrangements reintegrated many of the accessories for which they had received no payment. “Legal rulings, even when their wording was general and not specific, declared that the monopoly was applicable to flowers, wreaths, announcement cards, gloves, crepe furnishings, and even the decoration of drums and horses...” (Rubat du Merac, 1905: 35). This constant redefinition of territorial boundaries between the classes of funerals and the extra services characterizes a vain attempt to frame an overflowing of the basket of merchandise. It led instead to a further complex table of goods, tariffs, and percentage pay-offs that only the *pompes funèbres* could understand. It is evident, however, that this quest of control did not succeed in stabilizing the competitive game, but simply reshuffled the cards, with the *pompes funèbres* keeping an essential margin for maneuvering in the way they played their game.

Competition at the outer margins of the monopoly

The art of optimizing income from luxury goods, however, depended primarily

on the relationships cultivated with the family of the deceased. This strategic place was soon challenged by a new stakeholder: the "funeral agency." Like the *concessionnaires*, funeral agencies were private companies, but private companies developing their businesses at the outer limits of the monopoly, by selling extra funeral ornaments. The strategy of these private agencies was to offer families their services as "brokers" of the funeral organization. Representing the funeral agency, the broker came forward as the monopoly's right-hand man, arguing the necessity of protecting the customer from spending on

... objects that had no real meaning and were overpriced... One day, the Prefect of the Seine could comment: "A particular agency, if it is well directed, can be a useful way of controlling the activities of the Undertaker of the *pompes funèbres*, acting as a necessary Moderator against the undertaker's cupidity and that of his assistants." (Girault, 1910: 30)

Thus concessionaires and agencies were in direct competition with each other in the area of extra supplies. Rather than moderating the game of multiplying accessories and profits, the burgeoning of funeral agencies revolving around the official undertaker intensified its growth. The agencies strove to take every advantage laid open by the concessionaire's reluctant acceptance of outside competition – that is the optimization of the basket profits with the aim of enhancing their own businesses. A fervent denouncer of the "commercial abuses" associated with funerals, Girault noted sarcastically:

The deceased, the poor deceased! For him, nothing is too much.... nothing should be spared... and it is therefore in his honor, in his fond memory that the agent lays out his bag of tricks, of useless and expensive objects. And not without a certain cunning, for, if he feigns to advise against buying a particular object, which would earn him little, it is often in order to recommend another one, with a suitable tone of compunction, which will bring him between 50% and 300% profit. (Girault, 1910: 12)

The art of organizing the funeral (or assembling the set of luxury objects) was no longer a profitless game, but was used to optimize the distributed interests, reinforcing the interdependent links between the multiple actors involved in the funeral economy and the general economy. The funeral agency was generally much less visible than the official undertaker, who was acting on behalf of the municipal authorities with whom deaths were registered and the funeral arrangements finalized. To conquer their place in the market, the funeral agencies therefore developed commercial alliances with the other principal market participants, beginning with the *fabriques*, to which they awarded substantial commissions on all accessories sold. "They were welcomed by the church fabriques, who saw them as gifted businessmen able to increase the prices that the living were willing to pay out of the savings of the deceased in order to ensure their name would live on as expected and in an appropriate manner"

(Théodore-Vibert, 1905: 13). This competition also served the interests of other town hall employees – the *ordonnateur* (the town’s funeral official)¹⁵, the pallbearers, and gravediggers – all those involved in the *cortèges*, who systematically received gratuities for serving the interests of the rival companies. Many historical documents – letters of complaint, public protest signs, and lawyers’ documents – attest to the unseemly infighting that existed between the funeral agencies and the officially delegated *pompes funèbres*, and reveal the underside of the funeral business. Unsavory stories abounded about the extraordinary lengths to which all sorts of people would go in order to influence vulnerable families and fill up their basket. Thus such titles as *Les Vampires* (Girault, 1910) or *Les Mystères des Pompes Funèbres de la Ville de Paris* (Balard, 1856).

For both market actors – the *concessionnaires* as well as the funeral agencies – the main target was the composition of the “basket of merchandise” and the distribution of commissions between complicit partners at the expense of the mourners. There was even a name in the profession for this sort of underhanded dealing: *régler les funérailles* (fixing the funeral). This system of sharing funeral income between rival actors fostered a trend of constantly adding to the range of products in the basket of goods available.

Driving away the competition

This development of further competition around funerals led not only to an overflow of offerings of accessories at the heart of the *pompes funèbres*’ business. It also threatened the economic formula that provided moral justification for conspicuous consumption, contributing to a positive construction of overflow. By reducing to a minimum the part of the basket of goods allocated to the monopoly and by augmenting the proportion of accessories for which they took all the profits, the agencies put a strain on the profits to be utilized for the benefit of burying the destitute. As Girault exclaimed: “Pity the poor monopolist! He is meant to safeguard the interests of the collectivity, yet he has difficulty in making two ends meet. Nay! He is sacrificed to the ambition and the egoism of a good number of the Agencies which are suffocating him and are hovering ready to divide up his spoils” (Girault, 1910: 31). In this way, the agencies undermined the ability of the town’s funeral official to reconvert profit to cover the cost of burying the destitute.

To parry the threat constituted by this competition, the municipalities adopted a hands-on approach and established alliances with the concessionaires to act as barriers to the development of the private market. This alliance between municipalities and *concessionnaires* against the development of the private market was going to be reinforced and would gain considerable strength at the end of the 19th century, in an institutional context that underwent major changes. As of 1879, legislation on funerals was regularly discussed within the context of

15 It was the role of this official to plan and guide the processions across the town; this was a relatively high office.

reforms on secularization and the separation of Church and State. After long debates accompanying the successive reform projects, the law of 1905 led to the transfer of the funeral service monopoly from the *fabriques* to the municipal authorities, with the aim of providing a neutral, public service.

Compared with the previous system, the boundaries of the three areas (internal/religious service, external/municipal service, extra supplies) had been considerably modified, with the scope of the monopoly being significantly downsized. At the end of some fierce bargaining, in which liberals were opposed by a lobby upholding a powerful public system, the funeral was finally entrusted to a public monopoly; but the public lost many accessories to the benefit of private businesses. This new distribution of property rights was to provoke an even more intense competition between the town's funeral official and city agencies. The threat constituted by the development of private competition reinforced the institutional stakeholders' interest in working closely with the official concessionaires; in comparison with a public company that would be run directly by municipal government, the *concessionnaire* exhibited a greater ability to face up to the competition from traders on the outer margins of the monopoly.

The continuation of the story after 1905 reveals continuous attempts to reframe activities in order to manage the overflow around funerals and to maintain their functioning in the service of the common good. As it had in the preceding period, the new legislative framework ratified an institutional compromise between the commercial actors and the noncommercial actors of Church and State, while simultaneously fixing the *accord-cadre* (outline agreement), on the basis of which local actors would make their own arrangements and organize their own coordination. But here again, the agreement tended to be negotiated, twisted, and reinvented by the protagonists in the field. Even for the original agreement, twenty years of negotiations and jurisprudence were to be necessary before a new dividing line was drawn between the goods and services of the monopolized service – including the funeral *cortège*, the carriage, and the coffin - and those that could be freely sold. Taking the trimmings on the coffin for example, if they were on the outside (e.g. screws, trims, rings, handles, draperies, and moldings), they were considered part of the monopolized service; but if on the inside of the coffin (e.g. cushions, padding, mattress, and powders), they were open to market forces. The monopoly applied to the funeral hangings used on the exterior of the deceased's home (defined as public space) but not on the interior of the entrance porch (private space). The same ambiguity occurred in the treatment of the deceased: placing the body in the coffin was not the job of the official undertaker, but closing the lid, yes! In short, it can be said that in this second century of the funeral market, there was a fierce competition between the municipal funeral officer and the agencies. Both the funeral agencies and the *concessionnaires* fought over their dealings with the bereaved families and used their commercial skills to fill the merchandise basket, so as to maximize their profits.

Conclusion

The study of the dealings between the institutional actors and the commercial interest surrounding funerals in the 19th century offers a new perspective on the modalities of market formation. It is true that the workings of the funeral market in the 19th century cannot be dissociated from the prevalent system of values that made ostentatious funerals more attractive, and increasingly so for the bourgeoisie, if not the middle classes in general (Veblen, 1899/1994). The same applies to the desire to “keep up appearances” and the general consciousness of social rank, which must be viewed in the context of the evolution of forms of social segmentation (Daumard, 1996). But, contrary to Veblen's thesis, it is suggested here that this social aspect cannot be understood without considering the central mediating role of *pompes funèbres* in the commodification of funerals, and the attendant overflow activity of the supply of accessories.

The first central development concerns the insertion of *pompes funèbres* into a commercial activity, which was closely embedded in the political and religious institutions of the period. It reveals the political skills of the *pompes funèbres*, in particular in the construction of a system of production and sharing of profits that simultaneously guaranteed the distribution of an assured economic income through the reconciliation of political differences and the satisfaction of one common 19th-century value – caring for the destitute. But it also reveals the skill of the *pompes funèbres* in upholding the moral justification for conspicuous consumption and any attendant overflow. On the one hand, the device of co-regulation – the system of offering prepackaged and standardized classes of funeral services – framed the public craving for social differentiation and distinctiveness in the social hierarchy. On the other hand, by adding the category of “extra goods” onto the standardized classes of funerals, the *pompes funèbres* invented an economic formula that supported the reconversion of profits for the destitute. This arrangement contributed to the diffusion of the model, whereby public funeral service management was delegated to private businesses.

To understand the second stage of market formation – the growth of competition – one needs to observe how this framework was constantly renegotiated in the inventive practices of business. Thus, the *pompes funèbres* manipulated the classes of funerals by bringing in more and more tactics and commercial tricks to their advantage. Further, a sub-structure of increasing speculation around the range of available goods has been constructed, encouraged by the variety of alliances and the competition between actors. The competition over the sphere of extra goods threatened the delicate sharing equilibrium, which promoted a positive conception of overflowing (involving caring for the burial of the destitute) and substituted for it a negative conception, which served only private interests. Funerals became a commercial matter entirely, at the heart of which a growing number of actors shamelessly fought over income, benefits, and commissions, making their petty arrangements and alliances in order to ensnare bereaved families.

The struggles among the various actors in the market can now be seen in

many places: in the doorways of the town halls where agents were lurking to win over families and keep them away from the *concessionnaire*; over the coffins, with their special fittings of rings, handles, draperies, cushions and padding, and powders; with the employees squabbling over the sharing of the profits; in the courts of justice, where *concessionnaires* and agents were battling it out over the dividing lines between categories of basic service or extra goods; and finally on the political scene, the theater for rival arguments on the virtues of a monopoly, or of the market as the economic organization serving the public interest. But whatever or wherever the scene, the battle over the commercial organization of funerals was played out over the ability of the one or the other participant to manage, to canalize, or to channel off the overflow and its multiple ramifications, either in the service of private interests, or in the service of the common good.

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