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Between Ambition and Compromise: The French Customs Tariff of 1892 Through the Lens of Parliamentary Proceedings

At a time when a general increase in customs duties threatens international trade relations, the choice between supporting a protectionist or free trade policy appears more significant than ever for trading powers.

This article, therefore, aims to revisit an essential episode in French economic history: the law of 11 January 1892, “relating to the establishment of the general customs tariff.”¹ Its text marks an essential step in France’s return to protectionism after the Second Empire’s brief experiment with free trade. The combined effects of rising nationalism, intense economic crises, and, more broadly, the first wave of globalisation explain the decision to radically change the country’s customs tariff. Added to this was a favourable national political context, as the September and October 1889 legislative elections gave the Chamber of Deputies a majority largely supportive of protectionist and agrarian ideas.²

The trade treaties concluded ten years earlier were due to expire on 1 January 1892. Jules Roche, Minister of Trade, Industry, and Colonies, and Jules Develle, Minister of Agriculture, thus tabled a bill on 20 October 1890.³ It was then forwarded to the customs committees of the Chamber of Deputies and the Senate, which were responsible for examining its content and presenting it to both houses of Parliament.⁴ The President and General Rapporteur of the Chamber of Deputies’ Customs Committee, Jules Méline, played a central role in this matter.⁵ As the leader of the

¹ *Journal officiel de la République française* (hereafter: *J.O.*), Lois et décrets, 12 January 1892, p. 169 *et seq.*

² F. Démier, *La nation, frontière du libéralisme. Libre-échangistes et protectionnistes français (1786–1914)*, Paris 2022, p. 351 ff.

³ This project was the result of a government survey of chambers of commerce and agricultural unions. The results showed that the vast majority wanted state protection (C. Augier, A. Marvaud, *La politique douanière de la France dans ses rapports avec celle les autres États*, Paris 1911, pp. 21–22).

⁴ Unless otherwise specified, any subsequent reference to the Customs Committee refers to that of the Chamber of Deputies.

⁵ Deputy for the Vosges and former Minister of Agriculture, he served as President of the Council from 1896 to 1898.

protectionist and agrarian camp,⁶ he defended the bill to the end, particularly its Article 1: “The general customs tariff and the minimum tariff relating to imports and exports shall be established in accordance with Tables A and B appended to this law. The minimum tariff may be applied to goods originating in countries that grant French goods reciprocal advantages and apply their lowest tariffs to them.”

This mechanism, known as the “double tariff” or “Méline tariff,” was the major innovation of the 1892 law. As such, it remains the result of intense parliamentary debates revealing the traditional opposition between supporters of protectionism and free trade defenders. However, analysis of these proceedings puts into perspective the intensity of the protectionism introduced by the customs reform, which sought to strike a balance between the interests at stake. It, therefore, proved to be both ambitious (I) and appropriate (II).

I. An Ambitious Customs Reform

In his report presented on 9 November 1891, on behalf of the Senate Customs Committee, Albert Dauphin⁷ explained that “the coexistence of the two tariffs implies the anticipation and desire for customs agreements.”⁸ The reform undertaken can therefore be seen as an invitation to negotiate with foreign powers, while ensuring that France retains its tariff autonomy.

A. An Invitation to Negotiate

From a legal standpoint, the “Méline tariff” was essential because it established a new framework for negotiation, with the minimum tariff as its cornerstone.

1. A New Framework for Negotiation

The major innovation of the project was the creation of two tariff columns. The first corresponds to the general tariff, that is, the standard law tariff, applicable without any contrary contractual provision. The second corresponds to the minimum tariff, which is lower than the previous one and represents the limit below which no concessions can be made to another party. This tariff can only be granted under two conditions: that France benefits from corresponding advantages from its trading partner, and that the products it exports there are not subject to customs duties higher than those imposed on products from third countries.

The purpose of such a system is to make concessions to countries that, in return, would treat France on an equal footing.⁹ It, therefore, has the advantage of not isolating

⁶ P. Barral, *Les agrariens français de Méline à Pisani*, Paris 1968, p. 79 ff.; A. Plessis, “Méline et la synthèse républicaine” [in :] *Le commerce extérieur français de Méline à nos jours*, Paris 1993, pp. 47–52.

⁷ Senator for the Somme.

⁸ *J.O.*, Sénat, Documents (hereafter: Doc.), Annexe n° 50, p. 302.

⁹ Méline Report of 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 7.

the country, as its economic partners have every interest in dealing with it to benefit from the minimum tariff. Above all, it prevents France from negotiating tariffs that are too low and detrimental to some industries. The minimum tariff thus constitutes a limit that cannot be exceeded in terms of the advantages granted to another nation.

While the principle did not elicit an adverse reaction from protectionists, the same cannot be said of free traders, for whom the minimum tariff was challenging. Édouard Lockroy¹⁰ saw it as an “iron bar”¹¹ below which no negotiations can take place, as the minimum tariff is too high: “When we set such high minimum tariffs, when we declare that we want to reserve the national market for nationals, it means that we do not want to negotiate, that we want to break all the commercial and industrial ties that bound us to other European countries.”¹²

Pierre Tirard¹³ considered that such a tariff would be unenforceable because of the inability of many countries to grant France their most advantageous tariffs (a condition that was essential for them to benefit from the minimum tariff). They would effectively only offer very high duties, exceeding France’s proposed minimum tariff.¹⁴ Alcide Poirrier¹⁵ considered the case of Russia, a highly protectionist country, which would only be able to grant France its general tariff, which was virtually prohibitive. He also cited Germany, which would grant only minor tariff reductions, even though Article 11 of the Treaty of Frankfurt required it, under the most-favoured-nation clause, to grant France all the advantages given to the United Kingdom, Belgium, the Netherlands, Switzerland, Austria, and Russia.¹⁶ It was well known that the *Reich* had concluded several trade agreements with these states, especially after its shift to protectionism in 1879.¹⁷

Applying the lowest tariffs to France was one thing. Granting it corresponding advantages seemed just like a utopian idea.¹⁸ What, in this context, was meant by “corresponding advantages”? Did they concern the entire tariff or only certain products? While criticising the vagueness of the project, Poirrier also denounced the situation in which states would find themselves. Although bound to France by treaties, they would have a tariff imposed on them unilaterally that they had not previously approved, but would still have to grant France the lowest tariffs they had negotiated

¹⁰ Deputy for the Seine, former Minister of Trade and Industry, specialist in maritime affairs.

¹¹ 28 April 1891, *J.O.*, Chambre des députés, Débats, p. 726.

¹² *Ibid.*

¹³ Senator for life, former Minister of Trade and Agriculture, Minister of Finance and President of the Council.

¹⁴ 22 November 1891, *J.O.*, Sénat, Débats, p. 826.

¹⁵ Deputy for the Seine, chemical industrialist.

¹⁶ 24 November 1891, *J.O.*, Sénat, Débats, p. 850.

¹⁷ Germany even entered into agreements under false pretences. One example is a German-Swiss treaty under which Germany granted duty reductions on livestock raised at an altitude of over 1,000 metres. As France had few or no cattle raised in such conditions, it was unable to benefit from these advantages (J. Clinquart, *L'administration des douanes en France sous la Troisième République*, 1^{ère} partie, Paris 1986, p. 148).

¹⁸ 24 November 1891, *J.O.*, Sénat, Débats, p. 850.

with other nations: "In short, you expect these nations to guarantee the stability of their tariffs, while you refuse to do the same for yours."¹⁹

For free traders, the possibility of unilaterally revising a tariff without notifying trading partners would ultimately create instability in international trade relations. However, the parliamentary majority firmly believed in the attractiveness of its new tariff, which, while intended to lead to the conclusion of trade agreements, did not apply to all situations.

2. Characteristics of the Minimum Tariff

In the view of the government and customs committees, the minimum tariff should be as attractive as possible. It, therefore, was necessary to apply duties significantly lower than those of the general tariff, "so that there is much to be gained from taking the minimum tariff."²⁰ As such, the average difference between the two tariffs was around 20 to 25%.²¹ In some cases, however, the minimum tariff column does not include any values for two reasons.

First, it might be an item that France did not produce or produced in minimal quantities, such as exotic products like coffee, cocoa, tea, and vanilla, as well as other colonial goods. In this case, the maximum tariff was analysed as a purely fiscal duty which, according to Dauphin, would bring in nearly 163 million francs for the State.²²

The absence of a minimum tariff can also be explained by the desire to exclude a French product from possible negotiations to protect it from foreign competition: for example, livestock and cereals, which were deliberately included in the general tariff alone to clearly show that the grievances of the agricultural world had been taken into account.²³ Méline had to make some concessions, initially wanting to include livestock in both tariffs. Paul Deschanel²⁴ gave the reasons for this: the chairman of the customs committee wanted to protect specific markets (Switzerland, Belgium, Austria, and Argentina), which might have turned away from French livestock because of a high general tariff; he also feared that a single tariff would be considered unstable, as it could be changed at will during negotiations.²⁵ However, the Customs Committee (this was a notable exception) did not follow its chairman's lead because of the government's commitment, made when the 1881 tariff was adopted,²⁶ to exclude livestock and cereals from any trade negotiations.²⁷

¹⁹ *Ibid.*

²⁰ According to Méline, 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 8.

²¹ In the government's proposal, the difference between the two tariffs was not always sufficient. The customs commission, therefore, preferred to increase the maximum tariff rather than reduce the minimum tariff.

²² 9 November 1891, *J.O.*, Sénat, Doc., Annexe n° 50, p. 305.

²³ 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 8.

²⁴ Deputy for Eure-et-Loir. He served as President of the Republic for several months (1920).

²⁵ 9 May 1891, *J.O.*, Chambre des députés, Débats, p. 831.

²⁶ Law of 7 May 1881 "on the establishment of the general customs tariff," *J.O.*, Lois et décrets, p. 2521 *et seq.*

²⁷ As a result, the agricultural crises were offset by the tariffs of 1885 and 1887.

The dual tariff symbolised the desire to invite foreign powers to negotiate trade treaties. However, according to the Dauphin's report to the Senate, it also responded to other motivations: "The goal is to facilitate trade without binding ourselves and to obtain a *modus vivendi* based on reciprocal concessions and advantages without alienating our freedom."²⁸ Indeed, diplomatic concerns could not overshadow the quest for tariff autonomy.

B. A Guarantee of Tariff Autonomy

The proliferation of trade treaties concluded by France during the 1880s had practically neutralised the general tariff, making it the exception.²⁹ To restore the country's tariff autonomy, the bill sought to strengthen control over the customs tariff revision process while restricting the executive's negotiating power.

1. Control of the Customs Tariff Revision Process

The Customs Committee had to consider the terms and duration of the minimum tariff concession in future agreements. Either the minimum tariff concession was a simple favour, without any commitment to maintain the figures. In this case, the agreement would be "somewhat like a law"³⁰ under which France would only commit to applying its lowest tariff, but could revise it at any time. Or it could also be a genuine treaty to which the minimum tariff is annexed, but whose figures cannot be changed for a specified period, except by bilateral agreement.

Most of the commission quickly decided on the issue: it preferred that the country retain control over its tariffs because, as Méline pointed out, "we must expect anything and be prepared for anything."³¹ The aim was to ensure complete tariff autonomy. In other words, when granting the minimum tariff, the state should not grant anything else, especially not the assurance that it would remain unchanged.³² This point was particularly vigorously defended by Alexandre Ribot, then Minister of Foreign Affairs,³³ during the discussion on Article 1. France's economic problems could be attributed, in particular, to the inclusion of part of the general tariff in the wave of treaties signed in 1882. Parliament had then found itself bound by the will of foreign powers for ten years, no longer able to control its customs policy. On the contrary, by concluding treaties on a specific number of articles (which would refer to the minimum tariff), it

²⁸ 9 November 1891, *J.O.*, Sénat, Doc., Annexe n° 50, p. 302.

²⁹ Cf. e.g., B. Gallinato-Contino, "Vins français et traités de commerce de 1860 au tarif Méline" [in:] *Les politiques commerciales vinicoles d'hier à aujourd'hui: enjeux, vecteurs, acteurs*, ed. O. Serra, Bordeaux 2016, pp. 57–72.

³⁰ 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 7.

³¹ *Ibid.*, p. 8.

³² For this not to be the case, the state would have to commit itself, in the treaty, not to modify the minimum tariff duties. This is referred to as "consolidation of duties" (*Les droits de douane. Traité théorique et pratique de législation douanière*, vol. 1, ed. E. Allix, Paris 1932, p. 59).

³³ Deputy for Pas-de-Calais, former Minister of Foreign Affairs, Ribot served as Prime Minister on several occasions.

would be possible to reconcile, to a certain extent, conventional law and the use of legislative prerogatives.³⁴

This desire for independence was not shared by the free trade opposition, which viewed it as a contempt for the stability of trade relations and, ultimately, international legal relations. Thus, for Lockroy, “under the pretext of creating stability in the country’s affairs, the two tariffs are set in perpetual motion.”³⁵ Tirard, for his part, considered that the vote on the double tariff would lead to a proliferation of new types of agreements without attached tariffs.³⁶ Alongside traditional trade treaties (in which customs duties are the main subject of negotiation), new agreements would appear that did not contain any indication of duties or attached tariffs, and which would grant (in whole or for certain items) the benefit of the minimum tariff without ensuring its stability.³⁷

While the possibility of unilaterally revising the minimum tariff guaranteed the country’s tariff autonomy, it also appeared to limit the executive’s negotiating power.

2. Limitation of the Executive’s Negotiating Power

During the discussion on Article 1 of the bill, a debate arose on the possibility given to the government and the President of the Republic to include rights lower than those provided for in the minimum tariff in a trade agreement. MPs Félix Faure³⁸ and François Deloncle³⁹ condemned the model proposed by the Customs Committee, which they considered too rigid and, above all, unconstitutional. Indeed, it would call into question the power to negotiate below the minimum tariff,⁴⁰ contrary to Article 8 § 1 of the Constitutional Law of 16 July 1875, on the relations between public authorities.⁴¹ However, the latter provided that the chambers must ultimately approve any derogation from the tariff limit.⁴² Furthermore, while the government negotiated treaties, it was also politically accountable to Parliament.⁴³ For Méline, such a scenario should deter anyone from granting tariff concessions below the minimum

³⁴ 22 May 1891, *J.O.*, Chambre des députés, Débats, p. 938.

³⁵ 28 April 1891, *J.O.*, Chambre des députés, Débats, p. 726.

³⁶ 22 November 1891, *J.O.*, Sénat, Débats, p. 826.

³⁷ Some see this as the distinction between trade treaties and trade agreements (*Les droits de douane...*, p. 60).

³⁸ Deputy for Seine-Inférieure and future President of the Republic (1895–1899).

³⁹ Deputy for the Basses-Alpes.

⁴⁰ 22 May 1891, *J.O.*, Chambre des députés, Débats, p. 936.

⁴¹ “The President of the Republic negotiates and ratifies treaties”; S. Rials, *Textes constitutionnels français*, 3rd ed., Paris 1986, p. 78.

⁴² Article 8 § 2 states in this regard that “[the President of the Republic] shall inform the chambers as soon as the interests and security of the State permit. Peace treaties, trade treaties and treaties involving State finances [...] shall only become final after being voted on by both Houses [...]”; *ibid.*, p. 76.

⁴³ Essentially through an interpellation. Article 6 of the Constitution of 25 February 1875 provides that “ministers are jointly responsible to the chambers for the general policy of the government and individually for their personal acts”; *ibid.*

tariff because “the day [the government] then comes before Parliament to ask for the ratification it needs, you can guess what fate awaits it.”⁴⁴

This example indicates the parliamentary system that characterised this period of the Third Republic and would shape French institutions until 1958. Parliament largely dominated the country’s political life,⁴⁵ while the statute, which was not subject to any constitutional review, reigned supreme over other sources of law. Under these conditions, the minimum tariff, the product of national representation, could not be challenged once the statute was passed.

The division of the customs tariff into two columns was an innovative reform, to say the least. It was intended to guarantee tariff autonomy while also opening up trade to other economic powers.⁴⁶ Therefore, far from appearing to be the archetype of ultra-protectionist legislation, the dual tariff system should be assessed in terms of its adaptation to commercial requirements.

II. An Appropriate Customs Reform

The “Méline” tariff was particularly well-suited to the economic context of the period. Analysis of the parliamentary debates shows the spirit of moderation that animated the project’s proponents. This explains why the tariff was not prohibitive and provided for the duty-free entry of raw materials.

A. Rejection of a Prohibitive Tariff

Compared to the Second Empire, the number of products protected in the new tariff schedule was greater, and the rates applied were generally higher. Thus, while rates varied between 8 and 15 per cent *ad valorem* around 1870, they easily reached 30 or even 40 per cent for the minimum tariff alone.⁴⁷ Méline even predicted an increase in revenue of nearly 140 million francs solely from the minimum tariff.⁴⁸ However, this

⁴⁴ 22 May 1891, *J.O.*, Chambre des députés, Débats, p. 941.

⁴⁵ It should be remembered that the executive power had been subject to the legislative power since Jules Grévy, President of the Republic, announced his intention never to enter into conflict with Parliament on 7 February 1879: “Sincerely committed to the parliamentary system, I will never enter into conflict with the national will, as expressed through its constitutional bodies.” This was a foregone concession of the constitutionally recognised right to dissolve the Chamber of Deputies; M. Morabito, *Histoire constitutionnelle de la France (1789–1958)*, 15th ed., Paris 2018, n° 360, p. 329.

⁴⁶ It reflects what could be described as ‘negotiated protectionism’ [«protectionnisme négocié»] (L. Charles, “D’un outil libre-échangiste à une modalité protectionniste: traité de commerce et insertion des économies dans la première mondialisation” [in:] *Des restrictions de concurrence à la libéralisation des marchés. Contribution à l’histoire européenne du droit des affaires*, ed. O. Serrra, Toulouse 2025, spéc. p. 321).

⁴⁷ A. Cabanis, *Introduction à l’histoire économique et sociale de la France au XIX^e et au XX^e siècle*, Toulouse 1977, p. 64.

⁴⁸ However, these revenues were much lower than those of other protectionist nations. In Germany, for example, they rose from 115 million marks in 1878 to 312 million in 1888, an increase of 171%; 12 May 1891, *J.O.*, Chambre des députés, Débats, p. 870.

increase should not obscure the differences between the government and the customs commission, nor the efforts to exercise restraint to avoid reprisals from foreign powers.

1. The Compromise between the Government and the Customs Commission

The Customs Committee clearly tended to increase the duties initially proposed by the government. The increase is particularly noticeable for agricultural and industrial products, as shown in the following table.⁴⁹

Table. Comparison of the 1881 customs tariff with the 1891 government and customs commission proposals

	Old duties		Government proposals		Customs commission proposals	
	General tariff	Conventional tariff	General tariff	Minimum tariff	General tariff	Minimum tariff
Mutton	12 francs	3 francs	28 francs	Exempt	32 francs	Exempt
Milk	Exempt	Exempt	Exempt	Exempt	5 francs	2.5 francs
Cheeses	6 to 8 francs	3 to 4 francs	6 to 12 francs	3 to 8 francs	25 to 30 francs	15 to 20 francs
Pistachios	8 francs	Exempt	12 francs	10 francs	100 francs	50 francs
Stationary steam engines < 300 kg	12	12 francs	15 francs	12	30	20 francs
Bentwood furniture	7 francs	7 francs	11 francs	9 francs	30 francs	20 francs

Source: Méline Report of 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 14 *et seq.*

These few examples demonstrate the government's moderation. The figures provided by the Minister of Trade, Industry, and Colonies, Jules Roche, speak for themselves: the government's proposal would bring in a minimum of 88 million francs and 137 million at the general rate; the commission's proposal would bring in 141 million and 242 million respectively. These differences justify rejecting absolutes and not "living in an ivory tower."⁵⁰

The risk of reprisals from other trading powers can explain the government's moderate attitude.

2. Fear of Retaliation

At the end of the nineteenth century, retaliatory measures were symptomatic of how states viewed international trade relations. Each trading power was effectively

⁴⁹ All figures are expressed per 100 kilograms.

⁵⁰ 24 November 1891, *J.O.*, Sénat, Débats, p. 853.

considered a potential enemy that had to be appeased: an ill-considered increase in customs tariffs would inevitably lead to a tariff war; a reform whose sole aim was to promote emerging industries or temporarily protect agriculture could, thus, be perceived abroad as a threat restricting its outlets. Hence, there was a need to make concessions, except when the state was sufficiently powerful, politically and economically, to do without them.⁵¹

Free-trade parliamentarians understood the danger of provoking other countries by raising customs tariffs. For Lockroy, France risked losing the “sympathies”⁵² of other states to its most ardent competitors, notably the United States. The stakes were all the higher given that France mainly exported luxury goods. However, as Tirard pointed out, foreign nations could do without these goods and import them elsewhere.⁵³ The country, therefore, had to secure outlets for its goods to avoid falling victim to a wave of protectionism or even prohibitionism, the causes of which would be rooted in its own tariffs. This fear sometimes becomes a reality, as in the case of the new Spanish tariff, which took effect on 1 February 1892, and is similar to that of France. According to Jules Charles-Roux,⁵⁴ “the new taxes [there] will be three times, five times, up to thirty times higher than the current taxes. This is a pure and simple prohibition on French products.”⁵⁵ Above all, Spain was likely to negotiate with northern European powers to sell its goods, especially its wines.⁵⁶ Finally, some, such as Jules Simon,⁵⁷ feared the risk of disrupting the supply of raw materials.⁵⁸ France was highly dependent on foreign countries for coal, oil, cotton, wool, hides, and silk, all essential materials for its most flourishing industries. Parliament must therefore consider these warnings if it did not want to plunge the country into a “commercial cataclysm.”⁵⁹

The protectionist majority preferred to play down these fears. According to Méline, they had always existed, and no severe reprisals had ever marred France’s trade relations.⁶⁰ Furthermore, France had never responded to reckless increases in customs tariffs, even against the McKinley tariff of 1890.⁶¹ Ultimately, these fears would be based solely on the Press’s excessive coverage of parliamentary proceedings.⁶²

⁵¹ *Les droits de douane...*, p. 57.

⁵² 28 April 1891, *J.O.*, Chambre des députés, Débats, p. 718.

⁵³ “On the day we pass legislation that may close the doors of foreign countries to us, what suffering will they experience? Instead of silk dresses from France, they will have them from Italy; instead of cotton fabrics from France, they will have them from England”; 22 November 1891, *J.O.*, Sénat, Débats, p. 827.

⁵⁴ Deputy for Bouches-du-Rhône. A chemical industrialist, he was a specialist in maritime issues.

⁵⁵ 6 May 1891, *J.O.*, Chambre des députés, Débats, p. 796.

⁵⁶ See O. Serra, “Aspectos jurídicos de la lucha contra la importación de vinos españoles e italianos en Francia a finales del siglo XIX,” *Revista de estudios jurídicos* 2022, no. 22, e7569.

⁵⁷ Irremovable senator.

⁵⁸ 20 November 1891, *J.O.*, Sénat, Débats, p. 808.

⁵⁹ According to the expression used by Charles-Roux; 6 May 1891, Chambre des députés, Débats, p. 797.

⁶⁰ This omits, however, the trade break with Italy that began in 1888 and would not end until 1896.

⁶¹ Imposed to protect American wages and agricultural production.

⁶² 12 May 1891, *J.O.*, Chambre des députés, Débats, p. 871.

Although the concerns raised during parliamentary proceedings⁶³ did not always convince the protectionist camp, the latter understood that allowing duty-free entry for raw materials imported from abroad was necessary.

B. Duty-free Entry of Raw Materials

In his general report to the Senate, Dauphin pointed out that “the great difficulty in drawing up customs tariffs is to strike a balance between conflicting interests.”⁶⁴ Safeguarding the interests of French industry effectively requires striking a balance between the interests of specific agricultural production sectors and those of the industry itself, while also seeking a compromise between the two.

1. Safeguarding the Greater Interests of Industry

Certain materials are necessary for large-scale industry or craftsmanship to be transformed into consumer products. As such, they cannot be treated in the same manner as other imported products, especially when they are rare or non-existent in the French market. This explains their traditional exclusion from customs tariffs.⁶⁵ Therefore, the government and the customs commission decided to exempt them from duties on both tariffs.⁶⁶ Parliamentary debates nevertheless reveal the difficulty of protecting specific products, as what is a raw material for some is considered a finished product for others. Méline understood this well: “There are no longer any raw materials in the absolute sense of the word; everything is a raw material if we consider the successive transformations that any product may undergo; nothing is a raw material if we consider that all products that are the fruit of labour are equal before customs.”⁶⁷

The Dauphin report to the Senate is interesting because it provides several examples that fueled parliamentary debates. I will focus on two of them. First, France, which ranked first in the world for wool fabric production (900,000 tonnes per year), was forced to import 356,000 tonnes of raw wool annually from Australia and Argentina. The duty-free admission of this wool would certainly cause harm to French producers, but “it is not enough to protect national labour in those sectors that are suffering. Above all, those that are prosperous must be given space and room to grow.”⁶⁸ If the bill ultimately provided for an increase in customs duties on foreign sheep, such compensation would not be enough to satisfy the main stakeholders.⁶⁹

⁶³ Parliamentarians also raised the risks of decline in the agricultural and industrial sectors in the event of excessive tariff protection.

⁶⁴ 9 November 1891, *J.O.*, Sénat, Doc., p. 302.

⁶⁵ This was the case in the 1881 tariff.

⁶⁶ For example, cotton, wool, flax, silk, unwrought metals, unworked rocks and minerals, guano, etc.

⁶⁷ 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 5.

⁶⁸ 9 November 1891, *J.O.*, Sénat, Doc., Annexe n° 50, p. 303.

⁶⁹ The commission replaced the duty of 5 francs (per head) with a duty of 15.5 francs (per quintal) at the general rate, without providing for a minimum rate.

The silk industry, a symbol of French expertise in luxury goods, faced the same challenges.⁷⁰ It required 4,000 tonnes of raw silk⁷¹ annually, with national production barely reaching 700 to 800 tonnes.⁷² However, silk spinning, which in the 1870s used all French cocoons with only 27% of cocoons coming from abroad, no longer used a single cocoon from Ardèche, Gard, Drôme, or Vaucluse in 1889. This led to fears among silk farmers and spinners in southern France about allowing silk, in all its forms, to be imported duty-free. On the contrary, the Chambers of Commerce of Lyon and Saint-Étienne (representing the silk industry) and those of Marseille and Calais (defending their exports) did not hesitate to support the customs exemptions. Despite everything, the commission preferred to take into account what it considered to be the most critical interest: that of the Lyon silk industry. Méline nevertheless assured that the government had tabled a bill establishing a system of subsidies for sericulture.⁷³

"Amidst these legitimate competitions,"⁷⁴ the government and the customs commission sought to promote duty-free entry for the raw materials needed by the most critical industries. But what response would they give to those for whom this exemption constituted unacceptable competition?

2. The Search for Compromise

The Méline and Dauphin reports explain that, long before the concept of duty-free entry for raw materials was conceived, discussions had already begun about introducing a drawback system. This is a "customs mechanism that allows for the reimbursement of duties levied on goods upon importation when the product manufactured using those goods is exported."⁷⁵ However, the government had to abandon this system because it was too costly for the Treasury⁷⁶ and was challenging to implement. The main difficulty lay in the time lost in carrying out the operations (verification of the composition of manufactured products leaving the country, chemical laboratory operations, unpacking and repacking operations).⁷⁷ One of the essential qualities of export trade remained its speed.⁷⁸

These difficulties ultimately prevented the customs commission from resorting to drawback. On the contrary, introducing subsidies would prove much simpler and more effective. The Méline report draws on the example of Irish linen, whose production had

⁷⁰ 9 November 1891, *J.O., Sénat, Doc., Annexe n° 50*, p. 304.

⁷¹ This refers to the silk obtained after reeling the cocoons.

⁷² The crisis in French sericulture dated back to the years 1849–1851 when diseases attacked silkworm farms. Unfortunately, the rebuilt production in the south of the country was unable to compete internationally, especially with Japan and China; *Histoire de la France rurale*, vol. 3, eds. G. Duby, A. Wallon, 2nd ed., Paris 2003, pp. 363–364.

⁷³ 3 March 1891, *J.O., Chambre des députés, Doc., Annexe n° 1257*, p. 6.

⁷⁴ In the words of Dauphin, 9 November 1891, *J.O., Sénat, Doc., Annexe n° 50*, p. 303.

⁷⁵ 'Drawback' [in:] *Vocabulaire juridique*, ed. G. Cornu, 11th ed., Paris 2016, p. 312.

⁷⁶ One might consider the risk of abuse in refunds made to the Treasury.

⁷⁷ This makes drawback inapplicable to certain textile products that are very difficult to break down because they are made from complex blends (silk, wool, cotton, jute, etc.).

⁷⁸ 9 November 1891, *J.O., Sénat, Doc., Annexe n° 50*, p. 304.

been supported by public subsidies for some fifty years. The Nord department had also established a flax committee to distribute aid to producers.⁷⁹ Encouraged by such examples, the customs commission urged the government to table a bill to support flax cultivation and, at the same time, sericulture.⁸⁰ A compromise seemed to have been reached between agricultural producers and industrialists.

* * *

The law of 11 January 1892, gave rise to such a volume of parliamentary work that it is impossible to summarise its entire content in a single article. It should be noted that between March 1891 and January 1892, nearly 150 special reports, some 50 first-reading sessions, and multiple parliamentary exchanges between the two chambers were required to compromise on the nineteen articles of the law⁸¹ and, above all, the 657 tariff numbers. The discussion in this article, through a few examples, of the genesis of a new tariff system effectively demonstrates the great difficulty of reconciling interests that were, *a priori*, contradictory in the French and European political, economic, and social context of the late nineteenth century. However, although the “Méline tariff” of 1892 did not end the doctrinal opposition between protectionists and free traders, it enabled industrialists, farmers, employers, and workers to reach a compromise on protectionism that ensured the stability of the Third Republic.

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⁷⁹ 3 March 1891, *J.O.*, Chambre des députés, Doc., Annexe n° 1257, p. 6.

⁸⁰ This led to the law of 13 January 1892 “aimed at encouraging the cultivation of flax and other industrial crops” and the law “on special incentives for sericulture”; *J.O.*, Lois et décrets, 13 January 1892, pp. 256–257.

⁸¹ The dual tariff system coexisted with other customs provisions relating to products of non-European or colonial origin, transit and warehousing, counterfeiting, and temporary admission.

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Summary

Olivier Serra

Between Ambition and Compromise: The French Customs Tariff of 1892 Through the Lens of Parliamentary Proceedings

At a time when a general increase in customs duties threatens trade relations across the Atlantic, the choice between supporting a protectionist or free trade policy appears more than ever to be one of the major concerns of trading powers. This article, therefore, looks back at an essential episode in French economic history: the law of 11 January 1892 “on the establishment of the general customs tariff.” It marked a critical step for France’s return to protectionism after the Second Empire’s brief experiment with free trade. The rise of nationalism, the intensity of economic crises, and, more generally, the effects of the first wave of globalisation explain the decision radically to change the country’s customs tariff. With a majority essentially won over to protectionist and agrarian ideas, the French Parliament was the sounding board for the grievances of industry and agriculture. Jules Méline, chairman and general rapporteur of the Chamber of Deputies’ customs committee, embodied the compromise that was reached by introducing the dual tariff system. This major customs innovation lasted until the Second World War. While analysis of parliamentary proceedings reveals the traditional opposition between supporters of protectionism and advocates of free trade, it also puts into perspective the intensity of the protectionism introduced by the customs reform, which sought to strike a balance between the interests at stake.

Keywords: trade, customs, France, Jules Méline, customs legislation, parliament, trade policies, protectionism, tariffs.

Streszczenie

Olivier Serra

Między ambicją a kompromisem – francuskie taryfy celne z 1892 r. w świetle obrad parlamentarnych

W czasach, gdy stosunki handlowe po obu stronach Atlantyku są zagrożone powszechnym wzrostem ceł, wybór między polityką protekcjonistyczną a wolnorynkową wydaje się jednym z głównych przedmiotów zainteresowania potęg handlowych. W niniejszym artykule przywołano ważny epizod w historii gospodarczej Francji: ustawę z 11 stycznia 1892 r. „w sprawie ustanowienia ogólnej taryfy celnej”. Był to istotny etap powrotu Francji do protekcjonizmu po krótkim okresie wolnego handlu za czasów Drugiego Cesarstwa. Decyzję o gruntownej zmianie taryfy celnej kraju motywowały wzrost nacjonalizmu, kryzys gospodarczy oraz, szerzej, skutki pierwszej globalizacji. Francuski parlament, dzięki większości popierającej idee protekcjonistyczne i agrarne, stał się tubą propagandową dla skarg środowisk przemysłowych i rolniczych. Jules Méline, przewodniczący i sprawozdawca generalny komisji celnej Izby Deputowanych, uosabiał kompromis osiągnięty dzięki wprowadzeniu systemu podwójnych stawek celnych – znaczącej innowacji, która przetrwała do II wojny światowej. Analiza prac parlamentarnych ujawniła tradycyjne spory między zwolennikami protekcjonizmu a obrońcami wolnego handlu, ale jednocześnie pozwoliła zrelatywizować intensywność protekcjonizmu wprowadzonego przez reformę, której celem była równowaga między interesami różnych grup.

Słowa kluczowe: handel, cła, Francja, Jules Méline, ustawodawstwo celne, parlament, polityka handlowa, protekcjonizm, taryfy.