



Contextualizing Bankruptcy: Publicity, Space and Time (Europe, 17th to 19th c.)

Date: March 19-20, 2018

Venue: Institut historique allemand, 8 rue du Parc-Royal, 75003 Paris, France

Organisation: Prof. Dr. Natacha Coquery (LARHRA, Lyon 2, IUF); Dr. Jürgen Finger (DHI Paris); Prof. Dr. Mark Sven Hengerer (LMU Munich)

Deadline: **October 31, 2017**

According to German economist Lorenz von Stein (1815–1890), the frequency of “Fallissement” (borrowed from the French “faillite”), was an indicator for the socio-economic development of societies. For him, the massive increase in the number of bankruptcies during the 19th c. was typical for industrial capitalism: The manifold and tight entanglement of creditor-debtor relations as well as the capitalists’ focus on future profit had furthered speculation. The high capital demand of industrialization combined with general capital shortage had decoyed entrepreneurs into venturesome behavior at high-stakes and, thus, provoked frequent cases of insolvency (*Geschichte der sozialen Bewegungen in Frankreich von 1789 bis auf unsere Tage*, München 1921, vol. 2, p. 28–30).

Von Stein may have correctly described a general correlation of capitalism, high willingness to take risks and bankruptcy in an industrializing economy. But the different elements of his account were not as novel as he thought. This is shown by research on the emergence of the concept of “risk” in late medieval times, on the social embeddedness of creditors and debtors, and on bankruptcy in early modern merchant capitalism.

Considering the long, non-uniform and unsteady transition from merchant capitalism to industrial and financial capitalism, the beneficial outcome of a discussion integrating perspectives and projects from early modern history and the history of the 19th c. seems obvious to us. Commercial practices did not change that fast and that radically as might be expected, e.g. in France, from the promulgations of the Colbertist *ordonnance du commerce* (or *Code Savary*) in 1673 to the Napoleonic *Code de commerce* in 1807. The same is true for other European countries. But only rarely researchers of the early modern period and of the 19th c. come together for a joint discussion. Our workshop is supposed to fill this gap, as researchers of both periods recently (re)discovered debt, credit and bankruptcy as topics.

Research on the early modern period and the 19th c. share a variety of common perspectives. Bankruptcy as a rather exceptional situation in the life of a merchant has explanatory power for routines of economic stakeholders as well as for their space of experience and their horizon of expectation – to put it in the words of R. Koselleck. We can use the irregularity of failure as an indicator of regularities. However, we must apply due methodological caution: Failure may not have been an exceptional case at all, given the “unlikelihood of anniversaries” of enterprises (W. Plumpe). Failure did not necessarily trigger bankruptcy, especially in early modern times. Finally, bankruptcy did not imply the end of business activity at all, as failing merchants were embedded in networks of peers and kin which tempered the sometimes dire consequences of business failure.

Our workshop will focus on the various forms of contextualization of business failure. Not only historians must pay attention to context to historicize their findings. The contemporaries, the stakeholders of a bankruptcy procedure already had to deal with sometimes complex contexts which they had to reconstruct, understand and evaluate. Depending on scope and scale of a case, “Fallissement” could trigger questions about the degree and the forms of economic entanglement; the embeddedness of economic activities in local, regional and trans-regional or international contexts of all sorts; the role of the public and of publicity; the evaluation of risk at a given time and place. We therefore propose the following research axes:

Covering and Uncovering/Secrecy and Publicity

Depending on the context, debt must be dissimulated whereas creditworthiness must be accentuated. How important was partial or complete public knowledge of one’s business situation for creditworthiness? How, when and to whom was knowledge granted? Which part of the public were addressed in bankruptcy procedures, how was publicity ensured or limited? How transparent were bankruptcy procedures? Did publicity/transparency inspire confidence into procedures and actors? What consequences had a lack of transparency? Which were, in contrast, the dangers and disadvantages of publicity for both creditors and debtors? What were the consequences of publicity for formal rehabilitation and for the restart of business? Etc.

Economic Space and Area of Jurisdiction

Business activities often crossed the frontiers of the jurisdiction competent to proceed in case of bankruptcy. The exploitation of supra-regional, national or global markets made businesses vulnerable for long-distance effects of crises, catastrophes, and the collapse of competitors or partners. How did the stakeholders of bankruptcy procedures handle these problems? Did they include non-residents? How was communication guaranteed? How did the growing distances in trade affect the availability of information relevant to a bankruptcy case; information that was necessary for understanding chronology and context of a given transaction and for evaluating prior and current risks in its handling? Etc.

Temporal Narratives of (In)Solvency

In bankruptcy procedures, both debt and fault are bargained in a way that interlinks the three temporal dimensions: past, present, and future. How were past expectations about the future (e.g. profit expectations) narrated at a moment when the risk had been realized and had become a loss? How was this past idea of the future reconstructed and evaluated (e.g. by using bookkeeping)? How were ideas of the future constructed during the procedure, at a moment where compromised transactions had to be re-evaluated? How did the actors narrate the prospects of the business and of the bankrupt person? How was the moment of insolvency determined, a question of accounting relevant both for the commercial and criminal procedure? Did the suspension of payment and the formal rehabilitation represent clearly defined turning points isolating a before and an afterwards of bankruptcy? Etc.

Other categories and perspectives may be considered (gender, class, merchants vs. non-merchants, materiality, emotions, etc.), yet, we ask you to relate these to the three abovementioned axes. Case studies are as welcome as a methodological and theoretical discussion of the axes and the underlying concepts.

Draft papers (in English, about 3.000 words) will be circulated in advance. They should allow the other participants to understand the state of research, the general line of your argument and your major hypotheses. During the workshop, speakers will start the discussion of their paper by giving further explanations on their approach, on methodology and sources or, if applicable, by giving an account of their case study (20 minutes).

Discussions will be in English, German and French.

We will cover the cost of transportation and accommodation if funding can be secured for the conference.

Please send an abstract of your presentation (max. 500 words) and a short biographical notice (1/2 page) with a list of your relevant publications to: jfinger@dhi-paris.fr

Deadline: October 30, 2017.