

THE PERIMETERS OF MOBILITY  
IN EARLY MODERN CONSTRUCTION SITES  
(SAVOY STATES, 18<sup>TH</sup> CENTURY)

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— ABSTRACT —

This contribution is focused on work in building sites in pre-industrial period, where different forms of mobility and immobility of labour coexist. This paper aims to show the different ways to manage it. Which juridical and legal instruments consent to control workers mobility? And which informal mechanisms limit or lead their movements? To answer to these questions, I will observe the circulation of building workers in Europe in 18<sup>th</sup> century, and I will focus on construction sites in Savoy States and in their capital, Turin. The analysis of work organization consents to show the importance of managing and control mobility on these workplaces continuous changing. Attentive to an emic perspective, this research observes the capacity of actors to participate to the process of definition of control mobility. In the urban courts workers and their employers were often opposite in lawsuits that contribute to define the perimeter of workers movements.

**Keywords:** Workers Mobility, Construction Sites, Mobility Regulation, Confraternities, Civil Courts, Police, Louages.  
JEL Codes: N33, N63, N93, J69.

INTRODUCTION

The mobility of labour emerged early on as a major issue for the regulation of labour relations. As early as the 14<sup>th</sup> century, in England the Statute of Labourers (1351) strove precisely to limit the mobility of workers during a period of labour shortage. In the modern era, under legal systems derived from Roman law, and particularly in France, an instrument to regu-

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late worker mobility was represented by the application of the *louage de service* (the *locatio operarum* of Roman law) and of a legislation aimed at punishing the abandonment of the job before the conclusion of the terms of contract (Pesante 2016). Throughout the 18<sup>th</sup> century, precisely because of their mobility, workers were still subject to the jurisdiction of police institutions (Kaplan 1979; Hordern 1991; Carvais 2010), which were a set of normative and institutional devices in charge of heterogeneous competences, including the control of the mobility of people and objects, and the maintenance of public order in cities (Piasenza 1990; Millot 2017; Napoli 2003). The jurisdiction of the police authorities over journeymen and servants, together with the articles of the statutes of the trade communities and certain tools, such as the *livrets ouvriers* in France, aimed at framing the mobility of workers. It is no coincidence that it is precisely on this terrain that the tensions and conflicts in the world of labour are concentrated (Cerrutti 2010): the struggles of workers in France throughout the 18<sup>th</sup> century and beyond against their assimilation to domestic servants aimed precisely at claiming and asserting the freedom to leave one's employer (Cottereau 2002) and a certain degree of "right to mobility".

This paper aims to observe these dynamics in the light of the practices of an occupational category strongly affected by mobility: construction workers. Construction sites, as ever-changing workplaces, could provide a large part of the workforce with seasonal employment. In this sector, in fact, the intermittent employment was not cyclical but structural, and fed the movement of workers. In urban economies, the construction sector employed a significant amount of labour, largely composed of immigrant workers. In addition, intermittency of work was structural and fuelled the movement of workers. In this sector, the demand for labour on construction sites was constantly changing according to the extent, progress, and seasonality of certain jobs. Occupational and geographical mobility are closely linked and represent a condition inherent in the professional paths of construction workers.<sup>1</sup> The regulation of mobility passed through different legal, economic, and social devices, which this article intends to analyse. At the same time, it aims to observe workers' actions when faced by those instruments for regulating and controlling their mobility, showing their capacity for agency and the different uses they make of norms and institutions. This approach thus adopts a perspective that focusses on the dialectic between social actors and institutions – in the wake of an extensive literature – and, at the same time, on the power relations that inevitably conditioned it.

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<sup>1</sup> In this specific case, the term 'mobility' used in this contribution refers to this dual concept of geographical and occupational mobility, induced by the intermittent employment.

Observing the forms of regulation of workers' mobility from the point of view of a specific professional category makes it possible to consider the complexity of practices and labour relations that overlap in the same professional context, and that are difficult to reduce to the normative framework. In particular, the construction sector was characterised by heterogeneous forms of work organisations, ranging from family businesses to large enterprises capable of mobilising hundreds of journeymen (Bernardi 2009; 2011; Bertels, Verswijver and Wouters 2011; Carvais *et al.* 2012; Martini 2016). This contribution aims precisely to observe the forms of regulation of mobility through the prism of the different labour relations that overlapped within the same workplace.

In order to observe these dynamics this paper takes as a case study the building contractors and workers active in the Piedmont and Turin construction sites during the first half of the 18<sup>th</sup> century. Firstly, it will present the political and economic context, characterised by massive investments in building works, which attracted to Piedmont and its capital an important number of entrepreneurs and workers coming mainly from the Alpine villages. The highly bureaucratic nature of the state administration in those years has produced copious documentation, which makes the Turin case a privileged field of investigation. Secondly, this documentation allows the analysis of the organisation and the rhythms of the building sites, showing the strong dynamism of this sector. Thirdly, this contribution analyses the different forms of regulation of the mobility of construction workers and, finally, the tensions that these devices trigger.

## 1. A WELL-REGULATED INDUSTRY

After the conclusion of the War of the Spanish Succession and the signing of the Peace of Utrecht (1713), there was a period of peace of about thirty years for the Savoy states, interrupted by the participation in the War of the Austrian Succession from 1742 onwards. This thirty-year period was profoundly marked by the politics of Vittorio Amedeo II, in power since 1675, who became king following the acquisition of the kingdom of Sicily (1713), ceded a few years later in exchange for Sardinia (1717). During this period of relative calm following the Peace of Utrecht, the sovereign, as well as continuing his programme of reforms in the administration of the state (Symcox 2002), implemented a programme of architectural interventions with a strong political content, aimed, on the one hand, to strengthen the defensive system of the territory and, on the other, to elevate Turin to the role of European capital of what had recently become a kingdom (Comoli Mandracci 1983). Massive investments were made in military, civil

and religious construction sites, whose management was entrusted to a bureaucracy made more efficient thanks to the reforms planned by the sovereign. During the same years, the capital experienced strong demographic growth, fuelled mainly by immigration from the kingdom's territories and neighbouring states. According to a study on the origin of married couples in the first half of the 18<sup>th</sup> century, in the first decade of the century about 51% of husbands and wives were immigrants, a percentage that reached 68% in the 1740s (Levi 1985: 13 and 35). The growth in population increased the demand for housing, with the related rise in rental prices fuelling property speculation and triggering the third expansion of the city in the 1730s with the construction of 18 new blocks in the north-west of the city.

From 1711, the management of building sites was under the responsibility of the *Azienda Generale fabbriche e fortificazioni* (General Office for Building and Fortifications).<sup>2</sup> Placed under the Ministry of War, the *Azienda Generale* was in charge of managing and settling all building matters: from the planning of interventions to the awarding of contracts, from the inspection of building sites to the testing of works. Everything concerning the design of the building works was commended to the First Royal Engineer in the case of fortification works, and to the First Architect in the case of civil and religious works, both appointed by the sovereign and directly dependent on him. The procedure for assigning the works began with the publication by the *Azienda Generale* of tenders, the *tilette*, in the Savoy capital and in all places involved in the works. The Engineer and the Architect were responsible for drafting the instructions attached to the public contracts, almost always accompanied by graphic documentation illustrating formal choices and executive details. These detailed descriptions of the works allowed the participants in the tender to draw up the bid document, the *partito*, detailing the costs envisaged for carrying out the works. On the basis of the proposals received, the *Azienda Generale* awarded the contract to the company that had submitted the best bid, i.e., the lowest in terms of costs. The contractor(s) were then convened to sign an act of submission, i.e., the contract, whereby they undertook to deliver the works within the stipulated timeframe and in accordance with the Architect's and the Engineer's instructions.

Contracts are in many ways a valuable instrument for observing mobility on construction sites.<sup>3</sup> They almost always show the origin of the

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<sup>2</sup> Archivio di Stato di Torino (henceforth ASTo), Corte, Materie militari, Fabbriche e fortificazioni, m. 3, f. 7, Regolamento, o sia nuova Costituzione per il Consiglio d'Artiglieria, Fabbriche e Fortificazioni, 1711.

<sup>3</sup> ASTo, S.R., Ministero della Guerra, Azienda fabbriche e fortificazioni, voll. 1, 2, 3, 5, 7, 19 and 38, *passim*.

contractors and the masters who won tenders in those years. In most cases, these contractors came from the Alpine villages, in particular from the area of the Lombard and Swiss lakes (Lugano, Maggiore, Varese, Como) and the Biella valleys in Piedmont. The analysis of a sample of over 300 contracts signed between 1710 and 1742 shows the geographical origin of more than 500 contractors who won a public tender: 120 of them declared to be from a dozen communities in the region of Biella, 106 came from the Lakes region, in the Duchy of Milan, 75 declared to be from Turin – to which we must add 66 from an area close to the capital – and 56 declared to be from Lugano in the southern balayage of Switzerland.

Most of the contractors declared that they lived in the capital, which was the centre of negotiation for all public contracts in Piedmont, even though only a part of the building sites was placed in the capital. Since the 1710s the crown's financial efforts were divided between the capital, its territory (with the construction sites of Rivoli, Venaria Reale, Stupinigi and the other residences included in the 'Crown of Delights') and the fortresses scattered throughout the rest of Piedmont and, in particular, on the borders with France and the Duchy of Milan, to repair those damaged during the war and, more generally, to strengthen the defence system. In order to embellish it, the king called in the architect Filippo Juvarra from Messina (Sicily), author of the masterpieces of Piedmontese baroque. The great period of urban and architectural interventions in Turin ended in the mid-1730s. The economic growth that had characterised Turin in the first decades of the 18<sup>th</sup> century was interrupted by an economic crisis in the years 1733-1735, followed by another in the years 1742-1747, in conjunction with the participation of the Savoys in the War of the Austrian Succession (1742). This research focuses on the interwar period, from 1713 to 1742, in which the most significant investments are concentrated.

Contracts with the *Azienda Generale* were always signed by consortia of contractors who thus shared the risks and burdens associated with carrying out the works. The creation of consortia – the composition of which varied with each contract – allowed contractors to diversify their investments over several sites, according to the timing of works and payments for them. A network of complex professional alliances was gradually built up, supporting the intense circulation and rotation of contractors between the various Piedmontese sites and their periodic returns to their countries of origin (Cristofoli and Rolla 2018). Throughout the period analysed, Turin became the epicentre of intense circulation that ideally united the capital, the building sites in Piedmont and the master builders' countries of origin.

## 2. TRANSNATIONAL LABOUR MARKETS

This regional circulation of building workers must be considered within broader circuits which were able to radiate from the countries of origin throughout Europe, from Spain to Russia. Since the 1990s, research on Alpine migrations have shown the existence of a complex economic system, which integrated the economy of those who left – the emigrants' monetary remittances – with the economy of those who remained in the country of origin to practice a subsistence economy (Ceschi 1994; 1999; Fontaine 1993; 2003; Merzario 2000; Aime, Allovio and Viazzo 2001). Landed property in the countries of origin, although scarcely productive, was a crucial resource from several points of view. On the one hand, they provided the necessary guarantees for obtaining credit to finance emigration and professional activities (Fontaine 1993; Parnisari 2015). On the other hand, they made it possible to maintain rights of local belonging to their countries of origin (Lorenzetti and Merzario 2005). The maintenance of ties with the countries of origin took the form of the payment of tax burdens, investments in real estate, and periodic returns to home within a system of rotation between members of the same family (Derouet *et al.* 2010; Schnyder 2015; Cristofoli and Rolla 2018; Chiesi Ermotti 2019). These economic and social dynamics contribute to defining the multi-local character of these communities, which is based on the articulation between different places where migrants work, on the strong affective and economic connections between places of origin and places of emigration, and on family structures that often involve branches based in different places (Portes 1997; 2001; Gabaccia 2000; Albera, Audenino and Corti 2005). The circulation of entrepreneurs and construction workers can only be understood in the context of these multi-local communities and the circulation of resources – economic and relational – that sustains it.

Architectural historians showed an early interest in what has been called the most important artistic diaspora in art history. Indeed, since the Middle Ages, artists from the lakes – masons, carpenters, plasterers, sculptors – have travelled the roads throughout Europe, demanded for their technical skills. Their routes can be reconstructed through the letters they sent home during their periods of absence. A collection of those sent by the plasterers from the village of Meride in southern Switzerland was published (Martino 1963) and provided documentation for a first investigation. Although only one category and an elite within a sector that welcomes a variety of professions, the case of plasterers still allows us to highlight some aspects of these professional migrations.

The professional life of plasterers, like that of other construction workers, began at an early age and was characterised by frequent moves, follow-

ing job opportunities as they arose. The plasterer Giovanni Antonio Ol-delli, for instance, left his birthplace in Meride, near Lugano, in 1707, aged sixteen, together with – and probably in the service of – two countrymen. After his first, perilous journey through a Europe criss-crossed by troops during the war of the Spanish Succession, he arrived at Munster. It was the beginning of a long life spent roaming, following information of job opportunities, which took him to Germany, Holland, Austria, Bohemia, Switzerland, France and Italy, over a fifty-year period. The circulation of information of job opportunities was ensured precisely by the circulation of people and letters.

Some conditions were indispensable for undertaking the journey and working in the building sector. Firstly, ready funds were necessary in order to leave one's birthplace, to bear journey costs and to cope with unemployment or illness. The master stonemason Gio Pietro Fossati left Meride with his brother, with 9 *filippi* in his pocket (corresponding to 45 lire). Arriving in Salzburg with 25 soldi (just over 1 lira), he was forced to ask a plasterer from Salorino – a Swiss village a few kilometres from Meride – to lend him 10 florins (40 lire) to continue the journey to Vienna (Martinola 1963: 37-38). Access to credit was often a prerequisite for working in building sector. When artisans obtained an order, they had to buy materials and utensils, advancing significant sums of money. When finally, Giovanni Antonio seemed to have found a long-term job opportunity at Hegeleim in France in 1719, he wrote to his cousin Pietro Francesco in Weltenburg, in Bavaria, asking for a loan of 2 or 3 florins to cover the costs necessary to carry out the order. Pietro Francesco agreed, asking Giovanni Antonio to repay it later by settling an account in a tavern in Weltenburg. It was also essential to have some savings or access to credit to cope with unemployment or illness. When in 1725, Giovanni Antonio fell sick in Prague he was forced to write to his family in Meride asking for a loan. These few examples clearly show the existence of a trans-national circuit of financial and social resources, which connected countrymen dispersed across different countries, with both each other and with their birthplace, and which guaranteed the circulation of information, money, credit and reputation. Availability of capital often traced the difference between entrepreneurs and workers, allowing artisans to employ journeymen and provide jobs to other countrymen. It was a thin boundary, which was crossed several times in an artisan's life, depending on opportunities and circumstances. When work abounded, artisans called on others, often compatriots, coming from other countries or directly from their place of birth. Their letters map out a trans-national labour market.

### 3. THE TEMPORALITIES OF CONSTRUCTION SITES

The intensity of these circulations was closely linked to the rhythm and organisation of work in the construction sector, which is characterised by a high variability of labour demand. Traditionally, the construction sector has been one of the privileged fields of quantitative studies on wage trends, which have shown employment trends on construction sites by means of aggregate data on the number of days worked (Baulant 1971). The demand for labour was influenced first and foremost by the seasonal nature of some jobs: in the winter months the rhythm of work on the construction sites slowed down, but did not stop completely, while in the workshops and loggias work never stopped (Bernardi 2011). The demand for labour also followed the progress of the works, which required different quantities and types of workers from time to time. The analysis of public contracts allows us to follow the trend of the most important 18<sup>th</sup> century construction sites including, for example, that of Superga.<sup>4</sup> In the first seven years of the site's activity, work proceeded with a certain rapidity. If in the first year mainly workers and transporters were employed for sand extraction, kiln workers for the production of lime and bricks, and masons for the demolition of a pre-existing building and the construction of a brick furnace, by the second-year teams of masons were already at work on the site, while in the marble quarries of Gassino stonemasons and sculptors were employed in preliminary works for the production of marble plinths and the supply of stones. To keep up with the pace of production, the masters were required to employ 'as many workers as possible'. At the same time, a transport service for materials from the quarry to the site was organised, provided by eight pairs of bulls and eight transporters. In 1719, the production of pedestals and white marble columns began in the quarries of Frabosa, 120 kilometres from Turin, while in Brossasco, about a hundred kilometres from Turin, works began on the production of capitals and pilasters. By 1721 masons had completed the masonry work up to the impost of the vault; while teams of carpenters began work on the roofing of the choir and sacristy. Most of the work was concentrated in the spring and summer months, with these campaigns usually ending by the end of October. But some work, such as the production of bricks or the working of Gassino stone, seems to continue into the winter months (Rolla 2019).

The most interesting element, which had already emerged from the studies of the 1970s on wage trends, is the strong instability of the labour force. If we move from the aggregate data to an analysis of the employ-

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<sup>4</sup> ASTo, Corte, Benefici per A e B, Superga, m. 101, *passim*.



ment of individual workers on a construction site, the short duration of employment clearly emerges (Baulant 1971). The same evidence was found in the Turin construction sites. The list of workers employed by the *impresario* Maffei on the Royal Pavilion site in the weeks between 16 August and 20 September 1750 includes 39 journeymen, including masters, labourers and *garzoni* (unskilled labourers).<sup>5</sup> Of these, only three were employed for the entire campaign, and two for four weeks. Most are employed for six to twelve days, although the amount of labour employed does not change. What does change, at the beginning of each week, is the composition of the teams, which were probably formed by recruiting the available workers on the San Giovanni square, where the daily workers seeking employment gathered every day.<sup>6</sup> This volatility of the workforce may be linked to a variety of factors, from the way workers were recruited, to economic factors, to the high incidence of accidents at work. The construction sector is, therefore, a particularly dynamic one, characterised by a structural mobility of labour. The proper functioning of this sector, therefore, depended on the ability to regulate this mobility through various legislative and social mechanisms.

#### 4. INSTITUTIONAL AND REGULATORY FRAMEWORK, THE LABOUR POLICE

In the Piedmontese legislation, very little space was devoted to the regulation of rental contracts, and especially to labour contracts. The only provisions on labour contracts, included by Duboin in his collection, were those published by the office of the Vicariate of Turin. This was an ancient institution of medieval origin, which in the 18<sup>th</sup> century had retained little of its original functions. After two reforms in 1687 and 1723, the Vicariate was entrusted with what, in the old regime's institutional systems, were identified as political and police competences, which included administrative and judicial functions. As a judge, it applied the summary procedure and exercised its jurisdiction over a heterogeneous range of cases, including the wages of journeymen and servants. Particularly after the reform of 1723, the Vicariate began to show unprecedented activism in all fields of its administrative, legislative, and judicial activities (Balani 1987; Rolla 2010). The Vicar's provisions on labour contracts date back to 1730 and concern the leave of 'persons of service'. These prohibited anyone from employing (literally "accepting and withdrawing") servants of all kinds who did not

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<sup>5</sup> ASTo, S.R. Real Casa, Registro Fabbriche, vol. 413, ff. 119v-120v.

<sup>6</sup> CRAVERI 1753: 99.

have the leave and licence of their previous “masters”. In case of transgression, a fine was imposed on the new employers and the workers. The latter were also forbidden to leave their “lord or master” before the agreed time, under penalty of fines, imprisonment, and corporal punishment in case of “bad faith and corruption of other servants”.<sup>7</sup>

In Turin, these provisions, which were similar to those applied elsewhere, were accompanied by measures to control the mobility of servants and journeymen in the urban territory. In 1752, servants and journeymen were required to declare their place of residence to the block captains, who were required to keep a list of them, updated monthly.<sup>8</sup> Established in 1679, the block captains were officers under the authority of the Vicar, in charge of certain police responsibilities for the blocks under their jurisdiction, such as coordinating rescue operations in the event of fire or intervening in the event of disturbances in public spaces, taverns and inns.<sup>9</sup> In the 18<sup>th</sup> century, these responsibilities were complemented by the task of taking a census of the population of the blocks under their jurisdiction and compiling statistics by age, gender, and profession. Particular attention was paid to the movements of servants and day labourers who were entered in specific lists. Unfortunately, unlike the documentation of population statistics, the lists of day labourers and domestic servants have not been preserved. However, it is interesting to note that labour mobility was one of the main concerns of the political and police authorities.

In years of strong population growth fuelled by immigration, movements of people in the capital became something of an obsession for local authorities, especially when associated with unemployment. Initially, there was concern about the impact of immigration on the city’s welfare system, which was reformed in 1716 by introducing access criteria that gave priority to those who resided permanently in the city. The hospitalisations in charitable institutions, moreover, responded to a patronage logic that favoured those who were able to activate a network of local social relations (Cavallo 1989). In the years that followed, the Vicar’s prisons filled up – especially in the winter months – with idlers and vagrants, while legislative provisions tending to build a link between vagrancy, unemployment and delinquency multiplied. In this context, the authorities were invited to pay attention to “foreign persons” and to gather information on the reasons for

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<sup>7</sup> DUBOIN (1818-1869), vol. VII: 447-452.

<sup>8</sup> *Ibid.*, *Regio biglietto al Vicario di Torino, col quale S.M. prescrive nuovi regolamenti pell’abitazione ed incumbenze de’ Cantonieri della città...*, vol. V: 1539-1541.

<sup>9</sup> BORELLI (1681, *Incombenze e vantaggi dei Cantonieri da deputarsi per servizio della Città di Torino (22 settembre 1680)*: 924-925).

their arrival in the city “whether they have come to exercise any trade or profession”.<sup>10</sup> It was above all the lack of work that caused concern, as is evident from the few records of criminal cases found. On the other hand, the promise of stable employment was often offered to the Vicar to obtain release from prison and permission to remain in the city.

## 5. MOBILITY MANAGEMENT AS A BATTLEGROUND

The management of workers’ mobility also affected trade organisations. The statutes of the guilds in various Italian cities often included norms to regulate the conditions of access to the profession, the mobility of workers, and the passage from one workshop to another. In Turin, the guilds struggled for a long time to organise themselves and only experienced a sudden development towards the 1730s (Cerutti 1992). In the building sector, throughout the 17<sup>th</sup> century, the only active trade organisation was a confraternity, the Company of St Anne of the Luganese and Milanese master masons, founded around the 1620s. It was not until around 1710 that the Confraternity of St Anne of the carpenters of Graglia, Muzzano and Pollone (three villages in the Biellese Pre-Alps in Piedmont) was created. Both gathered their members according to a professional and ‘national’ criterion and were established mainly for devotional and welfare purposes.

An abundant historiography has shown the multiplicity of functions played by these institutions in early modern societies. They represented autonomous political spaces used by their members to defend certain rights and prerogatives (Torre 1995; 1999). In particular, the confraternities of trade became, in some cases, instruments for organising the discontent of salaried workers (Garrioch 2013), or preludes of 19<sup>th</sup>-century workers’ mutualism (Massa and Moioli 2004). The existence in Italian cities of confraternities that brought their members together on the basis of geographical origin has often been interpreted as the expression of community solidarity, essential in immigrants’ urban integration paths (Calabi and Lanaro, 1998; Orelli 2000; Bianchi 2015). Something similar can be observed in the case of the two Turin confraternities, which in many ways represented instruments for supporting and managing the mobility of workers, first and foremost through their intense welfare activities. This was an essential resource for construction workers, who were exposed to periods of inactivity due to the variable demand for labour on construction sites and the high incidence of accidents at work. During those years, the Company of

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<sup>10</sup> DUBOIN, vol. VII: 116-123, *Editto di provvedimenti a riguardo de’ furti (5 gennaio 1740)*.

master masons received many pleas from workers who, having “broken a leg” or being “still ill and in a miserable state”, asked for money to “make the journey to their own country”.<sup>11</sup> The aid given by the confraternities to masters and workers in difficulty became essential, especially after the reform of Turin’s welfare system had reduced the possibilities of access to the city’s welfare institutions. By helping workers during periods of inactivity in Turin, the confraternities contributed to maintaining a social stability within the migrant community, providing resources that would otherwise have been denied to those who, mobile in the territory, could not count on stable ties to the city. At the same time, by paying their travel expenses to return to their villages of origin, the confraternities directly fed the migration – especially the return migration – of workers. Since we only have the petitions that were granted, it is not possible to know with certainty the criteria by which the aid was distributed. Analysis of the list of beneficiaries in the years 1727-1737, in which some names are repeated, suggests the existence of clientelism, not far different from those observed in the city’s main charitable institutions (Cavallo 1991). In addition to its welfare activities, the Company also provided interest-bearing credit for sums, which benefited mainly, but not only, its members.

A glance at the lists of councillors and syndics reveals the names of the contractors who won the most important public contracts in those years. It was, therefore, the professional elites who controlled the – sometimes considerable – assets of the confraternities, which made it possible to manage the mobility of workers through patronage. It is not surprising that rivalries and tensions arose around the composition of the councils of the two confraternities. In Turin, the most serious was the one that divided the Company of Luganese and Milanese master masons from the 1710s, which only ended in 1767 when the Milanese left the confraternity. What was at stake was control of the council and exclusive possession of St Anne’s Chapel and the company’s coffers (Rolla 2016).

Unlike the guilds, the confraternities did not intervene directly in the regulation of professional practices. Access to the trade and the mobility of workers were regulated elsewhere, in the countries of origin or within the communities of the professional diaspora, through mechanisms external to the confraternities and invisible to the Turin authorities. At a time when the intense activity of the construction sites attracted many masters and workers to Turin, these professions lacked a local institutional structure to regulate the recruitment and mobility of labour, thus escaping the control

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<sup>11</sup> Archivio della Compagnia dei mastri da muro luganesi a Torino (henceforth ACSALT), *Sussidi, passim*.

of the city's authorities. The question was posed in these terms during a long dispute between master carpenters and master *minusieri* (fine woodworkers) in the 1720s (Rolla 2020). The latter were at the head of a guild which, since 1654, had brought together the main woodworking professions: the master *minusieri*, carriage makers and barrel makers. The controversy arose from the accusation that the master carpenters were illegally exercising the profession of master *minusieri* and revolved mainly around the definition of their respective professions. Apart from the technical aspects, the arguments used by the parties in the dispute, and specially by the master *minusieri*, are interesting. In claiming the possibility to supervise 'heavy' works – for which the master carpenters claimed a monopoly – the master *minusieri* put forward different arguments, which did not simply concern the technical skills of the craftsmen. In their eyes, a strong argument was the fact that they had a "certain domicile", were part of a corporation approved by the sovereign, and had open workshops in the city. This stable presence in the city made them available "for Reggio and public services, especially in times of war, to provide their services and work", and made them subject to "test of *capodopera*, and also to visits".<sup>12</sup> From their perspective, the legitimacy of their claims was based precisely on this stable participation in the city's institutional framework, and on these forms of control by the local authorities to which they submitted themselves. It follows from their reasoning that carpenters, who "do not form a guild, and in part only have a workshop and for another are vagrants, are not subject to testing, nor to *capodopera*, and are less subject to visits",<sup>13</sup> could not claim any monopoly over their work. In the *minusieri*'s argument, a clear link is drawn between the legitimacy of exercising a profession and certain domicile, membership of a guild and participation in the public service. The dispute was resolved in 1733 with the establishment of the guild of master carpenters and the approval of their statutes.<sup>14</sup> Effective from then, access to the profession was regulated and subject to the presentation of the *capodopera*; the carpenters' workshops were registered, the election of the guild council was subject to the approval of the Turin Consulate court, and the mobility of workers was regulated through the system of licences and booklets. From the old confraternity, the guild inherited the seat and the devotion to St Anne, but, from that time, the reference to the towns of origin of the master carpenters – Graglia, Muzzano and Pollone – disappeared

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<sup>12</sup> ASTo, Corte, Archivio mastri da bosco, m. 1, fasc. 1/8, *Atti e scritture delli mastri da bosco contro l'Università de Mastri Minusieri Ebanisti ed altri*, ff. 11 and 23-23v.

<sup>13</sup> *Ibid.*, f. 23v.

<sup>14</sup> *Ibid.*, fasc. 18, *Supplica e Regio Biglietto per la ripubblicazione del Memoriale a Capi del 1733*.

from the registers of the guild, which now united the master carpenters of Turin. Scrolling through the names of the members of the council of the carpenters' guild, it shows that its composition did not change compared to previous years. Even at the end of the century, according to the 1792 census of workshops in Turin, most of the master carpenters and workers who worked in the Savoy capital came from the Biella territory.<sup>15</sup> The arguments of the *minusieri* and the creation of the carpenters' guild were, therefore, not the expression of closure against immigrant workers, but rather the expression of a desire to bring the management of this mobility within a local institutional framework (Cerutti 2012). What had been a self-governing political space, used by its members to manage the mobility of workers autonomously, was transformed into a trade guild, approved by the sovereign and placed under the protection of the city's court of commerce.

## 6. ENTREPRENEURS AND WORKERS' CONTRACTS

Whilst the regulations issued by the police and trade organisations provided the legal framework for the constraints on worker mobility, these found concrete expression in the types of contracts used on construction sites. In 1849 a society of Piedmontese lawyers compiled a *Manuale forense* with the didactic intention of comparing Roman law, the "patriot" law – the *Code Albertino* (1737) – and the French Civil Code from which the *Code Albertino* was largely inspired.<sup>16</sup> If we look for a reference to employment contracts, the relevant heading is, as is well known, that devoted to rental contracts. In listing the types of contracts in use in the Savoy States before the publication of the *Code Albertino*, the authors referred explicitly to Roman law. Along with other forms of lease – the *pigione* or *nolo* for houses, the *affittanza* or *colonia* or *massarizio* for rural land, the *soccida* for livestock – there are two contracts that directly concerned work: *locazione del lavoro*, and *appalto*, *cottimo* or *prezzo fatto*. According to the manual, the *locatio operarum*, was precisely a lease in which "one lent his work for a certain sum",<sup>17</sup> while the *locatio operis* – called *appalto*, *cottimo*, or *prezzo fatto* – was that "by which one submitted to do some work, such as a bridge, a

<sup>15</sup> ASTo, Corte, Materie di commercio, Magistrato del consolato, m. 2 d'addizione, *Volume contenente li nomi, cognomi, patria delli Mastri...*, 1792.

<sup>16</sup> Bibliothèque Nationale de France (henceforth BNF), *Manuale forense, ossia confronto fra il codice Albertino, il diritto romano e la legislazione anteriore... compilato da una società di Avvocati*, Novara: F. Artaria, 1838-1843, vol. VII: 716-777.

<sup>17</sup> *Ibid.*, vol. VII: 511.

house and the like for a certain sum”.<sup>18</sup> When the authors go on to analyse in more detail the contracts of “lease of works and industry”, they distinguish between three types of leases: that for which “persons oblige their work to the service of others”, that of “drivers [...] who take charge of the transport of persons and things”, and finally that of “entrepreneurs of works by *appalto* or piecework”.<sup>19</sup> In the construction sector all three types were potentially represented, involving workers, drivers and entrepreneurs respectively. Here we focus in particular on contracts involving workers and entrepreneurs. There are three conditions that, according to jurists, make an agreement a contract of hire: the agreement between the parties, the price or *mercede*, and the work to be performed, which must be feasible in several respects (legal, material, economic). Moreover, in the case of a *locatio operarum*, the lease cannot by definition be perpetual. And in the event of non-performance “the obligation is resolved, if not performed, by damages and interest”.

For our case study, we have abundant access to contracts, or *locatio operis*, those signed between contractors and the *Azienda Generale*. The constraints placed on contractors were of a different nature. To begin with, the contract took the form, as we have seen, of a submission and a *fideiussione* (guarantee). By virtue of the advance payment received on the total sum, and in anticipation of any damage they might cause, the contractors declared themselves to be debtors of the *Azienda Generale*, and, as a further guarantee of their debt, they pledged their properties and presented a guarantor and an approver of the guarantor. The execution of the work was subject to the control of the *Azienda Generale* through a Superintendent, who was present on the building site to guarantee the satisfactory execution of the works and the respect of the times foreseen by the contract. Additionally binding the contractors to be respectful of the agreements were the terms of payment for the work carried out, generally every fifteen days, according to the estimation made by a Measurer.

This procedure, which was rather bureaucratic and rigid, seemed to take little account of the uncertainty to which work on construction sites was subject and all the variables that could come between the design of a project and its actual realisation. The gap between the rigidity of the system devised by the Savoy legislators and the flexibility required to manage a construction site fell largely on the workforce. To respond to the constantly changing labour market in the construction sector, the workforce had to be flexible and available as required.

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<sup>18</sup> *Ibid.*: 512.

<sup>19</sup> *Ibid.*: 716-777.

Contracts with the *Azienda generale* most often concerned the supply of materials or the execution of works; more rarely the entrepreneurs were commissioned to supply labour, for which the *Azienda generale* defined the quantity and price. On some construction sites, such as fortresses far from built-up areas, workers were housed in barracks built in the vicinity. The teams of workers were at the disposal of the *Azienda generale*, which could dispose of them, if necessary, as happened in 1732 for the fortress of Alessandria.<sup>20</sup> In August and September of that year, the masons and kiln workers employed in the cities and construction sites of the various provinces of the kingdom (Ivrea, Biella, Vercelli, Susa, Turin) were counted, and some of them were sent to the construction site of the fortress of Alessandria for service. Those who tried to evade the injunction of the *Azienda generale* – such as “Antonio Rivaccia, drafted in Stupinigi to work as master mason in Alessandria” – risked imprisonment and a fine of ten gold scudi.<sup>21</sup>

In the fortresses, in addition to the teams of workers employed by the building contractors, there were also slaves, as defined in the balances of the *Azienda generale*. In 1711, for example, there were at least 84 ‘slaves’ working at the Brunetta fort in the province of Susa, employed by the miners in the most dangerous jobs, such as demolition and earthmoving with mines.<sup>22</sup> In some cases, they were convicts condemned to hard labour – or, as the sources say, “chain labour” – in the kingdom’s military construction sites. There is a trace of their transfers in the registers of prisoners of the Vicariate of Turin, which record the sentences to “chain labour”. In 1739, for example, among about 280 prisoners arrested by the vicar’s guards in the capital, at least fifty were transferred from the prisons of the Vicariate to the construction sites of the citadel of Turin or the Brunetta fort in the province of Susa.<sup>23</sup> The sentences imposed on prisoners clearly followed the needs and progress of the building sites: two years later, in fact, with the same number of prisoners, only three were sentenced to chain labour in a building site. The *Azienda generale* therefore had various instruments at its disposal to manage and control the mobility of workers, either by taking their labour directly (as in the case of the prisoners) or through the mediation of entrepreneurs. It is not surprising that there were no contracts between entrepreneurs and labourers to be found among the available documentation. These, in fact, fall into the category of *locatio operarum*

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<sup>20</sup> ASTo, S.R., Ministero della Guerra, Azienda fabbriche e fortificazioni, Memorie diverse, vol. 5, *passim*.

<sup>21</sup> *Ibid.*, f. 221-222.

<sup>22</sup> ASTo, S.R., Ministero della Guerra, Azienda fabbriche e fortificazioni, Bilanci fortificazioni, m. 1 (1700-1728), f. s.n.

<sup>23</sup> ASCT, Vicariato, Registro dei detenuti, vol. 24.



which, as the *Manuale forense* recalls, were always concluded orally, possibly in front of witnesses. Information on contracts involving labour emerges from the registers of the Vicariate, which, as we have seen, was competent for cases concerning the salaries of daily workers and servants.<sup>24</sup> In most cases it was the construction workers – masters and labourers – who turned to the Vicariate to ask for payment of their wages, or part of them. When the workers came to court, the work for which they were due to be paid was often weeks or even months old. Wages were, in themselves, an instrument for employers to secure their labour, and the recourse of day labourers to court was a form of emancipation from this constraint. However, not only that, the workers' recourse to the Vicariate court triggered a process of negotiation between the parties that affected several aspects of the employment relationship. The first, and most obvious, was the economic one. In front of the Vicar, the parties discussed and sought agreement on the amount of the monetary part of the salary, calculated on the days actually worked and on the orally agreed salary – on which versions often differed – net of any advances received, and damages caused. However, in front of the Vicar the very nature of the employment relationship was often discussed. The definition of the monetary aspect could call into question the very “status” of the workers involved and the hierarchy within the construction sites. In May 1727, for example, the bricklayer Porta appealed to the court asking his employer, Gosmar, to pay him for 22 days as a daily worker; but his request was contested by the other party, who argued that his work was that of an apprentice to whom no wages were paid.<sup>25</sup> At other times, the dispute could focus on the mode of remuneration, whether by the day or through the division of profits between the parties: in the case discussed between Donania and Mazera in 1725, the parties did not agree on the very nature of their employment relationship, whether it fell within the framework of a relationship of dependence or an association between entrepreneurs.<sup>26</sup> This example shows how, in the construction sector, the distinction – made by legislators – between *locatio operis faciendi* and *locatio operarum*, i.e., between entrepreneurs and workers, masters and labourers, was often fluid and more complex. This ambiguity is contemplated by the French Civil Code itself (art. 1799) in the case of “masons, carpenters, ironmongers or other workmen who directly make contracts at a fixed price”.<sup>27</sup> The dividing line between worker and contractor was in fact often a thin

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<sup>24</sup> ASTo, S.R., Vicariato di Torino, *Atti e ordinanze civili*, *passim*.

<sup>25</sup> *Ibid.*, vol. 7 (1726-1727), f. 142v.

<sup>26</sup> *Ibid.*, vol. 6 (1724-1725), f. 20.

<sup>27</sup> BNF, vol. VII: 777.

one and was crossed several times during an individual's professional life. In this context, the function of recourse to the Vicariate was, therefore, also to define the worker's status which, in turn, drew the perimeters of his freedom of movement.

## CONCLUSION

The building sites of Turin and Piedmont in the first half of the 18<sup>th</sup> century allow us to observe labour relations in a particularly dynamic productive sector and in an economic and demographic context of growth. At this juncture, the means for regulating the mobility of workers multiplied and involved police institutions and trade organisations. These were a fundamental instrument in the hands of the contractors who won the large public contracts during those years. Through the assistance and credit provided by the confraternities, the elites of the trade, on the one hand, maintained a social equilibrium within a workforce exposed to the intermitency of work, and, on the other, created professional ties which, together with family and community ties, structured these multi-local communities. Even within these multi-local communities, labour mobility is subject to different forms of control. One example is the frequent recourse to credit as a form of financing for mobility and professional activities. Scholars have often highlighted the solidarity-based nature of these circuits, which was certainly present, but they have often overlooked the fact that credit created forms of economic dependence that involved immigrants and families in their countries of origin. The confraternities themselves, often presented by historiography as an expression of community solidarity, could turn out to be instruments of management and control of labour in the hands of the elites of the trade, especially through assistance and credit. Due to its cruciality in the management of construction sites and of professional relations, the regulation of labour mobility became a battleground within the professional elite – who vied for control of trade organisations – and between employers and workers, who through recourse to the Vicariate of Turin tried to claim and define a certain freedom of movement.

These kinds of constraints – institutional and social – were fully challenged at the end of the 18<sup>th</sup> century. In Piedmont, the French Civil Code and then the Code Albertino are considered crucial moments in the definition of a new way of conceiving and setting up labour relations. The space dedicated by the Civil Code of 1804 to the redefinition of labour relations has been widely analysed. In accordance with the principle, affirmed by the *Déclaration des droits*, that “la loi ne reconnaît point de domesticité”, the Civil Code abolished criminal proceedings for breach of employment con-

tracts, thus affirming the right of workers to leave their employer. It was the “veritable louage” that was affirmed by the Civil Code, the one based for the first time on the “reciprocity of free wills”, which considered any dependence from person to person illegitimate (Cottureau 2002; Veneziani 2010). According to a shared reading, the Civil Code should mark the transition from labour police to workers’ law (Hordern 1991; Didry 2012), who henceforth became subjects of law. This principle should also have been established in the Savoy states, where the Civil Code came into force in 1804 and formed the basis of the Code Albertino published in 1837.

In this respect, the case of construction workers is interesting if one considers the place they occupy in the Civil Code and Piedmontese codifications. The articles of the Civil Code dedicated to the contracts “des entrepreneurs d’ouvrages par suite de devis ou marchés” (artt. 1787 à 1799) expressly referred to the building trade. This was the *louage d’ouvrage* or, to put it better, the *marché au prix fait*, which regulated the contracts of architects and entrepreneurs, as well as that of the workers they employed. However, the latter can also be considered as “des gens de travail qui s’engagent au service de quelqu’un” (artt. 1780 à 1781), just like the servants whose employment was regulated by the *louage de service*. It was precisely around the tension between these two statutes that the nature of employment relationships was defined – in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries (Cottureau 2002), and especially in the construction sector. Confirmation that these ambiguities and tensions were not resolved can be found, in Piedmont, in the Code Albertino, specifically in article 1804, which subjects domestic servants and day labourers to police regulations, entrusting jurisdiction to the office of the Vicariate of Turin and to the Prefects’ courts in the provinces. In many ways, the transition from a labour police to a workers’ law took place only at the end of a very long and contradictory process. Although formal equality between individuals was declared as the basis for the rights of “citizens”, these were still far from being established in practice. The Revolution did not completely question the communitarian dimension of labour relations, and the labour contract as a contract that binds one individual to another was a reality that emerged only slowly (Didry 2012). Similarly, the forms of personal dependence that the Civil Code excluded in words in order to be able to mention the word ‘citizen’, reappeared in deeds and attempted to re-establish the crimes of desertion and insubordination multiplied throughout the 19<sup>th</sup> century (Cottureau 2002).

The issue of freedom of work remains a hot topic. In the construction sector, the control of worker mobility still significantly affects labour relations. In this regard, the image that emerges from the 2016 ILO report on the construction sector, published as *Migrant Work and Employment in Construction sites* (Buckley *et al.* 2016), is significant. In the construction in-

dustry, which requires flexible labour and a variety of specialisations, migrants – and especially temporary migrants – are a key labour market resource, not least because they represent a mobile, flexible, and expendable workforce in times of economic decline. The hiring of migrant workers is largely based on informal agreements, including elements that may create dependency relationships with employers. The retention of wages and insecure accommodation provided by employers, and the indebtedness of workers linked to migration, are all elements that lead the authors of the report to suggest that unfree labour is a significant problem in the construction industry. These problems do not only concern the construction sector: in fact, the *Global compact for safe, orderly and regular migrations*, discussed in December 2018 by the members of the United Nations meeting in Marrakech, reserves a lot of space to the guarantee of the freedom of migrant workers and to the conditions of their employment, which must provide for written contracts, and prohibit all forms of debt bondage, exploitation and forced labour, promoting forms of recruitment that allow migrants to change employers and to modify the conditions or duration of their stay. Even today – the ILO report and the Global Compact seem to say – the systematic control and supervision of worker mobility represent obstacles to the “free will of the contracting parties” that should legitimise labour contracts in modern law (Cottureau 2002), against the risk of the emergence of relations of servitude.

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