

# **The rationalization of Belgian distribution, 1945-2000**

## **A soft transition**

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### **Abstract:**

The transformation process of Belgian retail since the Second World War offers specific and quite paradoxical characteristics. The country counted several strong big distribution companies, clearly at the forefront of retail innovation in Europe. But independent retailing retained a dominant position, even in the grocery sector. In this paper we highlight the evolutions of the different retail branches and briefly introduce the main companies. The political elite clearly embraced the modernisation of retail and applauded the efforts of the leading big distribution companies and their managers, for instance Innovation and Emile Bernheim (1886-1985) or Grand Bazar and Maurice Cauwe (1905-1985). But public policy also remained extremely keen on securing a future for small, family-based shopkeeping. From 1937 until the end of the 1950's the expansion of local department stores was restrained by the so-called Padlock Law. After a clear 'growing rage' of big distribution in the 1960's, a new regulatory framework was introduced in 1975. This Law on Retail Establishment advocated that a balanced retail landscape would serve consumer interests the best. But in practice it would particularly favor the expansion of franchise chains.

### **Key-words:**

History of postwar retail transition ; Belgium ; self-service; retail regulation

### **Management abstract**

This paper deals with the history of the postwar Belgian retail sector. It urges to approach retail history using a broad interpretative framework, not only paying attention to commercial or technical innovation, the role of more or less visionary entrepreneurs or the simple logic of the market. The Belgian offers several interesting perspectives, for instance the impact of both (small) business and consumer interest organizations and how their political agenda's helped sculpt retail policies. Government officials, parastatal structures and even academics monitored but also influenced retail practices. In order to fully understand the retail (r)evolutions in the 19th and 20th centuries, historians need to evaluate the interactions amongst these and many other actors and agents, with particular attention to retail policy.

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### Introduction

The remarkable transitions in postwar retail is a topic that has been largely neglected by Belgian academic historians. This is really a pity, because the conflicting and even contradictory evolutions mix up into a unique cocktail, an enticing case-study that can be of great interest in an international comparative perspective. One of the main reasons for highlighting the Belgian case is undoubtedly its high degree of paradoxicality. On the one hand Belgium is often seen as one of the pioneering nations of big distribution in Europe. Several important international retail firms and concerns were rooted in the country. But at the same time Belgium also retained a remarkably strong independent retail sector. For decades the country counted the highest per capita number of independently run shops in Western Europe. Family-based shop keeping had strong historical roots and was anchored down in social life and even in collective mentalities. Retailing of course underwent drastic transformations. But family-based entrepreneurship retained a durable position. Big and small retail of course voiced divergent socio-political discourses. They often clashed but also intensely interacted<sup>1</sup>.

### 1. Play-ground of big distribution?

In the postwar decades Belgium could boast several important retail firms and integrated distribution concerns with a long tradition and an excellent international reputation. Several department stores found their historical roots in the second half of the 19<sup>th</sup> century<sup>2</sup>. *Bon Marché* (1845/1866) and the *Grands Magasins de la Bourse* (1876) are generally considered to be among the oldest department stores on the continent. The *Grand Bazar de la Boulevard Anspach* (1897-later *Galleries Anspach*) was an initiative of the family Thiriard who had also founded the *Grand Bazar* in Liège (1885). Adolphe Killeman, another Frenchman, was a key figure in the success of the *Grand Bazar* shops in Ghent (1882) and Antwerp (1885). Around the turn of the century two new department store companies would establish themselves on

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<sup>1</sup> Boddewyn, *Belgian public policy*. In an international perspective: Boddewyn and Hollander, *Public Policy Towards Retailing*.

<sup>2</sup> Coupain *Distributie in België*; Grimmeau and Wayens, *Les causes*. See also several entries in Kurgan-van Hentenryk, Jaumain and Montens *Dictionnaire des patrons en Belgique* (DPB); Renoy, *Les grands magasins*; Pellemans, "Evolution de la distribution". Some references to Belgium in: Carluar-Lossouar, *L'aventure des premiers supermarchés*.

the Belgian market: the Bernheim family and its *Innovation* (1897) and the German *Tietz*-family. Densely populated Belgium also saw a number of important food chains develop. The fast growing concern of the family Delhaize (1867) is particularly worthy of mention, especially *Louis Delhaize* and *Delhaize Le Lion*. At the eve of the First World War this last firm counted around 1200 outlets<sup>3</sup>.

Given the devastations of war and confronted with high investment costs, most of the Belgian department stores, until then family firms, were forced to seek financial partnerships and thus took on a legal company form in the early 1920's. The Innovation-group was able to incorporate the Belgian Tietz-concern, becoming nearly as big as his main competitor, the Bon Marché of the Vaxelaire family. The two Grand Bazar-groups (Liège-Brussels and Antwerp-Ghent) began working closer together. Only in 1928 a new player appeared on stage, Sarma (*Société Anonyme pour la Revente d'Articles de Masse*), the first Belgian *prix-unique* or popular department store. In 1936 its manager Jean-Baptist Van Gysel (1885-1956) could proudly report 17 shops, 10 restaurants and more than 4000 employees<sup>4</sup>. The traditional *grands magasins* tried to imitate this success and created their own popular department stores: Prisunic-Uniprix (Bon Marché) and Priba (Innovation) both opened in the spring of 1933. One year later their financial partners urged them to merge into one *Priba-Prisunic-Uniprix*. Meanwhile Belgium's main chain store, *Delhaize-Le Lion*, responded to the severe drop of its turnover as result of the economic crisis and the rise of the *prix uniques*, by looking at what was happening in the States (esp. *Jewel Tea*), reorganizing its management structures, introducing 'scientific management', rationalizing and redesigning its stores, broadening its assortment, and by introducing discounting and premium stamps<sup>5</sup>.

During the late 1940's and 1950's Belgian department stores remained at the forefront of retail innovation on the continent. Emile Bernheim (1886-1985), the chairman of the Innovation-concern, or the Antwerp Grand Bazar-director Maurice Cauwe (1905-1985) headed important international department store networks. On Wednesday 18 December 1957 *Delhaize Le Lion* opened the doors of its first supermarket, located at the Flagey square in Ixelles, a suburb of Brussels<sup>6</sup>. Six months later, on Saturday 21 June 1958, Cauwe inaugurated a newly

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<sup>3</sup> Collet et alia, *Delhaize Le Lion*; Van den Eeckhout and Scholliers, *The Strategy*; Teughels, *Succursales partout* and Id., *Mag het iets meer zijn?*.

<sup>4</sup> In 1942 Van Gysel bought the Grand Magasins de la Bourse: Thinnes, *Origine et évolution*; Jaumain, "Jean-Baptiste Van Gysel". *DPB*, 621-22.

<sup>5</sup> Teughels, *Mag het iets meer zijn?*, 237-240; Vieujant, *Visite aux 'food chains'*.

<sup>6</sup> Collet, *Supermarkt in Europa*.

constructed self-service supermarket in the Antwerp Luchtbal-district.<sup>7</sup> On 15 September 1961 Auderghem became the birthplace of the European hypermarket<sup>8</sup>. *Le Commerce moderne* called Brussels "le premier temple européen de cette nouvelle église dont La Mecque – on le sait – est à Dayton (U.S.A.)", a reference to the intense contacts of Belgian retail enterprises with the US and particularly in the 1950's and 1960's with Bernard Trujillo (1920-1971) and the Modern Merchandising Methods (MMM)-seminars of the NCR<sup>9</sup>. P.K. Halstead would not only act as a consultant for Delhaize but was also contracted by Cauwe to co-design the first GB-supermarket. Jewel Tea participated in his *SA SuperBazar* (1961) and *GB Entreprises* (1969-1973). J.C. Penney partook in Sarma and gained control of the firm in 1969.

<b>1948</b>	3	<b>1955</b>	97	<b>1962</b>	709	<b>1969</b>	2708
<b>1949</b>	10	<b>1956</b>	130	<b>1963</b>	1074	<b>1970</b>	3047
<b>1950</b>	16	<b>1957</b>	166	<b>1964</b>	1210	<b>1971</b>	3605
<b>1951</b>	23	<b>1958</b>	206	<b>1965</b>	1455	<b>1972</b>	3851
<b>1952</b>	26	<b>1959</b>	289	<b>1966</b>	1679	<b>1973</b>	4050
<b>1953</b>	31	<b>1960</b>	398	<b>1967</b>	n.		
<b>1954</b>	53	<b>1961</b>	583	<b>1968</b>	2405		

**Table 1. Number of self-service stores in Belgium, 1948-1973<sup>10</sup>**

When comparing the evolution of self-service in Western-Europe in the 1960's, the *Association Internationale du Libre-Service* ascertained that with 7,83% Belgium showed a growth-rate that was well above the European average of 4,09%. Only in Spain (34,87%), Austria (15,25%), Ireland (12,3%) and France (12,14%) the new distribution formula had developed more rapidly<sup>11</sup>. The number of Belgian supermarkets for instance grew from a mere 41 in 1961 to 450 ten years later. In 1959 the number of self-service outlets (289) only accounted for a meager 0,5% of the 63.200 food stores in the country. But the number of self-service shops would rise spectacularly, over about 390 at the end of 1960 and 583 in January 1962 to no less than 3270 in 1973. Looking at the turnover-figures of the food distribution sector in Belgium, the share of the self-service shops rose from a mere 5% in 1959/1961, over about 30% in 1966 to no less than 70% in 1973. The expansion of the hypermarket-formula in Belgium is even more spectacular, from a mere 3 units in 1961 to no less than 72 in 1976,

<sup>7</sup> Dopchie, *GB: La rage de grandir; Historique du Grand Bazar*; Deslandes, *De geschiedenis van de Grand Bazar*; Burstin, *Maurice Cauwe*.

<sup>8</sup> Grimmeau, "A forgotten anniversary"; Soulabail, *La genèse de l'hypermarché*; Oubradous, "Reparlons du Superbazar".

<sup>9</sup> Grimmeau, "A forgotten anniversary", 3, quoting *Libre Service Actualités*. See De Grazia, *Irresistible empire*, 398-401; Carluer-Lossouarn, *L'aventure*, 69-94; biographique notes on Trujillo in Archives ULB, fonds GIB, 25Z/139.

<sup>10</sup> *Belgisch Distributie Tijdschrift*, july-august 1961, 41; Michel and Vander Eycken, *La distribution*, 174, based on figures provided by the Comité Belge de Distribution (CBD).

<sup>11</sup> Association Internationale du Libre Service, *Libre-Service 1971*, 28-34.

reaching a maximum of 92 in 1990. The particular success of the *hypermarchés* in the late 1960's and early 1970's can be linked to the intense process of suburbanization, supported by a quickly expanding network of motorways and the near complete absence of a government policy on spatial planning.

This 'growing rage' of Belgian big distribution was accompanied by a remarkable process of concentration amongst the leading firms. The ever closer collaboration of *Innovation*, *Bon Marché* and *Grand Bazar* resulted in the creation of the *GIB-Group* (March-June 1974), which was of course also a response to the arrival of *Makro-Zelfbedieningsgroothandel* on the Belgian market<sup>12</sup>. *GIB* became the biggest private employer in Belgium. In 1974 the company reported a commercial surface of 839.000 m<sup>2</sup>, a net profit of 603 million francs and a sales figure 893 billion Belgian franc<sup>13</sup>. Only 10 distribution concerns in Europe could show a higher turnover! *GIB* remained the undisputed Belgian retail-giant during of the 1970's and 1980's. In 1987 it even took over the fourth traditional player of Belgium's big distribution, *Sarma*. This last group had remained very hesitant to the supermarket formula. Its first hypermarket only opened in 1969, clearly under the impetus of *J.C. Penney*, its new owner since that same year<sup>14</sup>. *GIB* on the other hand remained firmly nationally embedded. Only in the 1990's, when confronted with the growing competition of hard discounters as *Colruyt* (1950), *Aldi* (1976) or *Lidl* (1994), it was forced to seek a new partnership with *Promodès* (1998), leading to the takeover by *Carrefour* in 2000.

## **2. Independent retail: the slow decline of family-based shopkeeping**

Although big distribution had a clear and growing impact on the retail market, densely populated and urbanized Belgium also showed very high numbers of independent shops. Scholars and politicians hinted to a possible overpopulation of retail, questioned its productivity and the effects of all this on price elasticity and the purchasing power of workers. During the interwar period the situation clearly deteriorated. With one shop for every 37 Belgians in 1930, the country's retail sector seemed to be one of the most overcrowded in Europe! Nearly 10% of the Belgian active population could be linked to a commercial

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<sup>12</sup> Bon Marché and Innovation merged in 1969. Two years later they incorporated their joint hyper- and supermarket network Priba. In 1974 followed the merger of Inno-BM with GB-enterprises. François Vaxelaire (1921-1990) played a crucial role in all this.

<sup>13</sup> Dopchie, *GB. La rage*. Makro was established in 1974 near Antwerp by the Dutch SHV-group. It quickly built other sores in Alleur (Liège), Eke (Gent), Machelen, Sint-Pieters-Leeuw and Lodelinsart (Charleroi), each with an average surface of 20.000m<sup>2</sup>

<sup>14</sup> Thinnes, *Origine et évolution*, 94-103.

occupation<sup>15</sup>. This situation did not ameliorate after the war, but quite the contrary. For when immediately after liberation the wartime ban on retail establishment was lifted, thousands of families who had previously ventured into the black market, now officially opened shop. The first post-war census in 1947 reported 315.000 enterprises that sold agricultural and industrial products. 293.000 of the shops were labelled as 'independent', 46% were merely a secondary occupation for their owners<sup>16</sup>. With one shop for every 29 inhabitants and an average turnover of less than \$11,000, Belgium seemed to have the least productive retail sector of the entire civilized world<sup>17</sup>.

It was only from 1953 onwards that these huge numbers began to decline. A survey by Nielsen showed that in 1947-1956 the number of Belgian food stores had fallen with 17%, from approx. 78.000 to 63.000. In 1959 the Louvain econometrist John Van Waterschoot (1920-2000) estimated that the non-wage-dependent population in retail had diminished with at least 25% since 1948<sup>18</sup>. The number of shops without any salaried personnel declined from 215.400 in 1948 to 157.000 in 1960. During the next decade this evolution would clearly accelerate. The number of self-employed in the commercial sector dropped from about 307.000 in 1961, over 282.000 in 1965, to 240.000 in 1970 and 229.000 in 1975<sup>19</sup>. The total number of general food shops in Belgium fell from about 60.000 in 1961 to 30.000 in 1973<sup>20</sup>. In that last year, however, Belgium still had one grocery store for every 353 inhabitants. Only 9% had embraced the self-service formula. With only one self-service shop for every 3180 inhabitants at the end of 1970, the country scored well below average in Western Europe. Even in France (1/2340) and Austria (1/1080) self-service retailing revealed a higher density.

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<sup>15</sup> Simonet, *Le petit commerce*, 247. The author referred to the dossiers of the Bureau International pour l'Etude de la Distribution, to the Belgian business census of 1930 and to Urwick and Valentine, *Europe-United States*, 69-70.

<sup>16</sup> Of the 315.000 businesses, 273.000 were labelled as retail enterprises, 19.000 were wholesalers and 23.000 combined retail and wholesaling. Craftsmen were not included in these figures. In 1947 Belgium counted 19.600 butchers and 14.000 bakers/*pâtisseries*. It was estimated that the 383.000 professionals in commerce (retailers, family helpers, non-family personnel, ...) corresponded with 320.605 full time equivalents, or 9,2% of the country's active population: Evalenko and Michel, *La structure*, 84-85.

<sup>17</sup> Jeanneney, *Les commerces de détail*; Evalenko and Michel, *La structure*; CRISP, « Les grands magasins et la loi" J. Baptist, *De zelfbediening in België*.

<sup>18</sup> Van Waterschoot et alia, *Het klein en middengroot bedrijf*, III (1963), 78.

<sup>19</sup> Marcel Michel, *La distribution des marchandises en Belgique. Faits et chiffres actuels*, Leuven, 1963. M. Michel, Henri Vander Eycken, *La distribution en Belgique*, Gembloux, Duculot, 1974. See also Crisp, "La distribution I" (1972) and Id., "La distribution II" (1973).

<sup>20</sup> Jaarverslagen RSVZ 1968-1984; een goede en bondige contemporaine synthese in *Weekberichten Kredietbank*, 1 februari 1980.

Country	December 1971	December 1973
United States	890	923
Sweden	591	696
Netherlands	566	583
United Kingdom	488	502
Switzerland	400	480
France	377	440
Austria	367	440
BRD	355	408
Belgium	278	353
Italy	255	290
Spain	249	266
Portugal	191	170

Table 2 Number of inhabitants for every general grocery in twelve countries, 1971-1973<sup>21</sup>

In the transformation process of Belgian retail during the 1960's and 1970's food chains and department stores played the role of locomotive. Of the 41 supermarkets in 1961, 11 belonged to Grand Bazar, 9 to Priba and 9 to Delhaize. Consumer cooperatives did not really partake in the process. This is quite surprising, given the long tradition and the strong socio-political position of the cooperative networks of both the socialist as the Christian labor movements. Their shops remained very traditional and small. In 1960 the 1325 outlets of *Welvaart-Bien Être*, a Christian consumer cooperative founded in the 1925, had an average clientele of merely 120 families. *L'Economie Populaire* (*Epécé*, 170 members per store in 1958) in Wallonia and of the socialist *La Société Générale Coopérative/Febecoop* (250 members per store), showed a slightly larger per shop clientele<sup>22</sup>.

But these cooperatives hesitated all too long to rationalize and modernize their network of shops. On the one hand they lacked the necessary financial means. But the rather conservative mentality of the cooperative managers needs also to be mentioned. Some of them argued that general workers interest remained best served by a stable and strong network of small, community-based shops. Closing them and investing in a new network of supermarkets would upset local member groups and thus harm the electoral basis of the socialist party and the

<sup>21</sup> Michel and Vander Eycken, *La Distribution*, 110, based on figures of Nielsen and the Association Internationale du Libre-Service.

<sup>22</sup> A good overview of the socialist consumer cooperatives in the 1960's-1970's in: Crisp, "La Distribution II" (1978), 20-24.

Christian labor movement. This would soon prove to be a wrong strategy. In the 1970's it became clear that the consumer cooperative stores were unable to keep up with the growing competition. Welvaart for example was forced to drastically downsize its network from 1973 onwards. The company was dissolved in 1985<sup>23</sup>.

### 3. Voluntary chains and franchising

Already in the interwar period and even before 1914 specialists pleaded for more cooperation and joint ventures amongst retailers, linking the advantages of scale to the flexibility, dynamics and expertise of self-employed grocers. Collaborative networks, so it was argued, could act as a lever for helping independent retailers to cut back their prices, to strive towards higher turnovers, introduce new sales and marketing/publicity methods and to implement retail innovations such as self-service. Contemporary studies called this the '*independent associated branch*' of the retail sector. They noticed that its share had clearly grown during the late 1940's and 1950's, especially in food distribution. Nonetheless, when internationally comparing the Belgian figures, it was clear that the impact of the subsector remained limited and was also declining<sup>24</sup>.

There were of course many different forms of voluntary cooperation amongst retailers. Belgian scholars usually discerned four main types. First of all there were the networks of independent grocery stores linked/franchised to major distribution companies. Already in the 19<sup>th</sup> and early 20<sup>th</sup> century food chains as *Delhaize-Le Lion* and *Louis Delhaize* had shown the potential of the formula. They both had invested in a network of supermarkets, but in the early 1970's the first still counted about 280 *concessionnaires*, the latter 222. Department stores followed in their footsteps from the late 1930's onwards, mainly because franchising offered an excellent way to circumvent the restrictions of the Padlock law. The *Nopri*-network of *Sarma-Groothuis* for instance was grounded in the 1938. It particularly expanded in Wallonia, with about 230 shops in the early 1970's. The super- and hypermarket chain *Priba* of Innovation and Bon Marché followed in its footsteps. *Priba* boasted a network of 280 affiliated *Unic*-stores in 1972, now particularly in Flanders.

A second type of retail network were those linked to specific wholesalers. There were many good examples in the grocery sector, for instance the Mestdagh-group (*Super-M*) in Wallonia,

<sup>23</sup> The remaining shops were sold to the Louis Delhaize group. Kwanten, "De christelijke coöperatieve bedrijven" and Id., *Welstand door vereniging*, esp. 181-187.

<sup>24</sup> Michel and Vander Eycken, *La distribution*, 140, 146-149, 288-294; CRISP, "La distribution I" (1972), 5, 10 and 20.



Huyghebaert (*Prima*) or *Distri-group 21* (1968) in Flanders. But the growing success of *Colruyt* (1950, *Boni*), with ca. 800 retailers in the early 1960's, must certainly be mentioned here<sup>25</sup>. From the mid-1960's onwards the group decided to downsize its network and to diversify. But at the end of the decade it still counted about 60 franchised *superettes* and 150 grocery stores. Colruyt now invested in 'Cash-and-carry stores' and in a separate network of discount self-service supermarkets. In order to avoid upsetting the affiliated grocers these supermarkets and 'baby-sharks' would only receive a clear 'Colruyt'-label from 1976 onwards.

Joint purchasing cooperatives formed the third branch of '*independent associated retail*'. These associations had a long tradition, sometimes even going back to the decades preceding the First World War when shopkeepers were urged to meet the competition of consumer cooperatives by forming their own purchasing networks. But most of the retailers cooperatives remained very small and weak, only a few of them would prove to be successful. In 1964-1971 the number of Belgian grocer's cooperatives fell from about 20 to 15, their membership from 3000 to 2269 retailers<sup>26</sup>. Nonetheless several joint purchase organizations remained active until the 1990's, for instance *La Chaîne* in Liège and especially *Limburgia* (1925-2001), a joint purchasing company founded by the professional section of grocers of the Christian middle class movement. *Limburgia* actively instigated its membership to modernize their shops, to embrace (semi)self-service and the superette-formula. The company was firmly embedded within EUCO, the European umbrella organization of joint purchasing cooperatives, with for instance Edeka in Germany, Usego in Switzerland, Kesko in Finland, Conauto in Spain and Unico in France<sup>27</sup>.

Voluntary chains and associations had a more or less similar approach but didn't organize themselves as cooperatives and/or did not take on that particular legal form (1873). Most of them had grown out of wholesale-networks. In the early 1960's it was estimated that throughout Europe some 170.000 retailers had joined a voluntary chain. Belgian government officials relentlessly called upon independent retailers to embrace the method, stressing the advantages of voluntary chains and pointing to German, Swiss and especially to Dutch

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<sup>25</sup> Meier and Pacitto, « Le Groupe Colruyt ».

<sup>26</sup> In 1971 the membership had dropped to 15 affiliated cooperatives with a total of 2269 members.

<sup>27</sup> In 1955 *Limburgia* counted 1250 members, 184 employees and a turnover of 200 million Belgian francs. In 1959 it opened a self-service central store ('Cash & Carry') under the label *Tempo*. *Limburgia, 30 jaar* and *Id., 50 jaar Limburgia*.

examples, both in the food and non-food sectors<sup>28</sup>. The main voluntary food chains on the Belgian market in the 1950's and 1960's originated in the Netherlands. *Spar* was founded in 1932 by grocer A.J.M. van Well and expanded towards the Belgian market in 1947/1952<sup>29</sup>. *Végé* or *Verkoop Gemeenschap* (1938) was rooted in the Breda wholesale firm of Theo Albada Jelgersma and established itself in Belgium from 1955 onwards. Other important players were *Centra* (Schuitema, 1934), *Excella*, *Lido A&O*, *Ecofin*, and *Vivo* (*Vrijwillige Inkoop- en Verkooporganisatie*, 1941). Amongst the main voluntary chains in textiles, we merely mention Homobonus, Seldis (1961), BML, Codatex in Brussels, Dissatex and Incobe in Antwerp<sup>30</sup>. Voluntary chains retained an important position in Belgian retailing in the 1960's, but it was clear that their impact declined rapidly at the eve of the 1970's.

	Associated wholesalers				Associated retailers			
	1960	1965	1967	1972	1960	1965	1967	1972
<b>Centra</b>	7	7	8	7	4200	3818	3340	2785
<b>Excella</b>	21	21	20	19	1230	1325	1250	1015
<b>Lido A&amp;O</b>	8	7	7	5	2800	4400	2451	2049
<b>Panda</b>	5	5	5	4	900	1100	1250	1300
<b>Spar</b>	9	10	7	6	1400	1285	1041	814
<b>TIP</b>	-	4	4	3	-	1060	1100	774
<b>Végé</b>	15	15	9	6	2700	2720	2250	1700
<b>Vivo</b>	6	6	4	3	1400	1285	2250	727

Table 3 Voluntary Food Chains in Belgium, 1960-1972<sup>31</sup>.

#### 4. The Belgian Padlock Law (1937) and the country's '*Politique des Classes Moyennes*'

The late but also incredibly quick expansion of big distribution in Belgium during the 1960's and 1970's is often explained by pointing to the legal restrictions governing retail during the preceding decades. Until 1961 the so-called Padlock Law (*Loi de Cadenas/Grendelwet*) of 1937 forbade department stores to open new branches or divisions without the permission of the minister. The law was hastily voted and enacted in the winter of 1936-1937 under the threat of shopkeepers radicalism and as part of a political response to the supposed success of the proto-fascist Rex-party in their midst. The restrictions survived the war, were somewhat loosened in 1947 and again in 1954, but remained in place until in 1959 the then minister of

<sup>28</sup> A Royal Commissioner appointed by Government in 1936 to write a moderate programme explicitly mentioned the importance of the formula, referring to the examples in Holland (Homobonus, Rotterdam), Switerland (Usego, Koloniale E.G) and Germany (Edeka): Collin, *Verlag*, esp. 21-35, 41-45 and 123-125.

<sup>29</sup> Hondelink, "Van kleine nering tot grootwinkelbedrijf."

<sup>30</sup> Comité Belge de la Distribution, *Les chaînes*; Michel and Vander Eycken. *La distribution*.

<sup>31</sup> Wyvekens, "La coopération". Id., *Vereniging*; Esim, *De distributie*, 63-65.

the Middle Classes Paul Vanden Boeynants negotiated a so-called “gentlemen’s agreement” with Bernheim and his colleagues. They promised not to open new shops for another two years. In January 1961 the padlock was indeed lifted<sup>32</sup>.

Within an international comparative perspective the severity and uniqueness of the Belgian Padlock Law must certainly be underlined. Belgium was indeed the only country in Western Europe where the interwar restrictions on the expansion of big distribution, although heavily contested, were prolonged until the end of the 1950's<sup>33</sup>. In light of growing European cooperation leading to the Treaty of Rome (1957), the Belgian law clearly seemed an anomaly. But did the law really hinder and postpone the modernisation/rationalisation of the country's retail sector? This claim certainly needs to be nuanced. First of all the padlock was never airtight. It is estimated that big distribution companies in 1947-1959 opened no less than 120 new stores or sections. Secondly the legal restrictions on big distribution did not prevent the Belgian retail landscape from undergoing strong and even fundamental transitions in the late 1940s and the 1950s. We already mentioned the declining number of independent (food) shops in those decades. Since the late 1930's several companies experimented with new retail practices and innovations that would determine the supermarket-experience during the 1960's: pre-packaged goods, discount products, premium stamps, self-service, ... Finally, one can even contend that the law, especially in its 1954 edition, also allowed department stores to carefully organise and geographically target their expansion, awaiting the end of the legal restrictions<sup>34</sup>.

But in order to understand the paradoxes of postwar retail evolution in Belgium, we must above all highlight that the unique legal context produced by the Padlock Law gave rise to an extremely polarised debate on the modernisation and rationalisation of distribution, placing small, family enterprise against big, capitalistic business. Department store managers considered the measure as a terrible mistake, a stain on the Belgian tradition of commercial liberty. They mustered growing political support, for instance by gathering valuable statistical information on consumption and by loyally cooperating with government to stabilize prices and to avoid inflation. Small business interest associations on the other hand, saw the padlock

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<sup>32</sup> The negotiations started in August 1958. The document was in fact a letter, dated 5 February 1959, jointly signed by Jacques Dansette of the Union Professionnelle de Magasins à Rayons Multiples (UPMRM) and Emile Bernheim of the Association des Grandes Entreprises de Distribution de Belgique (AGED). KADOC (Leuven, Belgium): Archives NCMV/Unizo 137.

<sup>33</sup> Heyrman, "Unlocking the padlock".

<sup>34</sup> Heyrman, "Equilibrer le grand et le petit", 147-150.

as one of their main political trophies price. It offered independent retailers an opportunity to modernize their businesses, to implement commercial innovations and to increase productivity, for instance by organizing themselves in voluntary chains or joint-purchase associations. One could not imagine, they argued, the tremendous societal effects of a sudden and harsh 'rationalization' of the retail sector: lifting the padlock would lead to a 'commercial graveyard'. Small business and its political spokesmen made clear that they would only give up the Padlock if they received extensive compensations. These demands locked into the traditional *Politique des Classes Moyennes / Middenstandspolitiek* of the Belgian State, dating back to the end of the 19<sup>th</sup> century, a policy deeply rooted in the principle of subsidized liberty and in the firm belief of especially catholic social doctrine in the social and moral superiority of small enterprise, where family, work, social and economic responsibility were durably intertwined. For decades retailers and artisans had been depicted as the backbone of society, cushioning but also reconciling the opposing forces of labour and capital. The self-employed middle class, it was continuously repeated, fostered social stability and harmony by functioning as a societal buffer, as well as by offering the lower classes a social ladder to climb<sup>35</sup>.

The heated and extremely ideologically polarized political context in Belgium during the 1950's, made it impossible to lift the padlock or to negotiate a compensatory programme for small enterprise. But in 1958-1961, Vanden Boeynants indeed expanded public support for SME credit provision and for the professional training of small businessmen, artisans and their pupils. He reinforced the social security system for the self-employed and granted organised small business two long awaited laws. The first one (December 1958) created a regulatory framework for the "access to artisanal, small and medium sized commercial and industrial enterprise". The second one (June 1960) introduced an obligatory day of rest. Vanden Boeynants took decisive steps to incorporate the small business interest associations in Belgium's policies of economic expansion and social programming and into its structures of collective bargaining. SME's would be treated as an integral part of Belgium's future economy and of the welfare-state model that supported it, so he claimed.

### **The restrained rationalisation of the 1960's**

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<sup>35</sup> Heyrman, "Unlocking the padlock"; Crossick, "Metaphors".

The Belgian political elite at the end of the 1950's embraced the modernisation of retail in ways that are remarkably parallel with the renewed policy introduced in France by Joseph Fontanet and the Comité Rueff-Armand<sup>36</sup>. But the main political families in Belgium and especially the Christian remained extremely sensitive on securing a future for family-based enterprises in retail. They pointed to the durable impact of SME's on the country's GNI, employment and export figures. Flemish small and medium-sized family enterprises in particular showed great potential and even forged business relations with the big (often American) industrial companies that settled in the region. Such a diverse business landscape with large and small enterprises fulfilling complementary roles could also be imagined in retail.

Modern professional education, regulations governing the access of newcomers to independent retail and better access to credit facilities for those young shopkeepers that wanted to invest, were considered as the main levers to create a new generation of independent distributors, who would prove to be better equipped to occupy and hold the important niches still offered by the expanding markets. Both government agencies as the main interest organisations of small business organised specialised training facilities and dispatched consultants on the field to aid retailers to scale up and modernize their shops and to implement new sales and marketing methods. The spectacular rise of the so-called '*superettes*' was broadly commented and even portrayed as striking evidence that also independent shopkeepers, regardless of their scale and limited financial means, could effectively embrace modern retailing<sup>37</sup>. At the end of the 1960's independently run stores accounted for 75% of self-service shops in Belgium, 44% of the supermarkets were managed by independent retailers.

Belgian public policy on retailing in the 1960's thus opened up the door for a strong expansion of big distribution. But it also prophesized that independent retail would be able to retain its place in society if it embraced innovation and modernity. Despite its pertinent growth Belgian big distribution only gradually gained a decisive impact on the market. In 1960 it was assessed that independent retail still held an overall market share of 80% and still 44,7%

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<sup>36</sup> Jacques, *L'Etat, le petit commerce*, 78-123.

<sup>37</sup> Coupain, *Distributie in België*, 132

of food sales<sup>38</sup>. Twelve years later this share had hardly declined, especially when adding the share of 'affiliated retail' to that of the 'independent shops'.

	Total sales (biljon BF)	%	Food Sales (biljon Bf)	%
Chain Stores	5,25	2,7	5,25	11,4
Consumer cooperatives	6,7	3,4	5,4	11,7
Department stores and 'prix uniques'	17,6	8,9	5,3	11,5
Voluntary chains	9,5	4,8	9,5	20,7
Independent retail	159	80,2	20,5	44,7
<b>Total</b>	<b>198,1</b>		<b>46</b>	

**Table 4 Sales volume of the different retail branches in Belgium, 1960<sup>39</sup>**

	Food	Non Food	Total
Chain Stores	14,9	5,4	9,1
Consumer cooperatives	3	1	1,8
Department stores and 'prix uniques'	4,8	7,0	6,1
Mail order sales	--	1,1	0,7
Voluntary chain stores	10,1	?	3,9
Independent retail affiliated to joint purchase companies	1,3	?	0,5
Independent retail franchised with popular department stores	1,7	1,0	1,3
Independent retail franchised with chain stores	0,9	?	0,4
<b>Independent retail</b>	<b>63,3</b>	<b>84,5</b>	<b>76,2</b>

**Table 5 Sales volume of the different retail branches in Belgium, 1972 (%)<sup>40</sup>**

### The shift of the early 1970's

Nonetheless it would soon become clear that the transition process of the Belgian retail sector had entered a new phase became clear at the dawn of the 1970's. The spectacular expansion of the hypermarkets stirred up competition. Their number grew astonishingly quickly, from 13 units in 1969 to 70 in 1975. New shopping centres supplying additional

<sup>38</sup> Deneffe, *Distributie en consument*, 167.

<sup>39</sup> Michel, *La distribution*, 1963, 72, table 33.

<sup>40</sup> Michel en Van der Eycken *La distribution*, 19, table 1.

services and products often arose in their vicinities<sup>41</sup>. All of this caused much unrest in Belgium's shopping streets, especially in those provincial towns where the self-employed retailers had managed to keep or even reinforce their positions. Somewhat in the slipstream of the anxiety and protests against the introduction of the TVA (1971), some smaller associations started to mobilize against the hypermarkets, using radical discourses comparable to those of Gérard Nicoud (°1947) and his Confédération intersyndicale de défense et d'union nationale des travailleurs indépendants (Cidunati). On 18 Februari of 1971 Belgians retailers and artisans declared a general strike and organized a massive manifestation through Brussels. In March 1972 the more radical small business interest associations, especially the Algemeen Verbond van de Zelfstandige Arbeid/Fédération Générale du Travail Indépendant (AVZA/FGTI) of Armand Pauwels declared another 'shop-strike', now particularly aimed at countering government policy to curtail inflation by regulating retail prices. On 25 September 1972 yet another national action took place, a so-called 'light strike': shopkeepers showed their discontent by collectively dimming their front and display window lights. And on 2-3 October 1972 Belgium experienced yet another shop-strike, this time against the many different forms of "fiscal and administrative pollution" that shopkeepers detected<sup>42</sup>.

This wave of retailer protest was a clear political wake-up-call. Belgian government would develop several compensatory measures to calm down the atmosphere. The most disputed elements of the TVA-law were cancelled or smoothed. The social security benefits for the self-employed were clearly enhanced. In July 1971, after no less than 15 years of deliberations on the issue, Parliament approved a law regulating commercial practices (liquidation, chain, seasonal and clearance sales, price-tagging, premiums, selling below cost, itinerant trade etcetera). The law of 1973 regulating evening closing hours in distribution can also be seen as a compensation for shopkeeper's disgruntlement.

But the political elite understood that for appeasing this important part of the electorate, it had to stop or at least slow down the expansion of the hypermarkets. In October 1971 minister Jos De Saeger (1911-1998) had already installed a consultative committee dealing with the issue. Small business interest associations urged for a clear policy on distribution planning, both for the urban and suburban spaces, and pleaded for comprehensive legislation providing for a broad socio-economic evaluation of the projects and intense consultation procedures at local,

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41 Coupain, *Distributie*, 28-29; Michel and Vander Eycken, *La distribution*; Van Waterschoot et alia "Belgian retailing"; Merenne-Schoumaker, "L'évolution", esp. table 2. Belgium's first shopping centre opened in 1968.

42 Heyrman en Libens, *Mijn zaak*, 116.

regional and national level<sup>43</sup>. In October 1973 De Saeger's commission took on a new form as a (mixed) *Commission de la Distribution*, adding specialists from other ministerial departments and representatives of the main labour unions and consumer associations. All of these groups supported the plea of independent retail for a legal solution that would explicitly link commercial planning to local and regional contexts, thus aligning the matter to Belgium's policy of economic decentralisation. It was the later Prime Minister Jean-Luc Dehaene (1940-2014) who guided the commission towards its conclusions in 1974, paving the way for Parliament<sup>44</sup>.

The Belgian *Association des Grandes Entreprises de Distribution de Belgique* (AGED), Maurice Cauwe and his nephew Jacques Dophe of Grand Bazar in particular, of course mobilised against this "new padlock law" and pointed to the many efforts that department stores had made to professionalize commercial urbanism in Belgium<sup>45</sup>. But to no avail. The law on retail establishment of 29 June 1975, clearly influenced by the French *Loi Royer* (1973), decreed that all projects for establishing new retail enterprises with a net commercial surface of more than 1500 square meters (750 in rural areas) required a socio-economic license by local authorities. The procedures were made incredibly complicated, could take a maximum of 250 days and involved intricate collective bargaining on both the local, regional and national level. In the deliberations very different elements and criteria were taken into account: not only the type of project and where and how it would be implanted (in relation to the scale of the communities in question, the other commercial infrastructure, the 'balance' between city centre and periphery,...) but also consumer interests (relevance, buying habits, reachability, prices,...), employment (level, stability,...) and even the impact of the new store on the nature of regional shopping centres (range, level of specialisation). In 1976 the procedure was toughened by abolishing the appeal-procedure for projects that had received a binding negative advice by the National Socio-Economic Committee on Distribution.

### **A shop landscape sculpted by collective bargaining**

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<sup>43</sup> KADOC (Leuven, Belgium): Archives of Eddy Marstboom, 3.7. It is worth mentioning that besides this Commission on Shopping Centres/Distribution, the then Minister of Middle Class Leo Tindemans in 1972 also founded a Commission on Distribution Planology, headed by Adh mar d'Alcantara (1920-2012).

<sup>44</sup> "Le probl me des implantations commerciales, conclusions de la Commission de la Distribution". *Distribution* d'aujourd'hui, Feb. 1974, 5-7. *De Middenstand*, 25 Jan. 1975. KADOC (Leuven, Belgium): Archives of Eddy Marstboom, 3.17. *De Middenstand*, 12 May 1975; CRISP, "La distribution III" (1978), 14-23.

<sup>45</sup> Cauwe, *Van grendelwet*.



The 1975 law on Retail Establishment would clearly slow down the expansion of big distribution. The main small business defence organisations could easily delay and also block dossiers<sup>46</sup>. They were accused of favoring supermarkets and specialized stores but systematically discarding the dossiers for new hypermarkets and commercial zones<sup>47</sup>. Nonetheless they used their power cautiously, advocating a balanced and moderated growth of big distribution, in harmony with self-employed retail. They even didn't use the system to antagonise the GIB-group. Small business interest organisations limited themselves to fighting only the larger and more controversial projects<sup>48</sup>. Out of the 810 applications introduced in 1975-1987, 580 or 72% were approved, with a total surface of about 1,7 million m<sup>2</sup>. And in the following years (1989-1994) even more dossiers (83%) were given the green light. Since 1975 the number of hypermarkets would only rise moderately, reaching a maximum of 92 in 1990<sup>49</sup>. The practice law was ever more lenient towards supermarkets (approval rate of 81% in 1975-1994) and shopping centers (78%), especially those that were situated in traditional urban commercial neighborhoods.

Not until in the early 1990s did the main Belgian small business interest associations start to complain that big distribution was managing to by-pass the law, for instance by establishing shops on the borders of different municipalities or by calculating their commercial surface area to be just under the legal criteria. This was for instance the case for Aldi (since 1976), Intermarché (since 1991) and Lidl (since 1995). In 1994, the law on retail establishment was again toughened: now all stores with a net commercial surface of 1000 square meters (400 in rural areas) required a license. The approval rate severely dropped: in 1995-2003 only 2165 projects (63,5%) got a license. It was a conscious move to counter the expansion of those German and French (hard) discount stores.

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<sup>46</sup> The Small business interest associations had 6 members in the National Commission, and department stores only 2. The other seats were for consumer associations (3), unions (3), large enterprise (1), agriculture (2) and wholesalers (1). A comparable composition of the provincial councils with 4 members of small business interest associations versus 1 representative of large distribution. *Moniteur belge/Belgisch Staatsblad*, 1 July 1975.

<sup>47</sup> KADOC (Leuven, Belgium): Archives of Eddy Marstboom 3.17.

<sup>48</sup> *De Middenstand*, 31 July 1976, 30 July 1977, 2 Sept 1978, 1 Sept. 1979, 30 August 1980, 5 Sept 1981. CRISP, "La distribution III" (1978), 14-23. A close analysis of the decisions has not yet been made and is also very difficult, as the categories that were used tended to vary. An interesting contemporary analysis: Goormans, "Winkelplanning". See also: Leunis and De Vos, "De wet betreffende de handelsvestiging".

<sup>49</sup> Nationale Commissie voor de Distributie, *Tienjarig verslag (1975-1987)* and the yearly reports of this Commission since 1989. Coupain, *Distributie in België*, 28-29; Merenne-Schoumaker, "L'évolution" table 2. Nielsen (*De Distributie in België* 1975. Brussels, 1976, 6) deplored that Belgium had lost its first place as regards to the concentration of turnover in retail. While in 1974 the 2% biggest retail stores in the country accounted for 49% of the total turnover of food retail, this percentage dropped to 48% in 1975, while in France this percentage in that year climbed from 48 to 53%.

At the same time it was clear that the forces of pillarization in Belgium were declining, somewhat parallel with the secularisation of society and the growing urge of different parties 'to restore the primacy of politics'. But not until August 2004, with the Christian Democrats no longer in power, did government enact a new law on retail establishment, soon nicknamed the 'Ikea law', referring to the firm that it was purported to favour. It did not completely discard the old model of collective bargaining but simplified and shortened the consultative procedures and thus the influence of the small business defence organisations, in particular NCMV (since 2000 Unizo)<sup>50</sup>. To the same end, government in 2006 also eased the regulations on the weekly resting day and on evening closing in retail. But independent retail above all regretted the way in which the collar on big distribution was loosened. The provincial commissions were abolished and the role of the National Socio-Economic Committee on Distribution was curtailed in favour of local government. At first the legal criteria for evaluating the dossiers remained unchanged, but under pressure of the European Directive of December 2006 on services in the internal market (implemented in Belgium only in December 2009<sup>51</sup>) the economic norms relating to employment, consumer *interests* and impact on the existing commercial fabric were dropped. Europe only allowed the dossiers to be judged by looking at the spatial embedding of the shop, the protection of consumer *rights* and of the city environment, and the respect for existing labor laws.

The defederalisation process in the Belgian State from 1970 onwards did not really affect the impact of the law. Nonetheless complaints were heard that some big distributors managed to secure more controversial projects by 'playing the system', taking advantage of the growing complexity of political competences between the different executives. The competences of spatial planning and urbanisation were indeed entrusted to the regions, the law on retail establishment remained a federal matter. Only in 2014, in the framework of the Sixth Belgian State Reform, this competence was entrusted to the regions. But it took them quite a while to develop a policy strategy on the issue. In Flanders for example the draft for a 'Decree Integral policy on Retail Establishment (February 2014) was discussed at great length and only approved by government in April 2016<sup>52</sup>. Several projects to build big shopping malls in the periphery of large cities generated a lot of socio-political controversy, often involving prominent members of government, both on the federal and regional level.

<sup>50</sup> Coupain, *Distributie*, 62-; KADOC (Leuven, Belgium): Archives of Eddy Marstboom 3.17 (8-9).

<sup>51</sup> Law of 22 December 2009 "tot aanpassing van sommige wetgevingen aan de Richtlijn 2006/123/EG van het Europees Parlement en de Raad betreffende diensten op de interne markt", *Belgisch Staatsblad* 29 december 2009.

<sup>52</sup> It was amended and voted by Parliament on 6 July 2016 (*BS* 29 July 2016). As the basis for the decree we refer to the strategic vision text *Winkelen in Vlaanderen 2.0* (2012).

Although it's still quite early to judge the impact of the changing legal frameworks governing retail establishment in Belgium since 1975 and one can even doubt their overall influence on spatial planning<sup>53</sup>, it is indeed clear that they helped sculpting the present retail landscape. Hypermarkets were clearly disfavoured, leaving a significant part of the market of food distribution to medium-sized actors. Notwithstanding its tougher criteria in 1994-2004 the law did not curtail the expansion of hard discounters like Aldi (370 shops in 2002), Lidl (200) and Colruyt. They brilliantly succeeded in playing the system by for instance adjusting the size of their shops. And the law also clearly favoured the expansion of chains of small and medium sized franchised stores like Spar, Proxy-Delhaize, GB/Carrefour, Champion and many others. The growing popularity of franchising was even seen by the main small business interest organisations as a way to secure a future for self-employed entrepreneurship in Belgium. That's why for instance they devoted quite a lot of energy to impose a regulation offering some protection to the independent partners or franchise-takers (February 2006). Belgium's policy on retail establishment instigated the country's big food distributors to diversify their activities by for instance combining their own network with one or more chains of franchised stores. But it was particularly in the non-food sectors that it became clear that the Belgian laws on retail establishment since 1975 have particularly favored medium-sized shops and franchising, for instance dealing in clothing, shoes, gardening, electrical appliances or furniture. Different locally grown family chains (JBC, Shoe Post, Aveve,...) were able to profit from this situation, but Belgium also offered a lucrative market for many different foreign chains.

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<sup>53</sup> Mérenne-Schoumaeker, *La distribution commerciale*.

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