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Rafe Blaufarb

- ¹ One of the first and most emphatically-stated goals of the French Revolution was the abolition of feudalism. When they proclaimed that the ‘feudal regime was abolished in its entirety’ in the decrees that issued from the momentous Night of August 4th (those of August 4th, 6th, 7th, 8th, and 11th) what exactly did the revolutionary legislators intend?¹ The large number of (mostly French) historians whose scholarship has focused on feudal abolition have mainly tended to approach feudalism from a political-economic perspective—as a mode of rural production and as a hierarchical social system based on the expropriation of the fruits of peasant labour by a landowning class of lords.² These historians’ central concern has been with peasant refusal to comply with the impossibly high *rachat* rates set in 1790 and the resistance (both active and passive) they mounted to the payment of the non-redeemed feudal dues to which they remained legally subject. This massive resistance, which affected most of the French countryside, ultimately forced the Legislative Assembly and Convention to, first, moderate the Constituent Assembly’s overly-rigorous *rachat* legislation and, finally, to abolish feudal dues outright, without compensation for the ex-lords. A great mass of excellent scholarship, often focusing on single *départements* or regions, has time and again confirmed this picture of the collapse of the National Assembly’s initial approach to feudal abolition in the face of intractable peasant resistance. There can now be no doubt that the *rachat* system established by the Constituent Assembly was a complete and utter failure in the French countryside.
- ² However, the existing scholarship’s focus on the political-economic and social dimensions of feudal abolition during the Revolution has come at a certain cost. First, it tends to overlook the legal and even constitutional ramifications of the attempt to dismantle the feudal system.³ Moreover, by examining only the response of the countryside to feudal abolition, the great majority of existing scholarship ignores the question of how urban France experienced this great change.⁴ Feudalism was not just a system of economic and social organisation, nor did it pertain only to the countryside. Rather, feudalism also provided the legal structure for virtually all land-ownership in France—both urban and

rural—before 1789. As such, the National Assembly's attempt did not only affect the countryside, it touched the city as well.

- 3 By examining the urban response to feudal abolition, this article seeks to modify the prevailing view of the Constituent Assembly's attempt to abolish feudalism through a system of gradual *rachat* as a categorical failure. While it does not claim that this system was a great success, even in urban spaces, it does suggest that the *rachat* system did meet with a certain degree of acceptance and experienced higher degrees of participation than in the countryside.
- 4 By its decrees of 3-9 May 1790, the Constituent Assembly implemented a system of *rachat* by which tenants could theoretically purchase and thus extinguish the feudal dues imposed on their properties.⁵ Under this system, tenants were required to continue paying their feudal dues until they effected a *rachat*. However, the rates of those feudal dues were set very high—as much as twenty-five times the annual payment tenants were obliged to make. Consequently, very few tenants were wealthy enough to afford a *rachat*, so most simply stopped paying their dues.⁶ Faced with this overwhelming resistance, the Legislative Assembly relaxed the Constituent's uncompromising *rachat* legislation (18 June and 16-25 August 1792). But even this was not enough. On July 17th, 1793, the Convention finally abolished feudal dues without compensation. Thus, after three years of dysfunction, noncompliance, and sometimes violent resistance, the Constituent Assembly's system of *rachat* thus came to an inglorious end.
- 5 To treat the *rachat* episode as an abject failure distorts the early years of the Revolution in at least two important ways. First, it tends to portray the deputies as incompetent or, worse, secretly committed to the maintenance of the feudal property regime in a disguised form.⁷ This hardly comports with the vigorous measures they took—noble and non-noble deputies alike—to abolish seigneurial justice, serfdom, and all the other trappings of the feudal system. Second, it obscures the extent to which certain propertied social groups—although certainly not the peasantry—embraced the deputies' approach to feudal abolition and took part in the *rachat* programme. While peasants categorically rejected the Constituent Assembly's approach to feudal abolition, other groups with more means (nobles and non-nobles alike) did not. Given this, we need to consider the possibility that the deputies had always envisioned *rachat* as a programme for propertied urban-dwelling elites, rather than for the rural poor. And if this is the case, can we really consider the Constituent Assembly's approach to feudal abolition a failure? It surely was a terrible political misjudgement, but was not necessarily a manifestation of incompetence or disingenuousness. To a degree that historians have not recognised, *rachat* did what it was designed to do—to give people of means a way to liberate their properties from feudal superiorities.
- 6 The conventional view of feudal abolition as an abject failure is based on two questionable assumptions. The first is that the Constituent Assembly expected the *rachat* system to complete the process of feudal abolition rapidly. The second is that the failure of *rachat* in the countryside can be extrapolated to the urban setting. The first of these assumptions can be dispatched quickly. The members of the Feudal Committee who designed the *rachat* system never expected it to work quickly. Instead, they assumed that feudal abolition would proceed at the same pace as the real estate market. They anticipated that property-holders would only opt to effect a *rachat* in conjunction with property transactions, in order to avoid the heavy property mutation fee, the *droit de lods*. As early as September 1789, Tronchet made this explicit in a speech to the Assembly.

We can foresee that the *rachat* of feudal and censal rights will not proceed rapidly; few property owners will want to diminish their resources by a *rachat* to free their holdings from a charge [the *lods*] that will not bear on them as long as they retain their property. It will be the instant of alienation that will provoke a *rachat*. The buyer will only want to buy on the condition that the seller delivers him the property free [of all feudal dues]. The seller will feel the full weight of the current transfer free...he will want to avoid the effect of his past indifference at the moment he wants to sell.⁸

- 7 The real estate market would be the engine of feudal abolition, and the Assembly understood and approved of this. Given that landed properties generally changed hands only once every fifty to eighty years, Tronchet informed the Assembly, feudal abolition would be a decades-long process. The deputies neither expected nor intended the 'prompt abolition of the feudal regime,' as is generally assumed.⁹
- 8 A much stronger case for the failure of the *rachat* system can be made by highlighting the massive resistance of the French peasantry.¹⁰ The Feudal Committees of both the Constituent and Legislative Assemblies were deluged by reports that the peasants had stopped paying their dues, particularly the heavy payment in kind known as the *champart*. Their resistance generally took the form of silent, massive refusal, but at times could rise to the level of threats, violence, and, in a handful of departments, actual insurrection. On occasion, local authorities mobilised national guards and even regular army troops, but more often they looked on helplessly, passively, or even complicitly. Officialdom was even known to lead the resistance, as in May 1790, when the municipal councils of four villages in the Yonne *département* joined forces to demand that their lords surrender the titles upon which their rights to collect the *champart* were founded.¹¹
- 9 Repeated attempts were made to restore order in the countryside and get the peasants to pay their dues. Departmental, district, and municipal officials of the new regime all appealed for compliance. To cite one example, the departmental administration of the Lot *département* published a proclamation on August 30th, 1790 calling on the people to 'respect individual properties as well as national ones' by paying 'rents, *censives*, and other dues which have not been abolished but rather declared subject to *rachat*.'¹² Village officials joined the effort. By his own account, the mayor of Brueyleroi (Loiret *département*) regularly harangued the inhabitants after Sunday mass to continue paying their feudal dues until *rachat*.¹³ The clergy also joined in the effort to obtain compliance.¹⁴ Even royal authority was brought to bear, notably in July 1790 when the National Assembly asked the royal council to quash the anti-feudal deliberation of the four village councils in the Yonne *département*.¹⁵ That the National Assembly would invite the King to strike down a resolution taken by elected, municipal officials shows just how worried the deputies had become about the situation in the countryside.
- 10 The Constituent Assembly itself penned address after address, urging compliance with the laws on *rachat* and the abolition of feudalism. The last of these, described by one historian as the Feudal Committee's 'political testament',¹⁶ was Merlin's Instruction of June 15th, 1791.¹⁷ Reiterating the sacrality and inviolability of property, it attributed the troubles in the countryside to the ignorance of the peasantry and weakness of local authorities. If the disorders did not cease, it warned, the Constitution 'would die in its cradle.' Even non-feudal property-holders should be concerned because, unless the peasants were forced to honour their obligations, the 'attack against the property of incorporeal domains might one day strike those of landed ones.' It was necessary to treat the dues-evaders as 'rebels against the law, as usurpers of others' property, and use

armed force against them without flinching.’ It is impossible to know what would have happened had this tough talk been put into action. The King’s Flight less than one week later ended whatever hopes Merlin and his colleagues had of obtaining rural compliance through coercion.¹⁸

- 11 There are isolated examples of peasants availing themselves of the laws on *rachat*. For example, on June 22nd, 1792, ten peasants of the Gascon village of Cadillac repurchased their *champarts*, undoubtedly in anticipation of the approaching harvest.¹⁹ But this was a rare exception. From peasant resistance to the desperation of the National Assembly, all signs point to the failure of the *rachat* system in the countryside.
- 12 But feudalism was not a purely rural phenomenon. Rather feudalism was the universal framework of property holding in which virtually all real estate was enmeshed. Accordingly, most urban properties were also subject to feudal lordship. Urban feudalism covered a much smaller physical space than its rural counterpart. But to a certain extent, this was compensated by the greater value per square meter of urban property.²⁰ Another difference between the two feudalisms is that urban lords, in contrast to rural *seigneurs*, were rarely individuals. Instead, urban lordships were primarily held by ecclesiastical institutions and (to a lesser extent) the royal domain. When the National Assembly took over the holdings of the Church and Crown, the dues generated by these urban lordships became biens nationaux. If we integrate this urban dimension of feudalism into the overall picture, the impression of unmitigated failure we get by looking only at the countryside becomes difficult to sustain. It is to the unexplored urban dimension of feudal abolition that we now turn.

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- 13 The extent of nationalised ex-ecclesiastic and domanial lordships was very great. Before 1789, the royal domain claimed lordship over all immediate fiefs of the Crown. Although its physical holdings were few, essentially palaces and forests, the domanial lordships formed a significant mass of incorporeal property—*cens*, ground rents, *lods*, and other dues. The properties of the Church, however, dwarfed those of the Crown. Before 1789, the Church was the single largest lord in France and was especially prominent in the urban space. Few cities lacked ecclesiastical lordships. In Aix-en-Provence, whose population was only 20,000, the archbishopric and over 30 other religious establishments possessed 1,590 *cens*, ground rents, and other annual dues. Together each year they generated 24,150 *livres* and approximately 16.5 metric tons of grain for the Church.²¹ In Marseille, which was much more populous but possessed only a bishopric, over 50 religious institutions owned 1,165 incorporeal properties—mostly ground rents on urban dwellings. Their annual yield was 77,316 *livres* cash and payments in kind of over 12 metric tons of grain, as well as a quantity of oil.²² In Limoges, the bishop claimed lordship over more than 700 urban properties and many rural sub-fiefs. These, in turn, claimed lordship over many hundreds of properties.²³ Ecclesiastical lordships were so ubiquitous that they were the subject of a manual published just before the Revolution. In addition to its ‘domains, ground rents, and similar kinds of property,’ the work explained, the Church also owned ‘*seigneuries*,’ ‘proprietary superiorities’ (*directes*), and ‘rights attached to the exercise of public power.’²⁴ All these ecclesiastical possessions became national properties in November 1789.²⁵

- ¹⁴ Although sometimes termed ‘national ex-feudal dues,’ the rents generated by these ex-ecclesiastical and domanial lordships were more commonly described as ‘national incorporeal dues’ during the revolutionary decade. Under Napoleon, they would change names again, becoming simply ‘national rents,’ a title they retained well into the nineteenth century. In addition to those which had been truly feudal, they also included a great quantity of non-feudal incorporeal goods. In particular, there were many perpetual ground rents. Like those in the hands of individuals, many were enunciated in contracts containing feudal language. In addition, the Church possessed certain types of non-feudal, perpetual rents specific to it. These included obituary rents, established by pious bequests to fund prayers for the souls of the departed, and mass-endowing rents (*rentes de fondation de messe*), created for masses to be sung on certain saints’ days. Although the National Assembly snapped these up along with the rest of the Church’s endowment, it did not assume responsibility for the religious services they had been established to support. Far from it. The Civil Constitution of the Clergy so decimated the clergy that many parishes no longer had personnel to say endowed prayers and masses. And in some cases, the revolutionaries sold as *biens nationaux* the very chapels to which these rents were attached. Yet, the state continued to demand that the debtors of these pious rents keep paying them. This angered descendants of the original benefactors.²⁶ But, in the eyes of the revolutionaries, all of these types of properties were neither more nor less than national rents, regardless of the purpose for which they had been created.
- ¹⁵ It is impossible today to know the exact value of the former domanial and ecclesiastical rents. The revolutionaries themselves were not sure. Their initial estimates varied, ranging from as little as 3 million to as much as 22.5 million *livres* in annual revenue.²⁷ Any supplement to national revenue was not to be scoffed at, but the real fiscal potential of the national rents lay elsewhere. As ex-feudal dues and ground rents, they represented an annual interest payment on the capital value of the properties on which they had been established. If the owners of those properties could be induced to redeem the capital of those dues and rents through the *rachat* system, this could raise a very large sum indeed. Again, estimates varied, ranging from 200 to 500 million *livres*.²⁸ Whatever the exact figure, it was clear to everybody that the national rents could go a long way toward paying down the debt if converted into a capital sum through *rachat*.
- ¹⁶ As nationalised, ex-ecclesiastical feudal properties destined to help pay down the debt, it required cumbersome joint meetings of the multiple legislative committees concerned with these areas—the domanial, ecclesiastical, fiscal, and others—to design a mechanism for their *rachat*. At one juncture, no fewer than seven committees were meeting together for that purpose.²⁹ A complete system emerged only piecemeal from this process. In their report of April 10th, 1790, domanial committee members Barère and Enjubault had proposed entrusting *rachat* operations to the locally elected departmental authorities.³⁰ Their recommendation was partly incorporated into the general law on the *rachat* of feudal dues which was passed on May 3rd, 1790. That law mandated that departmental authorities would handle the *rachat* of ex-ecclesiastical dues, but did not state who would receive the *rachat* of those of royal-domanial origin. The doubt was soon lifted, however, by a supplementary law which assigned responsibility for the ex-domanial rights to the *Régie des Domaines*, a consortium of financiers who had leased the right to collect these fees before the Revolution and whose lease had not yet expired.³¹ To facilitate the *rachat* of the national incorporeal dues, another law was passed on November 14th, 1790 permitting individuals to buy back the dues they owed the nation piece-by-piece—a

facility many petitioners had sought unsuccessfully from the Feudal Committee for those ex-feudal dues held by private individuals.³² Although several changes would be made, the most important being the transfer of authority over the former royal-domianial rights to a newly-created administration, the *Régie de l'Enregistrement*, these laws determined how the *rachat* of national feudal dues would proceed.

- 17 The *rachat* of national rents and dues, both feudal and non-feudal, was vigorous in urban settings. In Aix, more than half (283 of 407) of the *rachats* conducted between the beginning of operations in June 1790 and the implementation of the law of July 14th, 1793 had national dues as their object.³³ These *rachats* netted the nation 270,000 livres. Things happened on a grander scale in Marseille, where 744 *rachats* raised over 950,000 livres. All but a handful of these were of national dues, which was not surprising since most property in the city had been held under ecclesiastical or royal lordships.³⁴ *Rachats* appear to have proceeded at a healthy clip in Paris as well, although the loss of the registers in which overall figures were recorded make it impossible to offer comprehensive figures for that city. Excellent records for the Abbey of Sainte-Geneviève, however, survive. They indicate that between December 1790 and February 1792, *rachats* of national dues raised over 8,000 livres in revenue for the state.³⁵ Registers also survive for the first, second, and third *arrondissements* (about one-third of the city), and these only concern *rachats* carried out between November 17th, 1791 and October 8th, 1793. Nonetheless, they contain 139 *rachats* for a total of about 550,000 livres.³⁶ Although their records are missing for the period after June 8th, 1792, the city archives of Lyon tell a similar story, with 247 *rachats* valued at a little less than 600,000 livres.³⁷ Finally, the western city of Tours, whose records have survived for the entire period, but do not indicate the sums of money involved, had 307 *rachats*.³⁸ *Rachat* seems to have worked more smoothly in urban spaces than the traditional narrative of failure suggests.
- 18 Urban interest in the *rachat* of national rents may have had a spill-over effect into the countryside, since much rural land was held by city-dwellers. The city of Rouen provides a suggestive illustration. Between November 11th, 1790 and September 27th, 1791, the local authorities received 32 requests for the *rachat* of nationalised, ex-ecclesiastical rents. Of these, about two-thirds (21) concerned agricultural land, one-third (10) houses and gardens in the city itself, and one was an unspecified rent.³⁹ At the same time, the 'country districts' of Lyon effected 144 *rachats*, netting the state approximately 200,000 livres.⁴⁰ Rural districts close to major urban centres also experienced a number of national *rachats*. In the rural district of Jouques in the hinterland of Aix, 5 of the 10 *rachat* s effected there between February 28th, 1791 and November 16th, 1793 were of national dues, raising over 825 livres.⁴¹ In the district of Gardanne, however, the proportion was reversed: between April 28th, 1791 and September 15th, 1793, only 6 of 19 *rachats* concerned national dues.⁴²
- 19 Who took advantage of the facility of *rachat* in the urban context? The prevailing view of *rachat*, based solely on rural evidence, holds that rates were set so high that all but the very rich were excluded from its benefits. Georges Lefebvre, the father of French Revolutionary peasant studies, claimed that only 'nobles and *bourgeois*' were wealthy enough to take part, and, even then, only in limited numbers.⁴³ One local monograph, on the rural department of the Haute-Vienne, found that fully 40% of the rare *rachats* in that region were conducted by feudal lords.⁴⁴ These conclusions seem plausible for the countryside and are basically sound for urban sites as well. But they need a bit of nuance. While wealthy elites (Lefebvre's nobles and *bourgeois*) accounted for the great majority of

those taking advantage of *rachat* to free their urban properties of feudal dues, more modest social strata were not entirely absent. In his study of the social characteristics of those who effected *rachats* in Bordeaux, André Ferradou found that people ranging from deputies, venal office holders, lords, and rich merchants, on the one hand, to stevedores, day labourers, and artisans, on the other, effected *rachats*.⁴⁵ Ferradou's findings are very suggestive, but he was unable to offer any conclusion about the relative weight of these different social categories within the overall group of those engaged in *rachat*. This is because in Bordeaux, as in most French towns and cities, the registers in which *rachats* were supposed to have been recorded were burned in 1793 for containing feudal terms.

- 20 Fortunately, the registers of Aix-en-Provence survived.⁴⁶ Although Aix was smaller and less commercial than Bordeaux, the range of social groups which took advantage of *rachat* there was somewhat similar to what Ferradou found for the great Atlantic port. Approximately half (194 of 407) of the *rachats* recorded in the registers include some indication of social status.

Social composition of *rachats* in Aix-en-Provence⁴⁷

Social Category	Number	% of Total
Deputy of the 2 nd Estate	1	0.5
Magistrate of Sovereign Court	7	3.5
<i>Seigneur</i>	6	3.1
<i>Bourgeois</i> or <i>Propriétaire</i>	14	7.2
<i>Négociant</i> or <i>Marchand</i>	46	23.5
Lawyer or Notary	18	9.2
Doctor	6	3.1
Local municipal or judicial officer	11	5.6
Military officer	3	1.5
Guild master	13	6.7
Artist or architect	4	2.1
Priest	4	2.1
Artisan or laborer	41	21
Agricultural (from landed peasant to urban gardener)	21	10.7
Totals	194	100%

- 21 This table indicates a somewhat broader social spectrum than nobles and *bourgeois* participated in urban *rachat* operations. While the truly elite categories (deputy,

magistrate, and *seigneur*) together represent about 7% of the total, those of the wealthy (*bourgeois*, proprietor, merchant) an additional 31%, and the professions and municipal officers as much as 25%, middling social categories account for perhaps one-third of the total number of *rachats*. At least for the urban population, *rachat* was more accessible than the historiography suggests.

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- 22 It would be incorrect to replace the excessively gloomy traditional assessment of the abolition of feudalism with an overly bright one. The system designed by Merlin and Tronchet was politically unwise, in that it did not make sufficient allowance for the actual financial situation of the great majority of the peasantry. And it exhibited a degree of juridical rigour—even hair-splitting—that was imprudent given the combustible political context of the time. Fear, distrust, and instability clearly hindered the *rachat* operations, fatally so in the countryside. Many worried that counterrevolution might prevail and restore feudalism in its wake, thus rendering *rachat* a pointless waste of money. Others dreaded that peasant resistance would scuttle the *rachat* system, either by overthrowing it directly or by causing so much trouble that the Assembly would be forced to make drastic revisions to it. In fact, the laws on *rachat* were constantly changing, injecting an element of unpredictability into the mix that discouraged speculations of all sorts. Nonetheless, in spite of all this, more people participated in the *rachat* system than the historiography has recognised. These people tended to be city-dwellers of the middle and upper classes. Their participation in *rachat* constituted a vote of confidence in the Revolution in much the same way as buying a national property.⁴⁸ Like such purchases, *rachats* were investments in the revolution. Both the sums and the people involved could be quite substantial. When someone like the sieur Clappier-Vauvenargues, from a leading family of the Provençal nobility, paid nearly 13,000 livres to free his ‘former fief of Vauvenargues’ from the overlordship of the ex-royal, now national, domain, he was gambling that neither counterrevolution, nor radicalisation, nor *jacquerie* would render his investment vain.⁴⁹ He was expressing in a very material way his faith that the National Assembly would not retreat from the commitment it had made in 1789 to abolish feudalism with compensation.

NOTES

1. On the Night of August 4th, see Michael P. FITZSIMMONS, *The Night the Old Regime Ended: August 4, 1789 and the French Revolution*, University Park, Pennsylvania State University Press, 2003; Jean-Pierre HIRSCH, *La Nuit du 4 août*, Paris, Gallimard/Julliard, 1978; and Patrick KESSEL, *La Nuit du 4 août 1789*, Paris, Arthaud, 1969.

2. Anatoli ADO, *Paysans en Révolution: Terre, pouvoir, et jacquerie, 1789-1794*, Paris, SER, 1996; Alphonse AULARD, *La Révolution française et le régime féodal*, Paris, Alcan, 1919; Robert BAUTRUCHE,

Une société en lute contre le régime féodal. L'Alleu en Bordelais et en Bazadais du XI^e au XVIII^e siècles, Rodez, Imp. P. Carrère, 1947; Jean Boutier, *Campagnes en émoi. Révoltes et révolution en Bas-Limousin, 1789-1800*, Treignac, Les Monédières, 1987; Jean-Jacques CLÈRE, *Les paysans de la Haute-Marne et la Révolution française*, Paris, CTHS, 1988; Philippe GOUJARD, *L'abolition de la 'féodalité' and le pays de Bray (1789-1793)*, Paris, Bibliothèque nationale, 1979; Jean-Pierre JESSENNE, *Pouvoir au village et révolution. Artois, 1760-1848*, Lille, Presses universitaires de Lille, 1987; P.M. JONES, *Politics and Rural Society in the Southern Massif Central, c.1750-1850*, Cambridge, Cambridge University Press, 1985; Georges LEFEBVRE, *Les paysans du Nord pendant la Révolution française*, Lille, Marquant, 1924; Georges LEFEBVRE, *Questions agraires au temps de la terreur*, Paris, CTHS, 1989; Guy LEMARCHAND, *Paysans et seigneurs en Europe: Une histoire comparée*, Rennes, Presses universitaires de Rennes, 2011; John MARKOFF, *The Abolition of Feudalism: Peasants, Lords, and Legislators in the French Revolution*, University Park, Pennsylvania State University Press, 1996; Philippe SAGNAC and Pierre CARON, *Les comités des droits féodaux et de législation et l'abolition du régime seigneurial, 1789-1793*, Geneva, Megariotis Reprints, [1907], nd.; Albert SOBOUL, *Les campagnes montpeliéraines à la fin de l'ancien régime: propriété et cultures d'après les compoix*, Paris, PUF, 1958; and Albert SOBOUL, *Problèmes paysans de la Révolution (1789-1848)*, Paris, François Maspero, 1976.

3. A key exception, which exhaustively covers the legal dimension of the revolutionary abolition of feudalism is Marcel GARAUD, *La Révolution et la propriété foncière*, Paris, Sirey, 1958. For a useful short survey of the Revolution's feudal legislation, see Jean-Jacques CLÈRE, 'L'abolition des droits féodaux en France,' *Cahiers d'histoire. Revue d'histoire critique*, n° 94-95, 2005, p. 135-57. On the constitutional dimensions of the French Revolution's abolition of feudalism, see Rafe BLAUFARB, *The Great Demarcation: The French Revolution and the Invention of Modern Property*, New York, Oxford, 2016.

4. An exception, which concentrates on the history of revolutionary *rachat* in Bordeaux, is André FERRADOU, *Le rachat des droits féodaux dans la Gironde, 1790-1793*, Paris, Sirey, 1958.

5. This system was largely the handiwork of the Third-Estate deputies Philippe-Antoine Merlin de Douai and François Denis Tronchet. For Merlin's legal thinking on the feudal question, see the article 'Féodalité' in his *Recueil alphabétique des questions de droit*, Paris, Chez Garnery, 1810, vol. 2, p. 576-90. The definitive biography of Merlin is Hervé LEUWERS, *Merlin de Douai. Un juriste en politique*, Artois, Presses Université, 1996.

6. There may have been some geographically limited exceptions to this. See Jean-Noël LUC, *Paysans et droits féodaux en Charente-Inférieure pendant la Révolution française*, Paris, CDRF, 1984.

7. For example, D.M.G. SUTHERLAND claims that it is 'common knowledge' that the abolition of feudalism in 1789 was 'disingenuous.' See his 'Peasant, Lord, and Leviathan: Winners and Losers from the Abolition of French Feudalism, 1780-1820,' *Journal of Economic History* 62, n° 1, March 2002.

8. *Archives Parlementaires de 1787-1860* (henceforth, AP), eds. J. Madival and E. Laurent, Paris, Dupont, 1867-2000, vol. 8, p. 629.

9. GARAUD, *La Révolution et la propriété foncière*, op. cit., p. 209.

10. Noelle PLACK, 'Challenges in the Countryside, 1790-2,' in David Andress (ed.), *The Oxford Handbook of the French Revolution*, Oxford, Oxford University Press, 2015, p. 347-349.

11. *Arrêt du conseil d'état du Roi, qui casse des délibérations prises par les municipalités de Marsagny, Termancy, Angely, & Buisson, concernant le payement des droits de champart, terrages, et autres*, July 11th, 1790. The royal *arrêt* was reprinted and circulated by local administrations across the country, as part of their attempt to induce peasant compliance.

12. Archives Nationales (henceforth, AN) D XIV 5, *Proclamation du directoire du département du Lot*, August 30th, 1790.

13. AN D XIV 5B, 'Septier, mayor of Brueyleroi, to National Assembly,' June 11th, 1790.

14. AN D XIV 7A, Untitled, printed circular from the intermediate commission of Lorraine and Barrois to parish priests, December 8th, 1789.
15. See footnote 5.
16. GARAUD, *La Révolution et la propriété foncière*, op. cit., p. 203.
17. *Projet d'instruction sur les droits de champart...*, Paris, 1790.
18. Timothy TACKETT, *When the King Took Flight*, Cambridge, MA, Harvard University Press, 2004.
19. Archives départementales (henceforth AD), Gironde, 3 E 22409, notary Jean-Baptiste Dauche.
20. Unfortunately, there has been no quantitative comparison of urban and rural feudal property.
21. AD Bouches-du-Rhône, 1 Q 1009-1024.
22. *Ibid.*, 1 Q 1285. The capital value of the cash payments alone exceeded 1.5 million livres.
23. From the typescript catalog of the 1 G series at AD Haute-Vienne.
24. *Observations sur les justices possédées par l'église*, Paris, Desprez, 1786, p. 3-4.
25. Virtually all of the hundreds of studies of the *biens nationaux* ignore the great mass of incorporeal property (of both domanial and ecclesiastical origin). The only work to examine these national properties, albeit only during the Consulate and Empire, is Geneviève MASSA_GILLE, 'Les rentes foncières sous le Consulat et Empire,' *Bibliothèque de l'Ecole des Chartes*, 133, no.2, July-December 1975, p. 247-337.
26. The fact that the *rentes de fondation de messe* were renamed *fondations nationales* probably did nothing to soothe their feelings. For the name change, see AD Bouches-du-Rhône, 1 Q 1274.
27. The low estimate (which includes only the revenues of the ex-royal domain) was offered by Tronchet in September 1789. The high estimate was provided by the domanial committee, which broke down the annual revenue of the national rents in this way: 4.5 million for those formerly belonging to the royal domain and 18 million for those of the Church. The sources are AP, vol. 8, p. 623 and vol. 19, p. 481.
28. The low estimate is from AN AD IX 555, 'Tableau des besoins et des ressources de la nation, présentée à l'Assemblée Nationale, séance du 3 avril 1792, par J. Cambon, député de l'Hérault.' The high estimate is from *Aperçu estimatif de la valeur capitale des Droits incorporels-casuels, nationaux, par M. Belle, Vice-Président du Comité de l'Ordinaire des Finances*, Paris, Imprimerie nationale, 1792.
29. The time was Spring 1791, and the committees were: Alienation, Domains, Ecclesiastic, Extraordinary, Feudal, Finance, and Taxation.
30. AP, vol. 12, p. 633-59.
31. *Ibid.*, vol. 16, p. 677.
32. *Ibid.*, vol. 20, p. 424-5.
33. AD Bouches-du-Rhône, 1 Q 1025 ad 1027.
34. *Ibid.*, 1 Q 1095. In Marseille, there were only 15 *rachats* of non-national dues. These targeted *directes* (most likely non-feudal) held by the corps of notaries (3), guilds (2), and ten others with no indication of the owner.
35. AN Q2 222.
36. Archives de Paris, DQ 13 102.
37. AD Rhône, 1 Q 43, 44, 45, and 48.
38. AD Indre-et-Loire, 1 Q 1161.
39. AD Seine Maritime, 1 QP 1232, 'État des requêtes qui se trouvent actuellement au directoire du district de Rouen,' 20 June 1791.
40. AD Rhône, 1 Q 43, 44, and 45.
41. AD Bouches-du-Rhône, 1 Q 1174, 'Registre pour inscrire les actes de *rachat* des droits féodaux et leurs receptes.'
42. *Ibid.*, 1 Q 1167, 'Quittances de *rachat*, bureau de Gardanne.'

43. LEFEBVRE, *Les paysans du Nord...*, op. cit., p. 210.
 44. GARAUD, *La Révolution et la propriété foncière*, op. cit., p. 102.
 45. FERRADOU, *Le rachat des droits féodaux...*, op. cit., p. 201-210.
 46. AD Bouches-du-Rhône, 1 Q 1025 and 1027.
 47. Source AD Bouches-du-Rhône, 1 Q 1025 and 1027
 48. Indeed, *rachats* directed against national lordships were literally purchases of national property, albeit of the incorporeal, direct domain variety.
 49. AD Bouches-du-Rhône, L 44, 'Aix, Liquidation du sieur Clappier-Vauvenargues,' June 11th, 1791.
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ABSTRACTS

This paper reassesses the French Revolutionary abolition of feudalism. The existing scholarship on the subject has been primarily concerned to measure the socio-economic impact of feudal abolition and has concluded that the Constituent Assembly's attempt to end the feudal regime through a system of gradual *rachat* was a failure. This paper breaks from this conventional approach by taking a legal and institutional approach to the problem of feudal abolition and concludes that, while the *rachat* programme did indeed fail in the countryside, where peasants most definitely did not use *rachat* vis-a-vis their particular lords, it was a great success in the towns and cities of France. There, urban bourgeoisie indeed made use of the *rachat* system to free their properties from the emprise of formerly ecclesiastical (after December 1789, nationalized) feudal lordships.

Cet article procède à une réévaluation de l'abolition du féodalisme durant la Révolution française. Les études existantes sur le sujet se sont concentrées essentiellement sur la mesure de l'impact socio-économique de l'abolition féodale et ont conclu que la tentative de l'Assemblée constituante de mettre fin au régime féodal au travers d'un système de rachat graduel a été un échec. Cet article se détache de cette approche conventionnelle en abordant l'angle juridique et institutionnel du problème de l'abolition féodale et en conclut que, si le programme de rachat a bel et bien échoué dans les campagnes, où les paysans ne firent définitivement pas usage du rachat vis-à-vis de leurs seigneurs particuliers, il fut un réel succès dans les villes et cités de France. Dans ces dernières, la bourgeoisie urbaine utilisa en effet le système des rachats pour libérer leurs propriétés de l'emprise des anciennes seigneuries féodales ecclésiastiques (nationalisées après décembre 1789).

INDEX

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