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*The 'ancien régime'*

Is it anachronistic to speak of the *ancien régime*? Is it not to take too seriously a concept unknown to contemporaries? It is obvious that the Revolution was necessary before the economic, social and political system could be seen as a whole regime, and of course before it could be seen as *ancien*. We plead guilty, but we are unrepentant. Such 'anachronisms' are indispensable if we wish to do more than blindly accept the 'illusion of the epoch'. What is more, we are going to commit a further sin because to describe this system we shall have immediate recourse to the three notions of 'feudalism', 'society of orders' and 'absolutism', any one of which, in its own way, may shock the purist. The main thing is to make ourselves clear.

## FEUDALISM

*Fiefs and feudalism: a debate*

To characterise the socio-economic structure dominant on the eve of the Revolution as 'feudal' is, we are told, to misuse language: historians of the Middle Ages remind us that this label can legitimately be applied only to a very precise set of relations which obtained at only one period. A number of historians of the early modern period, or of the Revolution, accept this restriction (for example Roland Mousnier, Georges Lefebvre himself). In practice, though, this fine distinction has not been observed. From the beginning of the Revolution the term has been employed unquestioningly: it has been legitimised by usage provided that one asks oneself what Frenchmen of 1789 understood by 'feudal' and 'feudalism'. The jurists of the Constituent Assembly were clear about this. Under the heading of what they called 'complexum feudale' in their legal jargon they identified the main elements of the

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social and legal system: not only what was, in the strict sense, dependent on the fief, but also everything which brought about the subjection of one individual to another, and all that was concerned with the payment of dues, whether in labour, in kind, or in cash. Part of this definition, which was in use until 1792, was subsequently dropped, while another part acquired pejorative overtones and became much more widespread. The expression 'feudal system' (*féodalité*) was to become associated, or synonymous, with tyrannical regimes, oppressive governments and even the monarchy.<sup>1</sup> From a precise relationship of dominance and subordination it came to refer to the whole economic, social and institutional system of the *ancien régime*.

At this point we are not far from what is now called 'feudalism', or the feudal system as defined by a recent conference with some precision: 'All historians present... agreed that one should continue to use the expression "feudal regime" to designate the system characterised by a particular type of property, often by servitude and always by the payment of dues known as "feudal" and "seignorial"',<sup>2</sup> but also, more widely, all the socio-economic, and even political, institutions associated with this mode of production.

*The originality of the French system*

In the sense in which we have just defined it the feudal system in the France of 1789 was certainly under threat, if not in its last agony. To understand it better we may compare the French system with two other models of an agrarian regime described by Henri Sée and later by Georges Lefebvre.<sup>3</sup>

On the one hand we have the example of England, which was already emancipated. There the peasants – those who were left – were free and worked within the framework of an agricultural system which was already capitalist in structure. On the other hand, we have the model of the seignorial regime which covered the whole of central and eastern Europe, where, far from declining, feudalism sometimes gained a stronger hold (in the Russia of Catherine II). Here, the estates of the great aristocratic landowners – boyars, Polish magnates, Junkers – represented the dominant form of land tenure and these estates were exploited by the forced labour of serfs.

<sup>1</sup> Mazauric (18), pp. 119–34. (Figures in brackets refer to the bibliography, pp. 238–43.)

<sup>2</sup> Toulouse conference on *The Abolition of Feudalism*, 1968.

<sup>3</sup> H. Sée, *Histoire du régime agraire en Europe*; Lefebvre (74, 12).

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The French system was strikingly different from these two models. It was less advanced than the English regime: the peasant usually had personal freedom but he was still liable to pay seigneurial dues. The lesser and middle peasantry were more independent than their counterparts in England. But the French system was also unlike the seigneurial regime: the peasant owned a not insignificant proportion of the land, so that he no longer experienced forced labour (the *corvée*) as a crushing obligation. This intermediate position is reflected in the legal terms applied to the various forms of land ownership. There were no longer many 'servile tenures' (*tenures serviles*), but, on the other hand, the *alleu* (freehold land involving no duties or restrictions) was still not a common form of tenure, except in certain regions: the axiom *nulle terre sans seigneur* still applied. As far as the seigneurs' estates were concerned, after the breakdown of the medieval system, a distinction emerged between the *domaine proche* or *réserve* which the seigneur exploited himself and over which he retained total control, and the *domaine utile* or *mouvances*, the rest of the estate, over which he only retained a distant interest. This token right was sanctioned by the payment of dues, but the true ownership of the land had passed to another – peasant or otherwise – who could sell it or pass it on as an inheritance. The French system differs from the seigneurial regime in that in France the seigneurial *réserves* represented only a small proportion of the estates, perhaps a quarter, as we shall see.

The legal status of the peasantry confirms this: 95% of French peasants had personal liberty. There remained perhaps a million serfs and *mainmortables*. The *serf de corps*, who could be brought back by force if he escaped, as a function of *droit de suite*, had almost disappeared. But in certain areas of central and eastern France (Franche-Comté) there were still peasants who were *mainmortables*: they had greater personal liberty but their goods could be forfeited if they left the land.

*The network of seigneurial rights*

So the essential feature of the seigneurial and feudal regimes – the 'complexum feudale' of the jurists – was simply the payment of certain dues, which is not to say that the burden was a light one.

Under the feudal regime in the strict sense, we should distinguish the dues liable to be paid on noble holdings or fiefs from those paid on the holdings of commoners. The first group were a continuation of the ancient obligations of a vassal to his overlord: even though the

'vassal' might by now be a bourgeois, or even a peasant. If this vassal were to sell his holdings, or leave them as a legacy, transfer duties had to be paid – *relief*, *rachat*, *quint* – which brought in a substantial revenue for the overlord. These were the *fiefs de profit*, as opposed to the *fiefs d'honneur*, the overlord of which had a right to homage. The *aveu et dénombrement* made his presence felt from time to time.

Non-noble lands (*terres roturières*) had their own specific obligations. Some recurred at regular intervals: the *cens* was collected in cash, and thus its value was often much reduced as a result of fluctuations in prices. This was not true for dues paid in kind, which were calculated on the harvest: the *champart*, for example (elsewhere known as the *carpot*, *terrage*, *agrier*, or, in the Midi, the *tasque*), varied between one-twentieth and one-fifth of the harvest in different regions. In addition to these recurrent dues, there were others collected when tenures changed hands: those *lods et ventes* which the tenants claimed were excessive.

Amongst the rights associated with this regime we must include those which derived from past usurpations of public authority. This is particularly true of rights of jurisdiction which were divided into three categories: upper, middle and lower. The highest court – authorised to inflict the death penalty and symbolised by the right to erect a gallows – had become rare, but in certain regions the lowest courts were still common, and were jealously defended as a source of income. It is tempting to pass over the symbolic rights – coats of arms, a privileged place in processions, the special pew reserved for the seigneur in church – but this would be a mistake since these signs of domination were taken seriously and strongly resented. They were not insignificant, any more than the 'useful' dues (*droits utiles*) which complete the seigneurial system. Some of these dues, for example the right of protection (*droit de guet* or *de garde*), were dying out. Others, though relatively limited in scale, were none the less deeply resented – for example the *corvée*, which was assessed in various ways (on lands or on individuals) but which rarely exceeded twelve days a year – a paltry amount in comparison with the Russian peasant, but still too much for men aware of the arbitrary nature of this servitude. They also kicked against the absurd oppression of the *banalités*: the obligation to pay for the use of the seigneur's mill, oven or press. These rights worked in the seigneur's interest, since they gave him the power to decide on the date of the harvests, and priority in the sale of wine (the *banvin*). The payment of taxes to the seigneur had almost disappeared, but he still received dues from fairs and markets. Finally, the privileges

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of the seigneur with regard to hunting, fishing and the dovecot were bitterly resented, as we can tell from the theft of pigeons and the poaching on seigneurial hunting grounds.

In this tangle of rights, what we need to know is of course the burden they imposed on the peasantry, and this is the subject of current research.<sup>4</sup> The discontinuous data available reveal some marked contrasts. In the Midi, where the seigneurial regime was weak, it appears that the levy represented 3 to 4% of the gross product, sometimes less. On the other hand, in Brittany, in Burgundy and no doubt throughout the north-east it appears to have been extremely heavy. There were several different Frances, and in particular there was a marked contrast between the underprivileged zone which extended from Brittany to the Marche and to Franche-Comté, and the Midi, including the Auvergne, where freehold tenures (*alleux*) were common, which shows that this area was part of the Mediterranean world.

In addition to regional variations, there were changes over time. Let us acknowledge with Ernest Labrousse that the seigneurial levy was a particularly heavy burden in a year of a poor harvest.<sup>5</sup> The seigneurial levy, the main feature of the 'feudal system', the extent and limits of which have been measured by historians, has come to represent one of the most significant, but at the same time most misleading aspects of 'feudalism', a mode of production based on *rente* from land which was without doubt still dominant.

*Landed society: distribution of property*

Feudal and seigneurial dues were only a part of the system: the aristocrat was only one of those privileged to collect *rentes*. The tithe, a payment of, on average, a tenth of the harvest, was originally intended to cover Church expenses. However, it easily became incorporated into the network of taxes under the *ancien régime* since it was by no means always paid to those one would expect to benefit from it: the 'great tithe-owner' was very often not the parish priest but the chapter or abbey which appointed him. The tithe was sometimes transferred like other forms of revenue, and 'impropriated' (*inféodée*), often becoming an integral part of the income of the local seigneur. There were also numerous ancient and archaic forms of *rente*.

To whom did the land belong? We are far from having a precise answer to this question for every area, and the considerable regional

<sup>4</sup> *Sur le féodalisme* (46).<sup>5</sup> Labrousse (66).

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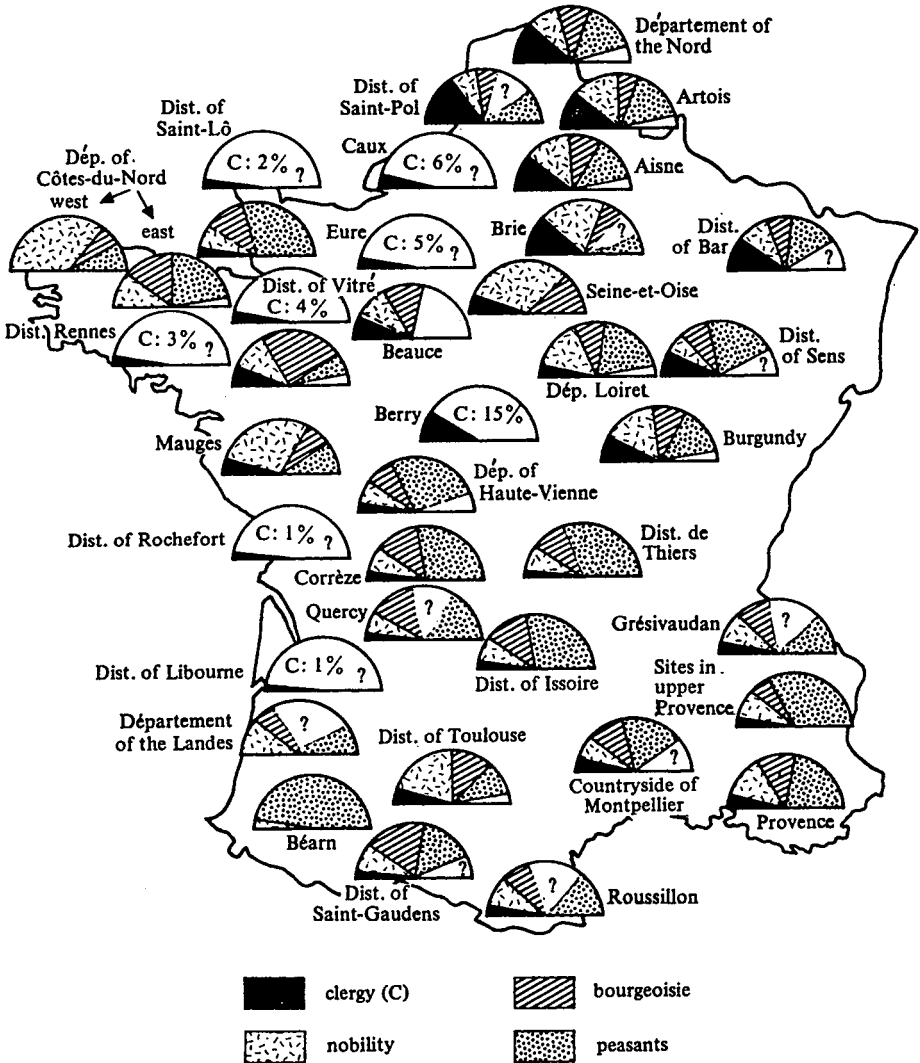
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Fig. 1. The *ancien régime* on its deathbed: some data on the distribution of land in France at the end of the *ancien régime*. It should be noted that in certain areas there is only information concerning the percentage of land in clerical hands. In other places the sources do not distinguish between peasants and bourgeoisie. It goes without saying that this sample can offer only an impression of the relative amounts of land in the possession of different groups.

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variations make generalisation hazardous. To say that the nobility owned approximately 20–25% of French land, the clergy 6–10%, the bourgeoisie perhaps 30% and the peasants 40–45% is no doubt improperly to disregard very marked regional variations. We can test this in the case of the clergy, 'thanks' (if one may use that expression) to the fact that they were totally dispossessed of their lands during the Revolution. The clergy's holdings were greatest in the north and in the plains of the Paris basin, rising to 20–40% in the plains of the north and in the Ile-de-France. This proportion was lower in the north-east, and still lower in the western *bocage*: it was very low (1–4%) throughout Brittany, and elsewhere in the mountains and (apart from a few exceptions) in the Midi, Aquitaine and Provence. Land owned by the aristocracy shows a similar pattern, the proportion declining from the north to the Midi. These holdings were concentrated in the plains around Paris: up to about 70% around Versailles, 30–40% elsewhere. In the north, as in Burgundy, the nobility owned about one-third of the land; in the west, about one-quarter. Once one reaches the southern half of France this proportion is distinctly lower, about 15–20%, although around towns associated with the *noblesse de robe* it sometimes rose sharply (Toulouse 45%). The proportion of land owned by the bourgeoisie was similarly affected by the unequal distribution of towns and their sphere of influence: around fairly important cities it easily reached 50% or more, but as soon as one moves away the level drops.

By adding together the proportion of land owned by the aristocracy, the clergy and the bourgeoisie, we can see that the proportion of land owned by the peasants varied very widely from one area to another: in Aquitaine, for example, it was only about 22% around Toulouse, but as high as 98% in Béarn. The national average of 40% is the result of a compromise between a small share in the northern half of France (a third) and the often unchallenged supremacy of the peasant in the mountain areas from the central plateau to the Alps: here, common land is taken into account as well as that owned by individuals. In short, owner farmers were only rarely in the extreme minority in a country where peasants owned a respectable proportion of the land. It goes without saying that we must take into account the proportion of the population in each social category.

*Forms of cultivation*

For that large part of the land from which the peasants were excluded the methods of cultivation played a decisive role. On the periphery of the old kingdom of France – Brittany, Aquitaine, the south-east – there was a mass of archaic tenures, representing an intermediate stage between the old forms of servitude and the modern system of indirect cultivation. There was *albergement* or perpetual leases in the south-east, *casement* in Gascony, *bordelage* in the Nivernais or the Bourbonnais, *tenure en quevaise* or *domaine congéable* in Brittany: numerous different forms of lease which discriminated unfairly in favour of the landlord and which often combined genuine security – the result of ancient links binding the peasant to the land – with heavy demands.

Whatever the importance of these archaic transitional forms, they were increasingly being replaced by modern forms of land tenure: tenant farming (*fermage*) and sharecropping (*métayage*). In rich areas, where the well-to-do farmer could afford to brave one or more lean years in order to profit fully from the good ones, the most common system was that of *fermage* or *arrentement*: the annual payment of a fixed sum, in cash or in kind, for the length of the lease. In poor areas with a precarious economy a sharecropping system was usually in operation (*métayage* or *mégerie*). Under this system, the landowner took a fixed percentage of the profits. These two systems of land tenure cut France in two: the rich areas of large-scale cultivation in the plains were areas of tenant farming; sharecropping, in various forms, was particularly common in the south-west. There were areas where the two systems coexisted, for example Provence, and there were also areas which fluctuated: for example in Lorraine the extent of tenant farming varied in direct response to changes in prosperity.

This observation of regional variations leads us to another question: how important were the *rentes* in terms of the total income of individuals and of communities? From every point of view they were dominant: seigneurial dues and the modern type of rent were associated with a whole network of additional, marginal but ever-present taxes. All the important estates were burdened with what the *ancien régime* called *rente foncière*, in other words, a perpetual obligation to pay a certain sum. For some areas we are in a position to assess the amount of landed capital: in Toulouse, for example, the aristocracy appears to have owned 71% of the rural property, 68–85% of the *rentes* and 63%



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of personal effects.<sup>6</sup> In the France of 1789 *rentes* were undoubtedly more important than profits.

This enables us to understand the attraction of the aristocracy, or more generally, of the land-owning classes, as a social model. For the productive bourgeoisie, upward social mobility required investment in land and a change to a *rentier* life-style. A new social type emerged: that of the 'bourgeois' living nobly, i.e. essentially on income from land. At the next social level, upward mobility involved the acquisition of noble land and then access to the aristocracy through ennoblement. On the eve of the Revolution, feudalism still had a powerful influence on most forms of social behaviour, amongst the very groups which were to launch an attack on it.

*The world of the peasants: collective life*

Defined in this broad sense, feudalism depended on the primacy of rural society which still included the majority of the population. The world of the subordinated simultaneously complemented and conflicted with the world of their masters.

This rural society was a powerful demographic and economic force, and it had a stable, long-established structure. At the end of the *ancien régime* France had about 26 million inhabitants; 85% of them lived in the country, and at least two-thirds of these were peasants.

This group was shaped by the routines and structures of the strictly regulated collective life. The countryside itself dictated the rules, which meant that life in the France of the plains in the north and in the Paris basin with its open fields, strip system and intensive methods of cultivation was very different from that in the *bocage* of the west, marked by stock-breeding and individualism, or from life in the Mediterranean Midi, with its irregular fields often planted with vines and bushes, or from the mountain areas so often owned in common. Despite these regional variations, the small farm (*manse* or *mas*,\* depending on the area) was disproportionately important, taken together with its arable land and the surrounding wasteland (*terres vaines et vagues*), grazing land, heathland, scrub and forests. In each case the organisation of space required a precise, collective discipline at parish

<sup>6</sup> Sentou (40).

\* The term *manse* or *mas* refers to the combination of the house and the rich enclosed lands immediately surrounding it. [Trans.]

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level. The parish was the unit of municipal life, especially in the Midi, and it was everywhere a unit of spiritual life, centred on the Church. It controlled farming and thus ensured the cohesion of the group, especially in the open-field areas of northern France. The rotation of crops within the framework of the three-field system, common grazing on the fallow land and the care of the communal flock were all vital preoccupations. There was also the collective administration of the common land and the supervision of wood-cutting, which was a major concern in mountain regions. The *bocage* in the west and the more individualistic Midi shared these practices to a lesser extent, but here one finds that it was the seigneur who fixed the date of the harvest.

*Peasant society*

The structure of peasant society, which at first sight seems homogeneous, also varied considerably from region to region. If we are to give a brief description of this rural society which was much less monolithic than it appears, we could take as our point of reference the structure common, with only slight variations, to the plains of large-scale cultivation. Here, the crucial factor which created social divisions was access to the essential means of production: the means of production in this case being a pair of oxen and a plough, which were necessary for a minimum level of productivity. This criterion, even more than the ownership of land, was what characterised the *laboureur* (yeoman farmer), who usually cultivated his own land side by side with the land he leased. The *fermier*, a rich *laboureur*, did not need to own land himself to establish his social superiority: he amassed land belonging to others. Below this, the small-scale farmer, who often owned his land and was known as a *personnier* or a *haricotier* or, most often, a *ménager*, formed an intermediate social group, between the categories we have mentioned and the *manouvriers* who owned small parcels of land and hired themselves out to supplement their income. The lowest stratum of this society were the farm-hands (*journaliers*) without land. These terms, like the basic structure, are also to be found in the east of France and in Burgundy, but in these areas the introduction of a sharecropping system meant that new social types emerged, for example the *granger* or the *colon*, sometimes with a *fermier* at their head. In Brittany, there were the same transitional forms: the *laboureur* was at the top of a social hierarchy of peasant proprietors or share-croppers which went from *closier* through *bordager* and *méthivier* to the lowest levels of smallholder.