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Rafe Blaufarb, *The Great Demarcation: The French Revolution and the Invention of Modern Property*. New York: Oxford University Press, 2016. xiv + 282 pp. Glossary, notes, bibliography, and index. \$74.00 U.S. (hb). ISBN 978-0-19-977879-9.

Review by Anthony Crubaugh, Illinois State University.

Historians have long emphasized the relevance of the French Revolution to “modern” conceptions of property, as evidenced by Hippolyte Taine’s 1878 assertion that the Revolution was in essence “*une translation de propriété; en cela consiste son support intime, son moteur premier et son sens historique.*”<sup>[1]</sup> Presumably, the Revolution’s centrality to the legal reformulation of absolute private property and to the massive redistribution of land through the sale of *biens nationaux* receives due attention in university courses pertaining to the era. In highlighting this theme in their lessons, scholars of the Revolution have a sizeable repertoire of major studies from which to draw.<sup>[2]</sup> Thus, when Rafe Blaufarb opens his book with the pronouncement that “the French Revolution remade the system of property-holding that had existed in France before 1789” (p. 1), the reader may legitimately wonder how much light remains to be shed on this topic. The answer is ‘a lot,’ thanks to Blaufarb’s impressive and erudite work that will likely garner the widespread respect of, and generate vibrant discussion among, French Revolutionary and economic historians alike.

*The Great Demarcation* stands out for the author’s fertile research in both published primary—and the bibliography lists five pages worth—and manuscript sources, the latter uncovered in fifteen departmental archives in addition to the *Archives nationales*. Its many virtues include Blaufarb’s skill in explaining complex concepts and terms as well as his clear writing style. This is no small matter given his decision to use French technical vocabulary throughout on justifiable grounds that the term “property” lacked a fixed definition before 1789 and fails to convey “the legal and institutional complexity of the many types of property in Old Regime France [e.g., *seigneurie directe, seigneurie utile, emphytéose, allod, échange, engagement*]” (p. xiii).

Above all, the merit of Blaufarb’s book hinges on its original reconceptualization of the topic of French property regimes. Whereas many excellent studies trace the post-1789 transformation of property from social and economic perspectives, emphasizing the undeniable magnitude of the abolition of feudalism and the sale of *biens nationaux*, Blaufarb instead explores changes in French property regimes from a legal and institutional perspective. This approach first allows him to contend that, in their legislation and thinking on property, the men of 1789 endeavored to found a new constitutional order rather than to effect socioeconomic revolution. Subsequently, it allows him to make important arguments about the essential meaning, ideological consistency, and broader significance of the French Revolution. But at the most basic level Blaufarb’s perspective contributes to a more complete and complex picture of revolutionary property mutations than hitherto existed.

Blaufarb posits that prior to the Revolution “no clear distinction” (p. 1) existed between France’s constitutional system and a “regime of property” that rested on twin foundations: the private ownership

of public power and the tenurial basis of property holding. Venal office and jurisdictional lordships (*seigneuries*), both of which were heritable, vendible, and sometimes divisible (for example, one might own a fraction of a seigneurial justice) exemplified the “pervasive intertwining of property and power that was the essence of the Old Regime” (p. 8) and precluded any unification of sovereignty. The other principal feature of Old Regime property was a tenurial system in which nearly all land and buildings, whether rural or urban, were possessed by multiple “owners” in hierarchical relationships signifying domination and subordination. Possessor-occupiers of a parcel might have enjoyed the right to use it and collect its fruits (the *seigneurie utile*), while lords, who had theoretically conceded the usufruct, maintained the right to collect dues and exercise authority over tenants (the *seigneurie directe*). Shared ownership of property in the context of vertical social relations obviously militated against revolutionary values of liberty and equality by tying property holders together in webs of dependency. As the holder of vast domains, the Crown itself “incarnated the confusion of power and property that was the defining characteristic of the Old Regime” (p. 4).

The Revolution’s founding of a new constitutional order entailed two fundamental transformations that encapsulate the Great Demarcation at the heart of Blaufarb’s study: the separation of property and power and the invention of absolute property. Ending the private ownership of public power—in other words, the abolition of venal office holding and the *seigneurie*—facilitated the formation of a unified, national sovereignty. Similarly, the destruction of France’s tenurial system initiated full and independent ownership of land, buildings, or rents. Taken together, Blaufarb argues, “the abolition of tenurial property-holding and the private ownership of public office were the sine qua non of citizenship, national sovereignty, and the new constitution” (p. 11).

Clearly, the Night of August 4, 1789 and its subsequent legislation on August 11 loom large in the story, for that is when revolutionaries “purposefully” committed themselves to the “comprehensive program” of the Great Demarcation (p. 10). But because Blaufarb believes that historians interpret the “abolition of feudalism” in narrowly social and economic terms, he considers “the Great Demarcation” a term better suited to explaining the dual transformation of property at the heart of the revolutionary project. To be sure, the National Assembly famously decreed the complete destruction of the feudal regime, but it conceived of said regime not in an economic sense but as a “constitutional form” based on the aforementioned private ownership of public power and hierarchical property holding. The Great Demarcation, then, was a constitutional attack on “feudal government” and the Revolution’s “fundamental act” (p. 10) as well as its “fundamental achievement” (p. 11)—an observation that Blaufarb suggests will assist historians in transcending the debate over whether 1789 represented a political or a social revolution.[3]

Although the author concedes that the decrees of August 4–11 may have been partially intended to propitiate France’s insurrectionary peasantry, in no way does he consider the Great Demarcation a haphazard product of historical contingency. Rather, throughout the book he insists on the consistent pursuit of a “program of demarcation” (p. 221). The program originated in a critique of “feudal government” by early modern jurists, especially Charles Loyseau. It was shepherded through the legislative process by a core of jurist-revolutionaries such as Philippe-Antoine Merlin de Douai and François-Denis Tronchet noted for expertise in property and constitutional law.[4] And its key components—the August 1789 decrees, the sale of *biens nationaux* (which, by extricating property from the state, was a critical step in the Great Demarcation’s distinction between public and private property), the July 1793 legislation that abrogated the *rachat* system and abolished seigneurial dues without compensation, the Napoleonic Code—were pursued by divergent political regimes, signifying that the Revolution’s ideological coherence lay in the implementation of its unchanging vision for a new polity.

France was not the sole participant in the European movement that undermined the feudal order, for Civil War-era England, the infant United States, the Grand Duchy of Tuscany, and the Kingdom of

Piedmont had to some degree succeeded in abolishing forms of proprietary tenure. But it was in revolutionary France that the Great Demarcation completely ended the “conceptual confusion and institutional imbrication of property and power.” That success created a series of distinctions—between property and power, sovereignty and ownership, public and private, the state and society, and the social and the political—that give the Great Demarcation “a legacy that extends far beyond the history of the French Revolution” by “creating a distinctly modern way of seeing” (p. 14).

So far this review has presented the overarching framework and key arguments of *The Great Transformation* as laid out by Blaufarb in his introduction and epilogue. Each component of the argument will thrust the book into the center of debates about the nature, coherence, legacy, radicalism (he insists that revolutionaries possessed a “utopian” vision of the polity), and even leadership of the French Revolution—a certain indication of the fruitfulness of the author’s bold thinking.

But as suggested above, the book can also be read and appreciated on another plane as a study whose richly detailed chapters provide a fuller understanding of what it means to say that the Revolution remade France’s system of property holding. Blaufarb’s aim is not to touch upon every component of revolutionary property reform. For that Marcel Garaud’s study remains authoritative. Instead, he first focuses on the origins of the Great Demarcation as an idea (chapter one) and its development as the Revolution’s fundamental program (chapter two). He then shifts attention to the substantial challenges encountered in realizing revolutionaries’ goals of separating formal power from private property (chapters two and three) and of divorcing the now sovereign nation from proprietary rights and possessions (chapters four and five) associated with the royal domain and Church lands.

No summary can do justice to the intricacies of the discussions in Blaufarb’s chapters, but numerous compelling themes emerge from a collective reading of them, of which the following are only a sample. First, revolutionaries likely found their ideas about property not in Lockean natural rights but rather in sixteenth and seventeenth-century French constitutional debates about the origins of fiefs.[5] Charles Loyseau’s 1608 *Traité des seigneuries* was particularly innovative in its discursive separation of private property (*seigneurie privée*) and public power (*seigneurie publique*) that revolutionaries placed at the heart of the Great Demarcation. Indeed, Blaufarb considers the Night of August 4 and the abolition of feudalism to be “Loyseau’s Legacy.” Second, in contrast to historians who interpret revolutionary property legislation mostly through the prism of fiscal expediency, *The Great Demarcation* underscores the constitutional element in revolutionary measures. Thus, for Blaufarb, the creation and liquidation of the national domain did more than generate needed income; it was the mechanism through which the State nationalized and then alienated possessions previously attached to sovereignty, thereby completing “the demarcation of distinct spheres of property and power begun on the Night of August 4” (p. 173). Finally, through analyses of the “torturous process” (p. 141) of establishing the national domain as well as of bewildering forms of property contained therein—*échanges, engagements*, national rents[6]—Blaufarb convinces the reader of a persistent argument in his book, namely “that it was much harder to convert feudal into modern property than has generally been recognized” (p. 206).

The last point is but one of many instances where Blaufarb suggests how his ambitious study contributes to underdeveloped themes in French revolutionary scholarship or challenges the dominant historiography altogether. Most often he is on the mark. Yet on occasion it is unclear precisely with whom and what works Blaufarb is debating despite his deep command of the literature and the book’s expansive bibliography and endnotes. For example, the third chapter’s conclusion lists three ways in which that section “challenged several assumptions characteristic of the literature on the French Revolution’s abolition of feudalism” (p. 117) but contains no endnotes here or earlier in the chapter that identify the sources of the assumptions. As such, the reader cannot always perceive the contours of the putative debate or assess Blaufarb’s contribution to it.

Blaufarb mentions and cites Michael Fitzsimmons's *The Night the Old Regime Ended*, but addressing the work directly would have sharpened the lines of historical interpretation. Fitzsimmons argues that revolutionaries found their "functional consensus" in the rejection of privilege on the Night of August 4 and subsequently and consistently pursued a new vision of the polity based on that consensus. In other words, he too finds a comprehensive revolutionary program based on the destruction of a pillar of pre-1789 France--privilege--that would drive a stake through the heart of the Old Regime. Are Fitzsimmons's and Blaufarb's analyses, in which they respectively discern revolutionary programs based on the rejection of (aristocratic) privilege or the Great Demarcation, compatible, overlapping, or in competition?

John Markoff's *The Abolition of Feudalism* also lurks in the background as the primary inspiration for a "new orthodoxy," vigorously disputed by Blaufarb, holding that the events of August 4 and hence the destruction of the feudal regime "were a desperate attempt by the panicked deputies of the National Assembly" to terminate peasant rebellion during the Great Fear (p. 49). Markoff's magisterial study contains more subtlety in its insistence that the abolition of feudalism resulted from implicit "dialogue" or negotiation between the peasantry and legislators, each of which was guided by conceptions of the "feudal regime." In any case, at the risk of flirting with the razor's edge of syncretism, this reviewer finds great value in both Markoff's and Blaufarb's analyses. Surely Markoff is correct that rural insurrection put seigneurial rights on the agenda and to argue that the timing and content of legislation in 1789 and 1793 (the abolition of seigneurial dues without compensation) must be understood in the context of peasant agitation. But Blaufarb is just as correct to insist that deputies responded "by drawing on ideas and assumptions available to them" (p. 49), which explains why the August 1789 decrees contained clauses on venal offices and other issues relating less to peasant anti-seigneurialism than to the Great Demarcation.

In the end, the Great Demarcation, reified as a proper noun, may not *replace* the "abolition of feudalism" in the historian's lexicon. After all, the latter term has a long legacy and hews closer to what revolutionaries actually said they were doing. But it will probably *enter* that lexicon as an excellent way to conceptualize the stark differences in pre and post-revolutionary property regimes. Those differences signify that the Revolution was indeed a watershed in the creation of modern property and its separation from a unitary sovereign state. For that lesson historians are indebted to Blaufarb's original, provocative, and important book.

#### NOTES

[1] As quoted in Marcel Garaud, *La Révolution et la propriété foncière* (Paris: Sirey, 1958), p. 1.

[2] To name just a few, see Marcel Garaud's classic study of the Revolution and landed property cited above and Eric Teyssier's and Eric Bodinier's magisterial synthesis of over 800 publications on the sale of *biens nationaux*, which process they label "the most important event of the Revolution"; Eric Bodinier and Eric Teyssier, *L'Événement le plus important de la Révolution: La Vente des biens nationaux* (Paris: CTHS, 2000). See also Jean-Laurent Rosenthal, *The Fruits of Revolution: Property Rights, Litigation, and French Agriculture, 1700-1860* (Cambridge: Cambridge University Press, 1992). Important interpretations of the Night of August 4, when the "abolition of feudalism" precipitated the Revolution's property mutations, include Michael Fitzsimmons, *The Night the Old Regime Ended: August 4, 1789 and the French Revolution* (University Park: Pennsylvania State University Press, 2003); and John Markoff, *The Abolition of Feudalism: Peasants, Lords, and Legislators in the French Revolution* (University Park: Pennsylvania State University Press, 1996).

[3] "Feudalism" is a capacious concept that historians have understood in different ways, just as contemporaries did. See Anthony Crubaugh, "Feudalism," in William Doyle, ed., *The Oxford Handbook of the Ancien Régime* (Oxford: Oxford University Press, 2012). Following François Furet, I touched upon

the idea of “feudal government” as a constitutional form but necessarily did so without the benefit of Blaufarb’s work.

[4] The full list is much longer and includes the spectacularly named René-Urbain-Pierre-Charles-Félix Enjubault de la Roche. In a work that brims with insights, a noteworthy one relates to the prominence of Merlin de Douai, who originally served on the National Assembly’s Feudal Committee in 1789, later sat on the Conseil d’État, and appears at every turn from August 4 to the Napoleonic Code and beyond. On Merlin, see Hervé Leuwers, *Un juriste en politique. Merlin de Douai (1754-1838)* (Arras: Artois Presses Universitaires, 1996).

[5] On this point see also Thomas Kaiser, “Property, Sovereignty, the Declaration of the Rights of Man, and the Tradition of French Jurisprudence,” in Dale Van Kley, ed., *The French Idea of Freedom: The Old Regime and the Declaration of the Rights of 1789* (Stanford, Calif.: Stanford University Press, 1994).

[6] An *échange* was a royal property given to an individual in exchange for a property transferred to the domain. An *engagement* was a revocable grant of royal property to an individual in return for a capital sum or annual rent. National rents included a range of feudal, quasi-feudal, and non-feudal dues once belonging to the domain or Church. Of the latter, Blaufarb writes: “Merging the issues of feudalism, the national domain, fiscal crisis, and the *biens nationaux*, the national rents simultaneously raised all the major problems the revolutionaries faced in remaking the order of property and power” (p. 176).

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