

H-France Review Vol. 3 (December 2003), No. 141

Michael P. Fitzsimmons, *The Night the Old Regime Ended: August 4, 1789 and the French Revolution*. University Park: Pennsylvania State University Press, 2003. x + 245 pp. Notes, bibliography, and index. \$49.95 U.S. (cl). ISBN 0-271-02233-7.

Review by Anthony Crubaugh, Illinois State University.

Alarming reports of peasant insurrections, if not the smoke of burning chateaux, reached French legislators during their debate on the Rights of Man in the summer of 1789 and necessitated an urgent change in the National Assembly's agenda. How would lawmakers deal with such antiseigneurial violence? Many horrified deputies advocated repression while supporting the bill of the *comité des rapports* that affirmed the sanctity of all property and dues. But other deputies recoiled at the idea of fomenting rural hostility to the National Assembly and feared that a policy of repression would render the king and the military masters of the precarious revolutionary situation. Out of this predicament came the "idea" of August 4: "to distinguish between feudal property and property as such."^[1] That is, deputies hatched a plan (probably originating with the Breton Club) to placate the peasantry by relinquishing seigneurial rights in exchange for monetary compensation.

But the session failed to proceed as planned, and a limited renunciation of seigneurial rights gave way to a "patriotic delirium" in which representatives forfeited a bewildering array of privileges. As a result, the National Assembly's famous decree that it "destroys the feudal regime in its entirety" signified more than the abolition of dovecotes, seigneurial courts, and the *cens* and *champarts* associated with "feudal" property, for it included the abolition of the tithe, venality of office, and all the privileges attached to corporate bodies. In his new book, Michael Fitzsimmons argues that "the meeting of the night of August 4, with its destruction of privilege, offered a new ideal of the polity based on freedom, equality, and fraternity under the benevolent auspices of the nation" (p. 18). Readers of Fitzsimmons' *The Remaking of France* will recall both his analysis of "the new ideal of the polity" based on the rejection of privilege and the centrality of August 4 to its creation.^[2] But only in the present work can Fitzsimmons give his complete attention to the night of August 4 and its aftermath. In doing so, he makes a compelling case that the famous night gave the National Assembly its agenda and guiding principles and that "the reforms were neither unambiguous nor beyond criticism; instead, they left a legacy of discord, dissension, and polarization..." (p. 45).

Fitzsimmons does not dwell on the unfolding of the session of August 4, a subject that has already attracted historians' attention and on which there is little new light to shed.^[3] Instead, his first chapter situates the meeting in the context of a gridlocked National Assembly, whose work prior to August 4 "was clouded by the existence of legal privilege and major social distinctions" (p. 11)—indeed, members still sat separately by orders—and whose committees sought the Revolution's fundamental program in an interpretation of the *cahiers*. The renunciation of privileges on the Night of August 4, reaffirmed by a little-known pact of association and then codified by the decrees of August 11 after vigorous debate, gave the National Assembly its "functional consensus" (p. 16). Fitzsimmons defines a functional consensus as the agreement to a program—the rejection of privilege—that offered the Assembly both a

way out of stalemate and a new vision of the polity. He insists that a functional consensus was not necessarily philosophical consensus; although the night of August 4 gave the Assembly its guidelines for writing a new constitution, it also engendered opposition that proved to be the greatest obstacle to the constitution's implementation.

In subsequent chapters, Fitzsimmons analyzes the broader ramifications of the rejection of privilege and charts August 4's legacy of discord. Chapter two, "The Impact on the Church," shows that the session radically altered the relations of church and state. Neither the Edict of Toleration of 1787 nor drafts of a declaration of rights prior to August 4 had granted complete freedom of worship to non-catholics, but the Assembly affirmed the principle of religious freedom in the session and so encouraged supporters of toleration to defend it in terms of individual rights opposed to corporate privilege. The commitment to religious freedom, along with the defeat of proposals to make catholicism the official religion, heralded the waning primacy of the church and by 1791 transformed France into "the first national state in the Atlantic world to detach religion and citizenship" (p. 63). The most momentous outcome of August 4 for the church, however, was that the clergy had grudgingly relinquished the source of its wealth and institutional autonomy, namely the tithe. This fateful renunciation, which the National Assembly determined to have been made without indemnification, required a reorganization of the church—a reorganization that put church lands at the "disposal" of the nation and that, as Fitzsimmons insightfully points out, "had not figured in the agenda of the Committee of the Constitution just over a week earlier" (p. 91). Fitzsimmons argues that the resultant reorganization went far beyond the reformist spirit of August 4, fueled by anticlericalism that stemmed from the obstructionist tactics of bishops hoping to minimize the night's impact on the church. Thus began the religious divide that culminated in the Civil Constitution of the Clergy, which John McManners calls "the fatal moment in the history of the Revolution."^[4]

Chapter three shifts the focus to the National Assembly's abolition of the second estate on June 19, 1790. The nobility had arrived at the Estates General largely prepared to accept fiscal equality, but August 4 would drastically diminish its wealth and power, as the sacrifice of seigneurial dues constituted important material losses for many lords and the attack on venality of office and regional privileges questioned the legitimacy of parlements, the institutional source of much noble power. On the subject of outright abolition of the nobility, Fitzsimmons writes: "The notion of legal and political equality that had propelled the renunciations during the meeting of the night of August 4 had not necessarily implied an attack on social distinctions or on the principle of honor" (p. 133). But the continued existence of the nobility seemed anomalous in light of the dissolution of the third estate and the loss of independence of the second, and the existence of titles increasingly struck patriots as impediments to the realization of equality and fraternity. Lafayette considered the actual decree to abolish the nobility a self-evident affirmation of revolutionary principles, but it outraged conservative nobles and disillusioned many liberal nobles as a gratuitous attack on the culture of honor. According to Fitzsimmons, the loss of honorific status on June 19, 1790 serves as a better litmus test for determining noble attitudes to the Revolution than does the loss of fiscal privileges.

The next chapter's exploration of the ramifications of August 4 in rural areas posits a reinterpretation of well-covered scholarly territory. Many historians condemn the National Assembly's resolution of the issue of seigneurialism, especially the prohibitively high rates of redemption for "legitimate" seigneurial dues stemming from property rights, as a betrayal of the peasantry.^[5] In addition, critics argue that the legislation on March 15, 1790 reneged on promises through a pettifogging argument in which *mainmorte*, hated by peasants as a sign of servile status, was considered real and redeemable instead of personal and therefore abolished without compensation. Fitzsimmons labels the Assembly's treatment of *mainmorte* "seriously flawed" and concedes that the conservative resolution of the seigneurial issue embittered some peasants, but he defends legislators' work overall as a "credible effort at settling an extraordinarily complex issue for which there was no distinct single solution" (p. 172). On a basic level, the legislation of 1790 ended most antiseigneurial violence, while the outright abolition of vestiges of

servility such as the *corvée* and the monopoly on hunting offset peasant disappointment over *mainmorte*. The rates of redemption that upset peasants (twenty times the annual due in cash) approximated the five percent return on investment deemed fair by contemporaries. Most important for Fitzsimmons is the fact that legislators required lords who sought to redeem reimbursable rights to present an original title or charter, which facilitated “passive resistance” and legal obstruction on the part of peasants until seigneurial dues were later abolished without compensation in 1793.[6] For Fitzsimmons, the Assembly’s navigation of the ship of state between the Scylla of peasant unrest and the Charybdis of property law earned its legislation a “relative acceptance, even if it was, in some regions, a grudging acceptance” (p. 172).

In the final chapter, Fitzsimmons suggests “if the transformation of urban life was not as dramatically proclaimed by the National Assembly as that of the rural domain, it was no less profound” (p. 213). Changes in urban France as a result of August 4 ranged from the quotidian effacement of coats of arms to the thunderclap of the parlements’ dissolution. In particular, the two institutions that largely differentiated towns and cities from the countryside—the commune and the guild—were utterly transformed by the meeting. The transformation of old regime municipalities, characterized by venal officeholding and corporatism, through a new elective structure occurred within months as part of the Assembly’s reorganization of provincial administration, but the National Assembly followed a slow path to the final abolition of guilds. Fitzsimmons traces legislators’ “puzzling” and cautious policy towards the guilds until, confronted with confusion in the provinces and pressing financial needs, the Assembly promulgated the *loi d’Allarde* of March 2, 1791 that suppressed guilds and masterships and freed any individual to practice a trade through the purchase of a license (*patente*). Faced with journeymen’s agitation for wage increases later that year, the Assembly completed its destruction of corporatism by issuing the (in)famous Le Chapelier Law proscribing workers’ organizations.

Fitzsimmons justifies the study by citing a “significant void in interpretation” of the Night of August 4 (p. ix) and so acknowledges that, in its parts, his story will not necessarily be new to historians. But his overall interpretation of the Revolution through the prism of August 4 demonstrates convincingly that much of the revolutionary dynamic—the destructive (the rejection of privilege and corporatism) and constructive (a new constitution based on individual liberty and legal equality) aspects of legislators’ agenda as well as the opposition to the new polity—had their origins in that session. As in his earlier work, the argument benefits from a clear presentation and an impressive amount of research conducted in countless national, provincial and municipal archives and libraries. To be sure, one can quarrel with Fitzsimmons’ eagerness to ascribe too much significance to the meeting. Might the meeting have to share the stage with the *Declaration of the Rights of Man and Citizen*? After all, that document was as much the old regime’s death warrant as was the Night of August 4. But, as Fitzsimmons understands, the National Assembly’s decision *prior* to August 4 to root the new constitution in a declaration of universal rights already meant “the model of privilege as the foundation of the polity would be breached” (p. 12).

Even sympathetic reviewers of Fitzsimmons’ *The Remaking of France* suggested that he painted an overly optimistic picture in that book of a nation loyal to the Assembly and enthusiastic about its new vision of the polity.[7] He has addressed those criticisms directly in the present work by focusing on the disillusionment and polarization caused by August 4’s logic of transformation. But despite the present book’s questioning of the success of revolutionary reforms and its emphasis on the discord fomented by August 4, Fitzsimmons still offers a spirited defense of the National Assembly at every turn. Not only did the National Assembly completely remake the French polity, it did so without coercion, thereby engineering “the most thoroughgoing, virtually bloodless revolution in history” (p. 221). At times, his defense of the Assembly seems stretched, as evidenced in the aforementioned quotation that the legislation on seigneurialism earned a “relative...(and) grudging acceptance.” The concept of a “relative acceptance” is too capacious and the standard of judgment too shifty for the phrase

to shed much light on the subject. On the whole, though, Fitzsimmons enumerates persuasively the National Assembly's liberal credentials.

To those influenced by François Furet and Keith Baker and who see the origins of the Terror in the Revolution's early culture and institutions, Fitzsimmons writes: "Scholars should recognize that the National Assembly differed from its successors in both its outlook and its actions" (p. 44). Ironically, Furet himself once stated that "the decrees of August 4 to August 11 number among the founding texts of modern France,"^[8] thereby suggesting that he would have agreed with Fitzsimmons' interpretation of August 4 as central to the Revolution. But while August 4 symbolizes for Furet the philosophical radicalism and rejection of the past that put France on the path to Terror, it represents in Fitzsimmons' engaging and important new book a laudatory event in the history of liberal ideals.

NOTES

[1] François Furet, "Night of August 4," in Furet and Mona Ozouf, eds., *A Critical Dictionary of the French Revolution*, trans. by Arthur Goldhammer (Cambridge, Mass.: Harvard University Press, 1989), p. 108.

[2] Michael P. Fitzsimmons, *The Remaking of France: The National Assembly and the Constitution of 1791* (New York and Cambridge: Cambridge University Press, 1994). In this earlier book he writes: "The critical turning point in this process was the night of August 4, 1789, when the National Assembly formulated a new ideal of the polity. The essence of this ideal was a conception of the nation itself as the source of equity, which led to the replacement of privileged corporatism by laws common to all" (p. xii).

[3] See Patrick Kessel, *La Nuit du 4 août 1789* (Paris: Arthaud, 1969) and Jean-Pierre Hirsch, ed., *La Nuit du 4 août* (Paris: Gallimard, 1978).

[4] John McManners, *The French Revolution and the Church* (New York: Harper & Row, 1969), p. 46. Cited by Fitzsimmons on p. 78.

[5] See, for example, Pierre Caron and Philippe Sagnac, *Les Comités des droits féodaux et de législation et l'abolition du régime seigneurial (1789-1793)* (Paris: Imprimerie nationale, 1907) and John Markoff, *The Abolition of Feudalism: Peasants, Lords, and Legislators in the French Revolution* (University Park: Pennsylvania State University Press, 1996).

[6] For a study of peasant noncompliance with and resistance to the legislation on seigneurial dues, see Jean-Noël Luc, *Paysans et droits féodaux en Charente-Inférieure pendant la Révolution française* (Paris: Commission d'Histoire de la Révolution française, 1984).

[7] See the reviews by Alan Forrest in *The Historical Review* 39 (September 1996): 807-811; Malcolm Crook in *The English Historical Review* 112 (February 1997): 219-220; and Gail Bossenga in *The American Historical Review* 101 (February 1996): 192.

[8] Furet, "Night of August 4," p. 112.

Anthony Crubaugh
Illinois State University
acrubau@ilstu.edu

Copyright © 2003 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. The Society for French Historical Studies reserves the right to withdraw the license for redistribution/republication of individual reviews at any time and for any specific case. Neither bulk redistribution/republication in electronic form of more than five percent of the contents of H-France Review nor re-publication of any amount in print form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France. The views posted on H-France Review are not necessarily the views of the Society for French Historical Studies. ISSN 1553-9172