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Who Owns Paris? Expropriating Proprietors in the Capital, from the Ancien Régime to the Revolution

Allan Potofsky

La propriété étant un droit inviolable et sacré, nul ne peut en être privé, si ce n'est lorsque la nécessité publique, légalement constatée, l'exige évidemment, et sous la condition d'une juste et préalable indemnité.

Déclaration de droit de l'Homme et du citoyen, article 17 (August 26, 1789)

The creation and sale of the *biens nationaux*, the land and properties seized, sold, or transformed for public use during the French Revolution, are a favored subject of historical study. The vast literature falls into two distinct categories. Historians have studied the *biens nationaux* as the Revolution's solution to the *ancien régime's* fiscal, monetary, economic and administrative crises. They were the vital means by which the National Assembly, starting in July 1789, assumed responsibility to reimburse the sovereign debt left by the *ancien régime*. They thereby secured the means to undertake revolutionary projects while dismantling the feudal institutions that shored up *ancien régime* society. Alternatively, a multitude of specialized histories underscore the deep socio-economic transformations resulting from the confiscation and sale of land upon regions, departments, municipalities, communes, and cantons. This historical research shows that middling to rich proprietors, many in urban areas, invested in these properties and successfully gained wealth at the expense of the Church, nobles, and landed magnates who had once stood at the pinnacle of the social pyramid. The *biens nationaux* permanently shook up the traditional socio-economic hierarchies, particularly in the elite spheres of urban and rural proprietors.¹

While a complex administrative history and many lacunae in the paper trail make the reconstruction of revolutionary property seizure and sale at auction elusive, historical studies generally point to the deeply transformative nature of the *biens nationaux*.² In all, eight

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¹ Bodinier, "La Vente des biens nationaux: Essai de synthèse," 10–11. Bodinier counted 740 studies published in French on the subject dating back to over two centuries. Béaur, *L'immobilier et la Révolution*.

² The actual practices of confiscations and sales were rarely consistent with the codified procedures as established by the *Code de l'administration et de l'aliénation des biens nationaux, rédigé par ordre de l'Assemblée nationale, approuvé par le comité d'aliénation des biens nationaux* (Paris, 1791).

separate laws expanding the scope of nationalization and sale were passed between 1789 and 1815, with the vast majority of auctions of properties taking place between 1791 and 1796. A persuasive estimate is that ten percent of land holdings changed hands throughout France, a remarkable upheaval in France's tenure. Between 500,000 and 700,000 citizens are known acquirers of *biens nationaux* during the Revolution. Over half of those buying at auction were urban dwellers, and over a third were large-scale farmers, though recent scholarship calls into question these all-too-tidy distinctions.³ Even if the social category, "bourgeois," might obscure the precise status of the class that benefitted the most from the turmoil of such a mass transfer of ownership, few historians have taken exception to Jean Jaurès' conclusion: the confiscation and sale at auction of nationalized property were crucial steps in the making of the French bourgeoisie.⁴

Much historical work on the *biens nationaux* focuses on the question of the rise of a rural bourgeoisie and focuses on the French countryside where property rights were overlaid by centuries of custom and law, often at odds with each other.⁵ Rafe Blaufarb enumerates many forms of these *ancien régime* properties and, while they are impressively diverse, they also superficially share rustic origins: "*seigneurie directe, seigneurie utile, emphytéose, allod, échange, engagement.*"⁶ But much *ancien régime* urban property – of much greater market value than its rural counterpart – was under feudal tenure.⁷ The tangle of feudal properties was officially abolished on the night of August 4, 1789; the seizure and eventual sale of ecclesiastical and royal property as *biens nationaux* started on November 8, 1790. In both moments, the predominant properties affected were in the countryside where over eight out of ten French citizens lived. Paris, then, where the Hôtel de Ville fire in 1871 consumed most historical documentation concerning the confiscation and sale at auction, is thus often absent from historical accounts of the *biens nationaux*.

This paper will demonstrate that, while the great mass of land seized and sold at auction were rural, "the most significant event in the Revolution" also transformed the state's relationship to urban centers and, most particularly, to Paris.⁸ Materially, the change in land tenure within Paris was massive. Over twelve percent of Parisian property was sold at auction as *biens nationaux* in the Revolution, including 505 structures seized from the Church and 587 from the aristocracy. Furthermore, 115 contractors and entrepreneurs – thirteen percent of those buying property at auction – purchased confiscated Parisian structures, suggesting a heavy investment by those with the ambition to transform their investment into new or renovated buildings.⁹ The transfer of this property was engaged in a particularly thorough manner. Confiscation and sales in Paris, with auctions taking place at the Hôtel de ville, were published in an almanac – *Journal de la vente de la vente des biens nationaux* – listing the family names of former proprietors, new acquirers, estimation of worth, price at sale, detailed description of properties, and, in the case of rental property, contractual obligations to current tenants. By these means the precise conditions of the transfer of tenants' contracts to new

³ McPhee, *Liberty or Death*, 90–91. For reviews of this historiography, see Ikni, "Biens Nationaux"; Jessenne, "Usages, équivoques et pertinence de 'bourgeoisie rurale'."

⁴ Jaurès, *Histoire socialiste de la Révolution française*. One collection that verifies the same conclusion is Jessenne, *Vers un ordre bourgeois*. Denying that a bourgeoisie existed in France is Maza, *The Myth of the French Bourgeoisie*.

⁵ Jessenne, "Usages, équivoques et pertinence de 'bourgeoisie rurale'."

⁶ Blaufarb, *The Great Demarcation*, xiii. Blaufarb concludes elsewhere that the early Revolution exposed that "feudalism was not a purely rural phenomenon." Blaufarb, "A Reassessment of the Abolition of Feudalism, 1789–1793".

⁷ Perluss, "Les institutions religieuses et la vie des quartiers à Paris au XVIIIème siècle".

⁸ Antoine, Bodinier and Teyssier, *L'évènement le plus important de la Révolution*.

⁹ Ducoudray, Monnier, Roche, Laclau, *Atlas de la Révolution française*, vol. 11, 22–23, 33. Lefebvre, *Etudes sur la révolution française*, 336.

owners and the disposal of moveable goods attached to the property were spelled out in relatively transparent form. Even as around half of all the nobility held onto their land through the Revolution, the ambition and scope of the project impresses today.¹⁰

Recent work has broadly reinforced the argument that the *biens nationaux* were a crucial innovation, one that, despite a painful birth and many crises, helped to dismantle feudal institutions while providing a foundational moment for the definition and creation of stable private property in post-revolutionary France. By deftly side-stepping arcane debates involving the socio-professional identity of acquirers, Rafe Blaufarb convincingly argues for the central place of the *biens nationaux* in the judicial and institutional “great demarcation” between public power and absolute private property right.¹¹ Also, Rebecca Spang conclusively demonstrates the crucial role of nationalized property in the creation of a political culture of capitalism. French society’s acceptance of a revolutionary form of hard currency, *the assignats*, was buttressed (for the most part) by relative confidence that its value reflected real national wealth based on the *biens nationaux*.¹² In both Blaufarb’s and Spang’s work, the *biens nationaux* represent a clean break with the past; their creation and sale at auction were the vital moment that determined France’s exceptional path in the movement toward socio-economic modernity.

They, in fact, agree with the very first American historian of the French Revolution, Thomas Paine. Under the Directory, Paine exalted the “tethered” nature of the revolutionary currency that he deemed deeply stable as it was fixed to the value of the *biens nationaux*. To Paine, the French republican economy – due to its solid basis in confiscated property – was much more transparent and equitable than the British economy. Great Britain under the monarchy causes “capital [to be] kept out of sight”.¹³ Financial shenanigans across the Channel function to enrich stockholders, speculators, and specie-hoarders. The *biens nationaux*, by contrast, made the French revolutionary *assignats* a “virtuous” revolutionary currency. France’s economic fundamentals, rooted in nationalized property and, therefore, real material wealth, flowed from the collective contribution of all French citizens. Paine’s broadside was published amidst rampant inflation, deflation, currency depreciation, forced loans from taxpayers, and other desperate expedients to save the revolutionary currency, which collapsed in March 1796. Yet, as a defense of the new socio-economic order, and especially as an apologia of the stabilizing effects of the *biens nationaux*, Paine’s analysis was so persuasive as to compel the Convention to translate and circulate his brochure as pro-Directory (and anti-British) propaganda.¹⁴

In contrast with Thomas Paine’s forward-looking revolutionary trajectory of the *biens nationaux* there were also many ways in which the confiscation and sale of elite-owned property simultaneously looked backward and forward. The *biens nationaux* thus pose a question to the very nature of revolutionary change. Is a clear and unambiguous “rupture” with the past the only criterion for revolutions? The creation of the *biens nationaux* was certainly a profound break with the ancien régime; above all, they delivered on the promise of the night of August 4, 1789, which started the process of dismantling noble land leases, titles, and offices. But the privatization of ecclesiastic property and the royal domain in what was known in 1790 as the *biens nationaux de la première origine* was not entirely without precedent. (The Revolution’s confiscation of the property of émigrés and other suspects, with the *biens nationaux de la seconde origine* starting in July 1792, unfolded in a different political context; namely, that of war, radicalization, and counter-revolution. These later

¹⁰ B.N.F. LC2-470. *Journal de la vente des biens nationaux* (13 octobre 1790–4 vendémiaire an IV).

¹¹ Blaufarb, *The Great Demarcation*.

¹² Spang, *Stuff and Money in the Time of the French Revolution*.

¹³ Paine, “Decline and Fall of the English System of Finance”, 661.

¹⁴ Potofsky, “Paine’s Debt to Hume?”

expropriations are beyond the scope of this study.) What Isser Woloch, in another context, called “the old regime inheritance of state tutelage” drove revolutionary-era nationalizations.¹⁵ What were the precedents for the Revolution’s seizure and sale of property on such a massive scale? The prehistory of revolutionary Paris’ experience with state operations involving expropriations was part and parcel of the Bourbon monarchy’s long search for a method to confiscate private property for public use.¹⁶ A legal struggle to assert the predominance of the state’s interests over that of its individual subjects, as well as that of intermediary administrative and corporative bodies, marked the end of the *ancien régime*. Procedures guiding the *ancien régime* state’s confiscation of private property were first elaborated in the century after the general revival of Roman law in the Renaissance. As formalized by Richelieu, in what came to be known as the Edict of Saint-Germain-en-Laye of February 1641, expropriations of individual proprietors were to be duly publicized by a royal *lettre patente* announcing the exercise of the “preemptive right.” This embodied the principle that the French state possessed the territory of the kingdom and, therefore, had a superior claim to the possessions and property of subjects in cases where public interest clashed with private ownership.¹⁷ As Ann Conchon demonstrates, one example of perpetual conflict over this “preemptive right” was that of rural road construction, an increasingly fraught affair in the eighteenth century; when wealthy proprietors virulently resisted the seizure of land to remake France’s transport network.¹⁸

Under the “*droit de preemption*,” the Crown had long confiscated and dismantled property in response to the ambition to create a national system of roads and canals. The same principle supposedly guided sovereign power in projects to rebuild cities. The challenge to reconstruct vast swaths of Paris was particularly acute at the end of the *ancien régime* for the capital not only grew in population – doubling from 380,000 to 660,000 souls between 1650 and 1790, in the most conservative estimates – but so did the size of the city, and in haphazard fashion, especially after the piece-by-piece dismantling of the city wall of Charles V in the seventeenth century. A result of population growth in the outer quarters was that the monarchy was incapable of defining the precise boundaries where the city ended and what was already known as the “banlieue” began. As David Garrioch shows, between 1650 and 1766, the Crown, the Parlement, and the municipality of Paris published fourteen edicts attempting to fix the extent of the city. In one project, 300 markers were established to mark the city limits in 1724 for purposes of collecting the *octroi* tax on most goods entering the city.¹⁹ Beyond Paris, scattershot urban growth throughout the kingdom compelled greater destruction of the fortifications that ringed 199 French towns, according to one national survey between 1765 and 1769.²⁰ The systematic razing of city walls was part and parcel of the long-term seventeenth-century “defortification” strategy to extend the power of the Crown and to undermine the corporate sovereignty of cities and towns.²¹

What happened to the Crown’s property once the walls were torn down, in Paris as was the case in Nantes, Lyon, Le Havre, Cherbourg, and other urban centers? Within the

¹⁵ Woloch, *The New Regime*, 427.

¹⁶ The vote in favor of the creation of the *biens nationaux* was 563 to 316 votes, with forty abstentions, Camus, “Décret du 2 novembre 1789 sur les biens ecclésiastiques.” In *Archives parlementaires de la Révolution française* (Paris, 1877), 649.

¹⁷ Greer, *Property and Dispossession*, 159.

¹⁸ Conchon, “Politique routière et indemnisation des propriétaires riverains en France à la fin du XVIIIe siècle.”

¹⁹ Garrioch, *The Making of Revolutionary Paris*, 127–128. On other schemes to limit the size of Paris, see Potofsky, “The Construction of Paris and the Crises of the Ancien Régime of the Parisian Building Sites”.

²⁰ The 199 French towns registered as *villes murées* in the period, 1765–1769 are listed in the. *Projet sur les villes murées. Etat des villes murées ou qui doivent être réputées telles dans l’étendue du Répons du Parlement de Paris*, fols 2–9: B.N.F.. *Joly de Fleury 1027*.

²¹ Mintzker, “The Dialectics of Urban Form in Absolutist France,” 27–28.

capital city, in order to create boulevards and new quarters, uncultivated land on the outskirts of Paris were alienated from the Maison du Roi, the king's domain. In theory, under Colbert, these lands were de facto partially privatized and became organized in subdivisions (*lotissements*) for sale and construction to proprietors and entrepreneurs.²² In practice, however, organizing the aftermath of the destruction of city walls was much more complex. Projects involving the alienation of properties within the Crown's domain, or projects that involved royal edifices in any form, had to undergo a complex procedure involving a hearing before the *conseil d'état*.²³ The *conseil* determined whether loans or new taxes would cover the financing, and, if so, it issued an *arrêt* to signify royal assent. A massive amount of formal bureaucratic procedures and paperwork were required for any act involving the alienation of royal property and the launching of urban projects. Bernard Lepetit estimates that 250,000 edicts concerning urban development were issued by the *conseil* during the reign of Louis XV. Such vast overreach assured that most of these edicts were dead letter.²⁴

With one fell swoop, article 4 of the law of November 8, 1790, creating the national domains that formed the corpus of the *biens nationaux*, eliminated the legal entanglements of the fortifications and city walls. The law nationalized the fortifications and city walls where they had fallen into disuse. Their dismantlement, and the division and sale of the land which they occupied, created opportunities for speculative investment in urban outskirts. Of course, nationalization only applied to the fortifications, moats, and ramparts no longer in use for defensive purposes. The cities and communities whose defensive infrastructure was manned by the military or police in the previous decade would continue to maintain them.²⁵

Here, a broader strategy of the *biens nationaux* becomes clear. The National Assembly's solution to the legal and financial logjam created by the Crown's defortification strategy was to incite building entrepreneurs, such as the colorful dismantler of the Bastille, Pierre-François Palloy, to purchase and take apart ruined fortifications to redeploy the material to fresh purpose. (In Palloy's case, some stones of the Bastille fortress were carved into souvenirs and sent to the mayors of major towns for public display.) Both the land and the material on the land would attract investors who thereby assured that nationalized real estate would help fill the state's coffers.²⁶ With the stipulation that recent usage constituted the grounds for maintaining recently built city walls, the almost-completed farmers-general wall ringing Paris, and the fifty-four tollhouses (*barrières*) designed by Claude-Nicolas Ledoux for the collection of the *octroi* tax, were maintained – for better or worse – as Parisian municipal property. These had been the first target of the crowd of 1789, which breached the wall in places and burned several tollhouses, in the days before the storming of the Bastille.²⁷

Beyond specific examples cited in the law creating the *biens nationaux*, such as outmoded city walls, what about other forms of public and private property in the new regime? Paradoxically, the principle of the social utility of private property guided revolutionaries in their conception of nationalization.²⁸ The critique of ecclesiastical and

²² B.N.F. Joly de Fleury 1027: *Projet sur les villes murées*.

²³ Barbiche, "Les attributions judiciaires du Conseil du roi."

²⁴ Lepetit, *Les villes dans la France moderne*, 108.

²⁵ Enjubault de la Roche and Chasset, *Décret sur la législation domaniale, lors de la séance du 8 novembre 1790*.

²⁶ Boucher, *Démolir la Bastille*.

²⁷ Gagneux and Prouvost, *Sur les traces des enceintes de Paris*, 138.

²⁸ See the innovative thesis by Callaway, "Revolutionizing Property: The Confiscation of Émigré Wealth in Paris and the Problem of Property in the French Revolution."

royal domains contrasted the dynamic potential of private property to the supposedly inert qualities of collective property. As François Alexandre, duc de La Rochefoucauld-Liancourt, the former president of the National Assembly and future liberal émigré to the United States, argued in the introduction of the project of the law on the *biens nationaux* of June 13, 1790 (and adopted on August 28, 1790): the right of the state to expropriate and then to privatize was determined by its capacity, in turn, to create and guarantee absolute private property right.

L'Assemblée nationale, considérant que l'aliénation des domaines dans la propriété privée est le meilleur moyen d'éteindre une grande partie de la dette publique, d'animer l'Agriculture & l'Industrie, & de procurer l'accroissement de la masse générale des richesses, par la division de ces biens nationaux en propriétés particulières toujours mieux administrées, & par les facilités qu'elle donne à beaucoup de Citoyens de devenir propriétaires, a décrété et décrète ce qui suit.²⁹

Putting private property in the hands of “many Citizens” was the solution to the nation’s political, social, and economic challenges. In the physiocratic categories close to the deputy Liancourt’s own concerns, private property alone was sufficiently “productive” to reimburse debt, to “stimulate” agriculture and industry, and above all “to increase the general mass of wealth.” Only private property, in sum, was deemed fully invested with public utility.³⁰

As a constitutional monarchist steeped in physiocratic ideas, Liancourt’s arguments for the creation of a national domain rested squarely on the multiplication of private proprietors as acquirers. His reasoning represents a sharp break with justifications for expropriations in the *ancien régime*. Before the Revolution, the state had greater recourse to claims of the equivalent of eminent domain. The right of the state to appropriate private property for public use was based on the Crown’s sovereign power as owner of the land of the kingdom.³¹ But the *ancien régime* sovereign increasingly saw its own claim to eminent domain undermined by heavy reliance on other corporate bodies to execute, to redo, or to adjudicate the Crown’s urban projects. To Liancourt, the revolutionary state’s right to appropriate ecclesiastical and royal property was therefore justified by its capacity not to serve the public directly but by its goal of creating productive private property. Social utility was best served by the founding of a prosperous nation of private citizens with land.

Liancourt’s exaltation of private property creation was a repudiation of royal state power. Elaborate procedures for the confiscation and sale of national lands in the law’s final form had undermined the Crown’s approach to expropriation. Scattered and diluted responsibility and oversight through a host of privileged authorities characterized the *ancien régime* state as builder. An original plan would emanate from the office of the Maison du Roi’s director, the keeper of the Crown’s and thus the nation’s property, which had ultimate authority over the project. The most significant office of this ministerial administration was the Bâtiments du Roi, Ponts et Chaussées. Its 150 employees were responsible for superintending, controlling, and repairing the Crown’s palaces, gardens, and buildings; and it also organized and supervised the labor force of public works projects. In 1747, the Ecole royale des ponts et chaussées was separated from the Bâtiments du Roi to train the engineers henceforth associated with major urban building projects. A cluster of urban entities,

²⁹ La Rochefoucauld-Liancourt, “Projet de décret sur l’aliénation de domaines nationaux à la municipalité de Paris, lors la séance du 13 June 1790,” *Archives Parlementaires de 1787 à 1860 - Première série (1787–1799)* Tome XVIII – Du 12 aout au 15 septembre 1790 (Paris, 1884), 209.

³⁰ “Projet de décret sur la vente des domaines nationales aux particuliers,” *Archives parlementaires*, 13 juin 1790, 208. Potofsky, “Emigrés et réfugiés de la Révolution française aux Etats-Unis.”

³¹ *Domaine eminent* in Paris is discussed by Monnier, “La notion d’expropriation,” 225–27.

including the Municipality of Paris, the Six Merchant Corporations, the Prévôt des Marchands and the Echevins, were charged with carrying out the logistical and financial arrangements and to respond to the letters and petitions of aggrieved Parisians, city-dwellers, proprietors and tenants alike. Adding to these heavy procedures, the sixty qualified venal *experts* of the *Chambre des bâtiments* were responsible for adjudicating the worth of expropriated property for indemnities. When a given project involved the construction of private building, the *Chambre* inspected the building materials, the contracts, the work of construction guilds, and approved the accomplished tasks, once achieved. The *Chambre*'s power was reinforced as the police of private Parisian construction in 1690, and it evolved through the eighteenth century into a housing authority, creating a relative equilibrium between the interests of proprietors, entrepreneurs, and construction guilds such as the Community of Master Masons. Its usefulness was so complete that it was a rare privileged corporation to survive the abolition of corporate bodies by the Loi Le Chapelier of June 1791; records of the *Chambre*'s adjudications exist through 1793.³² Finally, the last word about the viability of a project was often delivered in the form of a published judgment of the *Parlement* of Paris, which had the final say in contested cases, and often acted as a counter-power to curb the Crown's ambitions in urban affairs. The dense Parisian world of public and private construction featured fragmented and contradictory power-centers of privilege whose contentiousness grew as ever-larger mandates were farmed out to corporate and legal bodies.³³

The baroque universe of academies, guilds, the Paris Parlement, and royal ministries clogged up the process of expropriations for private and public building, particularly, after the mid-eighteenth century, when an indebted French state was forced into a financial retreat from public investments. The original act necessary to remake Paris – seizing and clearing property – was increasingly overlaid with opportunities for contestation. The prominent roles of such vital linchpins between the public and private spheres as freshly trained engineers of the *Ponts et chaussées*, lawyers and *parlementaires*, and the construction *experts* of the *Chambre des bâtiments*, each claimed to represent the vital interests of segments of the Parisian elite. The capacity of the Crown to expropriate and raze older structures was greatly constricted. In sum, what began as a Colbertist assault on the corporate governance of cities and towns, at the heart of the strategy of centralized absolutism, created ripe grounds for “an infinitude of contestation” in the second half of the eighteenth century.³⁴

The sluggish pace of erecting major public monuments in the capital exhibited the impact of dried-up funding. The amputation of most of the French Empire's American, Caribbean, and East Indian colonial possessions by the provisions of the 1763 Treaty of Paris ending the Seven Years' War deepened the precariousness of royal finances. Projects straddling the war and its humiliating outcome were egregiously slow to complete. The Eglise Sainte-Geneviève, started in 1754, and only completed in 1790 before being transformed into the Panthéon, was also the site of labor conflict partially provoked by irregular rhythms of work and pay, as well as a particularly harsh policy of labor discipline. Other prominent projects started after mid-century, such as a Place Louis XV (1751–72) and the Ecole militaire (1751–80), were mired in controversies stemming from murky financing,

³² Potofsky, *Constructing Paris*, 46–47.

³³ Carbonnier, “La monarchie et l'urbanisme parisien au siècle des Lumières”; Carbonnier, “Le déroulement d'un chantier parisien sous l'Ancien Régime.”

³⁴ The phrase “infinitude of contestation” comes from B.N.F. Joly de Fleury 557: fol 17. “Extrait des registres du parlement. Appelant d'une sentence rendue en la Chambre des bâtiments au Palais, le 15 Juillet (1785) [...] laquelle fixe le prix des journées à payer les Maîtres Maçons, Bourgeois et propriétaires, aux Tailleurs & Scieurs de pierres, Maçons, Limousins & Manouvres”.

the slowness of construction, the pharaonic nature of the projects, as well as the lack of accessibility to sites ever-further from the center. Construction techniques were virulently denounced by observers of Paris life such as the critic Louis-Sébastien Mercier and the bookseller Siméon-Prosper Hardy. The Crown was increasingly seen as hampered by grubby financial considerations; its projects were disfigured in their execution by horribly bad taste or disorderly construction technique, and, above all, from an anarchic and piecemeal approach to the city. The perception of royal disarray fed into a generalized discourse of *déclinisme*, a deeply politicized critique about the retreat of state investment due to timidity, enfeeblement, and corruption.³⁵

While crises in the construction of public monuments and *places* were reflected in intellectuals' debate about urban decline, the discredit of the monarchy was also manifested in questions involving the health and public safety of Parisians. Here the Crown suffered particularly in contrast to a certain "invented memory" of Louis XIV, as Voltaire had promoted. Once, Louis XIV had engaged in enlarging, cleaning, and realigning streets, constructing fountains, clearing and paving the quays. His legacy on urban matters was secure, even if based on shoring up the infrastructure of a smaller city with fewer inhabitants. In particular, of course, the Paris of the Sun King was spared the haphazard industrialization of the city, and its attendant problems such as new forms of pollution, which increasingly plagued the quality of life of eighteenth-century Parisians. Nevertheless, his legacy was repeatedly exalted in political commentary that contrasted the declining standard of living in the present with the golden age of the past.³⁶

The 1760s were marked by two public failures by the Crown to overcome legal obstacles to revitalize the capital. Anticipating the imminent French defeat in the Seven Years' War, a letter patent of November 25, 1762 outlined two related projects to facilitate the transport and storage of grain for the provisioning of Paris.³⁷ Clearly, the Crown's role as victualler needed urgent reinforcement on the eve of the loss of many colonies abroad. The first project was to create a new harbor in the Seine's Left Bank area around the Hôpital de Salpêtrière and the Jardin des plantes to ease the circulation of boat traffic bearing grain and other agricultural products from the north. By concentrating arriving ships bearing precious cargo in one area, the Seine's river traffic elsewhere would remain fluid. Further, this would allow for inspectors of the Paris Municipality to collect taxes, such as the *octroi*, with greater efficiency.³⁸ This project failed for many financial and technical reasons but only after the Crown secured property rights over the area, by paying close to 20,000 *livres* as indemnities to the proprietors of local wheat, barley, rye, and oat farms and clearing fifty *arpents* of land. Such profligate razing of valuable farmland provoked a rebuke from top to bottom of the Parisian social hierarchy. An undated complaint was submitted to the police signed by farm workers living in the Faubourg Saint-Marcel rendered destitute by the expropriation of their fields. The farmers, who signed as *laboureurs*, complained bitterly about delays of up to five years on promised compensation by the Paris municipality. In September 1767, the Paris *Parlement* weighed in. The legal court critiqued the choice of a site deemed unfit for harbor construction and situated too far from the city center. *Les Six corps des marchands*, speaking for the elite merchants of Paris, added their voice in condemning the project for its lavish

³⁵ Courtin, *Paris au XVIIIe siècle*; Harouel, *L'embellissement des villes*.

³⁶ Two years before Voltaire wrote *Le siècle de Louis XIV* (1751), he had contrasted the poor state of Paris in his own time with that of the previous century in "Des embellissements de Paris". See Levillain and Externbrink, *Penser l'après Louis XIV*.

³⁷ A.N. H2 2157, "Lettres patentes en forme de déclaration du 25 novembre 1762, portant établissement dans la Ville de Paris, d'une nouvelle Halle au Blés et d'une gare pour les bateaux."

³⁸ B.N.F. Joly de Fleury 1425. "Observations sur l'établissement d'une gare artificielle," Par les Six Corps de Marchands de la Ville et fauxbourgs de Paris n.d., fols. 47–48.

cost. In the end, the project ended in disarray when the Procureur général du Roi Dufranc, added to the cascade of critical reports in May 1768, in demanding that the project be abandoned.³⁹

The second related project launched by the Crown in 1762 to provision Paris was a joint private and public speculative adventure to create a circular and covered grain market on the western edge of the quarter of Les Halles. It was organized by the reputable royal architect and urban planning specialist, the *architecte-expert-bourgeois*, Nicolas Le Camus de Mezière (1721–93). Normally forbidden from engaging in entrepreneurship by his venal position of *expert*, purchased in 1750, and by his elite position as officer of the Parisian housing authority *Chambre des bâtiments*, Le Camus de Mezière had designed a circular *Halle aux Blés*, successfully built between 1762 and 1767. The plural form, *blés*, emphasized the project's ambition to provision Paris with a variety of grains for the health of Parisians and to assure an adequate supply in case of crop failure of one grain type. Le Camus' collaborators were the real estate investors and promoters, the frères Oblin. Well beyond the parameters of the site and gardens of the expropriated and destroyed Hôtel de Soisson, they paid to clear a section of Les Halles and constructed entirely new streets and apartment buildings in circular form around the grain market, thus creating an entire neighborhood whose center was the *Halle aux blés* itself.⁴⁰

However, upon the opening of the market and the sale of new-built buildings in 1769, a controversy broke out over the density of new construction surrounding the grain market. In 1783, the physiocratic *Journal économique* joined other critics in denouncing the packed and dense development as driven by "private greed." Due to lack of insufficient oversight over its own collaboration with speculators, the Parisian grain supply would be spoiled amidst the trapped air of enclosed and constricted streets, whose tall buildings all but guaranteed that polluted miasma would seep into the grain. The royal authorities had, once again, failed the public's health. Having launched the project through expropriations, the Crown was culpable for the construction vices of privileged officers, such as Le Camus, and his associates.⁴¹ The *droit d'expropriation* on the part of the Crown was increasingly seen as an open-ended engagement to a functional ideal city. The announced ambition of the *Halle aux Blés* was too vast for the state whose many interests were increasingly at complete loggerheads.

As demonstrated in the frustrated efforts to create a port and an environmentally sound grain market, the authorities were repeatedly hamstrung in efforts to renovate the capital city after mid-century. Improvisation, as Youri Carbonnier concludes, exposed the Crown's incapacity to expropriate land for construction on a major scale.⁴² Expropriations under the *ancien régime* were obstructed by the state's piecemeal and laborious approach. Every act of confiscation and compensation was preceded by royal edicts or letters patent spelling out formal procedures. Often, these procedures had little to do with previous acts of expropriation. The resulting disarray prepared the way for the Controller-General Turgot's edict of February 6, 1776. In anticipation of the suppression of guilds and masterships the same month, Turgot ordered that expropriation by the state entailed an "indemnity legitimately due to owners of immobile property (*les propriétaires d'héritages*) who are to be deprived of their property if the necessity of public service obliges them to give up their

³⁹ Joly de Fleury 1425. Construction d'une gare sur la Seine. (1762–1763) Opposition du Parlement à ce projet, fols. 47–48. "Mémoire pour les Laboureurs du fauxbourg Saint Marcel", fol 56. "Plan de la gare commencée dans la Plaine d'Ivry..." fol. 110. "Arrest du parlement du 4 septembre 1767," "Arrest du parlement du 4 septembre 1767," BNF, Joly de Fleury, fol. 62. "Observations sur l'établissement d'une gare artificielle," n.d.

⁴⁰ Deming, *La halle au blé de Paris, 1762–1813*, 37–47. Braham, *The Architecture of the French Enlightenment*, 107–109.

⁴¹ Wittman, *Architecture, Print Culture and the Public Sphere in Eighteenth-Century France*, 183.

⁴² Carbonnier, "Le déroulement d'un chantier parisien sous l'Ancien Régime."

holdings.” As if to add to the difficulties to confiscate and compensate for property, this edict simultaneously announced a form of eminent domain while creating an opening for greater claims to compensation for proprietors.⁴³ The immediate context was undoubtedly to assure members of the *corporations des arts et métiers* that masterships would be properly compensated after judgment of their value. The 1776 edict also paved the way for the abolition of the *corvée*, as Ann Conchon demonstrates, whereby the financial burden of the creation of infrastructure was to be imposed on users through indirect poll taxes. Finally, the reform theoretically would incite municipal and royal authorities to establish procedures for calculating a “legitimate” recompense for property by which the Crown, or, the municipality standing as a proxy for royal power, appropriated private land and buildings in a transactional exchange.⁴⁴

Turgot’s reforms raised a set of essential questions: What amount of compensation could legitimize an expropriation? Is the value of property determined by its market value alone, as suggested by the term, a “fair” (*juste*) indemnity? How would the real obstacle to wide-scale operations of urban clearance and renewal – the lawsuit – be avoided? By adding a further layer of protection for urban and rural proprietors to safeguard their property against state encroachment, Turgot’s impact aggravated the very problems it was meant to address.

At the end of the *ancien régime*, the last of the Crown’s attempts to expropriate Parisian proprietors on a massive scale for an urban rehabilitation project exposed the limits of the powers of the sovereign. It was spearheaded by Louis-Auguste Le Tonnelier, le Baron de Breteuil (1730–1807), named director of the *Maison du Roi* in 1783. Breteuil, a former ambassador and future prime minister (infamously nominated only a hundred hours before the taking of the Bastille), brought fresh attention to the question of urban clearance and to the state’s right to expropriation. He ordered the razing of older structures and the redeployment of cluttered land for the purposes of the renewal and “rationalization” of urban space. In rehabilitating the quarter of Les Halles with the closing of the Cimetière des Innocents after 1785; the clearing of four of the Seine’s bridges of intrusive habitations between 1786 and 1789; along with an aborted project to move the Hôtel Dieu from the city center, Breteuil had already seen that expropriation under the *ancien régime* became an expansive tool to rehabilitate insalubrious or congested quarters. *Embellissement*, above all, meant destruction.⁴⁵

How, under Breteuil, was expropriation handled? He sought to impose a state’s privilege over property in the kingdom as a form of eminent domain: the state enjoyed sovereignty over the entire nation’s territory and over all private and particular interests on behalf of the public good.⁴⁶ He applied this principle to his most ambitious project of *embellissement*: to revive an older plan that had remained a dead letter since 1769. In that year, Paris’ chief architect, the *maître des bâtiments de la ville*, Pierre-Louis Moreau-Desproux, published a design to enlarge the parvis of Notre Dame, to rebuild the places in front of the Eglise Saint-Eustache and the Palais-Royal, and, above all, to transform the quays and bridges of the Seine. Most crucially, the Moreau-Desproux plan proposed to clear the Seine’s major bridges of all houses and shops to incite greater circulation of street traffic through the center of the capital. For the following sixteen years, the plan remained on hold

⁴³ Monnier, “La Notion d’expropriation au XVIIIe siècle d’après l’exemple de Paris,” 229.

⁴⁴ Conchon, “Politique routière et indemnisation des propriétaires riverains en France à la fin du XVIIIe siècle.”

⁴⁵ Despite his importance, there are few studies of Breteuil: Munro Price, “The ministry of the hundred hours: a reappraisal.”

⁴⁶ Monnier, “La notion d’expropriation,” 234–35.

due to an absence of funding.⁴⁷ But thanks to a loan of thirty million *livres*, obtained by the Paris Municipality in 1785, Breteuil executed parts of the Moreau-Deproux plan, concerning in particular, the Seine and its bridges.

Toward that end, the Crown's edict of September 1786 established an elaborate procedure of expropriations. The value of each property would be determined by an inspection organized by the Ville de Paris, among a stable of *experts* drawn from the *Chambre des bâtiments*, to determine the price of the indemnities. In the case of a disagreement between the proprietor and the municipality, each could nominate a third expert, as required by title 21, article 13, of the Ordinance of 1673, whose pronouncement on the worth of a property would be final. Thus, by the terms of the 1786 edict, an "invented tradition" of procedural indemnities, previously respected in the breach, would now be respected to the letter. The principal basis for expropriations, as declared in Breteuil's order expelling the occupants of the Pont Saint-Michel, Pont au Change, the Pont Notre-Dame, and Pont Marie, was to exercise the state's prerogative to further the common interest of the citizens and public commodity ("la reprise d'utilité public"). While the minister of the Maison du Roi succeeded in his project to clear the bridges of habitations, the proprietors of shops on the Pont Notre-Dame, the only bridge where the structures were owned and leased by the municipality, succeeded in tying up the procedure through lawsuits until 1809.⁴⁸

The argument for expropriation and expulsion was on behalf of the "*embellissement* of the capital, and above all to improve the salubrity of the air whose flow is intercepted by the height of the buildings erected on the bridges."⁴⁹ The order, echoing the need for urban renewal, deftly wielded the *déclinistes'* hygienic discourse to justify razing on a mass scale. Breteuil was clearly influenced by his correspondence with many members of the Academy of Science, particularly, his close associate and first mayor of Paris in the Revolution, Jean-Sylvain Bailly, in applying neo-Hippocratic discourse to urban clearance.⁵⁰

While Breteuil succeeded in his project of expropriation and destruction of the structures constricting traffic on the bridges – which totaled around 300 inhabitants, undoubtedly, as Hubert Robert's contemporaneous paintings attest, a deep social trauma⁵¹ – he failed to complete a related project: the elimination of an entire street next to the Pont aux Changes, the now-destroyed rue Pelletier on the northern part of the Ile-de-la-Cité. In response to the Paris *Parlement's* dire warning in a judgment of 1756 condemning the poor state of the Seine's crumbling infrastructure, a series of projects to create a new quay in place of the street was launched at the end of the *ancien régime*.⁵² Procedures to expropriate with

⁴⁷ Moreau-Desproux, *Plan général des différents projets d'embellissements les plus utiles [sic]*. Vuafart, "Les Embellissements de Paris proposés par l'architecte Moreau en 1769".

⁴⁸ Archives nationales H 2167 "Liquidations et adjudications des maisons abattues en consequence de l'edict de 1786, 1785–1789", 14 aout 1785: "Échevins de sa bonne ville de Paris, laquelle porte que désirant concourir, autant qu'il est en eux, aux intentions connues de Sa Majesté de supprimer les maisons qui occupent les parties latérales des ponts de cette ville, à l'effet d'éviter à l'avenir les malheurs dont on n'a eu que trop d'exemples, et auxquels sont exposés les habitants de ces maisons la plupart caduques, procurer en même temps l'embellissement de la capitale, et surtout pourvoir à la salubrité de l'air, dont le courant se trouve intercepté par la hauteur des bâtimens construits sur les ponts..." Fait au Conseil d'État du Roi, Sa Majesté y étant, tenu à Versailles, le 14 août 1785.

⁴⁹ A.N. H 2167 "Liquidations et adjudications des maisons abattues...". For a precise analysis of the proceedings, see Lyon-Caen, "Un prix sans aménité."

⁵⁰ Carbonnier, "Les maisons à ponts parisiens à la fin du XVIIIe siècle"; Price, *The Fall of the French Monarchy*, lxvi.

⁵¹ On Breteuil's and Hubert Robert's intermingled careers, see Dubin, *Futures and Ruins*, 134–35.

⁵² The cadence of inspections of the Seine's quays were mandated after the publication of "Arrest de la cour de Parlement, 11 Mars 1756 qui condamne les Prévôt des Marchands & Echevins de la Ville de Paris à faire faire incessamment, aux frais & dépens de la Ville, toutes des Réparations à faire aux Quais d'Anjou & d'Aleçon de l'Isle Saint-Louis," B.N.F. Joly de Fleury 1421, fol. 85–87.

indemnities twenty-four proprietors were launched between 1786 and 1789 in order to clear the area and to protect against periodic flooding. A lawsuit was brought by fourteen of the twenty-four *teinturiers* (dyers), whose ateliers were to be sacrificed along with the immovable tools of the trade, including copper boilers and expensive ovens to prepare the dye. The indemnities of all proprietors on the street were calculated based on the price of their houses, not including the tools and workspaces, located directly on the Seine to give the dyers easy access to water.⁵³ The *teinturiers*, as Nicolas Lyon-Cahn demonstrates, most often resorted to a third expertise and, in the process, gained systematically between three and twenty-five percent for their houses as well as a further delay of several weeks. At the same time, the dyers flooded the Paris municipality with petitions against their expulsion. One claimed that as a result of their forced removal, no fewer than “14 – 15 000 citizens will be deprived of work,” from hatters to saddle-makers to textile workers, particularly dependent on the deep red color they procured using products from Saint-Domingue. They had a sure sense of their place at the heart of an inter-connected Parisian and global economy of luxury.⁵⁴ The result of years of litigation was a legal stalemate, in which the municipal-based aldermen recognized the artisans’ claims but the *Conseil d’état* held firm against further indemnities beyond their houses. A manuscript source of June 1793 indicates that further inconclusive litigation had continued well into the Revolution.⁵⁵

As Isabelle Backouche shows, the resolution to the conflict was the legislation of December 1, 1790 sweeping away the legal ambiguities surrounding the Seine. Revolutionary legislation clearly defined the Seine as a part of the national domain as opposed to the quays that were henceforth municipal property. The Revolution, for once and for all, put the legal jurisdiction of the quays under the bailiwick of the city of Paris.⁵⁶ The judicial impasse between the state and proprietors became an apt metaphor for the Crown’s failed project of *embellissement*: to remake vast swaths of the center of Paris with rapidly deteriorating finances and diminishing political authority.

In the drawn-out case of the Parisian *teinturiers* against the Crown’s and later Municipality’s authority, a complex alliance, or what might be more aptly called a lobby of guild masters and new industrial elites, collaborated to block the initiative to incorporate the space occupied by the rue de Pelletier to the Seine’s quays. The dyers’ petitions pleaded for the preservation of a startling array of industrial equipment, particularly laboratories and large-scale ovens, which a more ecologically conscious epoch might have even seen as aggravating the case for their removal from the city center.⁵⁷ Their case tells us how new forms of private industrial property, particularly in sectors tied to chemistry, stone quarries,

⁵³ A.N. H2167. “Suppression des Maisons de la rue de la Pelletier. 18 avril 1788. Extrait des registres du conseil d’Etat Des dispositions et les réquisitions à faire par les prévôt des marchands et échevins des maisons de la rue de la Pelleterie, sur le bord de la rivière, doivent comprendre la totalité des bâtiments quand bien même il n’y en aurait qu’une partie absolument nécessaire pour la formation du quai, parce que après les vérifications qu’on été faites, il a été reconnu qu’attendu la construction très irrégulière des maisons, le défaut de profondeurs de plusieurs, l’inégalité de hauteur des étages correspondant à la différence de longueur des faits, il serai impossible d’éviter des résultats désagréables et mesquins et dobtenir des dispositions, utiles commode et d’un ordre régulier, si l’on ne détruisent pas en totalité tous ces bâtiments....”. See also Lyon-Caen, “Un prix”.

⁵⁴ The vast majority of complaints cited classic forms of destitution. “Nos ateliers sont pour nous, de véritables propriétés. Il sont nos patrimoines, ils nous fournissent et a nos familles notre subsistance, et nous les enlever sans nous indemniser, c’est nous reduire à l’indigence.” A.N. H 2167. “Suppression”.

⁵⁵ Bibliothèque historique de la ville de Paris, Ms 37, “Etats des maisons sur les ponts et les bordes de la rivière dans Paris détruite en exécution de l’édit de septembre 1786”

⁵⁶ Backouche, *La trace du fleuve*, 226–44.

⁵⁷ “En effet, leur existence dépend de la situation de leurs ateliers et de la stabilité de leurs laboratoires, les chaudières en maçonnerie, les fourneaux, les cheminées, les tuyaux de communication, dont la construction est si dispendieuse, tombe en pure perte en déplacement.” A.N. H2 2167, *Requête des teinturiers de la rue de la Pelleterie au Baron de Breteuil, janvier 1788*.

and metallurgy in the center, northeast, and to the south of Paris – as well as the industries associated with the Seine – deeply complicated the task of the Crown to control urban ills. Historians Thomas Le Roux and Sabine Barles have demonstrated that early manufactures empowered new technological interests to escape the policing power of central authorities; for example, by brazenly constructing hazardous ovens in tightly packed northern residential neighborhoods in the 1770s and 1780s. This “new alchemy of nuisances,” as Le Roux puts it, defied the authorities’ efforts to expel chemical-producers, laboratories, large-scale workshops, and even manufactures outside ill-defined city limits.⁵⁸ Quotidian problems arising from the proliferation of hazardous artisanal activities on waterways and the periphery (tanning on the now-disappeared Bièvre tributary, chemical production in northeast quarters, and stone quarries in Montmartre, the Buttes-Chaumont, Pantin, Belleville, and Ménilmontant) added to the political crises in generating a sense of sustained crisis in Paris.⁵⁹ More troubling were new forms of hazards such as homes collapsing into abandoned quarries and even, famously, basements collapsing from the stress of putrefied corpses in such overused cemeteries as the Innocents. Eyewitness accounts at the end of the *ancien régime* converge on the poor quality of air, water, and soil in Paris of many quarters: they were characterized as a miasma of nasty chemicals, detritus, and industrial waste. Urban centers – especially the capital of the empire – thus suffered acutely from the retreat of the state from crafting a coherent urban policy, and the forced surrender of a legal arsenal of expropriating, zoning, and clearing. The urban ills faced daily by all but the most privileged Parisians formed the context by which *embellissement* became an unattainable idyll and an idealized discourse.⁶⁰

Despite the innovations of the “new police” in the era of reform leading to the Revolution, the capacity of recalcitrant proprietors and industrial interests to resist, by the lawsuit and the petition state expropriations, in the name of the public good only grew in proportion with efforts to reform. The sweeping nationalizations of ecclesiastic and royal properties starting in 1790 thus allowed for a sweeping clarification and expansion of the *droit d’expropriation*. As developed in the legislative debate, and particularly in the final motion by Talleyrand and Mirabeau adopted on November 2, 1789, the *droit d’expropriation* toppled the precarious judicial legacy of twenty-two years of litigation following Turgot’s original reform promising a “fair” indemnity for any and all expropriated proprietors.⁶¹ In sum, the *biens nationaux* greatly enlarged the state’s prerogative to expropriate but only in order to create, as La Rochefoucauld-Liancourt put it, many new proprietors as acquirers of the new regime. In urban affairs, the Revolution was thus a key moment in a larger continuum. Starting with Turgot’s 1776 reform guaranteeing all expropriated proprietors a fair indemnity, a long process simultaneously limiting and defining the state’s prerogatives on urban matters, was eventually transformed into a tradition of eminent domain in the Second Empire. The Revolution’s successful experiences with the *biens nationaux*, in cutting the Gordian knot created by conflicts within the many forms of privilege and privileged bodies of the *ancien régime*, were thus a mere prologue to the state’s claim of an absolute prerogative in matters of urban expropriation, expulsion, clearance, and rehabilitation.

⁵⁸ Barles, *La ville délétère*; Le Roux, *Le laboratoire des pollutions industrielles*.

⁵⁹ B.N.F. Joly de Fleury 1427, fols. 172–73 “Déclaration du roi concernant la police des carrières des environs de Paris.” 5 sept 1778.

⁶⁰ Potofsky, *Construction*, 105

⁶¹ Both the *Déclaration de droit de l’homme et du citoyen* and the first law on the *biens nationaux* specify that indemnities must be made prior – “préalable” – to expropriation. This banned the *ancien régime* practice of ceding indemnities only at the moment where the proprietor departs from the premises, which led to much litigation and, as Balzac shows us, to many ruined families.

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