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## Property Rights and State Planning:

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**PROPERTY RIGHTS AND STATE PLANNING :  
THE LEGACY OF LOUIS XIV'S MONUMENTALISM IN XVIII<sup>th</sup> PARIS**

Nous possédons dans Paris de quoi acheter des royaumes, nous voyons tous les jours ce qui manque à notre ville et nous nous contentons de murmurer. On passe devant le Louvre, et on gémit de voir cette façade, monument de la grandeur de Louis XIV, du zèle de Colbert, et du génie de Perrault, cachée par des bâtiments de Goths et de Vandales<sup>1</sup>.

Voltaire, *Embellissements de Paris*, 1749

***Embellissement in Enlightenment Theory***

Voltaire's *Embellissement des villes* spins a narrative of urban degeneration after the epoch of Louis XIV, contrasting the grandeur of construction under his regime to the « vandalism » of subsequent building. Voltaire's account is, of course, familiar to eighteenth-century urban historians as it was a leitmotif of the Enlightenment : the architectural monumentalism of Louis XIV was a handy foil to *déclinists* through the end of the *ancien régime* who wished to contrast the ambition of Versailles to the pockets of poor construction in the heart of the capital. Furthermore, Paris' supposed decadence – reputedly worthy of comparisons to classical Rome at the beginning of the century and to a mythological Babylon by century's end – was not merely about mortar and brick. Eighteenth-century *déclinisme* was also intimately connected to broader social issues. Critics and commentators denounced not only poor building practices and an utter lack of proper urban planning, but portrayed these as the cause of degraded living conditions of ordinary Parisians whose quality of life was seen as spiraling downward toward the end of the *ancien régime*.

The sequence of events was oft-repeated. Once, there had been the monumental construction under Louis XIV, the Collège des Quatres Nations, the Place des Victoires, the place Louis-le-Grand, the Pont royal, the Hôtel

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<sup>1</sup> *Des embellissements de la ville de Cachemire*, in *Œuvres complètes de Voltaire*, éd. Ulla Kölvig et alii., Genève, Oxford, Voltaire Foundation, 1968, t. XXXIB, p. 235-261.

des Invalides, the porte Saint-Denis and the porte Saint-Martin. Once, under Louis le Grand, there had been a unified vision of how Paris ought to look, institutionalized by Colbert's creation of the Royal Academy of Architecture in 1671. Once, the Sun King had mobilized and committed enormous resources, again, at the urging of Colbert, to reinvent provincial French cities by the multiplication of *places* to celebrate imperial « grandeur ». Once, Louis XIV had engaged in enlarging, cleaning, and realigning streets, constructing fountains, clearing and paving the quays. Now, as this recurrent narrative of degeneration claimed, Paris was abandoned by Louis le Grand's less-ambitious successors to the speculative and haphazard construction driven by private interests. With the notable exception of a few projects started and completed after the mid-eighteenth century such as la place Louis XV (the future place de la Concorde), the École militaire, or the église Sainte Geneviève (the future Pantheon), which took almost a half century to complete, private and public construction was constrained by grubby financial considerations, disfigured by horribly bad taste or poor construction technique, and above all, by a totally anarchic and piecemeal approach to the city. Voltaire's « Vandals » and « Goths » were the proprietors, speculators, or promoters of cheap and disorderly construction, virulently denounced by later observer of Paris life such as the critic Louis-Sébastien Mercier and the bookseller Siméon-Prosper Hardy. A commonplace in writings about Paris was denunciations not only of the degradation of the capital city's architecture but also of the men who were enriched by the absolutist state's dwindling capacities to appropriate and raze, develop and build, new urban areas<sup>2</sup>.

This chapter will explore ways in which the memory and legacy of Louis XIV's reign influenced the terms of the great debate about urban life in Paris, the capital city of the Empire. A critique of the perceived anarchy of Paris was articulated in a political discourse that honed in on the supposed decadence of a Crown which had lost control of the Empire's major urban centers. But, as will be shown, what was portrayed in the aftermath of Louis XIV's reign as the enfeeblement of centralized power in urban matters was in fact two separate and distinct forms of devolution. First, the eighteenth-century debate about cities involved perspectives and criticism drawn from

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<sup>2</sup> Nicolas Courtin, *Paris au XVIII<sup>e</sup> siècle. Entre fantaisie rocaille et renouveau classique*, Paris, Parigramme, 2013. Bernard Lepetit, *Les Villes dans la France moderne (1740-1840)*, Paris, Albin Michel, 1988. Jean-Louis Harouel, *L'Embellissement des villes. L'urbanisme français au XVIII<sup>e</sup> siècle*, Paris, Picard, 1993. On examples of the enrichment of speculators, promoters and developers : Allan Potofsky, « Paris on the Atlantic from the Old Regime to the Revolution », *French History*, 25, March 2011, p 89-107.

a wide range of Enlightenment-era voices, such as that of Voltaire, who were neither traditional specialists in urban matters nor state actors. And, second, the power to intervene in urban development issues in the eighteenth-century comprised many more members of civil society than had been the case, for example, at the moment of the founding of the Royal Academy of Architecture under Louis XIV. In sum, a multitude of new actors in the eighteenth century were engaged in re-imagining, in lobbying for, and (although with less follow through) in actually constructing a more coherent and harmonious capital city<sup>3</sup>.

Condemnations of the supposed decadence of Paris in the aftermath of Louis XIV were, in fact, a demand for greater urban planning, reform, expansion, and an untranslatable process known as *l'embellissement de la ville*. As proposed in Diderot's and d'Alembert's *Encyclopédie*, in the article « Ville » by the versatile Louis de Jaucourt published in its first edition of 1751, to « *embellir la ville* » was an elusive ideal to transform the life of city-dwellers by recalibrating and remaking the urban environment. Jaucourt proposed an urbanist's idea of the harmonious relationship between the city and its inhabitants by the imposition of harmonious facades, rational proportions of streets to building size (and vice-versa), and the multiplication of public squares<sup>4</sup>. *Embellissement*, or in contemporary shorthand, urban rehabilitation, meant in the eighteenth century the creation and policing or administration of infrastructure, the alignment of streets, the harmonization of facades, the providing of a continuous supply of water, as well as the construction of majestic *places* and monuments. By mid-century, as we will see, the term had taken on a mystical aura, meaning to transform the city to restore a lost civic harmony by granting the subjects and *citadins* greater

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<sup>3</sup> Allan Potofsky, *Constructing Paris in the Age of Revolution*, Basingstoke & New York, Palgrave Macmillan, 2012, especially, chapter 1, p. 22-62.

<sup>4</sup> Pour qu'une *ville* soit belle, il faut que les principales rues conduisent aux portes ; qu'elles soient perpendiculaires les unes aux autres, autant qu'il est possible, afin que les encoignures des maisons soient à angles droits ; qu'elles aient huit toises de large, & quatre pour les petites rues. Il faut encore que la distance d'une rue à celle qui lui est parallèle, soit telle qu'entre l'une & l'autre il y reste un espace pour deux maisons de bourgeois, dont l'une a la vue dans une rue, & l'autre dans celle qui lui est opposée. Chacune de ces maisons doit avoir environ cinq à six toises de large, sur sept à huit d'enfoncement, avec une cour de pareille grandeur : ce qui donne la distance d'une rue à l'autre de trente-deux à trente-trois toises. Dans le concours des rues, on pratique des places dont la principale est celle où les grandes rues aboutissent ; & on décore ces places en conservant une uniformité dans la façade des hôtels ou maisons qui les entourent, & avec des statues & des fontaines. Si avec cela les maisons sont bien bâties, & leurs façades décorées, il y aura peu de choses à désirer. Louis de Jaucourt, *Ville, Encyclopédie ou Dictionnaire raisonné des sciences, des arts et des métiers*, Neuchâtel, Samuel Faulche & C<sup>ie</sup>, 1751, t. XVII, p. 277.

mobility, access, cohesion, and above all, restored health and hygiene<sup>5</sup>. A rich historical literature on the *embellissement* of the capital emphasizes the gradual technical mastery of the city environment, supposedly culminating with the « Haussmann moment » in the second half of the nineteenth century, and the sweeping triumph of industrial technique – for example, to build sewers, rental apartments, and infrastructure in more efficient manner – over urban ills. The wholesale razing of working class quarters in the city, and the forced expulsion of their inhabitants toward the city's outskirts, were the cost of bringing order to the untidy social organization of Paris<sup>6</sup>. This teleological narrative, however, ignores the complexity of modernization in the eighteenth century which started to implement the ideals of Parisian urban renewal, albeit in an hesitant manner. Ideologically, the call for reform emerged from the critique of urban anarchy and expressed a vision of a coherent and harmonious civic order. Institutionally, the Bourbons after Louis XIV empowered previously subordinate « pillars of monarchy » – the Paris *Parlement*, proprietors, guilds and municipalities – who shared the responsibility to adapt the city of Paris to greater traffic, population density, sewage, industrial waste, and other everyday threats to the wellbeing of its inhabitants.

The concept of the *embellissement de la ville* was pioneered and popularized in the writings of the architect and entrepreneur Pierre-Alexis Delamair (1676-1745) whose notable creations were the Hôtel de Soubise and Hôtel de Rohan, after 1808 the site of the Archives nationales and Imprimerie nationale. Delamair was an architect, contractor, and theoretician, whose advocacy of the large-scale demolition of older, poorer structures to be replaced with public spaces, aimed not at piecemeal reform but at a radical transformation of the inner city with the objective of opening Paris to greater « circulation » by a more rational ordering of the inner city. Several of his works circulated widely in manuscript form and were deeply influential in creating a new vocation for architects : that of the visionary critic whose most spectacular designs were intended not merely to « embellish » but also to encourage a civic culture and morality among city-dwellers. As boldly announced in the title of one text, completed in 1737, Delamair did not hesitate to critique the conservatism of traditional municipal elites who he saw as systematically opposing urban reforms. A frontal attack on the town

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<sup>5</sup> Daniel Rabreau, « Architecture, Urbanisme », in Dictionnaire européen *des Lumières*, Michel Delon (éd.), Paris, PUF, 1997.

<sup>6</sup> For a summary of the debate on Haussmannisation before Haussmann : La modernité avant Haussmann. Formes de l'espace urbain à Paris, 1801-1853, Karen Bowie (éd.), Paris, éditions Recherches, 2001.

council situated in the Hôtel de Ville included a plan for transforming the old Renaissance structure and the displacement of most of its functions to a new structure on the Pont neuf, the first Parisian bridge built without houses and shops<sup>7</sup>. Thus, the provocative title of Delamair's plan announced a polemic against the lobbies of timeworn Parisian elites, namely, the merchants and aldermen (« *contre les prévost des marchands et échevins de la ville de Paris* ») dominating municipal politics. Delamair's project was a thinly-veiled attempt to dilute their function by forcing them to move out of the Hôtel de ville altogether. It would be reprised by other architectural critics such as Pierre-Louis Moreau who, in 1769, also proposed a plan for a new Parisian city hall<sup>8</sup>.

Among other projects proposed by Delamair and developed by subsequent advocates of Parisian *embellissement* was the wholesale razing of the insalubrious neighborhoods of the center and the unification of the three islands of the Seine : the Île du Palais (de la Cité), the Île Notre Dame (St Louis), and the Île Louvier to create the « Île de Paris<sup>9</sup> ». Delamair's calls for rebuilding the center of Paris was also developed in a manuscript appropriately called *Le Livre des Embellissements*, now disappeared. The ambition to rehabilitate the capital on a phantasmagoric scale would resonate among architects and urban critics through the next century and a half and is a striking example of an embryonic form of « Haussmanisation before Haussmann<sup>10</sup> ». Delamair's daring perspective would be often cited in the great debate elaborated by subsequent advocates of *embellissement*, including Marc-Antoine Laugier, Pierre-Louis Moreau, Pierre Patte, Charles Wailly, and Antoine Tournon, for whom the association of « to beautify » and « to

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<sup>7</sup> Pierre-Alexis Delamair, *La pure vérité, ouvrage d'architecture, en forme de requête au roy pour Pierre-Alexis Delamair, architecte à Paris, contre le prévost des marchands et échevins de la ville de Paris ; avec la seconde partie contenant l'expédient pour faire graver et imprimer son livre des Embellissements de Paris*, 1737. Bibliothèque de l'Arsenal, Ms 3054. f. 31 : *21 projets pour l'embellissement de Paris*, f. 33 : « *5e projet avec la suppression des maisons sur les ponts*, f. 39 : *dégagement et décoration du quartier de la Cité* ».

<sup>8</sup> Michel Gallet, *Les Architectes parisiens du XVIIIe siècle*, Paris, éditions Mengès, 1995, p. 177, 317.

<sup>9</sup> Delamair, *Plan pour démontrer la meilleure situation du nouvel hôtel de ville, par Delamair en 1738*, Bibliothèque de l'Arsenal, Ms 2912.

<sup>10</sup> Ideas inspired by Delamair's projects are found in perhaps the last major project of the *ancien régime* for the *embellissement* of Paris, published in 1789 : Antoine Tournon, *Moyens de rendre parfaitement propres les rues de Paris, ainsi que les quais, places, cul-de-sac, ateliers, cours, allées, manufactures, halles & boucheries, avec l'avantage de rétablir la salubrité ... faire l'application de ces mêmes moyens dans toutes les villes, bourgs & autres lieux du royaume*, Paris, 1789. Nicholas Papayanis, *Planning Paris before Haussmann*, Baltimore, Johns Hopkins University Press, 2004.

circulate » became the central metaphor for movement in the city of not just air, but traffic, people, light, water, goods, and ultimately even financial capital<sup>11</sup>.

The chronic need for urban *embellissement* was the leitmotif of the corrosive discourse on the supposed « ungovernability » of Paris after Louis XIV. While the favored mode of expression of Delamair and other early advocates of rehabilitation focused on aesthetics and technique, and avoided explicit political critiques, the focus on the capital's decay after Louis XIV implied an association between aesthetic corruption and political decadence. It was thus crucial to Delamair's vision to remake Paris that he begin with the dismantling of municipal power centered in the Hôtel de ville. In the first half of the eighteenth century, the source of the blockage of major projects to fix Paris' problems was supposedly within the municipality and its dense network of local notables and corporate elites. They had illicitly usurped the political will of the Crown. Later, however, we will see that attacks on the *immobilisme* of the state focused on the Crown itself. Thus, Mercier in the waning years of the *ancien régime* argues that :

Les grandes villes sont fort du goût du gouvernement absolu. Aussi fait-il tout pour y entasser les hommes ; il y appelle les grands propriétaires par l'appât du luxe et des jouissances ; il y précipite la foule, comme on enclave des moutons dans un pré, afin que la gueule des mâtiens ayant une moindre surface à parcourir, puisse les ranger plus facilement sous la loi commune. Enfin, Paris est un gouffre où se fond l'espèce humaine [...]<sup>12</sup>.

Over the second half of the eighteenth century, the « absolutist government » increasingly came under criticism for devolving authority over urban issues to « large proprietors », and their proxy agents, in an era of explosive growth in the population.

Thus, the calamitous effects of massively disorganized private development increasingly exposed the structural weaknesses of the French composite monarchy. The breakdown of the state in urban matters was increasingly evident to the inhabitants of cities and, especially, to observers of life in Paris as the capital of the empire. The eighteenth-century was characterized by rapid growth without development, where flourishing population growth and an expanding economy led partially to Malthusian pauperization at the bottom of the social hierarchy. Simultaneously, the multitude of privileged

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<sup>11</sup> Nicolas Lemas, « Le temps des Projets. Poncet de La Grave, Delamair ou l'impensé de l'urbanisme au siècle des Lumières », *Histoire urbaine* 1/2002 (n° 5), p. 43-65.

<sup>12</sup> Louis Sébastien Mercier, *Tableau de Paris*, 1, edited by Jean-Claude Bonnet, Livre 1, chapitre III : « Grandeur démesurée de la Capitale », Paris, 1994, p. 32-33.

institutions, guilds, academies, municipalities, parishes, seigneuries, each claimed distinctive forms of privilege and autonomy in urban affairs<sup>13</sup>. Adding to the disarray in the legal sphere was the generalized perception that everyday life for most Parisians in the age of Enlightenment was worsening. Quotidian problems including crowding, housing shortages, and the proliferation of hazardous artisanal activities on waterways and the periphery (tanning on the Bièvre, dyeing of clothes on the Seine, chemical production in northeast areas, and stone quarries in Montmartre, the Buttes-Chaumont, Pantin, Belleville, and Ménilmontant) provoked a generalized sense of a sustained crisis in Paris<sup>14</sup>. Even more troubling were new forms of industrial pollution, as Thomas Le Roux demonstrates. 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<sup>15</sup>. Urban centers – especially the capital of the empire – thus suffered from the supposed retreat of the state from imposing a coherent urban policy, and its relinquishing of a potential arsenal of expropriating, zoning, and clearing. The urban ills faced daily by all but the most privileged Parisians formed the context by which eminent domain became an unattainable idyll and an idealized discourse. The Enlightenment urban discourse on *l'embellissement de la ville* insisted on the necessity to remake urban centers with greater attention to the health and wellbeing of their inhabitants<sup>16</sup>.

One issue that alarmed the *urbanistes* of the eighteenth century : not only did the population grow exponentially – doubling from 380,000 to 650,000 souls between 1650 and 1790, in the most conservative estimates – but so did the size of the city after the destruction of the city walls under Louis XIV. Despite its need for city limits, the monarchy was not able to define the

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<sup>13</sup> Rebecca Spang and Colin Jones, « Sans-culottes, sans café, sans tabac : shifting realms of necessity and luxury in eighteenth-century France » in Maxine Berg and Helen Clifford, *Consumers and Luxury : Consumer Culture in Europe 1650-1850*, Manchester, Manchester University Press, 1999.

<sup>14</sup> Thomas Le Roux, *Le Laboratoire des pollutions industrielles. Paris, 1770-1830*, Paris, Albin Michel, 2011. See also : Éric Soullard, « La Machine de Marly. La politique sociale des Bâtiments du roi face aux accidents du travail » in *Risques industriels. Savoirs, régulations, politiques d'assistance, fin XVII<sup>e</sup> – début XX<sup>e</sup> siècle*, Thomas Le Roux (éd.), Rennes, Presses Universitaires de Rennes, 2016, p. 177-190.

<sup>15</sup> André Guillerme, Anne-Cécile Lefort, Gérard Jigaudon, *Dangereux, insalubres et incommodes : paysages industriels en banlieue parisienne (XIX<sup>e</sup>-XX<sup>e</sup> siècles)* Seyssel, Champ Vallon, 2005. Sabine Barles, *La Ville délétère : médecins et ingénieurs dans l'espace urbain (XVIII<sup>e</sup> -XIX<sup>e</sup> siècles)*, Seyssel, Champ Vallon, 1999.

<sup>16</sup> Harouel, *op. cit.* Richard Wittman, *Architecture, Print Culture and the Public Sphere in Eighteenth-Century France*, New York, Routledge, 2007.



precise boundaries where the city ended and what was already known as the *banlieue* began. Between 1650 and 1766, the Crown, the *Parlements*, and the municipality of Paris published fourteen edicts attempting to fix the extent of the city. In one odd project, 300 markers were established to mark the city limits in 1724 to avoid the desertification of the center for the periphery. Most efforts centered on facilitating taxation by the *fermiers-généraux*. But the lack of precise limits, in particular to the northeast and southeast, fed the generalized sense that the city was porous, anarchic, and a collective victim to unconstrained growth<sup>17</sup>.

In fact, while the reign of Louis XIV was closely identified with monuments erected in his reign, particularly during the intensive period, 1675-1690, the most significant long-term urban vision of his regime was characterized not by creation but by destruction. The 1670 edict ordaining the razing of the wall of Charles V freed Paris from previous constraints on its growth. This was a part of the long-term seventeenth century « defortification » strategy first pursued by Richelieu as a centralizing strategy to extend the power of the Crown and to undermine the corporate sovereignty of cities and towns<sup>18</sup>. Yet, as will be demonstrated, « defortification » aggravated another challenge to the Crown's authority in urban matters.

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 cities of the kingdom ? Within the capital, vast areas on the outskirts of Paris were alienated from the *Maison du Roi*, the king's domain, whose jurisdiction comprised the walls, the fosses, and empty spaces surrounding all barriers at the edge of the city. These lands were *de facto* privatized and became organized in subdivisions (*lotissements*) for sale and construction to proprietors and entrepreneurs. Projects involving the alienation of properties within the Crown's domain, or projects that involved royal edifices in any form underwent a complex procedure involving a hearing before the *conseil d'État*, founded in 1661, during the first year of the reign of Louis XIV<sup>19</sup>. The *conseil* determined whether loans or new taxes would cover the

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<sup>17</sup> David Garrioch, *The Making of Revolutionary Paris*, Berkeley, University of California Press, 2002, p. 127-128. On other schemes to limit the size of Paris : Allan Potofsky, « The Construction of Paris and the Crises of the *Ancien Régime* of the Parisian Building Sites : The Police and the People of the Parisian Building Sites, 1750-1789 », *French Historical Studies*, 27/1, 2004, p. 9-48.

<sup>18</sup> Yair Mintzker, « The Dialectics of Urban Form in Absolutist France », in *Walls, Borders, Boundaries. Spatial and Cultural Practices in Europe*. Edited by Marc Silberman, Karen E. Till, and Janet Ward, New York and Oxford, Berghan, 2012, p. 27-28.

<sup>19</sup> Bernard Barbiche, « Les attributions judiciaires du Conseil du roi », *Histoire, économie & société* 3/2010, p. 9-17.

financing, and, if so, was required to issue an *arrêt* to signify royal assent. A massive amount of formal bureaucratic procedures generating much paperwork was thus required for any act involving the alienation of royal property and the launching of urban projects. Bernard Lepetit estimates that 250,000 edicts were issued by the *conseil* during the reign of Louis XV alone concerning urban development with the vast majority being unenforceable dead letters. The vast extent of paperwork was, Lepetit argues, a measure of bureaucratic complexity and state paralysis<sup>20</sup>.

### **Paris and l'Embellissement de la ville in practice**

The eighteenth-century Voltarean discourse, criticizing the unworthiness of Paris as a capital, evolved from a primarily aesthetic critique about what the *philosophe* called the city's « hideousness » to a politicized critique about the retreat of the monarchy due to timidity and enfeeblement. But the seeds of the decline of the Crown's capacities to govern the capital city were not sown by aesthetic and political failures of Louis le Grand's Bourbon successors alone. Much of the fiscal, legal, and administrative restructuring undertaken in the era of Louis XIV would haunt his successors in matters of urban *embellissement*. The financial difficulties of the Crown after 1715, the procedural and institutional reforms in the administration, and above all, changes in legal conceptions of property – factors that were intimately linked – made interventions in municipal problems much more onerous and complex, and in particular, for the Crown.

In 1716, the year after the death of Louis XIV, a declaration was published to impose a uniform accounting method known as double-entry booking upon the state's fiscal system organized by the farmers general. While this failed in the face of *Parlements*'s resistance, the focus on the rationalization of finances revealed how fiscal constraints and greater accountability made the projection of royal power through public construction much more onerous in the eighteenth century. For in order to construct, of course, one must first buy or seize and deconstruct. But growing privileges to protect certain forms of private property constrained the capacity of the Crown to expropriate and raze older structures in the context of rapid urbanization. Taking private property in the name of public use was heavily contested, in the courts and in the Crown's own councils, and with increasing success. The Colbertist assault on the corporate governance of cities and towns, at the heart of the strategy of seventeenth-century centralized absolutism, created a legacy of litigation in the eighteenth century<sup>21</sup>.

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<sup>20</sup> Lepetit, *Les villes dans la France moderne*, p. 108.

<sup>21</sup> Jacob Soll, *The Reckoning : Financial Accountability and the Rise and Fall of Nations*, New York, Basic Books, 2014, p. 133-134.

In order to construct in a city as densely populated as Paris, the Crown and the city government were increasingly obliged to expropriate existent properties. The capacity for the state to do so, later conceptualized as eminent domain, was never formalized, as the historians Youri Carbonnier and Robert Carvais persuasively demonstrate. A practice however was standardized by tradition : expropriations of individual proprietors were duly publicized by a royal *lettre patente* invoking the exercise of the royal *droit de préemption*. The proprietors who were to be expropriated had recourse to various bodies ; ultimately, lawsuits could be heard before the *Parlements*, hereafter erected as a counter-power representing the private interests of property-holders in the face of the Crown's broader claim to the public interest<sup>22</sup>. Until the Revolution, the Parlements found themselves deeply embroiled in lawsuits over property rights. Adding to the litigious procedures for private and public construction was a royal edict of 1690 that expanded the powers of the *Chambre Royale des Bâtiments*. This medieval corporation constituted the « police » of private construction. Constituted by architects and elite master masons, the *Chambre des bâtiments* – the term, « Royale », was gradually dropped from its paper trail as the corporation took on independent power – was the ultimate legal authority for private construction in Paris. Its authority to adjudicate matters concerning private property in the form of buildings was exceptional. The *Chambre* had sovereignty over construction issues ; in many cases, it contested the use of non-incorporated architects or master artisans by proprietors ; condemned artisans using suspect building materials ; and sued other corporations for violating regulations such as the length of the workday<sup>23</sup>. Decentralized forms of judicial and regulatory oversight after the reign of Louis XIV were developed in the absence of centralized authority.

After the reign of Louis XIV, then, the recourse to expropriation and indemnities devolved toward corporate, municipal, and judicial authorities.

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<sup>22</sup> Youri Carbonnier, « La monarchie et l'urbanisme parisien au siècle des Lumières. Grands projets et faiblesse du pouvoir », *Histoire urbaine* 1/2009 (n° 24), p. 33-46. Robert Carvais, « La force du droit : contribution à la définition de l'entrepreneur parisien du bâtiment au XVIII<sup>e</sup> siècle », *Histoire, économie et société* 2 (1995), p. 163-189 ; and *idem*, « Le statut juridique de l'entrepreneur du bâtiment dans la France moderne », *Revue historique de droit français et étranger* 74 (1996), p. 221-252.

<sup>23</sup> *Édit du Roi Portant Création de 25 jurez architectes et (25) bourgeois*, Archives nationales, AD I 23A. The number of *experts* attached to the *Chambre des bâtiments* was increased to 60 in 1698 : Arrêt du conseil d'État, 17 juin 1698, Bibliothèque nationale de France, MS FR 21679, Collection Delamare, *Bâtiments*, t. V, fol. 272-279. Details on construction plans submitted to the *Chambre des bâtiments* : 94 percent of the 47 private construction projects in Paris were approved in the period, 1788-1792. And 85 percent of the 122 projects were approved in the period, 1788-1792. Even fewer projects for major restoration were approved over the same period : Potofsky, *Constructing*, p. 45-47.

This naturally inspired a vicious cycle of administrative timidity. For individual proprietors found then, as now, that it often paid to be litigious. Expropriated proprietors, who fought back through lawsuits, or by appealing a judgment by repeated *expertises*, also had recourse to public opinion in polemical treatises to call attention to their plight. They often called into question the amount of indemnities for their property. In published brochures, they also blamed the multiplication of privileged corporations, like the *Chambre des bâtiments*, for rendering construction an excessively burdensome affair in Paris<sup>24</sup>. Private construction that strictly followed procedures within the capital underwent a complex procedure : a potential proprietor of a future Parisian building had first to receive authorization from the *Bureau de la Ville* de Paris, consisting of the *prévôt des marchands*, four *échevins* (a precursor of deputy mayors), and a host of *procureurs* and *greffiers*. Once the Ville de Paris approved a particular project, moreover, a proprietor also had to submit the project and its site to the inspection of the 50, and later 60 *architectes-experts-bourgeois* and *architectes-experts-entrepreneurs* of the *Chambre des bâtiments*. The *Chambre* enjoyed near monopoly control over decisions on the feasibility of architectural plans, the prices and quality of materials (*devis et marchés*), the precision of construction (down to the soundness of foundations and walls), and final inspection reports of the building (*procès verbaux de receptions d'ouvrages*). It also had the last word on any contention arising from the building site, including, in case of recourse to the *experts*, the just price of indemnifications. As a guarantee of the disinterested nature of their inspections and decisions, the *architectes-experts-bourgeois* of the Parisian *Chambre des Bâtiments* were forbidden to engage in commerce. The venal status of half of the *Chambre's* members meant the fees collected on each certified act, for example, five to seven livres for a routine inspection of a *chantier*, which for architects became a lucrative substitute for engaging in actual building itself<sup>25</sup>.

In the reform ministry of Louis XVI's reign, clearer procedures for expropriation were imposed by Turgot's edict of February 1776. Turgot set

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<sup>24</sup> François Monnier, « La notion d'expropriation au XVIII<sup>e</sup> siècle d'après l'exemple de Paris », *Journal des savants*, 3, n° 1 (1984), p. 223-258.

<sup>25</sup> Not only were the 30 *architects experts-bourgeois*, forbidden to « engage in any enterprise either directly, or indirectly by intermediaries », they were also not « to have any associations whatsoever with entrepreneurs » : A.N., AD I 23A : « *Édit du Roi* ». The *Chambre des Bâtiments's* deliberations are preserved for the greater part of the seventeenth and eighteenth centuries in the Archives Nationales series Z1J. This immense repertory is divided into two parts : the *procès-verbaux* of the *Chambre des Bâtiments* extends from A.N. Z1J 1 to 255 ; the *Greffier des bâtiments* for the on-site visits, Z1J 256 to 1314 : Youri Carbonnier, *Maisons parisiennes des Lumières*, Paris, Presses de l'Université Paris-Sorbonne, 2006.

the stage for his failed suppression of the guilds that same month in finding that expropriation by the state entailed « *l'indemnité légitime due aux propriétaires d'héritages qui sont privés de leurs propriétés* ». This reform sought to carve out transparent procedures for calculating a « legitimate » recompense for property by which the Crown – or the municipality standing in as proxy for royal power – appropriated private land and buildings in a transactional exchange for indemnities<sup>26</sup>.

Notwithstanding Turgot's efforts, the Crown used the right to expropriation sparingly in the last decades of the *ancien régime* as many factors limited the state's capacities to compensate proprietors, investigate and contest litigation, and bring to completion ambitious urban projects<sup>27</sup>. Capital for private investment in stones took advantage of a significant liberalization in construction. In August 1766, in a probable effort to raise income from the *octroi*, the domestic tariff imposed on all commodities entering cities, the Crown published an ordinance allowing for investors in a building project to claim all property on a construction site in the case where contractors went bankrupt. The relative easing of investment risk in construction helped pave the way to a 25-year building boom (1763-1788) which saw the city's housing grow by some estimates by some 20,000 houses<sup>28</sup>. The resulting financial and housing bubble for investors had spectacular consequences. Between 1770 and 1789 Parisians accumulated debts averaging 28 million *livres* per year ; almost half, 12 million *livres*, of these debts were invested annually in apartments, houses, and land, with the vast majority of this real estate located in Paris<sup>29</sup>. In such a heated context, the disastrous consequences of the sustained financial crisis of 1787 to 1789 were perceived by nearly all of Parisian society that owned or rented a home.

In the context of this building boom, visionary architects revived and enthusiastically expanded the utopian possibilities for the radical *embellissement de la ville*. Pierre Patte's plan of 1765 famously featured the destruction of all the houses on the Ile de la Cité in the context of clearing space for

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<sup>26</sup> Potofsky, *Constructing*, p. 51-53.

<sup>27</sup> Michael Kwass, *Privilege and the Politics of Taxation in Eighteenth Century France*, Cambridge, Cambridge University Press, 2000, p. 61-65.

<sup>28</sup> Michel Gallet, *Demeures parisiennes. L'époque de Louis XVI*, Paris, éditions du Temps, 1964. Pierre Lavedan, *Histoire de l'urbanisme à Paris*, Paris, Hachette, 1975. The estimate of 25,000 houses is by Mercier : *Tableau*, Livre 8, chapitre DCXXXVI. Similar estimates of buildings in Paris : Pierre Denis Boudriot, « La Maison Parisienne Sous Louis XV : Masse et Poids », in *Cahiers du Centre de Recherches et d'Études sur Paris et l'Ile-de-France*, 12 (September 1985), p. 27-35, p. 28.

<sup>29</sup> Philip T. Hoffman, Gilles Postel-Vinay, Jean-Laurent Rosenthal, *Des marchés sans prix : une économie politique du crédit à Paris, 1660-1870*, Paris, EHESS, 2001, p. 204-205.

monuments to Louis XV<sup>30</sup>. Urban renewal had become synonymous with massive razing of old Paris on the one hand, and with utopianism on the other, as exemplified by Mercier's vision of a perfectly orderly city with many parks and natural promenades in *Paris, l'an 2440* (1771). Nor was the movement for *embellissement* limited to the capital. In Lyon, a vast real-estate scheme was crafted by the architect, speculator, promoter, and developer, Jean-Antoine Morand. His trusted collaborator in this venture was none other than Sainte-Geneviève's chief architect, Jacques-Germain Soufflot. Together, they created a company to project Lyon's densely crowded and insalubrious residential areas toward the east. Morand's celebrated *Plan circulaire* for Lyon, first sketched out in 1764 and published in 1775, was a model of an environmentally-coherent and integrated urban planning for future centuries. Morand had conceived of what future generations would call zoning. His agenda was, in fact, that of many a future urban planner : expropriate crowded slum areas to be razed, annexation of the city's suburbs to alleviate congestion and enlarge the tax base, expel manufactures to outlying areas, engage in clearance to allow freer circulation of people and goods<sup>31</sup>.

As Morand found in Lyons, expropriation, then as now, provoked extensive litigation. What, after all, was a fair recompense for confiscated property ? The costly procedure of expropriation rarely consisted of the straight-forward public purchase of existing private structures and their transformation to suit new functions. Rather, a partially privatized form of expropriation that incorporated private speculation with a plan for publically financed construction gained hold in the second half of the eighteenth century. The state or municipality expropriated not only the needed real estate for a given scheme but would also buy out the soon-to-be lucrative properties that surrounded the project. The « excess » real estate would then be re-sold by public authorities at often-considerable profit once construction was completed.

In Paris, one widely-heralded joint private and public speculative adventure was launched around the creation of a new grain market on the western edge of the quarter of les Halles, and was organized by the reputable royal architect and building « expert » Nicolas Le Camus de Mezière (1721-

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<sup>30</sup> Pierre Patte, *Monuments érigés en France à la gloire de Louis XV*, Paris 1765, Planche XXXIX : « Partie du plan général de Paris ».

<sup>31</sup> Jean-Antoine Morand, *Projet d'un plan général de la ville de Lyon et de son agrandissement en forme circulaire dans les terrains des Brotteaux, Lyon, 1775*. Pierre-Claude Reynard, *Ambitions Tamed : Urban Expansion in Pre-revolutionary Lyon*, McGill-Queen's University Press, 2009, p. 80-84, 118-119.

1793). Normally forbidden from engaging in entrepreneurship by his position of inspector in the Parisian housing authority, *Chambre des bâtiments*, Le Camus de Mezière had designed the innovative *Halle au blé*, built between 1762 and 1767, in collaboration with the real estate investors and promoters, the Oblin brothers. Well beyond the parameters of the site and gardens of the expropriated and destroyed Hôtel de Soissons, the Oblin brothers cleared an entire neighborhood and built new houses in circular form around the grain market, thus creating an entire neighborhood whose center was the *Halle au blé* itself<sup>32</sup>. However, upon the opening of the market and the beginning of the sales of the houses in 1769, the physiocratic *Journal économique* stridently criticized the packed and dense development as driven by « private greed ». Due to lack of sufficient 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 the free flow of fresh air would be impeded. The state had failed the public's health. Having launched the project through expropriations, it was now culpable for the private builders' vices<sup>33</sup>. We see here how the *droit d'expropriation* on the part of the Crown represented an open-ended responsibility to see the project through to completion.

The arrival of Louis-Auguste Le Tonnelier, the Baron de Breteuil (1730-1807) as minister of the *Maison du Roi* brought fresh attention to the question of urban clearance and to the attendant right to expropriation. In rehabilitating the quarter of *les Halles* with the closing of the *Cimetière des innocents* after 1785 ; the clearing of three 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, eminent domain under the *ancien régime* was expanded to rehabilitate insalubrious or congested quarters. *Embellissement*, above all, meant destruction. Expropriation led to the razing of structures and the redeployment of the land for the purposes of the renewal and « rationalization » of urban space<sup>34</sup>.

Breteuil imposed a conceptualization of the state's right to expropriate as an expression of sovereignty over the entire nation's territory and over all private and particular interests on behalf of the public good<sup>35</sup>. The principal reasoning for expropriations, as declared in his 1785 order expelling the

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<sup>32</sup> Mark K. Deming, *La Halle au blé de Paris, 1762-1813*, Bruxelles, Archives d'Architecture moderne, 1985, p. 37-47. Allan Braham, *The Architecture of the French Enlightenment*, Berkeley, the University of California Press, 1989, p. 107-109.

<sup>33</sup> Richard Wittman, *Architecture, Print Culture and the Public Sphere in Eighteenth-Century France* New York, Routledge, 2007.

<sup>34</sup> Despite his importance, few solid studies of Breteuil exist : Munro Price, « The Ministry of the Hundred Hours : a Reappraisal », *French History*, vol. 4, n° 3 (1990), p. 317-339.

<sup>35</sup> François Monnier, « La notion d'expropriation », *op. cit.*, p. 234-235.

occupants of the *pont au Change*, the *pont Notre Dame*, and *pont Marie*, was, predictably, to further the common interest of the citizens and public commodity<sup>36</sup>. (While Breteuil succeeded in his project to clear the bridges of habitations, the proprietors of shops on the *pont Notre Dame* succeeded in tying up the procedure through lawsuits until 1809.) In announcing the argument for the expulsion and expropriations, the ordinance was to further the « *embellissement de la capitale, et surtout pourvoir à la salubrité de l'air, dont le courant se trouve intercepté par la hauteur des bâtiments construits sur les ponts*<sup>37</sup> ». His order, echoing the need for urban *embellishment*, deftly wielded a hygienic discourse to justify razing on a mass scale. Breteuil was clearly influenced by his correspondence with many members of the Academy of Science, including Lavoisier, Laplace, Tenon, and Bailly, in applying neo-Hippocratic science to urban clearance<sup>38</sup>.

While Breteuil succeeded in his project of expropriation and destruction of the structures constricting traffic on the bridges, even his position directing the *Maison du Roi* was insufficiently authoritative to complete a related project : the elimination of an entire street next to the *pont aux changes*, the now-destroyed rue Pelletier on the Île de la Cité, whose 24 proprietors were expropriated between 1786 and 1789 to build a quay to protect against periodic flooding. The case was made all the more complex because of a lawsuit brought by ten *teinturiers* (dyers), whose ateliers were sacrificed along with the immovable tools of the trade, including copper boilers and expensive ovens. The indemnities of all proprietors on the street was

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<sup>36</sup> On the expropriations on the bridges and near les Halles : see Nicolas Lyon-Caen, « Un prix sans aménité », *Histoire & mesure*, 1/2013 (vol. XXVIII), p. 75-106.

<sup>37</sup> *Liquidations et adjudications des maisons abattues en consequence de l'edict de 1786, 1785-1789*, Archives nationales, H 2167, 14 août 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 habitans 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 bâtiments construits sur les ponts, ils avoient pris le parti depuis plus de quinze mois, non-seulement de suspendre les baux de toutes les maisons qui y appartiennent à la Ville, en prévenant les locataires qu'ils ne jouiroient plus que par tacite reconduction, mais encore d'arrêter toutes les réparations un peu considérables qui se trouvoient à y faire ; qu'il en étoit résulté que plusieurs de ces maisons étoient actuellement vacantes, et que dans la plupart des autres les dégradations étoient devenues telles que les locataires n'y étoient plus en sûreté. Fait au Conseil d'État du Roi, Sa Majesté y étant, tenu à Versailles, le 14 août 1785. »

<sup>38</sup> Youri Carbonnier, « Les maisons à ponts parisiens à la fin du XVIII<sup>e</sup> siècle : étude d'un phénomène », *Histoire, Économie et Société*, 17 (1998), p. 711-724. Louis Greenbaum, « Jean-Sylvain Bailly, the Baron De Breteuil and the "Four New Hospitals" of Paris », *Clio Medica*, 1973, vol. 8, p. 261-284.



calculated upon the price of their houses, not including the workspaces, located directly on the Seine to give the dyers easy access to water<sup>39</sup>. In resistance, the dyers flooded the Paris municipality with petitions. 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 were able to procure using products from the New World. They had a sure sense of their place at the heart of a new Parisian and global economy of luxury. « *Nos ateliers sont pour nous, de véritables propriétés. Ils sont nos patrimoines, ils nous fournissent et à nos familles notre subsistance, et nous les enlever sans nous indemniser, c'est nous réduire à l'indigence*<sup>40</sup>. » The result of years of litigation was stalemate, in which the municipal-based aldermen recognized the artisans' claims but with the *Conseil d'État* holding firmly against further indemnities beyond their houses. In June 1793, a manuscript source indicates that inconclusive litigation had continued well into the Revolution<sup>41</sup>.

In the drawn-out case of the Parisian *teinturiers* against the Crown's authority, an alliance, or more precisely, a lobby of guildmasters and municipal elites, successfully collaborated to block an initiative emanating from the *Maison du Roi* to secure the Seine's quay against floodwater. The project became an apt metaphor for Breteuil's – and the monarchy's – failed ambition of *embellissement*. Remaking vast swaths of the center of Paris in a context of rapidly-deteriorating public finances and diminishing political authority was simply too ambitious a project to assume in the last year of the *ancien régime*<sup>42</sup>. What could have been a more flagrant symbol of the

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<sup>39</sup> *Suppression des Maisons de la rue de la Pelleterie*, A.N. H2167, 18 avril 1788 : « Extrait des registres du conseil d'État. 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'ont 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 d'obtenir des dispositions, utiles commode et d'un ordre régulier, si l'on ne détruisent pas en totalité tous ces bâtiments [...]. »

<sup>40</sup> *Suppression [...]*, A.N. H 2167.

<sup>41</sup> *États des maisons sur les ponts et les bords de la rivière dans Paris détruite en exécution de l'édit de septembre 1786*, Bibliothèque historique de la ville de Paris, Ms 37.

<sup>42</sup> Isabelle Backouche, *La Trace du fleuve. La Seine et Paris (1750-1850)*, Paris, éditions de l'EHESS, p. 226-244. See also : Pascale Mafarette-Dayries, « L'Académie royale des sciences et les grandes commissions d'enquête et d'expertise à la fin de l'ancien régime », *Annales historiques de la Révolution française*, n° 320 (2000), p. 121-135.

Crown's supposed breakdown in the aftermath of Louis XIV than a legal stalemate originally spearheaded by a collective of 14 mere artisans ?

### Expropriation and Embellissement in the Revolution

The status of ecclesiastic property in the new order, their confiscation, and sale at auction, were the origins of the « greatest event of the French Revolution », the auction of national properties, the *biens nationaux*<sup>43</sup>. This was the result of a debate in the earliest moments of the Revolution, in which the *ancien régime*'s public debt was recognized and guaranteed by revolutionaries as early as 13 July 1789. National bankruptcy was declared to be not an option as « no power has the right to pronounce the infamous word, bankruptcy<sup>44</sup> ». Henceforth, seizure of Church property was conceived of as the re-appropriation of a national good ; its sale at auction by the state was merely the restitution of illegitimately used property to its rightful owners, the nation itself. Therefore, its previous use by the church had been neither that of an owner nor that of usufruct but rather that of a mere (and temporary) overseer<sup>45</sup>. Furthermore, as much church property was rented out for profit, it was thus, in the physiocratic-inflected discourse of the day, misused to « sterile » ends. The *biens nationaux* then rendered that property useful to the nation again, and, especially, in the form of the new revolutionary currency, the *assignats*.

The Revolution made 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 2 November 1789 (« *Que tous les biens ecclésiastiques sont à la disposition de la Nation* »), the *droit d'expropriation* was explicitly delimited by « *juste et préalable indemnisation* », as promised article 17 of the *Déclaration des droits de l'homme et du citoyen*<sup>46</sup>. (No member of the clergy would receive less than 1,200 livres a year, on top of lodgings and an exploitable garden.) Thus, the

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<sup>43</sup> Bernard Bodinier, Éric Teyssier, François Antoine, *L'Événement le plus important de la Révolution. La vente des biens nationaux*, Paris, éd. CTHS/SER, 2012.

<sup>44</sup> Cited and convincingly interpreted by : Rebecca Spang, *Stuff and Money in the Time of the French Revolution*, Cambridge, Mass., Harvard University Press, 2015, p. 63-64.

<sup>45</sup> Jacques Godechot, *Les Institutions de la France sous la Révolution et l'Empire*, Paris, Presses universitaires de France, 1951, p. 176-177.

<sup>46</sup> Both the *Déclaration des droits de l'homme et du citoyen* and the first law on the *biens nationaux* specify that indemnifications must be made prior – *préalable* – to expropriation. This banned the *ancien régime* practice of ceding indemnities only at the moment in which the proprietor departs from the premises, which led to much litigation and, as Balzac shows us, to many ruined families.

legal structure of a transaction – one of exchange rather than one of expropriation – fixed the prerogative of the revolutionary state. In sum, the *biens nationaux* greatly enlarged the state's right to expropriate *and* the proprietors' right to just indemnities in the new regime. Of course, expropriations would reach their paroxysm with the Second Empire law of 1852 that prepared the legal terrain for Haussmannisation, allowing indemnities for expelled proprietors (while also forcibly dislodging renters) of entire neighborhoods by simple imperial decree, with payment only made at the moment of expulsion. But well before Haussmann assumed nearly unchecked power to nationalize property, a long process defining the state's reach into urban matters had defined a restrained French tradition of eminent domain<sup>47</sup>.

As we have seen, the eighteenth-century advocates of remaking the capital city, including Delamair, Voltaire, and Mercier, cast the debate over the *embellissement de la ville* as a « problem » of an institutionally-enfeebled monarchy, corrupted aesthetics, and lack of political will. In their critiques of the shortcomings of eighteenth-century absolutism, conservative lobbies and a pusillanimous Crown failed to modernize the capital city. But the classic narrative of supposedly efficient urban policies under Louis XIV collapsing in the hands of his enfeebled successors tells an all-too convenient tale of decline and fall, in itself, a favored trope of the age of Enlightenment. The legacy of Louis XIV in the eighteenth century through the Revolution embodied modernity and archaism, decentralization and centralization, reformism and conservatism. In particular, the elaboration of property right – opposing the state's claims to eminent domain, and to absolute privileges in the domain of policing, taxation, and administration to the right of proprietors to be secure in land and holdings – became institutionalized in diverse and unexpected ways. As Rafe Blaufarb argues, « the great divergence » between the state and civil society pivoted on negotiations over private property right<sup>48</sup>. As we have seen, for example, the corporate « atavism » of Colbertism, the *Chambre des bâtiments*, whose power was reinforced as the police of private Parisian construction in 1690, evolved through the eighteenth century into a surprisingly effective housing authority, which partially succeeded in defining a relative equilibrium between the interests of proprietors, entrepreneurs, and construction guilds. Its effectiveness 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

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<sup>47</sup> Papayanis, *Modernity Before Haussmann*, *op. cit.*

<sup>48</sup> Rafe Blaufarb, *The Great Demarcation. The French Revolution and the Invention of Modern Property*, Oxford and New York, Oxford University Press, 2016.

of the Chambre's adjudications exist through 1793<sup>49</sup>. This housing authority is only one example of how a royal politico-administrative and legal body developed into a modern bureaucratic organization<sup>50</sup>. It represented a key stage in the depersonalized « objectification of domination », in Weberian categories, based on legal and technical expertise. At the end of the *ancien régime*, the delays in executing royal edicts to destroy and indemnify the workshops on the Seine's quays was, in this sense, a form of legal rationalization founded on limits of the state's rights to encroach upon the private right of property. The Revolution featured a tipping point in the slow, staccato, and meandering movement toward the separation of centralized state power on the one hand and private property on the other hand.

In the court of Louis XIV, the Crown successfully co-opted and was in turn reinforced by elite social groups that served as « pillars of monarchy », as argued by historians of seventeenth-century absolutism such as Perry Anderson, William Beik, and David Parker, who emphasize the extent of « collaboration » between the nobility and the Crown<sup>51</sup>. But during much of the century afterward, expanded legal protections of proprietors through the *Parlements*, deeper corporate controls on industrial activities, and the beginning of the promise if not the reality of transparency in royal finances, paradoxically bolstered the composite *ancien régime* state while undermining the authority of the Bourbon monarchy. The urban history of Paris demonstrates how the institutions of royal absolutism in its capacity to expropriate, to raze, and to construct anew within the capital city, were severely circumscribed by a lack of finances and by the rise of burgeoning municipal institutions. The aftermath of Louis XIV's reign, viewed from the perspective of most Parisians, was a legacy of greatly strengthened corporate, military, legal, and local power, that clashed repeatedly with centralized authority over property right. As we have seen, through the polemical tract, the lawsuit, the multiplication of corporate regulations, and the routinization of administrative due process, many eighteenth-century social elites successfully wielded *ancien régime* institutions, such as the courts, guilds, and municipalities, to keep their sources of propertied wealth intact and, as in the case of construction in the capital, to exploit new sources of enrichment. The *ancien régime*'s financial collapse and the French Revolution represented triumphant

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<sup>49</sup> As I have demonstrated in : Potofsky, *Constructing Paris*, p. 46-47.

<sup>50</sup> For other institutions, such as manufacturing inspectors, see : Philippe Minard, *La Fortune du colbertisme. État et industrie dans la France des Lumières*, Paris, Fayard, 1998.

<sup>51</sup>The term « collaboration » is employed in a synthetic essay of this historical literature by : William Beik, « The Absolutism of Louis XIV as Social Collaboration », *Past & Present*, 2005, 188 (1), p. 195-224.

opportunities to municipal elites who long wielded public opinion and the institutions of civil society to undermine the Crown in the capital city of the Empire<sup>52</sup>.

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<sup>52</sup> For another rich overview of the debate on French absolutism and, in particular, of the need to incorporate militarized repression of revolt as an integral part of the monarchy, see : Roy L. McCullough, *Coercion, Conversion and Counterinsurgency in Louis XIV's France*, Leiden, Brill, 2007, p. 1-10.