

- A. First, because God who creates empires and distributes them according to His will, in showering our emperor with gifts, both in peace and in war, has established him as our Sovereign, and has made him the minister of His power and image on earth. To honour and to serve our emperor is then to honour and to serve God Himself. Second, because Our Lord Jesus Christ, both by His teaching and His example, has taught us Himself what we owe to our Sovereign. He was born obeying the laws of Caesar Augustus; He paid the prescribed taxes; and He even ordered to render unto God that which belongs to God, and to Caesar that which belongs to Caesar.
- Q. Are there not particular reasons which should attach us more strongly to Napoleon I, our emperor?
- A. Yes, for he is the one God created in difficult circumstances in order to re-establish public worship and the holy religion of our fathers, and in order to become its protector. He has restored and preserved public order, by his profound and active wisdom; he defends the State by his powerful arm; he has become the anointed of the Lord, by the consecration he received from the Sovereign Pontiff, head of the universal Church.
- Q. What should we think of those who fail in their duty towards our emperor?
- A. According to the apostle Saint Paul, they would be resisting the order established by God Himself, and would render themselves worthy of eternal damnation.
- Q. Should the duties that we owe our emperor equally bind us to his legitimate successors, in the order established by the Constitutions of the Empire?
- A. Yes, without a doubt, for we read in the Holy Scriptures that God, Lord of heaven and earth, by command of His supreme will and by His providence, gives empires not only to one person in particular, but also to his family.
- Q. What are our duties towards our magistrates?
- A. We should honour, respect and obey them because they are the depositories of the authority of our emperor.
- Q. What is forbidden by the fourth Commandment?
- A. We are forbidden to be disobedient towards our superiors, to harm them or to speak ill of them.

Source: André Latreille, *Le Catéchisme Impérial de 1806. Études et documents pour servir à l'histoire des rapports de Napoléon et du clergé concordataire* (Paris, 1935), pp. 80–1.

### The Continental Blockade

Since 1793, the French government had carried out policies intended to ruin British commerce; it hoped in this way to eliminate or at least

dampen the British will to join, and its ability to finance, military coalitions against the French. Napoleon systematised the policies he inherited from the Revolution by introducing measures to enforce the blockade of British goods throughout Europe. At the same time as he tried to exclude Great Britain from all commerce with the continent, he attempted to impose French commercial hegemony (the Continental System).

### *The Berlin decrees, 21 November 1806*

The formal pretext for the economic measures instituted by Napoleon was the British naval blockade of 16 May 1806. The Berlin decrees, so called because they were issued while Napoleon was in that city after the defeat of Prussia, declared Britain and its possessions in a state of blockade and forbade all communications with them.

The imperial camp at Berlin, 21 November 1806  
 Napoleon, emperor of the French and king of Italy, etc., considering:

1. That England does not recognise the law of nations universally followed by all civilised peoples;
2. That she considers an enemy any individual belonging to the enemy's state, and consequently makes prisoners of war not only the crews of armed ships of war, but also the crews of merchant ships and ships of commerce, and even commercial agents and merchants travelling on business;
3. That she extends to the vessels and commercial merchandise and to the property of individuals the right of conquest, which is only applicable to that which belongs to the enemy's state;
4. That she extends to unfortified towns and commercial ports, to harbours and the mouths of rivers, the right of blockade which, in accordance with reason and the customs of all civilised peoples, is only applicable to fortified towns; that she even declares in a state of blockade places before which she has not even a single ship of war, even though a place may not be blockaded except when it is so completely besieged that no attempt to approach it can be made without imminent danger; that she even declares in a state of blockade places which all her united forces would be incapable of blockading, entire coasts and whole empires;
5. That this monstrous abuse of the right of blockade has no other aim than to prevent communication among nations, and to build the commerce and industry of England on the ruins of the commerce and industry of the continent;

6. That, since this is the obvious aim of England, whoever deals on the continent in English merchandise thereby favours her designs and renders himself her accomplice;
7. That this behaviour of England, worthy of the earliest stages of barbarism, has profited that power to the detriment of all others;
8. That it is a natural right to oppose the enemy with such arms as it makes use of, and to fight it in the same way as it fights, when it has disregarded all ideas of justice and all liberal sentiments, a consequence of civilisation among men:

We have resolved to apply to England the practice which she has consecrated in her maritime legislation.

The provisions of the present decree shall constantly be considered as the fundamental principle of the Empire until such time as England has recognised that the rights of war are one and the same on land and sea; that they cannot be extended to either private property, no matter what kind, or to the persons of



Figure 7 The Giant Commerce overwhelming the Pigmy Blockade. Napoleon's attempt to prevent English goods from entering the Continent met with a similar response from the English. They attempted to prevent what they called 'contraband', that is, anything that could help the French war effort, from reaching the Empire by blocking access to European ports. The clash was an unequal one since the English controlled the high seas. Source: British Museum.

individuals unconnected with the profession of arms, and that the right of blockade should be restricted to fortified places actually invested by sufficient forces.

We have consequently decreed and do decree the following:

Article 1. The British Isles are declared to be in a state of blockade.

Article 2. All commerce and all correspondence with the British Isles is forbidden.

Consequently, letters or packages directed to England or to an Englishman, or written in the English language, shall not pass through the post and shall be seized.

Article 3. Every individual who is an English subject, of whatever state or condition he may be, found in any country occupied by Our troops or by those of Our allies, shall be made a prisoner of war.

Article 4. All warehouses, merchandise or property of whatever kind belonging to a subject of England shall be regarded as a lawful prize.

Article 5. Trade in English goods is prohibited, and all goods belonging to England, or coming from her factories or her colonies, are declared a lawful prize.

Article 6. Half the product of the confiscation of goods and property declared a lawful prize by the preceding articles shall be used to indemnify the merchants for the losses they have experienced by the capture of merchant vessels taken by English cruisers.

Article 7. No vessel coming directly from England or from the English colonies, or having visited these since the publication of the present decree, shall be received in any port.

Article 8. Any vessel which, by means of a false declaration, contravenes the above provisions shall be seized; and the vessel and cargo shall be confiscated as if it were English property.

Article 9. Our Court of Prizes in Paris is charged with the final judgment in all disputes which may arise in Our Empire or in the countries occupied by the French army relating to the execution of the present decree. Our Court of Prizes in Milan is charged with the final judgement in the said disputes which may arise within the territory of Our Kingdom of Italy.

Article 10. The present decree shall be communicated by Our minister of foreign affairs to the King of Spain, Naples, Holland and Etruria, and to Our other allies whose subjects, like Ours, are the victims of the injustice and the barbarity of English maritime legislation.

Article 11. Our ministers of foreign affairs, war, the navy, finance and the police, and Our directors general of the post office are charged, each with that which concerns him, with the execution of the present decree.

Source: *Correspondance de Napoléon Ier*, vol. 13, pp. 682–5.



*The decree of Milan, 17 December 1807*

The British replied to the Continental Blockade with the Orders in Council passed on 11 November 1807. They thereby announced their intention of seizing any ship that may have sailed from or was sailing to a French-controlled port. Given the superiority of the British on the high seas, this was a real blow to Napoleon's bid for economic supremacy on the continent. His response was the decree of Milan, a tit-for-tat measure that extended the terms of the Berlin decrees to all neutral ships that complied with the orders. Eventually, merchants and other enterprising individuals found ways of circumventing the various blockades: smuggling became rife in spite of the threat of the death penalty on those caught bringing in British goods.

At the Royal Palace of Milan, 17 December 1807  
Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine;

in view of the measures adopted by the British government on 11 November last, which obliges the vessels of neutral powers, friends and even allies of England, not only to a visit by English cruisers, but even to an obligatory stay in England and to an arbitrary tax of so many per cent of their cargo, to be regulated by English legislation;  
considering that, by these acts, the English government has denationalised the vessels of every nation of Europe; that it is in the power of no government to compromise its independence and its rights, all the sovereigns of Europe being jointly liable for the sovereignty and independence of their flags; that if, by an inexcusable weakness which would be seen as an indelible stain in the eyes of posterity, such tyranny should be admitted in principle and consecrated by custom, the English would take this into consideration to establish it in law, as they have profited from the tolerance of governments to establish the infamous principle that a flag does not cover the merchandise, and to give to their right to blockade an arbitrary extension which threatens the sovereignty of all states;  
we have decreed and do decree the following:

Article 1. Any vessel, of whatever nationality, which suffers the visit of an English vessel or is subjected to a voyage to England, or has paid any tax whatsoever to the English government, is, as a matter of fact, declared denationalised and shall lose the guarantee of its flag and shall become English property.

Article 2. Should such vessels, denationalised in this manner by the arbitrary measures of the English government, enter Our ports or those of Our allies, or fall into the hands of Our vessels of war or Our privateers, they shall be declared good and lawful prizes.

Article 3. The British Isles are declared to be in a state of blockade by sea and by land.

Any vessel, of whatever nationality, no matter what its cargo, that sails from an English port or from an English colony or from a country occupied by English troops, or sailing to England or an English colony or to a country occupied by English troops is, by violating the present decree, a lawful prize: it may be captured by Our vessels of war or by Our privateers, and adjudged to the captor.

Article 4. These measures, which are nothing more than a just reciprocity for the barbarous system adopted by the English government, which puts its legislation in the same category as that of Algiers, shall cease to have effect for any nation that obliges the English government to respect its flag. They shall remain in force as long as that government does not return to the principles of the law of nations which govern relations between civilised peoples in a state of war. The provisions of the present decree shall be repealed and void, as a matter of fact, as soon as the English government returns to the principles of the law of nations, which are also those of honour and justice.

Article 5. All ministers are charged with the execution of the present decree, which will be printed in the *Bulletin des lois*.

Source: *Correspondance de Napoléon Ier*, vol. 16, pp. 227-9.

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### Imposing the Code Napoléon on the Empire

The debate about whether Napoleon attempted to unify Europe under a common code, or whether he even attempted to apply the Code Napoléon systematically, are questions which have preoccupied historians in recent times. The selection of documents in this section highlight what was a general trend, namely Napoleon's desire to create a system which would facilitate the extraction of men and money from the territories incorporated within the Empire.

*Napoleon to Louis, King of Holland,  
13 November 1807*

Louis Bonaparte (1778–1846) was made king of Holland in 1806. He proved to be a popular monarch, largely because he did his best to serve his new subjects, and often ignored advice from Napoleon. He enraged Napoleon by refusing to implement the Code Napoléon, which he considered to be ‘un-Dutch’, or enforce the Continental Blockade, which he considered immoral. The following extracts from Napoleon’s correspondence highlights the practical difficulties involved in implementing a system that was not universally accepted. The emperor’s frustration at the lack of cooperation is apparent.

Fontainebleau, 13 November 1807

I have received your letter of 9 November. If you meddle with the Code Napoléon, it will no longer be the Code Napoléon. I do not know what time you need, or what changes there are to make, or how it will harm individual fortunes. You are inexperienced in administration if you think that the establishment of a definitive code can trouble families and cause disastrous disorder in the country. You are being told fairy stories because the Dutch are jealous of everything that comes from France. However, a nation of 1,800,000 souls cannot have a separate legislation. The Romans gave their laws to their allies: why should France not have its laws adopted in Holland? It is equally necessary for you to adopt the French monetary system; this is what Spain, Germany, all of Italy have done. Why should you not do so? To have the same civil laws and the same money tightens the bonds between nations. When I say ‘the same money’ I mean that your money will carry the arms of Holland and the effigy of the king, but the type of money and its organisation must be the same. . . .

Source: *Correspondance de Napoléon Ier*, vol. 11, p. 161.

*Napoleon to Jérôme, King of Westphalia,  
15 November 1807*

Fontainebleau, 15 November 1807

Dear brother, you will find enclosed the Constitution of your kingdom. This Constitution contains the conditions on which I renounce all my rights of conquest and the rights I have acquired over your country. You must follow it faithfully. The happiness of your people is important to me, not only because of the influence they may have over your glory and mine, but

also from the point of view of the whole European system. Do not listen to those who tell you that your people, accustomed to servitude, will receive your kindness with ingratitude. People are more enlightened in the kingdom of Westphalia than some would have you believe and your throne will not be truly established without the confidence and love of your people. What the people of Germany impatiently desire is that individuals who are not noble and who are men of talent will have an equal claim to your consideration and to employment; that all types of servitude and intermediate links between the sovereign and the lowest class of people be entirely abolished. The benefits of the Code Napoléon, the publicity of procedures, the establishment of juries, will be the distinctive features of your monarchy. And to tell you the complete truth, I am counting more on their effect for the extension and the consolidation of your monarchy than on the results of your greatest victories. Your people need to enjoy a certain liberty, equality and a well-being unknown to the peoples of Germany, and this liberal government will produce, one way or another, the most salutary changes for the system of the Confederation [of the Rhine] and the power of your monarchy. This manner of governing will be a more powerful barrier separating you from Prussia than the Elbe, the fortresses and the protection of France. What people would wish to return to the arbitrary government of Prussia when they have tasted the benefits of a wise and liberal administration? The peoples of Germany, as well as those of France, Italy and Spain, desire equality and demand liberal ideas. I have been managing the affairs of Europe long enough to be convinced that the burden imposed by the privileged classes is contrary to the wishes of the general opinion. Be a constitutional king. . . .

Source: *Correspondance de Napoléon Ier*, vol. 16, pp. 166–7.

*Napoleon to Joachim Murat, 27 November 1808*

Aranda, 27 November 1808

I read with attention the memorandum submitted by your minister, secretary of state of Justice, on the Code Napoléon. The most important consideration in the Code is that of divorce; it is its foundation. You should not touch it in any manner whatsoever; it is the law of the State. I would prefer Naples to belong to the former king of Sicily than to see an expurgated Code Napoléon. Divorce is not contrary to religion; its provisions have in any case been greatly modified. Moreover, those whose consciences have been offended by it will never use it. I cannot consent, in my capacity as guarantor of the Constitution, to modifications to the Code Napoléon. It has been adopted throughout the kingdom of Italy; Florence has it, Rome will have it soon, and priests will have to cease nurturing prejudices and look to their own affairs.

Keep to the middle road. It is not in cajoling priests that something will happen; if they think that you need them badly, they will fail you. . . .

Source: Maximilien Vox, *Correspondance de Napoléon. Six cents lettres de travail (1806-1810)* (Paris, 1948), pp. 374-5.

## RESISTANCE AND REPRESSION

### Conscription under Napoleon

The French revolutionary armies were largely made up of recruits. When, however, the number of men volunteering to join the ranks of the army began to dwindle, the government had recourse to the Jourdan Law of 5 September 1798 introducing conscription. All men between the ages of 20 and 25 were eligible to be called up. Those with money could buy their way out by paying for a replacement; the average price was about 2,000 francs. Those who could not afford a replacement or who did not want to leave their villages were, as the following report shows, obliged to find more imaginative means of avoiding conscription.

#### *Conscription frauds in the Ariège, 5 October 1806*

The registers of the certificates of births, marriages and deaths of most of the communes of the department of the Ariège are in a deplorable state.

These registers, and in particular those of marriage, have been shamefully defaced or falsified in order to procure for an infinite number of young men the means of avoiding military service.

The origins of these forgeries go back to the end of Year VI, that is to the period when the provisions of the laws of 19 and 23 Fructidor were known in the department of the Ariège. These exempted those requisitioned men married before 1 Germinal in Year VI from the draft and exempted conscripts married before 23 Nivôse of the same year from the ballot.

At that time, certain intriguers united in order to sell false acts of marriage to requisitioned men and conscripts of the department, and they have succeeded in their criminal aims, either by abusing the rusticity of public officers of some of the smaller communes situated in the mountains, or by sharing with them their culpable traffic, or by imposing on the good faith of the administrative corps of Viba extracts of false acts inscribed in the registers of the communes.