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The Grass-Roots Challenges with Administration: Conscription Evasion, Contraband, and  
Resistance in Napoleonic Europe

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A thesis  
presented to  
the faculty of the Department of History  
East Tennessee State University

In partial fulfillment  
of the requirements for the degree  
Masters of Arts in History

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by  
Julia Aby Lyle  
August 2013

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## ABSTRACT

The Grass-Roots Challenges with Administration: Conscription Evasion, Contraband, and

Resistance in Napoleonic Europe

by

Julia Aby Lyle

The French model of the nineteenth century led the way to modernity in establishing centralized administrative governments throughout Continental Europe. Several Napoleonic policies that led to the establishment of a modern centralized state were not positive in their effects on the local communities. Research widely categorizes resistance to the Napoleonic program as either militarily or economically based. This study uses the French court cases from the Court of Cassation dated 1804 to 1820 to provide a different interpretation to the discussion of local resistance to Napoleonic authority on an international level. Conscription fraud, contraband, and resistance to government officials reveal that the local reaction in the French jurisdiction was based on contempt for both economic and military policies. The research exhibits that the grass-roots nature of the resistance against the economic and military policies experienced under the Napoleonic umbrella were comparatively similar in local opposition.

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## CHAPTER 1

### INTRODUCTION

Scholars refer to the Napoleonic era as a positive experience for Europe despite the spectacular failure of Napoleonic rule. Napoleon established modernity in Europe through the formation of new international trade units and centralized state governments. The militant empire created equality, implementing French control in the courts and administration.<sup>1</sup> Other countries executed the design established by the Continental System.<sup>2</sup> While the transformations developed into positive reconstructions for Europe, regions initially responded negatively to Napoleon's policies and visions for Europe. Rural populations tirelessly opposed the central administration's authority by resisting major policies of the Napoleonic program. Local inhabitants throughout the empire renounced the military and economic legislation employed by the French government on the regional communities. Throughout the various departments in the Napoleonic government, individuals committed the crimes of desertion, fraud, smuggling, and violence against officials, demonstrating the extent and nature of crimes against French influence. Persons committed the offenses within the local structure, but the same transgressions appeared frequently throughout the Continental System.

Napoleonic policy influenced most of Europe during the early nineteenth century, as France grew tremendously in size due to imperial conquests. Napoleon Bonaparte conquered and pressured a multitude of European states into the French empire, such as Germany, Belgium, the Netherlands, Spain, and Italy. The Napoleonic government centered on imperialism. The French administration forced the model of centralized government onto the annexed countries.

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<sup>1</sup> Alan Forrest and Peter H. Wilson, introduction in *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire, 1806, War*, eds. Alan Forrest and Peter H. Wilson (New York: Palgrave Macmillan, 2009), 8.

<sup>2</sup> Horst Carl, "Religion and the Experience of War: A Comparative Approach to Belgium, the Netherlands and the Rhineland," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendall (New York: Palgrave Macmillan, 2009), 223.

By compelling the most valuable assets of the countries under the Napoleonic umbrella into the departmental system, France acquired access to endless resources with the territorial gains.<sup>3</sup> Napoleon's army required a constant supply of men, making human power a prized asset for French forces. Many of the laws implemented supported the military, increasing troop numbers.

To effectively execute the legislation throughout the Continental System, the central administration integrated the foreign acquisitions into the government, imposing the French model onto Europe. Napoleon's empire was divided into "88 French" departments and "44 foreign" departments.<sup>4</sup> The growth of Napoleon's empire required the central administration to expand control throughout the empire to properly execute the military and economic programs. Michael Broers, in "The Napoleonic Empire," saw the absorption of the satellite countries as imposing obstacles on the law-and-order aspect of Napoleonic rule in the outer empire. In the Dutch departments, the courts followed older precedents as opposed to the modern French system.<sup>5</sup> Although incorporated into the empire in 1809, the French government saw the Illyrian provinces as substandard governments as late as 1813.<sup>6</sup> The inner empire fully integrated into the central administration of the empire compared to the outer regions, which received little direction.<sup>7</sup> Prefects, chosen men by Napoleon, controlled the functions of the department. Both foreign and domestic departments experienced disorder.<sup>8</sup> The French government launched special courts to vigilantly enforce the laws. Several areas arduously opposed French authority, such as the Rhineland and Belgium, but the entire empire encountered

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<sup>3</sup> Alexander I. Grab, *Napoleon and the Transformation of Europe* (Houndsmill: Palgrave Macmillan, 2003), 19.

<sup>4</sup> Gavin Daly, "'Little Emperors?' Investigating Prefectural Rule in the Departments," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 44.

<sup>5</sup> Michael Broers, "The Napoleonic Empire," *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire, 1806*, eds. Refe Blaufarb, Alan Forrest, and Karen Hagemann (New York: Palgrave Macmillan, 2009), 74.

<sup>6</sup> *Ibid.*, 77.

<sup>7</sup> *Ibid.*, 78-80.

<sup>8</sup> *Ibid.*, 48

resistance.<sup>9</sup> The establishment of the special courts in 1801 exerted more control in areas energetically countering the policies. The courts and policing authorities normally carried out the enactments, complying with French regulation. The central policing force, the *gendarmerie*, applied the conscription laws and the economic blockade. The *gendarmerie* consistently appear as executors of conscription policies while participating in the Continental Blockade.<sup>10</sup> The *gendarmerie* extended the force of control of Paris to the local communities throughout the empire even though the institution preformed adequately.<sup>11</sup>

The centralized state relied on local governments throughout the empire as the administrative apparatus for applying French legislation.<sup>12</sup> Mayors' duties shifted from the villager's interests to the government's needs. The Napoleonic model changed many aspects of the local position, including the elections and role of the office. During the Revolution residents elected mayors as chosen officials. Under Napoleon the central government chose the men, turning the position into a farce.<sup>13</sup> Napoleon took advantage of the moneyed elites of the local communities by placing the men in government employment. French officials held the prominent occupations in the government, upholding national biases. French persons managed several prefectures in the Rhineland departments rather than Germanic peoples. French soldiers comprised the majority of the Italian *gendarmerie*. The practice served a two-fold purpose, ensuring the implementation of French policy and loyalty from the officials. The system struggled in every department. The pressures from the rural communities discouraged the local

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<sup>9</sup> Forrest, *The French Revolution*, (Oxford: Blackwell Publisher, 1995), 149.

<sup>10</sup> This is disputed by Alan Forrest's multiple works and will be discussed later in the historiography.

<sup>11</sup> Daly, "'Little Emperors?' Investigating Prefectural Rule in the Departments," 46-48.

<sup>12</sup> Michael Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," *The Historical Journal* 42, no. 3 (September 1999): 645-646. [JSTOR]

<sup>13</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," in *Collaboration and Resistance in Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 645-646.

<sup>14</sup> *Ibid.*, 37-38.

<sup>15</sup> Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," 653-654. *Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 37-38.

administrations' willingness to comply, frustrating departmental prefects and the *gendarmarie*.<sup>14</sup>

Historians view the innovative changes in developing integrated European governments, encouraged by Napoleon's economic and military policies, as reforms. For the current analysis the common term "reform" improperly describes Napoleonic policy. The term reform implies improvement. Many scholars, such as Alexander Grab, in *Napoleon and the Transformation of Europe*, refer to Napoleon's policies as reforms even with exploitive laws because Napoleon's programs created lasting changes in Europe.<sup>15</sup> Initially, villages responded negatively to several of the primary laws, establishing the lasting Napoleonic legacy. In Napoleonic Europe the countries applied the French model as an example for their own administration as a requirement, not necessarily for improvements. At the grass-roots level locals saw Napoleon's program as harmful and coercive, but the policies transformed Europe.

The foundation for the current research originates from court cases found in the Court of Cassation from the years 1804 to 1820, alluding to the regional response to government intrusion in communal life. The cases offer an insight into the various features of local opposition to French authority. The Revolutionary government established the court in 1790, although the roots of the institution trace back to the Old Regime. The suits provide a limited amount of information on the crimes committed. Rather, the concern of the Court reflects the issues of law and ensuring the department followed the law. As the last legal recourse of law, the cases deal with issues of law and procedure. The decisions provide a sample of the crimes committed by individuals throughout the departments, consisting of approximately 2,656 cases. The cases indicate the number of individuals being caught rather than people able to avoid detection. The

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<sup>16</sup> Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," 653-654. Michael Broers, "The Myth and Reality of Italian Regionalism: A Historical Geography of Napoleonic Italy, 1801-1814," *The American Historical Review* 108, no. 3 (June 2003): 703. [JSTOR]

<sup>17</sup> Grab, *Napoleon and the Transformation of Europe*, 19.

generic nature of the offenses allows for a more comparative study of the crimes themselves. The research focuses on the initial detail of the offense, only discussing the Court of Cassation decision if the case pertains to local opposition.<sup>16</sup>

The suits reaffirm many of the themes on the efforts to avoid French laws in the current historiography. The cases continue the debate on the military and economic programs implemented by Napoleon, but showing the issues on an international level. Comparing the crimes from both the foreign and French departments provide examples of the policies' effects throughout the significant countries in the empire. Assuming the disputes represent only a fraction of the cases brought before the departmental rosters, the frequencies of appearance of particular crimes reflect the commonality of the offenses. A review of these cases allows for a comparative study. The departments faced similar challenges and difficulties from the local communities.

Current research focuses on the central administration's effects on a specific country or department, as French conquests spanned Europe establishing regional and geographical differences in the empire. Language, cultural, social, and political differences existed as Napoleon's imperialism extended across much of Europe. The offenses committed in the international cases suggest commonalities among the countries. Several of the trends exist in the nature of the crimes, which appear universal in the suits. Individuals committed the same forms of conscription offenses in the areas affected by the policy. Departments in the empire observed self-mutilation, replacement, desertion, and fraud by men avoiding service. Locals diligently engaged in smuggling operations. The departments observed people attacking representations of French authority. Despite the regional differences and the sheer size of

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<sup>18</sup> "The Court of Cassation," *Cour de Cassation*, [http://www.courdecassation.fr/about\\_the\\_court\\_9256.html](http://www.courdecassation.fr/about_the_court_9256.html) (accessed February 3, 2013).

Napoleon's influence, regional resistance remained remarkably uniform in motivation and perpetration. Alexander Grab completed an international comparison of many of the countries under the Napoleonic umbrella in *Napoleon and the Transformation of Europe*. Grab's scholarship reveals how Napoleonic policies transformed Europe into modern centralized governments. The work illustrates common themes throughout the empire such as hostility to conscription and economic laws, as well as French authority. The achievement required a great deal of research, but Grab wrote a historiography using few primary resources.<sup>17</sup> The Court of Cassation cases reaffirm many of the trends seen in Grab's analysis, but as an addition to the large amount of primary research already completed in many areas of Napoleonic scholarship.<sup>18</sup>

The trials indicate variations from the arguments in established studies. Alan Forrest states the *gendarmerie* proved ineffective in arresting deserters or individuals concealing of deserters in the rural areas of France. The cases frequently display *gendarmerie* arresting civilians and conscripts for such crimes. Around one hundred Court of Cassation cases involved a dispute between communities, conscripts, and the policing agency. Conscription fraud appears as the initial crime in approximately 110 cases therefore showing the *gendarmerie* as being slightly efficient. Forrest's reliance on departmental reports might not reveal the whole story in the matters of conscription fraud, desertion on the local level, or the effect of French authority on the community.<sup>19</sup> The cases reiterate several of the themes in the current studies of military and economic policies.

The exploitive and intrusive nature of the French centralized state promoted no acts of nationalism from the regional communities of the departments in the Court of Cassation cases from 1804-1820. The end of Napoleon's reign in 1815 led to nationalistic tendencies in several

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<sup>19</sup> Grab, *Napoleon and the Transformation of Europe*, xii.

<sup>20</sup> Ibid, xii.

<sup>21</sup> Forrest, *The French Revolution and the Poor*, 167, 158.

countries under the umbrella. Blatant resistance and calls for civil war, in writing and speech, surface in 1815. The suits from 1815 and after signify attempts to entice national sentiments against the monarchy and his high government officials. The Revolutionary years marked an emphasis on patriotic ideology, especially during the first *levée en masse* in 1789. While some sentiments remained, the feelings changed quickly.<sup>20</sup> The cases of the violence enticed during the Napoleonic years never carried the undertones of national civil unrest. The opposition reflected a general distaste for policy but always at the grass-roots level. The lack of national motivation originated from the offenders and the nature of the crime. Offenders committed the crimes discussed for economic or military reasons, as the programs negatively affected the majority of the population.

The economic and military provocations originating from the intrusions of Napoleonic laws provide significant insight into the regional views of French authority. Communities hated the policies. The cases demonstrated the locals opposed the laws for both motivations. The authors copiously prefer one program or the other. Gavin Daly comes closest to a balanced comparison in "Investigating Prefectural Rule in the Departments," but the primary focus of the study is the prefect.<sup>21</sup> The Court of Cassation cases reveal different characteristics. The cases reiterate many of the trends in opposition to the policies but intriguing differences appear when compared to the historiography. The defenses of hostility to authority balances between economic and military throughout the cases. Conscription crimes contain the more violent offenses, while the economically motivated offenses appear far more often. The crime determined the motivations for the offense. The Continental Blockade correlated to the offenses related to smuggling, whereas deserters left compulsory military service. Scholars

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<sup>22</sup> Forrest, *Napoleon's Men: The Soldiers of the Revolution and Empire* (London: Hambledon and London, 2002), 172-73.

<sup>23</sup> Daly, "'Little Emperors?' Investigating Prefectural Rule in the Departments," 55.

attest to the fact the crimes worked in tandem with each other. Individuals involved with conscription fraud were in some cases involved with smuggling. Refractory conscripts and deserters created a cheap labor force for local populations burdened with increasing taxes and a declining economic situation. The policies in connection with the massive amount of resistance to the laws and agents indicate an immense local effort against Napoleonic policy falls into very similar patterns throughout the departments.

The expansion of the Napoleonic Empire introduced the foundations for modernization and progress through intrusive programs, which fostered animosity from the regional communities, while establishing a new method of government. The Civil Code, demolition of feudalism, and the creation of a centralized state proved reformative after 1815. The major and intrusive policies implemented by Napoleon's central administration, however, negatively affected the everyday individuals of the empire. The military legislation completely dominated the actions of the government. Historians view conscriptions laws as the most coercive program of the Napoleonic period, but both policies created resentment among the regional communities. The economic policies employed by Napoleon devastated Europe, destroying entire towns' industries. Necessity to enforce the laws strengthened the central administration throughout Europe. The level of local opposition to these laws transcended international borders. Nationalism played no role in resistance in the Court of Cassation cases. Rather, the local communities faced the same military and economic concerns. Incredibly similar, the methods and efforts of defiance took place from country to country. The hostility, whether violent or non-violent, targeted any form of representation of the central authority of the Napoleonic government.

## CHAPTER 2

### CONSCRIPTION CRIMES

The satellite and annexed countries absorbed into the French departments adopted the Napoleonic form of government, featuring a centralized administration. The government instituted the exploitive policies of the French conscription laws. The most transformative policies imposed by the government consisted of the conscription legislation. The laws forced the government to constantly evolve to cope with the local resentments. Napoleon's success in assembling the massive army led to several of the European countries not under Napoleon's direct control adopting the design. Prussia implemented conscription measures to compete with Napoleon's forces.<sup>1</sup> Dierk Walter asserts Prussia efficiently compelled and acquired conscripts compared to the challenges France encountered. The conscription laws reconstructed much of Europe, creating centralized state machines executing hated legislation throughout the empire.<sup>2</sup>

The central government's management concentrated on enacting the military program throughout the departments. The prefect ensured the local administrations met high conscription quotas. Challenges faced by local administrations and departments executing the laws forced the policies to continually change to accommodate new needs in the empire. The policies produced similar results despite geographical differences. Throughout the empire the regional populations committed similar offenses to obstruct compliance, such as concealing deserters and assaulting the *gendarmerie* for arresting individuals. Conscription evasion decreased with combined efforts of the *gendarmerie*, the special courts, the clergy, and stricter legislation. The defiance, desertion, and local resentment posed consistently plagued the

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<sup>1</sup> Katherine Aaslestad and Karen Hagemann, "1806 and Its Aftermath: Revisiting the Period of the Napoleonic Wars in German Central European Historiography," *Central European History* 39, no. 4 (December 2006): 556. (JSTOR)

<sup>2</sup> Dierk Walter, "Meeting the French Challenge: Conscription in Prussia, 1807-1815," in *Conscription in the Napoleonic Era: A Revolution in Military Affairs?*, eds. Donald Stoker, Frederick C. Schneid, and Harold D. Blanton, (London: Routledge, 2009), 24-25.

administration, even with the changes in implementation. The Court of Cassation cases present a multitude of examples verifying the local populations dislike of the military program.

The analysis concerning conscription laws enacted by the Napoleonic government begins with a discussion on compulsory service during the French Revolution. The Napoleonic administration reinstated conscription laws in 1798, after dissolving the old laws of the Revolutionary government. In *The French Revolution and the Poor*, Forrest states the failures of social reform during the French Revolution affected few members of the rural population due to the high rate of poverty among the peasants. The military changes placed on the communes by the Revolutionary government held greater consequences. The transformative policies of the local and national governments carried a lasting impact into the Napoleonic years. In the rural areas the burden fell to the lower classes, ensuring hatred and strong resistance for the conscription laws.<sup>3</sup>

Scholarship on conscription policies during French occupation of the Napoleonic era has exploded in the last decades. Alan Forrest excels in discussing the local connections in France concerning the conscription programs of both the French Revolution and the Napoleonic Era. Other authors and historians mention the prevalence in other states in the empire, but few develop the trend of the local connection to the deserters like Forrest. Although each accumulation of research differs in conclusion, all of Forrest's works reiterate the same facts relating to conscription policy. The difficulty associated with military service enticed distaste among conscripts. The program adversely impacted the lower classes and sparked resistance throughout the community. In *Napoleon's Men: The Soldiers of the Revolution and Empire*, the writings of French soldiers and the conscripts fighting in the military expressed themes found among the recruits of the French armies. The study reaffirms the general discontent found in

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<sup>3</sup> Alan Forrest, *The French Revolution and the Poor* (New York: St. Martin's Press, 1981), 144.

the military by discussing the poor treatment and morale of the soldiers. Forrest establishes soldiers never lost the local connection with their communities, retaining a regional autonomy.<sup>4</sup>

In *The Legacy of the French Revolutionary Wars: The Nation-in-Arms in French Republican Memory*, Forrest states the myths of nationalism applied to the French armies, spanning from the French Revolution to modern wars of the twentieth century. The myth of the citizen soldier lost power during the Napoleonic wars. No longer solely French, conscripts from the satellite countries comprised the major part of the *Grande Armée*.<sup>5</sup>

By the nineteenth century, conscription changed into the most efficient tool for building a large army and the program influenced future military protocol. By 1781, the wars with Europe generated a severe need for soldiers. A low response to request for volunteers resulted in the beginning of the conscription laws. When rural governments instituted drafting and nomination measures for volunteers, the opposition grew stronger. During the French Revolution, local authorities exerted methods comparable to conscription and in 1793 established the *levée en masse*, a compulsory conscription law. The local level expressed little nationalistic feelings normally attributed with the French Revolution. During the Ancient Regime, regional communities looked down on military service, instilling deeply rooted prejudices. Men exempted from service, such as those with money, high positions in society, or with promising job opportunities, left the lower populace to serve. With no enforcement measures, desertion and refractory conscription rates soared. During the Revolution volunteers received an initial payment but failed to report for duty. The trends continued into the Napoleonic years. The central administration depended upon regional authorities to administer the laws. Hatred and

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<sup>4</sup> Forrest, *Napoleon's Men: The Soldiers of the Revolution and Empire* (London: Hambledon and London, 2002), 152, 161, 172.

<sup>5</sup> Forrest, *The Legacy of the French Revolutionary Wars: The Nation-in-Arms in French Republican Memory* (Cambridge: Cambridge University Press, 2009), 57.

violence added to the difficulties of enforcement.<sup>6</sup>

The development of the central administration during the Napoleonic years offers new dimensions to historical research, although the methods of resistance continued. Departmental reports from prefects and their assistants detail the barriers associated with the execution of the laws. Current research gives much credence to such evidence. Forrest substantially depends on reports in *Conscripts and Deserters: The Army and French Society During the Revolution and the Empire*. Some of the claims, determined by departmental reports and prefects complaints, contrast with the Court of Cassation cases. The men writing the reports stood detached from the grass-roots administration executing the laws. Forrest contends the prefect reported the government made little headway in policing the forest laws, but the court cases dispute the explanation. Forest offenses being brought before the Court of Cassation appear approximately 476 times. Over seventeen percent of the Court of Cassation cases dealt with forest crimes. Locals grazed animals in the woods, cut trees, confronted forest rangers, and hunted without licenses. The decisions progress through all departments, but the majority of the departments remained French.<sup>7</sup>

In *Conscripts and Deserters*, Forrest reports the *gendarmerie* remained ineffective on the local level in France in applying conscription laws.<sup>8</sup> Forrest maintains the resistance fostered in France under the conscription laws supported the local sentiments dominating the empire.<sup>9</sup> The general consensus among the historiography supports Forrest, asserting the institution remained corrupt and ineffective. The agents demonstrated active involvement in searching for refractory conscripts and deserters throughout the Court of Cassation disputes. The court overturned

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<sup>6</sup> Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (New York: Oxford University Press, 1989), 229-232.

<sup>7</sup> *Ibid*, 120.

<sup>8</sup> *Ibid*, 133.

<sup>9</sup> *Ibid*, 237.

many of the conscription offenses due to an error of law, but the *gendarmerie* emerged throughout the procedures repeatedly. Conscription offenses appear in approximately 110 cases in the Court of Cassation and the majority involve the *gendarmerie*. The *gendarmerie* represented the central administration in enforcing laws and arresting individuals for committing offenses, as well as being the victims of violence from the local populations.

When unable to meet quotas and with a lack of administrative support in the regional communities, France turned to militant force.<sup>10</sup> In the Continental System the *gendarmerie* led the enforcement of conscription on the local level. The individuals of the institution answered to officials in Paris rather than the rural population. In the satellite and annexed countries the mostly French *gendarmerie* ensured loyalty to France. The historiography disputes the effectiveness of the *gendarmerie*.<sup>11</sup> Alan Forrest minimizes the extent of the *gendarmerie* in enforcing Paris's edicts in France during the Napoleonic years.<sup>12</sup> Others, such as Alexander Grab, contend the limited number of men serving in the enforcement agency allowed for the group to be little more than mildly effective.<sup>13</sup> Michael Broers states the Italian *gendarmeria* emerged as a successful managerial agency for central administration. The rigorous controls executed on the military group determined the success of the institution. The management allowed for the bureaucracy to exert more effective authority in Italy than held before. The *gendarmeria* remained a viable force in Italy until the last few years of the Napoleonic Empire.<sup>14</sup>

The *gendarmerie* proved as prone to corruptness as other political institutions, participating

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<sup>10</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," in *Collaboration and Resistance in Napoleonic Europe: State Formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 46.

<sup>11</sup> Frederick C. Schneid, *Soldiers of Napoleon's Kingdom of Italy: Army, State, and Society, 1800-1815* (Boulder, Colorado: Westview Press, 1995), 91.

<sup>12</sup> Forrest, *The French Revolution and the Poor*, 158.

<sup>13</sup> Alexander Grab, *Napoleon and the Transformation of Europe*, (Houndsmill: Palgrave Macmillan, 2003), 23.

<sup>14</sup> Michael Broers, "Centre and Periphery in Napoleonic Italy: The Nature of French Rule in the *départements réunis*, 1800-1814," in *Collaboration and Resistance in Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 65-67.

in the prohibited activities plaguing the administrative government. Poor wages led to bribery. In "Laroquebrou [a *gendarme*] allowed two prisoners . . . under escort to break free."<sup>15</sup> Unable to come up with a feasible explanation, people assumed bribery played a role in the agent's actions. "The conscripts [were] bound and handcuffed at the time when they escaped," leaving no question as to whether the officials allowed the men to escape.<sup>16</sup> The individuals enforcing the laws transformed into the criminals in the rural communities rather than the draftees evading service.<sup>17</sup>

Conscription grew into a massive operation in the empire, requiring bureaucratic centralization and cooperation. The burden to meet quotas fell to all departments. The practice of drafting men to fight in the military existed before in Europe, but the Napoleonic Era saw rapid military growth.<sup>18</sup> The *Loi Jourdan Delbrel* in 1798 implemented annual conscription. The conscription laws secured a continuous supply of men, installing various levels of recruitment to take place at different times. Comparatively, the *levée en masse* in 1793 recruited a large number of men at one time. Theoretically, the *Loi Jourdan Delbrel* outfitted the conscription pool with new recruits every year. The decree impacted young men between the ages of twenty and twenty-five. The method systematically ensured men for service rather than establishing a massive standing army. Napoleon's need for a legion to fight his multiple wars ironically meant the army remained numerous.<sup>19</sup> In the last years Napoleon called all reserves into service, creating greater cause for resistance.<sup>20</sup> The extent of Napoleonic policies led to increased enforcement from the centralized state.

Napoleon's military program led to the creation of the centralized state through the

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<sup>15</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 139-40.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Schneid, 65.

<sup>19</sup> Forrest, *The Soldiers of the French Revolution*, (Durham: Duke University Press, 1990), 83-84.

<sup>20</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," 46.

delegation and laws required to meet conscription quotas as well as enforcement. The policies dominated rural authority, establishing motivations for violence among draftees and the local community. Enforcement created violence against officials while the programs fostered dissention in the form of concealing, fraud, desertion, and corruption. Imperialism remained the primary function of the government focused on the military.<sup>21</sup> The army influenced all aspects of social and political life.<sup>22</sup> The satellite states acted in cohesion with the French government to create the massive *Grande Armée*. Necessity dictated the growth of the empire, offering new revenues and creating immense conscription levees.<sup>23</sup> Conscription compliance and numbers in the departments determined the prefect's failure or success.<sup>24</sup> Frederick Schneid asserted the growth of the Napoleonic Empire benefited Europe. During the height of imperial power conscription demands reduced with the growth, creating less need for conscripts throughout the empire.<sup>25</sup> Such an argument falls short in the discussion of grassroots resistance. The reaction for the policy remained as the empire prospered. Never appearing for service, conscripts turned refractory. Deserters lived in the open with local protection. Provincial communities regarded conscripts with understanding, harboring, hiring, and rioting for the compelled men. Elites and government officials turned to fraud instead of executing the French laws. The individual and regional efforts took place internationally, as seen in the similarity of the crimes in all the departments.

The execution of conscription requirements posed the greatest challenge to the local administration as the inductees despised the laws. During the French Revolution the

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<sup>21</sup> Ibid, 43-44

<sup>22</sup> Schneid, 21.

<sup>23</sup> Grab, "Conscription and Desertion in Napoleonic Italy, 1802-1814," in *Conscription in the Napoleonic Era: A Revolution in Military Affairs?*, eds. Donald Stoker, Frederick C. Schneid, and Harold D. Blanton, (New York: Routledge, 2009), 122.

<sup>24</sup> Gavin Daly, "'Little Emperors?' Investigating Prefectoral Rule in the Departments," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 50.

<sup>25</sup> Schneid, 73.

government proved insufficient to handle the complications posed by conscription avoidance. Napoleon stabilized the situation by dealing with draft dodgers and creating stricter laws for replacement.<sup>26</sup> The obstacle remained in the departments' inability to actually prevent the offenses. Desertion rates increased, never waning. The central administration introduced new measures for management but conscription remained a governmental administrative nightmare. *Insoumission*, exemptions, replacements, desertion, and locals made the laws difficult to execute.<sup>27</sup> By the last years of the empire, the conscription program ran smoothly as an administrative military machine even with the persisting high levels of desertion and resistance, contributing to the creation of centralized government in Europe.<sup>28</sup>

The implementation of the conscription laws created a complex system of administration, allowing for frequent errors to occur and for conscripts to fall through the cracks. The Court of Cassation decisions saw some draftees taking advantage of such mistakes. In a case brought before the court in 1812, in the imperial court of Rome, the conscription records listed Pierre Cossa's son Jean, a conscript of 1803, by the name of Jean Cossa, son of Ange. The listed name belonged to a deceased family member. The son took advantage of the mistake, claiming the list requested the dead family member, allowing Jean Cossa to avoid service.<sup>29</sup>

Any positive feelings for French authority during the early stages of occupation quickly faded. Several satellite and annexed countries willingly accepted French rule as an anticipation of fundamental changes. Southern Germany entered into an alliance with France to gain modernity and civilian rights.<sup>30</sup> The situation grew worse under French occupation.

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<sup>26</sup> François Bellardie quote found in Forrest, *The French Revolution and the Poor*, 163.

<sup>27</sup> *Insoumission* is defined by Forrest as "draft dodgers, conscripts who evaded military service." Forrest, *The French Revolution* (Oxford: Blackwell Publisher, 1995), 177.

<sup>28</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," 46.

<sup>29</sup> France, Court of Cassation, "Case 19," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 2 (March 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854821g.image> (Accessed August 23, 2012): 48-50.

<sup>30</sup> Ute Planert, "Conscription, Economic Exploitation and Religion in Napoleonic Germany," in *Napoleon and His Empire*:

Conscription and poor economic policies negatively affected the empire states.<sup>31</sup>

The central and local governments undertook great efforts to improve cooperation in the rural communities. Horst Carl, in "Religion and the Experience of War: A Comparative Approach to Belgium, the Netherlands and the Rhineland," maintains great lengths were taken to positively influence the local communities throughout the empire in favor of Napoleonic authority and conscription. The governments enlisted the Catholic and Protestant churches in the Rhineland and the Netherlands to influence rural communities. Messages and sermons targeted cooperation with France. The church portrayed the image of Napoleon as positive to aid in establishing France as the ruling authority and guardian. The role of the church comprised a single aspect in the campaign to win the rural communities.<sup>32</sup>

The departments envisioned new cooperation by reorganizing the local governments. Villagers reacted negatively to mayors seen as puppets of the central administration. Local officials quickly realized following Napoleon's dictates amounted to a loss of regional authority. The central administration directed laws onto the community through the mayors. The responsibility to meet the required number of conscripts fell to the mayor to support the prefects.<sup>33</sup> When the mayor met the quotas, local opposition soared. Intelligent, able men refused to serve due to the nature of the position.<sup>34</sup> The position required mayors to stand alone and avoid persuasive influences, while acting in the best interests of the central government. Elites with no social ties to the community offered the choice candidates for local administration. Napoleon's ideals fell short of the concepts of republican government. The method backfired in

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*Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 135. Schneid, 90.

<sup>31</sup> Planert, 137. Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire*, 140.

<sup>32</sup> Horst Carl, "Religion and the Experience of War: A Comparative Approach to Belgium, the Netherlands and the Rhineland," in *Soldiers, Citizens and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendall (New York: Palgrave Macmillan, 2009), 230, 231.

<sup>33</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," 46.

<sup>34</sup> *Ibid*, 40.

several instances, when mayors separated themselves from the central administration.<sup>35</sup> Mayors and elites seen as distant from the community held few local alliances. The local government turned to the military for implementation and subduing of rural hostility. Lentaigne de Logivière, mayor of Caen, in 1812 requested military intervention when the provincial population actively challenged his control, destroying Logivière's property due to a very high price on bread. Logivière asked for the power to administer extreme punishment against a few of the offenders. The incident led to the execution of several individuals, including a minor.<sup>36</sup>

Due to the negative response of the rural communities, many mayors took the opposite position to Napoleon's administrative system. The government handed fines and terms of imprisonment to officials refraining from enactment of the laws. The populace saw these men as local heroes and rural areas admired the disgraced mayor. Much like those who committed crimes of resistance, the community declined to label the mayors in defiance as criminals.<sup>37</sup> Rural sympathies and popular opinion influenced the local administration. Self-interests ruled the actions of mayors and bailiffs as opposed to Napoleon's desires. Such situations limited the prefect's effectiveness.

Mayors and other officials assisted in the local's fraudulent attempts to evade conscription laws as opposed to following the administrative dictates. One prefect declared the lack of intelligence of the local authorities caused the rural resistance.<sup>38</sup> The officials of the communes turned to corruption, instead of invoking the wrath of the local populations.<sup>39</sup> In an 1808 decision by the Court of Cassation, Jacques Clauss, the mayor of Albig in Germany, received charges for breaking conscription laws. Clauss omitted two eligible names from the list of

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<sup>35</sup> Ibid, 41.

<sup>36</sup> Ibid, 42-43, 39-43.

<sup>37</sup> Ibid, 51-52.

<sup>38</sup> A.D. Rhône, 1L216, letter of 29 *Germinal* II from the commune of Millery, found in Forrest, *The French Revolution and the Poor*, 144

<sup>39</sup> Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire*, 140.

available draftees.<sup>40</sup> In an 1808 discussion, a mayor changed Jean-Baptiste Pellorce's birth certificate from 1783 to 1782, allowing the conscript to qualify for a replacement in France.<sup>41</sup> Regional authorities dealt with the community first hand. The mayors and clerks executed the central administration's program, received the backlash. Naturally, the rural administrators sanctioned the populace resistance to the central administration.

Evidence exists of the corruption reaching to the prefect's administration in the departments expressing sympathy for the local population. In France, "the government fired the general secretary of the prefect of Gard, Blachier."<sup>42</sup> Blachier sold false conscription replacement certificates for the years 1798 and 1799.<sup>43</sup> The "*affaire du Cantal*" involved over a hundred people from the prefect's department in conscription frauds.<sup>44</sup> An investigation to determine the extent of the conscription fraud took place in Rouen. The local elites laboriously safeguarded their children from service through fraudulent certificates and exemptions. Gavin Daily maintains though the prefect was never officially charged with the corruption crimes, the instance "[suggests] at least indifference on the part of the prefectural administration to such abuses."<sup>45</sup>

Unlike local authoritarian resistance, departmental resistance rarely occurred within the cases, although a few examples appeared. Conscription led to less antipathy in the departments, allowing for compliance between the governments concerning military policy. Variations from the rule occurred. The departments in the Rhineland appeared in the cases as being difficult to

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<sup>40</sup> France, Court of Cassation, "Case 153," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 7 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6183684b.image#> (Accessed August 3, 2012): 332-334.

<sup>41</sup> France, Court of Cassation, "Case 149," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 7 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6183684b.image#> (Accessed August 3, 2012): 323-324.

<sup>42</sup> France, Court of Cassation, "Case 122," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 5 (Brumaire 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k58500914.image> (Accessed July 15, 2012): 220. ". . . arrêt du Gouvernement avait destitué Blachier, secrétaire général de la préfecture du Gard. . . "

<sup>43</sup> *Ibid*, 220-222.

<sup>44</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 139-40.

<sup>45</sup> Daly, "'Little Emperors?' investigating the Prefectural Rule in the Departments," 50.

control in terms of conscription laws. According to some departmental governments, conscription laws applied to draftees, but not to the local populations. In an 1812 decision, a German baker in Fever, Jean Renken, harbored and housed Jean-Henrich Wichelot-Dantmeyer, a German refractory conscript, for three years. The departmental courts claimed the German departments remained outside of the influence of the French conscription laws. After a formal proclamation, Renken continued to openly and knowingly harbor the deserter.<sup>46</sup> The case illustrates a blatant attempt for the German states to create some sort of autonomy from the rule of France. The individuals saw France as their oppressor, a correct assertion considering the majority of the army consisted of conscripts.<sup>47</sup>

The extent of officials' defiance against following the French line continued beyond the local and departmental administrative officials to the agents directly enforcing the laws. A *garde forestier* in Belgium favored the evasion of a conscript in a case brought before the Court of Cassation in 1813.<sup>48</sup> François Clays of the commune of Ursel received a conscription notice. Clays failed to respond to the appeal, turning into a refractory deserter. Jacques Standaert, *garde forestier* of the commune of Woerschoot, employed Clays for work. Jacques-François Gysels, *garde champêtre* of Woerschoot, learned Clays worked for Standaert.<sup>49</sup> Although, Standaert sought to gain Clays's release, he still allowed Clays to seek refuge in the woods when Gysels came after Clays. Although acquitted, initially Standaert received a year in prison and a 500 francs fine.<sup>50</sup> Clays's case was one of very few Court of Cassation cases indicating a great deal of conscripts running into the woods to escape service. Either the plan proved highly

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<sup>46</sup> France, Court of Cassation, "Case 23," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 2 (March 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854821g.image> (Accessed August 19, 2012): 56-58.

<sup>47</sup> Daly, "Little Emperors? Investigating Prefectural Rule in the Departments," 55.

<sup>48</sup> *Garde forestier* translates to forest warden.

<sup>49</sup> *Garde champêtre* translates to rural policeman.

<sup>50</sup> France, Court of Cassation, "Case 163," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 13 (August 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k58548788/f28.i mage> (Accessed August 22, 2012): 394-398.

strategic in that deserters averted getting caught by the military police forces, or the trend was not as prevalent as Alan Forrest expresses in *Conscripts and Deserters* as many of the cases revolved around forest crimes.<sup>51</sup> Another case proved similar to that of Clays. In a Court of Cassation decision from Belgium, Pierre-Joseph Degallez, Cécile Lorget, Louis-Joseph, and Jean-Baptiste Beudin arranged a complicated replacement scheme. "Pierre-Joseph Delgallez served as the replacement for an 1803 conscript, Louis Beudin, from the commune of Wiers."<sup>52</sup> Louis Beudin's age exceeded the law for a legal replacement, and his brother failed to report the replacement. The replacement borrowed the name of François-Joseph Saligot, verified by a birth certificate. Deputy Cecil Lorget and the mayor of Wiers claimed the individual carried the correct documentation. Delgallez took the place of Louis-Joseph Beudin but reported under the incorrect name. He admitted to committing the desertion fraud.<sup>53</sup>

The central administration faced two major challenges from the local population and draftees in executing the conscription laws. Draft dodging and desertion were rampant. In Italy, "between 1807 and 1810, a total of 22,227 dodgers left their communities."<sup>54</sup> The use of the Italian *gendarmaria* reduced the numbers of *insoumissions*.<sup>55</sup> In France the rates of *insoumission* grew more severe throughout the Napoleonic years. In 1813 Italy, "*insoumission* [rates ran] at 77 per cent."<sup>56</sup> Germans simply refused to respond or acknowledge conscription requests. At the onset of the 1798 *levee en masse*, thousands of men at a time left their units. In 1798, "in the Landes . . . out of 1,200 men, only 60 were left in uniform after a single day of

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<sup>51</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 120-121..

<sup>52</sup> France, Court of Cassation, "Case 179," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 7 (March 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850100n.image#> (Accessed July 15, 2012): 323-324. "Pierre-Joseph Degallez s'était engagé à servir de remplaçant pour Louis-Joseph Beudin, de la commune de Wiers. . . "

<sup>53</sup> Ibid, 323-325.

<sup>54</sup> Grab, "Conscription and Desertion in Napoleonic Italy, 1802-1814," 125.

<sup>55</sup> Schneid, 92.

<sup>56</sup> Ibid, 94.

service."<sup>57</sup> Desertion and draft dodging rates followed similar patterns throughout the departments, including the foreign departments. After 1813, conscription draftees commonly resorted to desertion as a means of contempt. Foreign conscripts fought away from home for French interests.<sup>58</sup>

Desertion plagued the army and with local support, evasion by conscripts generated a good deal of expense for the government. If soldiers reported for duty, the state invested money for clothing, weaponry, food, and other essentials. The state sustained a loss if a soldier deserted.<sup>59</sup> Disdain for French authorities combined with military life, provoked desertion in the empire.<sup>60</sup> Administrators and officials saw offenses against conscription as crimes, while the regional populations failed to see the act as criminal. Draft dodging and desertion instilled a communal sense of resistance by the participation of the community, leaving the administration to deal with the problem.<sup>61</sup>

Draftees evaded service for several reasons even though the government's annual conscription needs changed regularly.<sup>62</sup> Alan Forrest asserts "the demands of the recruiting officer were particularly heavy in 1807 and 1808, lighter in 1809 and 1810 when peace seemed to be in prospect, then utterly savage from 1811."<sup>63</sup> Fighting in the army promoted little enthusiasm from the conscripts. The trends from the Revolutionary period repeated during the Napoleonic Era. Compulsory service, military strictness, resentment, poor living conditions, and low morale motivated conscription avoidance. The pool concentrated on young men unfamiliar with conscription policies. The drafting process and social distinctions nurtured the

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<sup>57</sup> Forrest, *The French Revolution and the Poor*, 153-54. Planert, 142.

<sup>58</sup> Grab, "Conscription and Desertion in Napoleonic Italy, 1802-1814," 132. Schneid, 97.

<sup>59</sup> Schneid, 96.

<sup>60</sup> Ibid, 130.

<sup>61</sup> Forrest, *The Soldiers of the French Revolution*, 169-170.

<sup>62</sup> Forrest, *Napoleon's Men: The Soldiers of the Revolution and Empire*, 10.

<sup>63</sup> Ibid, 10.

growing resentment. Volunteers chose to face the difficulties of military service. Conscription removed the freedom of choice. The method of selection split the younger male population between the fortunate and the unlucky. Money created opportunities to avoid service. Deplorable military conditions contributed to the evasions, especially during the later years. On the field, poor conditions combined with a minimal chance of survival. A brilliant military mind, Napoleon threw men at his opponents, with little thought to the cost of life. In 1813, Johann Friedrich Burg illustrated the conditions of conscription in Germany as "Thousands slaughtered on the battlefield, thousands becoming cripples, yet more people [fell] into poverty, misery and distress - thousands dying before their time - the atrocities of war [were] indescribable."<sup>64</sup>

The extensive complication of draft dodging and desertion centered around civilian involvement.<sup>65</sup> For rural populations, the ideals behind the principle of conscription, the ideology of a national duty, held no resonance. The rural populace suffered the largest burden and conscription injured the traditional ways of life. Limitations and compulsion hindered the locals' work. The attempts to centralize the rural population alienated the populations against the government and military.<sup>66</sup> Alexander Grab contends "rural Italy viewed conscription as a major disruption and threat to its everyday life and . . . determined to defy [the policy]."<sup>67</sup>

The conscription laws aroused controversy throughout the rural population. Isser Woloch's "In the Aftermath of the French Revolution" contends the Napoleonic administration ensured compliance by adopting the laws, though most of the population resisted the ordinances.<sup>68</sup>

Conscription laws exploited the local population, leading centralized government to combat the

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<sup>64</sup> Johann Friedrich Burg, in 1813, quoted in Planert, 133.

<sup>65</sup> Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," 28.

<sup>66</sup> Forrest, *The Soldiers of the French Revolution*, 72.

<sup>67</sup> Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," *The Journal of Modern History* 67, no. 1 (March 1995): 32-33. (JSTOR)

<sup>68</sup> Isser Woloch, "In the Aftermath of the French Revolution," *The History Teacher* 28, no. 1 (November 1994): 11. (JSTOR)

communities' efforts to avoid service. Italians attempted to retain autonomy, according to Alexander Grab in "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)" by reacting to conscription with hostility. Grab describes conscription as "the principle battleground between individuals and local communities on the one hand [with] the central state on the other."<sup>69</sup> Italy's experience with conscription laws in terms of the separation of the community from the government reflected the experiences of other countries consumed into the Napoleonic era. The central administration focused on implementing the programs of the French government.<sup>70</sup> Ute Planert, in a study on conscription in Germany, maintains "no other issue imposed so much trouble on the people of Napoleonic Europe as conscription."<sup>71</sup>

The local populations rallied behind deserters and draft dodgers. The communal opposition began in France during the French Revolution.<sup>72</sup> The trend of local loyalty to deserters continued throughout the satellite countries.<sup>73</sup> The reaction formed in regional acts of resistance, centered in the villages and communes. The conscription laws grieved the local individuals. Compliance provided no immediate compensation for the rural peoples. Many of the Court of Cassation conscription cases from 1804 to 1820 resulted from knowingly harboring deserters and refractory conscripts. In several cases the offenders worked for the civilians as farm hands and apprentices. Frédéric Rulff employed Chretien Rulff, a refractory conscript since 1811. Frédéric Rulff hired the conscript as a domestic laborer.<sup>74</sup> According to Forrest, in France, concealers of conscripts experienced harsher sentences compared to deserters. The

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<sup>69</sup> Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," 27.

<sup>70</sup> Ibid, 27.

<sup>71</sup> Planert, 138.

<sup>72</sup> Forrest, *The French Revolution and the Poor*, 157-58.

<sup>73</sup> Schneid, 17.

<sup>74</sup> France, Court of Cassation, "Case 162," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 13 (August 1813) [http://gallica.bnf.fr/ark:/12148/bpt6k58548788/f2\\_8.image](http://gallica.bnf.fr/ark:/12148/bpt6k58548788/f2_8.image) (Accessed August 22, 2012): 393-94.

government sentenced Frédéric Rulff to a 500 francs fine and a year in prison.<sup>75</sup> These appellate cases occur frequently and Forrest claims in many instances, "mitigating circumstances" led to the immediate mistrial of the offenses.<sup>76</sup> Widows, parents, mayors, and sympathetic perpetrators acquired free passes in some cases.<sup>77</sup> The suits indicate individual civilians initially received a harsh sentence for the crime. Many of the appellate actions in the Court of Cassation overturned the concealment suits due to legal issues concerning the original trial or the nature of the accusation. The government charged several of the offenders in military courts, the incorrect venue for civilians. Sympathy factored into the Court of Cassation cases, with a few suits of bailiffs or leading officials attempting to retry the case due to an acquittal.

Cases of rural aid for drafted men thwarting the military policies appeared often in the Court of Cassation from 1804 to 1820. In southern France, in 1799, a baker of Villefranche, Jean Oustry, concealed Guillaume Ferrand, conscript deserter in his home. The government condemned Oustry to a 1500 francs fine and community service.<sup>78</sup> François Rousseau, a French tile manufacturer, concealed Vincent Bourcier, a deserter of the dragoons, as a worker in his factory in 1799.<sup>79</sup> In France, Antoine Darrier and Jacques Viellefon helped a conscript desert in an 1806 decision. The department charged the men a 300 francs fine and up to a year of prison.<sup>80</sup> In France, Desneux, a miller and farmer, concealed the fugitive deserter Garnier in a case brought before the Court of Cassation in 1806. Desneux employed Garnier, claiming he unknowingly hired a conscript. The government convicted Desneux for not reporting the

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<sup>75</sup> Ibid.

<sup>76</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 136.

<sup>77</sup> Ibid, 136.

<sup>78</sup> France, Court of Cassation, "Case 243," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 10 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850107j.image> (Accessed July 15, 2012): 443-444.

<sup>79</sup> France, Court of Cassation, "Case 236," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 9 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850105q.image> (Accessed July 15, 2012): 426-427

<sup>80</sup> France, Court of Cassation, "Case 116," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 5 (April 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed July 20, 2012): 201-202.

deserter to the government.<sup>81</sup>

The opposition to conscription turned into family affairs in several of the Court of Cassation cases. The resistance and offenses involved not only the conscripts and the local communities, but family members. Some parents went beyond hiring a replacement or forging documentation. In 1812, in southern France Marie Cross helped her son, a refractory conscript, escape from the prisons of Limoux.<sup>82</sup>

Several trials proved the local communities' feelings on conscription exceeded the limitations imposed by nationality. In an 1812 discussion, the German, Henri Liessem received a 300 francs fine and year in prison for helping with "the desertion of two French soldiers."<sup>83</sup> Another case brought before the Court in 1812 detailed a court in Amsterdam that convicted Willem Schmidt for concealing a refractory conscript. Schmidt concealed and employed Jean Frederic Stoch, a refractory conscript from Germany.<sup>84</sup> The rural efforts to resist French authority crossed national borders. Much of the historiography focuses on one particular region according to the historian. The conscription evasion extended beyond departmental barriers. The locals, despite geographical differences, harbored or aided foreign conscripts, adding another dimension to the level of resentment for government authority. Such cases indicate the distaste for the military program extended beyond a particular region or department within the empire.

Conscripts used fraud, a tradition well-established during the French Revolution, as a means to escape conscription service. Conscripts and their families committed the fraudulent actions of falsifying passports, death and birth certificates, and conscript replacements. Laws inhibited

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<sup>81</sup> France, Court of Cassation, "Case 118," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 5 (April 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed July 20, 2012): 205-206.

<sup>82</sup> France, Court of Cassation, "Case 49," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 4 (October 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854831v.image> (Accessed August 30, 2012): 116-117.

<sup>83</sup> France, Court of Cassation, "Case 71," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 6 (May 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k58548506.image> (Accessed August 20, 2012): 179, 179-180. ". . . la désertion de deux soldats français."

<sup>84</sup> France, Court of Cassation, "Case 69," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 6 (May 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k58548506.image> (Accessed August 25, 2012)" 173-75.

a conscript's movement throughout the empire, including the requirement for registrations and passports. Frequently, the use of counterfeit travel papers resulted as an attempt to avoid service.<sup>85</sup> The fraudulent activities began during the 'voluntary' attempts to acquire soldiers in the late 1700s by high officials and wealthy villagers. Forrest attributes the fraud to many of the hard feelings experienced by the rural peasants.<sup>86</sup> The fraud cases indicated similar trends of forgery to evade conscription. The administrators appeared to the persons with the access to produce counterfeit documents with ease.

The upper classes commonly committed the offenses relating to conscription fraud involving large sums of money. If given permission from the prefect, conscripts hired others to take their place. The government applied strenuous rules for legally substituting a conscript draftee. In Italy Carlo Ambrogio Pollo hired a substitute for 1808. After the injury of the substitute, the government required Pollo to hire another replacement or come to the front lines himself.<sup>87</sup> Although legal recourses existed, conscripts resorted to similar methods of fraud. Individuals illegally hired others to take their places such as the case of the Vangoethems. In Belgium, 1813, Vangoethem, father and son, violated conscription laws. The Vangoethem father hid his son, the conscript, through a fraudulent replacement. Vangoethem hired Gilles-François Rottier, a draftee for year 1814, to take his son's name, drafted as a conscript of 1813. The army accepted Rottier under the false name and replacing Vangoethem. The offenses resulted in the commission of two crimes, both fraud and scam.<sup>88</sup> In 1805, in Belgium, Desweemer and the widow Fierens "admitted to using a false name in replacing a conscript, who failed to join the

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<sup>85</sup> Grab "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814),"26.

<sup>86</sup> Forrest, *The French Revolution and the Poor*, 147.

<sup>87</sup> Schneid, 70.

<sup>88</sup> France, Court of Cassation, "Case 199," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 16 (October, 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854886t.image> (Accessed August 30, 2012), 492-94.

corps."<sup>89</sup> The admitted replacement of the conscript, using the name Vesbreygea, provided papers in the name of F.J. Daer, who never joined the corps.<sup>90</sup>

Although not as common as civilians harboring conscripts, forgeries provided a measure of avoidance. Forged mayors' signatures validated a changed death certificate or passport. Louis Bourguignon altered a passport from the commune of Crépol to move freely throughout the territory.<sup>91</sup> Forgery thrived as a business in many departments.<sup>92</sup> Passports and legal certificates appeared prevalently in the Court of Cassation cases. Both the upper and lower classes engaged in forging documents. Individuals bought the documents for large amounts of money. "In France, Pouydebat fabricated a false exemption of military service for Dubrana, a conscript, for the monetary sum of six hundred francs," in a decision rendered in 1806.<sup>93</sup> The Court of Cassation heard a case in 1806 dealing with "Pierre-Desmazes deliver[y of] a passport with the false name of Pierre Bertherre" in France.<sup>94</sup> He fraudulently stated his military status on the passport, along with the incorrect signature. Desmazes sought to evade military service.<sup>95</sup> In an 1804 discussion, in an eastern department in France, "Philibert Barnaud, a soldier of the 18<sup>th</sup> regiment of the line, received a visit from his family in Melun," in northern France. Barnaud presented a fraudulent signed permission slip, verified by a writing expert in the police administration.<sup>96</sup>

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<sup>89</sup> France, Court of Cassation, "Case 277," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 11 (July 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k58501138.image> (Accessed July 12, 2012): 495. ". . . déclarés convaincus d'avoir fait admettre, sous un faux nom, en remplacement d'un conscrit, un particulier qui n'a pas rejoint son corps."

<sup>90</sup> *Ibid.*, 495-96.

<sup>91</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 142.

<sup>92</sup> *Ibid.*, 142-43.

<sup>93</sup> France, Court of Cassation, "Case 208," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 8 (July 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850058h.image> (Accessed July 20, 2012): 377, 377-378. "Pouydebat était prévenu d'avoir fabriqué une fausse dispense de service militaire, et de l'avoir délivrée à Dubrana, conscrit, moyennant la somme de 600 francs."

<sup>94</sup> France, Court of Cassation, "Case 136," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 5 (April 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed July 20, 2012): 234. "Pierre-Desmazes était prévenu de s'être fait délivrer un passe-port en prenant fussement le nom de Pierre Bertherre."

<sup>95</sup> *Ibid.*, 234-235.

<sup>96</sup> France, Court of Cassation, "Case 22," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 1

Several cases indicated forgeries developed into multiple person offenses. The crimes involved clerks, mayors, doctors, administrators, and civilians. In France a passport fraud hid a conscript in an 1806 decision. The court failed to view the offense as a crime. Boulois received a passport label with the name of Faichot. Gloriant altered the passport for Boulois, the conscript. Officials found Boulois carrying the fake passport and charged him with using the document.<sup>97</sup> In southern France Jean Belain falsified the signature of the mayor of Minimbaste on a certificate to avoid military service, in trial brought before the Court of Cassation in 1807.<sup>98</sup>

Marriage, self-mutilation, or poor attempts at forgery emerged as the most prominent methods of fraud for the lower classes. Similar to the white collar aspects of high payments for replacements, the offenses began during the French Revolution. Early on, draftees used marriage to prevent conscription in France. Older women or the less desirable women married very young men for compensation.<sup>99</sup> Self-mutilation prohibited a conscript's recruitment. The loss of a finger or another body part inhibited a soldier's ability to perform.<sup>100</sup> Although barbaric, the method continued during Napoleonic conscription. Disabilities such as blindness, deafness, and epilepsy allowed for exemption. Conscripts dodged service by fraudulently declaring the debilitating defects. In many cases the conscript required a single "eye witness testimony," making fraudulent disabilities difficult to establish.<sup>101</sup> Examples of such medical frauds appeared in the Court of Cassation cases. In 1813, the Frenchmen "Jean Magenot voluntarily disabled a conscript drafted 1814," by cutting off part of Jean-Baptiste Julien's thumb

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(Floréal 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k5849000t.image> (Accessed July 3, 2012): 36, 36-37. "*Philibert Barnaud, soldat au 18.<sup>e</sup> régiment de ligne, s'étant rendu dans sa famille, à Melun . . .*"

<sup>97</sup> France, Court of Cassation, "Case 135," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 5 (Floréal 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed July 15, 2012): 223-234.

<sup>98</sup> France, Court of Cassation, "Case 7," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 1 (February 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed August 20, 2012): 12-14.

<sup>99</sup> Forrest, *The French Revolution and the Poor*, 161.

<sup>100</sup> *Ibid.*, 160.

<sup>101</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 137.

to avert a public order.<sup>102</sup> Julien gave Magenot his consent.<sup>103</sup> Self-mutilation expressed the extent of the desperation conscripts faced, even at the risk of death. In the department of Seine-Inférieure the prefect noted an individual pulled all of his teeth, while others used acids and incense, making themselves sick.<sup>104</sup>

Rural communities throughout the empire took great lengths to avoid the Napoleonic program for compulsory military service. Even with the establishment of the *gendarmerie* and stricter laws, the local communities rallied against the program. Deserters and draft dodgers received protection from the rural populace in addition to the individual efforts taken to avoid conscription. The central administration turned into the enemy and the communities never saw personal attempts to avoid conscription as negative. The amount of local resistance demonstrated the extent of hatred the locals felt for the program throughout the departments. The resistance shown in the Court of Cassation cases transcended the departments indicating the efforts of the locals were similar and involved all members of the community. Offenses against the military program showed the locals resentment for government in the regional communities.

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<sup>102</sup> France, Court of Cassation, "Case 178," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 14 (April 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5850051m.image> (Accessed August, 22, 2012): 436. "*Jean Mongenot était prévenu d'avoir mutilé volontairement un conscrit de 1814, . . .*"

<sup>103</sup> *Ibid*, 436-37.

<sup>104</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 138.

## CHAPTER 3

### ECONOMIC CRIMES

Continental Europe experienced crippling economic policies during Napoleon's reign. The government re-established old excise taxes on certain goods, such as sugar and salt. The prices on foodstuff increased markedly in Revolutionary and Napoleonic Europe. The Continental Blockade and the British Blockade exacerbated the situation. French favoritism in economic matters established the most damaging aspects of Napoleon's policies. High taxes, food prices, unemployment rates, and growing local resentments afflicted a large portion of the empire. Much like the conscription offenses, the financial aspects to Napoleon's transformative central administration caused similar crimes and efforts of resistance from the local populations. Smuggling contraband, both exports and imports, appeared frequently in the Court of Cassation cases as a copious offense stemming from the combination of economic tensions. The policies, notably the Continental Blockade, intertwined with French military goals, establishing a form of economic warfare.<sup>1</sup>

During war blockades performed an important role in hindering an opponent's trading capabilities. The Continental Blockade turned counteractive, causing more harm to the Napoleonic Europe than Napoleon's enemies. The monetary difficulties in the empire started before Napoleon's Continental Blockade. The commercial strains in France began in 1803 with the British Blockade of French goods.<sup>2</sup> Napoleon announced the Berlin Decree of 1806 and the Milan Decree of 1807, essentially cutting off the majority of Continental Europe from trade with England legally. England dominated European trade. Prohibiting all British goods, the

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<sup>1</sup> Katherine B. Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendale (London: Palgrave, 2008), 118.

<sup>2</sup> Francois Crouzet, "Wars, Blockade, and Economic Change in Europe, 1792-1815," *The Journal of Economic History* 24, no. 4 (December 1946), 567. (JSTOR)

Blockade allowed for a break in competition in Europe. The supremacy of legal trade switched in Europe from England to France. All countries under the Napoleonic umbrella bought merchandise and materials from France. Initially, Napoleon's reaction appeared sound, but the original intent for the blockade resulted in little damage to England due to the mastery of smuggling in the empire.<sup>3</sup> Being unable to sell British goods in Europe, an overflow of merchandise produced economic despair in England. Napoleon envisioned a French monopoly on the European textile market, further weakening a dependent England.<sup>4</sup> But British goods were not as expensive as French materials and the countries in the empire resorted to crime to avoid the added costs.<sup>5</sup>

The economic system, although meant to entrench France as the major competitor in Europe, failed miserably. As a strong contender in other trade markets, England was not dependent solely on European commerce. England's long established roots in colonial trade limited the blockade's effectiveness on British trade to importations. The Court of Cassation cases evidenced the French empire's major economic challenges stemmed from the local populations attempting to obtain foreign goods.<sup>6</sup> Approximately seventeen percent of the cases questioned the legality of goods brought into the empire. The economic warfare constrained England minimally. British goods, particularly cottons and textile materials, retained first choice within most of the empire. The expensive French materials led the communes within the empire to resort to crime, paying for cheaper British goods. Limited access to foreign markets created a reliance on Europe for trade. When Santo Domingo gained autonomy in 1804, France lost the

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<sup>3</sup> Katherine Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 116. Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 119.

<sup>4</sup> Gavin Daly, "Napoleon and the 'City of Smugglers', 1810-1814," *The Historical Journal* 50, no. 2 (2007): 341. (JSTOR)

<sup>5</sup> Crouzet, 574-75, 587.

<sup>6</sup> Kevin H. O'Rourke, "The Worldwide Economic Impact of the Revolutionary and Napoleonic Wars," *National Bureau of Economic Research* no. 11344 (May 2005), <http://www.nber.org/papers/w11344>: 15. (Accessed March 3, 2013)

greatest asset of French colonial trade.<sup>7</sup>

French law considered all open trade with England in the Continental System illegal until 1814.<sup>8</sup> The British smugglers established a black market port for continued trade within the French empire. The Continental Blockade was so unproductive, Robert A. Doughty and Harold E. Raugh, Jr., in "Embargoes in Historical Perspective," state cotton importation increased from "58.4 million pounds per year" to "83.1 million pounds per year" from 1806 to 1807.<sup>9</sup> Trafficking grew into an impressive operation "includ[ing] commissions and insurance rates" to help protect the safety of the merchandise.<sup>10</sup> Known as the "Warehouse of Europe," England established warehouses in Helgoland to maintain trade with cities under French authority, such as Hamburg.<sup>11</sup> America participated in the illegal trade, carrying British goods to the Dutch countries. French customs officials declared neutral ships carrying goods without licenses as enemies, seizing the merchandise and making trade more difficult.<sup>12</sup>

The most important aspect of Napoleon's economic blockade was the Continental Blockade. Very few areas in the empire failed to feel the negative effects of the burden, leading to another reason for communal resentment for government authority. Unlike conscription laws, individuals could not readily walk away from their financial difficulties. Historians theorize on the enactment of the Continental Blockade. Edgar Kiser and Joshua Kane contend Napoleon's economic policies reflected the Old Regime's abrasive laws.<sup>13</sup> Katherine Aaslestad, in "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire,"

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<sup>7</sup> Crouzet, 569.

<sup>8</sup> Daly, "Napoleon and the 'City of Smugglers', 1810-1814," 334.

<sup>9</sup> Robert A. Doughty and Harold E. Raugh, Jr., "Embargoes in Historical Perspective," *Parameters* (Spring 1991): 25.

<sup>10</sup> Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," 119.

<sup>11</sup> *Ibid* 119.

<sup>12</sup> *Ibid*.

<sup>13</sup> Edgar Kiser and Joshua Kane, "Revolution and State Structure: The Bureaucratization of Tax Administration in Early Modern England and France," *American Journal of Sociology* 107, no. 1 (July 2001): 212-13. (JSTOR)

promoted economic development in the Continental System by targeting England's economy.<sup>14</sup> In Europe, the most common form of revenue remained agrarianism, and the Blockade led to some industrial development. Industry in France, Belgium, and the Rhineland, according to Aaslestad, “developed rapidly between 1807 and 1810” as a result of the Continental Blockade.<sup>15</sup> Several examples stemmed from cities receiving an economic boost under the new system. The Rhineland's economy grew in the wake of the blockade. The textile businesses in Württemberg, a city in the German states, profited from the program. With a lax port regulation, the Rhineland installed more contacts and markets. International trade thrived as the country established trade markets with other ‘inner Empire’ countries.<sup>16</sup>

The extensive damage caused by the Continental Blockade to the Continental System limited any growth in the empire to specific instances. The Blockade adversely affected the majority of the empire. Existing means of economic viability fell in the wake of the creation of new trade routes, taking precedence over the pre-established systems. The Blockade ruined shipping industries in several satellite and annexed countries, leaving ports empty and men jobless. Almost all trade between Cologne and Holland stopped.<sup>17</sup> In Italy the poor economic situation, strict taxation, and conscription fostered resistance among local populations.<sup>18</sup> The combination of factors generating from the French policies increased the strains on the lower classes.<sup>19</sup>

The Blockade's crippling effects led to the destruction of industries in European cities. The Hanseatic city of Hamburg, according to Aaslestad, offers an example of the destructive nature of

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<sup>14</sup> Aaslestad, “Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire,” 115.

<sup>15</sup> Ibid, 116.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid, 117-118.

<sup>19</sup> Ute Planert, “Conscription, Economic Exploitation and Religion in Napoleonic Germany,” in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 137.

the Continental Blockade. The obstacles in the city of Hamburg essentially began during the British blockade in 1803. Although Hamburg attempted to stay neutral to remain economically strong, the city lost a good deal of the established trade network. Hamburg suffered from the economic policies of French administration after being annexed into France in 1810. The economy revolved around international trade during the eighteenth century. Hamburg, before the effect of Napoleon's policies, "functioned as a financial, diplomatic, and communication hub as well."<sup>20</sup> The citizens of Hamburg resorted to trafficking, using land routes rather than seaports. When incorporated into the Napoleonic Empire, the protectionist policies of France escalated the situation. Similar to conscription enforcement, the customs officials, *droit réunis*, and *gendarmerie* found the policies difficult to fulfill. Corruption among government officials allowed for trade with England to go virtually unhindered until 1810. French protectionist measures intensified. Elites made profits; the local population relied more heavily on smuggling. Despite any positive policies incorporated by the government, the economic and military programs negatively affected the city.<sup>21</sup> From 1811 to 1813, increased economic tensions and government intrusions became the bane of the local populations. The interference provoked public resentment toward French authority figures.<sup>22</sup>

Other policies linked with the Continental Blockade intensified the situation. The Napoleonic years led to the inflation of the price of goods in addition to high taxes. Economist Kevin H. O'Rourke published a remarkable article in 2005 examining the various differences in price hikes in Europe during the Napoleonic years and after. In "The Worldwide Economic Impact of the Revolutionary and Napoleonic Wars," O'Rourke established France received the

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<sup>20</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 120.

<sup>21</sup> Ibid, 126.

<sup>22</sup> Ibid, 120-131.

most damage from the wars and the blockade.<sup>23</sup> He compared the inflation prices from the Revolution and Napoleonic period to the prices after 1816 in Europe, as well as other continents, such as Africa and Asia. Prices for basic goods imported into the Continental System escalated. Historians such as Katherine Aaslestad establish the severe problems associated with the economic situation in the textile industry in Germany during Napoleon's reign. Aaslestad's most extreme statistics failed to compare with O'Rourke's economic analysis. O'Rourke stated the textile "prices [in France] during 1789-1815 were 77% higher than during 1816-30."<sup>24</sup> War affected the prices of certain materials, such as iron, but the Blockade affected foodstuff items, like sugar and coffee. The countries under the Napoleonic umbrella experienced even higher inflation rates. O'Rourke claims in the Netherlands, "sugar was an astonishing 577% dearer during 1807-12 than it had been before the war and 277% dearer than its post-war average."<sup>25</sup> The empire experienced similar patterns. In Germany "the price of sugar was 190% higher during 1807-12 than after the war; the relative price of raw cotton was 169% higher; the relative price of coffee was 197% higher; and the relative price of tobacco was 121% higher."<sup>26</sup> With remarkably high costs for imported and French goods, many individuals resorted to smuggling.

The high price of goods correlated with the French excise taxes, re-established by the Napoleonic government, on products such as salt and wine. Jean Josseau fraudulently imported salt into France in a decision rendered by the Court of Cassation in 1808. He failed to pay the salt taxes.<sup>27</sup> In 1813, in the court of Casal, a ranger accused Widow Catherine Montano, a cabaret owner and wholesale seller of wine, of embezzling merchandise and committing fraud

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<sup>23</sup> O'Rourke, 1.

<sup>24</sup> Ibid, 17.

<sup>25</sup> Ibid, 18. The term *dearer* refers to highly priced.

<sup>26</sup> Ibid, 18, 17.

<sup>27</sup> France, Court of Cassation, "Case 168," *Bulletin des arrêts de la Cour de cassation rendus en matière*, no. 8 (May 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k61590100.image#> (Accessed August 3, 2012): 364-365.

against her creditors.<sup>28</sup> In Switzerland, Charles Sapit embezzled wine in 1808. An examination of Sapit's cellars by an official of the *droit réunis* reported lower levels than legally reported on his documentation. Instead of 417 hectoliters and 60 liters, he had 415 hectoliters and 80.14 liters of wine.<sup>29</sup>

The Court of Cassation decisions reiterate many of the previous conclusions of Napoleon's economic policies and regional communities. The blockade and high taxes proved devastating to communities and the number of individual offenses supports the all consuming nature of the effects of the blockade. A large portion of the cases questioning the level and amount of smuggling in the empire, around sixty-eight percent of cases, dealt with ensuring if wine was smuggled by individuals. The intrusive and exploitive nature of the economic program created a large amount of dissension among the local communities.<sup>30</sup>

The suits expand the discussion further by viewing the offenses committed in terms of the departments instead of location. Similar to the conscription cases, matters of procedure resulted in amended and overturned cases. In Belgium, in an 1810 discussion, officials confiscated fraudulent coffee and sugar. The records indicated the wrong place of origin, leading to the Court of Cassation voiding the charges against Sieurs Moevenhaut, Vanstacq, and Aertsens. The procedural error annulled the decision although multiple people introduced the items into France.<sup>31</sup> The departments veered away from compliance in economic matters to rule against French authority, while reinforcing the local populations' sentiments for the laws.

Napoleon's economic policies generated another front to an already multiple front war.

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<sup>28</sup> France, Court of Cassation, "Case 86," *Bulletin des arrêts de la Cour de cassation rendus en matière* T18, no. 7 (June 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854856p.image> (Accessed August 20, 2012): 209-210.

<sup>29</sup> France, Court of Cassation, "Case 88," *Bulletin des arrêts de la Cour de cassation rendus en matière*, no. 5 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k61590063.image#> (Accessed August 3, 2012): 193-195.

<sup>30</sup> There are approximately 273 wine cases in the Court of Cassation from the years 1804-1820.

<sup>31</sup> France, Court of Cassation, "Case 5," *Bulletin des arrêts de la Cour de cassation rendus en matière* T15, no. 1 (June 1810) <http://gallica.bnf.fr/ark:/12148/bpt6k5848699q.image> (Accessed August 5, 2012): 11-15.

The disproportionate system led many of the countries to crime for a source of revenue. Rural communities verbally and physically assaulted officials under French authority. Several of the regional government officials participated in smuggling, as in Hamburg, refusing to comply with the blockade.<sup>32</sup> Due to the expansive amount of territory and limited resources, the prefects could not properly enforce the economic blockade. The nature of the crime of smuggling allowed for the ease with which contraband flowed through.<sup>33</sup> Most of the administration's efforts focused on fulfilling conscription laws, taking away much of the government's capabilities to protect the blockade.<sup>34</sup> With a lack of enforcement and the role as the main policing force, soldiers in southern Italy made tidy profits through contraband. The amount of trade in British goods traveling through the cities of "Malta and Sicily . . . grew in almost direct proportion to the decline in Britain's legitimate trade through ports like Livorno."<sup>35</sup> Local citizens responded positively to the offenders. Silvia Marzagalli maintained smugglers received the same protections afforded to conscription defaulters by the local communities.<sup>36</sup>

Economic offenses required the government to enact changes in the enforcement efforts. Napoleon incorporated a licensing system benefiting selected merchants. Without the proper markings, custom officials confiscated the items. Merchants actively participated in profiteering, smuggling, and creating false certificates.<sup>37</sup> Goods labeled from foreign makers provided easier methods of movement. Only a select group of French merchants benefited handsomely from official certification. The most basic of items required documentation. In Belgium officials seized around "seventeen sacs of clover seeds," lacking the proper

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<sup>32</sup> Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," 120.

<sup>33</sup> Silvia Marzagalli, "Port Cities in the French Wars: The Responses of Merchants in Bordeaux, Hamburg, and Livorno to Napoleon's Continental Blockade, 1806-1813," *The Northern Mariner/Le Marin du nord* VI, no. 4 (October 1996): 68.

<sup>34</sup> John A. Davis, "The Many Faces of Modernity: French Rule in Southern Italy, 1806-1815," in *Collaboration and Resistance in Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 86.

<sup>35</sup> *Ibid.*, 86.

<sup>36</sup> Marzagalli, 69.

<sup>37</sup> *Ibid.*, 68.

identification in a 1807 decision.<sup>38</sup> Although confiscated for a lack of identification, the seeds were probably nothing more than animal fodder. The use of false certificates for importation led to increased numbers of merchants employing the documents. The certificates either passed off British merchandise as products from other countries or altering the certificate permitting legal entrance of British goods. Approximately "590,000 tons [of British merchandise was] sold openly without seizures"<sup>39</sup> In an 1811 decision, officials confiscated sixty-two pieces of tissue muslins with false certification for transportation of foreign merchandise in Italy.<sup>40</sup>

In 1809, Napoleon established a smuggling port in the city of Gravelines, legalizing a limited form of trafficking goods in an attempt to gain profit from the illegal efforts. Napoleon approved of British smugglers bringing gold for trade to the city. Designed to protect French interests, British traffickers brought gold guineas and bought French goods. Napoleon mainly wanted gold but traded other French products. Seventy-seven merchants received special licenses to trade with the British smugglers. Although legal trade between France and England transpired in the port, French law continued to demand licenses. British cottons remained illegal. The establishment of the French smuggling city reaffirmed Napoleon's French protectionist policies as the central administration made the choices. French merchants received the exemptions. The unfairness of the French policies reinforced the distrust in central authority already established through harsh conscription policies.<sup>41</sup>

The unbalanced French economic system and protectionist policies launched a cycle of suffering in Europe. Several countries relied on trade as a viable source of strength and

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<sup>38</sup> France, Court of Cassation, "Case 47," *Bulletin des arrêts de la Cour de cassation rendus en matière*, no. 3 (February 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159003v.image> (Accessed July 25, 2012): 106, 106-108. ". . . dix-sept sacs de semence de trèfle. . . "

<sup>39</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 123.

<sup>40</sup> France, Court of Cassation, "Case 100," *Bulletin des arrêts de la Cour de cassation rendus en matière* T16, no. 5 (January 1812) <http://gallica.bnf.fr/ark:/12148/bpt6k5854116r.image#> (Accessed July 29, 2012): 199-201.

<sup>41</sup> Stuart Woolf, *Napoleon's Integration of Europe* (London: Rutledge, 1991), 140-141. Daly, "Napoleon and the 'City of Smugglers', 1810-1814," 336, 337-39.

longevity in a world dominated by Britain and France. The Continental Blockade ended many traditional trade relationships in Europe.<sup>42</sup> Industry shifted from the ports due to Napoleon's favoritism policies.<sup>43</sup> The Blockade caused much of the industry in Holland to bottom out. The majority of the population felt the economic strains, though several created new sources of revenue by turning to agriculture.<sup>44</sup> All departments felt the negative effects of the protectionist policies. The system helped only a few chosen individuals, fueling a backlash in the empire toward the French program. The cases show similarities in the smuggling operation in France to other countries, such as Belgium and Italy.<sup>45</sup>

The loss of pre-established trade and the high prices of goods created by French policies generated a need for different sources of revenue. The Continental Blockade ignited resistance among the empire because the restrictions stopped many traditional trade relations. Legitimate trade "traffic entering the Netherlands fell from 2700 vessels in 1805 to 259 in 1809 and between 1806 and 1810 ships arriving in Hamburg declined from 3943 to 240."<sup>46</sup> Unemployment rates increased rapidly in Hamburg. Business depended on the trade industry and the Continental Blockade destroyed the economy. High taxes augmented the conditions.<sup>47</sup> The situation was repeated throughout the empire. Similar to conscription, the economic policies affected the poorer individuals in the communities the most.<sup>48</sup>

Commonly, locals contrarily affected by the Continental Blockade established a system of illegal trade. Key countries in the attempted enforcement of the economic policies, such as Italy,

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<sup>42</sup> Aaslestad, "War Without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 119.

<sup>43</sup> Crouzet, 573.

<sup>44</sup> Tor Egil Førland, "The History of Economic Warfare: International Law, Effectiveness, Strategies," *Journal of Peace Research* 30, no. 2 (May 1993): 157. (JSTOR)

<sup>45</sup> Johan Joor, "'A Very Rebellious Disposition': Dutch Experience and Popular Protest under the Napoleonic Regime (1806-1813)," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendall, (New York: Palgrave Macmillan, 2009), 184-185.

<sup>46</sup> Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," 121.

<sup>47</sup> Ibid.

<sup>48</sup> Planert, 137-38.

the Rhineland, and the Netherlands, actively smuggled merchandise. Not limited to Napoleon's empire, smuggling plagued all countries involved in the conflict. English smugglers installed a profitable system along the coast of England. The smugglers grew efficient in their efforts by either quietly sneaking contraband across customs lines or using fraud as a means to trade. Trafficking contraband progressed into a productive business venture. The French cost and excise taxes stimulated a high demand for cheaper foodstuffs and cotton. Napoleon's administration re-established excise taxes abolished during the Revolution, including "alcoholic beverages, salt, tobacco, playing cards, and public transportation."<sup>49</sup>

Smuggling transcended social distinction and government barriers in ways rarely compared to individuals avoiding conscription. A few occurrences exist where communities united in resisting conscription laws and officials attempted to ease the burdens of the rural population. Conscription advanced alienation between the classes. Regional elites and the lower classes heavily immersed themselves in the business of trading illegal goods. Gavin Daly, in "'Little Emperors?' Investigating Prefectural Rule in the Departments," suggests whole communities worked together to smuggle goods.<sup>50</sup> Many deserters participated in the illegal activities. Alan Forrest asserts the acceptance of smuggling by the greater local communities allowed for business with the enemy. Similar to local acceptance of draft dodging and aiding deserters, communes failed to see smuggling as a crime. In several cases the departments overturned the original decisions stating the offenders committed an offense. French and foreign departments posed the same challenges to the central administration's execution of policy. Several people on the local level benefited from smuggling practices, allowing for few social distinctions. The sampled years demonstrate the productive nature of smuggling in Continental Europe from

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<sup>49</sup> Edgar Kiser and Joshua Kane, "Revolution and State Structure: The Bureaucratization of Tax Administration in Early Modern England and France," 212. (JSTOR)

<sup>50</sup> Daly, "'Little Emperors?' Investigating Prefectural Rule in the Departments," 54.

individuals who were caught, but no real data expresses the amount of uncensored trafficking during the Napoleonic years.<sup>51</sup>

The Court of Cassation suits indicate the large-scale involvement of the local community in buying and trafficking illegal goods. Napoleon realized quickly smuggling suppressed an effective blockade.<sup>52</sup> Although no exact data exist on how many people avoided detection when smuggling, numerous cases in the sampled years illustrate how common smuggling was in Continental Europe, especially in British goods.<sup>53</sup> British goods offered the practical choice for many people. British cotton and textile prices were around a third of the French cost.<sup>54</sup> Although newer, French industry proved unable to compete with England's ability to produce cheaper products.

Provincial villagers smuggled several types of contraband in and out of Europe. Wine and liquor proved the most common commodity government agents investigated to see if the goods were smuggled. Unlike other cases, the majority of cases questioning the legality of a person's amount of wine, normally in the guise of ensuring the flow and taxation of the liquids, took place within the home or business of the individual. Foodstuff, tobacco, and unmarked valuables, especially silver and gold, proved highly sought after commodities throughout the Court of Cassation cases, usually seen in cases involving a smuggling operation. Customs officials immediately confiscated merchandise without a certificate, automatically labeling the products as British, especially cottons and muslins. The lower prices of British cotton spurred considerable illegal trafficking. Officials seized prohibited cotton and muslins imported into the Netherlands in an 1808 discussion. The smuggling took place on the borders of the interior. The

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<sup>51</sup> Alan Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire* (New York: Oxford University Press, 1989), 120-122.

<sup>52</sup> O'Rourke, 9.

<sup>53</sup> Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire*, 120-122.

<sup>54</sup> Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest, (New York: Palgrave Macmillan, 2007),

government established multiple brigades in the interior and the side of the range of customs to stop and seize prohibited items. Later in the year, customs seized multiple pieces of muslins and percales from the entrance of the village Gand.<sup>55</sup> In Gênes, Italy, shop owners Sieurs Chiralde and Rapallo, owned British goods, coffee, cotton, and other colonial goods, without a certificate in 1807. Bought earlier, Chiralde and Rapallo never completed the proper paperwork and customs officials seized the goods.<sup>56</sup> The Italian case displayed another trend seen throughout the cases. Many attempted to justify the merchandise by claiming the goods fell under grandfather laws. If bought before a certain time, laws grandfathered the products as legal. The Court of Cassation normally held the unmarked goods as British and therefore subject to seizure.

Although France expanded the textile industry in the empire, cheaper British raw materials swayed the local communities, increasing the amount of contraband. Several of the offenders smuggling chiffons, cottons, and muslins originated from other countries. High prices on French goods made even French communities and individuals unwilling to pay. The Court discussed a case in 1807 of customs officials seizing a horse and cart carrying English merchandise in France. The court questioned and held if transporting prohibited goods, the officials' seizures of the mode of transportation remained legal.<sup>57</sup>

While cotton remained a hot commodity for illegal traffickers, foodstuff appeared often in the cases due to the high taxes and inflated prices. The Napoleonic years led to the inflated prices. In Italy, armed individuals employed by veteran smugglers, fraudulently transported

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<sup>55</sup> France, Court of Cassation, "Case 210," *Bulletin des arrêts de la Cour de cassation rendus en matière* no. 10 (June 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159012t.image#> (Accessed July 20, 2012): 448-450.

<sup>56</sup> France, Court of Cassation, "Case 244," *Bulletin des arrêts de la Cour de cassation rendus en matière* T12, no. 10 (October 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855197h.image> (Accessed July 18, 2012): 470-471.

<sup>57</sup> France, Court of Cassation, "Case 222," *Bulletin des arrêts de la Cour de cassation rendus en matière*, no. 10 (June 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k5855197h.image> (Accessed July 20, 2012): 470-471.

coffee and sugar to the beach of Invrea, just beyond the port in 1806. The smugglers avoided customs officials due to the help from the employer's intelligence, transporting goods to an inn. The movements of the mules and the bundles brought some attention of the crime to the neighbors. Officials seized the goods, declaring them as English colonial goods transported without a certificate.<sup>58</sup> Shortages of food after 1810 led to tidy profits for transporting items like sugar and coffee.<sup>59</sup>

During the Revolutionary and Napoleonic wars, other products developed into popular commodities. British smugglers trafficked French soldiers and officers across the British Channel back to France. Countries kept prisoners of war. The extensive nature of the empire made policing almost impossible.<sup>60</sup> In Britain enforcement along the Channel provided a challenge. Policing the borders deemed a greater challenge for the French empire due to the multiple port cities and expansive coasts. The situation grew more complex with the extensive nature of smuggling along the borders of the communes. The size of the French empire made policing forces unable to fully cope with securing the blockade. The *gendarmeries* proved unsuccessful in combating the bootleg operations across the European territories and ports.<sup>61</sup>

Similar to the conscription offenses, trafficking products connected closely to more violent crimes. Smugglers transported goods in two ways, either by land or sea. The appellate cases revealed a strong relationship between physical violence and smuggling, normally seen in seaborne trafficking. Smuggling by land and by sea routes used different methods. Land smuggling, when viewing the Court of Cassation cases, involved a few individuals, allowing for

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<sup>58</sup> France, Court of Cassation, "Case 227," *Bulletin des arrêts de la Cour de cassation rendus en matière* T12, no. 10 (October 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855197h.image> (Accessed July 18, 2012): 433-437.

<sup>59</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 128-131.

<sup>60</sup> Daly, "English Smugglers, the Channel, and the Napoleonic Wars, 1800-1814," *Journal of British Studies* 46, no.1 (January 2007): 35-36. (JSTOR)

<sup>61</sup> Michael Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," *The Historical Journal* 42, no. 3 (September 1999): 657.

ease of movement and some protection against customs officials, indicating smaller operations. In the disputes offenders crossing borders traveled lightly, normally with one or two bundles of goods.

Many of the Court of Cassation decisions dealing with smuggling operations consisting of three or more people led to violence. Shipping products garnered more notice, due to the size of the transportation. Ships, in most cases, needed crews. More goods and more people created an atmosphere for violence. Lower scale operations incited violence but the seaborne smuggling cultivated a more explosive atmosphere. The Court of Cassation discussed a case in 1805 originating from a department in Belgium, where Pierre Vanhoidouck and Hubert Vanhoidouck smuggled and used brutality against a guard. Pierre Vanhoidouck struck a guard twice on the head with a rod while transporting contraband close to the Batavian boundary. Vanhoidouck attacked two other guards helping their comrade.<sup>62</sup> In the Netherlands French customs officials intercepted a group on a ship located at a Dutch bank in a 1806 decision. The French customs officials assumed the group carried contraband with the intent to sell. The agents seized the merchandise. The group resisted the seizure with violence and weapons.<sup>63</sup> In a 1808 discussion, individuals in Belgium used violence while smuggling goods. "Customs officials . . . arrested two individuals, party to an armed crowd."<sup>64</sup> When the individuals attempted to leave the officials' custody, an armed struggle broke out and Jean-Louis Hardy, a lieutenant, killed a perpetrator.<sup>65</sup> The smugglers outnumbered the customs officials in the cases and the situations incited violent confrontations, although such cases appeared less often than

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<sup>62</sup> France, Court of Cassation, "Case 33," *Bulletin des arrêts de la Cour de cassation rendus en matière* T11, no. 2 (October 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850037b.image#> (Accessed July 16, 2012): 49-51.

<sup>63</sup> France, Court of Cassation, "Case 194," *Bulletin des arrêts de la Cour de cassation rendus en matière* T11, no. 8 (July 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850058h.image> (Accessed July 17, 2012): 348-351.

<sup>64</sup> France, Court of Cassation, "Case 191," *Bulletin des arrêts de la Cour de cassation rendus en matière* no. 9 (May 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159011d.image#> (Accessed July 15, 2012): 414. ". . . des douances en exercice de leurs fonctions, avaient arrêté deux individus faisant partie d'un attroupeement armé, de contrebandiers."

<sup>65</sup> *Ibid.*, 414-415.

smaller operations in the Court of Cassation cases.

The smuggling cases reveal trends not seen often in the conscription cases. In the conscription cases the court routinely overturned the suits due to instances of incorrect procedure or false interpretation of the law. In several smuggling cases the court overturned the decisions of the departmental courts. The offenders acquired charges by the initial court, but the departments voided the ruling. The department found in favor of the defendants, ignoring French laws and the Blockade. The Court of Cassation concluded, during a review of the cases, the departments failed to follow the law, reinforcing the original decisions of the lower courts stating the defendants broke the law. The Court of Cassation repeatedly reinforced the Continental Blockade and the certificate system as viable laws through the departments. Not limited strictly to foreign departments, French departmental courts negotiated loopholes around the central government's authority. Customs officials seized a shipment of salt exceeding the weight of 17,500 kilograms noted on the official paperwork brought into the Lois harbor of Saint-Marian by Captain Rick in 1807. The court tossed the suit out for a questionable seal. The Court of Cassation overturned the decision, stating incorrect seals resulted in valid seizures.<sup>66</sup> Compared to the conscription cases, the smuggling cases suggested no one approved of the economic policies. Few conscription suits clearly indicated instances of departmental defiance of the laws but commonly appeared in the smuggling suits.

The economic system rewarded France, leading to the difficulties seen in the Court of Cassation cases revolving around the departments's opposition to the program, unlike other exploitive policies. The advantage favored Napoleon's interest, the army, and expansion. In a case brought before the Court of Cassation in 1806, customs seized outlawed goods from Benner

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<sup>66</sup> France, Court of Cassation, "Case 135," *Bulletin des arrêts de la Cour de cassation rendus en matière no. 7* (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159009b.image> (Accessed July 17, 2012): 295-297.

Wolff's possession. Wolff, a resident in Mulhausen, claimed his location on the border of the Rhine placed him outside of the boundaries of the custom officials.<sup>67</sup> The Court of Cassation disagreed with the conclusion, stating the blockade expanded to even the most extreme borders. Joseph Vermylen, Jean Willems, and Jean Hofmans, processed grain prices by the use of the old scales in Amsterdam rather than the new system in a 1818 suit before the Court. When a ship arrived in Amsterdam carrying oats to Joseph Vermylen, a grain merchant in Mailines, weighed the grains according to the older measurements. The defendants proclaimed the law in Amsterdam validated the weights.<sup>68</sup> The case of Vemylen, Willems, and Hofmans attested to the local attempt to maintain traditions of their communities and states. The departments began to reflect the local population's opposition to French authority.

The cases exhibited questions of territory, as well as attempts to retain both departmental and local autonomy. Communities saw the Continental Blockade and French regulation as another form of French intrusion. Similar to conscription laws in outcome, the economic ordinances placed the largest burden on the lower classes. The laws, unemployment, and high taxes benefited few places in the empire. Many of the cases brought to the Court of Cassation questioned territorial authority. The departmental opposition to French authority correlates well with the local resistance seen throughout the cases. Individuals committed the offenses, but the decisions of the departmental courts veer away from the French laws. The organic grassroots nature of the crime resisted authority, but the department reinforced the notion of the offenses not being criminal. The department's acceptance of the individual's actions to avoid following French edicts expands the realm of the commonality of the economic offenses and the acceptance

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<sup>67</sup> France, Court of Cassation, "Case 205," *Bulletin des arrêts de la Cour de cassation rendus en matière T12*, no. 9 (September 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855195p.image> (Accessed July 16, 2012): 385-387.

<sup>68</sup> France, Court of Cassation, "Case 158," *Bulletin des arrêts de la Cour de cassation rendus en matière no. 8* (May 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k61590100.image> (Accessed July 17, 2012): 343-46.

of the deeds.. In Belgium customs agents confiscated salt and a ship in a 1807 decision. The court of the department of Deux-Nèthes refused to condone the seizure of the ship used in the offense.<sup>69</sup> In Belgium Captain James Underdoun of the ship *The Crocodile* limped into a port in Nieuport. As a smuggler, the captain was carrying prohibited goods. Customs officials seized brandy and tobacco in addition to the ship and the captain. The original decision voided the seizures. The Court of Cassation contested the decision, stating Captain Underdoun smuggled the goods into French ports, and therefore was subjected to French laws, even if his ship received damage.<sup>70</sup>

The Court of Cassation overturned cases of departmental opposition in smuggling extended beyond the sea routes to land routes. Land trafficking and home seizures produced several examples for similar decisions. Many justified the actions by alleging territorial issues regulated the laws. In a 1808 decision customs seized prohibited cloth being transported at night in the German village of Cologne. The confiscation took place at the border of the territory. The offenders fled at the sight of the customs officials. The departmental court voided the original decision and ordered restitution to the offenders. The Court of Cassation stated the actions of the departmental court formally violated the law, even if the transportation took place on the extreme border.<sup>71</sup> In Germany the border police "seized sugar from the home of Jean Stéphani in the commune of Carden" in a 1810 decision.<sup>72</sup> Stéphani claimed he was not obligated to follow the laws of the blockade. The Court of Cassation asserted the economic

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<sup>69</sup> France, Court of Cassation, "Case 42," *Bulletin des arrêts de la Cour de cassation rendus en matière* no. 2 (January 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159002f.image#> (Accessed July 17, 2012): 94-95.

<sup>70</sup> France, Court of Cassation, "Case 266," *Bulletin des arrêts de la Cour de cassation rendus en matière* no. 11 (November, 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k6159009b.image> (Accessed July 16, 2012), 511-513.

<sup>71</sup> France, Court of Cassation, "Case 253," *Bulletin des arrêts de la Cour de cassation rendus en matière* no. 11 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k61590137.image> (Accessed July 17, 2012): 524-526.

<sup>72</sup> France, Court of Cassation, "Case 9," *Bulletin des arrêts de la Cour de cassation rendus en matière* T16, no. 1 (June 1811) <http://gallica.bnf.fr/ark:/12148/bpt6k5853866r.image> (Accessed August 15, 2012): 17. ". . . saisie de sucre faite au domicile de Jean Stéphai, dans la commune de Carden . . ."

policy applied to Stéphani.<sup>73</sup> Customs officials seized muslin bags from Guillaume and Collin in 1811. The foreign materials came into the French interior from foreign lands. The department maintained the seizure took place beyond the boundary of the blockade, but the Court of Cassation overturned the decision.<sup>74</sup>

Departments ignoring the economic policies commonly relied on territory for justification, but the departments used other rationale. In France the department of Haut-Rhin manipulated a loophole in the economic laws requiring documentation for goods. In an 1811 decision, officials "confiscated twenty-two pieces of unmarked cotton from Sieur Litschy's home, manufactured in the bordering commune of Schweighauzen" located on the far eastern boundary of France.<sup>75</sup> The department annulled the charges, stating no laws specified a date for when items needed to be marked to prevent confiscation. The appellate court determined the unmarked items made the seizure legal according to the definition of the law.<sup>76</sup> In Belgium officials seized colonial foods in 1810. The department declared the seizure null. When brought under the Napoleonic umbrella, the Dutch and government agreed all British goods previously bought to be grandfathered into the economic policy and not subject to confiscation. The Court of Cassation overturned the departmental court's ruling.<sup>77</sup> Highly involved in smuggling, the Dutch countries repeatedly surfaced throughout the cases.<sup>78</sup>

The decisions by the departmental courts reinforced several notions seen throughout the local response to the French economic policies. Locals saw the importation of goods as legal

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<sup>73</sup> Ibid, 17-19.

<sup>74</sup> France, Court of Cassation, "Case 71," *Bulletin des arrêts de la Cour de cassation rendus en matière T16*, no. 3 (August 1811) <http://gallica.bnf.fr/ark:/12148/bpt6k5854114x.image> (Accessed August 15, 2012): 140-42.

<sup>75</sup> France, Court of Cassation, "Case 45," *Bulletin des arrêts de la Cour de cassation rendus en matière T16*, no. 2 (August 1811) <http://gallica.bnf.fr/ark:/12148/bpt6k5854113h.image> (Accessed August 15, 2012): 84. ". . . d'une saisie de 22 pièces de toile de coton blanche, faite au domicile du sieur Litschy, fabricant dans la commune de Schweighauzen. . . "

<sup>76</sup> Ibid, 84-88.

<sup>77</sup> France, Court of Cassation, "Case 85," *Bulletin des arrêts de la Cour de cassation rendus en matière T16*, no. 4 (November 1811) <http://gallica.bnf.fr/ark:/12148/bpt6k5854115b.image#> (Accessed August 15, 2012): 169-171.

<sup>78</sup> Daly, "English Smugglers, the Channel, and the Napoleonic Wars, 1800-1814," 39.

despite the Continental Blockade. Also, the departments attempted to establish autonomy from French rule. A major argument for local resistance against government authority was to retain local autonomy and traditions. Several of the countries and cities incorporated into France, like Hamburg and Holland, lost preexisting economic systems. The departments' efforts to inhibit the blockade were not attempts to establish nationalism but portray the anti-French sentiment from the crippling policies. The resentment included the entire empire beginning from the local population and extending to the departments.

Napoleon's transformation of the economic system contributed to his administrative capabilities and the establishment of centralized government. The Revolutionary government made changes in the economic system of France, establishing institutions. The reforms created during the Revolution founded Napoleon's economic system, allowing for new management. Napoleon made the system work by "[creating a] much stronger links between the central government and the provinces".<sup>79</sup> The community and departments saw the French empire's economic policies as detrimental to their perspective governments. The lenient treatment of smuggling in the local courts and departments reaffirmed the communal viewpoint of the offense. Napoleon's policies crippled a large portion of Europe's economy. Destroyed ports, transformed economic systems, and high inflation led to the regional population carrying the heaviest burden.<sup>80</sup> All social classes participated in illegal importing of merchandise into the empire, while the department and communes reinforced the opposition.

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<sup>79</sup> Kiser and Kane, 208, 202-211.

<sup>80</sup> Another such crime is the all too prevalent crimes of cutting wood, stealing leaves or grazing animals in the forest. A good majority of the cases were of this nature. Michael Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," 657.

## CHAPTER 4

### RESISTANCE TO PUBLIC AUTHORITY

Historians credit Napoleon's economic and military programs with installing the bureaucratic machinery of centralized administration in Europe. The larger state government extended to the communities. Historians such as Alexander Grab claim the process of modernity in Europe began with Napoleon's policies.<sup>1</sup> The rural localities reacted forcefully against the execution of the legislation after implementation. The provincial population's role avoiding conscription and trafficking goods into the empire exemplified the discontent at the grassroots level of administration. The Court of Cassation cases demonstrate another facet of the resistance efforts. The appellate court cases from 1804-1820 include all the departments under the Napoleonic umbrella, fewer cases in contrast to the massive collections of the various countries archives. Similar to smuggling and conscription offense, the same crimes counteracting the authority of the government appeared throughout the departments. The suits display the amount of crime against representations of French authority. As noted earlier, the institutions of administration served the will of the government, not of the masses. The aggression and obstruction against government agents generated from economic and military concerns.

Intrusions against private property and personal prerogative fostered animosity in the rural populations against the administration. The quantity of resistance to government authority during French occupation seen in the Court of Cassation cases from 1804-1820 suggests a large amount of local opposition to representation of government authority. Hostility against public officials frequently appeared on the appellate court roster. While conscription evasion and smuggling defied French laws, the violations against official administering authority in the

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<sup>1</sup> Alexander I. Grab, *Napoleon and the Transformation of Europe* (Houndmill: Palgrave Macmillian, 2003), 19.

community directly attacked Napoleonic policy. Attempted murder turned into an extreme form of avoidance. The transgressions expressed the locals distaste for French control. The community saw the laws as intrusive, willing to resort to violence to renounce the laws. The crimes indicate the extent of the central administrations encroachment into the rural communities in terms of the economic and military policies. The general public disapproved of the *gendarmerie* searching their homes for deserters or the *droit réunis* checking the stores of wine to determine the correct levels. Individual efforts against regulation resulted in the majority of the resistance in the Court of Cassation cases from 1804-1820.

Disputes routinely stimulate hostility to physical violence. Large scale movements appeared less often than individual abuses against the officials. Jean Verseil rebelled, beat, and injured a person while in the army in southern France.<sup>2</sup> In an 1812 judgment, "Philippe Vigneron, Antoine Sterne, and Achille Volet, officers of health, of the military hospital of Munster, caused armed rebellion in the military."<sup>3</sup> The victim determined the difference in the suits of disruption and resistance. The majority of the crimes fell within the realm of opportunity rather than premeditation. Aggressors assailed officials implementing some aspect of Napoleonic law, not random people. Several cases of general rebellion fail to specify the victim, but many instances of violence against named government officials existed throughout the departments.

The historiography pays little attention to the confrontations between the agents and the local population during the Napoleonic years. Prominent historians on French rule throughout the Napoleonic Empire, such as Michael Rowe and Alan Forrest, discuss the local response

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<sup>2</sup> France, Court of Cassation, "Case 217," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 17 (November 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k58548892.image#> (Accessed August 20, 2012): 532-534.

<sup>3</sup> France, Court of Cassation, "Case 21," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 2 (March 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854821g.image> (Accessed August 19, 2012): 52-55. ". . .Philippe Vigneron, Antoine Sterne et Achille Volet, officiers de santé, attachés au service de l'hôpital militaire de Munster; prévenus du crime de rébellion armée à la force armée. . ."

against the men implementing the French program, but as a rational extension of the crime.<sup>4</sup>

The offenses committed in local communities throughout the departments detail the challenges posed by rural populations. Similar to illegal trafficking of goods and conscription avoidance, the community actively participated in rebellion and accepted the individuals committing the offenses. The appellate cases show the local populations readiness to resort to violence against officials, even if the crime indirectly affected the agent.<sup>5</sup>

Generally, academics concentrate on either one motive for justification for the offenses against French law, neglecting the fact that both crimes provoked anger and hostility. Historians focus on either military or economic incentives for the offense. The Court of Cassation cases, in particular those concerning the hostility to the government agents, indicate both programs caused local communities to obstruct authority. The policies of conscription laws, taxes, and Blockade intertwined, while the rural populations expressed resentment for all of the exploitive edicts. Many of the cases demonstrate a specific policy motivated the crime, but both explanations concerned the inhabitants. In the Napoleonic foreign departmental history research on conscription procedure and the modes of evasion grow progressively. Few recent historians, such as Katherine Aaslestad, discuss the economic motive as the main source of local opposition.<sup>6</sup> Historians fail to separate the crimes from the policy to determine the extensive nature of the crimes. The animosity towards government policies from the regional communities shows the local's attitude toward government. During the Napoleonic period, regionalism remained prominent, and individuals took extreme measures, such as violence and

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<sup>4</sup> Alan Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire* (New York: Oxford University Press, 1989), 134-135.

<sup>5</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," in *Collaboration and Resistance in Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 47.

<sup>6</sup> Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 126

fraud, to avoid following the laws.

In the foreign departments economic pressures and military involvement fostered opposition by exploiting the rural populations of the departments.<sup>7</sup> Political incentive scarcely played into the cases of noncompliance. A "Police Director [named] d'Aubignosc in Hamburg reported to his superiors in Paris that public dissatisfaction concentrated on concrete economic grievances, rather than political conspiracy."<sup>8</sup> The Court of Cassation roster considered politically and nationally stimulated cases after 1815. In Spain, where historians mark nationalism as the root of resistance to Napoleonic authority, the opposition remained local in nature. Primarily, regional communities targeted the elites and authoritative figures. The locals threatened and killed government officials, well-respected community leaders, and land owners.<sup>9</sup> The Court of Cassation cases reveal seditious speeches against the King and his family in favor of the usurper or to provoke civil war after 1815.<sup>10</sup> The few cases of seditious speech before 1815 neglected to state in specific language if the libel was against the government and its officials. In southern France Marie Filis, wife Alivons, and Anne Nicolas, widow Trom, created public disorder through seditious speech in 1803.<sup>11</sup>

The tensions generated from the French policies combined encouraged opposition to the government authority. Not always clear, the cases revealed examples of economic and military tensions working in tandem. Both policies impacted the empire. Economic and military

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid, 128.

<sup>9</sup> Charles Esdaile, "Popular Mobilization in Spain, 1808-1810: A Reassessment," in *Collaboration and Resistance in Napoleonic Europe: State-formation in an Age of Upheaval, c. 1800-1815*, ed. Michael Rowe (Houndsmills: Palgrave Macmillan, 2003), 93.

<sup>10</sup> France, Court of Cassation, "Case 51," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T20, no. 8 (November 1815) <http://gallica.bnf.fr/ark:/12148/bpt6k5850149w.image> (Accessed August 30, 2012): 107-108. France, Court of Cassation, "Case 57," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T20, no. 8 (December 1815) <http://gallica.bnf.fr/ark:/12148/bpt6k5850150j.image#> (Accessed August 30, 2012): 122-123. France, Court of Cassation, "Case 22," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T21, no. 4 (May 1816) <http://gallica.bnf.fr/ark:/12148/bpt6k58501012.image> (Accessed September 5, 2012): 50-52.

<sup>11</sup> France, Court of Cassation, "Case 21," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 1 (Floréal 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k5849000t.image> (Accessed June 15, 2012): 35-36.

abuses led to an Italian uprising spanning "over two-thirds of the kingdom's departments." The implementation of an excise tax sparked a large uprising, hoping to take advantage of the limited military occupation. Individuals destroyed government property and documentation including papers on conscription. "Troops and *gendarmerie*" eventually stopped the uprising when the protesters started after bigger prizes. Approximately "150 insurgents [were sentenced] to death and 125 [others received] hard labor."<sup>12</sup> Conscription dissension in Italy normally resulted in less aggressive forms of resistance.<sup>13</sup> Indirect measures hampering the laws occur often compared to the rarely seen large uprisings. Individuals being caught with illegal goods in either their home or business appeared more frequently than people murdering officials. Violence in such cases occurred but on a lesser scale compared to the violence seen in conscription cases. Individuals committed isolated offenses. The larger protests were more of an exception to the rule rather than the norm. An appellate case from a department in the Netherlands from 1806 exhibited the relationship between the economic and military concerns. Mathieu Emonts and multiple others violently attacked an armed transportation. The group stole 44,390 francs from the transportation.<sup>14</sup>

Isolated verbal or physical assaults committed by individuals caused hostility, while the violence in a few cases accelerated to death. Rangers, the *gendarmerie*, the *droit rénuis*, and the custom officials received the bulk of the abuse. The injuries unfolded throughout the empire. The sheer amount of the resistance widens the depth of knowledge of local resistance to centralized government interference. Conscription and contraband suits of violence demonstrate a rebellion against agents embodying French laws. The officials represented

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<sup>12</sup> Alexander Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," *The Journal of Modern History* 67, no. 1 (March 1995): 34-35. (JSTOR)

<sup>13</sup> *Ibid*, 35.

<sup>14</sup> France, Court of Cassation, "Case 97," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 4 (December 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k58500469.image> (Accessed July 10, 2012): 167-169.

Napoleon's abusive policies.

Men and women diligently engaged in spurning French authority. In several of the cases women tirelessly objected the government exploitation with conscription and economic laws. Barbe, Anne, and Claire de Voghèse, in the Belgium commune of Guilleghem, rebelled against two *gardes champêtres* with armed force to allow Heukiste, a deserter, to escape in 1806. The *gardes champêtres* found Heukiste in another home in Guilleghem and seized the deserter, causing the women to injure the officials.<sup>15</sup> The violence in several cases, especially the ones involving conscription fraud, turned into family affairs. In the department of the Nord, Alexis Louvion and daughters, Isabelle and Marie-Anne, used violence against the *gendarmes* searching for the refractory conscript, Charles Louvion, in an 1806 conclusion. Charles Louvion pulled the family into the violence, who started the rebellion against the *gendarmes*.<sup>16</sup> The Court heard a case in 1806 of the French refractory conscript, Nogaro, who hid with his family and others while harvesting wheat in Turkey. The *gendarmes* found Nogaro but he escaped in when his family argued with the *gendarmes*.<sup>17</sup> In France several members of the Brisebourg family (Lion, Davoust, Boutaloux, Beaug, Brelonniere, Coutelle, Louis, and Martin) and the Bouchot family (Louis and Gabriel) "entered the home of Bailli, the *garde forestier* in an 1806 case.<sup>18</sup> The men went into the home with the intention to kill Bailli with sticks for arresting a conscript deserter.<sup>19</sup> The harshness of military life and the ever-growing constraints brought about by the conscription laws led to the rural opposition. Parents begged their children to

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<sup>15</sup> France, Court of Cassation, "Case 78," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 3 (May 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5849000t.image> (Accessed July 12, 2012): 142-144.

<sup>16</sup> France, Court of Cassation, "Case 203," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* no. 8 (April 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850102g.image> (Accessed July 9, 2012): 368-369

<sup>17</sup> France, Court of Cassation, "Case 146," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 6 (August 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855176b.image#> (Accessed July 12, 2012): 277-278.

<sup>18</sup> France, Court of Cassation, "Case 179," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 8 (September 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855193v.image#> (Accessed July 12, 2012): 340. ". . . dans la prévenus de s'être introduits armés de bâtons, dans la maison du nommé Bailli, grande forestier. . ."

<sup>19</sup> *Ibid*, 340-341.

desert, while brothers serving as conscripts in the military hoped younger siblings avoided the draft.<sup>20</sup>

During the Napoleonic era, regional communities confronted government official for various reasons. France wanted to assure that the satellite countries remained beneficial to French interest, establishing an exploitive protectionist policy throughout the empire. Several countries originally welcomed Napoleonic rule. Southern Germany and Italy accepted French rule at the first stages of occupation, but the feelings changed under the oppressive Napoleonic policies. Regions objected to high taxes and supporting French troops stationed in the annexed countries.<sup>21</sup> The Continental Blockade limited job opportunities in various places under French rule. Napoleon's central administration relied heavily on the empire for support. The countries subsidized a growing debt caused by an almost constant state of warfare. To offset the cost of quartering, cities in Germany paid close to half a million francs in taxes in 1807.<sup>22</sup> Troops quartered and housed in annexed states increased direct taxes, while high excise taxes placed on basic merchandise made the goods virtually impossible to buy within the empire. Conscription laws depleted populations of men who fought for outside interest in faraway lands.<sup>23</sup>

In the Court of Cassation cases involving rangers, the local resistance proved to be destructive.<sup>24</sup> The rangers and police received a great deal physical damage by the rural communities throughout the appellate suits. Men who hunted in imperial woods or cut down unauthorized plots of forests life and trees received notice from the rangers in most of the cases.

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<sup>20</sup> Forrest, *Napoleon's Men: The Soldiers of the Revolution and Empire* (London: Hambledon and London, 2002), 172-174.

<sup>21</sup> Frederick C. Schneid, *Soldiers of Napoleon's Kingdom of Italy: Army, State, and Society, 1800-1815* (Boulder, Colorado: Westview Press, 1995), 23.

<sup>22</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendale (London: Palgrave, 2008), 125-26.

<sup>23</sup> Schneid, 24.

<sup>24</sup> The term rangers is used frequently throughout the Court of Cassation cases. The term is interchangeable with *gardes champêtres*.

Hunting licenses in France sold at "the low to mid-hundreds," establishing the crime of hunting without licenses as abundant and difficult to successfully apply.<sup>25</sup> Men inclined to corruption collected incredibly low salaries. Similar to conscription invasion crimes, the lower classes committed the frauds.<sup>26</sup> The offenses involved individual people, and the atmosphere for an arrest sparked conflicts. The transgressions entailed weapons, usually firearms or some sort of tools used as a weapon. In an 1805 review, in the department of the Sarre *gardes forestiers* surprised Pierre Hector and Mathieu Strempler during a commission of a crime in the national forest. When the two *gardes forestiers* attempted to arrest Hector and Strempler, the two resisted violently, assaulting the *gardes forestiers*. The *gardes forestiers* subdued Strempler and Hector, seizing the horse, cart, and the wood the individuals cut.<sup>27</sup>

Locals' violence extended to any agent acting with administrative authority. Men enforcing forestry laws received a great deal of backlash from the regional populations for administering hunting and gathering laws. Transgressors used extreme violence in several of the cases. In France, Jean-Claude Proset struck Pierre-Hubert Gros, a ranger, with a hook and without any provocation Gros attack took place during his surveillance duties. The court asserted in 1806 "Prost committed a cruel mistreatment of Gros with hatred and vengeance."<sup>28</sup>

Officials received the abuses for executing the laws. The violence went beyond the local rangers and *gardes champêtres* applying the rural laws, included the local policing agents. In a 1805 decision locals used violence, assaulting mounted police in southern France when assisting

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<sup>25</sup> Isser Woloch, *The New Regime: Transformations of the French Civic Order, 1789-1820s* (New York: W.W. Norton & Company, Inc., 1994), 157.

<sup>26</sup> Ibid, 157-136.

<sup>27</sup> France, Court of Cassation, "Case 196," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* no. 8 (April 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850102g.image> (Accessed July 9, 2012): 352-355.

<sup>28</sup> France, Court of Cassation, "Case 74," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 3 (November 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850040t.image#> (Accessed July 9, 2012): 129, 128-130. ". . .Prost, prévenu, a attaqué et cruellement maltraité le garde Gros. . ."

a bailiff<sup>29</sup> Another example showed Jean and Claude Jesencée, Laurent Vieva, and Benoît Ollivain violently abusing the *gendarmes* with "pitchforks and other farm instruments" in 1804, in France.<sup>30</sup> In Belgium, 1803, Pierre Sjongers, Norbert Swoltz, and Caroline Pééters transported contraband and used arms against three *gendarmes*.<sup>31</sup> Pierre Bordesouille, in France in an 1810 ruling, assailed the *gendarmes* by throwing stones and injuring the officials.<sup>32</sup>

As the *gendarmerie* functioned as Paris's policing agency, the violence from the local populations illustrated resentment with Napoleon's control.<sup>33</sup> Individuals in an 1805 judgment assaulted a bailiff and two *gendarmerie* in France. Although the offenders attacked the *gendarmerie*, the men looked and dressed like bourgeoisie. The *gendarmerie* wore no identifying marks and failed to announce themselves as government officials.<sup>34</sup> The Court discussed a case in 1804 in Belgium where Christophe Sponghers and his family violently assaulted the *gendarmes*.<sup>35</sup> In the south of France individuals used armed resistance against *gendarmes*, injuring them in an 1806 finding.<sup>36</sup> Local populations saw the recruitment officers and the *gendarmerie* as criminals for enforcing the laws implemented by the government. The communities' efforts to oppose changes from the centralized state in terms of conscription evasion depict another facet of the local's attempt to maintain a regional autonomy.<sup>37</sup>

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<sup>29</sup> France, Court of Cassation, "Case 222," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 9 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850105q.image> (Accessed July 3, 2012): 405-406.

<sup>30</sup> France, Court of Cassation, "Case 223," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 9 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850105q.image> (Accessed July 3, 2012): 406-, 406-407. ". . . de fourches et d'autres instrumens d'agriculture. . ."

<sup>31</sup> France, Court of Cassation, "Case 20," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 1 (Floréal 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k5849000t.image> (Accessed June 20, 2012): 33-34.

<sup>32</sup> France, Court of Cassation, "Case 152," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T15, no. 7 (May 1811) <http://gallica.bnf.fr/ark:/12148/bpt6k58500558.image#> (Accessed August 6, 2012): 309-310.

<sup>33</sup> Stanley H. Palmer, review of *Gendarmes and the State in Nineteenth-Century Europe*, by Clive Emsley, *The Journal of Modern History* 73, no. 3 (September 2001): 657. (JSTOR)

<sup>34</sup> France, Court of Cassation, "Case 224," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 9 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850105q.image> (Accessed July 3, 2012): 408-409.

<sup>35</sup> France, Court of Cassation, "Case 226," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 9 (June 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850105q.image> (Accessed July 3, 2012): 410-411.

<sup>36</sup> France, Court of Cassation, "Case 165," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T11, no. 7 (July 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5850056p.image#> (Accessed July 8, 2012): 295-96.

<sup>37</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire* (New York: Oxford

The Court of Cassation cases revealed the military as an active tool against the rebelling locals. Several of the suits displayed the military interference as an ineffective tool for deterrence. The local populations continued to rebel and in several cases turned against any officials coming to aid others. The Court discussed in 1805 a case that took place in France where *gendarmes* acting in the scope of their duties experienced hostility with menace for the military from an armed crowd, firing at the men.<sup>38</sup> In another decision in 1807, a fight broke out during a public celebration attended by Jean-Georges Lod, Jean-Georges Jacquot, and others in France. Someone called for the national guard of the commune of Chagey to restore order. The brawlers retaliated against the public authority figures. Individuals beat, wounded, and disarmed the soldiers, in addition to shooting the mayor's assistant and threatening the mayor by firing at him.<sup>39</sup> In France, three *gardes champêtres* arrested a conscript at the request of an assistant deputy. The arrest enticed a crowd to form in the village and the locals assaulted the *gardes champêtres*.<sup>40</sup>

Natives and conscripts concerned with the military program used excessive violence against government institutions, usually the *gendarmes*. Economic policies generated violence, but the conscription laws prompted variations in the methods of the offenders and the amount of people involved. The offenses against officials revolving around the military program escalated in violence compared to economic motivations. The Court of Cassation cases show fewer cases concentrating on conscription motivations compared to crimes stimulated by economics. The violence in the conscription cases prompted more people to violence. Very few economic cases

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University Press, 1989), 232-33.

<sup>38</sup> France, Court of Cassation, "Case 169," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 7 (March 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850100n.image> (Accessed July 3, 2012): 303-304.

<sup>39</sup> France, Court of Cassation, "Case 9," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 1 (November 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k6158962h.image#> (Accessed July 20, 2012): 20-22.

<sup>40</sup> France, Court of Cassation, "Case 215," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 9 (September 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855195p.image> (Accessed July 15, 2012): 406-408.

dealt with more than a few individuals. The military cases provoked villages to express anger and brutality against officials. Alan Forrest states conscription laws sparked the most conflict between the community and officials.<sup>41</sup> In Germany local populations rioted, outraged by conscription laws. In Hüfingen and Mergentheim peasants armed themselves with farming tools and went to the local authorities in violent protest.<sup>42</sup> While the Court of Cassation cases reveal that most offenses were individual, conscription policies aroused a few large scale protests. The cases demonstrate several examples of the rural population joining together to aid in a deserters escape. In an 1808 decision the *gendarmerie* pursued a deserter, François Carnuve, who committed a theft by breaking and entering a property in France. Carnuve escaped from the prison detaining him for desertion. The *gendarmerie* recruited citizens to help find the deserter. Two citizens acting as police apprehended Carnuve. The citizens held Carnuve in the house of another villager while waiting for the *gendarmerie* to take custody. A mob formed, demanding Carnuve's release, and used violence to help Carnuve escape.<sup>43</sup> Several examples of the violence against the *gendarmerie* took place in France. In France a crowd assaulted the *gendarmerie* in an 1806 judgment.<sup>44</sup> In France, *gendarmerie* arrested Jean-Étienne Tassy, "a sailor accused of desertion" in an 1806 decision.<sup>45</sup> The local community assaulted the *gendarmerie*, allowing Tassy to escape custody.<sup>46</sup> The disputes not only prove the hatred for the laws by most of the populations but reaffirm the locals understanding of conscription avoidance as not a crime.

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<sup>41</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 236.

<sup>42</sup> Planert, 139.

<sup>43</sup> France, Court of Cassation, "Case 192," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 9 (May, 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159011d.image> (Accessed July 17, 2012), 416-419.

<sup>44</sup> France, Court of Cassation, "Case 54," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 3 (May 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k58551644.image> (Accessed July 15, 2012): 102-103.

<sup>45</sup> France, Court of Cassation, "Case 10," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 1 (August 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5854859x.image> (Accessed July 15, 2012): 19. ". . . marin, qu'elle supposait déserteur. . ."

<sup>46</sup> *Ibid*, 19-22.

The bulk of conscription resistance, including the efforts against authority figures, consisted of isolated efforts of opposition. "In 1806, Jean Gallon, Julien Albert, and other refractory conscripts attacked the *gendarmérie* pursuing them."<sup>47</sup> Officials arrested Gallon and Albert. The prefect of Nantes issued the two with maps and orders to join their corps. The son deserted again and officials arrested him again in 1808.<sup>48</sup> The Court of Cassation discussed in 1805 a case from the department of the Nord, where Nicolas, Antoine, Louis Lemaire, and Manie Vilain, widow Lemaire, used violence against the *gendarmérie* while harboring a deserter.<sup>49</sup>

Aware of the resistance associated with conscription, at least one satellite state attempted to avoid implementing the policies.. King Louis of Holland, a brother of Napoleon, attempted to avoid the resistance of conscription by creating a new measure to gain manpower, the employment of young poor boys and orphans. The plan served two purposes. The program avoided implementing conscription laws, and created less stress on charities. The scheme backfired spectacularly and triggered public outrage. Conscription came to Holland after Louis was forced to flee for not following Napoleon's dictates.<sup>50</sup> Johan Joor asserts the conscription legislations in Holland resulted in civil unrest and resistance.<sup>51</sup> Joor's study asserted opposition in Holland rarely culminated in violence. The Court of Cassation suits indicate the violence remained prevalent in the government authority cases. The laws and government intrusions enticed violence.

When conscription requirements fell short, the government turned to the army. Napoleon

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<sup>47</sup> France, Court of Cassation, "Case 208," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 10 (June 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159012t/f1.image.print> (Accessed July 20, 2012): 443. ". . .180, Jean Gallon fils, Julien Albert, et d'autres conscrits réfractaires, attaquèrent la gendarmerie qui était à leur poursuite; . . ."

<sup>48</sup> Ibid, 443-447.

<sup>49</sup> France, Court of Cassation, "Case 207," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 8 (April 1806) <http://gallica.bnf.fr/ark:/12148/bpt6k5850102g.image> (Accessed July 3, 2012): 376-378.

<sup>50</sup> Johan Joor, "'A Very Rebellious Disposition': Dutch Experience and Popular Protest under the Napoleonic Regime (1806-1813)," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendall, *War, Culture, and Society, 1750-1850* (New York: Palgrave Macmillan, 2009),188

<sup>51</sup> Ibid, 189.

inherited the practice from the Revolutionary government. When local populations rose in rebellion, similar to Italy, the military quelled the rebellion. As a policing agent for the central administration, the military's role expanded past a tool for imperialism. The use of the military increased throughout most of the departments.<sup>52</sup> Mainly, the *gendarmerie* imposed conscription and detected deserters, demonstrating an intrusive relationship with the rural populations. As Paris controlled police force, local resistance to the conscription laws naturally led to hostility against the *gendarmerie*. Offenders stoned, assaulted, and attacked the men when collecting deserters and conscripts. The communities refused to defend the *gendarmerie* when performing their duty. In an 1811 Court of Cassation discussion, individuals with firearms attacked a group of *gendarmerie* searching for a deserter in France. The offenders killed a member of the *gendarmerie*.<sup>53</sup> In Loubens deserters assaulted officials in a bar. When a deserter physically struck an official with "a bottle full of wine," the locals said nothing.<sup>54</sup> Even when most of the village saw violence committed against government officials, eyewitnesses remained scarce.<sup>55</sup> In a village in France community members verbally injured the *gendarmerie* after finding the offenders visiting a cabaret during their patrol in 1803.<sup>56</sup>

While individuals tended to commit conscription crimes, the Court of Cassation cases demonstrate examples of communal efforts against authority figures. Rather than displaying departmental wide attacks representing nationalism, the trial records reveal an almost universal dislike for the policies. Recent studies such as Ute Planert in "Conscription, Economic Exploitation, and Religion in Napoleonic Germany" state conscription fostered the most hostility

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<sup>52</sup> Forrest, "State-formation and Resistance: The Army and Local Elites in Napoleonic France," 45.

<sup>53</sup> France, Court of Cassation, "Case 177," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T16, no. 8 (November 1812) <http://gallica.bnf.fr/ark:/12148/bpt6k58541190.image#> (Accessed August 10, 2012): 350-52.

<sup>54</sup> Forrest...

<sup>55</sup> Forrest, *Conscripts and Deserters: The Army and French Society During the Revolution and Empire*, 234.

<sup>56</sup> France, Court of Cassation, "Case 32," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T10, no. 2 (Messidor 1805) <http://gallica.bnf.fr/ark:/12148/bpt6k58500840.image> (Accessed June 20, 2012): 51-52.

from rural populations.<sup>57</sup> The "departments of Musone, Metauro, and Tronto," made a call for over a thousand men, sparking aggression and draft dodging. The government postponed the order while prosecuting the offenders harshly.<sup>58</sup>

Much of the historiography suggests conscription caused the most outrage among local populations. The Court of Cassation cases support the notion of a strong hatred on the local level for conscription, but the agents applying the economic policies received similar abuses. Violations against administrative agents in economic offenses varied from aggressive smugglers to infuriated property owners. Economic concerns usually comprised of small operations or individual committing the offenses. The crimes in trafficking goods and against the *droit réunis* follow similar patterns. The abuse against the custom officials and *droit réunis* were individualized attacks on agents representing French authority.

The violence against officials associated with economic crimes differed in some cases from other forms of antagonism. Unlike conscription offenses, either verbal or physical abuses portrayed the fiscal bitterness against officials. Attacks against the *droit réunis* emerged as the most persistent crime against economic officials. People turned increasingly violent when the *droit réunis* attempted to enter private property. The cases of regional villages committing violence against officials associated with the economic policies appeared more frequently compared to conscription cases. Violence against officials implementing conscription laws took various forms. The economic offenses vary little in the type of crime being committed. Many of the facts presented in the Court of Cassation trials on economic crimes show incredibly similar trends. The offenders committed the same offenses and normally for the same reason. A large portion of the violence against the officials dealt with individuals taking offense against agents

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<sup>57</sup> Ute Planert, "Conscription, Economic Exploitation and Religion in Napoleonic Germany," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 138.

<sup>58</sup> Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," 34.

intruding on their private property. The cases repeatedly prompted the court to provide more detailed and longer explanations concerning the decisions. Few details changed from case to case. The rulings concerning violence associated with illegal trafficking of prohibited merchandise followed similar trends in that the offenses linked together. Much of the *droit réunis* work revolved around ensuring the legality of goods an individual possessed. The *droit réunis* checked who was buying illegal and possibly smuggled goods. In the conscription cases concealment, evasion, and fraud were more common compared to the brutality seen in the *droit réunis* cases. While the economic crimes against officials appear with a great deal of frequency, the offenses fail to vary in motivation and circumstance. The local population disliked both conscription and economic policies. Although the economic policies tended to stimulate less aggressive reactions from the communities, the Court of Cassation displays more cases revolving around economic hostility.

The economy affected most individuals due to the transformation caused by the modifications. The situation in the Germanic city of Hamburg led to rebellion from 1811 to 1813. Officials exerted more control during this time and had really cracked down on smuggling. In Hamburg the custom officials, agents of the *droit réunis*, and the *douaniers* received as much animosity as the *gendarmerie* in Hamburg.<sup>59</sup> The officials working for the Napoleonic administration realized quickly the policy caused many of the economic straits resulting in the offenses. Reports to Paris noted the violence against the officials symbolized an "anti-French sentiment in general."<sup>60</sup>

Customs officials work fell along the same lines of the rangers, prone to violent outbreaks. The officials handled in smuggling offenses and checking certificates and markings. The *droit*

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<sup>59</sup> *Douaniers* refers to toll officials

<sup>60</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," 129-30.

*réunis* searched through the personal property and stores of business owners to determine the amount of wares possessed. The officials investigated whether individuals bought smuggled goods by checking marks as well as if the proprietor used the proper amount of goods since the last visit. For instance, if an individual owned a bar and the amount of liquor in the stores did not change from the last visit from officials or if the proper marks were missing from the goods, the officials assumed the commodities were bought illegally from outside the blockade. The more subtle crime of resistance of trafficking goods in economic matters appeared more often than the violent crimes.

Both international and domestic resistance occurred from the French economic policies. Many rural populations actively and vigorously resisted the intrusion of the French officials.<sup>61</sup> Confiscating a person's property took government exploitation to a different level compared to conscription. *Sieur Vander-Veen*, a boat-man and conductor of a small merchant boat of Rotterdam in the Netherlands, committed violence against customs officials in 1812. "Six customs officials patrolled the canal of *Zick* in *Ryswick*, and noticed the arrival of the small boat [controlled by *Sieur Vander-Veen*], in the entrance of the village of the *Hage*."<sup>62</sup> *Sieur Vander-Veen* refused the officials request to board the boat, which necessitated the requisition of armed force. The officials uncovered several liters of wine. *Sieur Vander-Veen* verbally insulted and threatened the officials after the seizure of the wine."<sup>63</sup>

The international departments participated more diligently in the economic decisions. The economic cases convey more individual defiance for French authority, but large scale violence took place in several instances. In an 1807 decision in the district of *Bonn*, *François-Michel*

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<sup>61</sup> This fact is evident from my research but is also discussed in Aaslestad, "Revisiting the Continental System: Exploitation to Self-Destruction in the Napoleonic Empire," 119.

<sup>62</sup> France, Court of Cassation, "Case 137," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T18, no. 11 (July 1813) <http://gallica.bnf.fr/ark:/12148/bpt6k5854870z.image> (Accessed August 25, 2012): 339. ". . .six employés des droits réunis, étant en surveillance sur le canal de *Zick* à *Ryswick*, ont vu arriver cette barque à l'entrée de la ville de la *Hage*. . ."

<sup>63</sup> *Ibid*, 339-344.

Probst and Balthazar Trantsvig transported contraband and started a riot on the nights of the 8 and 9 of November. The accused delivered several blows with sticks to the head of the custom lieutenant at his home.<sup>64</sup> The Court discussed a cases from 1806 from a Geneva department, where François Mugnier, Marie Gallax (his wife), and Claude Mugnier (his son) transported prohibited tobacco. When the lieutenant and several custom officials seized the tobacco, the family attacked the custom officials with a knife and stones. The health officers reported the family seriously injured the custom officials.<sup>65</sup> The tax collector, Habert, accused Gramidon of committing violence against him and his bureau in the French district of Langon in an 1806 discussion.<sup>66</sup>

Customs officials received the most violence from the district populations in concern with economic motivations, but the *droits réunis* proved to be the most intrusive officials administrating the Napoleonic program. Throughout the Court of Cassation cases, agents confirmed the legality of the commodities. Normally, the goods in question required the payment of high taxes. Liquor and wine appeared as the most popular commodity to buy illegally throughout the decisions, seen approximately 273 times throughout the cases from 1804 to 1820. The majority of the individuals committing the crimes owned businesses. Government interference with revenue stimulated a situation teeming with conflict. Joseph Pellegrini, a cabaretier, in a 1808 Court of Cassation discussion, resisted a visit by the *droits réunis* during a visit, not allowing the officials entrance into his cellar. Pellegrini refused to withdrawal from the premise or follow the officials' orders, proceeding to verbally abuse the

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<sup>64</sup> France, Court of Cassation, "Case 121," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 6 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159007h.image> (Accessed August 2, 2012), 264.

<sup>65</sup> France, Court of Cassation, "Case 9," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 1 (August 1807) <http://gallica.bnf.fr/ark:/12148/bpt6k5854859x.image> (Accessed June 29, 2012): 17-19.

<sup>66</sup> France, Court of Cassation, "Case 32," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 2 (April, 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855161w.image#> (Accessed June 28, 2012), 61-62.

officials.<sup>67</sup> In an 1809 ruling *Corneil Kerckhove*, a cabaretier owner in Furnes in Belgium, refused to open cabinets for inspection. Kerckhove claimed he did not have the key to open the cabinets, and the inspectors took the actions as refusal.<sup>68</sup> Marie Vadel, widow Manens, was accused of wine fraud in a case brought before the Court in 1808. In France the cabaretière owner's wine flow remained the same from the last inspection. A visitor, Léonard Simon, verbally assaulted and threatened the *droit réunis* officials inspecting Vadel's property.<sup>69</sup> Joseph Pelazo, in Italy, refused to open his cellar for inspection and insulted the *droit réunis* officials in an 1809 discussion.<sup>70</sup> In 1806, the Court examined the case from the French commune of Issoudun, where individuals rebelled against the *droit réunis*. Ragon and Gordat in a crowd expressed threats of violence against the *droits reunis*.<sup>71</sup> In Belgium the *droit réunis* seized two metric tons of beer from the the cellar of the cabaretier Zachée de Pauw in an 1806 ruling. He violently forced the agents out of the building, where the *droit réunis* returned to the office.<sup>72</sup>

The suits of abuses against the *droit réunis* show the resentment the regional communities felt from the exploitive and intrusive French economic policies. Checking personal property, especially when the majority of the population took part in illegal activities, formed a situation that breeds opposition and violence. Studies on the economic motives of resistance overlook the purpose of the *droit réunis*. In the Court of Cassation cases the insults and abuses against the *droit réunis* feature a large portion of the crimes of opposition to authoritarian figures. The

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<sup>67</sup> France, Court of Cassation, "Case 132," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle*, no. 7 (April 1809) <http://gallica.bnf.fr/ark:/12148/bpt6k6159009b.image> (Accessed August 2, 2012): 290-292.

<sup>68</sup> France, Court of Cassation, "Case 46," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T15, no. 2 (October 1810) <http://gallica.bnf.fr/ark:/12148/bpt6k5850036x.image> (Accessed August 15, 2012): 84-85.

<sup>69</sup> France, Court of Cassation, "Case 83," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T5, no. 4 (November 1810) <http://gallica.bnf.fr/ark:/12148/bpt6k58500417.image> (Accessed August 15, 2012): 164-167.

<sup>70</sup> France, Court of Cassation, "Case 86," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T5, no. 4 (November 1810) <http://gallica.bnf.fr/ark:/12148/bpt6k58500417.image> (Accessed August 15, 2012): 173-176.

<sup>71</sup> France, Court of Cassation, "Case 105," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 5 (June 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855172p.image> (Accessed June 29, 2012): 199-200.

<sup>72</sup> France, Court of Cassation, "Case 47," *Bulletin des arrêts de la Cour de cassation rendus en matière criminelle* T12, no. 2 (April 1808) <http://gallica.bnf.fr/ark:/12148/bpt6k5855161w.image> (Accessed June 29, 2012): 89-91.

Continental System completely intertwined with Napoleon's economic program. One of Napoleon's main objectives was to create an economic system in Europe to favor France. The economic policy expressed the favorable French policies, making the job impossible.

Opposition against French authority figures is the logical conclusion to discussions on the general feelings of discontent among the rural populations throughout the Napoleonic Empire. The rural communities lack of support for the French authority clearly indicated the frequency in which the cases occurred throughout the Court of Cassation cases from 1804-1820. The offenses stretched beyond the local's beliefs that conscription evasion and the community saw the actions as legal. Locals targeted representations of French authority. Authority figures implementing French law, for either economic or military motivations, emerged more frequently than crimes against the policies themselves.

## CONCLUSION

The Napoleonic years transformed Europe. The economic policies established new trade routes and military drafts changed. Napoleon amassed a large empire, with well over one hundred departments. Historians see modernity in Europe beginning with the laws and organization of Napoleon's empire. The programs initiated by Napoleon in the early nineteenth century garnered animosity from the local communities throughout the Continental System. The lower classes endured the brunt of the burden from the laws. Conscription policies coerced young men from across the Continental System to fight, while the combination of high taxes and the Continental Blockade crippled most trade industries. Local populations resisted the policies, evading conscription laws, avoiding the taxes and Blockade while countering government authority.

Although the crimes against government authority imply attempts of establishing nationalism in the regional communities, since individuals participated in the defiance throughout most of the departments, the crimes remained local and organic. Few historians claim Napoleonic policy cultivated national sentiments rather than enforcing local autonomy. Frederick Schneid, in *Soldiers of Napoleon's Kingdom of Italy: Army, State, and Society, 1800-1815*, asserts residual national feelings endured in Italy stemming from the military involvement. Similar to other countries, Italy turned into a military state, since the last years of Napoleon's rule saw widespread desertion. Schneid argues any feelings of loyalty toward France disappeared, fostering a new Italian nationalism. The coercive nature of the law poses a challenge to Schneid's argument. The government removed choice and people refused to serve. Schneid relies on the numbers of deserters as forging a nationalistic feeling but glosses over the military conditions as well as the local influences on the role of desertion. Never fully

developing the ideas of the nationalism forming in Italy, Schneid states a brood feeling of nationalism formed during the period.<sup>1</sup> Modern interpretations resist the idea of nationalism forming in Italy during the Napoleonic Era.

While not nationally motivated, the resistance from the communities formed organically by local individuals. The Napoleonic model relied on the local governments executing the legislation enacted by the central administration. The administration delegated the laws to the rural authorities. When the provincial governments refused to properly administer the laws, the prefects turned to military force, the main recourse for noncompliance. Cooperation by local communities determined the success of the policies. Blatant resistance originated from the communes.<sup>2</sup> The exploitive policies garnered animosity and fostered evident opposition. In the substantial empire Napoleon accumulated, conscription, the Continental Blockade, and offenses against authority illustrated the major challenges faced in successful executing the laws.

Most departments, whether French or foreign, experienced resistance at the grass-roots level of administration. Alan Forrest leads the discussion on Revolutionary and Napoleonic conscription in France. In several of his books, Forrest claims the patriotic sentiments invoked during the French Revolution disappeared quite rapidly. Forrest reaffirms the local levels opposition to French authority during the Revolutionary and Napoleonic years dealt with policies directly affecting the village.<sup>3</sup> Ute Planert, in "Conscription, Economic Exploitation and Religion in Napoleonic Germany," asserts resistance in Germany derived from economic and military reforms rather than nationalism.<sup>4</sup> The nationalist interpretation holds little validity as

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<sup>1</sup> Frederick C. Schneid, *Soldiers of Napoleon's Kingdom of Italy: Army, State, and Society, 1800-1815* (Boulder, Colorado: Westview Press, 1995), 31

<sup>2</sup> Katherine Aaslestad and Karen Hagemann, "1806 and Its Aftermath: Revisiting the Period of the Napoleonic Wars in German Central European Historiography," *Central European History* 39, no. 4 (December 2006): 574. (JSTOR)

<sup>3</sup> Forrest, *The French Revolution and the Poor* (New York: St. Martin's 1981), 138-140.

<sup>4</sup> Ute Planert, "Conscription, Economic Exploitation and Religion in Napoleonic Germany," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 133-34.

the different regions in Germany experienced various forms of rule. Outside forces occupied Southern Germany before, unlike Prussia.<sup>5</sup> Michael Rowe, author of "Napoleon and the 'Modernization' of Germany," maintains "Napoleonic conscription did little to foster the national idea."<sup>6</sup> The process of conscription promoted several distinctions. Bitterness arose between those forced to serve compared to men not drafted. A rift grew between the upper and lower classes. Conscription legislation affected the rural poor more than the upper classes.<sup>7</sup> Katherine Aaslestad contends after Hamburg gained autonomy in 1813, local concerns remained prevalent in the city in "Remembering and Forgetting: The Local and the Nation in Hamburg's Commemorations of the Wars of Liberation".<sup>8</sup>

The interpretations of the motives of resistance lean toward either military or economic strains. Stuart Woolf, author of *Napoleon's Integration of Europe*, supports individuals mainly opposed Napoleonic policy for economic matters. In his section entitled "Resistance", Woolf establishes the hostility in comparison with "Collaborators". The collaborators were individuals who followed Napoleonic policy. While not fond of French rule, the collaborators found a pattern for peaceful coexistence. In "Resistance" Woolf compares resisters and collaborators, restraining the discussion to armed struggles on a larger scale. Woolf discounts the importance of rural defiance as not falling within the armed struggles, placing the offenses in the realm of general law breaking.<sup>9</sup>

Military motivations dominate the current historiography but a few recent works indicate economic tensions promoted the opposition from the local communes and cities. Katherine

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<sup>5</sup> Ibid, 135.

<sup>6</sup> Michael Rowe, "Napoleon and the 'Modernization' of Germany," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 216.

<sup>7</sup> Ibid.

<sup>8</sup> Aaslestad, "Remembering and Forgetting: The Local and the Nation in Hamburg's Commemorations of the Wars of Liberation," *Central European History* 38, no. 3 (2005): 387. (JSTOR)

<sup>9</sup> Stuart Woolf, *Napoleon's Integration of Europe* (London: Routledge, 1991), 187-196, 226-237.

Aaslestad in "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg" observes the economic consequences of the Continental Blockade in the Hanseatic city of Hamburg, as well as others. The arguments point toward local resistance as originating from the economic straits, causing the destruction of established businesses, of the blockade and French protectionism. Aaslestad makes an effective argument for the economic explanation of local resistance. Contraband, smuggling, and hatred of the officials make for a convincing debate. Aaslestad creates a connection between military involvements in civilian life in "War without Battles," but the military occupation provides the connection. Aaslestad's argument discusses the opposition as a local issue based on local concerns. The analysis, while not completely one-sided, relies heavily on the economic explanation.<sup>10</sup>

Historians recently began to focus on the international elements of Napoleon's military policies in the Continental System. The historiography concerning Napoleonic conscription exploded in the 1990s and continues to grow. The bulk of the new works concerning the Napoleonic Wars deals with the issues revolving around conscription. Alexander Grab argues in "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)" conscription proved the most hated policy enacted and the primary target for opposition. Enforcement required much of the government's energy.<sup>11</sup> Alan Forrest explored the various effects of conscription on the local population and the means of resistance in several works. The many discussions range from all aspects of conscription in France from the Revolution to the Napoleonic years, including the frequency of desertion, the life of the offenders, and the extreme

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<sup>10</sup> Aaslestad, "War without Battles: Civilian Experiences of Economic Warfare during the Napoleonic Era in Hamburg," in *Soldiers, Citizens, and Civilians: Experiences and Perceptions of the Revolutionary and Napoleonic Wars, 1790-1820*, eds. Alan Forrest, Karen Hagemann, and Jane Rendale (London: Palgrave, 2008), 118-132.

<sup>11</sup> Grab, "Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)," *The Journal of Modern History* 67, no. 1 (March 1995): 28. (JSTOR)

dislike of the local population to the military policy. Forrest fails to promote the economic aspect as a prominent feature in the argument.<sup>12</sup>

More recent studies of different annexed and satellite countries cooperation with Napoleon's conscription policies strengthen the level of rural disobedience in the central government's ability to implement the laws. Michael Rowe's "Between Empire and Home Town: Napoleonic Rule on the Rhine, 1799-1814" associates much of the administration's problems with Napoleon's policies concerning conscription. "Military conscription," according to Rowe, "severely tested the Napoleonic administration's ability to penetrate the everyday lives of ordinary people."<sup>13</sup> Local elites demonstrated unwillingness to comply with the conscription laws, which turned into a major reason for the excessive nature of the difficulty in controlling the local administration.<sup>14</sup> Michael Broers's "Cultural Imperialism in a European Context? Political Cultural Politics in Napoleonic Italy" approaches the discussion of the struggles in Italy caused by French occupation differently. French arrogance, in the opinion of Broers, developed pressure and helped foster opposition in the Kingdoms of Italy and Naples. French protectionism resulted from Napoleonic policies, translating to French arrogance in the foreign territories. The French outlook was part of the broader scope of social disdain represented by the military and economic reforms.<sup>15</sup>

The use of conscription to develop a large army forced Napoleonic laws and administration to expand throughout Europe. The Continental Blockade and other economic policies protected French industry by removing the competition and creating crippling taxes. The burdens created

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<sup>12</sup> Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (New York: Oxford University Press, 1989): vii-viii.

<sup>13</sup> Rowe, "Between Europe and Home Town: Napoleonic Rule on the Rhine, 1799-1814," *The Historical Journal* 42, no. 3 (September 1999): 664. (JSTOR)

<sup>14</sup> *Ibid*, 666

<sup>15</sup> Michael Broers, "Cultural Imperialism in a European Context? Political Culture and Cultural Politics in Napoleonic Italy," *Past & Present*, no. 170 (February 2001): 159, 178. (JSTOR)

by the military and economic policies worked in tandem. Clear connections between the offenses working in cooperation persist throughout the Court of Cassation cases, such as deserters who turned to smuggling. Even without a solid link, the local populations strongly resisted both programs. Separating the economic and military resistance cases creates the fallacy of one policy encouraged the population to commit more crimes. Viewing the Court of Cassation cases from France alone proves differently. Communities strongly resisted both programs.

Both the crimes of conscription fraud and smuggling functioned in similar ways. Few cases involved developed into anything more than an isolated opposition to French authority. The prefect's lack of control of the government led to limited enforcement efforts.<sup>16</sup> The institutions charged with the implementation proved ill-equipped and unable to achieve success. Although not entirely inept and appearing often throughout the cases, the officials of the *gendarmerie* were not highly successful either. Enforcing the laws placed the local governments in difficult positions. The central administration's role extended to the local level through the *gendarmerie*, asserting the state's interest before the local government. Communes highly resisted the laws, leading to violence against administrators.

The historiography views the motives for regional resistance with particular emphasis on either one policy or the other. Historians chose either economic or military issue as justification for opposition, but the trend in the last twenty years favors conscription as the main cause of most hostility. The Court of Cassation cases indicate through the frequency and similarities in the offenses a balance between the problems the local communities faced. Both policies intruded and exploited the populations of the empire.

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<sup>16</sup> Gavin Daly, "‘Little Emperors?’ Investigating Prefectural Rule in the Departments," in *Napoleon and His Empire: Europe, 1804-1814*, eds. Philip G. Dwyer and Alan Forrest (New York: Palgrave Macmillan, 2007), 57.

Offenses throughout the departments at the grassroots level show individuals committing parallel crimes despite geographical differences. Belgium, Italy, and Germany experienced the same fierce hostility as France. Although Napoleon's policies followed a French protectionist program, French communities despised the policies. The government created several special courts in the French departments due to the locals' reaction to Napoleonic policies. The local populations in the French departments and the foreign departments acted in similar ways as shown by the facts of the Court of Cassation cases.

The balance between the economic and military tensions began early in the rural local communities and continued to exist throughout the Napoleonic era.<sup>17</sup> Conscription interfered with work and food supplies. Coercive service took men away from the home. The economic program brought about severe food shortages. France needed the large army while stationing troops in foreign departments. The tensions strained between the military force and locals as the community paid the costs for foreign occupation. Napoleon's wars intertwined the economic and military policies.<sup>18</sup>

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<sup>17</sup> Alan Forrest, *The Soldiers of the French Revolution*, in *Bicentennial Reflection on the French Revolution* (Durham: Duke University Press, 1990), 87-88.

<sup>18</sup> *Ibid.*

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