

FRANCE UNDER NAPOLEON Napoleon as Enlightened Despot

Louis Bergeron

As with most charismatic figures, it has been difficult to evaluate Napoleon objectively from a historical perspective. Even before his death, a number of myths were developing about him. Since then much of the debate among scholars has dealt with whether Napoleon should be considered a defender or a destroyer of the revolution, whether his rise to power reversed the revolutionary tide or consolidated it. In the following selection the French historian Louis Bergeron focuses on the consequences for France of Napoleon's rule and argues that he should be viewed more as an eighteenth-century enlightened despot than as anything else.

Consider: Why Bergeron calls Napoleon the last of the enlightened despots and a prophet of the modern state; what, according to Bergeron, was beyond Napoleon's control; whether the primary and visual sources support Bergeron's interpretation.

There is thus no doubt about the interpretation to be given to the historic role of Napoleon Bonaparte. For the rest of the world, indeed, he remained the fearsome propagator of the Revolution, or the admirable instrument of reason governing the world, of progress of the spirit in its long "discourse with time" (Hegel). But for France? . . . Bonaparte belongs to the Revolution, surely, in matters that seemed irreversible at the time—civil equality, the destruction of feudalism, the ruin of the privileged position of the Catholic Church. As for the rest, the enjoyment of liberties, the form of political institutions, there had been since 1789 so much instability, so many contradictions between grand principles and the practice of governments, so much persistent uncertainty on the outcome of the war and the unity of the nation, that the field lay open for a strong man who, on condition of preserving the essential conquests of the Revolution, would do something new in the matter of government and refuse to be embarrassed by scruples. By anchoring France securely to the shores that the Constituent Assembly had been unwilling to leave, Bonaparte accomplished somewhat late in the day that "revolution from above" of which the old monarchy had been incapable. The political trade-off was a certain number of amputations of the immediate Revolutionary inheritance, a few backward movements, and disconcerting borrowings from the Old Régime. In a sense, the dynamism of Bonaparte and his rigorous administration revived the experiment of enlightened despotism, somewhat belatedly, since in the setting of Western Europe it was already a bit out of date. . . .

It was his political genius, as it is generally agreed to call it, to combine his own clear and strongly held personal ideas and convictions, reinforced by his great individual prestige, with a sure sense of the necessary and the possible in revolutionary France—after ten years of revolution. "My policy is to govern men as the great number wish to be governed. That, I think, is the way to recognize the sovereignty of the people." While implacably suppressing the most actively opposed minorities, he overcame the apathy and the wait-and-see attitude of the majority of the French. In matters of social hierarchy and the administrative system he forced upon the French, who from citizens were soon to become subjects again, a coherent construction which he intended to be permanent, and which reflected his taste for uniformity, symmetry and efficiency, the signs of a rational organization in which a single mind transmitted impulses to the most distant members. What we see as rigid or even oppressive in the survivals of the Napoleonic system were at the time the source of its strength, making of it a model to be envied, and one of unequaled modernity.

Napoleon as Preserver of the Revolution

George Rudé

In recent years historians have become more reluctant to categorize Napoleon under any one label. Instead, they tend to interpret more judiciously his words and deeds, taking care to note that both were inconsistent and even contradictory at various times. This tendency among historians is exemplified in the following selection by the well-known British social historian George Rudé. Rudé, who has emphasized looking at history from the bottom up, sees Napoleon as sympathetic to and supportive of the revolution.

Consider: How Bergeron might react to Rudé's interpretation; the ways in which this interpretation is supported or contradicted by the primary documents.

Napoleon himself believed that his work was a kind of crowning of the Revolution, and he was remarkably honest about his friendship with Robespierre's brother. He defended Robespierre from the charge of being bloodthirsty; he respected him as a man of probity. Napoleon would never have imagined that his own career could have flourished as it did without the surgery performed on French society by the Revolution. He was born in Corsica of poor, proud, petty-noble parents, and before the Revolution he could not possibly have risen above the rank of captain in the French army. Also, he had read Rousseau and sympathized with much of the Jacobin philosophy.

Napoleon had two different aspects. He believed in the overthrow of the old aristocracy of privilege; on the other hand, he believed in strong government—and he learned both of these beliefs from the Revolution. He was both an authoritarian and an egalitarian. Yet, admittedly little of this seems to fit the man who created a new aristocracy, who prided himself on being the son-in-law of Francis of Austria, referred to his late "brother" Louis XVI, and aspired to found a new imperial dynasty.

However, if we judge Napoleon on what he actually did and not only on those things that are usually remembered (despotism and foreign conquest), we must concede that his armies "liberalized" the constitutions of many European countries. They overthrew the aristocratic system in Italy and Germany, and even, to some extent, in Poland and Spain. A great many European liberals rallied to Napoleon's banners, particularly where French administration was at its best (as under Napoleon's brother Jerome in Westphalia). Napoleon's armies did bring many of the ideals of the Revolution to Europe: the basic ideas of the overthrow of aristocratic privilege, of a constitution, of the *Code Napoléon* (which was a codification of the laws of the French Revolution). In this sense Napoleon was a revolutionary. He turned his back on revolution to the extent that he was authoritarian and contemptuous of "the little man," but certain important accomplishments of the Revolution—peasant ownership of land free from feudal obligations, expropriation of the possessions of the Church and of the émigré nobility—were retained and even extended beyond France's borders. Napoleon was indeed a military despot, but he did not destroy the work of the Revolution, in a sense, in a wider European context, he rounded off its work.

PRIMARY SOURCES

Memoirs: Napoleon's Appeal

Madame de Remusat

Napoleon was neither the candidate of those longing to turn France to a more revolutionary course nor the favorite of those who wanted to return France to the legitimacy of the Ancien Régime. He came to power promising to uphold both revolutionary principles and order. Scholars have analyzed the question of why he was able to rise to power. Some see him as a military and political genius; others argue that he was an opportunist who took advantage of circumstances as they arose. One of the earliest analyses of Napoleon's rise to power was written by Madame de Remusat (1780–1821). As a lady in waiting to Empress Josephine and wife of a Napoleonic official, she observed Napoleon firsthand and described him in her Memoirs.

Consider: Why, according to Remusat, Napoleon was so appealing to the French; the means Napoleon used to secure his power.

I can understand how it was that men worn out by the turmoil of the Revolution, and afraid of that liberty which had long been associated with death, looked for repose under the dominion of an able ruler on whom fortune was seemingly revolved to smile. I can conceive that they regarded his elevation as a degree of destiny and fondly believed that in the irrevocable they should find peace. I may confidently assert that those persons believed quite sincerely that Bonaparte, whether as consul or emperor, would exert his authority to oppose the intrigue of faction and would save us from the perils of anarchy.

None dared to utter the word "republic," so deeply had the Terror stained that name; and the government of the Directory had perished in the contempt with which its chiefs were regarded. The return of the Bourbons could only be brought about by the aid of a revolution; and the slightest disturbance terrified the French people, in whom enthusiasm of every kind seemed dead. Besides, the men in whom they had trusted had one after the other deceived them; and as, this time, they were yielding to force, they were at least certain that they were not deceiving themselves.

The belief, or rather the error, that only despotism could at that epoch maintain order in France was very widespread. It became the mainstay of Bonaparte; and it is due to him to say that he also believed it. The factions played into his hands by imprudent attempts which he turned to his own advantage. He had some grounds for his belief that he was necessary; France believed it, too; and he even succeeded in persuading foreign sovereigns that he constituted a barrier against republican influences, which, but for him, might spread widely. At the moment when Bonaparte placed the imperial crown upon his head there was not a king in Europe who did not believe that he wore his own crown more securely because of that event. Had the new emperor granted a liberal constitution, the peace of nations and of kings might really have been forever secured.

Family and Gender Roles under the Napoleonic Civil Code

- "Art. 148. The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient."
- "Art. 112. Married persons owe to each other fidelity, succor, assistance."
- "Art. 213. The husband owes protection to his wife, the wife obedience to her husband."
- "Art. 214. The wife is obliged to live with her husband, and to follow him to every place where he may judge it convenient to reside; the husband is obliged to receive her, and to furnish her with everything necessary for the wants of life, according to his means and station."
- "Art. 215. The wife cannot plead [in court] in her own name, without the authority of her husband, even though she should be a public trader or separate in property."
- "Art. 231. The married parties may reciprocally demand divorce for outrageous conduct, ill-usage, or grievous injuries, exercised by one of them towards the other."
- "Art. 229. The husband may demand a divorce on the ground of his wife's adultery."
- "Art. 230. The wife may demand divorce on the ground of adultery in her husband, when he shall have brought his concubine into their common residence."
- "Art. 226. The husband shall have been heard, or duly summoned, before the court of first instance, which may give or refuse its authority, after the husband shall have been heard, or duly summoned."
- "Art. 219. If the husband refuses to authorize his wife to pass an act, the wife may cause her husband to be cited directly before the court of first instance, which may give or refuse its authority, after the husband shall have been heard, or duly summoned."
- "Art. 217. A wife cannot give, alienate, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing."

Women and the Napoleonic Code

Bonnie G. Smith

However they evaluate Napoleon and his rule, most historians point to the set of rationally organized laws—the Napoleonic Code—as one of Napoleon's most important and lasting legacies. The Code embodied many principles of the Enlightenment and the French Revolution, and the Code was modified and adopted outside of France in Europe and the Western Hemisphere. While it has been generally considered a progressive legal system, historians now point out that it may have represented a step back for women. In the following selection from her comprehensive survey, Changing Lives: Women in European History Since 1700, Bonnie G. Smith analyzes the significance of the Napoleonic Code for women.

Consider: *Ways the Code made women legally and economically dependent on men; the concept of woman's proper role the Code supported; what concept of man's proper role the Code supported.*

First, women acquired the nationality of their husbands upon marriage. This made woman's relationship to the state an indirect one because it was dependent on her husband's. Second, a woman had to reside where her husband desired. Women could not participate in lawsuits or serve as witnesses in court or as witnesses to civil acts such as births, deaths, and marriages. Such a reduction in woman's civil status enhanced that of the individual male. Moreover, the Code reduced, if not eliminated, male accountability for sexual acts and thrust it squarely on women. For example, men were no longer susceptible to paternity suits or legally responsible for the support of illegitimate children. Women were weakened economically if they bore illegitimate children, whereas men were not so affected if they fathered them. Finally, female adultery was punished by imprisonment and fines unless the husband relented and took his wife back. Men, however, suffered no such sanctions unless they brought their sexual partner into the home. The sexual behavior of women was open to scrutiny and prescribed by law, whereas that of men, almost without exception, had no criminal aspect attached to it. Thus male sexuality was accepted with few limitations, but women's was only acceptable if it remained within strict domestic boundaries. The Napoleonic Code institutionalized the republican responsibility of women to generate virtue—a term that began to acquire sexual overtones to its civic definition.

The Napoleonic Code also defined the space women would occupy in the new regime as marital, maternal, and domestic—all public matters would be determined by men. This circumscription was made more effective by the way the property law undercut the possibilities for women's economic independence and existence in a world beyond the home. In general, a woman had no control over property. Even if she was married under a contract that ensured a separate accounting of her dowry, her husband still had administrative control of funds. This administrative power of the husband and father replaced arbitrary patriarchal rule and was more in tune with modern ideas of government. Instead of serving the king's whim, governmental officials served the best interests of the nation just as the father increased the well-being of the family. This kind of economic control of women held in all classes. Women's wages went to their husbands, and market women and others engaged in business could not do so without permission from their husbands. Once a woman gained permission she did acquire some kind of legal status, in

that a business woman could be sued. On the other hand, she had no control of her profits—these always passed to her husband, and court records demonstrate the continuing enforcement of this kind of control. Moreover, the husband's right to a business woman's property meant that the property passed to his descendants rather than hers. All of these provisions meant that, in the strictest sense, women could not act freely or independently.

The Napoleonic Code influenced many legal systems in Europe and the New World and set the terms for the treatment of women on a widespread basis. Establishing male power by transferring autonomy and economic goods from women to men, the Code organized gender roles for more than a century. "From the way the Code treats women, you can tell it was written by men," so older women reacted to the new decree. Women's publications protested the sudden repression after a decade of more equitable laws. Even in the 1820s, books explaining the Code to women always recognized their anger. The justification for the Code's provisions involved reminders about men's chivalrous character and women's weakness. Arguments were based on nature both to invoke the equality of all men and to reinforce the consequences of women's supposed physical inferiority. Looking at nature, one writer saw in terms of gender man's "greater strength, his propensity to be active and assertive in comparison to woman's weakness, lack of vigor and natural modesty." At the time the Code was written, the codifiers were looking at nature in two ways. In theorizing about men alone, nature was redolent of abstract rights. As far as women were concerned, however, nature became empirical in that women had less physical stature than men. Although short men were equal to tall men, women were simply smaller than men and thus were unequal.

According to jurists, therefore, women needed protection, and this protection was to be found within the domicile. The law, they maintained, still offered women protection from individual male brutality, in the rare cases when that might occur. Legislators thus used the law officially to carve out a private space for women in which they had no rights. At the same time, law codes were supposed to protect women from the abuses allowed in the first place. The small number of abuses that might result were not seen as significant drawbacks by the jurists. They saw the Code as "insuring the safety of patrimonies and restoring order in families." It mattered little to them that the old regime carried over for women in the form of an "estate"—a term that indicated an unchangeable lifetime situation into which people were born and would always remain. Estates had been abolished for men in favor of mobility, but it continued for women.

By the time the Napoleonic Code went into effect, little remained of liberal revolutionary programs for women except the provisions for equal inheritance by sisters and brothers. The Code cleared the way for the rule of property and for individual triumph. It ushered in an age of mobility, marked by the rise of the energetic and heroic. The Code gave women little room for that kind of acquisitiveness or for heroism. Instead, women's realm was to encompass virtue, reproduction, and family.