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“EVERY FRENCHMAN IS A SOLDIER”: CONSCRIPTION AND SOCIAL DISTINCTION IN NAPOLEONIC FRANCE

«Todo francés es un soldado»: conscripción y distinción social en la Francia napoleónica

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Abstract: In 1798 France instituted regular universal male conscription. Theoretically, the law insisted that every Frenchman was a soldier and owed service in their country's defence; to its writers, the law reinforced Revolutionary principles of equality and citizenship, while ensuring that France's army had sufficient manpower. Napoleon's post-1799 regime, however, eroded the universal basis of conscription, serving to enforce social distinction and delineate who was – and was not – “French”. By allowing exemptions that favoured social elites and using conscription to co-opt or exclude minority national, religious or ethnic groups, Napoleon's regime used compulsory service to reinforce its view of French society.

Keywords: French army; conscription; Napoleon; equality; France.

Resumen: En 1798, Francia estableció el servicio militar obligatorio universal para los varones. En teoría, la ley afirmaba que todo francés era un soldado y debía prestar servicio en la defensa de su país; para sus redactores, reforzaba los principios revolucionarios de igualdad y ciudadanía, al tiempo que garantizaba que el ejército francés contara con suficientes efectivos. Sin embargo, el régimen napoleónico posterior a 1799 erosionó la base universal de la conscripción, lo que contribuyó a reforzar las distinciones sociales y delimitar quién era —y quién no era— “francés”. Al permitir exenciones que favorecían a las élites sociales y emplear el reclutamiento para cooptar o excluir a minorías nacionales, religiosas o étnicas, el régimen napoleónico utilizó el servicio obligatorio para consolidar su propia visión de la sociedad francesa.

Palabras clave: Ejército francés; reclutamiento obligatorio o conscripción; Napoleón; igualdad; Francia.

INTRODUCTION

On 7 September 1798, the French Executive Directory promulgated the Jourdan-Delbrel Law, instituting regular and universal conscription in France for the first time. Instigated largely in response to growing manpower shortages after six years of almost unrelenting warfare, the legislation aimed primarily to ensure a regular stream of recruits into the army. Yet in the eyes of its creators, the law also explicitly intended to ensure that military service, and thus the defence of France, would henceforth be the responsibility of all citizens, and that the army should reflect a full cross-section of society. Aiming to establish firmly the principle that service was a universal duty, the first article of the law began with the



unequivocal statement that “every Frenchman is a soldier and owes his service to the defence of the country”¹.

The law’s assertion that military service was a universal duty of citizenship was, by 1798, already well established in republican thought. The concept was found in the *levée en masse* of 1793 and in the preamble to the Constitution of 1795, which stated that “every citizen owes his services to the fatherland”². Where the Jourdan-Delbrel Law differed was in making permanent provision for all men of military age to be called up if the need arose. The *levée en masse* had mobilised a single generation of Frenchmen aged eighteen to twenty-five, but had made no provision to ensure that those who came after played their part in the continuing defence of the nation. Having linked citizenship to service in its preamble, the constitution of 1795 shied away from instituting any system by which all men might be compelled to serve, insisting that military service should remain voluntary³. The Jourdan-Delbrel Law, on the other hand, put in place a framework for regular call-ups in which every single man in France must take part.

While the law insisted that military service was a universal obligation, it was never the intention of the Republic’s lawmakers that all Frenchmen would actually serve. Recognising the damage that it would do to wider society to take breadwinners from their families and skilled workers from their employers, the law’s drafters contented themselves with applying conscription only to men aged twenty to twenty-five years old⁴. These men were to be divided into annual classes by age. Whenever the government decided that a call-up was needed, they would summon the men of the youngest class from across France to take part in a selection process in their local area, with a specified number of men from each department chosen for service. Men from the older classes could be summoned to make up any shortfalls if necessary. Every French citizen of the appropriate conscription class was expected, without exception, to present themselves for the selection process.

The universality of service therefore lay in the fact that all men, regardless of social status, would have to face equal prospect of being selected for the army once they reached the age of twenty. The administrative system put in place by the law insisted not that every department or commune should provide a certain number of men, but that every single individually identified man in France should be inscribed on the conscription registers and should take part in the process. Only those determined physically unfit or below the minimum height threshold would be excused service if summoned. In the law’s initially egalitarian provisions, there were absolutely no other exemptions. Men of unimpeachable character could still join the army as volunteers if they preferred, but those who wished to serve as officers were expected to join in the ranks. As Jean-Baptiste Jourdan explained when outlining the principles behind the proposed law in 1798, this would make a “truly national” army, with “no line of demarcation between the people and their defenders”⁵. Moreover, he pointed out that in a free republic, “it is not only the duty of every citizen to take part in defending the state, but a right that cannot be taken from him”⁶. While the assumption that every man would want to serve was ultimately overly idealistic, the law’s drafters clearly believed that citizenship and service were inextricably linked.

Following the installation of the Consular regime in France in late 1799, however, the strict universality of obligation began to slip. Napoleon Bonaparte, as First Consul, took

¹ *Bulletin des Lois de la République*, 223 (1798), no.1995, p.2, article 15.

² Frank Maloy Anderson (ed.), *The Constitutions and Other Select Documents Illustrative of the History of France, 1789–1907* (Minneapolis: H.W. Wilson, 1908), p.214.

³ Anderson (ed.), *The Constitutions*, p.245, Article 286.

⁴ *Bulletin des Lois de la République*, 223 (1798), no.1995, p.4, article 15.

⁵ Jean-Baptiste Jourdan, *Rapport Fait par Jourdan (de la Haute-Vienne), au Nom de la Commission Militaire, sur le Mode de Recrutement de l’Armée, Séance du 23 Nivôse an 6* (Paris: Imprimerie Nationale, 1798), p.5.

⁶ Jourdan, *Rapport Fait*, p.5.



from the outset a more flexible approach. Out of military necessity the Directory had been forced to issue ad hoc exemptions to dockworkers and munitions manufacturers, but Napoleon ultimately brought in a much wider range of exemptions from compulsory military service on the grounds of education, employment, social status, and eventually ability to pay for a replacement. These exemptions, broadly targeted at the wealthier end of society, implicitly recognised that it was more useful to the regime that some men were legally able to escape service, so long as that they adhered very publicly to state-sanctioned exemption requirements. Through allowing men loopholes to avoid otherwise universal service, Napoleon was able to draw the “masses of granite” of the propertied classes further into his regime’s orbit. However, at the other end of the scale, he also gradually brought in a series of exclusions or special practices targeted to ethnicity, religion or nationality – exclusions and restrictions that served essentially to show where the limits of French citizenship lay.

This article will explore how Napoleon used conscription to help to build and reinforce the social hierarchy that he intended for France, and to set limits to who he saw as French citizens. By moving away from the explicitly egalitarian system envisaged by the Jourdan-Delbrel Law, the Consular and Imperial regimes were able to consolidate the idea of social privilege based on wealth and connections. They were also ultimately able to signal the sections of society who they wished to exclude from full citizenship through denial of equality of service, most notably based on ethnicity or religion.

1. CITIZENSHIP, SOCIAL HIERARCHY AND SERVICE

The social hierarchy envisaged by Napoleon was largely one based, in the words of Thierry Lentz, on “order, equality and merit”⁷. In a positive light, order meant stability, equality meant the fair application of the law to all, and merit meant the opportunity for the most able to rise to a level commensurate with their ability – although Napoleon’s detractors would point out that order frequently meant elitism, control and curtailment of freedoms, and that the law all-too-often reinforced structural unfairness. Conscription as it developed under the empire fell somewhere between these two interpretations. Occasional lapses aside, Napoleon’s intention was that conscription legislation would be applied with scrupulous fairness across France, and that inequalities would be tolerated only for pragmatic reasons. Yet the legislation also built in a series of loopholes that broadly favoured the wealthiest in French society, in effect bolstering the idea of a new elite by allowing them to comply with the letter of the universal service law while ignoring its original spirit. Concessions available to the poorer in society, such as in the stipulations of *fin de dépôt* that allowed sons of widows or fathers over 71, eldest brothers of orphans, or younger brothers of serving conscripts to be placed at the bottom of the list of men to be called up, were given for pragmatic reasons rather than any desire to promote social distinction. The granting of exemptions to men of wealth and status, however, was part of a deliberate attempt to shape French society in Napoleon’s idealised image.

Perhaps most in keeping with the spirit of universal duty were exemptions available for men in specified positions or state service. While some of these exemptions were wholly nepotistic – for example for members of the imperial family or pages of the emperor – they affected only a tiny number of men, and were unlikely to offend any but the most egalitarian of sensibilities. More numerous were exemptions for military officers or officer candidates, men in education, clergymen, and men in certain reserved occupations, although the latter were deliberately few and tended to apply mostly to artisans involved in war production. Employment in most roles in the state bureaucracy was explicitly contingent on men having

⁷ Thierry Lentz, *Pour Napoléon* (Paris: Perrin, 2021), p.156.



completed their military service requirements and were not avenues to avoid conscription⁸. These exemptions collectively by-and-large played a dual role of promoting the idea of a social elite while also linking exemption from conscription to wider service to the nation's military, intellectual or spiritual welfare. Moreover, aside from exemptions for the imperial family, none of the exclusions were wholly contingent on birth, allowing for a social hierarchisation with a façade of equality and even meritocracy.

The decision to allow some men to bypass the conscription process and join the army directly as officers was a core part of Napoleon's social engineering, and part of a wider and well-documented project to harness the *notables* to his new regime. Indeed, as Jean-Baptiste Bertaud argued, "Napoleon's military concerns fitted in with his plan for a remodelling of society. His aim was first and foremost to bring together and unite...the old nobility and the bourgeoisie" – men fundamentally of "birth and fortune"⁹. Direct-entry officers were, in practice, overwhelmingly the sons of traditional social elites, the wealthy, and existing military officers. The point here was not necessarily to undermine the principle of universal service, but to create a system where not all service was equal. While conscription applied to the masses, a relatively narrow elite could send their sons to military academies for further education and, if they proved worthy, a commission and a privileged place in the military hierarchy. Napoleon himself told the Council of State that in the *Ecole Militaire*, "young officers will receive the education which is the only real justification of inequality"¹⁰. For those who could not afford the fees of a military school (which after the Revolution included some *ci-devant* nobles, as well as sons of worthy but not wealthy officers) there were scholarships, or voluntary service in the *Vélites* of the Imperial Guard, which for the most able could lead to an officer's berth in a line regiment. These young men were expected to work hard and to serve, but were given the option of doing so in a more exalted position, with far greater prospects of further advancement.

The exact nature of this military elite was never fully defined, but it was clearly aimed at men of wealth and status. Entry into an officer training school was open to any who could show a level of education and ability, but in practice required resources and letters of recommendation that were available only to those with a certain financial and social capital. Sons of officers and state officials were especially expected to follow this route. From 1812, indeed, scholarships to the military schools were reserved for the sons of officers, which would ultimately have served to create a self-perpetuating military caste into which only the wealthy could break. Aspiring officers were also expected to show a degree of social refinement that distinguished them from their men. Napoleon's remodelling of the officer corps focused more on instilling professionalism than manners, but he increasingly expected his officers to behave with a certain social dignity, and expected a commission to mark a man out as one of the empire's social as well as military elites¹¹.

However, this social elitism in the officer corps only went so far, focussing mostly on aspirants who avoided conscription by entering directly as an officer. In line with Napoleon's continued adherence to the idea of meritocracy and need for officers with military acumen, promotion from the ranks continued to be common, even among conscripts: analysis of service records in the 33e *Régiment d'Infanterie de Ligne* shows that up to 1814 around 0.6 percent of all conscripts gained a commission¹². A handful of these men rose even further; from the 33e, Louis Aimable Cailliez, a conscript of 1804 from Fumay in the Ardennes, and Robert Sebastien Goux, a conscript of 1798 from Verdun, both rose to *chef de bataillon* and

⁸ Mathieu Dumas (ed. Firmin Didot), *Instruction Générale sur la Conscription* (Paris: Firmin Didot, 1811), p.233.

⁹ Jean-Paul Bertaud, 'Napoleon's Officers', *Past and Present*, 112 (1986), p.94.

¹⁰ A.C. Thibaudeau (trans & ed. G.K. Fortescue), *Bonaparte and the Consulate* (London: Methuen, 1908), p.89.

¹¹ Bertaud, 'Napoleon's Officers', p.98.

¹² Based on individual service records in the *registres matricules* held at the [Service Historique de la Défense, Vincennes \(SHD\)](#), GR/21/YC/33 and GR/21/YC/293-301.



became officers of the *Légion d'Honneur*. It was as a *chevalier* of the imperial nobility that Goux was mortally wounded at Namur on 20 June 1815, in virtually the last clash of the wars, although Cailliez survived and retired to Fumay as a man of substance¹³. Even within the socio-military hierarchy that Napoleon crafted there was clearly room for social mobility. Indeed, while allowing for social mobility for talent was not an explicit aim of conscription, the ability to promote men of all backgrounds according to their proven abilities neatly fit Napoleon's general views of a meritocratic social hierarchy.

Napoleon was not interested only in elite military service, however. Napoleon the idealist saw himself as a man of culture, and cultural or intellectual service to the nation was ultimately accepted as an alternative to conscription, albeit in very constrained circumstances and for a very narrow elite. Once again this says something about the France that Napoleon wished to create: one in which the nation's defence and the nation's improvement were both given weight. Those who could bring greater glory to France by wielding quill or paintbrush instead of musket or sword were favoured in the shape of conscription exemptions for winners of grand prizes for the sciences or arts¹⁴. More widely, in recognition that France needed intellectual prowess as well as military might, students enrolled in institutions of higher education or after 1808 the *lycées* or faculties of the Imperial University were offered exemptions while their studies continued. However, while the fostering of an intellectual and cultural elite clearly appealed to Napoleon, his regime was able to strictly limit numbers to ensure a relatively negligible impact on the pool of potential conscripts. Such exemptions were also clearly heavily weighted towards those who could give their children an expansive and expensive early education. The basic academic entry requirements for *lycées* demanded a thorough grounding in ancient languages, history and the sciences, with a baccalaureate from the Faculty of Letters required before a student could progress to take a bachelor's degree from the Faculties of Science, Medicine, Law or Theology, or higher degrees in Letters¹⁵. Once again there was room for meritocracy, but overwhelmingly these exemptions favoured the wealthy and well connected, providing a form of de facto potential privilege for those Napoleon saw as a social elite.

In a similar vein was the exemption from conscription offered to ministers of religion and seminary students, which recognised another area that Napoleon considered to be of social utility. Following the rapprochement with the Catholic Church, Napoleon was keen to promote the idea of France as a religious (though non-confessional) society, whether through genuine concern for the spiritual wellbeing of the nation or simply as a tool of social control. Indeed, one of the principles of teaching for the Imperial University's schools was to craft "citizens attached to their religion, their prince, their country, and their family"¹⁶. The exemption from conscription was part of Napoleon's commitment to supporting France's religious infrastructure, although the general subordination of the Gallican church to the Napoleonic state meant that once again the emperor and his ministers could ensure that the exemptions did not become imposing enough to cause problems for departmental conscription quotas. Nevertheless, the exemption for religious ministers and student was another visible symbol of what Napoleon valued in society.

While exemptions on grounds of alternative service, education or religious ministry could be justified in terms of national or social utility, and could indeed be defended as not wholly

¹³ [SHD](#), GR/21/YC/293, nos 2774 & 2792; Emile Campardon, *Liste des Membres de la Noblesse Impériale* (Paris: Société de l'Histoire de la Révolution Française, 1889), p.88; R. Graffin, 'Le Nom d'Un Brave: Cailliez, de Fumay (1782-1848)', *Revue Historique Ardennaise*, 3 (1896), pp.259-62.

¹⁴ Dumas, *Instruction Générale*, pp.62-3.

¹⁵ Fondation Napoléon, *Les Imprimés de Travail du Conseil d'État: Collection Gérando*: https://www.napoleonica.org/en/collections/conseil_d_etat/, 1700, Projet de Décret Portant Organisation de l'Université Impériale de France, 8 February 1808, Titre III.

¹⁶ *Ibid.*, Titre V, no.5.



departing from the notion of some form of universal duty, the Napoleonic regime ultimately abandoned the idea of universality with the introduction of a provision allowing men to buy themselves out of conscription by paying for a replacement to serve in their stead. Any form of replacement had been deliberately excluded from the initial conscription legislation of 1798 on the basis that it was anathema to universal service, but was briefly permitted for older men in April 1799 before being banned again in June, again on grounds of equality. Replacement was definitively reintroduced by Napoleon shortly after he took power, and regulations were overhauled several times in quick succession before the regime finally settled on a system in 1806¹⁷.

The introduction of replacement in March 1800 was largely a pragmatic move, but one that highlighted the importance of wealth in consular and imperial France. Napoleon believed that, regardless of the importance of equality, the Jourdan-Delbrel Law's insistence on universality risked alienating the wealthy classes that he wished to court as *notables*, and who expected to be treated differently to the greater mass of the population. In practical terms, Napoleon and his advisors considered that one way or another wealthy men who could not be persuaded to seek state employment for their sons would try to help them avoid conscription, and that it was better to control the process than to force it underground. As *conseiller d'état* and future minister of war Pierre Daru averred, if legal avenues of replacement were closed, wealth would be put to corrupt uses to ensure the same end¹⁸.

More than that, however, the introduction of replacement for conscription was one of the ways of signalling to the moneyed that the new regime would uphold their elite status. The privileging of wealth was nothing new in France – even in the heady days of liberty, equality and fraternity of the early Revolution, the Constitution of 1791 had made wealth a key determinant along with age and gender of active citizenship – but allowing men to avoid fulfilling a fundamental duty to the state based on a simple financial transaction was perhaps the clearest proof that wealth rather than birth or status was to be the ultimate arbiter of one's place in Napoleonic society. Indeed, Napoleon told his Council of State in 1802 that “in a nation in which all fortunes are equal, every man must of necessity give his personal services, but among a people whose existence is based on the inequality of wealth, it is essential to allow the rich to buy substitutes”¹⁹. A complete departure from both equality and meritocracy it may have been, but for Napoleon wealth was a sign of merit in its own right, and it seemed absurd to demand exact equality in a society where financial inequality was so embedded. The fact that he insisted that the man wishing to avoid service had to provide a replacement of good physique and character as well as paying an indemnity to the state speaks to Napoleon's primary concern of ensuring enough men for the army, but he also clearly accepted that commodifying service was necessary.

A consequence that Napoleon perhaps did not intend, however, was that replacement ultimately became used by families far outside the broadly understood social elite. Landowners, businessmen or functionaries were certainly likely to try to get their progeny replaced: in glancing through army records it is wholly unsurprising, for example, to find that Christophe Chassoux, son of the sub-prefect of Bourgneuf in the Creuse, hired Pierre Louisnet from St-Hilaire-le-Chateau to replace him in the 25e *Ligne*²⁰. Yet by no means all replaced men came from wealth. Of the forty-three men replaced in the Vendée department in 1807, for example, only seven were listed as proprietors or professionals, and three as farmers; fifteen were recorded as labourers, one as a journeyman, and three as servants²¹. Others came from a range of trades: two millers, two carpenters, a cooper, a tanner, a

¹⁷ Dumas, *Instruction Générale*, pp.112-17.

¹⁸ Isser Woloch, ‘Napoleonic Conscription: State Power and Civil Society’, *Past and Present*, 111 (1986), p.112.

¹⁹ Thibaudeau, *Bonaparte and the Consulate*, p.88.

²⁰ [SHD](#), GR/21/YC/238, no.1659.

²¹ Archives Départementales de la Vendée, La Roche-Sur-Yon, 1R6.



butcher, and so on. Similarly, Alice Offord's study of Genevan conscripts showed that of thirty-two men replaced in 1808, only half were unequivocally from wealthier families, with six more listed as labourers²². The social diversity of those replaced declined during the empire as the practice became more expensive, but there were still parents of relatively modest means willing to sell almost all they owned to keep a beloved son safe. Nevertheless, replacement continued in its way to mark out a social elite: those who could easily afford to pay to replace several offspring were clearly distinct from the poorer families who had to destitute themselves to shield a single child from the army.

The sum total of the exemptions various to conscription was to demarcate with some clarity what – and who – Napoleon most valued in French society. Men with family traditions of leadership and service, with education, and with money were the “masses of granite” on which Napoleon planned to build his empire, and were precisely the men targeted with exemptions from conscription. Whether cynically seen as bribes to buy the affection of the landed, learned and wealthy, or whether considered as pragmatic solutions to ensure that those with ambition, education and means served in the capacity that best suited them, it is clear that Napoleon's regime departed from egalitarianism to reinforce what it saw as useful social distinctions. No group of men, other than the imperial family, was exempted out of hand, and none could avoid conscription without providing alternative service or making a financial contribution (and ensuring that a more willing man took their place). Crucially, those who did avoid service could only do so legally by adhering to strict state-sanctioned rules for exemption, thereby tacitly showing subservience to the new regime.

2. ETHNICITY, RELIGION AND EXCLUSION

If exploring exemptions can reveal a shadowy outline of Napoleon's social elite, exploring exclusions can give a good sense of who Napoleon ultimately considered to be – or not to be – French. If exemption from conscription was effectively a privilege, exclusion from the process was a direct denial of the right to claim French citizenship – for if, as Jourdan had claimed, military service was “a right that cannot be taken from [a citizen]”, it follows that men excluded from service must not be citizens²³. In a spirit of egalitarianism, the conscription legislation of 1798 had included no blanket exclusions, other than limiting the demands of conscription to men born or domiciled in France and providing for the rejection of men on medical grounds. Medical exclusions were by no means intended to indicate a lack of citizenship, however; they were purely practical, based on the understanding that some men were simply physically incapable of “sustaining the fatigues of war”²⁴. Indeed, men given medical exemptions were obliged to make a hefty financial contribution to the state in place of personal service, although waivers for indigence meant that only 13 percent of those granted medical discharges from 1799 to 1805 actually paid²⁵. Yet once Napoleon's Consular regime took power, new exclusions slowly crept into the legislation and regulations around military service. Such exclusions or special treatment, generally based on ethnicity, religion or nationality, were more deliberately targeted to exclude men from citizenship, or were a clear acknowledgement from the central state that they ultimately did not consider all French citizens as equal.

There were throughout the period two groups of men born and domiciled in France explicitly debarred from the conscription process: men sentenced to deprivation of civic rights

²² Alice Offord, ‘Military Conscription – A Yardstick of the Genevans’ Acceptance of the Napoleonic System of Government?’, *European Review of History*, 7:1 (2000), p.16.

²³ Jourdan, *Rapport Fait*, p.5.

²⁴ Dumas, *Instruction Générale*, p.21.

²⁵ Gustave Vallée (ed.), *Compte Générale de la Conscription de A.-A. Hargenvilliers* (Paris: Recueil Sirey, 1937), pp.30-1, 100-101.



(“*peine infamante*”), and “men of colour”. The disbaring from conscription of men condemned to deprivation of civic rights was a self-evident consequence of their sentence, and its retention by Napoleon simply shows that he both maintained the notion of service as a facet of citizenship, and that he did not want unworthy men in his army. The exclusion of men of colour, however, offers a firm indication that Napoleon’s conceptions of “Frenchness” and citizenship were heavily informed by considerations of ethnicity. The exclusion of men of colour from conscription is rarely discussed as it remains slightly opaque in the records; it was seemingly never actually written into law, and thus does not appear in, for example, Louis Rondonneau’s 1810 compilation of conscription legislation, but instead emerged from ministerial (which in effect meant Napoleonic) decree. It was, however, explicitly outlined as a stipulation in director general Mathieu Dumas’s 1811 *Instruction Générale sur la Conscription*, which was written to codify the procedures and practices of conscription for administrators²⁶. According to this guidance, “men of colour”, even if domiciled, were specifically banned from being included on conscription lists, and thus disbarred entirely from taking part in the military duties of citizenship.

This treatment was part of a wider system of discrimination that grew during the Consulate against people of colour, whose settled population in France was, by some contemporary estimates, barely 2,000 strong²⁷. Alongside limiting where that population could reside, the regime banned people of colour from entering France without explicit permission, and banned Black officers from residing in Paris or the country’s littoral²⁸. With a handful of exceptions, Black officers faced discrimination and saw their careers derailed²⁹. Much of Napoleon’s concern about arming Black soldiers stemmed from the difficulties in the French Caribbean colonies, and many of his actions in disarming or misusing existing Black troops in France seemed to stem from concerns that they might prove mutinous after the forcible transfer of hundreds of Black soldiers to Europe. Black soldiers from France’s colonies were concentrated in separate units, briefly named the Battalion of African Marksmen, then renamed the Black Pioneers and sent to Italy to perform unpleasant garrison and manual labour duties in the relatively unhealthy climes of Mantua and its surrounding area³⁰. In 1806 the Pioneers were transferred wholesale to the Kingdom of Naples, stripping the men of any claim to “Frenchness”, although the regiment (now re-christened the Royal African Regiment) was permitted to continue to recruit from among men of colour resident in France³¹. While Napoleon at no point ordered the mass removal of men of colour from the army, some senior officers, such as the military governor of Brest in 1807, stated a desire “to see France purged of these races of colour” and to remove individual Black soldiers to dedicated Black units³².

In practice, however, neither the regime nor the wider military made particularly strenuous efforts to stop Black soldiers continuing to serve. Napoleon even embraced service by some men of colour in his famed Mameluke squadron, albeit that he could pass these men off as oriental curiosities rather than French-born citizens. In the army more widely, however, even in 1815 several veteran Black soldiers remained in service. On the field of Waterloo, for example, were men such as Jean-Baptiste Noé and Georges Affriquain, both in the 1e

²⁶ Dumas, *Instruction Générale*, p.6; Louis Rondonneau, *Code de la Conscription* (Paris: Garnery, 1810).

²⁷ Lentz, *Pour Napoléon*, p.118, n.3.

²⁸ [Fondation Napoléon, Correspondance](#), vol. 3, no.6863.

²⁹ Bernard Gainot, *Les Officiers de Couleur Dans les Armées de la République et de l'Empire* (Paris: Editions Karthala, 2007), *passim*.

³⁰ Christopher Tozzi, *Nationalizing France’s Army: Foreign, Black and Jewish Troops in the French Military, 1715-1831* (Charlottesville: University of Virginia Press, 2016), pp.175-8; [Fondation Napoléon, Correspondance](#), vol.4, no.7471 & 8788.

³¹ Gainot, *Les Officiers de Couleur*, pp.210-11.

³² Tozzi, *Nationalizing France’s Army*, p.177.



Voltigeurs of the Imperial Guard; Corporal Jean Tabar and Alexandre Sol in the 28e Line; Corporal Pierre Brode in the 8e Line; and Dominique Césard and Jacques Cartenay, veterans too old to carry a musket, now acting as regimental musicians³³. All had joined the French army during the Revolutionary Wars and had served through the empire. That all were able to wield a musket and some had even received rank shows that men of colour were not wholly excluded from military careers, even if they could not symbolically join other men in service as conscripts. Perhaps even more interesting is the case of Narcisse Choisson, a twenty-four-year-old who fought in the 108e Line at Waterloo³⁴. Born in Haiti but living in French-ruled Antwerp where he worked as a servant, he had joined the French army on 29 June 1813 as a musician – a position only open to men not liable to conscription and often occupied by foreigners – but had quickly laid down his instrument and been allowed to transfer to a line company as a fusilier. While disbarred by ethnicity from the right to serve through conscription, his battalion officers clearly had no problem with allowing Choisson to stake a tacit claim to citizenship by permitting him to serve openly in the ranks.

That all of these men were “men of colour” is attested by their service records, which explicitly note them to be “*noir*” or “*homme de couleur*” in their physical description. Service records of the Revolution and early Napoleonic army did not routinely record skin colour, but the pre-printed enrolment registers used later in the empire left space for distinguishing features, in which skin colour was often recorded. In practical terms, however, there was no particular system for defining skin tone beyond visual examination and presumably local reputation. Hundreds of men, primarily from southern departments, were noted as having a “coloured complexion” (*teint coloré*) in their service record, but were clearly accepted officially as white Frenchmen. It is entirely feasible that some “men of colour” were included in conscription registers and were ultimately accorded equal status as Frenchmen depending on a whimsical interpretation of their skin tone by a local sub-prefect and recruitment council. Such individual cases aside, however, the exclusion of men of colour from conscription was a clear statement of where Napoleon wished the limits of citizenship to lie.

To a somewhat lesser extent, conscription legislation was used to reinforce the notion that France’s Jewish population remained a distinct body within the wider French community, even if they did ultimately enjoy the title of citizens. Jewish men had the right and the duty to serve, and rabbis as much as Catholic priests were supposed to encourage obedience to the Napoleonic regime, a view that the emperor ultimately got tacitly endorsed by the Grand Sanhedrin of 1807. Yet while Jewish men would serve under the same terms as any other once in the army, Napoleon imposed on rabbis the additional duty of absolving Jewish conscripts during their time in uniform of any religious observance that was not consistent with military service³⁵. In a clearer sign that Napoleon considered the Jewish population to be a separate group within the French nation, he also barred Jews from public posts in departments where two-thirds of young Jewish men had not fulfilled their conscription duties, with exceptions for family members of those in uniform, and prohibited Jews from substitution or replacement without express permission from the emperor himself³⁶. Given that religion was not recorded anywhere in official conscription documents, these prohibitions could only be enforced if civil administrators already treated Jewish families as a group apart. Unlike the prohibition for men of colour, these steps were perhaps seen by their proponents as an attempt to push young Jewish men to do their duty as Frenchmen like any other, with an aim of eventually erasing any distinction. However, such

³³ [SHD](#), GR/20/YC/55, nos.68 & 72; GR/21/YC/264, nos.223, 848 & 923; GR/21/YC/74, no.1658; GR/21/YC/463, no.2.

³⁴ [SHD](#), GR/21/YC/790, no.1090 & GR/21/YC/788, no.14707.

³⁵ Fondation Napoléon, *Les Imprimés de Travail du Conseil d’État: Collection Gérando*: https://www.napoleonica.org/en/collections/conseil_d_etat/, 1502, Projets de Décret sur les Juifs.

³⁶ *Ibid*; Dumas, *Instruction Générale*, pp.112 & 117-18.



a view could only emerge from the belief that Jews were somehow distinct in being less likely to accept military service. Even if that view were accurate, the Napoleonic regime dealt with significant reluctance among other parts of the French population without imposing similar penalties, and without singling them out as a separate group within the nation. While ultimately Napoleon did consider French Jews as citizens, the special requirements around conscription are a further illustration that he considered the Jews a separate group within French society.

Finally, conscription legislation and practice also offer insights into how Napoleon viewed “Frenchness” in a geographical sense, and give an indication of how far he believed the various additions to his sprawling empire were integrated into the metropole. By law, conscription extended to any man born in France or to French parents, other than those exempt for reasons noted above or those naturalised in a foreign country. Men from French colonies and non-domiciled foreigners living on French soil were explicitly excluded, highlighting their lack of status as full French citizens, and French colonial refugees living in France and their sons also remained excluded if they had not become domiciled³⁷. Yet the France that Napoleon took over in 1799 had already expanded far beyond the borders of a decade earlier, and was much larger again by the time the empire reached its apogee in 1812. Conscription eventually extended to the annexed territories of Napoleon’s empire so that, by 1814, the French army included sizeable contingents of men who had been born Belgian, Dutch, Swiss, or various stripes of German or Italian, and had become Frenchmen when their homelands became part of France. Although driven primarily by a desire for manpower, Napoleon’s extension of conscription to his annexed territories – and the inclusion of the conscripts without distinction into existing units of the regular French army – carried with it the implication that these were not just conquered provinces, but could be considered fully part of the French empire.

Nevertheless, differences in the application of conscription to these provinces hints that Napoleon continued to view them as somehow lesser within the empire. This is especially evident in the distribution of conscription quotas. In 1812, Minister of War Henri Clarke outlined the principles underpinning the process:

France is divided into departments composing old territory, departments formerly united, and departments recently united. Your Majesty wished that the first, most specially interested in the maintenance of the Empire, should bear a heavier load than the united departments, and that finally the departments that France has recently accrued, should bear a lesser load still.

Therefore, while the departments composing old Tuscany, the Roman States, the Kingdom of Holland, the Hanseatic cities, the bishopric of Munster and Valais will experience a diminution of their contingent, which will be greater in the sixty-five departments of the heart of France, Piedmont, the old Republic of Genoa, Belgium and the departments of the left bank of the Rhine, forming a middle class, will carry a contingent rigorously proportional to their population³⁸.

In essence, the sixty-five departments of “old” France with the highest quotas were considered the most reliable part of the empire, while the newly annexed lands of central Italy and the North Sea coast were still treated with a degree of wariness. Treated with even more caution were the furthest flung of France’s European possessions, the Illyrian Provinces, annexed from Austria in 1809. Although the region’s government was reorganised in the French style, which included the imposition of military conscription “conforming to the fashion followed in France”, Napoleon shied away from conscripting on an equal basis

³⁷ *Arrêté du Directoire Exécutif, Concernant l’Exécution des Lois sur la Conscription Militaire Relativement aux Habitans des Colonies, du 3 Prairial an VII* (Paris: Imprimerie Impériale, n.d.); Dumas, *Instruction Générale*, pp.5 & 63.

³⁸ Fondation Napoléon, *Les Imprimés de Travail du Conseil d’État: Collection Gérando*:

https://www.napoleonica.org/en/collections/conseil_d_etat/, 4048.



to even other annexed departments³⁹. Despite writing to Dumas in August 1811 that he intended to give the provinces no special consideration, he ultimately had to tread carefully in allowing Illyrian men to serve in their own regiments with the Army of Italy, and to respect the longstanding social hierarchies of the provinces which frowned on townsmen and social elites serving alongside local peasantry⁴⁰. While Illyrian men did ultimately serve their new emperor, they were by no means integrated into the French conscription system by the time the provinces were lost in 1813 – in stark contrast to say the Netherlands, where conscription proceeded with regularity along French lines almost from the moment of annexation in 1810, albeit with a reduced quota.

CONCLUSION

Conscription in Napoleon's empire was, ultimately, always meant to be a tool to raise men for the army, rather than a tool for social engineering. Yet the stipulations of the system offer an insight into how Napoleon perceived France's society and the integration of his empire. Exemptions were used to mark out those of wealth, education and social capital as a privileged group within the empire, either by allowing them to serve in a capacity of their choice rather than being conscripted into the ranks, or by flaunting their wealth in providing a replacement and paying an indemnity. Exemptions were, to an extent, still based on the idea that all men should contribute to the state, but they were a clear departure from the Jourdan-Delbrel Law's initial universal egalitarianism. Just as importantly, exclusions from conscription highlight where the limits of Napoleonic citizenship lay. The total exclusion of "men of colour" from conscription was a clear statement of the ethnic basis that Napoleon imagined for "Frenchness", while the de jure or de facto differences in conscription administration for French Jews and men from annexed territories highlight the hierarchies that the Napoleonic regime clearly imagined to exist within the French imperial community.

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³⁹ *Décret sur l'Organisation de l'Illyrie* (Laybach: Imprimerie du Gouvernement, 1811), p.52.

⁴⁰ [Fondation Napoléon, Correspondance](#), vol.11, no.28195; Eugène Fieffé, *Histoire des troupes étrangères au service de France* (Paris: Librairie Militaire, 1854), vol. 2, pp.164-5.



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