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Napoleonic Conscription in Indre-et-Loire 1798-1814

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ABSTRACT
Scholarship around Napoleonic conscription has often focused on the contest and resistance with which the state's quest to impose compulsory service was met, and has emphasised the broad means by which conscripts sought to avoid or evade military obligations. This article will focus on outlining the experience of conscription in the Napoleonic department of Indre-et-Loire and will argue that while open evasion was a clear challenge to the authority of the state, the largest numerical challenge to filling the ranks of the army came from those who complied with conscription legislation in order to seek legal exemptions.

Systematic military conscription was introduced in France by the *Loi Jourdan-Delbrel* of 1798. Replacing the more ad hoc system of Revolutionary *levées*, it was seen as an expedient to fill the army's ranks after six years of unceasing warfare, while ensuring that every man fulfilled his patriotic duty.[1] Over the next decade-and-a-half conscription would become the cornerstone of Napoleon's militarised state, and would provide the manpower to drive his conquests from Lisbon to Moscow. In theory, all Frenchmen aged twenty to twenty-five were placed in classes to be called up either when they reached the age of twenty, or when the state had exceptional need of their particular cohort. Each department was given a quota to fulfil, initially in whatever way the local administration saw fit, and later by a centrally mandated drawing of lots. Exemptions were granted to those unfit to withstand the 'rigours of war', married men, or those perceived to be in vital state service such as certain

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[1]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*, (Paris : Imprimerie Nationale, 1798).

students, administrators or arms manufacturers.[2] All others were expected to serve. Yet despite this egalitarian idealism of service to the state, conscription was widely and heartily resented from the beginning. Popular antipathy was open, with men balloted to serve colloquially said to have drawn a '*mauvais numéro*', and with the departure of conscripts in some areas marked by semi-funerary ceremonies.[3] By the end of the Empire, conscription is usually understood as one of the key factors to explain the people's apparent indifference to the Napoleonic regime.

The tale of resistance and refusal is now generally familiar. Refractory conscripts and deserters – those who absconded and became fugitives rather than join or continue in the army – have been shown to have caused problems for administrators in all parts of the empire, but especially in those peripheral regions either outside France proper or traditionally far removed from the central power of Paris. Equally familiar is the state's inexorable response, with increased policing, pressure on families and communities, and ultimately the use of force in trying to recapture runaways. Perhaps less studied, however, is the less spectacular but equally important (in numerical terms, at least) phenomenon of legal conscription avoidance.

This article will show that while direct evasion was the most open challenge to the authority of the state, those seeking to avoid conscription through legal exemption (whether legitimately or fraudulently) provided the bigger challenge to getting men into the army. It will address this issue by examining the experience of conscription in a department that was, ostensibly at least, amongst those that were considered generally compliant in the matter of conscription: the department of Indre-et-Loire, situated in the north-west-centre of France, in the pre-revolutionary Touraine. Although the department suffered from significant issues in the early years of conscription – notably because of the troubles in the neighbouring Vendée and the inefficiencies of local administration – it became an apparently model department by the Empire's close. However, throughout the period significant numbers of young men from the department avoided service by obtaining legal exemptions through means fair or foul. Through examining this issue, this piece will enhance our understanding of the operation of conscription in the heartland of provincial France.

The collision of state and people has formed the basis of most studies of Napoleonic conscription. In an important intervention in 1986, Isser Woloch described conscription as 'the battleground, the ultimate contest of wills between individuals and local communities…and the distant and impersonal state', and called for a new

[2]Alain Pigeard, *La Conscription au Temps de Napoléon, 1798-1814,* (Paris: Bernard Gionvanangeli, 2003), pp. 50-58.
[3]Alan Forrest, *Conscripts and Deserters: the Army and French Society during the Revolution and Empire,* (New York: Oxford University Press, 1989), p. 77.

examination of this important aspect of the Empire's history.[4] Two years later Alan Forrest answered that call with a monograph which also highlighted the breadth of contest inspired by forcible military recruitment: 'Over conscription, as over no other single issue, the interests of the state and the local community were seen to come into open conflict'.[5] More recently a number of local, national and international studies have enriched our understanding of conscription in France, the wider Empire, and other parts of Europe.[6] Most authors acknowledge the ultimate success of conscription – it did, after all, facilitate a decade of French domination over Europe, and even allowed Napoleon to replace the manpower losses of his catastrophic folly of 1812 and calamitous failure of 1813 – but contest and social cost have justifiably remained a primary focus. The challenge of conscription was, indeed, a major headache for Napoleonic administrators. For some Napoleonic officials conscription became a bellwether of support for the state, and by the end of the Empire there were those who took it as an article of faith that a good response to conscription equated to a well-disposed population.[7]

This equation certainly holds loosely true in some areas but, as several studies of conscription have shown, the effects of habitude and the adoption of a repertoire of coercive methods by the state served to erode non-compliance throughout the Empire, without necessarily breeding affection. Moreover, full conscription quotas often hid the continuation of relatively widespread individual resistance. Forrest drew attention to the myriad underhand means of avoidance that plagued the conscription process, placing them in a wider framework of resistance to the demands of the state, while Gavin Daly provided a valuable local case study of conscription fraud in the

[4]Isser Woloch, 'Napoleonic Conscription: State Power and Civil Society', *Past and Present*, 111 (1986), p. 101.

[5]Forrest, *Conscripts and Deserters*, p.viii. This work also appeared as *Déserteurs et Insoumis de la Révolution et l'Empire* (Perrin : Paris, 1988).

[6]These include: Alexander Grab, 'Army, State, and Society: Conscription and Desertion in Napoleonic Italy (1802-1814)', *The Journal of Modern History*, 67, 1 (1995), pp. 25-54; Gavin Daly, 'Conscription and Corruption in Napoleonic France: the Case of Seine-Inférieure', *European Review of History*, 6, 2 (1999), pp. 181-97; Johan Joor, *De Adelaar en het Lam* (Amsterdam: De Bataafsche Leeuw, 2000), pp. 342-79; Bernard Vandeplas, 'Le Problème de la Conscription dans la Première Moitié du XIX^{e} Siècle: un Refus de l'Identité Nationale? L'Exemple Cantalien', *AHRF*, 329 (2002), pp. 17-40; Louis Bergès, *Résister à la Conscription, 1798-1814: le Cas des Départements Aquitains* (Paris: Editions du CTHS, 2002); Donald Stoker, Frederick Schneid & Harold Blanton (ed.), *Conscription in the Napoleonic Era: a Revolution in Military Affairs?* (New York: Routledge, 2009).

[7]Archives Nationales (AN), F/1^{E}/53, Baron d'Alphonse to Minister of Interior, 17 May 1811.

department of Seine-Inférieure, demonstrating that this, rather than draft-dodging as traditionally understood, played a key role in allowing the department's inhabitants to avoid compulsory service.[8] Such quasi-legal avoidance also had the effect of causing the quota to be filled from a diminishing pool of eligible men, leading to frequent and sometimes violent local animosities.

While conscription drove a wedge between the sympathies of Frenchmen and Napoleon's government, it also drew them physically closer together. As Woloch and others have demonstrated, across the Empire conscription was responsible for bringing the attention of central authority into each commune and was responsible for a noticeable increase in policing and state control over people's lives.[9] A whole generation was faced with the prospect of service in the army, and the army was consequently brought to every village and family in the land. Conscription also demanded a rapid expansion of administrative control. It required not only lists of names and ages of all men in each department, but accurate knowledge of domicile and occupation, marriage and medical status, family and dependents. It was a massive bureaucratic undertaking that encompassed all manner of officials at central, departmental, and local level.

The department of Indre-et-Loire tended to follow national trends in matters of conscription. Although no department can be considered 'average', the Napoleonic Indre-et-Loire perhaps comes close. It was in many ways unremarkable, of medium size and population, with Tours (21,000 inhabitants) its major urban centre, and with no strong local identity to set it at odds with the wider 'nation'. Its military traditions were modest, and its response to Revolutionary calls to arms adequate but unexceptional.[10] Geographically, there were no mountain ranges, great forests or large areas of broken country that could easily conceal men on the run, although in 1800 the department contained approximately 3,000 hectares of woodland and was crossed by several placid river valleys, including the Loire and Cher.[11] It was far from any

[8]Gavin Daly, 'Conscription and Corruption in Napoleonic France: the Case of Seine-Inférieure', *European Review of History*, 6:2 (1999), pp. 181-97.

[9]Woloch, 'Napoleonic Conscription'; Forrest, *Conscripts and Deserters*, pp. 187-237; Annie Crépin, 'De la Nation Armée au Service Militaire Obligatoire: la conscription au XIXe siècle: perspectives et méthodologie d'un champ historiographique', *AHRF*, 316 (1999), pp. 373-81.

[10]T. Massereau, *Recueil des Cahiers de Doléances des Baillages de Tours et de Loches* (Orléans: Imprimerie Moderne, 1918), passim for opinions on *milice*; Forrest, *Conscripts and Deserters*, p. 22; Raymond Bailleul, *Les Tourangeaux de la Bastille à Waterloo: L'Indre-et-Loire de 1789 à 1815* (Joué-Lès-Tours: La Simarre, 1989), p. 145.

[11]Woloch, 'Napoleonic Conscription', p. 119; Bailleul, *Les Tourangeaux*, p. 263; *Annuaire du Département d'Indre-et-Loire pour l'An X de la République*, pp. 89-91.

frontier that could inspire a greater sense of duty to defend the country's borders, or that could conversely offer the seductive prospect of safety from conscription in foreign lands, as the Prefects of Haute-Garonne and l'Escaut complained at opposite ends of the Empire in 1804.[12] Economically, Indre-et-Loire was primarily agrarian, with only small-scale industry that had been in mild decline before the Revolution and suffered further with the insurrection in the west and, after 1806, the Continental Blockade.[13] Despite this, grain prices varied little from the national average under the Empire, and the department did not appear to suffer from more than average deprivation.[14] There was little to distinguish the department in terms of revolutionary (or reactionary) fervour, although the 1790s saw plenty of unrest which included virtually everything from local riots to banditry to pitched battles between republicans and royalists.[15] While a general state of lawlessness prevailed for much of the 1790s, the departmental administration maintained that poverty rather than politics was its root cause.[16] By the time Napoleon ascended his throne there was enough loyalism evident that the department did not seem oppositional to the regime, and enough dissent that it could avoid accusations of excessive affection. Prefectural reports consistently indicated an excellent *esprit public*.[17] It was, in short, a department distinguished mainly by its lack of distinguishing features.

The department's averageness extended to conscription. Indre-et-Loire was part of the north-west that, in Alain Pigeard's mildly underwhelmed assessment, '*fournit assez bien*', and the raw numbers do not indicate that it was a particularly problematic department.[18] The conscription quotas imposed upon Indre-et-Loire were never excessive, but the department consistently produced more recruits than the national

[12]Ernest d'Hauterive (ed.), *La Police Secrète du Premier Empire: Bulletins Quotidiens Adressés Par Fouché à L'Empereur* (5 Vols, Paris: Perrin & Librairie Historique Chavreuil, 1908-64), Vol. 1, p. 27 & p. 194.

[13]Bailleul, *Les Tourangeaux*, p. 289; Pierre Leveel, *Histoire de Touraine et d'Indre-et-Loire* (Chambray-Lès-Tours: CLD, 1988), p. 673.

[14]Brigitte Maillard, *Les Campagnes de Touraine au XVIII*^{ème} *Siècle* (Rennes: Presse Universitaire Rennes, 1998) p. 487.

[15]J.-P. Surrault & J. Feneant, *Jadis en Touraine, La Vie des Hommes du Grand Siècle à la Belle Epoque* (Chambray-Lès-Tours: CLD, 1988), p. 87; Bailleul, *Les Tourangeaux*; H. Faye, *La Révolution au Jour le Jour en Touraine 1789-1800* (Angers: Germain & G. Grassin, 1903) pp. 176-79.

[16]Bailleul, *Les Tourangeaux*, p. 255.

[17]Archives Départementales d'Indre-et-Loire (AD-IL), 1M141, Report from mayor of Tours, 22 July 1811; Jean Tulard (ed.), *Dictionnaire Napoléon* (Paris: Fayard, 1989), p.916.

[18]Pigeard, *La Conscription*, p. 109.

average, and furnished men to both army and navy.[19] In his nationwide survey of conscription in 1808, A.A. Hargenvilliers gave a total of 4,872 men conscripted from Indre-et-Loire in the period up to Year XIII of the Republic, and calculated that this represented some 23 percent of *Tourangeaux* of conscription age.[20] The general trends of compliance and resistance tended to follow wider national trends, as like many areas Indre-et-Loire saw a gradual but steady improvement in recruitment. The earlier years were most problematic. Between Years VII and XIII, that is before the state had perfected the art of coercion, an average of 77 percent of conscripted men reported to their units; a reasonable return perhaps, given the wider national picture, but still indicative of fairly widespread evasion.[21] In Brumaire Year IX, Jean-Gérard Lacuée wrote to Prefect Jean-Robert Graham to sympathise with the difficulty of his task, but pointed out that 408 conscripts were still missing from the classes up to Year VIII, and a total of 1622 men remained to be furnished by the department.[22] Recruitment improved by Year XII, with Indre-et-Loire fulfilling its entire quota for the Prairial and Messidor call-ups, but large numbers of men still continued to evade the state's demands.[23] In Year XIII, the prefect was urged to make examples that would impose themselves on '*l'esprit de résistance*' to conscription found in the department.[24]

As Consulate became Empire, and as the Empire began to hone its instruments of administration and coercion, incidents of draft-dodging diminished. Only 39 *réfractaires* were reported in 1807, down from 117 the previous year.[25] In general during the Empire Indre-et-Loire could be counted on to provide over 80 percent of its quota, with most years seeing over 90 percent compliance rates.[26] By 1813 Indre-et-Loire was almost a model department. It provided a full quota for the *Levée des 100,000*, with only one man (who was already in prison) reported as failing to make his way to the army. In December Prefect Joseph-François-René Kergariou was congratulated by the Minister of the Interior for swiftly providing 973 out of 1000 conscripts required by October's *Levée des 120,000*, an achievement rewarded by a demand for an

[19]Forrest, *Conscripts and Deserters*, pp. 40-41; A.A. Hargenvilliers, *Compte Générale de la Conscription* (Paris: Sirey, 1937), pp. 130-31; AD-IL, 1R31, Senatus-Consulte, relative à la conscription, 1808 and 1809; Bailleul, *Les Tourangeaux*, p. 159.
[20]Hargenvilliers, *Compte Générale*, pp. 54-55.
[21]Ibid., p. 131.
[22]AD-IL, 1R29, Lacuée to Prefect, 5 Brumaire an IX.
[23]AD-IL, 1R30, Berthier to Prefect, 6 Nivôse an XII.
[24]AD-IL, 1M138, Conseiller d'Etat Chargé du 1er Arrondissement de la Police Générale to Prefect, 13 Nivôse an XIII.
[25]AD-IL, 2R92, Lacuée to Prefect, 2 June 1807, and reply 15 June 1807.
[26]Jean Delmas, *Histoire Militaire de la France de 1715 à 1871* (Paris: PUF, 1992), pp. 310-11.

additional 600 men.[27] In total for the classes of 1811-1813 only 22 *réfractaires* were reported. The Prefect was happy enough with his department's obedience by December 1813 to instruct that the *colonne mobile* – the mobile column of soldiers sweeping through several neighbouring departments in the hunt for draft-dodgers – was not needed in Indre-et-Loire.[28]

Problems with conscription were not uniform across the department. Differences existed between arrondissements and even between villages in the same canton. Certain problematic communes and cantons appear time and again in prefectural correspondence, and they became the focus of the state's attempts to clamp down on draft evasion. One example is the commune of Chouzé, in the wooded canton of Château-La-Vallière. After recording numerous cases of *réfractaires* and deserters, the prefect ordered the use of *garnisaires* – troops billeted in the houses and communities of *réfractaires* until they surrendered themselves – in April 1809, then again in November 1810, and the commune was finally visited by the *colonne mobile* in mid-1813.[29] This rural commune, along with others such as Tauxigny, Châteauroux and Bourgueil, proved particularly troublesome to the authorities. Urban areas also occasionally caused trouble. In Years VIII and IX Tours produced only 78 conscripts, poor even for these early years. In 1813, the cantons of Tours, Tours-nord and Tours-sud provided no fewer than 24 out of 47 *réfractaires* from the *levées des 80,000* and *des 100,000*.[30] However, these years seem to be exceptions. In Year X the Mayor of Tours, Aubry, was publicly praised for raising his full conscription quota, and this trend of urban compliance continued throughout the imperial years.[31]

These raw figures of conscripts and *réfractaires* do not, of course, tell the whole story. The fact that the department found enough men to fill its quotas does not necessarily indicate the absence of significant resistance to conscription. In 1812, for example, the city of Tours offered to fill their quota with all males over sixteen in the *Hospice Général*, in order to give the impression of being a compliant area.[32] Similarly, low

[27]AD-IL, 1R26, Prefect to Captain of Recruitment, 30 September 1813; 1R75, Minister of Interior to Prefect, 31 December 1813; 1R26 Prefect to Captain of Recruitment, 8 December 1813.
[28]AD-IL, 2R98, Prefect to Director-General of Conscription, 20 December 1813.
[29]AD-IL, 1R24, Prefect to Captain of Company of Reserve, 19 April 1809; 1R26, Prefect to Captain of Company of Reserve, 30 November 1810, and to Commander of *Colonne Mobile*, April 1813.
[30]Note: it is stated above that there were only 22 *réfractaires* for the classes 1811-13. The 47 *réfractaires* of 1813 were from earlier classes revisited by the levies of that year, and not from the class of 1813 itself.
[31]AD-IL, 1R30, letter to Aubry, 6 Frimaire an X.
[32]AD-IL, 1R25, Letter to Prefect, 6 August 1812.

compliance rates do not necessarily translate into widespread resistance to the state. The poorer figures for the early years can be partially explained by administrative confusion and incompetence, as the new conscription process threw up myriad administrative problems that took time to overcome. In Year VIII, for example, the subprefecture of Chinon failed to arrange conscription as they believed that the Vendéen troubles exempted them, and later the same year the sub-prefect of Loches had to request a list of potential conscripts for his arrondissement, as his own copy was so incomplete that he could not even organise the ballot.[33] In Year XI the departmental *Annuaire* tersely noted that the lists of all cantons in these early years contained '*conscrits morts ou absens depuis fort longtemps*'.[34] In Year XI Prefect François Pommereul had to write to sub-prefects and mayors to explain the difference between a deserter and a *réfractaire*, and later the same year he was driven to complain to the Minister of War about the inefficiency of his Captain of Recruitment, Bertrand, and succeeded in getting him replaced.[35] Although administration generally improved over the years, issues persisted throughout the period. In 1813, for example, 41 of the 51 men initially declared absent for the *levée des 100,000* were found to have valid excuses, ranging from already being in the army to living in another department, being married, being infirm and, in two cases, being dead.[36] In the same year, the mayor of Bourgueil still seemed uncertain of the basic difference between a *réfractaire* and a deserter.[37] Such administrative inefficiency is by no means the only explanation for weaker compliance figures in the early years, but it was certainly a contributory factor.

Another important factor in the department was the deliberately passive approach taken by many of the local officials whose zeal was required to enforce conscription. Village authorities were often reluctant to assist with the organisation of conscription, or with the rounding up of *réfractaires* and deserters. In 1806 the Minister of the Interior chided the Prefect that, '*Un grand nombre de ces fonctionnaires favorisent la désertion et la désobéissance aux loix en tolérant des réfractaires dans les communes et en leur donnant l'éveil lorsque la Gendarmerie se présente pour en faire la recherche*'.[38] Indeed, it could be hazardous for a mayor to side with the state against his neighbours. In 1807

[33]AD-IL, 1R29, Sub-Prefect of Loches to Prefect, 29 Messidor an VIII, and *Conseil de Chinon*, 14 Germinal an VIII.

[34]*Annuaire du Département d'Indre-et-Loire Pour l'An XI de la Républiqu*e, p.176. 'Conscripts who are dead or have been absent for a very long time.'

[35]AD-IL, 1R130, Minister of War to Prefect, 29 Fructidor an XI.

[36]AD-IL, 1R75.

[37]AD-IL, 2R96, mayor Bourgueil to Prefect, 14 April 1813.

[38]AD-IL, 1R23, Minister of Interior to Prefect, 1806. 'A large number of these functionaries encourage desertion and disobedience to laws by tolerating refractory conscripts in their communes and in giving them warning when the Gendarmerie comes looking for them.'

the mayor of Saint Aubin saw his commune turn on him after he denounced a *réfractaire* and after weeks of threats and menaces he was forced to give up his position.[39] Neighbourly relations were important in small communities, and the inaction of a *garde-champêtre* who drew the ire of the Captain of Gendarmes in 1808 for failing to arrest a neighbouring *réfractaire* is therefore eminently understandable.[40] Some officials even went to some trouble to hide conscripts, such as the mayor of Avon, who gave employment to local *réfractaires* in his vineyard while denying all knowledge of their whereabouts and even their existence when questioned.[41] Such collusion without doubt helped to encourage men to risk entering into a life on the run, but it became less prevalent as the state's coercive methods gained traction. The widespread use of *garnisaires* after 1808 helped to convince many officials of the advantages of cooperation, while the more brutal methods of the *colonne mobile* from 1811 helped to pacify the most recalcitrant communes.[42] An aversion to the presence of soldiers amongst the wider community could quickly lead to draft-dodgers becoming unwelcome guests in a village.[43] The deployment of *garnisons* to Benais and Bourgueil in April 1809, for example, led to the rapid surrender of no fewer than eighteen men from the two communes, while in 1811 a *garde-champêtre* in Ressigné was able to report the arrest of a previously elusive man within days of the arrival of a unit of *garnisaires*.[44] In the same year, a mayor threatened with a visit from the *colonne mobile* wrote to the prefect saying that he suddenly remembered the whereabouts of the wanted deserter and that a visit by *gendarmes* would suffice.[45] Such methods were hardly subtle, but they certainly bore fruit in discouraging the *Tourangeaux* from refractory behaviour.

The headline figures of conscripts and *réfractaires* in Indre-et-Loire nevertheless show a fairly familiar story of rejection of service gradually whittled down as the years went by. *Réfractaires* represented the most visible and tangible challenge to state authority and, in many instances, public order, and as elsewhere the authorities responded. The state's panoply of repressive measures was able to first eliminate bands of men on the run in the department, then to make life precarious for open deserters and *réfractaires*, and finally to put enough pressure on families and communities that evading the draft

[39]AD-IL, 1M135, Mayor of Saint Aubin to Prefect.
[40]AD-IL, 1M140, Captain of Gendarmes to Prefect, 4 July 1808.
[41]AD-IL, 1R23, Captain of Gendarmes to Prefect, 19 August 1807.
[42]AD-IL, 2R95, list of *garnisaires* used; 2R96, Ministry of War to Prefect, 4 July 1812; 1R26, Prefect to Commander Company of Reserve, 30 November 1810.
[43]AD-IL, 1R25, Mayor of Ressigné to Prefect, 24 November 1811; Sub-Prefect of Loches to Prefect concerning commune of Yzeures.
[44]AD-IL, 1R24, letters 16, 18 & 19 April 1809; 1R25, Mayor of Ressigné to Prefect, 9 December 1811.
[45]AD-IL, 1R25, Letter to Prefect concerning Martin Jean Marre, 11 June 1811.

became as unpalatable as serving. However, these figures offer little insight into the men who attempted to avoid service by other means. Indeed, only a small minority of would-be draft-dodgers took the active choice to become *réfractaire*, especially after about 1807. Most who attempted to avoid service sought legal exemptions, whether honestly or through fraud, that would allow them to remain in their homes without fear of the *gendarmes*.

The distinction between legal exemption and draft-dodging is of course not absolute. Some men tried to cover their evasion with a veneer of legality by fleeing the department on a passport issued by a friendly mayor, intending to return only when they had passed conscription age. Although these men were likely to be picked up elsewhere and counted as *réfractaires*, the problem became so widespread by 1807 that Prefect Paul Lambert was obliged to prohibit mayors from issuing passports.[46] Other conscripts were able to delay their departure through various subterfuges, from claiming illness to reporting to the mayor of their home commune having become 'lost' on the way to the depot, in the hope that they might be forgotten – a hope that was invariably disappointed.[47] Such ruses may have helped to mitigate any punishment once caught, but they did little to ensure that a young man could remain at large in peace. More certain legal means of avoiding service included buying a replacement, marriage, study or reserved occupation, and medical dispensation (*réforme*). It is these means of avoiding conscription that this article will now discuss. These exemptions allowed many unfit or eligible men to avoid service, but they also provided an avenue for thousands of others to try, with varying degrees of success, to remain out of uniform. As has been explored elsewhere, some of these avenues served primarily to allow men of wealth or connections to avoid service, leaving the greater weight of conscription to fall on the poor, but men of all ranks of society could access legal exemptions.[48] While by no means an open challenge to the state, such attempts provided a far wider numerical challenge to filling the ranks of army than simple draft-dodging. Despite the department's reputation for compliance, the routes to legal exemption were still well trodden by the men of Indre-et-Loire.

Aside from being one of the lucky men who drew a 'good number' and were able to satisfy the requirements of conscription without actually having to serve, the most direct avenue of exemption for an able-bodied man was the system of replacement or substitution. This allowed any man to avoid service provided that he paid the sum of 100 francs and found another to serve in his stead, and once the system was

[46]AD-IL, 1R23, Prefect to all mayors, 4 April 1807.
[47]AD-IL, 1R24; 1R26, *Conseil de recrutement* to mayor of Langeais, 20 April 1813; Prefect Aube to Prefect; letter to Captain of Gendarmes concerning Etienne Chatrefaux.
[48]Forrest, *Conscripts and Deserters*, pp. 38-39.

reinstituted from Year VIII a number of *Tourangeaux* took this route.[49] Replacements generally had to be paid and could be bought in Year IX for as little as 300 francs, but as in the rest of France prices rose with demand and ran to several thousand by the end of the Empire, meaning that this avenue was effectively open only to the wealthiest.[50] However, even the liberal disbursement of funds did not guarantee exemption. Men whose replacement deserted were liable to be called upon to serve unless they found a second replacement, as conscripts Coutournier and Tonneau found to their cost in Years IX and X. In 1811 another man complained bitterly that he had paid twelve louis (240 francs) to an intermediary to find a replacement, only to be swindled out of the money and sent off the Burgos with the other conscripts.[51] These instances remained a minority, however, and replacement remained an important means of avoiding service for those with sufficient wealth.

If replacement was not a viable option, exemption could be gained by young men accepted into the colleges or academies of the Imperial University, or with positions in state service. Such an avenue would require the social and perhaps financial capital to secure a position, which somewhat limited the field of candidates, but there are examples in Indre-et-Loire's archives of exemptions granted for such reasons.[52] Exemptions were also made for men performing vital war work, such as Jacques Mégrettier of Saint Branchs, whose work in a powder mill allowed him to avoid service in 1814. However, while not as socially exclusive as educational exemptions, these skilled jobs also remained available only to very few.[53]

For the majority without wealth, connections or reserved occupations, the state allowed a limited number of loopholes, and these too proved popular with *Tourangeaux*. The state was known to look favourably on requests from sole breadwinners or brothers of serving conscripts to be granted *fin de dépôt* status, allowing them to be placed at the bottom of the list of those called to serve. This was not an exemption per se, but it did allow a number of men to avoid service on the front lines of the Empire.[54] Petitions for *fin de dépôt* in the department came from a

[49]See Woloch, 'Napoleonic Conscription', pp. 111-18 for the state's internal agonising over and various refinements to the system. *Code de la Conscription* (Paris: Rondonneau, 1805), p. 84; AD-IL, 1R29. Also 1R23 for Year VIII.
[50]AD-IL, 1R23, replacements Year IX; Forrest, *Conscripts and Deserters*, pp. 58-59.
[51]AD-IL, 2R89 Mayor of Tours to Prefect 9 Thermidor an IX, letter to Tonneau 14 Frimaire an X; 1R25, *Affaire Gautier*.
[52]AD-IL, 1R26, Rector of Academie d'Angers to Prefect; Minister of War to Prefect, 23 October 1813.
[53]AD-IL, 1R27, manager of powder mill to Prefect, 25 January 1814; *Code de la Conscription*, p. 100.
[54]Pigeard, *La Conscription*, p.141.

wide range of men. Many claimed to be to sole support of dependents, such as François Doucet, a diamond cutter of Tours who cared for an elderly widow, Jean Martin of Bourgueil, who provided for his widowed mother and disabled younger brother, or François Garnaut from rural Candes-St-Martin, the sole support of two orphaned younger brothers.[55] Others pointed to the service already given by siblings; dozens of men appealed on the grounds that, as the only son not in uniform, they were crucial to the family's subsistence, while some families sought to protect the youngest son from the army by pointing out what they had already sacrificed.[56] The trend of applications for exemption on these grounds became more pronounced in the last years of the Empire, as Napoleon increasingly fell back on summoning men from older classes who had begun to acquire greater responsibilities. In the 1813 *levée des 100,000* of men in classes 1809-12, for example, 314 men were designated '*soutien famille*', which was more than could claim exemption on either marriage or medical grounds, and the largest single reason given in that call up for men avoiding service.[57]

The state-sanctioned systems of exemption, replacement and *fin de dépôt* all provided legal means of avoiding conscription, but were designed so as not to affect the flow of men into the army. Entries into educational institutions or state service could be controlled, as could those deemed to be in reserved occupations. The replacement system allowed some men to escape service, but only if others who were not otherwise liable to conscription joined in their place. The *fin de dépôt* regulations were perhaps uncharacteristically vague and left a surprising amount of latitude in the hands of local administrators, but they also did not provide definitive exemptions. Those granted *fin de dépôt* could still be called up to remedy a shortfall in numbers, and the status became less meaningful as the depots of the empire were emptied to meet the crisis of 1813-14. Far more difficult to control for the conscription authorities were the widespread demands for absolute exemption on grounds of marriage or ill health, or the illegal obtention of genuine discharge papers through fraudulent means.

The avenue most open to all men, although by no means the most taken, was exemption through marriage. Although the law initially exempted only men who were married, widowed, divorced, or fathers of families before 12 January 1798, in practice any married man could claim exemption.[58] While any man could legally marry, there were clear impediments to this route to exemption for the average twenty-year-old,

[55]AD-IL, 1R26, François Doucet to Prefect, May 1813; Mayor of Bourgueil to Prefect, 5 April 1813; petition from Mayor of Candes-St-Martin on behalf of François Garnaut.
[56]AD-IL, 1R25, Dame Liénard to Prefect, August 1812 (& passim).
[57]AD-IL, 1R75, 'Résultat Général des Opérations du Conseil de Recrutement…', 12 February 1813. This did not include medical dispensations granted at the initial call-ups in 1809-12, which still provided the greatest number of exemptions.
[58]Forrest, *Conscripts and Deserters*, pp. 50-51; Pigeard, *La Conscription*, p. 140.

not least the need to find a suitable partner and the financial wherewithal to maintain an independent life. This exemption was therefore most used by men of older classes which were revisited for repeat call ups in the later years of the Empire. How many men married specifically to avoid conscription is unclear, although there are hints. Indre-et-Loire saw approximately 2,000 marriages annually 1804-12, which was slightly above the pre-Revolutionary average. In 1813, this figure more than doubled to 4,469, which was in line with a national trend that saw the marriages rise from 203,000 in 1811 to 387,000 in 1813.[59] The implication here is that while ordinarily relatively few men in Indre-et-Loire entered into marriages of convenience simply to avoid conscription, the mass call ups of 1813, which included men of earlier classes who had previously drawn a 'good number', prompted hundreds of men to seek the shelter of matrimony. As a tactic it was crude but generally effective, although Jennifer Heuer has pointed to the oft-overlooked consequences for those who found themselves trapped in such marriages for many years after the fear of conscription had faded.[60] The impact of marriage should not be overstated as even in 1813 it accounted for relatively few exemptions, with only 208 out of 1554 men brought before the Council of Recruitment for the *levée des 100,000* eligible for exemption on these grounds. However, in such an apparently compliant department as Indre-et-Loire, this still represented a greater challenge to filling conscription quotas than the lingering effects of open draft-dodging.

If marriage provided a numerically small but significant route to exemption, by far the most common way for a man to avoid service across the period was to gain a medical dispensation, known as a *réforme.* This would be granted to any man not reaching the basic height requirements (by the beginning of the Empire set at 4' 9" French, or 1.544m) or demonstrating an ailment that would render him unable to withstand the 'rigours of war'. A medical dispensation could involve some financial outlay, as all those who paid (or whose parents paid) 50 francs per year in direct tax were required to provide a replacement or to pay 300 francs for their *réforme*, although those classed as 'indigent' could be granted *réformes* without condition.[61] Temporary exemptions could also be granted to those who were deemed malnourished or physically underdeveloped for their age.[62] Across France approximate one in three men were

[59]AD-IL, 6M15-19. Archival returns of total marriages per year: An XIII- 2,349, 1806-2,135, 1807-1,966, 1808-2,217, 1809-2,083, 1810-2,296, 1811-2,239, 1812-2, 115, 1813- 4,469, 1814-2,290, 1815-1,954; Bailleul, *Les Tourangeaux*, pp.332-33.
[60]Jennifer Heuer, '«Réduit à Désirer la Mort d'une Femme qui Peut-être Lui A Sauvé la Vie»: la Conscription et les Liens du Mariage sous Napoléon', *AHRF*, 348 (April/June, 2007), pp. 25-40.
[61]*Code de la Conscription*, p. 84.
[62]AD-IL, 1R30, *Instruction de 11 Germinal an VII*, article 26.

judged to meet the criteria for medical exemption, but from the beginning far more men appealed to this route as a measure to avoid military service.

In Indre-et-Loire medical dispensation quickly became the most popular method of keeping oneself from the army. In Year VIII hundreds of men avoided service, at least temporarily, simply by applying for legal exemption, as the law stated that applicants did not have to leave for the army until their petition had been considered.[63] Across Years IX-XIII, *réformes* were granted to approximately 49 percent of conscripts in Indre-et-Loire, with Year XIII itself seeing well over half of men of conscription age exempted.[64] Not only this, but in Year XI the Ministry of War complained bitterly that almost half of the department's conscripts actually sent to the army claimed unfitness.[65]

In Year XI and again in 1807 the Director-General of Conscription wrote to the Prefect expressly to complain about the number of *réformes* being granted.[66] This is not necessarily a consequence of fraud; as Woloch pointed out, overzealous recruiting officers often applied too exacting standards to medical examinations, while Louis-René Villermé's research in the nineteenth century showed that areas such as Indre-et-Loire with lower than average height were also likely to have larger numbers of men with infirmities.[67] Yet the widespread granting of *réformes* indicates that many who appealed to this avenue of exemption might have been passed fit under other circumstances, and the facility with which *réformes* were obtained certainly seemed to encourage others to seek medical exemption. By 1808 the Minister of War complained to the Prefect that too many men with infirmities were volunteering for service in order to gain an early exemption, and in the hope that they would not have to pay the indemnity.[68] Following a crackdown in 1808-09, the number of dispensations issued in the department dipped somewhat, as did the percentage of men excused on grounds of infirmity rather than height.[69] Nevertheless, despite the increased medical scrutiny and the potential cost for those who could afford it, the option of gaining *réformé* status continued to appear attractive to unwilling conscripts until the end of the Empire.

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[63]AD-IL, 1R29 Letter from Agent de Conscription, 11 Thermidor an 8.
[64]Hargenvilliers, *Compte Générale*, pp.16-17 & pp.28-29.
[65]AD-IL, 1R30, Ministry of War to Prefect, 11 Pluviôse an XI.
[66]AD-IL, 1R30, letter to Prefect, 11 Pluviôse an XI; 1R23, Director-General of Conscription to Prefect, 1807.
[67]Woloch, 'Napoleonic Conscription', p. 105; Louis-René Villermé, 'Mémoire sur la Taille de l'Homme en France', https://gallica.bnf.fr/ark:/12148/bpt6k81420k. Accessed 10 February 2020, p. 377; also pp. 396-97, 'Tableau concernant les tailles des conscrits'.
[68]AD-IL 1R84, Minister of War to Prefect, 25 May 1808.
[69]AD-IL, 1R75, list of *réformés* classes 1807-1810.

So attractive was it, indeed, that it encouraged fraudulent practice from some men desperate to escape service. Echoing Daly's findings in Seine-Inférieure, it is clear that a degree of foul play was afoot in the Touraine, although its precise extent is difficult to determine.[70] Mayors or medical officers were known to offer certificates of epilepsy or attest to debilitating infirmities, and in some cases well-placed officials simply sold *réformes* to conscripts.[71] Other men forged certificates, attestations, or official signatures – in Year X, for example, Vincent Blanchard was arrested for forging his mayor's signature on a document attesting that he was above the upper age limit for conscription.[72] This frequently went undetected unless discovered by a vigilant Recruitment Council or unless the corrupt vendor was reported to the authorities, as was the case with surgeon Laurent Guerin, found guilty of defrauding a conscript in July 1811, or André Jou, a *cabaretier* from Tours who offered *réformes* for cash and then decamped with the money.[73] If falsified certificates failed to do the trick, sympathetic or corrupt medical practitioners could offer relatively painless but convincing injuries. So common was this in the early years that the Ministry of War issued new instructions on what counted as 'mutilation' for the purposes of medical exemption.[74] The Ministry also complained in Year VII of a drastic increase in the number of men performing self-mutilation to avoid military service.[75] Such action was illegal and occasional cases were prosecuted in Indre-et-Loire, including two men convicted of attempting self-mutilation to avoid service in 1812.[76] It is not known how many others may have succeeded with similar ploys. Other prosecutions focused on the facilitators, such as the 1813 case of M. Briard, a veterinary surgeon from Lerné arrested for offering his skills to young men to make them eligible for a *réforme*.[77] Although the full extent of the fraudulent practice cannot be determined, it is clear that it did exist in the department, just as it is clear that the use of medical exemptions had a major effect in shrinking the pool of eligible conscripts.

Fraud around medical *réformes* was just one of a number of ways of attempting to gain undeserved legal exemption. At the crudest level there are examples of conscripts masquerading as another who had been granted an exemption, such as 22-year-old

[70]Daly, 'Conscription and Corruption', p. 188.
[71]Forrest, *Conscripts and Deserters*, pp. 44-48; AD-IL, 1R25, Affaire Bernadeau.
[72]AD-IL, 2R89, case of Vincent Blanchard, Year X.
[73]AD-IL, 1R25, judgement against Laurent Guerin, July 1811; 1R26, judgement against André Jou, 1 December 1812.
[74]AD-IL, 1R30, circulars from Ministry of War, 11 Germinal an VII and 27 Floréal an XI.
[75]Forrest, *Conscripts and Deserters*, p. 137-38; Bailleul, *Les Tourangeaux*, p. 150.
[76]AD-IL, 1R25, Prefect to Captain of Recruitment, 7 March 1812.
[77]AD-IL, 1R26, Sub-Prefect of Chinon to Prefect, 4 February 1813.

Sylvan Persil from Villedour, who was arrested after presenting some inquisitive *gendarmes* with a certificate stolen from François Maudin, a 27-year-old, which stated that he was medically unfit for service.[78] More frequently, however, men would try to buy exemptions in their own name. There is plenty of evidence to suggest attempts at direct fraud, either in attempting to fix the ballot or bribing a recruiting officer, frequently through a middleman. These middlemen could be family or friends, minor local officials with access to those in more important positions, or simply men seeking to make a profit. This method was more fraught as not all recruiting officers were open to bribery, and not all those who took conscripts' money followed through on promises of exemption. It is again impossible to determine the extent of such practices, as the only real evidence for '*escroquerie*' comes from the records of prosecutions. These do, however, show a wide range of people involved in attempting to procure fraudulent exemptions for conscripts. In Year XII a man from Tours was imprisoned for selling false *congés*, and another, Charles Froissard, was prosecuted the following year for falsifying papers and signatures to exempt a man from service. In 1806 a Chinon man was prosecuted for taking 200 francs to ensure a young conscript a 'good number' at the ballot, while in 1813 a farmer from Tours-nord was imprisoned and fined for *escroquerie*.[79] The best documented case in the archives is that of a widow named Boutard, convicted in 1812 of trying to bribe the captain of recruitment to exempt her son and the sons of her friends.[80]

Public officials who were implicated in these frauds were occasionally dragged before the courts, and it is perhaps reasonable to surmise that the cases for which they were prosecuted were only the thin end of the wedge. In a case that eventually drew the attention of the Ministers of War and the Interior, conscription officer Sous-Lieutenant Joseph Gagnon and former Lieutenant Louis-François-Nicholas Laporte were convicted in 1812 of accepting money in exchange for exemptions.[81] They were caught after they took 70 louis (1400 francs) from the mother of a man who was later conscripted. The mother, Dame Robin, complained and implicated Gagnon, Laporte, and M. Gagneux, the mayor of Beaulieu, who had acted as middleman. The two officers were initially found not guilty by the Tribunal of Loches in 1811 but, after the intervention of the prefect, the Director-General of Conscription and the two ministers, a retrial was held and both men were imprisoned and fined. Nor were these the only recruiters to be prosecuted; in 1813 a recruiting sergeant was also imprisoned in the department for conscription fraud.[82] Unlike the scandal that erupted in Rouen

[78]AD-IL, 2R91, Captain of Gendarmes of Loir-et-Cher to Prefect, 14 Messidor an XII.
[79]AD-IL, 1U30, Reports from an XII and Germinal an XIII; 1U20, Report from Chinon 1806; 2R96 'contrôle des individus qui ont été condamnés pendant l'année 1813…'.
[80]AD-IL, 1R25, *Affaire Veuve Boutard.*
[81]AD-IL, 1R25, Dossier Laporte et Gagnon.
[82]AD-IL, 2R96 'contrôle des individus qui ont été condamnés pendant l'année 1813…'.

in 1812, outlined by Daly, the case of Laporte and Gagnon did not implicate either the captain of recruitment or any of the civilian administrators aside from the mayor of Beaulieu, although this is perhaps not evidence of administrative innocence.[83] While there is no proof that the prefects were anything but honest in their endeavours, other mayors were occasionally amenable to bribery. The mayors of Avon in 1807 and Saint Aubin in 1810, for example, were both jailed for accepting payments in exchange for procuring exemptions for conscripts.[84] Indeed, departmental records hint that low-level corruption was endemic in the department, albeit apparently affecting only a relatively small number of people.

The overall effect of these various methods of legal exemption was to present a significant challenge to the departmental authorities in fulfilling its conscription quota. Even while the prefects happily reported successes in their conscription efforts to Paris, the sheer number of legal exemptions heavily reduced the pool of men eligible to serve. Literally thousands of men avoided service due to ill-health, height, marriage, reserved occupations, replacement or being the main supporter of a family. Some of these exemptions were certainly fraudulent, but most were perfectly legal. Compared to the few hundreds of open draft-dodgers in the department, the legal avoidance of conscription provided a rather weightier mass of lost manpower. The state's crackdown on open draft evasion after 1806, combined with the improvements in administrative efficiency and the generally law-abiding nature of the *Tourangeaux*, meant that the departmental authorities were ultimately able to find sufficient men to pay Napoleon's blood tax, but there were few successful attempts to rein in legal exemptions. The tightening up of rules on medical dispensations and the lowering of height requirements brought the number of *réformés* down a little, while the very public prosecutions of fraud cases probably did some good. However, in general the state struggled to respond to the numbers of men applying for legal exemption, instead relying on the fact that departmental quotas were low enough to be fulfilled out of the remaining stock of manpower. As with elsewhere in France, this issue could cause significant rifts in communities where the families of serving conscripts felt that others were shirking their duty.

This article has demonstrated the extent of conscription evasion and avoidance in the Napoleonic department of Indre-et-Loire. As well as offering an insight into the operation of conscription in an individual department, the findings from the Indre-et-Loire show that the experience of conscription for most men was one of compliance rather than contest – even if they used that compliance to try legally to avoid service.

[83]Daly, *Conscription and Corruption*, pp. 191-92.
[84]AD-IL, 1R23, Captain of Gendarmes to Prefect, 19 August 1807; 1R24, Minister of Interior to Prefect.

In the headline figures of draft dodging, the department provides an almost text-book example of an area brought to heel by administrative efficiency, increasingly repressive state measures, and the effect of habitude over a decade-and-a-half of warfare. However, as has been shown, these figures disguise the continued widespread avoidance of conscription through replacement, petitioning for *fin de dépôt* status, medical exemptions, marriage, or outright fraud. Even in a supposedly model department, the authorities faced significant challenges in their attempts to fulfil Napoleon's increasingly excessive demands for manpower, and as the Empire progressed those challenges came increasingly from those claiming legal exemption. It is clear from this picture that the state's enforcement of conscription was largely effective in compelling men to take part in the process, but that the system itself left plenty of scope for individuals to escape from service. This largely supports the findings of Woloch, Forrest and those who followed in their footsteps, whose work has elaborated on the frictions between state and subjects caused by conscription. However, this article emphasises that unlike the more open route of draft-dodging or the brazen fraud that has been found elsewhere in the empire, the conscription avoidance of the men of Indre-et-Loire was not necessarily confrontational. Fraud certainly existed, and there were certainly those in the department whose interpretation of the law differed substantially from that of the officials who sought to enforce it, but for the most part the men who sought exemption did so perfectly legally. The majority of men who escaped conscription, even in the early years, were those whose medical, marital or material status allowed them to remain at home. By the end of the Empire, and especially with the call ups of earlier classes, over half of men liable for service could claim such status. Despite the attention paid to resistance and *réfractaires* across France, the prevalence of legal exemption was easily the biggest numerical challenge to filling the uniforms of Napoleon's armies.