The Napoleonic police under the administration of Joseph Fouche, 1799-1810

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THE NAPOLEONIC POLICE UNDER THE ADMINISTRATION OF JOSEPH POUCHÉ, 1799-1810

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FRONTISPICE

JOSEPH FOUCHE', DUC D'OTRANTE

Drawn by Mrs. Erna Purrier from a portrait of Fouché by Gelyn.
The project undertaken is essentially the tracing of the development of the Napoleonic police system under the direction of Napoleon's great Police Minister, Joseph Fouché. A by-product of the research and ultimate writing of this paper appeared in a growing appreciation for the importance of institutions, as opposed to personalities, in the development of history.

In the interests of clarity, a statement must be made regarding a term used in this thesis. The term "counter-police" can designate two different units. The police units created by Napoleon to oppose his Police Minister were consistently referred to by historians as counter-police. However, Napoleon also created a unit whose name embodied the term Counter-police: the Counter-police of the Palace. Therefore, in the text of this project, the counter-police units will be differentiated from the specific unit, the Counter-police of the Palace, by the capitalization of the latter term. Although the usage of the two terms necessitates the foregoing explanation, the term counter-police, referring to the opposition police, appeared so consistently in sources consulted, that it seemed necessary to utilize the commonly accepted title for these units.
It would be impossible for me to acknowledge and list all individuals who have played a part in the development of this thesis. Although a simple expression of appreciation cannot begin to convey the depth of my indebtedness, I would like to express my gratitude to a few of these people.

My deepest gratitude and appreciation is extended to my adviser, Dr. Ert J. Gum, for the unending patience, encouragement, and guidance which he gave so willingly, not only for this thesis, but throughout the duration of my graduate program. I would also express my appreciation to the faculty of the Department of History for its interest and consideration, and for granting me the graduate internship which made my entire graduate program, and this thesis, possible. Heartfelt thanks to Miss Ella Jane Dougherty, Inter-Library Loan Librarian, and one of the greatest assets of the University of Omaha. Her cheerful willingness to search for the old and hard-to-locate books, which were needed for this topic, made the completion of this work possible.

I would also like to acknowledge my appreciation to my husband, Jim, for his continued understanding and belief in me which helped so much during the preparation of this thesis. Thanks, also, to my mother, Mrs. Erna Purrier, for her drawing of Fouché. Despite the aforementioned obligations, I would like to state that any errors in fact or interpretation are my own responsibility.
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CHAPTER I

THE SETTING

The French police, prior to the advent of Napoleonic rule, existed as a disorganized, ineffectual conglomeration of semi-independent bodies. An efficiently-operating force on the surface, lack of definitely-drawn lines of authority and responsibility caused duplication of effort and blurred jurisdictional rights. Such lack of clearly-defined duties put the several branches of the police at cross-purposes and largely negated the possibility of efficient operation. Such a condition was typical of Bourbon institutions, and, at least with reference to the police, continued during the Revolution.

Under the monarchy, supreme authority in police matters lay with the King.\(^1\) In Paris, however, maintenance of public order depended upon the Commissaires of the Châtelet of Paris, the Lieutenant-General of Police, and the police bureau of the Hôtel de Ville.\(^2\) The efficiency of these in-

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\(^2\) Henceforth, the Commissaires of the Châtelet of Paris will be referred to as the Commissaires, while the police bureau of the Hôtel de Ville will be called the bureau.
stitutions suffered greatly because no attempt had been made to establish any separation of jurisdiction. This situation led to rivalry and agitation between the three divisions.3

The Commissaires participated in the conduction of criminal matters. They handled such affairs as mob violence, treasonous plots, and offenses against public morals. In this latter capacity, the Commissaires regulated plays, art, the morals of the clergy, and anything else which might be "... contrary to religion, to the State, and to good morals."4 This unit also investigated reports submitted to the police by doctors and barbers who had treated wounds of various kinds; hunted vagabonds and bums; prevented the formation of unauthorized associations and clubs, and, by so doing, effectively regulated the "accepted" line of activity which an average French citizen might pursue.

A second royal police force existed under the direction of a Lieutenant-General of Police. The Lieutenant-General, created by an edict of March, 1667, fulfilled two functions: he represented the law as a magistrate, and he represented the government as an administrator. Because the Lieutenant-General fulfilled both a judicial post and an

3Edmond Seligman, La Justice en France Pendant la Revolution (2 vols; Paris: Plon-Nourrit et Cie., Imprimeurs-Editeurs, 1901), I, 11. Hereafter cited as Seligman, La Justice. All succeeding material in this chapter, unless otherwise noted, is taken from Seligman, La Justice, I, 4-450.

4Ibid., 5.
administrative one, his powers enabled him to pass sentence upon individuals for crimes, as well as to provide for their apprehension.\(^5\) Chiefly concerned with civil matters, the Lieutenant-General received the assistance of the Commis-saires of the Châtelet in the discharge of any criminal duties. A royal appointee, he oftentimes received his appointment as a result of his tractability, court experience, and polished manners, rather than by virtue of qualities more fitted to the satisfactory discharge of his duties, such as: honesty and preparation for police work.

The Lieutenant-General of Police vied with the other police organizations, particularly the police bureau of the Hôtel de Ville, for control of the largest share of police jurisdiction. The Lieutenant-General usually bested his rivals because he enjoyed the support of the royal government. He obtained his instructions by means of a weekly visit to Versailles where he met with the King's Ministers and received their orders. His access to Court provided him with knowledge of Court desires and attitudes which his rivals did not possess.

The bureau represented the third major division of the police of the monarchy. The bureau concerned itself


The Lieutenant-General received the assistance of the Criminal Lieutenant of Police in the discharge of his duties relating to apprehending and sentencing criminals.
with matters relating to trade, transportation of products, and civil disputes relating to trade matters in Paris. The jurisdiction of this particular branch of law enforcement extended to offenses which occurred on "... the banks, the ports and on ... the tributaries" of the Seine. The Prévôt of merchants headed the bureau. This provost, supposedly elected by the members of the bureau's staff, in actuality received his appointment from the King.

Within the city of Paris, therefore, three police forces attempted to administer justice and enforce the laws of France. The rivalry between these forces hampered police effectiveness to such an extent that the police did not act with vigor against mobs engaging in food riots during the early stages of the Revolution. In this case, actual organizational failures combined with self-interest to limit police action. The police, unwilling to oppose the "riots" because they opposed the newly-fostered free trade in grain, believed that if the people succeeded in convincing the King that he should suspend free trade, the police would, once again, realize their income from the supervision of the markets, a recognized source of substantial funds for the police personnel. This source of revenue ceased, of course, with the introduction of free trade of grain. Although the police

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6 Seligman, La Justice. I, 12.

originally failed to oppose, vigorously, the French people in their protest against the law, when they did attempt such opposition in 1789, they demonstrated their inability to cope with the protracted violence of the Parisian mobs.⁸

Paris represented the most complicated situation in duplication of police duties, for, in other cities within France, the multiplicity of police assignments did not exist. In these areas, a Lieutenant-General exercised all police power. This arrangement established "... only one organization of the police comparable to that of the capital. ... for ... [these] department."⁹ Such an arrangement freed the police from the diverting necessity to defend their powers and rights from possible encroachment by rival police units. The provincial police units still exercised judicial powers similar to those of their Parisian counterparts, but benefited from the singularity of their responsibilities.

The main difficulty of the French police, under the monarchy, naturally stemmed from the intense rivalry which developed between divisions, as a result of

... the multiplicity of jurisdictions, the absence of legal determination of powers, and personal interests of officers who possessed indictments which they sold at high prices, and by which they endeavored to enlarge the sphere of activity.¹⁰

⁸Ibid., 157.
⁹Seligman, La Justice, I, 14.
¹⁰Ibid., 10.
The difficulties and internal strife in the French police force continued without apparent improvement until the outbreak of the strife which heralded the commencement of the Revolution.

The outbreak of the Revolution caused a vast change in the structure of the police. The people began to protest against the unrestrained powers of the police and, as a result, measures were taken to insure the separation of judicial and administrative police functions and, in this manner, redress the evils of the existing organization.

Accordingly, in 1789, the government added the duties of the old Lieutenant-General of Police to those of the Hôtel de Ville, and changed the name of this institution to the Municipality of Paris. The revolutionairies, as an integral part of police re-organization, limited the judicial powers of the Prévôts. The changes introduced confined prevotal justice to purely penal matters and effectively curtailed the powers of that office. Later, in March of 1790, the Constituent Assembly insisted that Louis XVI dispense with prevotal justice entirely. In accordance with this "request," the King acquiesced by suspending prevotal justice by a decree of September 6-7, 1790.11

In their frantic efforts to secure justice in France, the revolutionairies initiated yet another change. This

11Prevotal justice was re-established under the First Empire and under the Bourbon restoration government. It last appeared under the Second Empire.
change placed the Commissaires of the Châtelet under the control of the Criminal Lieutenant, a former subordinate of the Lieutenant-General of Police. They then provided for the transfer of the Criminal Lieutenant's powers to the District officials. After the re-organization of 1789, therefore, the Districts, rather than the Lieutenant-General, actually regulated local police activity. Even the policing of the streets of the cities depended upon the citizens of the Districts, who served as a type of militia. Apparently, the militia was made up of citizens of the District, probably screened by District officials prior to admittance. The members of the old royal forces joined this militia. This "citizen guard" was charged with the responsibility of guaranteeing the safety of the streets. Citizen direction of police work boded no good for the interior tranquillity of France, since the average French citizen possessed little practical knowledge regarding the direction of a police system, and direction from a higher level was not forthcoming.

The peoples' intense desire to free themselves from arbitrary police action produced conditions nearly as chaotic as those extant prior to the Revolution. The French,

12 Supra., 3, Footnote 5.

13 The office of the Lieutenant-General apparently disappeared with the assignment of his powers to the Municipality of Paris.

14 The District was a territorial division, generally referring to the grouping of communes together for administrative purposes.
however, managed to succeed in their reforms as far as the separation of police powers was concerned, for by the reforms of 1789, "The administrative police . . . were entrusted to the municipalities and the contested matters [legal business] of the police was entrusted to the justices of the peace."\(^{15}\) In accordance with this change, the justices of the peace handled security matters with the aid of the gendarmerie.\(^{16}\) A distinction had finally been made between judicial and security police. Unfortunately, although the reforms differentiated between judicial and administrative duties, they failed to remedy the pathetic police situation. Effectiveness of police units varied under the revised system, and the police were either overly active, interfering in matters which should not have concerned them, or, they divorced themselves completely from any knowledge or appreciation of the conditions of the common people. The latter charge applied, particularly, to the District police units, which, run by local people, neglected the difficulties of the common citizen to an even greater extent than did other branches.

The various revolutionary governments made several more attempts to rectify the situation. In July of 1791, the incumbent revolutionary government provided for the

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\(^{15}\) Seligman, *La Justice*, I, 199.

\(^{16}\) The *gendarmerie* was a quasi-military branch of police whose responsibilities involved the safeguarding of the interior tranquillity of France. Their scope and duties were to be broadened under the Consulate and Empire, after they virtually disappeared during the Revolution.
establishment of a municipal police force for Paris. This municipal force possessed general responsibility for maintaining order. The government also created, by a decree of the same period, a branch police unit, the correctional police, to be charged with the duty of thwarting petty crimes against society. Additionally, the justices of the peace received responsibility to provide for the effective operation of correctional police.

Such addition to, and changes in, the police structure of France merely added to the means for establishing a workable system; they did not guarantee that such changes would produce the results desired. The adjustments failed to make widespread improvements in the system, for, although each succeeding government benefited from the mistakes of the previous one, the internal police of France still represented a vastly inadequate organization, the main failure of which was a lack of central control.

In 1791, then, as a result of the previously-sketched changes, police operations in France depended upon four relatively independent branches: the municipal police, the correctional police, the criminal police, and the constitutional police. The last branch, the constitutional police, represented an internal, administrative division in that it referred to the powers exercised by a superior officer over a subordinate in the daily detailing of police duties, rather than to a branch of police which dealt directly with the public.
The aforementioned arrangement continued in France until 12 Nivôse Year IV (2 December 1795). By a decree of that date, the government of France established the Ministry of Police. The decree creating the Ministry stipulated that the institution should be responsible for:

... the execution of laws relative to the police, to the security, and to the interior tranquillity of the Republic; the permanent National Guard, the legion of police and the service of the gendarmerie for everything relative to the maintenance of public order; the policing of prisons, houses of detention, of jails, and of maximum security prisons; the repression of begging and vagabondage. 17

The establishment of a Ministry of Police provided the framework for a much-needed central power to oversee the actions and duties of the various branches of the French police. Unfortunately, however, the remedy proved to be more apparent than real. The men appointed to the office of Minister of Police proved to be "... obscure, timid, or honest...." 18 Therefore, although the formation of the Ministry provided the means for the central control which was clearly lacking, as a result of ministerial incapabilities,


This was the first such Ministry in France. The Constitution of the Year III, which was never accepted, had made preliminary provision for a seventh Ministry—the police. Jacques Godechot, *Les Institutions de la France sous la Révolution et l'Empire* (Paris: Imprimerie des Universitaires de France, 1951), 404. Hereafter cited as Godechot, *Les Institutions*.

18 Madelin, Fouché, I, 247.
the establishment of the Ministry merely intensified the already deplorable situation. The Ministry needed the presence of a forceful, capable, relatively unscrupulous individual who would be able to draw the lines of authority clearly into his own hands. Such a Minister did not appear until 1799.

Matters continued to deteriorate throughout the latter 1790's despite continued changes in the police structure. One of the revisions provided for the rearrangement of assignments within the Ministry. This change, in 1796, divided the Ministry into divisions of commerce, health, and highways; surveillance and security; morals and opinions; and communications. The revision, which was an attempt to tailor the Ministry to fit more realistically the needs of the French State, did not remedy the basic necessity for concerted direction. To meet this need, the government, in 1797, established the office of the Secretary General. The introduction of the Secretary Generalship should, ideally, have presented the Minister of Police with the means of further centralizing the control of the Ministry. An administrative official, the Secretary General's responsibilities included the handling of proposals, the routing of inter-bureau communications, the briefing of the Minister of Police on matters which required his immediate attention, regulation of the records of the Committee of Public Safety, and attention to

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19Ibid., 454.
the routing and analysis of communications. Despite the establishment of this new office and although the Ministry once more underwent re-organization, the overall ineffectiveness remained unchanged.

The re-organization of the Ministry of Police occasioned by the formation of the Secretary Generalship reduced the number of divisions within the Ministry to three. The Ministry now consisted of: (1) a division concerned with commerce, health, highways, counterfeiting, and the organization of mobile forces; (2) a division concerned with security; and (3) a division charged with handling matters concerning the emigrés. Of these three, the security division was divided into two sections, one of which was concerned with the security of Paris, the other section, with the rest of France.

This basic structure provided the framework for efficient operation, but what the system still lacked was the necessary catalyst of a determined, capable Minister. The Ministry acquired such an individual with the appointment of Joseph Fouché in July of 1799. Fortunately, or unfortunately, for

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France, Fouché possessed the attributes necessary to make him an undeniably able and successful Minister of Police.

Knowing his special talents, Directors Barras, Sieyès, and Talleyrand 23 appointed him because they had decided that the Jacobin element of France must be brought to heel. Fouché represented the tool by which they intended to accomplish this task. 24

At the time of Fouché's appointment to the Ministry, the Minister of Police possessed little actual control over his Ministry. Generally, Fouché's predecessors had succeeded one another in such rapid succession 25 that none of them had been really aware of their lack of control over their subordinates. As a result of previous Ministers' failure to direct

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25 For example, in Messidor Year V, Citizen Lenoir-Larouche was named Minister of Police; Bulletin des Lois, B. N. 135, #1316, 28 Messidor Year V (16 July 1795), Series 2, IV, 2.) he was replaced by Citizen Sottin 10 days later. Bulletin des Lois, B. N. 135, #1323, 8 Thermidor Year V (26 July 1795), Series 2, IV, 5.
the police, many of the duties and responsibilities of the Police Minister had been usurped by the Directors. For example, the secret police reported to the individual Directors instead of to the Minister of Police. Many of the individuals employed by the Ministry possessed unsavory reputations and few other qualities to recommend them as police personnel.26

Fouché left no doubt that he intended to change the existing state of affairs in the Ministry. His attitude toward the duties of the Minister of Police differed from the relatively indifferent attitudes of his predecessors. He did not subscribe to the large degree of decentralization prevalent in the police system; in contrast, he "... felt that all the powers and abilities of a minister must be absorbed in the high police; the rest might safely be left to the chefs de bureau."27 Indicative of his attitude concerning the importance of the position occupied by the Minister of Police was his statement that he

... alone should be judge of the political state of the interior, and that spies and secret agents should be considered as indications and instruments often doubtful... He felt that the high police was not administered by memorials and long reports; ... for example, that the minister should place himself in contact with the men of

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27Fouché, Memoirs. I. 57.
greatest influence, over all opinions and doctrines, and over the superior classes of society. 28

Although the newly-appointed Minister held the aforementioned lofty ideals, he realized that he would be unable to correct all of the abuses within his Ministry immediately. Although completely aware that his chefs de bureau acted without much regard for anything but their own wishes, he limited his reforms and moved slowly in an attempt to prevent more, and reduce, if possible, discord within his Ministry. 29

In some areas, however, the new Minister moved with force and determination. As part of his effort to gather control of all aspects of the police, he insisted that the prefecture of Paris 30 be placed directly under his control. Although he possessed very limited funds 31 for the operation of his police force, Fouché acquired necessary capital by inducing those engaged in vice to "... contribute to the

28 Ibid., 58. According to Louis Madelin, Fouché attempted to combine, in his own hands, "... the powers, rights, prerogatives, orders and conducts of the old Lieutenant of Police of the eighteenth century and of the Committee of Public Safety and General Security of the Year II." Madelin, Fouché, I, 451.

29 Fouché, Memoirs, I, 57.

An item in the Moniteur of this period stated: "Many changes are made by Fouché in the bureaus of his ministry." Moniteur, 25 Brumaire Year VIII (16 November 1799), XXI, #55, 213.

30 The prefecture of Paris was not established until 1860. At this time it was, officially, the Bureau Central. Fouché, Memoirs, I, 57.

31 Ibid. In the Year VII, under the Directory, the police budget was 1,100,000 francs. Madelin, Fouché, I, 481.
safety of the state." France had, at last, acquired a Minister of Police able to meet and defeat criminal forces on their own ground, and, with their own money. Largely unencumbered by scruples, or by delusions of political loyalty, the new Minister of Police proceeded to do his duty as he saw it. Fouché, a veteran of the Reign of Terror, recognized political loyalty in France for what it was—a fallacy—and he paid scant attention to it, except as it suited his purpose, throughout his career as French Minister of Police.

Fouché’s reform program began on 3 August 1799 with the announcement of his intention to settle affairs in France by stopping political murders, treasonous action, and operations of foreign agents within France. He attempted the re-organization of the French police with three objectives in mind: protection for his own position and welfare; prevention of the economic upheaval which he felt would mark a Bourbon restoration; and prevention of internal revolts, such as those in the Vendée.

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33Forssell, Fouché, 100.

In the process of his re-organization, seventeen commissioners of the police were dismissed in Paris alone. Moniteur, 5 Nivôse Year VIII (26 December 1799), XXI, #95, 376.

34Fouché had been an active participant in the Reign of Terror. He hoped to protect himself from possible political retribution for his past actions.

35Fouché, Memoirs, I, 60.
In accordance with his avowed objectives and the wishes of the Directors, Fouche moved to suppress journals and political societies unfavorable to the incumbent government. He justified this action as being necessary in order to "... render any dangerous coalition against the executive government totally impossible." After obtaining the Directory's permission to limit the license of journals and to control societies, he suppressed eleven journals, both Jacobin and Royalist. The action met with some popular disapproval, and some of the French agitated for the suppression of the Ministry of Police. People tended to fear the re-establishment of a strong police force as a threat to their freedom.

Fouche's forces closed both the Manege Society and the Jacobin Club on 13 August 1799. Although the actions of the police met with high-level opposition, which included that of the Council of Five Hundred and the Minister of War, Charles-Jean Bernadotte, the Directory, particularly Sieyès, supported Fouche's activities.

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36 Ibid., 60-61. 37 Ibid., 68. 38 Ibid., xxx.
40 Forssell, Fouche, 98.
41 Bernadotte lost his portfolio, through the machinations of Director Sieyès, because of his protest against Fouche's actions. Forssell, Fouche, 99.
43 Fouche, Memoirs, I, xxx.
Fouché soon established a policy which he was to continue throughout his career— that of alleviating the conditions confronting emigres. At this time, he arranged for the punitive laws against the emigres' relatives to be lightened. His reasonable attitude toward the emigres contributed much, in the next decade, toward the gradual reacceptance of those returning.

The measures which Fouché instituted during his Ministry under the Directory marked the beginning of the police re-organization which was to support Napoleonic rule in France. Reform measures introduced by him during the three and one-half month period between his appointment by the Directory and Napoleon's rise established the pattern which was augmented, continued, and refined under the Consulate and Empire. The master and the Minister combined to establish a system which served to guarantee internal peace and solidarity for France throughout Fouché's ministries, and beyond.
CHAPTER II

ALPHA: MASTER AND MINISTER

Over the opposition of the other two Consuls, Napoleon forced the appointment of Fouché as Minister of Police of the newly-formed Consulate. He felt that the appointment of Fouché would benefit the new government by assuring the support of the Revolutionaries.¹ The First Consul believed that Fouché’s connection with the Revolution provided an advantageous link for the government, in insuring support of the new regime by the people, and he also felt that, as a result of Fouché’s actions against the Jacobins in 1799, the Consuls could count on him to keep that element in line.² Siéyès opposed Fouché’s appointment on the grounds that Fouché’s reputation was unsavory and would lend "... a note of immorality to the government..."³


² Forssell, Fouché, 114-15; Supra., 17.

³ Pratt, The Empire and the Glory, 6.
Despite the opposition of his colleagues, Napoleon continued to support Fouché. He answered Sieyès' accusation of Fouché's "immorality" by observing that strength was of greater necessity in a Police Minister than was nicety of "... moral tone ..." Napoleon also noted that Fouché's participation in some of the more bloody aspects of the Revolution, including Louis XVI's death, would serve to assure the public that the new government would be favorable to changes made by the Revolution.5

Fouché's potential value as an administrative official favorably impressed Napoleon, too. He believed that

... as an executive, ... [Fouché] displayed in all their highest development the qualities which are the peculiar property of the Oratory—the calm, rational, almost free-thinking consideration of every question in the light of pure reason, divorced alike from passion and from any received ideas beyond the fundamental dogmas.7

Napoleon championed Fouché's appointment even though he had not played an outstanding part in the Brumaire conspiracy. The Minister, true to his own political lights, maintained a middle-of-the-road position during the period of the coup. He placed himself in a position which enabled him to go either way—he could support Bonaparte if he suc-

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4Ibid., 7.  
5Ibid.  
6The Oratorian Order was a religious sect of which Joseph Fouché was a lay member prior to the Revolution. The Order was disbanded during the first days of the Revolution.  
7Pratt, The Empire and the Glory, 146.
ceeded, but he could also arrest the conspirators and plead ignorance of the conspiracy if the plot failed. In essence, Fouché maintained the guise of a befuddled Chief of Police and remained in the background. He closed Paris when Bonaparte went to St. Cloud. From his position in Paris, he could either welcome Bonaparte, or lock him out of the city, depending upon the degree of success attending the projected coup d'état. Fouché's connection with the plot involved his promise to Bonaparte to "... answer for the tranquility of Paris." Bonaparte failed to appreciate Fouché's attempts to isolate and barricade Paris (he stopped all couriers and mail carriers); for Bonaparte remained completely convinced of his imminent success. He ungratefully dubbed Fouché's precautions as "... useless..." and totally unnecessary.

Ever true to his weather vane politics, as soon as the ultimate success of the Brumaire coup became apparent, Fouché took steps to insure his position by issuing, under his own authority, petitions and bills which stated that the

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8Fouché, Memoirs, I, xxxi.
9Forssell, Fouché, 104.  10Ibid., 109.
11Fouché, Memoirs, I, 97.
According to Lefebvre, Fouché was not taken into the conspirators' confidence, but he made himself "... an unofficial accomplice." Lefebvre, The French Revolution, II, 255.
12Forssell, Fouché, 107; Fouché, Memoirs, I, 91.
13Fouché, Memoirs, I, 91.
coup effectively removed the chance for a restoration and guaranteed the safety of revolutionary changes. His statements calmed the fears of the people, gave him the appearance of being a champion of revolutionary ideals, and bolstered his position. To dismiss Fouché, after this action on his part, would have caused dissidence which the Brumairists could ill afford.\textsuperscript{14}

In addition to the previously-mentioned considerations, another element must be mentioned as a factor prompting Fouché's appointment. Fouché and Napoleon needed each other. Bonaparte needed an able Police Minister, and Fouché needed the support of the government to retain the position of prominence which he coveted. In addition, they held similar views in regard to some questions. For example, they both shared a belief in the necessity of preserving the Revolution as a counterpoise to a Bourbon restoration.\textsuperscript{15}

Although neither man particularly liked the other, each maintained a healthy respect for the other. Of all things, Fouché appreciated cunning and ability to handle people—Napoleon possessed these qualities in abundance.

\textsuperscript{14}Forssell, Fouché, 114.
See Moniteur, 20 Brumaire Year VIII (11 November 1799); XXI, 206, for one of Fouché's messages to the people.
Fouché became Minister of Police by decree of 21 Messidor Year VIII. Bulletin des Lois, B. N. 8, #84, 21 Messidor Year VIII (10 July 1800), Series 4, I, 118.

\textsuperscript{15}Ibid., 121.
This point was to divide the two later, as Fouché did not sanction Napoleon's war policies because they were not, in Fouché's view, in agreement with Napoleon's role as the protector of the Revolution. Forssell, Fouché, 199.
Fouché, in his Memoirs, indicated that Napoleon was aware that active opposition from Fouché would have caused difficulties for the Brumaire conspiracy. Yet his grudging admiration of Napoleon's manipulation of the situation crept through when he stated that although Bonaparte realized the Police Minister's powers, Bonaparte was still "... too cunning to let me into the secret of his means of execution, and to place himself at the mercy of a single man ..."¹⁶ Fouché appreciated this course of action because it closely approximated the action he might have taken in a similar situation. Fouché distrusted vulnerability and scorned those who opened themselves to it by exposing themselves to the machinations of others. Fouché possessed enemies in number, but he neither gave nor asked quarter in his struggles with them. He appreciated the like attitude of the First Consul.

The Minister of the Napoleonic Police did not regard his master as a paragon. On the contrary, Fouché remained quite aware of Napoleon's shortcomings and capitalized upon them whenever the situation allowed it. Fouché refused to grovel before Napoleon, but he seldom crossed his superior without careful forethought and planning in the years before the Russian expedition. He disagreed vehemently with Bonap-

¹⁶Fouché, Memoirs, I, 82.

There is ample evidence to indicate that Fouché was well aware of the details of the projected coup. His Memoirs present an obscured picture at this point.

See Sloane, Napoleon, II, 109-18, for clarification of the degree of Fouché's involvement in the conspiracy.
parte on occasion, but usually only on those issues where he was able to defend his position satisfactorily. The one major faux pas in his early career cost him his ministerial post and secured tacit banishment from major governmental affairs for Fouché. This dismissal, in 1802, taught Fouché that a minister, even the powerful Police Minister, could not defy Bonaparte's wishes with impunity. It was a lesson which he learned well and recalled, in the matters of the divorce and the war policies which his master favored under the Empire.

In addition to respecting Napoleon's authority, Fouché admired Bonaparte's adroit handling of people; none-the less, he privately considered Bonaparte a deserter from the Army of Egypt. Fouché recognized Bonaparte's ability to direct the State. He felt, however, that Napoleon was subject to prejudice, desire for vengeance, and had tendencies toward despotism. His estimation and admiration of his master was, therefore, liberally sprinkled with common sense and awareness of the situation.

Napoleon, on the other hand, acknowledged the value of Fouché's administrative talents. He also realized full well the need for a competent individual to organize his Ministry of Police. While Napoleon admired Fouché's skills, he

17Fouché, Memoirs, I. 77-97.
18Ibid.: 168.
19Ibid.: 108.
correctly assessed his Minister's ambition. Therefore, Bonaparte formulated many police programs with the end in view of restricting Fouché's power. The police system of France grew in the midst of the contest between master and Minister.

Relations between Fouché and Napoleon suffered both highs and lows during the periods of Fouché's ministries under Napoleonic rule. Throughout the ex-Oratorian's ministries, Napoleon and his Minister of Police quarreled and intrigued against each other. Napoleon, upon seizing power, kept Fouché allied to him largely because "... the extent and power of the revolutionary secrets of which the Minister had made himself master rendered his services indispensable." In spite of his healthy regard for Fouché's abilities, or possibly because of it, Napoleon mistrusted Fouché's intentions. Fouché made no attempt to keep his opinion regarding police actions secret; and these opinions failed to present Napoleon with any measure of reassurance as far as the loyalty of his ambitious Minister was concerned. Perhaps Napoleon's distrust of Fouché stemmed in part from the similarity of their desires. Fouché and Napoleon concerned themselves primarily with

... what may be termed the political police; that is, to the relative situation of parties, to diplo-

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20 Fouché served as French Minister of Police from 21 July 1799 to 15 September 1802; 10 July 1804 to 3 June 1810; 21 March 1815 to 23 June 1815; and, 7 July 1815 to 15 September 1815. During the majority of his tenure in office, Fouché served Napoleon. Forssell, Fouché, 150.

21 Fouché, Memoirs, I. xxxii.
mantic intrigues, and to court gossip, without ... the smallest allusion to the mere street and highway police, for which neither of them cared a straw.22

Napoleon realized that Fouché was as cognizant as he of the power to be gained by the individual who controlled the police forces of the country. Therefore, in an attempt to limit Fouché's powers, Bonaparte created numerous units of counter-police, and divided the policing duties to prevent the Minister from grasping complete control.23

Although Bonaparte evidenced particular concern about the Ministry of Police, his division of responsibility therein coincided with his policy in regard to the other ministries in the French government.24 Napoleon subordinated all of the ministries to the Council of State, and through it, to himself.25 He detached some duties from various ministries by setting up special departments, such as the Ministry of Military Affairs in the Ministry of War.26 By these actions, Bonaparte hoped to weaken the major ministries, probably hoping that his subordinates would be so...


23Ibid., 95-96; Fouché, Memoirs, I, xxxiv.


25Thompson, Napoleon, 165. 26Ward, Napoleon, 10.
busy intriguing and contesting against each other that they
would not have time to oppose him actively. His policy proved
to be remarkably successful, for only Fouché and Talleyrand27
successfully avoided this ploy and retained their effective-
ness.28

Fouché and Talleyrand enjoyed remarkable success in
retaining their appointments while pursuing their own inter-
ests. For the most part, both ministers learned a great
deal about the necessity for possessing flexible political
views and for keeping their own counsel during the Revolu-
tionary purges. Fouché, from his experiences during the Terror
and from the example given by the Convention when it turned
on Robespierre, discovered that those who wield obvious power
do not necessarily remain in control. He preferred, by this
time, more subtle means of control.29 Fouché's technique of
unobtrusively acquiring control of any situation in which he
found himself guaranteed that he would have numerous enemies.

Bonaparte used Fouché's enemies to hamper further his
Minister's acquisition of power. Louis-Nicolas Dubois, an
enemy of Fouché's, received the important appointment as
Prefect of Paris.30 Similarly, General Aimé-Jean Savary

27 Charles-Maurice de Talleyrand-Périgord acted as
French Minister of Foreign Relations under the Directory,
Consulate, and the First Empire. He also was a representative
at the Congress of Vienna.

28 Thompson, Napoleon, 165.

29 Forsstell, Fouché, 115.  

30 Ibid., 150.
acted as the head of the *gendarmerie d'elite*, a body over which Fouché had no control. The *gendarmerie d'elite* was intended to "... control the police of Fouché," or, at least to oppose Fouché's actions. In the matter of appointments to the opposition units, Bonaparte was coldly calculating to insure that no collusion between the new appointees and Fouché might develop. However, in spite of his careful precautions, Bonaparte never completely trusted Fouché during the Minister's tenure in office, and Fouché's enemies used Bonaparte's wariness to good purpose. When any opportunity to discredit Fouché presented itself, individuals with access to Napoleon made sure that he was aware of Fouché's failing or indiscretion.

To guarantee his ever precarious position, Fouché maintained careful watch on the activities of his detractors, as well as enemies of the State. As a result of such vigilance, in November 1800 Fouché uncovered the "Parallel Pamphlet Affair." The discovery and judicious handling of this potentially explosive document earned Fouché Bonaparte's gratitude. The pamphlet, issued by Lucien Bonaparte, urged the French to proclaim Bonaparte dictator because he was

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31 Ward, Napoleon, 30; *infra*, 73, 79.
32 Fouché, Memoirs, I, xliv.
educated and wealthy and not "... of the uncivilized masses."  

Lucien sent to all prefects copies of the pamphlet, entitled "A Comparison between Caesar, Cromwell, Monk and Bonaparte," for distribution to all governmental officers.  

Fouché acquired evidence of Lucien's involvement and presented it to the First Consul, along with his own comments concerning the effect which he felt the pamphlet would have.  

Fouché also provided Bonaparte with details concerning Lucien's mismanagement of his ministry, and of his personal life.  

As a result of Fouché's diligence, the First Consul accepted his brother's resignation from his post as Minister of the Interior and assigned him to Madrid in a diplomatic capacity.

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34 Forssell, Fouché, 127.

35 Fouché, in his Memoirs (I, xxxv), reports the title as "Parallel of Cromwell, Monk, and Bonaparte." Pratt gives the title as "Parallel among Bonaparte, Caesar, Cromwell and Monck." Pratt, The Empire and the Glory, 154.

36 Fouché, Memoirs, I, 147.  37 Ibid., xxxv.

38 Forssell, Fouché, 127; Fouché, Memoirs, I, 147. Fouché felt that such a declaration was premature and would adversely affect Bonaparte's popularity. See Pratt, 154-56 for further details on Fouché's estimate of the situation.

39 Pratt, The Empire and the Glory, 154-56. Lucien retaliated by accusing Fouché, probably quite correctly, of accepting bribes and pay-offs from gambling concerns.

40 Fouché, Memoirs, I, xxxv; Forssell, Fouché, 127.

41 Fouché, Memoirs, I, 149. Napoleon's righteous indignation may have been due to a change of heart brought on by Fouché's adverse assessment of French reaction, for Fouché reports, in his Memoirs, that he had the copy of the pamphlet which contained corrections in Bonaparte's handwriting. Fouché, Memoirs, I, xxxv.
In the process of exposing Lucien Bonaparte's more nefarious activities, Fouché succeeded in turning the Consul's brother into a dedicated enemy. The momentarily unshakable position which Fouché enjoyed in relation to Bonaparte was vastly overshadowed by the long-range animosity which his action garnered. From this time forward, Lucien and Joseph Bonaparte collaborated in a dedicated effort to turn Napoleon against his Police Minister.

Using his newly-bolstered position to gain Bonaparte's ear, Fouché now attempted to make his master aware of the danger posed to the regime by those individuals on the political Right. He attempted to warn Bonaparte that no amalgamation of the Royalists and the Revolutionaries would ever be possible. He felt that the old regime could never be satisfied with its drastically reduced position under the new. Bonaparte refused to accept this view since it was diametrically opposed to his own belief. This difference of attitude formed the basis for the split which cost Fouché his Ministry.

After Fouché had incurred the First Consul's displeasure by espousing unpopular opinions, he further discredited himself by intriguing with Talleyrand. Prior to Lucien

\[42^\text{Pratt, The Empire and the Glory, 156.}\]
\[43^\text{Fouché, Memoirs, I. xxxiii.}\]
\[44^\text{Forssell, Fouché, 184.}\]
\[45^\text{Pratt, The Empire and the Glory, 156-57.}\]
Bonaparte's resignation from the Ministry of Interior, Talleyrand, Fouché, and Clément de Ris, an ex-Senator, allied to do what they could to prevent Lucien from succeeding Bonaparte in the event of the First Consul's death. They chose, as possible Consular candidates, the Marquis Marie-Joseph LaFayette, a liberal monarchist, and the Minister of War, Lazare Carnot, an ex-Jacobin. The incident came to Napoleon's attention through the discovery of a conspiracy to assassinate him. Talleyrand probably engineered this apparent assassination attempt against Bonaparte with the intention of discrediting Fouché, who was becoming too powerful to suit the Foreign Minister. The plot failed. When the First Consul discovered Fouché and Talleyrand's activities, Talleyrand managed to extricate himself and avoid the Consular wrath. Fouché, however, found himself to be less fortunate. He attempted to salvage his position by issuing a statement in the Moniteur to the effect that the police had discovered the conspiracy and that its object had not been the assassination of Bonaparte but the discreditation of the police as reactionairies. Napoleon's displeasure forced the resignation of Carnot, and his resignation gave Fouché a scapegoat. Bonaparte, however, was disgusted with Fouché's role in the whole proceeding.

48 Ibid. Pratt maintains that the plot was intended to discredit the Jacobins as well as Fouché.
49 Ibid., 104.
From this point forward, relations between Fouché and the First Consul steadily deteriorated. Fouché continued to solidify and build a trustworthy police system, but Bonaparte regarded Fouché's growing power with increasing alarm. Napoleon considered Fouché's police as a "... power outside the government, ..." and, as such, a potential danger to him.

Fouché's enemies continued to work to obtain his dismissal. The First Consul's brothers proved to be untiring in their aversion to the Police Minister. The police units created by Bonaparte apparently did not impede Fouché's acquisition of power sufficiently, and the Consul continued to turn away from his Minister. Bonaparte's attitude became even less favorable after his success at Marengo. Following this battle, his own estimation of his prestige and ability increased greatly, and he felt less dependent upon his subordinates. At this same time, Bonaparte even began to listen to Lucien and his supporters who urged him to move against the changes which the Revolution had brought to France.

In addition, Bonaparte's vanity suffered from slights given him by the British press. The English papers characterized the Consul as being "... under the tutelage of

50 Fouché, Memoirs, I, xxxvii.
51 Forssell, Fouché, 125.
52 Ibid.
Talleyrand with regard to foreign affairs, and Fouché for the affairs of the interior. Whatever degree of truth the statement contained, the First Consul disliked its inference and transferred his displeasure from the inaccessible British to the offending Ministers.

Fouché's tenuous position was bolstered to some degree by the discovery, early in 1800, of a plot, designed by Royalists and directed from London by the Count of Artois, to remove Bonaparte and supplant him with an individual more acceptable to the Royalist cause. The discovery of this plot, and the exposure of papers confiscated by his police, assured Fouché of a brief period of respite due to Napoleonic gratitude.

However, Bonaparte's continued distrust of his Police Minister required only a justifiable pretext to assure his dismissal. The excuse was soon forthcoming. It presented itself in the form of two separate incidents which, in combination, deprived France simultaneously of a Minister, and a Ministry, of Police. The two incidents occurred in close succession; the one setting the stage for the other. The first, the "infernal machine plot," followed the previously-mentioned abortive assassination attempt by the Royalists.

53 Fouché, Memoirs, I, xxxvi.

54 Artois, younger brother of Louis XVI and Louis-Stanislaus-Xavier, later Louis XVIII, was the arch-intriguer for the Royalist cause and directed many of the Royalist intrigues from his exile in England. He became Charles X. Forssell, Fouché, 124; Ward, Napoleon, 14; Pratt, The Empire and the Glory, 150-51. The first Royalist plot, of May 1800, was called "the Affair of the English Agency."
The "infernal machine plot" once again involved the Royalists, under the direction of Georges Cadoudal, a chronic Chouan malcontent. The conspiracy utilized the basic plan of an old Jacobin plot. By using the same technique, the conspirators believed that the Jacobins would be blamed for this plot, too. The plan called for an explosion to kill the First Consul while he was en route to the Opera. The assassination attempt failed only because Bonaparte's driver had been drinking and drove faster than usual. He arrived at the scene two seconds before he was expected—those two seconds saved Bonaparte's life.55

This attempt to assassinate Bonaparte occurred directly after Fouché's arguments with Bonaparte about the danger the Royalists presented.56 The First Consul blamed the Jacobins for the plot; Fouché, the Royalists.57 Bonaparte refused to believe that the conspirators were Royalists and blamed Fouché for failing to restrain the Jacobins sufficiently.58 Officials were sufficiently convinced that Fouché erred in his judgment for Talleyrand to observe that the Police Minister should be shot.59


58Fouché, Memoirs, I, 159.

59Pratt, The Empire and the Glory: 158.
Bonaparte directed Fouché to draw up a list of one hundred thirty Jacobins for deportation. Although Fouché believed Royalists to be guilty of the conspiracy, he acceded to the First Consul's demand. After Fouché prepared the list, it was presented to the Council of State. The Council refused to pass the law deporting the proscribed individuals, and, upon the suggestion of Talleyrand, the law was issued as a senatus consultum. Fouché, now only nominally a member of the government, barred from official actions and reports, pursued the investigation of the conspiracy on his own authority. The case broke for the Police Minister on 9 January 1801 when his police arrested Jean Carbon, the driver of the wagon in which the explosive charge was transported. Further investigation by Fouché proved that the plot had, indeed, been Royalist-inspired, directed by Cadou-dal, and financed by England.

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60 Ibid., 160; Ward, Napoleon, 17; Fournier, Napoleon, I, 281; Forssell, Fouché, 129. The senatus consultum issued 5 January 1801 was the first of Napoleonic senatus consulta. Kirchiesen says that Fouché agreed with Napoleon's opinion that Leftists were responsible for the assassination attempt and changed his mind only after the deportation order had been executed. F. M. Kirchiesen, Napoleon, Trans. by Henry St. Lawrence (New York: Harcourt, Brace and Co., 1932), 223. Hereafter cited as Kirchiesen, Napoleon.

61 Pratt, The Empire and the Glory, 160.

62 Pratt says Fouché broke the case three days after the issuance of the senatus consultum, which would be 8 January 1801. Ibid., 161.

63 Forssell, Fouché, 130; Ward, Napoleon, 17.

64 Pratt, The Empire and the Glory, 161.
Fouché's discovery of the true culprits did little to reinstate him in Bonaparte's good graces. The First Consul continued to blame Fouché for failure to prevent the plot from reaching such dangerous proportions, despite the fact that Fouché had warned him of rumors extant the night of the explosion and had requested that he take additional precautions.

The occurrence which finally caused Bonaparte to dissolve the Ministry of Police and dismiss Fouché involved the establishment of the life Consulship. Bonaparte wished to secure the Consulship for life and worked toward this end by securing support for his program anywhere he could. He expected his ministers to support his plan and became irate if they did not. Fouché opposed the life-extension of the Consulship, and, instead of remaining mute regarding the subject, he encouraged friends in the Senate to propose a ten-year extension of Bonaparte's term on 2 May 1802. Such flagrant thwarting of the Napoleonic desires could not be tolerated—Napoleon was furious. Fouché's reasons for opposing the life Consulship failed to interest Bonaparte.

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65 Forssell, Fouché, 128.
66 Fouché, Memoirs, I, 156.
Fouché had received reports of some plot, but had no details concerning it. He informed Bonaparte of the reports, but Bonaparte received assurances from his counter-police and proceeded.
67 Fouché, Memoirs, I, xxxvi.
68 Forssell advances the interpretation that Fouché did not wish to have the First Consul become the target for all complaints, and, also, he did not agree with taking the chance
but the very fact that he opposed it interested the Consul greatly.

The continued agitation and insinuation of Fouché's enemies, 69 Bonaparte's displeasure at Fouché's opposition, bolstered by the Consul's opinion that the police no longer needed Fouché's direction to function adequately, prompted Fouché's dismissal. 70 To this end, on 28 Fructidor Year X (15 September 1802), Bonaparte suppressed the Ministry of Police. 71 The decree provided for the transfer of all duties and responsibilities from the Ministry of Police to the Ministry of Justice, under the direction of the Grand-Judge, Claude-Antoine Régnier. 72

Bonaparte attempted, at the time of Fouché's dismissal, to assuage his ex-Minister's feelings as much as possible, probably because he still maintained a healthy respect that any dissatisfaction with the life Consulship would pave the way for a Bourbon restoration. Forssell, Fouché, 134-35.

69 Fouché, Memoirs, I, xxxviii, 139.

70 Forssell, Fouché, 135-36.

71 Godechot, Les Institutions, 495.

72 Bulletin des Lois, B. N. 215, #1977, 28 Fructidor Year X (15 September 1802), Series 3, VI, 709.
The office of the Grand-Judge compares to the office of the United States' Attorney-General. Régnier was appointed by a decree of 27 Fructidor Year X. Bulletin des Lois, B. N. 215, #1967, 27 Fructidor Year X (14 September 1802), Series 3, VI, 704.
for the power which Fouché held. When Fouché left the Ministry, Bonaparte presented him with half of the amount of the ministerial funds\(^\text{73}\) and asked Fouché to advise him in the future.\(^\text{74}\) Bonaparte's explanation for the disposal of the Ministry (and Fouché) complimented and conciliated the ex-Minister even more:

\[\ldots\text{It is with regret that I part with a man of your merit; but it has been indispensable to prove to Europe that I have frankly united with the pacific system, and that I confidently repose on the love of Frenchmen. In the new arrangement which I have just decreed the police will henceforward be no more than a branch of the minister of justice; and that will be no sufficient field for you. But be assured that I will neither renounce your counsels nor your services—there is no dismissal in this case; \ldots}\]

The master dissembler also attempted to placate the newly-displaced Fouché by appointing him as a Senator.\(^\text{76}\) Upon nominating Fouché, Bonaparte conferred additional praise upon Fouché for his devotion to his duties during the period of his Ministry. He also promised that if the Ministry of Police should ever be re-established, Fouché would be considered for the appointment first.\(^\text{77}\) It hardly seems likely

\[^73\text{The fund amounted to 1,200,000 francs. Forssell, Fouché, I, 137; Fouché, Memoirs, I, 208.}\]

\[^74\text{Forssell, Fouché, I, 137.}\]

\[^75\text{Fouché, Memoirs, I, 205.}\]

\[^76\text{Bulletin des Lois, B. N. 215, #1968, 27 Fructidor Year X (14 September 1802), Series 3, VI, 704.}\]

\[^77\text{Forssell, Fouché, I, 137-38; Madelin, Fouché, I, 357. In 1803 Bonaparte conferred the senatorerie of Aix, land which was granted for a nominal fee to favored Senators, upon Fouché.}\]
that Fouché was much deceived by his master's maneuvering.

Nevertheless, Fouché retired to his estate at Poincarré but maintained his political connections in Paris.\textsuperscript{78} Despite his dismissal and retirement from Paris, Fouché enjoyed great political support from his peers.\textsuperscript{79} They could now afford to be generous to the former Minister, for he no longer held a position of great power. The chances of Fouché remaining in this position for any appreciable length of time were slight, however. The people aided Fouché's campaign to regain his Ministry because they continued to send him information and to approach him for aid, on the assumption that he still possessed influence with Bonaparte.\textsuperscript{80} He, therefore, maintained contact with conditions and attitudes in France and remained privy to most of the secrets of France, and he continued to aid Bonaparte. Upon the dissolution of the Police, Fouché suggested to Bonaparte that he increase the activity of his private police. This the First Consul did, using part of the old police fund to finance the activity. Fouché also utilized his own private spy system in Bonaparte's behalf.\textsuperscript{81} He still possessed spies within the police system itself, and his reports were more concise and

\textsuperscript{78}Fouché, \textit{Memoirs}, I, xxxix.  \textsuperscript{79}\textit{Ibid.}, 210.  
\textsuperscript{80}\textit{Ibid.}, 215.  
\textsuperscript{81}\textit{Supra}.., 38, and footnote 73; Fouché, \textit{Memoirs}, I. 208.
complete than those issued by the Grand-Judge and Minister of Justice. Bonaparte actually prevented Régnier from removing Fouché's men from the police system.  

Bonaparte may have had reasons other than retaining Fouché's support for allowing Fouché's men to remain in the police force, for the revamped police system left a good deal to be desired. Fouché, himself, entertained a very low opinion of the new police force and of the Grand-Judge. He stated that the police were so weak that they were unable to deal effectively with the English propaganda against Napoleon. Of Régnier, himself, Fouché stated: "He is too gullible and too foolish to manage the police well; he will allow the first Consul to fall into the first snare." Fouché's dire predictions came exceedingly close to the truth for in 1803 a conspiracy, which escaped the notice of Régnier's police, developed.

In 1803 Georges Cadoudal returned to Paris. The plot, directed by Cadoudal, involved the kidnapping of Napoleon, a rising in the Vendée, and the return of a Prince of the Blood to France. The plot, which did not materialize in the fall of 1803 as planned, enjoyed the support of the British government. The plotters needed a general to plan their

82 Forssell, Fouché, 138. Fouché had acquired "... a subvention from Bonaparte; ..." which allowed him to maintain secret agents separate from the official police. Ward, Napoleon, 29.

83 Forssell, Fouché, 138.

84 Fouché, Memoirs, I, 216.  85 Ibid., xxxix.
strategy and approached General Jean-Victor Moreau, who accepted. The plot involved two other disgruntled French generals, Charles Pichegru and Lajolais. Pichegru, living in England, crossed to France in 1804 to unite the Royalists and Jacobins against Bonaparte. Unfortunately for the conspirators, Moreau refused to continue with the plan when he discovered that Cadoudal was directing the conspiracy. He did not, however, notify the police.86

Fouché learned of the projected conspiracy through his spies and managed to plant two of his agents among the ranks of the conspirators. When he possessed sufficient evidence, he approached the First Consul and presented him with his information. Bonaparte and Fouché worked together gathering additional evidence. The general police had little information concerning the plot.87

In March of 1804 the police arrested the conspirators on Bonaparte's orders. Cadoudal and Pichegru died after their arrest—Pichegru in his cell, and Cadoudal by execution. The arrest of Moreau stirred so much unrest in France that Bonaparte pardoned him.88 Bonaparte then set out to discover the identity of the Prince of the Blood involved in the conspiracy.

86Pratt, The Empire and the Glory, 257-62; Forssell, Fouché, 140. For more complete details, see Forssell, Fouché, 140-45; Gaubert, Conspireurs, 161-261.
87Ward, Napoleon, 29.
88Forssell, Fouché, 142; Fournier, Napoleon, I, 321-23. Moreau was banished to America, but later returned to Europe.
Due to his proximity, the Duc d'Enghien became Napoleon's prime suspect. The First Consul ordered the arrest of the Duc even though he was not living within French borders. After his arrest, Enghien died before a firing squad. The incident of Enghien's death harmed Bonaparte's prestige, for the Duc was innocent of the conspiracy. Fouché described the execution of Enghien as "... worse than a crime, it was a blunder." This error was to haunt Bonaparte and turn many supporters from his standard.

The entire conspiracy served to point out to Bonaparte the unreliability of the police under the existing system. Fouché's efficient management of the situation contrasted very favorably with the bungling of Régnier's police. Fouché insured the reappointment which Bonaparte was already considering by reversing the stand which had hastened his dismissal—he now publicly supported life and hereditary tenure for Bonaparte.

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89 Forssell, Fouché, 143-45; Pratt, The Empire and the Glory, 263-65; Fournier, Napoleon, I, 321-26.

90 The Prince to whom Cadoudal had referred was the Duc de Berri, son of the Count of Artois. Fournier, Napoleon, I, 324-26.

91 Forssell, Fouché, 144.

92 Bozére, Napoleon in Council, 58.

Senator Fouché, soon after Enghien's execution formulated a group which suggested to the Senate that Bonaparte be given some form of recognition which would insure the succession. Fournier, Napoleon, I, 328-29. Fouché made an appeal to Bonaparte, through the Senate, to accept life and hereditary rule. Pratt, The Empire and the Glory, 283. Fouché then served on the commission which Bonaparte appointed to inves-
In addition to providing support for the Empire on the grounds that an insured succession would stop assassination attempts, the Cadoudal conspiracy gave Bonaparte the chance to re-establish the Ministry of Police. The near success of the conspiracy induced Bonaparte to re-evaluate the situation and decide that perhaps it was no longer "... indispensably to prove to Europe..." that I confidently repose on the love of Frenchmen." In effect, the First Consul admitted the failure of his experiment. Therefore, on 21 Messidor Year XII (10 July 1804), the Ministry of Police for the Empire was created, with Fouche as its Minister.

93Fouché, Memoirs, I, 205; Godechot, Les Institutions, 500; Supra., 38.

94Louis Madelin characterizes the experiment with the police by stating that "... the décret du 28 fructidor an X, qui avait aboli le état-major, avait désorganisé l'administration naissante et a peu près table rase de l'institution encore confuse qu'était restée tout la Police générale à ses débuts." Madelin, Fouché, I, 453.

Even Fouche's enemies conceded that Fouche represented the only individual in France capable of maintaining internal peace under wartime conditions. Forssell, Fouché, 147.

95Madelin, Fouché, I, 449-50; Bulletin des Lois, B. N. 7, #80, 21 Messidor Year XII (10 July 1804), Series 4, I, 114-16.

The Empire had been proclaimed on 18 May 1804 by Senate decree. Fournier, Napoleon, I, 147.

Even as he reinstated the Ministry of Police, Napoleon maintained that he did so against his personal desire. He
The interim between Fouché's ministries, 1802-1804, served both him and Bonaparte with examples of what could occur if they split forces: Napoleon observed the chaos attending a Fouché-less police system, and Fouché got a taste of the anonymity which accompanied his dismissal. Neither individual appeared to enjoy the experience, for Fouché abandoned his position opposing the Empire to regain his Ministry, and Bonaparte indicated, by his actions in succeeding years, that he had learned to place considerable value upon Fouché's services as Police Minister. During the period from 1804-1811 Fouché committed far more serious offenses than he had during his first Ministry, yet Napoleon retained him, possibly because the maintenance of peace and order within the borders of France outweighed, in Napoleon's opinion, the villainy of Fouché's transgressions. At least, the difficulties between Fouché and Napoleon had been aired, and a working agreement, tenuous at best, had developed between the master and his Minister.

stated that the war with England forced him to recreate the Ministry, and that it would be suppressed at the end of the war with England. Lozère, Napoleon in Council, 95.
CHAPTER III

THE FRENCH MINISTRY OF POLICE

The organization and establishment of a hierarchy in the French police solved many problems for France. By providing a system of direct control from the seat of the government, the system removed many of the abuses prevalent in the pre-Napoleonic system. The Ministry of Police developed under the joint direction of Fouché and Bonaparte, although Fouché often received credit for providing the administrative genius which directed and nurtured the institution. The strongpoint of the Napoleonic police organization, aside from Fouché's leadership, rested in the pyramidal structure of responsibility. Unlike previous administrative structures, each police representative had an immediate superior. However, provisions existed under which individuals on the lower levels could communicate with someone other than their immediate superiors, should the need arise. The police system continued to develop throughout the reign of Bonaparte and the ministries of Fouché, with refinements being intro-

\[1\text{Supra.}, 1-15.\]
\[2\text{Madelin, Fouché}, 487, 508.\]

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duced as they were needed. The system developed by Fouché suffered a major setback only once during the period of Napoleonic rule. This occurred in 1802, when, for all intents and purposes, the suppression of the Ministry of Police, and its attachment to the Ministry of Justice, erased the progress toward organized central control.\(^3\)

Many of the forms utilized in the Napoleonic system originated with the ancien régime.\(^4\) and, by refining and adapting the older provisions, Fouché rendered them acceptable for use in the Napoleonic police. Other changes represented new innovations tailored to fit the particular needs and demands of Napoleonic rule.\(^5\) Within France, several police organizations existed: the military police of the palace, the gendarmerie, the prefect police, and the general police which Fouché directly controlled.\(^6\) The systems remained, for the most part, separate from each other, although Fouché, as Minister of Police, directed some aspects of prefect police activity and possessed authority to utilize a limited number of gendarmerie forces. Overall, however, the Ministry of Police represented the most widespread and active police system in France.

3\(^{\text{supra.}, 37.}\) 4\(^{\text{Infra.}, 51-54.}\) 5\(^{\text{Forsell, Fouché}, 150.}\) 6\(^{\text{Fouché, Memoire}, I, 139.}\)

The various systems of police will be considered more fully in a succeeding chapter.
Ultimate authority within the Ministry rested, of course, with the Minister, Fouché. He reported to and received directives from Bonaparte. The Minister worked in conjunction with the Council of State in handling matters of the administration of the affairs of the high police. The decree which re-established the Ministry of Police revised the Council of State and established the territorial divisions which delineated the territory of each Councillor. The four divisions included the following territory: (1) North, West, and part of the East; (2) Midi, and part of the East; (3) the city of Paris, and the department of the Seine; (4) the departments of the Alps and Italy. The arrondissement listed first represented the most important area because of the frequency of intrigue in this section of France. The four Councillors met with the Minister of Police at least once each week and reported on their activities during the preceding week. By means of the weekly meeting, Fouché was

7 Forssell, Fouché, I51.
8 Blané, Napoleon 1st, 57; Madelin, Fouché, I, 457.
9 Bulletin des Lois, B. N. 7, #80, 21 Messidor Year XII (10 July 1804), Series 4, I, 114-16; Supra, 43 and footnote 93.
10 Madelin, Fouché, I, 455-56; Bulletin des Lois, B. N. 7, #80, 21 Messidor Year XII (10 July 1804), Series 4, I, 115-16.

Although the arrondissements were political divisions of France, those referred to in this case were police arrondissements which encompassed larger areas.

11 The decree stipulated that the councillors were to "... work with the Minister each day, ..." but in
able to delegate responsibility for the more routine aspects of police work and concentrate upon the activities of the high police. The weekly reports provided a means by which Fouché could check on his Councillors and determine whether they followed his directives.

A decree of April 1806 divided the duties of the Council of State into four departments: (1) care and formulation of laws affecting the administration of public affairs; (2) administrative jurisdiction in cases concerning the high police (affairs which involved a threat to the people or to the interior peace of France) which fell outside the jurisdiction of other courts; (3) routine executive matters, such as approving a community's request to sell property; and (4) final decision on cases heard by local authorities. The existence of the Council relieved Fouché of the necessity of handling these matters personally, yet it enabled him to keep his information concerning the departments up-to-date by asking for particular information at the meetings. The Councillors handled much of the correspondence with the departmental

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actual practice the Council met with Fouché once a week. Bulletin des Lois, B. N. 7, #80, 21 Messidor Year XII (10 July 1804), Series 4, I, 114; Fouché, Memoirs, I, 233.

There were four Councillors for only a short time. The Councillors named by Bonaparte in 1804 were Dubois for Paris, Réal in the First Arrondissement, Miot in the Second Arrondissement, and Pelet de la Lozère in the Third Arrondissement. Bulletin des Lois, B. N. 8, #85, #86, #87, #88, 21 Messidor Year XII (10 July 1804), Series 4, I, 118-21. Later
prefects and forwarded, to the departmental level, the directives which Fouché gave to them during their meetings.

The prefects represented the next link in the chain of command. A prefect headed each department. The prefects handled all administration for the department, with the aid of a general council appointed by the Head of State. A sub-prefect headed each arrondissement and a mayor, each commune. All departmental officials received their appointments, technically, from Bonaparte. In reality, however, the prefects named the mayors and their municipal councils.

The previously-discussed organization within the governmental structure of France developed as a result of a re-organization instituted by a law of 28 Pluviôse Year VIII.

Miot was dismissed and the Council consisted of only three men besides Fouché. Forssell, Fouché, 151.

Pierre Nicolas Réal acted as Councillor for the most important and potentially explosive area in France. Réal had served as a Councillor of State under Régnier during the 1802-1804 period. At that time, he received the special charge to see to "... the interior tranquillity and security of the Republic." Bulletin des Lois, B. N. 338, #3555, 11 Pluviôse Year XII (1 February 1804), Series 3, IX, 308.

Réal was a personal friend and adviser to Fouché. He had participated in the Terror, and his talents aided the Police Minister. Forssell, Fouché, 153. The presence of a friend in the critical position of Councillor of the First Arrondissement aided Fouché considerably.


(17 February 1800). This decree provided for the re-organization of the territorial divisions of France. The system used the district division of the old Constituent Assembly as a basis, with the old district becoming the new arrondissement. As a result of this change, France was divided into departments, arrondissements, and communes. This same law provided for the lines of central authority from the commune on up.  

The prefect with his general council, and the sub-prefect with his district council, assessed taxes, disbursed monies for expenses, and acted upon local governmental matters. The prefect reported to both the Minister of the Interior and the Minister of the Police.

Although the

The department represented the major territorial divisions, the arrondissement, the main subdivision of the department, and the commune, the smallest division—approximately equal to a parish.  
The law of 26 Pluviôse Year VIII also provided for the salaries of the authorities. The prefects received amounts from 8,000 francs to 30,000 francs depending upon the size of the areas they served.  
The prefect councillors received a fraction of the amount allotted to the prefects. If the prefect received 8,000 francs, for example, the councillors of his prefecture received 1,200 francs.  
Under-prefects received 4,000 francs in cities of more than 20,000, and 3,000 francs in areas of less than 20,000 population. *Bulletin des Lois*, B. N. 17, #115. 28 Pluviôse Year VIII (17 February 1800), Series 3, I, 8.

A decree of 7 Ventôse Year VIII (27 February 1800), established that prefects reported to the Ministry of the General Police, too. *Moniteur*, 8 Ventôse Year VIII (28 February 1800), XXI, #158, 630.
prefects supposedly owed first allegiance to the Ministry of the Interior, in practice, Fouché held virtually complete control over them.20 Gradually, Bonaparte even allowed Fouché to acquire power to nominate candidates for the position of prefect.21 By that time, nomination by the Minister of Police practically assured appointment.

The prefect, a refinement of the ancien régime's Lieutenant-General of police,22 acted, "... in his department, ... as a miniature emperor."23 His responsibilities incorporated all administrative functions within the department. He enforced the laws passed by the central government, guaranteed the safety of his department, handled all of the security measures for his area, and, in short, acted as virtual ruler of his territory.24 The prefect directed the activities of the commissioners of police, the police officers, and officials charged with overseeing the markets, ports, and roads of the department.25


22Seligman, La Justice, I, 7.

23Godechot, Les Institutions, 511.

24For a complete listing of all aspects of the prefect's duties, see Bulletin des Lois, B. N. 33, #214, 12 Messidor Year VIII (1 July 1800), Series 3, I, 1-12.

25Ibid., 10.
One of the prefect's major duties involved notifying his superiors of the incidents which occurred, and attitudes and trends which existed, within his department. The prefect toured his department each year and reported the findings of his trip to his Minister.26

Each prefect had the aid of a secretary-general named by the Head of State. The secretary-general took the place of the prefect in the event he should be incapacitated, and also filled in, until a new appointment could be made, in the event of a prefect's death. The secretary-general possessed the responsibility for organizing the various bureaus under the prefect's administration.27 In effect, he supervised the administration employees for the prefect.

The prefectural council, named by Bonaparte, aided the prefect in the discharge of some of his duties. The council acted as a court which pronounced judgment upon complaints against the administration.28 Each prefect presided over his council, and, in his absence, the eldest councillor took his place.29

The prefect also named the mayors in the communes of 5,000 or less, in his department, with Bonaparte naming the mayors in communes of more than 5,000. The prefect possessed

26Godechot, Les Institutions, 511; Bulletin des Lois, B. N. 13, #90, 17 Ventôse Year VIII (8 March 1800), Series 3, I., 1-3. Prefects were forbidden to leave the confines of their prefectures without the permission of the Head of State.
27Godechot, Les Institutions, 511.
28Ibid., 512. 29Ibid.
sole responsibility for naming the municipal councils. These councils debated issues relating to local policy, particularly monetary policy, and advised the mayor. The mayors directed the municipal administration, kept public records and provided for the maintenance of peace and order.

In communes of more than 5,000, a commissioner of police aided the mayor in supervising the activities of the police. The duties of the commissioner of police closely resembled those of the Commissaire of the Châtelet of the ancien régime. The commissioners acted as regular police in enforcing laws and insuring the security of an area. Sometimes the commissioners received a special charge by decree, such as the decree of 3 December 1813 which charged the commissioners of police of Nantes to enforce the laws against loan agencies. Directives such as this one occurred infrequently, however.

Commissioners of police received their assignments to departments by decree. Once they reached the department,

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Aulard, Études et Leçons, 119.

Bulletin des Lois, B. N. 17, #115, 28 Pluviôse Year VIII (17 February 1800), Series 3, I, 6; Ward Napoleon, 12; Godechot, Les Institutions, 517.

Godechot, Les Institutions, 517; Fournier, Napoleon, I, 266; Ward, Napoleon, 12.

Seligman, La Justice, I, 3; Supra, 1-3.

Bulletin des Lois, B. N. 542, #9941, 3 December 1813, Series 4, XIX, 439-42.

Moniteur, 24 Ventôse Year VII (14 March 1799), XXI, #174, 696; Bulletin des Lois, B. N. 159, #159, 9 Floreal Year VII (28 April 1799), Series 3, I, 16.

The appointment came from Bonaparte, but Fouché was
however, the prefect of police determined where in the department the commissioners would be placed. 36 Oftentimes the prefects deliberately assigned them to a troublesome area of the department.

The same law of 28 Pluviôse, which provided for the prefects, provided for the establishment of a police direction, with a commissioner-general in charge, in communes of more than 100,000 for purposes of police administration. 37 The commissioners-general received their appointments from the Minister of Police, Fouché. 38

The commissioners-general occupied a position ostensibly subordinate to the prefect. In actuality, however, the decree creating the commissioners-general presented them with virtually the same powers possessed by the prefects. 39 In fact, the only authority which the prefects possessed that the commissioners-general did not, granted them the ability to issue permission to carry arms, enforce the

direct ed to see that it was carried out. Fouché probably nominated candidates as commissioners of police just as he nominated and commissioned-general.

36 Bulletin des Lois, B. N. 11, #77, 22 Ventôse Year VIII (13 March 1800), Series 3, I, 6. This same decree assigned Fouché to oversee its execution.

37 Fournier, Napoleon, I, 266. A direction was a sub-administrative unit established in heavily populated areas to insure central governmental control.

38 Savant, Les Prêfets, 29.

39 Bulletin des Lois, B. N. 50, #373, 5 Brumaire Year IX (27 October 1800), Series 3, II, 58-68.
observance of laws concerning republican holidays, grant permission to visit Paris, deliver cards of security, and to protect "... public monuments and edifices." Otherwise, the decrees matched. In addition, commissioners-general received direct orders from the Police Minister which they were required to execute immediately.  

In areas where the commissioners-general operated, they possessed sufficient authority to require the mayors to report to them. The commissioners-general were also empowered to require the assistance of the national guard of the community to which they were assigned. The prefects possessed both of these powers and resented the commissioners-general's ability to pre-empt their authority to fulfill ministerial orders.

The parallel position of the prefect and the commissioner-general, as a result of their similar powers and relationship to their Ministers, caused conflict between

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40 Ibid. Bulletin des Lois, B. N. 33, #214, 12 Messidor Year VIII (1 July 1800), Series 3, I, 1-12.

One additional responsibility of the commissioner-general involved the enforcement of a decree concerning neutral shipping. The prefects were not empowered, officially, to handle this particular duty. Ibid., B. N. 50, #373, 5 Brumaire Year IX (27 October 1800), Series 3, II, 65.

41 Bulletin des Lois, B. N. 17, #115, 28 Pluviôse Year VIII (17 February 1800), Series 3, I, 6.

42 Bulletin des Lois, B. N. 196, #1732, 22 Prairial Yearar X (11 June 1802), Series 3, VI, 394.

43 Bulletin des Lois, B. N. 78, #614, 11 Germinal Year VIII (1 April 1800), Series 3, I, 17-18.
them. Where both offices existed, neither individual cooperated with the other, and each officer complained of the other in his reports to his superior. In areas where the prefect alone had charge of the police, he cooperated in serving both the Minister of the Interior and the Minister of the Police satisfactorily. But in the areas where a commissioner-general operated, dissension between him and the prefect developed.\textsuperscript{44}

Fouché improved matters somewhat in 1806 when he divided control so that local administration would be the responsibility of the municipal authority, while individuals, their actions and control of them, would be the responsibility of the commissioners-general.\textsuperscript{45} Fouché's attempt to redress the problem indicated that he was fully aware of the difficulty caused by the similarity of jurisdiction between the prefect and the commissioner-general.

The commissioner-general received a salary ranging to four-fifths of the prefect's salary. The prefect determined the actual amount, but the four-fifths figure provided a guideline.\textsuperscript{46}

\textsuperscript{44}Régnier, \textit{Les Présidents}, 82-83.
\textsuperscript{45}Madelin, \textit{Fouché}, I, 463.
\textsuperscript{46}Bulletin des Lois, B. N. 13, #90, 17 Ventôse Year VIII (8 March 1800), Series 3, I, 1-3.

Prefects' salaries varied according to the size of the area they served. In cities of 100,000, the prefect received 24,000 francs; in Paris, he received 30,000. \textit{Bulletin des Lois}, B. N. 17, #115, 28 Pluviôse Year VIII (17 February 1800), Series 3, I, 8.

Commissioners of police received salaries in relation
The office of the commissioner-general remained in France until 1814 when it was abolished. Fouché re-established the office in 1815, under the title of the Lieutenant of Police. The office remained until 1817.  

In the early days of his Ministry, Fouché established the office of the Prefect of the Seine. This magistrate controlled the regulatory business of Paris, issuing passports, censoring, and keeping watch upon hotels. The city of Paris welcomed the new administrative office with mixed reaction despite the fact that the rest of France received similar officials. Other large French cities received similar magistrates, which Fouché controlled by virtue of his traveling commissioners of police.  

The decree of 3 Brumaire Year IX granted the prefect of police of Paris jurisdiction over the Department of the Seine, and, thereby guaranteed protection for the department. The Prefect of Paris assumed all responsibility for keeping to the size of the area they served, also. If assigned to Paris, they received a salary of 4,000 francs; in Bordeaux, Lyon, or Marseilles, 2,400 francs, and in diminishing amounts as the population of the area they served decreased. Bulletin des Lois, B. N. 104, #827, 23 Fructidor Year VIII (10 September 1800), Series 3, III, 378-79.  

47 Madelin, Fouché, I, 464.  
48 The Moniteur printed an item which was unfavorable in tone. It bemoaned the fact that the "... new central administration of the Seine ... had deprived the municipality of the sixth arrondissement." Moniteur, 8 Vendémiaire Year VIII (30 September 1799), XXI, #8, 26.  
49 Pratt, The Empire and the Glory, 147.
the peace and maintaining police prisons and other police functions within the department. The decree also transferred the duty of issuing passports to foreigners from the Prefect of the Seine to the Parisian police prefect.50

The duties of the Parisian prefect paralleled those of other prefects, for the most part. He handled those affairs which concerned the Parisian police and controlled the commissioners of police which were distributed in the municipalities.51 The Parisian prefect shared the municipal administrative duties with the Prefect of the Seine. He deferred to the Minister of the Police only in police matters, in other considerations the Minister of Police had no control over his actions.52

The Prefect of Paris occupied an extremely influential position in France due to the importance of the Parisian area. In much the same way that the appointment of Pierre Réal as the Councillor of State for the important First Arrondissement aided Fouché, the appointment of his enemy.


52Ward, Napoleon, 11.
Louis-Nicolas Dubois, to the post of Prefect of Paris caused him difficulty. The organization of the police in the provinces outside of France proper was much the same as that of the French police. Within the foreign provinces, ultimate police responsibility rested with the Governor-general. The Governor-general directed and regulated the high police within his province. He reported to the French Minister of Police concerning all matters and activities pertaining to the high police.

Within the province itself the Governor-general established a police system which reported its activities to him. The director of police, an official established by government decree, acted as the head of the system under the Governor-general's direction. The director of police reported any arrests which he made to the Grand-Judge, to the Minister of the Interior, and to the Police Minister, as well as to the Governor-general. His duties included the responsibility for corresponding with his subordinates within the

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53 Bulletin des Lois, B. N. 10, #71, 17 Ventôse Year VIII (8 March 1800), Series 3, I, 11-12; Moniteur, 19 Ventôse Year VIII (10 March 1800), XXI, #169, 674; Supra., 48-49, Footnote 14.

54 Ward, Napoleon, 11.


56 Moniteur, 12 May 1811, XXXIV, #132, 495.

57 Bulletin des Lois, B. N. 381, #7113, 4 July 1811, Series 4, XV, 27; Ibid., B. N. 181, #3067, 24 February 1808, Series 4, VIII, 111.
province to maintain close contact with their operations.\footnote{Bulletin des Lois, B. N. 181, #3067, 24 February 1808, Series 4, VIII, III.}

The directors of police sometimes received the aid of special police commissioners appointed to their province or to a neighboring area. Bonaparte sometimes assigned responsibility for surrounding departments to the director of police of a major area and to the special commissioner of police attached there.\footnote{For example, the police established in the department of "... l'Ems-Supérieur, des Bouches-de-l'Elbe et des Bouches-der Weser ..." were to be directed by the Hamburg director-general of police and by the special commissioner assigned to Lubeck. These departments had been part of the First Arrondissement of the Empire. Bulletin des Lois, #7113, 4 July 1811, Series 4, XV, 78.}

In addition, the directors of police headed bureaus within some departments of the Empire.\footnote{Ert J. Gum, "The Administration of the Kingdom of Italy under Eugene Beauharnais, 1805-1814." Unpublished Ph.D. dissertation, Department of History, Louisiana State University, 1963, 59. Hereafter cited as Gum, "Beauharnais."}

The police of any given province, generally organized by the same decree which established the rest of the governmental structure for the area, closely resembled all other units of provincial police throughout the Empire.\footnote{The following decrees provide for the formation of police systems in various provinces. The similarities are unmistakable. Bulletin des Lois, B. N. 181, #3067, 24 February 1808, Series 4, VIII, III; Ibid., B. N. 381, #7113, 4 July 1811, Series 4, XV, 27; Ibid., B. N. 265, #5162, 25 December 1809, Series 4, XII, 85-96. Still other provincial departments were attached to adjacent areas for police administration. Bulletin des Lois, B. N. 367, #6722, 28 April 1811, Series 4, XIV, 406.}

This basic pattern for provincial police structure considerably
simplified administration of the provinces, for the French Ministries, based in Paris, exercised authority over the provincial units in all aspects of government, including police. Specific decrees sometimes clarified an obscure or contested point, as in the case of gendarme jurisdiction over borders, but generally the Parisian-based systems remained supreme.

The provincial arrangements for justice and criminal procedure reflected those of France. For the most part, laws passed in France applied to the provinces, although generally decrees specifically mentioning each province in connection with the law rendered it applicable in that province. Napoleon's regulations in connection with provincial

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62 By two decrees Napoleon stated that the gendarme forces of Italy, Illyria, and France might cross each other's borders to make arrests. The only stipulation provided that the prisoner had to be brought before a mayor or Justice of the Peace of the area in which he was captured. The decree of 19 October 1811 provided for reciprocity for Italy and France; the decree of 22 February 1812 extended the agreement to cover Illyria. Bulletin des Lois, B. N. 399, #7393, 19 October 1811, Series 4, XV, 289; Ibid., B. N. 422, #7713, 22 February 1812, Series 4, XVI, 183.


64 For example, regarding the law concerning banishment in Holland, the decree provided that the banishment provision would affect not only the departments making up the area when the law was passed, but any departments which might be added subsequently. This law also represented an instance where Napoleon retained one of the customary laws of a captured area after adding it to the Empire. Bulletin des Lois, B. N. 422, #7712, 18 February 1812, Series 4, XVI, 182-83.
pawnshops, lawyers' fees, and newspapers paralleled those extant in France. 65

The Napoleonic police, whether provincial or French, exercised jurisdiction over a wide range of situations and objects. The usual duties connected with maintaining the peace and security of the area in their charge represented only a segment of the duty of the police. Their responsibilities extended to include many concerns not usually associated with the institution of the police.

The regular duties of the police included policing the streets, regulating traffic, 66 and apprehending stolen vehicles. 67 In the cities of France, responsibility for the enforcement of civil regulations, such as the requirement that animals, particularly dogs, be kept within the confines of an individual's property to minimize the danger of rabies, 68 also rested with the municipal police.

Within the larger cities, Paris particularly, the police coped with instances of child abandonment and mistreat-

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66 Moniteur, 20 Germinal Year VIII (10 April 1800), XXII, #200, 809.

67 Ibid., 5 Pluviôse Year VIII (25 January 1800), XXI, #125, 495.
Carriages recovered by the police were listed in the Moniteur, probably to facilitate reclamation by the owner.

68 Ibid., 7 Pluviôse Year VIII (27 January 1800), XXI, #127, 504.
ment. In a case of that type, the commissioner of police usually investigated the circumstances, and reported his findings to his prefect. Reports of incidents of this nature usually appeared in the Moniteur.

Such widely-separated duties as regulating the sale of meat and supervising the establishment and operation of a fire department concerned the Napoleonic police. Responsibility for regulating the sale of meat rested with the commissioners of police. The Parisian fire department, formed as a result of a report from the Minister of Police citing the necessity for such an organization, depended upon the Prefect of the Seine to oversee its operation. The prefect determined the length of the period of instruction for novice firemen, the duration of their working hours, and the number of superior officers the unit should possess. Although the Prefect of the Seine handled the administrative details involved with the management of a fire department, the Parisian prefect of police held responsibility for watching over the performance and efficiency of the unit. The two individuals reported their findings and undertakings with regard to the fire department to the Minister of the Interior.

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69 Ibid., 22 Germinal Year VIII (12 April 1800, XXII, #202, 816.

70 Ibid., 20 Germinal Year VIII (10 April 1800), XXII, #200, 808-89.

71 Bulletin des Lois, B. N. 89, #739, 17 Messidor Year IX (6 July 1801), Series 3, III, 169-72.

72 Ibid., 175.
Bonaparte charged his police officials with the responsibility of regulating water conservation, the possession of firearms and the movement of domestic workers from area to area. The police licensed and suppressed gambling houses, granted permission for craftsmen to operate their shops, apprehended deserters, regulated pawnshops, watched the operation of pharmacies, and regulated dissection and exhumation of human bodies.

In addition, however, to protecting the French and enforcing laws for their benefit, the police spied upon the people. Bonaparte assigned the police to report upon statements made by individuals opposing the government and its policies. This regulation applied particularly to for-

74 Ibid., B. N. 535, #9855, 16 November 1813, Series 4, XIX, 370-71.
75 Ibid., B. N. 526, #9739, 25 September 1813, Series 4, XIX, 269-70.
76 Lozère, Napoleon in Council, 331-34.
78 Forssell, Fouché, 155.
79 Bulletin des Lois, B. N. 533, #9844, 6 November 1813, Series 4, XIX, 348-47.
80 Ibid., B. N. 33, #552, 29 Pluviôse Year XIII (18 February 1805), Series 4, II, 308-09.
81 Ibid., B. N. 231, #2050, 3 Vendémiaire Year VII (24 September 1798), Series 2, VII, 29-30; Ibid., B. N. 5, #25, 23 Prairial Year XII (12 June 1804), Series 4, I, 75-80.
The police attempted to ascertain the attitude of the people with regard to the re-establishment of worship, propaganda in theatrical spectacles, and the government, in general. Bonaparte depended upon his Police Minister, and through him, his police force, to keep watch on the churches, the sermons preached, and the attitudes of the congregations. He distrusted religion, and he wished to have the practice of religion carefully watched, but he regarded it as necessary for the people and to the State.

The police performed more repressive measures, as well. They enforced health and sanitation laws, but they also kept individuals under surveillance for various indiscretions. Many individuals subjected to observation by the police listed printing or writing as their profession. An individual who printed or wrote an opinion contrary to one held by Napoleon, or derogatory to him, placed his career in a very precarious position. While considerable publicity in the Moniteur marked an individual's release.

82 Pratt, The Empire and the Glory, 200.
83 Year VIII (1799-1800)—Paris Police Reports of January 2, 29, as cited by Pratt, The Empire and the Glory, 35.
84 Moniteur, 9 Nivôse Year VIII (30 November 1799), XXI, #99, 392; Ibid., 5 Pluviôse Year VIII (25 January 1800), XXI, #125, 495; Bulletin des Lois, B. N. 337, #3469, 8 Frimaire Year VIII (29 November 1798), Series 2, IX, 1-2; Moniteur, 14 Frimaire Year VIII (4 December 1799), XXI, #74, 291.
85 Infra., 101-14.
from police custody or surveillance.\textsuperscript{86} Communications from Napoleon consigning an individual to police surveillance assumed a more private nature.\textsuperscript{87} Favorable mention of a suspected person's attitude in the Police Minister's report often prompted a decree ordering his release from surveillance, while orders placing an individual under police surveillance originated with Napoleon.\textsuperscript{88} Fouché's reports concerning persons advocating policies opposed to the regime probably influenced the Emperor's orders, however.

Oftentimes the police received orders to investigate the activities of individuals who had made themselves, or their actions conspicuous to an official or to Napoleon, himself.\textsuperscript{89} In these cases, the duties of the police included the issuance of a warning concerning the consequences of a continuation of present unsatisfactory behavior.\textsuperscript{90}

\textsuperscript{86}Bulletin des Lois, B. N. 16, #113, 7 Germinal Year VIII (28 March 1800), Series 3, I, 14; Ibid., B. N. 14, #101, 4 Germinal Year VIII (25 March 1800), Series 3, I, 16; Moniteur, 7 Germinal Year VIII (28 March 1800), XXII, #187, 752.

\textsuperscript{87}Bulletin des Lois, B. N. 14, #101, 4 Germinal Year VIII (25 March 1800), Series 3, I, 15-16; Moniteur, 7 Germinal Year VIII (28 March 1800), XXII, #187, 752.

\textsuperscript{88}Léon Lecestre, Lettres Inédites de Napoléon Ier (An VIII-1815) (2 vols; 2nd ed; Paris: E. Plon, Nourrit et Cie., 1897), Napoleon to Fouché, 4 April 1810, II, #600, 22. Hereafter cited as Lecestre, Lettres.

\textsuperscript{89}Ibid., Napoleon to Fouché, 14 February 1810, II, #581, 12; Napoleon to Fouché, 27 January 1810, #575, 7; Napoleon to Fouché, 21 January 1810, #572, 6; Napoleon to Fouché, 25 January 1810, #574, 5.

\textsuperscript{90}Ibid., Napoleon to Fouché, 21 January 1810, II, #571, 5.
The police actually possessed power to interfere in most aspects of the ordinary citizen's life. In effect, the efficiently organized and highly centralized police regulated all facets of the French people's lives. The police protected, prevented, provided, punished, pacified, prohibited, and pardoned. The lack of agitation against police authority in Napoleonic France offers mute testimony of the tact with which Fouché handled his farflung powers.

91 For more details concerning the overall responsibilities of Fouché's police, *Infra.* 89-115.
CHAPTER IV

POINT AND COUNTERPOINT

Although Fouche as head of the Ministry of Police possessed control of much of the police system in France, Napoleon attempted to hamper his drive to acquire authority over all aspects of police activity by creating counter-police units (the Counter police of the Palace, the gendarmerie, the gendarmerie d'elite, the Prefect of Paris) in opposition to him.\(^1\) Fouche's penchant for organization resulted, in part, from his dislike of antagonism and dissension within the ranks of his police.\(^2\) To achieve the well-oiled machine which he desired his police system to be, he continuously synthesized the various lines of control into his own hands. Fouche trusted few people and those whom he trusted were in positions where he could maintain a careful watch over them. The more facets of the police that he controlled, the more secure he felt. Unfortunately, his concept of security fostered feelings of insecurity where Napoleon was concerned. Fouche, despite his master's efforts to contain him, enjoyed remarkable success in centralizing control

\(^1\)Supra., 26-28. \(^2\)Savant, Les Prefets, 85.
of the French police. Generally, he thrived in the atmosphere of pressure and intrigue, and managed to increase his influence in spite of the rival police units created by Bonaparte.3

Fouché's police encompassed two branches: the political police; and the public safety police. The political police maintained vigilance to assure, in so far as they could, continued French support of Napoleon's rule. The public safety police established and maintained order throughout the confines of the French State.4 Fouché, however, divided the management of his Ministry into six sections to facilitate the discharge of his duties. He separated the responsibilities according to the importance of execution. The first division included the most important and delicate tasks; these he directed and confined knowledge of their details to himself. The second division concerned the management of the general security and secret police of France. Pierre-Marie Desmarest, a renegade priest who was a confidant of Fouché's,5 headed this unit. The third division encompassed affairs concerning individual liberty. The fourth section concerned matters relating to the emigrés. The matters relegated by Fouché to the fifth and sixth sections included the departments of accounts and archives.6

3Fouché, Memoirs, I, xxxiii. 4Forsell, Fouché, 149. 5Ibid., 154. 6Madelin, Fouché, I, 458-59.
Napoleon's attempts to subdivide Fouché's power enjoyed only limited success. The counter-police established by his master annoyed Fouché, particularly when Napoleon appointed his enemies to head the units, but the existence of such units also provided a challenge to the Minister. He sought to guard his position by all means at his command, and most of the time he accomplished this end.

Fouché's most immediate competitor occupied the position of Prefect of Paris. The Prefect of Paris, an office created in 1800, possessed power to utilize governmental agents, political spies, and municipal police. However, one of his more important duties involved spying on the activities of the Minister of Police, for Napoleon created this office "To counteract the all powerful Fouché, Minister of the Police and tacit chief of the republican party."

Dubois represented an admirable choice as an opponent to Fouché, for he detested the Police Minister. Dubois' distrust and enmity threatened Fouché's position particularly because his reports by-passed normal channels for prefect reports and reached Napoleon personally, by way of Constant.

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7Bulletin des Lois, E. N. 10, #71, 17 Ventôse Year VIII (8 March 1800), Series 3, I, 11-12; Moniteur, arrête of 17 Ventôse Year VIII (8 March 1800), XXI, #169, 674.

8Fournier, Napoleon, I, 266.


10Savant, Les Préfets, 30.
Napoleon's valet. Despite his seemingly disadvantageous situation, Fouche's ingenuity usually enabled him to defeat Dubois at his own game. Fouche knew that Dubois possessed few morals. Accordingly, when Dubois threatened to expose a given activity of Fouche, the Minister simply searched until he uncovered an indiscretion of Dubois and threatened him with exposure unless Dubois reversed his stand.

Dubois eventually overstepped his position in his eagerness to discredit Fouche. He failed to realize that his function, as far as Napoleon was concerned, involved reporting on Fouche's actions and serving, by his very presence, as a deterrent to any nefarious activity on Fouche's part. In his ignorance he attempted to bring about Fouche's dismissal when he discovered, in 1808, the Malet Conspiracy.

Fouche did, however, possess the right to draw up a list of candidates for officers of police in the Prefecture of Paris. Bulletin des Lois, B. N. 16, #114, 8 Germinal Year VIII (29 March 1800), Series 3, I. 15. Napoleon probably followed his suggestions because Fouche possessed ultimate authority (subject to Napoleon's) over the police of Paris, just as he did in other prefectures. Napoleon did not want to adversely affect Fouche's efficiency, he just wished to keep track of his Minister's activities.

In one case, Dubois threatened to interfere with Fouche's usage of the secret fund; Fouche paid him for silence. Then, Fouche discovered that Dubois was misusing sums from his budget, and he used this knowledge to force Dubois to cease his blackmailing activities.

The Malet Conspiracy was a republican plot to dethrone Napoleon, re-establish the Republic and re-establish a provisional government of three. The provisional government was to include the Marquis de LaFayette, General Moreau, and
He notified Napoleon, who was then in Spain. In the face of Napoleon's reprimand, and commendation to Dubois, Fouché took refuge in treating the incident as an unimportant plot over dramatized by Dubois. Réal and Desmarest supported their friend's version of the incident, and Napoleon declined to take any punitive action against the Minister. Dubois realized that his position was not as strong as he had hoped, and retreated from his anti-Fouché stand. In 1810, just two years after the Malet Affair, Napoleon dismissed Dubois for using his office as a base for intrigues.

Napoleon's system of checks and balances forced Fouché to share his control of the general police with the Minister of Justice, who controlled the heads of local administration; the departmental prefects, who were subject to his directives only in the area of police activity; the Ecclesiastical Minister, who handled incidents involving the clergy; and the Minister of the Interior, who held responsibility for the municipal police and the sanitary police. However, as mentioned above, internal police restrictions and divisions of power were not the only methods Napoleon employed to curb General Malet. The major conspirator, General Malet, had recruited several generals and ex-members of the Convention to support his schemes.

19*Supra.*, 68.
Fouché. In addition to the Counter-police, he established still more extensive units, the gendarmerie, and the gendarmerie d'élite, under General Savary, to act as forces in opposition to Fouché. In addition, the Emperor directed his own espionage system against the Minister of Police, much as Fouché employed spies to watch his master.

Napoleon's Counter-police, headed by General Lannes, spied upon the military. Any officer suspected of being dissatisfied with the status quo in France received severe punishment, he might suffer suspension, imprisonment, or deportation. Particularly after the establishment of the Empire, the generals and other high-ranking officers tended to oppose Napoleon because he trampled upon republican ideals which they supported. Napoleon also charged his generals to spy on one another as a safety precaution.

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20 Infra., 74-89.
21 Lozère, Napoleon in Council, 96; Forssell, Fouché, 151.
22 Forssell, Fouché, 151.
23 According to his Memoirs, Fouché maintained spies within Napoleon's household. He paid Bourrienne, Napoleon's private secretary, 25,000 francs per month for information about Bonaparte's activities. Fouché also paid Josephine for information. She received approximately 1,000 francs daily. He had enjoyed Josephine's confidence since before Brumaire. Forssell, Fouché, 190. Josephine informed him when individuals intrigued with Napoleon to discredit the Minister. This forewarning enabled him to take countermeasures. Fouché, Memoirs, I, xxxiii, xxxvi, 76, 129, 136-67.
24 Ibid., 141. 25 Ibid., 191.
26 Fournier, Napoleon, I, 292-93.
is clear, then, that Fouché held no monopoly on Napoleon's distrust. Generally, military crimes and offenses affecting the military remained within the jurisdiction of the military police and the military courts. The military police patrolled the fortifications, buildings, and the general confines of the military establishment.27

The gendarmerie represented the most widespread and one of the most, if not the most, important counter-police units in France. It played a very major role in the enforcement of law and the maintenance of public order during Napoleon's reign. The gendarmerie, a quasi-military force, which possessed many similarities to the modern state militia, augmented civil authority and served the military branch of the government.28

Prior to Napoleon's rise to power, the French national gendarmerie existed under the Bourbon regime as a royal guard,29 although it represented only a small numerical force.30 In this capacity, the gendarmes accompanied the King and royal princes and acted in accordance with their orders.31 The royal gendarmes entered into armed conflict only when a royal personage participated in such a conflict.32

28Blanc, Napoleon Ier. 91.
29LaCroix, France in the Eighteenth Century. 108.
30There were "... 32 brigades, 8 squadrons and 1200 gendarmes and light horse, ... ". Ibid.
31Ibid.
32Ibid.
These gendarmes undoubtedly were a well-drilled, hand-picked group whose loyalty to the crown was unquestioned.

The French Revolution removed the purpose for which the gendarmerie had existed, by removing the reigning monarch, and the royal gendarmes apparently lost importance with the dissolution of the monarchy. The gendarmerie reappeared, however, when it was reorganized in the Year VI (1798). This re-organization established the national gendarmerie as a type of police force.

Bonaparte's ascendance resulted in another change for the gendarmerie. By a decree of 8 Germinal Year VIII (29 March 1800), he provided a commanding officer for the force, established the chain of command, and provided the gendarmerie with a prime objective for their existence—the achievement of security within France. The Inspector General of the national gendarmerie received, by this decree, the responsibility for "... the general surveillance and direction of all which concerns the service of the gendarmerie nationale." The chain of command established by First Consul

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33 The records of the provisional Revolutionary governments and of the Directory mention the gendarmerie infrequently until it is reorganized by the law of the Year VI (1798).
34 Blanc, Napoleon Ier, 90.
36 Ibid. An Inspector General in the French army was not necessarily of general officer rank. A colonel could be an Inspector General, a major might be, but seldom received such an appointment. For instance, in 1799, Colonel Auguste Marmont was the Inspector General for Bonaparte's Egyptian campaign.
Bonaparte made the Inspector General responsible to three ministers, the Ministers of War, Police, and Justice. The Inspector General reported to each Minister concerning the duties which the *gendarmes* fulfilled in connection with the particular Minister's post. He reported to the Minister of War concerning the actions of the *gendarmes* assigned to projects affecting the War Ministry; such as conscripts, deserters, and surveillance duties allied to the military.

The Inspector General reported to the Minister of Police concerning the activity of the *gendarmes* relating to internal security and occurrences within the borders of French-held lands. For example, this Minister received information concerning civilian passes, leaves of military officers, and the activities of suspected individuals who might conceivably threaten the security of the state.

The Inspector General also reported to the Minister of Justice. His responsibility to this official involved issuing a report setting forth the actions performed by officers of the *gendarmes* attached to the judiciary and the judicial police.

General Adrien Moncey received the important appointment as Inspector General of the *gendarmes*. Moncey, a respected army officer, served Bonaparte as head of the national *gendarmes* under the Consulate and Empire. Moncey's

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41 *Blanc, Napoleon Ier.*, 90-91.
success in serving three Ministers and satisfying the Corsican spoke well for his abilities as a diplomat and organizer, as well as a commander.

Despite the division of responsibility and of "ultimate authority" in the control of the gendarmerie, within the force itself the organization closely resembled that of an army. The titles of officers and divisions paralleled those of the French army. The line of command, from Moncey on down, also paralleled that of the army. In addition, promotion within the ranks occurred after nomination had been made, by officers, to the Minister of War, and he had granted his approval to the promotion.

Channels of communication between gendarmes usually followed regular army lines from lower-ranking gendarmes to their immediate superiors. In some instances, however, Moncey corresponded directly with a lower-ranking gendarme. A provision of the decree of 8 Germinal Year VIII required that all complaints of injustice proceed directly to the Inspector General. In all other cases, however, the

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42 Bulletin des Lois, B. N. 18, #121, 8 Germinal Year VIII (29 March 1800), Series 3, I. 10-11.

43 Ibid., 8. An increase in the number of gendarmes occurred only after Bonaparte gave his approval to the request for an increase in personnel. The request for additional men came from the Minister of War. Napoleon I, Correspondance de Napoleon Ier (32 vols; Paris: Imprimerie impériale, 1858-1869), Napoleon to the Minister of War, 17 March 1808, XVI, #13660, 498-99. Hereafter cited as Napoleon, Correspondence.

44 Bulletin des Lois, B. N. 18, #121, 8 Germinal Year VIII (29 March 1800), Series 3, I. 11.
captain of the company reported to the chief of squadron who reported to the chief of division. The chief of division made the report to Moncey, and he reported to the appropriate Minister. In addition to the reports to the Inspector General, the gendarmerie officers submitted reports to the prefect to whom they were assigned.

The contingents of the Napoleonic national gendarmerie contained both infantry and cavalry soldiers as it had under the Bourbons. The gendarmes usually came to the force as trained soldiers, adequately equipped to handle the type of work required of them. The soldiers who applied for membership in the gendarmerie usually joined after their retirement from active military service. The acceptance of a significant number of retired army veterans produced a coarsening effect upon the forces.

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Ibid., 10. The American army ranks corresponding to the French ranks are as follows: Major - Chief of Squadron; Colonel - Chief of Division; Brigadier General - Chief of Brigade; Major-General - Colonel General; Lieutenant General - General; General - General of Army; General of the Army - Marshal (5 stars); the sous-officers equal the American non-commissioned officers of undetermined rank.

Ibid.

Napoleon, Correspondence. Order from Napoleon, 19 April 1800, VI, #4720, 230-31; Napoleon to Fouché, 29 November 1800, VI, #5198, 654-56.

LaCroix, France in the Eighteenth Century, 108.

Bulletin des Lois, B. N., 46, #339, 3 Vendémiaire Year IX (24 September 1801), Series 3, II, 1. For details of the induction procedure, see: Ibid., 1-2.

Individuals desirous of entering the service of the gendarmerie appeared before the departmental Council of Administration, which decided whether or not to accept the recruit.

Infra., 81.
Bonaparte significantly augmented the force of the gendarmerie by a decree of the Year IX (1801). This decree provided for the establishment of a legion of gendarmerie d'élite, to be formed by transferring veteran national gendarmes to its ranks. The newly-created gendarmerie, consisting of 600 men, received the assignment of maintaining the security of the seat of government, Paris. In reality, however, Napoleon established the gendarmerie d'élite with a dual purpose in mind: guaranteeing the security of Paris; and curbing the growing power of Fouché. He further implemented this latter objective by appointing an arch enemy of Fouché's, General Aimé-Jean Savary, to command the Parisian force.

The duties of the gendarmerie depended upon the Minister to whom individual units were assigned. All three Ministers, Police, War, and Justice, directed a contingent of gendarmerie, which, apparently, was permanently attached to their Ministry, and they all had the right to call upon Moncey to supply needed additional forces. Under the auspices of

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51 Bulletin des Lois, B. N. 95, #792, 12 Thermidor Year XI (30 July 1803), Series 3, III, 250.

Bonaparte, a lover of the classics and classical literature, at first organized and named his military units in the same fashion as the Romans (legions, cohorts, etc.) The French army was not divided into divisions, corps, and armies, after the Prussian model, until late 1811 and early 1812.

52 Ibid., 249.

53 Ibid., 251.

54 Melchoir-Bonnet, Savary, 114; Fouché, Memoirs, I, xliv.

55 Fouché, Memoirs, I, xliv; Ward, Napoleon, 16; Melchoir-Bonnet, Savary, 117.
the three departments, therefore, the Napoleonic gendarmerie operated throughout French territory, and issued daily reports setting forth an account of the happenings in their respective areas.

In accordance with their duties to the Ministers, the gendarmerie were charged with the responsibility for insuring the safety of travelers and couriers on the roads of France, and generally for assuring the interior tranquillity of the State. The decree of 8 Germinal Year VIII (29 March 1800) empowered the gendarmerie to insure safety on the roads by escorting individuals or vehicles, if necessary. Bonaparte also charged the gendarmerie to rid the countryside of brigands by chasing them down and arresting them.

As a part of the effort to rid French territory of brigands, the Consul authorized the formation of special courts empowered to try individuals accused of vagabondage, brigandage, seditious actions against the State, and other


59Bulletin des Lois, B. N. 18, #121, 8 Germinal Year VIII (29 March 1800), Series 3, I, 11.

60Ibid., 12; Madelin, *Fouché*, I, 450; Napoleon, *Correspondence. Napoleon to Fouché*, 12 November 1800, VI, #5177, 640.
similar crimes. The gendarmerie brought the accused before this special court and testified as to the circumstances of the crime committed, as witnesses for the State. The creation of the special tribunals expedited the dissolution of the brigand bands, for the justice meted out by the tribunals proved to be quick (usually within 24 hours) and usually fatal to the criminal charged.

The rapid reduction of the incidence of brigandage and vagabondage resulted, also, from the character of the gendarmes themselves. The gendarmerie, as has been mentioned, recruited many retired army men to augment their ranks. These individuals represented a "rough and ready" contingent of battle-hardened police, generally desirous of action. The annals of the Secret Police indicate that departmental prefects, who abhorred the brutality, callousness, disrespect, and generally incorrigible attitude of the gendarmerie, constantly complained to the Inspector General concerning the behavior of his troops. The repressive effect of this

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61 Bulletin des Lois, B. N. 68, #527, 18 Pluviose Year IX (7 February 1801), Series 3, II, 303-05.

62 Ibid., 305-06. Half of the judges for the special courts were civilian judges, and half were military judges.

63 Ibid., 307; Pratt, The Empire and the Glory, 147.

64 Supra., 78.

65 For examples of these reports, see: Hauterive, La Police Secrète, Bulletin of 22 Germinal Year XIII (12 April 1805), I, #1167, 372; Bulletin of 8 Messidor Year XIII (27 June 1805), I, #1541, 495.
motley force upon brigands, potential lawbreakers, and honest citizens cannot be overlooked. The gendarmes enjoyed the protection of the law and three governmental Ministers, and they seldom received rebukes from their superiors, except for instances of corruption or disaffection with Napoleonic rule. The freedom granted them by the administration might be considered to have been a type of reward for maintaining peace and tranquility among the populace. The very ferocity with which the gendarmerie performed their tasks encouraged citizens to remain honest, either through respect for the gendarmes' efficiency or, more likely, through simple fear of them. The presence of the awe-inspiring gendarmes throughout France and French possessions, while providing ample grounds for the charge that France existed as a police state, also served as a deterrent to lawlessness. The ruthlessness with which the gendarmerie pursued the brigands, Chouans, and deserters, provides mute testimony of police efficiency.

The efficiency of gendarmerie operation led the government to grant it ever increasing amounts of authority, with

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66Ibid., Bulletin of 26 Floréal Year XIII (16 May 1805), I. #1345, 428; Bulletin of 10 Fluviose Year XIII (30 January 1805), I. #851, 270.

67Ibid., Bulletin of 10 Nivose Year XIII (31 December 1804), I. #726, 229.

68Chouans were individuals, usually Royalist sympathizers, in revolt against the Revolutionary governments, and later, Napoleon. Their stronghold was in the West of France, especially in the Vendee.
the result that the growing power of the gendarmerie over civil authorities was deplored by the Prefect of l'Eure in 1806. The prefect opposed the change which allowed gendarmes to operate without first obtaining a warrant for arrest from a civil magistrate, because he believed that allowing the gendarmes to act without any check from the civil authority resulted in "... repressive justice [which] gave a purely military appearance to the regime..." The prefect's complaint attests to the feasibility of the label "police state" in connection with Napoleon's Empire.

The gendarmerie saw service whenever a militaristic police force appeared to be required to settle disturbances, or to insure the security of an area. The force, for example, suppressed violations and rebellions in the provinces of France, particularly in the West, in the early years of Napoleon's rule. After the defeat of the rebellious Chouans in the West in 1802, the gendarmerie entered the area and controlled it in a manner akin to martial law. Similar assignments appeared during the Napoleonic wars when Napoleon placed subjected areas under gendarmerie control.

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69 Aulard, Études et Leçons, 193.

70 Haurerive, La Police Secrète, Bulletin of 12 Vendémiaire Year XIII (4 October 1804), I, #379, 121; Bulletin of 14 Brumaire Year XIII (6 November 1804), I, #506, 160; Bulletin of 7 Brumaire Year XIII (29 October 1804), I, #480, 153; Moniteur, 8 Ventôse Year VIII (27 February 1800), XXI, 630; Napoleon, Correspondence. Order from Napoleon, 19 April 1800, VI, #4720, 280-81; Forssell, Fouché, 155.

71 Ward, Napoleon, 16.

72 Lozère, Napoleon in Council, 231.
The civil duties of the gendarmerie extended to the suppression of brawls and riots, as well as rebellions against the government. In this same local police capacity, the gendarmerie watched and reported on individuals attempting to stir up anti-governmental feeling. This latter function embodied much of the overall worth of the gendarmerie in the maintenance of internal security. The gendarmes stationed in a particular area knew the terrain and its inhabitants so well that they could identify the probable malcontents, and could supply this information if it should be necessary to trace treasonous plots or seditious printing.

Moncey's forces, aided again by their ability to recognize inhabitants of their area and to identify strangers, captured deserters and recalcitrant conscripts. The local gendarmes' knowledge of local topography simplified the difficulty of tracing the deserters, and made the gendarmerie the most logical force to perform this duty. The practice of paying the gendarmes for each deserter captured, however, proved to be too great a temptation for the more dishonest


74 Ibid., Bulletin of 12 Pluviôse Year XIII (1 February 1805). I. #861, 273.

75 Ibid., Bulletin of 26 Pluviôse Year XIII (17 December 1804). I. #671, 211.
members. The *gendarmes* sometimes attempted to arrest soldiers and marines with legitimate leave papers in order to collect the reward.76

In addition to police duty, the local *gendarmes* also aided the War Ministry in the matter of conscription. The local *gendarme* brigade leader received a list of conscripts drawn from his locality. The *gendarmes* were responsible for making sure that the conscripts reported before the Council of Recruitment.77 Although the conscription system worked quite well, difficulties arose from time to time when a greedy *gendarme* attempted to extort money from the parents of a conscript.78 The actual frequency of such an abuse remains a matter of conjecture, for the prefects recorded only those instances where the victims complained to the prefect about the extortion.

Responsibility for the transfer and guarding of prisoners, both civil and military, rested with the national

76 Ibid., Bulletin of 1 Ventôse Year XIII (20 February 1805), I, #939, 301; Bulletin des Lois, B. N. 3, #6, 13 Prairial Year XII (2 June 1804), Series 4, I, 41-42.

77 The Council of Recruitment decided upon the acceptability of a particular recruit. The Council included a *gendarme* officer, the prefect, the Superior Commandant in the department, the Under-Inspector of Revues, and the Captain of Recruitment. Bulletin des Lois, B. N. 3, #6, 13 Prairial Year XII (2 June 1804), Series 4, I, 42; Ibid., B. N. 26, #452, 8 Nivôse Year XIII (29 December 1804), Series 4, II, 181; Haurerive, *La Police Secrète*, Bulletin of 22 Nivôse Year XIII (12 January 1805), I, #776, 245. See Bulletin des Lois, B. N. 26, #452, 8 Nivôse Year XIII (29 December 1804), Series 4, II, 185-86, for details of the conscription procedure.

78 Haurerive, *La Police Secrète*, Bulletin of 8 Messidor Year XIII (27 June 1805), I, #1541, 495. In the duties
If a gendarme lost a prisoner because of carelessness on his part, he suffered the penalty of arrest for his laxity. This ingenious and inflexible punishment encouraged the gendarmerie assigned to guard prisoners to maintain rigid vigilance.

Napoleon's judicious usage of this versatile police force included assigning the gendarmerie to aid in the enforcement of the Continental Blockade. The gendarmes, under the direction of the Minister of Police, Fouché, supervised the license system inaugurated by Napoleon to facilitate the operation of his Blockade policies. In this regard, Fouché was less than satisfied with the services of the gendarmerie, and lodged a complaint that the "... service of the gendarmerie is deplorable." The Minister's complaint might have resulted from his dissatisfaction with Napoleon's Blockade, or, his complaint might have been an

relating to the enforcement of conscription and the capture of deserters, the gendarmerie were responsible to Fouché.

79 Ibid., Bulletin of 18 Germinal Year XIII (8 April 1805), I, #1148, 365; Bulletin of 26 Brumaire Year XIII (17 November 1804), I, #556, 177; Napoleon, Correspondence, Napoleon to Fouché, 27 January 1801, VI, 750.

80 Hauterive, La Police Secrète, Bulletin of 7 Frimaire Year XIII (28 November 1804), I, #504, 190.


82 Savant, Les Préfets, 81.

83 Fouché opposed Napoleon's system of blockade on the grounds that the blockade was injurious to France. He
expression of his displeasure with the independent attitude exhibited by the gendarmerie forces under his direction. The French Minister of Police insisted upon retaining complete control over all police action, and the gendarmerie simply refused to accede to this situation.

Under Fouché's direction, the police forces regulated the passengers and mail allowed on licensed vessels, supervised the issuance of licenses, and participated in the surveillance of the coastal and interior waterways of France. The jurisdiction of the police, in this connection, included the supervision, and search, of all licensed vessels touching French-controlled land.

In connection with the enforcement of the Blockade, gendarmerie units aided Customs officials in the surveillance of the borders (to halt traffic in contraband), and seized shipments of contraband goods. In the process of performing these duties, the gendarmes fought smugglers (vessels favored a liberalization of policies toward neutral trade—particularly that with the United States. Napoleon, however, refused to revise his attitudes. Melvin, Navigation, 71, 115-16, 155.

84Ibid., 351.

85Ibid., 190-91; Edward Fraser, Napoleon the Gaoler: Personal Experiences and Adventures of British Sailors and Soldiers during the Great Captivity (New York: Brentano's, 1914), 241. Hereafter cited as Fraser, Napoleon the Gaoler.


87Ibid., Bulletin of 13 Ventôse Year XIII (3 January 1805), I. #735, 233.
without licenses) and captured British spies.\textsuperscript{88} These same gendarmes undoubtedly participated in the seizure of American, and other neutral, ships and cargoes.\textsuperscript{89} The gendarmerie definitely participated in cargo seizures which resulted from the decree of 16 Frimaire Year XI (7 December 1802). According to this decree, the forces which captured contraband cargoes received a percentage of the sale value of the cargo.\textsuperscript{90} This provision had the obvious, and desired, effect—that of stepping-up seizures and confiscation of contraband by Napoleon's Éclaireurs.\textsuperscript{91}

The national gendarmerie operated in the above-mentioned capacities in all parts of Napoleon's Empire.\textsuperscript{92} The widespread usage of these militaristic policemen gave Napoleon a national police with broadly-based authority and troops

\textsuperscript{88}Ibid., Bulletin of 6 Ventôse Year XIII (25 February 1805), I, #957, 307.

\textsuperscript{89}For details of American ships seized in Italian ports during the Continental Blockade, see: John B. Harrison, "The Continental System in Italy as Revealed by American Commerce" (Unpublished Ph.D. dissertation, Department of History, University of Wisconsin), 51-105.

\textsuperscript{90}Bulletin des Lois, B. N. 231, #2132, 16 Frimaire Year XI (7 December 1802), Series 3, VII, 189-90.

\textsuperscript{91}Éclaireurs were companies of "shock troops" made up of infantry, cavalry, and gendarmerie. Bulletin des Lois, B. N. 212, #1960, 16 Fructidor Year X (3 September 1802), Series 3, VI, 675.

\textsuperscript{92}Bulletin des Lois, B. N. 422, #7712, 22 February 1812, Series 4, XVI, 183; Ibid., B. N. 265, #5162, 25 December 1809, Series 4, XII, 87; Ibid., B. N. 399, #7393, 19 October 1811, Series 4, XV, 388-89.
ruthless enough to enforce his commands. As such, the gendarmerie formed an important part of the Napoleonic police system.
CHAPTER V

LE MINISTRE TERRIBLE

The breadth of Fouché's activities in the pursuit of order in France represents a truly awe-inspiring undertaking. His widely-separated duties encompassed virtually all aspects of public order and law. His talent for differentiating between the lesser duties, which he delegated to subordinates, and the more critical ones, which he held to himself, enabled him to maintain successfully, interior order during the periods of war which marked his Ministries. The mechanical organization of his own police units allowed him to guarantee the internal security of Napoleon's realm.

When Fouché became Police Minister in 1799, the chaotic internal situation in France offered little protection to the citizens. Brigands and malcontents operated with virtual impunity, and travelers on the roads of France proceeded at their own risk. One of his first programs aimed at the establishment of security within the country. To gain this end, he moved against the brigands and Royalist dissidents. To facilitate the police operation against the brigands, Fouché utilized the gendarme troops at his disposal.

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¹ Fournier, Napoleon, I, 265-66. ² Supra., 80-82.
Special tribunals, first established in 1801, provided speedy justice for captured lawbreakers. The special courts meted out harsh punishment to the brigands and Royalists brought before them, and their decision could not be appealed by the accused. As a result of the concerted effort against lawlessness, by June 1800, the roads of France were safe for travel. The battle against the brigands also fostered the development of central control within the French police by unifying all aspects of the police system against

3 The special courts heard complaints against individu- als accused of crimes against the security of the State. Bulletin des Lois. B. N. 68, #527, 18 Pluviose Year IX (7 February 1801), Series 3, II, 303-09; Supra, 80-81.

4 Bulletin des Lois. B. N. 68, #527, 18 Pluviose Year IX (7 February 1801), Series 3, II, 308; Ward, Napoleon, 16.

Laws establishing special tribunals in all parts of France were passed during 1801-02. Virtual carte blanche was given to the forces assigned to halt brigandage. The forces pursuing brigands were allowed to pursue their quarry without regard to departmental boundaries or jurisdiction.

For decrees establishing special tribunals, see:

Bulletin des Lois. B. N. 58, #423, 29 Frimaire Year IX (20 December 1800), Series 3, II, 155-56; B. N. 69, #535, 4 Ventôse Year IX (3 February 1801), Series 3, II, 318-19; B. N. 101, #850, 23 Fructidor Year IX (10 September 1801), Series 3, III, 351; B. N. 199, #1765, 13 Ventôse Year X (4 March 1802), Series 3, VI, 427; B. N. 101, #851, 23 Fructidor Year IX (10 September 1801), Series 3, III, 352; B. N. 200, #1794, 22 Prairial Year X (11 June 1802), Series 3, VI, 446; B. N. 212, #1963, 21 Fructidor Year X (8 September 1802), Series 3, VI, 678.

In 1806 Napoleon spoke against the special tribunals and said that they should be dispensed with because they were "... inconsistent with the common rights ..." and had been formed for one specific purpose which was no longer causing difficulty. Now, they should be disbanded to make way for provost courts. Lozère, Napoleon in Council, 229.

5 Pratt, The Empire and the Glory, 147.
a common foe. Napoleon directed Fouché's actions,\textsuperscript{6} and the Police Minister directed the actions of his subordinates. The activities of the police in their attempt to clear the threat of brigandage from the departments received widespread, and generally favorable, coverage in the \textit{Moniteur}.\textsuperscript{7} A drive to rid the country of the Chouan malcontents accompanied the one against brigandage. Captured Chouans were charged before the special courts just as the brigands were.

Due to the logical and factual cooperation formerly, and still, existing between the Chouans and the emigrés, Fouché's duties of surveillance were infinitely increased by the amnesty granted emigrés on 26 April 1802.\textsuperscript{8} In addition, he received the responsibility for issuing emigré pass-

\begin{itemize}
\item \textsuperscript{6}Napoleon, \textit{Correspondence}, Napoleon to Fouché, 27 MESSIDOR Year IX (16 July 1801), VII, \#5639, 248-49; Napoleon to Fouché, 18 BRUMAIRE Year IX (9 November 1800), VI, \#5166, 631-32.
\item \textsuperscript{7}\textit{Moniteur}, 17 Pluviôse Year VIII (6 February 1800), XXI, \#137, 544; 14 Vendémiaire Year VIII (6 October 1799), XXI, \#14, 51; 8 PRIMAIRE Year VIII (30 December 1799), XXI, \#68, 266. See also Haurteive, \textit{La Police Secrète}, Bulletin of 27 NIVÔSE Year XIII (17 January 1805), I, \#800, 253; and Ernest d'Hauterive, \textit{Napoleon et sa Police} (Paris: Flammarion et Cie., 1942), 60-73. Hereafter cited as Hauterive, \textit{Police}; and Supra., 80-82, for additional information regarding police activities against the brigands in French territory.
\item \textsuperscript{8}Ward, \textit{Napoleon}, 18-19; Hauterive, \textit{Police}, 64, 90-91. According to Hauterive, the two terms, Chouan and brigand, might be used interchangeably during the first years of Napoleon's regime. Hauterive, \textit{Police}, 61.
\end{itemize}

The decree of 1802 granted amnesty to emigrés who had not conspired against the Republic or accepted foreign offices. The emigrés had to return by 1 Vendémiaire Year XI (23 September 1802) and take an oath (administered by the police) of fidelity to the Constitution. A decree, issued in 1800, had allowed only nobles to return.

Napoleon, \textit{Correspondence}, Napoleon to Fouché, 21 BRUMAIRE Year IX (12 November 1800), VI, \#5177, 640.
ports,\(^9\) and for checking on the emigrés who possessed English passports.\(^{10}\) Napoleon also delegated the responsibility for handling all problems concerning the returning emigrés to Fouché.\(^{11}\) In the performance of this duty, the Minister established a far-flung spy system and placed many ex-emigrés under police surveillance, frequently in accordance with Napoleon's orders.\(^{12}\) Fouché tendered periodic reports concerning the status of the Royalist situation to Bonaparte.\(^{13}\)

To facilitate his control over the Royalist element, Fouché endeavored to keep the movement "... within bounds, conquered by care and patience, leavened by police supervision and controlled from within."\(^{14}\) By formulating complete records\(^{15}\) of Chouan troublemakers, and by convincing the

\(^9\)Napoleon, Correspondence, Napoleon to Fouché, 8 Thermidor Year VIII (27 July 1800), VI, #5031, 537.

\(^{10}\)Ibid., Napoleon to Fouché, 22 Vendémiaire Year X (14 October 1801), VII, #5806, 367-68; 23 Vendémiaire Year X (15 October 1801), VII, #5813, 372.

For a resumé of Fouché's continued actions against the emigrés throughout his Ministries, see: Hauterive, Police, 91-105.

\(^{11}\)Bulletin des Lois, B. N. 8, #60, 11 Vendôse Year VIII (2 March 1800), Series 3, I, 1-2.

\(^{12}\)Napoleon, Correspondence, Napoleon to Fouché, 11 Brumaire Year X (2 November 1801), VII, #5856, 399-400.

\(^{13}\)Moniteur, 23 Frimaire Year VIII (14 December 1799), XXI, #183, 328-29.

\(^{14}\)Forssell, Fouché, 100-01.

\(^{15}\)Fouché compiled a list of all the ports, taverns, escape routes, etc., used by the Royalists, which he called the topographie chouanique. Another compilation included more than 1,000 Royalists' descriptions, the biographie chouanique. The lists were used to identify and apprehend the criminals. Ibid., 161-62; Hauterive, Police, 64.
Royalists of his favorable attitude toward them, Fouché managed to reduce Royalist endeavors against Napoleonic rule to relative ineffectiveness. However, in the event that a particular individual refused to accept the governmental viewpoint, he might easily be removed, for the Police Minister regulated the prisons. In this capacity, the Minister possessed authority to imprison individuals who "... could not be brought to trial without inconvenience to the State." Powers such as those suggested above enabled Fouché to deprive the Royalists of their leaders and take much of the spirit from their movement. Although he succeeded in controlling the more grandiose schemes, the Royalists continued to intrigue with England and required continued surveillance throughout the duration of Napoleon's rule.

Fouché interceded for the Royalists at various times and endeavored to maintain their support by facilitating the return of the emigres (Pratt, The Empire and the Glory, 148-49), and by aiding some of them in their attempts to gain redress for seized lands. He also managed to interfere, on occasion, to save a few individuals from punishment at Napoleon's order. Forssell, Fouché, 126, 185-87; Fouché, Memoirs, I, xli.

Forssell, Fouché, 158-60.

For a detailed, if chronologically confused, treatment of Chouan—police dealings under Napoleon's rule, see Ernest Daudet, La Police et les Chouans sous le Consulat et l'Empire 1800-1815 (2nd ed.; Paris: E. Plon, Nourrit et Cie., 1895), 14-89. Hereafter cited as Daudet, La Police.

Lozère, Napoleon in Council, 217.

The high security, or state, prisons (Saumur, Ham. If, Pierrechâtel, Vincennes) housed political offenders. Those guilty of lesser crimes were incarcerated in workhouses, less formidable prisons, or were confined to a residence in a specified area. Forssell, Fouché, 156-57; Fouché, Memoirs, I, 234.
Fouché insured control of both his police and the lawless elements in France by judicious usage of his secret police. The secret police represented an exceedingly important facet of the Ministry of Police, and depended strictly upon Fouché for direction and management. Napoleon depended greatly upon this branch and allowed his Police Minister considerable latitude in its administration.

Ostensibly a branch of the superior, or high, police, which were concerned with any activity affecting the security of France or its people, the secret police actually represented the superior police. Fouché utilized the secret police to maintain contact with interior, as well as exterior, events affecting France. Napoleon felt that the duties of the high police should not be too carefully defined, "... as, by its nature, it... had something vague about it." The breadth of this interpretation presented the Minister of Police with considerable freedom to widen the scope of the high police activities.

The superior police handled the duty of keeping track of the activities of foreign countries. The foreign police, made up of people paid to live in specified areas of the country to which they were assigned, owed no allegiance to the Minister of Foreign Affairs or to Napoleon. They reported to Fouché who interpreted and edited their reports before presenting them to the Emperor. Fouché held sole control of

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19 Lozère, *Napoleon in Council*, 221; *Supra*, 69.
these agents. He

. . . held in . . . [his] hands the most important strings of foreign politics; and . . . [he] discharged, in conjunction with the chief of the government, a task capable of controlling or balancing that of the minister charged with the function of foreign relations. 21

Fouché did not direct the only spies working in foreign countries, but his represented the only spies connected with the French secret police. Both the Minister of Foreign Affairs and Napoleon maintained spies. Their spies were chosen because of their familiarity with the country to which they were assigned. The Ministry of Foreign Affairs usually sent their spies as attachés, 22 but some of these spies reported to Napoleon as well as to Talleyrand. 23

Napoleon usually preferred military spies to diplomatic ones. 24 His military spies worked under the direction of Jean Landrieux, the chief of the military secret bureau. 25 Landrieux' forces handled the task of spying in the territories of the growing Empire, 26 and he directed the spies within the French and enemy armies. Landrieux' spies reported on the activities of conquered territories. 27 These spies

20Fouché, Memoirs, I, 233.  
21Ibid.

22Jean Savant, Les Espions, 128.

23Ibid., 131.  
24Ibid., 133.  
25Ibid., 19.

26Fouché's secret police maintained spies in the French provinces, too.

lived within the territory to which they were assigned, and returned their reports via courier, much as the diplomatic spies did.

Napoleon gathered spies from numerous sources. He employed individuals whom he had cause to know personally,\textsuperscript{28} he employed some individuals who offered to spy for him,\textsuperscript{29} his established spies recruited other prospects on occasion,\textsuperscript{30} and Bonaparte also appealed to his officials for recommendations of trustworthy spies.\textsuperscript{31} Napoleon paid his personal spies according to the reliability of the information which they gave to him.\textsuperscript{32} The more reliable a spy proved himself to be, the more monetary reward he received.\textsuperscript{33} Although Napoleon maintained his own spy system, he relied most heavily upon the secret police directed through the Ministry of Police.

Under Fouché's direction, the police kept the ministers under surveillance and reported upon their undertakings. In addition to the police spies, Fouché employed personal spies to insure his own security.\textsuperscript{34} He sometimes employed the prefects

\textsuperscript{28}Ibid., 126. \textsuperscript{29}Ibid. \textsuperscript{30}Ibid., 88.
\textsuperscript{31}Ibid., 126. \textsuperscript{32}Ibid., 125. \textsuperscript{33}Ibid., 129.
\textsuperscript{34}Pratt, The Empire and the Glory, 101.

Fouché paid his spies 1,000 - 2,000 francs monthly, the amount depending upon the reliability of the information they returned to him. Fouché, Memoirs, I, 233.

In some cases there was a set rate scale for information. For example, an individual tendering valid information concerning a hunted Royalist or conspirator received 100 francs. Forssell, Fouché, 153.
as spies, also. His ability to recommend candidates for the position of prefect enabled him to suggest an individual who would be willing to comply with his benefactor's desires in reporting upon happenings within his prefecture.

His utilization of the secret police as espionage agents began with his assumption of the title of Minister of Police. When he took office he proceeded to rid the ministerial secret police of many of the spies who were known to the criminal element. As a part of this clean-up, he dismissed the prostitutes who had been spying for the Directory in return for freedom from prosecution. He explained his actions as an attempt to give the general police a more favorable image, and "... to give to the scrutinizing eye of the police the direction of observation only, not of accusation."  

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35 Fouche, Memoirs, I, xxxii.

36 Ibid., III, 233. Fouche's protestation at this point invites disbelief. Indeed, he gives the lie to himself, for he later writes "... I had salaried spies of all ranks and orders [all levels of society] ... of both sexes...

Fouche publicly espoused his clean-up within the bureau in a letter to the Central Bureau of Paris (later the Prefecture of Paris) which appeared in the Moniteur. Fouche congratulated the Central Bureau on arresting prostitutes and stipulated that magistrates should not use the prostitutes as agents because of the bad effect they had. Moniteur, 17 Primaire Year VIII (8 December 1799), XXI, #77, 304.

Fouche's action was probably calculated to create a favorable impression of his Ministry, while at the same time he managed to rid himself of the known Directory police spies whom he could then replace with individuals of his own choosing.
In addition to replacing the less valuable members of the secret police, Fouché set about obtaining more jurisdiction for this branch. By the decree of 26 Brumaire Year VIII (17 November 1799), the Police Minister had secured the right to determine where persons should be detained. This decree also provided that individuals listed as potential or probable enemies of the State forfeited their right to property until they were cleared of charges. He reported to the Council of State, however, that he needed greater latitude to protect, adequately, the security of the State, and the person of Napoleon. As a result, the Council decided to grant to the Minister of Police the right to decide which individuals might be injurious to the State and place them under surveillance. The resultant senatus consultum justified the extension of the right to maintain surveillance of individuals outside the boundaries of France as a measure necessary to "... conserve the Constitution." Fouché had already secured the right to maintain surveillance over

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37Fouché gained further support by requiring that the secret police had to have an order signed by a prefect before they could make an arrest. This halted a number of abuses. He also replaced 300 secret police in Paris alone. Pratt, The Empire and the Glory, 147.

38Buchez, Histoire Parlementaire, XXXVIII, 273-74. Fouché's report asking for this right appears in the Moniteur, 3 Nivôse Year VIII (24 December 1799), XXI, #93, 368.

39Buchez, Histoire Parlementaire, II Nivôse Year IX (1 January 1801), XXXVIII, 371-74.

40Ibid., 377-78.
individuals within France by the provisions of a consular decree of 4 Frimaire Year VIII (25 November 1799). Although Fouché had extended his secret police to encompass virtually all phases of French life, during his second Ministry he continued to expand his intelligence system. During this period he increased the number of individual spies, and intentionally fostered the belief that his spies heard everything. He considered the demoralizing effect which such oppressive control might have as a necessary evil to prevent a greater evil:

Such a belief, no doubt, tended to general corruption and debasement; but, on the other hand, what evils, what wretchedness, what tears has it prevented?

The "wretchedness" and "evils" which the secret police prevented would have been to the detriment of the Napoleonic regime, rather than to that of the people as a whole.

Pierre-Marie Desmarest, head of the secret police, directed the members of that unit in accordance with Fouché's orders. Desmarest tendered a daily report, based on the reports of his secret police, to Fouché. This report, corrected, edited, and summarized, formed the basis of the Minister's report to Napoleon. Fouché used his daily access to Napoleon for his own benefit, as the audience presented

41Ibid., 274-75; Moniteur, 7 Frimaire Year VIII (28 November 1799), XXI, #67, 262; Moniteur, 10 Nivôse Year VIII (31 December 1799), XXI, #100, 397.

42Fouché, Memoires, I, 236.

43Ibid.
him with an excellent opportunity to protect himself from charges levied against him. 44

The secret police extended their activities to more than surveillance of individuals who threatened the security of the regime. True, they watched the Royalists, and Fouché employed Royalists who reported upon the activities of their fellows, 45 but a large portion of secret police activity took the form of policing the attitudes of the people, and the media which reached them.

Censorship during the Napoleonic regime reached into all aspects of public communication. Widespread regulation of communication media followed the trend established by eighteenth century French governments, but Napoleon broadened control to a far greater extent than had previously been the case. During the Revolution, and under the Directory, liberty of the press depended upon the particular attitude of the government at a given time. In 1793 the liberty of the press did not exist, 46 while in accordance with the

44 Forssell, Fouché, 151-53. Napoleon received four police reports daily. He received Fouché's report, the report from the Prefect of Paris, the gendarmerie report, and the report from the military police of the palace. Fouché, Memoirs, I, 139.


46 Godechot, Les Institutions, 247; Blanc, Napoleon Ier, 29.
Declaration of 1795, liberty of opinion, in its broadest sense, existed at the beginning of the Directory's administration. During the duration of Directory control, however, censorship once more became evident. A law of 22 Fructidor Year V (29 August 1797) provided for the deportation of individuals connected with forty-two French newspapers. And, by laws of 19 Fructidor Year V (5 September 1797), and 9 Fructidor Year VI (26 August 1798), the Directory placed the inspection of all publications under the jurisdiction of the police. An additional eleven papers suffered suppression on 17 Fructidor Year VII (3 September 1799) after Joseph Fouché assumed the title of Police Minister. Fouché's appointment as Police Minister furthered the progress of censorship, for, he believed "... that public newspapers ought to give unqualified support to those in power" due to the damage a publisher could cause to the government in power by voicing a single criticism directed against it. Fouché wished to extend censorship to include censoring material prior to publication to prevent anti-governmental articles from reaching the public.

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47 Godechot, Les Institutions, 426.
48 Blanc, Napoleon Ier, 29.
49 Ibid.
50 Ibid.
51 Forssell, Fouché, 115.
52 Ibid.
Napoleon shared the views of his Police Minister in relation to regulation of the press. In his opinion,

"The character of the French nation..." required that the liberty of the press should be restricted in the case of works of a certain size; and the newspapers must be subjected to the rigid surveillance of the police. 53

During the course of the Napoleonic regime, Fouché and Napoleon remained devoted to their previously-stated views. Immediately after the establishment of the Consulate, Fouché suppressed sixty of the seventy-three Parisian newspapers. 54

A decree of 27 Nivôse Year VIII (17 January 1800) which allowed Fouché to suppress these newspapers also provided the basis for the regulation of the press throughout the remainder of the Consulate and Empire. 55 The decree limited the creation of new newspapers and restricted the publication of all periodicals to those acceptable to the police. 56

The restrictions placed upon the French papers forced some of them out of business during 1800. 57 The Moniteur had been designated as the official governmental news-

54 Fournier, Napoleon, I, 282; Holtman, Propaganda, 44-45.
55 Anderson, Documents, 282-83; Blanc, Napoleon Ier, 30; Moniteur, 29 Nivôse Year VIII (19 January 1800), XXI, #119, 472; Haueterive, Police, 156.
56 Ward, Napoleon, 15.
paper and other papers were expected to follow the political, editorial views of the Moniteur. In 1800 the number of subscribers to political journals decreased from 50,000 to 35,000. In contrast, the governmentally encouraged non-political newspapers increased in number and in subscribers. By the end of 1800, only nine political papers remained in Paris.

In September of 1803, Napoleon restricted the publication of books and plays by requiring that any bookseller submit a work to a revisions committee to obtain their acceptance of it before offering it for sale. The French offered no violent objection to measures of this nature because they desired, above all else, peace at home, and they disliked journalists who attempted to stir up difficulties.

Less than a year later, on 28 Floréal Year XII (18 May 1804), the senatus consultum which established the Empire provided for a seven man commission to guarantee the liberty of the press. This commission, whose members were to be

58 Napoleon, Correspondence, Napoleon to Fouché, 6 Nivôse Year VIII (27 December 1799), VI, #4469. 60 Holtman, Propaganda. 59 Thompson, Napoleon, 218.

59 Thompson, Napoleon, 218. The non-political papers increased from 22 to 38, and from 4,000 to 7,000 subscribers.

60 Ibid.

61 Fournier, Napoleon, I, 282. Holtman says that censorship prior to publication was first established by Fouché in May of 1805. Holtman, Propaganda, 49.

62 Fournier, Napoleon, I, 282.
named by the Senate, received complaints of authors, and publishers concerning actions which deprived them of sales or of their works. The committee, after debating, rendered a decision; if the decision favored the plaintiff, Fouché had to reverse his suppression. Needless to say, the committee rendered very few decisions in favor of the publishers and authors. For the most part, the Senate committee represented a gesture to lull the few dissatisfied French, and was largely ignored by those involved in censorship activities.

Napoleon established his censorship by several methods. The Minister of Police supplied him with information concerning recalcitrant editors, the Prefect of Police reviewed books and made his recommendation regarding them to the Minister of Police who decided upon the fate of the works, and the publishers also submitted two copies of their publications to the police. Napoleon issued warnings, and replaced editors, through the Minister of Police. Those individuals who disregarded Napoleon's warnings either

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63 Buchez, Histoire Parlementaire, 28 Floréal Year XII (18 May 1804), XXXIX, 155-76; Supra., 43; Hauréville, Police, 157.

64 Thompson, Napoleon, 219. 65 Ibid., 219.

66 Holtman, Propaganda, 77.

67 Thompson, Napoleon, 219.

For a detailed treatment of the censure of books and newspapers, see Welschinger, La Censure, 80-208.

68 Holtman, Propaganda, 54.
suffered banishment, removal from their office, or lost the right to publish their paper again.⁶⁹

As Napoleon insured the continuity of his government by the establishment of the Empire, he desired the increase of press censure. Napoleon reprimanded Fouché, in 1804, for failing to establish rigorous censorship immediately after his re-appointment.⁷⁰ In an effort to gain more complete control over the newspapers in France, the government, in 1805, took over one-sixth to one-fourth of the newspapers' property.⁷¹ In 1806 Napoleon forced the clerical newspapers to combine because the individual papers had presented dissimilar opinions. The Cardinal-archbishop of Paris appointed the editors of the combination paper, the Journal des Curés,⁷² and Napoleon was bothered no longer by unsettled curial opinions. By 1806 the papers of France published "... under drastic censorship."⁷³

Reports of arrests of printers and the suppression of newspapers appeared in the Moniteur.⁷⁴ Publicity may have been given to incidents of this nature in the hope that

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⁶⁹Thompson, Napoleon, 219. ⁷⁰Fouché, Memoirs, I, 248.

⁷¹Holtman, Propaganda, 56. It is not at all clear from available sources what determinant was used to arrive at the amount of property to be seized.

⁷²Thompson, Napoleon, 218; Welschinger, La Censure, 99-100.

⁷³Fraser, Napoleon the Gaoler, 33.

⁷⁴Moniteur, 2 Frimaire Year VIII (23 November 1799), XXI, #62, 243; 19 Frimaire Year VIII (10 December 1799), XXI, #79, 312.
knowledge of the consequences might serve as a deterrent to others. Appeals of individuals charged with violations, the verdict, and ensuing sentence by the correctional police tribunal, also appeared in the official newspaper.75

During his weekly conferences with the editors of Paris journals,76 Fouché outlined the acceptable topics for publication.77 The newspapers avoided any critical comment concerning the army, allies, social attitudes, or the issue of popular sovereignty. Various other items appeared only if the item had first appeared in the Moniteur. Napoleon watched articles concerning Royalists, military operations, and religion.78

The issue of religion occupied Napoleon's attention on several occasions. He directed his Police Minister to oversee all regulation of religion,79 including the prevention of any article regarding sermons or ministers or related topics.80 He also opposed any mention or reprinting of articles originating in England, particularly those which

75Ibid., 14 Vendémiaire Year VIII (7 October 1799), XXI, 49.

76Forssell, Fouché, 155. 77Ibid.

78Holtman, Propaganda, 52.

79Moniteur, 23 Nivôse Year VIII (13 January 1800), XXI, #113, 447-48; Napoleon, Correspondence, Napoleon to Fouché, 4 Brumaire Year IX (26 October 1800), VI, #5143, 611-12.

80Napoleon, Correspondence, Napoleon to Fouché, 18 Thermidor Year IX (6 August 1801), VII, #5672, 272.
might ... cause inquietude of commerce; ..."81 In accordance with a directive to this effect, Fouché halted the circulation of foreign journals in France.82 Foreign newspapers, especially English ones, were routed to the Ministry of Police where the Minister used them to determine what news items should be refuted by the French press,83 and he also used them to keep abreast of foreign attitudes.84 Nevertheless, Napoleon deluged Fouché with complaints concerning articles printed by French newspapers. In 1810 he stated that he was

... positively fed up with it. ... The writers must not publish any news relative to the matters which I have settled, or from foreign journals, or from foreign correspondence.85

Regarding military affairs, French journals received notification that they could print nothing concerning the movement of French troops unless the item first appeared in the Moniteur.86 The items which the newspapers printed

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81 Moniteur. 18 Pluviôse Year VIII (7 February 1800). XXI, #138, 548-49; Napoleon, Correspondence, Napoleon to Fouché, 2 Thermidor Year IX (21 July 1801), VI, #5646, 254.

82 Napoleon, Correspondence, Napoleon to Fouché, 25 Thermidor Year X (13 August 1802), VII, #6246, 714.

83 Holtman, Propaganda, 73.

84 Fouché, Memoirs. I. xi, 233.

85 Lesceste, Lettres. Napoleon to Fouché, 12 March 1810, II, #592, 18.

86 Napoleon, Correspondence, Napoleon to Fouché, 26 Pluviôse Year VIII (15 February 1800), VI, #4505, 168; Pratt, The Empire and the Glory, 128-29; Thompson, Napoleon, 217; S. J. Watson, By Command of the Emperor (London: The Bodley Head, 1957), 110. Hereafter cited as Watson, By Command.
often presented carefully edited versions of the event favoring French action.  

In June, 1809, Napoleon forbade the newspapers to print any information regarding the issuance of licenses for vessels. Fouché failed in his attempt to keep the news of the licensing from the papers, partially because other Ministries neglected to maintain the requisite secrecy.  

Napoleon, in 1810, established by decree the office of the Director-General of Printing and the Library. To this office, under the direction of J. M. Portalis, he gave responsibility for supervision of the press. However, Fouché still retained the right to seize any seditious work through his special bureau for press, theater, and printing. He also controlled the Imperial censors which were established by the same decree. This decree, which ostensibly took censorship away from the police, provided that the Director General of Printing should report weekly to the Minister

87 Fournier, Napoleon, I. 234; Pratt, The Empire and the Glory, 374-75.
89 Ibid., 97.
90 Thompson, Napoleon, 218-19; Melchoir-Bonnet, Savary, 157.
of Interior concerning books and articles examined by his staff.92

Fouché's Ministry participated in the censorship of the theaters, also:93 The censorship of the theater related to the Ministry of the Interior,94 but the Minister of Police shared responsibility for enforcing the "... necessary measures."95 The two Ministers also shared responsibility for watching over the behavior of theater personnel.96

Napoleon was interested in the theater because the French people liked to attend a theater.97 He used the theaters, and the audience reaction, as a gauge of public opinion.98 He was forced to regulate the theaters, to some degree, by the poor circumstances in which the theaters operated. Regulation of the theaters was necessary because of the particular situation which developed after the Revolution. The unrest and unsettled conditions of the Revolution put many theaters out of business, and the restoration of order by Napoleon occasioned the return of so many theaters that numbers of them went bankrupt as a result of the com-

92Holtman, Propaganda, 78. 93Madelin, Fouché, I, 458.
94Ward, Napoleon, 15; Holtman, Propaganda, 148.
95Napoleon, Correspondence, Napoleon to Fouché, 15 Germinal Year VIII (5 April 1800), VI, #4707, 267-68.
96Lozère, Napoleon in Council, 323-24.
For a detailed treatment of censure of theaters, see Welschinger, La Censure, 208-60.
97Holtman, Propaganda, 145.
98Pratt, The Empire and the Glory, 26.
petition. Napoleon sought to remedy the situation by limiting the number of theaters and by limiting the type of performance a given theater might present. The government also required provincial companies and actor caravans to have licenses, and kept track of their movements in that manner.

In June of 1806 Bonaparte retracted much of the earlier legislation by removing the restriction on the number of theaters, and by lessening limitations levied on specific theaters. However, a decree of July of the succeeding year once again drastically reduced the number of theaters in Paris.

Napoleon insisted upon regulating the type of plays presented by the theaters. No new play might be presented without the approval of the Minister of Police. The governmental censors often rewrote sections of plays they read with the intention of flattering Napoleon, for he expected the theaters to glorify him and his reign. The

99 Lozère, Napoleon in Council, 320.
100 Ibid., 323; Welschinger, La Censure, 211-12.
101 Lozère, Napoleon in Council, 324.
103 Lozère, Napoleon in Council, 323; Welschinger, La Censure, 211-12.
104 Collins, Talma, 163.

Special subsidies were given for governmentally accepted plays.
police also utilized the theaters for the purpose of reading favorable bulletins, usually battle results, extolling the virtues of the Emperor.106 The government under Napoleon continued the policy of the Directory by encouraging attendance at the theaters by printing long, usually favorable, reviews of presentations.107 Plays which did not elicit favorable reactions among the spectators, or which fostered undesirable sentiments among them, lasted only until the Police Minister issued the order for their suppression.108

The censorship mechanism proved useful to Napoleon because he could utilize the state-controlled news media to issue propaganda. He depended upon his news media to inspire the people with confidence in his undertakings. During the war years of the Empire, the police press issued pamphlets and articles favorably comparing the French internal conditions with those of England,109 and with conditions in France prior to his rule.110 This propaganda was intended

The first such bulletin was read after the Battle of Marengo in 1800. News of defeats was suppressed.

107 Moniteur, 19 Brumaire Year VIII (10 November 1799), XXI, #49, 194; 22 Brumaire, Year VIII (13 November 1799), XXI, #52, 208; Hauterive, Police, 216-17.

108 Forssell, Fouche, 155-56. Fouche was instructed to suppress any plays which made reference to unfortunate monarchs, or to the sad state of the Bourbons, or to "... painful memories of the Revolution."
Thompson, Napoleon, 220.

109 Holtman, Propaganda, 29.

to counteract the war weariness of the French. Such police-directed writings appeared in the Moniteur and in pamphlets explaining governmental policy and justifying French action.\textsuperscript{111} The Emperor also utilized the press to raise public morale and to influence public opinions against the enemies of the country.\textsuperscript{112} He depended upon Fouché to obtain support from the papers for particularly important Napoleonic undertakings, such as the Imperial divorce.\textsuperscript{113} The effectiveness of the governmental actions differed with the particular item publicized. The French soon learned not to put much faith in articles which appeared in the Moniteur.\textsuperscript{114}

Police censorship extended beyond the public media. The police actually attempted to influence the conversations and meetings in public places.\textsuperscript{115} In controlling conversations or gathering information, the censorship evidenced remarkable success, due to the large number of spies prevalent among the French. The surveillance and censorship of the mails, by the Ministry of Police, represented an expected

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\textsuperscript{111} Holtman, Propaganda, 82-88; Fouché, Memoirs, I, 253; Napoleon, Correspondence, Napoleon to Fouché, 21 Thermidor Year IX (9 August 1801), VII, #5681, 278; Lecestre, Lettres, Napoleon to Fouché, 14 April 1810, II, #603, 24.

These "propaganda leaflets" were distributed in areas subject to the Empire, also.

\textsuperscript{112} Holtman, Propaganda, 8, 10-11, 18.

\textsuperscript{113} Forssell, Fouché, 193. 196; Fouché, Memoirs, I, 276-77.

\textsuperscript{114} Holtman, Propaganda, 206.

\textsuperscript{115} Ibid., 114-15.
\end{flushright}
corollary to the extensive public censorship present under the Napoleonic regime.116

Censorship virtually identical to that present in France existed in the provinces and subject territories of the Empire.117 The Minister of the French police possessed responsibility for limiting news printed by provincial newspapers.118 The provincial papers printed many articles directly from the Moniteur for they were required by law to limit their coverage of any political item to the reproduction of the article appearing in the Moniteur.119

General police activity in the provinces and subject areas of the Empire expanded in 1809 and 1810. However, although the general police had possessed the responsibility for guarding the coasts and harbors of France from the beginning of Napoléon's reign, their jurisdiction was not extended to include the enforcement of the Continental Blockade. The secret police kept watch on the French holdings, dependencies, and other European countries involved in the blockade.120 Fouché's police did enforce the regulations control-

116 Moniteur, 24 Brumaire Year VIII (15 November 1799), XXI, #54, 210.
117 Holtman, Propaganda, 80; Gum, "Beauharnais," 239-40.
118 Melchoir-Bonnet, Savary, 161.
119 Holtman, Propaganda, 46-47, 50-52; Gum, "Beauharnais," 170, 175, 244-45.
120 Melvin, Navigation, 140.
Fouché notified Napoleon, in August of 1809, of the Russians' failure to maintain their agreement to enforce the blockade.
ling the French licensing system. The Minister participated in the formation of that system, and he extended the rights granted by those licenses in an effort to fit the system to the requirements.\footnote{Ibid., 111-12. 351.} As head of the blockade enforcement squad, Fouché controlled the issuance of passports, the movement of persons and mails, surveillance of canals and internal communications, and the policing of licensed ships to prevent them from violating their licenses.\footnote{Ibid., 351.}

The Ministry of Police shared responsibility for the enforcement of the blockade with the Director of Customs, the Ministries of Marine, Finance, and Foreign Relations, and the Director of General Posts.\footnote{Ibid., 349; Ward, \textit{Napoleon}, 138.} The largest share of responsibility for enforcement fell to the police, however. Fouché used the \textit{gendarmerie} units at his disposal to guard the coasts, and he depended upon his secret police to search out those who smuggled contraband or violated their licenses in other ways.\footnote{Melvin, \textit{Navigation}, 7, 97.}

The tremendous scope of duties of the Ministry of Police demanded a very substantial monetary outlay. The expenses of the Ministry far outdistanced the funds which were allocated for it in the official budget. Fouché acquired the additional funds needed by collecting sums from gambling houses, prostitutes and passport fees. Under the Empire he extended the gambling provisions so that he could accumulate more money to pay for the expanded police system. Fouché appointed a Superintendent-general of Gambling Houses who paid the Police Minister a specified sum in return for his office.125

Expenses increased after the establishment of the Empire in 1804. Previously, budget provisions for the police ranged between 1,000,000 and 1,500,000.126 The salary of the Police Minister appeared as a separate division of the budget and was not subtracted from the ministerial

125Fouché, Memoirs, I, xxxiii, 235; Forssell, Fouché, 154.

One of these Superintendents-general paid Fouché 14,000,000 francs per year, plus 3,000 francs daily, for the office. He did not, even after paying this sum, have sole control of the gambling interests. Fouché, Memoirs, I, 235.

126In the Year VII (1798-99) the police budget, under the Directory, amounted to 1,500,000 francs, and secret expenditures totaled 808,365 francs. Madelin, Fouché, I, 481-82. The expanded duties of the police force after this time required more funds to support them, the budgeted amount, however, remained essentially the same. Fouché provided his own operating funds. For example, at the time of Fouché's dismissal in 1802, he submitted to Napoleon the sum of 1,200,000 francs which he had in the police treasury. This amount represented virtually the total yearly budget allotment for the operation of the police. Fouché, Memoirs, I, 208; Forssell, Fouché, 137; Supra., 38, Footnote 73.

For a listing of police budgets from 1806-1811, see: Madelin, Fouché, I, 482.
Although represented on the official budget, the Ministry of Police received a significantly smaller amount than any other Ministry. For example, the budget for 1810 provided 1,500,000 francs for the Ministry of Police, while the Ministry of Religion received 15,000,000, the Ministry of the Interior, 51,570,000, and the Ministry of Justice, 22,500,000 francs. In actuality, there were two budgets for the police, the regular budget, and the secret budget.

The Minister of Police appeared to have had special status, also, in that he alone did not have his expenses regulated stringently, nor did he tender detailed accounts of expenses. Fouché probably reported upon the expenditure of the amount allotted to his Ministry by the official budget, but the funds which he collected through police

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127 By provision of a decree of 19 Pluviôse Year XIII (8 February 1805), the Minister of Police received a salary of 300,000 francs yearly. However, Fouché, following his re-appointment in 1804, had received only 24,000 francs because he retained his senatorial salary. He probably also received additional grants of income from Napoleon. Melchoir-Bonnet, Savary, 135.


An exceedingly conservative estimate of police expenditures, given by Forssell, placed them at 3-4,000,000 francs yearly. Even this amount places the expenditures far in excess of the amount provided by governmental funds.

129 Hauterive, Police, 222-23.

130 For example, expense regulations for the Ministry of Interior and the Ministry of Justice appear in the Bulletin des Lois, B. N. 239, #2154, 11 Brumaire Year VIII (2 November 1799), and B. N. 242, #2192, 2 Primaire Year VIII (23 November 1799), Series 2, VII, 2-3. No such regulations appear for the Ministry of Police.
activities remained relatively free from governmental control. A public accounting of the expenditures for many police activities would have proved to be embarrassing to the government; the financial arrangement provided for the Police Ministry eliminated the possibility of an official, public accounting.\textsuperscript{131}

\textsuperscript{131}Although he was not required to make a full, and public, accounting, Fouché did make reports to Napoleon concerning the secret expenditures. These reports were not complete resumés of all his ministerial expenditures, however.
CHAPTER VI

OMEGA

Napoleon’s complex and repressive system of censorship created problems for him, even though he benefited by the limitation of information accessible to the French. Due to the very nature of the censorship program, the only individuals who had access to outside information occupied positions which largely removed them from the jurisdictions of the police units assigned to watch for individuals acquiring or dispensing disallowed information. Two individuals, in particular, occupied positions which gave them ample opportunity to acquire unedited, truthful accounts of conditions outside of France. These two individuals, the Minister of Foreign Relations and the Minister of Police, lost their positions for conspiring against Napoleon.

During 1807, 1808, and 1809, Fouché disagreed more and more with Napoleon’s continued war policy. He feared for the future of the Empire and resolved to do something to insure both the future of France and that of Joseph Fouché.¹ He entered into a conspiracy with his old enemy, Talleyrand, to insure the continuation of the Empire with peace, and

¹ Forssell, Fouché, 200-01.
without Napoleon. The two Ministers decided that Joachim Murat represented the most able, tractable, and willing successor.  

Napoleon discovered the conspiracy when his Counter-police intercepted a letter from the conspirators to Murat. He returned from Spain in December 1808, and confronted his two Ministers with the evidence he had acquired. As a result of Napoleon's wrath, Talleyrand lost his portfolio, while Fouché received a stern reprimand.

Napoleon could not afford to dismiss Fouché for he was "...too valuable...and too dangerous to be dismissed at a time when European complications might possibly again necessitate the Emperor's absence from Paris; ...".

Fouché further irritated the suspicious Emperor when, in July 1809, he initiated action which successfully defended Antwerp from British attack. Although intelligence reports had been received concerning the projected attack, Napoleon's Ministers hesitated to take action to resist it, in Napoleon's absence, because they feared his anger at their

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4 Fournier, *Napoleon*, II, 70.

Fouché managed the police system quite independently when Napoleon was gone in 1805, 1806, 1807, 1808, and 1809. Napoleon could depend upon Fouché to handle any crisis which occurred while he was outside France. For example, in 1809, when Napoleon was in Austria, France experienced a monetary crisis and the Catholics began agitating against the "imperial tyranny." Fouché proceeded without mercy against the restive Catholic element and encouraged the bankers. He managed to save the situation by quick and decisive action. Forssell, *Fouché*, 176-77.
temerity. Fouché, as Minister of Police and of Internal Affairs,\(^5\) called up the National Guards of the departments to forestall the British. Fouché compounded his crime by appointing General Jean Bernadotte, who was in disgrace for his part in a plot against Napoleon, commander of the forces.\(^6\) Despite the success of his venture, Fouché gained little thanks for his efforts. Napoleon charged that "You may take it in your head some day . . . to raise an army against me!"\(^7\) The Emperor knew his Police Minister, for Fouché eventually lost his office due to an intrigue against Napoleon.

During the remainder of 1809 and into 1810 Fouché attempted to negotiate, personally, with England for peace. Napoleon discovered Fouché's attempt to secure peace with Britain by uncovering the activities of Fouché's agent, Gabriel-Julien Ouvrard.\(^8\) Napoleon arrested Ouvrard and, after an investigation to collect evidence of his Minister's

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\(^5\) Supra., 115. Footnote 122.
He lost his post as Minister of the Interior because of his action regarding Antwerp, and also because Napoleon suspected him of otherwise using the position to his personal benefit. Melvin, *Navigation*, 118; Thompson, *Napoleon*, 325.


\(^7\) Lozère, *Napoleon in Council*, 96.

perfidy, he presented the case against Fouché to the Council of State for their opinion. The Council agreed on the matter of Fouché's guilt, but also agreed that the only logical successor for Fouché was Fouché. Since this obviously could not be accomplished, the Council suggested that Fouché be given the honorary title of Governor of Rome. Accordingly, by decree of 3 June 1810, Fouché ceased to be Minister of the French police.

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The Ministry of Police in Napoleonic France bore the stamp of the man who helped establish it. Opponents of

9The investigation was under Savary's direction. Melchoir-Bonnet, Savary, 121.

10Even Talleyrand voiced his concern by saying 'Without doubt Fouché has done very wrong. I for my part would give him a successor, but only one, i.e. Fouché himself.' Forssell, Fouché, 207; Melchoir-Bonnet, Savary, 122.

11Melchoir-Bonnet, Savary, 122; Bulletin des Lois, B. N. 290, #5484, 3 June 1810, Series 4, XII, 423.

12Brum, Europe, 186; Hauré, Police, 19.

Savary succeeded Fouché. Madein, Fouché, I, 508; Melchoir-Bonnet, Savary, 123.

Napoleon summoned Fouché to his headquarters in Dresden in May 1813 to keep him out of France. He appointed Fouché Governor-general of the Illyrian Provinces in 1813. (Bulletin des Lois, B. N. 514, #9432, 17 July 1813, Series 4, XIX, 73).

When Bonaparte returned in 1815, he appointed Fouché as Minister of Police once more. Fouché also served the Bourbon restoration government in that capacity.
Fouché provided an accurate description of both the man and his institution. Talleyrand characterized Fouché as "... a man who must have a finger in everything that concerns him and, above all, in what is no concern of his,"\(^{13}\) while a reactionary of the period characterized Fouché's police as "... an institution for the prevention of dangers to which the old revolutionary spirit might be exposed, as contrasted with the usual function of the police as an institution for the prevention of dangers to the State."\(^{14}\) Fouché's police, although definitely interested in preserving revolutionary gains, actually concerned themselves to a greater extent with dangers to the State. However, the Minister undeniably placed the future of France, as well as his own, paramount to loyalty to his Emperor.

Despite his ultimate betrayal of his master, Fouché discharged his duties as Minister of Police with such acumen that he successfully guaranteed the internal tranquillity of France. The long arms of the French police stretched into every conceivable branch of French life and regulated it. The importance of the police to the solidarity of Napoleon's regime cannot be overlooked. France existed as a virtual police state with police regulated news, thought, and movement. The Consulate, and later the Empire, was an "... authoritarian regime, based upon the army and the

\(^{13}\) Forssell, Fouché, 148.  
\(^{14}\) Ibid.
police, . . . "15 The secret police intimidated and deterred adults from anti-governmental actions and thoughts,16 while police censorship and propaganda introduced into the churches and schools which trained the young undoubtedly contributed to the establishment of an "Imperial mind set" among the young.17

The few individuals who did register protest against the extensive police power either met with official inscrutability, or learned the error of their ways while languishing in a political prison. Protests such as those levied by the Prefect of l'Eure against gendarme encroachments which "... gave by repressive justice the atmosphere of a purely military regime, ... "18 were few and far between. For the most part, the average citizen remained largely unaware of the breadth of police power, unless he violated a law, and with the French citizens, "... the general police earned a character for justice and moderation."19

The police, under the direction of Joseph Fouché, represented the most authoritative and repressive force France had experienced. The introduction of the secret police particularly contributed to this result. Fouché realized

15Godechot, Les Institutions, 487.
16Sloane, Napoleon, II, 207.
17Holtman, Propaganda, 128-29. 137-38.
18Aulard, Études et Leçons, 193.
19Fouché, Memoirs, I, xxxi.
the possible result of his repressive police methods, but he regarded such vigilance as a necessary adjunct to the efficient administration of the realm. The police represented the product of a man with an organizational genius and a distrust for all except himself. Fouché "... created the Ministry of Police," to guarantee the security of Napoleonic rule, but he created it in accordance with his own beliefs.

Fouché was the genius behind the Napoleonic police and without him the police degenerated into a tyranny "... odious to all classes of society." In Napoleonic France,

La police est nécessaire à l'Empire, Fouché est nécessaire à la police...  

20Madelin, Fouché, I, 487.
21LeClère, Histoire, 67.
22Madelin, Fouché, I, 414.
APPENDIX A

AN ORGANIZATIONAL CHART OF THE POLICE

KEY:
Solid lines indicate actual control; broken lines indicate esteemable, but not actual, control.

NAPOLEON

Fouché

Gendarmerie

Counter-police of the Palace

Gendarmerie d'élite

Councillors of State

Prefects (department)

Commissioners-general (communes over 100,000)

Prefectural Council

Secretary general

Local Gendarmerie

Commissioner of Police (communes over 5,000)

Sub-Prefect (arrondissement)

Mayor (commune)

Municipal Council
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