

Napoleon lays down the law

PARIS. So, after all those burning cars, you think France means anarchy? Read Napoleon's *Code Civil des Français* -- now, with many revisions, 202 years young. From kids to contracts, from wives to wills, it's the French Bible. But far clearer than Scripture. Napoleon had plenty of blood on his hands, but also lots of ink. He personally guided an army of legal experts to compile a single national legal code. He hoped to settle all arguments in advance. A military man, he wanted order, not quibbling. Why did France need to codify its laws? Pierre Briançon, in *France Magazine*, summed it up. Until 1804, citizens grappled with a thicket of overlapping, often contradictory, legal traditions. Roman law (strong in the south); Germanic customary law (north of Paris); church law (faith and morals); and royal law (the king's whim). Voltaire said crossing France, a man changed laws as often as he changed horses.

Napoleon wanted a single, overriding system anchoring the 1789 Revolution's ideals of liberty, equality, fraternity. Rejecting kingly, aristocratic and churchly privilege, he wanted all Frenchmen equal before the law.

Many argue that his deeper goal was, as ever, to entrench his personal power. His model was Byzantine emperor Justinian's 6th-century *Corpus Juris Civilis*. Cynics also claim he tinkered with the Code's family law to load the dice for later showdowns with wife Josephine. A field-marshal of the heart, she had outflanked the poor man all too often.

Napoleon attended 36 of 87 experts' meetings to define and refine French law. He intervened often, directed, even (as dictators do) dictated. If you visit Napoleon's tomb at Paris's gold-domed Église St-Louis des Invalides, you can read his words carved in stone all around you.

Apart from marrying the four basic traditions, his lawyers had to organize some 14,000 laws just passed by the revolutionaries. The result was 2,281 remarkably coherent, comprehensive -- and intrusive -- articles that regulated almost everything a Frenchman touched except wine and mistresses. In spite of numerous updates to fit a changing society, the Code's architecture still stands.

Its range was astounding at the time: business deals, family, laws on freedom of religion and occupation, separation of church and state, abolition of privilege. Typically, Napoleon was liberal in financial affairs, and conservative in family law. But always the state won. Nearly every clause sustained public order, even when it protected the individual. Property was sacred.

In family law, Bonaparte's rules would outrage today's feminists. Laws confirmed husbands as uncontested heads of family, and tossed women into a (literal) no-man's-land with children and the insane. Few women complained: earlier law had allowed husbands to lock up naughty wives for life in a convent.

Adultery remained risky. It could jail a woman for up to two years. In *flagrante delicto*, she could even get killed, with hubby going free. A straying husband might get a knuckle-rapping fine of 2,000 francs. This aimed to back patriarchy. And obviously, in those days of chancy birth control, to quantify the relative impacts on lineage of men's and women's dalliances.

All this has changed. Today's most offensive family laws restrict only how you can dispose of your estate (most of it, but equally to each child), and make family gifts.

Napoleon wanted a code so simple and clear that there would not be a single superfluous word. Master-stylist Stendhal (Marie-Henri Beyle), author of that 19th-century classic of illicit love, *Le Rouge et le Noir*, claimed that, to inspire clarity and discipline, he started each day with a page of the male-pleasing *Code Civil*. (No wonder he dwelt on adultery).

It's still a model of precision, though updates have rarely matched the original's lucidity. Culture writer Jacques Rigaud told me: "It combines Roman concision and French clarity." Another friend, law professor and editor Henri Pigeat, likewise praises its "brevity and clarity."

The *Code Napoléon*'s extraordinary impact comes from its worldwide spread. Bonaparte imposed it on all his conquered European nations. Later French empire-builders exported it to Africa, Indochina and many other territories. Quebec adopted a version of it (now much changed), as briefly did Louisiana. Latin America borrowed massively. By 1960, over 70 nations had drawn inspiration, even texts, from the Code.

The Napoleonic Code was the modern world's first national "book" of laws. It helped reunify France after the Revolution's anarchy, it restored the family to its central role in society after years of licentiousness, and underpinned a rising middle class that would anchor France's stability. By a quirk of history, the Little Corsican's Bible ended up modernizing a multitude of other countries.

Bonaparte thought this his finest monument. But his Code left one self-defeating gap. Shakespeare, in *Henry VI*, wanted first to "kill all the lawyers." Surely Napoleon could at least have outlawed them.