

“Constitution of the Kingdom of Westphalia,” proclaimed by Napoleon Bonaparte in Fontainebleau (November 15, 1807)

Abstract

The Kingdom of Westphalia, a French satellite state ruled by Napoleon’s brother Jérôme [Hieronymus], comprised previously unconnected lands in central Germany east of the Rhine. Intended as a model Napoleonic state for emulation by other German rulers, it received the first modern written constitution in post-Holy Roman Empire Germany. In practice, the Kingdom of Westphalia served mainly to secure French interests and to extract German resources. Its representative assembly, seating deputies of the propertied and educated classes, met only twice and did not effectively co-govern, despite the legislative powers invested in it. The constitution proclaimed equality before the law, religious freedom, abolished serfdom where it still existed, and limited the extent of the land-tax. Doubtless, the constitution helped inspire some German states, especially in southwest Germany, to issue constitutions of their own.

Source

We, Napoleon, by the grace of God and constitutions, Emperor of the French, King of Italy, and Protector of the Confederacy of the Rhine,

Wishing to implement Article 19 of the Peace Treaty of Tilsit promptly and to give the Kingdom of Westphalia a basic constitution that may assure the happiness of its people, while at the same time providing their sovereign with the means to collaborate as a member of the Confederacy of the Rhine on the safety and prosperity, have decreed and are decreeing as follows:

Title I.

Art. 1. The Kingdom of Westphalia is comprised of the following states, namely:

the territories of Braunschweig-Wolfenbüttel; the part of the Altmark located on the left bank of the Elbe River; [...] the province of Magdeburg [...].

Art. 2. We reserve for Ourselves one half of the allodial domains of the princes in order to use them toward the rewards We have promised to those officers in our armies who have rendered Us the greatest services in the current war. [...]

Art. 3. The extraordinary military contributions that have been announced in the countries mentioned above shall be paid or security for payment shall be given by December 1.

Art. 4. On December 1, the King shall be put in possession of full disposal and sovereignty of his territory by means of commissioners whom We will appoint to this end.

Title 2.

Art. 5. The Kingdom of Westphalia constitutes part of the Confederation of the Rhine.

Its contingent shall be comprised of 25,000 men on actual active duty from each branch, namely of 20,000 infantry, 3,500 cavalry, and 1,500 artillery.

During the first years, only 10,000 infantry, 2,000 cavalry, and 500 artillery shall be paid; the remaining 12,500 shall be provided by France and constitute the garrison of Magdeburg. These 12,500 men shall be paid, sustained, and clothed by the King of Westphalia.

Title 3.

Art. 6. The Kingdom of Westphalia shall be hereditary in the direct, natural, and legitimate male line of Prince *Jerome Napoleon* according to the order of primogeniture and with perpetual exclusion of the females and their descendants. [...]

Art. 7. In anything that relates to them personally, the King of Westphalia and his family are subject to the decrees of the statutes of the imperial family. [...]

Title 4.

Art. 10. The Kingdom of Westphalia shall be governed according to such basic laws as determine the equality of all subjects before the law as well as the free exercise of worship specific to the various religious societies.

Art. 11. Both the general and the provincial estates of the states comprising the kingdom as well as all political corporations of this sort and all privileges of these corporations, cities, and provinces are abolished.

Art. 12. In the same way, all privileges of individual persons and families are, insofar as they are incompatible with the stipulations of the above article, abolished.

Art. 13. Any serfdom, whatever the nature or name of it may be, is abolished, so that all inhabitants of the kingdom shall enjoy the same rights. [...]

Art. 16. The taxation system shall be the same for all parts of the kingdom. The land tax shall not be allowed to exceed one fifth of the revenue generated by the lands.

Art. 17. The coinage system and the system of weights and measures that currently exist in France shall be introduced in the entire kingdom. [...]

Title 7.

Art. 29. The estates of the kingdom shall be comprised of 100 members appointed from the departmental colleges, namely: 70 are elected from the class of the landowners, 15 from among merchants and manufacturers, and 15 from among scholars and other citizens who have rendered outstanding services to the state.

The members of the estates do not receive any pay.

Art. 30. Every three years one third of them shall be replaced; the members leaving can be re-elected immediately.

Art. 31. The president of the estates is appointed by the king.

Art. 32. The estates convene upon the summoning ordered by the king.

They can only be convened by the king, and their meeting can only be prolonged, postponed, or dissolved by him.

Art. 33. The estates pass a resolution on the bills drafted by the state council. These bills are presented to them on the king's orders, both with respect to obligations or the annual financial law and with respect to the changes to be made to the civil code, the code relating to corporal and capital punishment, as well as the coinage system.

The printed reports by the ministers shall be presented to them every year.

The decisions by the estates on bills are reached by the absolute majority of votes collected in secret. [...]

Source: *Bulletin des lois et décrets du royaume de Westphalie*. Vol. 1. Kassel: Königl. Buchdruckerei, 2nd ed., 1810. pp. 6–15, 19; reprinted in Walter Demel and Uwe Puschner, eds. *Von der Französischen Revolution bis zum Wiener Kongreß 1789-1815*, Deutsche Geschichte in Quellen und Darstellung, edited by Rainer A. Müller, vol. 6. Stuttgart: P. Reclam, 1995, pp. 114–19.

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