

Napoleonic Code (or the French Civil Code)

Civil Rights

Article 7. The exercise of civil rights is independent of the quality of citizen, which is only acquired and preserved conformably to the constitutional law.

Article 8. Every Frenchman shall enjoy civil rights [*i.e., the ones from the Declaration of the Rights of Man and the Citizen on p. 78 of your text*].

Property [abolishing feudalism]

Article 544. Property is the right of enjoying and disposing of things in the most absolute manner, provided they are not used in a way prohibited by the laws or statutes.

Article 545. No one can be compelled to give up his property, except for the public good, and for a just and previous indemnity.

Article 546. Property in a thing, whether real or personal, confers a right over all which it produces, and over all connected with it by accession, whether naturally or artificially.

Questions:

- 1. What were some of the laws that were passed under the Napoleonic Code that show that Napoleon was influenced by the Enlightenment?**

“The Wife is Obligated” The French Civil Code (Napoleonic Code) 1800-1820

In post Revolution France, the ideas of female equality received a setback in a series of laws known as the Napoleonic Code. Through it, the legal right of men to control women was affirmed. Although most of the basic revolutionary gains - equality before the law, freedom of religion and the abolition of feudalism - remained, the Code ensured that married women in particular owed their husband obedience, and were forbidden from selling, giving, mortgaging or buying property.

This backlash to women’s rights had consequences throughout Europe. In military campaigns, Napoleon carried the Code throughout Europe, where it served as a model to legislators in countries from Italy to Poland. Within France itself, the Code survived basically unaltered for more than 150 years. Only in 1965 did French wives get the right to work without their husband’s permission. Only in 1970 did husbands forfeit the rights that came with their status as head of the family. In many ways, the Code was the most enduring legacy of the French Revolution.

Excerpt from Code Chapters:

Of the respective Rights and Duties of Married Persons.

- Husband and wife mutually owe to each other fidelity, succor, and assistance.
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- The husband owes protection to his wife, the wife obedience to her husband.
- The wife is obliged to live with her husband, and to follow him to every place where he may judge it convenient to reside: the husband is obliged to receive her, and to furnish her with everything necessary for the wants of life, according to his means and station.
- The wife cannot plead in her own name, without the authority of her husband, even though she should be a public trader, or non-communicant, or separate in property.
- The authority of the husband is not necessary when the wife is prosecuted in a criminal matter, or relating to police.
- A wife, although non-communicant or separate in property, cannot give, alienate, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing.
- When the husband is subjected to a condemnation, carrying with it an afflictive or infamous punishment,... the wife, though of age, cannot, during the continuance of such punishment, plead in her own name or contract, until after authority given by the judge...
- The wife may make a will without the authority of her husband.

Divorce:

- The wife may demand divorce on the ground of adultery in her husband, when he shall have brought his concubine into their common residence.
- The married parties may reciprocally demand divorce for outrageous conduct, ill-usage, or grievous injuries, exercised by one of them towards the other.
- A woman cannot contract a new marriage until ten months have elapsed from the dissolution of the preceding marriage.

Conditions required in order to be able to contract Marriage.

- The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient.
- The father, and in default of the father, the mother, and in default of the father and mother, the grandfathers and grandmothers, may oppose the marriage of their children and descendants, although they have accomplished twenty-five years.
- There can be no marriage where consent is wanting.
- A marriage contracted in a foreign county between natives of France, and between a native of France and a foreigner, shall be valid, if celebrated according to the forms used in that country....

- A French woman, who shall espouse a foreigner, shall follow the condition of her husband. If she become a widow, she shall recover the quality of French woman, provided she already reside in France, or that she return thither under the sanction of government...

Of the Guardianship of Father and Mother.

- The father is, during marriage, administrator of the personal effects of his Children being minors.
- If at the time of the husband's decease, his wife is with child, a curator for the unborn issue shall be named by a family council. At the birth of the child the mother shall become guardian thereof, and the curator shall be its deputy guardian in full right.
- If a mother being guardian desires to marry again, she is required before the act of marriage to convoke a family-council, who shall decide whether the guardianship ought to be continued to her. In defect of such convocation she shall lose the guardianship entirely.

Discussion & Research

- Napoleon, who personally helped elaborate the civil codes, reportedly proclaimed: "Women ought to obey us. Nature has made women our slaves!" Identify those laws in the Code which most reflect his beliefs.

- Do these laws of the Napoleonic Code show that Napoleon was a man of the Enlightenment or not? Why?

- According to the Code, what rights does a married woman have if:
 - her husband dies and leaves children.
 - she marries someone from a foreign country.
 - she is twenty years old and wishes to marry.
 - she wishes to work for some of the year in a city apart from her husband.
 - she is in business and wishes to sign a contract in her own name.
 - her husband is dead and she wishes to make a will.

NAPOLEON'S REFORMS:

Reforms in Education:

Napoleon built many new schools for boys age 10 to 16. He recognized the importance of education in producing citizens capable of filling positions in his bureaucracy and military.

- *“Of all our institutions public education is the most important. It is essential that the morals and political ideas of the generation which is now growing up should no longer be dependent upon the news of the day or the circumstances of the moment. Above all we must secure unity: we must be able to cast a whole generation in the same mould. New schools are being opened, and inspectors have been appointed to see that the instruction does not degenerate into vain and sterile examinations. The lycees and the secondary schools are filling with youth eager for instruction. The polytechnic school is peopling our arsenals, ports, and factories with useful citizens. Prizes have been established in various branches of science, letters, and arts, and in the period of ten years fixed by his Majesty for the award of these prizes there can be no doubt that French genius will produce works of distinction.” -Napoleon*

1. How did Napoleon reform education? How did he feel about education?

Religious Reforms:

Napoleon entered into an agreement with the Catholic Church called the Concordat of 1801.

- *“The people must have religion, and religion must be in the hands of the government. Religion has resumed its sway, but exhibits itself only in acts of humanity. Adhering to a wise policy of toleration, the ministers of different sects who worship the same God do themselves honor by their mutual respect; and their rivalry confines itself to emulation in virtue. Such is our situation at home.” -Napoleon*
- **1. How did Napoleon reform religion within France?**

- **2. How does this quote represent his feelings about religion?**

Other Reforms:

- *“The emperor's decrees have reestablished commerce on the left bank of the Rhine. Our manufacturers are improving, although the mercenaries subsidized by the British government vaunt, in their empty declamations, her foreign trade and her precarious resources scattered about the seas and in the Indies, while they describe our shops as deserted and our artisans as dying of hunger. In spite of this, our industries are striking root in our own soil and are driving English commerce far from our shores.” -Napoleon*

1. What other reforms were made under Napoleon?