

# The Civil Code

From: [http://www.napoleon-series.org/research/government/c\\_code.html](http://www.napoleon-series.org/research/government/c_code.html)

**Summary:** Napoleon in later life considered the Civil Code to be the most significant of his achievements. The Code represented a comprehensive reformation and codification of the French civil laws. Under the *ancien regime* more than 400 codes of laws were in place in various parts of France, with common law predominating in the north and Roman law in the south. The Revolution overturned many of these laws. In addition, the revolutionary governments had enacted more than 14,000 pieces of legislation. Five attempts were made to codify the new laws of France during the periods of the National Convention and the Directory. Through the efforts of Napoleon the drafting the new Civil Code in an expert commission, in which Jean-Etienne-Marie Portalis took a leading role, took place in the second half of 1801. Napoleon attended in person 36 of the commission's 87 meetings. Although the draft was completed at the end of 1801, the Code was not published until 21 March 1804. The Civil Code represents a typically Napoleonic mix of liberalism and conservatism, although most of the basic revolutionary gains - equality before the law, freedom of religion and the abolition of feudalism - were consolidated within its laws. Property rights, including the rights of the purchasers of the biens nationaux were made absolute. The Code also reinforced patriarchal power by making the husband the ruler of the household. The Napoleonic Code was to be promulgated, with modifications, throughout the Empire. The Civil Code was followed by a Code of Civil Procedure in 1806, a Commercial Code in 1807, a Criminal Code and Code of Criminal Procedure in 1808 and a Penal Code in 1810. A Rural Code was debated, but never promulgated. The Code Napoleon, renamed the Civil Code, was retained in its majority after the restoration of the Bourbons in 1815. The Civil Code has served as the model for the codes of law of more than twenty nations throughout the world.

## Excerpts:

### TITLE I.

#### *Of the Enjoyment and Privation of Civil Rights.*

### CHAPTER I.

#### *Of the Enjoyment of Civil Rights.*

1. The exercise of civil rights is independent of the quality of citizen, which is only acquired and preserved conformably to the constitutional law.
2. Every Frenchman shall enjoy civil rights.
3. Every individual born in France of a foreigner, may, during the year which shall succeed the period of his majority, claim the quality of Frenchman; provided, that if he shall reside in France he declares his intention to fix his domicil in that country, and that in case he

shall reside in a foreign country, he give security to become domiciled in France and establish himself there within a year, to be computed from the date of that undertaking.

4. Every child born of a Frenchman in a foreign country is French. Every child born in a foreign country of a Frenchman who shall have lost the quality of a Frenchman, may at any time recover this quality by complying with the formalities prescribed in the ninth article.
5. A foreigner shall enjoy in France the same civil rights as are or shall be accorded to Frenchmen by the treaties of that nation to which such foreigner shall belong.
6. A foreigner, although not resident in France, may be cited before the French courts, to enforce the execution of engagements contracted by him in France with a Frenchman; he may be summoned before the tribunals of France, on account of engagements entered into by him with Frenchmen in a foreign country.

## **TITLE V.**

### *Of Marriage.*

## **CHAPTER VI.**

### ***Of the respective Rights and Duties of Married Persons.***

1. Married persons owe to each other fidelity, succour, assistance.
2. The husband owes protection to his wife, the wife obedience to her husband.
3. 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.
4. If the husband refuse to authorize his wife to plead in her own name, the judge may give her authority.
5. The wife, if she is a public trader, may, without the authority of her husband, bind herself for that which concerns her trade; and in the said case she binds also her husband, if there be a community between them.
6. The wife may make a will without the authority of her husband.

## **TITLE VI.**

### *Of Divorce.*

## **CHAPTER I.**

### ***Of the Causes of Divorce.***

1. The husband may demand a divorce on the ground of his wife's adultery.
2. The wife may demand divorce on the ground of adultery in her husband, when he shall have brought his concubine into their common residence.
3. The married parties may reciprocally demand divorce for outrageous conduct, ill-usage, or grievous injuries, exercised by one of them towards the other.

