

The Code Napoleon (1804)

Preliminary Title: *Of the Publication, Effect, and Application of the Laws in General*

1. The laws are executory throughout the whole French territory, by virtue of the promulgation thereof made by the First Consul. They shall be executed in every part of the Republic, from the moment at which their promulgation can have been known. The promulgation made by the First Consul shall be taken to be known in the department which shall be the seat of government, one day after the promulgation; and in each of the other departments, after the expiration of the same interval augmented by one day for every ten myriameters (about twenty ancient leagues) between the town in which the promulgation shall have been made, and the chief place of each department.
2. The law ordains for the future only; it has no retrospective operation.
3. The laws of police and public security bind all the inhabitants of the territory. Immovable property, although in the possession of foreigners, is governed by the French law. The laws relating to the condition and privileges of persons govern Frenchmen, although residing in a foreign country.
6. Private agreements must not contravene the laws which concern public order and good morals.

Book I: Of Persons

Title I: Of the Enjoyment and Privation 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.
8. Every Frenchman shall enjoy civil rights.

Chapter VI: Of the Respective Rights and Duties of Married Persons

212. Married persons owe to each other fidelity, succor, assistance.
213. The husband owes protection to his wife, the wife obedience to her husband.
214. 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 every necessity for the wants of life, according to his means and station.
215. The wife cannot plead in her own name, without the authority of her husband, even though she should be a public trader, or noncommunicant, or separate in property.
216. The authority of the husband is not necessary when the wife is prosecuted in a criminal manner, or relating to police.
217. A wife, although noncommunicant or separate in property, cannot give, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing.
218. If the husband refuses to authorize his wife to plead in her own name, the judge may give her authority.
219. If the husband refuses to authorize his wife to pass an act, the wife may cause her husband to be cited directly before the court of the first instance, of the circle of their common domicil[e], which may give or refuse its authority, after the husband shall have been heard, or duly summoned before the chamber of council.

220. 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. She is not reputed a public trader if she merely retails goods in her husband's trade, but only when she carries on a separate business.
221. When the husband is subjected to a condemnation, carrying with it an afflictive or infamous punishment, although it may have been pronounced merely for contumacy, 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, who may in such case give his authority without hearing or summoning the husband.
226. The wife may make a will without the authority of her husband.

Title VI: Of Divorce

Section II: Of the Provisional Measures to Which the Petition for Cause Determinate May Give Rise

267. The provisional management of the children shall rest with the husband, petitioner, or defendant, in the suit for divorce, unless it be otherwise ordered for the greater advantage of the children, on petition of either the mother, or the family, or the government commissioner.
271. Every obligation contracted by the husband at the expense of the community, every alienation made by him of immovable property dependent upon it, subsequent to the date of the order mentioned in article 238, shall be declared void, if proof be given, moreover, that it has been made or contracted in fraud of the rights of the wife.

Title IX: Of Paternal Power

375. A father who shall have cause of grievous dissatisfaction at the conduct of a child, shall have the following means of correction.
376. If the child has not commenced his sixteenth year, the father may cause him to be confined for a period which shall not exceed one month; and to this effect the president of the court of the circle shall be bound, on his petition, to deliver an order of arrest.
377. From the age of sixteen years commenced to the majority or emancipation, the father is only empowered to require the confinement of his child during six months at the most; he shall apply to the president of the aforesaid court, who, after having conferred thereon with the commissioner of government, shall deliver an order of arrest or refuse the same, and may in the first case abridge the time of confinement required by the father.
379. The father is always at liberty to abridge the duration of the confinement by him ordered or required. If the child after his liberation fall into new irregularities, his confinement may be ordered anew, according to the manner prescribed in the preceding articles.

Book III: Modes of Acquiring Property

Title I: Of Successions

818. The husband may, without the concurrence of his wife, claim a distribution of objects movable or immovable fallen to her and which come into community; with respect to objects which do not come into community, the husband cannot claim the distribution thereof without the concurrence of his wife; he

can only demand a provisional distribution in case he has a right to the enjoyment of her property. The co-heirs of the wife cannot claim final distribution without suing the husband and his wife.

Title II: Donations and Wills

905. A married woman cannot make donation during life without the assistance or the special consent of her husband, or without being thereto authorized by the law, conformably to what is prescribed by articles 217 and 219, under the title "Of Marriage." She shall not need either the consent of her husband, or the authorization of the law, in order to dispose by will.

Chapter IV: Of Donations During Life

Section II: Of the Administration of the Community, and of the Effect of the Acts of Either of the Married Parties Relating to the Conjugal Union

1421. The husband alone administers the property of the community. He may sell it, alienate and pledge it without the concurrence of his wife.

1424. Fines incurred by the husband for a crime not importing civil death, may be sued for out of the property of the community, saving the compensation due to the wife; such as are incurred by the wife cannot be put in execution except out of her bare property in her personal goods, so long as the community continues.

1427. The wife cannot bind herself nor engage the property of the community, even to free her husband from prison, or for the establishment of their children in case of her husband's absence, until she shall have been thereto authorized by the law. 1428. The husband has the management of all the personal property of the wife. He may prosecute alone all possessory actions and those relating to movables, which belong to his wife. He cannot alienate the personal immovables of his wife without her consent. He is responsible for all waste in the personal goods of his wife, occasioned by the neglect of conservatory acts.

Section II: Of the Rights of the Husband over the Property in Dowry, and of the Inalienable Nature of the Funds of the Dower

1549. The husband alone has the management of the property in dowry, during the marriage. He has alone the right to use the debtors and detainers thereof, to enjoy the fruits and interest thereof, and to receive reimbursements of capital. Nevertheless it may be agreed, by the marriage contract, that the wife shall receive annually, on her single acquaintance, a part of her revenues for her maintenance and personal wants.

Source: E. A. Arnold, ed. and trans., *A Documentary Survey of Napoleonic France* (Lanham, MD: University Press of America, 1993), pp. 151-164, quoted in Laura Mason and Tracey Rizzo, eds., *The French Revolution: A Document Collection* (New York: Houghton Mifflin, 1999), pp. 340-347.