

FAQs: The Code Napoleon

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Napoleon's most lasting effect on France and much of the world was the set of civil laws that he instituted that still bears his name to this day. This code was so impressive that by 1960 over 70 different states either modeled their own laws after them or adopted them verbatim. The Code Napoleon took the over 14,000 decrees that had been passed under the Revolutionary Government and simplified them into one unified set of laws. The Code had several key concepts at its core:

1. Equality of all in the eyes of the law
2. No recognition of privileges of birth (i.e. noble rights inherited from ancestors.)
3. Freedom of religion
4. Separation of the church and the state
5. Freedom to work in an occupation of one's choice
6. Strengthening the family by:
 - Placing emphasis on the husband and father as the head of the family
 - Restricting grounds for divorce to three reasons: adultery, conviction of a serious crime, and grave insults, excesses or cruelty; however divorce could be granted by mutual agreement, as long as the grounds were kept private.
 - Defining who could inherit the family property

The Code in effect did several things:

1. It preserved the social aims of the Revolution.
2. It protected the interests of the rising middle class.
3. It guaranteed civil liberties.

Despite these strengths, in the eyes of the modern world the Code had several weaknesses, particularly when it pertained to women and minors:

1. A woman could not vote.
2. A wife owed obedience to her husband, who had total control over their property.
3. A unmarried woman had few rights and could not be a legal guardian or witness wills.
4. It was easier for a man to sue for divorce on grounds of adultery, while a man had to cohabit with his mistress for two years for his wife to justify a divorce.
5. If a man surprised his wife in bed with another man, he could kill her legally. If a woman did so, she could be tried for murder.
6. Minors had few rights. (A father even could place his child in jail for up to six months.)
7. Illegitimate children had no rights of inheritance.

In balance, the Code Napoleon survived for many reasons, in spite of its flaws. "The Code contributed greatly to Napoleon's achievement of helping France turn away from the past. It cemented the ideas of freedom of person and of contract (including the right to enter any occupation), equality of all Frenchmen, and freedom of civil society from ecclesiastical control. As the first truly modern code of laws, the Code Napoleon for the first time in modern history gave a nation a unified system of law applicable to all citizens without distinction. By providing uniformity of laws it further promoted the national unity fostered by the Revolution. Its entire outlook gave a further impulse to the rise of the bourgeoisie. A threatened disintegration of the family under the Convention and the Directory was sharply halted, and the family once again became the most important social institution." (Holtman; p.98)

Questions:

1. What was the purpose of the Napoleonic Code?
2. Give three (3) examples of how the Napoleonic Code incorporated Enlightenment ideas?
3. What were the strengths of the Napoleonic Code?
4. What were the weaknesses of the Napoleonic Code?
5. Why do you believe that women were not given the same rights as men in the code?
6. Why do you think that the Code was able to endure well past the end of Napoleon's reign?