



# Teaching Women's Rights From Past to Present



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## Primary Sources with Discussions and Activities

### “The Wife is Obliged” 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.***

- 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.
- Laws in many cultures, both historically and today, require that the husband owes protection and economic support to his wife. Can you give reasoned arguments for this idea? Against it?
- 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.

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