

French Civil Code

BOOK I. Of Persons.

Decreed 8th of March, 1803. Promulgated 18th of the same Month.

TITLE I.

Of the Enjoyment and Privation of Civil Rights.

CHAPTER I.

Of the Enjoyment of Civil Rights.

7. 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.
9. 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.
10. 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.
11. 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.
12. The foreigner who shall have married a Frenchman, shall follow the condition of her husband.
13. The foreigner who shall have been permitted by the government to establish his domicil in France, shall enjoy in that country all civil rights so long as he shall continue to reside there.
14. 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.
15. A Frenchman may be summoned before a French court, for engagements contracted by him in a foreign country, though with a foreigner.
16. In all causes, except commercial ones, in which a foreigner shall be plaintiff, he shall be required to give security for the payment of the costs and damages incident to the suit, unless he possess in France immoveable property of value sufficient to guarantee such payment.

CHAPTER II.

Of the Privation of Civil Rights.

SECTION I.

Of the Privation of Civil Rights by the Loss of the Quality of Frenchman.

17. The quality of Frenchman shall be lost, 1st, by naturalization in a foreign country; 2d, by accepting, without the authority of government, public employments bestowed by a foreign power; 3dly, by adoption into any foreign corporation which shall require distinctions of birth; 4thly, in short, by any settlement made in a foreign country, without intention of return.

Commercial establishments shall never be considered as having been made without intention of return.

18. A Frenchman, who shall have lost his quality of Frenchman, may at any time recover it by returning to France with the sanction of government, declaring at the same time his intention to settle there, and his renunciation of every distinction inconsistent with the law of France.
19. A Frenchwoman, who shall espouse a foreigner, shall follow the condition of her husband.
If she become a widow, she shall recover the quality of Frenchwoman, provided she already reside in France, or that she return thither under the sanction of government, and declare at the same time her intention to fix there.
20. The individuals who shall recover the quality of Frenchman or Frenchwoman in the cases provided for by Articles 10, 18, and 19, shall not be permitted to avail themselves of it until they have fulfilled the conditions imposed upon them by those articles, and only for the exercise of rights open to their advantage after that period.
21. The Frenchman who, without the authority of the government, shall engage in military service with a foreign power, or shall enrol himself in any foreign military association, shall lose his quality of Frenchman.
He shall not be permitted to re-enter France without the permission of the government, nor to recover the quality of Frenchman except by complying with the conditions required of a foreigner in order to become a citizen; and this without affecting the punishments denounced by the criminal law against Frenchmen who have borne or shall bear arms against their country.

SECTION II.

Of the Privation of Civil Rights in consequence of Judicial Proceedings.

22. Sentences to punishments, the effect of which is to deprive the party condemned of all participation in the civil rights hereafter mentioned, shall imply civil death.
23. Sentence to natural death shall imply civil death.
24. Other perpetual afflictive punishments shall not imply civil death, except so far as the law shall have attached that consequence to them.
25. By civil death, the party condemned loses his property in all the goods which he possessed; and the succession is open for the benefit of his heirs, on whom his estate devolves, in the same manner as if he were naturally dead and intestate. He can no longer inherit any estate, nor transmit, by this title, the property which he

has acquired in consequence.

He is no longer capable of disposing of his property, in whole or in part, either by way of gift during his life, or by will, nor of receiving by similar title, except for the purpose of subsistence. He cannot be nominated guardian, nor concur in any act relative to guardianship.

He cannot be a witness in any solemn public act, nor be admitted to give evidence in any court. He cannot engage in any suit, whether as defendant or plaintiff, except in the name and by the intervention of a special curator appointed for him by the court in which the action is brought.

He is incapable of contracting a marriage attended by any civil consequences. If he have previously contracted marriage, it is dissolved, as respects all civil effects. His wife and his heirs shall respectively exercise those rights and demands to which his natural death would have given rise.

26. Peremptory sentences only import civil death, reckoning from the day of their execution, whether real or by representation.
27. Condemnations for contumacy shall not import civil death until after five years from the execution of the sentence by representation, and during which the condemned party may make his appearance.
28. Those condemned for contumacy shall, during five years, or until they shall make appearance, or until their arrest during that period, be deprived of the exercise of civil rights. Their estate shall be administered and their rights exercised in the same manner as those of absent persons.
29. When the party under sentence for contumacy shall appear voluntarily during the five years, to be reckoned from the day of the execution, or when he shall have been seized and made prisoner during that interval, the judgment shall be entirely reversed; the accused shall be restored to the possession of his property; he shall be tried afresh; and if by the new judgment he is condemned to the same punishment or a different punishment equally drawing after it civil death, it shall only take place from the date of the execution of the second judgment.
30. When a party condemned for contumacy, who shall not have appeared, or who shall not have been made prisoner until the expiration of the five years, shall be acquitted by this new judgment, or shall only be sentenced to a punishment that does not carry with it civil death, he shall be reinstated in the full enjoyment of his civil rights for the future, reckoning from the day on which he shall have reappeared in court; but the first judgment shall extend, as regards the past, to all consequences produced by civil death during the interval which elapsed between the period of the expiration of the five years and the day of appearance in court.
31. If the party under sentence for contumacy dies during the five years interval of grace without having appeared, or without having been seized or arrested, he shall be deemed dead as to the entirety of his rights; judgment of contumacy shall be reversed entirely without prejudice nevertheless to the action of any civil plaintiff, which shall only be entered against the heirs of the party condemned according to the civil form.
32. In no case shall efflux of time (prescription) after sentence restore a party condemned to his civil rights for the future.
33. Property acquired by an outlawed person, after incurring civil death, and of which he shall be found possessed at the date of his natural death, shall belong to the nation by right of disherison. Nevertheless the government shall be allowed to make for the benefit of the widow, children, or relations of the party condemned, such disposition respecting it as humanity shall suggest.