



Volume 2. From Absolutism to Napoleon, 1648-1815

General Law Code for the Prussian States, Part II.2: "Of the Mutual Rights and Obligations of Parents and Children" (1794)

When it came to parent-child relations and other subjects, the 1794 General Law Code for the Prussian States was a mixture of description and prescription – description of current practices and prescription of ideal norms. The section of the code reproduced below attests to the uneasy coexistence of two objectives: the legal protection of women's and children's interests, on the one hand, and the assertion of men's primacy within the family, on the other.

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### **Of the Mutual Rights and Obligations of Parents and Children**

[ . . . ]

#### *Second part*

Of the rights and obligations of parents and their legitimate children as long as they are subject to their father's authority.

#### *General rights of legitimate children.*

§ 58. Children from a legitimate marriage bear the name of the father.

§ 59. They obtain the rights of his family and his class insofar as the latter are inherited.

[ . . . ]

#### *General obligations of the same.*

§ 61. Children owe both parents reverence and obedience.

§ 62. They are primarily subject to their father's authority, however.

§ 63. They are obliged to support their parents in case of misfortune and poverty according to their powers and means and particularly to care for them in case of sickness.

#### *Rights and obligations of the parents.*

1) Regarding childcare.

§ 64. Both spouses, through joint efforts, are responsible for the appropriate care and rearing of the children.

§ 65. However, it is mainly the father who has to provide for the cost of feeding the children.

§ 66. As long as the children require it, hygiene and grooming have to be taken care of by the mother or under her supervision.

§ 67. A healthy mother is obliged to breastfeed her child.

§ 68. How long she breastfeeds depends on the father's decision, however.

§ 69. Should the mother's or the child's health suffer from his decision, however, the father has to yield to the verdict of the experts.

§ 70. Until after the child's fourth year the father cannot remove the child from the mother's care and supervision against her will.

§ 71. An exception is made if the mother lacks the strength or will to fulfill her obligations.

[ . . . ]

2) Regarding child rearing and education.

§ 74. The manner in which the child is to be raised is primarily the father's decision.

§ 75. First and foremost, he has to ensure that the child receives the proper instruction in religious and useful matters as befits his class and social circumstances.

[ . . . ]

3) The rights of parental discipline.

§ 86. The parents are entitled to use all compulsory means unharmed to the child's health for its education.

[ . . . ]

5) The parents' rights and obligations in choosing a life for their children.

§ 109. Determining the future life of the sons is at the father's discretion.

§ 110. However, he must take the son's inclinations, talents, and physical circumstances into primary consideration.

§ 111. Until after his fourteenth year the son has to obey his father's command though.

§ 112. Should the son continue to reject the life chosen for him by his father at this point, the custodial court must consult with one or two of his local next of kin and the son's teachers and examine both sides' arguments.

[ . . . ]

7) The children's obligations concerning domestic work.

§ 121. The children are obliged to help their parents in their business and trade according to their abilities.

§ 122. This may not interfere with the time necessary for the children's education and training, however.

8) The extent to which children can make a purchase or enter themselves or their parents into an obligation.

§123. Any purchases children make on such occasions they make for the parents.

[ . . . ]

Source: Allgemeines Landrecht für die Preußischen Staaten (1794), Teil II.2: "Von den wechselseitigen Rechten und Pflichten der Aeltern und Kinder" [General Law Code for the Prussian States (1794), Part II.2: "Of the Mutual Rights and Obligations of Parents and Children"]. Berlin: G. C. Nauck, 1835, pp. 98-100, 102-03

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