

Book VII. Consequences of the Different Principles of the Three Governments with Respect to Sumptuary Laws, Luxury, and the Condition of Women

1. Of Luxury. Luxury is ever in proportion to the inequality of fortunes. If the riches of a state are equally divided there will be no luxury; for it is founded merely on the conveniences acquired by the labour of others.

In order to have this equal distribution of riches, the law ought to give to each man only what is necessary for nature. If they exceed these bounds, some will spend, and others will acquire, by which means an inequality will be established.

Supposing what is necessary for the support of nature to be equal to a given sum, the luxury of those who have only what is barely necessary will be equal to a cipher: if a person happens to have double that sum, his luxury will be equal to one; he that has double the latter's substance will have a luxury equal to three; if this be still doubled, there will be a luxury equal to seven; so that the property of the subsequent individual being always supposed double to that of the preceding, the luxury will increase double, and a unit be always added, in this progression, 0, 1, 3, 7, 15, 31, 63, 127

In Plato's republic, [1] luxury might have been exactly calculated. There were four sorts of censuses or rates of estates. The first was exactly the term beyond poverty, the second was double, the third triple, the fourth quadruple to the first. In the first census, luxury was equal to a cipher; in the second to one, in the third to two, in the fourth to three: and thus it followed in an arithmetical proportion.

Considering the luxury of different nations with respect to one another, it is in each state a compound proportion to the inequality of fortunes among the subjects, and to the inequality of wealth in different states.

In Poland, for example, there is an extreme inequality of fortunes, but the poverty of the whole binders them from having so much luxury as in a more opulent government.

Luxury is also in proportion to the populousness of the towns, and especially of the capital; so that it is in a compound proportion to the riches of the state, to the inequality of private fortunes, and to the number of people settled in particular places.

In proportion to the populousness of towns, the inhabitants are filled with notions of vanity, and actuated by an ambition of distinguishing themselves by trifles.[2] If they are very numerous, and most of them strangers to one another, their vanity redoubles, because there are greater hopes of success. As luxury inspires these hopes, each man assumes the marks of a superior condition. But by endeavouring thus at distinction, every one becomes equal, and distinction ceases; as all are desirous of respect, nobody is regarded.

Hence arises a general inconvenience. Those who excel in a profession set what value they please on their labour; this example is followed by people of inferior abilities, and then there is an end of all proportion between our wants and the means of satisfying them. When I am forced to go to law, I must be able to fee counsel; when I am sick, I must have it in my power to fee a physician.

It is the opinion of several that the assemblage of so great a multitude of people in capital cities is an obstruction to commerce, because the inhabitants are no longer at a proper distance from each other. But I cannot think so; for men have more desires, more wants, more fancies, when they live together.

2. Of sumptuary Laws in a Democracy. We have observed that in a republic, where riches are equally divided, there can be no such thing as luxury; and as we have shown in the 5th Book[3] that this equal

distribution constitutes the excellence of a republican government; hence it follows, that the less luxury there is in a republic, the more it is perfect. There was none among the old Romans, none among the Lacedæmonians; and in republics where this equality is not quite lost, the spirit of commerce, industry, and virtue renders every man able and willing to live on his own property, and consequently prevents the growth of luxury.

The laws concerning the new division of lands, insisted upon so eagerly in some republics, were of the most salutary nature. They are dangerous, only as they are sudden. By reducing instantly the wealth of some, and increasing that of others, they form a revolution in each family, and must produce a general one in the state.

In proportion as luxury gains ground in a republic, the minds of the people are turned towards their particular interests. Those who are allowed only what is necessary have nothing but their own reputation and their country's glory in view. But a soul depraved by luxury has many other desires, and soon becomes an enemy to the laws that confine it. The luxury in which the garrison of Rhegium began to live was the cause of their massacring the inhabitants.

No sooner were the Romans corrupted than their desires became boundless and immense. Of this we may judge by the price they set on things. A pitcher of Falernian wine[4] was sold for a hundred Roman denarii; a barrel of salt meat from the kingdom of Pontus cost four hundred; a good cook four talents; and for boys, no price was reckoned too great. When the whole world, impelled by the force of corruption, is immersed in voluptuousness[5] what must then become of virtue?

3. Of sumptuary Laws in an Aristocracy. There is this inconvenience in an ill-constituted aristocracy, that the wealth centres in the nobility, and yet they are not allowed to spend; for as luxury is contrary to the spirit of moderation, it must be banished thence. This government

comprehends, therefore, only people who are extremely poor and cannot acquire, and people who are vastly rich and cannot spend.

In Venice, they are compelled by the laws to moderation. They are so habituated to parsimony that none but courtesans can make them part with their money. Such is the method made use of for the support of industry; the most contemptible of women may be profuse without danger, whilst those who contribute to their extravagance consume their days in the greatest obscurity.

Admirable in this respect were the institutions of the principal republics of Greece. The rich employed their money in festivals, musical choruses, chariots, horse-races, and chargeable offices. Wealth was, therefore, as burdensome there as poverty.

4. Of sumptuary Laws in a Monarchy. Tacitus says[6] that the Suiones, a German nation, has a particular respect for riches; for which reason they live under the government of one person. This shows that luxury is extremely proper for monarchies, and that under this government there must be no sumptuary laws.

As riches, by the very constitution of monarchies, are unequally divided, there is an absolute necessity for luxury. Were the rich not to be lavish, the poor would starve. It is even necessary here that the expenses of the opulent should be in proportion to the inequality of fortunes, and that luxury, as we have already observed, should increase in this proportion. The augmentation of private wealth is owing to its having deprived one part of the citizens of their necessary support; this must therefore be restored to them.

Hence it is that for the preservation of a monarchical state, luxury ought continually to increase, and to grow more extensive, as it rises from the labourer to the artificer, to the merchant, to the magistrate, to the nobility, to the great officers of state, up to the very prince;

otherwise the nation will be undone.

In the reign of Augustus, a proposal was made in the Roman senate, which was composed of grave magistrates, learned civilians, and of men whose heads were filled with the notion of the primitive times, to reform the manners and luxury of women. It is curious to see in Dio, [7] with what art this prince eluded the importunate solicitations of those senators. This was because he was founding a monarchy, and dissolving a republic.

Under Tiberius, the Ædiles proposed in the senate the re-establishment of the ancient sumptuary laws. [8] This prince, who did not want sense, opposed it. "The state," said he, "could not possibly subsist in the present situation of things. How could Rome, how could the provinces, live? We were frugal, while we were only masters of one city; now we consume the riches of the whole globe, and employ both the masters and their slaves in our service." He plainly saw that sumptuary laws would not suit the present form of government.

When a proposal was made under the same emperor to the senate, to prohibit the governors from carrying their wives with them into the provinces, because of the dissoluteness and irregularity which followed those ladies, the proposal was rejected. It was said that the examples of ancient austerity had been changed into a more agreeable method of living. [9] They found there was a necessity for different manners.

Luxury is therefore absolutely necessary in monarchies; as it is also in despotic states. In the former, it is the use of liberty; in the latter, it is the abuse of servitude. A slave appointed by his master to tyrannise over other wretches of the same condition, uncertain of enjoying tomorrow the blessings of to-day, has no other felicity than that of glutting the pride, the passions, and voluptuousness of the present moment.

Hence arises a very natural reflection. Republics end with luxury;

monarchies with poverty.[10]

5. In what Cases sumptuary Laws are useful in a Monarchy. Whether it was from a republican spirit, or from some other particular circumstance, sumptuary laws were made in Aragon, in the middle of the thirteenth century. James the First ordained that neither the king nor any of his subjects should have above two sorts of dishes at a meal, and that each dish should be dressed only one way, except it were game of their own killing.[11]

In our days, sumptuary laws have been also enacted in Sweden; but with a different view from those of Aragon.

A government may make sumptuary laws with a view to absolute frugality; this is the spirit of sumptuary laws in republics; and the very nature of the thing shows that such was the design of those of Aragon.

Sumptuary laws may likewise be established with a design to promote a relative frugality: when a government, perceiving that foreign merchandise, being at too high a price, will require such an exportation of home manufactures as to deprive them of more advantages by the loss of the latter than they can receive from the possession of the former, they will forbid their being introduced. And this is the spirit of the laws which in our days have been passed in Sweden.[12] Such are the sumptuary laws proper for monarchies.

In general, the poorer a state, the more it is ruined by its relative luxury; and consequently the more occasion it has for relative sumptuary laws. The richer a state, the more it thrives by its relative luxury; for which reason it must take particular care not to make any relative sumptuary laws. This we shall better explain in the book on commerce;[13] here we treat only of absolute luxury.

6. Of the Luxury of China. Sumptuary laws may, in some governments, be

necessary for particular reasons. The people, by the influence of the climate, may grow so numerous, and the means of subsisting may be so uncertain, as to render a universal application to agriculture extremely necessary. As luxury in those countries is dangerous, their sumptuary laws should be very severe. In order, therefore, to be able to judge whether luxury ought to be encouraged or proscribed, we should examine first what relation there is between the number of people and the facility they have of procuring subsistence. In England the soil produces more grain than is necessary for the maintenance of such as cultivate the land, and of those who are employed in the woollen manufactures. This country may be therefore allowed to have some trifling arts, and consequently luxury. In France, likewise, there is corn enough for the support of the husbandman and of the manufacturer. Besides, a foreign trade may bring in so many necessaries in return for toys that there is no danger to be apprehended from luxury.

On the contrary, in China, the women are so prolific, and the human species multiplies so fast, that the lands, though never so much cultivated, are scarcely sufficient to support the inhabitants. Here, therefore, luxury is pernicious, and the spirit of industry and economy is as requisite as in any republic.[14] They are obliged to pursue the necessary arts, and to shun those of luxury and pleasure.

This is the spirit of the excellent decrees of the Chinese emperors. "Our ancestors," says an emperor of the family of the Tangs[15] "held it as a maxim that if there was a man who did not work, or a woman that was idle, somebody must suffer cold or hunger in the empire." And on this principle he ordered a vast number of the monasteries of Bonzes to be destroyed.

The third emperor of the one-and-twentieth dynasty,[16] to whom some precious stones were brought that had been found in a mine, ordered it to be shut up, not choosing to fatigue his people with working for a thing that could neither feed nor clothe them.

"So great is our luxury," says Kiayventi, [17] "that people adorn with embroidery the shoes of boys and girls, whom they are obliged to sell." Is employing so many people in making clothes for one person the way to prevent a great many from wanting clothes? There are ten men who eat the fruits of the earth to one employed in agriculture; and is this the means of preserving numbers from wanting nourishment?

7. Fatal Consequence of Luxury in China. In the history of China we find it has had twenty-two successive dynasties, that is, it has experienced twenty-two general, without mentioning a prodigious number of particular, revolutions. The first three dynasties lasted a long time, because they were wisely administered, and the empire had not so great an extent as it afterwards obtained. But we may observe in general that all those dynasties began very well. Virtue, attention, and vigilance are necessary in China; these prevailed in the commencement of the dynasties, and failed in the end. It was natural that emperors trained up in military toil, who had compassed the dethroning of a family immersed in pleasure, should adhere to virtue, which they had found so advantageous, and be afraid of voluptuousness, which they knew had proved so fatal to the family dethroned. But after the three or four first princes, corruption, luxury, indolence, and pleasure possessed their successors; they shut themselves up in a palace; their understanding was impaired; their life was shortened; the family declined; the grandees rose up; the eunuchs gained credit; none but children were set on the throne; the palace was at variance with the empire; a lazy set of people that dwelt there ruined the industrious part of the nation; the emperor was killed or destroyed by a usurper, who founded a family, the third or fourth successor of which went and shut himself up in the very same palace.

8. Of public Continency. So many are the imperfections that attend the loss of virtue in women, and so greatly are their minds depraved when this principal guard is removed, that in a popular state public incontinency may be considered as the last of miseries, and as a certain

forerunner of a change in the constitution.

Hence it is that the sage legislators of republican states have ever required of women a particular gravity of manners. They have proscribed not only vice, but the very appearance of it. They have banished even all commerce of gallantry -- a commerce that produces idleness, that renders the women corrupters, even before they are corrupted, that gives a value to trifles, and debases things of importance: a commerce, in fine, that makes people act entirely by the maxims of ridicule, in which the women are so perfectly skilled.

9. Of the Condition or State of Women in different Governments. In monarchies women are subject to very little restraint, because as the distinction of ranks calls them to court, there they assume a spirit of liberty, which is almost the only one tolerated in that place. Each courtier avails himself of their charms and passions, in order to advance his fortune: and as their weakness admits not of pride, but of vanity, luxury constantly attends them.

In despotic governments women do not introduce, but are themselves an object of, luxury. They must be in a state of the most rigorous servitude. Every one follows the spirit of the government, and adopts in his own family the customs he sees elsewhere established. As the laws are very severe and executed on the spot, they are afraid lest the liberty of women should expose them to danger. Their quarrels, indiscretions, repugnancies, jealousies, piques, and that art, in fine, which little souls have of interesting great ones, would be attended there with fatal consequences.

Besides, as princes in those countries make a sport of human nature, they allow themselves a multitude of women; and a thousand considerations oblige them to keep those women in close confinement.

In republics women are free by the laws and restrained by manners;

luxury is banished thence, and with it corruption and vice.

In the cities of Greece, where they were not under the restraint of a religion which declares that even amongst men regularity of manners is a part of virtue; where a blind passion triumphed with a boundless insolence, and love appeared only in a shape which we dare not mention, while marriage was considered as nothing more than simple friendship;[18] such was the virtue, simplicity, and chastity of women in those cities, that in this respect hardly any people were ever known to have had a better and wiser polity.[19]

10. Of the domestic Tribunal among the Romans. The Romans had no particular magistrates, like the Greeks, to inspect the conduct of women. The censors had not an eye over them, as over the rest of the republic.

The institution of the domestic tribunal[20] supplied the magistracy established among the Greeks.[21]

The husband summoned the wife's relatives, and tried her in their presence.[22] This tribunal preserved the manners of the republic; and at the same time those very manners maintained this tribunal. For it decided not only in respect to the violation of the laws, but also of manners: now, in order to judge of the violation of the latter, manners are requisite. The penalties inflicted by this tribunal ought to be, and actually were, arbitrary: for all that relates to manners, and to the rules of modesty, can hardly be comprised under one code of laws. It is easy indeed to regulate by laws what we owe to others; but it is very difficult of comprise all we owe to ourselves.

The domestic tribunal inspected the general conduct of women: but there was one crime which, beside the animadversion of this tribunal, was likewise subject to a public accusation. This was adultery; whether that in a republic so great a depravation of manners interested the

government; or whether the wife's immorality might render the husband suspected; or whether, in fine, they were afraid lest even honest people might choose that this crime should rather be concealed than punished.

11. In what Manner the Institutions changed at Rome, together with the Government. As manners were supported by the domestic tribunal, they were also supported by the public accusation; and hence it is that these two things fell together with the public manners, and ended with the republic.[23]

The establishing of perpetual questions, that is, the division of jurisdiction among the prætors, and the custom gradually introduced of the prætors determining all causes themselves,[24] weakened the use of the domestic tribunal. This appears by the surprise of historians, who look upon the decisions which Tiberius caused to be given by this tribunal as singular facts, and as a renewal of the ancient course of pleading.

The establishment of monarchy and the change of manners put likewise an end to public accusations. It might be apprehended lest a dishonest man, affronted at the slight shown him by a woman, vexed at her refusal, and irritated even by her virtue, should form a design to destroy her. The Julian law ordained that a woman should not be accused of adultery till after her husband had been charged with favouring her irregularities; which limited greatly, and annihilated, as it were, this sort of accusation.[25] Sextus Quintus seemed to have been desirous of reviving the public accusations.[26] But there needs very little reflection to see that this law would be more improper in such a monarchy as his than in any other.

12. Of the Guardianship of Women among the Romans. The Roman laws subjected women to a perpetual guardianship, except they were under cover and subject to the authority of a husband.[27] This guardianship was given to the nearest of the male relatives; and by a vulgar

expression[28] it appears they were very much confined. This was proper for a republic, but not at all necessary in a monarchy.[29]

That the women among the ancient Germans were likewise under a perpetual tutelage appears from the different codes of the Laws of the Barbarians.[30] This custom was communicated to the monarchies founded by those people; but was not of long duration.

13. Of the Punishments decreed by the Emperors against the Incontinence of Women. The Julian law ordained a punishment against adultery. But so far was this law, any more than those afterwards made on the same account, from being a mark of regularity of manners, that on the contrary it was a proof of their depravity.

The whole political system in respect to women received a change in the monarchical state. The question was no longer to oblige them to a regularity of manners, but to punish their crimes. That new laws were made to punish their crimes was owing to their leaving those transgressions unpunished which were not of so criminal a nature.

The frightful dissolution of manners obliged indeed the emperors to enact laws in order to put some stop to lewdness; but it was not their intention to establish a general reformation. Of this the positive facts related by historians are a much stronger proof than all these laws can be of the contrary. We may see in Dio the conduct of Augustus on this occasion, and in what manner he eluded, both in his prætorian and censorian office, the repeated instances that were made him[31] for that purpose.

It is true that we find in historians very rigid sentences, passed in the reigns of Augustus and Tiberius, against the lewdness of some Roman ladies: but by showing us the spirit of those reigns, at the same time they demonstrate the spirit of those decisions.

The principal design of Augustus and Tiberius was to punish the dissoluteness of their relatives. It was not their immorality they punished, but a particular crime of impiety or high treason[32] of their own invention, which served to promote a respect for majesty, and answered their private revenge. Hence it is that the Roman historians inveigh so bitterly against this tyranny.

The penalty of the Julian law was small.[33] The emperors insisted that in passing sentence the judges should increase the penalty of the law. This was the subject of the invectives of historians. They did not examine whether the women were deserving of punishment, but whether they had violated the law, in order to punish them.

One of the most tyrannical proceedings of Tiberius[34] was the abuse he made of the ancient laws. When he wanted to extend the punishment of a Roman lady beyond that inflicted by the Julian law, he revived the domestic tribunal.[35]

These regulations in respect to women concerned only senatorial families, not the common people. Pretences were wanted to accuse the great, which were constantly furnished by the dissolute behaviour of the ladies.

In fine, what I have above observed, namely, that regularity of manners is not the principle of monarchy, was never better verified than under those first emperors; and whoever doubts it need only read Tacitus, Suetonius, Juvenal, or Martial.

14. Sumptuary Laws among the Romans. We have spoken of public incontinence because it is the inseparable companion of luxury. If we leave the motions of the heart at liberty, how shall we be able to restrain the weaknesses of the mind?

At Rome, besides the general institutions, the censors prevailed on the

magistrates to enact several particular laws for maintaining the frugality of women. This was the design of the Fannian, Licinian, and Oppian laws. We may see in Livy[36] the great ferment the senate was in when the women insisted upon the revocation of the Oppian law. The abrogation of this law is fixed upon by Valerius Maximus as the period whence we may date the luxury of the Romans.

15. Of Dowries and Nuptial Advantages in different Constitutions.

Dowries ought to be considerable in monarchies, in order to enable husbands to support their rank and the established luxury. In republics, where luxury should never reign, [37] they ought to be moderate; but there should be hardly any at all in despotic governments, where women are in some measure slaves.

The community of goods introduced by the French laws between man and wife is extremely well adapted to a monarchical government; because the women are thereby interested in domestic affairs, and compelled, as it were, to take care of their family. It is less so in a republic, where women are possessed of more virtue. But it would be quite absurd in despotic governments, where the women themselves generally constitute a part of the master's property.

As women are in a state that furnishes sufficient inducements to marriage, the advantages which the law gives them over the husband's property are of no service to society. But in a republic they would be extremely prejudicial, because riches are productive of luxury. In despotic governments the profits accruing from marriage ought to be mere subsistence, and no more.

16. An excellent Custom of the Samnites. The Samnites had a custom which in so small a republic, and especially in their situation, must have been productive of admirable effects. The young people were all convened in one place, and their conduct was examined. He that was declared the best of the whole assembly had leave given him to take which girl he

pleased for his wife; the second best chose after him; and so on.[38]
Admirable institution! The only recommendation that young men could have on this occasion was their virtue and the services done their country. He who had the greatest share of these endowments chose which girl he liked out of the whole nation. Love, beauty, chastity, virtue, birth, and even wealth itself, were all, in some measure, the dowry of virtue. A nobler and grander recompense, less chargeable to a petty state, and more capable of influencing both sexes, could scarcely be imagined.

The Samnites were descended from the Lacedæmonians; and Plato, whose institutes are only an improvement of those of Lycurgus, enacted nearly the same law.[39]

17. Of Female Administration. It is contrary to reason and nature that women should reign in families, as was customary among the Egyptians; but not that they should govern an empire. In the former case the state of their natural weakness does not permit them to have the pre-eminence; in the latter their very weakness generally gives them more lenity and moderation, qualifications fitter for a good administration than roughness and severity.

In the Indies they are very easy under a female government; and it is settled that if the male issue be not of a mother of the same blood, the females born of a mother of the blood-royal must succeed.[40] And then they have a certain number of persons who assist them to bear the weight of the government. According to Mr. Smith,[41] they are very easy in Africa under female administration. If to this we add the example of England and Russia, we shall find that they succeed alike both in moderate and despotic governments.

1. The first census was the hereditary share in land, and Plato would not allow them to have, in other effects, above a triple of the

hereditary share. See his *Laws*, v.

2. "In large and populous cities," says the author of the *Fable of the Bees*, i, p. 133, "they wear clothes above their rank, and, consequently, have the pleasure of being esteemed by a vast majority, not as what they are, but what they appear to be. They have the satisfaction of imagining that they appear what they would be: which, to weak minds, is a pleasure almost as substantial as they could reap from the very accomplishment of their wishes."

3. Chapters 3, 4.

4. Fragment of the 36th book of Diodorus, quoted by Constantine Porphyrogenitus, in his *Extract of Virtues and Vices*.

5. *Cum maximus omnium impetus ad luxuriant esset*. -- *Ibid*.

6. *De Moribus Germanorum*, 44.

7. Dio Cassius, liv. 16.

8. Tacitus, *Annals*, iii. 34.

9. *Malta duritiei veterum melius et latius mutata* -- Tacitus, *Annals*, iii. 34.

10. *Opulentia paritura mox egestatem*. -- Florus, iii. 12.

11. Constitution of James I in the year 1234, art. 6, in *Marca Hispanica*, p. 1429.

12. They have prohibited rich wines and other costly merchandise.

13. *Lettres persanes*, 106. See below, xx. 20.

14. Luxury has been here always prohibited.
15. In an ordinance quoted by Father Du Halde, ii, p. 497.
16. History of China, 21st Dynasty, in Father Du Halde's work, i.
17. In a discourse cited by Father Du Halde, iii, p. 418.
18. "In respect to true love," says Plutarch, "the women have nothing to say to it." In his Treatise of Love, p. 600. He spoke in the style of his time. See Xenophon in the dialogue intituled Hiero.
19. At Athens there was a particular magistrate who inspected the conduct of women.
20. Romulus instituted this tribunal, as appears from Dionysius Halicarnassus, ii, p. 96.
21. See in Livy, xxxix, the use that was made of this tribunal at the time of the conspiracy of the Bacchanalians (they gave the name of conspiracy against the republic to assemblies in which the morals of women and young people were debauched.)
22. It appears from Dionysius Halicarnassus, ii, that Romulus's institution was that in ordinary cases the husband should sit as judge in the presence of the wife's relatives, but that in heinous crimes he should determine in conjunction with five of them. Hence Ulpian, tit. 6, 9, 12, 13, distinguishes in respect to the different judgments of manners between those which he calls important, and those which are less so: *mores graviores, mores leviores*.
23. *Judicio de moribus (quod antea quidem in antiquis legibus positum erat, non autem frequentabatur) penitus abolito. Leg. 11. Cod. de repud.*

24. *Judicia extraordinaria*.

25. It was entirely abolished by Constantine: "It is a shame," said he, "that settled marriages should be disturbed by the presumption of strangers."

26. Sextus Quintus ordained, that if a husband did not come and make his complaint to him of his wife's infidelity, he should be put to death. See Leti, *Life of Sextus V.*

27. *Nisi convenissent in manum viri.*

28. *Ne sis mihi patruus oro.*

29. The Papian law ordained, under Augustus, that women who had borne three children should be exempt from this tutelage.

30. This tutelage was by the Germans called *Mundeburdium*.

31. Upon their bringing before him a young man who had married a woman with whom he had before carried on an illicit commerce, he hesitated a long while, not daring to approve or to punish these things. At length recollecting himself, "Seditions," says he, "have been the cause of very great evils; let us forget them." Dio, liv. 16. The senate having desired him to give them some regulations in respect to women's morals, he evaded their petition by telling them that they should chastise their wives in the same manner as he did his; upon which they desired him to tell them how he behaved to his wife. (I think a very indiscreet question.)

32. Tacitus, *Annals*, iii. 24.

33. This law is given in the Digest, but without mentioning the penalty. It is supposed it was only *relegatio*, because that of incest was only

deportatio. Leg., si quis viduam, ff. de quæst.

34. Tacitus, Annals, iv. 19.

35. Ibid., ii. 50.

36. Dec. 4, iv.

37. Marseilles was the wisest of all the republics in its time; here it was ordained that dowries should not exceed one hundred crowns in money, and five in clothes, as Strabo observes, iv.

38. Fragment of Nicolaus Damascenus, taken from Stobæus in the collection of Constantine Porphyrogenitus.

39. He even permits them to have a more frequent interview with one another.

40. Edifying Letters, coll. xiv.

41. Voyage to Guinea, part the second, p. 165, of the kingdom of Angola, on the Golden Coast.