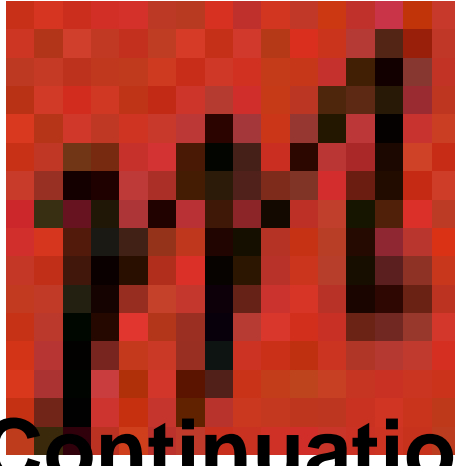


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# XIX.26 Continuation of the same subject

- The Spirit of Law - Book XIX. On the laws in the relation they have to the principles that constitute the general spirit, the ethos, and the manners of a nation -

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The law of Theodosius and Valentinian [1] took the causes of repudiation from the ancient ethos and manners of the Romans. [2] It numbered among these causes the act of a husband who chastised his wife in a manner unworthy of a freeborn person. [3] This cause was omitted in subsequent laws, [4] because the ethos had changed in this respect : Oriental practices had taken the place of European ones. The first eunuch of the empress wife of Justinian II threatened her, history says, with the punishment applied to children in the schools. Nothing short of an established ethos, or an ethos seeking to become established, could allow a person to imagine such a thing.

We have seen how laws follow the ethos ; let us now see how the ethos follows the laws.

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[1] Law 8. cod. *De repudiis*.

[2] And the law of the Twelve Tables, see Cicero, 2nd *Philippic*.

[3] *Si verberibus quæ ingenuis aliena sunt, afficientem probaverit*.

[4] In the 117th novella, ch. xiv.