

Introduction

Ulinka Rublack and Giorgio Riello

In the late sixteenth century, Michel de Montaigne sat down in his library to write about the vexing theme of sumptuary laws. ‘To declare that only princes may eat turbot and wear velvet and gold braid’, the French essayist mused, was ‘but enhancing such things and making everyone want to have them’.¹ Montaigne agreed with Plato: young people should never change from ‘fashion to fashion in their dress, comportment, dances, sports and songs’.²

Today anyone fashion-minded is more likely to associate the name Montaigne with luxury shopping in Paris rather than with a humanist writer who looked back to the ancients. The French capital’s Avenue Montaigne is named after the essayist but epitomises couture fashion consumption with global appeal. Constant change and continued spending now underpin market economies. The expression of different identities through dress is associated with creativity and is regarded as integral to the aesthetics of dynamic societies. Men’s fashion shows mark the annual calendar alongside those for women. Dress regulations of course continue to operate in the Western world – in relation to work, leisure, particular forms of sociability, institutional codes, and ethnic and religious expression. Yet no one’s expenditure on clothing is regulated by the state. By contrast, up to the end of the eighteenth century, sumptuary laws (from the Latin word *sumptus* meaning expense) sought to regulate social difference in many parts of the world and imposed policies about who could spend how much on what types of dress and accessories, feasts and funerals, horses or carriages.

This collection of essays is the first to investigate the global history of sumptuary regulation and primarily focuses on dress. It is dedicated to the memory of Sir Christopher Bayly, whose influential account *The Birth of*

¹ Michel de Montaigne, *The Complete Essays*, ed. and trans. M. A. Screech (Harmondsworth: Penguin, 1987), No. 43. ‘On Sumptuary Law’, 300.

² *Ibid.*, 302. Montaigne opposed ‘running after novelties and honouring those who invent them’ as such seemingly trivial attitudes corrupted ‘all morals’.

the Modern World (2004) showed why a history of dress and comportment lie at the heart of our understanding of cultural change. Bayly argued that bodily practices on the one hand became more interconnected and uniform in the modern world, but on the other they could also enforce a sense of difference and nationalist antagonism as well as hybridity.³ Bayly's interest in the body as a 'site on which anthropologists and social historians chart the influence of the state and methods of social discipline' has guided our project.⁴ Although Bayly's realm of analysis was the nineteenth century, his work has encouraged us to reflect on the ways in which relative sartorial freedom in many societies – a 'right to dress' that most of us consider fundamental to our human condition and liberties – is a recent phenomenon and the outcome of political processes which affect populations in intimate ways and are shaped by them in turn. This means that we need to enlarge our notion of political rights to include social, economic and cultural dimensions of consumption and expression. Bayly's work prompted us to investigate historical change across the world by looking at differing and contrasting experiences and to explore why, for most of the period between 1200 and 1800, legislators, religious and political leaders as well as moral thinkers such as Montaigne believed regulation to be much more important than freedom of expression. At the same time, opposing voices ranged across a broad spectrum from merchants to consumers, intellectuals to members of some religious elites. The right to dress as one liked and regardless of status – let alone gender and ethnic markers – needs to be made visible as a key site of historical contestation in which many actors took part, staking out their claims to how human life and societies should be visualised and materialised.

An examination of the history of dress regulation therefore opens up key central processes of social, political, economic, legal, religious and cultural change in new ways. What needs to be explored for modern as much as for pre-modern societies is Bayly's 'complex parallelogram of forces constituted by economic changes, ideological constructions, and mechanisms of the state'.⁵ This parallelogram of forces can be mapped out for specific events, such as the famous 8 Brumaire, year II (29 October 1793) of the French Revolution, which decreed that everyone was free to 'wear whatever clothing and accessories of his sex that he finds pleasing', only to mandate in articles 2 and 3 that previous articles

³ C. A. Bayly, *The Birth of the Modern World 1780–1914: Global Connections and Comparisons* (Oxford: Blackwell, 2004), 1, 12–15.

⁴ *Ibid.*, 17.

⁵ *Ibid.*, 7.

on dress remained in force and wearing the red, white and blue cockade was obligatory.⁶ Yet our book demonstrates that we need to focus, above all, on long-term change to chart how and why items of dress became key aspirational goods across society in the Middle Ages, how they were lobbied for and marketed, and whether or not sumptuary laws were implemented by towns, states and empires to restrict or channel trade and consumption. This results in a dynamic and nuanced account of the importance of dress in pre-modern societies and into the eighteenth century, which comprehensively revises the notion that clothing remained static and was considered to ‘make’ people by according them a clear place in a social hierarchy.

The volume is divided into four parts which will hopefully make it easier to navigate the eighteen contributions by specialists in very different periods, societies and cultures. Each part introduces different geographical areas and political structures. We begin, in Parts I and II, with Northern Europe and Italy simply because archival material and the historiographical discussion to date are especially rich in relation to them. Since the early twentieth century studies on sumptuary laws in medieval and early modern Europe have provided many of the categories and indicated the key issues that are still at the centre of attention today. Research on Italy is particularly abundant and as the essays in Part II show, offer evidence not just on the laws themselves but also on their application and negotiation. Part III turns to the European maritime empires where in settler societies sumptuary laws came to be structured by criteria of race and the relationship between mother country and colony. Finally Part IV considers world empires, such as the Ottoman Empire and China, as well as the case of pre-colonial West Africa, and shows the importance of sumptuary laws in the government of both society and the court. The aim of this volume is not to be exhaustive, as many areas of the world have not been included and some of them are still to be investigated. We wish instead to address the phenomenon of sumptuary laws in a comparative and global framework. This introduction sets out the close thematic connections between contributions in different parts of this book, which ideally will be read together. It provides an overview of the historiography on sumptuary legislation and broader assessment of new avenues of research which reshape our understanding of these past societies and the phenomenon of sumptuary laws as a whole.

⁶ For a detailed discussion see Cissie Fairchilds, ‘Fashion and Freedom in Revolutionary France’, *Continuity & Change* 15/3 (2000): 419–433.

4 Ulinka Rublack and Giorgio Riello

What are Sumptuary Laws?

The past decades have seen an increased interest in the study of sumptuary legislation, especially for the period of transition towards modernity. In Europe and elsewhere sumptuary laws could become a tool used by states to regulate manufacturing systems and moral economies via the medium of expenditure and consumption of not only clothing but also banquets, festivities and funerals. Traditionally considered within the history of dress, sumptuary laws had instead a much broader significance in medieval and early modern societies as they mediated between individuals and states to regulate consumer behaviour and values. Today, as in the early modern period, a great deal of discussion surrounds the legal standing, implementation and moral value of such laws.⁷

Historical interpretations of these regulatory efforts differ markedly. As Daniel Roche asks for the period up to the eighteenth century, were sumptuary laws able to impose ‘conformity to custom’ on European populations who inhabited a ‘sartorial old regime’ with clear hierarchies? Or did they instead – as Alan Hunt posits – underpin the notion that states were to morally and economically regulate their citizenry and thus form a marked tool of governmentality? Or, as Martha Howell has recently argued, did sumptuary legislation even help to ‘give birth to the discourse of the modern self’ by forcing people to distinguish between exterior display and interiority?⁸ Studies of sumptuary laws are mostly limited to European regions and states, with a focus on how they were adapted to local conditions. This book by contrast considers sumptuary regulations as a global phenomenon and wishes to evaluate their differing

⁷ We should distinguish a ‘sumptuary law’ from a ‘clothing law’. Whilst the former were mostly intended to forbid – for instance the wearing of specific items of apparel – the latter were mostly aimed at forcing people to wear or use specific garments, as for instance in the case of Western clothing imposed on the civil administration by Peter the Great of Russia at the end of the seventeenth century or by the Emperor of Japan in the nineteenth century. On the definition of a ‘clothing law’, see: Donald Quataert, ‘Clothing Laws, State, and Society in the Ottoman Empire, 1720–1829’, *International Journal of Middle East Studies* 29/3 (1997): 403–425. For clothing laws in Japan and Russia, see: H. Ken’ichiro, ‘The Westernization of Clothes and the State in Meiji Japan’, in Giorgio Riello and Peter McNeil (eds.), *The Fashion History Reader: Global Perspectives* (London: Routledge, 2010), 405–415; Christine Ruane, ‘Clothes Shopping in Imperial Russia’, *Journal of Social History* 28/4 (1995): 765–782.

⁸ Daniel Roche, *The Culture of Clothing: Dress and Fashion in the Ancien Régime*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1994); Alan Hunt, *Governance of the Consuming Passions. A History of Sumptuary Law* (New York: Palgrave Macmillan, 1996); Martha Howell, *Commerce before Capitalism in Europe, 1300–1600* (Cambridge: Cambridge University Press, 2010), 208–260.

nature, functioning and socio-economic consequences across the early modern world.⁹

In this introduction, we explain why dress is an important prism through which we can investigate the roles of states and some key interpretations of early modernity. We do so by focusing on five topics. First, our analysis considers the nature of sumptuary laws *vis-à-vis* the existence of other legal and economic measures to increase commerce and support craft, their relationship to innovation and trade and the eventual decline of regulation. In order to do so, we secondly need to understand how sumptuary laws were created, how they were implemented and what allowances they made in the attempt to bring together consumers, legislators, local authorities and economic actors. Sumptuary laws did not simply regulate people's behaviour but provided precise instructions on which goods were allowed and, in doing so, enshrined markers of how to achieve social ascent. So, our third aim relates to identifying which items of dress and adornment sumptuary laws actually referred to, in order to understand how they interlinked with patterns of consumption, luxury, fashion and product diversification. Like any regulations, sumptuary laws acted selectively on communities and across social hierarchies. Our aim is therefore to question the extent to which men and women experienced constraints to their choices in order to explore how sumptuary laws shaped, for instance, understandings of masculinity and femininity and gendered practices of adornment. Finally, we discuss when and why the 'right to dress' – the individual and collective assertion of freedom in consumption – entered the political discourse of different societies and became embedded within ideas about the individual in societal relations, consumption and the economy.

As many of the essays in this book make clear, we rely on a long tradition of archival study and historical interpretation of these regulations both in Europe and in other parts of the world. Sumptuary laws were first considered by late nineteenth-century French, Italian and Spanish historians, including amateur, local and legal historians, as documents offering the means to reconstruct regional and even urban consumption, especially for the later Middle Ages.¹⁰ Dress was singled out as the most important category covered by sumptuary laws, though the latter often

⁹ In a similar vein, see the recent book by Beverly Lemire, *Global Trade and the Transformation of Consumer Cultures: The Material World Remade, c. 1500–1820* (Cambridge: Cambridge University Press, 2018), ch. 3.

¹⁰ See Maria Giuseppina Muzzarelli, 'Le leggi suntuarie nello specchio della storiografia', in Laura Righi and Giulia Vettori (eds.), *Il lusso e la sua disciplina: aspetti economici e sociali della legislazione suntuaria dall'antichità all'età moderna*, Atti del seminario, Trento, 17–18 March 2016 (Trento: Università degli studi di Trento, forthcoming 2018).

included a variety of types of expenditure and most especially banquets, festivities (baptisms, marriages, funerals, etc.) and means of transport (horses and trappings, coaches, palanquins, etc.). Over the twentieth century dress historians studied sumptuary laws in order to glimpse at the clothing of medieval patricians or to unlock royal wardrobes. The history of costume made use of sumptuary laws, along with other documents such as inventories and extant garments, and interpreted them mostly in terms of the social hierarchies they reveal within specific civic or national societies.¹¹

The study of specific localities, towns and cities remained central to these studies. Meanwhile, economic and social historians slowly entered the field in the 1960s and fostered a broader and more comparative framework of investigation. Donald Shively's important 1964 analysis of sumptuary regulations in Tokugawa Japan embedded sumptuary laws within a socio-cultural agenda of change thus providing a model for later studies, especially in Europe.¹² In the 1990s, research by Neithard Bulst on Germany and France, as well as Maria Giuseppina Muzzarelli's and Maria Grazia Nico Ottaviani's transcription and interpretation of the sumptuary laws of two key Italian regions, allowed historians to delve into complete sets of records for the first time.¹³ Catherine Kovesi's work was equally important in providing the first comparative analysis of sumptuary laws across the Italian peninsula, while the sociologist Alan Hunt's 1996 overview was the first attempt at conceptualising sumptuary laws at a transnational and comparative level.¹⁴

Nearly a quarter of a century after Hunt's influential publication, with its emphasis on the laws' function to enshrine governmentality,

¹¹ See, for instance, Kent Roberts Greenfield, *Sumptuary Law in Nürnberg: A Study in Paternal Government* (Baltimore: Johns Hopkins University Press, 1918); Frances Elizabeth Baldwin, *Sumptuary Legislation and Personal Regulation in England* (Baltimore: Johns Hopkins University Press, 1926).

¹² Donald H. Shively, 'Regulation and Status in Early Tokugawa Japan', *Harvard Journal of Asiatic Studies* 25 (1964–65): 123–164.

¹³ Bulst's research is extensively discussed in Rublack's contribution; Maria Giuseppina Muzzarelli (ed.), *La legislazione suntuaria. Secoli XIII–XVI. Emilia-Romagna* (Rome: Ministero per i beni e le attività culturali. Direzione generale degli archivi, 2002); Maria Grazia Nico Ottaviani (ed.), *La legislazione suntuaria. Secoli XIII–XVI. Umbria* (Rome: Ministero per i beni e le attività culturali. Direzione generale degli archivi, 2005).

¹⁴ Catherine Kovesi Killerby, *Sumptuary Legislation in Italy, 1200–1500* (Oxford: The Clarendon Press, 2001); Hunt, *Governance of the Consuming Passions*. Sumptuary laws have attracted also the interest of other scholars, especially those interested in material culture and material life. See Arjun Appadurai, 'Introduction: Commodities and the Politics of Value', in Arjun Appadurai (ed.), *The Social Life of Things: Commodities in Cultural Perspective* (Cambridge: Cambridge University Press, 1986), 25–26.

sumptuary laws can be understood in relation to new themes that are at the cutting edge of recent historiographies. First, this book acknowledges the importance of a booming literature on consumption, product innovation and material culture that has given new theoretical vigour to the study of dress. Sumptuary laws are now interpreted by giving attention to the highly diversified materials they attempted to regulate and the idea of consumption in medieval and early modern societies. They do not only tell us about a normative system, but also index a dynamic world of consumer goods and bodily practises that provided a map for social ascent and expression. They could include generously measured allowances rather than conservative restrictions. Second, fashion and luxury are therefore concepts central to this book. Several of the contributions query the meaning of sumptuary intervention as well as its application and reach in relation to what we might call the political economy of consumption, fashion and luxury in societies as different as Ming China, Tudor England and Colonial Latin America. Third, the global perspective challenges us to avoid thinking of different realities as separate instances drawing on specific social contexts and dealing with precise sources. This book attempts instead to present a global picture of synchronic manifestations that – although they are not necessarily directly connected – allow us to think of the nature of the pre-modern world beyond the usual divisions that set Europe apart from other states and empires in Asia, the Americas and Africa. In order to do so, we rely on the linguistic and archival expertise of colleagues working in different area studies to provide fresh research in a field that is often dominated by outdated bibliographies. This equips scholars to further explore the questions Bayly posed: whether and when dress and bodily practices might increasingly have served to express values and aspirations in similar ways across the globe, and how the interests of merchants intersected with state policies, empire building and ideological, religious and social change.

Sumptuary Laws in Time and Space

Reading sumptuary regulations across countries and continents reveals a shared concern on the part of many medieval and early modern legislators, rulers, moralists and religious authorities. Dress, once a material manifestation of permanence, hierarchy and stability in society, was now seen as changing in its material forms, fleeting in its meaning and increasingly luxurious. To make things worse, regulations pointed out that people attributed a great deal of importance to what they wore, investing considerable sums of money in garments and accessories that could seem

all but superfluous. Only moral restraint coupled with legal intervention could guide subjects and citizens in their consumer choices.¹⁵

Sumptuary laws were already present in the ancient world, especially in republican and imperial Rome, although their regulation of conspicuous consumption rarely included clothing.¹⁶ They reappeared in Europe in 1157 when the Italian city of Genoa – a prosperous trading port and one of the peninsula's main maritime republics – enacted its first sumptuary law. Over the course of the next two centuries several more Italian city states issued similar laws, sometimes enacting them repeatedly and updating them on a regular basis. In Italy alone more than three hundred sumptuary laws were enacted in the period from 1200 to 1500.¹⁷ Other countries were soon to follow: early modern France produced about a hundred sumptuary laws and the German principalities an estimated three to five thousand (including mostly acts and regulations). Sumptuary laws were also abundant in sixteenth-century England.¹⁸

Sumptuary regulations were also to be found outside Europe. They were enacted in China in the seventh century BCE. By the Tang dynasty (618–907 CE), eight primary groups had been identified among the privileged elites and subjected to detailed legislation. However well before this, in the Han period (206 BCE–8 CE), contemporaries lamented that *su-feng* (untitled nobility) such as merchants, artisans and money-lenders did not follow sumptuary laws.¹⁹ Sumptuary regulations existed in the early Islamic Middle East.²⁰ In the early fourteenth century, the Sultan of Delhi Muhammad bin Tughluq forbade the use of cloth imported from Russia and Egypt and dictated that 'nobody can dress and ride with saddles covered or embroidered with gold except he upon whom the Sultan bestowed them'.²¹ Sumptuary laws reiterated the importance of hierarchy, though in Asia as in Africa such hierarchy

¹⁵ See Hans Medick, 'Une Culture de la considération. Les vêtements et leur couleur à Laichingen entre 1750 et 1820', *Annales Histoire, Sciences Sociales* 50 (1995): 754–755.

¹⁶ Giuseppe Dari-Mattiacci and Anna E. Plisecka, 'Luxury in Ancient Rome: Scope, Timing and Enforcement of Sumptuary Laws', *Legal Roots* 1 (2012): 189–216; Emanuela Zanda, *Fighting Hydra-like Luxury: Sumptuary Regulation in the Roman Republic* (London: Bloomsbury, 2013).

¹⁷ See the table of Italian sumptuary laws in Catherine Kovesi Killerby, *Sumptuary Law in Italy* (Oxford: Clarendon Press, 2002), 28–29.

¹⁸ Susan Vincent, *Dressing the Elite: Clothes in Early Modern England* (Oxford: Berg, 2003), 117–51, esp. 118–121.

¹⁹ Ping-Ti Ho, 'Aspects of Social Mobility in China, 1368–1911', *Comparative Studies in Society and History* 1/4 (1959): 333.

²⁰ Yedida Kalfon Stillman, *Arab Dress: A Short History from the Dawn of Islam to Modern Times*, ed. Norman A. Stillman (Leiden: Brill, 2000), 39, 77, 110–112.

²¹ Cit. in Joginder K. Chawla, *India's Overland Trade with Central Asia and Persia* (New Delhi: Munshiram Manoharlal Publishers, 2006), 87.

was imposed by and aimed to confirm the rule of emperors and their courts.²²

From the late seventeenth century onwards, while in most of Europe sumptuary laws were either being repealed or ignored, they were issued in several areas of the expanding European maritime empires in Asia and the Americas, such as in Spanish Colonial America and the territories controlled by the European East India companies. In seventeenth-century Lima sumptuary laws thus banned ‘negroes, mulattos and zambos’ from carrying swords and other weapons, and black and mulatto women from wearing woollen cloth, silks or lace.²³ In Portuguese India, the viceroy requested sumptuary laws as a measure to curb the pervasive ‘luxury that exists’, predominantly in relation to litters and fabrics with which they were furnished. This was in 1715, almost twenty years after a sumptuary law had been passed in Portugal.²⁴ Perhaps most surprisingly, sumptuary laws were used to regulate the consuming habits of Europeans and non-Europeans in the Dutch possessions of Batavia and the Cape. Notwithstanding the fact that no sumptuary provisions existed in the mother country, the Governors-General of Batavia issued ordinances in 1647 banning the use of parasols for slaves and later the use of conspicuous chaises and carriages, and also limiting the number of slaves accompanying their masters and mistresses.²⁵ Such sumptuary acts

²² Craig Clunas makes an argument for a similarity between the Chinese and the European sumptuary laws in the period 1550–1650, including their interest in materials rather than cut and their lack of success in guiding consumption. Craig Clunas, *Superfluous Things: Material Culture and Social Status in Early Modern China* (Cambridge: Polity, 1991), 147–152. See also Timothy Brook, *Confusions of Pleasure: Commerce and Culture in Ming China* (Berkeley: University of California Press, 1999), 228–237.

²³ Tamara J. Walker, *Exquisite Slave: Race, Clothes, and Status in Colonial Lima* (Cambridge: Cambridge University Press, 2017); Rebecca Earle, ‘Luxury, Clothing and Race in Colonial Spanish America’, in Maxine Berg and Elizabeth Eger (eds.), *Luxury in the Eighteenth Century: Debates, Desires and Delectable Goods* (London: Palgrave, 2003), 223. For Mexico see: Osvaldo F. Pardo, ‘How to Punish Indians: Law and Cultural Change in Early Colonial Mexico’, *Comparative Studies in Society and History* 48/1 (2006): 102–103; Abby Sue Fisher, ‘Trade Textiles: Asia and New Spain’, in Donna Pierce and Ronald Otsuka (eds.), *Asia & Spanish America: Trans-Pacific Artistic and Cultural Exchange, 1500–1850* (Denver, CO: Denver Art Museum, 2009), 185–187.

²⁴ A sumptuary law had been enacted in 1698 and a final sumptuary act was passed in 1749. Nandini Chaturvedula, ‘On the Precipice of Ruin: Consumption, Sumptuary Laws, and Decadence in Early Modern Portuguese India’, *Journal of World History* 26/2 (2015): 355–356.

²⁵ Robert Ross, ‘Sumptuary Laws in Europe, the Netherlands and the Dutch Colonies’, in Nigel Worden (ed.), *Contingent Lives: Social Identity and Material Culture in the VOC World* (Rondebosch: University of Cape Town, 2007), 385–388. Similar laws were applied to the Cape with small changes. Stan Du Plessis, ‘Pearls Worth Rds4000 or Less: Reinterpreting Eighteenth Century Sumptuary Laws at the Cape’, *Working Papers* 336, Economic Research Southern Africa: <https://ideas.repec.org/p/rza/wpaper/336.html> [last accessed 1 January 2018]. See also Adam Clulow’s chapter in this volume.



Figure i.1 *Teatime in a European house in Batavia*, by Jan Brandes, 1779–1785. Pencil on paper, 15.5 x 19.5 cm. Rijksmuseum, Amsterdam NG-1985-7-2-15.

manifested concern about the high levels of consumption by Europeans in Asia and the Americas, not just in relation to dress but also to the number of servants and slaves and to visible manifestations of wealth such as the means of transport used (Figure i.1). In India, which did not have any tradition of sumptuary laws, the new laws focused on ostentatious means of transport.

Why did sumptuary laws become more numerous in Europe in the thirteenth century, increase in number up to the early seventeenth century but all but disappear by the nineteenth century? Alan Hunt has connected the enactment of sumptuary laws with high economic development thus supporting the hypothesis of a direct relationship between economic growth, the appearance of fashion and attempts at curbing conspicuous spending.²⁶ Similarly, Neithard Bulst and Martha Howell have suggested an evolution of sumptuary legislation from ‘unspecific’ regulations enacted by individual European cities before the mid-fourteenth century

²⁶ Hunt, *Governance of the Consuming Passions*, 22–41.