



Reflections on the *mos maiorum*

A discussion paper

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Throughout Nova Roma's relatively short history there have been frequent appeals to its citizens to abide by the *mos maiorum*. This is a reference to those unwritten rules, the customs of the ancestors, that permeated Roman republican life, at all levels, and which guided the individual's choice of action, or inaction, the responses they gave to situations and the political and social positions they took and held to. Since by its nature the *mos maiorum* is unwritten, it is left to interpretation to discern exactly what these ancestral customs were.

That in itself poses a potential problem for Nova Romans. Who is to be the interpreter? Is it the individual, or is it some other person, or a group of people, or an organizational body inside the *res publica*? Will the choice of interpreter be a constant, or fluid whose identity changes depending on circumstance? What follows is not a prescriptive plan, but rather some thoughts of mine on the issues, which hopefully will provide a backdrop to further conversations and discussions by others.

Since the *mos maiorum* should guide thought and actions it should also influence the construction of laws and edicts when those are necessary, providing the base or starting point. It should underpin every aspect of Nova Roman life, which it is practical to do so on, if it is to serve as its ancient form did for the Romans. Given the issue over interpretation it can be immediately discerned that whoever holds that responsibility can wield great influence.

It is therefore important that we as Nova Romans first reach a common understanding of exactly what the *mos maiorum* was, where traces of it can be found, and how it functioned within Roman society. Once we are equipped with a common and widely accepted definition of the *mos maiorum*, we can look to how to extract those parts we can from the depths of time, and then consider what must be taken into account when applying the discovered remnants to our own individual and collective situations in Nova Roma.

The accumulation and application of custom is something we can experience in "modern" life; the ways things are done for example in your workplace. Those unwritten, often confusing and seemingly inexhaustible oral lists that are usually produced to negate, check or correct your actions. To the new employee they often have the semblance of an impenetrable maze, and equally frequently the keeper of those customs may have no actual management role. Often it can be an older peer, sometimes self-appointed, who carries influence within the workplace. The power of those customs

With the move away from what has been described as the *nuclear family* and the development of more flexible parenting models, the image of the Victorian style *paterfamilias* sternly laying down rules of conduct for his wife and children is no longer the norm in western society. Even in the wider context of family what grandparents, for example, think as a guide to influencing the actions of the younger generation is no longer a compelling consideration, yet even in our more devolved, and some might say evolved, society we can find traces of customs, but now they are imposed at a wider level. Within the current generation what their peer group thinks is appropriate is decided more often on Twitter than in the confines of homes and family.

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Unwritten rules of conduct will likely always survive and all that changes is where they are to be found and who is the keeper of them.

Of course the primary question to ask ourselves is, are customs important? Even if instinctively we think we know the answer we should be certain we have a collective response we can give to new citizens, so everyone starts to get the same grounding in our reconstituted *mos maiorum*. Not only does it make sense to do so, but we start as we mean to go on by determining a custom response.

So, are they relevant or necessary in our “modern” world? Why is the application of the *mos maiorum* important to Nova Roma? Customs define patterns of behaviour that regulate our responses to situations and our interactions with our family, friends, associates and the wider world. Clearly law as a concept has a role to play, as it always did, but there are aspects of life that the law has no place being, yet without some form of structural control, some boundaries, it could be argued that society would fall into chaos.

The acceptance by a society of rules of behaviour that are not law, yet have the same or greater force than law, is a regulating process that enables the relatively smooth running of society, facilitating interactions and responses in a way that are acceptable to the vast majority. Why these customs at times possessed of a greater force than law is due to them being ingrained in us virtually from birth, and often they are far better known and accepted than the minutiae of a legal code.

So customs have an inherent value to any society, but why would Nova Roma seek to discover the tenets of the customs of the Romans and apply them to issues of modern life, to a modern society? The process of reconstructing a Roman *res publica* in a deeper sense than just its structural form will require that we in Nova Roma learn to react as the Romans would have done. If we think we find value in Roman republican life, which presumably the majority of us in Nova Roma do, then we need to understand how and why Roman society worked, and how the Romans thought and reacted. The patterns of individual thought and action lead to the collective patterns found at a state level, for the whole is the sum of its constituent parts. So the thoughts of individual Romans, how they acted and reacted are a guide to how and why Roman republican society developed the way it did, and finally why the Roman republican state developed in the same way.

We in Nova Roma have a harder task than the Ancient Romans did. We have to perform an investigation to discover the remnants of the *mos maiorum* and then analyze it and finally try to apply it to our current time period, all the while balancing it with the mores of our times. For example, what was customary in Ancient Rome in respect of slavery would not be acceptable in our current timeframe, so what process will we develop to assess what can and cannot be assimilated from the past? Slavery is a very simple example, but there will be customs where the line of acceptability is more blurred, uncertain or dependent on an individual view point, so how do we, or even do we, reach a collective view on such a custom? Who will determine this?

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Will we do it in advance or as the need to do so arises? Again, these are important questions to consider.

The *mos maiorum* of Ancient Rome can be thought of as a series of customs, flowing from the most basic units of societal structure, family, gens, religion, workplace, social strata, clubs, the people and of course the senate. There wasn't a universal set of customs throughout the Roman world, although there were undoubtedly constant customs from one end of that world to another. Local customs would be important too. For our purposes though we will be restricted by necessity to the customs operating within Rome the city, because most of the available primary sources relate to that. Cicero and Livy, for example, speak much on that set of customs.

It may help to visually picture the *mos maiorum* as a network of individual waterways, different sized rivers of customs that at various points merge into each other, and finally come to the estuary of the Senate that in turn flows into the sea of the state, the *res publica*. At the place where one river merges into another, a lock exists, control of which rests with those that oversee the exit and entrance of these individual flows of customs and traditions. We can safely assume that these lock-keepers are the senior figures in each of the units, in the *familia* the *paterfamilias*, in the *gens* the seniors of the constituent families, in a workplace the owner, in the *collegiums* the eldest pontifices, and in the senate the oldest senators. Seniority in age in republican Rome normally carried with it a corresponding weight of influence in respect of the *mos maiorum*, because first due to its unwritten nature the recollection of the elders would be critical to the preservation of those customs, and secondly because elders were more respected in that society than later ones where they have been regarded as "has beens", out of date relics and irrelevant to modern fast-paced, seemingly ever changing societies.

Each of these waterways, regardless of size, has a "safe" navigable route, mid-stream, while the banks and shoals to the sides are the extremes to be avoided by those that travel them. A Roman would have little degree of latitude over his or her course along each of these rivers, and other travellers would be watching their course, looking out for dangerous or deviant examples of navigating life.

There were no "river police" to enforce these customs and detect transgressors, but there were fellow family members, workplace colleagues, and neighbours to name but a few of the eyes that were upon a Roman. The *mos maiorum* policed itself, and its main enforcement tool was censure by one's peers, and the subsequent endurance of the shame of having transcended the norms of behavior. There was also the ultimate disgrace of the *nota* of the censors.

Thus the desired course for a Roman was that safe and well-travelled section of the river of custom, namely mid-stream, where the generations before him had proceeded along. The lock-keeper of the social unit served as the oral historian, recalling, interpreting and if necessary applying the customs of the past to current dilemmas. He was the one that controlled the types and quantity of the customs to let flow out into the wider rivers beyond.

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There were some customs that were unique to the unit and there were the common ones, so each individual river can be thought of as being fed by individual springs and streams of customs that merged into one unique flow for that unit. Equally the lock-keeper of the larger rivers beyond had to determine what flows of customs to accept. All along the various waterways the course of the travellers and the level of the flow of customs were monitored.

A custom that became too dominant, too consuming, and swamped all around it would have been as detrimental to the Roman mind as a paucity of custom. A key ingredient in Roman life was balance, in all things, and we can assume that also meant the *mos maiorum* itself. Balance and moderation are evident in the strands that we can discern, and that mid-stream course along a moderate waterway of custom was the hallmark of the *mos maiorum*. It ensured that any potentially excessive and an even dangerous reaction to the behaviour of others was avoided, which was especially important in an un-policed city.

At certain times it became clear that a new spring or stream had entered the combined flow of customs, and even on occasions the direction of the rivers banks that guided the course of these flows of customs had to be altered, but these adaptations were not the norm, but the important feature of the *mos maiorum* was that it was an adaptive system, at the height of its pre-eminence in Roman society not a moribund series of social rivers of thought and custom that silted up and became irrelevant.

As with an unpoliced waterway today, it relied on the good will and consent of the users to keep it operational. Traffic had to flow and give way according to those unwritten navigation paths that were ingrained in the Roman republican soul. For the Roman the fear of public censure from one's peers kept those routes flowing largely unimpeded. That isn't to say that there weren't those that tried to flout the rules and conventions, but relatively speaking the incidents where the system of user, and more importantly self, policed control broke down were not in the majority. The fear of offence being given to mortals and immortals alike constrained all but the most socially daring.

This community policing itself in respect of social mores and customs ensured that in a society where there were implicit prohibitions on the deployment of the armed forces of the state inside the pomerium, that social order and cohesion was maintained. That is not say that there wasn't crime, but within the law abiding elements of society the sort of fundamental breaches that could lead directly to a breakdown of order was largely eliminated by observance of the *mos maiorum*. An example of where such a breakdown threatened public peace and order was the Bacchanalian rites. These clearly breached the various tenets of the *mos maiorum* concerning deportment in public and sexual constraints, and that led directly to a fear of a wider breakdown of public order if those rites were not suppressed.

Thus when in Nova Roma we talk of the *mos maiorum* and seek to apply it to our situations and issues, it should be understood that the shreds of it that can be discerned in many primary sources by either direct reference to guiding principles or customs, or by logical deduction and

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reverse engineering to arrive at the core custom, that guided decisions will usually be at the senate or state level.

Private correspondence, such as that of Marcus Tullius Cicero, can also be a window onto more family centric customs, but of course in the case of Cicero in particular he was writing at the time of the late republic when it can be argued that the *mos maiorum* had frequently broken down, so care should be exercised as to whether the accounts of decision making reflect the underpinning guiding customs, or the mutated form of custom, or even the absence of any custom at all. Counter-balancing this was the fact as a *novo homus* Cicero would likely have been more conscious than many of the need to appear to be following custom. His provincial birth did not afford him the luxury of family or personal eccentricities, or excesses, that even those revolutionary times engendered.

Further complicating our extraction of these strands of custom is that the accounts that survive that reference these either directly, or indirectly through their influence in respect of specific incidents and issues, are almost always penned by authors who are not contemporaries of the events they describe. The very nature of the *mos maiorum* was that it wasn't codified, annotated, tabulated and neatly recorded as source material that these authors could research. So Cicero and Livy themselves would have been in the same predicament of sometimes essentially guessing as to its nature, possibly using as a guide similar surviving customs. Equally for Livy, due to his own upbringing amidst the renowned conservative mores of Patavium, there is the likelihood that in any interpretation he would have erred on the side of his own nature and thus he paints somewhat of a more idealistic interpretation of Roman mores that may actually be the case.

So our task is further complicated by having to look back through the lens of history, using very incomplete indirect records, whether epigraphic or actual primary literary sources, to a time when the authors of the few extant materials we have were themselves peering through their own lens of history. Accurate reconstruction will therefore likely be rare, and rarer still when we consider where on the timeline we are searching for as a target. Knowing that the *mos maiorum* did evolve, albeit slowly in most cases, the extant records and sources may only point to, for example, the early Principate rather than mid to late republic.

Even if we leave aside the issue of whether the *mos maiorum* effectively died with the accession of Augustus, to be replaced by a version based on imperial whim rather than popular consent, we can certainly recognize that with the change in the structural format of government to that of the Principate it also necessitated a change in many customs. Therefore if Nova Roma generally wishes to model republican mores, then we will have an even narrower set of source materials to work with. That in turn raises the issue of whether we should settle for an amalgamation of the shreds of the republican *mos maiorum* with later timeline extant examples: sparse purity versus a more comprehensive yet mongrel version.

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Through a process of extracting the *mos maiorum* by logical reverse engineering as to what possible customs could have propelled the Senate to subsequently adopt certain positions, and then trying to weave such individual strands into a pattern, thus discerning the presence and influence of supposed examples of the *mos maiorum*, will be challenging. Any interpretive role that was adopted by the Senate of events further back on the timeline will inevitably be set against preconceived ideas, positions and principles of the individuals who acted as interpreters. As much as Livy was no doubt affected by what could be viewed as a narrow minded provincial attitude, older Senators too would have been affected in their analysis by similar influences.

So we can assume that it might be possible to identify general concepts of behavior, but there was also an inevitable interpretation, guided not purely by precedent but rather also driven by existing pressures of the times, that the most senior of the senators applied to these. They may have drawn on their own family's interpretation of the *mos maiorum* but political considerations and necessities of the present would also undoubtedly have had an influence on the accuracy of that interpretation.

Thus even when we have clear evidence that an action, or inaction, was guided by the *mos maiorum* and we feel comfortable identifying that element of it, we should ask ourselves critically what influences could have been at work other than purely historic examples. That will require a comprehensive working knowledge of the times: issues, politics, personalities, diplomacy, economics and so forth. This comes back full circle to what period of the timeline we are setting, if any, as the most desirable to try to reconstruct the *mos maiorum* from.

This question of a target time, the optimum period of Rome's history that best speaks to a series of customs and values that we now see as the most important, has also been at times a hotly contested debate. We can select, for example, the period of the middle republic based on purely an appreciation of its mores, yet it could be the most inappropriate for Nova Roma based on its development, or one could argue lack thereof. So we need also to determine a model to evaluate Roman society and see how it, at various key points on the timeline, correlates with our own development. Even if we subsequently choose a time period that doesn't really correlate but is based on principled appreciation and something we should strive for, at least we will do so from a position of actual analysis than knee-jerk emotional attachment. By contrast, Nova Roma could adopt a veritable smorgasbord of customs from the extant parts of the *mos maiorum*, drawing from various parts of the timeline. Controversially, maybe, that could include from both the Principate and Dominate.

We also have to determine if and if yes then how, we blend our own unique Nova Roman customs, which have undeniably developed over the years, with those selected elements from the timeline of antiquity, of whatever composition that may end up being. One feature of Nova Roma has been that the majority of custom is reflected in legal instruments, rather than in unwritten customs. There is of course a very good reason for that, and that is that Nova Roma wears two hats, one a corporate non-profit and one a *res publica*. In order to satiate the

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requirements of the corporate side of our existence, which is not well suited to orally transmitted customs as a means of regulating our existence, we collectively have moved to increasingly precisely defined and comprehensive legislation. There is no escaping this, unless we adopt the two corporation model articulated in *Nova Roma Reborn*.

Let us assume however that we do not move in that direction, and then the question becomes can we extract large parts of our legal code, especially the Constitution, and transmute that into oral custom? Would we have to compromise and render those parts into a separate written document, much like the Declaration, which is devoid of legal force but saturated in moral authority and emotional loyalty? This issue holds true for all of the re-constituted *mos maiorum* because of our twenty-first century programming, where precision and accurate recording underpins an increasingly complex legalism that runs through all modern societies, at all levels of government, from local upwards to the national and international stages.

The desire to be able to refer to an independent and accurate written record is a feature of what is termed the information age. With the advent of the internet and global communication, having as it did the goal as it developed of being independent from the traditional sources of information provision and control, society and individuals increasingly look to research an issue, or a claimed fact, and desire un-biased independent source material to draw from. That legalism that is all pervasive has resulted in complex and highly precise reams of written law, and that is a good thing because we can delve into a legal authority and determine, most times, meaning and guidance as to the scope and applicability of legislation. Where such meaning isn't present, or is claimed to be incorrect or insufficient, then our courts can review the matter and render a decision on interpretation. There is always eventually a written record of this, even if the court omits to provide a written reason for its final decision.

How then can we as individuals, and thus our *res publica*, which is simply a conglomerate of all its constituent parts (us as citizens), adapt our thinking to surrender this craving for independent source material, and instead place our trust in select individuals, or a group of them, to be the arbiter of custom, its guardians and lock keepers, and to have little to nothing recorded and annotated?

The structural changes in *Nova Roma Reborn* would help, but ultimately the final determinant would be a change in our cognitive and cultural processes. The citizenry would have to have a strong faith in those lock keepers, and an acceptance of their moral authority to render an interpretation that could not be challenged, countered or overridden. It is easy to say "just think like a Roman" and far harder in practice because of course we are Nova Romans, not Romans, and our collective internal cultural programming doesn't generally place implicit faith in our community elders to interpret on our behalf.

It seems likely that for our community to progress to that stage, where the community elders are accepted as the arbiters of the *mos maiorum*, then one significant cultural shift must be the acceptance of the role of the Senate in acting in that capacity. While significant differences may

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exist politically between the views of the majority of the Senate and individual citizens, the latter may well have to accept that the Senate possesses the authority, as well as the experience, to determine policy, both constitutionally and practically, for is not the *mos maiorum* just an informal set of policies?

If so then the Senate is already constitutionally empowered to determine what comprises the *mos maiorum*. The practical authority of the Senate stems from the fact that Nova Roma does not operate on the principle of Athenian-style democracy, and is the most obvious choice for a consistent body of opinion not subject to wild fluctuations in composition or temperament that would be the case in direct polling/voting. Additionally one could say that this is a traditional role of the Senate and that the historical tradition of the Roman Senate in this respect also creates legitimacy for the Nova Roman Senate to assume this mantle too.

If there is a general acceptance that the Senate has a primary role to play in determining the composition and nature of the *mos maiorum*, what other institutions within Nova Roma can play a role? Well clearly the two major collegia should in respect of matters pertaining to the state cults. Prior to changes in the nature of the gens, the patres and matres of those would have been likely candidates to be involved in this process too. Now however that role will have to devolve onto active patres and matres of the various familia within Nova Roma, though there is no reason that the various related familia could not select one or more spokespersons from among their members to speak for them on these matters.

An examination of what “elder” means in terms of our community is worth consideration. Obviously in Rome of antiquity elder meant just that. Physical age was the determinant. In Nova Roma in respect of us as the first generation of Nova Romans, elder may well be better applied to the length of time someone has held citizenship for, regardless of physical age.

Since the current Nova Romans have not grown up from birth immersed in the culture and politics of Nova Roma, then the acquisition of knowledge gained by time served as a citizen has potentially more value than physical age. The latter does not guarantee knowledge of Nova Roma’s structures for the older citizens may well only have been within our community for a few years, as opposed to younger ones who have held citizenship for far longer.

Naturally even length of citizenship alone is not the only determining factor that should merit the status of a community elder. One can consider knowledge of Roman culture, history, as well as the record of service, if any, of those citizens within Nova Roma, and how well they performed in any magistracy they have held.

If we accept the diverse sources of the ancient *mos maiorum* and also the methodology necessary to reverse engineer out of extant historic accounts the principles that underpinned the decisions taken, then Nova Roma also needs to consider how to generate the consensus that is necessary to re-constituting an active and flourishing *mos maiorum*.

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We also need to determine is this a hybrid model of the *mos maiorum*, taking into account principles that we have already followed in Nova Roma, or is it based solely on the ancient version. If we opt for a hybrid model, we should consider if a modern Nova Roman custom should be parsed against the ancient extant examples in order to validate its legitimacy to be considered as a novel, but none the less valid and consistent example of an extrapolated ancient *mos maiorum*.

For the sake of logical consistency having done all this, and reviewed the results of our collective investigations we need to make a final decision, that being whether we should pursue a structured and activist reconstruction, or whether we should let time be the judge, over the course of what of course we hope is many generations of Nova Romans to come. As part of this we also need to evaluate how likely it is that generational Nova Romans will appear, thereby utilising the familia as a means of instruction in the *mos maiorum*, or instead will we continue to recruit not families but only individuals, with a clean slate as to what the *mos maiorum* means to them. If the latter is the case, then Nova Roma needs to assess if and how it provides instruction in its nature.

The Nova Roman senate is a good foundational building block in this process, but by means not the only one, just the first stone of the first layer of the foundations of our revived *mos maiorum*. The Senate will have to determine, very carefully, what the next stones that have to lie alongside it are, and how to construct them. Possible options include Senatorial commissions and committees, built of members not only from its own ranks but outside as well. Certainly a Senatorial commission that takes evidence from as wider circle as possible as to the “hows” of proceeding, rather than what comprises the *mos maiorum*, both ancient, Nova Roman, and hybrid. The issue of exact composition should come later.

This will all be a challenge, and consume that least available of resources, time, but the gains I think are all too clear; the ability to demonstrate in a logical and sound manner that our community is based on a legitimate model of the *mos maiorum*, regardless of its exact composition. This will greatly aid Nova Roma in its claims to a legitimate inheritor of the Roman *res publica* and Empire, at least in terms of the traditions and customs that propelled ancient Roman society.