The Ears of Hermes

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THREE

Mos, Mores and Mos Maiorum
The Invention of Morality in Roman Culture

To reconcile ourselves to usages and customs so very opposite to our own, is a task too
difficult for the generality of mankind.

—R. Wood, An Essay on the Original Genius of Homer. 1769

One of the problems that our society has most struggled with, particularly in recent decades, is that of tolerance—the willingness to recognize that the manners and morals of “others” should not be automatically labeled as wrong, irrational or (worse still) unnatural, for the simple reason that they are different than “ours.” Others may live their lives in a manner quite unlike our own—eating different foods, with different sexual habits, professing a different religion (or even none at all) and so on. But this does not imply that “we” are right and “they” are wrong (nor, of course, that they are right and we are wrong). One of the most typical manifestations of intolerance is what has long gone by the name of “ethnocentrism” or the conviction that the traditions of the society to which one belongs are inherently better than those practiced by other communities.1 If we were to catalog here all the disasters and injustices that prejudiced intolerance of the Other has ever produced (and still continues to produce), the list would be very long indeed. Of course, intolerance and ethnocentrism do not occur exclusively in the form of violence and as part of the great historic conflicts that we all know. Bigotry is in fact a very devious kind of evil that can affect even those

1. On ethnocentrism, see the sensible definitions given by Taguieff 1999, 113–14.
who are otherwise quite open-minded, creeping up on them when they least expect it. For example, it is a form of intolerance to brand the habit of drinking herbal tea, very widespread among Californians, as “stupid” simply because any number of outstanding kinds of coffee may be found in the world. We may find bizarre what others prefer as an after-dinner drink, but why define such a custom as “stupid” when compared with that of drinking coffee?

Michel de Montaigne’s “Thousand Manners of Life”

Intolerance and ethnocentrism are based on the pathological conviction that one’s own customs—“our” customs, those of the group with which one identifies—are always better than those observed by “others.” We might put it like this: Intolerance and ethnocentrism are the products of an excess of cultural identity, of the overvaluation of the traditions that define “us” (or better, what we say or believe define “us”). An excess of cultural identity is obviously a kind of illness, an illness that many factors may precipitate simultaneously: cultural narrow-mindedness, naiveté, fear, egotism, inadequate education and so forth. Obviously, I am not proposing to investigate here all the things that can lead to the overvaluation of one’s own customs.\(^2\) But we can say that one of the most effective cures for this illness is a kind of “reversal therapy”—the dedicated practice of systematically upsetting one’s own point of view by taking on that of the Other and of observing one’s self through another’s eyes. One of the most successful practitioners of this method actually happens to have been one of the greatest thinkers of whom sixteenth-century Europe could boast: Michel de Montaigne.

In an essay very significantly entitled De la coustume (“On Custom”), Montaigne wrote: “Barbarians are no more a wonder to us, than we are to them.”\(^3\) Montaigne took a very ancient category of thought that opposes the “barbarians”—i.e., those who are different from us, “others”—to the group to which the subject belongs, only to immediately turn it on its head. Montaigne looks at himself (“us”) through the eyes of the so-called

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2. The distinction between excess of group-identity on one hand and necessary group-identification on the other is quite difficult: probably it is a distinction that can be more easily employed in each instance on the plan of concrete behaviors. Lévi-Strauss (1983b, 21–48) has insisted on the necessity of diversity between cultures as a method of conservation and differentiation. For a discussion of this “differentialist” position, cf. Taguieff 1999, 43–47 and 103. See also the considerations of Remotti 1996, 96ff.

3. The translations given here are those of Charles Cotton’s edition of 1685 (Montaigne 1952, 44). All subsequent quotations from Cotton’s translation will be cited by page number in the text, unless otherwise noted.
barbarians, and the result is this: If the barbarians appear strange to us, then we must also appear strange to the barbarians. It appears that “skeptical Montaigne,” as Rousseau called him, is precisely the person to consult when we risk becoming too convinced of our own cultural identity and of the “correctness” of our own traditions. Let us read on then, but this time from Montaigne’s essay “Of Cannibals”:

[E]very one gives the title of barbarism to everything that is not in use in his own country, as, indeed, we have no other level of truth and reason than the example and idea of the opinions and customs of the place wherein we live (93).

The force of coustume—“custom”—is tremendous.

The principal effect of its power is, so to seize and ensnare us, that it is hardly in us to disengage ourselves from its gripe . . . from whence it comes to pass, that whatever is off the hinges of custom, is believed to be also off the hinges of reason (46).

Montaigne nevertheless succeeds in freeing himself from its grip.

A French gentleman was always wont to blow his nose with his fingers (a thing very much against our fashion), and he justifying himself for so doing . . . asked me, what privilege this filthy excrement had, that we must carry about us a fine handkerchief to receive it, and, which was more, afterwards to lap it carefully up, and carry it all day about in our pockets, which, he said, could not but be much more nauseous and offensive, than to see it thrown away (44).

Montaigne did not, however, flee in disgust from the presence of that bizarre gentleman: quite the opposite.

I found that what he said was not altogether without reason, and by being frequently in his company, that slovenly action of his was at last grown familiar to me; which nevertheless we make a face at, when we hear it reported of another country (44).

Montaigne was truly open-minded. When he traveled, he did so always “very much sated with our own fashions; I do not look for Gascons in Sicily; I have left enough of them at home; I rather seek for Greeks and Persians” (478). He was broadminded enough to declare that a certain love poem cur-
rent among the natives of New Antarctica—what today we call Brazil—not only did not seem “barbaric” to him (and this in itself is very praiseworthy) but was in fact “perfectly Anacreontic” (97). This is perhaps going too far—but still we have to admire Montaigne for the explicit declaration that he made in the introduction to his essay “Of Cato the Younger”:

Though I be engaged to one forme, I do not tie the world unto it, as every man doth. And I beleeeve and conceive a thousand manners of life.  

When one begins to talk about Montaigne, there is always the risk of not being able to stop.

And, also, in the subject of which I treat, our manners and motions, testimonies and instances; how fabulous soever, provided they are possible, serve as well as the true; whether they have really happened or no, at Rome or Paris, to John or Peter, ’tis still within the verge of human capacity, which serves me to good use. . . . There are authors whose only end and design it is to give an account of things that have happened; mine, if I could arrive unto it, should be to deliver of what may happen (41).

A man capable of imagining and of conceiving “a thousand manners of life,” an author interested more in speaking of “what may happen” than in giving “an account of things that have happened,” Montaigne is probably the first anthropologist of the Western tradition. Because of this he had such interest in understanding customs, his own and those of others.

**Herodotus: Comparing Nomoi**

Before continuing on to the second part of our study, along the path that eventually leads to these extraordinary words of Montaigne, we ought to stop and linger on at least two ancient texts. The first is that well-known episode of Herodotus’ *Histories* in which the theme of “reflecting on customs” has its founding moment, as it were:

If one made a proposal to all the men in the world, inviting them to choose what were the best customs (*nomoi*) of all, after considering the question for

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4. The translation here is that of Florio’s 1603 edition of Montaigne’s essays.
5. On the oscillations internal to Montaigne’s thought between cultural relativism and faith in the existence of a common basis for “reason,” see above all Todorov 1989, 51–64; Remotti 1990, 56–78.
a minute each one would choose his own: everyone one is that convinced of the superiority of his own customs (nomoi) over all the rest. . . . And that all men are of this same opinion as far as concerns customs (nomoi) may be deduced from many facts, and in particular from this. During his long reign, Darius summoned the Greeks who were at his court and asked them for what price they would have agreed to eat their own dead relatives. They declared that they would do such a thing for no price whatsoever. Darius then summoned to his palace those Indians who are known as the Callatiae, who eat their parents. And with the Greeks present, who followed the proceedings by means of an interpreter, he asked the Callatiae for what price they would have agreed to cremate their dead parents. And these begged him with great shouts not to utter such impieties. Such is the force of tradition in these cases, and it seems to me that Pindar very rightly wrote “custom is the queen of all things” (nomos pantōn basileus).6

In both instances, Darius’ questioning provokes a horrified refusal: for no price would the Greeks ever be disposed to do what the Callatiae do, and for no price would the Callatiae ever be disposed to do what the Greeks do. According to Herodotus, Darius’ experiment confirmed his theory that all men consider their own customs (nomoi)—even those that seem the most bizarre—the best among all possible or imaginable traditions. At least at first glance, then, this text presents us with evidence not of the tolerance for others’ customs, but, on the contrary, of the overvaluation of one’s own. The Greeks show themselves to be extremely ethnocentric in this case and the Callatiae likewise. In fact, each of the participants in the experiment maintains the conviction that his customs are better than those of the other, and in one case they are actually called “impious.” What seems to emerge from Herodotus’ reflections is, in the first place, the impossibility of divesting one’s self of one’s own customs.7 However, this is true only if one alternately takes on the point of view of the participants in Darius’ experiment: first, that of the Greek, and second, that of the Callatiae. But what happens if a third point of view on the situation is assumed, that of an observer who is neither Greek nor Indian? A story is written to be read by someone, of course: what counts, then, are not so much the feelings or the opinions expressed by the actors within a narrative, as those reactions that the narrative is supposed to provoke in the external reader or addressee. We are particularly fortunate, then, since the narrative itself already offers an internal

6. Her. Hist. 3.38.3–4; the text of Herodotus is cited briefly by Montaigne in his essay On Custom. On the importance of this Herodotean text for the theme of reflections on customs, see the excellent discussion of Remotti 1990, 52–55.
7. Her. Hist. 3.38.3–4
“addressee”: Darius, the Persian observer who organizes this confrontation of opinions, with whom the external reader can easily identify for the purpose of achieving a point of view external to the text.

Let us try to imagine what Darius (and along with him the reader of Herodotus) might have thought after hearing the opinions of the two interviewees. Darius could conclude not only that each community considers its own customs better than those of others, as Herodotus declares, but at the same time that these customs (nomoi) are also quite relative, since each rejected those of the other out of hand with exactly the same feeling of revulsion. If the Greeks reject the customs of the Callatiae and the Callatiae reject those of the Greeks, could it not be true that neither the Callatiae nor the Greeks are “right” absolutely? If Darius had wanted to go further in his thinking, he could have reached the (perhaps melancholy) conclusion that even his own customs—those that he himself shared—were equally relative. At the heart of Darius’ experiment, then, there is also a good bit of skepticism: but it is this attitude that permits him to undertake such an evenhanded comparison.

We have before us, therefore, the paradox of a text that, when it emphasizes the absolute force of traditions, simultaneously opens the door to a relativistic consideration of those same traditions. Herodotus’ thought is quite complex, as indeed generally happens when the problem of cultural identity is at issue. In laying bare the almost tyrannical sway that traditions hold over the members of a community, Darius’ experiment reveals that they are relative in nature: they can be placed on the same level. Understood in this way, the Herodotean text prefigures the attitude that, more than two thousand years later, Melville Herskovits would officially term “cultural relativism”—a commitment to judge others’ customs not on the basis of

8. It is seen also in the way that the text of Pindar (nomos panton basileus, “custom is the queen of all things,” fr. 169 Snell-Mähler) is recontextualized. Pindar in fact uses this maxim to justify the use of violence for asserting the Hellenic nomos over the barbarisms of others, as Hercules had done to the damage of Gerion and the Thracic Diomedes. Herodotus, however, does not present the Hellenic nomos at all as an absolute value, but—at least in terms of the “force” exercised on the individual community—recognizes the parity of the Hellenic nomos with that of the Indians. Cf. the discussion of Moggi 1988, 51–76, esp. 55–56 and nn. 16 and 19.

9. Taguieff (1999, 108) discusses the “dilemma” of anti-racism: is it a duty to safeguard “differences” at all costs, to preserve diversity between human cultures, or is it a duty of racial mixing to realize the unity of the human race?

10. Herskovits 1948. As is known, the theory of cultural relativism was developed by Herskovits on the basis of the critique of ethnocentrism undertaken by his teacher Franz Boas, as well as of Ruth Benedict’s studies on “visions of the world” (or “patterns of culture”). It needs to be said, however, that culture relativism is a position that, though presenting itself as indisputably noble, nevertheless risks posing problems of no less importance than those it called upon to solve. In 1947, the United Nations nominated a Commission on Human Rights with the task of elaborating an international code capable of preventing future crimes like those committed by Nazism. Herskovits addressed
the observer’s own parameters, but of those defined by the community under consideration. In Darius’ experiment, cultural relativism and respect for differences go hand in hand: If his skepticism permits him to treat customs relativistically—depriving them of any pretension of being absolute for all men—the “tyranny” that traditions exercise over a community guarantees the respect necessary for safeguarding such differences.\footnote{From a certain point of view, Herodotus seems to anticipate the position of the “right to difference,” the rejection of ethnocentrism that is based not on an idea of the universalism of the human race, but, on the contrary, on respect for the plurality of communities and identities; cf. Taguieff 1999, 104–7.}

**Cornelius Nepos: Traditionalist Relativism**

Long before Herskovits, an explicit declaration of this “relativistic” principle in judging customs and cultures could be found in a Roman author who generally does not get much credit, unless it is for his easy Latin style appropriate for beginning students: Cornelius Nepos. In the preface to his work on famous foreign generals, he too follows the path of comparison, writing:

> I know very well, Atticus, that I will have numerous critics who judge the style of my writing history light and inadequate for great men, given that you can read here, for example, who was Epaminondas’ music teacher or that among his many fine qualities was also skill in dancing and his mastery of flute-playing. But they will probably be people who, ignorant of Greek culture, will believe that they should only approve what conforms to their own customs (mores). When they learn, however, that the criterion for judging what is good and decent or reprehensible (honesta atque turpia) is not the same for everyone and that each thing has to be judged according to the traditions of its own ancestors (omnia maiorum institutis iudicari),\footnote{Nep. *De excell. duc.*, pr. 1ff. Similar considerations, even if in a slightly more scholastic mode, can be found in the anonymous Sophistic essay entitled *Dissoi Logoi*, in Diels and Kranz 1969, II, 408ff., 90, 29ff.} they will not be surprised that in treating the virtue of the Greeks I conformed with their customs (mores). It was not a shameful thing for Cimon, one of the greatest Athenians, to take his maternal cousin for a wife, because

\[\text{this Commission to ask that the principles of cultural relativism be inserted into the list of such rights, but his proposal was refused, on the argument that cultural relativism risked rendering vain the very proposals of the commission, since, at least theoretically, it would be possible to affirm that even the crimes perpetrated by a certain community on another community could be judged not on the basis of absolute parameters, but on the basis of parameters internal to the culture of that community. In other words, cultural relativism is a form of tolerance that at every moment risks having to accept the precise opposite, i.e., intolerance (cf. Tullio Altan 1983, 70ff.).} \]
his own fellow citizens followed that same custom, while according to our laws that would be cause for scandal. On Crete it was a sign of distinction for young men to be the lovers of many men. In Sparta, there is no widow too noble to dedicate herself to prostitution for financial gain. And again, in all of Greece it is a mark of great honor to be proclaimed victor in the Olympic Games. To set foot on stage or to act in popular spectacles was not considered dishonorable for anyone: all things that, for us, are in part defamatory, part humiliating, and part contrary to decent behavior. Instead, many things deemed quite reasonable by our customs are not so for them. What Roman would ever hesitate to take his wife to a banquet? Or what matron would abstain from showing herself in the atrium of her home or from participating in society? In Greece, however, things are different. A woman is not permitted to see visitors, unless they are her relatives and she keeps herself locked up in the most inner part of the house, called the gynaceum, where none but a close relative is permitted to enter.

Here, Nepos unambiguously declares that in judging cultures there is no place for the conviction that one’s own customs are “right,” to the exclusion of all others. Rather than hastening to the conclusion that Cimon entered into an incestuous marriage, the proper thing to do is to discover if such a marriage was considered acceptable and legitimate according to the instituta maiorum of the Athenians themselves. Others’ customs should be evaluated only on the basis of parameters internal to the culture—that is, on the basis of the instituta maiorum that serve as the norm for the behavior of the “others” and not on the basis of what “we” consider right. This is nothing other than an unequivocal rejection of ethnocentrism and a declaration of cultural relativism.

To show that customs are relative, Nepos hits upon a very clever strategy: he catalogs a series of behaviors that Roman citizens could not but reject—passive homosexuality practiced by free youths, participation in sports activities, acting on stage and so forth—declaring that among the Greeks, all these behaviors are not only permissible, but in fact in certain cases actually honorable. But he does not stop there. Nepos has the courage to carry his relativistic rationale to its conclusion and to overturn his own point of view entirely, just as many centuries later Montaigne would invite his readers to do. In fact, Nepos explicitly suggests looking at the Roman mores that he himself shares through others’ (that is, Greek) eyes:

Many things deemed quite reasonable by our customs are not so for them. What Roman would ever hesitate to take his wife to a banquet? . . . In Greece, however, things are different.
Here, even Roman *mores* are treated relativistically, like those of the Greeks: “our” customs may appear to “them” just as unseemly as “theirs” appear to “us”—so much so indeed that the Greeks would by no means approve of “our” women and the way in which “we” permit them to behave. If Montaigne said, “the barbarians are no more a wonder to us, than we are to them; nor with any more reason,” Nepos could have said, “the Greeks are no more a wonder to us, than we Romans are to them; nor with any more reason.”

There is something we need to stress here, however. The example of possible Roman impropriety cited by Nepos—the behavior of “our” women—is only one, while those that he cites of the Greeks are many, as we have seen. And in the end the example that he chooses is not even all that terribly unbecoming. “Certainly,” a Roman reader could have objected, “perhaps we do give our women a little too much liberty; but do you really mean to compare us with them, when they practice passive homosexuality, when they let their widows prostitute themselves, when they wrestle nude and recite on the stage . . . ?” In other words, even in a moment of the greatest intellectual honesty, when trying to relativize things to the point that the absolute rightness of one’s own customs is cast into doubt, there is always the risk of giving in to the prejudice that “we” are better than “others.” Ethnocentrism can creep in even by simply reducing the number of “our” behaviors that “others” may find unseemly or by choosing as an example one of “our” behaviors that, as uncouth as it may seem in the eyes of others, can never be as improper as those of the “others” in our eyes. The fact is that viewing one’s own customs in a relativistic way is extraordinarily difficult. As Montaigne wrote, the force of custom is so powerful that it is capable “so to seize and ensnare us, that it is hardly in us to disengage ourselves from its gripe.”

Nepos’ text prompts a further consideration, which will help us make the transition to the next section of this chapter. The process that brings Nepos to his rejection of ethnocentrism and his declaration of cultural relativism—that every culture should be judged according to its own internal parameters and not according to external *mores*—involves a resolute affirmation of the central position of *instituta maiorum* in any society. The *turpia atque honesta*, says Nepos—i.e., what is good and what is bad—*omnia maiorum institutis iudicari*. In other words, Nepos’ cultural relativism and his idea of tolerance derive as a logical and final consequence of the concept of tradition. For Nepos, the “traditions of the ancestors” are so important and so worthy of respect that even those of others must be treated with great deference. He therefore begins from a typically Roman cultural model: the importance of the *mos maiorum* (or the *mores atque instituta maiorum*) in
defining collective behavior. We will have to speak of this at greater length below.\textsuperscript{13} Nepos is so respectful of this cultural model, however, that he considers sacred not only Roman \textit{instituta maiorum}, but also those of other groups. Nepos, in short, comes to reject ethnocentrism and to avow a universal right to be different, by making an appeal to what is actually extremely “traditional.” No doubt, this conclusion is rather surprising—even if it is pleasantly surprising—since an overvaluation of the customs of the ancestors and of the particular group identity that derives from them is usually found in the company of attitudes that can be defined as ethnocentric rather than relativistic (and that are anything but tolerant, at any rate). It is enough to think of the notorious Umbricius of Juvenal’s third satire,\textsuperscript{14} or of any number of modern “local” movements that, in reclaiming traditional customs (dialects, food, festivals, proverbs and so on) also demonstrate a marked intolerance for the customs of other communities. Nepos provides evidence of the fact that, at least at the intellectual level, an overvaluation of the concept of “tradition”—i.e., of the \textit{mores atque instituta maiorum}—as a model for behavior is not necessarily a symptom of ethnocentrism or of intolerance.

However, such an attitude has implications that we cannot leave unmentioned. When Nepos bases his entire relativistic theory on the centrality of the \textit{instituta maiorum}, he shelters “other” cultures from ethnocentrism, certainly; but at the same time, he effectively protects “his own” \textit{instituta maiorum} (i.e., those of the Romans). If the \textit{instituta maiorum} are such an authoritative model of behavior as to guarantee respect even for some other culture’s \textit{mores} that the Romans would never accept, how could one ever dare to bring under discussion “our” \textit{instituta maiorum}, upon which Roman identity is founded? Nepos’ cultural relativism thus becomes a formidable instrument for curtailing internal attempts to introduce \textit{mores} incompatible with “our” traditional ones. Let the Greeks do what they like, since they do it in respect of their own \textit{instituta maiorum}; by the same token, let no Roman ever think of introducing into “our” society any \textit{mores novi},\textsuperscript{15} customs that do not respect the \textit{instituta} of our ancestors. Nepos’ brand of cultural relativism holds for others’ societies (and this is already a lot, of course): but for the same reason it does not and cannot ever hold for his own.

\textsuperscript{13} Cf. below, 97–104.
\textsuperscript{14} Juv. Sat. 3.58ff.
\textsuperscript{15} Cf., e.g., expressions like that of Cic. Manil. 9.60.2, \textit{at enim ne quid novi fiat contra exempla atque instituta maiorum}. 
Chapter 3. Mos, Mores and Mos Maiorum

Mores at Rome

In our analysis of Nepos’ text, one of the words we have come across most frequently is mos. It is the mores that Nepos treats relativistically in order to reject ethnocentrism. Let us see, then, what is understood by mos and by mores in the culture to which Nepos belongs: Roman culture, of course.16

The Varronian Phenomenology of Mos

We may begin with ancient definitions of mos. As Festus tells us, mos est institutum patrum, id est memoria veterum pertinens maxime ad religiones caerimoniasque antiquorum (“Mos is an institution that we receive from our forefathers, i.e., the memory of tradition that above all regards the religion and the cult practices of the ancients”).17 Later, Isidore would say more or less the same thing: mos est vetustate probata consuetudo, sive lex non scripta . . . mos autem longa consuetudo est de moribus tracta tantundem (“Mos is a habit proved by its longevity, or an unwritten law . . . mos is a long habit, equally taken from the mores”).18 As we can see, both definitions orient mos squarely in the direction of “antiquity” (memoria veterum, vetustate probata consuetudo) and of “habit” (mos autem longa consuetudo est).

The most interesting considerations of mos belong to Varro, however. He gives us not only a definition of what this meant for him, but also a description of the way in which mores are formed and established—and this gives us a very interesting glimpse at the way in which Roman culture internally interpreted the anthropological value of mores. According to Servius, Varro defined mos as follows: Varro vult morem esse communem consensum omnium simul habitantium, qui inveteratus consuetudinem facit (“Varro wants mos to be the consensus of all those who live together: once this is established in time, it creates a habit”).19 Ulpian no doubt was thinking of Varro when he asserted that mores sunt tacitus consensus populi longa consuetudine inveteratus (“The mores are the tacit consent of the populace, which has been consolidated with time through long habit”).20 For a mos to be defined in this way, it needs to satisfy two prerequisites: first, that it be shared by a community

16. On mos and mores, see also the well-known article Dumézil 1954, 139ff. (not particularly useful, however, in the perspective that interests us here). On the etymology of the word, see Flobert 1973, 567ff. (adopting that of Curtius, i.e., from *me-, “to measure”).
17. Fest. De verb. sign. 146.3 Lindsay.
18. Isid. Etym. 5.3.2.
19. Serv. in Aen. 7.601.
of people who “agree” on this mos, and second, that it be consolidated in time. The characteristic of “antiquity” seen in the preceding definition is now joined by that of “popular consensus.” Consensus is a cultural model to which frequent recourse is had in Latin texts to reinforce the foundation or the legitimacy of a judgment, attitude, behavior, and so on. It is needless to cite examples. But from Macrobius we learn some further information about Varro’s thinking on mos, perhaps even more interesting than what we have already seen. Macrobius tells us that in his Logistoricus de Moribus, Varro states that morem esse in iudicio animi, quem sequi debeat consuetudo (“mos consists in a judgment of the spirit, and habit must follow it”). In this case, too, the importance of consuetudo is reaffirmed, as is the slow consolidation of mos along the temporal axis. But in this definition there is something more: mos is specifically defined here as something that consists in iudicium animi—i.e., in an interior disposition that is consolidated as a true and proper mos only when it is acknowledged as a consuetudo and affirmed as such. Here is Macrobius’ paraphrase of the Varronian formulation: mos ergo praecessit et cultus moris secutus est, quod est consuetudo (“so mos came first and the observance of the mos followed, which corresponds to habit”). On its own, a mos is a disposition that depends on a iudicium animi, and so is not yet sufficient: to truly become a collective practice, there needs also to be cultus moris, the practice and the social acceptance of the mos that transforms it into a consuetudo.

This Varronian phenomenology of mos is extremely interesting. In fact, we could advance the hypothesis that Varro was able to formulate it so clearly because, besides being an author, philosopher, and antiquarian, he was also a linguist—and so he saw the possibility of transferring to the sphere of “customs”—the social creation par excellence—the experience that he had had considering another type of social creation: sermo. In fact, in the theoretical framework of his treatise De Lingua Latina, Varro attributes great importance to the notion of consuetudo. In particular, he creates an explicit distinction between the consuetudo of an individual and that of the

21. Cf. expressions like Liv. AUC. 8.35.1, stupentes tribunos . . . liberavit onere consensus populi Romani; Plin. Nat. hist. 14.72, nec negaverim et alia [vina] digna esse fama, sed de quibus consensus aevi iudicaverit haec sunt; Cic. Tusc. disp. 1.35 claims even that the consensus of all men corresponds to ‘naturalness’: quodsi omnium consensus naturae vox est, omnesque qui ubique sunt consentiunt esse aliquid . . . nobis quoque idem existimandum est. It is worth recalling, too, that the merits of Scipio Barbatus’ son, consul in 259 B.C.E., were also defined through the model of the generalized consensus in the funeral oration dedicated to him (CIL I, 2.29): honc oino ploirume consentiunt R[omane] / duonoro optumo fuise viro / Luciom Scipione.


23. Macr. Sat. 3.8.12.

24. Cf., e.g., Collart 1954, 153ff.

collective (*alia enim consuetudo populi universi, alia singulorum* [“one thing is the way of behaving of an entire populace, another entirely is that of individuals”]), establishing a hierarchy in determining linguistic usage (*in loquendo, in dicendo*); *populus enim in sua potestate, singuli illius* (“[in speaking] the populace is in its own power, but individuals are in the power of the people”); and later, *ego populi consuetudinis non sum ut dominus, at ille meae est* (“I am not, so to speak, the master of the people’s habit, but the general population is of mine”). As in the case of *mos*, so in the case of language Varro distinguishes the individual dimension from the collective dimension, giving the latter predominance over the former. It is interesting that the notion of *consensus communis*, which we have seen used in the sphere of *mos*, is employed by Varro also in his capacity as a linguist, again in juxtaposition to the sphere of individual decision making. Speaking of the declension of substantives, he distinguishes two aspects of the problem: one individual, and one collective.26 On one hand, there exists the possibility of forming substantives on the basis of individual choice, as happens with the naming of slaves, for example. If three different people have each bought a slave in *Ephesus* in *Ionia* from a merchant named *Artemidorus*, each can decide to call his own slave *Artemas* or *Ion* or *Ephesius*. On the other hand, there is the obligation to decline those names according to a scheme that does not depend on the individual’s choice, but on a collective choice: in the genitive case, each one of the slave buyers is constrained to decline *huius Artemidoris, huius Ionis, huius Ephesi* and so on in all cases, regardless of his own wishes. In this regard, Varro comments that *declinationem naturalem dico quae non a singulorum oritur voluntate, sed a communi consensus* (“I define ‘natural declination’ as that which arises not from individual will, but from common consensus”). In the determination of linguistic forms, too, then, Varro contrasts the dimension of individual will to that of the *consensus*, the agreement of the community in establishing a certain linguistic usage. *Mos* and speech appear to be social products regulated by analogous paradigms: on one hand, the *voluntas* or *consuetudo* of the individual, and on the other, the *consuetudo populi* and the *consensus communis* that impose themselves on the former. Quintilian, reflecting on the importance of *consuetudo* as the *certissima loquendi magistra* (“the surest guide by far in speaking”), says also that *consuetudinem sermonis vocabo consensum eruditorum, sicut vivendi consensus honorum* (“I will define custom in speech as the consensus of educated men, just as custom in living [or, in *mores*] I define as the consensus of good men”).27 A practitioner of the science of language knows that “in

27. Quint. Inst. orat. 1.5.3; 45.
living” the community follows paradigms similar to those that it follows in communicating: *consuetudo, consensus*. Mos and speech have no other foundation than social *consensus*, and the *consuetudo* derived from this *consensus* imposes itself on both the linguistic and moral behavior of individuals.

We can now return to the phenomenology of *mos*. The distinction that Varro makes between *mos* understood as an individual’s interior disposition and its reception in the form of a *consuetudo* by means of a collective *consensus*, is actually an extremely important development. Alone, *mos* is purely an individual choice. In this light, it is interesting to note that the Varronian definition of *mos* as something consisting *in iudicio animi* echoes Terence’s famous saying, *quot homines tot sententiae, suos cuique mos* (“there are as many opinions as there are men: each has his own *mos*”).

The explicit equivalence that Terence establishes between *mos* on one side and *sententia* on the other confirms the vision of *mos* as something residing *in iudicio animi*. Actually, the fact that Terence’s expression is clearly “proverbial” indicates that this vision of *mos* is something that belongs to the cultural at large. In the same vein as *mos* referring simply to an individual’s attitude, we may also list the numerous expressions like *meo more, tuo more, suo more, alieno more* and so on, that are used to indicate the multiplicity of personal “opinions” and behaviors that may appear in the field of *mores*. These are individual choices that, precisely for this reason, are not considered shared by the collective. For this to occur, one must be accepted by the public *consensus* and then consolidated in time. In some cases, in fact, we are fortunate to be able to see this transition from personal to collective behavior—i.e., the creation of a new custom via the acceptance of a personal choice by the public *consensus*—described explicitly. Pliny, for example, recounts:

Caesarem dictatorem post unum ancipitem vehiculi casum ferunt semper, ut primum consedisset, id quod plerosque nunc facere scimus, carmine ter repetito securitatem itinerum aucupari solitum.

The dictator Caesar, after a particularly serious fall from a chariot, was accustomed to repeat a magical formula three times before getting onto a chariot, in order to guarantee that the trip would be favorable: something that now, we know, a great part of the population also does.

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30. *TLL* VIII, 1526, 30ff.
Chapter 3. Mos, Mores and Mos Maiorum

Caesar’s example set a fashion,—or to say it as a Roman might, Caesar was the auctor of a new mos, and the prestige and authority that emanated from his person encouraged its adoption by others.\(^\text{32}\) What had originally been an individual choice motivated by a personal misfortune had become a widespread behavior by Pliny’s own time. Thinking back to the Varronian definition, we might say that the personal iudicium animi of Caesar, who was accustomed to touch wood when he mounted a chariot, gave rise to a widespread consuetudo, transforming his individual behavior into a collective mos.

The term mos can cover not one, but two very different cultural dimensions, then: one personal and the other collective. In the first case, mos derives from a simple iudicium animi or is an individual sententia; in the second case, mos appears instead in the form of a consuetudo, a mos shared by a certain community on the basis of a consensus that has become inveteratus with time. Needless to say, the collective dimension of mos—that which represents and identifies a certain “group”—is what interests us here, rather than the individual dimension of mos. Therefore, we will occupy ourselves essentially with this, using the Varronian definition as a point of departure for a wider phenomenology of mos and of mores in Roman culture.

Mos and Fas

A collective mos is a decision taken by a group that reaches a consensus on a certain behavior. This same group, then, has the capacity to consolidate this behavior in time, transforming it into a mos or into mores. This means that this process is not perceived as something absolute that imposes itself by its very nature. Quite the contrary. Mores are the result of collective agreement over something depending initially on a iudicium animi, and this agreement must then pass the test of time. In this sense, mos appears profoundly different from that which the Romans define as fās (“[divine] speech”),\(^\text{33}\) such as that expressed in fatum (“destiny”)—an impersonal kind of speech that by its very nature expresses the will of the gods in the form of a “divine law” that is nefās to violate.\(^\text{34}\) In Roman cultural representation, fās is something that imposes itself independently of the individual iudicium of a person.

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\(^{32}\) Auctor is the technical expression used to designate a moris institutor; cf. TLL I, 1205, 31ff., with many examples. On the meaning of auctor, see also Bettini 2000.


\(^{34}\) Benveniste 1974, 384–9. For the different between fās and ius, cf. Serv. in Georg. 1.269: . . . ad religionem fās, ad homines iura pertinent.
Fas is written directly in nature. It is a rule that prohibits the commission of certain particularly heinous and unquestionably horrible acts. For fas to function as a behavioral norm there is no need of a group that has reached a consensus on it nor of a consuetudo that has been consolidated in time. The difference between mos and fas is immediately evident from expressions like Tibullus’ nullus erat custos, nulla exclusura dolentes / ianua: si fas est, mos precor ille redi (“then there was no guard; there were no doors that closed out sad lovers. How I wish that mos, provided it is fas, might return!”)35 The poet wishes that a mos making the life of the lover easier might return—provided, of course, that the return of such a mos does not violate the inscrutable rules of fas. Mos and fas are two different things and they may not coincide. Interesting, too, is the way in which Tacitus reports a question the legate Blaesus is supposed to have addressed to some soldiers threatening revolt: cur contra morem obsequii, contra fas disciplinae vim meditentur? (“Why do they contemplate violence against the mos of obedience and the fas of discipline?”)36 The text neatly distinguishes the two types of transgression: the refusal of obsequium is an act contra morem, but to disrespect military disciplina—a model that, at Rome, enjoyed great cultural significance37—is absolutely unacceptable, absurd, contra fas.

Majority and Minority Mores

Let us return to mos. We have seen that in the social definition of a mos—in its passage from a simple individual disposition to a recognized custom—everything plays on the presence of a certain group that reaches a consensus on it. At this point, the question must be the following: who makes up the group that through its consensus defines the mores? This is a question without a simple answer. To make our job easier, then, we will try to restrict our field of inquiry and to designate two different scenarios in which mores may be defined: the first involves a kind of “majority” mores regarding the community in its entirety, whereas the second involves a kind of “minority” mores regarding some subgroup of the main community. On to the first scenario, then.

35. Corpus Tibullianum 2.3.4.
37. See, e.g., Liv. AUC. 5.6.17, where the lack of respect (expressed by the verb vereor) for the disciplina appears at the end of a list of behaviors destructive for the city of Rome: non senatum, non magistratus, non leges, non mores maiorum, non instituta patrum, non disciplinam vereri militiae.
**Chapter 3. Mos, Mores and Mos Maiorum**

**Majority Mores**

We can begin with an example. When Sosia describes the battle against the Teleboans in Plautus’ *Amphitruo*, he says that *nos nostras more nostro et modo instruximus | legiones, item hostes contra legiones suas instruont* (“we arranged our legions according to our *mos* and our manner, while the enemy stationed their legions opposite us in their manner”). In Sosia’s words, the Roman tactical tradition (appearing here in the guise of Amphitryon’s “Theban” army) is characterized by its own particular *mos*, contrasted with that of the enemies in the same action of positioning their army. Using Varro’s definition of *mos*, we might say that the group composed of Romans has reached a certain *consensus* on the rules of a military art, and that this *consensus* has become a *consuetudo*: the Romans always position their legions in a certain manner, according to this *mos*. In cases of this kind, the group that defines the collective *mores* corresponds to the entire community, i.e., to “the Romans.” We should try to define this group more precisely, however—and in doing so, we will confront one of the most important, and also one of the most characteristic, anthropological models of Roman society.

**Mos Maiorum**

In the Roman representation of their collective *mores*, the group that wields decision-making power has a specific name and appearance: the *maiores*. The collective spirit of the group assumes the *persona* of the ancestors, who, because of their antiquity, grant a *mos* the necessary authority to become a *consuetudo*. Let us try to revisit *mos maiorum* in light of Varro’s definition of *mos*. We will remember that, according to Varro, *mos* was “the consensus of all those who live together: once this is established in time (*inveteratus*), it creates a habit.” One might say, then, that the *consensus . . . inveteratus* mentioned by Varro—the consolidation of customs along the axis of time—finds its concrete manifestation at Rome in the figure of the *maiores*. Customs that come from the *maiores* are authoritative because they are old, because they have been consolidated in time.

It is interesting to note that at Rome the *mos maiorum* may be invoked in the most disparate circumstances. There are countless examples we could cite. At times, the context can be extremely official and solemn, as when Cicero records that *quattuor omnino genera sunt . . . in quibus per senatum more maiorum statuatur aliquid de legibus* (“there are four ways in which,

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according to the custom of the ancestors, a decision can be made in regard to the laws by the senate”).  

At other times, the circumstances are more common and familiar, as when at the end of Plautus’ *Cistellaria* the actor turns to address the audience saying *more maiorum date plausum postrema in comoedia*, (“according to the custom of the ancestors, applaud at the end of the comedy”). Speaking always of theatrical practices, it is worth noting that at Rome even the choice of actors’ professional undergarments was governed by a traditional “custom” (*mos*): *scaenicorum quidem mos tantam habet vetere disciplina verecundiam, ut in scena sine subligaculo prodeat nemo* (“actors of the theater have such respect for discretion that, according to an ancient custom, not one of them will set foot on stage without undergarments”). Examples could be added *ad infinitum*.

In the above discussion of Cornelius Nepos, we have already stressed how important *mos maiorum* was in Roman culture, and there is no need to dwell on the influence that this cultural model exerted on law (“the greater part of *ius* depends on *mores*, not on *leges*,” remarks Quintilian), religion, military discipline, the education of children, public and private behavior and so forth. The range of functions covered by *mos maiorum* is extremely broad—so broad, in fact, that addressing this subject in a few pages would be practically impossible. We will limit ourselves, then, to highlighting some specific, perhaps less familiar traits of *mos maiorum*—or at any rate, those more in tune with the perspective that we have taken in this study.

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41. *Cic.* *Off.* 1.129.
42. *Quint.* *Inst.* orat. 5.10.13.
43. Cf. Rech 1936, a work conducted obviously from a point of view different from that which interests us, but nevertheless still very useful; for the function fulfilled by *mos* as a customary right (*Gewohnheitsrecht*), see Peppe 1984, 88–98.
44. The bibliography on *mos maiorum*, except for a few specific works, is both endless and difficult to define (see the attempt of Bianco 1984, III, 601–6).
45. On the normative function of the ancestors in Roman culture, see also Bettini 1991a, esp. 191ff.
for “modeling” or “remodeling” society, for instance. According to Livy, Cato the Elder used his office of censor to castigare nova flagitia et priscos revocare mores (“suppress the disgraceful behavior of his contemporaries and reestablish ancient customs”).

But even when no magistrate’s will stands behind mos maiorum to enforce its observance, nevertheless the traditions of the ancients exercise an unquestionably paradigmatic function. At Rome, mos maiorum functioned almost as a kind of exagium, the instrument used to calibrate weights—a kind of basanos or touchstone. Sometimes the behavior of “moderns” is measured against mos maiorum. If they conform, this serves as their justification (dico . . . me more atque instituto maiorum fecisse [“I declare to have acted according to the institutions and customs of the ancestors”]). If they do not, there is room for censure (nihil de me actum esse . . . more maiorum [“nothing was done in my respect according to the customs of the ancestors”]). In fact, it is worth noting that the expression more maiorum (and maiorum more), with mos in the ablative case, is a fixed, codified formula that is very rarely varied. The grammatical rigidity of this formula corresponds well to the permanency of its function within Roman culture: when someone wants to approve or disapprove of a certain behavior, the mos of the ancestors is the “attendant circumstance” par excellence.

The normative value of mos maiorum ensures that this formula occurs more often than not in linguistic contexts of a strongly pragmatic nature. This second aspect of mos is worth investigating. If mos maiorum, as a cultural model, fulfills a paradigmatic function in society, this likely has some effect also on the “discourse” in which it occurs. In certain cases, the pragmatic character of the linguistic context is made explicit in the form of the phrase, as when Plautus’ Stasimus exclaims, utinam veteres hominum mores, veteres parsimoniae / potius in maiore honore hic essent quam mores mali (“would that the ancient customs of men, the old frugalities, were more honored here than bad customs!”). Stasimus, bemoaning the loss of the customs of the ancestors according to mos maiorum, makes the express wish that his fellow citizens would return to the good customs of their ancestors and abandon the mali mores that have displaced them. In this case, the pragmatic valence

46. Liv. AUC. 39.41.4.
47. I do not mean in this way to valorize the etymology of mos from *me- (“to measure”) proposed by Flobert 1973 (cf. above, n. 22), which remains quite unclear.
48. Liv. AUC. 34.31.16.
49. Cic. Sest. 73.3.
52. Cf. the comment of Carmides (Plaut. Trin. 1030ff.), di immortales, basilica hic quidem facinora inceptat loqui / veteran quaerit, veteran amare hunc more maiorum scias.
of the discourse is obvious: it is expressed in the form of a wish.\textsuperscript{53} But even when the exhortation to follow \textit{mos maiorum} is not syntactically transparent, simply mentioning the customs of the ancestors is enough to render the discourse pragmatic. Let us take another look at an example we have just cited. If applauding at the end of a comedy is an ancestral \textit{mos}, this means that you, too—the audience—would do well to applaud. Again, the mention of \textit{mos maiorum} has the value of an exhortation or of an invitation. In the terminology of speech act theory, the mention of \textit{mos maiorum} activates a kind of perlocutionary force in the discourse.\textsuperscript{54} Any utterance regarding \textit{mos maiorum}, in fact, is not limited to producing a certain complex of sounds or a certain linguistic meaning; more or less explicitly, it always aims at producing an effect on the interlocutor, exhorting him to justify, praise or practice certain behaviors, or to censure others.

**The Athenians’ Question and the Poor Definition of \textit{Mos Maiorum}**

There is another aspect of \textit{mos maiorum} to explore. It is perhaps the most interesting, and may be introduced in the form of a question: How can the boundaries of \textit{mos maiorum} be delineated or defined? This question has no answer, however. In fact, variability and resistance to easy definition are an integral part of the social nature of \textit{mos maiorum}. Since we have been talking about \textit{mos maiorum} as a cultural configuration endowed with a strongly paradigmatic value (which we expect to be rigidly codified, therefore), this appears intriguingly paradoxical. But the fluidity inscribed in the very nature of \textit{mos maiorum} is evident from the way in which Cicero, for example, reports an anecdote about an Athenian consultation of the Delphic oracle. When the Athenians ask the god what sacred rites (religiones) they should practice above all, the oracle responds: \textit{eas quae essent in more maiorum} (“those conforming to the customs of the ancestors”).\textsuperscript{55} After reflecting upon this answer, however, the Athenians return to the oracle:

\textsuperscript{53} Cf. also cases such as Cic. \textit{De senec.} 2.3. \textit{mos maiorum postulat . . . ; Sest. 16, more maiorum adligatum . . . ; etc.}

\textsuperscript{54} The reference is to the theory of Austin 1987. If we considered the situation from the perspective of the speaker—a perspective that does not interest us here—we would speak rather of the “illocutionary force.”

\textsuperscript{55} Cic. \textit{Leg.} 2.16.40. The same anecdote is told by Xen. \textit{Mem.} 4.3.15, but much more succinctly, and without the Athenians’ second question. In Xenophon, the expression that corresponds to Cicero’s \textit{mos maiorum} is \textit{nomos poleos}. 
They returned a second time and, affirming that the customs of the ancestors had changed many times, asked what custom specifically they should attend to among the many different ones. The oracle responded, “The best one.”

The tautology of the oracle’s response reveals its profound wisdom. It was the question that was naïve. How can one ask what is the “true” mos maiorum? Such a thing cannot be defined unequivocally. In this sense, an explicit question inevitably brings to light the fact that there is not one and only one mos maiorum; rather, there are many different ones, and these are often inconsistent with each other. This is why the oracle, in its response, necessarily appeals to the questioner’s own faculties of judgment: relying upon his own good sense, he must understand which among the mores maiorum is the “best” and keep to that. We realize, then, that even mos maiorum—the cultural configuration to which Roman society always turns in a rigid and normative fashion—is in fact manifold and not unambiguous. At this level, customs appear more like Montaigne’s “thousand manners of life” than an instruction manual for living.

The Temporal Dimension: “Old” and “New” Mos Maiorum

The anecdote reported above reveals that the poor definition of mos maiorum is due principally to the effect of time. The Athenians must have realized that “the customs of the ancients had changed many times.” This presents us with a further paradox inherent to mores: as regards customs, time plays a double role. On one hand, it is precisely the passing of time that permits customs to become “ancient” and, as such, worthy of being observed. On the other hand, it is time that brings about their transformation or eventual abandonment. We must not forget that any process of consuetudo will be complemented by one of desuetudo, and that both these sociological forces—not merely the former—exert their influence on mores. If customs can be adopted, obviously they may also be abandoned—otherwise, Latin texts would not abound as they do in mournful appeals to respect mos maiorum. Examples are unnecessary; one need only think of Pliny’s complaints of the disuse into which the ancient aristocratic custom of keeping the...
imagines maiorum in the atrium had fallen in his times (only to be replaced by pictures of athletes and busts of Epicurus).\textsuperscript{56} It simply happened that this custom, at one time so dear to the nobilitas, was observed no longer and had been replaced by another.

Let us continue with this theme of the relationship between time and customs, since it is not only desuetudo but also consuetudo itself that appears to be responsible for changing mores. This too is an interesting paradox. As we know, the process of creating mores entails their consolidation through time as a consuetudo, giving them a necessary “antiquity.” But this also means that, in the long run, customs will end up being varii—“many and different among themselves,” as the Athenians objected to the oracle. In fact, a consuetudo is not defined once and only once, but continuously and without interruption, consolidating itself in customs different from those that came before. Consequently, the same force that brings about the stability of the mores—i.e., the progression of time and consolidation of the consuetudo—inevitably brings about their variety and multiplicity, as well. In the realm of mores, permanence and change, stability and variation are two sides of the same coin.\textsuperscript{57} This characteristic stands in contrast to the cultural representation of mos maiorum—to the way in which society would like the customs of the ancients to be, an unambiguous model independent of any temporal consideration. Society almost pretends that in the realm of the mos maiorum time ceases to exist, substituting for it a generic reference to the maiores, without any other internal designation or gradation. Yet in practice things do not work like that at all: in fact, even within mos maiorum, it is possible to speak of customs going back to “more ancient” ancestors and of others coming from “more recent” ancestors.

Let us look at another illustrative example from the same field of religious mores highlighted by the Athenians’ question. Lauding the importance given to the respect of cults nearly everywhere, Cicero affirms that omnes . . . deos patrios, quos a maioribus acceperunt, colendos sibi diligenter et retinendos esse arbitrantur (“all men . . . consider it necessary to venerate with zeal and to conserve their native gods, those that they received from their ancestors”).\textsuperscript{58} Communities venerate with particular zeal the gods handed down by their ancestors, perceiving them as “our” gods. Elsewhere again Cicero says: iam ritus familiae patrumque servare id est, quoniam antiquitas proxime accedit ad eos, a dis quasi traditam religionem tueri (“since antiquity comes closest to

\textsuperscript{56} Plin. Nat. hist. 35.5ff.

\textsuperscript{57} It is worth noting that already Varro, in his reflections on language, had accurately noted that the action of consuetudo produces, indifferently, either that which is analogous and regular or what is anomalous and irregular (Var. Ling. Lat. 9.1.3).

\textsuperscript{58} Cic. Verr. 6.132.
the gods, maintaining the rites of our fathers and of our families is practically equivalent to conserving a religion that the gods themselves have given us"). 59 It is easy to imagine that on the side, standing in opposition to the dei patrii, are all those cults which come “from outside”—i.e., divinities that were introduced into the community at a certain point in its development, over and above the dei patrii. When Festus defines the sacra peregrina (“foreign cults”), he says that peregrina sacra . . . coluntur eorum more, a quibus sunt accepta (“foreign cults . . . are celebrated according to the mos of those from whom they were received”). 60 The sacra that come to Rome from outside presuppose the existence of a mos that is not “of the ancestors,” but of the people from whom these cults come. The distinction seems to be clear, then: on one hand, there are the dei patrii, who are venerated on the basis of the ancestral mos; on the other hand, there are the “new” rites, which are perceived as referring to a foreign mos.

But things are never so simple. This is especially true in the case of Rome’s polytheistic religion, which did not prejudicially reject any divinity that it found different from the one and “true” God, as monotheistic religions tend to do. Instead, it recognized that in the course of time, new cults would inevitably enter into the religious practice of the community. 61 The episode of Jupiter’s reconciliation of the Trojans and the Latins at the end of the Aeneid is an instructive example. Juno, who favors the Latins, fears for the integrity of their national identity, threatened as it is by the mixed marriages with the Trojans that will be the inevitable consequence of peace. Juno actually requests that the future inhabitants of Latium remain “Latin” in all respects, notwithstanding their fusion with the Trojans. She does not want the descendants of these mixed marriages to change the name of the populace—i.e., to end up being Trojans rather than Latins. She does not want them to change their language or their way of dressing. Above all, she wishes the future propago of this intermarriage—the Romans—to be able to found their supremacy on typical Italian virtus. 62 In short, Juno asks that the Latins be able to preserve intact the whole set of cultural models that constitutes the foundation of their identity—their name, their language, their manner of dress, their moral qualities. All of these fall easily under the heading of traditional mores. The answer that Jupiter gives to Juno’s request is this:

59. Cf., e.g., Cic. Leg. 2.27.
60. Fest. De verb. sign. fr. 269 Lindsay.
61. “Divinities such as Apollo, Cybele, Aesculapius and Isis were certainly of foreign origin, but, like foreign aristocracies or subjugated peoples, these received citizenship, becoming fully Roman: it is not therefore possible to distinguish them from their gods and their cults” (Scheid 1989, 653).
sermonem Ausonii patrium moresque tenebunt
utque est nomen erit. commixti corpore tantum
subsident Teucri. morem ritusque sacrorum
adiciam, faciamque omnis uno ore Latinos.\textsuperscript{63}

The Ausonians (i.e., the Latins) will maintain their language and their customs (\textit{mores}); and their name shall remain the same. The Teucrians (i.e., the Trojans) will remain only in the corporeal mixing. I will add the \textit{mos} and the religious rites, and I will make them all equal, Latins, in physical aspect.

Jupiter decides that the descendants of this mixed marriage will maintain the traditional \textit{mores} of Latium without additions or modifications from the Trojans. Furthermore, he will limit the Trojan “presence” in their offspring to a secondary, “genetic” component, guaranteeing that their physical appearance will exhibit authentically Latin—rather than Trojan—features. This is to say that the new race will have an unmistakably Latin identity.

Such great care for preserving the Latins’ original identity nevertheless presents a concession to the Trojans: they will be authorized to introduce among the traditional customs of the Latins their own religious \textit{mos}. This, in fact, is the specific mission entrusted to Aeneas in the poem: “to bring his gods to Latium.”\textsuperscript{64} The descendants of the Trojans and the Latins, despite possessing an undeniably Latin identity, will have \textit{mos} differentiated along a temporal scale. In general, their customs will be in line with the traditions of their Latin forefathers, whereas their religious \textit{mos} will be “new,” belonging to a class that Festus would not have hesitated to call \textit{peregrinum}.\textsuperscript{65} The status of this Latin identity created by Jupiter is particularly interesting when considered from the perspective of a reader contemporary to Vergil. For this reader of the \textit{Aeneid}, the religious \textit{mos} that was so new and strange at the moment of its introduction into Latium is in fact a venerable \textit{mos}, the very foundation of Roman religion and therefore part of the \textit{mos maiorum}. Could a Roman ever not consider “father Aeneas” among his \textit{maiores}, and consider the religious \textit{mos} introduced by him new and strange? The Roman reader of Vergil here confronts not just one kind of \textit{mos maiorum}, but two—differently scaled in time, but both fundamental in the definition of his own cultural identity: the Latin \textit{mores} that existed before Aeneas’ arrival in Latium, and

\textsuperscript{63} Verg. \textit{Aen.} 834ff.

\textsuperscript{64} Vergil declares this from the beginning of the poem (cf. Verg. \textit{Aen.} 1.6, \textit{inferre deos Latio}) and Aeneas repeats it a few lines above those we have cited (12.192): \textit{sacra deosque dabo}.

\textsuperscript{65} Interesting Servius’ comment on Verg. \textit{Aen.} 836, on the ‘addition’ of the Trojan religious \textit{mos}: \textit{verum est: nam sacra matris deum Romani Phrygio more coluerunt}. According to the commentator, the Romans “really” observed a foreign custom in their religious rites, venerating Magna Mater according to a custom that was Phrygian, not Roman.
those posterior to that arrival. Here, we are again up against the same paradox that the Athenians had to struggle with when they wanted to know the “true” custom of the ancestors. The fact is that the definition of *mos maiorum* is relative and a function of temporal development. A *mos* that is “new” at the moment of its appearance will just as easily become part of the *mos maiorum* once it has become established with time.

**Negotiation of Mos Maiorum**

Beyond the effects of the temporal dimension, *mos maiorum* is not well defined because customs do not exist in a world apart. They interact with the life of the community on the basis of the function they are called upon to fulfill. This community—especially if it is a large community, open and in continual expansion (as Rome was, beginning with the period of the conquests)—will of course be infused with various tensions and conflicts. The contours of the *mos maiorum* will inevitably feel these tensions, particularly when incidental interests and conflicts of power also enter into play, transforming the *mos maiorum* at the very least into a subject of interpretation.66

We may now look at some examples taken from a political context. In 20 B.C.E., the proconsul L. Cornelius Lentulus requested a triumph on his return from Spain.67 The Senate responded that Lentulus’ deeds merited this honor in their own right, but no exemplum passed down by the maiores existed of anyone ever celebrating a triumph who had not been dictator, consul or praetor. Having held none of these positions, Lentulus was denied his request. However, in consideration of the deeds he had accomplished, the Senate conceded to Lentulus a “minor” form of triumph, the ovation. But the tribune Tiberius Sempronius Longus had no trouble demonstrating that even the concession of an ovation would be contrary to *mos maiorum*. In such a case, as we can see, the Senate was ready both to assert and to silence the *mos maiorum* by applying it only halfway. To find a way out of a difficult situation (one specifically connected with the present life of the community), the most conservative institution of the res publica was ready to negotiate with the past and with the *mos maiorum*.

Even a vigorous defender of *mos maiorum* such as Cicero did not hesitate to do the same thing for reasons of political opportunity, rather presumptuously in fact. In his oration *On the Command of Gnaeus Pompeius*, Quintus Catulus had expressed his disapproval of the proposal to confer full powers

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66. Syme 1974, 155, “This [the *mos maiorum*] was not a code of constitutional law . . .”
on Pompey, and had done so deploying the classic argument *ne quid novi fiat contra exempla atque instituta maiorum* ("lest anything new be done against the examples and institutions of our forefathers"). However, Cicero’s rhetorical art allowed him to defend this transgression with an arguably very artificial justification. He claimed that this contravention of *mos maiorum* was permissible because Pompey’s political career had always been based on the same kind of violations of custom. In fact, each and every office held by Pompey had had something *inauditum*, something *inusitatum*, something *singulare*, something *incredibile* about it: why then assert *mos maiorum* in this case, when it had not been asserted in the rest? Even if in the prudent form of a *praeteritio* (*non dicam hoc loco*), Cicero affirms:

> maiiores nostri in pace consuetudini, in bello utilitati paruisse, semper ad novos casus temporum novorum consiliorum rationes accommodasse.

If, in matters of peace, our forefathers were always preoccupied for custom, in war they minded utility, and always adapted the parameters of innovative plans to the circumstances produced by new events.

Cicero then cites a number of examples from the military and political careers of Scipio and Marius to strengthen his position, explicitly theorizing the possibility of negotiation with *mos maiorum*. He goes so far as to attribute to the *maiores* themselves this fluid and “opportunistic” attitude towards the traditional *mos*, claiming that they by their own behavior paradoxically authorize Pompey’s transgression of *mos maiorum*. That is to say, on one hand, the ancestors prescribe the *mos*, but on the other, they guarantee the possibility of violating it precisely because of their own *mos*. We would be hard pressed to find a better example of the fluidity and flexibility of *mos maiorum*.

This tendency to negotiate with the *mos maiorum* provides an opportunity to reflect upon the contradiction within the Roman community itself that arises in the era of the great expansions and becomes more acute in the period

68. Cic. *Manil.* 60ff. For an analysis of these two cases—that of Lentulus and that of Pompey—cf. Rech 1936, 37. The author begins from the presupposition that the *mos maiorum* was an absolutely stable foundation, so much so to consider that the cases referring to it "were not so contradictory as might seem" (cf. 13). Consequently, he uses these examples not to show the possible conflict within the *mos maiorum*, but simply to reveal how at Rome the political and juridical procedure was based often on the mechanism of "precedent." In general, it needs to be said that often people went overboard, especially in the archaic period, making *mos maiorum* an absolute and adamantine law. Compare claims like that of Le Bras 1959, 417–20, esp. 420: "au dessus, planent les *mores*, plus étouffantes qu’aucune chape de lois."

leading up to the Augustan restoration. In fact, if Roman society was in continual transformation during this time, Roman culture, at least officially, persisted in looking for its behavioral parameters in ancestral *mos*. This tension within Roman society—a tension between present and past, between innovation and adaptation—is well known. However, to define it better, we might employ the categories of “hot” and “cold” with which Claude Lévi-Strauss demarcates the opposition between two types of culture: those that accept their history and, by interiorizing it, transform it into a positive mechanism (hot societies); and those that stubbornly refuse to accept their history and, by setting in motion elaborate strategies, attempt to reduce time’s influence upon them as much as possible (cold societies.)

Within this schema, Rome appears (at least from a certain moment) to be an objectively “hot”—in fact, very “hot”—society that wishes at all costs it were “cold.” Roman society was a society that based its own power and well being on expansion and change, while pretending that *mos* did not change and continuing to respect the rules imposed by the *maiores*. In such situations, a relationship with the past and with ancestral customs must necessarily be contractual.

### The Orality of Mos Maiorum

As we have seen in the preceding paragraphs, the fact that at Rome the customs of the ancestors were poorly defined is a consequence of the interaction of *mos maiorum* with both the temporal dimension and the situational context. But this fluidity is intrinsic to *mos maiorum* for a much more concrete reason, as well: the way in which it was preserved and passed on. This brings us to consider, by way of conclusion, a fundamental aspect of *mos maiorum*: its position in the “cultural memory” of Roman society—understanding by this expression the “external memory” of the Romans, their objectified and shared memory that made a true social patrimony of traditional laws, rites, behaviors, prescriptions and so forth.

In a community that makes ample use of writing, the conservation of cultural memory will be entrusted in good part to the letters of the alphabet. This was obviously the case at Rome, where forms of what has been called “display writing” (*tituli*, law tables and so on) guaranteed that cultural memory retained a certain vitality in the internal communication of the city.

Yet writing had a very marginal role in the conservation and the transmis-

71. I use the expression “cultural memory” (*kulturelle Gedächtnis*) in the sense given to it by Assmann 1997.
sion of *mos maiorum* at Rome, the “text” of which was inexistent. It was not stored or displayed anywhere. In fact, the *mos maiorum* was not committed to any fixed form of writing, but was a purely oral creation. Latin authors frequently make it clear that *mos* lay outside the dominion of writing. Cicero says that *propria legis et ea quae scripta sunt et ea quae sine litteris aut gentium iure aut maiorum more retinentur* (“both the written rules and those that are conserved not in alphabetic characters but by the right of the peoples and by the customs of the ancients are part of the law”). Mos maiorum is a law in every respect, therefore—only that it was not written down anywhere, as in the case of laws true and proper. A commentator of Vergil—as a good grammarian, always sensitive to wordplay—employed the figure of assonance in order to clarify the contradiction inherent in *mos* as a “law” that remained outside the dominion of writing: *mos est lex quidam vivendi nullo vinculo adstricta, id est lex non scripta* (“*mos* is a law of living that is not bound by any chain, that it is, it is not written”). Similarly Isidore: *mos est vetustate probata consuetudo, sive lex non scripta. nam lex a legendo vocata, quia scripta est* (“*mos* is a custom that has withstood the test of time, or an unwritten law. In fact, the law is called so from the act of reading (a legendo), because it is written”).

Evidence for the Roman cultural perception of ancestral *mos* appears explicit about the oral nature of traditional custom. Its conservation and its transmission are not entrusted to the letters of the alphabet. *Mos* is not written and *mos* is not read. Given our almost exaggerated written perspective on Roman culture (since we know it exclusively through texts), this oral nature of *mos maiorum* may be surprising at first. What about literary production—was this not the principal method of conserving and transmitting the ancient *mos*? Obviously from the time when Rome began to have a literary tradition this too contributed to keeping its memory alive. But we should keep in mind at least two peculiar aspects of the relationship between *mos maiorum* and written literature. The first is that this type of transmission—leaving apart works destined for theatrical production—was necessary limited to the affluent and educated classes. We should not think that all Romans entrenched themselves in the knowledge of *mos maiorum* through Ennius’ *Annales* or Livy’s history. The second is that these works, even when they speak of ancient *mos*, were not expressly composed for that purpose. Customs are recorded in the form of stories, exemplary deeds and famous sayings, all inserted into the framework of historical narrations or poetic creations that ultimately speak of something else entirely. When *mos*

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74. Servius in *Aen.* 6.316.
75. Isid. *Etym.* 2.10.1–2; cf. 5.3.2–3.
maiorum is transmitted through literature, it is not in the form of an explicit collection of precepts (like Erasmus’ De Civitate Morum Puerilium, Della Casa’s Galateo or Emily Post’s Etiquette), but indirectly, through the mention of deeds and stories that function as examples of those mores. To cite only a single example: When Ennius wrote his famous verse moribus antiquis res stat Romana virisque, certainly he was asserting—and to almost oracular effect—the value of ancient mos as the foundation of Roman society.\textsuperscript{76} However, this was within a work dedicated not to cataloging the boni mores one by one, but to telling the history of Rome. By the single events that mark the fortune of the city, by the behavior of exemplary characters, and by the deeds accomplished by the heroes of the past, the educated Roman reader was encouraged to remember the ancient mos. Yet this was essentially an inferential mechanism—recalling a behavioral model through an exemplary deed or event—rather than a direct codification of customs in writing.

To return to the oral character of the mos maiorum, to its image as the Romans themselves transmit it: How was ancestral tradition conserved and transmitted at Rome? This function, which had important implications for social life, was fulfilled above all by a system of practices that was preserved in the collective memory of the Romans due to a continual process of recapitulation. Here are some examples of these practices, touching upon various levels of social life:

- the use of exempla in deliberative contexts. Quintilian recalls the persuasive power possessed by an exemplum, that is, by rei gestae aut ut gestae . . . commemoratio, (“the remembrance of a deed or something considered as such”). To this definition he added cases such as iure occisus est Saturninus sicut Gracchi (“Saturninus was killed justly, like the Gracchi”) or Brutus occidit liberos prodicionem molientis, Manlius virtutem filii morte multavit (“Brutus killed his sons who were plotting treachery, Manlius punished his son’s valor with death”).\textsuperscript{77} Particularly relevant from our point of view is the “commemorative function” (commemoratio, not narratio) attributed to exempla. An exemplum of the mos maiorum brought to mind a “memory.” This was a “sign” capable of evoking a much greater cultural meaning through the utterance of an extremely synthetic phrase.

\textsuperscript{76} Enn. Ann. fr. 156 Skutsch. The “oracular” nature of the verse was noted by Cicero (cited by August. Civ. 2.31).

\textsuperscript{77} Quint. Inst. orat. 5.11.6–7. For the persuasive value of the exempla maiorum, cf. statements such as Cic. De orat. 2.335, qui ad dignitatem impellit, maiorum exempla . . . colliget. For the relationship between exempla and mos maiorum, see Mencacci 1996.
• the attachment of various aristocratic groups to particular family traditions and those of the nobility in general.\textsuperscript{78} In \textit{De Officiis}, when Cicero describes the fourth persona—i.e., the role that every person voluntarily chooses in the community—he underscores the importance of imitation: \textit{quorum vero patres aut maiores aliqua gloria praestiterunt, ii student plerumque eodem in genere laudis excellere (“Those whose fathers or forefathers distinguished themselves with some glory often try to make a name for themselves in the same area”).\textsuperscript{79}}

• within aristocratic tradition, a commemorative function of particular importance as far as the \textit{mos maiorum} is concerned is that served by funerary practices. The procession of the \textit{imagines maiorum}, featuring members of the family wearing not only masks depicting the faces of their ancestors, but also garments relating to their honors and their deeds, revived memories of great personages of the past and their behavior.\textsuperscript{80}

• the education of the young. In this regard, the behavior of Horace’s father, for example, is clear: in educating his son, he was content to \textit{traditum ab antiquis morem servare (“preserve the custom handed down by the ancients”).\textsuperscript{81}}

• the Senate’s customary repetition of procedure, a practice in which the oral tradition of the entire body, scrupulously adopted and observed by newly co-opted members, intertwined with private traditions maintained by the most important families.\textsuperscript{82}

• finally, the topography of the city itself. It could function as a mechanism for the conservation and reiteration of \textit{mos maiorum}, a phenomenon that is known from other cultural traditions as well.\textsuperscript{83} On this (perhaps less familiar) “topographical” aspect of Roman cultural memory, we may tarry a little longer.

We may think, for example, of the famous episodes of Augustan literature, such as the archaeological tour that Propertius gives to his guest Horus in the first elegy of his fourth book. In these lines, the evocation of

\textsuperscript{78} Rech 1936, 26.
\textsuperscript{79} Cic. \textit{Off.} 1.116; cf. 117. This passage is mentioned by Mencacci 2001; see also her reflections on the clever appropriation of the collective \textit{maiores}—the great men of the past—as personal \textit{maiores} by Cicero, a \textit{novus homo}, and therefore, deprived of specific family \textit{mores} to imitate.
\textsuperscript{80} Polyb. \textit{Hist.} 6.53; the relationship between the aristocratic funeral and ancient \textit{mores} can be seen also in Cic. \textit{De orat.} 2.225. Cf. Bettini 1991a, 190ff.
\textsuperscript{81} Hor. \textit{Sat.} 1.4.17. Other examples of this type are in Rech 1936, 74ff.
\textsuperscript{82} Rech 1936, 35ff.
\textsuperscript{83} Cf. Assmann 1997, 33ff.
Rome’s ancient topography is repeatedly interspersed with praise of ancient customs that these places bring to mind, and with criticism of contemporary customs. The function that these exemplary “places” fulfill—the cultural transmission and a kind of “localization” of mores—is known outside of literary invention, as well. In Cicero’s defense of Milo, he recalls how the very fact that his client had killed Clodius along the via Appia—built by Clodius’ ancestor, Appius Claudius—played to his disadvantage: nisi forte . . . eo mors atrocior erit P. Clodi quo is in monumentis maiorum suorum sit interfectus, hoc enim ab istis saepe dicitur (“Unless perhaps . . . the death of Publius Clodius is considered particularly horrible, since he was killed among the monumenta of one of his ancestors. For this is often said by them”). The Via Appia is emphatically culturalized: more than a public work, the road is a monumentum (literally, “that which calls to mind”) recalling the behavior of an ancestor. Consequently, Milo’s enemies could deploy the topography of a homicide as an argument aggravating the defendant’s position. Naturally, Cicero’s rhetorical ability immediately hit upon a method of counterargument, on the same topographical basis: along the Via Appia, Clodius himself had killed Marcus Papirius—an act symbolizing just how different Clodius was from his ancestor who had built that road.

At Rome, the cultural memory of mos maiorum is put into practice through reference to a series of “figures of memory”—concrete images that belong to the collective memory and that function as “signs” capable of calling to mind some behavior to follow. In these figures of memory—whether they are deeds of the past, exempla, places, rituals or images—the foundational behavior of the Roman community coalesces and the evocation of these symbolic figures permits its realization within social communication. In Roman culture, the “rules” of mos maiorum are not fixed in explicit formulas (as with the written lex) but must be “extracted” each time from the practices, places and exempla that someone can recall, constantly appealing to memory. Linguistically speaking, mos maiorum exists not in the form of definite and specific utterances (as the case would be of a law code), but in the form of generative patterns that furnish only the coordinates along

84. Prop. Carm. 1.1ff.
85. Cic. Mil. 17.
86. Places in the city could function also as monumenta of negative behaviors, as well as of positive behaviors: e.g., the vicus scleratus, named so because there Tullia ran over the body of her father Servius Tullius with a cart (Paul. Diac. Ep. 451 [Lindsay]). Cf. also Jaeger 1997.
87. Cic. Mil. 18.
88. The expression “figure of memory” comes from Assmann 1997, 10ff., who reformulates in this way the “images-souvenirs” of Halbwachs 1952, 16ff. Although Assmann’s reflections are centered on Egypt, Israel and Greece, the entire chapter dedicated to “cultural memory” (5–58) offers some very interesting cues for reflection on the Roman cultural tradition.
which the selection and realization of a specific utterance may be made. In pronouncing the phrase “the mos maiorum states that . . . ” it is not possible to cite a written text that contains the rule, but only to appeal to a certain “figure of memory” that constitutes the nucleus of the utterance’s meaning.

Inasmuch as mos maiorum pertains to the domain of memory and orality, then, it may appear fluid and poorly defined. Faced with an explicit question like that of the Athenians—“but which is the ‘true’ mos maiorum?”—it is impossible to give an answer: first of all because one cannot cite any text as the basis for distinguishing what is authentic and what is spurious. For this reason, the only possible answer is “the best”—i.e., the custom that seems most opportune, most in agreement with justice, nature or whatever other parameter of judgment is invoked in a particular circumstance. What will weigh most heavily in the choice of such parameters is, of course, the force of the groups or of those individuals who make appeal to mos maiorum, the historical or social context in which this appeal takes place and so on. The “text” of the mos maiorum is ensconced in the Roman collective memory. It is a recollection, a habit, a complex of forms realized each time through social practice. But mos maiorum—like all creations belonging to the sphere of memory rather than writing—always entails the possibility that none exists: memory, we know, implies forgetfulness. It also entails the possibility of being continuously recreated in a different form, since memory provides not clear-cut formulations but kernels of information that may be realized differently each time they are recalled.

Let us summarize what we have said so far about the “flexibility” of mos maiorum at Rome. We have seen that its fluidity derives from the fact that ancestral customs are strictly influenced by the passing of time (the dialectic between consuetudo and desuetudo, the stratification of various consuetudines), by interaction with the present life of the community (the necessity of negotiation with traditional customs) and, finally, by being an oral tradition bound not to written texts but to “figures of memory” that range from exempla to places in the city, from imaginês of the ancestors to ritualized practices. This last feature of mos maiorum—its existence in the form of “figures of memory”—lends itself well to recapping the other two characteristics. Since they belong to the world of memory and orality, these figures of memory depend precisely upon time and their relationship to the

89. Obviously, written texts can also fall into oblivion, when they are no longer in circulation within a culture: “When [texts] are no longer used, they become a tomb rather than a container of meaning, and only the interpreter can revivify that sense through the hermeneutic art and by commentary” (Assmann 1997, 62ff.). The difference is that a text that is no longer in circulation, provided that it is conserved, can be revived, as an infinite number of examples from our own cultural tradition show. A forgotten “memory,” however, is lost forever.
social dynamic. In fact, when a community’s cultural memory maintains its collective form without becoming a written text, its permanence will inevitably be tied to the preservation of what Maurice Halbwachs called “social frameworks”\textsuperscript{90}—reference frameworks that, in the collective memory and internal communication of a community, guarantee the cultural meaning of individual figures of memory. When these “social frameworks” change—either with the passing of time or because the demands of the present drive the community’s behavior in another direction—the perception of the *mos maiorum* will also change. When they disappear completely the *mos maiorum* will also be forgotten.

**Majority Mores: Ethnocentric and Moralistic Framework**

These reflections on *mos maiorum* have brought us slightly off track from the theme we have been exploring: the modalities in which a certain group defines its *mores*, based on an established *consensus*. We were saying that when the group defining the *mores* is identified with the entire community, this is the scenario of “majority” *mores*—cases in which particular behaviors, as Quintilian says, *persuasione etiam si non omnium hominum, eius tamen civitatis aut gentis, in qua res agitur, in mores recepta sunt* (“have been accepted into the *mores* on the basis of a conviction if not of all men then at least of the city or of the people among whom the case develops”).\textsuperscript{91} We can now return to Sosia where we left him, as he was describing the battle of Amphipryon’s army against the Teleboans and the legions positioned *more nostro et modo*. The presence of the possessive adjective *nostro* is very important. It reveals that when a definition of *mos* is found in a context involving the entire collective, the subject identifies with the group and assumes its point of view: “If I am a Roman and I am speaking of Roman *mores*, of course I will say that ‘we’ do things like this, that ‘we’ have these *mores*. Everyone is as if he was speaking of Roman *mores*.” Speaking of *mores* established by the ancestors, the subject tends to identify with this group and to assume its point of view. Consequently, a definition of the national *mores* instituted by the *maiores* can function “contrastively”: in other words, a definition of the *mores* can be used not only to identify the group that recognizes itself in these *mores*, but also to contrast it with others. Obviously, this is a way of identifying the group to which the subject belongs (“‘we’ are *not* like this”). When a scenario of “majority” *mores*

\textsuperscript{90} The expression belongs to the theory of Halbwachs 1952, but we use it through the reformulation of Assmann 1997, 10ff.

\textsuperscript{91} Quint. *Inst. orat.* 5.10.13. Quintilian speaks here of the *certa*, of things “beyond question” on which an argument may be based.
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assumes a contrastive aspect, there are two possible frameworks: in the first, there is a contrast with a group external to the one with which the subject identifies; in the second, with a group (or a single person) internal to the subject’s own group.

In the first framework—contrasting the *mores* of the group with which the subject identifies to others’—we return to the situation analyzed by Nepos, where there was a contrast between “our” *mores* and the *mores* practiced by other peoples. If this comparison is made without any sense of cultural relativism (as happens most frequently), we end up with a series of ethnocentric statements. When he describes the tactics of “our” army, Sosia’s contrast of the tactical *mores* of his own group and the enemy’s is very neutral. He limits himself to saying that “we” position our troops *more nostro et modo*, while the enemy does the same thing their way. But there is a thin line between this and saying something like “We position our troops in our way, which is far superior to that barbarous manner in which the enemy stations its troops.”

When ethnocentrism rears its ugly head, we encounter disdainful remarks about others—as when Cato, apparently viewing foreign peoples from the same moralistic perspective as he views the Roman community, claims that the Ligurians *inliterati mendacesque sunt et vera minus meminere* (“are illiterate liars, incapable of conceiving the truth”).\(^{92}\) Often, however, ethnocentric statements regarding the *mores* of other communities are indirect or partial. Here the examples become more interesting. In Plautus’ *Casina*, when Lysidamus is about to consummate his presumed “marriage,” the “bride” (actually the slave Calinus in drag) says to him: *ubi tu es, qui colere mores Massiliensis postulas?* (“where do you think you are, that you would want to practice the *mores* of the Massillians?”)\(^{93}\) The practice of passive homosexuality (which the Romans considered unacceptable in most instances)\(^{94}\) is here defined by reference to the customs of a community—the Massilians—that had the reputation of being effeminate.\(^{95}\) Calinus does not say explicitly, “We Romans do not participate in such obscenities,” but rather, “Where is he who wants to behave like the Marseillians?” But the first statement is implicit in the second: Lysidamus and the audience must simply assume the first. Likewise, when Valerius Maximus narrates the punishment that the Carthaginians inflicted upon Attilius Regulus, he comments that *(dei)* *Carthaginienses moribus suis uti passi sunt*, (“[the gods] permitted the

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92. Cat. *Orig.* fr. 31 Peter.
94. It is sufficient to recall the discussion in Cantarella 1995, 129ff.
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Carthaginians to practice their customs”), appealing to the entrenched Roman belief that the Carthaginians were cruel and lacking in generosity. In this case, too, what is presumed is a phrase such as “Roman mores—‘our’ mores—are much better than those of the Carthaginians.” Ethnocentrism operates like this very frequently—i.e., through assumptions of implicit statements behind explicit statements. In the same way, when Caesar writes that the Helvetians moribus suis Orgetorigem ex vinclis causam dicere coegerunt (“compelled Orgetorix to defend his case while still in chains, according to their custom”), his ethnocentrism is again indirect. One cannot deny that Caesar is giving an objective ethnographic fact on the juridical practices of the Helvetians. At the same time, however, behind the phrase suis moribus (in reference to the Helvetians), it is difficult to ignore the point of view of a Roman who thinks “‘we’ certainly do not permit that someone accused of a crime should have to give his defense while in chains” (and therefore, that the Helvetians are barbarians).

Now to the second framework: contrasting the mores of the group with which the subject identifies to the mores of groups (or individuals) internal to the community itself. This occurs any time someone belonging to the community is accused of not respecting mos maiorum, working upon him some mechanism of exclusion. If the first framework (contrast with external groups) often assumes the form of ethnocentrism, this second framework (contrast with groups or individuals internal to the principal group) tends instead to assume the form of moralism. Operating within this second framework, in fact, the subject presupposes or professes to stand on the side of the “old” national mores and to represent them better than other members of the same community, who are accused of having forsaken them. This is the typical Roman moralism: o tempora, o mores! Such attitudes can be deployed profitably for ideological ends as well, as many statements of Sallust reveal—or (as we have already seen in the case of mos maiorum) to resolve conflicts of power internal to the city to the advantage of a certain group, especially in periods of great political disturbance. As stated above, in cases like these the normative value and the perlocutionary linguistic function that characterize the appeal to mos maiorum in Roman culture comes very nicely into view. Let us examine only two of the many possible examples of this second, moralistic framework.

97. Caes. BG. 1.4.1.
98. From this point of view, a simple quantitative fact seems very interesting: the great majority of materials concerning mos/mores come from Cicero. Even without the help of the TLL (which in any case confirms this observation), Rech (1936, 23) had already shown this; cf. Roloff 1967, 274–322.
When, in 92 B.C.E., the censors Gnaeus Domitius Ahenobarbus and Lucius Licinius Crassus suppressed the teaching of rhetoric at Rome, they proclaimed as follows:

renuntiatum est nobis esse homines qui novum genus disciplinae instituerunt. . . . maiores nostri quae liberos suos discere et quos in ludos itare vellent instituerunt. haec nova, quae praeter consuetudinem ac morem maiorum fiunt, neque placent neque recta videntur.\footnote{99. Suet. \textit{De rhet.} 25.1; Aul. Gell. \textit{NA.} 15.11.2.}

It has been brought to our attention that some persons have instituted at Rome a new type of instruction. . . . Our forefathers have already decided what their children should learn and what schools they should attend. We do not like these innovations, which go against all habits and customs of the ancestors, nor do they seem just.

The group made up of the rhetoricians who work in the city of Rome is censured by the magistrates, because their teaching does not respect ancestral \textit{mos} in matters scholastic. Consequently, the rhetoricians are sentenced to “exclusion” from the community. The censors say, as it were, “You cannot take part in ‘us’; the group with which we identify does not recognize you as belonging to it.” Of course, the same mechanism of moralistic exclusion from a group can also be directed against a single person. When Sallust describes the arrival of corruption in Rome, he writes:

\begin{quote}
huc accedebat, quod L. Sulla exercitum, quem in Asiam ductaverat, quo sibi fidum faceret, contra morem maiorum luxuriose nimisque liberaliter habuerat.\footnote{100. Sal. \textit{Cat.} 11.5.2.}
\end{quote}

In addition, Lucius Sulla, in order to make the army that he had led into Asia more faithful, treated it with too great liberality and made it live in luxury, against the mos maiorum.

Sulla’s behavior is reprehensible, since contrary to traditional custom. He is censured because the manner in which he treated his army allowed vice and luxury to enter Rome, and so on him falls a similar sentence of “exclusion” from the community with which Sallust identifies.
Minority Mores

Let us review what we have seen so far. To respond to our initial question—“What is the group that, through its own consensus, defines the mores?”—we proposed two possible scenarios: the first involving “majority” (i.e., collective) and the second “minority” mores (i.e., those belonging to a minor group inside the community itself). We have already outlined the first scenario, deducing that in cases like these the group that reaches a consensus on the mores, consolidating it in time, is the collective itself, or is represented by the maiores. We have also seen that when a contrast is created with different mores, this “majority”-type scenario will further divide into two frameworks involving some mechanism of exclusion either of external groups (ethnocentrism) or internal groups (moralism).

On to the second scenario involving mores that belong not to the entire community but to minor groups internal to it. Here the argument necessarily becomes more uneven. In the case of collective customs, we were dealing with a well-defined group: the community in its entirety. Making some judgment of his own or others’ mores, the subject assumes (or pretends to assume) the point of view of the entire community. On the contrary, in the case of “minority” groups the subject necessarily assumes a partial point of view. The process seems to function like this: within the larger community, a polarity arises between two groups, and someone, identifying with one of the two groups, defines the mores of the other negatively. In other words, this second scenario entails not so much a process of simple identification of the group (“we” do this) as one of contrast with another group (“others” do this and they are wrong to do so). Frequently the group with which the subject identifies is not made explicit, but has to be identified through assumption, just as we saw in the cases of ethnocentrism analyzed above. Here, too, it is best to begin with some examples.

It was night when our friend Sosia disembarked from the ship and headed toward his master’s house: *qui me audacior est homo aut qui confidencior / iuventutis mores qui sciam, qui hoc noctis ambulem?* (“What man is braver and more confident than I, who, knowing the customs of the young, walk around at this hour of night?”) Giving his (negative) opinion on the customs of the Roman youth of his day, Sosia establishes a polarity between two groups: one explicit, the *iuvenes*, and one implicit, the “elders,” with whom he identifies. In other words, to define the mores of a “minority” group consisting of *iuvenes*, Sosia appeals to the consensus of another minority group equally internal to the Roman community, that of the “elders,” whose

point of view he implicitly assumes. Elsewhere, the consensus of the elders against the young may be invoked explicitly—for example, when one old man addresses another in order to win his solidarity in the negative assessment of the customs of “today’s” youth. In this way, a small group of senes is created—a metonymy of the entire group of elders that hold a monopoly on good morals—to judge the customs of the youth.

In Plautus’ Bacchides, the pedagogue Lydus addresses the senex Philoxenus like this: eademne erat haec disciplina tibi, quam tu adulescens eras? (“When you were young, did you have the same education [as the youth of today]?”)102 Certainly not, he goes on, because in your time everyone went to the gym in the morning, everyone went running and wrestled and did not fool around playing lovers’ games with prostitutes! Philoxenus responds: alii, Lyde, nunc sunt mores (“Customs have changed, Lydus!”)103 “I know only too well that they have changed,” Lydus replies, “because once young men used to obey their tutors until they entered upon their political careers. Today, if you slap a child of not even seven years, he’ll break the table over your head.” In this Plautine scene, the pedagogue solicits the consensus of the other old man in order to express his own negative judgment on the customs of “today’s” youth. Together, these two senes represent a minority group of old men contrasted with another minority group (the young) through their judgment of mores.

This polarity between the old and the young can be presented symmetrically, as well. In this case, the situation is unexpectedly reversed. At one point, Horace invites the puer not to despise joy and love donec virentis abest / morosa canities (“as long as tardy old age is far from your green age”).104 In Porphyry’s note to this line, we read the following comment on the expression morosa: morosa canities, id est senectus difficilis (“morosa canities, that is, inflexible old age”).105 Again, a polarity is created between the minority

102. Plaut. Bacch. 421ff.; Philoxenus does not actually offer Lydus the complicity that the pedagogue asks of him.

103. Plaut. Bacch. 437. Lydus’ tirade in the Bacchides could merit a longer analysis, since here he does not limit himself only to lamenting the decadence of customs among the youth, but seeks also to identify the reasons for such decadence. He imputes the cause to the bad education and bad example that parentes give to their children. The situation is analogous to that of chs. 28 and 29 of Tac. Dial. de orat., where Messalla interprets the decadence of morals on the basis of the fact that mothers do not breast-feed their children anymore but entrust this job to wet-nurses, while parents are the first to give their children bad examples of dicacitas, lascivia and so forth. In cases like this, above and beyond the polarity “the young” versus “the elderly” is another, within the group of “the elderly”: the good elderly versus the bad elderly, or the elderly/the elderly versus the elderly/the young, in so far as these last display the same vices as the young.

104. Hor. Carm. 1.9.18.

105. Porphyry. in Hor. Carm. 1.9.18 (p. 38 Havthal). On the morositas of the elderly, see Cic. De senec. 65.
group of the young and the minority group of the elderly—only this time, the directionality of the contrast is reversed. Horace assumes the point of view of the minority group of the young in order to (negatively) define old age as *morosa* (“inflexible”). The point of view assumed in this assessment is not unlike that taken by Catullus when he invites Lesbia to make love with him, holding of no account the *rumores . . . senum severiorum* (“the grumblings of too severe old men”). In the conflict between the young and the old, there exist two symmetrical points of view on the *mores* practiced respectively by the two groups. It is enough that the minority group of reference—that with which the subject identifies in his definition of the *mores*—be inverted, for one of the two points of view to find the chance to express itself.

There are other polarities, regarding different groups. In the prologue to Plautus’ *Truculentus*, the behavior of the courtesan Phronesium is described in this way: the woman tries to squeeze her lovers dry, *poscendo atque auferendo, ut mos est mulierum; / nam omnes id faciunt, quom se amari intellegunt* (“asking and taking, as is the custom of women; in fact, they all do this when they realize that they are loved”). Here, the polarity is perhaps only the most classic: that between “men” and “women.” The minority group with which the subject identifies is that of “men,” who claim the right to define (always negatively) the customs of that other group, “women.” The seventh book of Vergil’s *Aeneid* provides another example, even if the categories have shifted slightly. Queen Amata’s speech is introduced by these words: *solito matrum de more locuta est* (“she spoke according to the habitual *mos* of mothers”). Here, the polarity is not between “men” and “women,” but between “fathers” and “mothers.” The group with which the observer identifies is obviously that of the “fathers,” who define the customs of the “mothers” through an opposition. According to Vergil, a *pater* would have spoken in a manner differently than Amata, who is a *mater*.

Naturally, we could multiply these examples. Again in the prologue of the *Truculentus*, when it is said of Phronesium that *haec huius saeceli in se mores possidet* (“she perfectly incarnates the *mores* of our times”), the polarity introduced is between “those of today” and “those of earlier times.” The group to which the observer subscribes is obviously “those of earlier times,” who, by their *consensus*, had in the past formulated *boni mores*, customs, in the opinion of the observer, neglected by the present saeculum. Of course, this last example has many points of contact with the “moralistic”

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106. Cat. *Carm.* 5.2ff., *rumoresque senum severiorum / omnes unius aestimemus assis.*
type examined in the preceding scenario (exclusion from the community of groups or of individuals because their *mores* diverge from the *mos maiorum*). At the same time, however, there also exist some rather unexpected, indeed quite curious groups. In Plautus’ *Trinummus*, Lysiteles declares that *amor . . . mores hominum moros ac morosos facit* (“love makes men’s *mores* stupid and intractable”).110 This time the polarity is between “people in love” and “people not in love.” The subject, identifying himself with the group of those “not in love,” gives his assessment—and it is negative!—of those belonging to the first, “in love” group.

In all the examples we have seen, the community that frames the various polarities is “the Romans.” From time to time, this greater community can be divided into “minority” groups that try to assert their own customs over others. The characteristic traits of this kind of scenario are a partiality and mutability of the points of view. The same person, in fact, can take on the point of view of the young to pass judgment on the *mores* of the elderly, and some years later, or simply in a different context, the point of view of the elderly in order to describe the *mores* of the young. Again, the same person can assume the point of view of “men” to speak against “women” or of “those in love” to speak against “those not in love” or, conversely, of “those not in love” to speak against “those in love.” Of course, in this last case, everything depends on the whims of Cupid. In other cases, however, things will depend instead on the age or gender of the subject or the context. In some circumstances, the subject will actually be able to take on not one but two points of view, and therefore to identify with two groups of reference simultaneously. This is the case of Juvenal when he utters the famous phrase: *quid quod et antiquis uxor de moribus illi quaeritur? o medici, nimiam pertundite venam* (“what to say of the fact that he also has the courage to seek a wife with old-fashioned customs? Doctors! Give him a blood-letting!”)111 The speaker assumes simultaneously the point of view of “men” speaking against “women” (wives have bad customs) and that of “those of earlier times” speaking against “those living now” (women were better before).

**Wisdom: Internal Cultural Relativism and the Theater of Life**

There are some particularly interesting cases in which the subject tries to free himself from this polarizing and contrastive mechanism in order to

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create a kind of cultural relativism within the community itself. Ennius describes Servilius’ “ideal companion”—a wise and prudent man whose counsel one would seek when making an important decision—as someone who *mores veteresque novosque tenentem, multorum veterum leges divomque hominumque, prudentem*.112 (“knows both new and old customs, many laws of the ancients, of men and of gods, and who is prudent . . . ”). This perfect man who would make the ideal counselor is someone who “knows both new and old customs” and who consequently knows how to act. That is, in the polarity between customs “of yesteryear” and those “of today,” Servilius’ advisor does not identify with either. He takes no position. As a wise, prudent man and as a good politician, he prefers knowledge of customs to moralism about customs. We might say that Servilius’ companion professes a cultural relativism like Herodotus’ and Nepos’, except that he applies it not to customs practiced by different communities, but to different customs present within his own community. This is the opposite attitude to that found in the examples cited above, where we saw elderly men criticizing the customs of the young in the name of those of “the good old times.” Such behaviors are founded upon a strong identification with the group to which one belongs, producing a strongly moralistic attitude. The behavior of Servilius’ companion, on the other hand, is founded upon something that not only has little to do with moralism, but is often opposed to it: wisdom.

This relativistic wisdom about *mores* invites a final example, which we introduce in order to suggest a sphere in which the theme of “reflection upon *mores*” inevitably undergoes some slippage: the theater. I am referring in particular to the similarity between human life and the theater, which “wise men” of all periods have employed in the inevitably skeptical and relativistic conviction that the world is nothing but a stage where people play their “parts” (which, precisely because they are “parts,” should not be taken too seriously, especially in the conflicts that occur between them.) In Horace’s *Ars Poetica*, explaining how to stage a good drama, the poet recommends that *aetatis cuiusque notandi sunt tibi mores* (“you must look well to the specific customs of each age”).113 A description of the *mores* appropriate to the different stages of life then follows: those of the young man inclined to vice and prodigality, those of the mature adult seeking wealth and friendship, those of the avaricious old man and the *laudator temporis acti / se puero, castigator censorque minorum* (“admirer of times past, when he was a child, castigator and chastiser of those younger than him”).


113. Hor. *Ars* 156ff. The Horation typology of the *mores* that characterize the individual phases of life is naturally longer and more detailed than the summary that we have given here.
The interesting aspect of Horace’s typology resides not so much in his catalog of diverse étbē characteristic of the various hēlikiai or age-classes, as in the way in which he articulates them. We might expect Horace, in creating a typology of characters, to depict their various mores as occurring simultaneously—or, at least, outside of any temporal dimension. Instead, he describes the various types of customs in succession: first the young man is a certain way, then his customs change when he matures, and finally he reaches old age and they change again.114 Horace does not speak of distinct personae that recite different parts on the same stage together, but describes the experiences of a single individual who assumes different customs as he advances in age and experiences changes in the condition of his own existence. The theater of the world (where characters of different ages and therefore of different mores play their parts) shades imperceptibly into the theater of individual existence. There, new “roles” are played with the inevitable passing of the years, and so new mores are adopted. A vision of this kind, laying bare the differences and conflicts between various “minority” mores within the experience of one and the same person, unavoidably gives the impression that none of these mores is better than the rest in an absolute sense—or, at least, that the focal point for reflection on mores does not rest here. In fact, we are not far from the spirit that motivated Darius’ experiment. Asserting that each age class is inevitably prey to its own mores, like asserting that each community could never renounce its own traditions, affirms the notion that no age class, like no community, can claim to have a monopoly on morality. A skeptical conclusion, yes—but one of profound wisdom.

**Mores and Auctoritas**

It would be mistaken to define mos or mores as a monolithic and absolute block, therefore. Originally, mos is simply an attitude—a iudicium animi, a sententia—arising from a unique occasion and morphing into a real social practice only at the end of a long process. This transformation occurs after a certain group has reached a consensus upon it, and once this consensus has been confirmed in time as a consuetudo (which at Rome bears the mask of the maiores). But even when this consuetudo has been established and the mos has finally become a collective phenomenon, the mores continue to

114. Cf. Hor. Ars 158, qui voces iam scit puer; 161, tandem custode remoto; 166, conversis studiis; 169, multa senem circumveniunt incommode; cf. the note of Kiessling and Heinze 1914, 319, according to which, the Horation exposition “gibt sich statt als ein Kapitel der Poetik als ein Kapitel der Psychologie, als seine selbständige Entwicklung der mores cuiusque aetatis . . . wie sie der einzelne im Verlauf seines Lebens durchläuft.”
remain fluid and diverse—fluid, because even *mos maiorum* is not a definite model, but a nucleus that generates behaviors; diverse, because *mores* are defined through a game of contrasts between one community and another or between different groups within the same community. This is why there are certain “wise” people who are able to escape the polarities between different *mores* and reach a state of cultural relativism, whether “external” (Herodotus, Nepos) or “internal” (Servilius’ companion, Horace). In other words, even the collective *mores* remain an occasional creation, and on each occasion their definition depends on the group whose *consensus* one appeals to and with which one identifies. Paraphrasing Terence, we might say: *tot societates, tot sententiae, suos cuique mos.*

The occasional character of the *mores* (as well as their plurality) does not imply, however, that their affirmation is left to chance. Quite the opposite. When a group or an individual defines a *mos*, a very precise rule comes into operation, made up of the social force that this group or individual possesses. Employing the Romans’ own terminology, everything depends on the *auctoritas* enjoyed by the followers of a certain *mos*.* Individuals might enjoy this kind of *auctoritas*, as in the case of Caesar: his individual *mos* of reciting a *carmen* before getting on a chariot was accepted by the entire community. Or, it might belong to political groups and organs of the *res publica.* In fact, at Rome there was an explicit institutional “authority” in the field of *mores*: the two *censores*, whose specific duty was to enforce the observance of morality. The *censores* also had the power to punish deviation: simply recall the case mentioned above of the censors Gnaeus Domitius Ahenobarbus and Lucius Licinius Crassus, who repressed rhetorical teaching at Rome because it was contrary to *mos maiorum.* But outside of institutions and the dynamics of politics, the determination of *mores* turned equally on the “authority” held by the groups that defined them. In fact, in a hierarchical society such as Rome, the role of *auctoritates* in the definition of the *mores* crops up again at the levels of “gender” and “age class.” At Rome, the group composed of men is always stronger than that composed of women; therefore, in any contrast of *mores* women will always have the worst of it (also in the sense that the point of view of women is only very rarely represented in the texts that we possess). For a similar reason, we may expect that the *mores* of “the young” will always have difficult asserting themselves against those of “the elderly.”

But beyond the fact that the different groups competing for control of “morality” enjoy different degrees of *auctoritas*, one thing is sure: both *mos*
and *mores* represent a network of more or less achievable possibilities very often in conflict with one another. There is not one single *mos*. Instead, there are as many *mores* as there are groups to define them. And it is upon these possibilities—these “thousand manners of living,” one may wish to say with Montaigne—that the life of the Roman community was constructed.