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April 9, 2021

American Ethnonationalism and the *Mos Maiorum*:

21<sup>st</sup> Century Rhetoric with Roots in the Late Roman Republic

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## Abstract

The *mos maiorum* (custom of the ancestors) of ancient Rome was a concept invoked by members of the ruling classes to establish and maintain the continuation of certain social practices by connecting them to ancestral practices and authority. Connection to ancestral authority could occur in many ways, but it was achieved most prominently through adulation of particular ancestral figures, their actions, and their words. These ancestral actions and words that were used to justify current behavior were known as historical *exempla* (examples). Such *exempla* included virtues and values that were vital to the formation of Roman civic identity and served to promote civic pride and even nationalist sentiment in the population. The invocation of the *mos maiorum* by the Romans, and similar uses of ancestral practice as justification for current social practice by the United States of America, both reflect collective psychological and sociological influences of social conditioning within their respective populations. The Romans perceived themselves as embodying the historical *exempla* of the ancestors and sought to return to a state of former glory through tradition and the *mos maiorum*. The Founding Fathers also engaged in a form of historical consciousness in which they drew upon select ancestors for authority and imprimatur. When drafting the foundation documents for the United States of America, the Founders envisioned themselves as emulating certain prominent Romans of the Late Roman Republic such as Cicero and Sallust. In doing so, the Founders thus engaged in a concept similar to the *mos maiorum*—they relied upon the words and actions of their claimed ancestors to validate their perspectives. In contemporary society, some politicians and scholars also rely upon this method of tapping into a curated historical consciousness in a modern *mos maiorum* in an effort to promote ethnonationalist perspectives within American society and politics. By engaging in a form of ethical nostalgia (nostalgia for a previous ethical state) the Romans, and subsequently the Founding Fathers of the United States of America, encouraged ethnonationalist sentiment that was intertwined within their respective national civic identities.

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## Introduction

During the Late Roman Republic, Roman politicians and writers invoked the *mos maiorum* through the use of historical *exempla* (examples) in order to garner nationalist sentiment and ethical nostalgia. The Founding Fathers, in turn, emulated the Romans by engaging in a sort of blurred historical consciousness where they cherry-picked sources and customs that fit their motivations. This cherry-picking allowed for ethnonationalist sentiment to be woven into American civic identity, and is evident in the current United States of America.

The sociopolitical concept *mos maiorum* combines the words *mos* (*pl. mores*), meaning custom, tradition, or habit in terms of rule of action, law, or a guiding moral factor, and the *maiores*, translated as a comparative adjective describing one who is greater than, and, used substantively, elder than, such as forefathers or ancestors.<sup>1</sup> When put together, these two words form a broadly interpreted, yet infrequently appearing concept of obeisance to the custom of the ancestors. This general idea of ancestral custom embodied everything from the Roman's ancestors' words, habits, religious traditions, to the virtues and values promoted by their actions.

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<sup>1</sup> For use of *mos* in terms of rule of action see Livy, *Ab Urbe Condita*, 1, 49, 7, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history\\_rome\\_1/1919/pb\\_LCL114.173.xml?mainRsKey=Ga3Q2t&result=1&rskey=VgiCY0](https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history_rome_1/1919/pb_LCL114.173.xml?mainRsKey=Ga3Q2t&result=1&rskey=VgiCY0). “*Hic enim regum primus traditum a prioribus morem de omnibus senatum consulendi solvit.*” Trans. B.O. Foster, “For this king was the first to break with the custom handed down by his predecessors.” In terms of behavior, moral conduct, see Cicero, *Letters to Friends*, 12, 27, 1 (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-letters\\_friends/2001/pb\\_LCL230.403.xml?rskey=hiOzfK&result=1&mainRsKey=NomiUI](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-letters_friends/2001/pb_LCL230.403.xml?rskey=hiOzfK&result=1&mainRsKey=NomiUI). Cicero, in a letter to Cornificius about Sextus Aufidius, “*est autem ita temperatis moderatisque moribus ut summa severitas summa cum humanitate iungatur.*” Trans. D.R. Shackleton Bailey, “His personality is a singularly judicious blend of moral strictness and warm kindness.” See also, Cicero, *De Roscio Amerino*, 13, 38. For use of “*maiores*” substantively as a term of respect for the elders see Cicero, *In Catilinam*, 70, 14-15, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-in\\_catilinam\\_i\\_iv/1976/pb\\_LCL324.71.xml?rskey=3U7Ftg&result=1&mainRsKey=twqM9K](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-in_catilinam_i_iv/1976/pb_LCL324.71.xml?rskey=3U7Ftg&result=1&mainRsKey=twqM9K). “*idque a me et mos maiorum et huius imperi severitas et res publica postulabat.*” Trans. C. Macdonald, “a course required of me by the practice of our ancestors, the stern tradition of my office, and by interests of state.” See also Julius Caesar in *De Bello Gallico*, 1, 20.



While there is little written documentation of the term *mos maiorum*, it was embraced almost subconsciously in both the private and public spheres of Roman life.

The Roman nobility's invocation of the concept of the *mos maiorum* was revitalized in the time of the Late Roman Republic, 146-31 BCE, when the Roman Republic was in political crisis, in order to invoke tradition and return to a state of former glory. The Second Triumvirate was a period of time from 43-33 BCE during which Mark Antony, Octavian (Augustus) and Lepidus bonded together to formally institute themselves as the most powerful consuls in the Roman state. The Principate is the period after the second triumvirate, beginning in 27 BCE, that marked Augustus' reign as Princeps (Emperor). Despite the fact that, as princeps, his reign was a monarchy, Augustus did declare limitations on power for the triumvirs and wanted to "return to Republican tradition," although the Senate was "deprived...of all effective power."<sup>2</sup> The informal establishment of the second triumvirate in 43 BCE signaled the beginning of a dramatic shift in the power of the Roman government from a Republic to the Principate, where the Princeps would rule instead of the existing legislative-judicial system of governance which comprised the Roman Republic.<sup>3</sup>

This transition of power was not sudden and had been noted by many politicians and writers, such as Cicero and Sallust, decades prior to its formal inception. Such writers, such as Cicero and Sallust, discussed red flags of burgeoning tyranny, such as riots among the *cives* and *plebs* (populace), avarice among the wealthier citizens, noted in some texts as the *nobiles*

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<sup>2</sup> J.W. Rich, "The Second Triumvirate." *The Classical Review*, 42, no. 1 (1992): 112-14. <http://www.jstor.org/stable/711920>.

<sup>3</sup> J.W. Rich, "The Second Triumvirate." *The Classical Review*, 42, no. 1 (1992): 114. <http://www.jstor.org/stable/711920>.

(nobles), and most importantly, the absence of traditional Roman values in the invocation of the *mos maiorum*.<sup>4</sup>

As Anna Iacoboni so aptly states, the law, at least in the early days of the Republic prior to 304 BCE, “was not written, therefore uncertain.”<sup>5</sup> The Romans did not have an officially defined constitution, as the United States does, and relied upon the verdicts of regional magistrates to deal with specified issues and *leges* (specified written laws). Instead, the Romans relied upon tradition to form the basis of their legislative-judicial style of governance, believing that this system, as described in Titus Livy’s *Ab Urbe Condita* (on the founding of Rome), had existed from the very foundations of Ancient Rome at 753 BCE.<sup>6</sup> As utilized in this thesis, the term mixed government refers to a ruling system based on power-sharing between local and centralized government with a representative electorate known as the Senate.<sup>7</sup> In fact, tradition was not set in stone but was flexible and specifically applicated to fit desired outcomes and

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<sup>4</sup> Cicero, *De Amicitia*, 15, 52, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-de\\_amicitia/1923/pb\\_LCL154.163.xml?mainRsKey=gyVCwH&result=1&rskey=E94NFq](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-de_amicitia/1923/pb_LCL154.163.xml?mainRsKey=gyVCwH&result=1&rskey=E94NFq). Cicero notes “*Haec enim est tyrannorum vita, nimirum in qua nulla fides*,” Trans. W.A. Falconer, “Such indeed is the life of tyrants—a life, I mean, in which there can be no faith.” Livy, 29, 17, 19, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history\\_rome\\_29/1949/pb\\_LCL381.275.xml?rskey=PJf0Q0&result=1&mainRsKey=NUJy2p](https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history_rome_29/1949/pb_LCL381.275.xml?rskey=PJf0Q0&result=1&mainRsKey=NUJy2p). Note that Livy also refers to a despot in *Ab Urbe Condita* as “*cum exitiabilis tyrannus (urbem) vi atque armis oppressit*.” Trans. Frank Gardner Moore, “when a death-dealing tyrant has overpowered [the city] by force of arms.” Seneca the Younger, *Epistles*, 114, 24, (Loeb Classical Library), [https://www-loebclassics-com.proxy.library.emory.edu/view/seneca\\_younger-epistles/1917/pb\\_LCL077.317.xml?rskey=C2LYv2&result=1&mainRsKey=apNHmk](https://www-loebclassics-com.proxy.library.emory.edu/view/seneca_younger-epistles/1917/pb_LCL077.317.xml?rskey=C2LYv2&result=1&mainRsKey=apNHmk). “*ubi impotens, cupidus, delicatus est, transit in nomen detestabile ac dirum, et fit tyrannus*.” Trans. Richard M. Gummere, “But an uncontrolled, passionate, and effeminate soul changes kingship into that most dread and detestable quality—tyranny.”

<sup>5</sup> Anna Iacoboni, “The legal value of *mos maiorum* in Cicero” (*Studia Iuridica*, 80), 136, doi: 10.5604/01.3001.0013.4794.

<sup>6</sup> Livy, 1.8.7, (Loeb Classical Library), [https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history\\_rome\\_1/1919/pb\\_LCL114.33.xml?rskey=RRGp3U&result=1&mainRsKey=CALGF3](https://www-loebclassics-com.proxy.library.emory.edu/view/livy-history_rome_1/1919/pb_LCL114.33.xml?rskey=RRGp3U&result=1&mainRsKey=CALGF3). Livy writes of the designation of only 100 senators from Romulus himself; “*centum creat senatores, sive quia is numerus satis erat, sive quia soli centum erant qui creari patres possent. patres certe ab honore, patriciique progenies eorum appellati*.” Trans. B.O. Foster, “He appointed a hundred senators, whether because this number seemed to him sufficient, or because there were no more than a hundred who could be designated Fathers.<sup>2</sup> At all events, they received the designation of fathers from their rank, and their descendants were called patricians.”

See also, Michael Gagarin and Elaine Fantham, (eds.), *The Oxford encyclopedia of ancient Greece and Rome*, (New York: Oxford University Press, 2010), Oxford Reference, “government in ancient Rome.”

<sup>7</sup> Polybius, *Histories*, 6.5. See also, Cicero, *De Re Publica*, 5.

situations. This adaptability of tradition allowed for potential manipulation within legal interpretation and application of the *leges*, especially given the oral nature of tradition.<sup>8</sup> Tradition and politics were inseparably woven together to form the fabric of the Roman Republic.<sup>9</sup>

Custom in Roman law was legitimized by *consensus* (agreement) and *vetustas* (duration, sustained longevity).<sup>10</sup> Custom was thought of as a source of *sine lege legitimum* (legitimate unwritten law) with equal value to the *lex* (written law) which later became known as *consuetudo* (customary law).<sup>11</sup> Customary law included both the respect for tradition and recognition for its renewal for the legal value of custom, based on the rights of nature.<sup>12</sup> Remarkably, however, despite being one of the primary fonts of this *consuetudo* (customary law), the *mos maiorum* was neither written nor defined in terms of customary law, yet scholars think of the *mos maiorum* as

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<sup>8</sup> Iacoboni, “The legal value of *mos maiorum* in Cicero,” 137.

<sup>9</sup> Cicero, *De Oratore*, 1, 39-40, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-de\\_oratore/1942/pb\\_LCL348.31.xml?result=1&rskey=W9cmNt](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-de_oratore/1942/pb_LCL348.31.xml?result=1&rskey=W9cmNt) “*Quid? leges veteres, moresque maiorum; quid? auspicia, quibus et ego, et tu, Crasse, cum magna reipublicae salute praesumus; quid? religiones et caerimoniae; quid? haec iura civilia, quae iampridem in nostra familia sine ulla eloquentiae laude versantur; num aut inventa sunt, aut cognita, aut omnino ab oratorum genere tractata?*” Trans. E.W. Sutton and H. Rackham, “What of our ancient ordinances and the customs of our forefathers? What of augury, over which you and I, Crassus, preside, greatly to the welfare of the Republic? What of our religious rites and ceremonies? What of those rules of private law, which have long made their home in our family, though we have no reputation for eloquence? Were these things contrived or investigated or in any way taken in hand by the tribe of orators?”

<sup>10</sup> Cicero, *Topica*, 90, 6, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-topica/1949/pb\\_LCL386.453.xml?rskey=X87tpT&result=1&mainRsKey=4Uj3m0](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-topica/1949/pb_LCL386.453.xml?rskey=X87tpT&result=1&mainRsKey=4Uj3m0). Cicero notes the institutions concerning equity contain three parts; law, compacts, and long upheld tradition; “*Institutio autem aequitatis tripertita est: una pars legitima est, altera conveniens, tertia moris vetustate firmata.*” Trans. H.M. Hubbell, “The institutions affecting equity are threefold: the first has to do with law, the second with compacts, the third rests on long continued custom.”

<sup>11</sup> Iacoboni, “The legal value of *mos maiorum* in Cicero,” 139.

<sup>12</sup> Cicero, *Topica*, 82, 1, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-topica/1949/pb\\_LCL386.445.xml?rskey=J1xTL0&result=1&mainRsKey=f4J8JGC](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-topica/1949/pb_LCL386.445.xml?rskey=J1xTL0&result=1&mainRsKey=f4J8JGC). Cicero, in *Topica*, “*Cognitionis sunt eae quarum est finis scientia, ut si quaeratur a naturane ius profectum sit an ab aliqua quasi condicione hominum et pactione.*” Trans. H.M. Hubbell, “Theoretical inquiries are those of which the purpose is knowledge: for example, one may inquire whether law has its origin in nature or in some agreement and contract between men.” See also Iacoboni, “The legal value of *mos maiorum* in Cicero,” 135.

the near antithesis of written law due to its malleable nature of implementation and interpretation throughout the course of the Roman Republic.<sup>13</sup>

### ***Mos Maiorum* in the Late Roman Republic**

The use of *mos*, and *aequitas* (quality of fairness or equality) were the main sources of unwritten law, and were used by Cicero to justify the distinction between human law and divine law.<sup>14</sup> Cicero was the eldest son of a family from Arpinum, west of the City of Rome. He studied philosophy and oratory in Athens and Rhodes, which was typically only accessible to those of the upper-class. After receiving his education, he returned to Rome and hit the political trail to make his name as an orator. He ran for office at the youngest age possible and was elected to the senate in 74 BCE.<sup>15</sup>

The implementation and interpretation of the law during this period was managed by those who were trained to understand it, the *prudentes* (those skilled in the law) who “led every situation back to the ancient *mores*.”<sup>16</sup> The *prudentes* relied upon the *mos* for previously issued responses to the *lex* and the *consuetudo* yet invoked innovations for the current political climate. They followed the principles of *utilitas* (usefulness), *ratio iuris* (rational law), and *aequitas*

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<sup>13</sup> Stanley Katz, (e.d), *The Oxford international encyclopedia of legal history*, “Roman Republic.”

<sup>14</sup> Katz, (e.d), *The Oxford international encyclopedia of legal history*, “Cicero,” (Oxford: Oxford University Press: 2009). Oxford Reference. Marcus Tullius Cicero was a famous Roman senator and author who lived during the late Roman Republic from 106-43 BCE. Iacoboni, “The legal value of *mos maiorum* in Cicero,” 138. See also Cicero. *De Off.* 1, 11, 36.

<sup>15</sup> John Percy Balsdon, Miriam T. Griffin, Jonathan G. F. Powell, John Hedley Simon, and Dirk Obbink. “Cicero.” In *The Oxford Companion to Classical Civilization*. : Oxford University Press, 2014. <https://www-oxfordreference-com.proxy.library.emory.edu/view/10.1093/acref/9780198706779.001.0001/acref-9780198706779-e-143>.

<sup>16</sup> Iacoboni, “The legal value of *mos maiorum* in Cicero,” 144.

(equity), but only passed this knowledge down to the *nobiles*, thus upholding a cycle of power within the nobility.<sup>17</sup>

The Romans relied upon historical *exempla* (examples) of their *maiores* (elders/ancestors) to establish guiding rules for governance and practice. *Exempla* is the plural of the Latin word *exemplum* meaning a way or manner of acting, sample or model for imitation, or to avoid imitation. Such *exempla*, ranged from the specific deeds of certain ancestors to overarching actions by collective ancestors.<sup>18</sup> This ambiguity in the codes governing the nation left a space for politicians, such as Cicero and Sallust, and the ruling class of the *nobiles* to potentially insert self-serving policies that were legitimized by the historical *exempla* of the customs of the ancestors.<sup>19</sup>

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<sup>17</sup> Cicero, *De Officiis*, 2, 42, 7 (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-de\\_officiis/1913/pb\\_LCL030.211.xml?rskey=U7YFLf&result=1&mainRsKey=y06elU](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-de_officiis/1913/pb_LCL030.211.xml?rskey=U7YFLf&result=1&mainRsKey=y06elU). Cicero notes in *De Officiis* that, “*Ergo hoc quidem perspicuum est, eos ad imperandum deligi solitos, quorum de iustitia magna esset opinio multitudinis. Adiuncto vero, ut idem etiam prudentes haberentur, nihil erat, quod homines iis auctoribus non posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda iustitia est cum ipsa per sese (nam aliter iustitia non esset), tum propter amplificationem honoris et gloriae.*” Trans. Walter Miller, “This then, is obvious: nations used to select for their rulers those men whose reputation for justice was high in the eyes of the people. If in addition they were also thought wise, there was nothing that men did not think they could secure under such leadership. Justice is, therefore, in every way to be cultivated and maintained, both for its own sake (for otherwise it would not be justice) and for the enhancement of personal honour and glory.” See also Cicero, *De Harispicum Responsis*, 9, 18-20.

<sup>18</sup> See Plautus, *Bacchides*, 3, 6, 11; Cicero, *de Inventione*, 2, 1, 2; Cicero, *ad Quintus. Fr.* 1, 2, 5; and Tacitus, *Annales* 16, 35.

<sup>19</sup> Cicero, *Pro Lege Manilia*, 60, 1-4, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-pro\\_lege\\_manilia/1927/pb\\_LCL198.71.xml?rskey=JeyhAi&result=1&mainRsKey=98qyEF](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-pro_lege_manilia/1927/pb_LCL198.71.xml?rskey=JeyhAi&result=1&mainRsKey=98qyEF). For Cicero referring to the use of the *mos maiorum* by other politicians: “*At enim ne quid novi fiat contra exempla atque instituta maiorum. Non dicam hoc loco maiores nostros semper in pace consuetudini, in bello utilitati paruisse, semper ad novos casus temporum novorum consiliorum rationes accommodasse.*” Trans. H. Grose Hodge, “But, I am told, “Let no innovation be made contrary to usage and the principles of our forefathers.” I forbear to mention here that our forefathers always bowed to precedent in peace but to expediency in war, always meeting fresh emergencies with fresh developments of policy.”

Sallust also mentioned the cherry-picking that the ancestors of the Romans did in order to found the nation with good practices, as long as they were in accordance with good virtues. In his *Bellum Catilinae* (*War of Catiline*) Sallust wrote:

Our ancestors, Members of the Senate, never lacked either wise counsel or courage, and yet pride did not keep them from adopting foreign institutions, provided they were honorable. They adopted defensive and offensive weapons from the Samnites, the badges of their magistrates for the most part from the Etruscans. In short, that which seemed to them suitable anywhere among allies or foes, they put in practice at home with the greatest enthusiasm; they preferred to imitate rather than envy good practices.<sup>20</sup>

Sallust's observation that they chose "that which seemed to them suitable" underscores that this was an act of selective choice rather than wholesale adoption of practice. Thus the Romans, like their ancestors before them, relied on the wisdom and *exempla* of their elders to validate laws, policies, and guide them in ruling the nation, as long as they were in accordance with virtue and honor.

During the course of the Roman Republic, from 509-31 BCE, the interpretation of the *mos maiorum* began to evolve with an increasing focus on its use as an historical *exemplum*. Politicians refer to the concept of historical memories, which were especially significant due to the nature of historical consciousness.<sup>21</sup> Historical memories, or social memories, refer to events or concepts that groups create a narrative about and identify with.<sup>22</sup> The term historical consciousness applies to how people think the past, present, and future are intertwined. The

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<sup>20</sup> Sallust, *Bellum Catilinae*, 51.37: "*Maiores nostri, patres conscripti, neque consili neque audaciae umquam eguere, neque illis superbia obstatat quominus aliena instituta, si modo proba erant, imitarentur. Arma atque tela militaria ab Samnitibus, insignia magistratuum ab Tuscis pleraque sumpserunt. Postremo quod ubique apud socios aut hostis idoneum videbatur, cum summo studio domi exequabantur; imitari quam invidere bonis malebant.*" J. C. Rolfe, trans., *Catilinarians*, 51, 37, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-war\\_catiline/2013/pb\\_LCL116.117.xml?rsk=FV4k4z6&result=2&mainRsKey=17LV7b](https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-war_catiline/2013/pb_LCL116.117.xml?rsk=FV4k4z6&result=2&mainRsKey=17LV7b).

<sup>21</sup> Cicero. *Pro Lege Manilia*. 59-60. See also Iacoboni, "The legal value of *mos maiorum* in Cicero," 145.

<sup>22</sup> Karl Galinsky. "MEMORIA ROMANA: Memory in Rome and Rome in Memory." *Memoirs of the American Academy in Rome. Supplementary Volumes* 10 (2014): Iii-193. <http://www.jstor.org/stable/44423154>.

Romans believed that they were engaging in a form of shared memories, memories held by all Romans, and by following the *exempla* of the ancestors they would achieve glory and greatness that their forefathers did.

In order to recall these historical *exempla* accurately in terms of the law, the profession of antiquarian research arose and sought to conceptualize and define the *mos*. This conceptualization is evident through the increase in the overall number of individual laws in the second and first centuries BCE. This emphasized how difficult it was to pin down a concrete, lasting, definition of the *mos*.<sup>23</sup> These apparent attempts to explicitly define and codify the *mos*, to transform what was custom to authoritative legal code, led to an unfortunate sacrifice of its adaptability. That *mos maiorum* was not a clearly defined model was well-understood by the Romans. As Cicero points out the person who invokes the concept sometimes must choose between the *optimum* (best) over the *antiquum* (oldest) example, resulting in an emphasis on the virtues of illustrious citizens rather than their status due to age.<sup>24</sup>

Roman identity was rooted in tradition and traditional virtues and values instilled in the population through historical *exempla*. *Pietas* (dutiful conduct), *honos* (honor), *virtus* (excellence), and other virtues established the core part of a unified civic identity and source of nationalism within the vast regions of the Roman Empire.<sup>25</sup> During the transition from Republic

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<sup>23</sup> See Gaius *Institutes*, and the *Twelve Tables*.

<sup>24</sup> Iacoboni, "The legal value of *mos maiorum* in Cicero," 149-150.

<sup>25</sup> Tacitus, *Agricola*, 46, 2-3. Vergil, *Aeneid*, 3, 480. Cicero, *Part*, 22, 78. Cicero, *Philippic*, 9, 4.3-5. Sallust, Second Letter to Caesar, 4, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-letters\\_caesar\\_2/2015/pb\\_LCL522.519.xml?mainRsKey=SbERWr&result=1&rskey=bYAjN6](https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-letters_caesar_2/2015/pb_LCL522.519.xml?mainRsKey=SbERWr&result=1&rskey=bYAjN6) . "*quippe cum illis maiorum virtus partam reliquerit gloriam, dignitatem, clientelas, cetera multitudo pleraque insiticia sit-sententias eorum a metu libera; ita in occulto sibi quisque alterius potentia carior erit.*" Trans. John T. Ramsey, "for the prowess of their ancestors has left the nobles a heritage of glory, prestige and patronage, while most of the remaining throng in the senate has been grafted on." See also, Hennayake, Shantha K., "Interactive ethnonationalism: An alternative explanation of minority ethnonationalism," *Political Geography*, (November, 1992) 526-549."

to Principate, authors such as Cicero and Sallust noted that these collective customs- the *mos maiorum*- were being “trampled underfoot by self-seeking ambition” of those in the *nobiles* who were hungry for more power.<sup>26</sup>

The invocation of ancestral traditions for political gain, specifically to incite and revive a, perceived or real, state of former glory, was not unique to the Romans. This is also evident in the United States of America. The south chamber of the Lincoln Memorial, in Washington, D.C., has a prominent example of this inscribed upon its walls. “Four score and seven years ago our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure.”<sup>27</sup> In these opening lines from his *Gettysburg Address*, Abraham Lincoln was, of course, relying upon the example of the Founding Fathers, who had themselves invoked the *mos maiorum* while they were drafting the Articles of the Constitution of the United States.<sup>28</sup> But in the case of the Founding Fathers, they relied upon what might be called the original *mos maiorum* by referring to the wisdom and *exempla* of their claimed nation of ancestors, the Romans.

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<sup>26</sup> Michael Gagarin and Elaine Fantham, (Eds.), *The oxford encyclopedia of ancient Greece and Rome*, “mos maiorum.”

<sup>27</sup> “Lincoln Memorial,” *National Park Services*, <https://www.nps.gov/linc/learn/historyculture/gettysburgaddress.html>. Lincoln, Abraham, “Hay Draft, *Library of Congress*, <https://www.loc.gov/exhibits/gettysburg-address/ext/trans-hay-draft.html>. The “Hay Draft” of the Gettysburg Address pulled from the Library of Congress; given to John Hay by Abraham Lincoln upon his return from Gettysburg to Washington in 1863.

<sup>28</sup> John Taylor to Thomas Jefferson, *Founders Online*, December 11, 1798, <https://Founders.archives.gov/?q=taylor%20Author%3A%22Taylor%2C%20John%22%20Recipient%3A%22Jefferson%2C%20Thomas%22&s=1111311111&r=13>. Letter from John Taylor to Thomas Jefferson, who was Vice President at the time, on the tyranny of the British empire compared to the tyranny that was evident in the vestiges of the Roman Republic before the Principate.



## The Roman Republic, United States of America, and Nationalism

A nation, by definition, is a body of people united by common descent, history, or culture.<sup>29</sup> It is important to note that Rome was not a nation because there was no concept of a nation during the late Roman Republic. The ideas of nationalism, patriotism, and civic identity were present and noted among authors, such as Cicero, yet were not thought of as a part of a nation.<sup>30</sup> Cicero does use *natio* (tribe), in his works sparingly, although he prefers to refer to a group of peoples as a nation through *gens/populus*, especially when speaking of distant/barbarous people. When he does use *natio* (from *nascor*; birth, being born), Cicero is referring to a race of people, tribe, or a peoples born for slavery.<sup>31</sup> Cicero also refers to the use of *natio* in a contemptuous way towards a race/tribe, “*vestra natio (Epicureorum)*.” This etymological difference is important to note, especially because the Founding Fathers were well-versed in the Latin language and chose to define the United States as a new “nation” rather than “gentile” or “populace,” signifying the potential for racial exclusion from the inception of the country.<sup>32</sup> Nationalism can be defined as a sense of social consciousness applied to a body of

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<sup>29</sup> Cicero, *Phillipics*, 10, 10, 20. See Cicero, *Pro Rabirio Perduellionis Reo*, 12, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-pro\\_rabirio\\_perduellionis/1927/pb\\_LCL198.487.xml?rskey=oJ1JFp&result=1&mainRsKey=T6vshx](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-pro_rabirio_perduellionis/1927/pb_LCL198.487.xml?rskey=oJ1JFp&result=1&mainRsKey=T6vshx). “*Nullus est reliquus rex, nulla gens, nulla natio quam pertimescatis.*” Trans. H. Grose Hodge, “no king is left, no nation, no tribe to cause you fear: there is no evil from outside, of other’s causing, that can make its way into our country.” See also, Cicero, *Pro Scauro*, 17, 38-40.

<sup>30</sup> Cicero, *De Re Pública*, 5, 1-3.

<sup>31</sup> Cicero, *Phillipic*, 10, (Loeb Classical Library) [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-philippic\\_10/2010/pb\\_LCL507.121.xml?rskey=At2hue&result=1&mainRsKey=45gVMN](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-philippic_10/2010/pb_LCL507.121.xml?rskey=At2hue&result=1&mainRsKey=45gVMN). “*Omnes nationes servitutum ferre possunt, nostra civitas non potest, nec ullam aliam ob causam nisi quod illae laborem doloremquefugiunt, quibus ut careant omnia perpeti possunt, nos ita a maioribus instituti atque imbuti sumus ut omnia consilia atque facta ad dignitatem et ad virtutem referremus.*” Trans. D.R. Shackleton Bailey, “All nations can endure slavery, while our community cannot, and for no other reason than because those others shun toil and pain and are ready to put up with anything in order to avoid those hardships, whereas we have been thoroughly schooled by our ancestors to make dignity and valor our touchstones in every decision and act.”

<sup>32</sup> Franklin, Benjamin, prior to June 28, 1779, *Founders Online*, <https://Founders.archives.gov/?q=nation&s=1111311111&sa=&r=11&sr=>. “Playing at Chess, is the most ancient and the most universal game known among men; for its original is beyond the memory of history, and it has, for

people within a nation that places their nation, including culture and other interests, above those of all other nations. Roman collective civic identity embodied nationalism because the Romans engaged in the societal value of the *mos maiorum*, application of historical consciousness, that both unifies and excludes the diverse bodies of peoples within its physical boundaries. This thesis approaches the topics of civic identity, nationalism, ethnonationalism, among others, under the umbrella of patriotism embodied by the *mos maiorum*.

When the Founding Fathers took up the task of defining the new nation that was to become the United States of America, they utilized the customs of the Romans, specifically certain authors and politicians, especially Cicero, Cato, and Sallust, to create invisible boundaries dividing who would and would not be included in the body of people that defined the nation. Primarily, the Founders ascribed this national identity as belonging to white people. This perspective is best termed ethnonationalism, which uses a nation's history, culture, or other defining traditions as a basis to define oneself or group as superior to others not within that certain ethnically defined group. Ethnonationalism is currently very evident in the United States of America. Examples of this include white nationalist rhetoric; police brutality toward Black Americans; MAGA (Make America Great Again) which aspires to return the United States to a state of former glory since the traditions and values that founded the United States have been lost, in their eyes, as a result of mixing nations within the nation of the United States.<sup>33</sup>

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numberless ages, been the amusement of all the civilized nations of Asia, the Persians, the Indians, and the Chinese. Europe has had it above 1000 years; the Spaniards have spread it over their part of America, and it begins lately to make its appearance in these northern states.”

<sup>33</sup> Abraham Rosman and Paula Rubel, “Chapter 5 Ethnonationalism, Nationalism, Empire: Their Origins and Their Relationship to Power, Conflict and Culture Building,” *Global Bioethics*, 19:1, (2006), 55-71, DOI: 10.1080/11287462.2006.10800885.

Although more than two millennia have elapsed since the gradual transition from Republic to Principate in Ancient Rome, the resounding echoes of the thoughts and actions behind that change are all too evident today in the United States of America. The current socio-cultural and political climate would likely alarm the Founders, who looked closely at the fall of the Roman Republic, feared the devolution of the American nation into tyranny and demagoguery. In a letter to Benjamin Franklin, Jackson Richard states, “Whether the manners of ancient Rome were, at any period, calculated to promote the happiness of individuals, it is not my design to examine; but that their manners, and the effects of those manners on their government, and publick conduct, founded, enlarged, and supported, and afterwards overthrew their empire, is beyond all doubt.”<sup>34</sup> In the Founders’ eyes, devotion to one ruler or to an exclusive sect that left behind traditional values and virtues in favor of self-serving motives was a key to the downfall of the Roman Republic.

Finally, it is important to recognize the fact that there are limited primary sources available for the late Roman Republic. The existing sources come from a small sample of perspectives that describe the ideal culture and society of the time period, as described by wealthy, elite white males (just like the Founding Fathers). Despite these limitations, these sources are not without value, but they must be approached carefully, and always with their limitations in the forefront of one’s mind. On the other hand, evidence and discussions of American ethnonationalism abound and have only increased since the inception of this project in

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<sup>34</sup> Jackson Richard, to Benjamin Franklin, *Founders Online*, June 17, 1755, <https://Founders.archives.gov/?q=fall%20Republic%20Roman&s=1111311111&sa=&r=1&sr=>. See also Benjamin Franklin, “Cool thoughts on the present situation of our public affairs,” *In a letter to a friend in the country*, *Founders Online*, April 12, 1764, <https://Founders.archives.gov/?q=fall%20Republic%20Roman&s=1111311111&sa=&r=3&sr=>. Madison, James, “Notes on ancient and modern confederacies,” *Founders Online*, April-June, 1786, <https://Founders.archives.gov/?q=fall%20Republic%20Roman&s=1111311111&sa=&r=29&sr=>.

the summer of 2020. Nonetheless, by invoking the concept of the *mos maiorum*, either directly or indirectly, people from the late Roman Republic and, subsequently, the United States of America have sought to return to a former gilded state associated with an ethnonationalist viewpoint.

## Chapter 1: *Mos Maiorum*, Nationalism, and Civic Identity in the Roman Republic

In order to trace the connection between the *mos maiorum* in Rome and ethnonationalist sentiment in the United States of America more fully, the discussion in this paper focuses specifically on the ambiguity of the interpretation and invocation of the *mos maiorum* in both the late Roman Republic and in the United States of America, its weaponized wielding to defend racialized policies in the United States, and the dangers of historically based ethnonationalism.

### **Defining *Mos Maiorum***

A central truth of Roman history is that the “traditional behavior [of the ruling class in the Roman Republic] led to quite untraditional consequences.”<sup>35</sup> During the era of the Roman Republic, 509 BCE- 27 BCE, the controlling influence of the ruling class waxed and waned. At its peak, the *senatus* (senate) and *nobiles* (nobles) governed much of the *iurisprudentia* (jurisprudence) and *leges* (laws) within both the Roman political and social spheres through *ius scriptum* (written laws) such as statutory codes, and the less restricted *ius non scriptum* (unwritten laws) such as custom, tradition, and, most importantly, the *mos maiorum* (custom of the ancestors). The ruling class, composed of the members of the Senate, presided over legal proceedings through courts and assemblies with a sense of civic virtue and duty to the *SPQR* in which the Roman ‘code’ encompassed universal morals, values, ideologies, and standards for the *cives* (private citizens), *senatus* (senators) and *populus* (general population) alike.<sup>36</sup> Although the

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<sup>35</sup> Mary Beard, and Michael Crawford, *Rome in the Late Republic*, (Great Britain: Redwood Books, 1999) 9.

<sup>36</sup> *Senatus populusque Romanus*; translated as “the senate and the Roman people,” the official slogan for the Roman military and state; Beard & Crawford, *Rome in the late Republic*, 42-43. For more on the powers of the Senate, and the separation of power in Roman government, see Polybius, *Histories*, 6.5.

invocation of *mos maiorum* as a term was universal, the flexibility and adaptability of the term to the ever-changing sociopolitical climate allowed politicians to apply the concept to whatever carried out their favor. They embodied politics and jurisprudence through the eyes of, and in relationship to, the past. Court cases were decided not only based upon physical evidence and witness testimony, but were also argued through the use of historical *exempla*, legal precedent, and sociopolitical norms under the umbrella of the *leges* and the *mos maiorum*.<sup>37</sup>

As a member of the legislative body in the Roman Republic, although not a part of the *nobiles*, Marcus Tullius Cicero (106-43 BCE) defined himself as a *homo novus*, a self-made man, due to his non-noble birth and his subsequent rise into the senatorial class. While the *nobiles* were born into their powerful positions in society, there were also men who were a part of the legislative body that were not of noble birth but rose to the position through their accomplishments. These men were known as *homines novi*, “new men.” These men are contrasted with their senate counterparts, the *nobiles*, and almost never receive status higher than a small senator.<sup>38</sup> As Roberts states, the *homo novus* “has to win his own connections...to balance those inherited by the *nobiles*. During his rise the *novus homo* prides himself on his ability and achievements and tends to compare them with those of the Founders of noble families, as contrasted with their degenerate descendants.”<sup>39</sup>

Cicero raised the topic of the effectiveness of the *mos maiorum* within the context of the unwritten natural law in *Pro Caecina*, with specific reference to how it couples with the written

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<sup>37</sup> Cicero, *De Legibus*, 19-20. Cicero speaks on the roles of the magistrates and the *prudentes* with regard to law and religion.

<sup>38</sup> Cicero, *Pro Sestio*, 136. In sections 136-139 of *Pro Sestio*, Cicero addresses the forthcoming wave of new men to the senate who are both of noble birth and those who can achieve a state of nobility through *ingenium* (temperament, character) and *virtus* (excellence).

<sup>39</sup> “Novus Homo,” ed., John Roberts, *Oxford Dictionary of the Classical World*, (Oxford University Press, 2007), <https://www-oxfordreference-com.proxy.library.emory.edu/view/10.1093/acref/9780192801463.001.0001/acref-9780192801463-e-1517?rskey=xx9P8I&result=3>.

law and should be upheld equally.<sup>40</sup> In saying this, Cicero emphasized the importance of the *ius maiorum*, regarding its legal significance, as a “quasi-legal authority” rivaling written law. As Joanna Kenty observes, “the implication that laws and *mos maiorum* are effectively parallel in force suggests that traditions could be as powerful as individual written laws in swaying jury.”<sup>41</sup>

The concept of custom is referred to in many ways utilizing many different terms. Specifically, in the Roman Republic, there are differences between *mos* and *mores* (singular and plural forms), *mos maiorum* (custom of the ancestors), and *consuetudo* (tradition). In fact, custom was addressed in Archaic Roman law but was not adopted into private law until the Roman Republic.<sup>42</sup> As a supplement, custom has been bound to the law through structures of Roman law that introduce tradition into legal practices, such as *patria potestas* (an idiom signifying the power of a father over his household that is often loosely translated as “power of the father”) and *substitutio pupilliaris* (inheritance). Along with the legal codes, during the Roman Republic officials encouraged the encoding of moral values into daily life such as, *auctoritas* (authority), *dignitas* (merit, character), *libertas* (liberty), *gratias* (agreeableness), *honos* (honor), and, of course, the *mos maiorum* (custom of the ancestors).<sup>43</sup> The vastness of the Roman Empire required a balance between local interests and traditional customs that allowed

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<sup>40</sup> Cicero. *Pro Caecina*. 75, “*quapropter non minus diligenter ea quae a maioribus accepistis*” trans. Hodge Grose “Wherefore you ought to hold fast what you have received from your forefathers.”

See also, Cicero, *De Harispicum Responsis*, 9, 18-20. “*Quam volumus licet, patres conscripti, ipsi nos amemus, tamen nec numero Hispanos nec robore Gallos nec calliditate Poenos nec artibus Graecos nec denique hoc ipso huius gentis ac terrae domestico nativoque sensu Italos ipsos ac Latinos, sed pietate ac religione atque hac una sapientia, quod deorum numine omnia regi gubernarique perspeximus, omnes gentes nationesque superavimus.*” Trans. N.H. Watts, “However good be our conceit of ourselves, conscript fathers, we have excelled neither Spain in population, nor Gaul in vigour, nor Carthage in versatility, nor Greece in art, nor indeed Italy and Latium itself in the innate sensibility characteristic of this land and its peoples; but in piety, in devotion to religion, and in that special wisdom which consists in the recognition of the truth that the world is swayed and directed by divine disposal, we have excelled every race and every nation.”

<sup>41</sup> Joanna Kenty, “Congenital virtue: *mos maiorum* in Cicero’s orations, *The Classical Journal*, 111, (2016), 439.

<sup>42</sup> Cicero, *De Oratore*, 1, 39-40, [https://www-loebclassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_cicero-de\\_oratore/1942/pb\\_LCL348.31.xml?result=1&rskey=W9cmNt](https://www-loebclassics-com.proxy.library.emory.edu/view/marcus_tullius_cicero-de_oratore/1942/pb_LCL348.31.xml?result=1&rskey=W9cmNt). Bederman, *Custom as a Source of Law*, 18.

<sup>43</sup> Valentina Arena, “Informal norms, values, and social control in the Roman participatory context,” in *A companion to Greek democracy and the Roman Republic*, (Hammer, D, ed, 2014), 217.

for the intersection of natural and positive law through customary traditions, such as the *mos maiorum*.

There was a unified sense of civic virtue and duty towards the Roman state, relating back to one's ancestral heritage, both individually and as a member of the Roman populace. Roman mythology and religion played a large part in political society. Being able to trace one's lineage back to the gods, or divine figures such as Aeneas and Romulus, meant that one could hold sway and power within the *nobiles*.<sup>44</sup> Cicero challenged some of these unspoken rules in political society by achieving senatorial status from a non-noble background. Rather than comparing himself to ancestral figures through genealogy, he compared himself to distinguished figures through their virtues.<sup>45</sup> The fact that the ultimate virtue of *pietas* was defined appropriate loyal behavior toward the state, the gods, and one's own family meant that being able to connect family to the gods in the service of the state was highly valued. Prominent families within the *nobiles* who could do this, such as the connections of the *gens Iulii* to the hero Aeneas and the goddess Venus through their ancestor Iulus, easily swayed and held power because of the appearance of divine imprimatur that this gave to them. Cicero did this by inciting support amongst his followers by declaring that they were related to their ancestors by virtues rather than genealogy. By comparing himself to the virtues of these figures rather than their genealogical

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<sup>44</sup> Beard & Crawford, *Rome in the late Republic*, 49.

<sup>45</sup> Sallust, *Invective Against Cicero*, 7, Loeb Classical Library Online, [https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-invective\\_cicero/2002/pb\\_LCL462.371.xml?mainRsKey=SL7mk6&result=1&rskey=UWUaea](https://www-loebclassics-com.proxy.library.emory.edu/view/sallust-invective_cicero/2002/pb_LCL462.371.xml?mainRsKey=SL7mk6&result=1&rskey=UWUaea).

Sallust mocks Cicero's self-comparison to the gods and divine founders of Rome by stating, "*Sed quid ego plura de tua insolentia commemorem? quem Minerva omnis artis edocuit, Iuppiter Optimus Maximus in concilio deorum admisit, Italia exulem suis umeris reportavit. Oro te, Romule Arpinas, qui egregia tua virtute omnis Paulos, Fabios, Scipiones superasti, quem tandem locum in hac civitate obtines?*" Trans. D.R. Shackleton Bailey, "from exile on her shoulders! I beg you, Romulus of Arpinum, you that by your splendid achievements have surpassed all the Pauli and Fabii and Scipios, what place do you occupy in the community?" See also, Dean Hammer, "Roman political thought," *The Encyclopedia of Political Thought*, (Gibbons, M ed; Wiley & Sons, 2015), 2, DOI: 10.1002/9781118474396.wbpept0897. See Beard & Crawford, *Rome in the late Republic*, 43.



status, he renewed the use of *mos maiorum*, and expanded it into a form that embodied a range of desirable traits and virtues rather than specific people. The flexible application of the *mos maiorum* allowed for an innumerable number of interpretations, but most important for considering the relationship between the *mos maiorum* and modern American ethnonationalism is the intersection between the perceptions of ancient and modern-day philosophers in terms of upholding Roman civic identity.

### **Interpretations of *Mos Maiorum* by Roman Authors**

When in doubt, do as the Romans do: return to heritage, custom, and tradition. For the Romans, legal and political arguments based on ancestral tradition set precedence for future ambiguous legal cases to rest on when there was no alternative. References to one's *maiores* during arguments carried a lot of sway in the Roman political sphere during the Roman Republic. Precisely because, as Cicero pointed out in the aforementioned discussion as choosing between *optimum* (best) and *antiquum* (oldest), the Romans placed heavy import on age as a signifier of *dignitas* (merit, character), *gratias* (agreeableness), and *sapientia* (wisdom). The power and wisdom of the ancestors was reinforced as greater than that of current members of Roman society not only through the use of the *exempla* of the elders through the *mos*, but also the linguistic reinforcement of the substantive use of the comparative adjective *maiores* (superiors/greaters). The use of the comparative adjective *maiores* to mean greater or superior signified the elders' status in society as better than current members of society, which reinforced the *mos maiorum*'s power in arguments.

The custom of the ancestors was not only invoked by politicians during the late Roman Republic, but was also written about by authors during and after the Late Republic. Such authors

included, but were not limited to, Cicero, Sallust, Lucretius, Livy, and Seneca the Younger. The Founding Fathers of the United States of America invoked such authors when they were crafting the founding documents of the United States.

Cicero was one of the most influential political figures of the later Roman Republic, and often invoked the *mos maiorum* in his writings, both his private essays and letters and his public legal and political speeches.<sup>46</sup> His fundamental political philosophy derived from the intersection of what he considered to be the eternal cosmological order, encompassing the concept of *ius* (divine right) and *auspicia* (auspices), with the subjectivity of the progressive political and social sphere in Rome. This blending of moralizing philosophy and political savvy is how he confirmed himself as a political influencer through the *mos maiorum* without the usually required genealogical connections to support and sustain influence. He centered his philosophy on the concept of historical consciousness and the *mos maiorum*, in the sense that one was able to relate oneself to the past and bind oneself to the customs and traditions of the elders.<sup>47</sup> He believed that political perfection of the Roman state would be achieved through adherence to the historical *exempla* of many influential figures over time. Cicero emphasized both these figures' impact on Rome's evolution, and also how important their contributions were to the development of politics and values specific to Roman citizens. Cicero's ideals were not derived separate from the human condition from politics but rested upon interweaving the two to create what he imagined to be the perfect political system. His political philosophy relied not only on the fundamental judicial conditions but also on the social norms and traditions that bound society and justice

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<sup>46</sup> David Stockton, *Cicero: A political biography*, (London: University of Oxford, 1971).

<sup>47</sup> Hammer, "Roman political thought," 2. See also; Cicero, *De Re Publica*, 5, 1-3, and Cicero, *Topica* 1, 1-5; 2, 6-10

together.<sup>48</sup> Cicero did not rely on the use of *mos maiorum* as a fundamental part of all his arguments, mostly to retain its power to sway the audience. When in use, particularly by Cicero, the *mos maiorum* is the spotlight of the argument, rather than a supporting pillar.<sup>49</sup>

In the Roman Republic, Cicero connected his arguments through what were known as *exempla* (examples or precedents) which invoked a legal “relationship and attitude toward the past” from the historical examples and ideals presented through revered ancestors.<sup>50</sup> The use of *exempla* could involve recalling the memory of great deeds, or persons, in order to engage in the act of *imitatio* (imitation), the copying or portrayal of them and *aemulatio* (emulation), the act of striving to excel or equal the thing or one admired. As Dean Hammer has observed, “Romans thought through and with their history.”<sup>51</sup> With regard to legal and political arguments, this statement can also be applied to the United States Supreme Court. Indeed, this phrase embodies the modern ideal of *iurisprudentia* (jurisprudence), in which cases are decided based on a combination of historical relevance, legal precedent, and current sociopolitical norms.<sup>52</sup> Cicero’s use of historical *exempla* to invoke the *mos maiorum* drew upon a collective respect and

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<sup>48</sup> Cicero, *De Re Publica*, 5, 1-2. Cicero delineates the intertwining of custom and law in detail in the first lines of Book V of *De Re Publica*, stating that “*nam neque viri, nisi ita morata civitas fuisset, neque mores, nisi hi viri praeuissent, aut fundare aut tam diu tenere potuissent tantam et tam fusa lateque imperantem rem publicam. itaque ante nostram memoriam et mos ipse patrius praestantes viros adhibebat, et veterem morem ac maiorum instituta retinebant excellentes viri.*” Keyes, trans. “For neither men alone, unless a State is supplied with customs too, nor customs alone, unless there have also been men to defend them, could ever have been sufficient to found or to preserve so long a commonwealth whose dominion extends so far and wide. Thus, before our own time, the customs of our ancestors produced excellent men, and eminent men preserved our ancient customs and the institutions of their forefathers.”

<sup>49</sup> Cicero, *De Nat.*, 3.9, (Loeb Classical Library Online), [https://www-loebClassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_Cicero-de\\_natura\\_deorum/1933/pb\\_LCL268.295.xml?rskey=bltSUA&result=1&mainRsKey=owWBrB](https://www-loebClassics-com.proxy.library.emory.edu/view/marcus_tullius_Cicero-de_natura_deorum/1933/pb_LCL268.295.xml?rskey=bltSUA&result=1&mainRsKey=owWBrB). Cicero said, in *De Natales*, “*mihi enim unum sat erat, ita nobis maioris nostros tradidisse*” trans. Henry Rackham, “For my part a single argument would have sufficed, namely that it has been handed down to us by our forefathers,” regarding his perception of the strength of tradition in an argument.

<sup>50</sup> Hammer, “Roman political thought,” 16.

<sup>51</sup> Hammer, “Roman political thought,” 4.

<sup>52</sup> The balance of these factors in decisions depends upon a make-up of the supreme court, a mixture of conservative or liberal judges on the political and philosophical spectrum that can change but the elements that drive their decisions stay the same.

reverence for Roman ancestors and customs. He connected himself to the virtues of Roman society instead of genealogical ancestry, therefore creating a link between Roman characteristics and heritage.<sup>53</sup>

These virtues of Roman society and identity, such as *virtus* (excellence), *gratias* (agreeableness), *honor* (honor), *fides* (faithfulness), *dignitas* (merit, character), and *pietas* (dutiful conduct), were exemplified in specific historical figures to solidify the power of the *mos*, not only as a concept but also as a physical reference back to Roman universal ancestors.<sup>54</sup> The *nobiles*, or ruling class of elites, in Rome invoked the *mos maiorum* in an attempt to retain power by referring to the superior sociopolitical position of their ancestors.<sup>55</sup> Cicero challenged this notion by introducing himself as a *homo novus*, yet also verifying himself through the *mos maiorum* through his character rather than his genealogical heritage.<sup>56</sup> He believed that, “the actions of exemplary men build on *mos maiorum* and, at the same time, support the ever-evolving *mos maiorum* by constituting new *exempla* themselves.”<sup>57</sup> Cicero exploited the

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<sup>53</sup>Cicero notes, in section 97 of *Pro Sestio*, that the power of governance should be “passed through those who emulate the good virtues of the ancestors rather than by noble birth alone,” *integri, sani, bene de rebus domesticis constituti*.” Cicero, *Pro Sestio*, 97, (Loeb Classical Library), [https://www-loebClassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_Cicero-pro\\_sestio/1958/pb\\_LCL309.169.xml?rskey=o85WQF&result=1&mainRsKey=vZnubq](https://www-loebClassics-com.proxy.library.emory.edu/view/marcus_tullius_Cicero-pro_sestio/1958/pb_LCL309.169.xml?rskey=o85WQF&result=1&mainRsKey=vZnubq).

<sup>54</sup> Cicero in *De Lege Agraria*, “*quam illos fortissimos viros, qui apud maiores nostros fuerunt*,” (Cicero, *De Lege Agraria*, 1, 1-2. See also Henriette Van Der Blom, *Cicero’s role models. The political strategy of a newcomer*, (Oxford, NY: Oxford University Press, 2010) 14-15, ISBN 9780199582938. “Early Roman historians such as Fabius Pictor and Cato the Elder referred to the virtues of the ancestors in order to explain and justify Roman supremacy in the Mediterranean world.”

<sup>55</sup> Sallust notes the *nobiles* relying on the influence of their direct *maiores* to retain power in both his commentary on the *War with Jugurtha* (Sallust, *War with Jugurtha*, 8.1-3) as well as in his *Second Letter to Caesar* (Sallust, *Second Letter to Caesar*, 3.9-14).

<sup>56</sup> Sallust, who was also a self-defined *homo novus*, was born a *pleb* of Sabine origin. Syme, R. (1964) *Sallust*. and Mellor, R. (1999) *The Roman Historians*. Sallust comments on Cicero’s status as *homo novus* in the *Invective against Cicero*, “*verum, ut opinor, homo novus Arpinas, ex C. Marii familia, illius virtutem imitatur, contemnit similitatem hominum nobilium, rem publicam caram habet, neque terrore neque gratia removetur a vero, amicitia tantum ac virtus est animi*,” trans. “But, I suppose, as a new man from Arpinum, from the family of Marius, he imitates his qualities, despises the enmity of noblemen, holds the commonwealth dear, lets neither fear nor favour part him from the truth, loves only justice and virtue.” Sallust, *In Ciceronem*, 4-5, trans., Shackleton Bailey, D., Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-Invective\\_Cicero/2002/pb\\_LCL462.367.xml?rskey=7BXajn&result=1&mainRsKey=uOzfa8](https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-Invective_Cicero/2002/pb_LCL462.367.xml?rskey=7BXajn&result=1&mainRsKey=uOzfa8).

<sup>57</sup> Van Der Blom, *Cicero’s role models*, 89-90.

flexibility of the *mos maiorum* and sought to advance the, in his eyes, virtues of Roman national identity through the idea that the past provides moral lessons for the present.<sup>58</sup>

Arena argues that, although the *mos maiorum* was applicable to the *nobiles* and *plebs* alike, it was almost exclusively used by the nobility to further political standpoints and garner support for their individual, and subjective, viewpoints.<sup>59</sup> Cicero's interpretation of the *mos maiorum* emphasized his awareness of the power of the customs of the ancestors in politics and society. He implemented the *mos maiorum* in his arguments "not simply as instances of manipulation...but also as strategies."<sup>60</sup> Cicero drew upon the adaptability of the *mos maiorum* to apply it situationally, however he defined the *mos maiorum* with respect to the core values and principles it represented through historical *exempla*, rather than concrete rules and persons embodied by the nobility. In defining the *mos maiorum* by its application to virtues, Cicero paved the way for tradition to become unaffixed from the elite and allows its power to transfer to the common man.<sup>61</sup> With regard to historical *exempla*, the "Romans looked to the past not only for solutions but also for qualifications for present situations which suited their own particular agenda."<sup>62</sup> Cicero utilized the practice of invoking the *mos maiorum* in his arguments when it suited him best and left out any mention of it when it did not.<sup>63</sup>

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<sup>58</sup> Cicero, *Pro Archia*, 14.

<sup>59</sup> Arena, "Informal norms, values, and social control in the Roman participatory context," 219. For the separation of power within Roman government, see Polybius, *Histories*, 6.11; For more on despotism and family ties see Polybius, *Histories*, 6.5 and for the fall of the Roman Republic to avarice see Polybius, *Histories*, 6.57.

<sup>60</sup> Arena, "Informal norms, values, and social control in the Roman participatory context," 219.

<sup>61</sup> "Judging by the efforts that the elite invested in controlling the social process by which Roman values were socially disseminated and transmitted from one generation to the next, it appears that the Roman nobility was well aware of the role of the people fulfilled in the elaboration of a new *mos* (*novum mos*)...as well as of the potential power of this *mos*." Arena, "Informal norms, values, and social control in the Roman participatory context," 219. See Cicero arguing on behalf of Rabirius, "Ubi ergo ille mos, ubi consuetudo iudiciorum?." Cicero, *Pro Rabirio Postumo*, 11.31.

<sup>62</sup> Van Der Blom, *Cicero's role models*, 12.

<sup>63</sup> Van Der Blom, *Cicero's role models*, 24.

Cicero was not the only author in the Late Roman Republic to address the *mos maiorum*. The Late Republican author Lucretius (Titus Lucretius Carus, 94-53 BCE) drew upon Epicurean philosophy in order to express his ideal formulation of a Roman political philosophy centered around the natural conditions of power.<sup>64</sup> The goal of Epicurean philosophy was pleasure obtained through the freedom from disturbance of the flow of natural power. For Lucretius, the human condition could be envisioned as a flow of power and use, or misuse of that power. Instead of embracing the versatility of the *mos maiorum* as Cicero did, Lucretius critiqued it as a mishandling of one's own natural power by releasing that power to one's elders. In relying upon the customs of the ancestors as a guide to legal and political precedent, Lucretius asserted that the Roman citizens lost the recognition of their limitations of power and, at the same time, overemphasized the limitations of their own natural power. In sum, Lucretius focused on how the *mos maiorum* constituted an imbalance in the natural state of power in society and how an overreliance on tradition diminished one's own power in the present.<sup>65</sup>

In contrast to the criticism of *mos maiorum* delivered by Lucretius, which focused on the cosmological balance of power in the universe, the author Sallust (Gaius Sallustius Crispus, 86-35 BCE) focused directly upon his own issues with the concept of the *mos maiorum*. Sallust's critical view of the reliance on *mos maiorum* emphasized its limitations in progressive politics; the *aemulatio* of one's ancestors' *nobilitas* (status) rather than their *dignitas* (values).<sup>66</sup> Sallust's view was consistent with how Cicero validated himself as a prominent member of the assembly,

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<sup>64</sup> Lucretius, *De Rerum Natura*, 584-598. See also Dean Hammer, *Roman political thought: from Cicero to Augustine*, (Cambridge, NY: Cambridge University Press, 2014), 3.

<sup>65</sup> Lucretius, *De Rerum Natura*, 584-598.

<sup>66</sup> For his concerns on the *nobiles* and reliance on genealogy for status than emulation of virtue, see Sallust's *Second Letter to Caesar*, Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-letters\\_caesar\\_2/2015/pb\\_LCL522.527.xml?rskey=FWiIKc&result=2&mainRsKey=DCJxaj](https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-letters_caesar_2/2015/pb_LCL522.527.xml?rskey=FWiIKc&result=2&mainRsKey=DCJxaj). See also; Hammer, "Roman Political Thought," 5.

not through *gens* (extended family) but through *virtus* (excellence). Sallust's criticisms of the use of *mos maiorum* to sway political favor towards one's own desires applied to Cicero's use of the term.<sup>67</sup>

Both Cicero and Sallust agreed that, because the nature of the Senate was based upon power inherited through birthright, the nobility had a tendency to become corrupt out of a desire to maintain their power; and that, because of this corrupting influence, "ancestral achievements and status were no guarantee of the *virtus* of the man currently seeking election."<sup>68</sup> In sum, Sallust and Cicero defined themselves as *homines novi* and imparted judgment on what designates *boni* (good men) from *mali* (bad men).<sup>69</sup> Furthermore, they both agreed that instead of the *nobiles* defining themselves through the legacy of their ancestors, they should instead be judged by way of virtues outlined by the *mos maiorum*.<sup>70</sup> While Cicero and Sallust agreed on how the *mos maiorum* should be used, Sallust largely rejected the invocation of the *mos maiorum* because of how it could be used by the nobility for self-serving means.<sup>71</sup> In Sallust's view, the concept was not being used for the good of Rome, but instead was being used to justify one's desires and motivations in a fundamental manner.<sup>72</sup> He felt that people had forgotten the virtues attached to the phrase and focused on the specific people or instances in which it was used to further political power derived from wealth and authority.<sup>73</sup>

While Cicero, Sallust, and Lucretius wrote during the Late Roman Republic, the author Livy (Titus Livius, 59-17 BCE) wrote during the time of the Principate yet focused his work on

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<sup>67</sup> Sallust, *Second Letter to Caesar*, 8, 5.2-7.3.

<sup>68</sup> Andrew Lintott, *The constitution of the Roman Republic*, (Oxford: Oxford University Press, 1999), 164.

<sup>69</sup> Sallust, *De Bella Jugurtha*, 10, 85. This argument is based on Sallust's account of *De Bella Jugurtha*; see section 10 and section 85 on *boni* and *mali*.

<sup>70</sup> Peter Brunt, *Social Conflicts in the Roman Republic*, (London: Chatto & Windus, 1971), 76.

<sup>71</sup> Sallust, *Histories*, 3.5-6.

<sup>72</sup> P.J. Vanderbroeck, *Popular leadership and collective behavior in the late Roman Republic (ca 80-50 B.C.)*, (Amsterdam: Gieben, 1987), 25.

<sup>73</sup> Lintott, *The constitution of the Roman Republic*, 165.

the history of the Roman Republic. Livy focused on the use of historical *exempla* not as a way to validate the *mos maiorum*, but as a way to define good character and desirable moral attributes. Livy believed that instead of a single philosopher whose ideas withstood the test of time, it was through “successive Founders” that Rome’s identity was crafted.<sup>74</sup> He placed emphasis on shared meanings, such as the flexible interpretations of the *mos maiorum*, and thought that Roman politicians were constantly engaging in subjective interpretations of current and past *exempla*. Livy’s perspective related to Cicero’s implementation of the *mos maiorum* for its broad application and adoption throughout the Republic. Overall, Livy conceived the *mos maiorum* in the manner of which it was able to conform to current sociopolitical contexts in order to withstand the test of time.<sup>75</sup>

Another author who wrote about the Late Roman Republic during the Principate was Seneca the Younger (Lucius Annaeus Seneca 4 BCE-65 CE). Seneca the Younger entered the Roman state as a member of the nobility after the Republic had been replaced by the Principate<sup>76</sup> He integrated both Cicero’s cosmological viewpoint and Lucretius’ interpretation of natural states of power when considering the *mos maiorum*, and added in his own slant of introspection between one’s values, actions, and the cosmos. Seneca interpreted the *mos maiorum* to relate oneself to the foundations of the rational and moral universe, rather than through physical beings such as one’s ancestors. Like Cicero and Sallust, he viewed the *mos maiorum* through its associated traits and virtues rather than its application to specific ancestors. In addition to the other political theorists, like Lucretius and Sallust, Seneca the Younger posited that when one

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<sup>74</sup> Successive Founders, in Livy’s eyes, were those who applied the *mos maiorum* to their current sociopolitical context and, perhaps, redefined it, rather than ascribe to a rigid interpretation of an ancestor. Hammer, “Roman political thought,” 6.

<sup>75</sup> Livy, *Ab Urbe Condita*, 1,1.10-12. See also Hammer, “Roman political thought,” 7.

<sup>76</sup> Hammer, “Roman political thought,” 7. It is important to note that Seneca’s position in Claudius’ and Nero’s court, both Princes who achieved nobility through genealogy, may have impacted his perspective on the impact of ancestral lineage.



subjected one's self to the political world one's true goal could be subverted by the desire for an imbalance of power in favor of one's own ideals. Seneca argued that *mos maiorum*, then, is not relating oneself to one's ancestors but to the ordered universe, a cycle of historical consciousness, through upholding traditional values.<sup>77</sup>

### **Roman Civic Identity and Ethnonationalism**

The Roman jurist Gaius unequivocally stated that, "all people who are governed under laws and customs observe in part their own special law and in part a law common to all men."<sup>78</sup>

Gaius reflected upon the universality of custom and tradition, the distinction between *vestri maiores* (your ancestors, those specific to your family) and *nostris maiores* (our ancestors, the collective ancestors of all Romans), as it pertains to collective behavior within the Roman Republic. During the course of the Republic, an enveloping flexibility of the Roman "organic constitution" and the *mos maiorum*'s institution as statutory law gradually evolved to govern traditional models of behavior in all aspects of Roman society.<sup>79</sup> One result of these traditional models was the imitation and emulation of desirable figures and their attributes.<sup>80</sup>

According to Cicero, the *mos maiorum* did not necessarily represent forward-thinking politics, but rather represented the "emulation of paradigmatic figures" based on the idealized version of a Roman citizen and his values.<sup>81</sup> In portraying the *mos maiorum* in the context of the

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<sup>77</sup> For his commentary on men's relation to nature, the cosmos, and the way of the elders, See Seneca, *De Tranquillitate Animi, Epistiles*, and *Natural Questions*, 7. See also; Hammer, "Roman political thought," 8.

<sup>78</sup> Gaius, *Institutes*, 1; Gaius, known only to scholars by his first name (*praenomen*) was a Roman jurist who wrote the *Institutes* as a compilation of four books that covered the elements that made up Roman law. For more information on Gaius see Aaron Berger, *Encyclopedic Dictionary of Roman Law*. The American Philosophical Society. (September, 1953) 504.

<sup>79</sup> Arena, "Informal norms, values, and social control in the Roman participatory context," 217.

<sup>80</sup> Imitation is the copying of a behavior, whereas emulation is the performance of a behavior in order to equal or excel the previous actor. See page 23 for more detail.

<sup>81</sup> Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 430.

Roman family unit, Cicero established historical relevance in his arguments so that people would believe that the “past is an inheritance they must protect,” an inheritance divinely passed down through ancestral tradition.<sup>82</sup> Cicero used the *mos maiorum* “as a source of ethical mandates” to strategically further his argument but did not spoil its power through overuse. Instead, he referred to legal precedent or exempla, as in the case of *In Catilinam* and centered his use of the term for persuasive needs rather than a fallback measure<sup>83</sup>. Cicero drew upon the standard family unit in his arguments against Catiline, Verres, and Antony where he linked their undesirable moral characteristics with their “failures to discharge their familial obligations with failures as citizens” as they have wasted their divine inheritance on immoral, and more importantly anti-Roman, virtues.<sup>84</sup>

Cicero’s persuasive strategy, of invoking the *mos maiorum* in order to garner support for collective civic identity, emphasizes the overarching value of the Roman state: nationalism. In his speeches, Cicero beseeched his audience to call upon their ancestors to separate the *optimus* (best) from the *malus* (bad, evil); in doing so, Cicero advised that they would then separate the illustrious citizen from the masses. He invoked this definition of the *mos maiorum* when he described himself as a *homo novus* and his relationship to Rome’s ancestors through his virtues rather than genealogy. Kenty aptly states that, “appealing to [the *maiores*] example allows Cicero to use national pride to strengthen his exhortations to his audience, urging them to stand apart from individuals who depart from the ancestral standard (as detailed by him), and/or to stand with Cicero in reasserting it and in taking on the spirit of the *maiores* themselves.”<sup>85</sup> Cicero’s

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<sup>82</sup> Kenty, “Congenital virtue: Mos maiorum in Cicero’s orations,” 431.

<sup>83</sup> Cicero, *In Catilinam*, 2, 3.1-14. Kenty, “Congenital virtue: Mos maiorum in Cicero’s orations,” 436.

<sup>84</sup> Cicero, *In Catilinam*, 2, 18-19. Cicero, *Verrine Orations I*, 1, 29. Cicero, *Philippic*, 4. Noted also in Kenty, “Congenital virtue: Mos maiorum in Cicero’s orations,” 444.

<sup>85</sup> Kenty, “Congenital virtue: Mos maiorum in Cicero’s orations,” 437.

distinction between *vestri maiores* (your family's ancestors) and *nostri maiores* (collective ancestors of the Romans) referred to the divine responsibility held by the nobility as lawmakers. His distinction also addressed that the court proceedings were decided, in part, in relation to the *populus* and their individual *maiores* as well as the universal ones of Rome's founding ancestors, such as the hero Aeneas.<sup>86</sup> Cicero brought up the ideals of divine inheritance and nationalistic sentiment in *Philippics, 4*, when he compared the past to the present, as his "appeals to the *maiores* allow the audience to imagine themselves as potential *maiores* as well, with the opportunity to set a precedent or become a moral exemplum."<sup>87</sup> Overall, Cicero's use of the *mos maiorum* engendered a nationalistic sense of Roman superiority within the audience by identifying a national identity based on conventional values, tradition and universally defined *maiores*. Cicero adapted the *mos maiorum* in his writings over time to match the current political climate which amplified his arguments' effectiveness regarding the spirit of the law and the spirit of the Roman citizen.

The founding of Rome was a major source of nationalistic pride for citizens. The foundation tales of Aeneas, of Romulus and Remus, and the tales of other Roman heroes serve to root Rome's legacy into history and serve as a foundation for Rome's customs, traditions, and laws. With the implementation of the *lex* (written law), the flexibility of concepts such as the *mos maiorum* became even more essential to persuasive arguments from politicians such as Cicero, who was also a writer, lawyer, orator and- in a league of his own- dictated that the "will of the law's authors should dictate its interpretation and application in the present."<sup>88</sup> This same stance is evident in the judicial arenas of the United States of America, most importantly within the

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<sup>86</sup> Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 450; see also Cicero, *De Re Publica, 5*, and *De Natura Deorum, 1, 2*.

<sup>87</sup> Cicero, *Philippic, 4, 1-3*. Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 452.

<sup>88</sup> Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 441.

context of the originalist/federalist interpretation adhered to and promoted by some justices, particularly those that favor originalist interpretations, to varying degrees, on the Supreme Court over the years.<sup>89</sup> Originalism is a form of legal interpretation that strictly adheres to the interpretation of the Constitution and its implications as closely to the original meaning when it was written into law. The contrasting legal interpretation is sometimes defined as living constitutionalism and encompasses interpretations of the Constitution that adhere to modern situations. Both interpretations are subjective in their implementation to some extent. Originalism relies on the historical accuracy of the intentions of the Founding Fathers and the public norms that would have allowed for accurate interpretation of the Constitution. Living Constitutionalism relies on historical consciousness, the subjectivity of time-sensitive situations, and the ever-changing society of the United States of America.<sup>90</sup> References to the Founding Fathers, their intentions, and the law's application to the present is fundamental to the definition of constitutional law in the United States of America. With respect to tradition, and a reliance on the wisdom of the ancestors, Supreme Court justices' reliance on this model of legal interpretation from the Roman Republic centers arguments around the glorified past and the *exempla* of the Founders rather than current contexts.

This is not to say that this perspective of ethical nostalgia or reliance on jurisprudence is incorrect. Ethical nostalgia refers to the use of a concept to invoke a sense of longing for the past with regard to ethics and values. For example, the use of historical *exempla* to validate the *mos maiorum* is a way to promote ethical nostalgia. Cicero recognized the power of the *mos maiorum*

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<sup>89</sup> Justices that favor originalist interpretations that have served on the Supreme Court of the United States of America include, but are not limited to, Justice Clarence Thomas and Justice Neil Gorsuch, while justices Samuel Alito, John Roberts, and the late Antonin Scalia have all written opinions aligning themselves with originalist themes.

<sup>90</sup> "Originalism in constitutional interpretation," *National Constitution Center*, <https://constitutioncenter.org/interactive-constitution/white-papers/on-originalism-in-constitutional-interpretation>. For more information on originalism and the judicial branch, visit the National Constitution Center.

and used it sparingly in his arguments. When he did refer to the *mos maiorum*, Cicero often utilized it as an emotional argument to appeal to the audience's non-rational thinking to sway their opinions.<sup>91</sup> Kenty suggests that Cicero did this to garner civic nationalism for the Roman state and typical Roman values.<sup>92</sup> This approach to nationalism and patriotism, embodied in the values of the *mos maiorum*, reflected the deeply withheld pro-Roman sentiment that unified the state. Patriotism is defined as a love for the fatherland, devotion for the country and/or nation of one's affiliation by birth or earned citizenship. Patriotic acts, then, can be described as acts committed to encourage the promotion of one's nation. Pretended patriotism, then, includes actions that are committed under the pretense of patriotism but are actually for the purpose of individualized-promotion or for the gain of self under the oppression of others. With regard to Rome, the invocation of the *mos maiorum* for selfish purposes was seen, at least by Sallust and Cicero, as a form of pretended patriotism.

The collective cultural memory of the Roman *populus* (people) both relied upon and created a Roman cultural identity. Through literature and spoken word, the *mos maiorum* was a constant presence in all aspects of Roman society and was a necessary factor in the nobility retaining power. This veneration of the *mos maiorum* through the cultural memory of the Roman people may have simply been an example of the "human tendency to romanticize better times," a sort of ethical nostalgia, rather than strict adherence to these conservative norms throughout times of political turmoil and progression.<sup>93</sup>

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<sup>91</sup> Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 445.

<sup>92</sup> Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 445. Cicero, *Philippic*, 8, 8, Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_Cicero-philippic\\_8/2010/pb\\_LCL507.55.xml?rskey=cM0K3e&result=1&mainRsKey=VYeqCK](https://www-loebClassics-com.proxy.library.emory.edu/view/marcus_tullius_Cicero-philippic_8/2010/pb_LCL507.55.xml?rskey=cM0K3e&result=1&mainRsKey=VYeqCK). Kenty, "Congenital virtue: Mos maiorum in Cicero's orations," 446.

<sup>93</sup> Hammer, *Roman political thought and the modern theoretical imagination*, 5.

Arena argues that the *mos* in the context of the Roman peoples were crafted and shaped by all the *cives* (citizens), instead of the subclass of the *nobiles*. She surmises that the influence of universal Roman values embodied and driven by the context of the state of the Republic, as predicated by Cicero, was unique to Rome and that its origins in the citizens as a whole was what made it superior to the Greeks.<sup>94</sup> Arena asserts that by “referring to the *mos maiorum* as a means to validate the superiority of the Romans, Cicero clearly draws a picture that distinguishes [Roman *mores*] from Greek values and ways of life.”<sup>95</sup> This is evident in the way that Cicero idealized and distinguished the Roman people from outsiders emphasizes the importance of nationalism, such as the SPQR, within all levels of Roman society. From the *plebs* to the *nobiles*, Roman nationalistic ideals and values unified the Roman state. Cicero viewed the Roman state as a multi-faceted complexity of ideologies, peoples, and legalities “bound through trust, affection, recognition of service, tradition, status, & regard for need.”<sup>96</sup> Just like the American populace is made up of an amalgamation of peoples and ideologies, the unifying factor of Roman civic identity lies within the inherent values tying the nation together. American nationalism is comprised of various facets of the American civic identity, including religion, heritage, and racism. Cavanaugh states this connection explicitly: “American nationalism has always been inseparable from racism, the subjugation of native peoples and blacks and Mexicans and even the Irish, who were not considered “white” until well into the twentieth century.”<sup>97</sup>

Like Arena, Bettini also considered the concept of the *mos maiorum* in the context of an ethnocentric viewpoint.<sup>98</sup> Referencing the implicit sense of superiority that was embedded within

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<sup>94</sup> See Cicero, *De Re Publica*, 5, and *De Legibus*, 1, 2-6. Arena, “Informal norms, values, and social control,” 219.

<sup>95</sup> Arena, “Informal norms, values, and social control,” 220; See Cicero, *De Re Publica*, 1, 1.1-7.

<sup>96</sup> Van Der Blom, *Cicero’s role models*, 14.

<sup>97</sup> William Cavanaugh, “The virtues and vices of nationalism,” (ABC Religion and Ethics, November 21, 2019), <https://www.abc.net.au/religion/william-cavanaugh-the-virtues-and-vices-of-nationalism/11725344>.

<sup>98</sup> Bettini, “Mos, mores, and mos maiorum,” 95.

the concept of Roman nationalism, Bettini argued that the *mos maiorum* functioned not only as a uniting factor for the expansive and divergent population, but also as an affirmation of Roman civic identity as superior to other cultures based on their divine values inherited from exemplar ancestry. This thread of thought is neither unique to ancient Rome, nor is it entirely, rooted in the past. Much like the *mos maiorum*, ethnocentrism, with its foundational belief that the traditions and customs of one's own culture are superior to those of another culture, is alive and thriving across the globe.<sup>99</sup>

The power of the *mos maiorum*, as previously elucidated, was dependent upon the consensus of the populace- the *consuetudo* prescribed by collective opinion. Collective behavior, the action or inaction of a unified group, much like the *mos maiorum*, is not a constitutionally specified nor consistently upheld aspect of culture and society. Rather, like the life of its members, it ebbs and flows with the current sociopolitical situation. In the Roman Republic, the *mos maiorum* simultaneously encapsulated and was a product of the collective behavior and identity of the citizens of Rome.<sup>100</sup> As Vanderbroeck asserts, collective behavior is an offshoot of tradition that is practiced by all members of a society.<sup>101</sup> The collective behavior of the Roman people, with regard to the *mos maiorum*, relied on reactive action, or “attempts to reassert established claims” as evidenced by Cicero’s introduction as a *homo novus* and his later orations on the legal value of custom.<sup>102</sup> This mode of reflection and veneration of the past, as optimal precedent, strengthens the *mos maiorum* as a defining factor of collective behavior and collective

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<sup>99</sup> Ethnocentrism is the evaluation of another’s culture with the standards and norms set to one’s own culture. This viewpoint can skew the interpretation of other cultures as abnormal or otherwise inconsistent with societal norms that would be present in one’s own culture. See also: Bettini, “Mos, mores, and mos maiorum,” 87.

<sup>100</sup> Bettini, “Mos, mores, and mos maiorum,” 95; Vanderbroeck, *Popular leadership and collective behavior*, 11.

<sup>101</sup> Vanderbroeck, *Popular leadership and collective behavior*, 11.

<sup>102</sup> Vanderbroeck, *Popular leadership and collective behavior*, 14. See Cicero, *De Officiis*, *Pro Caecina*, and *De Re Publica*.

action of the Roman people because of its flexibility and longitudinal applicability to Roman society and politics.

When interpreting the collective behavioral effects of the *mos maiorum*, one must consider whether to interpret the *mos maiorum*'s function as a promoter of ethnocentrism or an advocate for relativism.<sup>103</sup> Relativism, particularly cultural relativism, revolves around the idea that there is a constant "equal standing of all cultural perspectives and values which co-vary with their cultural and social background."<sup>104</sup> These contrasting notions of the *mos maiorum*, ethnocentrism versus relativism, center around the ambiguous nature of the term. When applied ethnocentrically, the *mos maiorum* can be seen as functioning as a negative restriction on cultural inclusion and on the acceptance of out-group norms and values.<sup>105</sup> The *mos* is not separated from the context of the society that they are applied to; they are neither independent nor mutually exclusive to the current happenings within and outside of the sociopolitical context of Rome.<sup>106</sup> In fact, the power of the *mos maiorum* was, "so patent that it is also applied when passing judgment on other cultures."<sup>107</sup> It is this near omnipotence of the application of the *mos maiorum* that is reflected within the Roman civic identity and the ascertainment of a collective cultural dichotomy of "us" versus "them."<sup>108</sup>

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<sup>103</sup> Bettini, "Mos, mores, and mos maiorum," 96.

<sup>104</sup> Maria Baghramian, and J. Adam Carter, "Relativism," *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2021/entries/relativism/>. See also; Herskovits, Melville J. "Some Further Comments on Cultural Relativism." *American Anthropologist*, New Series, 60, no. 2 (1958): 266-73. <http://www.jstor.org/stable/665162>.

<sup>105</sup> Bettini, "Mos, mores, and mos maiorum," 94.

<sup>106</sup> Bettini, "Mos, mores, and mos maiorum," 111.

<sup>107</sup> Arena, "Informal norms, values, and social control in the Roman participatory context," 220.

<sup>108</sup> For the Romans, this distinction was quite obvious by the use of *gens* versus *natio* when describing peoples versus tribes. Cicero used the word *natio*, from which the English word "nation" is derived, in a contemptuous manner to describe those from distant lands, *barbarii* (barbarians), whereas he used *gens* (family, nation) to describe the Romans. Cicero plainly distinguishes the "us" (*gens*) versus "them" (*natio*), or even *alienus* (others), through the language of his works. Cicero, *Pro Scauro*, 8-10, Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/marcus\\_tullius\\_Cicero-pro\\_scauro/1931/pb\\_LCL252.281.xml?rskey=A9Tys5&result=1&mainRsKey=j558b4](https://www-loebClassics-com.proxy.library.emory.edu/view/marcus_tullius_Cicero-pro_scauro/1931/pb_LCL252.281.xml?rskey=A9Tys5&result=1&mainRsKey=j558b4).



On the surface, virtues such as loyalty may seem mostly innocuous, certain application and interpretation of values and virtues, such as *dignitas* (merit, character), *honor* (honor), and *virtus* (excellence), as belonging to one culture over another may lead to an ethnonationalist standpoint. Stipulated values and morals, attributed only to certain nationalities, are the driving force towards the skew of ethnonationalism rather than civic nationalism within the United States of America. As Cavanaugh so aptly observes, “Equally relevant are the real divisions that nationalism encourages us to ignore, especially class divisions. The idea that Mexicans are taking our jobs unites owners and workers against a common enemy. The resentments of working-class whites are stoked, but they are directed against racially-coded members of the same working class, while the wealthy help themselves to a greater portion of the national pie.”

<sup>109</sup> Sallust refers to these ignored class divisions in Rome in the *Conspiracy of Catiline*, where he depicts the escalating greediness of the elites as a major implication for the burgeoning civil unrest and the rise of the Roman Empire. <sup>110</sup> For Sallust, this internal civil discord reflected in the increasing number of military expeditions and the disintegration of a unified civic identity, as well as nationalism. <sup>111</sup> Nationalism, much like the value of the *mos maiorum*, was becoming

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<sup>109</sup> Cavanaugh, “The virtues and vices of nationalism.”

<sup>110</sup> Sallust, *Catiline*, 12, trans. Ramsey, John, Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-war\\_catiline/2013/pb\\_LCL116.39.xml?mainRsKey=MZv4a7&result=1&rskey=6srjta](https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-war_catiline/2013/pb_LCL116.39.xml?mainRsKey=MZv4a7&result=1&rskey=6srjta). “*Operae pretium est, quom domos atque villas cognoveris in urbium modum exaedificatas, visere templa deorum, quae nostri maiores, religiosissimi mortales, fecere. Verum illi delubra deorum pietate, domos suas gloria decorabant, neque victis quicquam praeter iniuriae licentiam eripiebant. At hi contra, ignavissimi homines, per summum scelus omnia ea sociis adimere, quae fortissimi viri victores reliquerant; proinde quasi iniuriam facere id demum esset imperio uti.*” Trans. “It is worthwhile, when you have acquainted yourself with houses and villas built on the scale of cities, to visit the temples of the gods fashioned by our forefathers, most reverent mortals. But those men adorned the shrines of the gods with piety, their own homes with glory, while from the vanquished they took nothing except the license to do harm. The men of today, on the contrary, most worthless fellows, through their supreme wickedness take from our allies all that those most courageous men had left them in the hour of victory; as though to do a wrong were precisely what it means to exercise power.” Catiline’s followers rallied against the members of the Roman Senate in the late Roman Republic because they wanted to rebel against the rich upper class and gain land, yet were unsuccessful.

<sup>111</sup> Sallust, *Catiline*, 10-13, trans. Ramsey, John, Loeb Classical Library, [https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-war\\_catiline/2013/pb\\_LCL116.39.xml?mainRsKey=MZv4a7&result=1&rskey=6srjta](https://www-loebClassics-com.proxy.library.emory.edu/view/sallust-war_catiline/2013/pb_LCL116.39.xml?mainRsKey=MZv4a7&result=1&rskey=6srjta).

progressively individualized and fostered resentment among those who did not ascribe to particular nationalist perspectives. As Cavanaugh states, “Nationalism not only needs external enemies but internal enemies as well. Those with whom one disagrees are accused of being insufficiently patriotic.”<sup>112</sup> Just as with the Catilinarian conspiracy and the dissolution of the Roman Republic, the American nationalistic perspective is currently skewing toward a deeper polarization of internal enemies, giving emphasis to an ethnonationalist standpoint especially visible from white nationalists, and this trend bears further exploration.<sup>113</sup>

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<sup>112</sup> Cavanaugh, “The virtues and vices of nationalism.”

<sup>113</sup> Yelena Baraz, *A written Republic: Cicero’s philosophical politics*, (Princeton, NJ: Princeton University Press, 2012), 2. Pew Research Center, “The shift in the American public’s political values,” (1994-2017), <https://www.pewresearch.org/politics/interactives/political-polarization-1994-2017/>. Hammer, “Roman political thought,” 5.

## Chapter 2: *Americana Classica*: Classical Traditions and American Ethnonationalism

The Founding Fathers of the United States of America were heavily influenced by the Classical world.<sup>114</sup> Steeped in Classical education that included Latin, Greek, and ancient philosophy, the Fathers sought to craft a new state based on the traditions and virtues of the Roman Republic, as they perceived and represented it.<sup>115</sup> The collective works of authors such as Cicero, Tacitus, Sallust, and Livy underpinned the Founders' arguments against the despotism of Britain's rule and offered validation for their cause: escape from tyrannical rule.<sup>116</sup> As Carl J. Richard has observed, in his book, *The Founders and the Classics*, "The Classical heritage gave them a sense of identity and purpose, binding them with one another and with their ancestors in a common struggle."<sup>117</sup>

### Education and Social Conditioning

For early Americans, infusing and emphasizing the value of focusing on Classical heritage at all levels of education was an indicator of status. As Thomas Ricks so aptly states, "Classically shaped behavior was the road to respectability."<sup>118</sup> The Greek and Latin languages

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<sup>114</sup> John Adams to the President of Congress, February 5<sup>th</sup>, 1783, *Founders Online*, <https://Founders.archives.gov/q=education%2C%20Classical&s=1111311111&sa=&r=19&sr=>. See also Thaxter to Adams, May 28<sup>th</sup>, 1783, *Founders Online*, <https://Founders.archives.gov/?q=education%2C%20Classical&s=1111311111&sa=&r=20&sr=>. A letter by John Thaxter to John Quincy Adams in which Thaxter notes that Adams should pay strict attention to "the Latin and Greek Languages."

<sup>115</sup> See John Adams, "On the need for an Academy," *Pennsylvania Gazette*, August 24, 1749, <https://Founders.archives.gov/?q=tacitus&s=1111311111&sa=&r=3&sr=>.

<sup>116</sup> John Adams to Thomas Jefferson, June 19-20, 1775, *Founders Online*, <https://Founders.archives.gov/?q=continental%20congress%20tyranny&s=1111311111&sa=&r=7&sr=>. "driven by that very Tyranny against which We are all contending."

<sup>117</sup> Carl Richard, *The Founders and the Classics: Greece, Rome, and the American Enlightenment*, (Cambridge, MA: Harvard University Press, 1994), 12.

<sup>118</sup> Thomas Ricks, *First Principles*, (New York, NY: Harper, 2020), 13.

were markers of status that were long associated with the aristocracy. The Founders were well-versed not only in the ancient languages of Greek and Latin, but also were knowledgeable of Greek and Roman culture, history, and literature. This is evident in commentary between the Founders such as John Adams to the President of Congress on qualifications for the American Foreign Minister, “He should have had an Education in Classical Learning and in the Knowledge of general History, ancient and modern...He should be well versed in the Principles of Ethicks; of the Law of Nature and Nations; of Legislation and Government; of the civil Roman Law.”<sup>119</sup>

The importance of a Classically influenced education as a condition for a position of power is also noted in George Washington’s letter to James Wilson regarding his nephew’s Classical educational background as a prerequisite to studying law in Philadelphia, “The young gentleman I am told, has had a good Classical education, but the invasions of Virginia...were very injurious to the schools of that Country- obliging the youth of it to resort to Arms in the place of prosecuting their studies- this was the case of my nephew.”<sup>120</sup> The Founders picked and chose which writers they wanted to see. They carefully selected only the issues of politics and governance, but also the writers themselves and the times in which they were writing. For example, Tacitus, who is referenced by Founders such as John Adams, among others, was a Trajanic (during the reign of Trajan) writer. He did not live during the Republic although he wrote about it. The same goes for Livy, who did much of his active writing during the early years of the Principate, yet wrote on early monarchic Rome and the Republic.

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<sup>119</sup> John Adams to the President of Congress, February 5, 1783, *Founders Online*, <https://founders.archives.gov/documents/Adams/06-14-02-0152>.

<sup>120</sup> George Washington to James Wilson, March 19th, 1782, *Founders Online*, <https://founders.archives.gov/?q=education%2C%20Classical&s=1111311111&sa=&r=18&sr=>.

For elite Americans, the aristocratic tradition included reading Greek and Latin texts and appreciations of arts and architecture. But the Founding Fathers also focused on the governmental structures, such as the legislative-judicial system of governance, and virtues promoted by the people in power in the Roman Republic, as well as the society-wide focus on American values. They interwove Classical culture and values throughout society through education and social conditioning, so the familiarity and mastery of the subjects was a status marker. For example, George Washington wrote a letter to Jonathan Boucher on why the court should not fund Mr. Custis's (a seventeen-year-old man) travelling scheme due to his lack of varied education, "I cannot help giving it as my opinion, that his education...is by no means ripe enough for a tour of travelling...At present, however well versed he may be in the principles of the Latin language (which is not to be at all wondered at, as he began the study of it as soon as he could speak), he is unacquainted with several of their Classical authors, which might be useful for him to read. He is ignorant of the Greek (which the advantages of understanding I do not pretend to judge)."<sup>121</sup> Academic institutions, such as the Philadelphia Academy, utilized Classical symbols, language, and ideologies to promote Classical knowledge and virtue to distinct members of society. Richard addresses the connection between education and social status for the Founding Fathers when he states,

Ironically, as American wealth and social mobility increased, the aristocratic Classics became a means by which the rising middle class could acquire social status. The canon exerted as great a homogenizing influence as that often ascribed to television today [...] Social conditioning left many unable to imagine the teaching of virtue independent of the teaching of the Classics and, hence, made the transmission of the Classical heritage an urgent concern.<sup>122</sup>

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<sup>121</sup> George Washington to Jonathan Boucher, July 9<sup>th</sup>, 1771, *Founders Online*, <https://Founders.archives.gov/?q=education%2C%20Classical&s=1111311111&sa=&r=10&sr=>

<sup>122</sup> Richard, *The Founders and the Classics*, 10. The narrow canon of Classical education representing societal values led to a kind of cyclical social conditioning.

This requirement of Classical education as a pillar for social capital and transmission of societal virtue is evident through the Founders' words. Benjamin Franklin, an advocate for a formalized education system in America, denotes the importance of Classical Studies in a letter to the Trustees of the Philadelphia Academy by stating that students must first begin with linguistical and grammar studies before moving forward to "Short speechs from the Roman or other History...they may begin with Rollins' Antient and Roman histories" followed by "the best translations of Homer, Virgil and Horace, of *Telemachus, Travels of Cyrus, &c.*"<sup>123</sup> The Founding Fathers spoke about their personal education through either formal schooling through foreign institutions or homeschooling. John Adams' notes in his diary entry, from April 21<sup>st</sup>, 1778 that, "Their Father had given them all excellent Classical Educations and they were all virtuous Men."<sup>124</sup> As Richard argues, the Founders, "themselves had been conditioned by their society as a whole, and by their educational system in particular, to venerate the Classics."<sup>125</sup>

### **Social Conditioning and *Mos Maiorum***

Like the Romans, the Founding Fathers engaged in a form of social conditioning through the promotion of historical memories. Conditioning is a term that describes a situation when the subject, when exposed to a stimulus that, with repeated exposure, forms an involuntary automatic response from the subject.<sup>126</sup> Social conditioning is a term that posits one can see sociological

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<sup>123</sup> Benjamin Franklin, "Idea of the English School," January 7<sup>th</sup>, 1751, *Founders Online*, <https://Founders.archives.gov/?q=education%2C%20Classical&s=1111311111&sa=&r=1&sr=>.

<sup>124</sup> The Diary of John Adams, April 21<sup>st</sup>, 1778, *Founders Online*, <https://Founders.archives.gov/?q=education%2C%20Classical%2C%20school&s=1111311111&sa=&r=9&sr=>.

<sup>125</sup> Richard, *The Founders and the Classics*, 38.

<sup>126</sup> For more on the difference between Classical, operant, and social conditioning see, Isidore Gormezano, William F. Prokasy, and Richard F. Thompson. *Classical Conditioning*. 3rd ed. (Hillsdale, NJ: L. Erlbaum, 1987). David A. Lieberman, *Learning: Behavior and Cognition*. (Belmont, CA: Wadsworth Publishing Co, 1990). N.J. Mackintosh, *Conditioning and Associative Learning*. (New York: Oxford University, 1983).

stimuli, such as messaging and media, that train individuals how to react and interact in a socially appropriate manner accepted by peer and cultural groups.<sup>127</sup> This is directly relevant to the Founding Fathers, because as Richard continues, “The Founders were conditioned as children to associate the discourse of certain ancient Republican authors with personal and societal virtue. Furthermore, Richard convincingly argues that, “this social conditioning was so successful that it left many of the Founders unable to imagine the teaching of virtue independent of the teaching of the Classics and consequently made the transmission of the Classical heritage an urgent concern.”<sup>128</sup> This was because the Founders promoted concepts such as virtue, derived from Greek and Roman authors, and viewed themselves as carrying on tradition established by the ancients.

The Founders placed great importance on virtue and traditional values and sought to connect themselves to their moral heritage of the Roman Republic.<sup>129</sup> One way of expressing and transmitting these virtues was through the exaltation of their claimed ancestors, the Romans, and their teachings through education, social conditioning, and measures of historical consciousness like the Romans’ use of the *mos maiorum*.<sup>130</sup> Dalton Conley, a sociology professor at NYU, notes that social conditioning is unique to and tied directly to individual culture through

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<sup>127</sup> Emile Durkheim, *The rules of sociological method*, (New York, NY: The Free Press, 1982), 52-59.

<sup>128</sup> Richard, *The Founders and the Classics*, 38.

<sup>129</sup> To Benjamin Franklin from Richard Jackson, June 17, 1755, *Founders Online*, <https://Founders.archives.gov/documents/Franklin/01-06-02-0043>.

<sup>130</sup> “Declaration of Independence: A transcription,” National Archives and Records Administration, accessed February, 11, 2021, <http://www.archives.gov/founding-docs/declaration-transcript>. The Founders internalized the values inherent to the *mos maiorum* when establishing not only their own self-identity independent from British rule, but also the identity of the burgeoning nation. Such values, as stated in the final wording of the Declaration of Independence approved by the Continental Congress on July 4<sup>th</sup>, 1776, are “self-evident truths” given to all those who fall under the umbrella of American nationality. James Madison, Brant, Irving Newton, ed., “Two Neglected Madison Letters,” *William and Mary Quarterly*, 3<sup>rd</sup> ser., III (1946) 581.

socialization.<sup>131</sup> Socialization is the internalization of society's values and norms into one's own sense of self-identity. Obviously, the *mos maiorum* was a form of social conditioning.

Despite the Founders reverence for ancient Greece and Rome, they were not universal in the manner of their admiration. While history likes to lump the Founders' viewpoints together as one unit, they were quite diverse in their opinions as to which ancient authors would best inform the new governmental system they were devising.<sup>132</sup> Thomas Jefferson preferred the writings of Livy, Sallust, and Tacitus due to their "rationality and brevity," over the long-winded disquisitions of Cicero. Thomas Jefferson makes this clear in a letter to John Wayles Eppes in which he writes, "the models for that oratory, which is to produce the greatest effect by securing the attention of hearers and readers, are to be found in Livy, Tacitus, Sallust, and most assuredly not in Cicero," that were popular among members of the House of Representatives.<sup>133</sup>

Contrasting with Jefferson, John Adams not only looked at Cicero's orations as superior to those of Sallust and Livy but could actually be viewed as a sort of Cicero of his own time period. Adams received a Classical education and found a love for Latin and Greek but was particularly enamored by Cicero.<sup>134</sup> As a sort of *homo novus* himself, he sought to devote his life toward emulating Cicero.<sup>135</sup> By relating himself to Cicero, Adams relied on what is known as

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<sup>131</sup> Dalton Conley, *You may ask yourself*, (New York, NY: Norton and Co, 2013).

<sup>132</sup> Polybius, "The Roman Constitution," *Histories*, Shuckburgh, Evelyn, trans., (London; Macmillan, 1889).

<sup>133</sup> Thomas Jefferson to John Wayles Eppes, January 17<sup>th</sup>, 1810, *Founders Online*, <https://Founders.archives.gov/q=Cicero%20Author%3A%22Jefferson%2C%20Thomas%22&s=1111311111&r=19&sr=>. Note that Jefferson, while seeking to model the novel United States government after the Roman Republic read works from authors that wrote in the Principate rather than the Republic. Richard, *The golden age of the Classics in America*, 29.

<sup>134</sup> Although they were contemporaries, Sallust wrote in a short and pointed style, whereas Cicero wrote in a long and elaborate style.

<sup>135</sup> Adams was a man of non-noble birth, a self-made man, (*novus homo*), as was Jefferson; see John Adams to John Trumbull, July 27<sup>th</sup>, 1805, *Founders Online*, <https://Founders.archives.gov/?q=homo%20novus&s=1111311111&sa=&r=2&sr=>, so by emulating important historical figures gave him relevance and tangibility with the other Founding Fathers and those of aristocratic status.



the "American Dream," where a person can go from nothing, or of lower status to something, where one achieves higher status through hard work rather than birth/genealogy. Like Cicero, Adams looked to the Roman senators' use of the *mos maiorum* in arguments toward both the public and the senate. Adams felt that a blind acquiescence to policies shrouded in the *mos maiorum* of the Romans fostered a herd mentality within the people that was encouraged by the senatorial class to sway opinions of the public in Rome. Adams appreciated Cicero's interpretation and use of the *mos maiorum* to preserve the temple of democracy within the Roman Republic.

The term, "temple of democracy" originated as a reference to the building of the United States Capitol in Washington, D.C. when Thomas Jefferson, as President, described the architecture of the capitol building as "worthy of the first temple dedicated to the sovereignty of the people." The Capitol building is referred to as the "temple of democracy" for the United States just as the Senate building in Athens was seen as the center for government dedicated to the people of Greece. This is also visually comparable due to the neo-Classical architecture of the US Capitol building that is supposed to emulate the structure of ancient Greek buildings, as Jefferson praises Latrobe's work on the capitol as "embellishing with Athenian taste the course of a nation looking far beyond the range of Athenian destinies."<sup>136</sup>

Despite their differences, there were obviously some things upon which both Jefferson and Adams agreed. According to Richard, both "detested leaders like Sulla, Catiline, Marc Antony, and Julius Caesar whose corruption of the Roman Republic had resulted in the rise of

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<sup>136</sup> Thomas Jefferson to Benjamin Henry Latrobe, July 12<sup>th</sup>, 1812, *Founders Online*, <https://Founders.archives.gov/?q=%E2%80%9Cworthy%20of%20the%20first%20temple%20dedicated%20to%20the%20sovereignty%20of%20the%20people%E2%80%9D%20&s=1111311111&sa=&r=1&sr=>.

the emperors.”<sup>137</sup> This is borne out by a letter from Jefferson to Adams, “I have been amusing myself latterly with reading the voluminous letters of Cicero. They certainly breathe the purest effusions of an exalted patriot, while the parricide Caesar is left in odious contrast...I ask myself what was that government where the virtues of Cicero so zealous to restore, & the ambition of Caesar to subvert?” Jefferson goes on in the letter to note that, “but steeped in corruption vice and venality as the whole nation [of Rome] was (and nobody had done more than Caesar to corrupt it).” He argues to Adams that, in order for the Roman government to regain control of its populace, the populace’s “minds were to be informed, by education, what is right & what wrong, to be encouraged in habits of virtue.”<sup>138</sup>

Since the goal of Roman mixed government, in the Founder's eyes, was to suppress a reign of tyranny, those who conspired against the Republic were marked traitors of the virtues of the constitution.<sup>139</sup> Aaron Burr, in particular, sought to commit treasonous actions similar to those of Catiline of the Catilinarian conspiracy against the burgeoning United States by establishing an independent nation within the area of Texas. Just as Catiline’s followers rallied against the members of the Roman Senate in the late Roman Republic because they wanted to rebel against the rich upper class and gain land, Aaron Burr’s followers flocked to him and rallied alongside him to claim the recently purchased lands of Texas to craft a new nation-state separate from the influences of the Founding Fathers.<sup>140</sup>

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<sup>137</sup> Richard, *The Founders and the Classics*, 90.

<sup>138</sup> Thomas Jefferson to John Adams, December 10<sup>th</sup>, 1819, *Founders Online*, <https://Founders.archives.gov/q=Cicero%20Author%3A%22Jefferson%2C%20Thomas%22&s=1111311111&r=41&sr=>.

<sup>139</sup> Polybius, “The Roman Constitution,” *Histories*, 6.

<sup>140</sup> Additionally, Jefferson and Adams “accused the Hamilton Federalists of using public grief over George Washington’s death for political purposes, as Marc Antony had utilized Julius Caesar's demise.” Richard, *The Founders and the Classics*, 91.

Not only did the Founding Fathers base their concepts of government on the virtues of the Roman Republic, they also used the theses of Aristotle, Cicero and others to validate ethnocentric and white supremacist ideologies of pro-slavery rhetoric in the Constitution. Thomas Jefferson, in particular, invoked natural law and supposed ‘natural distinctions’ between white and black people, citing that it was due to natural causes that black people were inherently inferior to white people.<sup>141</sup> According to Jefferson’s logic, enslaved black people were not treated just as Roman slaves were, who were often “educated to be tutors to their master’s children” since Roman slaves were white, in his assumption, and were thus, in his words, more intellectually apt and capable of being educated than enslaved black people in America.<sup>142</sup> Jefferson was incorrect in his assumption that Roman slaves were white and engaged in a form of cherry-picking his sources to support his argument, much like the Roman nobility did to promote their policies. The Founding Fathers adopted the concept of racial inequality between men from Aristotle, with a specific reference to how Athens’ political order was founded upon these class inequalities.<sup>143</sup>

In asserting this, Jefferson adapted “Aristotle’s idea of the ‘natural slave’ to an American context by making him black,” yet offered environmental conclusions for the enslavement of white and lighter skinned peoples.<sup>144</sup> Even without definite empirical evidence, Jefferson

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<sup>141</sup> Thomas Jefferson, “Notes of Proceedings in the Continental Congress, June 1-August 1776,” *Founders Online*, <https://Founders.archives.gov/?q=Rome%20slave%20Author%3A%22Jefferson%2C%20Thomas%22&s=111131111&r=2&sr=#TSJN-01-01-0164-fn-0016>.

<sup>142</sup> It is well-known that the Founding Fathers enslaved black people and justified institutionalized racism through the opus of Classical writers by laying “claim to the Classical based on their connections to those Europeans who also claimed the Classical.” Kennedy, Rebecca, “Claiming the Classical: A reflection,” *Classics at the Intersections*, posted November 19, 2018, <http://rfkClassics.blogspot.com/2018/11/claiming-Classical-reflection.html>. Jefferson is incorrect in his assertion that Roman slaves were white. Kennedy, Rebecca F. "On the History of 'Western Civilization', Part I." *Classics at the Intersections*, April 3, 2019. See also; Robinson, Cedric, “Slavery and the Platonic Origins of Anti-Democracy,” *The Changing Racial Regime*, ed., Holden, Matthew, (Routledge, 1995), ISBN: 9781351305129. Richard, *The golden age of the Classics in America*, 96.

<sup>143</sup> Berrigan, J.R., “The impact of the Classics upon the South”, *The Classical Journal* 64, (October, 1968):18-20.

<sup>144</sup> Richard, *The golden age of the Classics in America*, 97.

manages to broadly crow his opinion that “blacks [...] are inferior to whites in the endowments of both body and mind.”<sup>145</sup> Benjamin Banneker responded to this statement in a letter to Thomas Jefferson on the hypocrisy of Jefferson’s endorsement of the enslavement of black people in America when, “the Arms an tyranny of the British crown were exerted with every powerful effort in order to reduce you into a State of Servitude...in which you had just apprehensions of the horrors of its condition.”<sup>146</sup>

### **Historical Consciousness and Ethnonationalism**

Shalev, convincingly argues that Americans’ veneration of the Classics as implicitly intertwined with the definition of American history is effused with a fuzzy notion of time. Shalev feels that the Founders frequently “stretched and blurred” their understanding of historical time, which allowed them to attribute the “malevolent Roman Empire of the Caesars” to Britain and the “pristine, Republican, and virtuous” Roman Republic to themselves.<sup>147</sup> In a letter to Benjamin Franklin, Jackson Richard expresses his opinion that the transition of the Republic to the Principate was rooted in the lack of virtues, or manners, that made them no better than “the Barbarians.” He states, “but corruption of manners did not only thin the inhabitants of the Roman empire, it rendered the remainder incapable of defence, long before its fall, perhaps before the dissolution of the Republic: so that without standing disciplined armies composed of men, whose

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<sup>145</sup> Jefferson went back and forth between ascribing his notion of “intellectual inferiority” of black people as a cause of nature or nurture, primarily due to his interactions with Benjamin Bannaker, yet stated this in *Notes*, Peden, ed., 137-43. See also; Richard, *The golden age of the Classics in America* 98.

<sup>146</sup> Benjamin Banneker to Thomas Jefferson, August 19<sup>th</sup>, 1791, *Founders Online*, <https://Founders.archives.gov/?q=blacks%20are%20inferior%20to%20whites%20in%20the%20endowments%20of%20both%20body%20and%20mind&s=1111311111&sa=&r=1&sr=>

<sup>147</sup> Eran, Shalev, *Rome reborn on western shores: Historical imagination and the creation of the American Republic*, (Charlottesville, VA: University of Virginia Press, 2009) 6.

moral habits principally, and mechanical habits secondarily, made them different from the body of the people, the Roman empire had been a prey to the Barbarians many ages before it was.”<sup>148</sup>

Shalev and other scholars have argued that there was historical consciousness of the American founding and its roots in Classics that was pervasive throughout the Northern and Southern regions of the nation.<sup>149</sup> For Shalev and others, the antebellum American South was recreating an appropriated history of Greece that was pervasive throughout all levels of society; a systemic fashioning of class and race categories based on an attenuated interpretation of Aristotle’s manuscripts. In the Southern states, as well as the rest of the country, the education system primarily focused on Classical academia and thus led to an “inevitable outcome of [...] a slighting of other subjects. At least part of the effects of the Classics upon the South, then, was the strengthening of an already incumbent tendency of cultural isolationism.”<sup>150</sup> The Greek Revival architecture prevalent on Southern plantations, such as Barrington Hall in Roswell, Georgia, or the Georgia Old Governor’s Mansion in Milledgeville, Georgia, was perpetuated by works erected after the Civil war, such as the Nashville Parthenon located in Tennessee.<sup>151</sup> These structures serve to illustrate how pervasive the Classics were outside of philosophical thought.

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<sup>148</sup> Jackson Richard, to Benjamin Franklin, *Founders Online*, June 17, 1755, <https://Founders.archives.gov/?q=fall%20Republic%20Roman&s=1111311111&sa=&r=1&sr=>.

<sup>149</sup> Shalev, *Rome reborn on western shores*, 75.

<sup>150</sup> Franklin, “Idea of the English School,” *Founders Online*. Gikandi, Simon, “Basil Lanneau Gildersleeve,” *Princeton & Slavery*, <https://slavery.princeton.edu/stories/gildersleeve>. For Classical impact on the South see Basil Gildersleeve (1831-1924), an American Classical Scholar who studied at Princeton and worked at the University of Virginia and Johns Hopkins University Gildersleeve was a Confederate apologist as well as a classicist whose Latin translation book was widely used throughout the Southern and Northern regions of the United States as the primary source for Latin grammar and translation etiquette. Berrigan, “The impact of the Classics upon the south,” 20; See also; Franklin, “Idea of the English School,” *Founders Online*. Benjamin Franklin’s promotion of Charles Rollin’s *The Ancient History of the Egyptians, Carthaginians, Assyrians, Babylonians, Medes and Persians, Macedonians and Grecians* (2d edit., 10 vols., London, 1738–40); *The Roman History from the Foundation of Rome to the Battle of Actium* (16 vols., London, 1739–50), in Franklin’s letter to the Philadelphia Academy on formalized education.

<sup>151</sup> “Barrington Hall.” National Parks Service. U.S. Department of the Interior, December 9, 1971. <https://npgallery.nps.gov/NRHP/AssetDetail?assetID=abe578a9-4e96-4e6a-bb65-5f33401cc712>.

Classically educated, wealthy, white privileged males of the South took pride in claiming that their heritage originated from ancient Greece and Rome and sought to fabricate a bridge spanning space and time from the ancient Greeks and Romans to themselves. Furthermore, they crafted their own sort of *mos maiorum* in the teachings of certain philosophers and politicians, such as Jefferson's interpretation of Aristotle's words as noted above, whose works represented current circumstances and ideologies. This isolation of American culture through Classical education only increased the *mos maiorum*'s effect on establishing an exclusive white nationalist identity and ethnocentric perspective of heritage and of inherent cultural superiority. By establishing an ancestral link to ancient Roman and Greek heritage through education and social conditioning, the Founding Fathers utilized the virtues of the *mos maiorum* to defend and idealize the institutions of slavery, ethnonationalism, and colonialism, at the expense of non-white members of the populace, when they defined their concept of a nation.<sup>152</sup>

The quasi-idolization of the Founders and the Constitution as a defining part of American civic identity, practiced today by many citizens, politicians, and even scholars, toes the line between patriotism and ethnonationalism. While it is true that both Greek and Roman culture and the Founding Fathers influenced the American civic identity, it is important to recognize the fact that intolerance and feelings of racialized superiority were inherent to the Founders' values. These values were endorsed by the Founders themselves and is evident through the racism and xenophobia that is present in the ethnonationalist perspective of American civic identity. American civic identity cannot be separated from institutionalized racism nor ethnocentric veneration of its Founders, traditions, or symbols. This is due to generations of Classically-based

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<sup>152</sup> Kennedy, "Claiming the Classical." <https://rfkclassics.blogspot.com/2018/05/on-nationalisms-classical-antiquity-and.html>

education available only to a male, white, privileged class, along with a culture in which media is saturated with white nationalist rhetoric. As Bettini states, “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’).”<sup>153</sup>

It is important to consider the development of an ethnocentric viewpoint within the American identity fostered by the Founders’ background in the Classics. The implementation of Classical foundations within the system of the American government was filtered through the existing framework of the British, through their receptions of Classical literature and history, which, in its own way, distorted the perspectives of the Founders. The Founders were nonetheless reliant upon the historical *exempla* from these figures and paid “persistent attention” to their voices.<sup>154</sup> Just as the Founders revered their ancestral heritage and nearly deified the prominent writers of the Roman Republic and Principate, politicians today invoke the same sentiment by revering the Founders as superior to other men (and women) in their thought processes and through their historical *exempla*.<sup>155</sup>

### **Validation through Authority Figures, Language and Symbols**

Not only did the Founding Fathers explicitly utilize Classical references and tools to structure ways of thought and theories of government, they also implicitly utilized a variety of

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<sup>153</sup> Bettini, “Mos mores and mos maiorum,” 88.

<sup>154</sup> Michael Meckler, *Classical antiquity and the politics of America; From George Washington to George W. Bush*, (Waco, TX: Baylor University Press, 2006) 3.

<sup>155</sup> John Adams in a letter to his son, John Quincy Adams, June 21, 1784, *Founders Online*, <https://Founders.archives.gov/documents/Adams/04-05-02-0197>. “You have had a Taste of the Eloquence of the Bar and of Parliament: but you will find Livy and Tacitus, more elegant, more profound and Sublime Instructors, as well as Quintilian Cicero and Demosthenes.”

Classical symbols to emphasize a distinct connection between Classical heritage and the newly forged American identity. The most prominent of such allusions included the use of Greek and Roman pseudonyms, architectural elements, and visual design motifs. As Richard observes, “Classical symbols also served a powerful legitimizing function. To appropriate such emblems was to claim social status for oneself and support the venerable authorities for one’s cause.”<sup>156</sup> Both the federalists, those in favor of a stronger centralized government, and antifederalists, those in favor of more local government controls, used Roman pseudonyms to further political viewpoints. Hamilton, for example, used the name “Catullus” in essays attacking Jefferson.<sup>157</sup> Just as Cicero and members of his time referred to their ancestors for validation of policies and arguments, the Founders invoked the *mos maiorum* in a modern sense to establish the political roots of the American national identity. The Founders grasped the ancient past to cement their status and ratify policies under the umbrella of ethical nostalgia.<sup>158</sup>

The Founders legitimized their policies through historical tradition of their chosen ancestors and gave power to future generations to do the same. Another way that the Founders instituted an ancestral link to the Romans was through architecture. Richard suggests that Thomas Jefferson “endorsed neo-Classical architecture not only because its ‘simplicity’ paralleled that of nature, but also because, having received approval of millennia, it would confer legitimacy upon the United States within the western world.”<sup>159</sup> Thomas Jefferson notes his admiration for Classical architecture, particularly the Pantheon in a letter to James Sloan when

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<sup>156</sup> Richard, *The Founders and the Classics*, 39.

<sup>157</sup> Richard, *The Founders and the Classics*, 41.

<sup>158</sup> Richard, *The Founders and the Classics*, 39.

<sup>159</sup> Richard, *The Founders and the Classics*, 43.



he stated, “I believe I should have felt, as you have described, the immortal beauties of Rome, had the leisure been my lot of visiting those monuments of the sublimest works of man.”<sup>160</sup>

In December of 2020, Donald J. Trump, the 45<sup>th</sup> President of the United States, released an executive order on “promoting beautiful federal civic architecture” stating that all governmental architecture must be crafted in a style of “either Ancient Greece or Rome” so that “America’s public buildings [may] inspire the American people and encourage civic virtue” as well as “command respect from the general public, and, as appropriate, respect the architectural heritage of a region.”<sup>161</sup> While the direct link to Greek architecture may not bring up thoughts of white supremacy, it is important to consider that institutions, such as Southern plantations and the Capitol building in Washington, D.C., were crafted for the purpose of white upward mobility and the oppression of people of color. The fact that these monuments were meant for white people to use as status symbols solidifies the implicit ethnonationalist perspective of such architecture, notwithstanding direct use by white supremacist groups. One such group, known as the Sons of Confederate Veterans, dons leather jackets stitched with slogans and imagery promoting white supremacy and referencing a “pure” link back to Classical ancestry. This group defends their cause as “heritage not hate” and they have the phrase “*deo vindice*” (with God as our defender/protector). This was the phrase used by Confederate states, stitched around a confederate flag in the center of their vest. The bottom of the vest contains a patch stating, “SCV-MC [(Sons of Confederate Veterans – Motorcycle Club)] in honor of our ancestors and under the same oath” referencing the Confederate ancestors that rallied to uphold the

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<sup>160</sup> Thomas Jefferson to James Sloan, June 15, 1818, *Founders Online*, National Archives, <https://Founders.archives.gov/documents/Jefferson/03-13-02-0094>.

<sup>161</sup> Donald J. Trump, “Executive Order on Promoting Beautiful Federal Civic Architecture.” National Archives and Records Administration, December 21, 2020. [https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-promoting-beautiful-federal-civic-architecture/?utm\\_source=link](https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-promoting-beautiful-federal-civic-architecture/?utm_source=link). Note that this EO was redacted by the Biden administration on February 24<sup>th</sup>, 2021 as noted on the White House Archives (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-the-revocation-of-certain-presidential-actions/>).

enslavement of black people and white supremacy in the United States. The self-proclaimed “white chauvinists” known as the Proud Boys, utilize the laurels from Athens on their polo, as a signal of their claimed heritage to the Classics. These groups call on the writings and actions of the Founding Fathers to support a claim of white nationalism that rejects the traditions of others as inferior under the guise of patriotism.

### **Political Incitement of Ethnonationalism through American Tradition**

Unregulated white nationalist online forums, such as *4chan* and *Qanon*, foster xenophobic beliefs and false histories that appropriate shallow interpretations of Classical culture that can be traced back to the Founding Fathers. While they themselves may shy away from the terms “white supremacists” or “white nationalists” they do, in fact, claim to be “defenders of Western civilization,” as noted by Donna Zuckerberg in her article “How the Alt-Right is Weaponizing the Classics.”<sup>162</sup> Zuckerberg argues that this defensive maneuver incites sympathy towards their “cause,” yet requires a definition of Western Civilization that is both decidedly fixated upon Greece and Rome and white-centered.

The claim to the Classical is not limited to these obscure alt-right websites, however it can also be noted in quasi-academic blog posts that assert claims such as the ethnic purity of Cleopatra, asserting she had “no room for anything else, certainly not for any black African blood” or that white Europeans “invented intellectual freedom.”<sup>163</sup> Roller asserted their

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<sup>162</sup> Donna Zuckerberg, “How the alt-right is weaponizing the Classics. The red pill community has been using Greek and Roman antiquity to bolster their credibility,” *Medium*, October 25, 2018, <https://gen.medium.com/how-the-alt-right-is-weaponizing-the-Classics-d4c1c8dfcb73>.

<sup>163</sup> Duane W. Roller, “Cleopatra’s true racial background (and does it really matter?),” *Oxford University Press Blog*, December 6, 2010, <https://blog.oup.com/2010/12/cleopatra-2/>. This goes into Black Athena scholarship, which

supremacist ideals by classifying Cleopatra solely by her Greek heritage, instead of acknowledging any potential Egyptian heritage, however unlikely it may be based on what we know of her family, was part of an attempt to establish her portrayed as an icon of white superiority through the distinction of racial categories.<sup>164</sup> These articles, by Roller, Anglin, Pierce, and Sebastian, in particular engage in what's known as the "white man's burden" which attempts to justify racism within historical contexts with the idea that supposedly superior "European" cultures of Greece and Rome came to Egypt and North Africa and "civilized" the existing societies there. The authors seemingly cannot comprehend an alternative explanation that white civilization was not the 'superior' or the model for other 'uncivilized' cultures, or that revered ancestors were not 'purely' white.

The reverence for the *mos maiorum* requires the admiration and willingness to accept one's ancestors' actions, traditions, and nationality as superior to other cultures. Ethnonationalism, which embodies the belief that one's culture and heritage is superior to that of another's, is thus inherent to the ideals of the *mos maiorum*. As Rebecca Futo Kennedy observes, American civic identity is not, as Jefferson claimed, biologically inherent to white people yet nevertheless, is important in order to understand the underlying meaning of what defines 'western civilization'.<sup>165</sup> This goes back to Cicero's distinction between the "us" of the Romans,

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originated with Martin Bernal's book, *Black Athena*, (1987) on the Afroasiatic roots of Classical Civilizations. Bernal introduced a new perspective on Greece and Rome in a field where scholarship was, and currently is, predominantly conducted by white classicists. Bernal claimed that the study of Greece and Rome was twisted by a lack of African and Semitic input on the historical record by 18<sup>th</sup> and 19<sup>th</sup> century scholars, also known as whitewashing. There were many dissents by white Classical authors in the wake of the book's publishing, and the debate among scholars on the accuracy and relevancy of *Black Athena* is currently ongoing. The acknowledgement of racism, and a lack of diverse historical perspectives, in Classics is discussed further in the conclusion.

Andrew, Anglin, "Cleopatra wasn't black: it seems we need to keep saying it," January 27, 2018, <http://archive.is/BsG1P#selection-339.0-339.73>. W. L., Pierce, "The Fraud of Black History," ed., Strom, Kate, October 27, 2010, <https://nationalvanguard.org/2010/10/the-fraud-of-black-history/>.

<sup>164</sup> Michael, Sebastian, "powerful men who were undone by weakness," *Return of Kings*, August 25, 2016, <https://www.returnofkings.com/94478/powerful-men-who-were-undone-by-weakness>.

<sup>165</sup> Kennedy, "On the history of 'Western Civilization', Part I."

and the “them” of the Barbarians/non-Romans and how one must fight vehemently to preserve the nation of Rome against outsiders.<sup>166</sup> This tendency towards violence in the name of defending one’s own group based on superiority and fears of a group thought of as biologically “inferior” overtaking the group and destroying claims to ancestral heritage. For example, the removal of Confederate monuments, has been incited by politicians and other authority figures, such as, at least in the United States, former leader of the KKK and a Louisiana House Representative, David Duke, and former President of the United States, Donald Trump.

As previously stated, the Founding Fathers cemented the political and social structure of the burgeoning United States through the use of historical *exempla* the late Roman Republic. While some ascribed to the musings of Cicero, and others, or aligned themselves more closely to the writings of Sallust, nearly all inherited the fear of tyranny from these men. The letters between Jefferson and Adams, reminiscent of Cicero’s letters after his exile, note that while they hesitated to completely parallel the course of the fall of the Roman Republic with the newborn United States, they agreed that the similarities between the two Republics embodied not only the glory, but also the chance for corruption and tyranny.<sup>167</sup> In their correspondence, they note that while the nobles of the Roman Republic touted virtues of piety, strength, courage, and frugality, it was evident that their preaching did not reach their own ears and led to a life of avarice.<sup>168</sup> Adams notes to Jefferson that “You would See how... Tyranny, and ecclesiastical Domination are beginning in our Country; at least Struggling for birth.”<sup>169</sup> The Founders were pessimistic in their personal fears about of the future of the American Republic -chiefly concerned with the

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<sup>166</sup> Cicero, *Pro Scauro*, 8.

<sup>167</sup> Meckler, *Classical antiquity and the politics of America*, 4.

<sup>168</sup> Meckler, *Classical antiquity and the politics of America*, 2.

<sup>169</sup> John Adams to Thomas Jefferson, 25 June 1813,” *Founders Online*, National Archives, <https://Founders.archives.gov/documents/Adams/99-02-02-6074>.

tendency of hyper-nationalistic views and sycophantic reverence of idolized authority figures, the danger of the *mos maiorum* that Cicero spoke of, to incite division within the country and lend a hand to tyrannical power.

### **American Identity through the lens of Ethnocentrism**

The attempted siege of the Capitol building in Washington, D.C. on January 6, 2021, perpetrated by avid supporters of Trump's, was reminiscent of the riots surrounding the Catilinarian conspiracy that plagued the capitol of the Roman Republic. This "mobocracy" was not only encouraged by the authoritarian ideals of the leader, Donald J. Trump, but also was inflamed by the spirit of ethnonationalism. This was done through veneration and perceived imitation of American ancestors, the Founding Fathers, who rallied against the tyranny of British rule. Trump's rallies contained a sea of white faces and included rhetoric that invokes white ethnonationalism at the very least, if not white supremacist sentiment. The Confederate flag, a symbol of white supremacy and nationalism, that was carried through the halls of the building, among other symbols, served as a clear signal that the motivations behind the siege were not merely nationalistic or patriotic, which would have centered around the American flag, but were ethnonationalist in nature. The actions and words of these insurrectionists parallel that of their colonial counterparts which serve, in their minds, to link their traditional heritage to that of the Founding Fathers. Thus, the insurrectionists embodied the *mos maiorum* with specific reference to prominent historical figures and their historical *exempla* that they believed to emulate with the attack on the Capitol.

During the siege of the Capitol building, Luke Mogelson, a reporter for the New York Times, gave a firsthand account of what he witnessed. He described a chant, almost like an invocation of the *mos maiorum*, that was yelled and tweeted by not only the insurrectionists but also politicians such as Rep. Lauren Boebert (Colorado, District 3), was “Today is 1776.”<sup>170</sup> It is safe to say that this specific phrase is referencing the Declaration of Independence drafted by the Founding Fathers to emancipate themselves from British rule on July 4, 1776. One rioter carried the Betsy Ross flag, an early version of the current United States flag, said to be conceived around June 1776.<sup>171</sup> This flag thirteen stars in the upper left-hand corner representing the thirteen original colonies that were fighting for their independence, just as these rioters believed they were fighting for their independence from a government that did not support their leader.<sup>172</sup> Others held up a banner emblazoned with the beginning script of the first words of the preamble of the Constitution, “We The People,” representing another reference to the historical *exempla* of the Founding Fathers.<sup>173</sup>

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<sup>170</sup> Lauren Boebert, “Today is 1776,” *Twitter*, January 6, 2021, [https://twitter.com/laurenboebert/status/1346811381878845442?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1346811381878845442%7Ctwgr%5E%7Ctwcon%5Es1\\_c10&ref\\_url=https%3A%2F%2Fpublish.twitter.com%2F%3Fquery%3Dhttps3A2F2Ftwitter.com2Flaurenboebert2Fstatus2F1346811381878845442widget%3DTweet](https://twitter.com/laurenboebert/status/1346811381878845442?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1346811381878845442%7Ctwgr%5E%7Ctwcon%5Es1_c10&ref_url=https%3A%2F%2Fpublish.twitter.com%2F%3Fquery%3Dhttps3A2F2Ftwitter.com2Flaurenboebert2Fstatus2F1346811381878845442widget%3DTweet).

<sup>171</sup> William Canby, “The History of the Flag of the United States,” *Betsy Ross and the American Flag*, (March 1870) [ushistory.org](http://ushistory.org). Betsy Ross was an American resident during the Revolutionary war, and crafted what is deemed to be the unofficial first American Flag in 1777. The flag is depicted as a rectangular shape, with a blue square in the upper left-hand corner containing 13 stars in a circular formation to represent the thirteen colonies of the United States. The rest of the flag contains thirteen alternating horizontal red and white stripes, to represent the thirteen colonies as well.

<sup>172</sup> Amanda Shendruck and Anne Quito, “Decoding the flags and banners seen at the Capitol hill insurrection,” *Quartz*, January 7, 2021, <https://qz.com/1953366/decoding-the-pro-trump-insurrectionist-flags-and-banners/>.

<sup>173</sup> National Archives and Records Administration. “The Constitution of the United States.” Accessed April 12, 2021. <https://www.archives.gov/founding-docs/constitution>.

The rioters on January 6, 2021, chanted ethnocentric slogans such as “America First,” which was used in the 1940s to promote implicit anti-semitic sentiment in the United States.<sup>174</sup> Among the sea of Trump flags were blue and white flags with the letters “AF” on them, symbolizing this slogan that Trump had repopularized in his 2016 Inauguration speech.<sup>175</sup> One such “America Firster,” as defined by Mogelson, sat in the then-Vice President’s chair and deigned to declare that “Donald Trump is the emperor of the United States.”<sup>176</sup> Mogelson interviewed Nicholas Fuentes, a white supremacist who also participated in the neo-nazi linked Charlottesville, VA rally in 2017, who outlined in very explicit terms why the rioters were there and what they intended to accomplish.

When asked to define what “America First” meant, Fuentes stated, quote, “It is the American people, and our leader, Donald Trump, against everybody else in this country and this world.”<sup>177</sup> He continues, “It is us and our ancestors that created everything good that you see in this country,” and that “All these people that have taken over our country-we do not need them.”<sup>178</sup> From the beginning of the quotation, it is evident that Fuentes is engaging in in-group versus out-group identification, just as Cicero did, yet specifies, by stating “everybody else in this country,” and that the in-group he considers himself to be a member of is not just that of the American population but of a specific sect that maintains attributes that align with the values of “America First.” Fuentes is not simply engaging in nationalism but rather ethnonationalism, and sectional patriotism, a type of patriotism that embodies the aggregation of traits that promote

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<sup>174</sup> Krishnadev Calamur, “A short history of ‘America First’,” *The Atlantic*, January 21, 2017, <https://www.theatlantic.com/politics/archive/2017/01/trump-america-first/514037/>. The phrase was not explicitly anti-semitic, but went under the veil of anti-war sentiment.

<sup>175</sup> Shendruck & Quito, “Decoding the flags and banners”

<sup>176</sup> Mogelson, “Among the insurrectionists”

<sup>177</sup> Mogelson, “Among the insurrectionists”

<sup>178</sup> Fuentes to Mogelson, “Among the insurrectionists.”

subjective patriotism and dismiss traits that do not align with his perspective.<sup>179</sup> Fuentes then goes on to state that the attack on the capitol is “the opportunity to galvanize the patriots of this country behind a real solution to these problems that we’re facing.”<sup>180</sup> He even continues by engaging in the conceptual *mos maiorum* by arguing that, “our Founding Fathers would get in the streets, and they would take this country back by force if necessary. And that is what we must be prepared to do.”<sup>181</sup> It is significant that Fuentes implies a definition of patriots as those who support the cause of promoting Trump as absolute leader and that a real solution does not constitute words but directly emulated actions of the Founding Fathers. This is significant because Fuentes engaged in a form of historical consciousness, through a method much like the *mos maiorum*, where he perceives that the only way to achieve a former state of glory is through the promotion of racism, white supremacy, and ethnonationalist sentiment.

Mogelson, after his interview with Fuentes, reported that Fuentes fears that the current governing body wants to “make whites a demographic minority,” a view common to many white supremacists and self-defined “true patriots” alike. Mogelson noted the true irony of the attempted coup on the Capitol when he wrote that, “for six hours, Americans had held democracy hostage in the name of patriotism.”<sup>182</sup> Eugene V. Debs, who was a member of the socialist party and was vehemently against American participation in World War I, stated in 1918, that “in every age it has been the tyrant, who has wrapped himself in the cloak of patriotism, or religion, or both.”<sup>183</sup> Debs thus raises the specter of the negative side of patriotism,

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<sup>179</sup> David Potter, “The historian’s use of nationalism and vice versa,” *The American Historical Review*, 67, 4, 1962, 924-950; 924.

<sup>180</sup> Mogelson, “Among the insurrectionists.”

<sup>181</sup> Mogelson, “Among the insurrectionists.”

<sup>182</sup> Mogelson, “Among the insurrectionists.”

<sup>183</sup> Debs, Eugene V., *Eugene V. Debs plaintiff in error, vs. the United States of America. In error to the District court of the United States for the northern district of Ohio*, (Washington, D.C.: Judd & Detweiler, 1918) 199, 261.



or perhaps pretended patriotism, that is being emboldened by self-interest, ethnocentric values, and exclusionary tactics, that allows for ethnonationalist sentiment to flourish in the United States of America.

In summation, the unchecked idolization of ancestors and their actions for the purpose of self-interest today, similar to Roman's use of the *mos maiorum*, seems to have contributed to the rise of ethnocentric patriotism. English poet and writer, Samuel Johnson, lends an outsider's perspective on the motivations of the Founders under the guise of patriotism. Johnson is quoted, by Boswell in his 1793 biography of Johnson as having said in 1775 that, "Patriotism is the last refuge of a scoundrel.' But let it be considered, that he did not mean a real and generous love of our country, but that pretended patriotism which so many, in all ages and countries, have made a cloak for self-interest."<sup>184</sup> Johnson's thus proposes that while the Founders may have written about their dedication to the values of the Ancient Romans, they themselves were likely to also mold their version of the American founding to fit their goals and intentions. The Founders, as noted by Shalev, cherry picked which historical *exempla* of the members of the Roman Republic to emulate and embellish to fit their gilded perceptions of historical consciousness, just as Cicero and other authors did in their uses and descriptions of the *mos maiorum* in the Roman Republic and Principate.

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<sup>184</sup> James Boswell, *The life of Samuel Johnson, LL. D., comprehending an account of his studies and numerous works in chronological order; a series of his epistolary correspondence and conversations with many eminent persons; and various original pieces of his composition, never before published*, (Vol 1), (London, H. Baldwin, for C. Dilly, 1793), 478.

## Conclusion

Overall, the embedment of ethnonationalism driven by the “extract[ion of] models of ancient virtue imitated to modern times” strengthens exclusionary values and white nationalist ideologies in America.<sup>185</sup> In an Interview with Tobin Harshaw from Bloomberg, Tom Ricks, who is a journalist with a broad audience, not a Classicist, spoke about his book, *First Principles*. While discussing virtue and the Founding Fathers, he suggested that the Founders are not only venerated for their virtues, sometimes more for their fictitious virtues than their actual deeds.<sup>186</sup> In Ricks’ opinion, George Washington was “the most virtuous” president due to his dedication to the notion of virtue embodied by Cato, who was “honest, wise, prudent, reserved, [and] frugal.”<sup>187</sup> On the other hand, Ricks is of the opinion that John Adams was less virtuous due to his role model being Cicero, whose downside was that he was a “great patriot, but he [was] also incredibly vain.”<sup>188</sup>

It is important to note that Ricks is not a Classicist but has a History Bachelor of Arts with a focus on national military and history. This may be a prime example of "faux-scholarship" aka perceived mastery of Classical subjects by a non-Classicalist and attributed to his perception of American national identity. Ricks has largely been criticized for his lack of scholarship into

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<sup>185</sup> Hammer, *Roman political thought and the modern theoretical imagination*, 121.

<sup>186</sup> Thomas Ricks, *First Principles: What America’s Founders learned from the Greeks and Romans and how that shaped our country*, (New York, NY: Harper Collins, 2020).

<sup>187</sup> Tobin Harshaw, “How ancient Rome defeated Donald Trump,” *Bloomberg*, December 19, 2020, <https://www.bloomberg.com/opinion/articles/2020-12-19/ancient-Rome-and-the-founding-fathers-defeated-donald-trump>.

<sup>188</sup> Ricks, *First Principles: What America’s Founders learned from the Greeks and Romans and how that shaped our country*.

Classical political philosophy and his “mourning of the passing of a version of America’s cultural heritage that has always been based on rather bad history.”<sup>189</sup>

Ricks engages in adulation of the Founding Fathers’ reliance on virtue and the “fundamental principles” that defined them.<sup>190</sup> In the epilogue of Ricks’ book, *First Principles*, he incites and advocates for a resurrection of the *mos maiorum* in the American education system, by returning to the “principles” advocated by the Founders. When asked by Harshaw what steps he suggests “could help the nation get back on the course intended by the Revolutionary generation,” Ricks quotes his book with the answer to invigorate the Classics in education to “promote, cultivate, and reward virtue in public life.”<sup>191</sup> He states his opinion on what the Founders would think of the modern-day United States by stating they would not have approved of an oligarchical system, when the model they based their government off of, the Roman Republic, was in fact a mixture of a democracy and elected oligarchy.<sup>192</sup> His promotion of the virtues and principles of the Founders is also criticized by Richard Gamble, a professor at Hillsdale College, for the *Law & Liberty Organization*, who notes that by “bringing the ancients back to the forefront” through the writings and works of only a select few Founders, such as Washington, Jefferson, and Adams, he misses the chance to gather a more holistic view of the events and *exempla* of the lesser quoted Founders.<sup>193</sup>

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<sup>189</sup> Charles King, “Noble Virtues, bad history: How Greece and Rome influenced America’s Founders,” *The Washington Post*, November 6, 2020, [https://www.washingtonpost.com/outlook/noble-virtues-bad-history-how-greece-and-Rome-influenced-americas-Founders/2020/11/05/b8f6d054-13d0-11eb-bc10-40b25382f1be\\_story.html](https://www.washingtonpost.com/outlook/noble-virtues-bad-history-how-greece-and-Rome-influenced-americas-Founders/2020/11/05/b8f6d054-13d0-11eb-bc10-40b25382f1be_story.html).

<sup>190</sup> Thomas Ricks, “The Trump administration felt like an experiment in living under the articles of Confederation,” *Twitter*, January 31, 2021, <https://twitter.com/tomricks1/status/1355899579665887234?s=20>. Ricks, Thomas E., *First Principles: What America’s Founders learned from the Greeks and Romans and how that shaped our country*, New York, NY: Harper Collins, 2020.

<sup>191</sup> Harshaw, “How ancient Rome defeated Donald Trump.”

<sup>192</sup> Polybius, *Histories*, 6.

<sup>193</sup> Richard Gamble, “The Founders’ Lost World,” February 5, 2021, <https://lawliberty.org/book-review/the-Founders-lost-world/>.

Ultimately, Ricks argues that we as a country should reinvigorate the Classics. He believes that that if we were to directly emulate the principles advocated by the Founders, we would be able to align the nation back to their original intentions for the nation. Another issue with Ricks' promotion of reinvigorating the "virtues" of the Classics in the American education system is the lack of diversity of both sources and historians in the field and the tendency to exalt sources that have been preserved as superior to those that have not or to newer interpretations of such sources.

To raise awareness of the rampant elitism and whiteness in Classics as a field, Dr. Dan-el Padilla Peralta, a Classics Professor at Princeton University, recently participated in an interview with reporter Rachel Poser of the New York Times.<sup>194</sup> Padilla Peralta and Poser discuss the implications of idolizing the Classics by those who see it as fundamental to the superiority of "western civilization" over non-white and non-western civilizations. In the interview, Poser remarks that "Classics as we know it today is a creation of the 18<sup>th</sup> and 19<sup>th</sup> centuries" where educated people, who consisted of mainly upper-class and white individuals, crafted the study of the Classics as a "new, secular origin story."<sup>195</sup> Such an origin story gave validation to the ideas and practices that oppressed the perspectives and education of people of color. Such ideas consisted of "the Classical justifications of slavery, race science, colonialism, Nazism and other 20th-century fascisms" Padilla Peralta lectures, and allowed for the alt-right to embrace the Classics as the "originators of so-called white culture."<sup>196</sup> Poser notes that, authors such as Ricks, who may not recognize or are hesitant to acknowledge the "field's long alliance with the forces

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<sup>194</sup> Rachel Poser, "He wants to save Classics from whiteness. Can the field survive?" *The New York Times*, February 2, 2021, <https://nytimes.com/2021/02/02/magazine/Classics-greece-Rome-whiteness.html>.

<sup>195</sup> Poser, "He wants to save Classics from whiteness. Can the field survive?"

<sup>196</sup> Poser, "He wants to save Classics from whiteness. Can the field survive?"

of dominance and oppression,” may contribute to this weaponization of the Classics in the name of preserving heritage.

Padilla Peralta believes that “Classics and whiteness are the bones and sinew of the same body; they grew strong together, and they may have to die together.”<sup>197</sup> While some scholars, such as Classicist Shadi Bartsch, have responded to Padilla Peralta’s interview with seemingly good intentions to advocate for contextual interpretation of primary sources, their responses seem lukewarm to many. Bartsch’s response to claim back the Classics from the alt-right is dismissive of the fact that whiteness is interwoven into the fabric of Classical Studies. She seems oblivious to the idea that reject only the extreme perspectives can be disparaging and detrimental to the field and lead to a false sense of anti-racism within the field.<sup>198</sup> Indeed, scholars such as Economics Professor Rosario Iaconis, agree with Bartsch and go even further to state that the “woke” ideas of the Ivies to reconsider the interpretation and education of the Classics is detrimental to the field of study and spreads falsehoods about its link to whiteness.<sup>199</sup> This sentiment is dangerous to the weaponizing of Classical studies and promotion of ethnonationalist sentiment through pretended patriotism.

Scholars are not the only ones to believe that the consideration of whiteness in education is false and detrimental. Former President of the United States, Donald J. Trump, created the 1776 Commission in September 2020. The commission was a promotion by the education department for “patriotic education”. This form of patriotic education was proposed, through the

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<sup>197</sup> Poser, “He wants to save Classics from whiteness. Can the field survive?”

<sup>198</sup> Shadi Bartsch, “Why I won’t surrender the Classics to the far right,” *The Washington Post*, February 9, 2021, [https://washingtonpost.com/opinions/dont-yield-ancient-history-and-literature-to-the-alt-right/2021/02/03/3632ad7a-6635-11eb-886d-5264d4ceb46d\\_story.html](https://washingtonpost.com/opinions/dont-yield-ancient-history-and-literature-to-the-alt-right/2021/02/03/3632ad7a-6635-11eb-886d-5264d4ceb46d_story.html).

<sup>199</sup> Rosario Iaconis, “Memo to the ivies: Classical history matters,” *The New York Daily News*, December 19, 2020, <https://www.nydailynews.com/opinion/ny-oped-memo-to-the-ivies-Classical-history-matters-20201219-c3uouq3tovabpgbeyfnjirzizm-story.html>.

1776 Report, to center around the reinvigoration of adulation for the Founding Fathers, the dismissal of slavery as an institution, among other forms of “pro-American” curriculum. The report, although never implemented, stated that this approach was necessary due to the fact that “Historical revisionism that tramples honest scholarship and historical truth, shames Americans by highlighting only the sins of their ancestors, and teaches claims of systemic racism that can only be eliminated by more discrimination, is an ideology intended to manipulate opinions more than educate minds.”<sup>200</sup> The members of the committee who wrote the report were not classicists or historians and were engaging in faux-scholarship in order to cherry-pick the sources and facts that fit their view and supported their agenda. The members of the Trump administration that wrote the 1776 Report, like the Founding Fathers, engaged in a form of historical consciousness by cherry-picking of historical *exempla* of the elders in order to paint the past in a gold sheen. This encouraged, and continues to encourage, ethnonationalist sentiment to be woven into American values and civic identity.

With a sense of return to known territory, instead of a forward-looking focus of creating anew, the use of *mos maiorum* in the Roman Republic was centered around invoking the former glory of their ancestors, much like the “Make America Great Again” or “America First” slogans that idolize the gilded past of an exalted state. As Beard and Crawford affirm, “history is not merely about events and actions, but also how they were perceived and discussed.”<sup>201</sup> In the eyes of Cicero, by disallowing the morals and traditions of the past to be intertwined with the present

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<sup>200</sup> Donald J. Trump, “The President’s Advisory 1776 Commission – Final Report,” *White House Archives*, <https://f.hubspotusercontent10.net/hubfs/397762/The%20President%E2%80%99s%20Advisory%201776%20Commission%20-%20Final%20Report.pdf>.

<sup>201</sup> Beard and Crawford, *Rome in the late Republic*, 12; Hammer, *Roman political thought and the modern theoretical imagination*, 7.

and progressive future, the subsequent result, as seen in the dissolution of the Roman Republic, is a trend towards malevolent virtues of individualism and avarice.<sup>202</sup>

Finally, the values inherent to the *mos maiorum*, as well as the implementation of the term itself in Roman sociopolitical contexts culminated in the Roman civic identity, of which ethnonationalism was the center. The fear of losing touch with the traditions and morals that defined and unified civic identity may be why Cicero placed such emphasis on the *mos maiorum* in his letters, and why white nationalists, in current continually changing political climate and abandonment of American “tradition” have flocked to people, like Donald J. Trump. People who, at least on the surface, embody these gilded perceptions of the past. By invoking the concept of the *mos maiorum* through ancestral veneration, either directly or indirectly, people from the late Roman Republic and, subsequently, the United States of America have sought to return to a former state of glory associated with an ethnonationalist identity. The Founding Fathers, like their claimed ancestors the Romans, and their ancestors before them, cherry-picked which *exempla* to imitate and emulate in order to promote their perspective and protect the virtues and values of their nation as they saw them to be.

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<sup>202</sup> Hammer, *Roman political thought and the modern theoretical imagination*, 38-39.

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