

*Appello ad Maiores: Allusions to Romanitas in Pro Roscio Amerino*

In *Pro Roscio Amerino*, given during the first major murder trial after the Sullan proscriptions, Cicero's zealous advocacy on behalf of his client, Sextus Roscius (*Minor*), in a patricide case served as his introduction to the world of Roman advocacy and turned the orator into a legal celebrity. While the innocence of Sextus Roscius has been questioned by scholars, the "artistry" of Cicero's rhetoric has not (Dyck 2003). A central but underexamined pillar of Cicero's defense is his appeals to authorities of *Romanitas*. In appealing to them, Cicero places his client in the same tradition as the *maiores* while establishing himself as an orator and person worthy of the legal and political status that he eventually will attain. I argue for the importance of these appeals to traditional sources of *Romanitas* in most untraditional times. After an unprecedented period of political upheaval, Cicero's emphasis on these sources of *Romanitas* may have served as a call for a return to normalcy. Because the jurors were senators (and thus had much of their power and social mores usurped in recent years), this emphasis appealed to them and thus aided in Sextus *Minor*'s defense.

On multiple occasions, Cicero uses representations of *Romanitas* as a driving force for his argument. Cicero first presents his audience with Caecilia Metella (§ 27). A member of the *Caecilii Metelli*, an important Republican family, Caecilia Metella's lineage qualifies her as an authority on *Romanitas*, and her actions, when she acts as a protector to Sextus *Minor*, allow Cicero to associate his client with someone in whom "*vestigia antiqui officii remanent*." Cicero then provides an analogy for Sextus *Minor*'s current situation—that of Q. Mucius Scaevola Pontifex (a prominent *Optimate*), who was wrongly prosecuted, according to Cicero (§ 34-5), for refusing to give in to his potential assassins. Later in the speech (§ 138-42), Cicero plants the

trial, and thus the innocence of Sextus *Minor* firmly in the *Optimate* tradition. He says that a victory for Sextus *Minor* would be a victory for the traditional Roman hierarchy, with the *nobiles* retaining their traditional position on top. This is in opposition to a victory for the current order, wherein L. Cornelius Chrysogonus (Sulla's freedman who Cicero blames for the retroactive proscription of Sextus *Maior*, the subsequent purchase of his lands, and the eventual prosecution of his son) wields influence in Roman politics. To this point, Cicero says "*Non modo non laedetur causa nobilitatis, si istis hominibus resistetis, verum etiam ornabitur*" (Elvers 2006). Finally, Cicero presents his client as a traditional Roman farmer, whose lifestyle and disposition serve as an exemplum worthy of Cato *Maior*, something which would appeal to those more traditionally minded on the jury (Vasaly 1985).

However, these overtures to *Romanitas* play a role other than that of bolstering the case of Sextus *Minor*. They establish Cicero as an orator to be taken seriously, especially among the *Optimates*. As someone who is, as Cicero concedes, relatively unknown, his implicit and explicit references to the ideals of the *maiores* and to recent politics created a conception of Cicero as the defender of the Rome of old and of the *mos maiorum* that he would, in succeeding decades, fulfill. Throughout his defense, Cicero superimposes himself onto Sextus *Minor*, promoting the latter, and thus the former, as his advocate, as representatives of the traditional Rome of the *Optimates*. It is logical that Cicero would do this, after all, as he and Sextus *Minor* were from remarkably similar backgrounds. Both were from wealthy landowning families with connections in Rome of equestrian rank from *municipia* close to Rome, and their families had social connections in the city. Cicero's similarities with his client thus provide the orator with the perfect vehicle for which to introduce his own political and ideological sympathies to the Roman

political class through appeals to *Romanitas*, while still providing his client with a more than adequate defense, as Sextus *Minor* was found innocent of patricide.

### Bibliography

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