



## [Cicero, On behalf of Balbus 31](#)

On the granting of Roman citizenship to a foreigner from a federate city.

**Name of the author:** Cicero

**Date:** 56 BCE

**Date:** 1st BCE

**Place:** Rome

**Language:** Latin

**Category:** Roman

**Literary genre:** Discourse

**Title of work:** On behalf of Balbus

**Reference:** 31

**Commentary:**

This text is an excerpt from the speech pronounced by Cicero between July and September 56 BCE, to defend L. Cornelius Balbus, who came from a powerful family from Gades (today Cádiz) in Spain. Since 206 BCE, this city was a *civitas foederata*, namely it was a city tied to Rome by a treaty which had been renewed in 78 BCE (Brunt, "The Legal," p. 138-139; on Gades and on the career of L. Cornelius Balbus see Des Boscs-Plateaux, "L. Cornelius Balbus,"). Because of Balbus's actions and fidelity to Rome during the war against Sertorius, Pompey rewarded him with Roman citizenship in 72 BCE, grant ratified by the *lex Gellia Cornelia* (§ 19). Such viritane grant of Roman citizenship for bravery and loyalty, by an *imperator*, is a well-attested phenomenon at this time. Balbus was thus admitted among the *equites Romani* and served Caesar as *praefectus fabrum* (namely an aide-de-camps) during Caesar's praetorship in 62 BCE. Balbus actively supported Caesar and followed him during his march to Rome in 60 BCE (Beltrán Lloris, "The *Hospitium*," p. 144). It may have been during this period, between 72 BCE and his move to Rome in 60 BCE, that the city of Gades promoted Balbus to *hospes publicus*, namely its "public guest"; an appointment which could be seen as a piece of evidence of the acceptance of Balbus's Roman citizenship by a large part of the Gaditani (Sherwin-White, *The Roman Citizenship*, p. 302, n. 7; Beltrán Lloris, "The *Hospitium*"). He then worked on the negotiations which led to the finalisation of the first triumvirate between Pompey, Caesar and Crassus in 60 BCE. In 59 BCE, during Caesar's consulship, L. Cornelius Balbus fulfilled another office of *praefectus fabrum*. However, in 56 BCE, that is a short time after the agreements of Lucca in April that led to the renewal of the triumvirate between Julius Caesar, Pompey and Crassus, the Roman citizenship granted to Balbus was contested by a man who also came from Gades. This man may have prosecuted Balbus due to the close relations that he had with the *triumviri* Caesar and Pompey (§ 58-59), and because of some local issues (Beltrán Lloris, "The *Hospitium*," p. 148). The prosecutor did not pretend that Balbus had fraudulently usurped the Roman citizenship, but he asserted that Pompey's grant of Roman citizenship to Balbus was illegal.

Balbus was defended by Crassus, Pompey and finally by Cicero. In his defence speech, Cicero asserts that Balbus did not usurp his citizenship and he recalls how he served Rome faithfully (§ 5-6). Next, he insists on Pompey's knowledge and experience concerning legal and diplomatic matters to prove that he could not have done illegal acts, willingly or not (§ 7-17). He thus concludes that these accusations are false and that it is because of his political influence that Balbus is prosecuted (§ 18-19). Cicero then speaks more precisely about the charge of the prosecutor, who claimed that Pompey acted illegally as he bestowed the Roman citizenship to Balbus without asking the consent of the city on this point. The prosecutor pretended that this clause would have appeared in the treaty between Rome and Gades (§ 19). Cicero reacts to this charge with a series of arguments, sometimes quite distant from the original legal issue. First, he drifts from the question of the granting of the Roman citizenship for individual cases to the more general issue of the capacity of the free or federate cities to refuse or to consent to receive Roman legislation. Even if he recognizes that this right to consent preserved a kind of autonomy for the free or federate cities (§ 21), he recalls that this right was above all a privilege granted by Rome (§ 20-21), and also that for everything connected to the Roman State (*res publica*), the authority (*auctoritas*), or Rome's foreign policy, Rome had a sort of "private legal domain" and could exercise its sovereignty over local autonomy (§ 22; on this part of Cicero's speech see Humbert, *Municipium*, p. 118-199, n. 99 and 100; 298-299). Next, Cicero blames the prosecutor for having restricted, because of his accusation, the freedom of the Gaditani to enjoy the rights stemming from their alliance and agreement with Rome (§ 22-26). After having tried to show that the prosecutor acted against his own city, Cicero adds that he did not even know the Roman legislation pertaining to the rights of Roman citizens. In quite a long passage, Cicero reassesses a crucial principle: the fact that a Roman citizen could



not hold concurrently two citizenships (§ 27-31). Actually, if a Roman citizen moved into a new city with another legislation (that could be voluntarily or because of exile), he had to abandon his citizenship before being adopted by the new city, but Rome did not intervene (§ 27-30). In the continuity of this development about the general legal system regulating the changes of state – and thus of citizenship – Cicero asserts that Rome is called to grant Roman citizenship to members of every people (*gens*) on earth (of course on the condition that these members served Rome's interests and, in most cases, were socially high-ranking). The text presented here appears after this development and is the occasion for Cicero to give examples from the remote past to give credit to his argument – crucial for his defence of Balbus – that Rome always practiced an open policy concerning the bestowing of its citizenship.

Cicero's argumentation starts with a general statement about the superiority of Roman legislation, especially the legislation regulating Rome's policy towards its allies (who may have been also its enemies in a remote past) and the bestowing of its citizenship. He explains its superiority by the fact that it was "inspired by the gods" (*divinitus*) and by its antiquity (§ 31.1). Next, Cicero drifts from the crucial point of the case to recall a fundamental principle of Roman legislation, which went back at least to the middle of the 4<sup>th</sup> century BCE (Humbert, *Municipium*, p. 175, n. 71), namely the fact that a Roman citizen could not hold concurrently two citizenships (§ 31.2-3, previously mentioned in § 27-30). In our text, Cicero focuses his attention on the case of Roman citizens and recalls that they could not be forced to abandon their Roman citizenship against their will and could not keep their Roman citizenship if they wanted to abandon it for another one. In the paragraphs preceding our text, Cicero quotes the example of some Roman citizens, coming from Italy, who were living in Greece and were registered in the Athenian civic registers. He insists on the fact that these situations were illegal and prohibited (§ 30), but the existence of such practices shows that a relaxing of the ban started to be felt, at least for the Romans living in the Eastern provinces (Fournier, "L'essor," p. 85). However, the remarks of Cicero in paragraphs 27 to 31 of this speech show that the principle of not holding various citizenships remained also valid at that time for the foreigners who received Roman citizenship and who were thus compelled to abandon their original citizenship (Humbert, *Municipium*, p. 175, n. 71). They could not legally belong to two cities with different legislations. The fact that, between 72 BCE and 60 BCE, a "compact of *hospitium* or 'guest-friendship'" had been concluded between Balbus and his former citizens from Gades proves that they had taken into account the fact that from a legal point of view, he depended on a different state (Sherwin-White, *The Roman Citizenship*, p. 301).

Cicero then uses an example from the mythical past of Rome – the first agreement between Romulus and the Sabines, especially with their king Mettius Curtius, mentioned in Livy, *Books from the Foundation of the City* I.13.4; Cicero, *On the Republic* II.7 – to show that Rome's inner capacity to integrate its former enemies in their civic community was the main cause of Rome's hegemony and of the prestige of its people (§ 31.4). Cicero then states that during the whole Republican period, Rome has always been inclined to grant and spread its citizenship (§ 31.5). To illustrate his point, he refers not only to individual cases, but to the integration of some cities and whole peoples into the *civitas romana*: first the cities of Tusculum and Lanuvium in Latium, and then the Sabines, the Volsci and the Hernici (§ 31.6). This enumeration serves Cicero's main argument, namely that Rome has always been generous in the bestowing of its citizenship in Italy, but it does not reflect the fact that it was a progressive and cumulative process. Concerning Latium, it received the *civitas Romana optimo iure* in 338 BCE, after the Latin War. Lanuvium received the *civitas romana* at that time (see Humbert, *Municipium*, p. 179-184), but Tusculum had already received it in 381 BCE (see Humbert, *Municipium*, p. 157-159). Concerning the Sabines, they received the *civitas sine suffragio*, that is Roman citizenship without the right of voting, in 290 BCE, and the *optimus ius*, that is the full Roman citizenship, not before 225 or 205 BCE (Humbert, *Municipium*, p. 234-236). Concerning the Volsci and the Hernici, their integration in the *civitas optimo iure* remains difficult to date, but they may have received the *civitas sine suffragio* at the very end of the 3<sup>rd</sup> century BCE (Humbert, *Municipium*, p. 209). Through this enumeration of these regions or cities of Italy, which were among the first to collectively receive Roman citizenship during the 4<sup>th</sup> and the 3<sup>rd</sup> centuries BCE, Cicero wants to prove that in its remote past, Rome was always disposed to integrating new peoples in its civic community – even its erstwhile enemies – and that this strategy was the main cause of its success.

Of course, by referring to these examples of collective granting of Roman citizenship in Rome's distant past, Cicero digresses from the main theme of his defence speech: to prove that Roman citizenship individually granted to Balbus had been granted within the framework of Roman legislation. The rest of Cicero's argumentation has been variously understood. He points out: "And the men from these civic communities would neither have been forced to change their citizenship (i.e. their local status) if they had not wanted to do so..." (§ 31.7). For Michel Humbert, this sentence weakens Cicero's demonstration. By saying that the Latini, the Sabines, the Volsci and the Hernici would not have been forced to become Roman citizens if they had not desired it, Cicero could seem to give an argument to his adversary who was claiming that to be legal, Balbus's promotion to Roman citizenship had to



be ratified by the inhabitants of Gades (Humbert, *Municipium*, p. 121, n. 106). It is true that with these examples of collective granting of Roman citizenship to Italian communities, Cicero was far from Balbus's case. However, it would seem quite strange that in the published version of his speech, Cicero would have kept clumsy arguments which could serve his adversary (on this perspective, see Brunt, "The Legal Issue," p. 146). With this sentence, Cicero may be just arguing that concerning past collective granting of Roman citizenship, Rome would have always respected the will of the cities or peoples concerned by it. The situation is thus totally different from that of Balbus, which was an individual granting in a specific context, that of a city linked to Rome by a treaty whose content remains unknown. For Michel Humbert, the treaty may have been a *foedus aequum* and may have specified that the ratification of the city was necessary when the Roman citizenship was granted to one of its citizens. It would thus mean that the prosecutor would be acting within his rights and that Cicero would be using tricks and bad faith to preserve his client (Humbert, *Municipium*, p. 118-119). Such an interpretation is contested by Peter Brunt, who considers that the ratification of the Gaditani of the Roman citizenship granted to Balbus for his service to Rome did not exist. For him, such ratification would have represented an "entrenchment on Roman sovereignty" (Brunt, "The Legal Issue," p. 143). Actually, if the treaty between Rome and Gades had a clause stipulating that the ratification of the city was necessary if any of its citizens wanted to change citizenship, it seems probable that the prosecutor would have quoted the legal text and that Cicero would have tried to answer this argument (the idea that the treaty between Rome and Gades did not say nothing about citizenship is mentioned in Harries, "Cicero and the Law," p. 160).

To strengthen the idea that Gades may not have had this special clause, it is also possible to quote William Broadhead's comments on the paragraph following the text presented here. In this paragraph, Cicero reacts to one argument of the prosecutor when he says that in the treaties that Rome concluded with the Cenomani, the Insubres, the Helvetii, the Iapudes and with some of the barbarians of Gaul, there would have been "particular clauses" pertaining to the fact that the consent of the community of origin was necessary when one of their members became a Roman citizen. Cicero replies to this argument with a simple sentence: "But if a limiting clause (*exceptio*) makes admission to citizenship unlawful, then, where there is no limiting clause, admission must be lawful" (§ 32). William Broadhead rightly concludes: "Cicero's point here is perfectly consistent with a context in which there existed particular agreements or pieces of legislation that limited the freedom of movement of a particular group of individuals, with the clear implication, as Cicero himself points out, that where such legislation was not in place, individual freedom of movement must have been the rule" (Broadhead, "Rome's migration," p. 86). Gades might have been concerned by this rule of the "individual freedom of movement," meaning thus that the granting of Roman citizenship as a personal privilege could not be legally challenged.

Finally, it is interesting to note that in order to show that Rome had always been inclined to collectively grant its citizenship among the peoples from Italy who wanted to receive it, and who were ready to follow its rules, Cicero uses examples from the remote past of Republican Rome. However, he avoids the final stage of this process, namely the integration of the whole of Italy into the *civitas Romana* after the Social War. Actually, the *lex Iulia* is only briefly mentioned at § 21, and Cicero stresses the examples of two cities which had been consulted and which preferred to keep the status that they had as federate cities, rather than to be fully integrated into the *civitas Romana* – it is probable that only the Italian communities which had been loyal during the war had been consulted by Rome, for the rebels Rome may have unilaterally decided to grant them Roman citizenship (Brunt, "The Legal Issue," p. 144, n. 30). It is thus striking that in order to insist on Rome's generosity concerning the bestowing of its citizenship, Cicero preferred these examples from the 4<sup>th</sup> and 3<sup>rd</sup> centuries, and not the recent integration of most of the Italian civic communities into the *civitas romana*. It can be explained first because the antiquity of these *exempla* was supposed to give more credit and weight to Cicero's argument (Barber, *Rhetoric*, p. 55). For Catherine Steel, this silence of Cicero about the massive granting of citizenship after the Social War may have been intentional, as this quite recent event may have been still perceived by Roman senators as a dangerous process which could undermine the unity of the citizen body (Steel, *Cicero*, p. 111).

After having mentioned the collective granting of Roman citizenship to Italian cities or peoples in the 4<sup>th</sup> or 3<sup>rd</sup> centuries BCE, examples which seem quite far from the question at stake in the case, Cicero imagines another situation: "... if any of them (i.e. the Latini, the Sabines, the Volsci and the Hernici) acquired our citizenship by favour of the Roman people (*beneficio populi Romani*), that would not have appeared as an infringement of the treaty (*violatum foedus*) concluded with them" (§ 31.7). Cicero may have wanted to end this development by insisting on the granting of Roman citizenship by privilege, since this example was closer to Balbus's situation. Cicero's argument is implicit: for individual granting of Roman citizenship – especially when the person had accomplished some important services for Rome – Rome could unilaterally decide who were the best men to reward and pick up from the foreign cities of its Empire (on the difference between collective and individual granting, see Brunt, "The Legal Issue," p. 144). Balbus was one of these men.



In conclusion, to prove that the prosecutor's charge against Balbus was unfounded, Cicero uses many examples from the remote past of Rome to prove that Rome had always been open to integrating new peoples into its civic body, and always generous concerning the bestowing of its citizenship. However, one condition had to be respected: multiple citizenships were prohibited and a Roman citizenship could only come from Rome. In this text, Cicero insists on the openness of Rome's policy for the granting of its citizenship, as he presents it as a process which would never have been imposed by Rome upon foreigners. In the case of the city of Gades, it seems that a part of the Gaditani had accepted that Balbus had become a Roman citizen, as they may have granted him the title of *hospes publicus* before his departure to Rome. With such a title, they recognized that from a legal point of view he had become a foreigner to their civic community, and depended on Roman legislation only. However, with this title, they hoped that despite his new *patria* of right, the *civitas Romana*, he would have continued to work in Rome for the interests of his *patria* of origin or, in Cicero's terms, his *patria* "according to nature," Gades.

Keywords in the original language:

- [auctoritas](#)
- [beneficium](#)
- [civitas](#)
- [communicatio](#)
- [divinitus](#)
- [exemplum](#)
- [foedus](#)
- [gens](#)
- [Hernici](#)
- [hostis](#)
- [imperium](#)
- [ius](#)
- [Lanuvium](#)
- [largitio](#)
- [Latium](#)
- [libertas](#)
- [maiores](#)
- [nomen](#)
- [populus romanus](#)
- [praeclarus](#)
- [princeps](#)
- [recipiendus](#)
- [regio](#)
- [Romulus](#)
- [Sabini](#)
- [Tusculanum](#)
- [universus](#)
- [urbs](#)
- [violatus](#)
- [Volsci](#)

Thematic keywords in English:

- [federate city](#)
- [Italy](#)
- [Latium](#)
- [privilege](#)
- [Roman citizenship](#)
- [Roman law](#)
- [Roman people](#)
- [Roman Republic](#)



- [Roman superiority](#)
- [Romulus](#)
- [Sabines](#)
- [treaty](#)

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