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Pre-Augustan Divorce Law

Case Studies: Family of Marcus Tullius Cicero

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Abstract

This paper focuses on the laws concerning divorce during the period before the rule of Augustus. Divorce law had started out as basic principal and later accumulated a set of implied laws generated by Roman society. The only real way for modern day scholars to evaluate laws of the classics is to scrutinize actual events and case studies. There are five (or six) marriages recorded in the family of Cicero and most of these marriages ended in divorce. Cicero was married twice, his daughter was married two or three times, and Quintus, his brother, was married once. Quintus and Cicero endured long marriages while Tullia, his daughter, lived out short marriages. The only divorce recorded out of all these which involved an actual trial was that of Tullia and Dolabella. We knew there was a trial but the outcome is unsure.

Eventually Augustus became emperor and established all the implied laws accumulated over the years into actual writing. There were many problems of men marrying women and divorcing them soon after for a portion of the dowry and someone had to fix this problem. Augustus set up many laws we still see today in modern day divorce law. The main problem was, as it is today, who gets the assets. This paper was written with the intention of evaluating the process and laws associated with divorce law in the days of Cicero and before the rule of Augustus.

Research Development

In August of 2006 I undertook a project to research and write a paper on some legal aspect of ancient Rome. At first I wanted to focus on the laws surrounding adultery of married couples but over time I started to develop an interest in divorce. I eventually decided to use Cicero and his family as case studies which would constitute the focus of the paper. This actual project consists of two parts, the research and the writing. I will describe how I conducted each below.

Considering the course is two credit hours each semester, I decided to spend at least four hours a week in research. I began by looking over all the books in the Hewes Library at Monmouth College focusing on Roman family law. By the middle of the semester I had progressed to articles and books from outside the college. The way I researched was by looking in the index for anything relevant to divorce, family law, or adultery. Once done, I would take notes on any piece of information which would help me write my paper the following semester. About half way through the semester I changed my topic from adultery to the divorce of Cicero and Terentia. At this point I gathered a tremendous amount of information about their marriage and divorce. Sometime in early November, Professor Sienkewicz of Monmouth College suggested I should not only look at Cicero and Terentia but the other divorces in his immediate family. There was not much to find on most of them and the information was usually the same in every book but worded differently. I spent my four hours a week every week and sometimes more. If I failed to make my four hours I would spend more time the next week to make up for it.

The spring semester would be gathering all my information and writing a paper based on my evidence. In the beginning I spent a lot of time putting everything together and getting ready for

the actual writing part. At the end of February I could not think of a way to begin the paper so nothing actually happened. When I returned from spring break I was worried about my progress and with support I was able to begin the process. In the month of April I spent well over 6 hours a week trying to write and put together the information in a more logical way. I ended up spending as much time on the paper as if I had spent four hours a week every week during the semester. I also added a general look at the laws surrounding divorce before and after Augustus.

This project has been enlightening to a new form of studying and coursework. It has been meaningful in the development of my mind to writing and researching. I am satisfied with my final project considering I am not too good at this type of work. It will be helpful in my future with whatever path I choose.

INTRODUCTION

“Marriage is ended by divorce, death, captivity, or the enslavement of the other party” (Paul Dig.24.2.1). There are cases in ancient Roman history which give conclusive evidence to prove how a marriage could end. Before Augustus there were no true laws regarding divorce or the end of a marriage. The law was implied and understood from many years of practice.

Divorce goes back as early to the days of Romulus right up to our modern day society. As it is today, a divorce could only occur if a marriage had been completed first. The only law for divorce was the one written on the twelve tables which simply said, *tuas res tibi habeto*, “take your things to yourself” (De Oratore 1.183). Citizens eventually implied their own laws of who would receive the dowry and where the children would be sent. As time progressed these implied laws became cemented in society for all people to follow until Augustus properly wrote them as the true law. The only way to properly evaluate the implied laws for divorce is to look at a few case studies. The best case studies came from the time right before Augustus and there are no better cases than that of the family of Cicero.

Cicero was married twice. His first wife was Terentia, the marriage lasted for nearly thirty years. His second marriage was to a young girl, Publilia, but only lasted for a year. Cicero and Terentia had two children. His first child was Tullia who was married two, possibly three, times. His other child, Marcus, was never married to the best of our knowledge. Cicero’s brother, Quintus, was married to Cicero’s best friend’s sister, Pomponia. Some of these divorces contain a great deal of information saying how they ended but others have almost no information. Most of the information we have comes from letters sent by Cicero to his friends and family.

Divorce in ancient Rome was simple but its' laws eventually led to the laws we have today. If one were to look at everything in a simpler form, divorce is the termination of a contract. In Rome, no contract was actually created but the formation of two people's affection for each other was terminated when divorce took place. Today we have papers and signatures but the idea is still the same. This paper will be focused on the laws of divorce in ancient Rome and case studies which give conclusive examples. All the translations read for the Latin found in this paper can be seen on the website www.perseus.org, unless noted otherwise.

DIVORCE

Divorce was common in ancient Rome. Rome was a society powered by males leaving females who did not have much say in the termination of their respective marriages. Before the time of Augustus, divorce was easy to initiate. There was no real judicial way to divorce someone, when the affection was lost the two would simply leave each other (Haskell 112). However, I am quite certain there were some laws surrounding divorce. Different sources give different accounts so we will look at a few of those laws regarding the ending of a marriage before the time of the emperor Augustus.

The basic idea underlying the ending of a marriage was divorce, death, captivity, or the enslavement of another party (Paul Dig.24.2.1). Divorce is the only cause for the end of a marriage which seems to be relevant for my discussion. Some common Latin terms concerning divorce found in many readings are as follows: *divortium factum est* – “a divorce was made”; *divortium intercedit* – “a divorce intervenes”; *divortio facto* – “when a divorce has been made”; and *repudiare & repudium* – “rejection of a spouse”. The most common term was *divertere/divortere* which was commonly used to describe a wife separating from her husband

and choosing a new path in life (Plautus Men. 635). Divorce was described using these terms but there are much more in the Latin language.

The twelve tables contained the original law which all divorces were based upon. According to Cicero, the twelve tables stated *tuas res tibi habeto*. The concept was clear and generally meant for the female or male to simply take their things and leave. The tricky part was who would receive the dowry. One also need to determine who was to blame for the termination of the marriage. Not everyone could initiate a divorce though; many females were limited to their options. A woman's paterfamilias would have to begin the divorce and if she had none, her husband would have sole power over the divorce (Treggiari 444). Later in the republic, women became more independent and there were now two factors which gave women more freedom in the divorce.

However, I believe there are two reasons why we never see women divorcing their husbands. First of all, Rome was a male-dominated society and it was hard for women to have any say in matters outside the household. For a woman to initiate a divorce she would need some type of male representative and I am unsure of the amount of males who would do such a thing. Secondly, all the sources we have were written by men. It is hard to determine if the men were bias towards females.

There are other texts giving divorces in Rome a clearer definition. Before the Augustan laws, divorce was achieved by either joint agreement of the spouses or the unilateral declaration of either of them. One could divorce either orally before witnesses, *per nuntium*, or by letter, *per epistulam* (Csillag 127). This law seems to make more sense compared to others discussed. It gives a fairer opinion to both males and females. If a female became a divorcee, she had

constraints prohibiting her from remarriage. The biggest issue surrounding divorce was who would receive the dowry.

The oldest law which was clearly written out about the dowry stated the husband could retain 1/6th of dowry if the divorce was brought about by her or her paterfamilias; 1/6th for serious offenses; 1/8th for lesser offenses (Tit. Ulp. 6.9). I highly doubt this law was followed strictly. Too many examples of divorces usually indicate the male having to repay the dowry unless of course the female committed adultery or some serious offence and usually he still had to repay some of the dowry. If the husband did not return the dowry the father of the female could sue for the dowry to be repaid if the female gave him consent. A female's dowry is usually the only material thing she had some ownership of and it was the only thing which could enable her to remarry if she chooses to.

CICERO AND TERENTIA

Cicero's first marriage was to Terentia, a woman whose family was more nobler and wealthier than his own (Pettersson 206-208). Not only did he gain political status in Rome with this alliance but also a good deal of property including Terentia's farm, which he loved (Corbett 202). Cicero desired to be a part of the Roman republic and marrying Terentia would bring him one close stepper to this reality. It is hard to determine if the marriage was solely for political and financial gain or for love. The reason I doubt this marriage, like so many others in Rome, was for love is because it was arranged to a point. Cicero knew he would be getting a large dowry and a step-up in society therefore this marriage was more for material gain and not love. That does not conclude love played a part because two people can learn how to love each other and if one would to view their correspondence, one could easily see signs of affection on

Cicero's part. Terentia was not one to be used by anyone and had desires of her own. Plutarch wrote that Terentia would more likely interfere with Cicero's political life than to allow him an opinion about the management of the house (Plutarch 20). Relations such as these were bound to fail but the impressive matter concerning this marriage is its' longevity. The marriage between Terentia and Cicero lasted around thirty years. The length of this marriage is impressive in many ways. I concluded that I believed this marriage was based on financial gain and I still do but the length these two underwent to hold on to their resources says a lot about married couples in Rome. Married couples in Rome were surely more concerned with how they can advance in society than affection. Unlike today, men of ancient Rome could satisfy their sexual needs with concubines or prostitutes and most of the time, suffer no repercussion. Wives were simply meant to bear the children of the man and manage the household; Terentia did both of these. She gave Cicero two children and managed the household successfully for most of their married life. When the household started to fall apart, so did the marriage. Out of all the sources which I have examined, only one gave any reason for Cicero to be responsible for the divorce, every other piece of writing puts fault in the hands of Terentia. The four strongest points which give meaning behind their divorce can be attributed to Cicero's exile, loss of affection, finances, and Terentia's will.

Cicero began to have problems with Caesar and it could not have been a worst time for him. Their disagreement for each other eventually led to Cicero's exile. "When Cicero was exiled and his house on the palatine burnt down, Terentia fled to the house of the vestals but was forced to comment on her husband's property at a banker's by Claudius and his gang" (Peterson 317). The time which it took Rome to exile Cicero, it took the same amount of time for Terentia to realize her dreams of being the wife of a famous Roman were now crushed. Cicero's exile

was prompt and it was the beginning of the end for him and Terentia. During his exile, he only sent four letters of love to Terentia, all of which were addressed to the family (Fam. 14. 1-4). There were other letters but as time went on the affection became less and less. It came to the point where no affection was present in his letters. Many of the letters were instructions on financial matters or questions about their children. Cicero loved Terentia with all his heart and it showed in the beginning. The only thing he desired from Terentia was her love and support, two things which Terentia seemed to lack. Terentia was a woman who was bold and stubborn. She had been a woman raised in a noble household and this personality did not mix well with Cicero's more down to earth background. His first letter to Terentia was from aboard a ship in Caieta during June 7, 49:

omnis molestias et sollicitudines quibus et te miserrimam habui, id quod mihi molestissimum...tu primum valetudinem tuam velim cures ; deinde, si tibi videbitur, villis iis utere quae longissime aberunt a militibus. fundo Arpinati bene poteris uti cum familia urbana, si annona carior ferity (Fam. 14.7).

Here he greeted her with the best (*valetudinem tuam*) saying sorry for all the miseries and cares (*molestias et sollicitudines*) he had given her hoping they are now dismissed. He gave her instructions to take care of her health and to use the country house in Arpinum to escape the army. This passage suggests that Cicero cared about Terentia and missed her a great deal. He added in the letter how he had been so sick of not being with her he had thrown up bile. At the time of exile he only felt regret for any harm he may have caused her.

Cicero's only contact with the world he once knew was through correspondence by letters. None of Cicero's letters to Terentia say anything relevant to a divorce but there context can be seen as a loss of affection. His first letter was clearly a strong sign of affection.

As time went on, the letters to Terentia were shorter and not as "sweet", in one case he ascribed to a messenger not being available to write.

etsi eius modi tempora nostra sunt ut nihil habeam quod aut a te litterarum expectem aut ipse ad te scribam, tamen nescio quo modo et ipse vestras litteras expecto et scribo ad vos, cum habeo qui ferat

"Though my circumstances are such that I have no motive for expecting a letter from you or anything to tell you myself, yet somehow or another I do look for letters from you all, and do write to you when I have anyone to convey it" (Fam.14.16)

It is in my own belief he is now in a state of disregard for Terentia and is making excuses why correspondence is not reaching her. This letter is very grim and to the point. He shows no affection and tries to keep the bond between the two relatively connected. He wrote while he was in Brundisium on the 4th of January and during this time he had not been in the best of terms with Terentia.

At first he opens himself to her, expects help, expressing much love, and misses her. The following words express this:

ego minus saepe do ad vos litteras quam possum, propterea quod cum omnia mihi tempora sunt misera, tum vero, cum aut scribo ad vos aut vestras lego, conficior lacrimis sic ut ferre non possim. quod utinam minus vitae cupidi fuissetus!

“Yes, I do write to you less often than I might, because, though I am always wretched, yet when I write to you or read a letter from you, I am in such floods of tears that I cannot endure it. Oh, that I had clung less to life!” (Fam. 14.4.1)

Cicero is in a state of pain from both being exiled and away from his wife and two children. When he states he is in a ‘flood of tears that he can not endure it’ shows an intense sign of depression. The following words also express his care and concern for Terentia:

cura ut valeas et ita tibi persuadeas, mihi te carius nihil esse nec umquam fuisse. vale, mea Terentia ; quam ego videre videor itaque debilitor lacrimis. Vale.

“Take care of your health, and assure yourself that nothing is or has ever been dearer to me than you are. Good-bye, my dear Terentia, whom I seem to see before my eyes, and so am dissolved in tears. Good-bye!” (Fam.14.3)

When Cicero wrote this nothing satisfied him more than just the thought of his dear wife. It sounds as if Terentia, no matter what the reason for marriage, was the backbone of Cicero’s stability and he needed her. It shows Terentia was a strong woman who had enough influence to help her husband in the worst of times.

The most documented affair between Terentia and Cicero stems from a journey Tullia undertook to visit him while Terentia did not follow. Plutarch accounted this journey by the following words:

“Cicero intended to write a history of his country but was troubled by other matters, Terentia had neglected him at the time of the war and sent away next to no necessities for his journeys; he did not find her kind when he returned from Italy and she did not join

him in Brundisium, nor would she allow Tullia the expenses for her journey, she left him a naked house and many debts” (Trollope 150).

Plutarch wrote this but I find it to be misleading. There is evidence which says Cicero wanted her to come but told her not to because of her health. When he was in Athens in October of 50 BC, he asked Terentia to join him wherever he was and to any extent:

tu velim, quod commodo valetudinis tuae fiat, quam longissime poteris obviam nobis prodeas.

“If your health permits, Terentia, I should be glad if you would come as far as you can to meet me” (Fam. 14.5)

Cicero does not want to put his wife at any risk because of her health which only gets worse as time continues.

On April 29th, he tells her he can never ask her to join him because she is sick and unhealthy but he wants her to build up a campaign for his return home and take care of the children (Bailey, 1971, 67). Terentia even offered to come see him yet Cicero still refused. In a letter to Terentia in late November from Dyrrachium, he writes how she had offered to come yet he still tells her to stay home:

quod scribis te, si velim, ad me venturam, ego vero, cum sciam magnam partem istius oneris abs te sustineri, te istic esse volo. si perficitis quod agitis, me ad vos venire oportet ; sin autem sed nihil opus est reliqua scribere.

“As to your coming to me, as you say you will if I wish it--for my part, knowing that a large part of this burden is supported by you, I should like you to remain where you are. If you succeed in your attempt I must come to you: but if, on the other hand--but I needn't write the rest.” (Fam.14.3)

If Cicero told Terentia not to come in his own words, how can this be refuted? It is reasonable to believe he intended for her to come but never intentionally wrote it. Cicero is weak in his attempts to tell Terentia to come and eventually it leads to the loss of affection between the two.

As time progresses we start to see the correspondence transform into a more business type relationship and not at all marital. A good example of this can be seen in a letter he wrote to her on 22 January, 49:

mihi plane non satis constat adhuc utrum sit melius. vos videte quid aliae faciant isto loco feminae et ne, cum velitis, exire non liceat. id velim, diligenter etiam atque etiam vobiscum et cum amicis consideretis. domus ut propugnacula et praesidium habeat Philotimo dicetis; et velim tabellarios instituatis certos, ut cotidie aliquas a vobis litteras accipiam

“Please observe for yourselves what other ladies of your rank are doing, and be careful not to be cut off from the power of leaving town when you do wish to do so. I would have you carefully consider it again and again with each other and with your friends. Tell Philotimus to secure the house with barricades and a watch. Also please organize a

regular service of letter-carriers, so that I may hear something from you every day.”

(Fam. 14.18)

Cicero greets his family with good tidings of love and hints at the idea of Terentia and Tullia coming to visit him but only if they choose to. He also orders Terentia to command Philotimus, a freedman of Terentia, to barricade the house in Rome. Cicero is always hinting at the idea of Terentia and Tullia coming to visit him which many account for one of the major reasons behind the divorce. He wants both of them to come very much but is too unassertive to say so. He does not want to offend Terentia and he keeps on saying things such as, “only if your health permits”, or “do what other ladies are doing”. He desires her accompaniment but she is not a woman who needs attention so the chance of her risking any type of endangerment to her status as a Roman is next to none.

When he was in Brundisium during 14 June 47, he sends the family a basic greeting with no affection. I believe it is important to show the entire letter because its entirety is the most significant sign of the decay concerning their marriage. The letter goes as follows:

Tullia nostra venit ad me pr. Idus Jun. cuius summa virtute et singulari humanitate graviore etiam sum dolore adfectus nostra factum esse negligentia ut longe alia in fortuna esset atque eius pietas ac dignitas postulabat. nobis erat in animo Ciceronem ad Caesarem mittere et cum eo Cn. Sallustium. si profectus erit, faciam te certiosem. valetudinem tuam cura diligenter. Vale.

“If you are well, I am glad. I am well. Our dear Tullia reached me on the 12th of June, by whose perfect excellence and unsurpassed gentleness I felt my sorrow even heavier than

before, to think that my want of prudence was the cause of her being in a position far removed from that which her dutiful affection and high character might claim. It is in my mind to send our son to Caesar, and Gnaeus Sallustius with him. If he starts I will let you know. Take great care of your health. Good-bye.” (Fam. 14.11)

There is no general introduction of Cicero’s affection for his wife and in only one place in the letter does he say anything of concern. As of this time we can see Tullia had chosen to come see him yet his wife did not. This is the turning point where we can notice Cicero has lost feeling for his wife. I think if Terentia had chosen to come see him with Tullia, the marriage would have lasted, but she did not. All the letters after this one are the same if not worse.

We are not sure what Terentia had written back to Cicero but we can only assume they followed the pattern of Cicero’s letters. The last letter he wrote seems to be the worst in terms of affection:

in Tusculanum nos venturos putamus aut Nonis aut postridie. ibi ut sint omnia parata (plures enim fortasse nobiscum erunt et, ut, arbitror, diutius ibi commorabimur) ; labrum si in balineo non est, ut sit, item cetera quae sunt ad victum et ad valetudinem necessaria. Vale.

“I think I shall arrive at my house at Tusculum either on the 7th or the day after. See that everything is ready there. For there will perhaps be several others with me, and we shall stay there a considerable time, I think. If there is no basin in the bath, have one put in: and so with every-thing necessary for supporting life and health. Good-bye” (Fam. 14.20)

The letter is less of a note stating terms of affection than a command for his wife, whom he has not seen in a considerable amount of time. He has lost any type of emotion he had for her and she is not one ready to lay everything down on the line to follow orders from a husband who was exiled.

Atticus was Cicero's closest friend and only confidant (Classen 209). Cicero and Atticus had written back and forth for many decades. Cicero considered Atticus' views on life to be dear and held them with high esteem. Most of the evidence supporting the reasons for the divorce between Cicero and Terentia come from correspondence between the two. In fact, Terentia's name appears forty-four times in forty different letters to Atticus (Classen 214). The first sign of trouble between Terentia and Cicero comes from a letter to Atticus in September of 57. The letter states, "There are also some private matters which I will not commit to writing" (Att.4.1). I believe Cicero wanted to tell Atticus the actual trouble, but putting words concerning household affairs can be a dangerous thing if it were to fall in the wrong hands. Considering the state which Cicero was in, it would have been best not to pass words about family matters into writing.

Terentia's will was extremely troubling to Cicero. He was not able to be present on the days which the will was drafted but was led to believe Terentia was acting in a way not favorable towards his children or him:

*extremum est quod te orem, si putas rectum esse et a te suscipi posse, cum Camillo
communices ut Terentiam moneatis de testamento. tempora monent ut videat ut satis
faciat quibus debeat. auditum ex Philotimo est eam scelerate quaedam facere.*

“The last thing I have to say is to beg you, if you think it a right thing to do and what you can undertake, to communicate with Camillus and make a joint representation to Terentia about making a will. The state of the times is a warning to her to take measures for satisfying all just claims upon her. Philotimus tells me that she is acting in an unprincipled way.” (Att. 11.16)

He had a strong inclination Terentia would leave the children out. We have only correspondence from Cicero giving attention to Terentia wanting to leave the children out of the will but we have no reason as to why she would do such a thing. We can only assume possible situations why she was making an attempt to not include Tullia or Marcus.

Cicero loved his children with all his heart, especially Tullia. This letters states nothing of his children but there are several letters where his main interest was securing the children in Terentia’s will which she must have some feelings of not doing so. His only friend whom he could trust to hopefully persuade Terentia to include his children was Atticus. He knew Atticus would make the right decision on who should be present and who could persuade Terentia to do the right thing. There were several letters which indicate such feelings. Cicero did not want her to draft the will alone and asked Atticus to make sure a specific group of people were present to act as witnesses:

Nam quod non advocavi ad absignandum, primum mihi non venit in mentem, deinde ea re non venit quia nihil attinuit. Tute scis, si modo meministi, me tibi tum dixisse ut de tuis aliquos adducers

“As for my not asking her to the sealing, (a) I did not think of it, and (b) I did not think of it because there was no reason I should. You know yourself, if happen to remember, that I asked you at the time to bring some of your people.” (Att.12.18)

Not only did Cicero want the witnesses but Atticus did as well, they both believed there was foul play involved in this will. As time progressed more reasons start to appear which lead Cicero to feel the will is being corrupted. The three main aspects of the will which troubled Cicero were his current monetary balance, her debts, and her infidelity. Cicero was certain their balance was 12,000 HS but Terentia had sent him a note claiming it was only 10,000 HS:

Scripseras ut HS XII permutaret; tantum esse reliquum de argento. Misit illa CCICC mihi et adscripsit tantum esse reliquum.’

“You asked her to change HS 12,000, that being the balance of all the money. She sent me 10,000, with a note that this amount was outstanding.” (Att.11.24).

Cicero wanted Atticus to talk with Camillus about Terentia’s debts and helping her to pay them off. There is no conclusive information which can confirm or deny this evidence. Cicero wanted Terentia to put the children in the will most of all and finalize it for those whom she owed it, *ut satis faciat quibus debeat* (Att. 11.16).

Finances were the major reason for the marriage between Cicero and Terentia; it was also the same reason for their divorce. To sum it up, Terentia had incurred large debts and emptied his house of everything (Classen 231). Their finances were fine till he had gone into exile. At first, Terentia acted as Cicero’s agent while he was gone (Fam. 14.4). This is what led Terentia to basically strip Cicero of everything. I do not believe she was responsible enough to handle

such affairs and maybe that is the reason she let Philotimus run their finances, which had made Cicero furious (Att. 10.7.2). Cicero did not trust Philotimus at all. First, Cicero believed Philotimus was filling his pockets with money from Milo's estate (Bailey, 1971, 127). He described Philotimus as sly and underhand, *merus phurates et germanus lartidius* (Att. 7.1).

The next thing which happened was the disappearance of Philotimus. Cicero was led to believe he was stealing money during Terentia's will:

Philotimus non modo nullus venit sed ne per litteras quidem aut per nuntium certiozem facit me quid egerit. Epheso qui veniunt ibi se eum de suis controversiis in ius adeuntem vidisse nuntiant; quae quidem (ita enim veri simile est) in adventum Caesaris fortasse reiciuntur.

“Philotimus not only does not come himself, but does not inform me even by letter or messenger what he has done. People coming from Ephesus bring word that they saw him there going into court on some private suits of his own, which are themselves perhaps-- for so it seems likely--being postponed till the arrival of Caesar.” (Att. 11.24)

There is no direct reference to the will in this passage but in the context of the entire letter, Cicero is genuinely concerned with his estate and Terentia's will. He has been going through many hard times lately and is open to any suspicion of foul play.

The two had many problems towards the end but both wanted the marriage to survive. Regardless of what many have thought, there were signs of affection and determination for their marriage to work (Treggiari, 1991, 213-4). After they realized it would never be possible they both choose divorce. They did not want to deal with any more problems and choose to move on.

The divorce of Cicero and Terentia was simple. For a divorce to take place, one spouse would have to let the other know by words. Cicero wrote of Antony's divorce by the words *tuas res tibi habeto*. If the male would to say these words, it was grounds for a valid divorce (Treggiari 446-7). It is believed Cicero and Terentia enacted their divorce by words such as these. Cicero would not have divorced Terentia but he cites his marriage to Terentia by the following words which he wrote to Plancius, "I would not have divorced if I had not found my marriage in as bad of a state as the republic...there was nothing safe not free from treachery within my own walls..." (Trollope 151).

Terentia enjoyed life after her marriage with Cicero. She enjoyed two more marriages and lived a long life. First she married Sallust and then she married Messalla Corvinus (Jerome, Adv. Iovinianum 1.48). Terentia ended up living the age of 103 which was uncommon in ancient Rome (Pliny H.N. 7.158). Terentia experience with divorce and marriage continued throughout her life unlike her first husband Cicero.

CICERO AND PUBLILIA

Shortly after the divorce between Cicero and Terentia, he was in need of another wife primarily for financial reasons. Cicero had to pay back Terentia's dowry but did not have enough funds to properly give repayment. At the beginning of his search he considered the wife of the jurist Servius Sulpicius, the daughter of Pompey, and an ugly girl for his bride (Peterrson 520). However, none of these girls made the cut but a young girl Pubilia did. She had a widowed mother and a brother and was very rich. His friend had advised him to take her and in such a desperate financial situation, he listened (Peterrson 521). The marriage did not last long. It was common for older men to take young girls as wives but a man such as Cicero, I believe,

needed someone who would intellectually challenge him. Publilia was just a girl and within a year he divorced her. When his daughter Tullia died, Publilia did not show enough support or sympathy so Cicero sent her back to her mother and did not let her return:

Publilia ad me scripsit matrem suam cum Publilio locutam et ut mecum loqueretur ad me cum illo venturam et se una, si ego paterer. Orat multis et supplicibus verbis ut liceat et ut sibi rescribam. Res quam molesta sit vides. Rescripsi me etiam gravius esse adfectum quam tum cum illi dixissem me solum esse velle; qua re nolle me hoc tempore eam ad me venire

“Publilia wrote to me that her mother had talked to Publilius and would come over with him for a talk with me, and that she would accompany them if I allow it. She begs me beseechingly and at some length to permit this and to send a reply. You see what a tiresome business this is. I wrote back that I was in an even poorer way than when I told her I wanted to be alone, so I should prefer her not to come at present.” (Att. 12.32)

Cicero had no interest in this relationship and clearly had no affection for this young girl. He wanted some type of finances to pay off debts and continue to live the way of life he had once done before. When his daughter died a part of Cicero’s soul had gone with her and it happened to be the exact time of his marriage to Publilia. Of course, Cicero had to repay her dowry and had no interest of regaining their relationship.

TULLIA AND PISO

Tullia was Cicero’s only daughter but his fondest child. He loved her and many claim she had the wit of her father. Cicero wanted the best for his daughter when the time for marriage

would come about and the man who would take his daughter's hand would be Calpurnius Piso Frugi in 67 BC. She was just ten at the time (Bailey 205). It was common in Rome for women to marry at such an early age. The two would remain married for over ten years. Nine years after the divorce in 58 BC Cicero had written to his family from Brindisi saying, "I hope Piso will always stick to us, as you say" (Wilkinson 47). He had been referring to the fact he had not paid Tullia's full dowry to the young man yet but it would not have mattered in due time. Shortly after Cicero had been exiled, Piso died in war. This of course constituted the legal end to a Roman marriage (Peterson 524). At this time Tullia was around the age of 20. Her age was now over the typical time so finding another man to marry her would either take a large dowry or pure luck.

TULLIA AND CRASSIPES

Some believe Tullia was only married twice but others believe she was married three times. There is no clear information relating her marriage to Furius Crassipes but there are hints enough to assume it. When Cicero was on his way to Anagnina in 56 BC, he wrote to his brother, Quintus, saying Tullia was betrothed to Crassipes on April 4th and on the 6th he gave him a dinner to celebrate (Bailey 78). They were supposedly married in 56 BC and divorced in 51 BC. Cicero never mentioned Crassipes much but he did complain about him once. During May 56 BC, he wrote to Atticus claiming Crassipes was eating up all his traveling money by engaging to his daughter Tullia:

domum meam quod crebro invisit est mihi valde gratum. viaticum Crassipes praeripit. tu de via recta in hortos. videtur commodius ad te; postridie scilicet; quid enim tua? sed viderimus.

“I am much obliged to you for frequently going to see my house. Crassipes swallows up my money for travelling. Tullia will go straight to your suburban villa. That seems the more convenient plan. Consequently she will be at your town house the next day: for what can it matter to you? But we shall see.” (Att.4.5).

No one can confirm this marriage because there is only a small amount of information available but it is easily assumed they had been married. How the marriage was terminated, if it ever existed, is equally uncertain.

TULLIA AND DOLABELLA

Tullia’s third (or second) marriage was to Publius Cornelius Dolabella in 50 BC. Not many were fond of this man, especially Cicero. Cicero did not approve of the marriage but he still supported his daughter’s decision. During the time of the marriage, Dolabella was bringing charges against Appius Claudius, Cicero’s predecessor in Cilicia, and he was an unstable man (Pettersson 479). These were just two of the several reasons Cicero had not liked Dolabella. In 10 August 50 BC, Cicero wrote to Atticus from Rhodes calling Dolabella an accuser and said, “Heaven’s blessing on the match!” Originally Cicero had tried to have Tullia married to Tiberius but was not quick enough in his actions (Wilkinson 99). The marriage lasted a short amount of time and the divorce took place in 46 BC, Tullia died the next February (Pettersson 520). It is not clear who initiated the divorce but one letter implies Dolabella was the first one to begin the process. Cicero wrote to Atticus in Rome while he was in Brindisi, 9 July 47 BC of the divorce:

generumne nostrum potissimum vel hoc vel tabulas novas? placet mihi igitur et item tibi nuntium remitti. petet fortasse tertiam pensionem. considera igitur tumne cum ab ipso nascetur an prius.

“To think that a son-in-law of mine, of all people in the world, should do that, or propose the abolition of debts! I am of opinion, therefore, and so are you, that a notice of divorce should be sent by her. He will perhaps claim the third installment. Consider, therefore, whether the divorce should be allowed to originate with him, or whether we should anticipate him.” (Att.11.23)

And also on July 5th:

quod ad te iam pridem de testamento scripsi, apud epistulas velim ut possim adversas. ego huius miserrimae facultate confectus conflictor. nihil umquam simile atum puto. quosi qua re consulere aliquid possum, cupi a te admoneri. video eandem esse difficultatem quam in consilio dando ante. tamen hoc me magis sollicitat quam omnia. in pensione secunda caeci fuimus.

“I am worn out and harassed to death by the folly of this most unhappy girl. I don't think there was ever such a creature born. If any measure of mine can do her any good, I should like you to tell me of it. I can see that you will have the same difficulty as you had before in giving me advice--but this is a matter that causes me more anxiety than everything else. I was blind to pay the second installment.” (Att.11.25)

He was distressed about the entire ordeal and he is refraining from making the third installment of her dowry because he wants to see the outcome of the divorce trial. If Dolabella begins the

divorce proceedings, then he will forfeit the entire dowry (Wilkinson 128). The interesting aspect surrounding this divorce is the fact there was an actual divorce trial. Most sources have given the notion that a divorce was simply done with words and agreements. Dolabella was held in high-esteem among the Roman nobles and Cicero's family was not exactly famous among the Caesars. This divorce could have been a by-product of the feud and Dolabella possibly had wanted to keep a portion of the dowry. Most divorces simply happened but I believe in most cases, a trial would have to be held to determine the outcome of the dowry.

QUINTUS AND POMPONIA

In 68 BC Quintus, Cicero's brother, married the younger sister of Atticus, Pomponia (Everitt 81). The relationship was a stormy one and seemed to exist primarily for Cicero and Atticus. I believe Quintus and Pomponia never liked each other but they respected their respective sibling a great deal so they made the marriage work. There were many instances of both Atticus and Cicero wanting their brother and sister to get along and attempted to fix the marriage. One time Atticus had personally asked Cicero to intervene and evaluate the scenario. In May 51 BC, he wrote to Atticus claiming Quintus thought highly of Pomponia. There were no reasons why he would dislike her therefore he would see what their household would be like:

Vt veni in Arpinas, cum ad me frater venisset, in primis nobis sermo isque multus de te fuit. ex quo ego veni ad ea quae fueramus ego et tu inter nos de sorore in Tusculano locuti. nihil tam vidi mite, nihil tam placatum quam tum meus frater erat in sororem tuam, ut, etiam si qua fuerat ex ratione sumptus offensio, non appareret. ille sic dies. postridie ex Arpinati profecti sumus. Vt in Arcano Quintus maneret dies fecit, ego Aquini, sed prandimus in Arcano. Nosti hunc fundum. quo ut venimus, humanissime Quintus

'Pomponia' inquit 'tu invita mulieres, ego viros accivero.' nihil potuit, mihi quidem ut visum est, dulcius idque cum verbis tum etiam animo ac vultu. at illa audientibus nobis 'ego ipsa sum' inquit 'hic hospita

“On arriving at my place at Arpinum, my brother came to see me, and our first subject of conversation was yourself, and we discussed it at great length. After this I brought the conversation round to what you and I had discussed at Tusculum, on the subject of your sister. I never saw anything so gentle and peaceable as my brother was on that occasion in regard to your sister: so much so, indeed, that if there had been any cause of quarrel on the score of expense, it was not apparent. So much for that day. Next day we started from Arpinum. A country festival caused Quintus to stop at Arcanum; I stopped at Aquinum; but we lunched at Arcanum. You know his property there. When we got there Quintus said, in the kindest manner, "Pomponia, do you ask the ladies in; I will invite the men." Nothing, as I thought, could be more courteous, and that, too, not only in the actual words, but also in his intention and the expression of face. But she, in the hearing of us all, exclaimed, "I am only a stranger here!" (Att.5.1)

Quintus told Cicero he has to deal with this on a daily basis. Pomponia even refused to attend dinner and when Quintus had food delivered to her, she refused. Cicero agreed with Quintus she was being rude (Wilkinson 71). There are other parts in this particular letter which give rise to important details of Pomponia’s behavior. She would not sleep with him on many occasions and in Roman culture, this was a sign of extreme disrespect.

Pomponia was crazy and clearly not happy with the marriage. The marriage lasted until 44 BC which is actually a long time considering the marriage was never stable (Forsyth 194).

SUMMARY OF CASE STUDIES

The divorces which occurred in the family of Cicero give a broad range of examples about the termination of a marriage in ancient Rome. It is hard to determine how each individual marriage ended but assuming what did happen is easy to do. Even if one does assume, they will still get a general idea how it relates to the laws of divorce during that time. Typically a divorce would end when one of the spouses notified the other. However, just as today, most laws come with a huge spectrum of implied laws accumulated over years and years of tradition.

The five (six) marriages we looked at were the ones of Cicero and Terentia, Cicero and Publilia, Tullia and Piso, Tullia and Crassipes, Tullia and Dolabella, and Quintus and Pomponia. Cicero and Terentia was a simple divorce but the events leading up to their divorce is what makes it such an interesting case. Two people who may have loved each other drifted apart over many years of exile and correspondence. Tullia and Piso could have been the most prospective marriage of the family. It lasted ten years but ended when Piso was killed in action. Tullia and Crassipes may have not been married but the information we have does tell us a woman could remarry soon after being a widow. Tullia's marriage with Dolabella was not the worst one but not good. Their divorce is interesting. They had an actual trial determining who would get what and who initiated the divorce. Quintus and Pomponia was only a marriage because they were fond of their older siblings and the marriage was more of a favor. It was destined to end in time.

Divorce was recorded many times in ancient history but never in detail. My general belief for this is because there was not much detail to think about. Hopefully, these cases will give some impression of pre-Augustan divorce law.

Cicero and Terentia explained how a noble family would eventually end up in a divorce state. I noticed Cicero was an extremely intellectual man and he knew what it would take to move up in society. He was one of the best orators of his time and became famous for it. He was not born in Rome but desired to become a wealthy Roman patrician. The only course for this was by marrying a nobler woman. Whether their marriage was arranged or by pure accident, the two seemed to fit each other well. He was a rising politician and she had the money to back his interests. The two just did not seem to be a good match emotionally though. Terentia was a strong woman who could stand on her own two feet if she desired to. Cicero was a man brought up on a farm with an education unparalleled by most. He led their marriage on the right track but nothing is ever perfect in Rome. Cicero eventually got in the path of the Caesars which led to his exile. His exile was the demise of his marriage and it showed in his correspondence. The letters would begin to be heartfelt and warm but became sober and grim. His love was for his daughter and not his wife. The one thing he wanted the most was for his wife to come visit him in Brundisium with this daughter. He never fully asserted this but meant it in each piece of correspondence. When his daughter came and not his wife, one could tell the marriage would not last. The will was the last straw for Cicero. He had reason to believe she was cheating on him, extorting money with her freedman Philotimus, and leaving the children out of the will. Cicero was in a place of confusion and had no idea of what to do. He was short of funds because of Terentia's extravagance and wanted the marriage to be over. Both of them agreed a divorce was necessary and they both moved on. There was no clear account of how the divorce happened but it can be assumed they simply went their own ways with an agreement for Cicero to repay her dowry.

The marriage of Cicero and Publilia was short and meaningless. Cicero was in need of funds to pay off his debts. Many women came his way but he choose a very young girl, Publilia. The girl was wealthy and could help him in his finances and sexual needs. The marriage practically ended when his daughter, Tullia, died in 46 BC. Publilia had not shown enough support so Cicero sent her away to her mother. He had no intent of ever seeing her again. However, he was now going to have to pay back her dowry and Terentia, if still owed. This divorce ended simply by Publilia being sent away and not allowed to come back.

The marriage of Tullia and Piso was more meaningful. They loved each other and their families enjoyed the others respectively. The marriage lasted ten years till the death of the young man. The marriage was over and Tullia could remarry if she choose to. The dowry would have been most likely returned to Tullia and Cicero.

The marriage of Tullia and Crassipes was hardly a marriage, if it was one at all. I truly believe they were married but since there are no records of divorce, it is hard to assume such things. At least we know women could remarry shortly after a marriage had ended.

The marriage of Tullia and Dolabella had an interesting marriage and divorce. Cicero hated Dolabella for good reason and preferred Tullia to marry Tiberius instead. Tullia had fallen in love with him though and nothing would defer this decision. They were married in 50 BC and the divorce proceedings began four years after that. Cicero had only paid two installments of the dowry out of the three and refrained from paying the third because he had reason to believe Dolabella would initiate a divorce trial. I have never heard of an actual trial before Augustus for divorce but maybe this was the turning point for Roman marriages and divorces. We do know if Dolabella had begun the divorce, he would lose the entire dowry.

The marriage of Quintus and Pomponia were the brother and sister of Cicero and Atticus respectively. Any scholar could tell anyone the relationship between Cicero and Atticus was great. They were the best of friends and could tell each other anything. It is no great surprise their siblings were married to each other. Two men such as Cicero and Atticus had a great deal of influence over others so if they desired to have an arranged marriage for members of their family, it would happen. Quintus seems to be a man more like Cicero in wit. Pomponia was crazy but must have had some good qualities about her. My own opinion was she was a pretty girl who did not want to be told who to marry and could not handle the marriage at all. There is correspondence which tells a lot about her personality. We know the two eventually divorced but we do not know how. It was most likely some time before Quintus was executed but it was probably more like Cicero and Terentia's divorce.

Divorce took place when two people were done with each other and the next part came into who would divorce who for the sake of the dowry. If it was not for the dowry, there would be no reason for a trial. Just as today, if we did not have to determine who got what assets, no trial would be needed unless one had kids are under the age of 18. We can tell trials took place before Augustus due to the trial of Tullia and Dolabella and we can also tell a divorce could simply end by one telling the other to leave the home and not come back due to the divorce of Cicero and Publilia.

CONCLUSION AND TIME AFTER AUGUSTUS

Divorce and marriage has occurred for many centuries and among many civilizations. Romulus started one of the most recognized ancient cultures we know today as Rome. His laws were set forth on the twelve table and divorce law consisted of one spouse taking their passions

and the other so. Over time this was destined to change because many things are acquired in a marriage and so if two people are to be divorced, whose fault is it. Eventually Romans implied their own laws to fix these common misconceptions of couples yet the woman's dowry was still confusing of who would receive it. Usually the woman would get it but if she started the divorce, should she be able to receive her dowry back? Augustus was the first emperor to implement laws regarding dowries and divorce.

Augustus brought in a new era to the laws of Rome when he was crowned emperor. He saw the need for many of Rome's ancient laws to be updated to be consistent with the times. One of the problems he saw was with divorce. He realized many men were getting married to young girls and divorcing them soon after for a portion of their dowry. The most noted change was now seven witnesses need to be present for a divorce to be considered legal (Bauman 106). Other laws were created in relation to adultery and reason to divorce but the biggest change was the witnesses. This ensured a man could no longer divorce for no apparent reason and other people had to agree the divorce was legitimate.

Once Augustus started to make laws for things such as divorce, more and more emperors were making laws for issues. These laws created by Augustus and others still exist in modern law. Divorce still constitutes to breaking of a legal contract and certain issues must be dealt with. The problem has always been who would receive what assets. Augustus created a law to handle these situations and we still follow the basic principal of his law. The idea has always been the same though, *tuas res tibi habeto*.

Alexander, Michael C. *The Case for the Prosecution in the Ciceronian Era*. The University of Michigan Press, Ann Arbor, 2002

This book examines many of the cases which Cicero reviewed during the ciceronian era. There are three parts to this book and thirteen different chapters. There is no evidence this author makes to the point which Cicero had towards divorce. There is no mention of Terentia or Tullia.

Annas, Julia. *Cicero: On Moral Ends*. Cambridge University Press, New York, 2001

Cicero: On Moral Ends is a composition of five books which Cicero had written concerning his own views of philosophy in the ancient Roman world. The book contains little to no information concerning his thoughts of divorce or Terentia.

Bailey, D.R. Shackleton. *Cicero's Letters to Atticus (Books XI to XIII)*. Cambridge University Press, New York, 1966

This particular book was helpful in providing documental evidence to Cicero's feelings towards Terentia. One can tell from these translations that Cicero is starting to feel negatively towards her and most of his feelings are stemming from her will. There were only a few passages where he mentioned her

Bailey, D.R. Shackleton. *Cicero: Selected Letters*. Penguin Books, New York, 1986

The letters of this book are informative concerning Cicero's feelings towards Terentia. If one starts reading the letters addressed to Terentia leading up to the date of the divorce, you can easily see how the affection is no longer there. The book is arranged chronologically but gives no account for how many letters there are, who the letters are to, and it does not have an index.

Bailey, D.R. Shackleton. *Cicero*. Duckworth Publishing, London, 1971

Bailey is one of the best authors when it comes to Cicero. The book is excellent with its table of contents, the contents, and the index. There are 29 chapters extending over the entire life of Cicero. There was more information in this book on his divorce with Terentia than any other book I have researched. There is documentation of most citations with letters which Cicero had written provided in-text. This was beneficial to knowing if the information is credible or not.

Bauman Richard, *Women And Politics In Ancient Rome*, Routledge Publishing, London, 1992

Women and Politics In Ancient Rome is a book concerning many different aspects and events of women in ancient Rome from the time of Romulus to the 4th/5th century AD. There are 14 chapters in this book and a great deal of topics within each chapter. Other than the first and last chapters, the 12 chapters are as follows: Women in the Conflict of

the Orders; Women in the Second Punic War; The Politics of Protest; Women in Gracchan Politics; The Political Strategies of the Late Republic; The Triumviral Period: Diplomacy, Oratory and Leadership; The Foothills of the Principate; Women in the Augustan Principate; Tiberius, Livia and Agrippina; Caligula's Sisters; Messalina, Agrippina and Claudius; and Agrippina, Nero and the Domus. Considering I am only focusing on divorce and adultery, I went to the index of the book and read all the pages associated with these two words. I plan on using the information I received in this book to gather more sources and provide examples of divorce and adultery to make my paper more concrete. One of the examples I will primarily use will be of Messalina and Claudius.

Buckland, W.W.; Stein, Peter, *A Text-Book of Roman law from Augustus to Justinian*, Cambridge University Press, London, 1963

A Text-book of Roman law from Augustus to Justinian contains much information regarding law in the Roman Empire. There are 15 chapters in this book and it is very rich in several areas on how cases were presented and the law surrounding certain fields. There were only three pages dealing with divorce and none of the information helped me out in any way. Although this book is a great source book, it provided me with no information that is helpful.

Carcopino, Jerome. *Cicero: The Secrets of his Correspondence*. Volume 1, Greenwood Press, New York, 1969

Cicero: The Secrets of his Correspondence is a book written surrounding the correspondence of Cicero. It is broken up by subject matter and by whom he had written to. There are many pieces of information about Terentia but almost nothing that can help me. I did find out Terentia dealt with financial matters on her own account and not with Cicero.

Carcopino, Jerome. *Cicero: The Secrets of his Correspondence*. Volume 2, Greenwood Press, New York, 1969

This book is the second volume of writings accounting for the correspondence of Cicero and his many friends and family. The book is broken up by the people with which he held correspondence with or by subject matter. The index is appropriate and accurate; it has a geographical section, history section, and bibliographical index. There is not quite much information about Terentia in this volume.

Cherry, David A. *Studies in the Marriage Legislation of Augustus*. Thesis for the Degree of Master in Arts in the Department of History. Saskatoon, Saskatchewan, 1981

Studies in the Marriage Legislation of Augustus is a thesis written by David Cherry. It is a typed copy and it provides no relevant information needed for my studies of Cicero.

Cicero. *Letters to Atticus*. Volume II, Harvard University Press, Cambridge, Massachusetts, 1960

This is a translation of Cicero's actual letters to Atticus. Most of the letters confirm most of the research which I have already completed. Cicero's fear of Terentia's risky financial matters came from Philotimus.

Cicero. *The Letters To His Friends**. Volume 1-3, Harvard University Press, Cambridge, Massachusetts, 1958

There are three volumes in this series of books. This volume contains six books within it and letters to several of Cicero's friends. Only one letter contains a reference to Terentia but is not worthy of noting.

*(in the paper these citations are noted by the following: Fam)

Cicero. *De Oratore*. Harvard University Press, Cambridge, Massachusetts, 1942

This provides a tiny bit of information on Cicero's view of divorce during his lifetime.

Classen, Jo-Marrie. "Documents of a Crumbling Marriage: The Case of Cicero and Terentia". *Phoenix*, Vol. 50, No. 3/4. (Autumn – Winter, 1996), pp. 208-232

This article provides information concerning Cicero and Terentia towards the end of their divorce. The main source of information for the article was the letters addressed to Atticus by Cicero or the letters written to Terentia.

Corbett, Percy Ellwood, *The Roman Law of Marriage*, Oxford University Press, London, 1969

The Roman Law of Marriage is a detailed book consisting of the laws regarding Roman marriage dating from the time of Romulus to the Christian emperors of Rome. This book is divided into four different parts with a total of ten chapters. The four parts are as follows: Forms and conditions, the effects of marriage, marriage contracts, and dissolution and remarriage. The ten chapters are as follows: Betrothal; Capacity and conditions of marriage; the forms of marriage; Status, capacity, and proprietary relations of consorts; Matrimonial rights and duties; Dowry; Donatio ante nuptias; Modes of dissolution other than divorce; Divorce; and Remarriage. I read only the chapter entitled Divorce which provided a scholarly look at divorce in Rome. Much of the chapter had quotes in Latin with no translation but it gave many pages of Cicero to read concerning certain topics which are of interest to my paper. One particular topic which I will follow is one of a man leaving his wife in Spain to marry again in Rome. The discussion is whether the children are legal considering he never formally divorced his first wife.

Csillag, Pal, *The Augustan Laws on Family Relations*, Akademiai Kiado, Budapest, 1976

The Augustan Laws on Family Relations contains much information on the laws presented by Augustus during his reign as emperor. The section concerning divorce mainly focused on adultery but there still was a little bit of information concerning divorce prior to Augustus. It happens to be that divorce was quite an easy task before Augustus came along. Some of this information will be useful in my paper.

Dorey, T.A. *Cicero*. Basic Books, Inc., Publishers, New York, 1965

Cicero focuses on the entire life of Cicero and it does not specialize in any one area of his life. The information concerning divorce and Terentia is limited to a few pages.

Dudley, Donald R. *The Civilization of Rome*. New American Library, New York, 1962

There are thirteen chapters in this book which deal with the history of Rome. This book was not useful to me in anyway.

Everitt, Anthony. *Cicero*. Random House Publishing, New York, 2001

This is a great book for research and reading. There is plenty of information on Cicero and the index is thorough on most topics or events in his life. Terentia was mentioned quite a bit in this book. Under her name in the index, there are sub-topics of events relating to her life. There was no new information which was presented to me. The only thing I found to be interesting is the author's certain claim Terentia would not come to see him in Brundisium. I find this to be false because Cicero had plainly told Terentia not to bother coming in one of his letters. Overall, this is a good book.

Finley, M.I., *Aspects of Antiquity*, The Viking Press, New York, 1968

Aspects of Antiquity gives information on every culture of the ancient world. It is not particularly information I need but it is well written. I did not take any information from this book which I have not already been informed about.

ForSyth, William. *Life of Marcus Tullius Cicero*. Charles Scribner's Sons, New York, 1906

This is one of the best books I have looked at concerning Cicero. The contents are descriptive and the index is thorough. The information about the divorce between Cicero and Terentia is three pages long. It accounts for no true reasons for divorce other than the money. The author does state he believes Plutarch's reasons for the divorce to be false.

Grant, Michael. *Cicero: Selected Works*. Penguin Books, New York, 1986

The book is put together well. The translator did a good job of organizing the information in an effective way to understand the material. There are two parts of this book, *Against Tyranny* and *How to Live*. There was one section of correspondence that helped out the most. The index provided which letters were addressed to Terentia. I

found in one of the letters, 12 years before the divorce, Cicero was close to Terentia but they both had money problems and he was worried about their children most of all.

Grant, Michael. *Cicero: The Good Life*. Penguin Publishing, Harmondsworth, 1986

This book is informative on a positive side of Cicero's life. Most parts seemed to explain something if it had any negative connotation to it. There are five sections in this book all focusing on a different part of his life or on a different view something or someone. I was able to take no information from this book.

Graver, Margaret. *Cicero on the Emotions*. University of Chicago Press, Chicago, 2002

Cicero on the Emotions is a translated piece of work with the translator's thoughts concerning many of the subject areas. This book gives no information in any way about Terentia or divorce.

Grubbs, Judith Evans, *Women and The Law in The Roman Empire*, Routledge, New York, 2002

Women and the Law in The Roman Empire is a book of much factual information. The chapters in the is book contain everything from contracts to dowries. The part of this book which I was interested in, divorce, focused mainly during the time when the laws of Augustus were in effect. The book did talk about classical law and late Roman law but there was nothing it contained that had any relevance which I would need.

Haskell, H.J. *This Was Cicero: Modern Politics in a Roman Toga*. Alfred A. Knopf, New York, 1942

This Was Cicero: Modern Politics in a Roman Toga compares ancient cases and situations with modern day law proceedings. The index and table of contents are useful in finding information. The divorce of Cicero and Terentia was briefly mentioned. I learned nothing new of the situation.

Higginbotham, John. *Cicero on Moral Obligation*. University of California Press, Berkeley and Los Angeles, 1967

Cicero on Moral Obligation is informative on all the views which Cicero had towards morality. There are three books and they are translations of his *De Officiis*. There is a synopsis of all books. In the index there was no account of Terentia, Divorce, or Marriage. I could not find a passage which eluded to any of these terms. There was a helpful list of all the works Cicero had written in chronological order.

Jones, A.H.M. *A History of Rome Through the Fifth Century, Volume 1: The Republic*. Harper & Row, Publishers, New York, 1968

This book is written concerning the history of Rome. The table of contents contains several chapters and too many sections to count. Many of the writings are based on works of Cicero. I was hoping to find information concerning Cicero and divorce but I could not find any.

Kaser, Max, *Roman Private Law*, Butterworth & Company, London, 1968

Roman Private Law is a detailed book concerning private law in Rome. There are several parts, chapters, and sub-sections in this book. It was originally written in German and this happens to be the second translated edition. There are seven parts, one to three chapters in each part, and a total of 80 sub-sections. The seven parts are as follows: Foundations and Fundamental Conceptions; Law of Persons; Law of Things; Law of obligations; Family Law; Law of Succession; and Introduction to the Law of Civil Procedure. The piece on divorce is located in part five, chapter one, sub-section 58, and super sub-section seven. There are only two pages concerning divorce and one page of that is an example of a roman divorce. I was only able to take information I already had, only in different wording.

Kunkel, Wolfgang, *An Introduction to Roman Legal and Constitutional History*, Oxford University Press, London, 1966

This book was very informative to the information I needed yet it was descriptive in the laws of Rome. It provided readers with an insight to every type of law from the twelve tables to Justinian but it did not give any clear rules regarding divorce. In fact I did not find one piece of text relating to divorce, thus I will not use this source.

Luck, Georg. *The Latin Love Elegy*. Barnes & Noble, Inc., New York, 1960

The Latin Love Elegy is beneficial in understanding the love between two people during the Roman era. It deals with different authors and different times. The one person I researched was Cicero who was not a huge supporter of love. Divorce thought of in a different way than we think of it today. There was no legal proceeding, there was nothing. One would just leave or informally repudiate his wife.

Mitchell, Thomas N. *Cicero: The Ascending Years*. Yale University Press, Binghamton, New York, 1979

Cicero: The Ascending Years is not a great book for research. The four sections provided in the table of contents do not give any heed to all the other sub-sections in the book. I was discouraged because the index provided no citations for Terentia, yet I found Terentia located a few places in the book.

Mitchell, Thomas N. *Cicero, The Senior Statesman*. Yale University Press, New Haven and London, 1991

Cicero, The Senior Statesman primarily is concerned with Cicero's political life. Its chapters are divided according to the many aspects of his political life and it has nothing to do with his marital affairs. There was no information which could be used to describe the divorces of Cicero

Petersson, Torsten. *Cicero: A Biography*. Biblio and Tannen, New York, 1963

This book is perfect in the way it is split up and indexed. The table of contents contains seven-teen chapters and several sub-sections in each. The index is complete with every term and name provided. I was able to pull quite a bit of information concerning Terentia and the divorce. I learned a little more about her dowry and the events which led up to their divorce.

Plautus. *Menaechmi*. Harvard University Press, Cambridge, Massachusetts, 1961

This book contained one piece of information which helped in my research of divorce law in ancient Rome.

Plutarch. *Lives*. Volume VII, Harvard University Press, Cambridge, Massachusetts, 1971

Plutarch's *Lives* is an account of the following people: Demosthenes, Cicero, Alexander, and Caesar. The amount written about Cicero is considerable in this translation. Plutarch gives all the reasons why Cicero divorced Terentia but I already question some of the motives why.

Rawson, Beryl. *Marriage, Divorce, and Children in Ancient Rome*. Oxford University Press, New York, 1991

This book several different sections, each of which is written by a different author. The section relating to divorce was written by Susan Treggiari. It was concentrated on how divorces came to be in Rome and how divorces developed in context to Roman law. One important concept which I learned was the point of how divorce came about in Cicero's time.

Rawson, Elizabeth. *Cicero: A Portrait*. Cornell University Press, Ithaca, 1975

Cicero: A Portrait is a detailed look at the life of Cicero. The structure of the book is chronological and has several different sections. Terentia is mentioned only a few times and their divorce is mentioned only once. The information provided is nothing of importance.

Rolfe, John C. *Cicero and his Influence*. Marshall Jones Company, Boston, 1923

This book is straightforward and it has no index. There are twelve chapters, with notes following the twelfth chapter. Most sections are written to inform readers of his political career but there is one chapter on his character. There was no information concerning divorce or Terentia presented here.

Rosenmeyer, Patricia A. "Enacting the Law: Plautus' Use of the Divorce Formula on Stage", *Phoenix*, Vol. 49, No. 3. (Autumn, 1995), pp. 201-217

This article provided no relevant information concerning Cicero and his divorces. It mainly dealt with language used to describe divorce and not the actual divorce itself.

Starr, Chester G. *The Ancient Romans*. Oxford University Press, New York, 1972

This book is well written and is put together in a formidable manner. It was not helpful to me in anyway.

Thomas, J.A.C. *Textbook of Roman Law*, North Holland Publishing Company, Amsterdam/New York/Oxford, 1976

Textbook of Roman Law provided me with a great deal of information surrounding Roman law. This was my first source I looked at therefore I was not focused on any one area in Roman law but just exploring my options. The several topics I took notes on include paternal power, the actions of the praetor, the functions of the jurists, and some basic concepts about marriage, divorce, crimes, and contracts. I do not believe I will use this source in particular anywhere in my paper but it provided me with a general understanding on many things which I will use to better understand future sources I read.

Thomas, J.A.C., *Textbook of Roman Law*, North-Holland Publishing Company, New York, 1976

Textbook of Roman Law is a book that is to the point concerning Roman law. The author provides the bare facts to every detail of law and rarely includes his own opinion. This particular book incorporates every aspect of law and the rules associated with it. There are six parts to this book with fifty chapters. I will not bother with mentioning every chapter but the six parts are as follows: Introduction, The Law of Actions, The Law of Property, The Law of Obligations, The Law of Persons, and The Law of Succession. The author was able to cover divorce in about two pages. Every line was important and I was able to take a little over a page of notes. The main points I was able to learn from this book was the law regarding how a spouse can divorce and what would happen to the spouses when they divorce.

Treggiari, Susan, *Roman Marriage*, Oxford University Press, New York City, 1993

Roman Marriage is an overview of the laws and customs of marriage in Rome from the time of Cicero to the time of Ulpian. This book includes information on the following topics regarding marriage: matrimonium, sponsi, coniuges, paterfamilias and materfamilias, and separation. In the chapter of separation, Treggiari mainly writes about death and divorce. In the section of divorce, she separated it into eight different categories. These categories are terminology, capacity to divorce, procedure, paterfamilias, and causes of divorce, effects, attitudes, and frequency. For each category, Treggiari will cite many examples from original text to explain her point of

view of that respective topic. She makes arguments and points for many things and she will even relate much of it to laws today or societies view on that issue.

Trollope, Anthony. *The Life of Cicero*. Harper & Brothers, Franklin Park, New York,

The Life of Cicero is a hard book to navigate through. The chapters are split up by the offices which he held and his exile. There is no index which makes it difficult to locate any writings concerning Terentia. I was not able to find any text relating to the divorce of Cicero and Terentia.

Wilkinson, L.P. *Letters of Cicero*. Norton & Company, New York, 1968

There are six sections in the book, all are situated by chronology. The translator and author provided explanations for most letters and gave great notes. The index of names gave a resourceful list of places I can find information about Terentia. There was much information which helped out with the research.



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Evaluation of Ryan Bay's Project on Divorce in Pre-Augustan Rome

The paper itself is a history of the divorces in the family of Marcus Tullius Cicero, including those of Cicero himself, his daughter Tullia, and his brother Quintus. There is an appropriate reliance on primary sources, especially Cicero's own letters. Preceding this history there is a brief introduction to divorce in ancient Rome and the study concludes with a short section on divorce in later periods, especially the time of Augustus. This last section probably needed to be developed in more detail, with specific discussions of Augustan legislation related to divorce.

The annotated bibliography contains approximately 46 references and is appropriately organized. The annotations are generally descriptive and many indicate the ways that the references were used in the project. All of the secondary sources are full length studies. There appear to be no references to articles in professional journals. This is an area which might have offered a rich supplement to the material collected for this project.

In general, this paper reflects a serious and carefully researched effort. I agree with Ryan who acknowledges in his self-assessment that this project has exposed him to a new form of studying and coursework. I am persuaded by this paper that Ryan has put major effort into this work and produced a satisfactory product.

I suspect that he would agree with me, however, that this paper is still in need of some polish and refinement. There are still many fine points I would like to have changed and I think that both Ryan and I would have benefited from some more detailed conversations about his observations and conclusions before the paper was finished. Unfortunately, we had neither the time nor the leisure to do this.

For all of these reasons, I would give this paper a grade of A-, a grade which I think also reflects Ryan's work in the independent study as a whole.

I think Ryan should be generally pleased with his work and the paper it has produced and congratulate him on his excellent work not only for this independent study project, but also for his work throughout the last four years. I have appreciated his enthusiasm for Latin and the ancient world, an enthusiasm which even preceded his study of the Latin language and his matriculation at Monmouth College. It has been a great pleasure to introduce him to both Latin and ancient Greek and share with him my enthusiasm for the ancient world. I am especially glad that he had the opportunity to spend a semester studying in Florence and am confident that that time will be a highlight of his college experience.

I am delighted that Ryan has the opportunity to attend law school in the fall. I know that he is an intelligent young man who will succeed in whatever career he chooses. This research paper is a good indicator of his future success. I wish him the best of luck in the future.

Si vales, valeo.

Thomas J. Sienkewicz
Minnie Billings Capron Professor of Classics

