

The Twelve Tables of Law

In 451 B.C.E., plebian pressure led to the creation of a special committee of ten men who were responsible for codifying Rome's laws and making them public. In so doing, the plebeians hoped that they could restrict the arbitrary power of the patrician magistrates who alone had access to the laws. The Twelve Tables represent the first formal codification of Roman laws and customs. The laws dealt with litigation procedures, debt, family relations, property and other matters of public and sacred law. Considered a landmark in the development of Roman law, the Twelve Tables remained one of the fundamental texts memorized by Roman schoolboys until the time of Cicero. The code was inscribed in bronze plaques, which eventually were destroyed. These selections are taken from reconstructions of the code preserved in later writings.

Table I

1. If anyone summons a man before the magistrate, he must go. If the man summoned does not go, let the one summoning him call the bystanders to witness and then take him by force.

Table II.

2. He whose witness has failed to appear may summon him by loud calls before his house every third day.

Table III.

1. One who has confessed a debt, or against whom judgment has been pronounced, shall have thirty days to pay it in. After that forcible seizure of his person is allowed. The creditor shall bring him before the magistrate. Unless he pays the amount of the judgment or some one in the presence of the magistrate interferes in his behalf as protector the creditor so shall take him home and fasten him in stocks or fetters^❶. He shall fasten him with not less than fifteen pounds of weight or, if he chooses, with more. If the prisoner chooses, he may furnish his own food. If he does not, the creditor must give him a pound of meal daily; if he chooses he may give him more.

Table IV.

1. A dreadfully deformed child shall be quickly killed.
2. If a father sells his son three times, the son shall be free from his father.
5. A child born after ten months since the father's death will not be admitted into a legal inheritance.

Table V.

3. As a man has provided in his will in regard to his money and the care of his property, so let it be binding. If he has no heir and dies, let the nearest male kinsmen^❷ have the inheritance. If there is no male kinsman, let the members of his extended family have the inheritance.
4. If one is mad but has no guardian, the power over him and his money shall belong to his male kinsmen and the members of his extended family.

❶ stocks and fetters: shackles or restraints

❷ kinsmen: relative

Table VI.

6. Any woman who does not wish to be subjected in this manner to the hand of her husband^③ should be absent three nights in succession every year, and so interrupt and end the marriage.

Table VII.

1. Let them keep the road in order. If they have not paved it, a man may drive his team^④ where he likes.
9. Should a tree on a neighbor's farm be bent crooked by the wind and lean over your farm, you may take legal action for removal of that tree.
10. A man might gather up fruit that was falling down onto another man's farm.

Table VIII.

2. If one has maimed a limb and does not compromise with the injured person, let there be retaliation. If one has broken a bone of a freeman with his hand or with a weapon, let him pay a penalty of three hundred coins. If he has broken the bone of a slave, let him have one hundred and fifty coins. If one is guilty of insult, the penalty shall be twenty-five coins.
3. If one is murdered while committing theft by night, he is rightly slain.
13. It is unlawful for a thief to be killed by day....unless he defends himself with a weapon; even though he has come with a weapon, unless he shall use the weapon and fight back, you shall not kill him. And even if he resists, first call out so that someone may hear and come up.
23. A person who had been found guilty of giving false witness shall be hurled down from the Tarpeian Rock. ^⑤

Table IX.

4. The penalty shall be death for a judge or authority legally appointed who has been found guilty of receiving a bribe for giving a decision.

Table X.

1. None is to bury or burn a corpse in the city.
3. The women shall not tear their faces nor wail on account of the funeral. ^⑥
5. If one obtains a crown because of his honor and valor, if it is placed on his head, or the head of his parents, it shall be no crime.

Table XI.

1. Marriages should not take place between plebeians and patricians.

Table XII.

2. If a slave shall have committed theft or done damage with his master's knowledge, the action for damages is in the slave's name.

③subjected to the hand: beaten

④team: a group of oxen, or horse, or other animals

⑤Tarpeian Rock: a large rock at the top of a cliff in Rome

⑥ literally, tearing one's face and making loud cries were ancient mourning practices