



<http://www.csun.edu/~hcfll004/12tables.html>

THE TWELVE TABLES

(451-450 B.C.)

This is the earliest attempt by the Romans to create a CODE OF LAW; it is also the earliest (surviving) piece of literature coming from the Romans. In the midst of a perennial struggle for legal and social protection and civil rights between the privileged class (patricians) and the common people (plebeians) a commission of ten men (Decemviri) was appointed (ca. 455 B.C.) to draw up a code of law which would be binding on both parties and which the magistrates (the 2 consuls) would have to enforce impartially.

The commission produced enough statutes (most of them were already 'customary law' anyway) to fill TEN TABLES, but this attempt seems not to have been entirely satisfactory--especially to the plebeians. A second commission of ten was therefore appointed (450 B.C.) and two additional tablets were drawn up. The originals, said to have been inscribed on bronze, were probably destroyed when the Gauls sacked and burned Rome in the invasion of 387 B.C.

The Twelve Tables give the student of Roman culture a chance to look into the workings of a society which is still quite agrarian in outlook and operations, and in which the main bonds which hold the society together and allow it to operate are:

the clan (genos, gens), patronage (patron/client), and the inherent (and inherited) right of the patricians to leadership (in war, religion, law, and government).

TABLE I	Procedure: for courts and trials
TABLE II	Trials, continued.
TABLE III	Debt
TABLE IV	Rights of fathers (<i>paterfamilias</i>) over the family
TABLE V	Legal guardianship and inheritance laws
TABLE VI	Acquisition and possession
TABLE VII	Land rights
TABLE VIII	Torts and delicts (Laws of injury)
TABLE IX	Public law
TABLE X	Sacred law
TABLE XI	Supplement I
TABLE XII	Supplement II

- I.1

"If he (plaintiff) summon him (defendant) into court, he shall go. If he does not go, (plaintiff) shall call witnesses. Then only he shall take him by force. If he refuses or flees, he (plaintiff) shall lay hands on him. If disease or age is an impediment, he shall grant him a team (of oxen). He shall not spread with cushions the covered carriage if he does not wish to.

- II.3

Whoever is in need of evidence, he shall go on every third day to call out loud before the doorway of the witness."

- III. 1

"When a debt has been acknowledged or a judgment has been pronounced in court, 30 days must be the legitimate grace period. Thereafter, arrest of the debtor may be made by the laying on of hands. Bring him into court. If he does not satisfy the judgment (or no one in court offers himself as surety on his behalf) the creditor may take the debtor with him. He may bind him either in stocks or fetters, with a weight of no less than 15 lbs. (or more if he desires)." [After 60 days in custody, the case is returned to the court, and if the debt is not then paid, the debtor can be sold abroad as a slave, or put to death.]

- IV. 1 "A dreadfully deformed child shall be killed."
- IV. 2 "If a father surrender his son for sale three times, the son shall be free."
- V. 1 "Our ancestors saw fit that "females, by reason of levity of disposition, shall remain in guardianship, even when they have attained their majority."
- V. 7 A spendthrift is forbidden to exercise administration over his own goods.
- V. 8 The inheritance of a Roman citizen-freedman is made over to his patron, if the freedman has died intestate and has no natural successor.
- VI. 1 When a party shall make bond or conveyance, what he has named by word-of-mouth that shall hold good.
- VI. 2 Marriage by `usage' (*usus*): If a man and woman live together continuously for a year, they are considered to be married; the woman legally is treated as the man's daughter.
- VIII. 1 "If any person has sung or composed against another person a SONG (*carmen*) such as was causing slander or insult.... he shall be clubbed to death."
- VIII. 2 "If a person has maimed another's limb, let there be retaliation in kind, unless he agrees to make compensation with him." (*Lex talionis*)

- VIII. 21 "If a patron shall defraud his client, he must be solemnly forfeited ('killed')."
- VIII. 23 "Whoever is convicted of speaking false witness shall be flung from the Tarpeian Rock."
- VIII. 26 "No person shall hold meetings in the City at night."
- IX. 3 "The penalty shall be capital punishment for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision."
- IX. 6 "Putting to death... of any man who has not been convicted, whosoever he might be, is forbidden."
- X. 4 "Women must not tear cheeks or hold chorus of 'Alas!' on account of a funeral."
- X. 6a "Anointing by slaves is abolished, and every kind of drinking bout....there shall be no costly sprinkling, no long garlands, no incense boxes."
- XI. 1 "Marriage shall not take place between a patrician and a plebeian."
- XII. 5 "Whatever the People has last ordained shall be held as binding by law."
- ? "There are eight kinds of punishment: fine, fetters, flogging, retaliation in kind, civil disgrace, banishment, slavery, death."



June 10, 2009 10:56 AM

John Paul Adams, CSUN
john.p.adams@csun.edu