

## The Twelve Tables of Rome



What were the 12 tables?

- The Twelve Tables of Rome were a set of laws created around 450 BCE that formed the foundation of Roman legal practice, establishing

rules for citizens in areas like property, family, and legal procedures. They were significant because they made laws publicly accessible, helping to ensure greater transparency and fairness in the Roman Republic

- During a state of unrest between plebians and patricians a group of 10 men (Decemviri) came together between 451 - 50 BC to craft the twelve tables
  - Evidence of the existence of the Decemviri comes from historian Dyonysius of Halicarnassus in his book of Roman antiquity “That ten men should be chosen by the people meeting in a legitimate assembly, men who were at once the oldest and the most prudent and had the greatest regard for honour and a good reputation;” (Dionysius Book x)
- We know that the twelve tables existed due to multiple different credible Roman historians such as Cicero, Dyonysius, and Livy mentioning it and its influence on Roman law history
  - “and it now stands on the fourth of the Twelve Tables, as they are called, which they then set up in the **Forum**.” (Dionysius Roman Antiquity)
  - Cicero: “A: So you don’t think that the discipline of law should be drawn from the praetor’s edict, as many do now, or from the Twelve Tables” on the laws book 1
- While the tables have not survived intact to this day, suspected to have been destroyed during the first sack of Rome, there is

general consensus of what the laws were mostly about. This consensus comes from a revered account and interpretation of the twelve tables by a roman juror Sextus Aelius Paetus Catus (Elected 198 BC) whose work *Tripertita* was a three part examination of the twelve tables. Unfortunately there is no full remaining text of this work but the work itself has been referenced throughout the years by people like cicero:

- “he most eminent rank and character, such as that [Aelius Sextus](#),” (Cicero De oratore book 1 185-265)
- What are the actual laws?
  - Tables I & II: Procedure for Courts and Judges and Further Enactments on Trials
    - 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 III: Execution of Judgment
  - Table IV: Right of Familial Heads
    - 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.

- Tables V, VI & X: Family
  - 1. A dreadfully deformed child shall be quickly killed.
  - 2. If a father sell his son three times, the son shall be free from his father.
  - 4. If one is mad but has no guardian, the power over him and his money shall belong to his agnates and the members of his gens.
  - 5. A child born after ten months since the father's death will not be admitted into a legal inheritance.
- Table VII: Land Rights and Crimes
  - 1. Let them keep the road in order. If they have not paved it, a man may drive his team where he likes.
- Table VIII: Torts and Delicts (Laws of Injury)
  - 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 cudgel, 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 slain while committing theft by night, he is rightly slain.
- Table IX: Public Law
  - 4. The penalty shall be capital for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.

- 5. Treason: he who shall have roused up a public enemy or handed over a citizen to a public enemy must suffer capital punishment.
- 6. Putting to death of any man, whosoever he might be unconvicted is forbidden.
- The Supplements: Tables XI & XII
  - 1. None is to bury or burn a corpse in the city.
  - 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.

Citations:

Cicero: <https://sourcebooks.fordham.edu/ancient/12tables.asp>

<https://www.attalus.org/cicero/deoratore1C.html>

<https://babel.hathitrust.org/cgi/pt?id=hvd.32044097726335&seq=9>

<https://law.gwu.libguides.com/romanlaw/twelvetables#:~:text=During%20a%20period%20of%20social,how%20decisions%20would%20be%20made.>

<https://topostext.org/work/139#2.27.3>

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