

The History Guide

Lectures on Ancient and Medieval European History

The Laws of the Twelve Tables, c.450 B.C.

The earliest attempt by the Romans to create a code of law was the Laws of the Twelve Tables. A commission of ten men (*Decemviri*) was appointed (c. 455 B.C.) to draw up a code of law binding on both patrician and plebeian and which consuls would have to enforce. The commission produced enough statutes to fill ten bronze tablets. The plebeians were dissatisfied and so a second commission of ten was therefore appointed (450 B.C.) and two additional tablets were added. What follows are a selection from the Twelve Tables. [Source: Oliver J. Thatcher, ed., *The Library of Original Sources* (Milwaukee: University Research Extension Co., 1901), Vol. III: *The Roman World*, pp. 9-11. See also [*Lex Duodecim Tabularum*](#), by George Long in William Smith, *A Dictionary of Greek and Roman Antiquities*, John Murray, London, 1875, pp. 688-690.]

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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.
2. If he shirks or runs away, let the summoner lay hands on him.
- 6-9. When the litigants settle their case by compromise, let the magistrate announce it. If they do not compromise, let them state each his own side of the case, in the *comitium* of the forum before noon. Afterwards let them talk it out together, while both are present. After noon, in case either party has failed to appear, let the magistrate pronounce judgment in favor of the one who is present. If both are present the trial may last until sunset but no later.

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. He shall fasten him with not less than fifteen pounds of weight or, if he choose, with more. If the prisoner choose, he may furnish his own food. If he does not, the creditor must give him a pound of meal daily; if he choose he may give him more.

3. Against a foreigner the right in property shall be valid forever.

Table IV.

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.
5. A child born after ten months since the father's death will not be admitted into a legal inheritance.

Table V.

1. Females should remain in guardianship even when they have attained their majority.

Table VI.

1. When one makes a bond and a conveyance of property, as he has made formal declaration so let it be binding.

Table VII.

1. Let them keep the road in order. If they have not paved it, a man may drive his team 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 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.
4. If a patron shall have devised any deceit against his client, let him be accursed.
10. Any person who destroys by burning any building or heap of corn deposited alongside a house shall be bound, scourged, and put to death by burning at the stake provided that he has committed the said misdeed with malice aforethought; but if he shall have committed it by accident, that is, by negligence, it is ordained that he repair the damage or, if he be too poor to be competent for such punishment, he shall receive a lighter punishment.
23. A person who had been found guilty of giving false witness shall be hurled down from the Tarpeian Rock.
26. No person shall hold meetings by night in the city.

Table IX.

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.

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.

Table XI.

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

Table XII.

5. Whatever the people had last ordained should be held as binding by law.

<http://www.historyguide.org/ancient/12tables.html>

Using the above information answer the following questions:

1. What is the punishment for defrauding a client?
2. Why were women required to have a guardian? Try to phrase your answer in simple English.
3. What is required of the courts before a person can be put to death?
4. Other than death, what types of punishment did the tables include? Try to phrase your answer in simple English.
5. In writing the 12 Tables, the early Romans were developing legal principles that would endure for centuries. On a separate piece of paper, make a list of 10 laws from the tables (most of the tables contain several laws). For each law that you chose, identify the principle(s) you think the Romans were trying to apply. For example, in law IX.6 you'll recognize the principle of "innocent until proven guilty." Then, indicate whether that principle would apply in a democratic society. (For example, in a democratic society, the principle "innocent until proven guilty" applies in all criminal cases.)