The Twelve Tables

Part One: Background

In about 450 BCE, the Roman Senate conceded to the demands of the plebeian populous for a written set of laws to be made available for all to read. The plebeians had complained that most people did not even know what the laws were and that the judges were not consistent in their interpretations of these unwritten laws. A committee of 10 consuls was formed and the original 10 laws were drafted (an additional two were added later). The Twelve Tables were posted in the village market for all to read and interpret.

1. Who demanded that Rome create a list of written laws?

2. What were two problems related to the fact that Rome did not have a written set of laws?

Part Two: Analysis - Read the following codes from the Twelve Tables

4-2: If a father surrenders his son for sale three times, the son shall be free from his father.

5-1: Females should remain in guardianship even when they have attained their majority (adulthood)

8-1: If a person had sung or composed against another person a song such as was causing slander or insult to another, he should be clubbed to death.

8-2: If a person has maimed another’s limb, let there be retaliation in kind unless he makes agreement for composition with him.

8-3: If he has broken or bruised a freeman’s bone with his hand or club he shall undergo a penalty of 300 pieces, if it is a slaves’ he shall pay 150 pieces.

8-11: For pasturing on, or cutting secretly by night, another’s crops acquired by tillage, there shall be capital punishment (death penalty) in the case of adult malefactor… he shall be hanged and put to death as a sacrifice. In the case of a person under the age of puberty…he shall be made for the harm done by paying double damages.
8-23: A person who has been found guilty of giving false witness shall be hurled down from the Tarpeian Rock.

8-24: The penalty shall be capital punishment (death penalty) for a judge or arbiter legally appointed who has been found guilty of receiving a bribe for giving a decision.

9-6: Putting to death…of any man who has not been convicted, whosoever he might be is forbidden.

11-1: Marriages should not take place between plebeians and patricians.

**Answer Questions 1 - 5 based on your analysis of the codes above**

1. Which codes are the best evidence that there was inequality in the Roman judicial system?

2. Which codes are the best evidence that you could be punished in Rome for what you said?

3. What is significant about code 8-11?


5. Which codes are the best evidence that the Roman judicial system was supposed to be fair?

**Part Three: Legacy of Roman Law**

1. What legal concepts did the Romans create that are a part of today’s modern legal codes?