**Twelve Tables of Law**

**Background:**

The Twelve Tables are no longer in use, but they remain an important source throughout the Roman [Republic](https://en.wikipedia.org/wiki/Roman_Republic). They gradually became obsolete and eventually became only of historical interest. The original tablets were destroyed when the [Gauls](https://en.wikipedia.org/wiki/Gaul%22%20%5Co%20%22Gaul) under ‘[Brennus](https://en.wikipedia.org/wiki/Brennus_%284th_century%29%22%20%5Co%20%22Brennus%20%284th%20century%29)’ burned Rome in 387 BC. What we have about them today are brief excerpts and quotations from these laws in other authors, often in clearly updated language. They are written in archaic, [laconic](https://en.wikipedia.org/wiki/Laconic_phrase) Latin (described as [Saturnian](https://en.wikipedia.org/wiki/Saturnian_%28poetry%29%22%20%5Co%20%22Saturnian%20%28poetry%29) verse). Some claim that the text was written so that plebeians could easily memorize the laws, because education was not common and all could not read and understand writings except the aristocratic or patrician class during early Rome. Roman Republican scholars wrote commentaries upon the Twelve Tables, such as L. Aelius Stilo, teacher of both Varro and Cicero. Like most other early codes of law, they were largely [procedural](https://en.wikipedia.org/wiki/Roman_Litigation), combining strict and rigorous penalties with equally strict and rigorous procedural forms. Scholars have guessed at where surviving fragments belong by comparing them with the few known attributions and records, many of which do not include the original lines, but paraphrases. It cannot be known from whatever survived whether the originals were organized in the following way, or even if they were ever organized by subject.

**Theories of Creation:**

There were two theories for the creation of the Twelve Tables of Law, traditional and political. According to the traditional theory, the law was a result of the long social struggle between patricians and plebeians. When the last king of Rome, [Tarquinius Superbus](https://en.wikipedia.org/wiki/Lucius_Tarquinius_Superbus%22%20%5Co%20%22Lucius%20Tarquinius%20Superbus) was expelled in 509 BC, the [Republic](https://en.wikipedia.org/wiki/Roman_Republic) came to be governed by  [magistrates](https://en.wikipedia.org/wiki/Roman_Magistrate). These consist only of [patricians](https://en.wikipedia.org/wiki/Patrician_%28ancient_Rome%29) for which the plebeians were discontented. This unequal status created an atmosphere that could make the plebeians secede from the Republic and create their own rule. The plebeians were Rome's labor force and secession threatened the patricians with no labor force.

Politically, the creation of the Twelve Tables may have been born from a desire for self-regulation by the patricians or any other reasons.

**Events leading to the creation:**

Around 449 BC, a *decemvirate*, (board of ten men) were appointed to draw up the first ten tables. The first *decemviri* first sent 3 men to Athens ([Greece](https://en.wikipedia.org/wiki/Greece)) to study the legislative systems of [Solon / Solonian Constitution](https://en.wikipedia.org/wiki/Solonian_Constitution), as well as to find out about the legislation of other [Greek](https://en.wikipedia.org/wiki/Greeks) cities. By 450, the first 10 of the 12 Tables of Law were framed. In 451 BC, the second *decemviri* began work on the last two tables. Thus, a list of written laws (*legibus* *scribundis*) was born which was to be first decided by a legislative body and not on mere custom and tradition. These laws were inscribed on 12 bronze tablets and displayed in the Roman Forum where everyone could read and know them. These became the foundation of the Roman Law.

**The Tables:**

**Tables I & II: Procedure for Courts and Judges and Further Enactments on Trials**

These two tables are concerned with the Roman court proceedings. Table I covers proceedings between the defendant and the plaintiff, with responses to potential situations such as when age or illness prevents the defendant from making appearance, then transportation has to be arranged to assist them. It also deals with:

1. The failure of appearance by the defendant.
2. If there is a failure to appear by either party, then after noon the judge must make judgement in favor of the one who is present.
3. Provides a time-table for the trial (ends at sunset)

Table II sets the amount of financial stake for each party depending on the source of litigation, what to do in case of impairment of the judge, and rules of who must present evidence.

**Table III: Execution of Judgment**

Table III includes five rules on how to execute judgments, in terms of debtors and creditors. These rules show how the ancient Romans maintained peace with financial policy.

1. Of debt acknowledged and for matters judged in court (in ius/civil law) thirty days shall be allowed by law [for payment of or for satisfaction of the injured].

2. After that (lapse of thirty days without payment) the debtor can be beaten or shall be brought into court.

3. Unless the debtor discharge or unless someone appear in court to guarantee payment for the debtor, the creditor shall take the debtor with him. He shall be bound either with thong or with fetters, of which the weight shall not be less than fifteen pounds or more if the creditor choose.

4. If he the debtor chooses; he shall live by his own means. If not, the creditor who shall hold him in bonds, can give him a pound of bread daily; if he the creditor so desires, he could give him more.

5. Unless the debtors make a compromise, they shall be held in bonds for sixty days during which, they shall be brought to the magistrate to the meeting-place on three successive markets.

The five mandates of the Twelve Tables encompassing debt created a new understanding within [social classes in ancient Rome](https://en.wikipedia.org/wiki/Social_class_in_ancient_Rome) that insured financial exploitation would be limited within legal business transactions.

**Table IV: Right of Family Heads**

The fourth table of the Twelve Tables deals with specific rights of family heads. One of the first proclamations of the Table IV is that dreadfully deformed children must be quickly killed. Babies with physical and mental diseases must be killed by the father himself. It also stressed that sons will inherit family property. If a husband no longer wants to be married to his wife, he can remove her and order her to mind her own affairs. If a father attempts to sell his son three times, the son can be free from his father.

**Tables V, VI & X**: **Women**

Basic understanding to the legal rights of females are also given in these tables.

* **Table V** (*Estates and Guardianship*): Female heirs should remain under guardianship even when they have attained the age of majority, but exception is made for the Vestal Virgins.
* **Table VI** (*Ownership and Possession*): Where a woman, who has not been united to a man in marriage, lives with him for an entire year without interruption of three nights, she shall pass into his power as his legal wife.
* **Table X** (*Religion*): Women shall not cut/injure their faces during funerals, or tear their cheeks with nails; nor cry loudly to mourn the dead.

On legal status and standing in society, the Twelve Tables state that women were considered similar to minors who needs guardianship. Some sections on ownership and possession give the impression that women are slaves considered as a piece of real estate or property due to the use of words like “ownership" and "possession".

**Table VII: Land Rights and Crimes**

This table states attitudes towards property. The following are all rules pertaining to property.

1. Boundary disputes are settled by third-parties.
2. Road widths to be eight feet wide on straight parts and double on turnings.
3. People who live near the road are in charge of maintaining it, however if a road is not well maintained then carts and animals can be ridden where the riders want to.
4. Property owners can request removal of trees that have been blown onto their property
5. Fruit that falls from a tree to a neighbor's land still belongs to the owner of the tree.

**Table VIII: Torts and Delicts (Laws of Injury)**

[Torts](https://en.wikipedia.org/wiki/Tort) are laws dealing with litigating wrongs that occur between citizens. One such situation is that of physical injury, retaliation for which can range from dealing the perpetrator an injury in kind, to monetary compensation to the injured. This table also establishes the legal ramifications for damage dealt to property by animals and damage dealt to crops by people or animals. The penalty for stealing crops is hanging as sacrifice to [Ceres](https://en.wikipedia.org/wiki/Ceres_%28mythology%29). The table also describes several laws dealing with theft.

**Table IX: Public Law**

This table makes it illegal for anyone to define what a citizen of Rome is with the exception of the greatest assembly, or *maximus comitatus.* It also outlaws execution of those who are not convicted, bribery of judges, and extradition of a citizen to enemy powers.

**The Supplements: Tables XI & XII**

* **Table XI** On Marriage Between Classes, the Twelve Tables states that a person of a certain class shall not partake in marriage with a person of a lower class.
* **Table XII** On binding into Law, the Twelve Tables states that if a slave shall have committed theft or did any damage with his master's knowledge, the action for damages is in the slave's name.

**Significance and Influence of the Twelve Tables of Law**

The Twelve Tables are often cited as the foundation for ancient [Roman law](https://en.wikipedia.org/wiki/Roman_law). They provided an early understanding of some key concepts like [justice](https://en.wikipedia.org/wiki/Justice), [equality](https://en.wikipedia.org/wiki/Equality_before_the_law), and [punishment](https://en.wikipedia.org/wiki/Punishment). Although legal reform occurred soon after the implementation, these ancient laws provided [social protection](https://en.wikipedia.org/wiki/Social_protection) and [civil rights](https://en.wikipedia.org/wiki/Civil_rights) for both [patricians](https://en.wikipedia.org/wiki/Patrician_%28ancient_Rome%29) and [plebeians](https://en.wikipedia.org/wiki/Plebeians). The Twelve Tables helped in making the civil tension and violence lesser between [plebeians](https://en.wikipedia.org/wiki/Plebeians) and [patricians](https://en.wikipedia.org/wiki/Patrician_%28ancient_Rome%29).

The Twelve Tables also have a great influence and are referenced in later Roman texts of Law, especially [The Digest of Justinian](https://en.wikipedia.org/wiki/Digest_%28Roman_law%29)-I. Such laws from The Digest derived from the Twelve Tables are legal recompense for damage caused by an animal, protocol for inheritances, and also laws about structural property damage.

The influence of the Twelve Tables is still evident in the modern day. They play a significant role in the basis of the early American legal system. Political theorists, like [James Madison](https://en.wikipedia.org/wiki/James_Madison) highlighted the importance of the Twelve Tables in crafting the [United States Bill of Rights](https://en.wikipedia.org/wiki/United_States_Bill_of_Rights). The idea of property was also perpetuated in the Twelve Tables, including the different forms of money, land, and slaves. To quote another example, the Twelve Tables are tied into the notion of “[Jus Commune](https://en.wikipedia.org/wiki/Jus_commune)” or "common law", but is commonly referred to as "civil law" in English-speaking countries. Some countries including South Africa and San Marino still base their current legal system on aspects of “jus commune”. In addition, law school students throughout the world are still required to study the Twelve Tables as well as other facets of [Roman Law](https://en.wikipedia.org/wiki/Roman_law) in order to understand the current legal system better.

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