

## **The Twelve Tables (The First Code of Roman Law)**

### Background Information about the Source:

*In 451 B.C., a special group of ten patricians was given the responsibility for writing down Rome's laws and customs and making them public for the first time. The plebeians put pressure on the Senate to do this. They hoped this would limit the power of the patricians. The laws dealt with legal procedures, debt, family relations, property, and other matters of public and sacred law. Roman schoolboys during the next 400 years of the Roman Republic had to memorize all of these laws. The code was inscribed on bronze plaques which eventually were destroyed. These excerpts are reconstructions by later writers.*

### Table I: Civil Procedures.

- If someone is accused and called to go to court, he must go.
- If he does not go, he may send a witness to stand for him. If he does not come or send a witness, he may be captured and forced to come to court.

### Table II: Civil Procedures.

- If a person needs evidence or a witness, he may go every third day to the doorway of the person and call for him.

### Table III: Debt.

- If a person owes a debt and is brought to court, he shall have 30 days to pay the debt.
- After 30 days if the debt is not paid, the person owing the debt may be put in chains.
- After 60 days in custody the person owing the debt can be sold into slavery or be put to death if the debt is not settled.

### Table IV: Parents and Children.

- If a child is born with a severe deformity, it shall be killed.
- Parents have the right to sell their children into slavery.

### Table V: Inheritance.

- If a person goes insane, he shall not have power over his goods and they shall be given to his nearest male relative.
- If a person dies without a male heir, his nearest male relative shall inherit his goods.
- Women shall always be given a male guardian to accompany them.

### Table VI: Property.

- If a person makes a promise or contract verbally, it shall be considered binding and must be fulfilled.
- If a man and woman shall live together for a year, they shall be considered married.

Table VII: Real Property.

- If a person builds a road and it becomes unusable because of decay or damage, travelers may travel across the property wherever they wish and are not bound to use the road.
- If a person's road or building shall cause damage to another's property, the owner of the road or building shall pay for the damage.

Table VIII: Crimes.

- If a person insults or gossips about another person publicly, the person who did the insulting or gossiping shall be clubbed to death.
- If a person injures another person physically, he will be injured in the same way unless he agrees to pay for damages.
- No one may hold meetings at night.
- If a person who is called to be a witness in court and lies, he shall be thrown from a cliff.
- If a person throws something without aiming and injures another person, he shall owe that a person one ram.

Table IX: Constitutional Principles.

- A man cannot be put to death without first having been found guilty in court.
- A judge who is found guilty of taking a bribe shall be put to death.
- It is forbidden to pass laws in private.
- It is also forbidden to pass laws against a single person.

Table X: Funeral Rites.

- No man shall be buried or cremated within the city.
- Women are not allowed to mourn loudly or slap their own cheeks or tear their clothes during a funeral.

Table XI: Marriage Laws.

- Marriages are forbidden between plebeians and patricians.
- Men in the army may not marry until their training is complete.

Table XII: Punishments.

- If a person accuses another but is lying, the liar must pay double the penalty of the crime or be put to death.
- The eight forms of punishment are: fines, placing in chains, whipping, inflicting the same injury as was committed, public humiliation, banishment from the city, slavery and death.

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_ PERIOD: \_\_\_\_\_

## Evaluating the Twelve Tables -- Early Roman Law

**INSTRUCTIONS:** *After reading the Twelve Tables handout, answer the questions to help you analyze this code of laws. You will be asked to give your opinion on different topics related to law, justice and values of both ancient Rome and the present-day United States.*

*You need to answer the questions using complete sentences. Use **specific evidence** from the document to help answer the questions.*

**SOURCE BASICS** – Answer to determine the type of source & what you will learn from it.

Title of Source: \_\_\_\_\_

Type of source (circle one):    Photograph    Legal Document    Speech    Tool    Art form

Year Source was created: \_\_\_\_\_

What was/is the purpose of the source?: \_\_\_\_\_

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**ANALYSIS & EVALUATION QUESTIONS** – Use *complete sentences* to answer the questions.

1.     What happens to a person if he doesn't go to court when called?

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2.     What are the three steps for resolving *unpaid* debts?

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3.     Under law, what kind of power/authority do parents have over their children?

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4.     How did the ancient Romans view promises and other verbal contracts? How did they view men and women who lived together for a period of time?

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5. What constitutional principles (Table IX) of the ancient Romans are still believed in today by modern Americans?

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6. Based on the Twelve Tables, how does Roman law treat women? How do you think women in ancient Rome were viewed?

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\*\*\* = *response to question that needs to be supported WITH evidence from the source*

7. \*\*\*Identify at least two laws from the Twelve Tables that you believe are unfair and **explain why**.

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8. \*\*\*Do you think most modern Americans would approve **or** disapprove of the Twelve Tables as a system of law today? **Why or why not?**

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9. \*\*\*How is the Twelve Tables an example of ancient Rome sustaining (supporting, continuing) its existence as a civilization? Refer to specific laws to help support your ideas.

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10. \*\*\*Laws are created to address contemporary problems. After reading the Twelve Tables, what do you think some of the major problems in the Roman population were? Refer to specific laws.

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