

The Twelve Tables

Table I: Proceedings Before Trial

- If you are called to go to court, you must go.
- If you don't show up, you can be taken to court by force.
- If a defendant unable to go to court because of sickness or old age, he shall be provided a vehicle for transportation.

Are these laws fair? Explain.

Table II: Trial

- If you need a witness to testify and he will not show up, you can go once every three days and shout in front of his house.

Are these laws fair? Explain.

Table III: Execution of Judgment

- If you are fined by the court, you have 30 days to pay the debt.
- If you don't pay the fines after 30 days, you can be brought into court and imprisoned.
- If you are imprisoned for 60 days and still don't pay the fine, you can be sold abroad as a slave or put to death.

Are these laws fair? Explain.

Table IV: Paternal Power

- If a woman gives birth to a son within ten months of her husband's death, the son will be considered the legitimate heir to the father's inheritance.

Are these laws fair? Explain.

Table V: Inheritance and Guardianship

- Women, even as adults, must have a male guardian.

Is this law fair? Explain.

Table VI: Marriages

- If a woman lives with a man for a year, she automatically is considered his wife and he becomes her guardian.
- If a husband wants to divorce his wife, he must give a reason for the divorce.

Are these laws fair? Explain.

Table VII: Property and Crimes

- If the wind makes your neighbor's tree crooked, and it leans over your farm, you may take legal action for the removal of that tree.
- If it's your tree, it's your fruit, even if it falls on another man's land.

Are these laws fair? Explain.

Table VIII: Wrongful Acts

- If you use magic to prevent another person's crops from growing, you will be sacrificed to the gods.
- If you poison another person, or harm them through magic, you will be punished by death.
- If you purposely burn someone's property, you will be put to death by fire. If you accidentally burn someone's property, you must pay to fix it; if you cannot pay to fix it, you will receive a punishment.
- If you harm someone's property, you must pay to fix it.
- If you lie when serving as a witness you court, you shall be hurled down from the Tarpeian Rock.
- No person shall hold meetings by night in the city.

Are these laws fair? Explain.

Table IX: Public Law

- You may not be put to death unless you have been put on trial and convicted of a crime.
- If you commit treason or give a Roman citizen to an enemy of Rome, you must be put to death.

Are these laws fair? Explain.

Table X: Sacred Law

- Dead people should not be buried or cremated within the city.
- During a funeral, women may not cut their faces or tear at their cheeks, nor may they utter extremely loud cries.

Are these laws fair? Explain.

Table XI: Supplementary Laws

- Plebeians (commoners) and Patricians (rich nobles) may not marry. [Note: as time went on, this law was changed. When the tables were first written, this was the law.]
- If a new law contradicts an old law, the newer law is legally binding.

Are these laws fair? Explain.

Compare – Which is a better legal code: Hammurabi’s Code or the Twelve Tables? Explain.