Rome

Roman history is the story of the Romans’ conquest of the area around Rome, then of Italy, and finally of the entire Mediterranean world. Through the centuries, while the Roman form of government changed, it is the fame of the Roman Senate that has lasted.

Early Rome was divided into two groups or orders—the patricians and the plebeians. The patricians were great landowners, who became Rome’s ruling class. Less wealthy landowners, craftspeople, merchants, and small farmers were part of a larger group called plebeians. In 509 B.C., Rome overthrew its last king and created a republic. A republic is a form of government in which the leader is not a monarch and certain citizens have the right to vote, but only patricians could be elected to office.

The chief officers of the Roman Republic were the consuls and the praetors. Two consuls, chosen every year, ran the government and led the roman army. The praetor was in charge of civil law, the law as it applied to Roman citizens. As Roman territory expanded, another praetor was added to judge cases in which one or both people were non-citizens.

The Roman Senate came to hold an especially important position in the Roman Republic. It was a select group of about 300 landowners who served for life. At first, its only role was to advise officials. Still, its advice was taken very seriously, and by the 3rd century B.C. it had the force of law.

Besides the Senate, the Roman Republic had several people’s assemblies. By far the most important was the centurial assembly. The centurial assembly elected chief officials, such as consuls and praetors, and passed laws. Because it was organized by classes based on wealth, the wealthiest citizens always had a majority. The council of the plebs was for plebeians only, and it came into being as a result of the struggle between patricians and plebeians.

In the early Roman Republic, the two orders often had conflicts because the plebeians were looked down upon. Children of plebeians could not even marry patricians. Plebeians resented this situation, especially since they were the ones who served in the army that protected the republic. Plebeians felt they deserved both political and social equality with the patricians.

The struggle between the groups dragged on for hundreds of years, but the plebeians won a significant victory when the council of the plebs was created in 471 B.C. New officials, known as tribunes of the plebs, had the power to protect plebeians. In the fourth century B.C., plebeians were permitted to become consuls and in 287 B.C., the council of the plebs had the right to pass laws for all Romans.
By 287 B.C., all male Roman citizens were supposedly equal under the law. In reality, a few wealthy patrician and plebeian families in the Senate were the ruling class. Unlike the Athens assembly, the Roman Republic had not become democratic. Instead Roman citizens chose representatives to their assemblies where wealthy citizens had a majority. Furthermore, the representatives were always from Rome's wealthiest families.

One of Rome’s chief gifts to the Mediterranean world of its day and to later generations was its system of law. Rome's first code of laws was the Twelve Tables. This code was a product of a simple farming society and proved inadequate for later Roman needs.

From the Twelve Tables, the Romans developed a more sophisticated system of civil law, but it applied only to Roman citizens. As Rome expanded, legal issues arose that involved Romans and non-Romans. Roman civil law could be used for some of these issues, but not for all. Special rules were created, and these became a body of law, the Law of Nations. The Romans came to identify the Law of Nations with natural law, a universal law based on reason. These laws applied to all peoples. This was a major step forward in the development of Western law.

Roman standards of justice included many that are familiar to us. For example, a person was regarded as innocent until proved otherwise. People accused of wrongdoing were allowed to defend themselves before a judge. A judge, in turn, was expected to weigh evidence carefully in making his decision. These principles lived long after the fall of the Roman Empire. They are, in fact, part of the legal system of many European countries and of the United States.
The 12 Tables


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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. If he shirks or runs away, let the summoner lay hands on him. 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. Against a foreigner the right in property shall be valid forever.
Table IV.1. A dreadfully deformed child shall be quickly killed. If a father sell his son three times, the son shall be free from his father. 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. 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. 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. If one is slain while committing theft by night, he is rightly slain. If a patron shall have devised any deceit against his client, let him be accursed. 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. A person who had been found guilty of giving false witness shall be hurled down from the Tarpeian Rock. 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

*There are eight kinds of punishment: fine, fetters, flogging, retaliation in kind, civil disgrace, banishment, slavery, death.*"