Roman Law

Roman Law is the most enduring of the cultural achievements of Rome. Originally, the law of the city-state of Rome was closely associated with religion. It was not written down and it tended to be administered to the advantage of the patricians. At the demand of the plebeians, a written code was drawn up in the middle of the fifth century B.C. This code, known as the Law of the Twelve Tables, was displayed for all to see. It became the foundation of the civil law, which, in the process of expansion and interpretation, became almost entirely nonreligious.

The Romans did not subject foreigners to their civil law. From the middle of the third century B.C. they appointed a special official (later the number of these officials was increased) to handle cases involving foreigners. In judging such cases, a number of broad factors were considered—the customs of the foreigner, the intentions of the defendant, Roman principles, and common sense. Out of these cases there grew up a new and humane code of law known as the law of nations. As citizenship was extended through the Empire, these two systems of law (the civil law and the law of nations), which had already influenced each other, were gradually blended into one system of law that applied to the whole Roman world.

As Roman law developed over the centuries, it also incorporated much that was confusing and contradictory. The enormous task of clarifying, codifying, and summarizing was undertaken in the reign of the emperor Justinian (A.D. 527–565), when the Corpus Juris Civilis (Body of Civil Law) was compiled.

The following selection is from the earlier Roman Law of the Twelve Tables.

If plaintiff summons defendant to court, he shall go. If he does not go, plaintiff shall call witness thereto. Then only shall he take defendant by force.

When a debt has been acknowledged, or judgment about the matter has been pronounced in court, thirty days must be the legitimate time of grace. After that, the debtor may be arrested by laying on of hands. Bring him into court.

Unless they make a settlement, debtors shall be held in bonds for sixty days. During that time they shall be brought before the ... court in the meeting place on three successive market days, and the amount for which they are judged liable shall be announced: on the third market day they shall suffer capital punishment or be delivered up for sale abroad, across the Tiber. On the third market day creditors shall cut pieces from the debtor's body. Should they cut more or less than their due, it shall be with impunity . . .

If a father thrice surrenders a son for sale, the son shall be free from the father . . .

Females shall remain in guardianship even when they have attained their majority . . .

Should a tree on a neighbor's farm be bent crooked by a wind and lean over your farm, action may be taken for removal of that tree.

It is permitted to gather up fruit falling down on another man's farm.