

The Twelve Tables of Roman law influenced the writing of the US Constitution

By Benjamin Wang

Everyone knows about the US Constitution, but there wouldn't be the US Constitution without the Twelve Tables. The twelve tables were a set of Roman Laws made due to a series of riots and protests by the plebeians (poorer people) because not everyone was treated equally by the government. They were one of the first sets of laws that said that all citizens should be treated equally under the law and that the rule applies to all citizens in the same way. These laws affect us today because the dominance of the Roman Empire spread Roman law everywhere, and many western legal systems evolved from that time. The Twelve Tables of Roman law influenced the writing of the US constitution. Both were binding on all their citizens and shared sets of similar principles as the foundation of their laws of the land.

The twelve tables were created because of the conflict of the orders. This was a series of protests by plebeians who did not enjoy the same rights as the patricians. There were reforms in 494 BCE, which allowed plebeians to create special assemblies. But this wasn't enough and eventually led to the twelve tables. These twelve tables were created to make all Roman citizens equal under the law, though not everyone who lived in Rome was a Roman citizen. They had rules that specifically regulated trials. For example, they got so specific that they said that when facing a trial, the person is allowed to have a chariot to pick them up (if they are too old to walk to the courthouse). These laws written on the 12 bronze tablets not only ensured the rights of every Roman citizen, but it also made it mandatory that every Roman citizen had to follow this set of rules.

Before the declaration of independence from Britain, the United States was still a colony owned by the British. The Founding Fathers of the United States recognized the harshness and cruelty faced by the people living in the colony at the hands of the British. The British soldiers could do anything they wanted, even to the point that a British soldier could live in a random house for a night without permission. The cruel rule of Britain at the time was unbearable for the citizens, so the Founding Fathers wanted to create new laws that would make the country more peaceful and fair. The first few articles of the US Constitution circled the ideology of an efficient government. By learning about the past civilizations, the creators of the US Constitution decided to set up a Congress, a Senate, and a House of Representatives. The system prevented the faults of one man ruling by creating a system where the voices of many people were needed to make final decisions, not just one person. Even though the Constitution did not include articles about the equal rights of all genders and races, lawmakers added such essential elements in the following amendments. As a result, these amendments made the Constitution more relevant to its era after its creation 300 years ago.

Even though historians and political scientists study Ancient Rome, the connections between the Roman law of the Twelve Tables and the US Constitution are rarely explored. On the surface, the only link between the two law forms is that they were all created because of the cruelty and the rough treatment of different social classes. At the time, in both countries, wars and riots arose because of social unfairness. Of course, not everyone supported this advance, but because of these commotions throughout the two countries, laws had to be placed to diminish the riots successfully. However, when one investigates more deeply into the rules, there are many additional intriguing similarities.

There are many similarities between the Twelve Tables and the US Constitution. In both documents, there are setups of similar systems of government. Firstly, they both set up a system of checks and balances. The United States Constitution set up the Senate, Congress, and the election of presidents to ensure everyone agrees when laws are set up. The government was divided into three branches: legislative, executive, and judicial. This setting gave specific powers to each department, which created a system of checks and balances. This system ensured there wouldn't be one power controlling the country but instead divided into different, more minor powers that each had some control over the others.

Similarly, the Roman Republic created a tripartite government. It also had the same three branches that the United States government had, and together, the three branches enforced, made, and interpreted the laws. They kept each other in check. Secondly, both sets of statutes allowed vetoes, meaning there is a constitutional right to reject a decision made by a lawmaking body. Vetoes were introduced so that any laws made could be rejected so that other citizens might be able to have their voices heard. Thirdly, both systems also established term limits. The United States government and the president have term limits, such as a four-year term for the president. The Roman form of government also had term limits. For example, the judicial branch consisted of eight judges who served one year, while the two consuls also directed the government for one year.

In addition, there are similarities to the individual rights each system granted its citizens. For example, in Table IX, law 6, the Twelve Tables dictated that a man cannot be sentenced to death without first being found guilty in court. Likewise, Amendment VI of the US Constitution makes clear that criminal defendants have a right to a public trial without unnecessary delay, the right to a lawyer, and the right to an impartial jury. Another example is that both sets of laws protect the rights of citizens. For example, Table IX of the Twelve Tables claims, "There shall be the same right of bond and conveyance with the Roman people for a steadfast person and a person restored to allegiance." Comparably, the US Constitution states that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction." And finally, both sets of laws set up a system to protect private property. For instance, Table VI required a formal agreement to sell land. Similarly, Amendment V of the United States Constitution protects personal property from the state by ensuring property taken for public use is justly compensated.

We can also see that the leaders of the American Revolution were reading and quoting Roman writers when they made their arguments to break away from the British. This historical fact gives us more substantial evidence that the Twelve Tables directly influenced the US Constitution. During this time, people in the western world read a lot of Roman literature and had a deep understanding of Ancient Rome. As a result, revolutionary writers and orators often used the arguments of Roman writers such as Plutarch and Livy when talking about the struggle between liberty and power.

There are many similarities between the two constitutions, but with similarities, there will also be differences. Firstly, the two documents are different in how progressive they are. The Twelve Tables were not a reform to make everyone equal. Instead, they recognized the prerogatives of

the patrician class. Thus, they included the rights of plebeians and patricians, even though much more in favor of the aristocratic class.

On the other hand, the amendments in the US Constitution were focused on treating the elites and ordinary people more equally. For example, the US Constitution's first amendment gave everyone freedom of religion, speech, press, assembly, and petition. This amendment expanded the rights of the people. In contrast, there are laws in the Twelve Tables that restrict the rights of ordinary people. For example, Table XI prohibits marriages between plebeians and patricians. Table III gives creditors the right to make a prisoner out of their debtor if a debt is not repaid within 30 days. Secondly, there was a difference in how the laws were enforced. In Ancient Rome, the efficacy of the laws differed from that of modern societies, and the rules at the time only reflected somebody's needs at a specific time, but they did not show the standard practice in the empire. In other words, plebeians in Ancient Rome had to fight to have their rights protected. It was not a given. In comparison, the US Constitution was and is well enforced. In other words, it *is* a given that the government will enforce the law.

Most people only compare Greek and American cultures' similarities, given many similar beliefs. However, there are also many similarities between Roman and American cultures. One of those similarities is the laws they created, evidenced by the Twelve Tables of Roman law that influenced the writing of the US Constitution. They were both made under similar conditions due to pressure from ordinary people for more rights. The two sets of laws also created similar government systems and individual rights. However, there are also significant differences. For example, the US Constitution is more progressive and better enforced than the Twelve Tables. In summary, the Twelve Tables should always be remembered for influencing the US Constitution.

Work cited:

https://avalon.law.yale.edu/ancient/twelve_tables.asp

https://www.senate.gov/civics/constitution_item/constitution.htm?utm_content=buffer05951

<https://www.youtube.com/watch?v=vKrZX9CJvq4>

<https://www.youtube.com/watch?v=q0wXD67jKeA>